

# Rise Grass Valley - Presentation



# Presentation Contents

---

1. Idaho Maryland Mine Project Summary
2. Significant & Unavoidable Impacts of the Final EIR
3. Certification of the Final EIR
4. Rezoning to MI-ME is Mandatory
5. Consistent with General Plan Policies
6. Variance
7. Planning Commission Recommendation
8. Use Permit
9. Legal Considerations

# Idaho-Maryland Mine

Intro

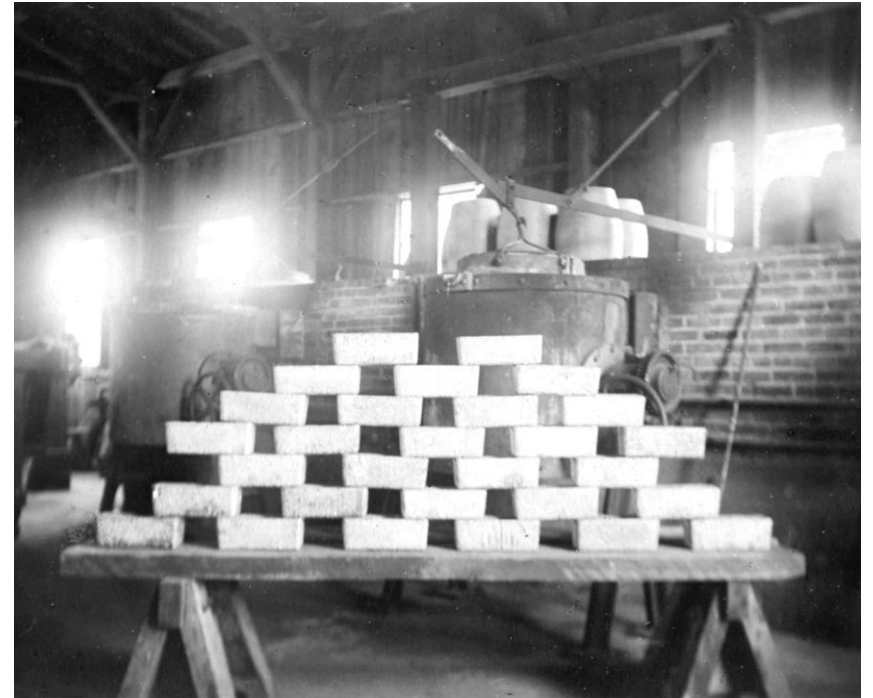
## Historic Production

### Total Production (1866-1955)

- 2.4 million oz gold
- 0.50 oz per ton mill head grade

### Historic Production before WW2 closure (1939-1941):

- 120,000 oz gold per year
- 1,000 tons of ore per day
- 0.34 oz per ton mill head grade

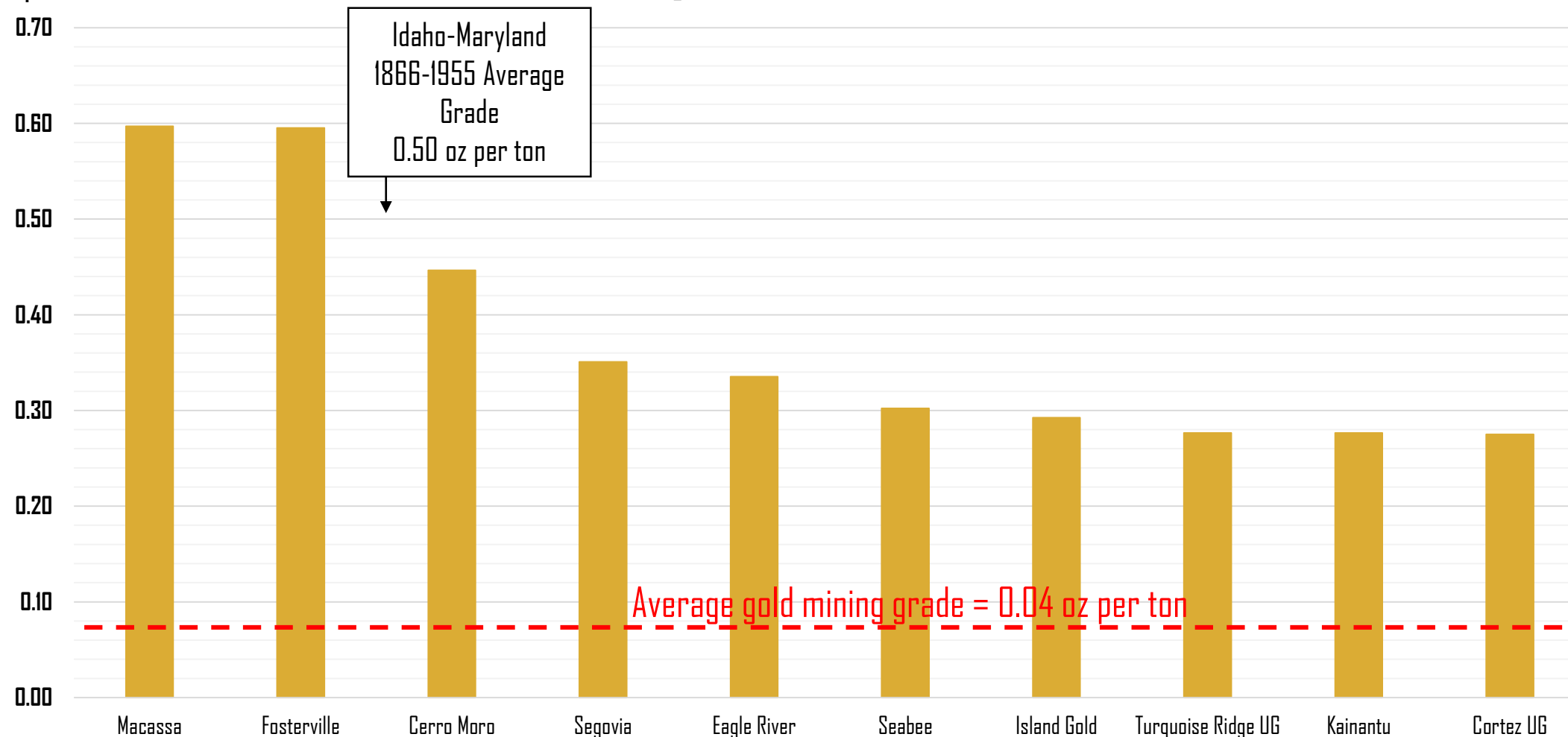


# Market Comparison

Intro

Head Grade  
Oz per ton

World's Highest Grade Gold Mines in 2022





## Ideal Location

- Vertical mine shaft to 3400 ft
- Graded and paved
- High voltage power line
- Designated truck route
- Clay lined pond



## Summary

### Jobs

- 312 Employees - \$145k average wage
- 163 to 300 induced jobs
- 475 to 612 total jobs created
- Construction – Local contractors

### Local Tax Revenue

- \$6 million per year property taxes

### Annual Payments

- \$240,000 per year – Ophir Hill FPD
- \$100,000 per year – NSAQMD
- \$88,000 per year – Public Works

### Additional Benefits

- \$1 million – Ophir Hill FPD – New engine
- \$258,000 – Traffic Improvement fees



# Idaho-Maryland Mine

Intro

## Environmentally Responsible Design

- Minimize noise
- Minimize traffic
- Protect Air Quality
- Protects Water Quality
- Protect Local Wells



## Confidence in the process:

- Prior history of CEQA Review
  - CEQA Documents: 1995, 2011, 2022
  - Public Comment / Concerns
    - IMM Project designed to address public concerns
- Consulting Teams
  - Every resource section of the EIR had two teams of experts review and peer review the data and conclusions
  - Independent Environmental Consultant
  - County Planning Staff
  - Water and well analysis: 3 separate hydrogeological firms





# Significant and Unavoidable Impacts in County's Final EIR

## 1. Temporary construction noise

- Water pipeline construction on East Bennett Road

## 2. Traffic Impacts

- a) Intersection of Brunswick Road and Highway 174
  - Only 10 employees at 3:30 PM – Any traffic is considered an impact
- b) Queue lane on Sutton Way at Brunswick Road
  - 2 employees at 3:30 PM – Any traffic is considered an impact

## 3. Aesthetics

- "The proposed project would result in noticeable changes to the existing visual character of the project sites."
- Conflicts with the findings of the aesthetics technical report.
- The Project will improve the aesthetics of the current derelict sites.

# Temporary Construction Noise

- Short term noise impact related to installation of NID water pipeline on E. Bennett Road
- Section L-II 4.1.7 of the Nevada County Land Use and Development code exempts construction noise from the county noise standards.
- Similar construction noise found to be Less than Significant after Mitigation by the Board of Supervisors for the Nevada County Broadband Program, approved in March of 2023.  
*-page 3.9-15 of the Nevada County Broadband Program DEIR*

# Intersection of Brunswick Road & Highway 174

SU Impacts

Intersection at Brunswick Road and Highway 174 was added to the Regional Transportation Mitigation Program, approved by the Board of Supervisors on November 7, 2023

Therefore, traffic from proposed project would not currently be a significant and unavoidable impact at this intersection.

## Regional Transportation Mitigation Fee 2023 Nexus Study Update Final Report

Nevada County Transportation Commission

12 July 2023

Table 3.1 Existing & Future LOS at Proposed Project Locations

Project ID (Prior 2015 Study)	Project ID (New)	Intersection	Traffic Control	LOS Standard	Previous Nexus Study (Existing) Delay (sec/veh) or ADT	Previous Nexus Study (Existing) LOS	Previous Nexus Study (2035) Delay (sec/veh) or ADT	Previous Nexus Study (2035) LOS	Current Nexus Study (Existing) Delay (sec/veh) or ADT	Current Nexus Study (Existing) LOS	Current Nexus Study (2040) Delay (sec/veh) or ADT	Current Nexus Study (2040) LOS	Notes
1	1	SR 20/49 SB Ramps/Dorsey Dr	Signal	D	10.8	B	40.4	D	N/A		N/A		Improvements identified in the previous study have already been built - keep for reimbursement.
		SR 20/49 NB Ramps/Dorsey Dr	Signal	D	13.2	B	13.0	B	N/A		N/A		The improvements identified in the original RTMF study have already been built. Keep for reimbursement.
	2	E. Main St/Bennett/Richardson	Signal	D					N/A		N/A		Constructed. Split into 2 segments for 4-lane section where freeway/highway transitions.
		SR-49: South of McKnight Way to PM 13.1	4-lane Freeway	D	26,085	C	27,800	C	27,500	C	37,440	C	
	3	SR-49: PM 13.1 to PM 11.0	2-lane Highway	D					27,500	F	37,440	F	Deficient for 2-lane highway section.
2		SR-49: South of La Barr Meadows Rd (SB)	1 lane	D	11,604	F	12,050	F	12,400	F	16,470	F	Has 2 lanes NB and 1 lane SB, so LOS is different for the two directions of travel. Deficiency remains, however funding not identified and too costly to keep in program.
		SR-49: South of La Barr Meadows Rd (NB)	2 lanes	D	11,604	C	12,050	C	12,400	C	17,190	E	
3		SR-49: South of Alta Sierra Dr (SB)	1 lane	D	11,498	F	11,650	F	12,800	F	15,500	F	Has 2 lanes NB and 1 lane SB, so LOS is different for the two directions of travel. Deficiency remains, however funding not identified and too costly to keep in program.
		SR-49: South of Alta Sierra Dr (NB)	2 lanes	D	11,498	C	11,650	C	12,800	C	16,550	D	
4		SR-49: South of Wolf Creek		D	27,852	F	28,300	F	23,300	F	31,490	F	Deficiency remains, however funding not identified and too costly to keep in program.
		SR-20/49: Bennett St to Idaho-Maryland Rd		D			54,400	C	39,500	D	46,840	D	Reviewed at NCTC's request. No deficiency found.
		McKnight Way/Taylorville Rd	SSSC	D	13.3	B	14.5	B	12.1	B	13.6	B	Deficient in both previous and current nexus study. An in-depth Intersection Control Evaluation (ICE) was performed in 2018/19, which determined that the complex turning movements in these 4 closely-spaced intersections would always result in at least one intersection failing. The recommended solution was several roundabouts. The attribution to future development is based on the change in entering volumes.
5	4	McKnight Way/SR 49 NB Ramps	Signal	D		F	14.8	B	16.8	B	21.1	C	
		McKnight Way/SR 49 SB Ramps	Signal	D		F	41.5	D	13.1	B	16.8	B	
		McKnight Way/S Auburn St/La Barr Meadows Rd	SSSC	D	13.3	B	14.5	B	20.4	C	106.3	F	
6	5	McCourtney Rd/SR 20 EB Ramps	SSSC	D	155.8	F	155.4	F	43.5	E	127.3	F	Deficiency remains.
7	6	SR 20/49 NB Ramps/Idaho Maryland Rd	AWSC	D	20.6	C	50.8	F	22.1	C	62.9	F	Deficiency remains.
		SR 20/49 NB Ramps/Ridge Rd/Gold Flat Rd	AWSC	D	19.3	C	21.5	C	17.6	C	19.9	C	Reviewed again. Not deficient under prior or revised assumptions.
8		SR 20/49 SB Ramps/Ridge Rd/Gold Flat Rd	AWSC	D	39.7	E	55.2	F	26.6	D	31.7	D	Deficient in previous nexus study but not deficient under revised assumptions (lower counts and higher peak hour factor).
9	7	SR 20/SR 49/Uren St	SSSC	D	OVR	F	OVR	F	OVR	F	OVR	F	Deficiency remains.
		Brunswick Rd/E Bennett St/Greenmont	AWSC	D	21.3	C	41.4	E	19.0	C	27.5	D	Deficient in previous nexus study but not deficient under revised assumptions; slightly lower forecasts. LOS D/E cusp.
	8	Brunswick Rd/SR 174/Coffax Highway	SSSC	D	17.1	C	20.4	C	33.3	D	59.5	F	Deficient in 2008 study but not in 2016 forecast. Revised base and forecast models shows deficiency in future.
		SR 49/Cement Hill Rd	SSSC	D	23.7	C	34.0	D	16.5	C	20.5	C	NCTC requested to review again. No deficiency.
11	9	SR 49/Coyle St	SSSC	D	66.5	F	116.9	F	44.3	E	54.3	F	Deficiency remains.
		State Highway Projects											Listed individually - REMOVED
		Admin Costs and 5-year reviews											Computed as a percentage of total project costs



- Total Cost to mitigate (re-time intersection lights) estimated at \$5,000.  
*-Appendix IX of the Idaho Maryland Mine Project Traffic Impact Analysis*
- Because the intersection is in the City of Grass Valley, Nevada County does not have legal authority to impose this mitigation measure and ensure its eventual outcome. As a result, the impact is conservatively determined to be significant and unavoidable.  
*-page 4.12-116 of the DEIR*



# Brunswick Industrial Site





# Brunswick Industrial Site





# Brunswick Industrial Site





# Brunswick Headframe

## Current View





# Brunswick Headframe

With Headframe





# Brunswick Headframe

With mature landscaping





# Brunswick Road Gate

## Current View





# Brunswick Road Gate

Showing Engineered Fill Completed with New Trees

*Conservative Simulation – Trees Would Be Planted and Mature Long Before Fill Pile Completion*





# Brunswick Road Gate

Showing Engineered Fill with Mature Landscaping



# Certification of Final EIR

# “Shall” = Mandatory

Certification  
of FEIR

## **Nevada County Land Use and Development Code – Section L-I 1.2 Definitions and Rules of Construction**

*Shall, may.* "Shall" is mandatory and "may" is permissive. For similar State law, see Government Code § 14.

## **2022 California Code Government Code General Provisions Section 14**

14. “Shall” is mandatory and “may” is permissive.  
(*Enacted by Stats. 1943, Ch. 134.*)

## Staff Recommendation

Not certify the Final Environmental Impact Report and find the project statutorily exempt pursuant to Section 15270(a) of the California Environmental Quality Act (CEQA) Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves. The Planning Commission recommends that the Board of Supervisors deny the request for Project approval of the Rezone and Variance. Therefore, the project would be disapproved and accordingly exempt.

## Nevada County Land Use and Development Code – Section L-XIII 1.19

### Certification of EIR

Following preparation of the response to comments, the final EIR shall be reviewed for its adequacy. Any interested citizen or party may submit written comments on the adequacy of the proposed response to comment to the Planning Department at any time up to seven calendar days before the response to comments and the draft EIR are submitted to the Lead Agency for certification as a final EIR; provided, however, that the County shall not be required to respond to comments received or to revise the EIR. **If the Lead Agency finds that the EIR is complete and has been prepared in accordance with the requirements of CEQA, the Lead Agency shall certify same.**



# Finding Required to Certify EIR

- ✓ **The Final EIR has been completed in accordance with CEQA**
- ✓ **The Final EIR was presented to the Board of Supervisors and the Board of Supervisors reviewed and considered the information contained in the final EIR prior to approving the project**
- ✓ **The Final EIR reflects the County's independent judgment and analysis**

## **Staff Draft Resolution Page 1**

WHEREAS, the County exercised its independent judgment in accordance with Public Resources Code section 20182.1, in retaining the independent consulting firm Raney Planning & Management, Inc., to prepare the Environmental Impact Report ("EIR," alternatively "FEIR" or "DEIR"), and Raney Planning & Management prepared Board Resolution February 16, 2024 Page 2 of 10 the Final EIR (Cal. Code Regs., tit. 14, §15362(b)) under the supervision and at the direction of the County's Planning Director;



# Standards of Adequacy of an EIR

- ✓ An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision, which intelligently takes account of environmental consequences.
- ✓ An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.
- ✓ Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.
- ✓ The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

# Rezone to M1-ME Mineral Extraction



## Staff Recommendation

Deny the rezoning of the Brunswick site from M1-SP to M1-ME (Light Industrial with the Mineral Combining District based on the following findings;

- A. That the proposed amendment does not further the Goals, Objectives, Policies or Implementation Measure of the General Plan due to conflicts with General Plan Policies 1.1.1, 1.1.2, 1.3.2, 1.4.2, and 17.6
- B. That the proposed amendment will be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- C. That the Nevada County Planning Commission, at their Special Meeting of May 10, 2023 & May 11, 2023, after taking public testimony and deliberating on the Project, recommended by a 5-0 vote that the Board of Supervisors adopt this Resolution as required by Nevada County Land Use and Development Code section L-II 5.9.E.

Take no action on the Use Permit and other related entitlements.

## Surface Mining and Reclamation Act (SMARA) Regulations– Section 3676

### Mineral Resource Management Policies

Lead agency mineral resource management policies adopted pursuant to the provisions of PRC Section 2762 shall include the following implementation measures.

- (1) Reference in the general plan of the location of identified mineral deposits, and a discussion of those areas targeted for conservation and possible future extraction by the lead agency.
- (2) Use of overlay maps or inclusion of information on any appropriate planning maps to clearly delineate identified mineral deposits and those areas targeted by the lead agency for conservation and possible future extraction.
- (3) At least one of the following:
  - (A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.
  - (B) Record, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.
  - (C) Impose conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.



## **Nevada County General Plan Policy 17.17**

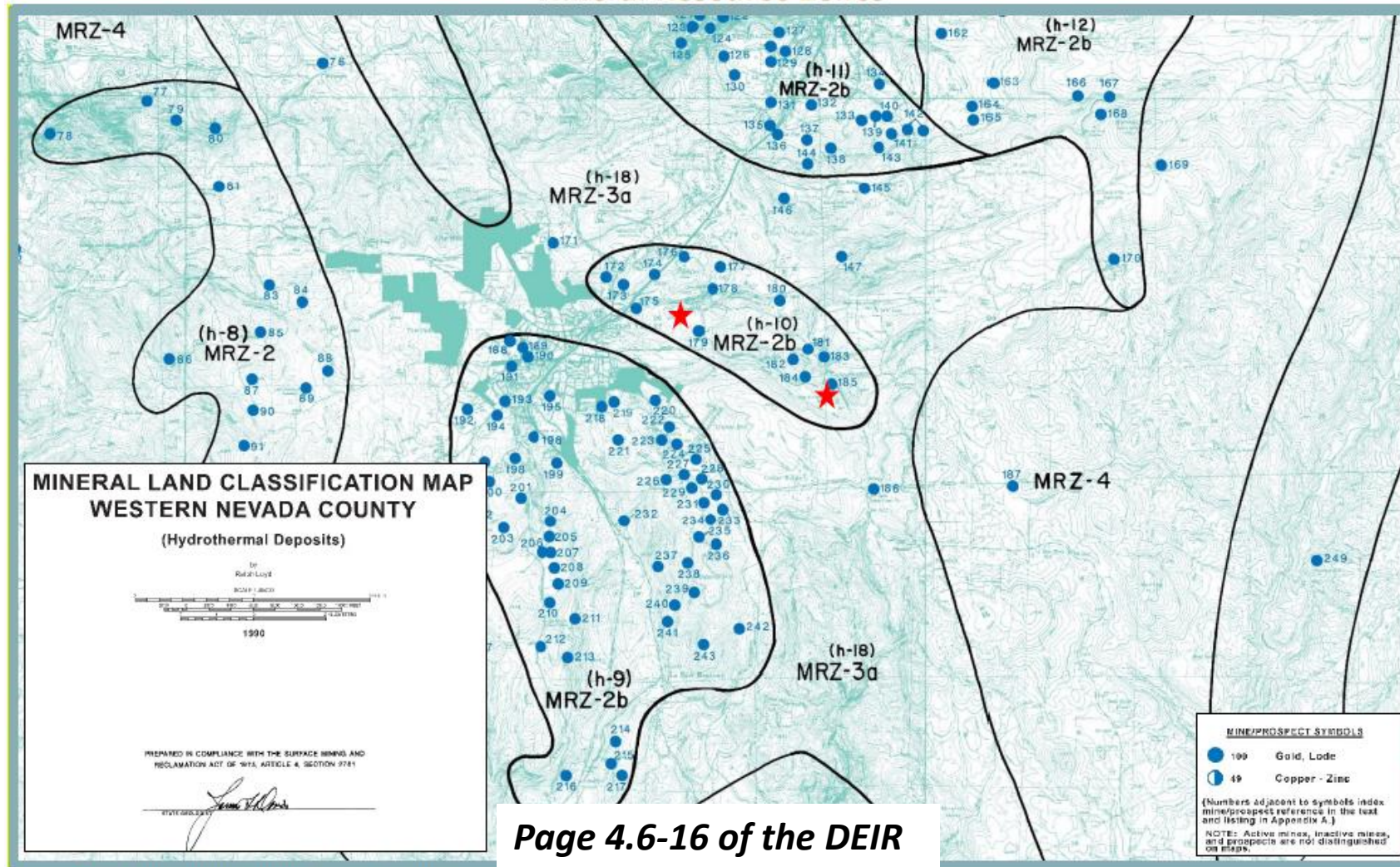
“[t]he County **shall** use the “ME” Mineral Extraction Combining District as a means to provide for public awareness of the potential for surface mining to occur where it has been established that important minerals are present. The “ME” District shall be used only on those lands which are within any of the compatible General Plan designations and which are not residentially zoned.

## **Nevada County General Plan Page 181 of Volume 2**

“[i]n order to prevent intrusion of incompatible land uses into areas of identified important mineral resources the County **shall** zone land identified as MRZ-2 areas in the “ME” Mineral Extracting Combining District as a means to provide for the public awareness of the potential for surface mining to occur where it has been established that important minerals are present.

# Project sites are designated MRZ-2

ME  
REZONE



★ = Approximate project site locations

## **Nevada County Land Use and Development Code – Section L-II 2.7.3**

### **Mineral Extraction Combining District (ME)**

*Standards for Creation of a ME District.* In establishing the ME District, one or more of the following standards must be met:

1. Said lands have been designated as Mineral Resource Zone-2 (MRZ-2) based on State of California Classification Reports.
2. It has been clearly demonstrated that significant mineral deposits are likely present on said lands based on data similar in nature to the State Classification Reports.



# Consistency with General Plan

## ➤ Nevada County General Plan Central Themes

1. Fostering a rural quality of life;
2. Sustaining a quality environment;
3. Development of a strong diversified, sustainable local economy; and
4. Planned land use patterns will determine the level of public services appropriate to the character, economy and environment of each region.

## ➤ Nevada County General Plan Supporting Themes

1. Reduce dependence on the automobile by clustering future growth;
2. Encourage the creation and enhancement of communities by providing for diverse and viable centers for those areas;
3. Provide urban services only in areas with sufficient land use intensities or population densities;
4. Ensure that intensive growth will only be allowed concurrent with the provision of needed services, to include, participating in financing, public studies programs, phased construction projects, or phased construction projects that enhance public benefit.
5. Ensure the long-term quality of natural resource values at the same time ensuring the sustainability of agriculture, logging and mining activities;
6. Minimize conflicts due to incompatible land uses.

## ➤ Goals

## ➤ Policies

# Case Law – Interpretation of General Plan

- Lead Agency role is to balance competing goals and interests reflected in the General Plan. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1194.)
- Furthermore, it is well established “that no project could completely satisfy every policy...and that state law does not impose such a requirement.” (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.)
- Rather, “[t]he rule of general plan consistency is that the project must at least be compatible with the objectives and policies of the general plan.” (*Naraghi Lakes Neighborhood Preservation Association*, 1 Cal.App.5th at p. 17.)



## **Nevada County General Plan – Section 1 - Page 7**

The Nevada County General Plan is the long-term policy guide for the physical, economic and environmental future of the County. It is comprised of goals, objectives, policies, and implementation measures, which are based upon assessments of current and future needs and available resources, and which are intended to carry out the four central themes which are critical to the future of Nevada County and its quality of life

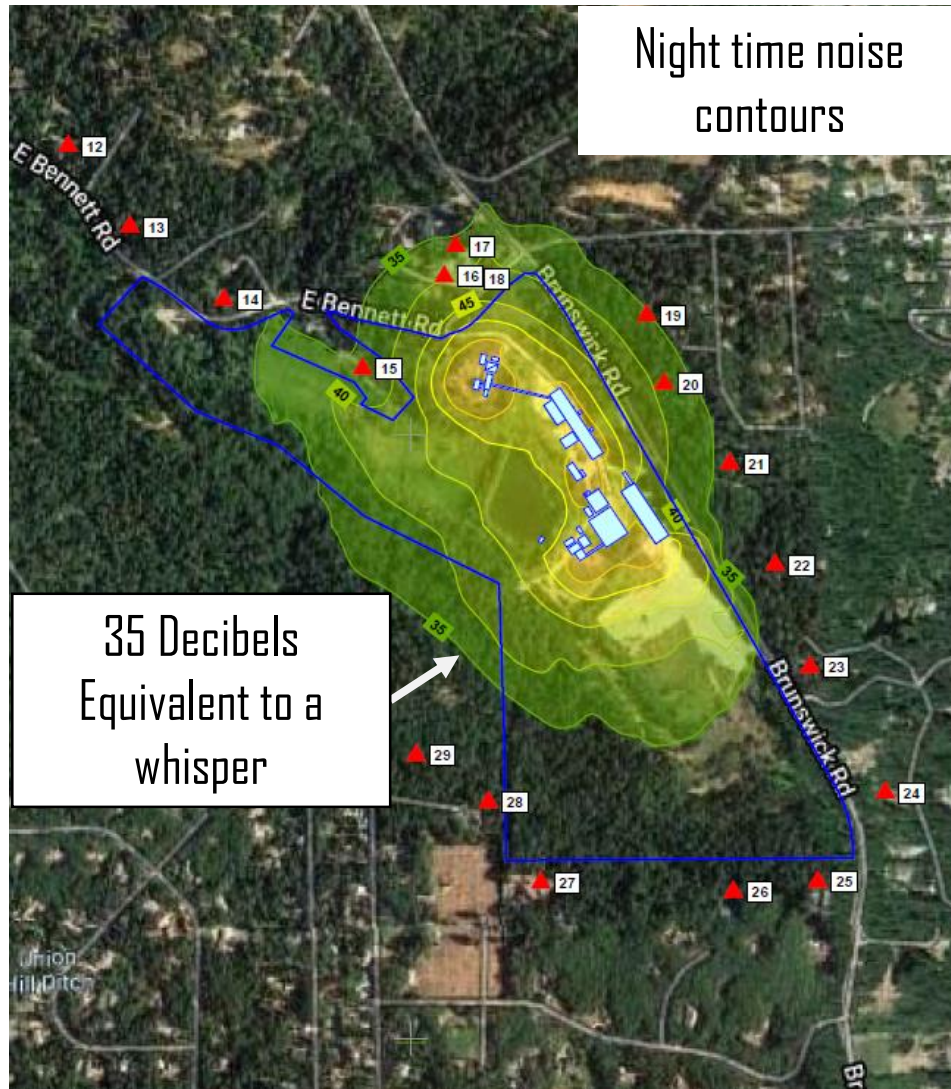
## **Staff Re-interprets the Central Theme and creates it own goals and polices – Violating the General Plan**

Fostering a Rural Quality of Life (General Plan Central Theme 1)

*“The term “rural quality of life” means different things to different people. The intensity of the mining operations exceed those that are compatible with the rural character of the surrounding semi-rural area. Therefore, the proposed project would be considered inconsistent with Central Theme 1. “*

# Not Intense - Minimal Noise

General  
Plan



- Fully enclosed Machinery
- Sound Insulated Buildings
- Rock crushing underground
- Ventilation fan underground
- Airlocks in buildings



# Not Intense –Designated Truck Route

General  
Plan



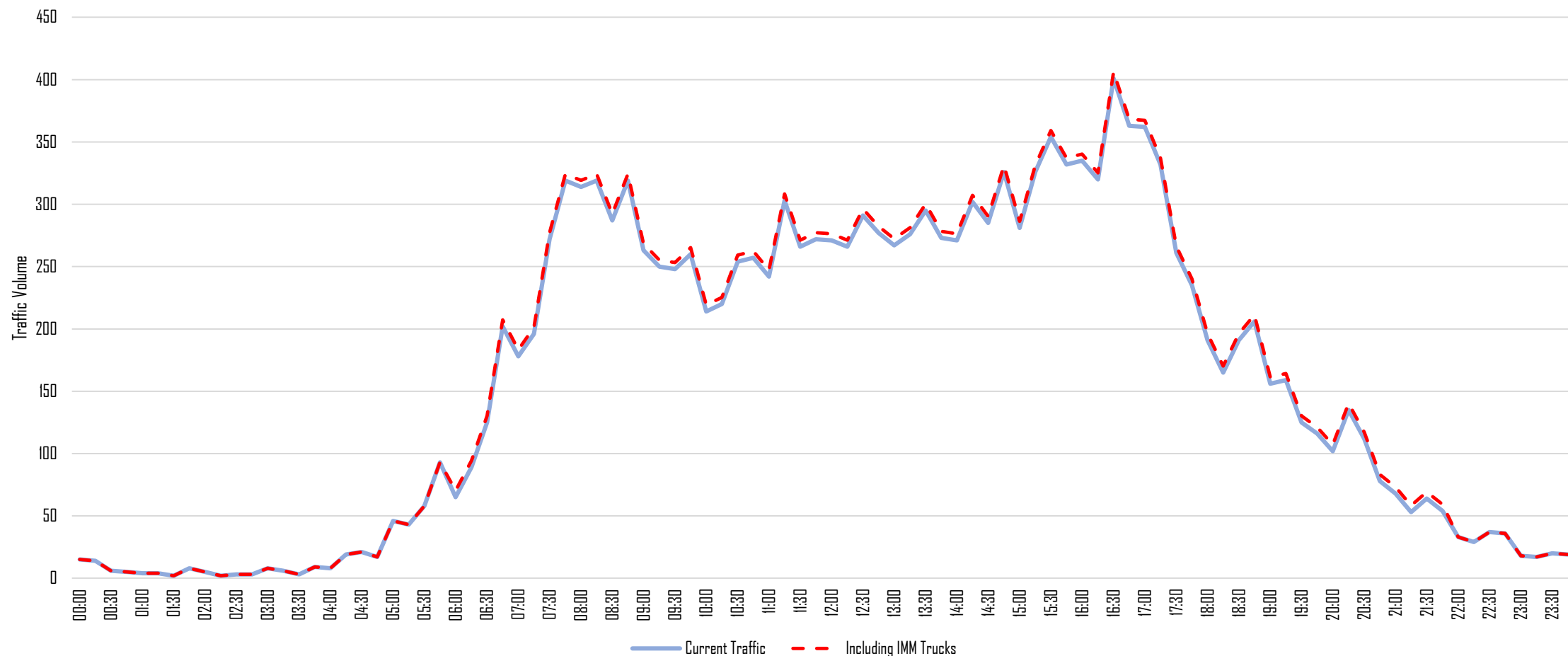
Project	Total Truck Ends per Day
IMM Project	112
Brunswick Sawmill Permitted	290
Current Brunswick M1-SP Zoning	196
Boca Quarry Permitted	1432
Greenhorn Quarry Permitted	492



# Not Intense - Trucks on Brunswick Road

General  
Plan

Traffic Volume - Thursday - Brunswick Road  
between E. Bennett & Whispering Pines  
**IMM trucks = Only 3 equivalent vehicles**





## **General Plan Goal 1.1**

Promote and encourage growth in Community Regions while limiting growth in Rural Regions

## **Staff Recommendation**

Staff asserts project is inconsistent with General Plan Policy 1.1.1 and 1.1.2

**General Plan Policy 1.1.1:**

Maintain a distinct boundary between Rural and Community Regions

**Staff Recommendation**

The primary issue is the buffer between the mining operations and the adjacent land uses, especially residential. Two (2) parcels that form part of the Brunswick Industrial Site exist within the Rural Region, whereas the site's four (4) remaining parcels exist in the Community Region. As proposed, the project would be located within both the Rural and Community Regions, interrupting the distinct boundary between the Rural and Community Regions as outlined in the General Plan. Furthermore, the proposed project is adjacent to the boundaries of the City of Grass Valley and within their Sphere of Influence.

Therefore, as discussed above, the proposed project would be considered inconsistent with General Plan Policy 1.1.1.



**General Plan Policy 1.1.2:**

The General Plan divides the County into Community Regions and Rural Regions. All of the land area of the County is placed in one of these regions. Within the Rural Regions, growth is limited to those types and densities of development which are consistent with the open, rural lifestyle, pastoral character and natural setting and surrounding land use patterns which exists in these areas.

**Staff Recommendation**

The proposed project with three hundred twelve (312) employees slated to work at the mine, twenty-four (24) hours a day, seven (7) days a week, would not be consistent with the “open, rural, lifestyle, pastoral character” of the surrounding rural residential development to the south of the project. As a result, the intensity of the mining operations exceed those that are compatible with the low-density residential character of the surrounding area. Thus, as proposed, the project would not be consistent with General Plan Policy 1.1.2.

# Brunswick site is compatible with mining

The entire Brunswick site is designated as Industrial in the General Plan and Zoned M1 Industrial

Nevada County Land Use and Development Code – Section L-II 4.3.11

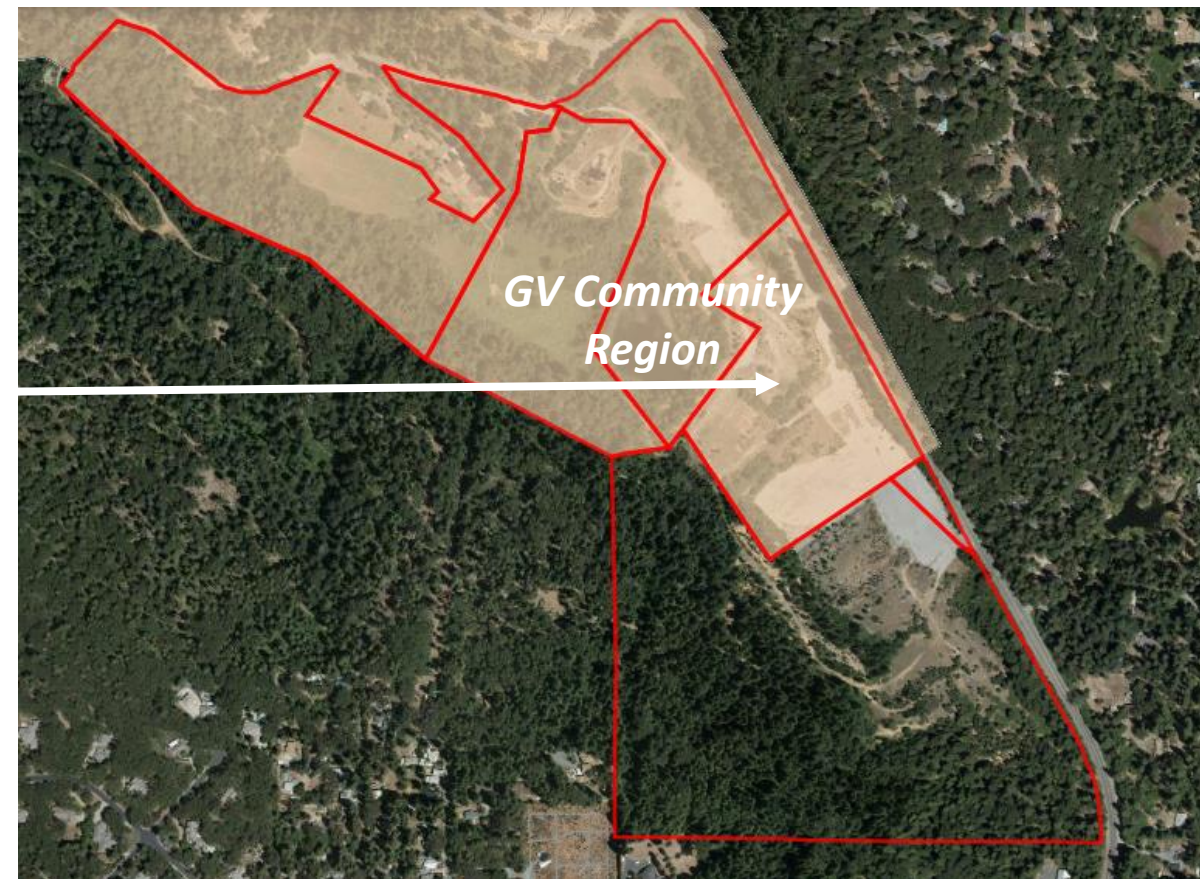
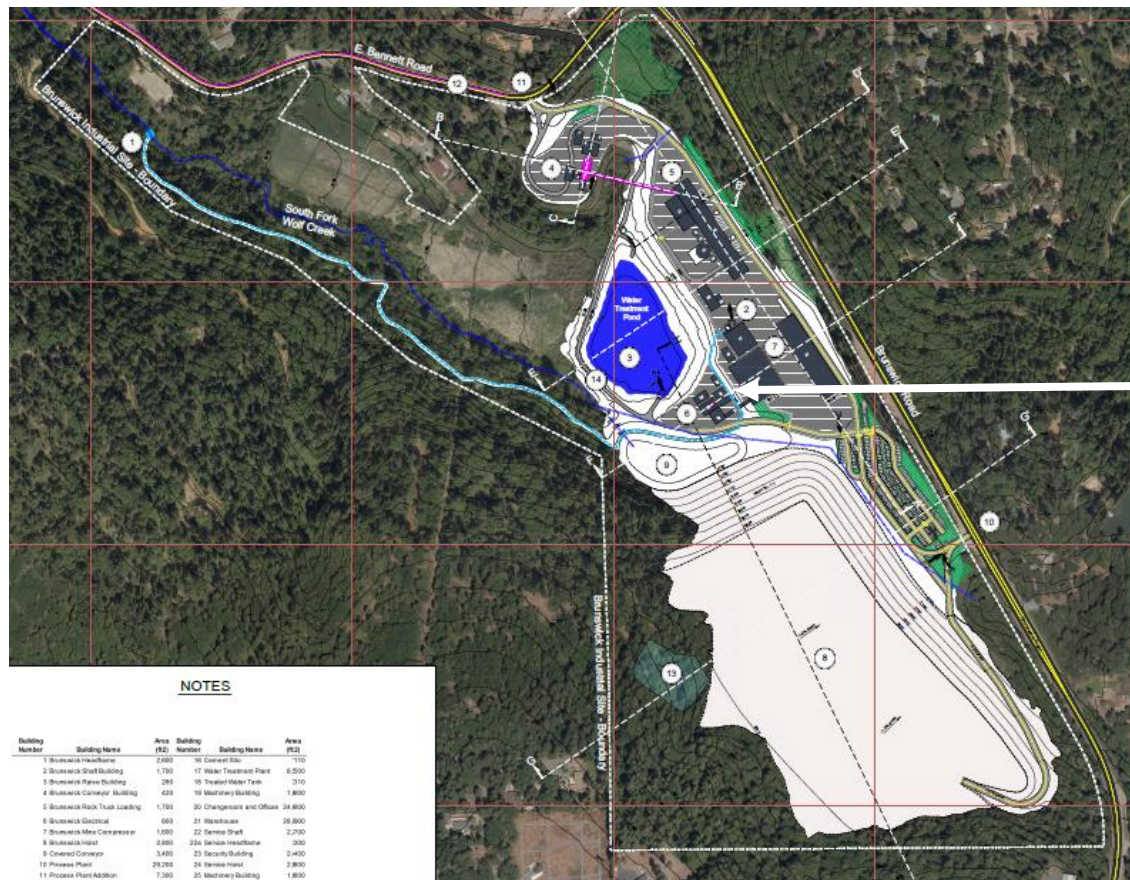
Mineral Areas, Significant

**Compatible** *General Plan Designations* means those Nevada County General Plan designations **compatible for surface mining**, subject to approval of a Use Permit, including the Rural, Forest, **Industrial**, Public, Water, and Planned Development designations.



# “Growth” is in Community Region

General  
Plan





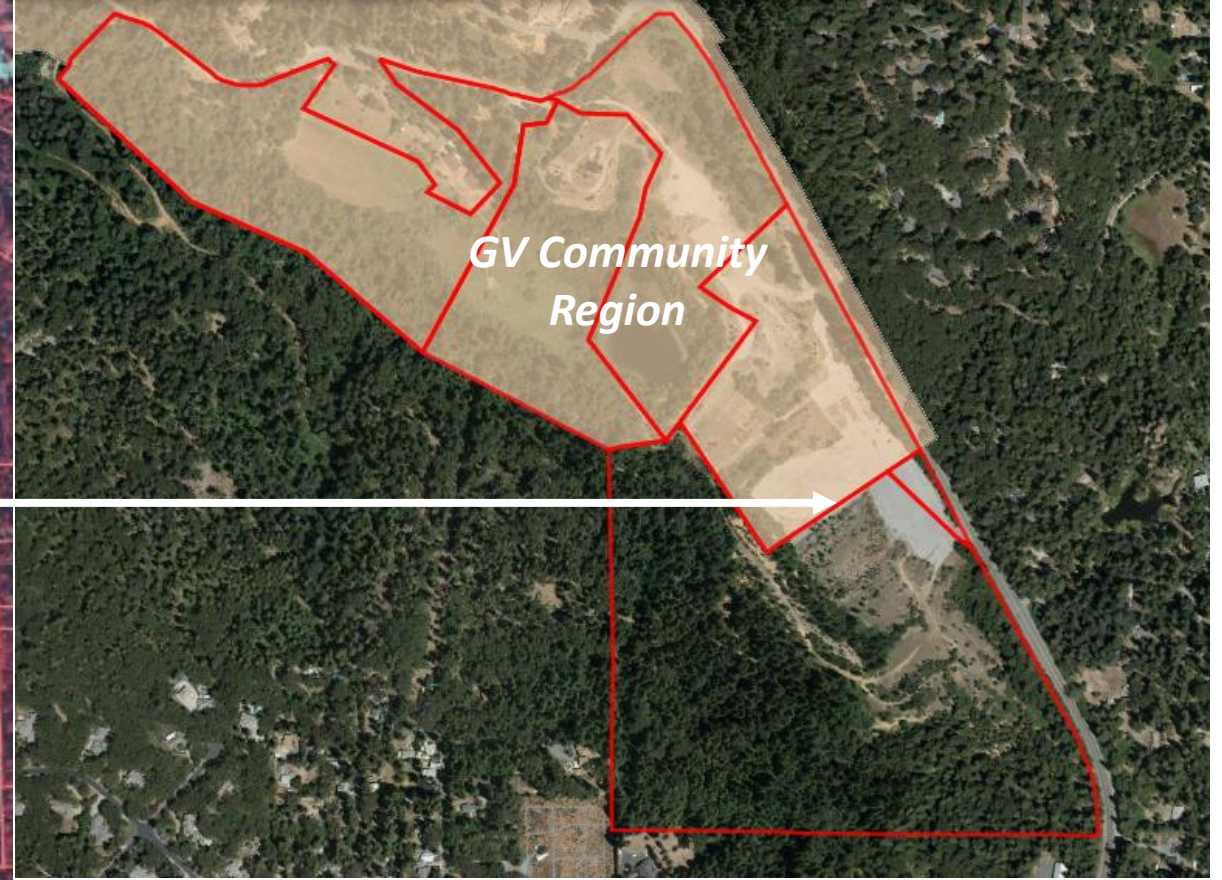
# There is no Distinct Boundary

General  
Plan

The County approved Site Plan 76-10 on August 6<sup>th</sup>, 1976, for the expansion of the log yard and related facilities south of the Brunswick sawmill complex.



1991



2016



**160-acre, 4,000 ton per day open-pit quarry – Located in Nevada County Rural Region**

✓ **Maintains and enhances the County's pastoral character**

**Significant and Unavoidable Impacts**

1. **Aesthetics** - Significant changes to the visual character and quality of the area due to the visibility of the site from surrounding sensitive viewers and the existing natural aesthetic quality of the area.
2. **Traffic** - The project would result in an increase in truck traffic
3. **Air Quality** – The project would result in NOx and PM10 emissions exceeding NSAQMD thresholds

**Boca Staff Report:** “Regarding the General Plan, the project furthers several of the goals and policies of the County’s General Plan, some of which are provided below:”

General Plan Goal 1.3: Within Rural Regions, maintain and enhance the County’s pastoral character, existing land use pattern, rural lifestyle, and economy in their natural setting.

General Plan Policy 1.3.1: Provide for land use pattern compatible with preservation of character, environment values and constraints, and the form and orderly development of Rural Places.

# General Plan – Coordination within Regions

**General Plan Goal 1.7:** Coordinate land use planning within the Community Regions and Rural Regions.

**General Plan Policy 1.7.4:** Provide for specific intensities of use for non-residential uses in the Community Regions and Rural Regions.

**General Plan Policy 1.7.5:** Provide flexibility in the General Plan land use provisions so that variations in land use patterns and activities are permitted within the land use framework established for Community Regions and Rural Regions.



**General Plan Policy 1.4.2:**

Development within the Community Regions shall be consistent with the overall rural quality of life in the County, as demonstrated through sensitivity to resource constraints, provision of interwoven open space as a part of development, and community design which respects the small town or village character of the Community Regions. **These criteria shall be accomplished through application of the Comprehensive Site Design Standards in review of discretionary and ministerial projects**

**Staff Recommendation**

As proposed the applicant's request for a Variance to increase building heights (to a maximum of 165 feet for the head frame building) where forty-five (45) feet is required and the intensity of the mining and industrial use, is inconsistent with rural character of the area as outlined in the Central Theme 1 discussion and would therefore be inconsistent with General Plan Policy 1.4.2.

# Comprehensive Design Standards

**County Staff Recommendation violates the General Plan and creates an alternate Comprehensive Design Standard**

**General Plan Policy 1.4.2 unequivocally states :**

These criteria shall be accomplished through application of the Comprehensive Site Design Standards in review of discretionary and ministerial projects

**Article 4 of the Nevada County Land Use and Development Code – Comprehensive Site Development Standards  
Sec. L-II 4.1.1. - Purpose.**

The purpose of this Article is to provide regulations to guide the design, location, and development of new land uses and the alteration of existing uses. The standards of this Section are consistent with and supplement those standards found in Article 2 for each zone district and Article 3 for specific land uses. They assist in furthering numerous Nevada County General Plan goals, objectives, and policies that provide for the preservation and enhancement of Nevada County's rural quality and small town character. They also assist in furthering General Plan provisions for maintaining the County's high quality natural landscape and scenic resources, as well as protecting existing historic resources.



# Comprehensive Design Standards

## Proposed Project complies with all Comprehensive Site Development Standards

- ✓ 4.1.3 – Boundary Line Adjustments
- ✓ 4.1.4 – Building Sites
- ✓ 4.1.5 – Clustering
- ✓ 4.1.6 – Land Division for Public Uses
- ✓ 4.1.7 – Noise
- ✓ 4.1.8 – Pedestrian Pathways
- ✓ 4.1.9 – Transportation Alternatives
- ✓ 4.2.3 – Design Guidelines
- ✓ 4.2.4 – Building Height
- ✓ 4.2.5 – Building Setbacks
- ✓ 4.2.6 – Fencing and Hedges
- ✓ 4.2.7 – Landscaping
- ✓ 4.2.8 – Lighting
- ✓ 4.2.9 – Parking
- ✓ 4.2.10- Open Space/Max Impervious Surface
- ✓ 4.2.11 - Screening
- ✓ 4.2.12 - Signs
- ✓ 4.2.13 – Solid Waste
- ✓ 4.3.4 – Agricultural Lands
- ✓ 4.3.5 – Avalanche Hazards
- ✓ 4.3.6 – Cultural Resources
- ✓ 4.3.7 – Deer Habitat
- ✓ 4.3.8 – Earthquake Faults & Seismic areas
- ✓ 4.3.9 – Energy Conservation
- ✓ 4.3.10 – Flood Plains
- ✓ 4.3.11 – Mineral Areas
- ✓ 4.3.12 – Rare Species & Habitat
- ✓ 4.3.13– Steep Slopes
- ✓ 4.3.14– Timber Resources
- ✓ 4.3.15 – Trees
- ✓ 4.3.16– Visually Important Ridgelines and viewsheds
- ✓ 4.3.17- Watercourses, Wetlands, and Riparian Areas
- ✓ 4.3.18 – Wildland Fire Hazard Areas

**General Plan Policy 17.6:**

Encourage extraction of mineral resources in compatible areas prior to intensified urbanization or conversion to other incompatible land use development.

**Staff Recommendation**

As noted in the discussion outlined the Central Theme 1 discussion above and based on Policy 1.1.2 of the General Plan, the intensity of the mining operations exceed those that are compatible with the rural character of the surrounding area, which has transitioned to semi-rural since the original mining operation concluded. Therefore, the proposed project is not consistent with Policy 17.6 of the Mineral Management Element currently.

**County Staff Recommendation reverses the intent of Policy 17.6**



# Height Variance

## Staff Recommendation

Deny the variance that would allow for the construction of several structures up to a height of 165 feet, where 45 feet is required, pursuant to Nevada County Land Use and Development Code section L-II 2.5 –Industrial Uses, Table L-II 2.5.E, be denied based on the following findings;

- A. The Variance, if granted would constitute the granting of a special privilege.
- B. There are no special circumstances applicable to the subject Property including size, shape, topography, location or surroundings
- C. A granting of the requested Variance would, under circumstances and conditions applied in the particular case, adversely affect the public health, safety, or welfare, the integrity and character of the District, and the utility and value of nearby property.
- D. The Variance is not consistent with the Nevada County General Plan, including the allowed uses within the Industrial General Plan land use designation.

Take no action on the Use Permit and other related entitlements.

## Manufactured Pretext for Denial

- Kept as a “Surprise” after 3 years of design and study
- Factually Wrong
- Uniqueness of Property is obvious – 3400 ft deep existing shaft
- Inconsistent with County’s EIR, Economic Study, General Plan, and Code
- Findings can easily be made by the Board of Supervisors to grant Variance
- Project can proceed without approval of the Variance
  - a. Process Plant and Hoist Buildings can function at 45 ft height limit
  - b. A Variance is not required for the headframes



## Nevada County Code Sec. L-II 4.2.4

### Building Height

D. Exceptions to Height Limits. Architectural features not intended for human occupancy, such as spires, chimneys, vents, skylights, or solar equipment, and **non-habitable structures** such as private water tanks, antennas, windmills, and other alternative energy structures, may exceed the allowable building height by no more than 20%. Height increases of more than 20% shall be subject to a use permit.

- A headframe is a non-habitable structure
- The IMM Project is already subject to a **use permit**.

## Section L-II 1.4 - Nevada County Land Use and Development Code

### Rules of Interpretation

*Definitions.* Words, phrases and terms defined in Article 6.0 shall have the meaning ascribed to them for purposes of this Chapter. Words, phrases and terms defined in individual Articles shall have the meaning ascribed to them for purposes of those Articles. All other words shall be as defined in the latest edition of Webster's Third New International Dictionary of the English Language.

## Section L-II 6.1 - Nevada County Land Use and Development Code

### Definitions

Structure means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purposes of this Chapter, a "building" is considered to be a structure.

### Webster Dictionary

#### Habitable

capable of being lived in : suitable for habitation

# Planning Commission Recommendation



# Planning Commission Recommendation

## Staff Draft Resolution

WHEREAS, the Nevada County Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed Rezone, all information and evidence submitted in favor and against the proposed Rezone, and the complete record before it, has determined that a Rezone is not approved to allow for the Idaho-Maryland Mine Project; and

WHEREAS, the Nevada County Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed Variance, all information and evidence submitted in favor and against the proposed Variance, and the complete record before it, has determined that a Variance is not approved to allow for the Idaho-Maryland Mine Project.

# Forged and Redated NSAQMD Letter



*"How do you respond my friends from the EIR to that statement from the Air Quality district"*

# Forged and Redated NSAQMD Letter

## FEIR Agcy Letter 12-1

presence of asbestos in the fill and the resulting requirement to comply with the Asbestos Airborne Toxic Control Measures for all fill placement activities (not discussed in the DEIR).

The DEIR estimates 5,700 gpd of potable water for sinks, toilets, showers and laundry. It would be important to have adequate shower capacity at the facility for the hundreds of anticipated employees. Workers in the mine would continually be subject to air saturated with moisture to the point of it dripping off their clothing (the DEIR specifies that there would be 100% saturation of the air in the mine). Dust laden with asbestos and other toxic substances would stick to skin, hair and clothing. Workers should not be allowed to leave the site with asbestos dust on their bodies, clothes or shoes because they would carry the asbestos dust into public places or home to people they live with.

A key question regarding water use assumptions is if the non-potable water would be of high enough quality to use for "100 percent saturation of air" (estimated at 40,000 gpd). If it has elevated levels of natural contaminants (such as arsenic, mercury and other heavy metals, iron and manganese) or if it has too much of the proposed water treatment and ore processing chemicals, it may not be suitable for employees to breathe. Water pumped from the mine would contain numerous substances including sodium hypochlorite (bleach), ammonia (partly from detonation of 1,860 lbs/day of ANFO explosive), potassium permanganate, sulfuric acid, sodium hydroxide, sodium bisulfite, assorted lubricants and petroleum products lost from equipment, and reagents including Aerofloat 208 (odor of alcohol and sulfur), Aerophine 3418A, Aerothro 70-MIBC (odor of alcohol), Magnfloc 10 and Scaletrol PDC9401.

The ASUR Plan proposes that unpaved areas will be watered for dust suppression every 2 hours, which should be considered carefully in the WSA. The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements. Since the dust contains asbestos, silica and numerous other toxic substances, adequate dust control is necessary. There should never be a situation where dust control is compromised because of water usage restrictions, particularly in the summer months when the potential for dust generation is greatest.

[https://www.epa.gov/sites/default/files/2019-04/documents/mr\\_guidanceforapplicationfordustcontrolpermit.pdf](https://www.epa.gov/sites/default/files/2019-04/documents/mr_guidanceforapplicationfordustcontrolpermit.pdf) contains some "rules of thumb" for estimating water usage. For example, grading uses approximately 10,000 gal/acre per day; 30 gallons is required for each cubic yard moved; and pre-wetting areas to be disturbed requires 1 acre-foot of water (325,851 gal) per acre of land. The Health Risk Assessment (page 3) says that 104 acres are to be disturbed.

A lot of water is also needed for grinding mills, crushers, conveyors, conveyor transfer points and drop points to control emissions of dust and asbestos.

## "New" Letter

Re-dated

May 8, 2023

presence of asbestos in the fill and the resulting requirement to comply with the Asbestos Airborne Toxic Control Measures for all fill placement activities (not discussed in the DEIR).

The DEIR estimates 5,700 gpd of potable water for sinks, toilets, showers and laundry. It would be important to have adequate shower capacity at the facility for the hundreds of anticipated employees. Workers in the mine would continually be subject to air saturated with moisture to the point of it dripping off their clothing (the DEIR specifies that there would be 100% saturation of the air in the mine). Dust laden with asbestos and other toxic substances would stick to skin, hair and clothing. Workers should not be allowed to leave the site with asbestos dust on their bodies, clothes or shoes because they would carry the asbestos dust into public places or home to people they live with.

A key question regarding water use assumptions is if the non-potable water would be of high enough quality to use for "100 percent saturation of air" (estimated at 40,000 gpd). If it has elevated levels of natural contaminants (such as arsenic, mercury and other heavy metals, iron and manganese) or if it has too much of the proposed water treatment and ore processing chemicals, it may not be suitable for employees to breathe. Water pumped from the mine would contain numerous substances including sodium hypochlorite (bleach), ammonia (partly from detonation of 1,860 lbs/day of ANFO explosive), potassium permanganate, sulfuric acid, sodium hydroxide, sodium bisulfite, assorted lubricants and petroleum products lost from equipment, and reagents including Aerofloat 208 (odor of alcohol and sulfur), Aerophine 3418A, Aerothro 70-MIBC (odor of alcohol), Magnfloc 10 and Scaletrol PDC9401.

The ASUR Plan proposes that unpaved areas will be watered for dust suppression every 2 hours, which should be considered carefully in the WSA. The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements. Since the dust contains asbestos, silica and numerous other toxic substances, adequate dust control is necessary. There should never be a situation where dust control is compromised because of water usage restrictions, particularly in the summer months when the potential for dust generation is greatest.

[https://www.epa.gov/sites/default/files/2019-04/documents/mr\\_guidanceforapplicationfordustcontrolpermit.pdf](https://www.epa.gov/sites/default/files/2019-04/documents/mr_guidanceforapplicationfordustcontrolpermit.pdf) contains some "rules of thumb" for estimating water usage. For example, grading uses approximately 10,000 gal/acre per day; 30 gallons is required for each cubic yard moved; and pre-wetting areas to be disturbed requires 1 acre-foot of water (325,851 gal) per acre of land. The Health Risk Assessment (page 3) says that 104 acres are to be disturbed.

A lot of water is also needed for grinding mills, crushers, conveyors, conveyor transfer points and drop points to control emissions of dust and asbestos.

Agency Official Sam Longmire, Northern Sierra Air Quality Management District

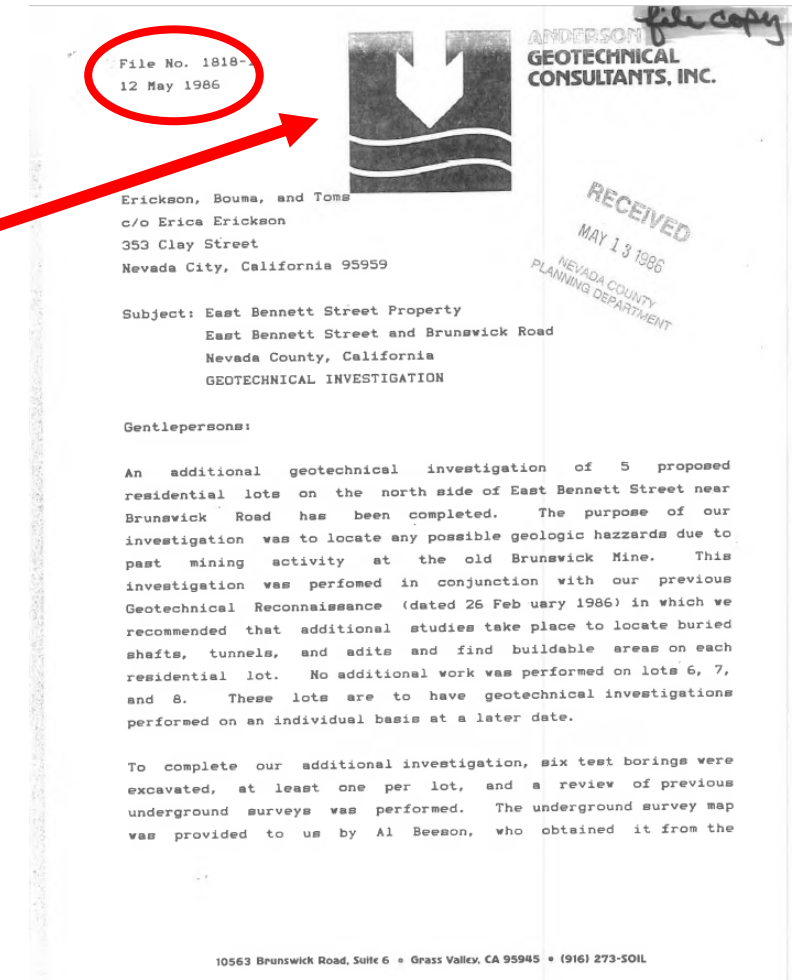
Same Letter

Forged  
Signature



# “New” Anderson Geotechnical Report

## DEIR Appendix H.2



# 1996 Emgold EIR

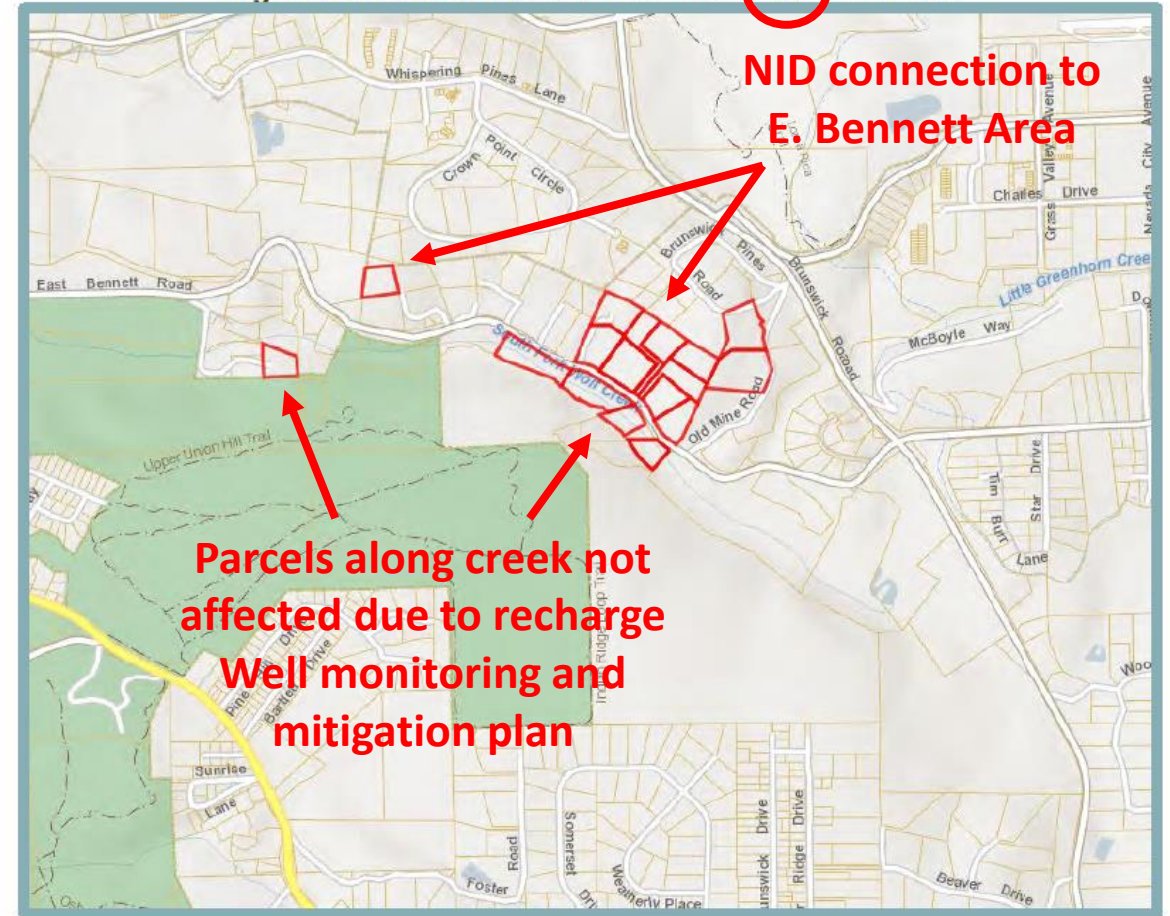
PC

## FEIR Master Response 13



**“Emgold had it right. You got it Wrong”  
Email from Hamilton’s on E. Bennett Road**

**Figure 10  
High and Moderate Risk Wells from 1995 Final EIR**





# NID \$14 Million Bond

PC

From: [Doug Roderick](#)  
 To: [Jennifer Hanson](#)  
 Subject: RE: Rise Mine Cost Estimate  
 Date: Tuesday, May 16, 2023 1:42:10 PM  
 Attachments: [image002.png](#)

We used the overall boundary of the mineral rights map, some of which already has treated water lines.

828 parcels  
 301 parcels currently have NID TW  
 527 parcels remaining

527 x \$12,430 = \$6,550,610 for connection fees  
 29,000 ft x \$250 per ft = \$7,250,000 pipe installation costs  
 Total: \$13,800,610

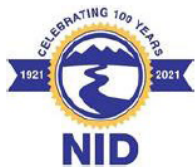
We rounded to \$14 mil



**Doug Roderick, P.E.**  
 Director of Engineering  
 Nevada Irrigation District  
 1036 W. Main Street  
 Grass Valley, CA 95945  
 Office: 530.271.6866  
 Email: [roderick@nidwater.com](mailto:roderick@nidwater.com)

From: Jennifer Hanson <[hansonj@nidwater.com](mailto:hansonj@nidwater.com)>  
 Sent: Tuesday, May 16, 2023 9:06 AM  
 To: Doug Roderick <[roderick@nidwater.com](mailto:roderick@nidwater.com)>  
 Subject: Rise Mine Cost Estimate

Can you give me the cost estimate you completed for bond amount for the additional connections?



**Jennifer Hanson**  
 General Manager  
 Nevada Irrigation District  
 1036 W. Main Street  
 Grass Valley, CA 95945  
 Office: 530.273-6185  
 Email: [hansonj@nidwater.com](mailto:hansonj@nidwater.com)

We used the overall boundary of the mineral rights map, some of which already has treated water lines.

828 parcels  
 301 parcels currently have NID TW  
 527 parcels remaining

527 x \$12,430 = \$6,550,610 for connection fees  
 29,000 ft x \$250 per ft = \$7,250,000 pipe installation costs  
 Total: \$13,800,610

We rounded to \$14 mil

*"I cant speak to the modelling. I have not personally reviewed the modelling outputs, the calibration, or the assumptions that have been made"*

*"I would not say that I am by any means an expert in their technical studies that were completed in this particular project"*

*-Jennifer Hansen, General Manager NID – May 11<sup>th</sup> PC Hearing*

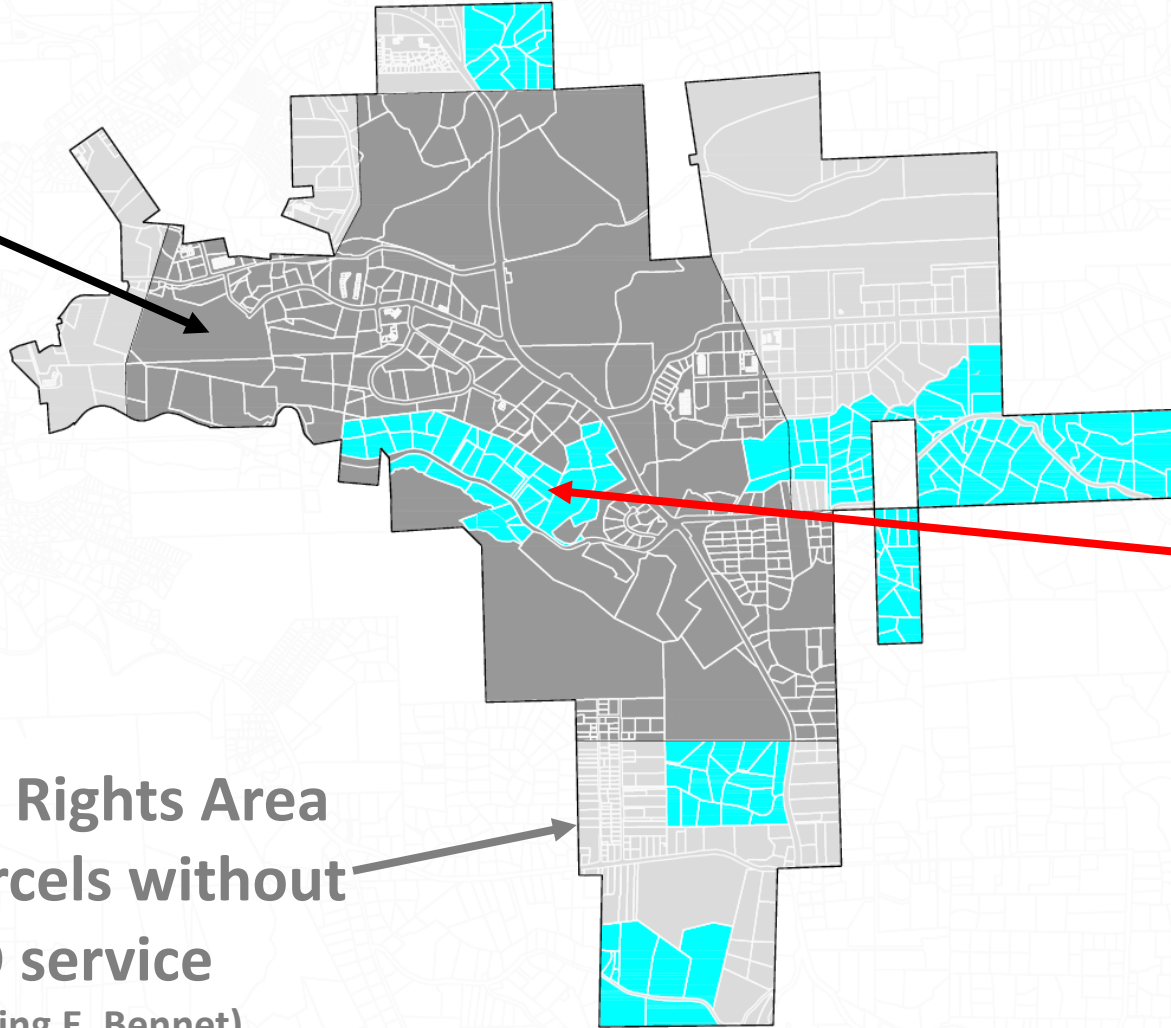


# Parcels in Mining Area & Mineral Rights

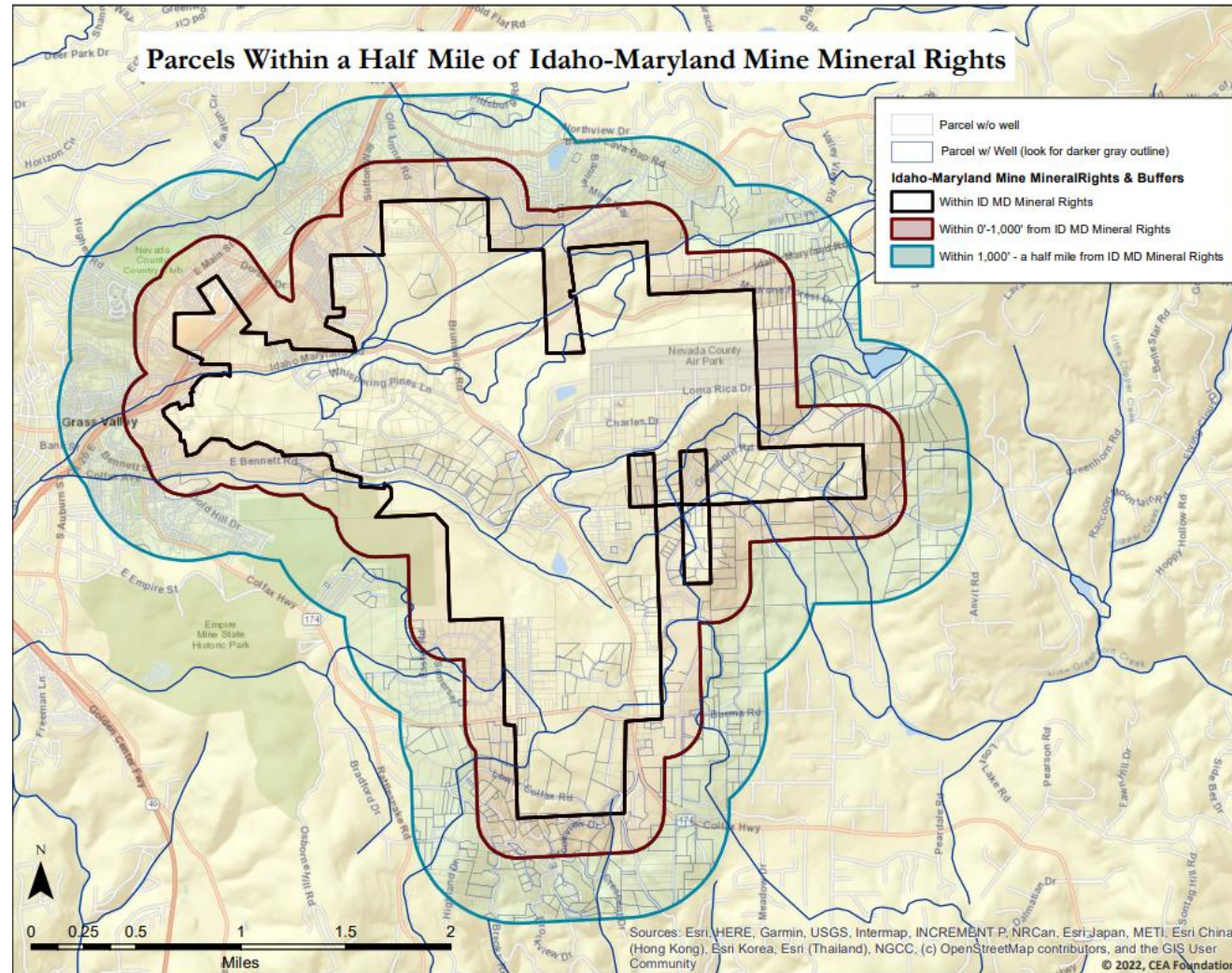
PC

**Proposed  
Underground  
Mining Area**  
~10 parcels without  
NID service  
(Excluding E. Bennet)

**Mineral Rights Area**  
~125 parcels without  
NID service  
(Excluding E. Bennet)



**County FEIR**  
“The proposed  
mining operations  
could result in  
adverse effects to  
seven domestic  
water supply wells in  
the East Bennett area  
during the life of the  
mining operation.”



# Use Permit



**Staff Recommendation**

Take no action on the Use Permit and other related entitlements.

**Sec. L-II 5.6 (G) of the Nevada County Land Use and Development Code****Use Permits**

*Findings for Approval or Denial.* The Planning Agency shall approve, approve with conditions or disapprove the application within 30 days after the conclusion of a public hearing. Approval or conditional approval shall be granted only when findings can be made as found in Section 5.5.2.C.

**Staff Recommends the Board of Supervisors Violate its own Code**

## **Sec. L-II 5.5.2 (C) of the Nevada County Land Use and Development Code Decision and Findings**

- ✓ Proposed Use Consistent with General Plan
- ✓ Proposed Use Allowed within and consistent with Zoning District which it is located
- ✓ Proposed Use and facilities meet all provisions of this Code including the Site Development Standards
- ✓ Site is adequate in size and shape and location to accommodate proposed use
- ✓ The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area
- ✓ Adequate provisions have been made for water and sanitation for the proposed use
- ✓ Adequate public facilities and public services exist or have been provided for within the project area
- ✓ All feasible mitigation measures have been imposed upon the project; and
- ✓ The conditions provided in the decision are deemed necessary to protect the public health, safety, and general welfare.

**Nevada County's Final EIR – IMM Project– Page 4.9-24**

As demonstrated throughout this EIR and with implementation of mitigation measures identified in this EIR, the proposed project would avoid or otherwise mitigate the majority of its potentially significant environmental impacts, while furthering County policies regarding mineral resources, such as General Plan Policy 17.9, which encourages the mining of previously mined land, if such land still contains economically mineable minerals, so the land can be reclaimed for alternative uses. Overall, the proposed project would **not** cause a significant environmental impact due to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; therefore, this impact is less-than-significant.

**Nevada County's Final Economic Impact Report – IMM Project– Page ii**

RDN performed extensive research and analysis and found **no** conclusive evidence to assert that the proposed project would have a significant impact on local property values.



## Nevada County Board of Supervisors – Previous Approvals for Mining and Surrounding Residential Subdivisions

**1936 – Cedar Ridge 1&2 – Approved when Brunswick Gold Mine in full operation**

**1968 – Cordell Estates – Approved while Brunswick and Lausman sawmills in full operation**

1. Two-acre minimum zoning because of existence of mills. No conflict with existing mills.
2. Buyers will be full knowing they will be surrounded by Industrial uses.

**1969 – Approved Zoning of Brunswick Site to M – Industrial**

1. Petition by Ghidotti's in order to use site for gold mining & processing
2. Petition by Brunswick Timber Products to use site for sawmilling

**1979 – Brunswick Manor– Approved when Brunswick Sawmill in full operation**

1. 100 ft setback to buffer subdivision from Brunswick site sawmill
2. A note shall appear in deed restrictions which puts all potential buyers on notice that the mill existing and there are certain sensory nuisances present, including logging traffic on the road along and inside the subdivision

**1996 – Approval of Use Permit U94-17 – Dewatering of Mine with 71ft tall Headframe**

1. The project is considered generally consistent with the 1995 Draft General Plan and surrounding land uses.

**2006 – New Brunswick Court– Approved with full knowledge of potential for mine reopening**

1. A mitigation measure is included to notify future property owners of the potential for mineral resource extraction to occur

# Legal Considerations

- ... nor shall private property be taken for public use, without just compensation.

*U.S. Const. amend. V*

- Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner.

*Cal. Const. art. I, § 19*



- ...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

*U.S. Const. amend. XIV*

## THE SACRAMENTO BEE

**Sacramento County reeling from jury's \$107 million verdict against it in mining case**

***-March 2017***



COURTHOUSE NEWS SERVICE

**Sacramento County settles decade-old dispute over historic gravel mine for \$58.5 million**

*The settlement falls on the heels of a \$20 million payout the county agreed to in a related case.*

***-October 2023***

## Half Moon Bay Review

Damage awards in a case of this sort are exceedingly rare, he added. And the \$30 million hanging over the city's head - the amount developers are seeking as compensation - is likely to far exceed any actual damages, he said.

"I don't take it seriously at all," McCracken said of that number.

*-July 18 2007*



**SFGATE**

## Half Moon Bay grapples with \$36.8 million judgment against it

Dissolving is one option as city faces expense 3 times its budget

**-Dec 18 2007**

## Half Moon Bay Review

Officials said they were shocked at the judgment, which was the maximum allowable penalty in the case and contains harsh language from Walker, condemning city actions concerning the developer and city tactics used in years of court proceedings.

"Surprised, that's an understatement," said Patridge. "I'm speechless and devastated by this. We had no indication from the courts or the attorneys, " said Raines. "Our legal team was very confident."

**-Nov 29 2007**

# County Proposed Action is a 100% Takings

Constitution  
& Risks

Rise Mineral Estate is a separate & distinct property from owned surface land

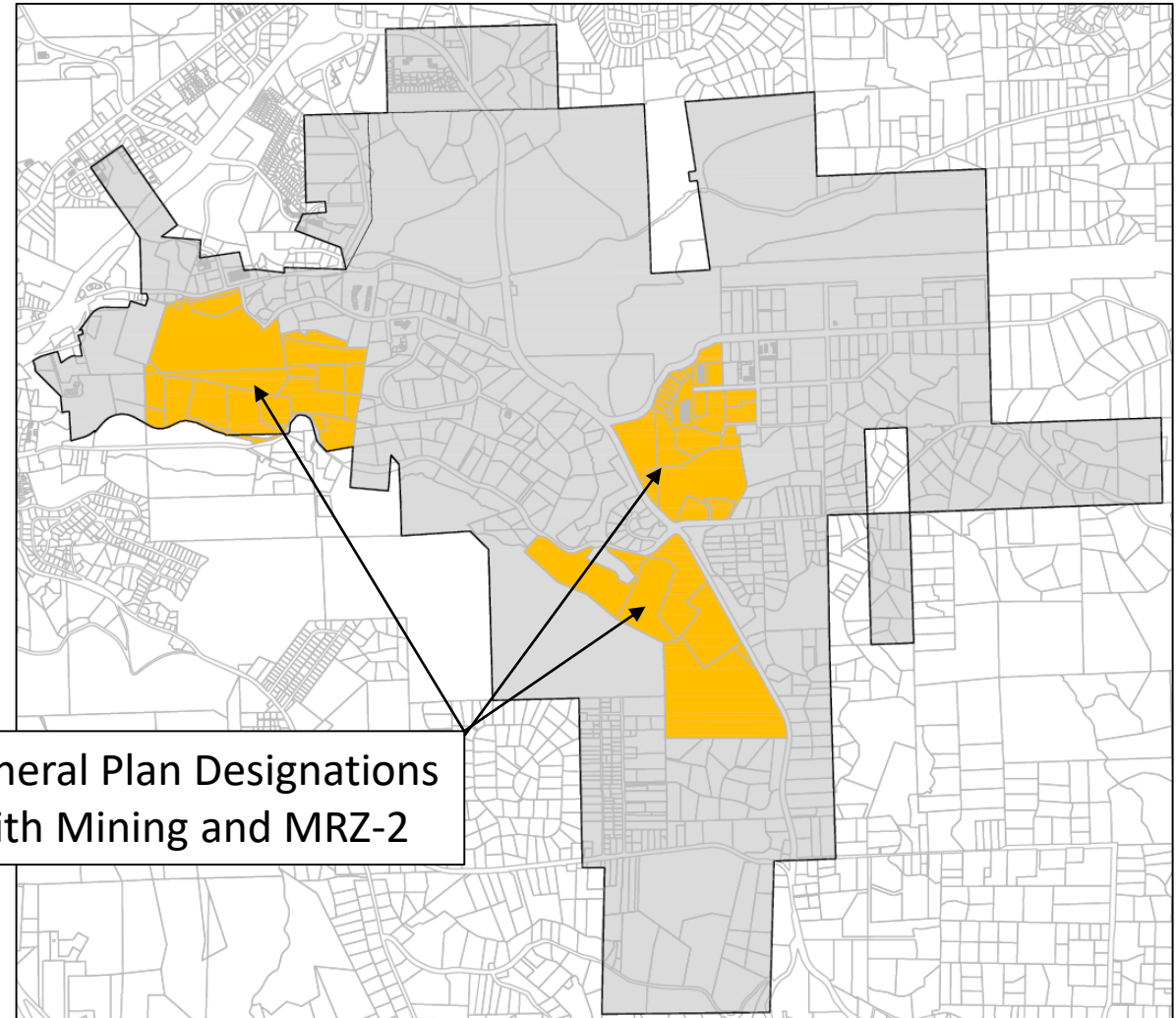
“In the rare circumstance that a regulation wipes out all of a property’s value, the public agency’s action is usually a compensable taking, regardless of the public purpose it serves.”

*-Institute for Local Government*

*Andrew Schwartz, Shute, Mihaly & Weinberger*

County Refusal to Rezone Property to ME  
(Mineral Extraction)  
Blocks all Access to Mineral Deposit

Parcels with General Plan Designations  
Compatible with Mining and MRZ-2



# Conclusion

1. County's own EIR shows minimal SU Impacts
2. Certification of Final EIR is Mandatory under County Code
3. Rezoning to MI-ME is Mandatory under the General Plan
4. County Staff Analysis – Invents new General Plan Policies
5. Variance can be granted & not actually required
6. The Planning Commission Recommendation is tainted
7. County Staff asks the Board violate the Constitution, General Plan, County Code, and ignore its own EIR
8. The Board represents the entire community – not just special interest groups.
9. Mine opponents wish the County to take Rise's mineral property. Just Compensation must then be paid.
10. The IMM Project should be approved



# Thanks!

---



# Statement of Overriding Considerations

---

Why Is This Project Good For Nevada County?

# The Project Has Substantial Benefits to the County

- Significant property tax revenue, larger than any existing property
- 312 jobs with an average salary and benefits of \$145,000
- Up to 300 indirect jobs, and indirect economic impact
- Helps to solve significant budget and employment challenges for an economically distressed area
- Funding of APCD Officer
- Funding for Ophir Hill FPD



# Taxation of Mineral Rights

By statute and case law, mineral properties are taxable as real property

The income approach is the most relevant appraisal method for valuation of mineral property

Independent economic study by Robert D. Niehaus, Inc. (RDN)

- Estimated property tax revenue from Rise ranging from \$1.0 to \$5.4 million per year

Historic Idaho-Maryland mine in 2022 dollar equivalent

- \$6.9 million per year

# Property Tax

## Historic Mine Operation - 1939 through 1941

Mineral Property Tax valuation in 2022 dollar equivalent

Assumed price of gold	\$1,687
Average historic production	118,946
Average historic revenue in current prices	\$200,661,000
CPI Inflation multiplier (1938/1941 to 2022 dollars)	20x
Average historic reserves (years)	6 years
Discount Rate	6%
Present Value	\$688,883,000
<b>Annual Mineral Property Tax at 1%</b>	<b>\$6,888,830</b>

# Property Tax

## Mineral Property Tax Comparison

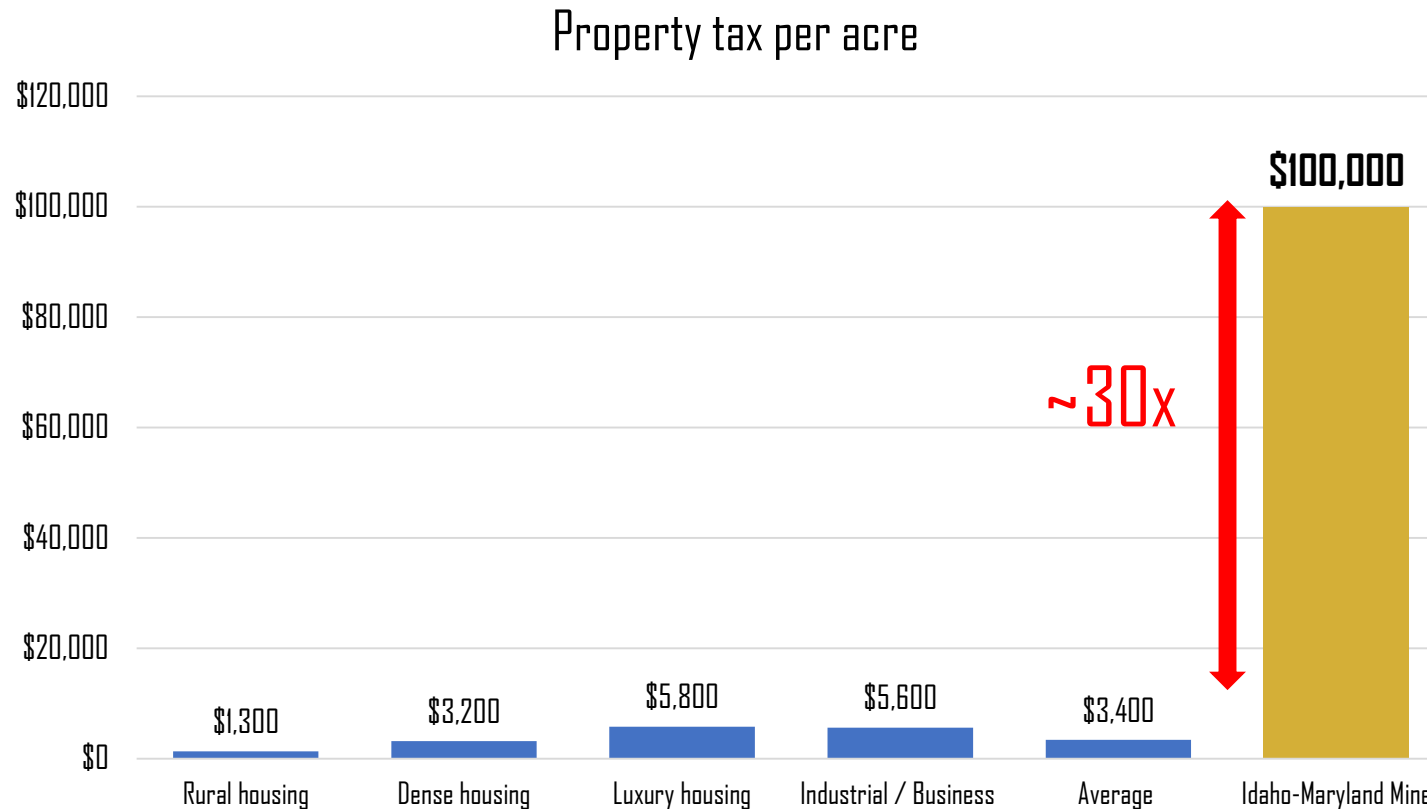
Greater than current top 10 taxpayers combined

Rank	Owner	Total Taxes
1	Pacific Gas & Electric Co.	\$2,716,000
2	RI-GRASS VALLEY LLC	\$490,000
3	PINE CREEK OWNER LLC	\$467,000
4	COBURN CROSSING APARTMENTS LLC	\$453,000
5	TAHOE CLUB COMPANY LLC	\$387,000
6	HIDDEN LAKE PROPERTIES INC	\$312,000
7	TRUCKEE MEADOWS WATER AUTHORITY	\$275,000
8	Southwest Gas Corporation	\$270,000
9	GATEWAY AT DONNER PASS LP	\$268,000
10	SIDDIQUI FAMILY PARTNERSHIP LP	\$236,000
Total		\$5,874,000



# Land Use Intensity

**\$6 million in taxes – 60 acres disturbance**  
Greater than all properties within 1 mile of site

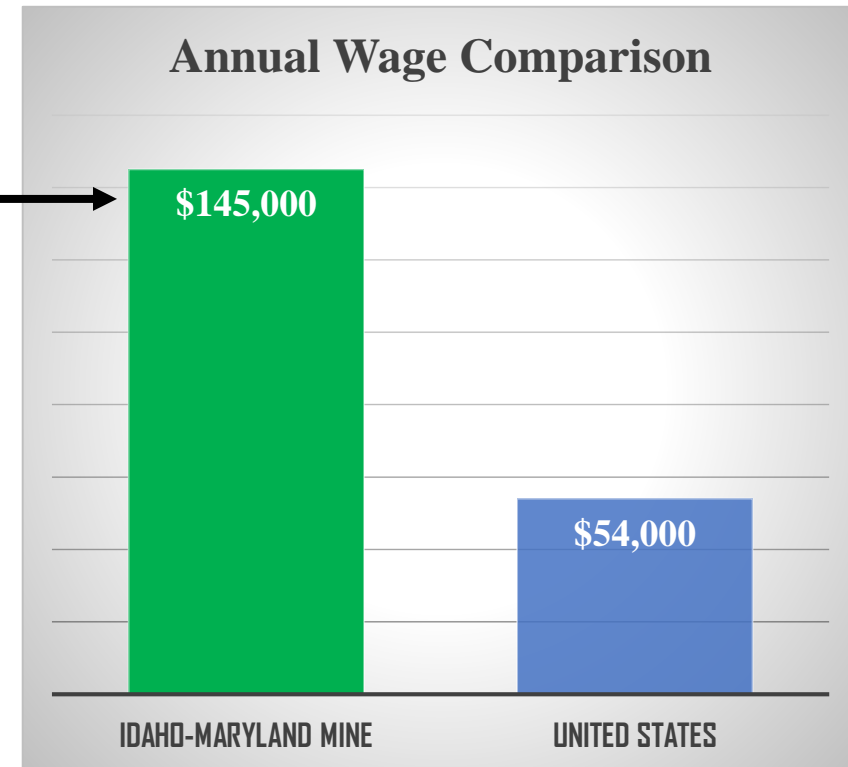


# Employment

## High Paying Jobs

Diversity of skillsets and interests

Average wages reported by majority  
of US gold miners



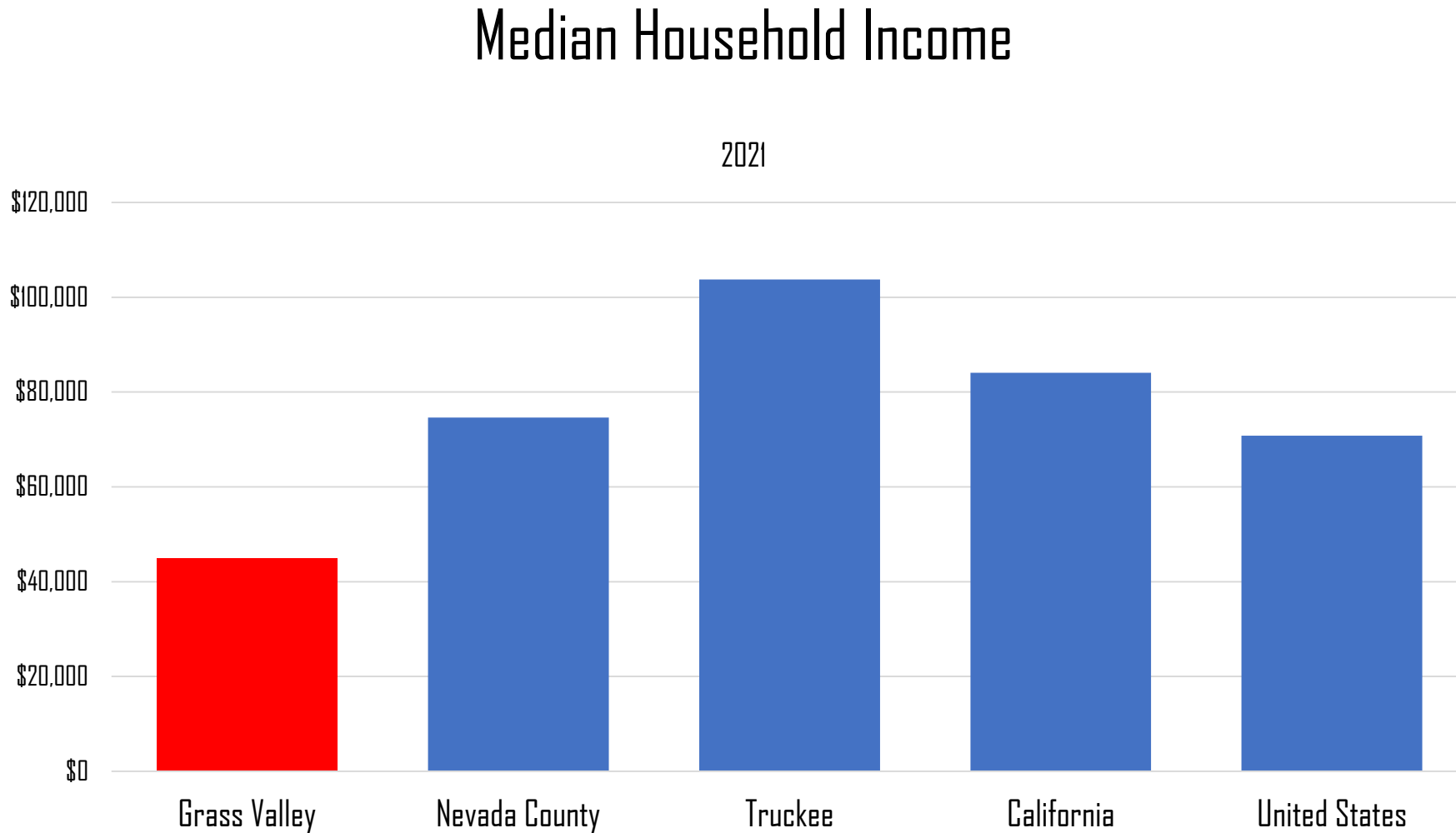
# Employment

More than 2/3rds Will Be Recruited from Nevada County

Comprehensive training programs & skilled workforce

Workforce	Total Employees	Employees per Shift
Management and technical staff	36	36
Assaying and construction	4	4
Underground mine	202	50
Mineral processing	64	16
Truck transport of engineered fill	2	1
Placement and compaction of engineered fill	4	4
<b>Total Workforce</b>	<b>312</b>	<b>111</b>

# Lack of Employment Opportunity





# Benefits of Idaho-Maryland Project

## Summary

- 312 Employees - \$145k average wage
  - 163 to 300 induced jobs
  - 475 to 612 total jobs created
  - Construction - Local contractors
- 
- \$6 million per year property taxes
  - \$240,000 per year - Ophir Hill FPD
  - \$100,000 per year - NSAQMD
  - \$88,000 per year - Public Works
  - \$1 million - Ophir Hill FPD - New engine
  - \$258,000 - Traffic Improvement fees



---

# Hydro Slide Deck

Nevada County Planning Commission

May 10-11, 2023

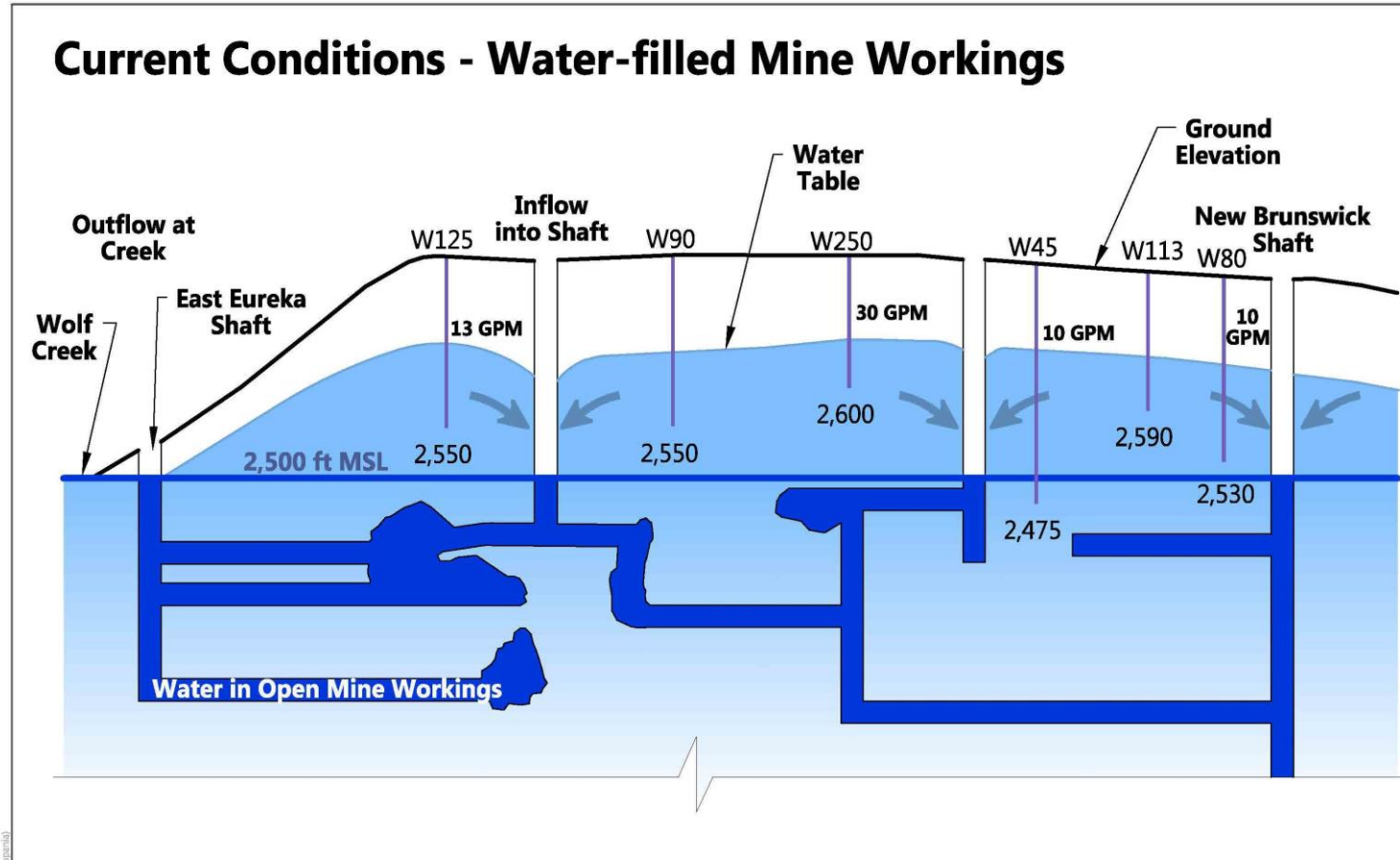
# If Dewatering the Mine would have an Impact, Then the Wells would Already be Affected

---

- Mine is already partially dewatered
  - Due to drains along Wolf Creek
- Water level in the mine is 50 feet to 200 feet lower than groundwater levels in wells
- Most wells are shallower than the water level in the mine

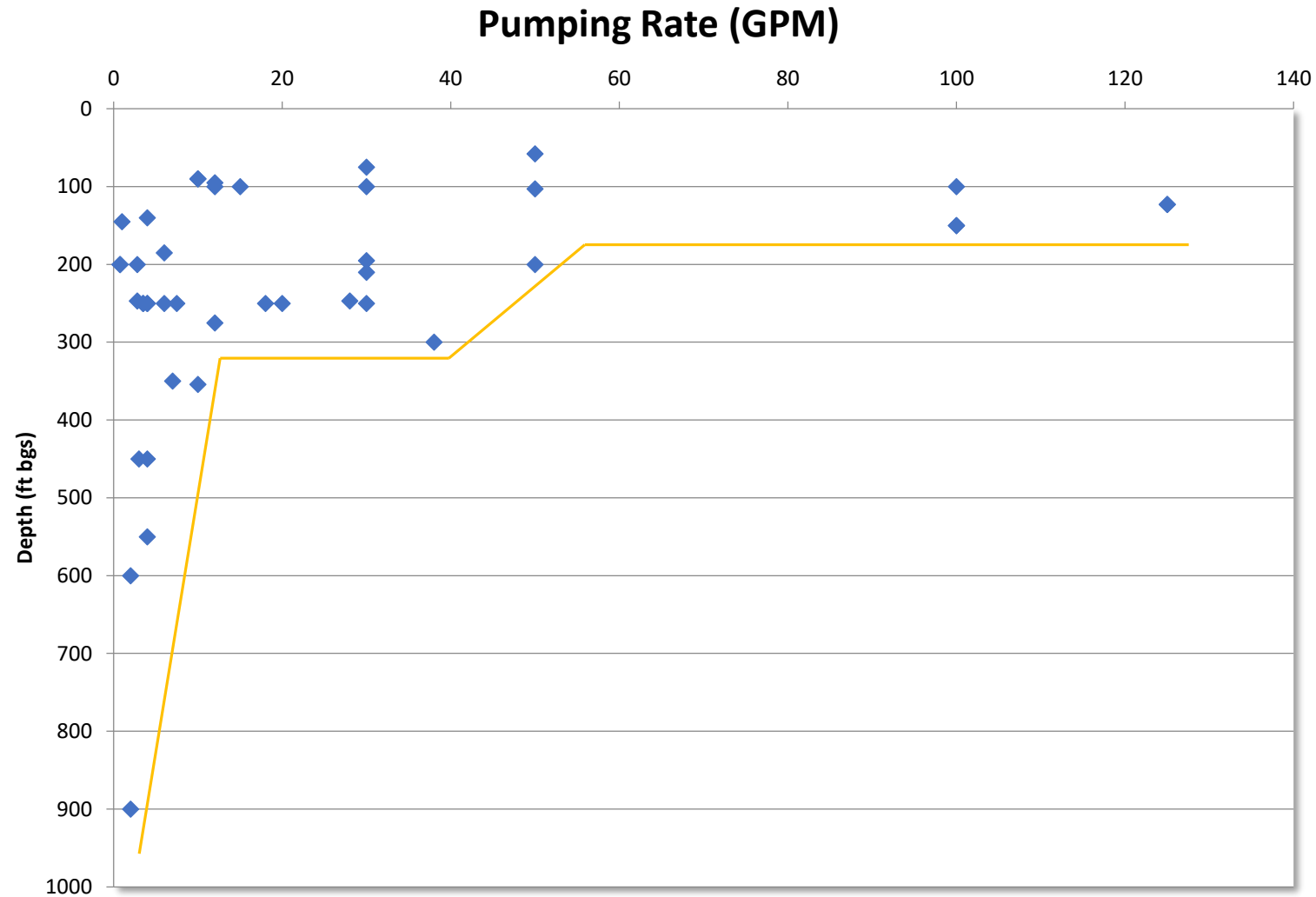
# Groundwater Conditions

## Within Existing Mine Workings



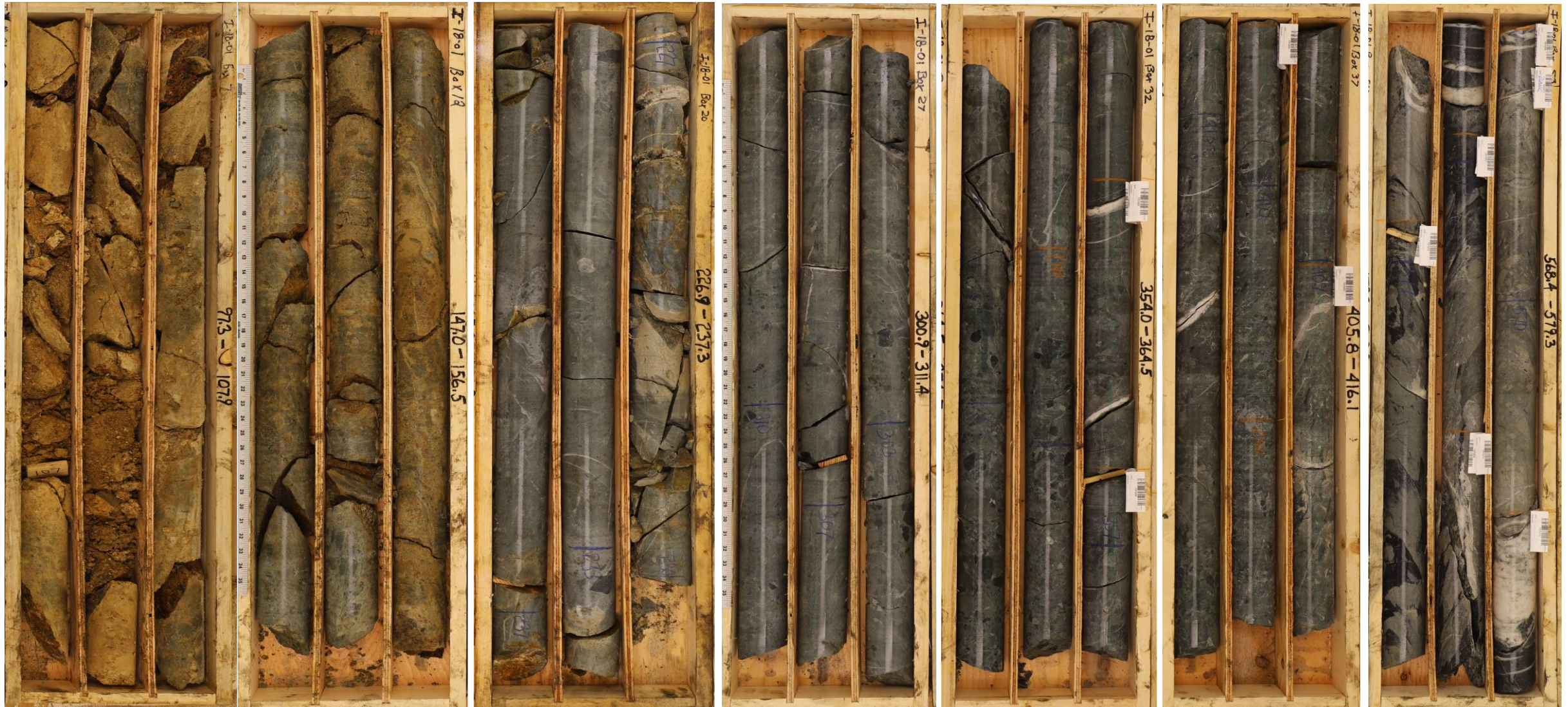


# There is a Distinct Drop in Pumping Rates with Depth



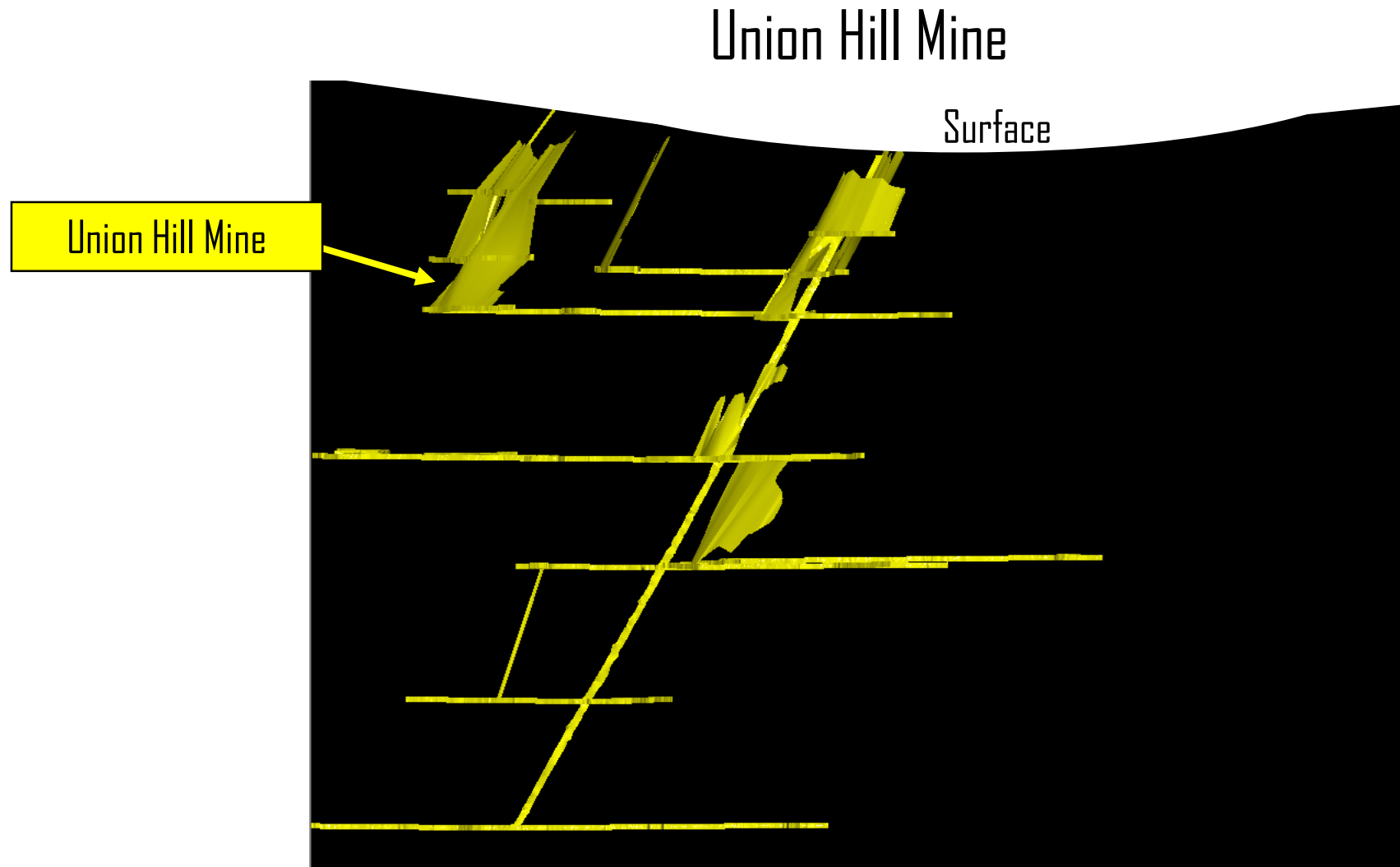


# Weathering and Fractures Decrease with Depth

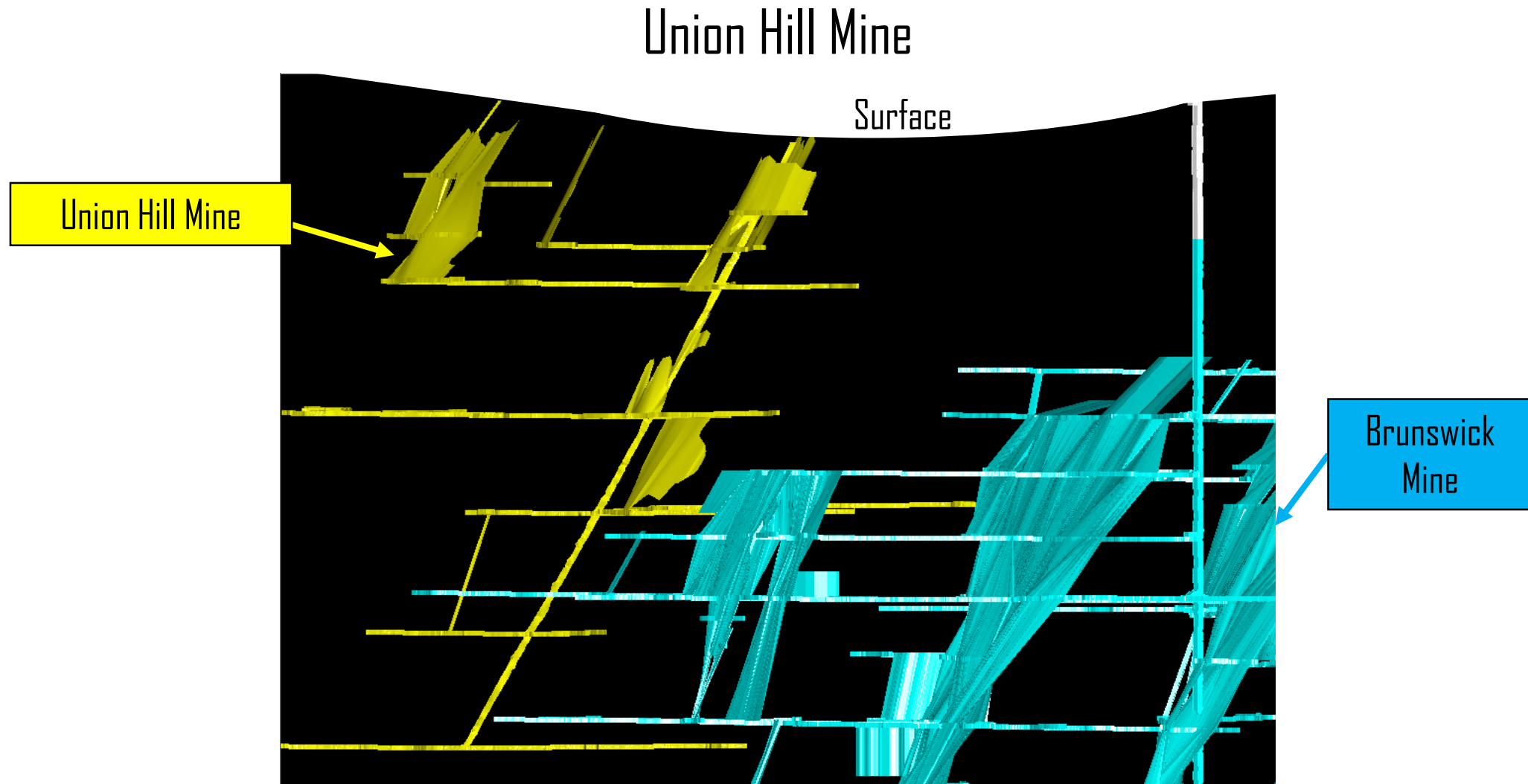




# Solid Rock at Depth – Not Permeable



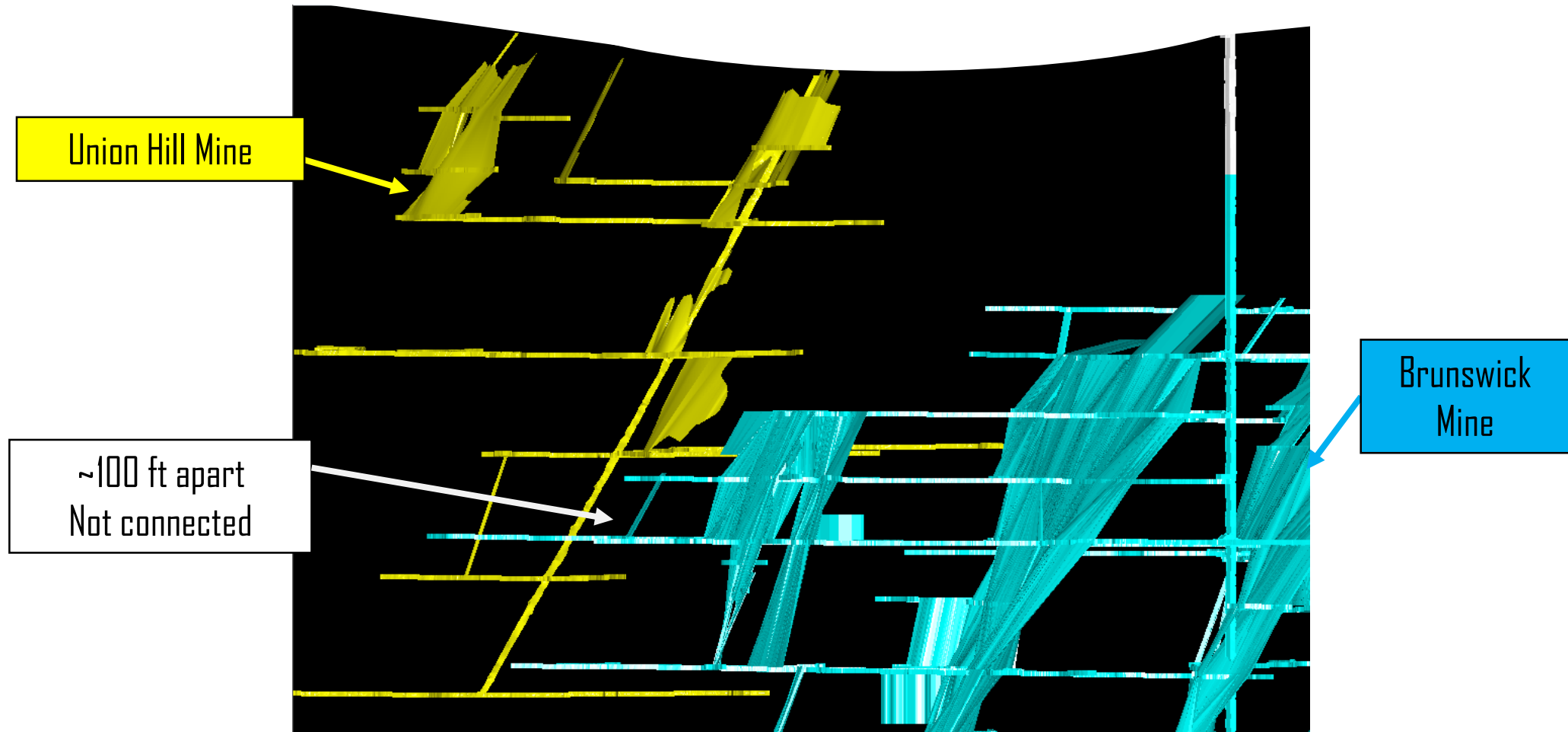
# Solid Rock at Depth – Not Permeable



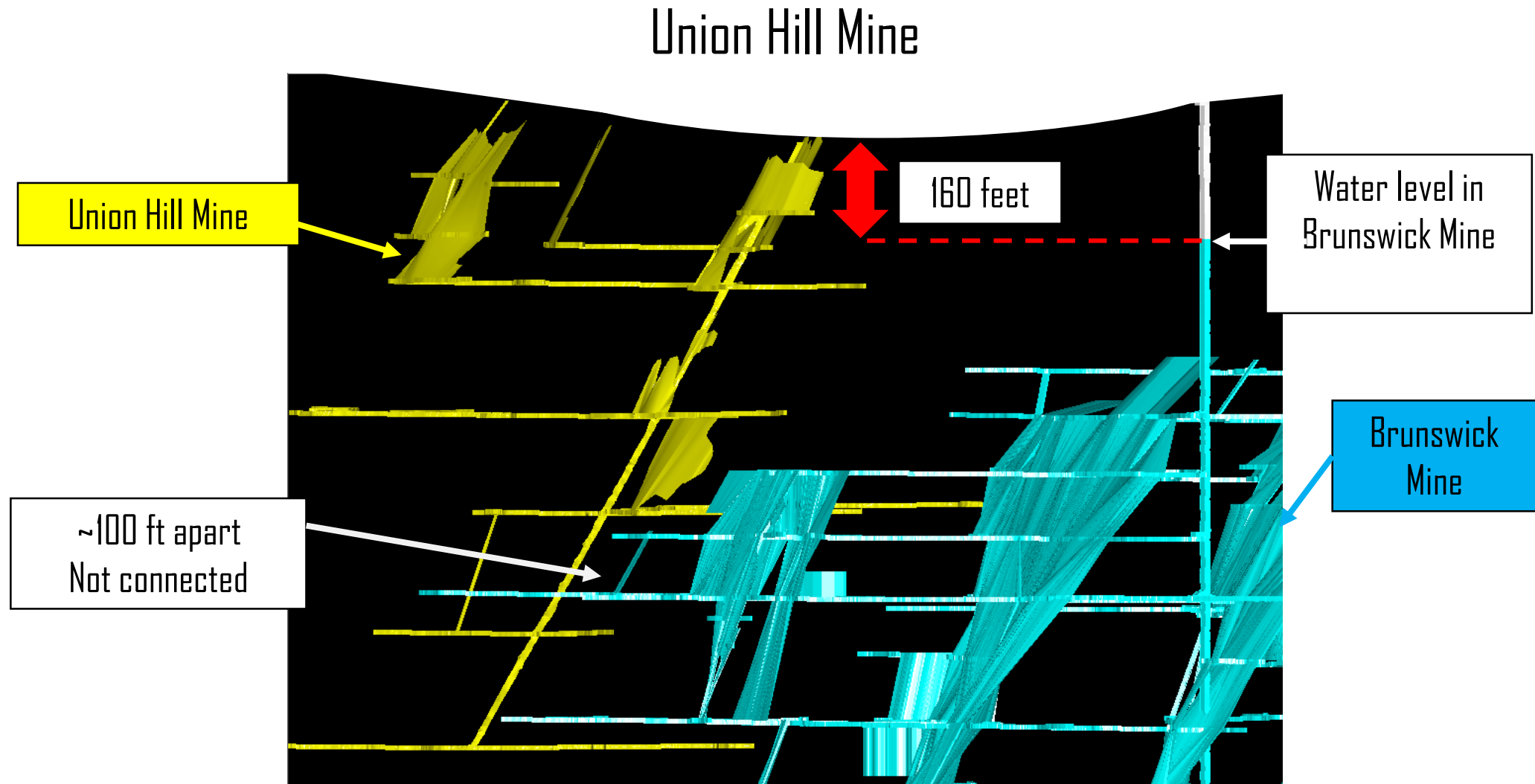


# Solid Rock at Depth – Not Permeable

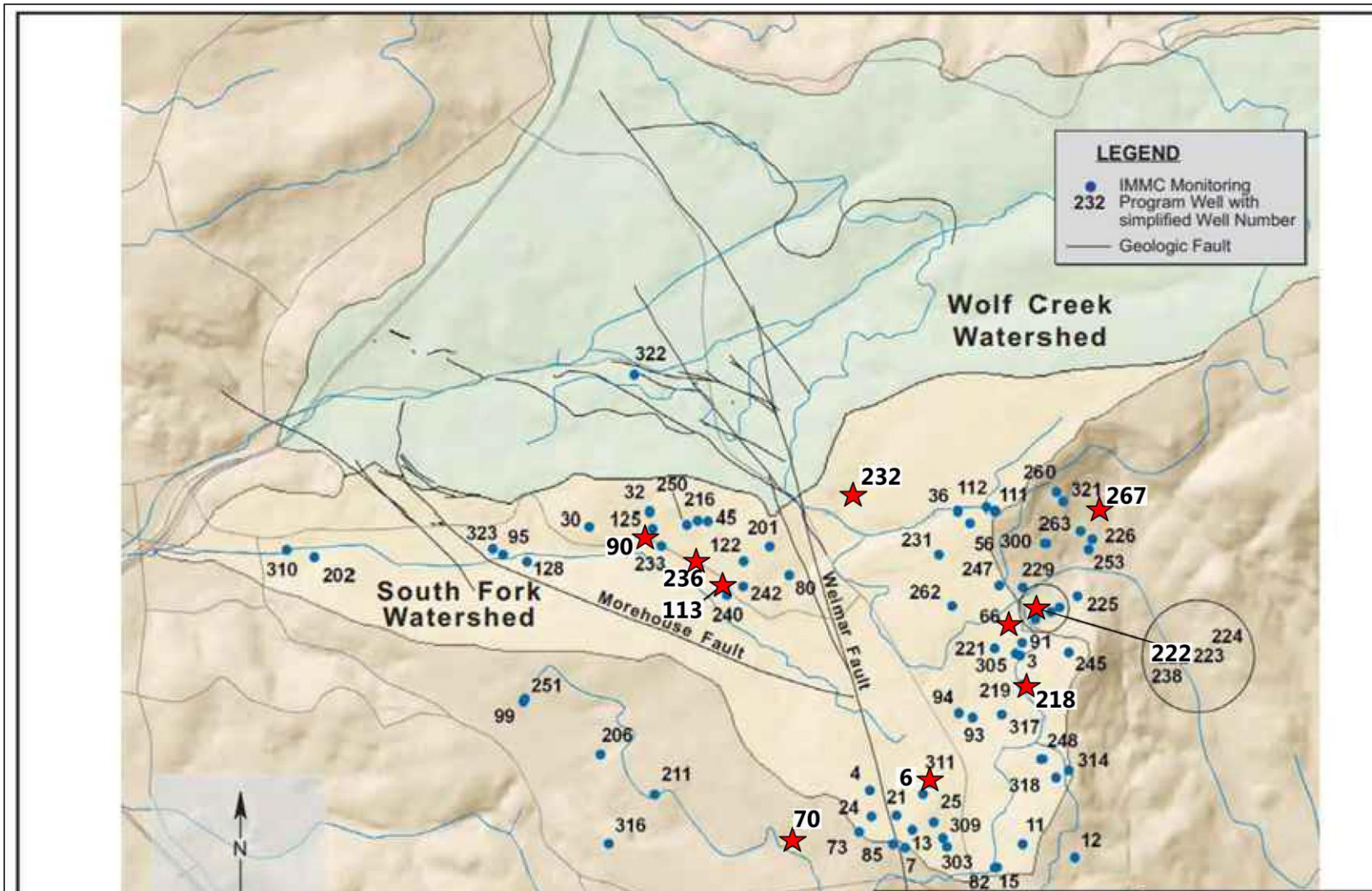
## Union Hill Mine



# Solid Rock at Depth – Not Permeable

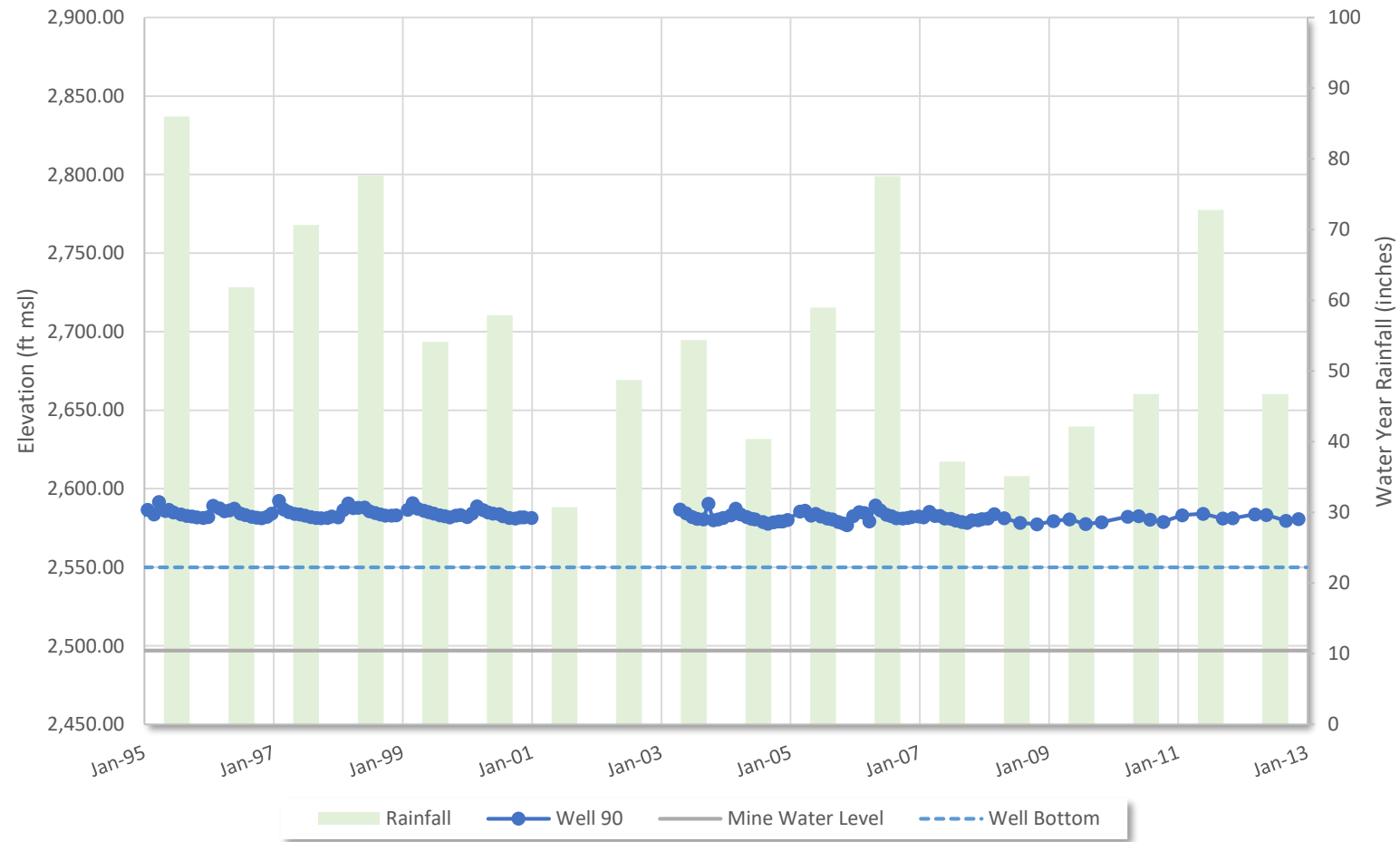


# Groundwater Levels in Wells are Stable



# Groundwater Levels are Stable

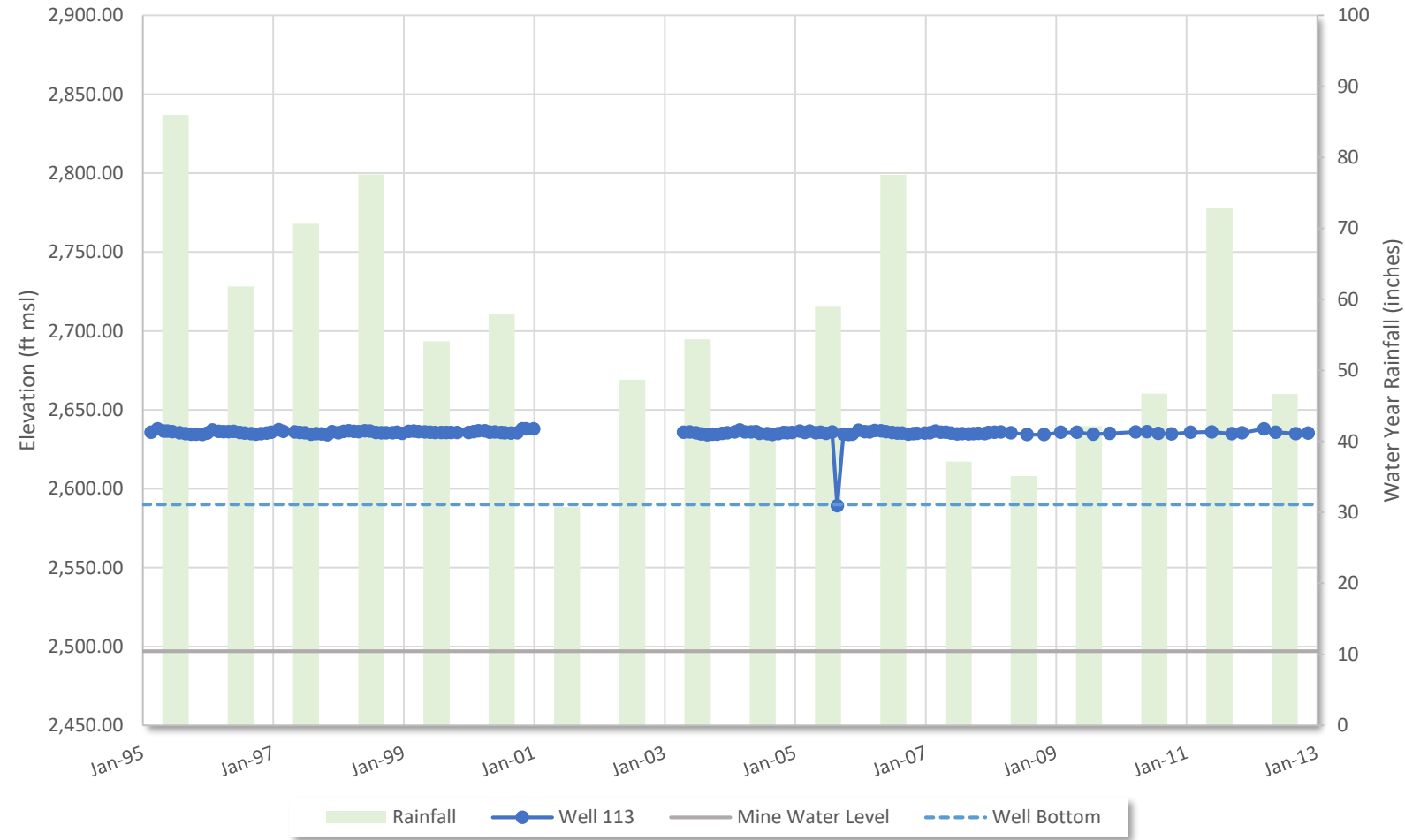
Comparison of Water Levels in Well 90 and Mine Shaft with Rainfall (E. Bennett Area)





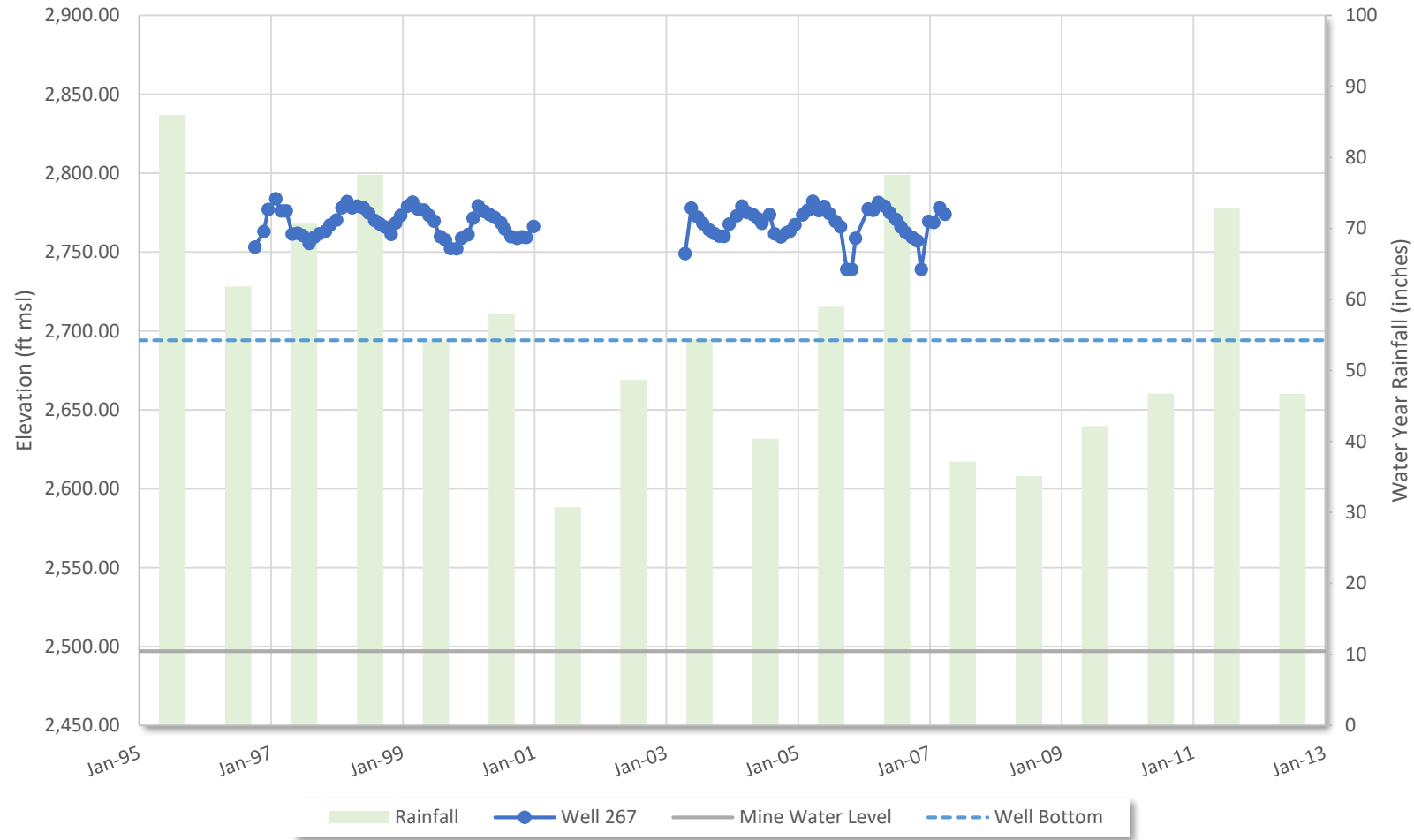
# Groundwater Levels are Stable

Comparison of Water Levels in Well 113 and Mine Shaft with Rainfall (E. Bennett Area)

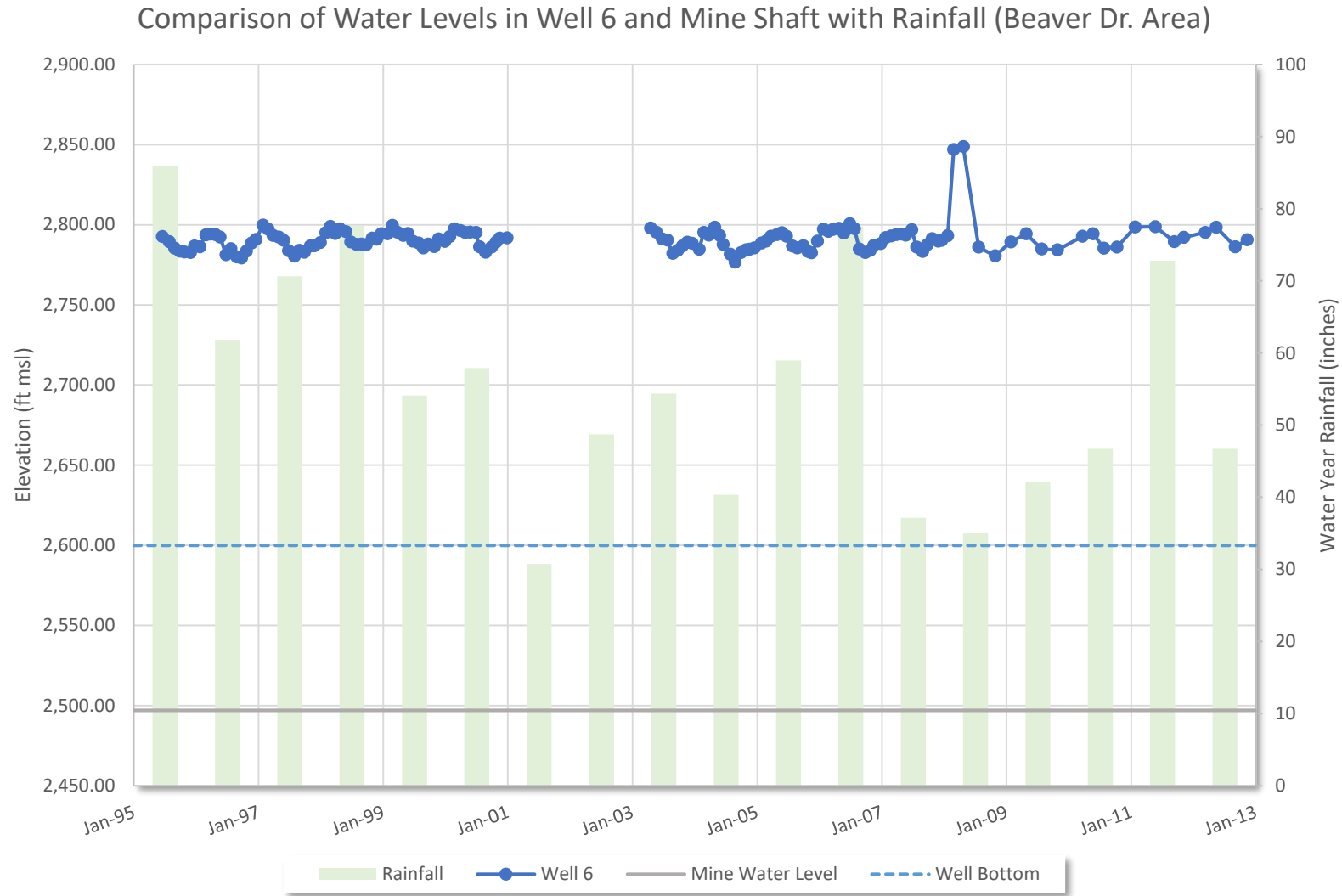


# Groundwater Levels are Stable

Comparison of Water Levels in Well 267 and Mine Shaft with Rainfall (Greenhorn Area)

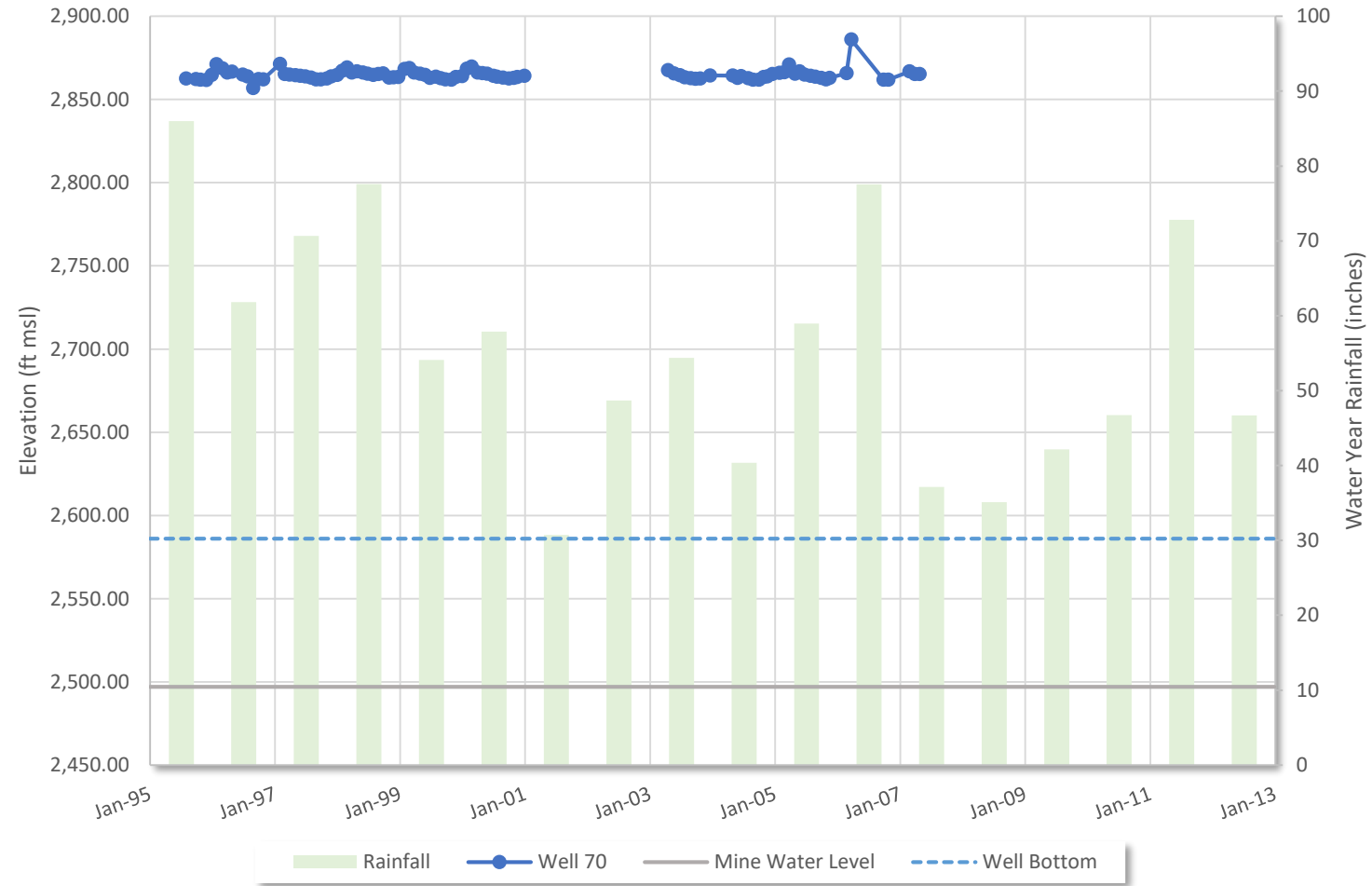


# Groundwater Levels are Stable



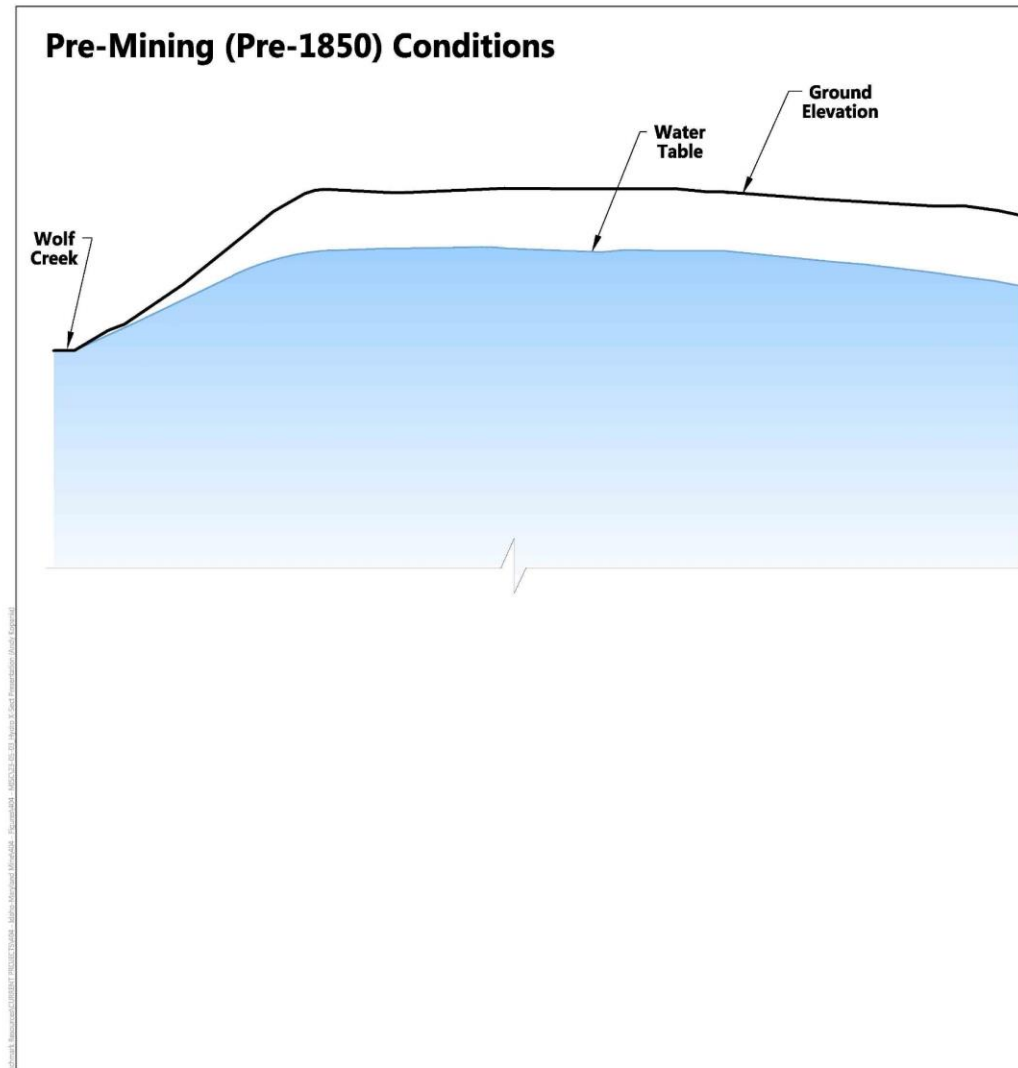
# Groundwater Levels are Stable

Comparison of Water Levels in Well 70 and Mine Shaft with Rainfall (Beaver Dr. Area)

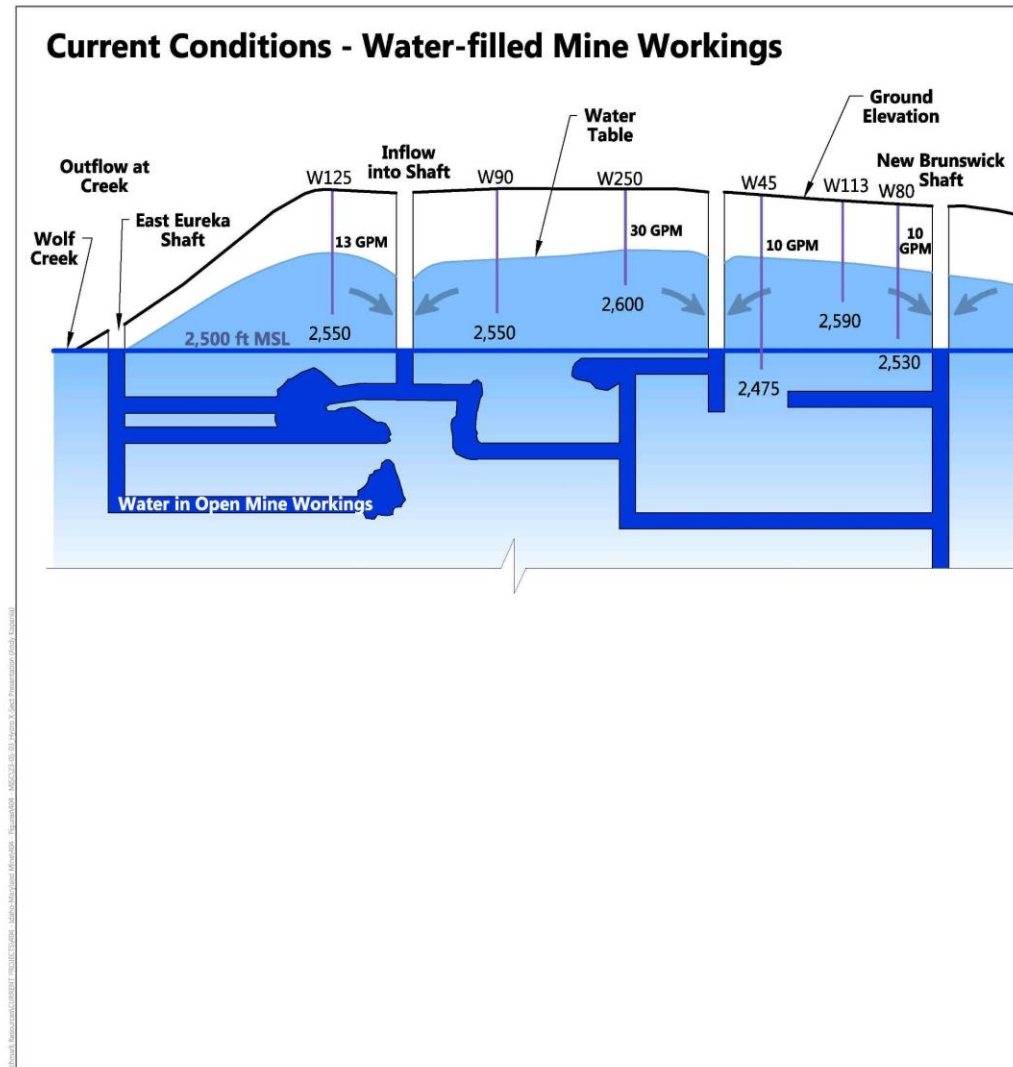




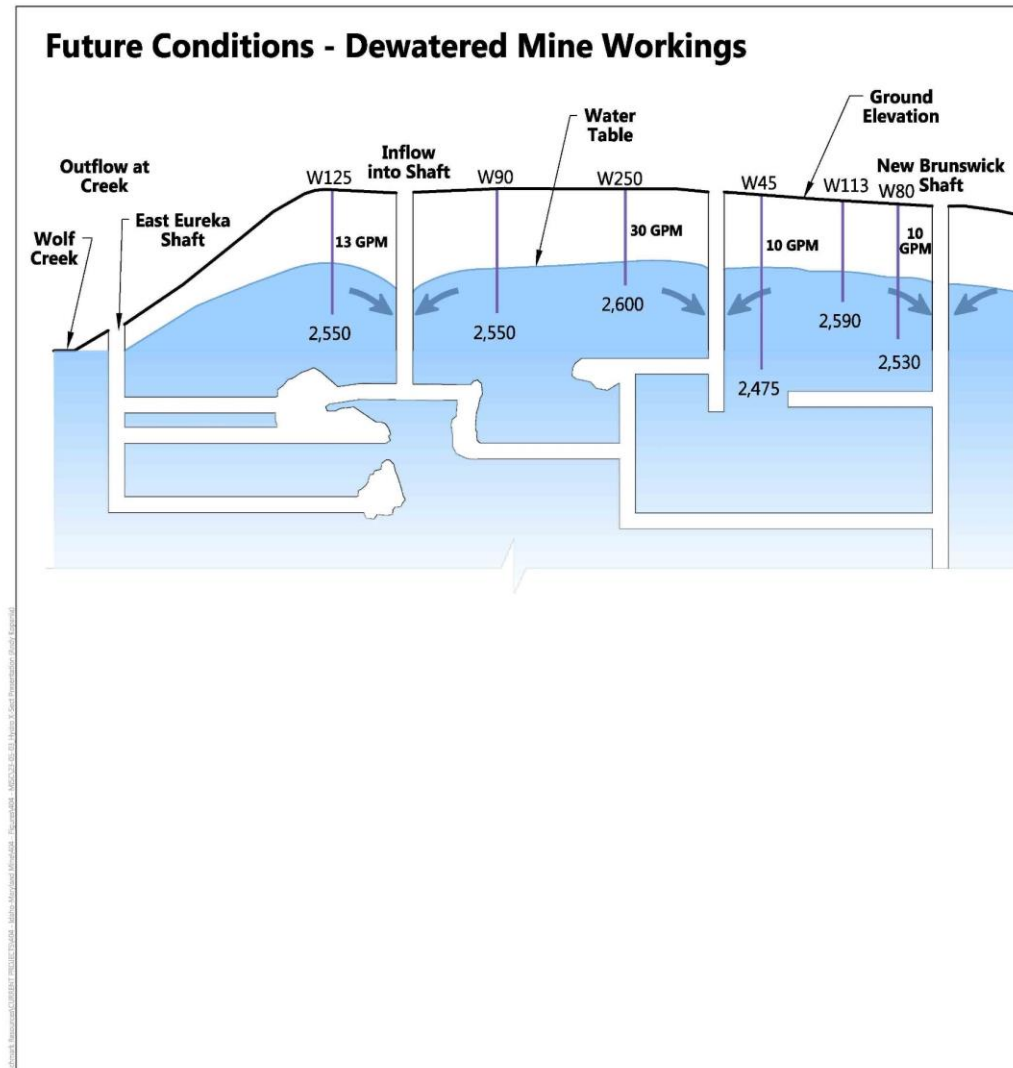
# Effects of Mining



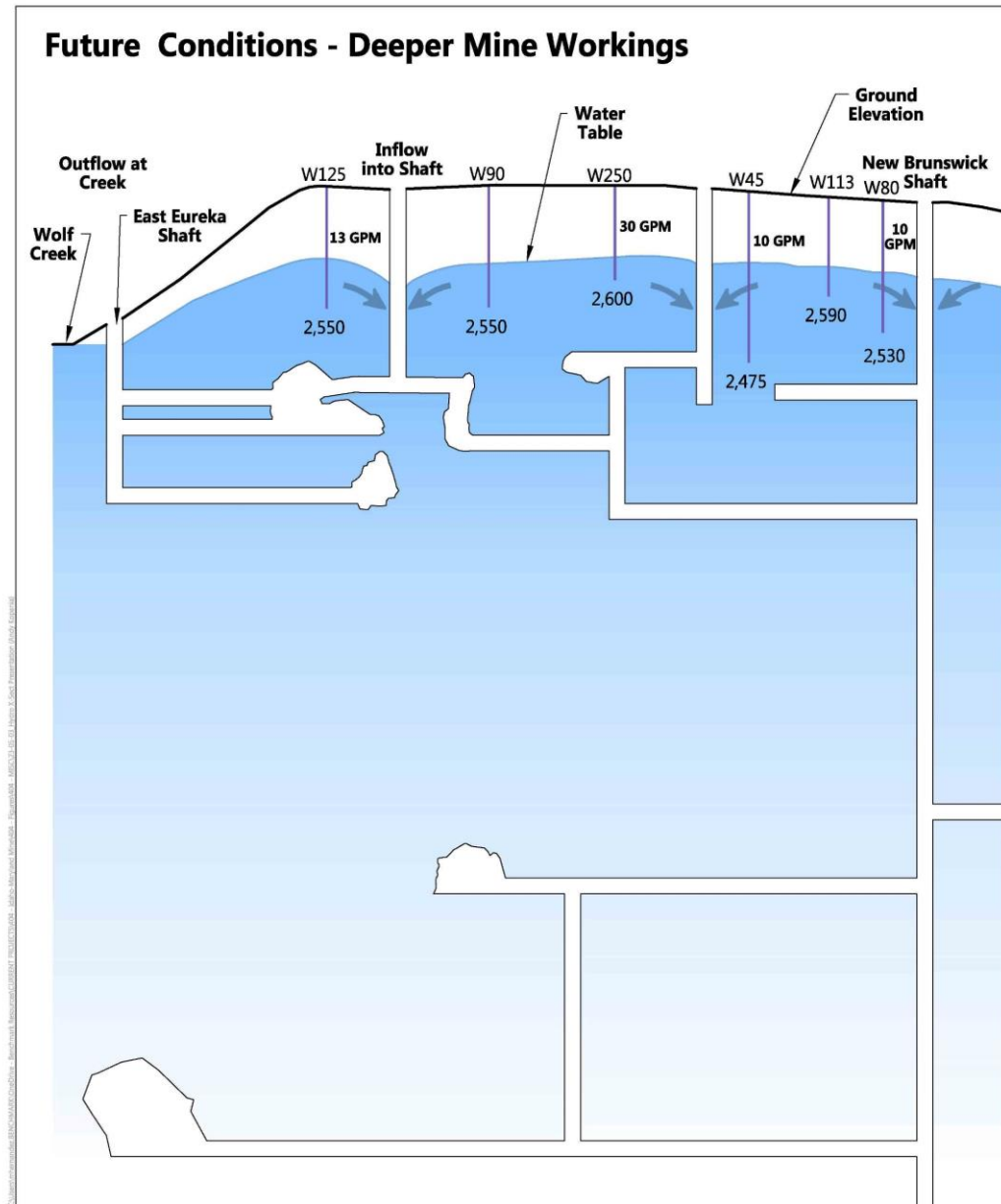
# Effects of Mining



# Effects of Mining



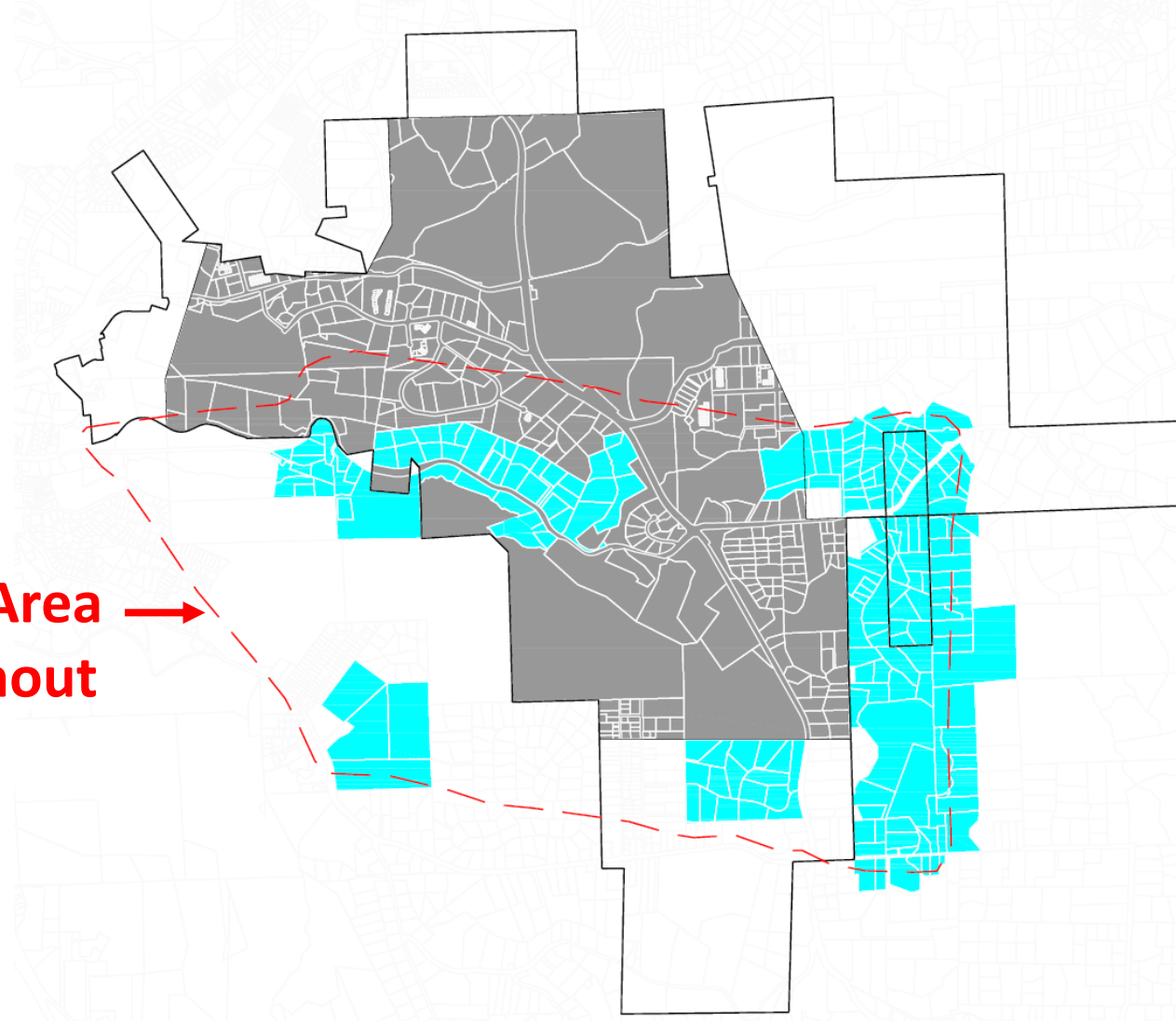
# Effects of Mining



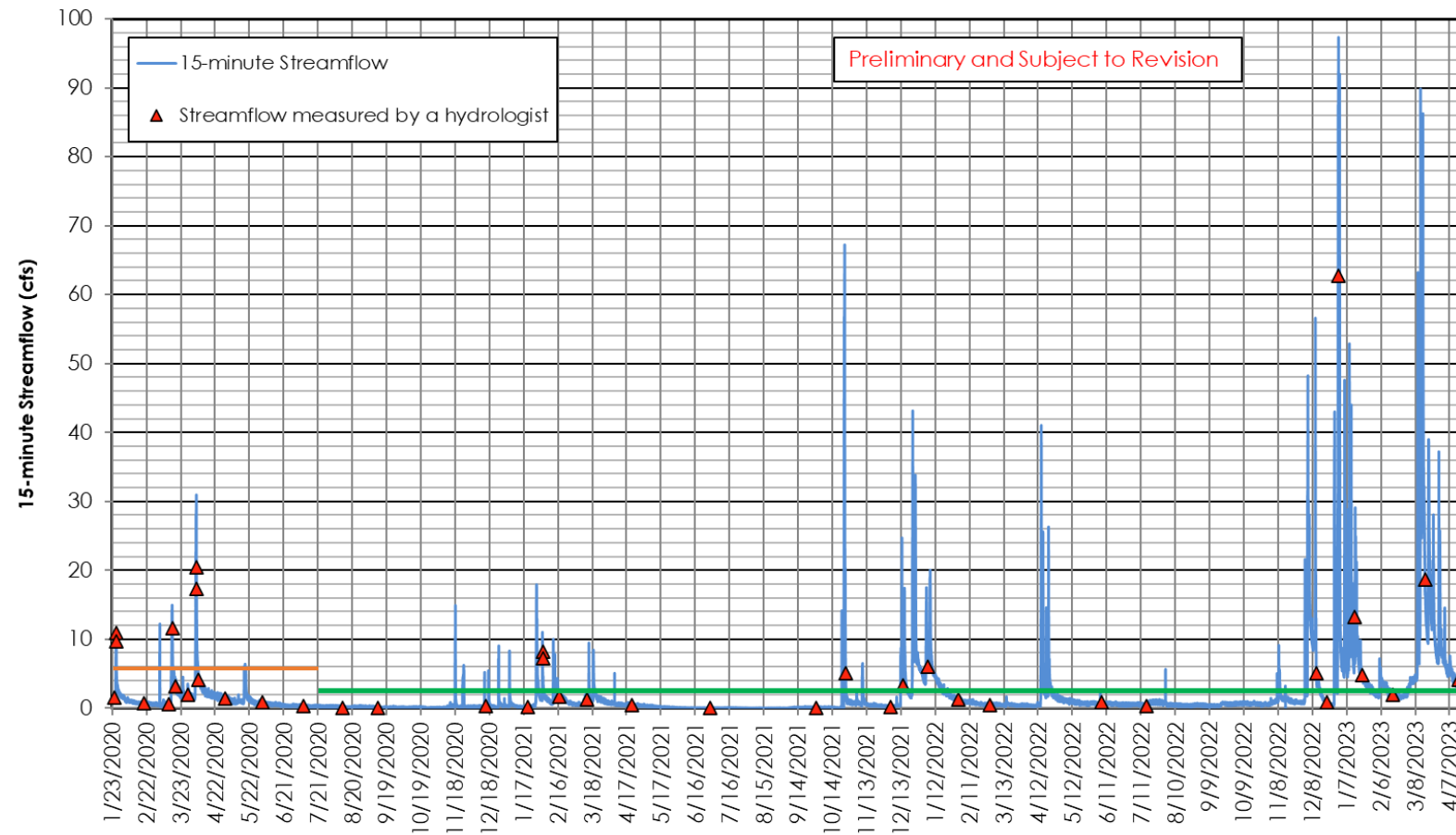


# Bond Imposed by Board of Supervisors in 1995

**1995 Well Study Area** →  
**~165 parcels without  
NID service**  
(Excluding E. Bennet)



# Any Potential Effects on South Fork Wolf Creek are Nominal



Initial Dewatering: 5.6 cfs (6 mos)

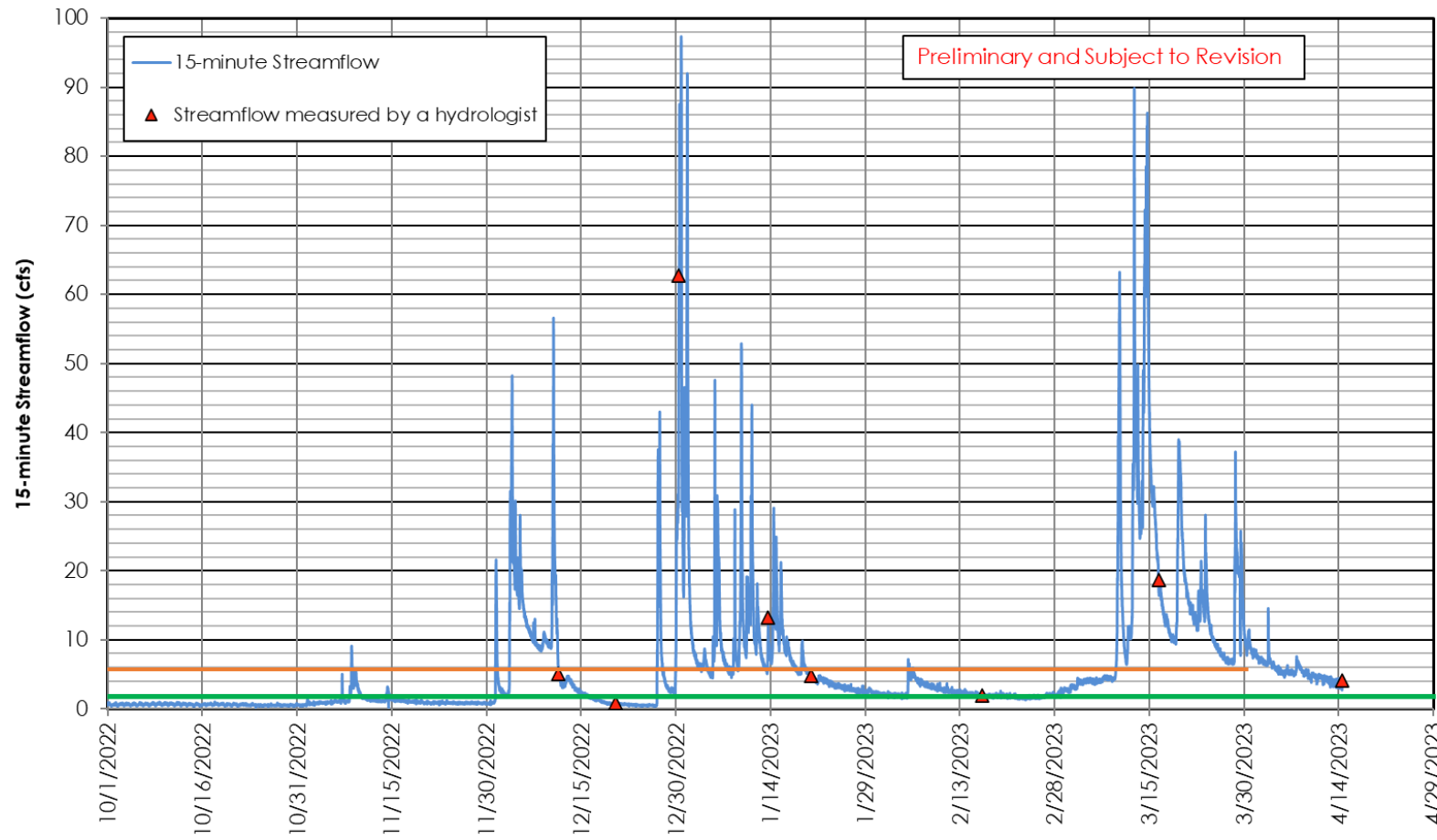
Operational Dewatering: 1.9 cfs

10-yr Storm Flow: 658 cfs

100-yr Storm Flow: 1087 cfs

Peak Flow 2022-2023: 97 cfs

# Any Potential Effects on South Fork Wolf Creek are Nominal



Initial Dewatering: 5.6 cfs (6 mos)

Operational Dewatering: 1.9 cfs

10-yr Storm Flow: 658 cfs

100-yr Storm Flow: 1087 cfs

# Water Flow

Increased flow in creek will not cause adverse impacts

1.9 cfs - 5.6 cfs of treated groundwater

~4 cfs

April 12 - 2023

South Fork Wolf Creek

Discharge point

~1 cfs

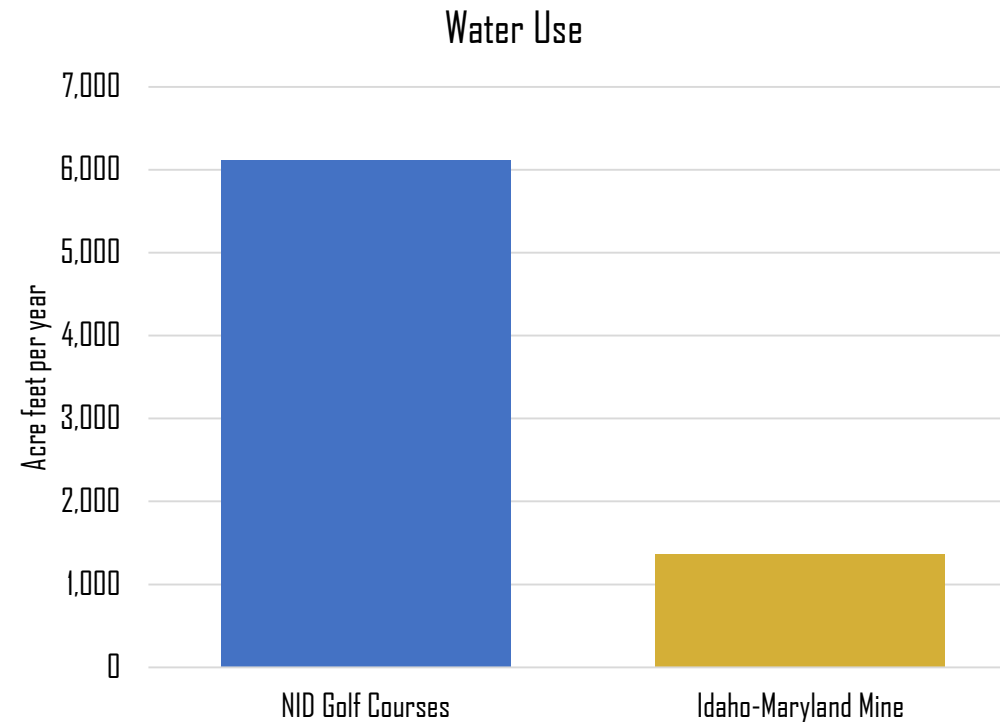
May 7 - 2020



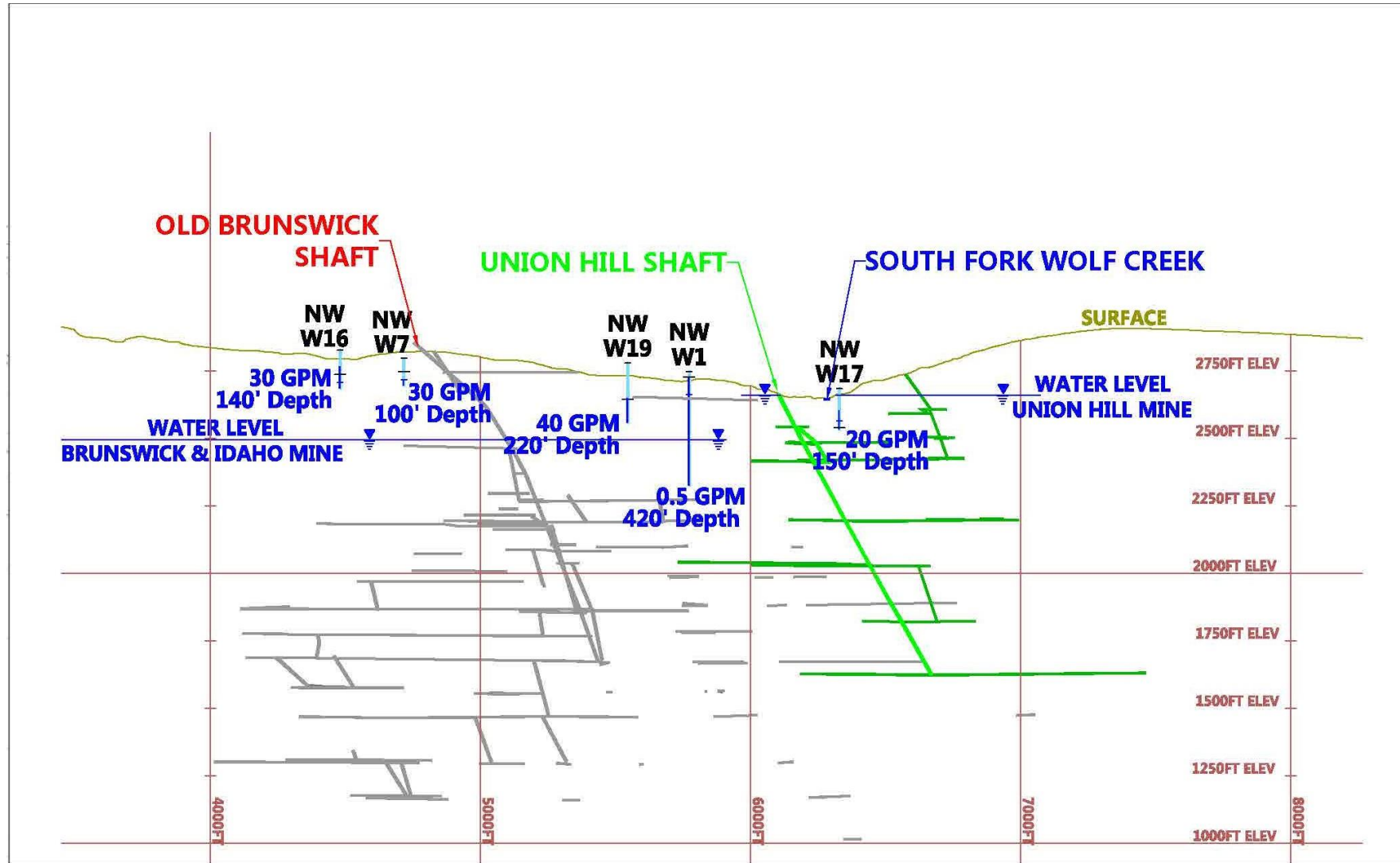


# Water “Use” Intensity

Assuming groundwater entering mine is “used”  
850 gpm maintenance dewatering



# Groundwater Conditions



# Water Quality – Discharge Will Meet Drinking Water Standards

## Discharge water will meet California Water Quality Objectives

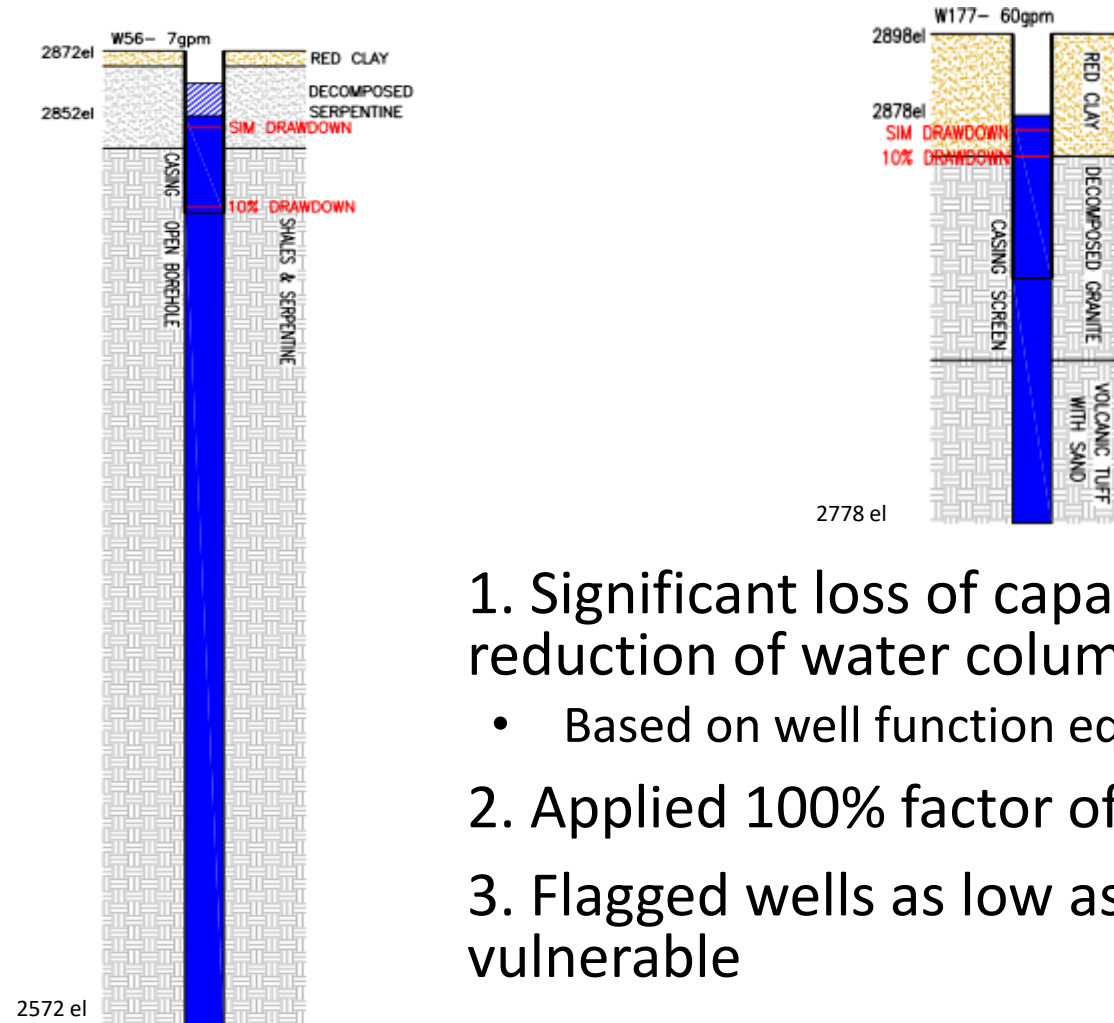
Regulated by the Central Valley Regional Water Control Board

Permit standards as good or better than drinking water quality standards

COMPARISON OF NPDES CAG995002 TO DRINKING WATER STANDARDS

		CAG995002*	California Drinking Water	
			Primary	Secondary
Aluminum	ug/L	310	1000	200
Antimony	ug/L	6	6	
Arsenic	ug/L	10	10	
Asbestos	MFL	7	7	
Beryllium	ug/L	4	4	
Cadmium	ug/L	3.1	5	
Chromium (Total)	ug/L		50	
Chromium (III)	ug/L	270		
Chromium (VI)	ug/L	8		
Copper	ug/L	12	1300	1000
Cyanide	ug/L	4.3	150	
Iron	ug/L	470		300
Lead	ug/L	5.3	15	
Maganese	ug/L	80		50
Mercury	ug/L	0.05	2	
Nickel	ug/L	69	100	
Selenium	ug/L	4.1	50	
Silver	ug/L	3.1		100
Thallium	ug/L	1.7	2	
Zinc	ug/L	95		5000

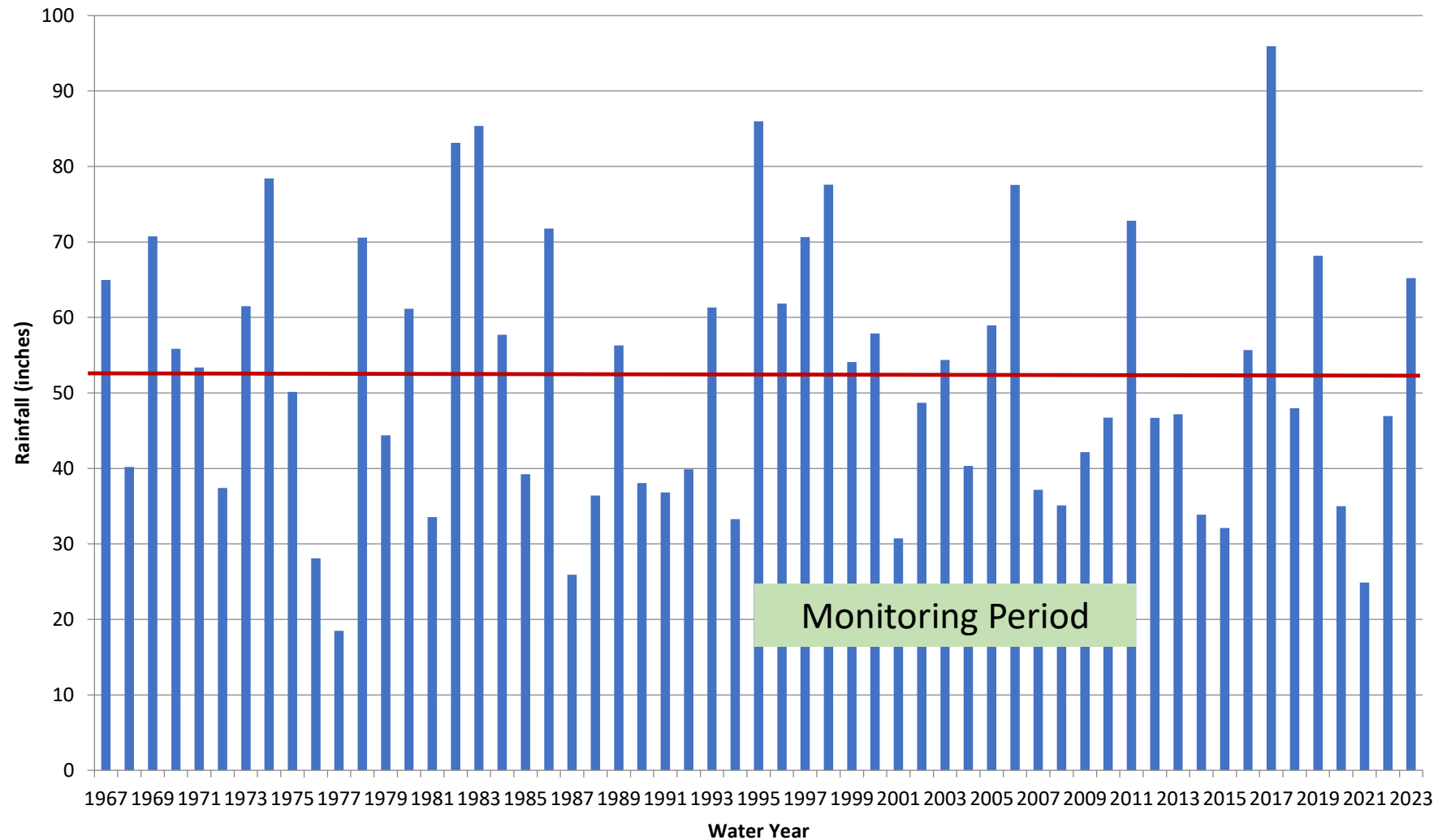
# Basis for 10% Criterion



1. Significant loss of capacity occurs at 20% to 40% reduction of water column
  - Based on well function equation/unconfined conditions
2. Applied 100% factor of safety to obtain 10%
3. Flagged wells as low as 7.5% as potentially vulnerable



# Grass Valley Rainfall 1967-2023



The County has protected the Brunswick Industrial Site with conditions imposed on nearby residential subdivisions

## Cordell Estates – Approved August 26<sup>th</sup>, 1968

Mr. Gates asked Mr. Lawrence if industry did petition for industrial zoning in the area, would the subdivider be affected with his subdivision? Mr. Lawrence answered, no. The reason they wanted two-acre zoning was because of the existence of the mills. Otherwise, the density would probably be much higher. From a planning standpoint, he feels the two-acre minimum building site size is right. He sees no conflict with the existing mills. In his letter that requested the zoning, he said he felt the zoning would be good until such time as there was a comprehensive rezoning of the entire area. Under all the circumstances as they exist, this appears to be the best solution for all.

Mr. Gates asked Mr. Lawrence if he is aware there are logging trucks and lumber trucks using the road in front of the subdivision. There will be a certain amount of noise and smoke which individuals with homes will frown upon. He is concerned that all the people who buy the lots should know of these conditions. He knows for a fact that other lots have been sold in the neighborhood, and the lot purchasers were never told of the conditions existent, with a mill operation. After they buy lots they find the property was not as represented to them. He feels this is wrong and a gross injustice to lot purchasers. Mr. Lawrence is aware of the circumstances, and he would assume that the people buying lots in Cordell Estates will be made aware of the existence of the industrial uses so they will buy full-knowing what they will be surrounded with.

# Approved Rezoning to Industrial in 1969

Use Permit

## NEVADA COUNTY PLANNING COMMISSION NEVADA COUNTY, CALIFORNIA

MINUTES of the regular meeting of May 12, 1969;  
Supervisors' Room, Courthouse, Nevada City, California.

MEMBERS PRESENT: Chairman Livingston; Commissioners Carls, Gordon, Longo, Peterson, Sanders and Waddell.

Mr. Crofford W. Bridges said he is an attorney in Grass Valley and represents Mr. and Mrs. Ghidotti. He stated the problem of zoning goes further than the immediate problem with the sawmill. Nevada County is gold country, and the gold industry is not dead. The Brunswick property is historically a gold mine. As of this time, the property owner is continually receiving inquiries regarding the survey of the property for reopening of mining. The contacts regarding the property are not inconsequential.

The organization that is now looking at the property from a gold mining standpoint is the Ostro Oil Company, Inc. of Houston, Texas, and they are listed on the stock exchange. They are going to survey the property. If the findings of the survey are sufficient to put the property back into a mining operation, that would be an industrial use of the property which is historically the basic use of the property. He and his client feel that not zoning the property at this time would close the door for that use of the property and destroy the highest and best use of the property.

# Brunswick Manor Building Setback

Use Permit

At its regular meeting of June 8, 1978, the Nevada County Planning Commission approved the tentative map of BRUNSWICK MANOR FM78-6, subject to the following conditions;

A. Planning Department Conditions.

- ✓1. Maintain a 100-foot building setback from the north property line for Lots 13, 14, 15 and 17 to provide an additional buffer from the mill. That setback shall be recorded on the final map.
2. A note shall appear in the deed restrictions and the public report which puts all potential buyers on notice that the mill does exist and that there are certain sensory nuisances present and that they are buying with that understanding. CC&R's shall be developed that represent the same.



The current zoning of M1-SP contemplates use much more intense than the proposed Project in the southern part of the Brunswick site.

Ordinance 1853 – Rezone of Brunswick site to M1-SP – Approved by Board of Supervisors in 1994

An Industrial area would be located on the south portion and extending to the border of the property, generally in the area proposed as the engineered fill area for the IMM Project. Primary uses in this area would include uses that are site and labor intensive with minimal customer activity. Building intensity is not specified. Using 13,000 ft<sup>2</sup> per acre would allow 238,000 ft<sup>2</sup> of industrial buildings.

### Examples of Permitted Uses:

- Lumber Yards
- Truss Manufacturing Yards
- Large Truck Repair and Service
- Large Wholesaling and Distribution Facilities
- Recycling Center
- “Green Tech” Recyclers
- Moving and Storage Facilities
- RV Repair and Storage Lots
- Well Drilling, Contractors Equipment and Storage Yards
- Large Equipment Storage and Repair
- Auto Dismantling Yards
- Milling and Planing Facilities

The County has protected the Brunswick Industrial Site with conditions imposed on all residential subdivisions

## **New Brunswick Court – Approved November 13<sup>th</sup>, 2003**

**Land Use.** This property is located above the actual workings of the prior Idaho-Maryland mine, and it is located between two (Old Brunswick and New Brunswick) of the five access points into the mine. The Mineral Land Classification Maps indicate the project site is within an MRZ-2b zone referred to as the “Grass Valley Northeast Area (lode gold).” The Residential land use designation is not compatible with surface mining; however, subsurface mining could potentially occur within this area. A mitigation measure is included to notify future property owners of the potential for mineral resource extraction to occur.

A letter received from the Idaho-Maryland Mining Corporation on November 4, states that they presently have a lease with an option to purchase the 37 acres directly across East Bennett (APNs 09-630-24, 27, 30, 31). They intend to apply for use of the property for underground mining, including dewatering, ventilation, mining, milling, and ingress and egress to the Idaho-Maryland Mine with its existing 3,460 foot shaft. They have requested that their future application for these uses across the road from the proposed subdivision be taken into account for any nearby development, including this application. This request is addressed by the mitigation measure referenced in the paragraph above.