



SMITH VALLEY CITIZENS ADVISORY BOARD

Wednesday, March 8, 2023, at 7:00 PM

Smith Valley Fire Protection District

One Hardie Lane, Smith, Nevada

svcab@lyon-county.org

MINUTES OF THE MEETING

1. Call to Order:

Chairman Ted Stec called the meeting to order at 7:00 PM. He also thanked Fire Chief Matt Nightingale for temporary use of the location.

2. Roll call and Determination of Quorum

Present: Ted Stec, Mark Jones, and Tom Renner

Absent: Roger Rodarte and Jon Turner – both excused

Quorum established

3. Pledge of Allegiance

Mark Jones led the Pledge of Allegiance

4. Invocation

Tom Renner led the invocation.

5. Public Participation

Jim Kinninger read from a prepared statement and provided a copy to the chair. He related that he and his wife, Georgia, have lived in Smith Valley for 18 years and truly love the community. He heard about the proposed copper mine over a year ago and began meeting with other concerned neighbors. Together, they formed the Citizens to Protect Smith Valley and created a website (smithvalleymine.org) to inform the public. He spoke of the Canadian company, Hudbay, planning on the mine being ten times larger than the Anaconda Mine in Yerington.

Jim Kinninger related that his group has met with the Nevada Environmental Protection Agency engineers who are in charge of the Anaconda clean up, State Water Engineers, the Bureau of Land Management, the president of Resource Concepts, Hudbay,

environmental groups, while also attending various local public meetings. The intent has been to learn about the potential impacts the proposed mine may have on Smith Valley.

Jim Kinninger related that his group hosted a meeting at the local community hall, collected petitions, and had an educational booth at the Smith Valley Fun Days event. His group plans a mine tour of the Round Mountain Copper mine in April or May and will subsequently hold another community meeting. Mr Kinninger noted that the proposed Hudbay mine is estimated to be ten-times larger than the Anaconda pit in Mason Valley..

Jim Kinniger identified his group's major issues concerning the Hudbay proposal: water, and a Lands Bill that shifts thousands of public land acres to Hudbay.

Jim Kinninger requested the SVCAB get educated on this issue, which he related is the single biggest land use proposal the valley will ever see. He requested the SVCAB to attend the BoCC meetings and speak up for the valley - ask the BoCC to remove from the Lands Bill Hudbay's request for public land. He closed with stating that Hudbay can apply for mining permits tomorrow from the BLM without the Lands Bill.

Joanne Lawson read from a prepared statement and provided a copy to the chair. She related the Smith Valley water basin is the most at-risk basin in the state per the Nevada Division of Water Resources. Ground water has been over-allocated and the aquifer has been dropping due in part to persistent drought. At a meeting held by the NDWR last December, options for reducing ground water pumping were discussed. Options included voluntary reduction of pumping water and developing a sustainable use plan.

Joanne Lawson related Hudbay is proposing an open pit copper mine in Smith Valley. She described the large size of the pit and pointed out that a great deal of water would be required for operations. She added that SV cannot afford to divert water from ag and domestic wells.

Joanne Lawson related allowing Hudbay to privatize the land would allow them to potentially skirt important federal regulations that help protect land, air, and water. She asserted that there have been closed door discussions with zero input from the community, and that mining companies are not known for honesty and transparency.

Joanne Lawson related people in this community have already had to deepen or drill new wells due to the drop in the aquifer. While the state has been discussing options to reduce water usage, now is not the time to allow toxic mining. She requests support for legislation that requires the back filling of pits created by open pit mining and that we must protect our water.

Leslie Sonne read from a prepared statement and provided a copy to the chair. She related last November's BoCC meeting that Jeremy Drew from Resource Concepts provided a presentation regarding the federal lands bill exploration process with inaccurate

maps. The Highbay project is still large, new files showing the scope reportedly were submitted, yet Mr. Drew had not received them.

Leslie Sonne related that Mr. Drew had told the BoCC that including land for mining would make the Lands Bill extremely difficult. He provided four options for the BoCC to consider and is waiting for that conversation:

1. No action – scrap the project
2. Focus only on the parcels the county wants/needs and look toward a different administrative process
3. A hybrid of a Lands Bill and the administrative process – scaling
4. Go full scale with the Lands Bill and everything already listed plus tribal requests

Leslie Sonne related there could be up-front costs to the county as the land would not be free, plus potential studies. Another issue that stood out was the lack of a list that represents what parcels are wanted, the need/use for each, and a cost benefit analysis with respect to the property the county wants. Sonne heard that years ago the county was offered a donation of land for a park in SV but rejected it as it could not afford long-term maintenance.

Leslie Sonne related the community should be very concerned about how the process has evolved. She opposes the inclusion of public land for mining in a Lands Bill, any other public land being included without the public having first been given need/use information, an in-depth cost/benefit analysis, short-term and long-term, and an opportunity for public input.

Judith Harker read from a prepared statement and later provided a copy to the chair. She presented maps from Water Resources Bulletins regarding hydrology. She related that the DWR considers Smith Valley as one basin. She illustrated river flows and pointed out that the north portion of the valley is recharged by runoff, creeks and springs, not by the Walker River.

Judith Harker also pointed out the map referenced was from 1973. Moving up to 2022, there are now more ag and domestic wells, the dairy brought more ag land into production, and the population has increased. Yet, decisions moving forward are based on the 1973-1975 findings. Because of this, Harker urges a new study.

Judith Harker related there are important questions to be answered such as whether or not the perennial yield from the 73-75 findings are accurate today. What is the current groundwater flow model? How would the operation of the proposed Highbay Mine affect the aquifer especially in the north valley? She emphasized that decisions can't be made that affect the next 25 years based on potentially obsolete information.

On a new topic, Judith Harker advised that the Smith Valley Friends of the Library's 29th annual corned beef and cabbage dinner was approaching – Sunday, March 12th at the SV Hall – tickets available at the library.

Vice Chair Mark Jones advised he would be speaking as a member of the public. He related concern that water could be depleted – where is the water going to come from?

6. For Possible Action: Review and adoption of agenda

Board Member discussion:

Tom Renner requested item no. 14 (i.e. CAB geographical maps) from the last meeting be placed on the next month's agenda. Chair Stec suggested Commissioner Hockaday give an update when available.

Public Comment: none

Tom Renner moved to adopt the agenda, seconded by Mark Jones, motion passed unanimously 3-0.

7. For Possible Action: Approve Minutes of: February 8, 2023

Board Member discussion:

Tom Renner referenced no. 12 (Planning Commission item re 16 Crosby Ln.) discussed the request that he recuse himself, and noted that the minutes should more fully reflect the discussion that took place, in particular the content of the Letter of Transmittal. Regarding no. 18 (Cemetery Director), Tom Renner related a portion would need to be edited, explaining the books have not been returned and that he feels he did not say so. He expressed concern that the previous cemetery director is not returning the books.

Public Comment: none

Tom Renner moved to verify the minutes and edit them accordingly. Mark Jones with a second and the motion passed 3-0. Ted Stec related the minutes would return for approval at the next meeting.

[Secretary's note: the draft February 8 minutes have been edited for content and clarity and will be re-agendized for approval at the next SVCAB meeting.]

8. Community Reports:

a) County Commissioner – Dave Hockaday

Dave Hockaday indicated the county retained a contract for solid waste. The BoCC accepted board assignments. Hillcrest Cemetery regulations were approved

regarding fees/regulations. The Smith Valley library contract is done. He spoke of the looming atmospheric river and that work crews were already preparing for it to include Smith Valley.

Dave Hockaday gave an update on a previous agenda item related to CAB area maps. He learned that the designated maps are not a hard-fast boundary.

Vice Chair Mark Jones asked about the Northern Nevada Development Agency and the Porter Group regarding grant funding. Dave Hockaday related there is about \$24 million available but with challenges in securing some of it. Bringing in the Porter Group to assist - the county has missed out on money before but working on getting its fair share.

Dave Hockaday spoke of the suggested fee use for the rodeo arena in Dressler Park, feeling the high school kids should not have to pay.

Tom Renner asked about special use permits and status regarding the Smith Valley fire houses.

Jim Kinninger asked for a tennis court update. Dave Hockaday related the project is moving forward to include pickle ball.

b) Planning Commission – Constantine Kuzmicki

Not present / No report submitted. Leslie Sonne expressed disappointment that no one shows up for this item.

c) Sheriff's Report

Sheriff's Office, Southern Lyon Co. Commander Ryan Powell was present. He spoke about Wilson Canyon; there have not been any issues with the road closure and the crews are working fast. He related Smith Valley has low call volume. Should assigned deputies to this area be pulled away to another area, mutual aid assistance is already in place.

Ryan Powell related a concern is the approaching atmospheric river and that those responsible for emergency management are working on it. Water runoff below Artesia should be watched closely. Regarding the Delphi road passage, people are still trying to use the not-recommended road. Outsourcing to Douglas County Search and Rescue was necessary as Lyon County's off-road vehicle was getting damaged and Douglas County has a better equipped vehicle to respond.

Ryan Powell related staffing is up in the sheriff's office but that it takes time to train and send new hires to the academy. A sheriff's office goal is to have more community involvement.

Vice Chair Mark Jones related communication is up from the sheriff's office and thanked Powell for this. He also mentioned the volunteer group 775 as being helpful for off-road vehicle rescue.

Ryan Powell related the sheriff's office has been busy with calls for service. Joanne Lawson asked if more information on Smith Valley stats were available. Powell briefly described the challenge with this and the current set-up is structured into zones. He closed with stating the sheriff's office attended the funeral following the care flight fatal crash.

d) Fire Department Report

Fire Chief Matt Nightingale was present. He related working on relationship building. There were 210 calls for service last year and 29 so far this year. Mutual aid is available should this be necessary. CPR classes are available. Looking to train people now. A new ambulance is on its way along with other Fleet equipment.

e) Other Elected/Appointed Officials of Smith Valley, Lyon County, or State of Nevada.

Not present / No report submitted

9. For Discussion Only: Review of Correspondence, email, other communications

Chair Ted Stec reported as of this morning, not seeing any emails necessary to bring forward.

Tom Renner talked about Hudbay and deadlines to ensure state and federal mining laws are in place. What should be changed and by the due date? He feels the mine will probably not go away and as such, we need to be wise moving forward. He wondered if money from Hudbay could come to Smith Valley since another group, Yerington Paiute, apparently accepted scholarship money already.

Vice Chair Mark Jones referenced the recent CAB training and the hope to avoid any OML violations.

Jim Kinninger talked about he and a member(s) of his group recently attending the legislature – Pit lake bill, constitutional amendment guaranteeing a healthy environment.

10. For Report only: Chairperson & Board Member Comments.

Chair Ted Stec reported attending via Zoom CAB training last week. He referenced the ancillary duty talk at the last meeting and advised the topic has now been agendaized and is next.

Tom Renner did not have comments.

Vice Chair Mark Jones mentioned to Tom Renner that with respect to receiving funding (i.e. from Hudbay) to recognize that there is a different and easier mechanism in place for the Native American population.

11. For Review and Discussion: Ancillary Roles of Board Members to best serve the community and the SVCAB:

Chair Ted Stec reflected on the previously mentioned categories: Community engagement, quality-of-life concerns, traffic safety, first responder support, and added 'other suggests' to the list.

Ted Stec related that Secretary Jon Turner has community engagement covered and Roger Rodarte now has Cemetery Director. He feels Tom Renner might be interested in quality-of-life concerns, which would include traffic safety and code enforcement; Mark Jones might be interested in pursuing support for first responders such as equipment needs and identifying frustrating external operational challenges that the CAB might be able to soften.

Ted Stec related that board members would focus on and pursue their assigned ancillary duty and simply report back to the CAB. This should result in information sharing to possible action items.

Tom Renner agreed to the suggested quality-of-life concerns ancillary duty, especially traffic safety.

Vice Chair Mark Jones agreed to the suggested first responder support and echoed Renner's traffic safety comment, pointing out a perceived problem at Hwy 208 and Lower Colony Rd.

Sheriff's Office Commander Powell related traffic collisions are more common on state roads vs county roads. Dave Hockaday pointed out that NDOT was that agency to work with on this. Judith Harker felt the most concerning area was 208 and Day Ln. Powell recognizes the key areas and related that traffic safety studies produce needed statistics. Jim Kinninger related feeling troubled by the need for statistics before change is made, much different than how fire departments work.

Judith Harker mentioned that the closing of Wilson Canyon made it difficult for meals-on-wheels to deliver, offering this as a suggestion for a possible ancillary duty. Jim Kinninger said Douglas County serves TRE.

Dave Hockaday had a message for new Cemetery Director Roger Rodarte that weed cleanup needs to be done by May. Hockaday offered to talk with Rodarte.

12. For Possible Action: To forward a recommendation for a request from Welch 1998 Revocable Trust for a Tentative Parcel Map to subdivide an approximately 60.018-acre parcel into three (3) parcels, the smallest being 20.006 acres, located to the east of Blue Bird Way, approximately 1,320 feet to the south of the intersection of Blue Bird Way and Jessen Road in Smith Valley (APN 010-181-14) PLZ-2023-001.

Chair Ted Stec advised the owner of the property could not make the meeting but offered an email to read. Gregg Welch via email related he was the owner. His goal is to build his retirement home on one parcel and give his son and daughter one parcel each. He plans on building a small house (ADU) on each of their lots for when they come to visit and eventually build permanent houses.

Member and Public Discussion:

Tom Renner questioned Commissioner Hockaday about the map in that area – not recorded. He wondered if the county was validating roads or not. Hockaday explained that the county's road inventory was last done in 2006 and it was time for an update.

There was discussion about the roads and street signs. There might be some confusion especially when two roads have a similar name. Judith Harker asked if the discussion can go back and forth to which Tom Renner related it cannot. Mark Jones agreed and related the SVCAB does not make the approval. Commissioner Hockaday related the CAB's recommendations go forward to the BoCC where it is discussed. There are legal implications in which the county must be careful. Voluntary adjustments to the tentative plans can occur. Leslie Sonne felt there might be CC&R's in that area and asked at one point would those come into play. Don Smith asked who the owner was and Ted Stec told him.

Further Public Discussion: none

Tom Renner moved to approve but also with a Letter of Transmittal that illustrates the concern over roads, CC&R's, and water rights.

Mark Jones seconded. This item passed 3-0

RECESS TO RECONVENE AS THE SMITH VALLEY CEMETERY BOARD

13. **Public Participation:**

None at this time

Chair Ted Stec announced that Roger Rodarte and Doug Homestead were not present so items 14-16 would be skipped.

Tom Renner related he obtained their reports and could speak on them. See below.

14. For report only: Report on plot sales and improvements to plots requested by plot owners (who and what has been requested) – Doug Homestead.

Tom Renner reported that no plots have been sold. The prior Cemetery Director still has the books.

15. For report only: Update on cemetery operations, maintenance and activities, including a report or information from Doug Homestead, facilities manager with review of projects that need to be accomplished.

Tom Renner reported some damage to the cemetery fence, graves, headstones occurred accidentally by a ranch staffer next door. The ranch took responsibility and agreed to remedy the damage. Branches are down. There are dead birds in the cemetery that had been poisoned and need cleanup. Commissioner Hockaday was aware of the dead bird issue and would be meeting with Doug Homestead the next day. The department of ag has done the cleanup before.

16. Review and Approval of bills and Acceptance of Financial Report:

No bill or charges. Account balance should be the same.

17. Public Participation:

Don Smith related community groups should be able to help out with the cemetery clean up, adding that one is typically done just before Memorial Day. Tom Renner agreed. Renner also complimented the former cemetery director and her husband for all the work they had done before. Vice Chair Mark Jones mentioned projects for High School kids but liability seems to be an obstacle. He also asked Sheriff's Commander Powell about using an inmate work group. Powell related due to criminal justice reform, there are none available. The inmates must have been sentenced and serving time, yet jail time is very little now. Judith Harker felt she might have a resource and will report back, if so. She later provided the source to assist with cemetery cleanup as:

Americorps volunteers
Brice Boland – Americorps volunteer coordinator
253-442-3743.

ADJOURN TO RECONVENE AS THE SMITH VALLEY ADVISORY BOARD

18. Public Participation: none at this point

Commissioner Hockaday spoke about a homeless person's bill of rights presented that seemed to legalize trespassing onto private property. The bill has been neutralized for now.

Vice Chair Mark Jones talked about the large number of bills presented but not enough days to read them all.

19. Board Member Comments

There were no additional Board member comments at this time.

20. Motion to Adjourn

Tom Renner moved to adjourn, seconded by Mark Jones, Chair Ted Stec seeing no additional member or public comments pending called the meeting and the time.

Meeting Adjourned at 9:21 PM