

IN A SPECIAL MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON AUGUST 5, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

County Commission
Richard Howe, Chairman
Travis Godon, Vice-Chairman
Ian Bullis, Commissioner
Shane Bybee, Commissioner
Laurie L. Carson, Commissioner
Nichole Baldwin, Clerk of the Board
Susan Lujan, Deputy Clerk

Present Via Zoom

Brad Christiansen, Building Inspector
Tim Bunch, Human Resources Director

Gary Perea
Jared Bybee, BLM
Geri Wopschall
J.I.

County Officials

Mike Johnson, IT Specialist
Bill Calderwood, Public Works Director
Scott Henriod, WPC Sheriff
Jeremiah Petersen, WPC Detective
Bryan Pyle, Deputy District Attorney
Mike Wheable, District Attorney

Also Present

George Chachas, George Town Media
James Franklin, Western Gold
O’Neal Scott, Western Gold

Chairman Richard Howe called the meeting to order at 9:00 a.m. District Attorney Mike Wheable led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

Mr. George Chachas cited the RPC meeting held on July 15th, where they approved an application for splitting a parcel so the applicant could drill a well and build a home there. He pointed out the acreage was not an established requirement, and he charged selected enforcement and discrimination. At that same meeting, Mr. Chachas addressed some inequities and noted that the requirements for Home Occupation are the same for the City and the County. However, some people are being charged \$25, while others must pay \$75. He added that no proof of legal ownership is being required for businesses, either. Chairman Richard Howe noted those are City issues, but Mr. Chachas maintained that the RPC is a Regional group and the City is included within the County. In another matter, during the July 22nd Commission meeting he asked about the mandates for COVID-19 related grants, citing Articles 5, 6, and 8; to date he’s received no reply from this Board. Lastly, he asked if our Fire District Chief had looked into the lack of ingress/egress on

Avenue D; he's heard nothing and is concerned as it is a safety item. He added that if over 6 inches of snow falls it will cover the existing curb/structure and there will be an accident. Time was called.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO ADOPT RESOLUTION 2020-48 PURSUANT TO NRS 405.010, TO IMMEDIATELY ORDER THE CLOSURE OF THAT SECTION OF COUNTY ROAD 1177 (FROM ITS INCEPTION AT HIGHWAY 50, CONTINUING SOUTH UNTIL ITS INTERSECTION WITH COUNTY ROAD 1204) AND COUNTY ROAD 1204 TO PREVENT FURTHER CATASTROPHIC ENVIRONMENTAL AND INFRASTRUCTURE DAMAGE TO THAT SECTION OF ROADWAY DUE TO THE DRY CONDITIONS AND HEAVY MACHINERY TRAFFIC, AS WELL AS PROVIDE NOTICE TO THE PUBLIC OF THE CLOSURE, PENALTIES, FINES, AND THE POTENTIAL LIABILITY FOR DEFIANCE OF THIS ORDER AND TO DIRECT THE COUNTY ROAD DEPARTMENT TO PLACE BARRIERS, SIGNAGE, AND COPIES OF THIS ORDER AND RESOLUTION AT ACCESS POINTS TO THIS SECTION OF COUNTY ROAD

Chairman Richard Howe read the text title into the record. District Attorney Mike Wheable noted that per the last meeting, this agreement was discussed to ensure that the road would be maintained and/or restored; the parties are the County, Western Gold/Western Oil and Energex. The Board could ratify the agreement at their next meeting, it was noted; however, Energex has refused to sign because they want to do it under a different company name. D.A. Wheable will be discussing this with them and emphasized the importance of their signing because they are part owners of Western Gold and Western Oil. At this point a video/photograph presentation was provided to the assemblage, showing some of the roads' conditions. He added that this Commission has the opportunity today to close the roads, which will effectively stall their project; in addition, the BLM is viewing the proceedings closely. This agreement is a first draft, and the parties will try to partner with the BLM for water/gravel. He narrated the video, which showed such things as knee-high "bug dust" on the side of the road; the County 4 WD truck did get high-centered, and was stuck. D.A. Wheable noted White Pine County has the right-of-way for that road, which expires in 2023. He continued that the BLM has concerns about the bug dust being dispersed through the air into the sage grouse habitat and other animals' areas, for several miles. The parties are trying creatively to solve the problem; he noted that the cutoff road #1204 is also beginning to show some damage. He advised that the only other way into the valley is a fuel tax road, which is maintained, but even that is beginning to see some bug dust starting to form. At this point, D.A. Wheable asked if there were any questions; there were none. He continued to report that he held a meeting with Commissioners Laurie Carson, Travis Godon, Public Works Director Bill Calderwood, and Deputy D.A. Bryan Pyle, to discuss the matters with Western Gold/Western Oil. They felt a good solution would be to have Western Gold apply for a temporary gravel permit plus some water rights, and they would partner with White Pine County. The permit window is from 30-45 days; however, the monsoons will be coming soon. The mine will try to keep the road open as best they can with gravel and water until the permits are granted, after which they will be allowed to repair the road. Today's agreement is all about bonding, which he explained; we need to have Energex come to the table and sign, as they are a partner with Western Gold/Western Oil. During the discussion, D.A. Wheable

recommended keeping the road open so they can finish drilling in the one area, and then rest the rig while they repair the road. Commissioner Travis Godon was in favor of this due to the timeframes that are being established. D.A. Wheable noted that investors will want to see the site; therefore they will finish with the manpower they have now, drill, send the people home, and repair the roads. However, if Energex won't come to the table, or if any deception is noted, then the Board has the ability to work with BLM in this issue. We could appeal to the BLM and their environmental concerns regarding their applications. He noted that obviously the BLM had missed the risks involved at the time they approved the EA and issued the FONSI for this; they are aware of these things now, he added.

Chairman Richard Howe asked how the public would be informed of all this, with hunting season around the corner, and that we just can't leave the road open without proper notification. D.A. Wheable advised that the Road Dept. has installed signage regarding the risks, and while the public will most likely STILL get stuck in there, that valley can also be accessed from the WP-5 side. He reiterated that it's just the 12 miles from the highway to #1204 that is being pinpointed today.

Mr. James Franklin, Western Oil, noted that Energex are investors in the project. He does understand that they are objecting to their contracting firm being on the agreement; they are working on the road to help improve it, utilizing some new technology. There will be ½ mile of road tested and it is hoped that would temporarily mitigate the issue. In reply to a query from the Board, D.A. Wheable explained the indemnification clause in the agreement that would help cover inherent liabilities. Mr. Franklin stated that Western Oil will do all in their power to ensure the agreement is complied with by the parties; D.A. Wheable pointed out we may need a different kind of agreement with Energex. D.A. Wheable added that the CEO's of Western Oil/Western Gold have already signed the agreement, and after the Commissioners sign, that would be sufficient for him to move forward. Mr. Franklin brought up that an agreement should also be done to have the drill rig remain there on the site, or else it would be demobilized and moved away; he noted that this is the only well being drilled in Nevada due to COVID-19. During the ensuing discussion it was noted that the Road Dept. should oversee the road, to see it being fixed; but also, the water truck, loaders and sewage trucks would need to be coming into the rig area.

Commissioner Shane Bybee was frustrated that while Energex had attended the last 2 meetings where this was being discussed, and they had said they would fix this; he won't sign this. He can't continue to support this until a signed agreement is established. Promises were made but they won't sign the agreement! While he supports economic development 110%, he feels we'll be stuck with a 30-year old road mess, and he can't be a party to that. Commissioner Ian Bullis asked if we can work out the agreement so the parties will commit, whether or not their current contractor comes through, to restoring the road; Mr. Franklin replied, "Yes, of course." And D.A. Wheable emphasized that Energex can't be on our right-of-way, or BLM soil, without understanding their contractual obligations; they WILL be trespassed. Discussion moved towards the regular Commission meeting next week, August 12th, and we wouldn't gain anything but shutting their operations down today. D.A. Wheable admitted it's hopeful that all but Energex have signed the agreement, and a plan to restore the roads is being developed. They should provide an update next week to this Board and the agreement may be ratified at that time.

Chairman Howe stated firmly that this Board is “dead serious” about this; we will sign the agreement, and ratify it, and if we aren’t happy with things we WILL shut the roads down. Following legal counsel’s advice, Chairman Richard Howe entertained a motion to table until next week’s meeting. Commissioner Ian Bullis made a motion to table this agenda item; Commissioner Travis Godon seconded. Motion carried 4:1, with Commissioner Shane Bybee voting in opposition.

DISCUSSION/FOR POSSIBLE ACTION/APPROVAL TO SEND A LETTER TO BLM EXPLAINING WESTERN GOLD/WESTERN OIL/ENERGEX FAILURE TO MAINTAIN ROADS OR TO AGREE TO MAINTAIN PUBLIC ROADS IS A VIOLATION OF THEIR FEDERAL PERMITS CONDITIONS AND THAT WE ARE SEEKING BLM TO REVOKE THEIR PERMITS FOR NON-COMPLIANCE AND TO PREVENT FURTHER ENVIRONMENTAL HARM

Chairman Richard Howe read the text title into the record. District Attorney Mike Wheable noted this is the other mechanism by which this Board has a say in the project out there. Our documentation, videos, etc. will be sent to the BLM to voice our objection; and while he’s ready to do this, the decision is up to the Board. It’s actually in the best interests of the County to hold this off until next week’s meeting; the BLM already knows everything about this, at this point. Chairman Richard Howe entertained a motion to table. Commissioner Laurie Carson made a motion to table this agenda item regarding sending a letter to the BLM. Commissioner Travis Godon seconded. Motion carried 4:1, with Commissioner Shane Bybee voting in opposition.

PUBLIC COMMENT

Mr. Gary Perea agreed with Commissioner Shane Bybee in not voting in favor of this. He explained that this Board will be setting a precedent, and they need to ensure this is stopped before it happens again. He pointed out we’ve already given these companies a number of chances.

Mr. Jared Bybee, of the BLM, wanted to make the Commission aware that the right-of-way grant involved liability with maintenance of that road; the risk is on White Pine County for that.

Mr. George Chachas stated that if a company isn’t providing what they should, their business license should be pulled; he stated the Commission had the power to do that. He also cited the lack of ADA access at the Convention Center, and the walkway needs to be put back in there. He called for the Tourism & Recreation Board to be replaced, as they have a “blatant disregard for the law.” On another point, he cited the State health mandates requiring face masks, and Commissioner Ian Bullis has attended at least 6 meetings without wearing one. He needs to comply or resign; he noted the oath that was taken. He added the Board can’t ignore this, either; they should also do their jobs, or resign. He continued that we lost a dedicated Public Health Officer who worked for peanuts, and now we are looking for another, for whom we will have to pay thousands of dollars to replace. He continued that COVID-19 is real, it’s getting worse, and we can’t ignore it. “We need to step up to the plate and ensure we don’t get to the point (where others are)...” On other matters, Mr. Chachas noted that RV vehicles can’t be parked on private property; while he

couldn't do that on his property, the Building Inspector has done it; he charged discrimination. Time was called.

ADJOURNMENT

At 9:35 a.m., Chairman Richard Howe entertained a motion to adjourn. Commissioner Laurie Carson made the motion; Commissioner Ian Bullis seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS
WHITE PINE COUNTY
STATE OF NEVADA

BY: Richard Howe
CHAIRMAN

ATTEST:

Laurie Carson
WPC CLERK OF THE BOARD