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January 16, 2024

VIA E-MAIL: kit.elliott@nevadacountyca.gov

Katherine Elliott, County Counsel
Nevada County
950 Maidu Avenue
Nevada City, 95959

Re: Rise Grass Valley, LLC – Request to Adopt Alternative 2, Separate Nature of DTSC
Project and Variance Request

Dear Ms. Elliott:

As you know, I represent Rise Grass Valley, Inc. (“Rise”), regarding its use permit application and related matters for the Idaho-Maryland Mine (“Project”) located in Nevada County (“County”), California. I am providing this letter to clarify Rise’s position regarding selection of Alternative 2, the separate nature of the California Department of Toxic Substances Control (“DTSC”) clean-up project and the status of Rise’s variance request.

Consistent with the letter submitted on Rise’s behalf on May 5, 2023, Rise respectfully requests that the County Supervisors adopt Alternative No. 2, as specified in the Draft Environmental Impact Report, to remove the Centennial Industrial Site from the Project. As previously outlined in the Planning Commission Staff Report, Alternative No. 2 is the environmentally superior alternative (Staff Report p. 59; DEIR, p. 2-8), in that it addresses several concerns raised by the community, reduces truck traffic and, importantly, as the “environmentally superior alternative,” would reduce the “intensity” of the Project. Further, selection of Alternative 2 would address a large volume of the public comments received on the Project and would make any concern regarding interconnection of the Project and the DTSC clean-up project moot.

As to the relation of the Project and the DTSC clean-up project, these are separate projects for CEQA purposes, and the DTSC project should not be analyzed in the Project’s environmental impact report. Rise refers the County to the analysis on this issue as set forth in Master Response 4 of the Final Environmental Impact Report.

Finally, with respect to the variance that Rise applied for as part of the Project, Rise continues to request that the County approve the variance. The Project satisfies all required variance findings; therefore the County can and should approve the variance. Moreover, while Rise agreed to Staff’s recommendation to apply for a height variance for the headframe, it is not required to do so under the County Code. The headframe is exempt from the County’s variance requirements as a non-occupied structure, and the other structures covered under the variance application, if necessary, can be reduced to comply with the 45’ height limitation.

Nevada County Board of Supervisors
January 16, 2024
Page 2

Let me know if you have any questions.

Sincerely,

Hanson Bridgett LLP



Christopher L. Powell
Senior Counsel

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