



## **DRAFT MEETING MINUTES OF THE COMMISSION ON OFF-HIGHWAY VEHICLES**

**Date and Time: Thursday, March 15, 2018, 1:00 PM – 4:30 PM**

**Location: This meeting was held in Carson City, NV, 401 South Carson Street, Room 3137. The Las Vegas location was 555 East Washington Avenue, Room 4412. The public was invited to attend either location.**

### **1. CALL TO ORDER**

**Call to order Vice Chair Baker at 1:00 PM**

### **2. ROLL CALL OF THE COMMISSION MEMBERS**

Commissioner Greg McKay, Present  
Commissioner Sue Baker, Present  
Commissioner Kerry Lee, Present  
Commissioner Charlie Cox, Present  
Commissioner Kevin Hill, Present  
Commissioner Sean Berryman, Present  
Commissioner Brian Parks, Present  
Commissioner Eddie Booth, Not Present  
Commissioner Michael Gerow, Present

NOTE: Ex-Officio members present were: USFS Kevin Wilmot, BLM Leo Drumm (not present), DMV Ann Liao, NV Division of Tourism Devon Blunden

### **3. PUBLIC COMMENT**

**Carson City public comment:** Kevin Malone, Captain with Humboldt Sheriff's Office in Winnemucca. Update on their current project funded by the Commission. Registration events are continuing, the last one was very successful 56 OHV's. They have started holding dirt bike schools accredited through the Motorcycle Safety Association, all those attending will have registration work completed as well while there. Sheriff Department personnel are attending Certified UTV driver instructor training next week and will be hosting classes free of charge this summer and ATV classes co-hosted by Nevada Outdoor School as well. Humboldt County Juvenile Justice court judges approved the Sheriff's request: instead of issuing youth fines when they receive OHV violation, the youth will be sentenced to attend the Sheriff's OHV safety class. If the helmet law is the violation, they must also provide receipt proving they have purchased helmet before fines are dismissed. He would like the conversation to include Humboldt County in connecting to the Silver State Trail, how to move forward as County Commissioners are interested in doing so. He would like to have information from Commissioner Lee on how to make their county an OHV friendly community. Commissioner Lee will send him the ordinance.

**Las Vegas public comment:** Robert Adams: Legislative officer for the Off Highway Racing Association of Nevada; Associate State Partner, National Off-Highway Vehicle Conservation Council

(NOHVCC). He would very much like to work with Mr. Malone in extending the Silver State Trail into Humboldt County. Rules of the road regarding operation on county highways designation as OHV routes limits travel to 2 miles, referred to new legislation but not clear on the video. He attended NOHVCC trail training in layout and design and felt it was very useful. Requested that the Commission look into the Clark County lands bill which is wanting to dispose of properties that include three important riding areas.

Public Comment period closed by Chairman

**4. REVIEW AND APPROVAL OF AGENDA - \*FOR POSSIBLE ACTION\***

Motion to approve agenda as presented – Commissioner Berryman, seconded by Commissioner Hill. Motion carried.

**5. REVIEW AND APPROVAL OF December 14, 2017, MINUTES - \*FOR POSSIBLE ACTION\* -**

*Greg McKay, Chairman*

Motion to approve past meeting minutes as presented – Commissioner Baker, seconded by Commissioner Berryman. Motion carried.

**6. CHAIRMAN MCKAY UPDATE ON WHITE PINE COUNTY COMMISSION AND ELKO COUNTY PURSUANT TO FUTURE ADOPTION OF THE SILVER STATE TRAIL THROUGH THEIR COUNTIES -**

*Chairman Greg McKay, Jenny Scanland, Executive Secretary Scanland congratulated Chairman McKay on his successful efforts working with Elko and White Pine County Silver State Trail. All the counties are in agreement now and we will be working to assist them this year with grants and marketing. Chairman McKay, assisted by Commissioner Lee and John Glen (past commissioner) worked together to obtain letters from Elko and Lincoln County Commissioners giving support to cooperatively promote and market the Silver State Trail region with White Pine County. It was unanimously adopted last month by the White Pine County Commission who is receptive and energetic to connect their sections. Chairman is hoping that in a few years the entire trail will be mapped and signed. Scanland: The BLM is reviewing the Environmental documents to see what else needs to be done to move forward and get signs on the ground. Staff will be working with them and with Great Basin Institute to assist in determining grant needs and mapping, as well as a training summit in either Elko or Ely. We were contacted by the Arizona Peace Trail to connect with Silver State Trail in the future. Commissioner Cox: Kokopelli is marking routes but they are not part of the official trail system yet. Will the Silver State Trail be part of the official BLM trail system? Scanland: yes, the next step is to assist BLM in their planning for White Pine County Silver State Trail and it will be a part of the transportation plan in White Pine County. This summer we will meet with Lincoln County and BLM to see how grant program can help. Chairman noted connection between Ely towards Baker and into Utah is in the future. Commissioner Lee wanted to know if we could work with the BLM and USFS early to make sure they are aware of the Silver State Trail and other long range plans. Chairman stated that we will. Kevin Wilmot, USFS stated that their planning is completed and the earlier they know more details on these routes the quicker they can involve the land managers and begin gathering information needed. Scanland noted that Leo Drumm, BLM will have a presentation at next meeting on the five year planning strategy and that staff and Great Basin Institute and Staff will be meeting with BLM and USFS prior to that meeting to begin that collaboration.*

**7. PRESENTATION BY UNITED STATES FOREST SERVICE (USFS) ON TRANSPORTATION PLANNING AND PROGRAM STATUS IN NEVADA - Kevin Wilmot, USFS**

*A presentation was given to the Commission on United State Forest Service, Humboldt-Toiyabe National Forest Transportation planning. All of the districts on the Forest have completed their Transportation Plans. The Forest has no roads slated for decommissioning as the current road base is the designated system. The standard maps were made and Avenza is the online app that the Forest uses. Routes for snowmobile use is beginning next fiscal year. The Forest includes 4700 miles of high*

clearance roads for OHV users and another 1700 miles of motorized trails. Elko, Nye and White Pine Counties have the larger # and miles of OHV trails/roads. These high clearance roads and trails are receiving no funding for maintenance. The funding they have is going to spot grading, drainage, and safety on passenger car roads to ensure basic access. Therefore, they are looking for partnerships to help in keeping the roads maintained. Public are able to log into the Forest website to let them know of access problems.

Commissioner Baker: questions on OHV funding sources used for roads that do not allow OHV registered users. USFS: very few circumstances where USFS roads are not open to all motor vehicles. We have some that are OHV and motorcycle only. USFS does adopt local jurisdictions' rules on their roads. Commissioner Lee and Kevin discussed County and USFS agreements in place to complete maintenance. Commissioner Berryman asked priority used to determine maintenance; Wilmot: safety, resource damage, with rider comfort being last. Chairman asked if the budget has been cut in half. Wilmot noted yes, and that all the funding is now going to maintenance only. Chairman asked how much is taken to use for fire suppression. Wilmot: no question, clearly documented that over 50% of budgets going to fire. A fire funding plan is in process nationwide. Chairman stated that the Governor or legislators could write letters to support that plan. Hill: how does USFS and BLM share resources? Wilmot: they are building new relationships in order to help each other. USFS has centralized crew traveling the state.

**8. FINANCIAL UPDATE - Kelly Williams, ASO IV, DCNR**

*Financial update was presented to Commission.*

*First and second quarter revenue received from the DMV: \$247,000 and \$207,000.*

*Expenditures for grant payments and very little on administration - \$45,000 total for staff and Commission travel. AG was just over 6 thousand, significantly lower than in the past. Including grant payments of \$203,000, this fiscal year is just over \$248,000. Grant payments will be significantly larger as projects begin this spring and summer. Executive secretary position is being submitted for full time and should have results early April. Berryman asked if the funds not used in grants would roll over, Williams stated that yes, any funds not spent roll forward into the OHV account for future projects.*

**9. CURRENT GRANT PROGRAM UPDATE, REVISING NAC REGULATIONS, THE NRS SURVEY AND OTHER POTENTIAL NRS CHANGES - Jenny Scanland, Executive Secretary, and Dominique Etchegoyhen, Deputy Director, DCNR**

*Scanland showed Commission Berryman where to find the obligations and expenditures for grants on the spreadsheet.*

*Grant Program: 31 open and active grants, all are proceeding and meeting deliverables at this time. Scanland updated Commission on each grant project in detail. The following were highlighted:*

*Update on Tread Lightly grant; the NV coordinator is no longer employed and the company is completing the deliverables with other staff. Commissioner Baker expressed concern that this grantee had not produced updates as requested. Scanland informed the Commission that Program staff has not moved forward with amendment to extend the grant that expires November 30<sup>th</sup>, 2018, due to loss of key grantee personnel. The extension will not occur and \$22,000 will be de-obligated and go back into the main grant fund.*

*Friends of Nevada Wilderness are almost complete with their project and have requested an extension due to the dangerously hot weather in Las Vegas in the summer months. Staff moving forward on extension. They will complete the project by December 31, 2018.*

*Kokopelli club is moving very quickly and building great partnership with BLM. MXT media is working with Staff for marketing of program, and with Clark County in marketing registration including multiple registration events. Baker stated that Clark County is concerned that registration needs to be streamlined with online VIN verification, to increase registration numbers. They are determining if their funding is a good return on their investment at this time before renewing the contract for the third year.*

*Berryman asked for specific information to give folks on how the money is being spent and hoped that more on the ground project management will happen with full time staff. Chairman expressed the importance of marketing the projects.*

**Nevada Revised Statute and Nevada Administrative Code: Deputy Director Dominique Etchegoyhen, NV Department of Conservation and Natural Resources.** *Now that the grants have been awarded, Jenny, in her part-time capacity, has been able to turn towards revision of the NAC's. We have been building a red line of the proposed changes we think we need from the changes in the NRS and removing sections no longer applicable to ensure flexibility to be successful while having very clear definitions in some of these areas. This will take some time yet to work through. We have submitted to the Interim Finance Committee to take staff from part time to full time. This will enable her to complete projects such as the NAC revisions and to manage the grant program on the ground to ensure funds are being used as intended. To be able to report back to public on the success of the program.*

**Deputy Director Dominique Etchegoyhen, NV Department of Conservation and Natural Resources** *NRS survey: the language from AB29 –“Conduct a survey of local governmental entities and other interested parties to solicit input for evaluating whether the statutory presumption set forth in NRS 490.090 to NRS 490.130, inclusive, that the operation of an off-highway vehicle on a paved highway is prohibited unless authorized by a governmental entity should be amended. Develop recommendations for legislation to make any such amendments as may be proposed based on the evaluation made. On or before January 1, 2019, submit the recommendations developed pursuant to subsection 3 to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada 22 Legislature.” We are developing the survey. We do not have that completed yet. We will have assistance from GBI. We will bring the report to the Commission first and then on to the Legislative Council Bureau.*

*Commissioner Baker: We should take this opportunity to develop partnerships and asking other important questions in regards to those who are not registering and why? Etchegoyhen stated that staff will bring a sample survey of questions to the Commission for their consideration. Chairman asked that Commissioners send any ideas for the survey to Jenny.*

*Commissioner Lee: other potential NRS issues. He has an issue and would like to bring that to us offline to see if it is. Scanland stated that we would have to put it on next agenda. Chairman brought forth the need to make registration easier mentioning VIN verification and if it was really necessary for finding stolen vehicles. Commissioner Berryman agreed.*

**10. CHAIRMAN MCKAY UPDATE ON BLACK ROCK WILDERNESS PLANNING EFFORTS HE HAS BEEN ATTENDING AS AN INDIVIDUAL. - Chairman Greg McKay**

*He has been attending as an individual. He stated that Congressman A. wants unanimous agreement on the land bill including three local jurisdictions, tribal entities, etc. before he will move forward. Commissioner Lee: if the WSA's (Wilderness Study Areas) have a 5 year shelf life, they would be able to remove that designation. Some are still on the books after 30 years. Chairman agreed that if the existing WSA's in Washoe County have wilderness attributes they should be studied for Wilderness*

designation. If not, remove the WSA designation and move on. He explained the process for Commissioner Berryman. Discussion ensued.

#### **11. CALL FOR AGENDA ITEMS FOR NEXT MEETING.**

Next meetings draft dates were presented by Staff; June 12, August 28, and December 11, 2018. June meeting will include updated Request for Applications and application forms. Also, updated scoring criteria for the Commission's approval. Current plan is to have Request for Applications online July 1<sup>st</sup> and Applications due November 1, 2018. December 11 meeting will include the application scoring and awards.

Dominique Etchegoyhen, NV Department of Conservation and Natural Resources presented reasons why we should not open the NRS to changes again until we have fine-tuned the implementation of the program and show success. Changes that have budgetary impact must be submitted April 13, 2018. Budgetary conceptual changes are due in August. Chairman stated he would like to see changes that make registration with DMV easier. Berryman asked if making it easier and online could be NRS change and felt it to be important. Commissioner Gerow: brought forth VIN verification and that it would have to go through NRS change. Wilmot stated that NDOW doesn't do VIN verification. Ann Liao-DMV: NRS requires VIN verification. The definition of VIN verification in NRS is what would need to be changed. Berryman asked what she recommends. Ann responded that her personal recommendation is that we should make it as easy as buying a candy bar. She also stated that enforcement was key. Treat the sticker for what it is, that the user has purchased the sticker in order to use public lands with their OHV; not vehicle identification, not ownership. Gerow stated that taxation may have an issue with that. Liao stated that she felt titling by DMV and registration by the Commission should be separate. Liao stated there could be laws in NRS that secure the titling/taxation issue. There needs to be two programs. Berryman stated that he appreciated Liao's off the cuff opinion. Chairman asked that discussions start with DMV to make some changes to make the version of the program work best. When it does come to titling, specialization is necessary and DMV is willing to continue that service.

BLM 5 year transportation planning strategy  
Draft FY19 Request for Applications and Draft Application\*  
Draft scoring criteria to better reflect law enforcement and education as a higher priority\*  
Vote to release Request for Applications and FY19 grant amount.\*  
Draft survey questions\*  
Online Registration and VIN verification options  
State Trails Coordinator presentation, GBI update  
Marketing Materials for Program update

#### **12. PUBLIC COMMENT**

Robert Adams: VIN verification was hashed out 5 years ago and I think the decision made was correct. Agenda Item; summary of NRS 490, what riders must do and equipment required.

#### **13. ADJOURNMENT - \*FOR POSSIBLE ACTION\***

Motion to adjourn made by Berryman, seconded by Commissioner Lee. Motion Carried.

Please contact Jenny Scanland at: 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; [jscanland@ohv.nv.gov](mailto:jscanland@ohv.nv.gov); or 775-684-2794 to obtain additional information. Materials are posted on the <http://ohv.nv.gov/commission> website.