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Subject: Comment: OHV Commission meeting, Agenda item #7
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[ATT00001.htm](#)

July 5, 2021
To: NV OHV Commission
Re; Agenda item #7

Dear OHV Commission, Chairman Fell & Commissioner Malone,

I was pleased to see on your agenda for tomorrow that Commissioner Malone would be conducting a roundtable discussion on various issues (inclusive of training & education) of enforcement surrounding OHV use on our public lands. During the formation of the bill creating the initial OHV program, as part of the stakeholder group creating the bill, I can tell you that enforcement was such a large part of the concern at that time, all participants agreed to having the top 15% of funds to be applied first to enforcement needs before any development or conservation projects (intended approximate a 50/50% split of the rest). To my knowledge, despite that emphasis, enforcement remains a top issue to this day.

I will be beyond cell service & unable to attend or to call in a public comment tomorrow. I was hoping that perhaps a power-point would be part of the presentation, although I see no documents attached to the agenda. Will there be a way to view the discussion after the fact? Will there be a video of the Commission meeting and/or any subsequent documents, beyond waiting until the next meeting minutes come out? The suggestions and/or problem-solving that may come out of your discussion will be of interest to me & the 3 organizations on whose boards I sit.

A couple of the points I would have made in public comment:

* An annually increasing problem has been motor trespass into Wilderness. To my knowledge, no citations have been issued. Friends of NV Wilderness (FNW) has erected barriers & info signs at key trailheads of highest trespass in a number of NV Wilderness areas. Most of the barriers over a short time are either taken apart and/or driven around if possible. At the same time, while FNW was granted a couple (2?) of OHV grants quite a number of years ago, but in more recent years began to be universally turned down & so have ceased applying. They continue to do barrier & sign work as well as re-naturalizing illegal user-created trails into Wilderness & WSAs, in essence using their member \$\$ & labor to work to restore land from unauthorized OHV use & minimize impact to the experience of Wilderness users. In addition, nearly ever member, including myself, of NV Backcountry Hunters & Anglers (NvBHA) & the NV Outfitters & Guides (NOGA) has had a hunt stalk disrupted by illegal motor use in Wilderness. I suggest you seek participation of FNW once again to the grant process. They are the only conservation group i know of that has the staff & experience to put together projects, but they can invite other groups to participate. I do know they partnered one time long ago with a motorcycle group in the Reno area. But, as I am sure you can imagine, it is a wee bit perturbing that it is the Wilderness group that must spend the time & \$\$ to correct illegal OHV use impacts to the experience & the resource values of places where backcountry folks choose to recreate.

* Education should first begin with the OHV Commission and then to the OHV Community. Perhaps it does? I have no knowledge of just what materials & training are given to new Commissioners and would surely appreciate knowing. In my view, these are the key laws & elements I think should be studied & internalized (perhaps they are?):

1.) The Multiple Use/ Sustained Yield Act of 1960:
<https://www.fs.fed.us/emc/nfma/includes/musya60.pdf>

Essentially the right of all of us Public Land owners to use our public land and even some resources, coupled with our companion responsibility: that such use shall be sustainable, not just in the present, but over time. (Wildlife, which is under the purview of the state is implicit to the degree that health of wildlife depends on the health of our public land.) Uses include such things as mining, grazing, Wilderness & recreation of all kinds.

2.) Executive Orders of President Reagan (1972 #11684) & augmented by President Carter (1977 #11989):

<https://www.archives.gov/federal-register/codification/executive-order/11644.html>

<https://www.presidency.ucsb.edu/documents/executive-order-11989-off-road-vehicles-public-lands>

These 2 orders still remain law, yet still remain primarily unfulfilled. The few national forests that did implement them at the time (mostly in the east) remain subject to far fewer issues of impacts due to OHV use.

3.) The public land agencies use what is called the “Opportunity Spectrum for recreation use” in trying to balance the needs of all types of recreationalists with the numbers of users for each, the amount of daily miles each requires, how many other users might be affected within those miles, etc. The intent is that each use have opportunity for use, but not all uses in each & every acre of land — such as: the issue of horse use & bicycle/motor use are incompatible for many reasons, including safety. At the same time, those agencies must act in consultation with NV Department of Wildlife to ensure opportunities provided do not diminish our shared wildlife resources. These sorts of balances should be kept in mind when considering where OHV expanded opportunities might be considered in grant proposal presentations.

4.) Off Road Vehicle Recreation in NM, the Senate Joint Memorial 40 Report:
Energy, Minerals & Natural Resources Dept., NM Dept Fish & Game in partnership with NM Dept Agriculture, Range Improvement Task Force & NM Tourism Dept.