

OFF-ROAD VEHICLE ADVISORY COUNCIL AGENDA & RECORD

August 1 , 2014

Country Inn & Suites Conference Room, Stevens Point, WI

Presenter/ Time	Agenda Item	Key Points	Outcomes, Next Steps, Assignments
8:30 AM Rob McConnell	1. Call to Order	<p>Members Present: Rob McConnell, Jim Wisneski, Dave Traczyk, Ernie Pulvermacher, Bill Schumann, Adam Harden, and Bryan Much</p> <p>Others Present: Diane Conklin, Gary Eddy, Faith Murray, Beth Norquist, and Walt Ebersohl - DNR, and members of the public</p>	
	2. Acceptance of Minutes of Previous Meeting	May 29, 2014	Motion by Ernie Pulvermacher second by Jim Wisneski to approve the May 29, 2014, minutes. <u>Motion carried.</u>
	3. Chair Comments	<p>Rob McConnell, Chair attended Forestry meeting and the biggest topic was the Troute definition. Another issue is regarding funding. After the funding meeting it should be apparent so we should probably put something together to request a fee increase. We should also send out notification to meeting advisors of any meetings coming up.</p> <p>Rob McConnell asked what was the status of the new ATV/UTV Regs. Gary Eddy (LE) indicated that the new booklets are available. You can get those from license vendors and DNR offices, WATVA, and on-line.</p>	
	4. Reports	<p>Department Reports Status of Budget</p> <ul style="list-style-type: none"> • ATV – We are still waiting for finance to provide ATV numbers. Maintenance grants have gone 	

		<p>out already. However, we have been assured that we will have numbers by August 8th; in time for the funding meeting.</p> <ul style="list-style-type: none"> • UTV – We just received the registration numbers for UTVs so we can finally put the maintenance grants out. They will go out at 100% as we have received enough revenue from registration and gas tax to cover all maintenance. • The last budget I’m still working on is the RTA budget. Once I am able to reconcile all numbers, I’ll be able to identify which projects have been approved for funding. However, while I’m hoping to have that done before the funding meeting, it could be difficult. • Last, Motorized Stewardship funds. Cathy Burrow and I will make the final decisions about these funds after the snowmobile and ATV funding meetings are over. As you may remember, these funds require a 20% cost share that cannot come out of other grants but must be in a county’s budget. <p>LE Reports/Proposals – Gary Eddy Working with DOT regarding use adjacent to state highways. Legislation approved ability for ATV/UTVs to cross highway bridges if counties, townships, etc. enact ordinances to approve. This does NOT allow for the approval of all highways within the jurisdiction. Also, there needs to be a logical access to the bridge (i.e., a trail, route, etc. that allows immediate access to the bridge. DOT is working on internal guidance.</p>	
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	5. Action Arising from Reports	None	
	6. Citizen Participation	Bob Grunseth from the Ladysmith Area. He met Diane at TrailCon last year and she suggested that I attend a Council meeting so here I am. He indicated that he	

		<p>participates in County Board meetings and forestry meetings and wanted to hear what was happening with the Council.</p> <p>Walt introduced himself but had no specific comments.</p> <p>Faith and Ann discussed intense use areas and what is eligible and what isn't. Ann requested that they be put on the agenda of a future meeting to discuss/approve a list of eligible/ineligible items.</p>	
	<p>8. Trail Matters</p>	<p>Ad Hoc Committee updates</p> <ul style="list-style-type: none"> • Troute Committee (Rob McConnell, Hank Woznel, Mike Peterson, Paul Teska, and Jim Wisneski, Chair) <p>Trail Rating Ad Hoc Committee updates</p> <p>Rob provided a copy of what Mike Peterson had developed as a starting point for discussion. Rob felt that this Council needs to go through their first rating meeting to completely understand the need. He recommended that the Ad Hoc Committee meet shortly after the funding meeting to review issues and discuss why we need this rating.</p> <p>Rob would like the Ad Hoc Committees, shortly after funding meeting, to meet and discuss the issues they are tasked with and then bring solutions to the Council.</p>	<p>The Council discussed the presentation that Jim gave. Now, questions regarding the use of a variance to overcome a code may not be the best criteria.</p> <p>The intention of TROUTES was so that we could: a) grandfather existing roads that were already part of our system funding and b) to look at how to allow connections in special circumstances.</p> <p>It would appear that the Ad Hoc Committee needs to go back and re-address the issue. See the notes provided by Jim from the Ad Hoc Committee (Attachment 1)</p> <p>Motion by Bryan Much that we proceed with existing criteria under current code and that we keep these issues in view at the next meeting and we take lessons learned at that process and develop issues that the Ad Hoc people</p>

			<p>can address and review the process. And, at a future meeting, we would examine and help feed some actions. Second by Adam Harden. <u>Motion carried.</u></p>
	<p>9. Council Member Items</p>	<p>Bill Schumann – apologized for sneezing/coughing. He wanted to let folks know how Vilas County’s response to amend the land use plan for ATV’s. ATV users came out in droves to support the decision. Now, Vilas County will be coming in with their plans after this vote.</p> <p>Bryan acknowledged that Adventure Motorcycles have been starting to ride in Vilas County. Initially, it was a struggle to get started but we are now accepted and welcome in the County.</p> <p>Ernie - we reviewed the grant applications and while we have some really good projects, we have some I won’t feel bad about denying. We need to all look at these projects.</p> <p>Adam indicated that club members are in favor of increasing their registration to improve dollar status. Adam – Accountability. It seems that we have many projects still open. Is there any way that we can get these closed and the funds returned to be reused?</p> <p>Dave – nothing Jim – nothing Rob – Reiterated the support for increased funding. He also mentioned the regional meeting on August 9 to discuss with clubs how the programs work and the need for additional funds and what WATVA is doing to</p>	

		increase the funding. Last, Sept 19 is the VIP Ride at Dyracuse. Bring your "important" people.	
	10. Adjournment	Next meeting will be on <u>August 19, 2014</u> at the Stoney Creek Lodge & Conference Center conference room in Wausau.	Motion by Dave Trascyk second by Bill Schumann to adjourn. <u>Motion carried.</u>

Attachment 1

NEW TROUTE Ad Hoc Committee

Develop criteria to delineate where a troute/hybrid connection would be appropriate for funding to include USFS and County Forest situations. (change of code or statute – see suggestions below) when it doesn't connect a trail to a trail.

Chapter NR64

(9m) "Hybrid Trail (Troute)"

(a) means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. (15)

(b) means a non-paved road wholly or partly within and serving the National Forest System that the Forest Service identifies and manages for the use of all-terrain vehicles and utility terrain vehicles

(c) means a non-paved road wholly or partly within and serving a county forest system that the county identifies and manages for the use of all-terrain vehicles and utility terrain vehicles.

OR Another Version:

(9m) "Hybrid Trail (Troute)"

(a) means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. (15)

(b) means a Non Township, Non Gas tax road that allows highway legal vehicles and is a non-paved road wholly or partly within and serving the National Forest System that the Forest Service identifies, designates and manages for the use of all-terrain vehicles and utility terrain vehicles.

(c) means a non-paved road that allows highway legal vehicles, wholly or partly within and serving a county forest system that the county identifies, designates and manages for the use of all-terrain vehicles and utility terrain vehicles.

Summary of New TROUTE Ad Hoc Committee Meeting
July 28, 2014
Schmeckle Reserve Meeting Room
Stevens Point WI

The purpose of the Ad Hoc committee was to review the TROUTE funding, discuss and interpret our findings and then recommend criteria to delineate where or when a troute/hybrid connection would be appropriate for funding.

The group had concerns about changing of the NR64 code and also discussed changes by legislative means. Examples of possible code or statute changes were reviewed.

The legal opinion of the DNR staff attorney Michael Kowalkowski was read and discussed concerning the code language of “services”.

A discussion centered on various examples of projects that may be worthy of funding but did not specifically meet the definition of TROUTE as defined in code. (Example: a network of routes through USFS properties that loop from a State trail by means of interconnecting forest roads that are unpaved back to the same State trail.)

In addition to the dialog on troute funding, the topic of troute rehab funding was deliberated whether that made sense or reasonable to the bigger picture of a system of ATV/UTV corridors of travel.

Conversation then moved to “flexibility” in the granting of funds and it was brought to the attention of the group that allowing a variance was covered under NR64.13(14) and one of the responsibilities of the ORV Council was to provide advice and make recommendations to the DNR on all matters relating to ATV and UTV requests for funding.

NR64.13(14)

(a) The department may approve a variance from nonstatutory requirements of this chapter upon the request of a sponsor if:

1. The department determines that the variance is essential to effect necessary grant actions or program objectives; and
2. Special circumstances indicate that the variance is in the best interest of the program.

(b) In determining whether to grant a variance under par. [\(a\)](#), the department shall take into account such factors as good cause and circumstances beyond the control of the sponsor.

History: Cr. [Register, July, 1986, No. 367](#), eff. 8-1-86; renum. (10) to be (10) (a) and am., cr. (10) (b) and (c) and (14), [Register, May, 1991, No. 425](#), eff. 6-1-91; am. (8), [Register, December, 1999, No. 528](#), eff. 1-1-00.

The committee developed a list of recommended but not compulsory criteria to be reviewed by the ORV Council in determining what variances would be in the best interest of the program. They are as follows:

- Live with the existing Code, no changes at this point in time.
- Use the process outlined in NR64.13(14) in addressing variances for funding of new TROUTES and funding of rehab for troutes that do not specifically meet the definition as outlined in code.
- Sun Set Clause: If funding is granted to a sponsor for a system under a variance, that system should be reviewed after 3 or 5 years to appraisal whether it is still in the best interest of the program.
- Members of the ORV council should make a valuation of the system in the context of looking at it in a “larger Picture”, and consider if it makes sense or is reasonable in order to make a better system of ATV/UTV corridors.
- Other considerations to contemplate:
 - Degree of scale: How many miles of routes, trails, troutes and “Troute Variances” are in the system of corridors and how do they fit together and the length?
 - Is it critical to enabling a connection to “Services”?
 - The “Troute Variance corridor” should be a gravel or non-paved road.
 - The “Troute Variance corridor” should be a non-gas tax road.
 - Is there a possibility that the “Troute Variance corridor” would trend towards a trail in the future?
 - Keep the “Troute Variance corridor” as a separate funding category
 - The “Troute Variance corridor” should enhance the trail/route/troute system
 - Sponsors for requests should make presentation to ORV Council when requesting funding for corridors or rehab that are not covered under the current definition of “Troute/Hybrid” trail and give their reasoning for the request.
 - Sufficient funds must be available in the ATV/UTV account for maintenance and rehab

It was felt that more discussion time should be spent with a DNR Staff Attorney to give further explanation and clarification of “Services” and “Trail to services” and if a trailhead would be considered a “service”.