

My name is David Watkinson. I represent Emgold Mining Corporation and its predecessor Emperor Gold, who are referenced in the Staff Report multiple times. Our company was involved in trying to reopen the Idaho-Maryland Mine between the period of 1993 to 2013.

I met the principals of the BET Trust multiple times after joining the company in 2006. Idaho-Maryland Industries Inc., the Ghidotti's, and the BET Trust all maintained and preserved the historic survey maps, geological maps, assay maps and data, production reports, and other data from the historic Idaho Maryland Mine since its closure with the expectation that at some point the mine would be acquired and reopened. We were allowed to make copies of this information only, and the original documents were retained by the BET Trust because they recognized their value and importance to reopening the mine.

The Staff Report erroneously concludes that Emgold did not apply for vested rights to reopen the Idaho-Maryland Mine in 2005 because we believed there were no vested rights. Note that Staff did not contact us, so I don't know how they could make this determination. The fact is, Emgold did not apply for vested rights in 2005 because our proposed Project did not meet the criteria for a vested rights application. Our proposed Project was based on a 2,400 ton per day operating rate, twice the historic production rate. It also included both a gold processing plant and a ceramics plant to recycle mineral waste from the mine. The ceramics plant was not a historic use of the property. Hence, our proposed Project required, by law, that we apply for a Conditional Use Permit and go through the CEQA process. That did not mean vested rights did not exist, they just did not apply to our project as proposed.

The Staff Report makes numerous references to surface rights being sold off by Idaho-Maryland Mine or subsequent owners, after closure, as examples of abandonment of the mine. This is a flawed and erroneous analysis. I quote Jack Clark's book, Gold in Quartz, page 195, "By the early 1930's, the corporation controlled 2,180 acres of land not all of which was suited for mining purposes. Local citizens often criticized the companies for the unkempt condition of their properties. To remedy this, Errol MacBoyle began purchasing portions of the land for his personal development, thereby releasing the corporation from its responsibility. The mineral rights remained with the mine." Jack Clark's book details three land packages, the 492-acre Loma Rica Rancho, the 220 acre-Loma Rica Ranch, and the 117 Loma Rica Airport, or at least 40% of the total surface rights to the mine being sold off in the 1930's when the mine was clearly operating. They were not abandoning their vested rights. Surface property rights were sold off by the mining company or subsequent owners to generate cash, to eliminate the cost of maintaining unneeded surface properties, and to minimize the payment of property taxes required to maintain their remaining surface rights. The sale of surface properties was actually a way of preserving their vested rights, not abandoning them.

David Watkinson

President

Emergent Metals Corp. (formerly Emgold Mining Corporation)

Dec. 13, 2023

Dist 4

Dec. 13, 2024

Dear Board of Supervisors
of Nevada County

Rise Gold's claim of "vested rights"
is a stretch at best.

As a resident of Nevada County
I strongly ask that you vote
to deny Rise Gold's petition.

Sincerely,

Gaye & Dan Torjusen

Gaye Carlson Torjusen

Dan Torjusen

WHAT DOES IT MEAN
"ALLEGATION OF MINERAL RIGHTS"

MINERAL RIGHTS ARE RECORDED
BY THE COUNTY AND
ARE AVAILABLE AS
PUBLIC INFORMATION

Jay WHITE
GRASS VALLEY



Dec. 13, 2023

Dist 1 or 3

Dear BOS,

You find yourself in a very rare situation where elected legislators are asked to make a judicial decision. Our court system has long established and very narrow rules ~~about~~ ^{about} adjudication, and do not allow evidence that is hearsay, "fuzzy", and irrelevant to the specifics of how the law applies to the case.

Here, We have the US & CA Constitution, and the Hansen Bros ~~interpretation~~ interpretation, which codifies "tests", those concerning what is vested right & what isn't. These laws establish:

- 1) ~~Suspension operations, etc.~~ A vested right is established with a preponderance of the evidence.
- 2) A vested right is abandoned only if there is clear & overwhelming evidence that this occurred.

Item 1) is clearly established, ^{today for instance} with maps & reports to investors establishing that the mine was impacted geographically by the ^{new} 1954 law, and that they produced some 80k & 40k tons of ore in 1954 & 1955 respectively. Clearly this establishes the vested right.

For item 2) it is established that time of suspension is not by itself clear & compelling. However, you have been presented a graphical timeline of countless ~~examples~~ ^{to reopen eventually,} examples of historic evidence that the intent was there all throughout to the present, plus reams of anecdotes supporting all this. However, there is no evidence presented that counters the entirety of this information in a clear & convincing way.

Olaf Bleck ~~Olaf Bleck~~

Everything else is irrelevant. Please adjudicate accordingly.

Did not provide their name

Red flags! Red flags everywhere!

I'm writing this before the "Rise Grass Valley" people have even started talking, and I know the Board is not going to review this before making their decision, but I'm already seeing red flags.

The man these people are representing (Benjamin Mossman) is on trial right now in Canada, for a mining operation he previously screwed up. He's also been convicted of 13 out of 23 of his official charges, and is going back to court for several of the other 10 charges he has not been convicted of in January of 2024.

In the middle of these operations his company (Banks Island Gold) went bankrupt, and he has been accused of both improperly handling the operation and abusing the contract between his company and the indigenous peoples whose land he was mining on. (The Gitxaala First Nation.)

Mr. Mossman has only had to pay barely \$30,000 so far, which is not enough for essentially destroying the Gitxaala's land.

If we're going to talk about the history of mining, why don't we talk about the history of mining?

There has rarely ever been a mining operation that has a) been safe for workers, b) not negatively affected the environment, c) been in beneficial, requitted agreement with indigenous tribes, and d) reflected positively on a community in the future.

I can't speak to "vested rights" and all that jazz, but I could definitely tell you about all

the negative impacts mining historically has.

Hundreds of people died in mines, every year, and we don't know about half of them, because mines were unsafe and mine owners covered up as many deaths as they could to get more workers for very little pay.

And where did those workers come from? I can confidently tell you that the majority of them were from out of the area. Very, very far out of the area. (Manifest Destiny, and this is not a word-by-word definition, is defined as, "we expand, because God told us to.")

Manifest Destiny, the Trail of Tears (a brutal forced removal of Native Americans from the East Coast to the West as the United States expanded, under President Andrew Jackson); the whole thing, was partially driven by the Gold Rush. The promise of gold drove the growing United States to California (which was part of Mexico at the time), and none of them were originally from what would become California.

So, where would Rise Gold get their workers from?

They want a working mine, right? Who in Grass Valley knows how to work in a mine?

They can't just pull random schmucks out of the County and let them operate heavy machinery. They'd have to pull from out of the area.

Where would those workers live?

5
Would they be expected to commute every day?

On a miner's salary, who can afford that?

They can't live here. The housing market is on the edge—half of it has already reentered off the side and crashed. We can't afford to have a sudden influx of people needing to buy houses in the area.

Speaking of area, the city of Grass Valley is almost completely undermined. Because of the gold rush, there is an enormous amount of abandoned mines under Grass Valley. They are not stable.

100+ years of abandonment does not suddenly make a mine stable. If anything, it's probably less

so than it was originally. Given the constant shifting of tectonic plates and the effects of climate change, there is literally no way to guarantee that the mine will not collapse in the middle of operations.

There have been several sinkholes over the past few years, even without any mining whatsoever, because the land is so unstable and sensitive.

One was only several hundred feet from my school this year.

I personally don't like sinkholes, and I'm fairly certain that no one will like them either once most of Grass Valley is in a hole.

There is also a huge amount of mercury laying undisturbed in a scary amount of our water (by that I mean rivers, creeks, lakes, ponds, etc).

Mining would disturb those mercury deposits—leftover from mining—and distribute it in those bodies of water that people use constantly.

Mercury kills people. I don't want people to die, in the mines or outside of them.

I live in Lake Wildwood, a gated community built around a man-made lake leftover from mining.

Don't fish there, don't swim there. There have been several cases of E. coli traced back to swimming in that lake. The lake is full of toxic chemicals leftover from hydraulic mining, all of which were irresponsibly used and did not protect the environment from harm.

Rise Gold talks about "distributing private land for public use," but really whose land was it first? It was not the United States' land, I can tell you that much.

The representatives for Mr. Mossman mention working on "tribal land." Mr. Mossman is on trial for his mining on "tribal land," which he abused and destroyed. The Gitksana did not benefit from their "partnership" with Mr. Mossman, and mining has a history of miners taking Native American land and destroying what was their sacred homes, driving them off of it and not sharing any of the profits.

So, was the "tribal land" mentioned under the control of the indigenous peoples there? Or was it stolen land that was a perfect place to mine, with only a thought to what it used to be?

A history of terrible mining practices

hardly ever reflects well on a community, especially when the community tries to ignore it.

Ignoring the history of mining in Grass Valley and reopening the Idaho-Maryland Mine does not bode well.

Rise Gold will destroy our land, ruin our housing market, change the nature of our community, ignore 100+ years of evidence that points to why we should not open this mine, go bankrupt in the middle of the process, and then leave us to clean up the mess.

While I understand that this is all just subjective when it comes to vested rights and does not carry an evidence (you could Google everything I've said - I did a lot of research), I ask that the Board considers what I have to say, as I am a concerned youth of Nevada County and I do not want Rise Gold, considering their very very recent history, to open a mine here.

(And how much gold is really down there? The price of gold is constantly fluctuating - would it really be worth it?)

Thank you,

A Youth of Nevada County

RECEIVED

DEC 18 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

DEC 13 2023

DEC 31 2023

Dist 4

NEVADA COUNTY BOARD OF SUPERVISORS NEVADA COUNTY BOARD OF SUPERVISORS

Nevada County Board of Supervisors:

My name is Pat Nelson, and I am a resident in District 4. I appreciate the opportunity to provide comments on the Rise Gold Vested Rights Petition. I am familiar with the mine and its history because of holding the Director of Environmental Affairs position for the Emgold Idaho-Maryland Mine Project between 2004 and 2012.

I was responsible for preparing the permit applications to reopen the mine that were submitted to the City of Grass Valley for their CEQA process. I was the point of contact for environmental and Emgold sponsored community outreach programs which included public workshops, delivering presentations to local civic communities, and coordinating with the City of Grass Valley and Nevada County to ensure factual information was provided for the CEQA process.

During my tenure I had the opportunity to become familiar with the successor property owners to McBoyle and Ghidottis, the Bohma, Erickson, and Thoms (BET) Trust. The mine properties, comprising approximately 250 acres, were developed for precious and strategic metals and are federally patented mine claims that were established in 1922. Because the successor property owners to McBoyle were themselves neither mine operators nor engineers, the properties were periodically leased after his passing in 1949 to explore and develop minerals processes referred to as mine operations. Per conversations with Bill Thoms, it was the intent of the BET Trust, to engage in activities to reopen the mine when there was an opportunity to do so economically for the benefit of the Grass Valley community which was so important to Errol McBoyle.

The County has stated in the staff report that mining operations occurred on the Idaho-Maryland Mine properties after 1954 when it adopted Ordinance 196 which established land use planning policies. What the County staff report omitted was that the mine's operations prior to 1954 is evidence that the mine had established vested rights for operating a federally patented mine claim. The Surface Mining and Reclamation Act (SMARA) in fact states:

"No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Section."

Although there were modifications to operations due to the changes in ownership, economics of mining with the advent of many federal, state, and local environmental laws, the successor property owners had engaged various mining operations. These are acknowledged in the County Staff Report and documented in the 1990 California Department of Conservation Division of Mining and Geology (pg. 46) "Mineral Land Classification of Nevada County Report" which states:

"MRZ-2a (CS)"-2 - Grass Valley Area: This area lies just outside of Grass Valley off Idaho-Maryland Road. The area is underlain by serpentinite and serpentinized

ultramafic rocks. North star Rock Products, Inc. is currently quarrying serpentinite and serpentinitized ultramafic rocks for use as base material at the site. Prior to the quarry operation, North star Rock Products, Inc. had produced crushed stone at the site using waste rock from the Idaho-Maryland mine."

With regard to the MRZ-2a zone in which the Idaho-Maryland Mine is situated, is a State designation of a significant mineral deposit. Land included in the MRZ-2a category is of prime state and national importance because it contains known economic mineral deposits. Protection of such deposits is addressed in SMARA Section 3676 (c), Mineral Resource Policies, that stipulates that lead agency (such as Nevada County and City of Grass Valley) is to "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. *Authority: Section 2755, Public Resources Code. Reference: Sections 2757 and 2761-63, Public Resources Code.*" Such incompatible land uses include the housing developed at the intersection of Brunswick and Bennett Roads, the Whispering Pines Business Park, Loma Rica Mixed use housing and commercial development, and the condominiums on Bennett Street.

What is lacking in the County Staff report is the context associated with the regulatory (CEQA, NEPA, RCRA, CERCLA, TSCA, CAA, CWA, CESA, ESA, et al) and economic constraints (price of gold, Interest rates) that limited the ability of natural resource industries to develop nationally and internationally recognized precious and strategic minerals. These constraints ought to be considered by the County when deliberating the vested rights petition.

It is time for the Board of Supervisors to recognize the Idaho-Maryland Mine as an important natural resource that can be developed, and has been proposed, as an environmentally sound project and economic engine to revive Nevada County. Recognize the continued mining operations since the 1950s which include investments in future mining operations and approve the Rise Gold Petition for Vested Rights.

Thank you,
Pat Nelson

December 13, 2023

From: [Jack Haverty](#)
To: [BOS Public Comment](#); [Heidi Hall](#)
Subject: Special Meeting 12/13-14/23
Date: Wednesday, December 13, 2023 8:23:40 PM
Attachments: [OpenPGP_0x746CC322403B8E50.asc](#)
[OpenPGP_signature.asc](#)

Dist 1

Today's Special Meeting was interesting. As a former elected official (6 years on the Board of a California Special District), I have some experience from both sides of the dais.

The presentations struck me as being the debates that you typically see at trials, where each side argues its case before a judge or jury. That's not surprising since many of the presenters are lawyers. There was lots of discussions of case law, precedents, prior rulings, and analyses of phrases extracted from laws and prior judgements.

My training as a holder of public office explained that my primary role as an elected official was to be a representative of the people, and my duty was to act in the best interests of the public, while appropriately advised by County Counsel about any relevant questions of law. In particular, I was not a judge or a jury member and wasn't expected to be one.

For the Nevada County BOS, I'd recommend the supervisors taking a similar stance - acting solely as a representative of the people. Elected officials are generally not qualified to be lawyers or judges, and are also not authorized to act as trial juries. They should avoid being persuaded by lawyers' presentations to believe that they are qualified to make judgements on legal matters. That is a role for judges and juries.

Please vote your conscience as a representative of the people who live here, and if that leads to a trial in the future, trust that the judges and juries involved then will hear the arguments and reach a decision. That's their job.

Jack Haverty
Resident, District 1

From: [Itara O'Connell](#)
To: [bdofsupervisors](#)
Subject: Continuance
Date: Thursday, December 14, 2023 6:18:33 AM

Dist 1

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Why rush this important decision? Nevada County residents and The Board of Supervisors call for a continuance of this important decision. The “vested interest rights” discussion could be decided sometime in 2024. Thank you, Itara O'Connell

From: [Ed Scofield](#)
To: [Julie Patterson-Hunter](#); [Tine Mathiasen](#)
Subject: Fwd: Other Voices: Responsible mining, Cannon Mine, Wenatchee Washington and the proposed Idaho-Maryland project | News | theunion.com
Date: Thursday, December 14, 2023 7:25:09 AM

Dist 1

Sent from my iPhone

Begin forwarded message:

From: Michael Taylor <mjt4you@gmail.com>
Date: December 14, 2023 at 4:16:16 AM PST
To: Ed Scofield <Ed.Scofield@nevadacountyca.gov>, Jeffrey Thorsby <Jeffrey.Thorsby@nevadacountyca.gov>
Cc: Kit Elliott <Kit.Elliott@nevadacountyca.gov>, Hardy Bullock <Hardy.Bullock@nevadacountyca.gov>, Sue Hoek <Sue.Hoek@nevadacountyca.gov>, Lisa Swarthout <Lisa.Swarthout@nevadacountyca.gov>, Heidi Hall <Heidi.Hall@nevadacountyca.gov>
Subject: Other Voices: Responsible mining, Cannon Mine, Wenatchee Washington and the proposed Idaho-Maryland project | News | theunion.com

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Dear Chair Ed Scofield,

I wrote you last week, raising the issue there is a conflict of interest with Heidi Hall's public opposition to Idaho Maryland Mines reopening in 2008 and 2009. She was publicly expressing views in direct opposition to Dave Watkinson, C.O.O. and President of Emgold Mining reopening Idaho Maryland Mine.

This was brought up multiple times yesterday. Heidi is putting the County in additional liability risks with not recusing herself.

At the time when she was speaking in opposition of the mine reopening, she worked for the United States Environmental Protection Agency and was on loan to the California State Water Resource Control Board, at a time just before she was considering running as a Democrat for US Congress. The mine reopening was a public and political issue for her at the time, not just a personal opinion.

Yesterday, when Heidi was addressing the issue of conflict of interest, she said

her opinions were expressed as her own personal opinions. Ask yourself at the time she was expressing her opposition to the mind reopening to the general public, how could her audience determine she was speaking personally and not from her position on environmental protection agency or state water board?

I am again asking that Supervisor Hall recuses herself to minimize future financial liability to the county. Her reasons for not recusing herself will not hold up under scrutiny.

I trust that my email last week and this one today is part of public record.

Respectfully,

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mining-cannon-mine-wenatchee-washington-and-the-proposed-idaho-maryland-
project%2farticle_72b7af72-5eed-5277-a232-
519dcf08ca5a.html&c=E,1,QddC0QPeRweZ8dHmrqaF3xwxSPe1419TfVr-
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E_fPgGa66Q9YFIMVI4ZZEabCU86Q,,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.theunion.com%2fnews%2fother-voices-responsible-mining-cannon-mine-wenatchee-washington-and-the-proposed-idaho-maryland-project%2farticle_72b7af72-5eed-5277-a232-519dcf08ca5a.html&c=E,1,QddC0QPeRweZ8dHmrqaF3xwxSPe1419TfVr-pKQ9rW5wd7nAMKkywWy9TVZS8r4IRCwT1O-UyGFtOyW5gFTviEDAO-E_fPgGa66Q9YFIMVI4ZZEabCU86Q,,&typo=1)

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