

From: [Heidi Hall](#)
To: [Julie Patterson-Hunter](#)
Subject: FW: Idaho-Maryland Mine would be bad for Nevada County
Date: Wednesday, December 13, 2023 8:29:25 AM

Dist 1

From: Paul Sabin [REDACTED]
Sent: Tuesday, December 12, 2023 9:21 PM
To: Heidi Hall <Heidi.Hall@nevadacountyca.gov>
Subject: Idaho-Maryland Mine would be bad for Nevada County

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Dear Heidi

I reside at 13326 Side Bet Dr. Grass Valley. i believe that it would be a horrible mistake to allow the Idaho Maryland mine to re-open. Rise Gold Corp. has a horrible track record. There are many ways that it would threaten our environment and quality of life, our air and water quality, and property values.

I urge you to please vote to deny their claim of vested interests.

Sincerely,
Paul Sabin

From: [MAW Campbell](#)
To: [BOS Public Comment](#)
Subject: Vested Interest my ass
Date: Wednesday, December 13, 2023 8:19:07 AM

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Based on the definition, the law, and history, the following explains why Rise claims have no bearing. This is an act of desperation by Rise and its lawyers. These well-publicized Cons are seeing their plan to drive up the price of their stock and bail is failing.

. A vested future interest is a future interest where the future event IS certain to occur. When did buying the mineral rights of a defunct gold mine become a sure thing?

1) Vested Interests are legal procedures used for trusts. The beneficiary has a vested interest in any future assets or monies of the benefactor. When Rise bought the mineral rights from the previous owner, It was a commercial transaction and is listed on NYSE. The seller, Neumont (?), was not a benefactor and received payment from the buyer at the time of the transaction. The term Caveat Emptor applies in the RISE" S case.

. Rise is trying to change the past. It doesn't matter what happened in 1954. In 1956, the Canadian Mine owners shut down the pumps of the Great Empire. After that they chose to lose all interest in the mine, This included leaving all their exposed mine trash and leaving the town to die. By the time Bourne sold the Empire, he had undermined the competing mines and connected them with underground tunnels. This included the North Star. The model located at Empire State Park backs that claim. How much \$\$ will take to pump out all that toxic water? Also, where does Rise plan to put it? As history reveals

At this time Rise is trading at .30, yes 30 cents a share. RISE is writing checks with their lips that their buttocks can't cash; The sick thing is they know it. As history reveals, mining is literally and figuratively a dirty business. I have lived in Nevada County for over 50 years. I have diligently paid property taxes, voted, been civically active, and gainfully employed throughout this time. How about I and my fellow citizens of Nevada County's vested interest?



UNITARIAN UNIVERSALIST
COMMUNITY of the MOUNTAINS

Jim Bair
Leader, Stop the Mine Task Force*ⁱ
[REDACTED]
Grass Valley, CA 95945

December 12, 2023

Nevada County Board of Supervisors, Ed Scofield Chairman
Eric Rood Administration Center
950 Maidu Avenue
Nevada City, CA 95959

Re: *Idaho-Maryland Mine Vested Right Petition*,
September 1, 2023 (Petition)

The Nevada County Council's office, the County Planning Dept., et al., have thoroughly analyzed and rebutted the said Petition (ref. *County's Responses to Petitioner's Facts and Evidence in Vested Rights Petition; including County Exhibits 1001-1027; County's Responses to Petitioner's Facts And Evidence in the Vested Rights Petition*), so there is no need for the Task Force to comment in detail.

The undersigned does offer personal experience of the *Idaho-Maryland Mine* non-operation. In addition to visiting Grass Valley via 174 and Brunswick Rd. for about 30 yrs., I purchased a personal residence in Chicago Park in August, 2001. During my 3 year residence, I traveled to numerous destinations on SR 174 and Brunswick Rd. at least twice a day, passing by the Brunswick former Mine site and never observed any mining activity or related use. My service as a Grass Valley Planning Commissioner at that time increased my awareness of property development in and the City. There was no mining in or near the City sphere of influence.

More generally, the Task Force observes based on scientific principles: our analysis recognizes a pattern of misrepresentation, distortion, and false statements in the Petition. While the County's candid response(s) is remarkable, the repetitive pattern calls to question the validity and reliability of Petition and the credibility of its authors. The Board of Supervisors should consider this pattern of behavior when reviewing the Petition and determining Vested Rights.

Attached please find our public statement, *Rise Gold Corp. Has a Right to do What?*, published in **The Union Newspaper**, Dec. 8, 2023, for the record. It briefly and non-technically describes Vested Rights in zoning law.

To keep our Comment to a minimum, we offer one quote from the seminal case in the Vested Rights dispute to support the Board's decision making (from Stanford Law).

Hansen Brothers case [12 Cal.4th 541] . J Baxter opinionⁱⁱ

The 1954 Nevada County land use and development ordinance which governs the property that is the subject of this dispute **also forbids continuation of nonconforming uses which have ceased operation for periods in excess of 180 days.** [emphasis added]

... This court [ⁱⁱⁱ] has also equated discontinuance of a nonconforming use with voluntary abandonment (see *Hill v. City of Manhattan Beach*, supra, [6 Cal.3d 279](#), 286), but we have never expressly held that the terms are synonymous. Although abandonment of a nonconforming use terminates it in all jurisdictions (8A McQuillin, supra, § 25.191, p. 68), ordinances or statutes which provide that discontinuance of a nonconforming use terminates it have not been uniformly construed. Some have been held to create a presumption of abandonment by nonuse for the statutory period, others considered to be evidence of abandonment. In still other jurisdictions the nonconforming use is terminated when the specified period of nonuse occurs, regardless of the intent of the landowner. (Id. at pp. 68-69.

...A zoning ordinance or land-use regulation which operates prospectively, and denies the owner the opportunity to exploit an interest in the property that the owner believed would be available for future development, or diminishes the value of the property, **is not invalid and does not bring about a compensable taking unless all beneficial use of the property is denied.** (*Lucas v. South Carolina Coastal Council* (1992). ¹

Sincerely,

/s/

Jim Bair, Leader Stop the Mine Task Force

¹ [Hansen Brothers Enterprises, Inc. v. Board of Supervisors - 12 Cal.4th 533 S044011 - Mon, 01/08/1996 | California Supreme Court Resources \(stanford.edu\)](#)

RISE GOLD CORP. HAS A RIGHT TO DO WHAT?

Jim Bair

Remember a time when you had a nagging need to “tell it like it is”? I have that feeling about Rise Gold Corp. (Rise), which has resorted to legal intimidation of our County government to force allowing the Idaho-Maryland Mine to reopen. While an astonishing 15,000 plus pages in the County record and thousands of public comments have addressed the environmental impacts, Rise has launched a new strategy.

Rise now claims that they can mine “*without limitation or restriction*” because they have vested rights (p58, *Idaho-Maryland Mine Vested Right Petition*, September 1, 2023). This is a new theory to many of us and arises from zoning law. There are thousands of pages of details regarding the Rise petition for vested rights, but here is my brief understanding in preparation for the **Board of Supervisors (BOS) Hearing on Rise’s vested rights petition, Dec. 13, 9AM at the Rood Center.**

Zoning law protects landowners’ use of their land, not only the owners’ use, but the use by their neighbors. A classic example is a landowner’s right to live in an agricultural zone and not have a garbage dump constructed next door. While the nuisances of a garbage dump are obvious, the County can permit the dump (nonconforming use) under certain conditions (as happened in western Nevada County).

Zoning is relatively new (early 1900s) compared to other land use controls. Today, it’s not uncommon for a landowner to use his property for a legal ‘business’ and then have a municipality zone the area to exclude the ‘business’ use. That’s unfair -- consider a cattle rancher who after decades of ranching is told agriculture is no longer a legal use (nonconforming). Governments are attuned to the needs of businesses and have legislated vested rights so an owner can continue land uses that existed before new zoning and without a permit. In general, this is only fair, and **if** all the subsequent property owners in the “zone” know that previous uses like cattle ranching can be continued, they should be OK.

Yet determining vested rights can be tricky. Suppose a long-time owner of land zoned ‘light manufacturing’ (M1) has his land rezoned as residential. Later the owner discovers coal under his property and proposes to develop a coal mine. Does the owner have a vested right to extract coal in the residential zone? No, because there is no history of coal mining before the zoning change.

Vested rights are based on use before and within one year after the zoning change. But landowners can say, “I planned to mine for coal and discussed it with others, etc., so my right is vested by my intentions.” The owner may produce letters, witnesses, and other “evidence” of the intention to mine, but unless they continued mining from before rezoning, they can be denied vested rights.

The Idaho-Maryland Mine stopped operating in 1954. In 1956, the Mine was completely abandoned (all equipment removed and the mine tunnels allowed to flood). Subsequently, the property had other uses such as a sawmill. It changed ownership in complicated ways that included the property being subdivided into building-sized parcels. But Rise wants to restart mining claiming that previous owners intended to mine.

Case law has established (e.g., *When Real Property Rights Vest in California...*, [Santa Clara Law Review](#), Vol. 23, No. 2, 1-1-98) that vested rights do not apply to a mine that has remained idle for over one year. The lack of required reclamation plans (how the area will be restored after mining) is evidence there was no intention to reopen.

But Rise is arguing, ‘once a mine always a mine’ even though it has been abandoned for 67 years. It’s possible the BOS could accept that claim, thus bypassing the permit process (and the EIR). However, if the BOS does not recognize Rise’s vested rights claim, Rise will likely proceed to court, an expensive and very different process. The BOS may appreciate our support, not only for rejecting vested rights but also if Rise decides to litigate.

Comments at the BOS Hearing on December 13, are required to address the history of the Mine. Even if attendees don’t comment, our presence will be counted by the BOS. **Note, if you want to be able to participate as a party in future litigation, you should state your objection at this hearing to gain standing and then seek a legal alliance with other participants in the court process.**

Jim Bair is Leader of the UUCM Stop the Mine Task Force in Grass Valley, a former Planning Commissioner, a supporter of several local nonprofits, a KVMR “Sage,” and a retired Scientist. ver 4.0

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 [Hansen Brothers Enterprises, Inc. v. Board of Supervisors - 12 Cal.4th 533 S044011 - Mon, 01/08/1996 | California Supreme Court Resources \(stanford.edu\)](#)

ⁱⁱⁱ Hansen Brothers Enterprises, Inc. v. Board of Supervisors (1996) 12 Cal.4th 533 , 48 Cal.Rptr.2d 778; 907 P.2d 1324

From: [Brad Keaster](#)
To: [bdofsupervisors](#)
Subject: Supervisor, I am not picking any one in person. I do not know you. I grew up next to the Harvard mine in Tuolumne county. No problem, then Sonora Mining began mining, open pit. A large amount of money was posted to refill the pit. The mine sold to...
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