



Doug Ducey
Governor

ARIZONA STATE PARKS & TRAILS

Bob Broscheid
Executive Director



NOTICE OF PUBLIC MEETING
of
THE OFF-HIGHWAY VEHICLE ADVISORY GROUP
of
THE ARIZONA STATE PARKS AND TRAILS

Pursuant to A.R.S. §38-431.02, notice is hereby given to members of the Off-Highway Vehicle Advisory Group (“OHVAG” or “Group”) and the public that OHVAG will hold a meeting on **Friday, March 4, 2022 beginning at 10:00 a.m.** OHVAG members may attend the meeting in person or participate telephonically. The public may attend and listen to the meeting at the Arizona State Parks Trails office located at 1110 W Washington, Suite 100, Phoenix, AZ 85007. Members of the public may also listen/view the meeting via telephone by calling 1.470.243.0690 and entering PIN: 931.982.597# or via Google Meet: meet.google.com/hpf-jmdx-bqi

In person or telephonic public comment will be taken. If choosing to speak in person, the speaker will be asked to complete a form which will be made available at the Arizona State Parks and Trails office on the meeting day and submit to staff. If choosing to speak via telephone, persons who wish to make statements to the Group will be asked to identify themselves each time they are speaking. Please ensure phones are muted when not speaking.

This meeting is open to the public; however, the Group may elect to hold an Executive Session for any agenda items at any time during the meeting to discuss or consult with its legal counsel for legal advice on matters listed on this agenda pursuant to A.R.S. §38-431.03(A)(3). Items on the agenda may be discussed out of order unless they have been specifically noted to be set for a certain time. Public comment will be taken.

AGENDA
(The Chair reserves the right to set the order of the agenda.)

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. MEMBER ROLL CALL

D. AGENDA ITEMS

1. **New OHVAG Members** – Newly appointed members will introduce themselves to the Group.
2. **Election of 2022 OHVAG Chair and Vice-Chair.**
The Group will nominate and elect its Chair and Vice-Chair.
3. **Consideration of Action to Approve Minutes of the November 29, 2021 OHVAG Meeting**
The Group will review and may consider action to approve the OHVAG meeting minutes from November 29, 2021.
4. **OHVAG Will Consider and May Take Action on A Recommendation to the Arizona State Parks Board to Approve, Modify, Or Deny Funding for The Submitted 2022 Motorized Grant Application. (Presenter: Matthew Eberhart, State Off-Highway Vehicle Coordinator)** The following grant application has been submitted for funding totaling \$106,017.00.

2022 Motorized Grant Applications				
Sponsor	Project	Request	Staff Recommendation	Score
Town of Camp Verde	Box T Remediation	\$106,017.00	\$106,017.00	34
TOTAL		\$106,017.00	\$106,017.00	

- 5. State Comprehensive Outdoor Recreation Plan (SCORP) Update: (Presenter: Dawn Collins, Office of Continuous Improvement.)**
Staff will update OHVAG on the progress of Arizona's 2023-2027 SCORP. This agenda item is for information only.
- 6. Legislative updates: (Presenter: Matthew Eberhart, State Off-Highway Vehicle Coordinator)**
Members will be updated on Senate Bill 1596 and Senate Bill 1377. This agenda item is for information only.
- 7. OHV Coordinator Updates (Presenter: Matthew Eberhart, State Off-Highway Vehicle Coordinator)**
Members will be provided updates on the OHV Ambassador Program, OHV Dealership Program, OHV partnerships and working groups, and potential grant guideline changes.

E. FUTURE AGENDA ITEMS

Group members may identify items or issues they wish to be considered for inclusion on a future agenda.

F. CURRENT EVENTS

Group members may present a summary of current events and /or recent experiences of interest to the outdoor recreation community and/or the status of any projects with which they may be involved. The Group will not discuss or take any action on any current event summary.

G. CALL TO THE PUBLIC

The Chair will recognize those wishing to address the Group. It is probable that each presentation will be limited to one person per organization and the time allotted by the Chair. Action taken because of acknowledgement of comments and suggestions from the public will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.

H. FUTURE MEETING DATES

Group members will discuss potential future meeting dates.

I. ADJOURNMENT

A copy of this agenda and any background material provided to Group Members is available for public inspection at Arizona State Parks & Trails, 1110 W. Washington Street, Suite 100 Phoenix, AZ 85007. For additional information, contact Mickey Rogers at (602) 542-6942.

Pursuant to Title II of the Americans with Disabilities Act (ADA), Arizona State Parks & Trails does not discriminate based on a disability regarding admission to public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the ADA Coordinator Thomas Beranek at (602) 542-7389; or email tberanek@azstateparks.gov . Requests should be made as early as possible to allow time to arrange the accommodation. For technical difficulties during the teleconference meeting, please contact Jeff Schmidt at (602) 542-7124 or via email jschmidt@azstateparks.gov.

Posted at: Arizona State Parks and Trails
1110 W. Washington Street, Suite 100 Phoenix, AZ 85007

And at: <https://azstateparks.com/ohvag>



Bob Broscheid: Executive Director



Doug Ducey
Governor

ARIZONA STATE PARKS & TRAILS

Bob Broscheid
Executive Director



DRAFT MINUTES

of
THE OFF-HIGHWAY VEHICLE ADVISORY GROUP
of
THE ARIZONA STATE PARKS AND TRAILS
NOVEMBER 29, 2021

A. CALL TO ORDER

OHVAG Chair Todd Davis Called the meeting to order at 12:00p.m.

B. PLEDGE OF ALLEGIANCE

OHVAG Chair Todd Davis lead the Group in reciting the Pledge of Allegiance

C. MEMBER ROLL CALL

Members Present: *Ben Alteneder (virtually), Geoff Chain (virtually), Jason Cobb (virtually), Todd Davis (virtually), Holly Irwin (virtually), Tom Murphy (virtually), Chuck Wood (virtually)*

Staff Present: *Matthew Eberhart (in person)*

D. AGENDA ITEMS

1. **Consideration of Action to Approve Minutes of the November 5, 2021 OHVAG Meeting**

Chuck Wood Moved to approve the minutes from the November 5, 2021 OHVAG Meeting. Holly Irwin Seconded the Motion. The motion passed unanimously.

2. **OHVAG Will Consider and May Take Action on A Recommendation to the Arizona State Parks Board to Approve, Modify, Or Deny Funding for The Submitted 2022 Motorized Grant Application. (Presenter: Matthew Eberhart, State Off-Highway Vehicle Coordinator)**

The State Off-Highway Vehicle Coordinator, Matthew Eberhart provided a project and budget overview for the Natural Restorations, OHV Area Cleanups Motorized Grant Application. The project request of \$259,900 will be used for several OHV area cleanups throughout the state. Member Jason Cobb asked what Natural Restorations annual operating budget is. Nichole Corey with Natural Restorations informed the group that their annual operating budget is typically 300K to 350K but that for the upcoming fiscal year 2022 it will likely be closer to 375K because of additional outside grants that have been received from SRP, Overland Expo Foundation, USFS, and Arizona Federal Credit Union. Jason expressed how important the work is that Natural Restorations does but that it seems like OHV grant dollars make up almost their entire operating budget. Nichole expressed that the reason these funds are such a large portion of their operating budget is because the vast majority of the work that they complete is tied to OHV trails, staging areas, and access points. Nichole shared that by requesting these funds their organization is able to work for 21 weeks to help the OHV community clean their riding and staging areas. Member Cobb also expressed concerns that he'd like to see other members of the recreating community come to the plate to help offset costs. However, Nichole informed the Group that the OHV Grants they obtain are only used on OHV areas and for OHV tasks. She also shared that they have continued to receive increased match from USFS law enforcement and education. Chairman Davis asked the State OHV Coordinator if there is maybe a better way in the future to bring Natural Restorations onboard as part of the current On-Call Contractors list to provide these types of services in partnership with the USFS without having to request a new grant each year. Matthew Eberhart expressed that the Contract for On-Call Contractors will be expiring next year and including an element

or Request for Qualifications could include trail maintenance AND cleanup as part of the new bid. Nichole informed members that over the 4 years that they have received OHV Grants from Arizona State Parks and Trails, Natural Restorations has removed 864,860lbs of trash, 780 tires, 24,782 square feet of graffiti removed. Members Cobb and Davis would like Arizona State Parks and Trails to look into the process of getting streamlined for the services that Natural Restorations funding to continue this type of work. Ben Alteneder asked if the payments made to On-Call Contractors paid out of the State Parks portion of the OHV Decal dollars or the Grant portion of the budget. Matthew Eberhart explained that there are currently 3 on call contractors to be able to provide trail maintenance work on behalf of any grantees and State Parks is able to pay them directly vs. having to pay the grantee and the grantee pay the contractor. Member Davis also asked what the cap was for emergency and mitigation funding. Mr. Eberhart explained that back in 2017 the State Parks Board approved Grants and Trails staff the authority to approve Emergency and Mitigation projects up to \$100,000. Nichole expressed that they had not previously requested Emergency and Mitigation Funding because State Parks would be paying USFS and then USFS would be paying Natural Restorations. She then requested clarification on if they were a contractor State Parks would pay them directly which is correct. Chuck Wood requested information on what type of law enforcement or preventative measures can take place to reduce this type of trash dumping. Nichole said that the report as much information as they can regarding personal information that is found while doing cleanups. In addition, many USFS offices are attempting to bring on new law enforcement to aid in reducing these types of issues. Nichole also informed the Group that Natural Restorations tries to promote their cleanups as often as possible across multiple social media platforms. Geoff Chain asked how Natural Restoration defines their cleanup areas because while some certainly are OHV areas others can mostly just be considered part of an urban interface and the OHV users end up getting lumped in and blamed for the trash. Nichole expressed that while OHV trails are often used for people to dump Natural Restorations makes a conscious effort to reiterate to the public that most of this dumping is not taking place by the OHV community itself. Chuck Wood shared that he felt the trash provided in the presentation could most certainly not have been dumped by OHV users. Nichole expressed that while there is a large amount of large dumping there is also a significant amount of small trash from campers, OHV users, and other recreationists but the bulk of cleanups is what we see in the photos provided. In closing, Nichole also informed the Group that the Red Rock Ranger District had partnered with them for the first time to perform a cleanup in their area as part of this project. Ben Alteneder moved that OHVAG recommend that the Arizona State Parks Board Approve the Natural Restorations, OHV Area Cleanups Project in the Amount of \$259,900.00. Jason Cobb seconded the motion. The motion passed unanimously.

3. Chevelon Canyon Emergency and Mitigation Project. (Presenter: Matthew Eberhart, State Off-Highway Vehicle Coordinator)

Matthew Eberhart provided an update on the Chevelon Canyon Emergency and Mitigation Project that the Arizona Game and Fish Department will working to submit to install pipe rail fencing around a cultural site that is being negatively impacted by the OHV community. The project will be approximately \$100,000 and should be completed within a year of receiving its award.

E. FUTURE AGENDA ITEMS

Members had no future agenda items to request at this time.

F. CURRENT EVENTS

Ben Alteneder: This was likely Ben's last meeting. He thanked everyone for their support in promoting responsible recreation in the state and for allowing him to serve as a member.

Jason Cobb: Trophy Lite has expanded into a new guided tours venture in partnership with Can-Am and

Uncharted Society. His company along with The Arizona State Parks and Trails Off-Highway Vehicle Program will be attending the UTV Rally at the Phoenix Convention Center later this month.

Todd Davis: The Trail Riders of Southern Arizona recently held their “There Will be Dust” event to support local food banks in southern Arizona and had over 90 riders and raised over \$2,500.

Holly Irwin: Saturday, December 4, 2021 there will be a benefit dinner and memorial poker run for La Paz County Sheriff’s Office Sgt. Michael Rudd. Holly shared a flyer with the State OHV Coordinator who was able to post it to the OHV Ambassadors’ Facebook Page.

Tom Murphy: Members of the Arizona ATV Riders recently completed a trip to Vermillion Cliffs and had an amazing time. The trip comes highly recommended and should someday be part of the Show Me Ride Program.

State OHV Coordinator: Arizona State Parks and Trails and the Arizona Game and Fish Department shared booth space at the recent Sand and Water Expo at Lake Havasu State Park and were able to speak to over 2,100 constituents from the OHV community.

G. CALL TO THE PUBLIC

No members of the public requested to speak.

H. FUTURE MEETING DATES

The next meeting for the Off-Highway Vehicle Advisory Group will likely be held in January.

I. ADJOURNMENT

The meeting adjourned at 12:51p.m.



Doug Ducey
Governor

ARIZONA STATE PARKS & TRAILS

Bob Broscheid
Executive Director



Date: March 4, 2022

To: Todd Davis, Chair, Off-Highway Vehicle Advisory Group
From: Bob Broscheid, Executive Director, Arizona State Parks and Trails
Subject: 2022 Motorized Grant Applications

Background:

The Off-Highway Vehicle Recreation Fund provides grant funding for the planning and development of motorized trails, trailhead facilities, law enforcement, and education. There is currently \$6,000,000 in funding available for submitted grant applications.

Recommendation:

Arizona State Parks and Trails Grant Staff reviewed the following Motorized applications and made recommendations based on priorities set in the Arizona State Parks and Trails 2020 State Trails Plan and project need.

2022 Motorized Grant Applications				
Sponsor	Project	Request	Staff Recommendation	Score
Town of Camp Verde	Box T Remediation	\$106,017.00	\$106,017.00	34
TOTAL		\$106,017.00	\$106,017.00	

Recommended Motion:

I move that OHVAG recommend that the Arizona State Parks Board approve The Town of Camp Verde, Box T Remediation Project in the amount of _____.

Prepared by: Matthew Eberhart, State OHV Coordinator, Arizona State Parks and Trails

Approved:

Bob Broscheid, Executive Director



Town of Camp Verde

◆ 473 S. Main Street, Suite 102 ◆ Camp Verde, Arizona 86322 ◆
◆ Telephone: 928.554-0000 ◆ Fax: 928.567.9061 ◆
◆ www.campverde.az.gov ◆

February 8, 2022

Mickey Rogers
Chief of Grants and Trails
Arizona State Parks & Trails
1110 West Washington St, Suite 100
Phoenix, AZ 85007

RE: Box T Trailhead OHV Grant

Mickey,

Per our email exchange on February 7 regarding cost increases related to the Box T Trailhead OHV Grant, I am forwarding you copies of both the original budget for the grant and the bid submitted this week by the contractor, Tierra Verde Builders. As we are all well aware, construction costs have risen dramatically over the last six months, along with experiencing a limited ability to find contractors who can complete projects in a timely manner.

The cost differential between our original estimates, which were based on similar projects completed in the year prior to the grant submission, and the new project bid for the portion of the grant paid out of the grant proceeds amounts to \$36,616.49. This letter is a request for additional funding in that amount. The contractor has agreed to hold the price for the next 90 days and has agreed to complete the project within the period of time allotted by the grant.

Thank you again for the opportunity to see this project through to completion. If you have any additional questions or concerns, please feel free to call me at 928-554-0007 or via email at steve.ayers@campverde.az.gov.

Sincerely,

Steve Ayers
Economic Development Director
Town of Camp Verde



Handicap Relay: 711 or Voice: 1-800-842-4681 TTD: 1-800-367-8939



Box T is a trailhead located on Prescott National Forest land and is identified in the Verde Trails and Access Plan as a multi-use trailhead. It will serve an extensive network of interconnected motorized and non-motorized trails, and will connect to a larger network of multi-use trails in the Camp Verde area (and beyond).

The trailhead is not formally developed (it is natural dirt and contains only a gate and an ATV cattle guard), and therefore the trail access point is subject to periodic damage. Motorized use when the natural ground is wet has led to the deterioration of the natural landscape and left rutted-out tire tracks. Also, the "trailhead" is located on an unsafe, blind curve on Salt Mine Road, making access to the trailhead difficult and unsafe. This emergency remediation project is being pursued in order to correct the continued deterioration of the trail access point and to enhance safety for trail users.

This grant proposes the following:

1. Relocate the entrance and cattle guard further down Salt Mine Road to enhance safety and accessibility (and decommission the old trailhead);
2. Place millings in the formal trailhead area to stabilize the ground and prevent further deterioration at the hands of motorized vehicles;
3. Install three rail pipe fencing to define the trailhead area and restrict unauthorized access past the staging area;
4. Install gates at the trailhead to provide controlled access to the trail area;
5. Install an informational kiosk at the trailhead to inform users of appropriate trail uses and practices.

Scope Item #1 Staff/Personnel Costs

Staff/Personnel Costs Breakdown	Quantity	Unit Type	Unit Cost	Total	Match/In-kind	Total Grant Request
Site Prep: Clear and Grub, Grading	1.0	Other	\$10,000.00	\$10,000.00	\$0.00	\$10,000.00
Installation of Cattle Guard	1.0	Other	\$10,000.00	\$10,000.00	\$0.00	\$10,000.00
Transport, Spread, Compact Millings	1.0	Each	\$16,000.00	\$16,000.00	\$0.00	\$16,000.00
Site Engineering and Plan Set	40.0	Hour(s)	\$120.00	\$4,800.00	\$4,800.00	\$0.00
Project Management	120.0	Hour(s)	\$25.43	\$3,051.60	\$3,051.60	\$0.00
Install New Trailhead Entrance, Decommission Old Access Point	1.0	Each	\$10,000.00	\$10,000.00	\$10,000.00	\$0.00
				\$53,851.60	\$17,851.60	\$36,000.00

Scope Item #2 Equipment Costs

Equipment Costs Breakdown	Quantity	Unit Type	Unit Cost	Total	Match/In-kind	Total Grant Request
Millings	480.0	Ton(s)	\$12.00	\$5,760.00	\$5,760.00	\$0.00
Three Rail Pipe Fence and Gates	700.0	Feet	\$28.00	\$19,600.00	\$0.00	\$19,600.00
ATV Cattle Guard	1.0	Each	\$1,500.00	\$1,500.00	\$1,500.00	\$0.00
Two-panel Informational Kiosk and Installation	1.0	Each	\$2,600.00	\$2,600.00	\$2,600.00	\$0.00
Kiosk Map, Safety, Interpretive Panels	2.0	Each	\$400.00	\$800.00	\$0.00	\$800.00
Horse/Personnel Gate	1.0	Each	\$500.00	\$500.00	\$500.00	\$0.00
21' Cattle Guard	1.0	Each	\$13,000.00	\$13,000.00	\$0.00	\$13,000.00
				\$43,760.00	\$10,360.00	\$33,400.00

Scope Item # 3 Other

Other Costs Breakdown	Quantity	Unit Type	Unit Cost	Total	Match/In-kind	Total Grant Request
				\$0.00	\$0.00	\$0.00

Totals

Total Grant Request	\$69,400.00
Total Match/In-kind	\$28,211.60
Total Cost	\$97,611.60
Total Match Percentage	28.9%

Budget Notes



PROPOSAL

To: **Town of Camp Verde**
 Contact: **Box T Improvements**
 Phone:
 Fax:
 Email:

Job #	BOX T Improvements
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Proposal Dated:

January 25, 2022

Item Totals = \$ **99,546.00**
 + Sales Tax = \$ **6,470.49**

"Exceeding Customer Expectations!"

Total Proposal = **\$ 106,016.49**

Item	Refer Page(s)	Material Type / Grade	Finish	Material Description	Qty	Unit	Total Cost	
Material as described above provided by: Tierra Verde Builders								
 <i>Thank you for this opportunity !</i>				Note: Tierra Verde Builders holds a commercial auto insurance policy, as well as higher than normal general liability insurance policy and Workman's Compensation. All documents are available upon requests.		Resale # <input type="text" value="~"/>		
Terms & Payments								
100%	TBD						\$	106,016.49
0%	TBD						\$	-
0%	TBD						\$	-
0%	TBD						\$	-
100%	Invoices are payable upon receipt.						\$	106,016.49
Pricing is good for 30 days, unless noted otherwise.								
<i>Upon Acceptance of this proposal, either sign and return to Tierra Verde Builders via fax or e-mail, or provide your company's' Purchase Order number.</i>								
Print						Sign	Date	

"Thank you for the opportunity to provide this quote to you"

Competitive Motorized Grants

Town of Camp Verde: Box T Trailhead

Grant Award: \$106,017.00

Box T is a trailhead located on Prescott National Forest land and is identified in the Verde Trails and Access Plan as a multi-use trailhead. It will serve an extensive network of interconnected motorized and non-motorized trails, and will connect to a larger network of multi-use trails in the Camp Verde area (and beyond).

The trailhead is not formally developed (it is natural dirt and contains only a gate and an ATV cattle guard), and therefore the trail access point is subject to periodic damage. Motorized use when the natural ground is wet has led to the deterioration of the natural landscape and left rutted-out tire tracks. Also, the "trailhead" is located on an unsafe, blind curve on Salt Mine Road, making access to the trailhead difficult and unsafe. This emergency remediation project is being pursued in order to correct the continued deterioration of the trail access point and to enhance safety for trail users.

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4. Install gates at the trailhead to provide controlled access to the trail area;
5. Install an informational kiosk at the trailhead to inform users of appropriate trail uses and practices.





ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1596

off-highway vehicles
(NOW: off highway vehicle study committee)

Purpose

Establishes the Off-Highway Vehicle Study Committee (Study Committee).

Background

An *off-highway vehicle (OHV)* is a motorized vehicle operated primarily off of highways on land, water, snow, ice or other natural terrain or on a combination of land, water, snow, ice or other natural terrain ([A.R.S. § 28-1171](#)). An OHV may only be operated if equipped with adequate brakes, lighted headlights and taillights, a noise dissipative device when not on a closed course, a spark arrestor device and a safety flag ([A.R.S. § 28-1179](#)).

A person may not operate certain all-terrain vehicles or OHVs in Arizona without an OHV user indicia issued by the Arizona Department of Transportation (ADOT). A person must apply to ADOT for a resident or nonresident OHV user indicia by submitting an application and user fee in an amount determined by the Director of ADOT. The resident or nonresident OHV user indicia is valid for one year from the date of issuance and may be renewed. The Arizona Game and Fish Department (AZGFD) must conduct or approve an OHV educational course and successful completion of the course requires passage of a written examination ([A.R.S. §§ 28-1175](#) and [28-1177](#)).

The AZGFD must spend OHV Recreation Fund monies for outlined purposes, including OHV law enforcement ([A.R.S. § 28-1176](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes the Study Committee, consisting of the following members:
 - a) two members of the Senate who are appointed by the President of the Senate and who are members of different political parties with one member being designated as Cochairperson;
 - b) two members of the House of Representatives (House) who are appointed by the Speaker of the House and who are members of different political parties with one member being designated as Cochairperson;
 - c) the Director of the AZGFD or the Director's designee;
 - d) the Director of ADOT or the Director's designee;
 - e) the Director of the Arizona State Parks Board or the Director's designee;
 - f) the Commissioner of the State Land Department or the Commissioner's designee;

- g) one law enforcement officer who enforces OHV laws and who is appointed by the Governor;
 - h) one representative of an organization representing hunting or fishing or a similar outdoor sports activity in Arizona who is appointed by the Governor;
 - i) two members who represent an OHV organization or recreational group in Arizona, one of whom is appointed by the President of the Senate, and one of whom is appointed by the Speaker of the House;
 - j) one representative of an OHV rental company in Arizona who is appointed by the President of the Senate;
 - k) one representative of an OHV manufacturer or retailer in Arizona who is appointed by the Speaker of the House;
 - l) one representative of the farming and agriculture industry in Arizona who is appointed by the Governor; and
 - m) two members of the public who are appointed by the President of the Senate and who are knowledgeable about outdoor recreation issues in Arizona and about trails used by OHV operators, one of whom represents holders of federal grazing permits or other land use permits.
2. States that appointed members serve at the pleasure of the person who made the appointment.
 3. Specifies that the Study Committee members are not eligible to receive compensation, but members appointed by the Governor are eligible for reimbursement of expenses.
 4. Requires the Study Committee to:
 - a) meet to collect and study information from the public and stakeholders regarding OHV issues in Arizona; and
 - b) submit a report, by January 1 of each year, regarding the Study Committee's activities and recommendations for administrative and legislative action to the Governor, the President of the Senate and the Speaker of the House and provide a copy of this report to the Secretary of State.
 5. Repeals the Study Committee on June 1, 2024.
 6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adopted the strike everything amendment.

Senate Action

TAT 2/14/22 DPA/SE 9-0-0

Prepared by Senate Research

February 24, 2022

RA/sr



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1377

off-highway vehicles; fund

Purpose

Outlines changes to the distribution of monies in the Off-Highway Vehicle Recreation Fund (Fund) and allowable uses of Fund monies.

Background

An *off-highway vehicle trail* is a multiple use corridor that is open to recreational travel by an off-highway vehicle and designated or managed by or for the managing authority of the property that the trail traverses for off-highway vehicle (OHV) use ([A.R.S. § 28-1171](#)).

The Fund consists of legislative appropriations, monies from OHV user indicia fees, monies from motor vehicle fuel taxes, federal grants and private gifts. Fund monies are distributed to the following agencies for specified purposes, including program administration, law enforcement and OHV trail maintenance: 1) 35 percent to the Arizona Game and Fish Department; 2) 5 percent to the Arizona State Land Department; and 3) 60 percent to the Arizona State Parks Board.

Each agency receiving monies from the Fund is required to submit an annual OHV report to the Legislature by September 1 of each of year and make the report available to the public. The report must include, if applicable: 1) the amount of monies spent or encumbered for OHV law enforcement activities; 2) the amount of monies spent for employee services; 3) the number of full-time employees (FTEs) employed in connection with OHV law enforcement activities; 4) the amount of monies spent for information and education; 5) information about verbal and written warnings and citations given or issued; and 6) a specified and detailed accounting for all monies spent for construction of new OHV trails, mitigation of damages to lands, revegetation, prevention and restoration of natural and cultural resources, signage, maps and necessary environmental, historical and cultural clearance or compliance activities ([A.R.S. §§ 28-1176](#) and [28-1177](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Increases, from 7 to 14, the number of FTEs the Arizona Game and Fish Department may employ to enforce OHV laws.
2. Increases, from 5 percent to 15 percent, the required percentage of Fund monies the Arizona State Land Department must spend on trails.

3. Lowers, from 60 percent to 50 percent, the required percentage the Arizona State Parks Board may spend from the Fund on OHV related activities.
4. Lowers, from up to 12 percent to up to 10 percent, the percentage the Arizona State Parks Board may spend from the Fund on administration.
5. Requires the Arizona State Parks Board to spend at least 10 percent of Fund monies on enforcement of OHV laws and at least 10 percent for state land lessee impacts.
6. Requires any designation or acquisition of land for OHV to be approved at an Arizona State Parks Board public meeting.
7. Requires the Arizona State Parks Board, in determining the amount of monies for eligible projects, to give preference to applications for projects with mitigation efforts, for projects that address impacts to state land lessees, for nonfederal projects and for projects where federal entities work with state and local entities.
8. Adds the number and status of filed OHV injury claims filed in the state to Fund reporting requirements.
9. Requires the Director of the ADOT to deposit all OHV user fees into the Fund, rather than 70 percent to the Fund and 30 percent into the Highway User Revenue Fund.
10. Requires a person, after January 1, 2023, to complete the educational course of the instruction in OHV safety and environmental ethics and provide the Arizona Department of Transportation (ADOT) proof of the completion before ADOT can issue a person an OHV indicia.
11. Requires ADOT to share with the Arizona Game and Fish Department all OHV data relating to persons completing the education course and all indicias issued.
12. Requires ADOT, by December 1, 2024, to submit a report on the results from implementing the education course requirement that includes revenues and costs and any recommendations to the Governor, President of the Senate, Speaker of the House of Representatives and provide a copy to the Secretary of State.
13. Asserts that all OHV operators and passengers owe a duty of ordinary care in the recreational use of OHVs on public, state or private land.
14. Specifies that landowners and authorized lessees do not have a duty to keep lands safe for entry and use by recreational users or to warn of or maintain lands and trails against unsafe conditions.
15. Requires a person to provide a customer with OHV safety and environmental educational materials that are approved by the Arizona Game and Fish Department before renting or selling an OHV to the customer.
16. Repeals the section relating to OHV safety education course on June 1, 2025.

17. Replaces drive an OHV with operating or allowing the operation of an OHV relating to statutory restrictions of operating an OHV.
18. Modifies the definition of *off-highway vehicle trail*.
19. Makes technical and conforming changes.
20. Becomes effective on the general effective.

Amendments Adopted by Committee

1. Requires a person to complete an educational course in OHV safety and environmental ethics before being issued an OHV indicia.
2. Requires a person to provide a customer with OHV safety and environmental educational materials before renting or selling an OHV to the customer.
3. Makes conforming changes.

Amendments Adopted by Committee of the Whole

1. Applies this legislation to a person applying for an indicia relating to the educational course requirements begin January 1, 2023.
2. Outlines reporting and data sharing requirements for ADOT.
3. Repeals the section relating to OHV safety education course on June 1, 2025.
4. Removes the stipulation that all OHV operators and passengers assume all risks of personal injury or death associated with recreational use on public, state or private land.
5. Asserts all OHV operators and passengers owe a duty of ordinary care in the recreational use of OHVs on public, state or private land.
6. Makes conforming changes.

Senate Action

APPROP 2/8/22 DPA 8-2-0

Prepared by Senate Research

February 24, 2022

LMM/sr



ARIZONA STATE PARKS & TRAILS

**Off-Highway Vehicle Advisory Group
(OHVAG)**

Friday, March 4, 2022

**Geoff Chain, Jason Cobb, Todd Davis, Pat Headington,
Holly Irwin, Tom Murphy, Charles Wood**

AGENDA – A

Call to Order



AGENDA - B

Pledge of Allegiance

Member Roll Call

Geoff Chain

Jason Cobb

Todd Davis

Pat Headington

Holly Irwin

Tom Murphy

Charles Wood

AGENDA – D1

New Members

Newly appointed members will introduce themselves to the Group.

AGENDA – D2

Election of 2022 Arizona State Parks Off-Highway Vehicle Advisory Group Chairman and Vice Chairman

The Group will nominate and elect its Chair and Vice-Chair.

AGENDA – D2

Motion:

I move to approve _____ as Chair of the Off-Highway Vehicle Advisory Group.

AGENDA – D2

Motion:

I move to approve _____ as Vice Chair of the Off-Highway Vehicle Advisory Group.

AGENDA – D3

Meeting Minutes

The Group will review and may consider action to approve the Group meeting minutes from November 29, 2021.

AGENDA – D3

Motion:

I move to approve the meeting minutes of the November 29, 2021 meeting.

AGENDA – D4

2022 Motorized Grant Application

OHVAG Will Consider and May Take Action on A Recommendation to the Arizona State Parks Board to Approve, Modify, Or Deny Funding for The Submitted 2022 Motorized Grant Application.

– Matthew Eberhart, State OHV Coordinator

AGENDA – D4

2022 Motorized Grant Applications

Sponsor	Project	Request	Staff Recommendation	Score
Town of Camp Verde	Box T Remediation	\$106,017.00	\$106,017.00	34
TOTAL		\$106,017.00	\$106,017.00	

AGENDA – D4

Motion:

I move that OHVAG recommend that the Arizona State Parks Board approve the Town of Camp Verde, Box T Remediation Project in the amount of _____.

State Comprehensive Outdoor Recreation Plan (SCORP) Update

Staff will update OHVAG on the progress of Arizona's 2023-2027 SCORP. This agenda item is for information only.

– Dawn Collins, Office of Continuous Improvement



Statewide Comprehensive Outdoor Recreation Plan (SCORP) Updates

Off-Highway Vehicle Advisory Group (OHVAG)

March 4, 2022

scorp@azstateparks.gov

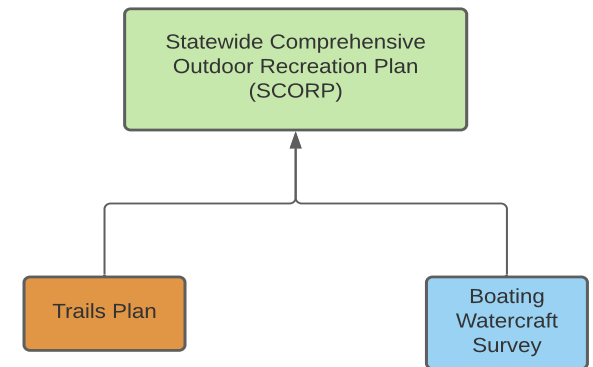
PARTNERS IN BRAINSTORMS
AHEAD OF THE TREND  *BEHIND THE SUCCESS*

ASU college of **public service**
& **community solutions**
ARIZONA STATE UNIVERSITY

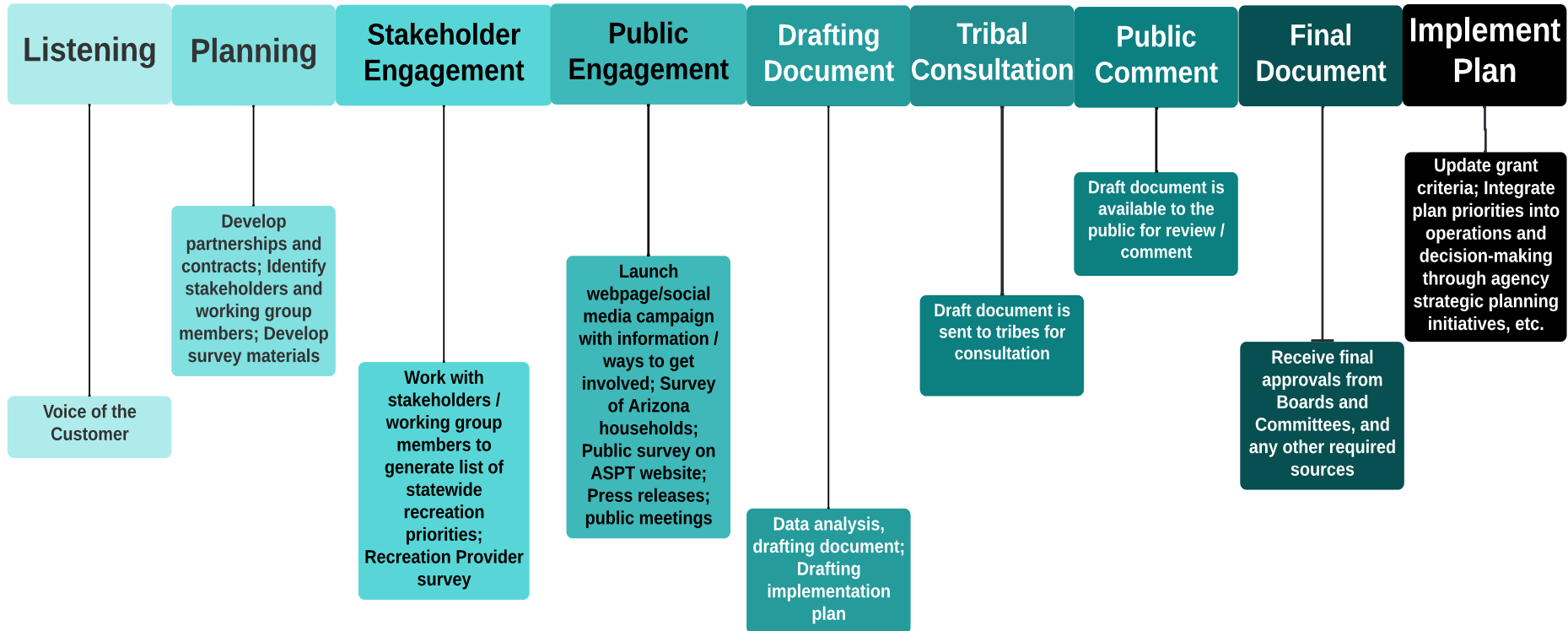


Why do we develop the Statewide Comprehensive Outdoor Recreation Plan (SCORP)?

- Required to receive Land and Water Conservation Fund (LWCF) dollars.
- Identifies and prioritizes outdoor recreation issues for the next 5 years.
- Addresses all types of outdoor recreation, across all types of providers, across the state.

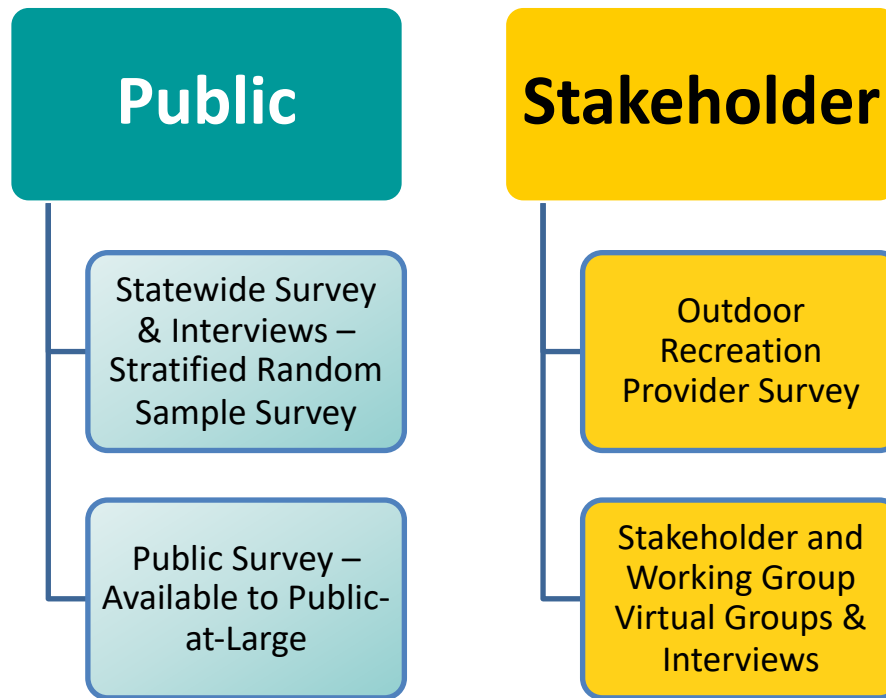


What is process for statewide planning?





Surveys & Interviews – Public and Stakeholder





SCORP Surveys Explore:

- **Participation Rates** (active outdoor, water-based, snow-based, other outdoor recreation activities)
- **Usage of Outdoor Recreation Settings**
- **Benefits of Outdoor Recreation** (e.g., community, health, environment, economics)
- **Needs of Specific Groups** (e.g., from children to seniors, individuals with disabilities, ethnically diverse groups, etc.)
- **Funding Priorities**
- **Issues Affecting Outdoor Recreation** (e.g., drought, crowding, etc.)
- **Impact of COVID-19**

SCORP Represents Arizona's Five Tourism Regions and 15 Counties



- **Northern Region:** Apache, Coconino, and Navajo Counties
- **Tucson & Southern Region:** Cochise, Graham, Greenlee, Pima, and Santa Cruz Counties
- **West Coast Region:** La Paz, Mojave, and Yuma Counties
- **North Central Region:** Gila and Yavapai Counties
- **Phoenix & Central Region:** Maricopa and Pinal Counties



Stakeholder Engagement

- **Stakeholder Sessions** (77 participants): governmental, municipal, non-governmental, private sector, and conservation organizations, as well as tribal and minority groups, and individual recreationalists
 - August 19, 24, & 26
- **Focus Groups:** Community of Tribal Nations & Community with Mobility Challenges
 - September 17 & 29
- **Various surveys** for under-represented communities
- **Working Group Members** (12 members)
 - WG Sessions on October 13, 18, & 29



Outdoor Recreation Priority Issues & Key Approaches (Preliminary Findings from Stakeholder Engagement)

Priority Areas:

- Providing Quality Outdoor Experiences to the Public
- Embracing Diversity, Equity, and Inclusion
- Conservation and Minimizing Environmental Impacts

Key Approaches:

- Funding
- Adaptive Collaboration
- Communication and Education
- Sustainable and Accessible Infrastructure



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STATE PARKS & TRAILS

What changes did COVID-19 bring to AZ Outdoor Recreation Usage and Management?





What is next?

- ASU is finalizing report on findings.
- Data collection will be complete on 2/28/22.
- Data analysis – Recreation Provider, random sample survey of AZ households, public survey, stakeholder findings
- Drafting plan



How can you get involved?

- What are some of your/your organization's accomplishments related to the following categories since 2018?
 - Preservation and Conservation
 - Accessibility and Inclusion
 - Collaboration and Partnerships
 - Marketing, Communications and Educational Opportunities
 - Funding
- Check in at azstateparks.com/scorp – give us your input, check on SCORP plan progress, see what others are saying, etc.
- Review the draft plan when it's available and give us your feedback.
- Contact us with any questions or information requests – scorp@azstateparks.gov



Thanks to the SCORP Development Team



Debra Pryor

Deborah Meyers

Jodi Stemler

All of the other staff at
Partners In Brainstorms

Dr Gyan Nyaupane

Dale Larsen

Tanner Caterina-Knorr

Connor Clark

AGENDA – D6

Legislative Updates

Members will be updated on Senate Bill 1596 and Senate Bill 1377.

– Matthew Eberhart, State OHV Coordinator

AGENDA – D6

SB 1596

- Establishes the Off-Highway Vehicle Study Committee
- 2 Members appointed by President of the Senate from separate parties 1 Co-Chairperson
- 2 Members appointed by Speaker of the House from separate parties 1 Co-Chairperson
- Director of AZGFD, ADOT, and ASPT or their designee
- ASLD Commissioner or designee
- 1 Governor Appointed OHV Law Enforcement officer
- 1 Governor Appointed Sportsman Organization Representative
- 2 OHV Organization Representatives (1 Speaker, 1 Senate Pres.)
- 1 OHV Rental Company Representative (President of Senate)
- 1 OHV Manufacturer or Retailer Representative (Speaker of House)
- 1 Governor Appointed Farming or Agricultural Representative
- 2 Members of the Public Knowledgeable about Recreation Issues (Senate Pres.) 1 Representing Holders of Federal Grazing Permits

AGENDA – D6

SB 1596 Continued

- Appointed members serve at the pleasure of their appointer.
- Committee Members are not eligible for compensation.
- Governor appointees are eligible for reimbursement of expenses.
- Requires the Committee to:
 - Meet, Collect, and Study information from the public and Stakeholders regarding OHV issues in Arizona.
 - Submit an annual report on the Committee's activities and recommendations for administrative and legislative action.
- Annual Report Submitted to:
 - Governor
 - President of the Senate
 - Speaker of the House
 - Secretary of State
- Repeals the Study Committee June 1, 2024
- Becomes active on General Effective Date (91 days after Leg Session)

AGENDA – D6

SB 1377

- Outlines changes to the distribution of monies in the Off-Highway Vehicle Recreation Fund (Fund) and allowable uses of Fund Monies
- Current Distribution
 - Arizona Department of Transportation 30%
 - Remaining 70%
 - Arizona State Parks and Trails (ASPT) 60%
 - Game and Fish Department (AZGFD) 35%
 - State Land Department (ASLD) 5%
- Provisions
 - Increases AZGFD OHV Law Enforcement officers from 7 to 14
 - Increases ASLD percentage from 5% to 15%.
 - Lowers ASPT percentage from 60% to 50%.
 - Lowers ASPT Operating percentage from 12% to 10%.
 - Requires ASPT to spend 10% on Law Enforcement
 - Requires ASPT to spend 10% on ASLD lessee impacts

AGENDA – D6

SB 1377 Continued

- Requires any designation or acquisition of land for OHV to be approved at an Arizona State Parks Board public meeting.
- Requires the Arizona State Parks Board to give preference to projects for:
 - Mitigation Efforts
 - Projects that impact ASLD lessees
 - Non-Federal Projects
 - Federal entities partnering with state and local entities
- Adds number and status of filed OHV injury claims filed to Fund reporting requirements
- ADOT to deposit ALL OHV user fees into Fund instead of 70%
- Proof of completing an OHV safety course required to obtain OHV Decal from ADOT effective January 1, 2023
- ADOT required to share with AZGFD ALL OHV data for education courses and decals issued.

AGENDA – D6

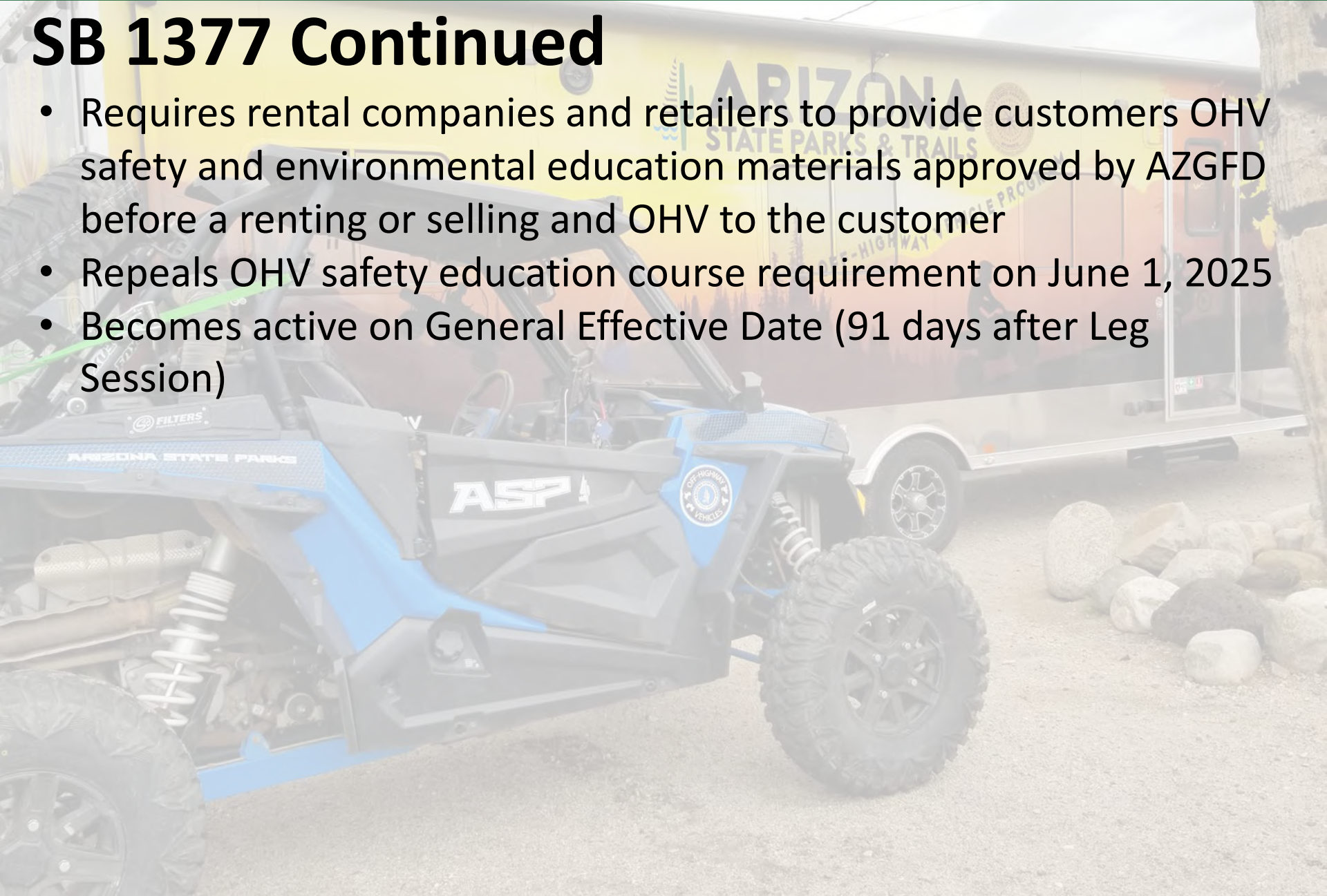
SB 1377 Continued

- Requires ADOT by December 1, 2024 to submit report on results of education course requirement implementation including:
 - Revenues
 - Costs
 - Recommendations
 - Submitted to:
 - Governor
 - President of the Senate
 - Speaker of the House
 - Secretary of State
- Asserts that ALL OHV operators and passengers owe a duty of ordinary care on public, state, and private land
- Landowners and authorized lessees DO NOT have a duty to keep lands safe for entry, warn, or maintain lands and trails against unsafe conditions.

AGENDA – D6

SB 1377 Continued

- Requires rental companies and retailers to provide customers OHV safety and environmental education materials approved by AZGFD before a renting or selling and OHV to the customer
- Repeals OHV safety education course requirement on June 1, 2025
- Becomes active on General Effective Date (91 days after Leg Session)



State OHV Coordinator Updates

Members will be provided updates on the OHV Ambassador Program, OHV Dealership Program, OHV partnerships and working groups, and potential grant guideline changes.

– Matthew Eberhart, State OHV Coordinator

AGENDA – D7

OHV Ambassador Program

Arizona's OHV Ambassadors

02/01/22 UPDATE: Now accepting applications for new Ambassadors!



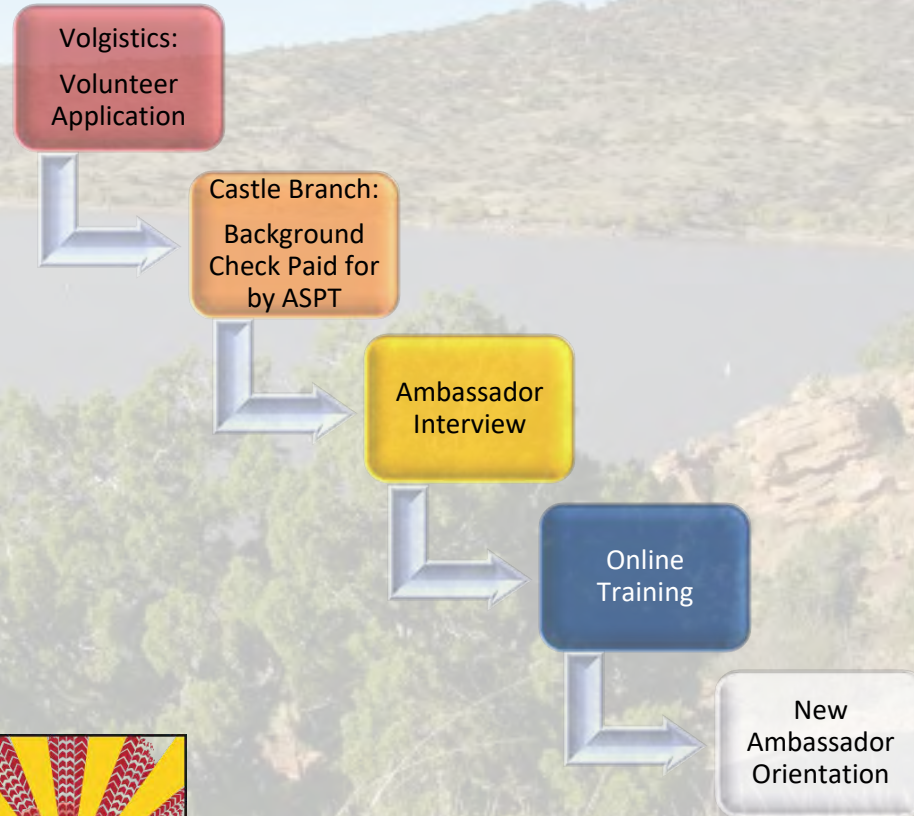
Interested in Becoming an OHV Ambassador?

- Increased outreach presence
- Increased information sharing between Arizona State Parks and its constituents
- Engage more riders
- Promote safe and responsible riding
- Provide new and accurate OHV information
- Distribute education and marketing materials

Become an Ambassador

What is the Ambassador Program?

The Arizona OHV Ambassador program is a volunteer program which provides a means for private citizens to work with a variety of federal, state, local land managers, and public safety officials in Arizona to promote responsible off-highway vehicle (OHV) recreation throughout our beautiful state. These volunteers contribute their time, experience, and local knowledge of OHV areas through partnership with local, state, and federal agencies providing the following services:



AGENDA – D7

OHV Dealership Program to distribute 10,000 Backpacks

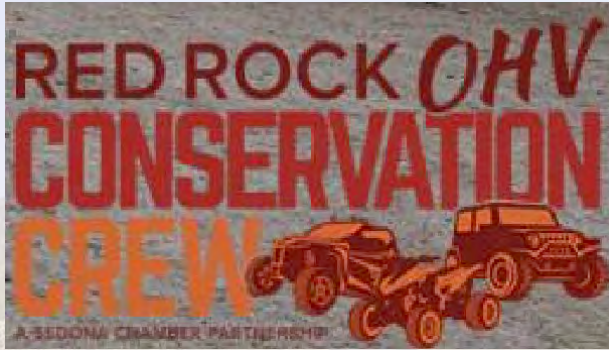


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NEW Arizona OHV Guide
Arizona State Parks and Trails Guide
Map Packets (25 Maps)
Arizona Game and Fish Department Education Card
State Trust Land Permit Brochure
Arizona Office of Tourism ACERT Maps
Arizona Office of Tourism Appreciate AZ Brochure
Tread Lightly! Card

Partnerships



North Valley Outdoor Network
Off-road Vehicle Use and Management

Potential Grant Guideline Changes

SB 1377

- May require Arizona State Parks and Trails to distribute 10% of OHV Grant Funds to State Trust Land Lessees issues
- May require Arizona State Parks and Trails to distribute 10% of OHV Grant Funds to Law Enforcement

Grants and Trails Team

- Currently considering increasing OHV Law Enforcement Supplemental Grant increase to \$100,000
 - Increased requests for Mitigation Grants
 - Increased spotlight on negative OHV behavior
 - Legislation changes
 - Would help meet the 10% if 1377 takes effect

AGENDA – E

Future Agenda Items

Group members may identify items or issues they wish to be considered for inclusion on a future agenda.

AGENDA – F

Current Events

Group members will discuss current events and/or recent experiences of interest to the outdoor recreation community and/or the status of any projects with which they are currently involved.

AGENDA – F

Box Canyon Cleanup



AGENDA – F



Call to the Public

The chair will recognize those wishing to address the Group.

AGENDA – H

Future Meeting Dates:
Tentative
State Recreational Trails
Advisory Committee (SRTAC)
Meeting
April 1, 2022
10:00a.m. to 12:00p.m.

THANK YOU!