

James Settelmeyer, *Director*

Dominique Etchegoyhen, *Deputy Director*

Joe Lombardo

*Governor*

**State of Nevada**

**Off-Highway Vehicles Program** 901 South Stewart Street, Suite 1003 Carson City, Nevada 89701 Telephone (775) 684-2794 ohv.nv.gov



Nevada Commission on Off-Highway Vehicles Maurice White, *Chair*

Minutes -- MEETING OF THE NEVADA COMMISSION ON OFF-HIGHWAY VEHICLES

Date and Time: MARCH 6, 2023 10:00AM

**Meeting Location:** Bryan Building, 901 S Stewart St. Carson City NV 89701 Tahoe Conference Room

1. **CALL TO ORDER -** Chair White Calls the meeting to order
2. **ROLL CALL OF THE COMMISSION MEMBERS**

|  |  |
| --- | --- |
| **Commissioner** | **Appointed Representation** |
| VACANT | Off Highway Motorcycle Racing |
| Maurice White, Chair **Present** | Nevada Association of Counties |
| Mike Cullen**Present** | Law Enforcement |
| Ken Ravago**Present** | ATV Riders |
| Robert Adams**Present** | Conservation Interests |
| John Glenn**Present** | OHV Dealers |
| Scott Spero – **Absent** | Snowmobile Riders |
| Brian Parks- **Absent** | Ranching Interests |
| James Eason**Present** | Sportsmen Interests |

1. **PLEDGE OF ALLEGIANCE –** Sheriff Mike Cullen leads the Pledge of Allegiance
2. **PUBLIC COMMENT-** No public Comment
3. **REVIEW AND APPROVAL OF AGENDA \*FOR POSSIBLE ACTION\***
4. **REVIEW AND APPROVAL OF JANUARY 12, 2023, MEETING MINUTES \*FOR POSSIBLE ACTION\***

 Comm. Eason motions to approve the meeting minutes, Comm. Ravago seconds. Motion passes.

1. **COMMISSIONER ROUNDTABLE \*FOR DISCUSSION\*** -- An opportunity for

commissioners to introduce any OHV topics that they encounter between meetings.

Chair White opens the floor for the Commissioner Roundtable.

Comm. Ravago acknowledges the Commission and states his excitement for the next meeting. Comm. Ravago also expresses the importance of child safety and promotes the Dunes and Trails “Stop the Bleed” educational program.

Comm. Eason asks what the Commission will be doing as an organization at the Rural Roundup event in Mesquite. Nikhil explains that the grant program will be promoted to the public through presentation as well as having a booth present at both the Rural Roundup and the County Fair.

Comm. Cullen introduces himself to the Commission.

Chair White speaks on the structural issues of the SB205 bill as well as his concerns on registration changes. Chair White asks the Commission to remain calm while changes are discussed. Nikhil states that there is a request for the Commission to submit a fiscal note.

Comm. Eason thanks Chair White for bringing up the fiscal impact of the bill.

1. **NAC 490 RECCOMMENDATIONS FOR REMOVAL \*FOR POSSIBLE ACTION\***:

The Commission will discuss and solicit public input on review and removal of regulations in NAC 490 pursuant to Executive Order [EO 2023-03.](https://gov.nv.gov/Newsroom/ExecOrders/2023/Executive_Order_2023-003/) Staff will produce a report from input to be approved by the commission before April 1, 2023.

[Current NAC 490 Adopted September 2022](https://www.leg.state.nv.us/Register/2020Register/R122-20AP.pdf)

Nikhil provides an update on the content of NAC 490 and hopes to create a list of ten recommendations for items to remove as well as change. This list will later be put into a report to be voted on.

Chair White begins with his concerns on Section 19, NAC 490.1385 and asks the Commissioners what concerns they have with the document.

Comm. Eason asks for clarification on where the Commission’s recommendations will be presented. Nikhil states they will be presented to the Department in a report. Comm. Eason asks if Chair White would prefer biennial over quarterly reports for grant applications. Nikhil explains the quarterly reports are tied to reimbursement schedules.

Chair White suggests that the Commission look at exemptions. Anthony Walsh explains that it is not specifically required to remove or change ten portions of the current document.

Comm. Eason suggests the Commission look through the entire document, section by section, to fully decide if anything needs changing/removing or not.

Chair White decides that public comment will be opened after each discussion on each section.

Nikhil starts listing off the sections of NAC490 and what they entail.

Comm. Eason asks who is usually on the Technical Advisory Committee. The TAC is usually the 4 non-voting members of the OHV Commission as well as the RTP manager.

Comm. Eason asks how frequently outside parties can audit projects. Nikhil explains that during the two-year project, the applicant provides reports until completion. After that, there should be an annual report.

Nikhil describes section 12 as when grants will be awarded. Comm. Eason comments that section 12 could be heavily impacted by senate bills and asks if it needs to be reviewed.

Chair White believes that the senator is receiving enough information from the Commission to prevent any dramatic changes in the current and future grant cycles.

Nikhil explains that sections 13 and 14 are specific to land owner involvement and dictate whether or not an applicant may present their application without a letter of support. Nikhil suggests that the Commission consider grants in the process of acquiring these documents.

Comm. Eason believes that, despite section 13, the Commission should still consider grant applications even if they lack letters of support so long as there is evidence that they are in the process of obtaining them. Funds should be withheld until they have all the necessary documents, but otherwise accepted.

Mathew Giltner reminds the Commission that the Technical Advisory Committee isn’t allowed to advance incomplete grants to the Commission for voting.

Rayette Martin asks if there are consequences for the Commission if funds aren’t used on projects or if funds are returned. It's explained that though there are no penalties for funds being returned, there is pressure on the Commission to spend these funds on projects that will be completed.

Daniel Dull comments that if a grant applicant hasn’t reached out to land managers, how would the applicant know the actual cost of their project. Mathew Giltner adds that applications without support remove potential funds from applications that already meet all Commission prerequisites.

Anthony Walsh explains that grant applications need only address existing land use authorizations, prohibitions, etc. So there must be evidence that the land owner needs to be consulted. Chair White states that this should be added in and made explicitly clear.

Nikhil explains section 14 describes that an applicant must have interest in real property where the project will be carried out. Chair White asks for clarification on Section 14 regarding the 25 year project maintenance upon completion and how rental space is monthly. Mathew Giltner states that this 25 year maintenance requirement only applies to private property. Chair White asks how the Commission can handle a situation where the available land suddenly becomes unavailable.

Nikhil states that this clause is mostly referring to machine maintenance. Anthony Walsh states that if there is a rental situation with an application, then permission should be provided by the land owner and agreed to by the renter to prevent this potential issue. Comm. Eason asks if the Commission has any other restrictions for grant applications or if there are any protections that need to be implemented. Anthony Walsh states that he will look into this as this would benefit everyone.

Robyn Orloff asks the Commission how and if public concerns regarding projects are recorded and evaluated during the project work or continued maintenance. It is stated that the Commission is always receptive to any public concerns.

Mathew Giltner states that Section 16 further solidifies the need for application completion.

Comm. Cullen comments that the Commission should be required to return incomplete applications in accordance with Section 20.

Comm. Glenn reminds the Commission that part of the reason for choosing a biannual grant cycle is so that applications could be returned and corrected for resubmission in 6 months.

Rayette Martin suggests the review process be simplified to a checklist where applications may be quickly checked and returned if they fail to meet all requirements.

Erika Gerling states that currently, there seems to be a delay on application reviews and returns making it difficult for smaller, less experienced organizations to complete applications in a timely manner.

Kevin Bailey suggests that the biannual grant schedule be made explicitly public in advance.

Mathew Giltner suggests that the Commission add a specification to NAC 490 that will allow the applicant more flexibility with the funding they are provided.

Nikhil explains section 26 dictates that the applicant has 90 days to finalize the grant agreement with the Commission. Comm. Eason asks for clarification on if section 26 is removed as well as section 27. Chair White states that section 26 is necessary as it sets hard deadlines for grantees and the Commission to finalize their agreement. Nikhil states that section 26 doesn’t require the applicant to provide contingencies for the grant within 90 days.

Section 27 describes that a grantee must show due diligence in their project or may have their funding pulled within 30 days. Anthony Walsh believes that this section is best served as is rather than added as a stipulation elsewhere.

Nikhil explains section 29 requires the applicant to show that they have completed the project before the final reimbursement can be made. Chair White asks if Section 29 needs further clarification defining project completion and satisfaction. Nikhil explains that if a project is deemed incomplete, then that applicant would be required to apply for more funding or complete the project with other funding sources.

Comm. Eason asks who decides what qualifies as satisfactory. Chair White suggests that that may be for the landowner to decide. Nikhil states that so long as the project meets the compliance with the original agreement and any modifications, then the project is registered as complete.

Comm. Eason suggests that if there are issues with completed projects, then it should be recorded somewhere that the project was completed incorrectly or poorly. Comm. Eason also suggests that it should be explicitly stated that appropriate building codes be used for any construction projects. Anthony Walsh agrees.

Comm. Ravago introduces Jorge Figueroa.

Comm. Eason motions for Nikhil to create a report on Section 8 to be voted on. Comm. Glenn seconds.

The Commission opens the floor to Jorge Figueroa.

1. **~~NVORA UPDATES \*FOR DISCUSSION\*:~~** ~~Mathew Giltner will provide an update on NVORA projects.~~

 This discussion is skipped.

1. **STATEWIDE SAFETY STRAGEY \*FOR DISCUSSION\*:** Jorge Montano-Figueroa (Renown Health) and Kim Murcia (NVORA) will provide an update on improving safety messaging statewide. Discussion may include additional OHV safety related topics.

 Jorge introduces himself as Pediatric Injury Prevention Specialist at Renown. Jorge presents the issue that Nevada lacks adequate facilities for treating OHV related injury. Additionally, Jorge notifies the Commission that deaths resulting from OHV related accidents (including unhelmeted accidents) is on the rise. Jorge asks the Commission to consider what they’ve learned from the presentation.

 Mathew Giltner is working on a project with Jorge to obtain helmets for youth riders as well as creating a notice at OHV trails reminding the public how far away emergency services are.

 Comm. Glenn asks for how many injuries have occurred on side by sides versus atvs. Comm. Glenn also suggests Jorge connect with NDOW and their hunting season safety lessons. Jorge explains further that helmetless injuries occur on SxS more than atvs.

 Comm. Ravago thanks Jorge and offers his condolences to those who have passed from OHV related injuries. Comm. Ravago asks if there is someone in southern Nevada who is working on similar projects. Jorge states that Comm. Ravago should look for a Safe Kids Clark County Rep. and the trauma center.

 Nikhil asks if the Commission can spread these safety initiatives as well as encourage organizations like the sheriff’s department to engage in additional safety programs.

 Melanie states that she and Jorge will be working together as well to spread safety education and their own safety program is active.

1. **OHV GRANTS vs. CONTRACTS \*FOR DISCUSSION\*:** Anthony Walsh, will advise the NCOHV about when to use grants for eligible funds and when contracts can be employed to carry out commission business.

 Anthony Walsh reminds the Commission that it is primarily a grant funding public body. However, the OHV Program would still be able to accept contracts with approval from the Commission.

 Comm. Eason asks if NVORA will continue to monitor project maintenance. Mathew explains NVORA will continue to provide multiple forms of support to the Commission. Comm. Eason asks if Nikhil will cover quarterly reports and finances in the next section. Nikhil answers no.

1. **PROGRAM UPDATES \*FOR DISCUSSION\*:** Nikhil Narkhede will provide an update on OHV Program activities, Finances, and Summer OHV grant round.

 Nikhil reminds the Commission on which grants were awarded as well as current outstanding agreements. There is a bill draft in place meant to simplify the OHV registration process.

 Proposed 2023 Legislation with OHV Impacts:

 SB 205-

 SB 338-

 AB 47-

Chair White believes that the details of the decals and the duration of them need some modification.

 Comm. Adams suggests the Commission use a method for registration similar to the DMV’s current registration process for trailers.

 Comm. Ravago asks how a three-year registration may affect street legal machines and their insurance. Mathew explains that there are separate forms for insurance and registration.

 Nikhil acknowledges Comm. Ravago’s concerns of registration and insurance as there’s been little discussion on it. Chair White states that there was a bill which dropped the requirement for an insurance certificate.

 Nikhil proposes several future meetings. The Commissioners agree to meetings on March 6th and 30th, April 24th, and July 24.

 Rayette Martin states she will not be available on the 23rd of April but would be available the 24th to present.

 Kevin Bailey notifies the Commissioners that if they want to see Logandale Trails of the 24th, Kevin would be available to host.

1. **SUMMER 2023 OHV GRANT ROUND \*FOR POSSIBLE ACTION\*:** The NVOHV will

discuss and may implement changes to how grants are deliberated upon. The Commission may act on changes to dates, content, and scoring of future OHV grant rounds.

Nikhil informs the Commission that the Commission may decide what deems an application complete or not. Chair White requires letters from land managers. Chair White also suggests that the Commission reduce the point value of law enforcement when scoring each grant.

The Commission discusses the value of each scoring subject.

Chair White suggests a new ranking system for grant scoring.

Comm. Eason motions direct Nikhil to revise the grant application process to the land ownership letter requirements, the scoring matrix, and dates. Comm. Glenn seconds.

1. **COMMISSION CHAIR, VICE CHAIR APPOINTMENTS \*FOR POSSIBLE**

**ACTION\*:** The Commission will discuss the responsibilities of the Chair and Vice Chair. The Commission may vote to appoint a vice chair.

Nikhil reminds the Commission that chair appointments last for two years and the Commission may appoint a Vice Chair.

Chair White asks the present Commissioners if anyone is interested in becoming the Vice Chair.

Comm. Ravago Nominates Comm. Eason as Vice Chair. Comm. Eason respectfully declines. Comm. Eason Suggest Comm. Ravago. Comm. Ravago also declines.

Chair White suggests Comm. Glenn as the Vice Chair. Comm. Glenn unfortunately must decline.

Comm. Adams is unfortunately unable to accept the title as well.

Nikhil suggests that the Commission table this discussion for later.

Comm. Eason motions to recommend Comm. Cullen as Vice Chair. Comm. Ravago seconds. Motion passes.

1. **PUBLIC COMMENT**

Public comment is limited to 3 minutes per person. The public may request that items be added to a future agenda. No action will be taken on any matter raised during the public comment period that is not already on the agenda. Persons making comment will be asked to begin by stating and spelling their name for the record.

Robyn Orloff asks what kind of oversight the Commission has on the grants that have been awarded. If the public has concerns about any project, how would they go about getting those concerns answered. Chair White explains that the public is always free to comment, complain, or otherwise make their voice known to the program, the DCNR, and any organization involved.

Chair White states that the Commission does not have any authority once a project is completed but believes that there should be a discussion on what can be done when a project fails to meet standards. Nikhil states that grants don’t require environmental assessments or NEPA to be funded. There is no mandate that requires the program to investigate a project on the recommendation of the public.

1. **ADJOURNMENT \*FOR POSSIBLE ACTION\*--** The Commission may adjourn the meeting.

 Comm. Eason motions to adjourn. Comm. Cullen seconds. Motion passes.

# NOTICE: Items on this agenda may be taken in a different order than listed, combined for consideration, or removed from the agenda at the discretion of the Chair.

Notice of this meeting was posted on the Nevada Commission on Off-Highway Vehicles Website at: <http://ohv.nv.gov/commission> and <https://notice.nv.gov/>

Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada Nevada State Legislature, 401 S. Carson St., Carson City, Nevada

Grant Sawyer Building, 555 E. Washington Ave, Las Vegas, Nevada Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada

Nevada Department of Motor Vehicles, 555 Wíigkt WaQ, Caíso⭲ CitQ, Nc:ada



We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. To request special accommodations or assistance at the meeting, please notify our office by writing to the Off-Highway Vehicles Program, 901 S. Stewart Street, Carson City, NV 89701; or by calling 775-684-2794 no later than two (2) working days prior to the scheduled meeting.

Please contact Nikhil Narkhede at: 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; nnarkhede@ohv.nv.gov; or 775-684-2794 to obtain support material for the agenda. Materials will also be posted on the <http://ohv.nv.gov/commission> website.