

COUNTY OF NEVADA

STATE OF CALIFORNIA

Supervisor Heidi Hall, District I

Chair Ed Scofield, District II

Supervisor Lisa Swarthout, District III

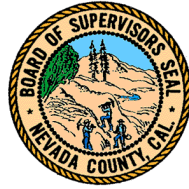
Supervisor Susan Hoek, District IV

Vice Chair Hardy Bullock, District V

Julie Patterson Hunter, Clerk of the Board

Alison Lehman, County Executive Officer

Katharine L. Elliott, County Counsel



BOARD OF SUPERVISORS

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SUMMARY MINUTES

| <u>Date</u> | <u>Time</u> | <u>Location</u> |
|------------------------------|-------------|---|
| Wednesday, December 13, 2023 | 9:00 AM | Board Chamber, First Floor |
| Thursday, December 14, 2023 | | Eric Rood Administrative Center 950 Maidu Avenue, Suite 200 Nevada City, California |

SPECIAL MEETING

WEDNESDAY, DECEMBER 13, 2023: 9:00 A.M.

Rollcall: The following Supervisors present:

Heidi Hall, 1st District

Ed Scofield, 2nd District

Lisa Swarthout, 3rd District

Susan Hoek, 4th District

Hardy Bullock, 5th District

STANDING ORDERS:

Chair Scofield called the special meeting to order at 9:00 a.m. on Wednesday, December 13, 2023.

The Pledge of Allegiance was held.

No corrections or deletions to agenda were noted.

SCHEDULED ITEM: 9:00 AM**Planning Director: Brian Foss**

[SR 23-5010](#) Public Hearing to consider the Idaho-Maryland Mine Vested Right Petition dated September 1, 2023 prepared by Braiden Chadwick and Ryan W. Thomason of Mitchell Chadwick, LLP, on behalf of Joseph Mullin, Rise Grass Valley, Inc. (“Petitioner”) for a formal determination by the County of Nevada (“County”) concerning the existence and scope of vested mining rights to mine the 175.64-acre “Idaho Maryland Mine”(“Petition”) comprised of the 119-acre Brunswick Industrial Site Assessor’s Parcel Numbers (APNs): 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039 (“Brunswick”); and the Centennial Industrial Site APNs: 009-550-032, 009-550-037, 009-550-038, 009-550-039, and 009-560-036 (“Centennial”) (collectively, the “Subject Property”).

Resolution finding that petitioner failed to present sufficient evidence to support the finding of a vested right or to determine the scope of a vested right; mining operations were abandoned at the Subject Property as early as 1956; and neither the petitioner nor any other party has a vested right to mine at the 175.64-acre Subject Property comprised of the Brunswick Industrial Site assessor's parcel numbers: 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039; and the Centennial Industrial Site assessor's parcel numbers: 009-550-032, 009-550-037, 009-550-038, 009-550-039, AND 009-560-036, and finding the action statutorily exempt from CEQA.

Public hearing held.

ACTION TAKEN: Chair Scofield opened the meeting. Supervisor Hall addressed the petitioner's request to recuse herself from the vested rights proceedings. Supervisor Hall declined the request for recusal. Chair Scofield asked if any Board member have received any information or met with any public members outside of this hearing related to the determination of vested rights. All Supervisors included the Chair reported "none." Staff provided a presentation, the petitioner provided a presentation, and the Board asked staff and the petitioner questions. Chair Scofield opened the opportunity for public comment. The Board received public comment, including approximately 30 verbal comments. Chair Scofield closed public comment.

ADJOURNMENT

ACTION TAKEN: Chair Scofield adjourned the special meeting of the Board of Supervisors of the County of Nevada, held on Wednesday, the 13th day of December 2023, adjourned at 3:47 p.m., to Thursday, the 14th day of December 2023, at 9:00 a.m., to be held at the Board of Supervisors Chamber, First Floor, 950 Maidu Avenue, Nevada City, California, 95959.

THURSDAY, DECEMBER 14, 2023: 9:00 A.M.

Chair Scofield reconvened the special meeting back to order at 9:00 a.m. on Thursday, December 14, 2023, after the adjournment at 3:47 p.m. on Wednesday, December 13, 2023. All Supervisors present.

Planning Director: Brian Foss**[SR 23-5011](#)**

Public Hearing to consider the Idaho-Maryland Mine Vested Right Petition dated September 1, 2023 prepared by Braiden Chadwick and Ryan W. Thomason of Mitchell Chadwick, LLP, on behalf of Joseph Mullin, Rise Grass Valley, Inc. (“Petitioner”) for a formal determination by the County of Nevada (“County”) concerning the existence and scope of vested mining rights to mine the 175.64-acre “Idaho Maryland Mine”(“Petition”) comprised of the 119-acre Brunswick Industrial Site Assessor’s Parcel Numbers (APNs): 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039 (“Brunswick”); and the Centennial Industrial Site APNs: 009-550-032, 009-550-037, 009-550-038, 009-550-039, and 009-560-036 (“Centennial”) (collectively, the “Subject Property”).

Resolution finding that petitioner failed to present sufficient evidence to support the finding of a vested right or to determine the scope of a vested right; mining operations were abandoned at the Subject Property as early as 1956; and neither the petitioner nor any other party has a vested right to mine at the 175.64-acre Subject Property comprised of the Brunswick Industrial Site assessor's parcel numbers: 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039; and the Centennial Industrial Site assessor's parcel numbers: 009-550-032, 009-550-037, 009-550-038, 009-550-039, AND 009-560-036, and finding the action statutorily exempt from CEQA.

Adopted as amended.

Enactment No: RES 23-619

ACTION TAKEN: The Board asked questions of staff and the petitioner, and staff and the petitioner responded. Staff discussed proposed changes to the Resolution. After providing the petitioner and the public an opportunity to review the revised Resolution, the Board discussed and deliberated.

MOTION: Motion made by Supervisor Swarthout, and seconded by Supervisor Bullock, to adopt Resolution 23-619 as revised, finding that the petitioner failed to present sufficient evidence to support the finding of a vested right or to determine the scope of a vested right; mining operations were abandoned on the Subject Property as early as 1956 and neither the petitioner nor any other party has a vested right to mine at the 175.64-acre subject property comprised of the Brunswick Industrial Site assessor's parcel numbers: 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039; and the Centennial Industrial Site assessor's parcel numbers: 009-550-032, 009-550-037, 009-550-038, 009-550-039, and 009-560-036, and finding the action statutorily exempt from CEQA. On a roll call vote, the motion passed unanimously.

ADJOURNMENT

ACTION TAKEN: Chair Scofield adjourned the meeting at 10:49 a.m.

Signature and Attestation

Hardy Bullock, Chair

ATTEST:

By:

Tine Mathiasen, Chief Deputy Clerk of the Board