



**OFF-HIGHWAY VEHICLE
ADVISORY COMMITTEE CHARTER
9/13/2023**

Purpose

The Off-Highway Vehicle Advisory Committee (OHVAC) was first chartered on January 1, 2005. The OHVAC is a committee made up of Montana residents tasked with advising Montana Fish, Wildlife and Parks (FWP) on motorized trail issues in Montana, including advisement on the disbursement of off-highway vehicle grant funds and development, renovation, maintenance, management, usage, and promotion of recreational trails in an environmentally responsible manner on city, county, state, federal, and private lands.

Statement of Need

FWP has a need for advice and recommendations from the general public, interested user groups, and other land managing agencies concerning the use and distribution of funds collected by the State from the Summer Motorized Trail Pass (23-2-112 and 23-2-113, MCA) and from Off-Highway Vehicle (23-2-825 and 60-3-201, MCA) funds.

Committee and Department Authority

The Committee is advisory in nature and, as a body, makes recommendations to the Department on issues related to OHVs, outdoor recreation, motorized use trails, and recommendations for awards from the Off-Highway Vehicle grant program and the Summer Motorized Trail Pass grant program. The Department, meanwhile, is charged with establishing the grant programs' policies and procedures.

Committee Oversight and Resources

FWP's Chief of Staff shall serve as Committee Sponsor. The Sponsor will act as a resource, providing policy input to the Committee's work. The Sponsor will provide a quick method of resolving problems and obtaining additional support and will serve as the decision maker for recommendations made by the Committee to FWP.

The Access and Landowner Relations Bureau Chief is responsible for oversight of the Committee, its work, and coordination with the program staff assigned to oversee the Off-Highway Vehicle grant program and the Summer Motorized Trail Pass grant program. The assigned staff and their supervisors will work with the Committee and the Sponsor to resolve problems, facilitate Committee discussions, and make recommendations to the Sponsor.

Assigned administrative staff will coordinate meeting logistics and keep meeting minutes. The assigned program staff will facilitate Committee discussions and track tasks and accomplishments. Assigned program staff and their supervisors will be responsible for ensuring that meetings are operated in a manner appropriate for a public agency where a variety of viewpoints may be expressed, that discussion is appropriate and relevant, and that an opportunity for public comment is included.

Committee Membership and Roles

Membership

The Department may determine committee membership, roles, protocols, procedures, and authorities for the committee. The Governor or FWP Director will appoint all OHVAC members. Recruitment for the committee is necessary when membership falls below five members or is expected to fall below five members due to upcoming term end dates. The Committee Sponsor will work with the assigned program staff and their supervisors to initiate a recruitment process.

The Committee comprises five (5) to nine (9) members who may serve up to two 3-year terms. The terms must be consecutive. Members must be invited by the Committee Sponsor to serve a second term. Not less than two (2) members will represent each of the following types of trail uses: Off Highway Motorcycle and ATV/UTV. Members will be selected, in part, on the basis of involvement in the specific type of trail use they represent, activity in a broad variety of trail uses, an understanding of a broad range of trails issues, regional representation, and overall organizational representation on the Committee. Trail use is self-determined by each member at the time of application to the committee. No member may simultaneously serve on the State Trail Advisory Committee or the Snowmobile Advisory Committee.

At all times, the committee must have at least five members. Should the committee fall below five members for more than 90 days, alternates will be invited to serve intermittently on the committee. The Committee Sponsor will select alternates from the most recent pool of past committee applicants.

Committee members are volunteers and subsequently will receive no compensation for their time, however they will be covered by Workman's Compensation when serving on official committee-related business as determined by the Committee Sponsor. During this official business, members are eligible for travel and lodging reimbursement per FWP policy and statute.

Roles

During a publicly noticed meeting, committee members may provide input and propose changes to the department regarding:

1. OHV and SMTP project eligibility criteria (which kinds of projects the state would consider for funding);
2. OHV and SMTP project sponsor criteria (which kinds of project sponsors may receive grants); and
3. OHV and SMTP project solicitation, evaluation, and selection criteria.

The committee shall review applications per program processes and policies and make recommendations to the Project Sponsor, during a publicly noticed meeting, regarding the awarding of funds. The Committee may also assist in the review of the State Trails Plan to include providing recommendations for data collection methods, future changes to the plan, and resolutions to identified issues and alternatives.

Resignation & Termination

1. Resignation - Members may resign from the committee at any time by notifying the Committee Sponsor in writing.
2. Termination
 - a. The Committee Sponsor, in consultation with the Director of FWP, is authorized to terminate the tenure of a member for cause including:
 - i. Failure to:
 1. Attend two scheduled meetings within an eight-month period.
 2. Notify the Committee Sponsor of inability to attend any scheduled meeting at least one week in advance of the meeting date.
 3. Follow all administrative processes for the OHV and SMTP grant programs.
 4. Review all applications based solely on predetermined scoring and eligibility criteria.
 5. Report conflicts of interest before the committee makes a recommendation(s) on grant awards regarding the application(s) from which the conflict stems.
 6. Abstain from conversation, discussion, and/or scoring when a conflict of interest has been noted.
 7. Adhere to the committee Charter.
 - ii. Unauthorized disclosure of information¹, including:
 1. Applications
 2. Application reviews
 3. Documents used for administrative functions of grant programs
 4. Other information as deemed necessary
 - iii. Harassment and other discriminatory behavior towards committee members, leaders, advisors, FWP personnel, OHV and/or SMTP applicants and/or recipients/subrecipients.
 - iv. Physical violence and/or threats to committee members, leaders, advisors, FWP personnel, OHV and/or SMTP applicants and/or recipients/subrecipients.
3. Prior to terminating an OHVAC member, the Committee Sponsor shall:
 - a. Except in cases of harassment, discriminatory behavior, physical violence, or threats, issue a written warning to the committee member that directly references the cause(s) for the warning and notes that a second finding of cause will result in the member's immediate termination. In findings of cause for harassment, discriminatory behavior,

¹ All information not publicly available via the grant programs' websites must be requested from the FWP Director's Office via a Montana Open Records Request.

physical violence, or threats, the Committee Sponsor shall terminate the member immediately.

- b. Upon a second finding of cause, the Committee Sponsor shall immediately terminate the member and notify the member in writing, directly referencing the cause(s) and the date and cause(s) of the first warning.

Advisors

FWP may recruit, by invitation, an unlimited number of advisors to the committee from state and federal agencies to advise the committee on applications that directly affect the advisor's agency, as well as scoring criteria and evaluation processes as they impact the advisor's agency. The committee must include at least one advisor from the following agencies:

1. U.S. Forest Service
4. Bureau of Land Management
5. Federal Highway Administration
6. Montana Department of Transportation
7. Montana Department of Natural Resources and Conservation
8. Montana Fish, Wildlife and Parks

Advisors do not receive compensation, are not covered by Workman's Compensation, and are not eligible for travel and lodging reimbursement.

Committee Operating Procedures

The Committee will meet at least once per year, either in person or remotely, to accomplish its assigned tasks. The Committee may establish subcommittees or individual assignments within the scope of its authority and resources.

The Committee will make recommendations through consensus of members, when possible. If not possible, the committee will define alternative points of view for consideration by the Committee Sponsor.

The Committee Sponsor is responsible for all final decisions taking into consideration committee recommendations and as needed, alternative points of view.