

September 22, 2020

Nevada County Board of Supervisors
950 Maidu Ave
Nevada City, CA. 95959
Via E-Mail

Item Not on the September Agenda, Public Comment

SUBJECT: INCONSISTENCIES WITH ZONING ORDINANCE IN THE PROPOSED
REOPENING OF THE IDAHO MARYLAND MINE

Honorable Chair Hall and Members of the Board of Supervisors,

My name is Suzanne Smith, I have been a resident of Grass Valley since 2000. I am a retired planning consultant. I worked as a senior planner for Nevada County Planning for seven years and was appointed County Planning Commissioner in January 2011. In addition, prior to moving to Grass Valley, I worked for the County of Santa Cruz processing quarry permits and reclamation plans for eight years. I ask that you to review my research into the Zoning Ordinance requirements shown below regarding the processing of the application of the proposed reopening of the Idaho Maryland Mine.

In my September 22, 2020 letter to Your Board, which was distributed to each of you, I outlined the regulatory reasons that an M1 Zoning District was inconsistent with the California Surface Mining and Reclamation Act and County Zoning Regulations. I have prepared this three minute presentation in addition to my previous letter which, due to email traffic and time, was not recognized in the *Item Not on the September Agenda, Public Comment* portion of Your September 22, hearing.

As stated in my letter, CA Surface Mining and Reclamation Act (SMARA) was adopted by reference to the County Zoning Ordinance, Section L-II 3.22.B Surface Mining Permits and Reclamation Plans. In that Section of code "Surface Mining Operations" are defined in SMARA 2735 as "all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or **surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:**

- a. Inplace distillation or retorting or leaching.**
- b. The production and disposal of mining waste**
- c. Prospecting and exploratory activities. "**

The Idaho Maryland Mine is not an above ground Light Industrial Use, based on above ground Facilities Construction and Operations, such as “a process plant approximately 15 acres of previously disturbed land on the northeast side of the Brunswick Industrial Site would be graded to construct the ventilation system, headframe and hoist, water treatment plant, collar replacement, mineral processing plant, service shaft, various buildings, internal roads, and parking areas. (Page 18, Draft Project Description)”. The entire site is defined by SMARA and the County Mining Ordinance as “mined lands” as should be subject to SMARA and County review as such.

In addition, *and perhaps most importantly*, Nevada County Zoning Ordinance **Sec. L-II 3.22.B Surface Mining Permits and Reclamation Plans, Definitions**, defines incompatible land uses to mining operations, including residential uses:

Nevada County Zoning Ordinance

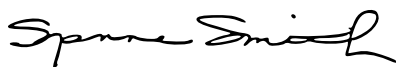
Sec. L-II 3.22.B Surface Mining Permits and Reclamation Plans, Definitions,

8. **Incompatible Land Uses** - Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to residential uses, public facilities, geographically limited but impact intensive industrial, and commercial.

The Idaho Maryland Mine is adjacent to residential uses, inherently incompatible with mining.

I request a response to my research and to my conclusion.

Sincerely,



Suzanne Smith

Grass Valley, CA. 95945