

DRAFT MINUTES

NEW MEXICO OFF-HIGHWAY MOTOR VEHICLE ADVISORY BOARD MEETING
Thursday, December 1, 2011
Department of Game and Fish Headquarters, Fisheries Conference Room
One Wildlife Way, Santa Fe, NM 87507
5:00 p.m. – 7:00 p.m.

AGENDA ITEM NO. 1: Meeting Call to Order.

Meeting was called to order at 5:05 p.m. by Chairman VeneKlasen.

AGENDA ITEM NO. 2: Roll Call.

Members Present

Carol Johnson
Gerald Chacon
Leo Hubbard
Murrae Haynes
Garrett VeneKlasen
Ron Schubert
David Doezema (arrived at 5:12 PM)

Absent: None

AGENDA ITEM NO. 3: Approval of agenda.

A motion was made for approval of the agenda by Murrae Haynes and second by Gerald Chacon. The motion to approve the agenda passed unanimously.

AGENDA ITEM NO. 4: Introductions

New Board member Ron Schubert was introduced to the Off-Highway Vehicle Advisory Board and to the audience as the Hunter/Fisherman representative. His term expires September 1, 2015.

AGENDA ITEM NO. 5: Approval of minutes from August 30, 2011 meeting.

The minutes from August 30, 2011, were also unanimously approved by the Board after a motion from Murrae Haynes and second by Gerald Chacon.

NEW BUSINESS:

AGENDA ITEM NO. 6: State Lands OHV Park Proposal

David Chester gave a presentation on the negotiations between NMDGF and the State Land Office regarding the creation of a new OHV park (located on State Trust Lands just west of Albuquerque near the Rio Puerco).

The goal of the New Mexico Off-Highway Motor Vehicle Program is to provide leadership in the area of OHV recreation and to allow for sustainable OHV recreation in the state. The idea of an OHV park near urban areas is an effort to create convenient riding opportunities close to major

population areas, and reduce the impacts on National Forests upon implementation of the travel management plans.

Moving forward the OHV Program will need to complete the application and provide a site plan to the State Land Office. The program will contract for the development of a conceptual landscape design and plan for the proposed park including, natural/ cultural resource conservation, vehicle access, parking and circulation, potential facilities, create OHV recreation opportunities for dirt bikes and ATVs, youth and adults, adjacent land use considerations, trails & facilities, management options, and do additional research and studies with other property owners in the area of the proposed site.

Public planning sessions will follow the development of a design and plan before any construction. The cost for initial planning is approximately 5K.

Discussion:

Gerald Chacon: Inquired regarding current land ownership surrounding the proposed property.

Don Britt: The area surrounding the proposed OHV Park is currently owned by the New Mexico State Land Office and Ben Chavez.

Garrett VeneKlasen: Clarification on liability issues.

David Chester: Has had discussions with the California OHV Program Managers. They have had multiple parks for the past 25 years. They have been very successful through signage and letting the public know that you ride at your own risk and that the state is not responsible for any accidents. The times that they have been sued, they have settled some lawsuits for a nuisance fee. Litigation has not been a major issue for California.

Garrett VeneKlasen: Does New Mexico have statutes that would blanket that?

Pat Block: In chapter 17 it talks about a land owner including the state, that if you let someone onto your property for free, you do not have to treat them any better than you would a trespasser. That is because you are not making any money. If you are charging people, the standard of liability carries significantly higher. Refer the Board back to the statute, if we are able to move forward on something like this, it isn't necessarily Department of Game and Fish OHV Park. If you look at section 6 of 66-3-10, 18, B, the department's duty in this area is to recommend with public participation and input. I don't know if it will result in a Department of Game and Fish OHV Park but it is our responsibility to help make these things happen and make these opportunities available to the public. The management options are what we will need to talk about.

Murrae Haynes: In many cases these parks are privately operated in other states. If there is any training involved it is usually with ASI which carries liability insurance.

Gerald Chacon: Who will hold the lease?

David Chester: The state would complete the business lease with the State Land Office and probably the OHV Program would hold the lease.

David Doezema: Will there be a separate study of the cultural and environmental impact of this site that is independent?

David Chester: It is required by the State Land Office for us to do that. It would be part of the initial planning process before we can get approval to move forward.

Leo Hubbard: The plan is within the intent of the law and wants to thank David Chester for taking the time to make this happen.

Public Comment:

Sid Mace: Owner of Santa Fe Motor Sports. There is two ways to approach insurance and liability issues. The State of Colorado is one of the better ones to discuss. The City of Golden has one of the state's nicest OHV Parks. You pay to go into the park. You have to join a membership, and once you join as a member, you cannot sue the park even if you are hurt. The City of Golden made over 3.1 million profit form 250 acres of an OHV Park. Sedona, Arizona is also doing the same thing. It's owned by the city. You have to sign all the waivers, and sign in when you use the park. Children under the age of 16 must have a guardian with them all the time. Sedona made 2.1 million profit, and Flagstaff made 7.9 million in profit form their OHV Park.

Tom Gorman: Supports OHV park concept.

Oscar Simpson: Supports OHV park concept.

Norma McCallan: Supports OHV park concept.

Allen Hamilton: Supports OHV park concept.

AGENDA NO. 7: Expansion Positions for the OHV Program

David Chester introduced our new Law Enforcement coordinator – Desi Ortiz. The Education coordinator still needs to be determined but should be announced in the next few weeks.

AGENDA ITEM NO. 8: Enforcement

The Department will present an update on enforcement per the items below: Desi Ortiz provided the following information.

Statistical data on citations and investigations by Department of Game and Fish officers or other law enforcement agencies for 2011;
There have been a total of 252 contacts, 41 total citations with an 84% compliance rate from Department law enforcement efforts.

Planned or known activities "Travel, Law Enforcement Blitzes, Etc." by the department in 2012 and plans to assist in education and signage.

Law enforcement plans for the NMDGF will be set after hunting season and will be finalized by April or May 2012; this includes angler patrols, hunt patrols and OHV patrols.

Department Goals for 2012 is to increase compliance by installing more signs at all major entrances of public land and OHV riding areas. Educate and work alongside more law enforcement agencies through classroom training and hands-on enforcement. Desi Ortiz the Law Enforcement Coordinator would like to try and equate OHV registration fees to purchase hunting and fishing licenses. It's a fee to cover or improve cost of your recreation like in OHV parks, trail improvements, increased riding opportunities. Desi Ortiz is currently working on a Law Enforcement grant program for 2012. He would also like to begin an advertisement campaign for our violation hotline number. Mr. Ortiz would also like to develop some youth oriented posters with the same information on them and get them to middle school bulletin boards. Law enforcement blitzes will be planned in each area by area supervisors and that information will be provided to the OHV Program. Overall it was a good year for registration compliance and overall awareness increased. The addition of the Law Enforcement Coordinator and Educational

Coordinator will increase awareness and gain more compliance through education of the public. The primary focus of NMDGF is after all the welfare of the wildlife.

Discussion:

Leo Hubbard: How many kids are taking courses currently?

David Chester: We are averaging about 40 kids a month taking the on-line training courses. That has decreased some because of the weather but the snowmobile program has increased. For the year, there have been about 1100 kids that have taken the course.

Garrett VeneKlasen: I think there is frustration with response time on the hotline.

Pat Block: The OHV hotline is not meant to be a non emergency line nor is it an immediate response line. We are not running the OHV hotline like a 911 line. We do want to make it a better though and will be exploring different options.

Garrett VeneKlasen: How can we get overtime for law enforcement to increase enforcement efforts?

David Chester: Getting grant funding available by the end of this year is something we want to put into place. We need to use the grant money by June 2012. We have grant money directly for law enforcement agencies. We will do something quick and simple so that we can try to attract other agencies to take advantage and help assist our enforcement of OHV laws.

Carol Johnson: Will grants be used statewide?

David Chester: That funding is for state wide enforcement and it could fund every agency around the state.

Ron Schubert: Can we get observational information of quantities of OHVs being used in hunt camps?

Desi Ortiz: That is a possibility. During the course of the day, the game wardens do make hunting camp checks.

David Chester: We have asked our Hunter Education Program to ask the students if they utilize machines as part of their hunting activities. We are receiving information at about 65% of them use an OHV during their hunting.

Carol Johnson: Welcomes Desi to program, offers suggestions. She would like to see more signs up on areas that are closed to any motorized vehicles.

AGENDA ITEM NO. 9: Trail Ambassador Program

David Chester gave a brief update on the status of the Trail Ambassador Program. The Trail Ambassador Program will fall under the duties of the Educational Coordinator. The position description is complete. They will have to consent to a criminal history background check and sign a contract. The materials for training are being developed by the Institute of Public Law. The release of the material will be January 31, 2012, and the training of volunteers begins in March of 2012. The Ambassador Awareness Campaign consists of developing a Trail Ambassador print and electronic brochure and creating a 3-5 minute video on the Ambassador Program to be played at outreach events. A Trail Ambassador poster for display will be used at dealerships, and hunting and fishing stores, USFS, BLM stations, etc. The electronic brochure and video will be posted on our website, YouTube account and Facebook. This will push interest back to B4uRide.com for online access to program application.

Discussion:

Ron Shubert: Will there be liability coverage for Ambassadors?

David Chester: There will not be specific protection. We will provide the training and minimize risk as much as possible by telling them what their role is. If there is an accident, there isn't specific coverage that we would supply as part of our program.

Ron Schubert: When are you planning the outreach for the program?

David Chester: We really don't want to aggressively advertise the program until we have someone to manage the volunteers. Until we fill the coordinator position, we are not going to advertise the program.

Ron Schubert: Will the Educational Coordinator person be able to travel across the state to conduct training or will it be held in a centralized location?

David Chester: The training will be conducted statewide as interest deems.

Patrick Block: We will be checking with Risk Management which holds the state's insurance for liability coverage.

Leo Hubbard: Supports program.

AGENDA NO. 10: Motor Vehicle Identification/Registration

David Chester gave an update on the status of the OHV decal. The decal is moving forward. The amendment to the rule will be submitted on December 7th for publishing. We will be continuing to educate OHV dealers/user groups on registration display changes. We will have an advertising campaign to inform the public of the transition to decal in late December. There will be a law enforcement lesson plan update on the new display requirements. We will be working with Law Enforcement to ensure compliance and we will be doing more public outreach to build public awareness of change.

Public Comment:

Pete Prince: Fork tube placement could be an issue for motorcycles. He thinks that the decal can get damaged on the motorcycle fork tube if the forks are serviced.

David Chester: A replacement decal can be purchased from MVD for lost or damaged decals for \$7.50.

AGENDA ITEM NO. 11: Habitat Protection Area Designations

In 1973, the Habitat Improvement Act (17-6-1 NMSA 1978) was implemented to protect wildlife populations and crucial wildlife habitat from unrestricted motorized vehicle travel throughout New Mexico's National Forests. When and where this act was properly implemented (primarily in the Carson NF), wildlife flourished in the non-motorized Habitat Protection Areas established by a joint agreement between the NMDGF and USFS agencies. These non-motorized Habitat Protection Areas are approximately 10-20,000-acres and size and have considerable motorized access along all their borders.

Big game units such as 6c in the Jemez could benefit by the creation of new Habitat Protection Areas within their boundaries. The Board would like to have a discussion with the Department and USFS representatives about identifying (and possibly creating) more HPAs in other national

forests across the state. **Chairman VeneKlasen played a video called “Sanctuary” that was developed by Trout Unlimited.**

Discussion:

Carol Johnson: Asked Garrett VeneKlasen to describe areas closed in more detail.

Garrett VeneKlasen: These areas had user created trails on them. There was a public process where the community was involved in deciding the bounds of these habitat protected areas. The Habitat Specialist, Scott Draney, identified these areas as being crucial as big game habitat. There were no designated routes so by closing these areas the hunting has improved tremendously.

Ron Schubert: When did closure take place?

Garrett VeneKlasen: The closure took place around three years ago before the Travel Management Plan took place.

Discussion:

Jim Lane: The Department will entertain the idea and the interest to work with the USFS in the Travel management Plan and the Board. Also, suggested Garrett VeneKlasen approach the State Game Commission.

Garrett VeneKlasen: This process was a public process. We all worked together to make this happen.

Ron Schubert: Unit 6C was hit with major fire this year. I would like to see Travel Management Process go forward before any HPA's are considered.

Public Comment:

Gordon Spingler: Travel management process does everything presented. The Travel Management Plan has been going on for 5 years already. We do not need overlay. He is disappointed that the OHV community has never been asked for input when it is portrayed as a public process.

Garrett VeneKlasen: The effectiveness takes ownership of this designation, and the designations happened before the OHV Board was established.

Jim Lane: From the Department's perspective, this would take a huge amount of public involvement. The plan that has been referenced in the Carson has been around since 1996. It took enormous amounts of planning before it could take place. The burdens it puts on our agency and the USFS to overlay something like this is enormous similar to the Travel Management Plan which has been a 5 year process. This would be burdensome at best, but that is not to say that the department isn't interested in some opportunities throughout the state to create pockets of habitat or identify core pieces of New Mexico where we could potentially improve upon already existing plans. By no means have I committed the department to make this one happen in the Jemez.

Max Trujillo: New Mexico Wildlife Federation. I have seen the video and have done some independent research. Hunters of Unit 48 are interested in this concept.

Brian Thompson: 6A & 6C has been degraded by OHV use. He has spent a lot of time in the area. He has made this speech to the Board before. He has worked extensively with forest on the

Travel Management Plan especially in the Jemez district. There are some key habitat areas up there. Over the past 20 years, the area has been completely degraded by OHV use.

Carol Johnson: Her primary concern is natural resources and wildlife protection and safety for OHV riders. This also seems it could be a huge economic issue for the state where it could affect hunting in this state. Is this correct?

Jim Lane: Yes, it could affect the hunting in the state.

James Malones: USFS New Mexico State Liaison. Spoke to stress importance of completing the travel management process (TMP) before any new projects are started. A lot of the issues that people are bringing up are the reason why we are creating the TMP and moving forward with what has been taking place. That's why we have had a lot of public meetings and input throughout the state regarding the plan.

Norma McClelland: Travel Management Plan may or may not recognize the importance of the factors discussed. We have to remember the importance of the animals that need wildlife quarters and a safe habitat. It's a great way to preserve these animals in these special areas.

Oscar Simpson: Supports animal sanctuary concept.

Allen Hamilton: Supports animal sanctuary concept.

Max Trujillo: Have these ideas been presented to the State Land Office?

Garrett Veneklasen: We would have to have public meetings held to see if the public would be interested. Also have the Land Office and NMDGF present in the process.

AGENDA ITEM NO. 12: General Public Comments (Comments Limited to 3 Minutes per speaker).

No additional comments made.

AGENDA ITEM NO. 13: Establishing Date for the Next Advisory Board Meeting.

No date was set for next meeting, but the end of March 2012 was proposed. The meeting date and location will be determined at a later date.

AGENDA ITEM NO. 14: Adjourn.

It was moved by Murrae Haynes, seconded by Gerald Chacon that the meeting be adjourned at 7:23 PM. The motion passed unanimously.