

From: [Pete Perez](#)
To: [Clerk of Board](#)
Subject: Vested rights at Idaho Maryland Mine
Date: Tuesday, December 12, 2023 3:36:01 PM

Cannot identify Dist

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I have read the staff report and it is incorrect. The Idaho Maryland Mine was never abandoned. The sihlo still stands. From: A concerned Nevada County home owner.

12/13/23 Christy Hubbard, District 3 on behalf of CEA Foundation.

If they ever existed, any vested rights on the Idaho-Maryland Mine were lost shortly after 1956. Considering all operational parts of the Mine, it was clearly abandoned by the owners as evidenced by the complete shut down, equipment liquidation, land sales, and the actions of the Board of Directors within a couple of years. That is all that is needed to deny vested rights based on California legal standards.

Next, looking at the Mine's history over the intervening decades, it's obvious that no vested rights exist. There is clear evidence of abandonment. For decades nothing happened except an adjacent sawmill operation for a period and some rock crushing, neither of which is gold mining.

Additionally, when one looks at the individual sites or components as determined by the Hansen case and established by state case law, the vested claim is even weaker.

But there's more. The claim for vested rights also fails under the Nevada County Land Use Development Code. And the text addressing non-conforming uses is little changed from the original 1954 Zoning Enabling Ordinance.

Per Section L-II 5.19 B of the current code:

- **Vested rights are lost if the use is discontinued for a period of one year or more.** There are multiple one-year periods where any vested rights would be lost by the Mine under this code.

- **Vested rights are lost if the use is enlarged or intensified, or extended to occupy a greater area of land, or moved in whole in part.** There are no processing facilities now. Rise requires substantial change with new, much larger facilities, to be moved to a new location, and it is an intensification. The Petition fails on all counts.

In conclusion, in addition to all the other reasons to deny Rise's claim for vested rights, the County Land Use Code alone, both in 1954 and now, is sufficient to deny the vested rights claim.

Please deny this invalid Vested Rights Petition.

Thank you.

12/13/2023 John Vaughan. District 3. On behalf of the CEA Foundation.

When Rise claims that they own the Idaho-Maryland Mine, in fact they only own a fraction of the surface assets of the historical mine.

First, Rise does not own any land where the Idaho-Maryland site Ore Processing facilities were in the 1950's. These were located East of Centennial Dr.

Second, Rise doesn't own the Round Hole access shaft.

Third, the New Brunswick site is the closest thing that Rise now owns to anything that was a key element of the Mine in the 1950s. But no original surface structures exist **anywhere** except the concrete remains of the old silo.

A fourth site, now known as the 52 acre Centennial site, which Rise does own, was used almost entirely to deposit tailings and waste rock from the mine. Surface rock crushing in the 1970's is not underground gold mining and, as just mentioned, does not qualify for vested rights. At the Planning Commission hearing, Rise announced they will use Alternate 2, that they don't need the Centennial site and they won't be using it for dumping.

Thus, Rise only owns one of the three key sites used to operate the mine in 1954, plus a chunk of the Centennial tailings dump, which, at the Planning Commission hearing, they claimed they don't need and don't intend to use. They don't get to have it both ways.

The Sawmill site was always used as a sawmill. No gold mining has taken place on that property. Now Rise wants to build a new 122,000sf facility at that site which was not used to process ore at any time in the history of the Mine. This is a significant change which would invalidate any vested right.

In summary, what Rise repeatedly refers to as the "Vested Mine Property" is presumptuous, and meaningless. Rise does not even own key operational properties that were the mine in 1954. They are trying to claim vested rights for mining operations on land that they do not own and using structures that don't exist. More fantasyland thinking.

Rise is trying to claim vested rights on something they don't even own. Based solely on that, the vested claim should be denied.

Thank you.

12/13/2023 Laurie Oberholtzer, District 1

I'm speaking today on behalf of the Community Environmental Advocates Foundation, or CEA Foundation. We hope you have read our legal analysis, provided by Shute, Mihaly & Weinberger. Assuming that you have, we are limiting our public comments to some key points regarding the Vested Rights Petition (Petition).

Rise Grass Valley (Rise) is asking that we suspend reality and enter into a fantasy land in which we reinterpret history, ignore relevant laws, believe that some injustice is being perpetrated, and claim that there are conspiracies afoot. Add to that Rise's attempts to intimidate and threaten with lawsuits, all of which results in a waste of the County's time and a burden on the community.

The Petition should be rejected. The notion that Rise could retain a legal right to resume a nonconforming use that has not been carried out in nearly seventy years is absurd. Even assuming that a vested right to mine gold existed at some point, that right has long since been lost.

According to both the 1954 Zoning Enabling Ordinance, cited by Rise in their Petition, and current Land Use and Development Code, a vested right is lost if the use is discontinued for one year. That alone is sufficient to deny vested rights.

The Petition attempts to avoid this obvious conclusion by distorting the law and the facts. Among other things, it wants us to believe that there is no distinction between subsurface mining for gold and quarrying waste rock. And it glosses over volumes of evidence from numerous sources showing that all gold mining operations on the Property were, in fact, abandoned decades ago.

Rise also has not provided any proof that a vested right to mine gold arose at any point, or that this right exists to each of the sites that make up Rise's current Properties. Additionally, Rise's proposed uses of the Properties would constitute an improper enlargement or intensification of that right.

Quite simply, any vesting right was lost shortly after the mine shut down in 1956 when the mine was shut down and all assets were liquidated.

The Rise Petition must be rejected.

Thank you.

12/13/2023 Josie Crawford, District 2, Speaking on behalf of CEA Foundation

Rise relies heavily on the 1996 California Supreme Court Hansen Bros case in which vested rights for an aggregate processing business were retained after a period of non-operation. Rise claims that the aggregate processing on the Centennial site in the 1980s is a similar case. It is not.

The Hansen vested rights issue involved an area of surface, hillside quarrying. The key factor in Hansen is whether all of the areas were ‘integral components’ to the mining operations. In Hansen, because the hillside use was an integral component of the business operations, the Hansen vested right was not lost over that area.

Unlike the shut down and liquidation of the Idaho-Maryland Mine in 1956, the Hansen business never completely shut down. The plant, equipment and inventory were maintained throughout the non-use period. Hansen Bros business activities were being conducted and included stockpiled materials from the hillside that could be drawn upon.

The Hansen ruling states clearly that **if** the hillside operations were an independent part of the business instead of an integral or component part, the vested right may be lost. In other words, the vested right to carry out one component of a mining operation does not guarantee a broader right to carry out any other distinct mining use that the property owner wants. Other case law also finds that a vested right to mine is limited only to “the particular asset” being mined.*

In Rise’s case, the reprocessing of waste rock and tailings on the Centennial site was a **completely independent operation** that occurred intermittently long after the Mine shut down and is not relevant to underground gold mining operations.

In summary, relying on the aggregate operations on the Centennial site as evidence of mining activities should be discounted. **There were no operations at any time on the Centennial site that qualify to preserve a vested right.** There is no integral component. There is no continued use. There is no vested right.

The Rise Petition should be denied on this point alone.

Thank you.

*County of Du-Page v. Elmhurst-Chicago Stone Co., 165. N.E.2d 310, 313 (Ill. 1960), which held a vested right to mine is limited to “the particular asset” being mined); Paramount Rock Co. v. County of San Diego (1960) Cal.App.2d 217, 228 (concluding a vested right to extract sand and premix concrete materials did not encompass a right to crush rocks for use in concrete premixing); Hardesty, 219 Cal.Rptr.3d at 43–44 (holding vested right to engage in subsurface mining did not encompass right to surface mining).

12/13/23 Ralph Silberstein, CEA Foundation

If one looks at what could be included in a vested right for the Mine, the evidence of abandonment is very clear.

If Rise had a vested right, it certainly couldn't include the ore processing facilities at the Idaho-Maryland site. Rise does not even own that land, which is East of Centennial. As you may recall, Vested Rights are lost for any usage if significant changes are made. Rise's proposal to build new facilities at new locations wouldn't be possible without a Use Permit.

And vested rights wouldn't include using the Round Hole access shaft site. Rise doesn't own that either.

- Could Rise build a new access shaft? That's another significant change.
- A water treatment plant? ... Significant change.
- Engineered Fill pile on Brunswick? ... Significant change.
- A new larger head frame? ... Significant change.

The list goes on...

The fact of the matter is, when we consider abandonment, just the act of demolishing all structures and selling the land, and selling the mineral rights, makes clear that all the components of the Mine from 1954 were abandoned.

And now, Rise has acquired only some of what were the old Mine's surface assets. All the buildings and equipment are gone. There's nothing left with which to continue operations. And everything that Rise would need to open the mine would involve a significant change. And that would invalidate any vested rights.

But rather than continuing in the Use Permit process, Rise submitted a deeply flawed vested rights petition that is riddled with false statements and significant omissions. The mine was abandoned in the 50's. The activities from 1956 to present repeatedly show abandonment. But even if Rise could magically show that there were legitimate mining operations ongoing, the infrastructure needed to operate does not exist.

This lack of any functional infrastructure further illustrates that the Vested Rights Petition is absurd, has no credibility, and is a misuse of the intention of vested rights. If anything, this entire Vested Rights claim has simply provided Rise with the opportunity to spin their story and raise more investor capital. And now we see a whole team of expensive lawyers are getting paid by misled investors. I feel Rise's actions are completely unethical.

Let's end this charade. Deny the vested rights claim.

Thank you.

From: [Susan Hennings](#)
To: [Clerk of Board](#)
Subject: IM mine
Date: Tuesday, December 12, 2023 11:37:41 AM

Dist 3

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It is quite clear that a vested interest in IM mine is not a given since the mine closed in 1956-58. The property may have been sold as a mine, but being non-operational means there is no vested interest.

Please adhere to case law and protect our community.

Thank you

Susan Hennings

Sent from [Mail](#) for Windows

From: [Beth Moorehead](#)
To: [Clerk of Board](#)
Subject: public comment - NO vote
Date: Tuesday, December 12, 2023 9:32:51 AM

Dist 3

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I am a NO vote on Rise's petition for vested rights

A NO vote on Rise's petition for vested rights is the **ONLY** vote that makes sense for Nevada County. My inlaws worked the mines, died in the mines and always strived to get OUT of the mines.

We're not Victorians any more.

Regards,



GV CA 95945

From: [Joyce Scott](#)
To: [Clerk of Board](#)
Subject: Rise Gold
Date: Tuesday, December 12, 2023 7:32:30 AM

Dist 3

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I am unable to attend December 13 meeting ~ but my heart will be there saying "enough" of all this nonsense of reopening any mine in Grass Valley.

Thank you for allowing our community to maintain it's dignity. ~ Joyce Scott

From: [Daniel J Desmond](#)
To: [Clerk of Board](#)
Subject: Community First
Date: Tuesday, December 12, 2023 7:01:08 AM

Dist 1

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Please lead us out of the potential of a community distort by saying no to Rise Gold's plan to build an extractive industry in the middle of our homes. I'll see you Wednesday to support you in your efforts tell Rise Gold No.

Thanks,

Dan

Daniel Desmond



Nevada City CA 95959

DECLARATION OF CHARLES W. BROCK (corrected)

DEC 11 2023

NEVADA COUNTY
PLANNING DEPARTMENT

I, Charles W. Brock, declare as follows:

1. I am over 18 years of age and have personal knowledge of the facts contained in this declaration which is true, correct and complete. If called upon to testify I could and would testify as to the truth of the facts stated herein.
2. I have been a licensed Realtor in California since 1968, and obtained my Brokers License in 1981. (Lic. # 00328328)
3. In 1980 I was introduced to the heirs of the Estate of Marian Ghidotti, by their attorney Richard Hawkins. The three executors of this estate were Erica Erikson, Mary Bouma and William Toms (aka. "the BET Group").
4. In 1981 I represented the Estate of Marian Ghidotti in the sale of 14 parcels which comprised what was referred to as "The Ghidotti Ranch", in Penn Valley, CA.
5. Throughout the mid 1980's I remained in contact with the BET Group and worked on planning to sell their holdings known as the former Idaho Maryland Mine. At no time during my representation of the BET group did they ever consider reopening or operating any mining activity. They were well aware of the toxic contamination on site and had limited resources to deal with soils contamination, let alone reopening and operating a gold mine. This viewpoint was clearly communicated to me by each of the three executors. In 1986 the decision was taken to subdivide acreage at the Old Brunswick Mine in order to raise funds to address toxics soils, so that the balance of their holdings might be better prepared for sale. In January of 1987 local surveyor Al Beeson was engaged by the BET Group and recorded County Final Map #85-7 (BET Acres), subdividing 5 residential lots on the site of the Old Brunswick Mine. This same map delineated contiguous remaining lands which are now owned by Rise Gold and are commonly known as the "Brunswick Industrial Site", located at the intersection of East Bennett Rd. and Brunswick Rd. Between January 4, 1989 and August 23, 1989 I represented the BET Group, closing escrows on each of these 5 parcels. Proceeds from these sales were later used to pay taxes and begin

efforts to conduct soils sampling on the Centennial site holdings, in preparation for marketing the remaining former mine parcels. In 1992 I assisted the BET Group contract with Vector Engineering to conduct soils testing.

6. I did not represent the BET Group as they entered a Lease with Option to Buy with Emgold Mining in early/mid 2000's. After an approximate 7 year effort, Emgold failed to certify their Environmental Impact Report and abandoned their Lease with Option to Buy the former mine property.
7. In June of 2014, I listed the remaining holdings formerly known as the Idaho Maryland Mine for sale. Within the body of the Listing Agreement it was stated, "Subject property was once an operating gold mine (Idaho Maryland Mine), and portions of the surface soil is known to be contaminated". Historical information, data and core samples were made available to the market, however, the sellers wanted the market to clearly understand that the Idaho Maryland Mine was not a permitted, operating mine, and that the BET Group would not be participating in any mine clean-up or permitting activity as a condition of sale. This condition of sale was clearly stated, in a remark I made at that time which was quoted in the Grass Valley Union newspaper (June 11, 2014) where I said "we are not selling a mine". Measures taken to arrive at our asking price were based on comparable sales of similarly zoned light industrial and residential properties.

I, Charles W. Brock, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-10-23

By: 

Charles W. Brock

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DEC 11 2023

NEVADA COUNTY
PLANNING DEPARTMENT

**Department of Real Estate
of the
State of California**

FINAL SUBDIVISION PUBLIC REPORT

In the matter of the application of
**MARY BOUMA, ERICA ERICKSON, AND
WILLIAM TOMS**

STANDARD

FILE NO.: 025667SA-F00

ISSUED: JUL 6 1987 *ix*

EXPIRES: JUL 5 1992

for a Final Subdivision Public Report on
BET ACRES

NEVADA COUNTY, CALIFORNIA

JAMES A. EDMONDS, JR.
Commissioner

by *Stephen E. Nally*
Deputy Commissioner

CONSUMER INFORMATION

- ❖ **THIS REPORT IS NOT A RECOMMENDATION OR ENDORSEMENT OF THE SUBDIVISION, IT IS INFORMATIVE ONLY.**
- ❖ **BUYER OR LESSEE MUST SIGN THAT (S)HE HAS RECEIVED AND READ THIS REPORT.**
- ❖ **A copy of this subdivision public report along with a statement advising that a copy of the public report may be obtained from the owner, subdivider, or agent at any time, upon oral or written request, must be posted in a conspicuous place at any office where sales or leases or offers to sell or lease interests within the subdivision are regularly made. [Reference Business and Professions Code Section 11018.1(b)]**

This report expires on the date shown above. If there has been a material change in the offering, an amended Public Report must be obtained and used in lieu of this Report.

Section 12920 of the California Government Code provides that the practice of discrimination because of race, color, religion, sex, marital status, national origin, physical handicap or ancestry in housing accommodations is against public policy.

Under Section 125.6 of the California Business and Professions Code, California real estate licensees are subject to disciplinary action by the Real Estate Commissioner if they make any discrimination, distinction or restriction in negotiating sale or lease of real property because of the race, color, sex, religion, ancestry, national origin, or physical handicap of the prospective buyer. If any prospective buyer or lessee believes that a licensee is guilty of such conduct, he or she should contact the Department of Real Estate.

**READ THE ENTIRE REPORT ON THE FOLLOWING PAGES BEFORE CONTRACTING TO
BUY OR LEASE AN INTEREST IN THIS SUBDIVISION.**

SPECIAL NOTES

1. YOUR ATTENTION IS ESPECIALLY DIRECTED TO THE PARAGRAPH(S) BELOW ENTITLED:

STREETS AND ROADS, AND GEOLOGIC CONDITIONS.
2. IF YOU PURCHASE FIVE OR MORE SUBDIVISION INTERESTS (LOTS) FROM THE SUBDIVIDER, HE/SHE IS REQUIRED TO NOTIFY THE REAL ESTATE COMMISSIONER OF THE SALE. IF YOU INTEND TO SELL YOUR INTERESTS OR LEASE THEM FOR MORE THAN ONE YEAR, YOU ARE REQUIRED TO OBTAIN AN AMENDED SUBDIVISION PUBLIC REPORT BEFORE YOU CAN OFFER THEM FOR SALE OR LEASE.

LOCATION AND SIZE: This subdivision contains 8 lots on 75.34 acres in Nevada County, at Brunswick Road and East Bennett Road, approximately 1 mile from Grass Valley.

This report does not include Lots 6, 7 and 8.

MINERAL RIGHTS: You will not own the mineral rights under your land below a depth of 200 feet. These have been reserved by the sellers. The right to surface entry has been waived.

EASEMENTS: Easements for utilities, rights-of-way, building setbacks, and other purposes are shown on the Title Report and Subdivision Map recorded in the Office of the Nevada County Recorder, Book 7 of Maps, Page 75.

USES AND ZONING: The adjacent property to the south is zoned for Light Manufacturing uses.

HAZARDS: The following hazards exist within or near this development:

See Geologic Conditions.

FIRE PROTECTION: The Gold Flat Fire District Fire Department advises as follows:

A portion of this subdivision map lies within Gold Flat Fire Protection District; the other portion is within Ophir Hill Fire Protection District. This subdivision is located approximately 2.9 miles from our Station 1; 12444 Nevada City Highway, and approximately 1.2 miles from a proposed station, to be located in Loma Rica Industrial Park. Fire protection will be provided for this subdivision on an as-needed, or requested basis.

A fire hydrant is located at the intersection of Brunswick and Greenhorn Roads. The subdivision is served by two, well-maintained, year-round fire stations, staffed by approximately 25 volunteer firefighters, a full time, paid fire Marshall, and a part-time,

FIRE PROTECTION: (Continued)

paid Fire Chief. Four Class-A engines, a 4,300-gallon water tender, and a four-wheel drive, quick attack truck, are available for responses into the area.

SEWAGE DISPOSAL: Septic systems will be used for sewage disposal. You must pay for your septic system. The subdividers estimate the costs to be \$3,500.00.

The Nevada County Department of Environmental Health reports:

The subject project has been approved for individual on-site sewage disposal systems and individual wells for each parcel. A specific location for the septic system has been approved, wells must be located greater than one hundred feet from the approved sewage disposal area.

Prior to issuance of a septic permit, two scaled site plans with copies of the complete soils work will be required.

Applications proposing sewage disposal systems outside the approved area will require new soils work.

Prior to issuance of a building permit, the following must be completed:

1. A septic permit issued.
2. A well permit obtained and a well installed, providing not less than 1 gpm.

This assurance is applicable as of the date of issuance of this public report. If there is a change in the requirements for a sewage disposal system permit, the subdivider must amend the public report to disclose the new conditions. Please note that if you do not intend to install a sewage system at this time, there is no guarantee that the lot will later qualify for use of a septic system. Prior to purchasing a lot/parcel and commencing construction you should contact the local health department for specifications, requirements and any local problems.

SOIL CONDITIONS: Soils and geologic information is available at the Nevada County Planning Department, 901 Maidu Lane, Nevada City, California 95959.

GEOLOGIC CONDITIONS: THE UNIFORM BUILDING CODE, CHAPTER 70, PROVIDES FOR LOCAL BUILDING OFFICIALS TO EXERCISE PREVENTIVE MEASURES DURING GRADING TO ELIMINATE OR MINIMIZE DAMAGE FROM GEOLOGIC HAZARDS SUCH AS LANDSLIDES, FAULT MOVEMENTS, EARTHQUAKE SHAKING, RAPID EROSION OR SUBSIDENCE. THIS SUBDIVISION IS LOCATED IN AN AREA WHERE SOME OF THESE HAZARDS MAY EXIST. SOME CALIFORNIA COUNTIES AND CITIES HAVE ADOPTED ORDINANCES THAT MAY OR MAY NOT BE AS EFFECTIVE IN THE CONTROL OF GRADING AND SITE PREPARATION.

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Det Acres
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Report

SOIL CONDITIONS: (Continued)

PURCHASERS MAY DISCUSS WITH THE DEVELOPER, THE DEVELOPER'S ENGINEER, THE ENGINEERING GEOLOGIST AND THE LOCAL BUILDING OFFICIALS TO DETERMINE IF THE ABOVE-MENTIONED HAZARDS HAVE BEEN CONSIDERED AND IF THERE HAS BEEN ADEQUATE COMPLIANCE WITH CHAPTER 70 OR AN EQUIVALENT OR MORE STRINGENT GRADING ORDINANCE DURING THE CONSTRUCTION OF THIS SUBDIVISION.

A geological report prepared by Geotechnical Consultants, Inc., on February 26, 1986 states, in part:

"Lots 1 through 5, located north of East Bennett Street, range in size from 3 to 6.5 acres. Based on our reconnaissance, it appears that generally, these sites could be developed in a relatively conventional manner for residential use. We did not observe evidence of groundwater seepage, nor was there any obvious evidence of unstable slopes. However, the soil mantle tests indicated the presence of potentially expansive clay, which could affect foundation design and/or grading procedures. All of these aspects of the lots should be verified by more review of a geotechnical engineer prior to development on each residential lot. Based on the above-mentioned mantle tests, it appears that the presence of hard rock should not be a major problem in site development. Isolated rock masses could interfere with conventional foundations and/or grading, however.

Our major concern for this group of lots is the presence of the abandoned mine. Associated with the mine are large tailings piles consisting of loose rock fragments. These piles appear to be limited to Lot 2 and the northern half of Lot 4. If residences were to be placed on the tailing portions of these lots, it would be important to investigate the extent and condition of the tailings in more detail. In addition, records of the underground workings of the mine should be researched to determine whether any of the shafts and tunnels would adversely affect site development. We do not know the extent of the underground workings of this mine, but it is possible that tunnels could exist under any of this group of lots. It may also be desired to more accurately verify the faulting location which may cross Lot 2."

Further geological information was prepared in a May 12, 1986 report as follows:

Results and Conclusions:

"The results of our study indicate that single-family residences can be built on select areas on each of the five lots. On Figure 1, (also shown on recorded map), we have plotted appropriate building envelopes on each lot. These building areas have been selected to minimize the risk of experiencing problems from past mining activities at the site.

We recommend that residential construction be avoided on the tailings piles on Lots 2 and 4. Although most of the tailings have been

SOIL CONDITIONS: (Continued)

removed, (reused for aggregate and/or fill off the site), constructing on the remaining tailings could prove difficult. Home sites on the tailings are also considered undesirable. Lots 2 and 4 have enough area that is not on the tailings to provide sufficient building areas.

The fault that was addressed in our initial Geotechnical Reconnaissance (dated February 26, 1986), as crossing near Lot 2, appears to be present on the northernmost part of the lot. The age of this fault is on the order of 100 million years, and any potential risk of movement is so slight that it should not affect single-family residential construction. We recommend that any construction be set back at least 200 feet from the fault (the approximate location of the fault is shown in our previous work, Geotechnical Reconnaissance). (Also shown on the recorded map).

Soil conditions at the site, other than the tailings piles, are suitable for conventional residential foundation systems if footings are properly designed and constructed."

WATER: There is no regular water service to this tract. Private water wells are the only source of water in this tract; and you will be required to pay all cost to have a well installed.

The subdivider's well driller has submitted the following information:

"We have drilled three (3) wells on three of the lots (Lots 1, 2 and 3), of the five lot subdivision located in Section 25, Township 16 North, Range 8E. This is located off Brunswick Road, also fronting on East Bennett Street.

The depths of the wells were:

175 feet making 12-1/2 GPM
425 feet making 10 GPM
550 feet making 10 GPM

Our cost at the present time for drilling is \$10.50 per foot, which includes casing and seal.

To install a pump system in these wells, the cost would range from \$1,650.00 to \$3,400.00, on the deepest well.

Wells vary in depth in our county, so there is no definite answer on the water depths it can be found."

The locations of the test wells are shown on the Final Map of Bet Acres, recorded in Nevada County.

GAS AND ELECTRICITY: A May 29, 1987, letter from Pacific Gas and Electric Company reports:

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BET ACRES
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GAS AND ELECTRICITY: (Continued)

"The subdivider has advised us that he does not plan to make arrangements with PG&E to provide electric service to the lot line of each lot within this subdivision.

This certifies that overhead electric distribution to Bet Acres can be supplied under our Electric Rule 15.

Lot 1, the most remote lot, is located approximately 200 feet from our existing overhead electric facilities. Additional footage may also be required to reach a desired building location.

If a bonafide purchaser and applicant desired service under the provisions of Paragraph B, the cost would amount to approximately \$1,700.00, less any free footage allowance permissible for electric equipment the applicant may agree to install.

If the developer wishes to establish service to this lot under the condition of Paragraph C, there would be no cost to a prospective purchaser, since the actual cost would be paid entirely by the developer.

Any extension to serve this subdivision would be dependent upon acquiring satisfactory rights-of-way.

The charges quoted are based on current tariffs for an electric distribution system. However, the actual charges for the electric distributions system will be established in accordance with the current extension rules in effect at the time of the installation.

GAS: There is no piped gas in the area.

FLOOD AND DRAINAGE: The Nevada County Department of Transportation reports there is no flood control district in Nevada County. Therefore, information on potential flood hazards, if any, is not available.

TAXES: The maximum amount of any tax on real property that can be collected annually by counties is 1% of the full cash value of the property. With the addition of interest and redemption charges on any indebtedness, approved by voters prior to July 1, 1978, the total property tax rate in most counties is approximately 1.25% of the full cash value. In some counties, the total tax rate could be well above 1.25% of the full cash value. For example, an issue of general obligation bonds previously approved by the voters and sold by a county water district, a sanitation district or other such district could increase the total tax.

For the purchaser of a lot in this subdivision, the "full cash value" of the lot will be the valuation, as reflected on the tax roll, determined by the county assessor as of the date of purchase of the lot or as of the date of completion of an improvement on the lot if that occurs after the date of purchase.

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STREETS AND ROADS: The roads within this subdivision are private.

The repair and maintenance of these private roads will be in accordance with a Road Maintenance Agreement. This Agreement was recorded in Nevada County, on February 24, 1987, as Instrument Number 87-04785, and amended on June 3, 1987, as Instrument Number 87-15386.

THE SUBDIVIDER SHOULD PROVIDE YOU WITH A COPY OF THIS AGREEMENT.

The subdivider's engineer has submitted the following information on road maintenance:

"The roads within the above-referenced project consist of 1,510 lineal feet of gravel driveway. This driveway has been constructed to the County of Nevada standards with a twelve foot (12') wide traveled way, surfaced with three inches (3") of Class-2 aggregate base.

It is our estimate that the annual cost per lineal foot for maintenance of the gravel driveway could be \$0.25 to \$0.30 per lineal foot. It is our estimate that it would cost from \$380.00 to \$455.00 per year to maintain all of the above-referenced driveways. It is our estimate that the annual maintenance cost per lot for Lots 1 and 2 would be \$70.00 to \$85.00 to maintain the 560 lineal feet of driveway serving those two lots, and that the annual maintenance cost per lot for Lots 3, 4 and 5 would be \$80.00 to \$95.00 to maintain the 950 lineal feet of driveway serving these three lots."

PURCHASE MONEY HANDLING: The subdivider must impound all funds received from you in an escrow depository until legal title is delivered to you. [Refer to Sections 11013 and 11013.2(a) of the Business and Professions Code.]

If the escrow has not closed on your lot within ninety (90) days of the date of escrow opening, you may request return of your deposit.

NOTE: Section 2995 of the Civil Code provides that: No real estate developer shall require as a condition precedent to the transfer of real property containing a single family residential dwelling that escrow services effectuating such transfer shall be provided by an escrow entity in which the developer owns or controls 5% or more of the escrow entity.

The subdivider has no such interest in the escrow company which is to be used in connection with the sale or lease of lots in this subdivision.

CONDITIONS OF SALE: Pursuant to Civil Code Sections 2956 through 2967, inclusive, subdivider and purchasers must make certain written disclosures regarding financing terms and related information. The subdivider will advise purchasers of disclosures he needs from them, if any.

CONDITIONS OF SALE: (Continued)

If your purchase involves financing, a form of deed of trust and note will be used. The provisions of these documents may vary depending on the lender selected. These documents may contain the following provisions:

Acceleration Clause. This is a clause in a mortgage or deed of trust which provides that if the borrower (trustor) defaults in repaying the loan or sells the property, the lender may declare the unpaid balance of the loan immediately due and payable. An acceleration clause that is triggered by a sale of the property is commonly referred to as a due-on-sale clause.

If the loan instrument for financing your purchase of an interest in this subdivision includes a due-on-sale clause, the clause will be automatically enforceable by the lender in the event of a sale of the property by you. This means that the loan will not be assumable by a purchaser of the property without the approval of the lender. If the lender does not declare the loan to be all due and payable on transfer of the property by you, the lender is nevertheless likely to insist upon modification of the terms of the instrument as a condition to permitting assumption by the buyer. The lender will almost certainly insist upon an increase in the interest rate if the prevailing interest rate at the time of the proposed sale of the property is higher than the interest rate of the promissory note by which you are financing the purchase of the property.

A "Balloon Payment". This means that your monthly payments are not large enough to pay off the loan with interest during the period for which the loan is written, and that at the end of this period, you must pay the entire remaining balance in one payment. If you are unable to pay the balance and if the remaining balance is a sizeable one, you should be concerned with the possible difficulty in refinancing the balance. If you cannot refinance or sell your property, or pay off the balloon payment, you will lose your property.

A Late Charge. This means that if you fail to make your installment payment in accordance with the provisions of the note within 10 days after the due date, you must in addition pay 6%, or \$5.00, whichever is greater, as a penalty.

**BEFORE SIGNING, YOU SHOULD READ AND THOROUGHLY
UNDERSTAND ALL LOAN DOCUMENTS.**

For further information in regard to this subdivision, you may call (916) 739-3631 or examine the documents at the Department of Real Estate, Subdivisions North, 2201 Broadway, Sacramento, CA 95818.

From: [Jan and Mike Weaver](#)
To: [Clerk of Board](#)
Subject: NO to Rise Grass Valley, Inc
Date: Sunday, December 10, 2023 3:29:52 PM

Dist 1

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I have written to you several times over the past few years. I disagree with the mine reopening and hope you can finally put this issue to a rest by voting NOT to allow them vested mining rights!!

Thank you for doing all you can to make this a great community to live in.

Janet Weaver



Grass Valley, CA 95945

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 13, 2023, Special Meeting
Date: Friday, December 8, 2023 7:04:03 PM

Dist 1 or 3

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New eComment for Nevada County Board of Supervisors December 13, 2023, Special Meeting

Karen Smith submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 13, 2023, Special Meeting

Item: 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 mining operations were abandoned 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.

eComment: Continuous mining of the subject mine as well as continuous investment in operation of that mine are definitions of vested rights. Rise Gold has done none of this. The mine closed, machinery sold, and the mine shut down in 1959. I have lived here since 2000. Neither Rise Gold nor other owners of the property have filed annual reports, Interim Management Plans with Ca Mines and Geology because the vested rights are gone and nobody has mined that property. Vote no on the vested rights.

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 13, 2023, Special Meeting
Date: Saturday, December 9, 2023 9:40:36 AM

Dist 1

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New eComment for Nevada County Board of Supervisors December 13, 2023, Special Meeting

Tony Lauria submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 13, 2023, Special Meeting

Item: 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 mining operations were abandoned 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.

eComment: District 3 resident. I can testify, with specific personal observation, there has been absolutely No mining at the IMM site since 1991. I drove past there almost every day. I rode mtn bike closely around the site weekly. I observed absolutely No mining activity there for at least 33 years. I have seen old hi rez drone footage, showing the barren landscape and zero activity. The petition has no legal proof. We residents oppose a destructive industry in our midst. Please deny vested rights. Thanks

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From: [Jennifer Kelly](#)
To: [Clerk of Board](#)
Subject: Vested rights petition
Date: Wednesday, December 6, 2023 1:01:59 PM

Dist 1


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I cannot attend the public meeting on Dec. 13th. but wish to express my implacable opposition to the re-opening of the Rise Gold mine. The vested rights petition is merely an attempt to bully the citizens of Nevada County into allowing their ill advised venture to proceed. This is in line with their stated intent to bankrupt the county with legal proceedings.

I request that the petition be dismissed and the whole venture permanently banned.

Jennifer Kelly

 Nevada City CA 95959