

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959
bdofsupervisors@nevadacountyca.gov
Idaho.MMEIR@nevadacountyca.gov

Re: Rise Gold Vested Rights

Dear Nevada County Supervisors,

Wolf Creek Community Alliance has been monitoring stream quality, watershed habitats, and developments impacting the Wolf Creek watershed since 2004. We have seen no gold mining activity at the sites included in the proposal by Rise Gold / Rise Grass Valley, including during the time Rise Gold acquired the properties and pursued exploratory work. No actual mining has been pursued since 1956. The historic Idaho-Maryland Mine, based on all manner of pertinent data, ceased to exist as a mining operation at that time, declaring bankruptcy, and selling much of their mining equipment.

An active mining operation requires daily transportation to and from the mine. We observed only very occasional vehicle visits to the property, and only in relation to exploratory concerns. The local Senior Firewood program has used parts of the Brunswick Site, and the county has also used part of it for a green waste collection site. These activities of course have nothing to do with mining. An active mining operation produces sound and vibration through the use of blasting, crushing, and heavy equipment use. We observed none of that. An active underground mine requires dewatering, creating significant changes to water downstream involving increased flow and changes in chemical composition. Our monthly data over 18 years shows no such changes in flow or chemistry. Rise Gold's own EIR documents discussing hydrology confirm as much, as the documents rely only on HISTORICAL data documenting increased discharge due to dewatering, nothing in the way of operations after the 1950s.

As a scientific organization charged with monitoring the watershed within which this mining proposal resides, we find no merit in the claims by Rise Gold that they possess a vested right for mine operation. Their claim is false in every ordinary sense of the word. Their appeals to complicated technicalities strain logic and good reason, as legal opinions no doubt will confirm.

Previous comment and testimony offered by WCCA detailed serious concerns about environmental impacts regarding the proposed opening of this mine. These concerns caused us to ask that the EIR for the project NOT be certified and the project NOT be approved. The 5-0 vote of the Planning Commission, recommending that the project be denied, validated those concerns.

That Rise Gold only raised the issue of vested rights AFTER that Planning Commission decision shows that they had no sense previously of any actual vested rights, and made such a petition only as a "last-ditch" effort to somehow move forward with their project. This lack of integrity only undermines any trust we might otherwise have in their ability to act as a good neighbor in the community. We urge you to follow your staff's recommendation to deny this frivolous request for vested rights. Following that, the county should move quickly to finally resolve Rise Gold's mining proposal by denying it. We have many pressing needs in our good community, and we should not be unduly waylaid by the disingenuous efforts of Rise Gold. They have had their due process. We have given years of attention to their proposal.

It's time to move forward - deny the vested rights petition, and deny the mine proposal.

Sincerely yours,

Gary Griffith, President, Wolf Creek Community Alliance



WOLF CREEK COMMUNITY ALLIANCE

PO Box 477, Grass Valley, CA 95945 / wolfcreekalliance.org

From: [Art Healy](#)
To: [bdofsupervisors](#)
Subject: Rise Gold and their threats in their Nov. 30 Press Release
Date: Thursday, November 30, 2023 11:09:53 AM

Dist 3

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Dear Board of Supervisors,

As a resident of District 3, with my family immediately over top of the old mine footprint on [REDACTED], I write in outrage about the latest Rise Press Release of Nov.30.

Rise is now no longer hiding their true intent- to threaten Nevada County, the Board and its citizens, to pay them hundreds of millions of dollars if the so-called "vested rights" petition and EIR/Application are denied.

Literally a type of legal blackmail toward the Board and County residents. I studied the recent Staff Report responding the "vested rights" petition, and found it accurate and devastating to the deceptive and outright false assertions of Rise in their September application.

I assume this has also outraged all the members of the Board as well. Rise is now asserting they can do whatever they please, whenever they want, with no concern for the hundreds of neighbors, the environment, regulations, or the sovereignty of the County. This childish penny stock temper tantrum can never be empowered, and I trust you all agree. The County has spent countless YEARS of valuable time responding in good faith to this outfit, and it is now time to start speaking truth to the representatives of this outfit at the meeting on December 13. I ask you to call them out and hold them accountable for all of their false assertions on their applications.

We the impacted residents are tired of this charade and legal game. Now that they have threatened the Board and Taxpayers of this County, none of you should be working with this company anymore in good faith.

It is time to put a stop to this madness.

Thank you,

Art Healy

[REDACTED]
Grass Valley, CA 95945

DECLARATION OF CHARLES W. BROCK

NOV 16 2023

I, Charles W. Brock, declare as follows:

NEVADA COUNTY
BOARD OF SUPERVISORS
EACH SUPERVISOR REC'D.

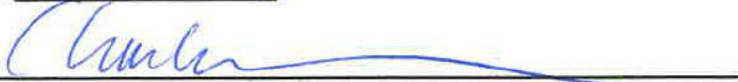
1. I am over 18 years of age and have personal knowledge of the facts contained in this declaration which is true, correct and complete. If called upon to testify I could and would testify as to the truth of the facts stated herein.
2. I have been a licensed Realtor in California since 1968, and obtained my Brokers License in 1981. [REDACTED]
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, 1987 and August 23, 1987 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 Engold Mining in early/mid 2000's. After an approximate 7 year effort, Engold 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: 11-16-23

By: 

Charles W. Brock

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NOV 16 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

November 16, 2023

To Whom It May Concern,

Please find enclosed a Declaration I am filing relative to the Rise Gold Petition for "Vested Rights" to reopen the Idaho Maryland Mine. I sincerely hope my personal experience represented in this Declaration will assist in the County's decision making process regarding this issue.

Feel free to contact me should you have questions or need further clarification regarding this matter.

Thank you,

Sincerely,



Charles W. Brock



DECLARATION OF CHARLES W. BROCK

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. [REDACTED]
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, 1987 and August 23, 1987 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: 10/19/23

By: 

Charles W. Brock

DECLARATION OF JOHN J. VAUGHAN

I, John J Vaughan, 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 lived in Nevada County (Grass Valley and Nevada City) since 1967.
3. From 1969 through 1979 I worked at Robinson Enterprises running their internal information technology department, including software development.
4. During that time, I was tasked with creating a database and software to validate log scaling information. The end result was to compare the number of board feet delivered by Robinson Enterprises logging trucks to information prepared by the US Forest Service Log Scaling workers at the Brunswick Timber Products Sawmill on Brunswick Road (then owned by Bill Pendola, also called the Bohemia Mill).
5. As part of that work, I visited the Brunswick Timber Products Sawmill on Brunswick Road dozens of times to observe the process.
6. At no time during that 10 years did I see anything but log storage and sawmill operations anywhere at the locations that Rise Gold now calls the Brunswick Industrial Site.
7. There were no mining operations anywhere on the sawmill site.
8. There were no mining operations on the acreage around the large concrete silo, which was not part of the sawmill.
9. In addition, during the 56 years that I've lived here, I have driven by both the Brunswick site and the Idaho-Maryland Site (Centennial) hundreds if not thousands of times.
10. Both locations have been abandoned for most of the years I have lived here.
11. I have never seen any gold mining operations at either location.
12. The only activity I have observed at Brunswick, prior to the current Community uses, was a sawmill.
13. The only activity at Centennial was periodic rock crushing which stopped in the late 70's or early 80's.

I, John J. Vaughan, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE: 10/18/2023

BY: John J. Vaughan



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NOV 15 2023

NEVADA COUNTY
BOARD OF SUPERVISORS



UNITARIAN UNIVERSALIST
COMMUNITY of the MOUNTAINS

November 15, 2023

Dist 3

Jim Bair
Leader, Stop the Mine Task Force*



Nevada County Council Katherine Elliot
Nevada County Board of Supervisors, Ed Scofield Chairman
Nevada County Planning Dept.
Eric Rood Administration Center
950 Maidu Avenue
Nevada City, CA 95959

Re: Hearing on Rise Gold Corp. Petition for Vested Rights

Dear County Leaders,

We hereby request equal time at the Dec 13-14 Public Hearing on Vested Rights claimed by RYES as noticed. Objectors have legal standing and are represented by attorneys. Based on review of County practices and published policy, we conclude that the 3 minute limit for each member of the public at Board of Supervisors' hearings is not acceptable especially viz the US Constitution. Without belaboring the issue, objectors to the Mine are duly represented by attorneys and have/are submitting legal statements (rebuttals to the Petition) that meet both judicial and legislative requirements.

The following legal statement re: due process for us/objectors:

There is no way under the currently limited County hearing procedure for objectors to confront Rise as the equal parties we will soon be in the court process to follow, so that we have sought pre-trial relief of various kinds, such as to allow evidentiary objections like those in this objection to counter Rise's ...[Petition]. More importantly, due process is also denied objectors since objectors are cut off by the pre-hearing deadline for filing our objections and evidence from confronting and rebutting Rise's new evidence, arguments, and claims at the hearing (an expected repetition of the problems suffered by objectors at the prior Rise hearings at the County). That means Rise not only gets the last word (actually another, uncontested, extensive briefing and evidence presentation opportunity), but Rise also escapes any rebuttals and counter-evidence that objectors must then battle to add in the court process as the objectors in *Calvert**ⁱⁱ. **Three minutes**

of public comment at the hearing for each such objector is not due process confrontation, especially as to all the new things Rise will add during its lengthy presentation, where Rise again can escape accountability for its disputed arguments and evidence until the court process to come.

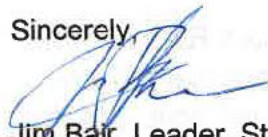
Calvert, *Hardesty*, and other cases [cited in the Petition] forbid us objectors to be ignored on these vested rights disputes in such an adjudicatory process where we must have equal rights and standing as *Calvert* explained (at 625*ⁱ):

For example, *Calvert* was not only focused on the MINER'S due process rights, BUT RATHER INSTEAD PROCLAIMED THE DUE PROCESS RIGHTS OF THE NEIGHBORING VICTIMS of that surface mining and the other impacted public (which types of victims are herein called "objectors," some with special standing for us surface owners above and around the 2585- acre underground mine whose groundwater and existing and future wells would be depleted 24/7/365 for 80 years, among other violations of objectors' competing constitutional, legal, and property rights (emphasis added).

[p.108]

In conclusion, we request that the County process be changed **for this hearing** to allow equal time for objectors, who nonetheless, be required to specifically address the RYES Petition.

Sincerely,


Jim Bair, Leader, Stop the Mine Task Force

Cc: Alison Lehman, County Executive Officer

Cc: G. Larry Engel, *Engel Law, PC*, Charlie Brock, Nevada County Board of Realtors ret.

ⁱ The UUCM (Unitarian Universalist Community of the Mountains ,501(c)(3)), in Grass Valley is committed to stopping the Rise Gold Corp. The UUCM congregation voted unanimously to form the Stop the Mine Task Force in the Fall of 2021. The Board of Trustees and Pastor actively oppose reopening the Idaho-Maryland Mine.

ⁱⁱ **Calvert v. County of Yuba**

Court of Appeal of California, Third District

Dec 5, 2006

145 Cal.App.4th 613 (Cal. Ct. App. 2006)

From: [Carrie Monohan](#)
To: [BOS Public Comment](#)
Cc: [Joan Clayburgh](#)
Subject: The Sierra Fund comments on Idaho-Maryland Mine Project Vested Right to Mine Proposal
Date: Wednesday, November 8, 2023 7:46:37 AM
Attachments: [TSF comments IMM Vested Right draft 11.8.23.pdf](#)

Dist 1

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Dear Nevada County Board of Supervisors,

The Sierra Fund (TSF) appreciates the opportunity to offer comments on the Idaho-Maryland Mine Project Vested Right to Mine Proposal, please see the attached letter.

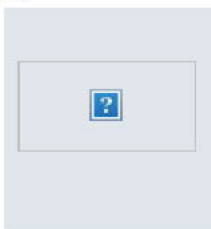
Under no circumstances does Rise Gold mining operation fit the criteria for vested rights. The petition and documents they provided are riddled with flaws and do not make a coherent case for the finding of “vested rights.”

TSF urges the Nevada City Board of Supervisors to **vote down this petition to find Vested Rights. Rejecting this finding is a simple and legal decision.**

Feel free to contact me if you have any questions about our comments in the attached letter. Thank you again for this opportunity to participate in this public process.

Carrie Monohan, Ph.D.
Program Director
The Sierra Fund

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Carrie Monohan, Ph.D.
Program Director
The Sierra Fund

+530-265-8454 ext. 214
carrie.monohan@sierrafund.org
www.sierrafund.org

November 8, 2023

Board Chair Ed Scofield
Nevada County Board of Supervisors
via Email: BOS.PublicComment@nevadacountyca.gov



The Sierra Fund Comments on the Idaho-Maryland Mine Vested Right to Mine Proposal

Dear Nevada County Board of Supervisors,

The Sierra Fund (TSF) appreciates the opportunity to offer comments on the Idaho-Maryland Mine Project Vested Right to Mine Proposal.

Summary and Recommended Action

Under no circumstances does Rise Gold mining operation fit the criteria for vested rights. The petition and documents they provided are riddled with flaws and do not make a coherent case for the finding of “vested rights.”

TSF urges the Nevada City Board of Supervisors to **vote down this petition to find Vested Rights. Rejecting this finding is a simple and legal decision.**

Our Qualifications

The Sierra Fund is a 501(c)(3) non-profit corporation. Our expertise in mining law has been tapped repeatedly by various state administrations over the last two decades. The Sierra Fund worked closely with Governor Brown and the legislature on the substantial revisions to the Surface Mining and Reclamation Act (SMARA) that became law in 2017 that strengthened regulations to protect communities and the environment. The Fund has led projects on abandoned mine lands throughout the region and has published numerous reports of best available methods and technologies for assessing and remediating these compromised lands. We are working collaboratively with several local, state, and federal agencies to support abandoned mine land reclamation.

I lead The Sierra Fund’s programs and hold a Ph.D. in Hydrology from the University of Washington, serve as an adjunct professor at the California State University in Chico and have been working on abandon mine related issues for the past 15 years. The Sierra Fund is advised by hydrologists, geologists, mining engineers, lawyers, medical doctors, geochemists, and environmental health specialists.

Normally, a new mine would require the Board of Supervisors to approve four actions:

1. Approval of a land use permit on the site to allow gold mining
2. Approval of a reclamation plan for the mine operation
3. Approval of an Environmental Impact Report evaluating the impact that the mine permit and the reclamation plan would cause, and developing strategies to

minimize environmental impacts and mitigate any potential impacts to “less than significant”. If these impacts can’t be mitigated to “less than significant” the board must then find that there are “overriding public interests” in approving the EIR despite these impacts.

4. Approval of a Financial Cost Estimate, and an appropriate Financial Assurances Mechanism to pay for the required reclamation and mitigation activities.

What are vested rights?

Mines that have a vested right do not have to obtain a land use permit or conduct a CEQA review in issuing that land use permit. In other words, you can’t make them stop mining on the site that they have been mining for decades and you can’t deny their land use permit for mining on that site.

How would a company demonstrate they have a vested right?

To demonstrate a vested right, the mining company must prove that it was actively mining prior to January 1, 1976, and that it has continued to operate without substantial changes to their operation since that time. (See Public Resources Code Division 2, Chapter 9, Article 5 2770, following this note) They must demonstrate that they have continued the mining activities and in the same locations since 1976.

Rise Gold does not qualify for a vested right and clearly has not continuously mined the site.

Rise Gold’s various attachments to their petition do not in any way provide evidence to support a finding that they have “continuously mined” the site.

Not only that, if they have been mining the whole time – despite **no** evidence of them doing so – they also would have had to continue to obey current mining law. There is no evidence of actual mining on the site for many years. **According to SMARA, if a permitted mine stops its activity, they are mandated to file an Interim Management Plan for approval by the County – or it must begin reclamation of the mine. Neither Rise Gold nor any previous owner of the site has filed an Interim Management Plan or done any reclamation of the mine.**

If the Nevada County Board of Supervisors were to find a vested right for this site, they are guaranteed to have this finding reviewed by the State Mining & Geology Board (SMGB). SMGB review happened in 2014 when the “Blue Lead Mine” was proposed in the You Bet mining district. At that time, during the public hearing where the staff had recommended against finding the “vested right”, the Nevada County Planning Commission went against staff recommendations and tried to grant vested rights to Blue Lead Mine. Because the staff had not written “findings” to support that decision, a hearing was scheduled to review and approve the “new findings” that supported the vested right decision. The SMGB immediately contacted the County and spoke at that hearing of the Planning Commission on the question of vested rights. **At that hearing the SMGB warned that if the Board approved vested rights for the “Blue**

Lead Mine” the SMGB would take mine permitting authority away from the County. The vesting decision was reversed. (Eventually that project was approved by the Board of Supervisors, but the flawed EIR was challenged by neighbors who successfully sued and stopped the mine from opening.)

Note – if you as a County Board of Supervisors do make an erroneous determination that Rise Gold has “vested rights”, you need to know that the company will then need to create a Reclamation Plan for the proposed mining activities. This Reclamation Plan would then be required to be evaluated by an EIR. In addition, the company would need to create a financial cost estimate and develop a financial assurance mechanism to cover the costs of any reclamation activities occurring on the NEW spots or using NEW methods.

Conclusion

Under no circumstances does Rise Gold mining operation fit the criteria for vested rights. The petition and documents they provided are riddled with flaws and do not support the finding of “vested rights.”

We encourage the Board to consider that if Rise Gold truly believed that they had such rights, they would have asserted this long before now. The two prior applications on this site chose not to raise vested rights. Is this a delay tactic in support of another strategy they are pursuing to gain approval?

Please know that if you grant vested rights, we will support the Surface Mining and Geology Boards engagement to ensure mining laws are followed and this path if followed risks the SMGB determining the county no longer has authority over mine permitting. **We urge a unanimous vote turning down this petition to find Vested Rights.** It is a simple and legal decision.

Please feel free to contact me if you have any questions about our comments. Thank you again for this opportunity to participate in this public process.

For the Sierra,



Carrie Monohan, Ph.D.
Program Director
The Sierra Fund

Here is the relevant code:

PUBLIC RESOURCES CODE - PRC

DIVISION 2. GEOLOGY, MINES AND MINING [2001 - 2815]

(Heading of Division 2 amended by Stats. 1965, Ch. 1143.)

CHAPTER 9. Surface Mining and Reclamation Act of 1975 [2710 - 2796.5]

(Chapter 9 added by Stats. 1975, Ch. 1131.)

ARTICLE 5. Reclamation Plans and the Conduct of Surface Mining Operations [2770 - 2779]

(Article 5 added by Stats. 1975, Ch. 1131.)

2770.

- (a) Except as provided in this section, a person shall not conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation pursuant to this article.
- (b) A person with an existing surface mining operation who has vested rights pursuant to Section 2776 and who does not have an approved reclamation plan shall submit a reclamation plan to the lead agency not later than March 31, 1988. If a reclamation plan application is not on file by March 31, 1988, the continuation of the surface mining operation is prohibited until a reclamation plan is submitted to the lead agency. For the purposes of this subdivision, a reclamation plan existing prior to January 1, 2017, may consist of all or the appropriate sections of any plans or written agreements previously approved by the lead agency or another agency, together with any additional documents needed to substantially meet the requirements of Sections 2772 and 2773 and the lead agency surface mining ordinance adopted pursuant to subdivision (a) of Section 2774, provided that all documents, which together were proposed to serve as the reclamation plan, are submitted for approval to the lead agency in accordance with this chapter.

(h) (1) Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1, the operator shall submit an interim management plan to the lead agency for review. The review and approval of an interim management plan shall not be considered a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000)). The approved interim management plan shall be considered an amendment to the surface mining operation's approved reclamation plan for purposes of this chapter. The interim management plan shall only provide for necessary measures the operator will implement during its idle status to maintain the site in compliance with this chapter, including, but not limited to, all permit conditions.

(3) The financial assurances required by Section 2773.1 shall remain in effect during the

period that the surface mining operation is idle. If the surface mining operation is still idle after the expiration of its interim management plan, the operator shall commence reclamation in accordance with its approved reclamation plan.

2776.

(a) No person who has obtained a **vested** right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this chapter as long as the **vested** right continues and as long as no substantial changes are made in the operation except in accordance with this chapter. A person shall be deemed to have **vested rights** if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

(b) The reclamation plan required to be filed under subdivision (b) of Section 2770, shall apply to operations conducted after January 1, 1976, or to be conducted.

(c) Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976.

2776.

(a) No person who has obtained a **vested** right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this chapter as long as the **vested** right continues and as long as no substantial changes are made in the operation except in accordance with this chapter. A person shall be deemed to have **vested rights** if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

From: [Paul Schwartz](#)
To: [bdofsupervisors](#); [Idaho MMEIR](#); [Idaho MMEIR](#)
Cc: [psschwartz21](#)
Subject: Reject Vested Rights Argument
Date: Monday, November 13, 2023 6:03:10 PM

Dist 1

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Board of Supervisors:

On December 13 & 14 you will consider Rise Gold's arguments that they have "Vested Rights" to move forward with their gold mining enterprise at the Idaho Maryland Mine location. CEA has presented to you a summary of the evidence that deflates each argument Rise Gold makes. I would like to add my personal memories to the case against the Vested Rights argument.

During the early to mid 1960s I spent summers with my grandparents in Yuba City. My grandfather was an engineer with PG&E. His primary job was to inspect commercial PG&E customers to make sure all was well with their PG&E service, but also to make sure they wasn't any evidence they were by-passing the meters. During my summer stay I would go with him on his route through the gold country. My grandmother worked full time and apparently I required adult supervision. The Robinson Lumber Mill on the Idaho Maryland Mine site was one of his frequent stops. He was chummy with the operators and would visit with them for what seemed like hours to a 10 year old (me). Meanwhile, I would wander around the lumber mill property and investigate everything that was happening. Watching the logging trucks pull in and unload, the milling operation, the large ponds filled with logs, and all the heavy equipment moving around. This was pretty exciting for a young man who during the rest of the year lived in a beach town. I had to be careful to stay away from most of the action. I would circle the edges of the mill site and watch the action from a distance. There was no mining going on during the 4-5 summers I spent visiting the Idaho Maryland Mine Robinson Timber Sawmill. My grandfather would talk about the history of the Idaho Maryland Mine. He was a rock collector hobbyist and during our days driving through Nevada County we would stop at his favored spots, mostly tailings, and poke around. If there was any mining activity going on at the Idaho Maryland Mine site I would have seen it and my grandfather would have met with them regarding their PG&E services. PG&E can certainly confirm there were not electric services used for mining activity during the 1960s.

Paul Schwartz
[REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows

From: [Tony](#)
To: [Julie Patterson-Hunter](#)
Subject: Re: Abuse of Process-Vesting Must be Denied!
Date: Thursday, November 2, 2023 9:51:22 AM

Dist 1

Hi Julie...I realized my opening sentence was incorrect. It should say, "Dear Board, Planning and others involved in the decision making process of the vested rights application by this morally reprehensible company". I worded it incorrectly in my submission. Please amend if possible.

Thanks
Tony

> On Nov 2, 2023, at 9:42 AM, Julie Patterson-Hunter <Julie.Patterson-Hunter@nevadacountyca.gov> wrote:
>

> Thank you - your email has been received

> -----Original Message-----
> From: Tony [REDACTED]
> Sent: Monday, October 30, 2023 8:34 AM
> To: bdofsupervisors@nevadacountyca.gov
> Cc: Idaho.MMEIR@nevadacountyca.gov
> Subject: Abuse of Process-Vesting Must be Denied!
>

> Dear Board, Planning, and others involved in this morally reprehensible company,

> I implore you to throw out this ridiculous claim of vested rights. I've lived 1 mile from the site for 32 years since

1991, and drove past it everyday day. Not once did I ever see even the tiniest hint of mining activity there. I also frequently rode my mountain bike thru the property to get into the cedar ridge area. I can testify under oath, to the indisputable fact that the IMM was completely closed down and conducted absolutely no activity whatsoever, with regards to existing as an active working mine.

>

> This farce application by Rise is an abuse of process, clear and simple. It demonstrates their lack of respect and regard for this county's health and well being. Economically as well as physically for the residents. Their attempt to gain access, for proceeding with a devastating industry in a highly residential area, is nothing less than an attack of dire consequences for the entire county, should it be allowed to happen.

>

> Please send this company away from our beloved community and environment. They have no legal basis for granting vested rights here. You may already have received this very fact from land use attorneys and the county's own legal counsel. Add to that the testimony by the many residents that have lived here for years, and you can be certain that this stunt by Rise is an offense that could, very easily, bring an abuse of process suit to their doorstep.

>

> As our trusted representatives, we ask that you deny this application in the most swift and decisive manner possible.

>

> Thank you,
> Tony Lauria



>

From: [Paul Schwartz](#)
To: [bdofsupervisors](#); [Idaho MMEIR](#); [Idaho MMEIR](#)
Cc: [psschwartz21](#)
Subject: Reject Vested Rights Argument
Date: Friday, November 3, 2023 9:40:08 AM

Dist 1

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Board of Supervisors:

On December 13 & 14 you will consider Rise Gold's arguments that they have "Vested Rights" to move forward with their gold mining enterprise at the Idaho Maryland Mine location. CEA has presented to you a summary of the evidence that deflates each argument Rise Gold makes. I would like to add my personal memories to the case against the Vested Rights argument.

During the early to mid 1960s I spent summers with my grandparents in Yuba City. My grandfather was an engineer with PG&E. His primary job was to inspect commercial PG&E customers to make sure all was well with their PG&E service, but also to make sure they wasn't any evidence they were by-passing the meters. During my summer stay I would go with him on his route through the gold country. My grandmother worked full time and apparently I required adult supervision. The Robinson Lumber Mill on the Idaho Maryland Mine site was one of his frequent stops. He was chummy with the operators and would visit with them for what seemed like hours to a 10 year old (me). Meanwhile, I would wander around the lumber mill property and investigate everything that was happening. Watching the logging trucks pull in and unload, the milling operation, the large ponds filled with logs, and all the heavy equipment moving around. This was pretty exciting for a young man who during the rest of the year lived in a beach town. I had to be careful to stay away from most of the action. I would circle the edges of the mill site and watch the action from a distance. There was no mining going on during the 4-5 summers I spent visiting the Idaho Maryland Mine Robinson Timber Sawmill. My grandfather would talk about the history of the Idaho Maryland Mine. He was a rock collector hobbyist and during our days driving through Nevada County we would stop at his favored spots, mostly tailings, and poke around. If there was any mining activity going on at the Idaho Maryland Mine site I would have seen it and my grandfather would have met with them regarding their PG&E services. PG&E can certainly confirm there were not electric services used for mining activity during the 1960s.

Paul Schwartz

[REDACTED]

Sent from [Mail](#) for Windows

From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: ellenlight8@gmail.com
Subject: Letter From Ellen Clephane - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:05 PM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ellen Clephane at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Ellen Clephane. I live at [REDACTED] Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

My husband and I live on Greenhorn Road, just over a mile from Brunswick, very close to the proposed mine. We have owned our home for almost 17 years and love the quiet rural environment here. The thought of a huge industrial complex in this neighborhood ~ threatening wells, creating air and noise pollution, bringing constant truck traffic and all the rest of the ugliness and environmental damage, is horrific beyond imagining. I hope, pray and trust that you will give a clear and resounding NO to this insane mine

project. And for that you have my heartfelt thanks!

Sincerely,

Ellen Clephane



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Date: [REDACTED] Stay the Course - No to the Mine
Wednesday, October 11, 2023 6:28:09 PM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Eric Gibbons at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Eric Gibbons. I live at [REDACTED] Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

Our family has lived on Beaver Drive in District 3 for almost 30 years. I have been a small business owner in Grass Valley in the past and have been active in the Lutheran Church, scouting, Masonic affiliations, GV Rotary and CEA.

I'd like to point out that Rise Gold's claim of vested rights would require providing verifiable proof of continuous operation by the chain of every legal owner/entity from the

time the mine closed in 1956 to the present. I encourage the commission and board to insist this unbroken chain be un-refutably demonstrated.

Sincerely,

Eric Gibbons

A solid black rectangular redaction box covering the signature area.

From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Susan Hopkins - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:16 PM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Susan Hopkins at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Susan Hopkins. I live at [REDACTED], Nevada City, CA 95959.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I have lived in District 4 for almost 30 years, moving to this beautiful county to enjoy the natural environment. I cherish our quality of life and hope that it will not be ruined by a project that can only bring degradation.

Sincerely,

Susan Hopkins



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Pamela Jung - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:21 PM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Pamela Jung at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Pamela Jung. I live at [REDACTED], Grass Valley, CA 95949.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I live in Lisa S.'s district (3) near Target. I have lived in this county for over 30 years, so I feel like I've earned a vested interest in this issue of the mine. I have been following this issue for years now and have saved all the clippings about it from The Union. Soon I may need a wagon to haul them around. It's so obvious that county citizens don't want the mine started up again; indeed they want this issue permanently put to bed. Mine Watch has done its due diligence very well. They have experts making the case. They've

followed the science. The conclusion is that opening the mine will cause much more harm than good. Sleazy Mossman aside, reopening is a very bad idea. I urge BOS to vote Rise Gold down for good.

Sincerely,

Pamela Jung



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Kenneth Woods - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:31 PM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kenneth Woods at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Kenneth Woods. I live at [REDACTED] Nevada City, CA 95959.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

Sincerely,

Kenneth Woods
[REDACTED]

From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From david and barbara reed - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:36 PM

Dist 4

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of david and barbara reed at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is david and barbara reed. I live at [REDACTED], Nevada City, CA 95959.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

Sincerely,

david and barbara reed
[REDACTED]

From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Gwen Walker - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:43 PM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gwen Walker at [REDACTED].

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Gwen Walker. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I live in district 3 near A to Z hardware. I am an individual with reactive airway disease and a high cancer risk. This mine cannot be re-opened due to the risk it poses to people like me. I urge you to REJECT their vested interest petition and shut them down so they cannot open this mine and put our community at risk.

Sincerely,

Gwen Walker



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Lauren Lauria - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:28:54 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lauren Lauria a [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Lauren Lauria. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I feel the need to reiterate the fact that this vested rights move by Rise is a complete farce and another example of the incredible disrespect for this community and county. I have lived 1 mile from the Idaho Maryland (abandoned) mine site for 34 years. I have driven by it every day for that entire span. I will testify under oath that it has not been a working mine since 1990. Additionally, under historical scrutiny, it has not been a working mine since before 1957 when all assets were sold and the tunnels were flooded.

This application for vested rights is a blatant abuse of process by Rise Gold. You must dismiss and deny this and any further attempts to apply these slick deceitful tactics to invade our county with a heavy industrial toxic industry that would most definitely be the demise of all we love here. The thousands of residents in this area did not purchase their property with the contingency that the area could be rezoned into heavy industry.

In context of these deceitful maneuvers by Rise Gold, we are witnessing the continuation of that immoral behavior with the plea by Ben Mossman, to the Canadian court, that he is now unemployed, having been replaced by another CEO. A tactic used to dissuade a stiff sentencing. He planned the timing of this statement so the court could not verify it. Here is another lie. He is still an employed member of Rise Gold, in a different position.

This kind of horrible behavior is representative of the way in which this company would continue their business in this county. They would lie and cover up toxic spills, as happened in Bank Island. We have seen Mossman publicly lie to the Canadian court and we have seen him lie here, saying "there will be no impacts". This company would shirk any and every responsibility that requires honesty and integrity. Another obvious example of why this company and industry should never be allowed to ruin our home.

There is no possible way to prove the IMM has been a working mine past 1957. There are thousands of residents who will join myself in testifying this fact. Rise Gold is costing the county, and it's citizens, an enormous sum of money fighting these dishonest tactics. They should be sued for abuse of process. Not only is the financial cost an undue burden, but we are continuing to suffer emotionally at the prospect of loss of our home values, water, clean air, health and quality of life. What this company is all about, is morally reprehensible. They should be put in their place, once and for all.

Be firm in your decision to deny this sham vested rights farce. Can you imagine the utter chaos and destruction of our county, if this dishonest company were permitted to reopen this mine without any guideline requirements, as put forth by the EIR? Please, Please, Please, deny this application and complete the denial by voting No to the use permit. And let's pass some laws that stop this type of industry from ever attempting this again in our densely populated community and county.

Thank you

Sincerely,

Lauren Lauria



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Eli Rush - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:02 PM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Eli Rush at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Eli Rush. I live at [REDACTED], Grass Valley, California 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I live in District 3. I travel Brunswick Road and 174 daily. The traffic impact and noise level would be intolerable. I have no faith whatsoever in the integrity or honesty of Rise Gold's words or actions. They would be a blight upon our community, as they have been upon others.

Sincerely,

Eli Rush



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Diana McCracken - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Diana McCracken at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Diana McCracken. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

My family has lived here since 1970. I can in fact tell you that it was not a gold mine in the 70's. It was a sawmill and since we are 1/2 mile up Greenhorn Road I can still remember as a child the smell and noise the sawmill would give off. I remember the noise pollution from the trucks entering and exiting the sawmill. I don't understand how it can be stated that it was a run as a goldmine- it was a sawmill. Do not pass this through- you will ruin a family with 3 generations living 1/2 mile from the old mill.

Sincerely,

Diana McCracken



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Geoff Erwin - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:15 PM

Dist 4

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Geoff Erwin at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Geoff Erwin. I live at [REDACTED], Rough and Ready, CA 95975.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I'm Geoff Erwin, also known as Geoff Eido from District 4. I wrote and performed WELLS RUN DRY at the planning meetings. I'm sure you're aware that the Idaho/Maryland mine has been inoperative for decades and that this is the latest lie posed by an untrustworthy company intent on raping our resources at great cost to our citizens and local habitat. Please, for the love of God, country, and Nevada County, tell these buggers to bugger off once and for all. Thank you

Sincerely,

Geoff Erwin



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Johni Christensen - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:22 PM

Dist 2

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Johni Christensen at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Johni Christensen. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

We recently purchased 5 acres along [REDACTED]
[REDACTED] We chose this property because it is a pristine creek front property. We are excited to be new stewards to our patch of this beautiful area and consider the health of the waterways to be crucial to the vitality of the natural ecosystem and quality of life to the residents within these areas.

Sincerely,

Johni Christensen



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Valerie Kack - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Valerie Kack at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Valerie Kack. I live at [REDACTED] Grass Valley, CA 95949.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I have lived in district 2 for 40 years with Wolf Creek on the back of my property. I've been fighting this mine for years, and I threaten to move if they were excepted. I was so happy when the supervisors voted against the reopening. This is insulting that these people are so determined and unconscious and disconnected from the community we have built solidarity about this concern. I have moved to Washington state, clean, bark beetles, destruction of my forest, the endless days without electricity, because of snow,

sometimes 3 feet deep and not traversable leaving me at the back of my property with no way in or out. As a single person I can't do this anymore. The smoke and ash was horrible, another reason to leave. But my loyalty continues to Wolf Creek and I would do anything to keep it healthy. I do not want any mine tailings making their way into it or anywhere in the water shed. I oppose reconsideration of these horrible Canadian greedy people.

Sincerely,

Valerie Kack



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Dave Hood - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:33 PM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dave Hood at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Dave Hood. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

Sincerely,

Dave Hood
[REDACTED]

From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Fred Pohlmann - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Fred Pohlmann at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Fred Pohlmann. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I am a District 3 resident. It is obvious from the over 5,000 signatures on a petition to deny the reopening of the Idaho-Maryland mine, the noticeable yard signs opposing the mine, the numerous environmental groups and businesses that have voiced their opposition to the mine, and the large number of people who attended the recent Planning Commission meeting concerning the EIR to amplify this chorus of disapproval that the residents of this county overwhelmingly oppose the mine.

Sincerely,

Fred Pohlmann



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Denise Bellas - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:44 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Denise Bellas at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Denise Bellas. I live at [REDACTED], Grass Valley, CA 95949.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

When I bought my home in Grass Valley, mining and the destruction of mining was in the past. I sincerely hope it remains so. I would never have invested in this community should Grass Valley have been a town of current mining. I am encouraged with the forward thinking town council and a dedication people who volunteer based community, working to for a strong sense of outreach and well being! Mining is not the in the right direction for our town.

Sincerely,

Denise Bellas



From: minewatchnevadacounty@gmail.com
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [REDACTED]
Subject: Letter From Donna Levreault - Stay the Course - No to the Mine
Date: Wednesday, October 11, 2023 6:29:49 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Donna Levreault at [REDACTED]

Nevada County Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors,

My name is Donna Levreault. I live at [REDACTED], Grass Valley, CA 95945.

I am writing to express my strong opposition to Rise Gold's attempt to reopen the Idaho-Maryland Mine, including their recent Vested Rights claim. Their assertion that mining has been "continuous" since regulations changed in 1954 is laughable. This claim is little more than a last-ditch effort to bypass the environmental review and public input process that protects the citizens of this county.

Please stay the course and don't allow further delay tactics. I urge you to support the recommendations of the Planning Commission and protect our county from this destructive and irresponsible project.

I live on Alta Street and I oppose this latest ruse by Rise Gold to overrule the planning committee's rejection of their petition to start mining. The vested rights claim is unjustified. Mining stopped here in the 50s. Please oppose this latest ruse by this unscrupulous company, whose owner is already facing criminal charges in Canada because of his activities.

Sincerely,

Donna Levreault



From: [Walt](#)
To: [bdofsupervisors](#); [Idaho MMEIR](#); [Idaho MMEIR](#)
Cc: [James Bair](#); [Tim Ogburn](#); [John Vaughan](#); [Tony Powell](#); [Marion Blair](#); [Joan Staffen](#); [Paul Berger](#)
Subject: Rise Gold's petition for vesting rights to IMM and Rise Gold's IMM Fault Line
Date: Monday, October 9, 2023 12:08:09 PM

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Nevada County Supervisors and Planning Department

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

To: Nevada County Board of Supervisors and California Attorney General

bdofsupervisors@nevadacountyca.gov, Idaho.MMEIR@nevadacountyca.gov

bdofsupervisors@nevadacountyca.gov

Idaho.MMEIR@nevadacountyca.gov

Re: Rise Gold's petition for vesting rights to IMM and Rise Gold's IMM Fault Line

At the last Idaho Maryland Mine (IMM) town hall meeting last month a hero emerged. Newly anointed Planning Commissioner Terry McAteer showed amazing tenacity in delving into and understanding the deep issues of the Rise Gold proposed project. Commissioner McAteer's research revealed that Rise Gold was attempting to disappear the fault line that runs through the property shown on the IMM County legal property description. Yes, none of us knew that a big fault line even ran through the middle of the IMM so any effort to make it disappear was not noticed. Furthermore it's a little surprising that nothing was done about this after the Planning Commission's decision 5 – 0 against the Rise Gold IMM. Rise Gold was incensed and launched attacks on the County and Commissioner McAteer personally. I was left asking myself, *Why is this fault line disappearance of such import to Rise Gold, and why they would risk this kind of exposure?*

The answer can be found and is well known in the mining business — dewatering and flooding a mine can with high probability trigger severe earthquakes along fault lines. The issue of mine operations triggering earthquakes should have been analyzed in an EIR but wasn't, another reason that nobody believed anything the EIR did cover. It is important that we understand this, that an operational IMM would pose a grave danger and threat to the entire Nevada county community health and safety, as the mine tunnels run all through the town of Grass Valley underground. There are no “mitigating measures” against mine watering and dewatering-caused earthquakes. According to the 200 studies referenced world wide in the paper cited below watering and dewatering a crack in the earth lubricates the fracture or fault to cause an earthquake of “seismic magnitudes of up to M=7 on the Richter scale”.

This brings clarity to the top and reveals the controlling issue, that man-induced earthquakes

are not an economic or legal or political or business issue. There is no vested right to kill a community. The danger and risk to public health and safety is primary, and the issue Rise Gold fears exposed the most. From a reference on the subject cited below, “these earthquakes can cause serious socio-economic losses with negative implications for the long-term sustainable development of countries abundant in natural resources and of mining regions”. Why is the County still dithering with the community collateral damage in the balance were the mine to go forward? Mining for gold is a useless endeavor as gold is not a rare earth mineral or some element that we cannot live without or even need. Again, this is not a legal issue about a corporations rights. You could not permit a corporation, even a responsible one, to build atomic bombs on the IMM with vesting or any other kind of rights, too dangerous to the community.

Put another way, the misdirection’s from Rise Gold would have you believe its about providing a “comparable water supply” or “not running out of water” or even flooding our "Wolf Creek with clean water". The truth is it's not about money, it is about earthquake damage to the community and infrastructure, people’s homes, and people’s lives if the mine goes live. Its about “serious socio-economic losses with negative implications for the long-term sustainable development”. Its about disrupting an entire community like a Fukushima.

The Planning Department vociferously pushed to “certify” the EIR they were peddling. Something is very wrong there, when corporations come to town to exploit the rich county history and our Planning Department which is supposed to protect us has gone south. Thank god and three cheers for Commissioner Terry McAteer, without which we would still be in the dark as to the real issues regarding IMM and any mine that happens to be on or near a fault line in the county. Routine underground blasting, watering and dewatering a mine on a fault line is not conducive to a community nearby, and its not even close. It’s a slam dunk in the vernacular, and you shouldn’t be stressing over this issue. Don't wait til October, just say NO now and move on, you've wasted enough taxpayer time and resource.

A brief technical description and citation of severe earthquakes from mine watering-dewatering is provided below:

Mine Water Discharge and Flooding: A Cause of Severe Earthquakes

Abstract:

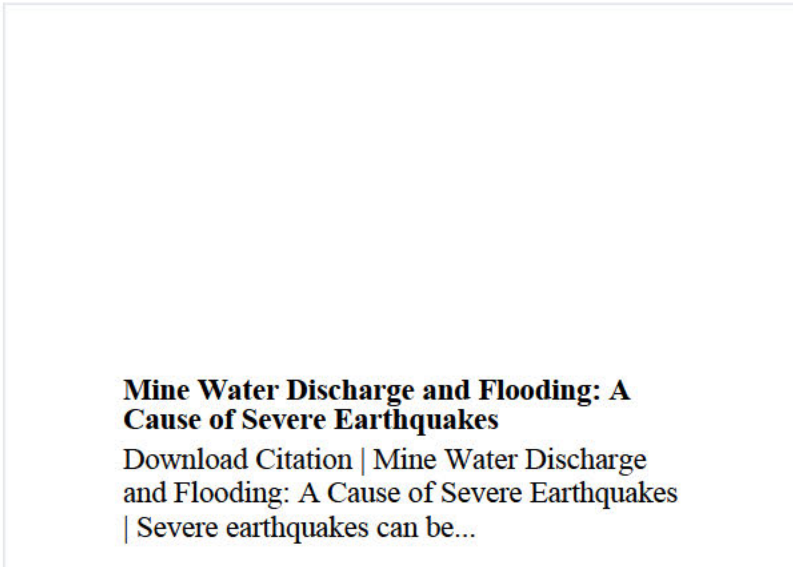
Severe earthquakes can be triggered by dewatering and flooding of mines, as these activities alter the loading of the Earth’s crust and tectonic stresses in its interior. Worldwide, more than 200 studies have noted sites where human-induced stresses could have reactivated preexisting faults, triggering earthquakes with seismic moment magnitudes of up to $M=7$ on the Richter scale. This can only occur where faults are already under high tectonic stresses that have built up over many years. Stable continental regions are seismically less active than unstable regions (e.g. California, Japan, and Turkey). Consequently, faults in stable continental regions can be more earthquake-trigger sensitive, since accumulated stresses have not reached failure conditions. This paper provides an overview of officially recognized mining-triggered earthquakes with magnitudes $M=5.0$. The article illuminates that these earthquakes can cause serious socio-economic losses with negative implications for the long-term sustainable development of countries abundant in natural resources and of mining regions, in particular. Historic data suggest that regional geological conditions (e.g. structural geology and tectonic in-situ stress states) are more important in forecasting the potential of earthquake triggering than the scale of the mining activities. Overall, such forecasts should be made to estimate and mitigate potential socio-economic earthquake risks associated with geoenvironmental operations of extractive industries such as mining.

[Mine Water Discharge and Flooding: A Cause of Severe Earthquakes](#)



Mine Water Discharge and Flooding: A Cause of Severe Earthquakes

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Walt Froloff
Concerned citizen
Grass Valley CA

From: [Deanna Figueira](#)
To: [bdofsupervisors](#)
Subject: Rise Gold
Date: Monday, October 9, 2023 3:58:48 AM

Dist 1

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Dear Supervisors,

Please vote no to vested rights to let Rise Gold conduct mining operations and also vote no to reopening the mine. This would destroy our town and surrounding areas, as well as create pollution in our waterways, air and roads. There is no benefit for our county or its people. Please let me know what I as a citizen can do to stop this from happening. Thank you.

Sincerely,
Deanna Figueira

From: [Randi Pratini](#)
To: [BOS Public Comment](#)
Cc: [bdofsupervisors](#)
Subject: re: Rise Gold mine
Date: Sunday, October 8, 2023 10:40:18 AM

Dist 1

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Please vote no to vested rights to let Rise Gold to conduct mining operations and also vote no to reopening the mine. This would destroy our town and surrounding areas, as well as create pollution in our waterways, air and roads. There is no benefit for our county or its people.

Please let me know what I as a citizen can do to stop this from happening.

Thank you for your time.

Sincerely,
Randi Pratini
District 1

From: [Ed Scofield](#)
To: [Julie Patterson-Hunter](#)
Cc: [Kit Elliott](#)
Subject: FW: Issue: Rise Gold, vested rights:
Date: Friday, September 15, 2023 10:55:18 AM

Dist 1

-----Original Message-----

From: [REDACTED]
Sent: Thursday, September 14, 2023 4:54 PM
To: Ed Scofield <Ed.Scofield@nevadacountyca.gov>
Subject: Issue: Rise Gold, vested rights:

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Bruce Rayner here again, Ed. I've studied this situation after all the articles in The Union. It appears that Rise is taking our county and the BOS down a rat hole, which can only lead to more legal fees on our part.

To wit: Riverside County, CA is going through the same thing, some outfit comes out of the wood work, claiming vested mining rights and threatens with legal suits. Read this article or pass it on:

https://linkprotect.cudasvc.com?url=https%3a%2f%2fbcpcpalmssprings.com%2f2023%2f03%2f27%2fmining-operation-seeks-boards-recognition-of-vested-rights-to-expand%2f&c=E,1,sUPnjRqA7nV3aolpEJEiNoDcdZwAGUWGtQxS2RtvIwEs3yIEdRmm4fCHA3esB2WO4Lq_jLILOx1Qh8BfEtmvrRDcNmq1ZTheNIZI0dukWw,,&typo=1

What is interesting is there is a Federal act on the books, "California Surface Mining Control & Reclamation Act of 1975", which defines primary laws governing mining operations locally and provides guidelines for determining vested rights.

As I understand, the Rise Gold action seeks to declare any local zoning laws null and void due to "vested rights".

Why hasn't this issue appeared in any of the press coverage? Or articles for or against Rise Gold?

If our legal team hasn't looked into this issue, it might make a good question for them. I suggested Elias Funez at The Union look into the matter; it appears it might be a political hot potato. All the more reason why we haven't heard anything.

Sincerely,

Bruce Rayner
Nevada City

From: [Walt](#)
To: [bdofsupervisors](#); [Idaho MMEIR](#)
Cc: [James Bair](#); [Tim Ogburn](#); [Tony Powell](#); [John Vaughan](#); [Marion Blair](#); [Joan Staffen](#); [Idaho MMEIR](#); [johnathon.crook@dtsc.ca.gov](#); [Jeffrey Thorsby](#); [Nevadacitychamber Info](#)
Subject: Rise Gold's petition to the NC BoS for vesting rights to IMM
Date: Monday, September 11, 2023 4:05:15 PM

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Nevada County Supervisors and Planning Department

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->

To: Nevada County Board of Supervisors

bdofsupervisors@nevadacountyca.gov, Idaho.MMEIR@nevadacountyca.gov

bdofsupervisors@nevadacountyca.gov

Idaho.MMEIR@nevadacountyca.gov

Re: Rise Gold's petition for vesting rights to IMM

This is my second letter regarding the subject matter, and herein I address the actual Rise Petition for Reservation of Vested Mining Rights to IMM.

A **vested mining right** is a constitutionally protected property **right** to continue operating in a certain location and in a certain way without being required to conform to all current land use restrictions. This law was made to protect real miners and those that wanted to continue a mining business without interruption. This law was never meant to protect gold market speculators, investors, get rich schemers or scams.

The subject petition paints a litany of disjoint hodgepodge chain of owners all intending to find gold and becoming rich but failing to actually have an operational mine business, ie there was no gold mining operations to continue. In fact it was in the recent past declared loudly and publicly that there was no mine or mining operation by the owners.

The latest on the IMM operation was publicly proclaimed and published in our own The Union on June 12, 2014. "Former Idaho-Maryland Mine For Sale". The Union published "Coldwell Banker Grass Roots Realty has the \$2,750,000 land listing of 18 separate assessor's parcels, which includes 2,750 acres of mineral rights and a collection of core samples. But although the land's owners are sitting on a former gold mine, they're not selling the property as one."

Nothing speaks louder about the owner's intention and mine status as "We're not selling a mine," Emgold decided the best way to get rid of the land was to sell the land without the liability that the mine's mining past brought, toxic tailing, toxic ponds and all around danger to the public in perpetuity with signs posted to vacationers and visitors alike.

The IMM gold mine legacy was depressing it's land price and the investors needed to sell the land minus anything to recover anything that they could from their speculative investment into gold mining. This sale didn't come easy for the owners as "Emgold had been trying to revive the mine east of Grass Valley for more than seven years to take advantage of an estimated 472,000 ounces of gold." "Emgold announced it no longer would list the Idaho-Maryland Mine as a current project for its investors". ie. after failing to make the mine operational, Emgold publicly proclaimed a cessation of all mining activities and complete a mine closing and abandonment. The vesting rights were gone, intentions were gone, and investors just wanted to get their money out of the speculative gold investment that was threatening to sink the whole investment.

"Considering contaminated mine tailings are part of the property, which the listing notes, Brock said it will likely be a challenge to sell." The environmental concerns regarding mine reopening were anticipated as being insurmountable and for good reasons. "We're very much aware of the sort of political history with Emgold having attempted to permit the operation of the mine and failed," Brock said. " There are substantial environmental issues with the property itself. There are a number of environmental concerns that we anticipate the market will need answers to."

So as history of IMM would have it, the owners sold the IMM land and high-tailed it out of town before a state agency could find the disaster that they were leaving and force them to clean up the toxic waste that they left for the county to clean up. Nobody, least of all the IMM owners wanted anything to do with vested mining rights, so they were desperate to bury the mine to sell the property and get out of Dodge before a hanging happened. Cessation of mining operations and all mine related activities were done, hope and plans for gold mining were abandoned. This allowed the owners to sell the land, and foreclose on any toxic waste liability which they also abandoned.

It is common for deeds in California to have mineral rights attached. Mineral rights on a deed do not constitute mining rights or carry vesting mining operation rights. Land with a failed and abandoned mine is quite common in Nevada County. An attempt to re-open any of these would require a permit from half a dozen agencies, and this is well known by even a layman. Attempts to resurrect the dead here is made to prolong the inevitable for publicity purposes, and should be seen for what it is, a stock pump-and-dump scam that is about to be shut down. Please be merciful and stop this sham with prejudice so that this community can find some relief from this plague called Rise Gold Corporation.

Walt Froloff

Concerned citizen

Grass Valley. CA

From: [Walt](#)
To: [bdofsupervisors](#)
Cc: [James Bair](#); [Tim Ogburn](#); [Tony Powell](#); [John Vaughan](#); johnathon.crook@dtsc.ca.gov; [Joan Staffen](#); [Marion Blair](#)
Subject: Rise Gold Vesting Rights in IMM
Date: Thursday, September 7, 2023 9:58:51 AM

Dist 3

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To: Nevada County Board of Supervisors

bdofsupervisors@nevadacountyca.gov, Idaho.MMEIR@nevadacountyca.gov

bdofsupervisors@nevadacountyca.gov

Idaho.MMEIR@nevadacountyca.gov

Re: Rise Gold's petition for vesting rights to IMM

The granting of Vested Rights to Rise Gold's IMM is not a decision that could be made by the Nevada County. IMM vesting rights do not exist for several reason not the least of which is IMM would not be vesting from a gold mining business 80 years ago but to toxic waste production and "engineering fill" production and sales, and maybe some gold mineralization not yet established. Some additional reasons are:

<!--[if !supportLists]-->1) <!--[endif]-->A permit was never obtained by the previous owner and hence no chain of vesting rights was created.

<!--[if !supportLists]-->2) <!--[endif]-->The NC BoS is not the body to decide this matter. The law on vesting rights in mining business is governed by the Surface Mining and Reclamation Act (SMARA). This act requires mining operators to obtain a permit from the California Department of Conservation's Division of Mine Reclamation which was created in 1991. A permit grants the operator the right to mine and extract minerals from a specific area. The vesting rights ensure that once a permit is obtained, the operator has the right to continue mining operations as long as they comply with the conditions set forth in the OBTAINED and

FILED permit and the SMARA regulations. These conditions include reclamation requirements, financial assurances, and environmental protection measures, none of which have been tendered. Moreover the California Department of Conservation's Division of Mine Reclamation oversees the implementation of SMARA and ensures that mining operations are conducted responsibly and in accordance with the law. In this case the “law” would most likely be CEQA.

<!--[if !supportLists]-->3) <!--[endif]-->The NC BoS has not received approval to act on vesting rights from the Department of Conservation nor have they received financial assurances that all mitigation measures will arise from toxic waste and operations of the IMM and will be followed. The local lead agency, Nevada County, must require and approve (after review by the Department of Conservation) a reclamation plan and financial assurances. Lead agencies may accept operation plans, reclamation plans and environmental studies that meet BLM and USFS, provided they meet the requirements of SMARA.

<!--[if !supportLists]-->4) <!--[endif]-->Vesting rights to mine shall occur if there is a business transition to another business, hence “reclamation” Rise Gold IMM is not a Reclamation project by definition. The following are examples of successful reclamation projects: • One mining company in Ventura County reclaimed its mining pit to a strawberry field. • A gravel extraction area at Mississippi Bar in Sacramento County was returned to a riparian (water) wildlife habitat. • An aggregate mine on agricultural land in Yolo County operates in four phases. The intent is that not more than 95 acres is out of agricultural production at any time during the project's life. • Other mined lands have been reclaimed to grazing and production of crops such as alfalfa, corn, grapes and tomatoes.

<!--[if !supportLists]-->5) <!--[endif]-->There is no real transference of a gold mining business from 80 years ago until today, and hence no vesting possible from this IMM project. The proper core samples to measure for any gold has not been done to establish that there is gold left in the abandoned mine. Speculation, theory and conjecture are not valid measures. The new business is in fact a Rise Gold IMM business exploitative of an abandoned mine solely for purposes of pumping up stock price on a national penny market where buyers are uneducated on environmental laws and regulations and are easily manipulated by PR, media headlines and media SoundBits. This is not a gold mining business, it's a stock scam business.

I hope this helps,

Walt Froloff
Concerned citizen
Grass Valley. CA

From: [gary cartzdafner](#)
To: [bdofsupervisors](#)
Subject: ABSOLUTELY VOTE NO ON RISE GOLD
Date: Saturday, August 26, 2023 6:34:24 AM

Dist 3

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Please vote no to vested rights to let Rise Gold and (convicted **Ben Mossman and soon to be** sentenced) to conduct mining operations and also vote no to reopening the mine. This would destroy our town and surrounding areas, as well as create pollution in our waterways, air and roads. There is no benefit for our county or its people

GARY CARTZDAFNER

From: [Kathleen Madeira](#)
To: [bdofsupervisors](#)
Subject: Fwd: Corrected: Rise Grass Valley to Petition for Recognition of Vested Rights
Date: Friday, August 25, 2023 6:56:26 AM

Dist 3

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Please vote no to vested rights to let Rise Gold to conduct mining operations and also vote no to reopening the mine.
This would destroy our town and surrounding areas, as well as create pollution in our waterways, air and roads. There is no benefit for our county or its people.
Please let me know what I as a citizen can do to stop this from happening.
Thank you for your time.
Sincerely,
Kathleen Madeira



Rise Grass Valley to Petition for Recognition of Vested Rights at Idaho Maryland Mine

Rise Grass Valley plans to petition for recognition of vested rights to conduct mining operations at the Idaho Maryland Mine, according to a letter sent to Nevada County by its attorney Monday, August 21, 2023.

Rise Grass Valley, the applicant, plans to file a petition asserting vested rights by September 1, 2023.

“A vested right is a right to continue activity that existed before a zoning restriction became effective,” said County Counsel Katharine Elliott. “A vested rights finding for Rise Grass Valley would mean that the applicant has a legal right to mine on the Brunswick Industrial Site.”

The Board of Supervisors will hold a hearing on the petition in late October. This means the Board’s previously scheduled October 2-3 hearing on Rise Grass Valley’s application for a conditional use permit is canceled.

Instead of going first to the Planning Commission, the applicant has requested that its petition be heard by the Board of Supervisors and has agreed to waive any procedural rights or irregularities.

The Board of Supervisors will make the final determination on whether the petition for vested rights is valid by reviewing the facts of the historical use of the mine property and the law.

If the Board approves the petition, the next step would be consideration of a reclamation plan, which would explain in detail how the applicant would operate the mine. In addition, Rise Grass Valley would need to provide a statement of responsibility and financial assurances that the applicant could cover potential damages.

If the Board denies the petition, the County will schedule a noticed public hearing to consider the original proposal to reopen the Idaho Maryland Mine in early December.

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From: [Sheldon, Kent](#)
To: [bdofsupervisors](#)
Subject: Rise Grass Valley to Petition for Recognition of Vested Rights at Idaho Maryland Mine
Date: Wednesday, August 23, 2023 3:46:43 PM

Dist 1

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I am writing to state my disapproval of granting this Petition from Rise. Approval of this project will be a disaster for Nevada County, Grass Valley, and all residents anywhere near the Idaho Maryland mine. Please vote against this Petition.

Kent Sheldon - VP of Project Delivery & Life Cycle Management
Energy Storage and Optimization
Wärtsilä Corporation
[REDACTED]

From: [Nathan Collins](#)
To: [bdofsupervisors](#)
Subject: No Mine
Date: Wednesday, August 23, 2023 3:17:46 PM

Dist 3

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Hello, thank you for reading this email. I am a resident of Grass Valley and I wanted to say I do NOT support the proposed mine reopening by Rise. I have heard they are going to try to petition for vested rights and I urge you to reject that petition. We do not want to renew mining in the area, especially not with a company that has such a spotty track record. Thank you.

Nathan Collins

Sent from my iPhone

Cooper & Kirk

Lawyers

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October 23, 2023

County of Nevada
Board of Supervisors
950 Maidu Avenue
Nevada City, CA 95959

Re: Idaho-Maryland Mine Vested Right Petition

To the Board of Supervisors:

I write on behalf of Rise Grass Valley, Inc., the owner of the property comprising the historic Idaho-Maryland Mine. Based on our independent review of the facts and the law, we have concluded that Rise Grass Valley, Inc. has a vested right to operate the Idaho-Maryland Mine, and we expect that right to be vindicated in court, should it be necessary to do so.

California law on these issues is clear. First, a land use “vests” when it is an existing use of a property at the time a zoning ordinance is passed that would restrict or prohibit that use. In California, “[t]he rights of users of property as those rights existed at the time of the adoption of a zoning ordinance are well recognized and have always been protected.” *Hansen Bros. Enter., Inc. v. Bd. of Super.*, 12 Cal.4th 533, 552 (1996). Second, a vested right to mine extends to all of the property as it was intended to be used at the time of vesting. *Id.* at 554 (“An entire tract is generally regarded as within the exemption of an existing nonconforming use, although the entire tract is not so used at the time of the passage or effective date of the zoning law.”) Third, the vested mining right continues unless and until a property owner abandons it, which occurs only when two conditions are met: (1) an owner has an intention to abandon; and (2) undertakes an overt act or failure to act, which implies that the owner is abandoning the vested right. *Id.* at 569. “Mere cessation of use does not of itself amount to abandonment.” *Id.*

The extensive historical record, which our firm has independently reviewed and assessed, demonstrates that Rise Grass Valley, Inc. possesses a vested right to mine its property comprising the Idaho-Maryland Mine. The right to mine vested in 1954, when the Idaho-Maryland Mine was operating at the time Nevada County enacted a zoning ordinance that would have, for the first time, required the mine operators to obtain a use permit. The vested right to mine extends to the entirety of the property now owned by Rise Grass Valley, Inc., because that property was part of the Idaho-Maryland Mine in 1954 and because the then-owners objectively manifested their intent to use the entire property for mining and related activities. No property owner has abandoned the right to mine the properties comprising the Idaho-Maryland Mine. All of the properties’ owners have intended to mine the property, as evidenced by their mineral exploration activities, their marketing of the property, their reservation of mineral rights, and their statements about the relevant economic conditions for mining. California law is clear that abandonment requires both

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intent and an overt act (or failure to act), neither of which have occurred here. Mere cessation of mining cannot constitute abandonment.

I am available at your convenience to discuss this matter. Thank you for your attention.

Respectfully,

s/ Charles J. Cooper

Charles J. Cooper

cc:

Brian Foss (Nevada County)

Kit Elliot (Nevada County)

Diane Kindermann (Abbott & Kindermann, INC.)