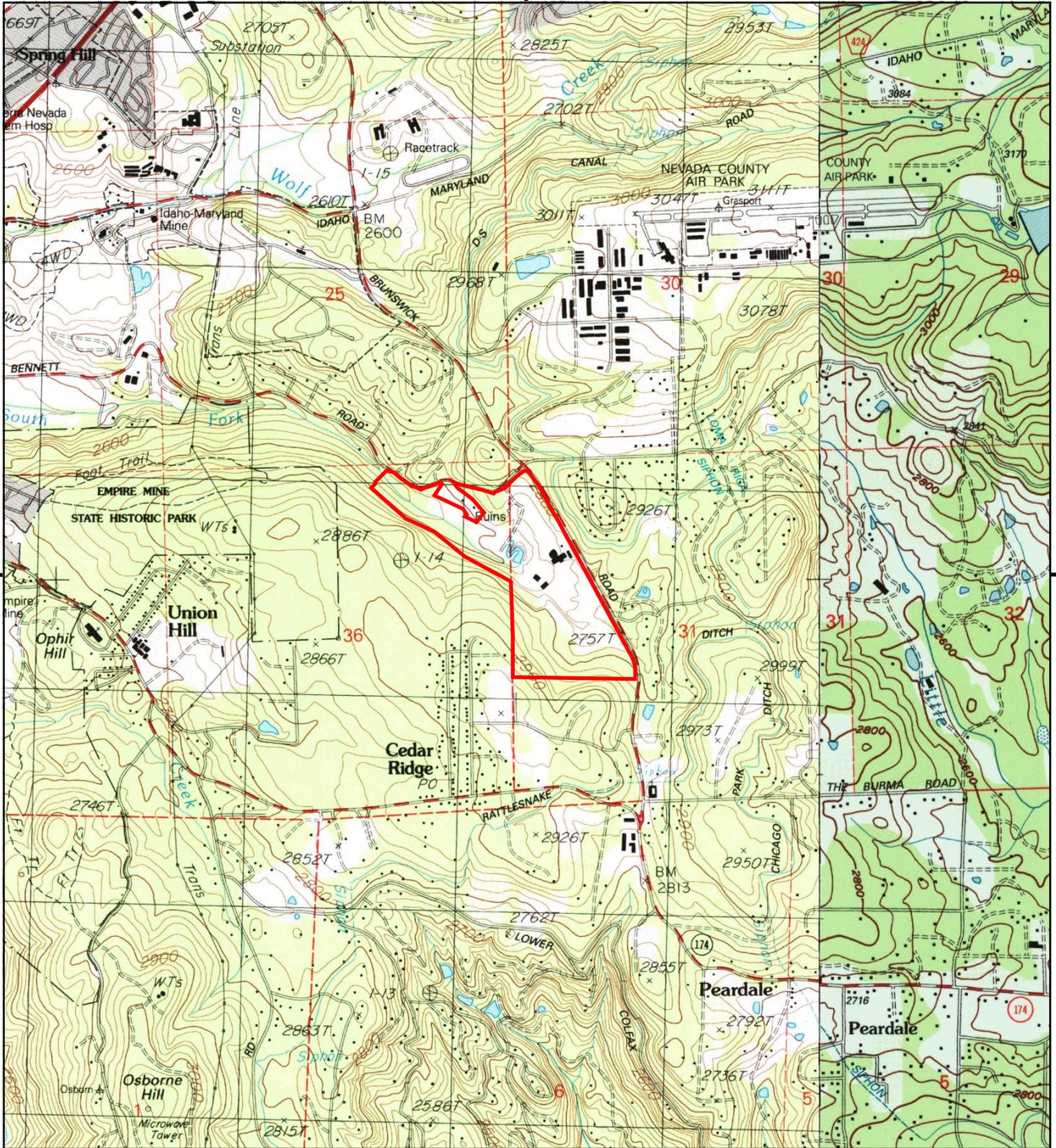
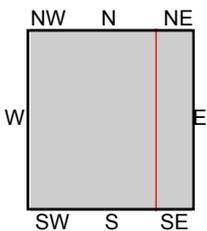
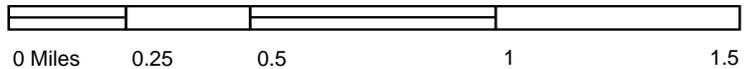


EXHIBIT 352



This report includes information from the following map sheet(s).



TP, Grass Valley, 1998, 7.5-minute
E, Chicago Park, 2000, 7.5-minute

SITE NAME: Brunswick Industrial Site
ADDRESS: East Bennett Rd
Grass Valley, CA 95945
CLIENT: Holdrege & Kull Consultants



EXHIBIT 353



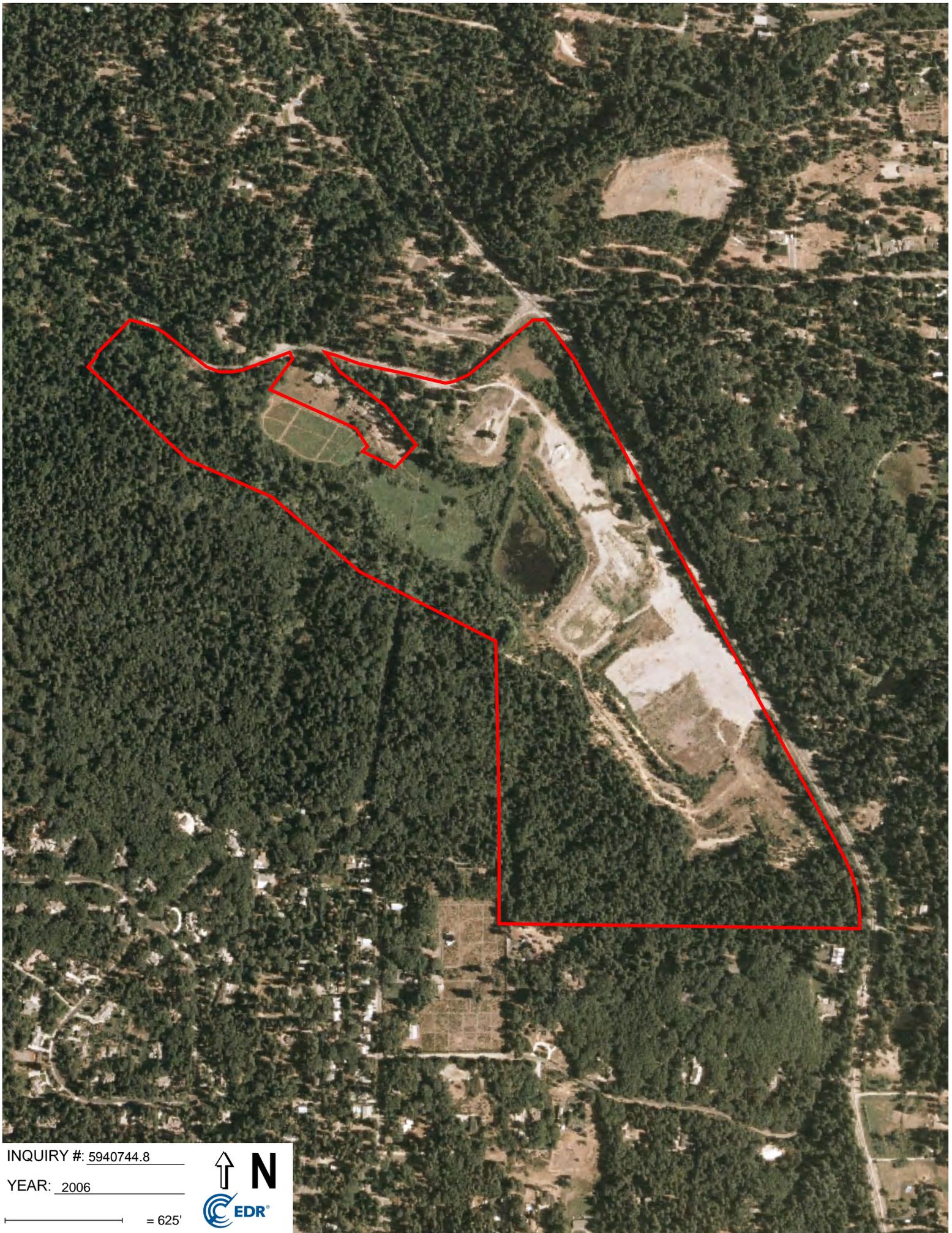
INQUIRY #: 7387294.3

YEAR: 2006

 = 500'



EXHIBIT 354



INQUIRY #: 5940744.8

YEAR: 2006

— = 625'



EXHIBIT 355



INQUIRY #: 5940744.8

YEAR: 2009

— = 625'



EXHIBIT 356



INQUIRY #: 7387294.3

YEAR: 2009

— = 500'



EXHIBIT 357



INQUIRY #: 7387294.3

YEAR: 2012

— = 500'



EXHIBIT 358



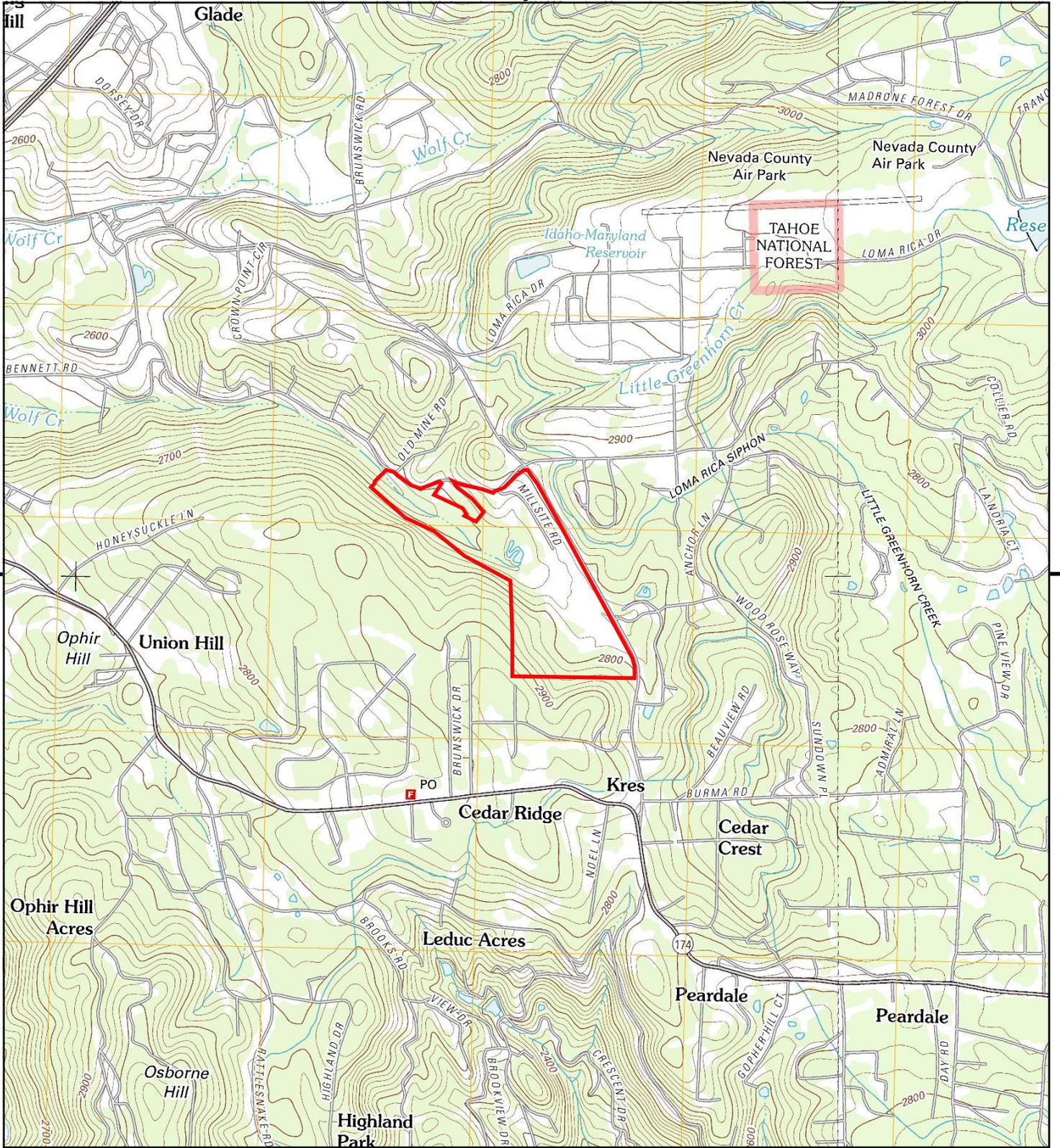
INQUIRY #: 5940744.8

YEAR: 2012

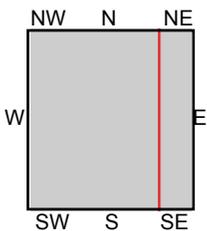
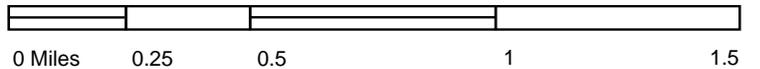
— = 625'



EXHIBIT 359



This report includes information from the following map sheet(s).

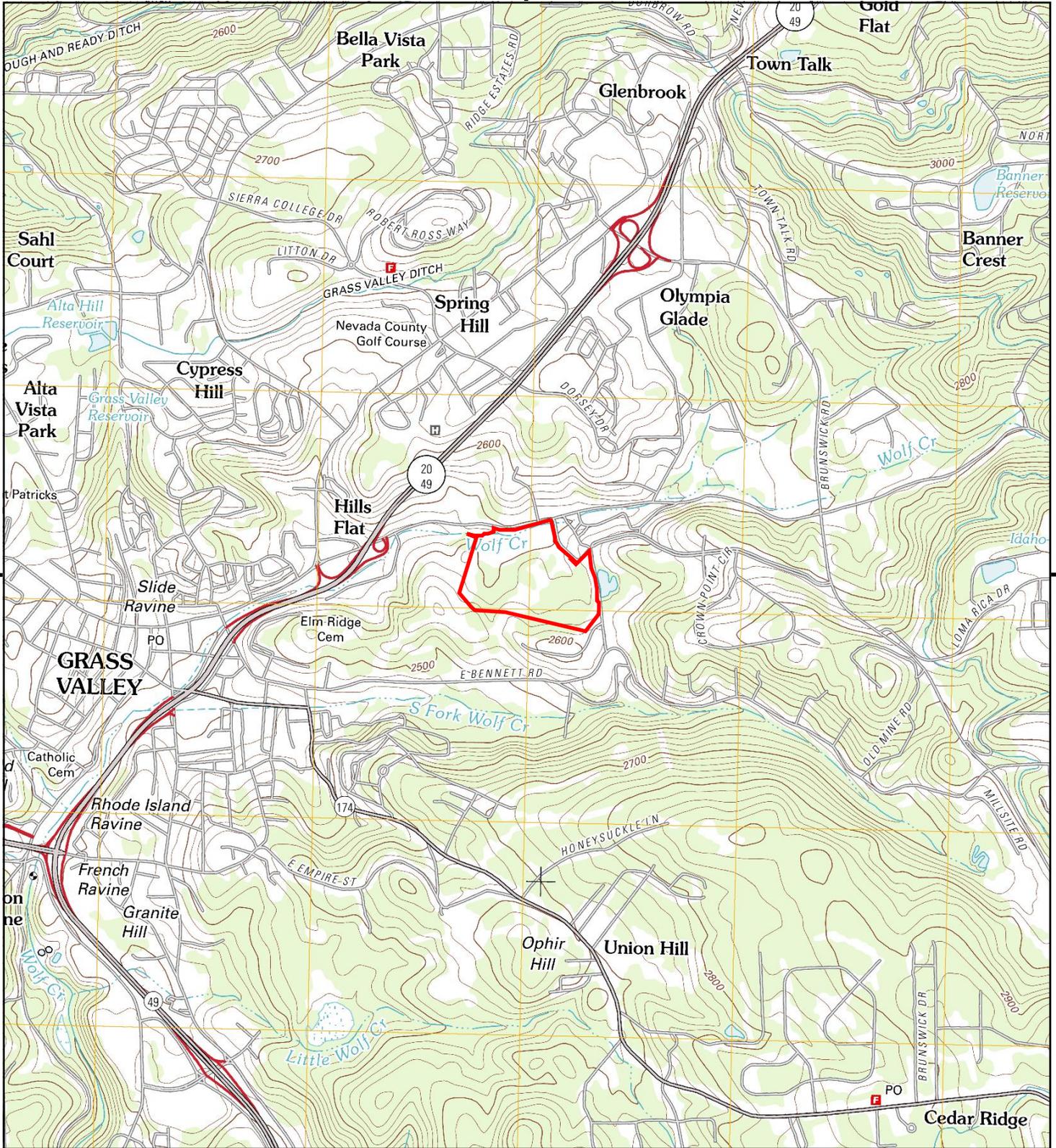


TP, Grass Valley, 2012, 7.5-minute
E, Chicago Park, 2012, 7.5-minute

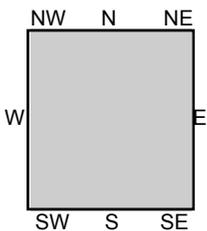
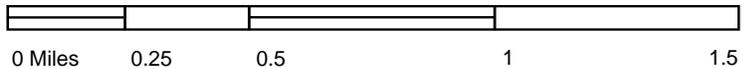
SITE NAME: Brunswick Industrial Site
ADDRESS: East Bennett Rd
Grass Valley, CA 95945
CLIENT: Holdrege & Kull Consultants



EXHIBIT 360



This report includes information from the following map sheet(s).

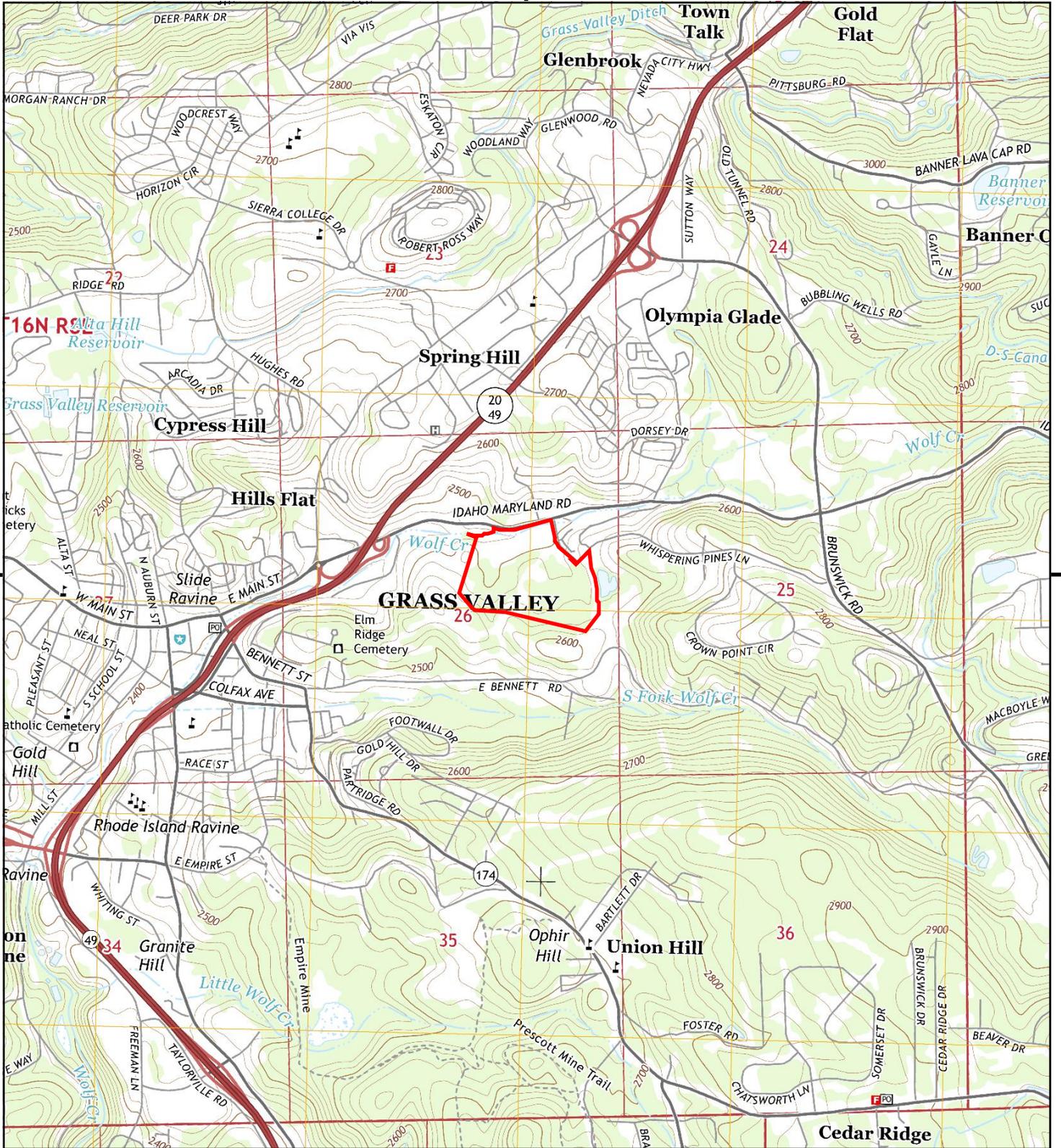


TP, Grass Valley, 2012, 7.5-minute

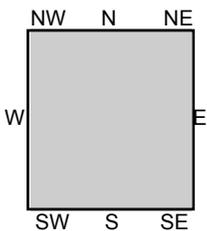
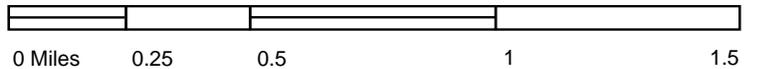
SITE NAME: Centennial Site
ADDRESS: 10350 Centennial Drive
 Grass Valley, CA 95945
CLIENT: Rise Gold Corp.



EXHIBIT 361



This report includes information from the following map sheet(s).

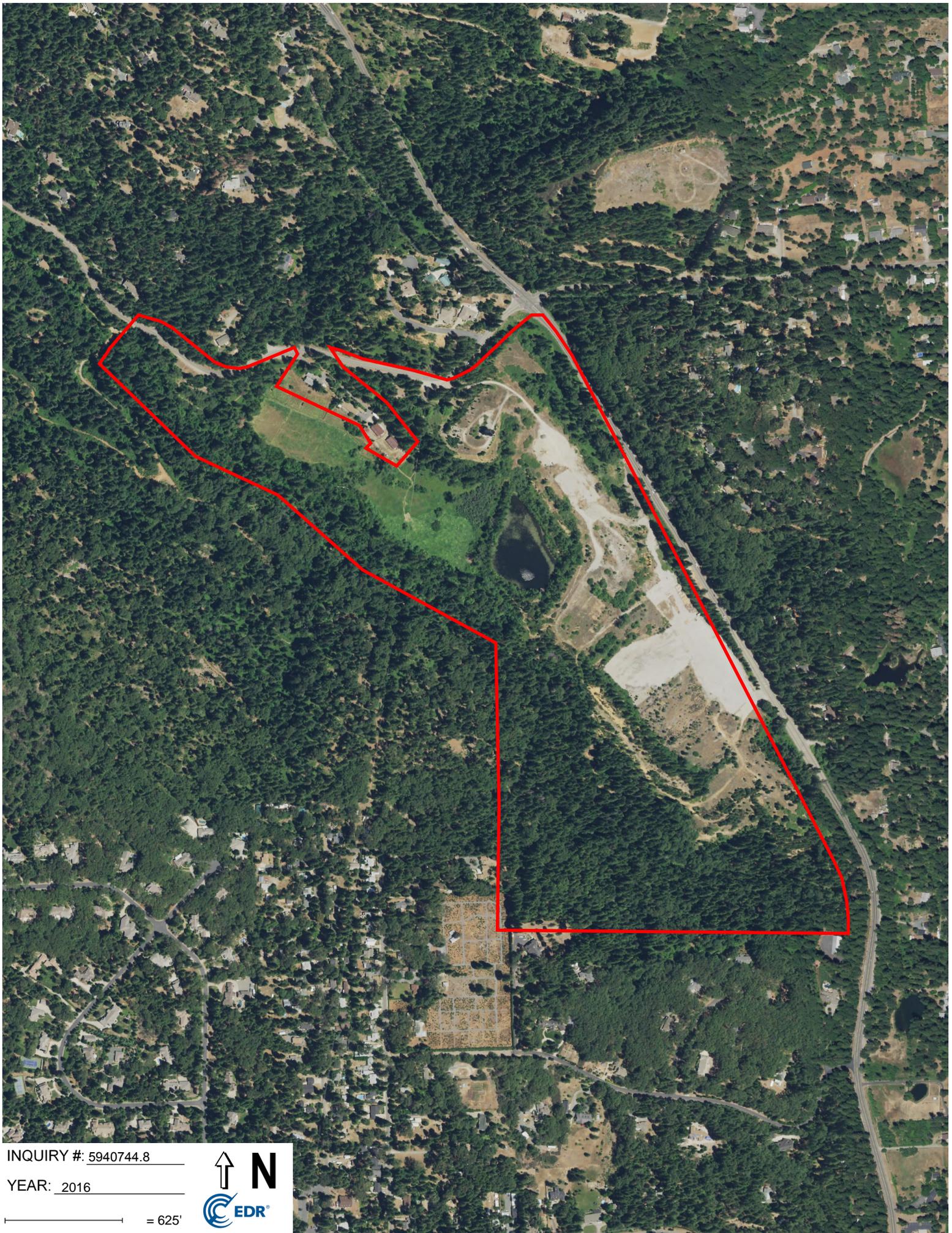


TP, Grass Valley, 2015, 7.5-minute

SITE NAME: Centennial Site
 ADDRESS: 10350 Centennial Drive
 Grass Valley, CA 95945
 CLIENT: Rise Gold Corp.



EXHIBIT 362



INQUIRY #: 5940744.8

YEAR: 2016

 = 625'



EXHIBIT 363



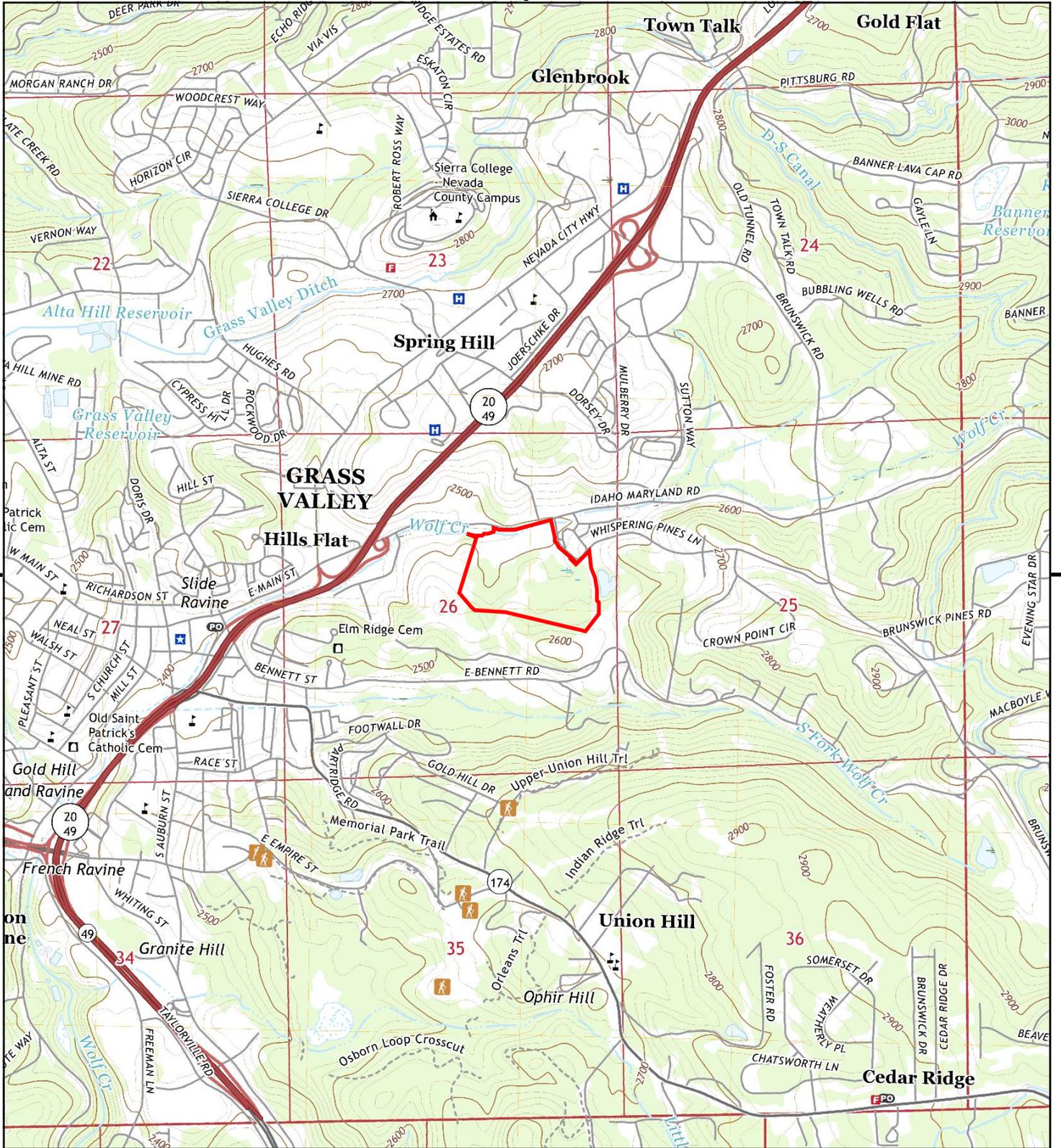
INQUIRY #: 7387294.3

YEAR: 2016

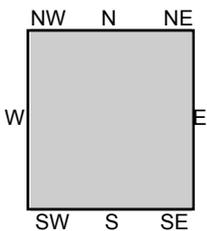
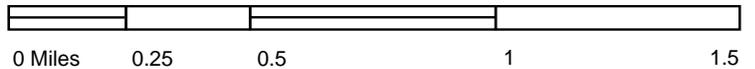
— = 500'



EXHIBIT 364



This report includes information from the following map sheet(s).



TP, Grass Valley, 2018, 7.5-minute

SITE NAME: Centennial Site
 ADDRESS: 10350 Centennial Drive
 Grass Valley, CA 95945
 CLIENT: Rise Gold Corp.



EXHIBIT 365



INQUIRY #: 7387294.3

YEAR: 2020

— = 500'



EXHIBIT 366

STATE OF CALIFORNIA, COUNTY OF NEVADA

BOARD OF SUPERVISORS MINUTES, MAY 10, 2005

Meeting held in the Board Chambers, Eric Rood Admin. Center, 950 Maidu Ave., Nevada City, CA
Video conferencing of the morning session from the Board of Supervisors Chambers to the Truckee Town Council Front Conference Room, 2nd Floor, 10183 Truckee Airport Road, Truckee, CA

REGULAR MEETING: 9:00 A.M.

STANDING ORDERS:

Chairman Owens called the meeting to order at 9:00 a.m.

The following Supervisors present:

Nate Beason, 1st District
Sue Horne, 2nd District
John Spencer, 3rd District
Ted S. Owens, 5th District

Supervisor Robin Sutherland, 4th District, absent.

Pledge of Allegiance led by Mr. Richard Anderson, Truckee Councilmember.

Chairman Owens indicated that Supervisor Sutherland was excused from this morning's session and it was her desire to attend the afternoon session.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

Chairman Owens noted that this was Ms. Joann Chartier's last day with KNCO and expressed appreciation for her work. He invited her back to the next Board meeting for a presentation on behalf of the Board.

CONSENT CALENDAR: Chairman Owens introduced the consent calendar.

1. Resolution proclaiming May 2005 as "National Bike Commute Month" and designating May 16-22, 2005 as "Bike Commute Week in Nevada County." (Bicyclist of Nevada County) ([Res. 05-147](#) adopted; Supervisor Sutherland absent.)

Behavioral Health Director: Robert Erickson

2. Resolution authorizing execution of a renewal contract with Sara Burns, dba Alta Sierra Medical Transcription, to provide digital dictation and transcription services for Behavioral Health's medical records in the maximum amount of \$32,000 for the period July 1, 2005 through June 30, 2006. ([Res. 05-148](#) adopted; Supervisor Sutherland absent.)
3. Resolution authorizing execution of a renewal contract with Willow Glen Care Center to provide community residential treatment services, including a day treatment rehabilitation program for referred clients of Nevada County, in the maximum amount of \$35,000 for the period July 1, 2005 through June 03, 2006. ([Res. 05-149](#) adopted; Supervisor Sutherland absent.)

Acting Director of Community Health: Alison Lehman

4. Resolution authorizing execution of Amendment A01 with California Department of Health Services, amending the AIDS Master Grant Agreement 04-35367 and the corresponding Memorandum of Understanding pertaining to the HIV Education and Prevention Program (Res. 04-566), decreasing the maximum amount from \$320,850 to 239,686 for the period July 1, 2004 through June 30, 2007, and amending the Scope of Work for fiscal years 2005/06 and 2006/07. ([Res. 05-150](#) adopted; Supervisor Sutherland absent.)
5. Resolution authorizing execution of a Revised Bioterrorism Funding Grant Agreement with the California Department of Health Services, revising the funding of the Local Health Jurisdiction Preparedness and Response to Bioterrorism Program Plan (Res. 04-466) by increasing the maximum amount from \$234,448 to \$327,948 (an increase of \$93,500), for the period July 1, 2004 through August 30, 2005, for additional funding for Focus Areas B and E of the County's Plan. ([Res. 05-151](#) adopted; Supervisor Sutherland absent.)
6. Resolution authorizing and directing the County Auditor-Controller to increase the Bioterrorism Grant Fund Budget Revenue and Appropriations by \$93,500 for Fiscal Year 2004-05. ([Res. 05-152](#) adopted; Supervisor Sutherland absent.)

Planning Director: Randy Wilson

7. Resolution authorizing execution of an amendment to contract with Pacific Municipal Consultants in preparation of a Draft Subsequent Environmental Impact Report for Wildwood Ridge Phases 2, 3, & 4 Project (Res. 04-409), increasing contract by \$2,035 for a total not to exceed amount of \$175,022, to revise the scope of work relative to a modified description of inclusionary housing. (Dist IV) ([Res. 05-153](#) adopted; Supervisor Sutherland absent.)
8. Resolution authorizing execution of an agreement with Pacific Municipal Consultants for the preparation of an Environmental Impact Report for the Higgins Marketplace Project in an amount not to exceed \$142,655. (Dist. II) ([Res. 05-154](#) adopted; Supervisor Sutherland absent.)

Planning Director/Housing Division: Randy Wilson

9. Resolution authorizing submittal of a pre-application for Section 533 Housing Preservation Grant (HPG) funds in the amount of \$100,000 to the United States Department of Agriculture, Rural Housing Service, to be utilized to provide grants to low-income households to repair and rehabilitate homes in the unincorporated areas of Nevada County, and authorizing the Planning Director to act on the County's behalf in all matters pertaining to this pre-application except for entering into any agreements. ([Res. 05-155](#) adopted; Supervisor Sutherland absent.)
10. Resolution approving the Affordable Housing Advisory Committee Goals and Work Plan. (Pulled from consent by Supervisor Beason.)
11. Ratification of the Affordable Housing Advisory Committee Bylaws. (Pulled from consent by Chairman Owens.)

Chief Information Officer: Stephen T. Monaghan

12. Resolution authorizing execution of a contract with Holdrege and Kull for offsite and onsite subsurface testing and monitoring at the Nevada County Fleet Services Facility (Green Barn) in the maximum amount of \$25,700 for the period April 15, 2005 through April 15, 2006. (Pulled from consent by Supervisor Horne.)

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13. Resolution authorizing execution of an amendment to the amended lease agreement with Christopher J. Potempa (P-305), extending the term of the lease of office space located at 204 Durgan Flat Road, Suite B, Downieville, CA, by Sierra Nevada Regional Department of Child Support Services, or other County or State agencies, for an additional five-year period ending May 31, 2010. ([Res. 05-156](#) adopted; Supervisor Sutherland absent.)
14. Resolution authorizing execution of an amendment to contract with Xerox Corporation for the lease and service of copiers and for printing services (Res. 02-183), extending the term of the contract to July 31, 2005. ([Res. 05-157](#) adopted; Supervisor Sutherland absent.)

Director of Transportation & Sanitation: (Michael Hill-Weld)

15. Resolution authorizing the Regional Council of Rural Counties Environmental Services Joint Powers Authority to submit to the California Integrated Waste Management Board a regional application for the Local Government Household Hazardous Waste Grant –Fiscal Year 2005/06 (14th Cycle), on behalf of Nevada County as a participating recipient. ([Res. 05-158](#) adopted; Supervisor Sutherland absent.)
16. Resolution awarding bid and authorizing execution of a contract with Waste Recovery West, Inc., in the amount of \$16,600, plus a 10 percent contingency, for a grand total of \$18,260, to transport and recycle waste tires collected at a one-day amnesty collection event to be held on May 14, 2005. ([Res. 05-159](#) adopted; Supervisor Sutherland absent.)
17. Resolution awarding bid and authorizing execution of a contract with Holdrege and Kull for the evaluation of the microwave pond clay liner at the McCourtney Road Landfill in the maximum amount of \$18,600, for the period May 16, 2005 through May 16, 2006. ([Res. 05-160](#) adopted; Supervisor Sutherland absent.)
18. Resolution authorizing execution of a contract with Centerline Road Oil for the Asphaltic Emulsion 2005 Chip Seal Program in the maximum amount of \$117,136.80, plus a ten percent contingency, for a grand total of \$128,850.48. ([Res. 05-161](#) adopted; Supervisor Sutherland absent.)
19. Resolution authorizing the collection of parcel charges and special taxes for Fiscal Year 2005/06, and subsequent fiscal years, in the County Service Areas 1A, 2, 12, 13, 14, 18, 21, 22, 24 (Zone 1), 24 (Zone 2), 31 and Permanent Road Divisions Blue Tent School Road, Perimeter Road, Ski Town II, Hidden Glen, Canyon Creek, Greenwood Forest Estates, Hillsdale Court, Altair, Ridge View Woodlands, and Darkhorse. ([Res. 05-162](#) adopted; Supervisor Sutherland absent.)

County Executive Officer: (Richard A. Haffey)

20. Resolution authorizing the hiring of an Airport Manager effective immediately, and directing the Auditor-Controller to amend the 2004-05 budget. ([Res. 05-163](#) adopted; Supervisor Sutherland absent.)

Clerk of the Board: Cathy Thompson

21. Acceptance of resignation by Mr. William Morrison as a member of the Nevada County Agricultural Advisory Commission. (Accepted; Supervisor Sutherland absent.)

22. Acceptance of Board of Supervisors minutes for April 26, 2005. (Accepted; Supervisor Sutherland absent.)

ACTION TAKEN: Supervisor Horne pulled Agenda Item 12 from consent, Supervisor Beason pulled Agenda Item 10, and Chairman Owens pulled Agenda Item 11.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Spencer, to approve the consent calendar, minus Agenda Items 12, 10, and 11. On a roll call vote, the motion passed. Supervisor Sutherland absent.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Chief Information Officer: Stephen T. Monaghan

12. Resolution authorizing execution of a contract with Holdrege and Kull for offsite and onsite subsurface testing and monitoring at the Nevada County Fleet Services Facility (Green Barn) in the maximum amount of \$25,700 for the period April 15, 2005 through April 15, 2006.

ACTION TAKEN: Supervisor Horne introduced the agenda item and expressed concern that there was no light at the end of the tunnel on this situation and asked what was the Regional Board's issue with this site and what did the testing show as of last year. She recalled it was given a clean bill of health last year.

Mr. Rich Reader, General Services Manager, shared Supervisor Horne's frustration. He introduced Mr. Tom Coburn, County Project Manager, and Mr. Chris Rossitto from Holdrege and Kull, who were present to answer any questions.

Mr. Coburn stated that about four years ago they decided to take an active role in getting a closure on this site. The State refused closure because of a concern that the contamination may have gone offsite and wanted two tests done offsite. There was no guarantee that the State would accept the results of the offsite tests, or not require anything else, or close it, but he was fairly confident that after these offsite tests were done, there would not be a whole lot more that they could do at this site. The onsite testing has produced some contamination, but the level was low. Mr. Reader added that if they could show that the contamination was pretty stable, then the site could be closed. Mr. Rossitto stated that all their information suggested that the benzene in the groundwater was not migrating offsite.

Supervisor Horne asked that the results of these tests come back immediately to the Board because if it was clean, she would request that the Board send a letter to the Regional Board requesting that this be closed out.

Supervisor Horne pointed out that the figures in the resolution were transposed incorrectly as to the amount. Mr. Coburn concurred and indicated that they have issued a corrected resolution to the Board this morning.

Mr. Reader added that they could have taken a different course early on, which would have been remediation rather than monitoring. Remediation was an expensive solution and they had hoped that just monitoring would be conclusive enough to close the site.

Chairman Owens agreed with Supervisor Horne's suggestion of getting the information back as quickly as possible, and added that they copy the file and send it to Assemblyman Keene's office as well as Senator Aanestad's office, in the event they need to refer to it in the future. Supervisor Horne stated that if the report did not come back clean, then they would need to look at trying to seek funds from another source. Supervisor Beason suggested the Board send a focused letter to each of the elected officials at the State level and to U.S. Senators Feinstein and Boxer. Chairman Owens concurred with

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Supervisor Beason's suggestion. Mr. Rossitto indicated that Mr. Mike Smith was the project supervisor from the Regional Board. Supervisor Horne stated that she would be happy to make a call to the Executive Director and express their concern about the ongoing costs. Supervisor Beason indicated he would also follow up with Mr. Art Baggett, California Water Board Chairman.

Mr. Rossitto clarified that there was an issue out there, which was benzene in groundwater, and all the regulations were geared towards protection of groundwater. He indicated that in the last round of sampling there was 100 times higher concentrations of benzene than in the regulatory threshold. Their point was that it has been isolated onsite, it was not migrating, and there was not much groundwater flow. He restated that the issue was the offsite migration.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Beason, to adopt [Res. 05-164](#), with the request that the Board be presented with the results as soon as they were made clear. She clarified it did not have to be at a Board meeting, just a written report. On a roll call vote, the motion passed. Supervisor Sutherland absent.

SCHEDULED ITEMS: 9:05 A.M.

23. Resolution proclaiming May 2005 as Older Americans Month in Nevada County. (Robert Shotwell, Program Manager, Adult & Family Services/Victoria Johnston, Chair, Adult & Family Services Commission)

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Robert Shotwell, Program Manager, Adult & Family Services, noted that the Older Americans of Nevada County have been extremely involved and productive, and advocates for issues facing elders in Nevada County. He pointed out that the brunt of the baby boomers will occur in 2009 and 2010, and as a human services professional, they need to involve the community and do everything possible to prepare for this.

Ms. Victoria Johnston, Chair of the Adult & Family Services Commission, supported the older Americans in this community.

Mr. Shotwell read the resolution into the record.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Spencer, to adopt [Res. 05-165](#). On a roll call vote, the motion passed. Supervisor Sutherland absent.

24. Resolution proclaiming May 2005 as "Drug Court Month" in Nevada County. (Nevada County Superior Court)

ACTION TAKEN: Chairman Owens introduced the agenda item.

The Honorable John Darlington, Superior Court Judge, updated the Board on drug courts in Nevada County. As of the current date in all three of the drug courts (Adult, Juvenile, and Dependency), there have been 49 graduates, 21 current participants, and the estimated total savings for the three different courts was about \$750,000. He asked the Board to recognize May as Drug Court Month in Nevada County. He recognized the people in the audience involved with the Drug Courts.

Chairman Owens read the resolution into the record.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Spencer, to adopt [Res. 05-166](#). On a roll call vote, the motion passed. Supervisor Sutherland absent.

25. Mr. Mike Brenner, Natural Resources Conservation Service, history of conservation partnership and promoting conservation in Nevada County.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Mike Brenner, District Conservationist, Natural Resources Conservation Service, presented an information report on the history of conservation in this country, acknowledging the legacy of the past, while recognizing the work needed in the present. He pointed out that the two major conservation issues Nevada County faced were 1) reducing potential for catastrophic wildland fire; and 2) reducing the amount of sediment delivered to the creeks, streams, and rivers, from uncontrolled soil erosion. He asked for the County's continuing support for programs that will conserve resources in meeting the quality of life.

ITEMS PULLED FROM THE CONSENT CALENDAR: (Continued)

Planning Director/Housing Division: Randy Wilson

10. Resolution approving the Affordable Housing Advisory Committee Goals and Work Plan. (Pulled from consent by Supervisor Beason)
11. Ratification of the Affordable Housing Advisory Committee Bylaws. (Pulled from consent by Chairman Owens)

ACTION TAKEN: Chairman Owens introduced the agenda items. He indicated that because they relied upon a document authorized to be created in 2000, he would like to postpone them to the next meeting in order to obtain background information.

Supervisor Beason added that this task force has been doing a good job for a long time, but because of political reasons and other reasons, there has been a lack of progress. One of the Board goals established in January was to try to improve the economic development and affordable housing progress. He suggested placing this on hold to allow staff to take a more comprehensive look at it, to see if the same approach was the right approach, if there was an alternative, or if some of the information needed to be updated.

Chairman Owens noted that this was a very important issue and would like the background information so he could be well informed when it is discussed.

Board discussion ensued.

Chairman Owens continued this item to the next meeting.

Chairman Owens recessed as the Nevada County Board of Supervisors and convened as the Nevada County Sanitation District No. 1.

26. Regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1.
Call meeting to Order.

ACTION TAKEN: Following a short recess, Chairman Owens called the meeting to order. Director Sutherland absent.

#####

Consent: Chairman Owens introduced the consent calendar.

- a. Resolution authorizing execution of Amendment 4 to contract with Eco-Logic Consultants for the Lake Wildwood Wastewater Treatment Plant Improvement Project (Res. SD03-15) (Zone 1), removing a liquidated damage clause of \$1,000 per day in the contract, and authorizing Resolution SD05-08 be rescinded. (DOTS) (Dist. IV) ([Res. SD 05-10](#) adopted. Director Sutherland absent.)
- b. Acceptance of minutes for April 26, 2005. (Clerk of the Board) (Accepted. Director Sutherland absent.)

MOTION: Motion made by Director Horne, seconded by Director Spencer, to approve the consent calendar. On a roll call vote, the motion passed. Director Sutherland absent.

#####

- c. Resolution approving the March 2005 Cascade Shores Wastewater Treatment and Disposal Facilities Plan prepared by ECO:LOGIC Engineering. (Department of Transportation & Sanitation) (Dist. I & V)

ACTION TAKEN: Chairman Owens introduced the agenda item and Mr. Michael Hill-Weld, Director of Transportation & Sanitation, reviewed the staff report. Mr. Hill-Weld confirmed that this plan would not commit the County to do any particular thing with ECO:LOGIC.

MOTION: Motion made by Director Beason, seconded by Director Spencer, to adopt Sanitation District [Resolution SD05-11](#), approving the Cascade Shores Wastewater Treatment and Disposal Facilities Plan. On a roll call vote, the motion passed. Director Sutherland absent.

#####

- d. Approval of Sanitation District No. 1 Fiscal Year 2005-06 Budget Work Plan for Zones 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11, and schedule a public hearing for June 28, 2005, for adoption of the proposed sewer charges. (Department of Transportation & Sanitation)

ACTION TAKEN: Chairman Owens introduced the agenda item and Mr. Michael Hill-Weld, Director of Transportation & Sanitation, reviewed the staff report.

Mr. Hill-Weld explained that if the majority of property owners protested the increase, a budget would be developed based on the current fee and they would return to the Board with a report for consideration of either a budget they could fund with the existing fee, or a proposal, if necessary, for an additional fee. If a majority protest were received from North San Juan, they would take the residents and Director Beason with them to inform the Regional Water Quality Control Board staff that under Proposition 218, the residents of this zone have decided that they were not going to increase their parcel charges. They would also seek modification of the project so they could live within the budget they have and request a time extension on that project.

Mr. Bill Nelson, Chairman of the Nevada County Sanitation District #1 Advisory Committee, commented that the Advisory Committee was not happy in recommending this particular budget. After exhausting all their resources to reduce the budget, they were faced with a choice of either recommending the budget to the Board as it stands or recommending that the Board violate Federal and State regulations and do away with the budget. He concluded that the Advisory Committee recommended the Board approve this particular budget.

Mr. Nelson commented that an additional item was included for Lake of the Pines (LOP), and that was that the fee increase approval would cover two years instead of just one year. He explained that at the time the committee voted to go along with this idea, County Counsel said it would be a legal move and

they were hoping that such a move would reduce the interest on the loan for the plant. The negative side was that there were people who would object to having two years fee increase at one time. The Committee recommended this be added to make sure the Board was aware of the situation and whatever decision the Board makes, the Committee was willing to stand with. Director Horne stated that she was uncomfortable with proposing the two year budget for LOP primarily because they have told the residents that the end number of the sewage charge, worst case scenario, was \$1,040, and that they were seeking financing interest rates that would be more attractive and hopefully lower the bottom line. She would be more comfortable in just approving a one-year budget for LOP because she did not want to give the message that the charge was going to be \$1,040. The last \$150 proposed increase was for operation and maintenance of the facility. It was her understanding they were not financing the labor and materials on this project.

Director Horne clarified that this was a proposed sewage charge. Application letters will go out to the residents indicating the proposed increases on certain zones. If the residents disagree with that, they have a mechanism to vote by protest to the Board by June 28, 2005. The Board will not take the final vote on the budget until June 28, 2005. She was hosting a Town Hall Meeting on this issue at Lake of the Pines on Monday night at the clubhouse to make sure that the residents understand this process.

Director Horne commented on an email she received from the California Water Environment Association encouraging everyone to write to the U.S. Senators involved in the Appropriations Committee because the President's budget was cutting the State-revolving fund program to the states significantly. She requested the Board of Supervisors send a letter to the Senators listed on the Appropriations Committee as soon as possible, with a copy to Senators Feinstein and Boxer, to let them know how the State-revolving fund program could make a difference for the County's wastewater treatment plant, to encourage them to fully fund the program, and to let them know that the program could impact the County locally. Director Beason shared Director Horne's point, and indicated he was going to ask the Cascade Shores residents to write individual letters. Director Horne stated that at her Town Hall Meeting she would also ask residents to send letters to the Senators.

Mr. Hill-Weld indicated that this document only proposes a one-year increase for Lake of the Pines. Chairman Owens saw no disagreement with respect to documenting to the U.S. Senators their concerns with the funding opportunity.

Mr. La'Moyne Addleman, North San Juan property owner, Zone 4, commented that he provided a copy of a petition against Zone 4 sewer assessment increases to the Board office.

End Tape #05-22

Mr. Gordon Plantenga, Wastewater Operations Manager, understood that until the County provides a formal notice to the customers, the customers would have nothing to protest from a technical standpoint. The petition could be received and consider the intent of the petition, but County Counsel's opinion would be needed as to the validity. He suggested this be deferred until after the public notice has gone out, and then submit the petition. It would then be in compliance without any question in regard to the intent of Proposition 218.

Director Beason complimented Mr. Addleman on his proactive position. He believed an outraged public citizenry was what would help this process, with people willing to get involved by writing letters and calling their elected representatives.

Board questioning ensued.

MOTION: Motion made by Director Beason, seconded by Director Horne, to approve the Sanitation District No. 1 Budget Work Plan for Fiscal Year 2005/06. On a roll call vote, the motion passed. Director Sutherland absent.

MOTION: Motion made by Director Horne, seconded by Director Spencer, and passed unanimously, to send a letter from the Chair, representing the entire Board, to Senators Thad Cochran,

Robert Byrd, Conrad Burns, Byron Dorgan, Barbara Boxer, Dianne Feinstein, requesting full funding of the State Revolving Fund Program for California. Director Sutherland absent.

####

Public comment. None.

####

Adjournment.

ACTION TAKEN: There being no further business, Chairman Owens adjourned as the Nevada County Sanitation District No. 1 and reconvened as the Nevada County Board of Supervisors.

DEPARTMENT HEAD MATTERS: (Continued)

County Counsel: (Robert Shulman)

31. (First Reading) Ordinance repealing and reenacting Chapter V, Article 6 of the General Code of the County of Nevada pertaining to reassessment of damaged or destroyed property (implementing provisions of Revenue and Taxation Code Section 170).

ACTION TAKEN: Chairman Owens introduced the ordinance into the record as a first reading.

Mr. Rob Shulman, County Counsel, stated that this was a cleanup of the General Code where in the past the provisions of the State statute were reiterated in such detail that whenever the statute was amended by the State, the code became out of compliance. This change would adopt and incorporate by reference the State statute so that when it changes, it automatically changes in the County code. It involves damage and destroyed property and the reassessment of it.

Director of Transportation & Sanitation: (Michael Hill-Weld)

27. Resolution awarding bid and authorizing execution of a contract with Safety Striping Services, Inc., in the amount of \$149,181.75, plus a ten percent contingency, for Striping of County Roads 2005 (Phase 1 – Spring Striping and Phase 2 – Fall Striping), Contract 148405.

ACTION TAKEN: Mr. Michael Hill-Weld, Director of Transportation & Sanitation, introduced the agenda item. He noted that the Town of Truckee has acquired a striping machine and will be performing the striping in the eastern portion of the County, which will work to benefit both the County and the Town, enabling the Town to maximize the use of their equipment as well as the County to deliver the product at a reduced cost.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Spencer, to adopt [Resolution 05-167](#). On a roll call vote, the motion passed. Supervisor Sutherland absent.

28. Resolution authorizing approval of the 2005/06 Used Oil Recycling Block Grant Cycle 11 regional application to the California Integrated Waste Management Board on behalf of Nevada County, the Cities of Grass Valley and Nevada City, and the Town of Truckee.

ACTION TAKEN: Mr. Michael Hill-Weld, Director of Transportation & Sanitation, introduced the agenda item.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Beason, to adopt [Resolution 05-168](#). On a roll call vote, the motion passed. Supervisor Sutherland absent.

SCHEDULED ITEM: 10:30 A.M.

36. Resolution proclaiming June 4, 2005 as "Truckee Day" in Nevada County. (Former Truckee Mayor Maia Schneider)

ACTION TAKEN: Chairman Owens introduced the agenda item.

Ms. Schneider commented that over 600 volunteers picked up over 7 tons of trash at the first consolidated town-wide street cleanup effort in Truckee last year. This year was their second anniversary, and they changed the name from Clean Truckee Streets to Truckee Day. It is now a civic pride day, where they will have a street cleanup in the morning followed by a town-wide block party at the Regional Park with live music and barbeque. This event could not happen without the efforts of the Town of Truckee.

Chairman Owens read the resolution into the record.

MOTION: Motion made by Supervisor Owens, seconded by Supervisor Spencer, to adopt [Resolution 05-169](#). On a roll call vote, the motion passed. Supervisor Sutherland absent.

DEPARTMENT HEAD MATTERS: (Continued)

Director of Transportation & Sanitation: (Michael Hill-Weld)

29. Resolution awarding bid and authorizing execution of a contract with Psomas to provide bridge design services on the Floriston Bridge Replacement and Rehabilitation Project for a maximum amount of \$270,000 to be completed by March 24, 2006. (Dist. V)

ACTION TAKEN: Mr. Michael Hill-Weld, Director of Transportation & Sanitation, introduced the agenda item.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Horne, to adopt Resolution [05-170](#). On a roll call vote, the motion passed. Supervisor Sutherland absent.

Sheriff-Coroner: (Keith Royal)

30. (First Reading) Ordinance adding Section A-II 22.8 to Chapter II, Article 22 of the Administrative Code of the County of Nevada pertaining to Sheriff's sales (prohibiting certain county employees from bidding on or purchasing real or personal property which is sold during a Sheriff's sale).

ACTION TAKEN: Chairman Owens introduced the ordinance into the record as a first reading.

Mr. John Trauner, Undersheriff, stated that this was a cleanup ordinance drafted to stave off any perception of impropriety for families or employees of the Sheriff's office to participate in any Sheriff sales.

Following a short recess, Chairman Owens called the meeting to order.

SCHEDULED ITEM: 10:00 A.M.

32. Acceptance of six Countywide Audit Reports for Fiscal Year 2003-04 prepared by Bartig, Basler & Ray, CPAs, and acknowledgment that the work of the audit firm is complete. (Richard A. Haffey, County Executive Officer)

ACTION TAKEN: Mr. Joe Christoffel, Deputy County Executive Officer, introduced the agenda item.

Mr. Brad Constantine, Bartig, Basler, & Ray, believed the Management Discussion and Analysis section of the Financial Statement Audit gave the highlights of the financial statements over the last year and was the more important part of this document. He commended the Auditor's office for adding an appendix to this report that showed which funds roll up into which statements. He indicated that they issued a report on the Public Guardian's Office, the Treasury Oversight Committee, Federal programs of the County, and a management report which had in it some findings and recommendations for various departments.

Supervisor Spencer commented that because of the volume of the report, he would need a month or two to digest it all. He referred to page 8 of the Auditor's Report, which stated that "key elements of the increase or decrease in expenses in the governmental activities pertain to reclassifications as follows," and asked what the general rule was for reclassification. Mr. Christoffel explained that this particular section points out a number of classifications that were made in prior years by the former external auditor in the preparation of this report. The County has moved very strongly towards the structure prescribed by the State Controller's Office in the last two years. The implementation of the new accounting system and the proposed budget follows that methodology and has been consistent from year to year. Staff and the Auditor's office has discussed their frustration with what the external auditor did last year in terms of some of the classifications they used as they put the financial statements together. He concluded that the budget has been on a level playing field for several years, but last year's audit report was not on the same classification scheme, which caused the shifts.

Supervisor Beason asked if the decrease in the General Fund Reserve of \$3.9 million was accounted for by PERS payments. Mr. Christoffel affirmed that the consumption of that reserve was set aside for PERS as well as program reduction in last year's budget. The financials reflect, with the exception of approximately \$100,000, exactly what they have been discussing with the Board in terms of the Board's position in the General Fund.

Mr. Richard Haffey, County Executive Officer, indicated that staff would be happy to walk Supervisor Spencer through some of his concerns to give him some comfort before budget. Mr. Constantine also offered to address any specific questions.

Supervisor Horne stated that she sat on the Audit Review Committee and appreciated the level of comments and suggestions about some of the procedures into the Department level for positive corrective change. She believed the exit interview went very well and noted her satisfaction with the product.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Horne, and passed unanimously, to accept the Countywide Audit for Fiscal Year 2003-04. Supervisor Sutherland absent.

Chairman Owens stated that at the request of Supervisor Sutherland, Agenda Items 33 and 34 to the afternoon in order for Supervisor Sutherland to be present. He also continued Agenda Item 35 to the afternoon session.

SCHEDULED ITEM: 10:45 A.M.

37. Public hearing to consider a County-initiated application to amend Section L-II 3.19.B to modify the standard requiring senior citizen and disabled housing to demonstrate compliance with deed restrictions and Conditions, Covenants and Restrictions (CC&Rs) on property located in the unincorporated territory of Nevada County. (Planning)

(Waiver Further Reading/Adoption) Ordinance amending Section L-II 3.19.B.4 Chapter II, Article 3, of the Land Use and Development Code of the Nevada County Code, to modify the requirement for County determination of CC&Rs consistency for senior citizen and disabled housing. (ORD04-006)

BACKGROUND:

On December 7, 2004, your Board considered an appeal request for Alvin and Ida Sutton regarding a condition of approval on an Administrative Development Permit for a "Granny" Unit. Consistent with Section L-II 3.19.B.4 of the Zoning Ordinance, the condition required that the applicant demonstrate that the second dwelling was compliant with the Declarations of Restrictions (CC&Rs) of the Ophir Hill Acres Subdivision, recorded in 1968, prior to issuance of the building permit. Although the Ophir Hill Acres Subdivision has CC&Rs, there is no active Home Owner's Association (HOA) or other enforcement entity.

In response to the appeal request, your Board directed staff to initiate an amendment to the Zoning Ordinance (Board Order 04-34). Specifically, staff was directed to amend Section L-II 3.19.B.4, which requires County determination of compliance with any recorded deed restrictions or CC&Rs, to redirect the responsibility of compliance from the County to the property owner.

On April 14, 2005, the Nevada County Planning Commission voted unanimously to recommend the Board of Supervisors amend Section L-II 3.19.B.4 of the Land Use and Development Code. After public hearing and discussion resulting in minor modifications to the wording, the ordinance amendment was recommended to your Board for adoption. The final approved wording is included in Attachment "1" for your review and consideration.

ACTIONS FOR CONSIDERATION: Staff recommends the Board take the following actions as recommended by the Planning Commission:

After reviewing and considering the Planning Commission's action to find this amendment exempt from environmental review pursuant to Section 15061(b) of the California Environmental Quality Act Guidelines:

- I. Adopt the attached Ordinance amending Section L-II 3.19.B of the Land Use and Development Code to modify the requirement for County determination of CC&R consistency for Senior Citizen and Disabled Housing, determining that the proposed changes are consistent with the General Plan, including Objective H 8.4 which encourages a decrease in governmental constraints associated with processing housing development without compromising other General Plan policies.

ACTION TAKEN: Chairman Owens introduced the agenda item.

Mr. Randy Wilson, Planning Director, introduced the Planning Department's newest employee, Mr. Brian Foss, the new Principle Planner.

Mr. Wilson indicated that the proposed ordinance was a change to the section of the ordinance that covered granny units and reviewed the staff report. He indicated that the change to the ordinance would trigger, if applying for a granny permit and notice was given to all property owners that there was not a homeowners association, the processing of the permit, and after the 30 days, the building

permit for the granny unit would be approved even if they did not provide the information until after the permit was processed. This would effectively give the property owners within a subdivision that has CC&Rs precluding granny units time to react on their own to either allow for it or preclude it through their own legal means, not placing the County into that situation.

Supervisor Horne understood that this was the only area that the Board was the enforcement agency over CC&Rs. Mr. Wilson replied that it may also apply to the second unit pilot program section of the code, but he would have to look. Generally, the County does not get in the business of enforcing CC&Rs. Supervisor Horne asked if homeowners associations that struggle with collecting road association fees from certain property owners, or any other violation of CC&Rs was an issue outside of County jurisdiction. Mr. Wilson confirmed that if it was an internal matter, it would be outside of County jurisdiction and the homeowners association would deal directly with the property owner.

Supervisor Beason asked if there was no existing other entity, just a group of homeowners, and there were some CC&Rs in effect, when someone comes to the County for a building permit for a second unit and the neighbors are involved, can one neighbor stop this, or does it take a majority vote. Mr. Wilson responded that some of this may be dependent upon the actual structure of the CC&Rs and what guidance they give in a general sense. He did not know under individual CC&R circumstances whether one homeowner could bring suit against another owner for violation of CC&Rs. Mr. Hal DeGraw, Assistant County Counsel, stated that under standard CC&Rs, any homeowner that was covered by the CC&Rs that can benefit from it usually has the ability to enforce it, but as a practical matter within homeowners associations, they usually act through the Board of the homeowners association, and that Board would be the one who would decide whether or not to take action on it.

Supervisor Spencer referred to the last sentence of the new wording and asked what constituted proof of notice to be included in the Planning file. Mr. Wilson believed that would be a certification letter from the property owner that they have provided such proof, and they would also look at the details of that in the application process to make sure they received adequate proof. He was not quite sure exactly what they would do. Supervisor Spencer believed it would have to be spelled out on how to prove it. Mr. DeGraw stated it is fairly routine in legal matters that when you require a proof of notice, it is a declaration of mailing declaring under penalty of perjury that you mailed it on a specific date by first class mail, and that is usually adequate.

Chairman Owens indicated that he had a question along the same lines. He referred to the new wording "If no such entity could be reasonably located, the applicant shall provide notice to all property owners subject to the same restrictions or CC&Rs." In some instances there may be a subdivision with antiquated CC&Rs, and they may not have been provided, so was there a secondary procedure in such an event. Mr. DeGraw replied that there was no backup provided under this statute. He believed the best secondary source would be to ascertain what the other parcels are by looking at the recorded subdivision map and finding current owners of the other parcels.

Chairman Owens opened the public hearing. No public comment received and public hearing closed.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Beason, to waive further reading and adopt [Ordinance 2176](#), including the determination within the Actions for Consideration by staff. On a roll call vote, the motion passed. Supervisor Sutherland absent.

SCHEDULED ITEM: 11:00 A.M.

38. Review and approval of proposed amendments to the Nevada County Excavation and Grading Regulations for Agricultural Operations. (Community Development Agency/Agriculture)

(First Reading) Ordinance adding Subsection 204.4 to Section 204 as added to and modified by Section L-V 2.2 in Article 2; amending Exception 12 in Section 3306.2 and Subsection A in Section 3308 of Appendix Chapter 33 as added by Sections L-V 3.31 and 3.34 in Article 3; and adding Article 17, all within Chapter V of the Land Use and Development Code of the County of Nevada pertaining to grading permits and exceptions thereto.

Background: At the Board of Supervisor's Meeting on March 8 on the proposed changes to the Grading ordinance, the Board directed staff to look into making some changes in the following areas.

1. Language for five-year carryover – Under 17.2 – It was suggested that after the first sentence “after upon execution of a binding commitment by landowner” we add “*or successor or successors*”.
2. Under 17.3. 6 - pond and stream maintenance inclusion;
3. Under 17.3.7 - remove all references to NCRCD and replace with “*Erosion Control Consulting Services*”.
4. Under 17.6 Appeals – what to do if someone wants out since this is not covered.
5. Definition of Ag Operation (livestock as a crop); and other small land disturbances such as putting in temporary fencing, etc.

Discussion

1. Recommend that we make this addition to clarify that this commitment to keep the land in agricultural use continues with any sale or change of ownership.
2. Recommend that we add “*or maintenance*” to the first sentence of section 6.a after “The work associated with construction”. This would limit the exemption to those ponds that meet the criteria for a grading exemption.
Not recommend any stream maintenance since this is work within the area that could require approval from Dept. of Fish and Game and is an area excluded from the grading exemption.
3. Recommend that we make this substitution but also add that the person be a Certified Professional Erosion Control Specialist (CPECS). Should be Certified Professional in Erosion and Sediment Control (CPESC).
4. Suggest that we leave this as stated. Checked with the Nevada County Agricultural Advisory Commission and Farm Bureau and both want the 5-year commitment without an out.
5. Suggest no new definitions are needed. Grading with minimum impact is covered in Land Use Code L-V-3.31 Exempted Work #10, 13,15. The definition is covered in the definition section of Land Use Code L-V-3.34A.

This draft ordinance for Board consideration provides for a more comprehensive exemption for grading for agricultural and clarifies and defines where exempted grading can take place and under what conditions. This is also intended to promote long term viable agricultural use of agriculture lands while protecting natural resources and provide reasonable minimal standards that define desired performance in the prevention of man induced land failures, control erosion and sediment discharges. The Agricultural Advisory Commission, County Counsel and Farm Bureau have been reviewed these changes to the draft while the original was reviewed by the County Building Standards Code Board of Appeals. All recommend the Board of Supervisors consider and adopt this draft.

The CEQA Initial Study proposes a Mitigated Negative Declaration. These minor changes will have no impact on the Initial Study. A draft with inserted mitigation measures is included for your consideration. County Counsel has reviewed the CEQA Initial Study and the draft Ordinance.

County of Nevada
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ACTION TAKEN: Mr. Paul Boch, Agricultural Commissioner, introduced the agenda item and asked the Board to accept the report, and the new staff report is to be considered in addition to and not instead of the staff report from the March 8 meeting. This new report responds to the five issues raised at the March 8 meeting. Also, included is a revised ordinance containing responsive changes where he believed they were called for. The Farm Bureau and Agricultural Advisory Commission concurred with these proposed changes.

Mr. Boch referred to Section 17.2, the language for a five-year carryover. He proposed that they add the words "or successors." This would then clarify that this commitment was intended to be kept with the land and any future landowners to take over within a five-year period.

He then referred to the section for pond and stream maintenance inclusion, Section 17.3.6. He recommended adding "or maintenance" to the first sentence of Section 17.3.6.a: "...associated with the construction or maintenance of the pond." This would limit the exemption to those ponds that meet the criteria to get an exemption for that pond so that they would only be dealing with any maintenance of a pond that met the criteria. They would not be dealing with larger ponds that have to have engineered studies and fall under the State regulations. He did not recommend any stream maintenance work since this was an area that was already precluded from being included in the exemption. If the landowners need to work within a stream and clear it up, they can work with Fish & Game.

Under Section 17.3.7 and other sections, he was asked to remove all references to NCRCD and replace it with an "Erosion Control Consulting Service." He requested the acronym CPECS in Sections 17.3.8, 17.4.C and E, and 17.5 of the proposed ordinance be changed to CPESC which stands for Certified Professional in Erosion and Sediment Control, and to include these changes in the first reading.

Mr. Boch asked the Board to first, receive the staff report, then after reviewing and considering the proposed Mitigated Negative Declaration, to adopt it, and then to introduce the first reading.

He recommended that in Section 17.6, the five-year commitment stay in and there be no appeal to get out.

Mr. Boch referred to the direction to look into adding a definition for Ag Operation (livestock as a crop); and other small land disturbances, and suggested that no new definitions were needed because those areas were covered in the Land Use Code.

Chairman Owens asked if there was a method to appeal because of economic hardships. Mr. Boch replied that right now this has not been covered and he would have to ask County Counsel. Chairman Owens believed they should explore that notion. Supervisor Horne replied that an economic hardship would not deter that person from selling the property under agriculture use. She believed the property should have to stay in agriculture production for five years.

Mr. Richard Gerdl, Grass Valley resident, commented that the five-year period could be a tremendous hardship on someone who has just been diagnosed with cancer or something like that. Also, he commented that agriculture operations could be above ground and move in a much faster pace to where it was already set up. Then trying to find a buyer for that property with that particular use would be very limited. Supervisor Beason replied that when someone makes a choice to raise certain products, that is a conscious choice, and people are accountable for their conscious choices. Mr. Boch stated that if someone wanted to pull a grading permit, they would almost have to mitigate for damages, and it could be assumed by the transfer of title.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Spencer, and passed unanimously, to accept the report on the excavation ordinance. Supervisor Sutherland absent.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Spencer, and passed unanimously, to consider the proposed Mitigated Negative Declaration and adopt the initial study. Supervisor Sutherland absent.

Mr. Boch read the title of the ordinance into the record as a first reading.

Mr. DeGraw assumed that the second motion adopting the Mitigated Negative Declaration included the determinations and the findings as recommended by staff in the staff report. Supervisor Horne and Supervisor Spencer concurred with Mr. DeGraw's assumption, and the motion included the correction of the acronym.

DEPARTMENT HEAD MATTERS: (Continued)

Director of Environmental Health/Agricultural Commissioner: (Larry Sage/Paul Boch)

39. Review and direction regarding long-term mosquito abatement and vector control in Nevada County.

ACTION TAKEN: Chairman Owens introduced the agenda item and Mr. Larry Sage, Director of Environmental Health, reviewed the staff report. He concluded that the recommendation from staff was an enhanced County Environmental Health Control Program, contracting with the Placer Mosquito Abatement District for services in eastern county, funded by a special tax of approximately \$6.13 per parcel. Chairman Owens pointed out that the \$6.13 annual special tax would require a two-thirds vote as prescribed in Proposition 218.

Supervisor Horne concurred with the recommendation. She believed it was the cleanest way and left it up to the citizens of Nevada County as to whether they wanted to do without \$6 a year in order to try to make an impact on a very serious concern. Supervisor Horne suggested that when setting up the possible special tax to also propose the formation of a citizens oversight committee to oversee the funds and expenditures.

Mr. Sage explained that the tax would be a countywide tax and the County would have a contract with the Placer Mosquito Abatement District for a specific area, and those funds would come from that tax. They were currently proposing that this would run for a six-year period of time and coincide with the next General Election to take back to the voters.

Mr. Paul Boch, Agricultural Commissioner, added that this would be reported back to the Board in a special budget, and reports will be made to the Board annually on what was being done with the program, so the accountability will be there.

Assuming that the citizens of Nevada County decide to tax themselves one more time, Supervisor Beason asked if that would have an effect on the County's ability to receive grants, should any grant monies become available. Mr. Boch did not believe so because most grants require matching funds, and the County's proposed budget now was less than what was originally proposed and the program was still a very minimal program. If grant funds were received, the County would be able to increase the program, bringing it up to its full potential.

Mr. Sage stated that pending direction from the Board, Environmental Health intends to hold a public education campaign to let people know what this program would do for the citizens of Nevada County, what services would be provided, and what were the risks currently. Chairman Owens believed that it was very important to explain the effect of the West Nile Virus.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Spencer, to direct staff to prepare a special tax measure for the June 2006 election for a parcel charge for enhanced environmental health vector control programs.

Mr. Sage believed the proposed charge would be enough monies to have an effective program. It would allow them to do surveillance and some treatment, and that was the most effective prevention.

On a roll call vote, the motion passed. Supervisor Sutherland absent.

MOTION: Motion made by Supervisor Horne to add on to the special tax measure a provision for a citizens oversight committee to oversee the disbursement and activities of those funds. The motion failed for lack of a second.

Mr. Rob Shulman, County Counsel, interjected that in preparing this type of a tax measure, there are statutory requirements for accountability, and the idea of a citizens oversight committee could come back again with some more background, and it would have more credence.

End Tape #05-22

PUBLIC COMMENT: 11:45 A.M.

ACTION TAKEN: Chairman Owens opened the meeting to public comment.

Ms. Olivia Diaz, President of the Federation of Neighborhood Associations (FONA), invited interested people to attend a FONA-sponsored workshop on California Environmental Quality Act (CEQA) on June 4, 2005, from 10 a.m. to 4 p.m., at the Grass Valley Veterans Hall.

Ms. Reinette Senum, citizen, invited the community to attend an upcoming Town Hall Conference on May 21, 2005, at the Grass Valley Veterans Hall, 9:00 a.m. to 6:00 p.m., and a cocktail party following. The conference will be to look at the energy crisis, the fact that fuel will not be cheap forever, and as a community, what can we do about it.

Chairman Owens closed the public comment period.

Chairman Owens read into the record a certificate recognizing Ms. Joann Chartier, KNCO, on the occasion of her retirement.

Recess for lunch: Chairman Owens recessed for lunch at 12 p.m., noting they would return from lunch at 1:00 p.m., rather than 1:30 p.m.

AFTERNOON SESSION: Chairman Owens called the meeting to order at 1:00 p.m. Supervisor Sutherland absent.

DEPARTMENT HEAD MATTERS: (Continued)

Chief Information Officer: (Stephen T. Monaghan)

33. Resolution establishing Workspace Guidelines and Modular Furniture Policies.
34. Resolution establishing policy for the management of real property owned by the County and real property leases.

ACTION TAKEN: Chairman Owens continued Agenda Items 33 and 34 in order for Supervisor Sutherland to be present. She called in and indicated she could not attend the remainder of the meeting today.

Director of Environmental Health/Agricultural Commissioner: (Larry Sage/Paul Boch)

39. Review and direction regarding long-term mosquito abatement and vector control in Nevada County.

ACTION TAKEN: Supervisor Beason indicated he made a mistake on his motion to direct staff to prepare a parcel charge election for the June 2006 Primary. With the Board's support, he requested this item be reagendaized to redirect staff to consider sales tax.

Chairman Owens directed this item be brought back for reconsideration at the next meeting. Supervisor Horne requested that as part of the reconsideration, background information be provided on what other counties were doing and what sources of revenue for their special tax do they tap into.

Chairman Owens confirmed that the previous motion will stand and it will be reagendaized to ask for reconsideration.

INDIVIDUAL BOARD MEMBER ITEMS:

40. Review and direction regarding implementation of the Rural Recreational Trail Facilities Element of the Nevada County Non-motorized Transportation Master Plan, and direction to the Planning Director to discontinue trail dedication requests in the trail study corridors pending direction by the Board. (Supervisors Sutherland and Spencer)

ACTION TAKEN: Supervisor Spencer introduced the agenda item.

Mr. Randy Wilson, Planning Director, stated that in reviewing the Non-motorized Transportation Master Plan, he believed the issue before the Board was the Rural Recreational Trails. He identified some of the background information on projects that have come before the Planning Commission.

Supervisor Spencer commented on his experience as a Planning Commissioner in dealing with these issues. He believed there was not an overall accepted plan that guided the general public in width and alignment for the Planning Commission to try to implement. Supervisor Spencer indicated that their request would be to see more time spent on the Master Trails Plan to come up with a natural plan that could be implemented, and to direct the Planning Commission to not do these kinds of exactions until there was a plan with a good alignment.

Chairman Owens asked whether the Master Trails Plan was not complete or the implementation plan was not complete. Mr. Wilson replied that there were four elements of the trails plan: 1) Commute Facilities; 2) Sidewalk Facilities; 3) Safe Route to Schools; and 4) Rural Recreational Trail Facilities. A considerable amount of definitive work has been done on the first three elements. The Rural Recreational Trails Facilities has not been clarified down to exactly what they would like to see with regards to trails in those corridors that were identified. The effort that began in 2002 did not get completed, the Planner left the County, and that position was lost due to funding issues. The clarification as to what they wanted with regards to these Rural Recreational Trails was not complete and therefore that element of the Trails Plan has not been completed.

Chairman Owens believed the Planning Commission would have the right to request of a developer consideration on a voluntary basis. They were not able to condition the project for the requirement of a trail. Mr. Wilson stated that would be his understanding, although he would have to dwell more into the legal standing of the plan itself.

Supervisor Beason asked if the sense was that the Planning Commission has been exacting tribute in the form of trails; it has not been voluntary. Mr. Wilson replied that he heard from an applicant that they would have liked to have it identified more clearly before submitting the application so they could have designed for it and been more prepared to address it initially. He believed this was a good

example of creating some sort of certainty in what people need to do when they come into an application.

Supervisor Beason asked how hard would it be to finish up the plan that was developed by the part-time planner. Mr. Wilson replied that they would have to analyze all the records of the planner's work before giving a clear representation of what it would take to complete that process.

Supervisor Beason believed there were two issues being proposed by Supervisors Spencer and Sutherland: 1) Complete the implementation of the trail plan; and 2) Discontinue trail dedication requests. Supervisor Beason believed that requests would seem okay to him. Chairman Owens agreed with Supervisor Beason that requests were okay as long as it was on a voluntary basis. He understood Supervisor Spencer believed this was not voluntary, and until the County gets everything in order, he did not think anything could be done other than to request a voluntary community benefit such as a trail.

Supervisor Beason commented on his suggestion during the January workshop to encourage people to put in a bike path whenever building a road, if roadwork permitted. Supervisor Spencer believed that putting in a bike path was a great idea, but unfair and like extortion because they do not get through the process until they make that voluntary offer. However, if there were a master plan and an ordinance that required a bike path, everyone would go into the process knowing what was required. He was opposed to the arbitrary requirements. He believed the unregulated requirements wastes developers' money and time.

Mr. Richard Haffey, County Executive Officer, suggested the Board hold a joint meeting with the Planning Commission in the next few months to talk about philosophical alignment on all aspects, not just trails. With regards to the trails plan, he suggested bringing this back to the Budget Subcommittee as a parking lot item to consider resources to implement the recommendations. Chairman Owens understood, and believed that this was more of a global issue.

Supervisor Horne understood Supervisor Beason's concern as far as the uncertainty for the developer or property owner in the midst of putting a project together. She also expressed concern about trail dedications in regards to larger projects. She pointed out that one of the big issues in 2000 in the Golden Oaks/Lode Star Subdivision area was the trail easements for the Immigrant Trail where existing property owners had unused easements and felt the trails plan was being pushed upon them. She believed the corridors had to be looked at as to what was on the ground as opposed to just what was on the maps as far as easements. It would be a big problem if the County tried to push a trail through the Golden Oaks Subdivision. She also expressed concern about countywide trail corridors all connecting. She believed this was an idealized concept, but did not know how practical it was. She concluded that there needed to be more evaluation of the existing plan.

Supervisor Beason concurred with Supervisor Spencer that there needed to be a plan, and that staff needed to evaluate it. If people wanted to provide trail dedications, they should have that opportunity; and if developers wanted to include trails in their packages, project-by-project, that should be looked at. He believed developers were almost conditioned to do so. Supervisor Spencer replied that open space was a requirement. On larger projects, a total trail plan within that property could be developed and become part of a well-designed project. His concern was on the small four-way land divisions, when the County would require a portion of a trail that would not likely connect up with anything else. He suggested the County finish the trails master plan and condition that the right-of-way be received and as money became available, the County construct the trails. Chairman Owens responded that the Town of Truckee did not develop an implementation plan deliberately. The Master Trails Plan was developed to seize upon opportunities to get trails built because their view was it was not the government's job to build trails. He believed if basic alignments were shown, that could be enough of a guiding light to seize opportunities.

Chairman Owens believed that from the discussion, the direction would be to put this in the parking lot for the Budget Subcommittee to take a look at finding a way to re-up the ability to clean up the issues

brought forth by Supervisors Sutherland and Spencer and to discuss this, and other elements of decision-making, at a joint meeting with the Planning Commission, and bring it back to the Board with Supervisor Sutherland present.

Mr. Robert Goar, Rattlesnake Road Association President, commented that before the Osborn Hill development went to the Planning Department, they met with the developer and designer of the development and requested trails be added to the plan. They were successful with their request and happy with the plan that was developed.

DEPARTMENT HEAD MATTERS: (Continued)

Chief Information Officer: (Stephen T. Monaghan)

35. Resolution approving the project to replace the computer system TAZ, directing the Auditor to make the necessary 04/05 fund transfers in the amount of \$44,000, amending the 04/05 County Budget, and authorizing the Purchasing Agent to execute the required purchase orders for equipment and professional service contracts. (4/5 affirmative vote required)

ACTION TAKEN: Ms. Cathy Thompson, Clerk of the Board, indicated that Mr. Stephen Monaghan, Chief Information Officer, requested this item be rescheduled until the next Board meeting, due to the 4/5 affirmative vote requirement and time issues. Chairman Owens concurred.

SCHEDULED ITEM: 1:30 P.M.

41. Public hearing to consider adoption of an Ordinance to establish parcel charges for Fiscal Year 2005/06 for the disposal of refuse in the unincorporated area of Eastern Nevada County. The proposed rate includes an increase from \$135.00 per year to \$139.20 per year. (Department of Transportation & Sanitation) (Dist. V)

(Waive Further Reading/Adoption of the Ordinance) Ordinance amending Section G-IV 8.18 of Chapter IV, Article 8 of the General Code of the County of Nevada establishing a schedule of parcel charges within Eastern Nevada County for the 2005-2006 Fiscal Year. (Improved single-family residential parcels within the unincorporated areas of the Eastern Nevada County - \$139.20 per year)

ACTION TAKEN: Chairman Owens introduced the agenda item and Mr. Michael Hill-Weld, Director of Transportation & Sanitation, reviewed the staff report.

Chairman Owens believed that in the past the Eastern County had a great deal of difficulty cleaning up the Eastern County and getting garbage picked up because when people had to pay a monthly bill, it ended up in a variety of places. Chairman Owens noted that if Eastern County were to lose this parcel charge, it would effect their operation in terms of expense and ability to adequately bill people for solid waste pickup. Mr. Jeff Collins, Tahoe Truckee Disposal Company representative, concurred with Chairman Owens, the more people feeding into the pool the more it helps with the costs. He added that people not using this service benefit by a cleaner environment. One of the biggest concerns in Eastern County was what happens to the garbage from renters. In areas where there was no collection, there was always a fear of commercial dumpsters being abused and trash being thrown on the roadside, and the environment becomes endangered. Bears have become an enormous issue in Eastern County and to remove waste properly and responsibly from the wildlife was very important.

Chairman Owens opened the public hearing for public comment.

Mr. Herb Busboom, Alta Sierra resident with a cabin in Soda Springs, objected to the parcel charges because he has used the garbage service less than a dozen times in the last 23 years. He felt that as an

absentee owner, he was paying for the service that he could not use and was sure there were many other absentee owners in Soda Springs in the same situation. He requested that the parcel fee be removed altogether and to leave it up to property owners and renters to use the service on a voluntary basis. He understood this was highly unlikely because there would be a higher cost of doing business and less use, etc. So, his second request would be that a community dumpster be placed in the Soda Springs area for absentee property owners to use any time. He suggested providing a dumpster at the site owned by the utility district near the highway and if need be, lock it and give keys out, or a combination. He was sure there could be a way to work that out.

There being no further public comment, Chairman Owens closed the public hearing.

Chairman Owens stated that a public dumpster has been tried on numerous occasions and there has been no way to regulate it. Mr. Collins confirmed that there were still a couple of courtesy dumpsters in some remote areas and they still had problems regulating them. He suggested another option would be for property owners to install a bear shed for \$700 to \$800, and a weekly check of the bear shed would be included in the Tahoe Truckee Disposal Company charge. Chairman Owens believed this system worked and urged the Board members to strongly support continuance of the parcel charge with the very modest increase outlined.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Beason, to waive further reading and adopt [Ordinance 2177](#). On a roll call vote, the motion passed unanimously. Supervisor Sutherland absent.

SCHEDULED ITEM: 1:40 P.M.

42. Public hearing to consider adoption of an Ordinance to establish gate fees and parcel charges for Fiscal Year 2005/06, for the disposal of refuse for Western Nevada County. The proposed rates include maintaining the residential and non-residential parcel charges, the gate fees at the McCourtney Road Transfer Station, rural transfer stations, and the out-of-County rate at the 2004/2005 rates. Proposed fees: Gate Fee for Property Owners - \$66.00 per ton; Gate Fee for Out-of-County Rate - \$136.00 per ton; Parcel Charges per Single Family Unit - \$59.40, Multi-Family Unit - \$46.28, Mobile Home - \$41.44; Non-Residential Parcel Charges per ton - \$54.38; Minimum Charge at McCourtney Road Transfer Station - \$4.00. (Department of Transportation & Sanitation)

(Waive Further Reading/Adoption of the Ordinance) Ordinance amending Sections G-IV 8.16 and G-IV 8.17 of Chapter IV, Article 8 of the General Code of the County of Nevada establishing a schedule of parcel charges and gate fees for solid waste disposal services within the County for the 2005-2006 Fiscal Year.

ACTION TAKEN: Mr. Michael Hill-Weld, Director of Transportation & Sanitation, introduced the agenda item and reviewed the staff report.

Chairman Owens opened the public hearing for public comment. There being no public comment, Chairman Owens closed the public hearing.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Horne, to waive further reading and adopt [Ordinance 2178](#). On a roll call vote, the motion passed unanimously. Supervisor Sutherland absent.

Following a short recess, Chairman Owens called the meeting to order. Supervisor Sutherland absent.

SCHEDULED ITEM: 2:00 P.M.

43. Public hearing to consider the appeal filed by Marla Daley, et al., from the decision of the Planning Director on March 18, 2005, allowing the Nevada County Fire Safe Council to temporarily locate the Council's Wood Use Center on property located at 12791 Brunswick Road, Grass Valley (Assessor's Parcel Number 06-441-05). (Planning) (District III)

BACKGROUND:

In March of 2005 the Nevada County Fire Safe Council submitted a Use Permit application to establish the Council's Wood Use Center at 12791 Brunswick Road. The Planning Director on March 18, 2005 issued a letter to the Executive Director of the Fire Safe Council indicating, with findings, that a Use Permit for the wood use center was not required for the temporary occupancy of this property in accordance with the following project description:

Project Description:

The Fire Safe Council of Nevada County (FSCNC) desires to temporarily locate, operate and maintain a Fire Prevention Wood Use Center on property previously occupied by the Brunswick Sawmill. The proposed Wood Use Center would receive, sort and process biomass generated from County residents and other fire fuel reduction efforts in the County pursuant to a BLM Community Protection Grant received by the FSCNC in October 2003. This facility is temporary and is proposed for a one-year period while the FSCNC identifies a permanent location for their facility. The Wood Use Center would provide the following uses at this site: 1) Occupancy of an 18' x 40' trailer for office and meeting use. This office trailer will have its own waste holding tank and be connected to NID water. The existing driveway will be used and the paved areas used for off-street parking. 2) Placement of a horizontal grinder with conveyor, mulch hopper and coloring system would be used. Materials will be sorted and placed in the grinder using a loader. Mulch will be stockpiled and covered using steel roofed structures. 3) A portable peeler cutter and portable mill for milling small dimensional material will be used. 4) Area will be provided to store the resulting products, which include firewood, peeler posts, mulch, small dimension lumber and erosion control products. Operating hours are proposed from 8:00 a.m. to 5:00 p.m. Monday through Friday. These uses will utilize approximately 5 acres of land that is currently paved and previously used for lot storage.

Additionally,

1. The public will have access to the site for purposes of bringing materials to the site during open hours 8 a.m. to 5 p.m. Monday through Friday, with an expected number of public trips generated per day to be approximately 10 round trips.
2. There will be no overnight parking of contractor trucks on the site.
3. There will be a list of contractors authorized to use the site kept by the Fire Safe Council and this list will be made available for review by the Planning Department.
4. The Fire Safe Council will produce a business plan for operation of the Wood Yard at this site and the business plan and any subsequent changes to the business plan will be made available to the Planning Department.
5. The Fire Safe Council will conduct a noise study of the Wood Yard at the site and recommendations of the study will be incorporated into the Wood Yard use as feasible to keep noise generated on the site at a minimum necessary for effective operation of the Wood Yard. (The Fire Safe Council is encouraged to attempt to meet current noise level limits as specified by Section L-II 4.1.7 of the Nevada County Land Use and Development Code.)
6. All necessary building permits and other permits as required by the County, State, and Federal Government will be acquired prior to use of the site as a Wood Yard.
7. A site plan of the final layout of the Wood Yard and any subsequent changes to the layout will be provided to the Planning Department.
8. There may be a moderate amount of security, including fencing as needed, used at the Wood Yard.

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9. Noise generating equipment will be operated only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
10. The period of use of the site for a Wood Yard is from April 1, 2005 through April 30, 2006. Final removal of equipment and restoration of the site to the pre-use condition will occur by May 31, 2006.

The decision by the Planning Director was appealed by members of the immediate neighborhood who request that the temporary use of the property for a wood use center not be granted.

STAFF COMMENT:

The Appeal:

The subject appeal requests the Board, "Protect our environment and safety. Stop the temporary use granted for the Nevada County Fire Safe Council to operate at such address mentioned."

The reasons stated in support of this appeal are listed below (shown in bold italic type), followed by a staff response to each appeal point:

1. *Referred to in Section A; page 3; of the letter dated March 18, 2005 to Michelle Phillips at the NCFSC approved a temporary occupancy. No legal provision provided in the original use permit for a temporary occupancy.*

Staff response.

Section A: page; of the March 18, 2005 letter to the Executive Director of the Nevada County Fire Safe Council (NCFSC) is a finding in support of the determination that a new Use Permit is not needed for the NCFSC to temporarily occupy the property previously occupied by a sawmill (Brunswick Saw Mill), located 12791 Brunswick Road, Grass Valley. The finding states:

"The Fire Safe Council's proposed Wood Yard, described above under project description, is a use allowed under the previous approved permits (U58-15, U64-30, U64-31, SP76-10, and MSP90-02), and the Wood Yard, as described above under project description, will be a no more intense use than those uses allowed by these permits. On June 12, 1958 the Nevada County Planning Commission approved, without conditions of approval, U58-15, a Use Permit to operate a sawmill on the Brunswick Road (APN 6-44-02). On February 11, 1965 the Board of Supervisors approved two Use Permit applications identified as U64-30 (planing mill) and U64-31 (lumber yard). May 12, 1969 Minute records of the Nevada County Planning Commission indicate that, "there was a gold mine in operation at the site of the present mill. After the mine closed, a small sawmill was started at the site. The mill has now developed into a 24-hour operation, and the noise at times is unbearable."

The Use Permits on this property were granted by the Nevada County Board of Supervisors and the Nevada County Planning Commission starting on June 12, 1958. Use Permits allow land uses on specific properties, and if not conditioned to expire remain in effect without time limitation. Upon the granting of the Use Permits for this site, as long as the use(s) were established in accordance with the Use Permit, the use(s) are allowed to continue, stop, and restart. The absence of any time limitation does not preclude temporary uses. Rather, it allows uses in accordance with the use permit for as long or as short a period as the owner wants and would certainly allow a temporary use for a year.

- 2a. *We the residents of some or all of the Brunswick Manor Homeowners Association, Brunswick Rd., Bennett Rd. and other concerned citizens feel that this acceptance is in fact a strict violation to the Nevada County Zoning Ordinance, effective 7/27/00; Section L-114.17 Noise.*

and

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- 2b. *See B-Applicability of Noise standards shall apply to all discretionary projects including Development Permits and Use Permits unless otherwise accepted in this section. Copy attached. (Section L-II 4.1.7. Noise) See Attachment #1.*

In Section L-II 4.7 Noise

See D-Noise Standards. All land use projects requiring a Developmental Permit or a Use Permit shall comply with the noise standards provided herein. Permit residential land uses, including parcel and tentative maps, are subject to there standards. Copy attached.

Strict Violation of Section L-114.17 D1. (An acceptable, official noise study has not been conducted). The combined noise level of 350 hp. Horizontal (40ft) Chipper, Front-end loaders, fork lifts operating to load manufactured materials, utility trucks, normal traffic in and out of operation, manufacturing noise, etc. This would definitely be in excess of the Exterior Noise Limits.

Staff response:

The Noise Ordinance in Section L-II4.1.7 of the Land Use and Development Code does not apply to the proposed use because those restrictions expressly apply only to new discretionary projects, not uses commenced pursuant to an outstanding use permit that do not require discretionary approval. Further, there is no competent evidence that the use would violate acceptable noise levels under the outstanding Use Permit or even under County noise standards. The statement in 2a regarding feelings from the concerned citizens about a strict violation of noise standards is not evidence that can be relied upon.

3. *In Jan. 1994; the Board of Supervisors set forth and ordained Ordinance 1853. Which set precedence for a "Master Design Theme" for the intent and purpose of such described property. This operation does not fall into this design theme. See Chapter II of the Land Use and Development Code of the County of Nevada, California, as amended and hereby becomes subject to the restrictions set forth herein. No provisions provided for temporary use.*

Staff response:

Finding B. on page 3 of the March 18, 2005 letter to the Executive Director of the Nevada County Fire Safe Council states that:

"The Fire Safe Council's proposed Wood Yard, described above under project description, is consistent with the existing "SP" (Site Performance) zoning on the site because the proposed Wood Yard is temporary and will not place on the property any permanent structures that will conflict with the requirements of the "SP" zoning."

The present SP zoning was initiated by the property owner, not the County, and appears to have been intended to provide for future permanent development of the site in addition to that allowed by the existing permits. The underlying zoning of "M1" was not proposed by the property owner to be changed. There is no statement within the approved "Master Design Theme" of the "SP" zoning precluding the use of the site as a mill (or uses determined to be substantially similar to a mill) under the existing permits. In fact there was concern by the property owner that the County may attempt to limit the use of the site to a mill. This concern is reflected in the following a statement of the staff report to the Board of Supervisors (See Attachment #10), dated December 14, 1993, "If approved, the rezone would remove the restrictions under the current "SP" designation on the site, and clarify with the new "SP" zoning that the County does not intend to restrict the site to a mill use." The "SP" zoning of 1993 added to the potential uses of the site, set "Master Design Theme" standards that can most reasonably be viewed as applying only to future permanent uses not covered by the current outstanding permit(s) and that these standards do not operate to make uses under the existing permit(s) nonconforming nor preclude the Fire Safe Council's Wood Use Center as a temporary use.

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4. *As quoted in Mr. Wilson's letter dated March 18, 2005, "A critical component in restarting a lapsed use permit is that the use must be substantially similar to the use permitted by the issued and outstanding use permits and no more intense than the approved ones." Again, the existing use permit does not provide for a temporary occupancy. The approximate time lapse from the last operation has been approximately fifteen years.*

We the people of this county feel adamant that this allowance by Planning Director Mr. Wilson shows extreme negligence to allow any operation for any length of time without going through the proper channels as provided in the ordinances set by our Board of Supervisors to protect and insure the safety of our residents in this county. We feel very concerned that there could be severe consequences to our community resulting from this lack of responsible judgment. This may create and generate on a greater impact today very unsafe road conditions, air quality, wildlife environmental issues, and hazardous waste disposal issues and many more.

Staff response:

See number 1 above.

Also, the appeal misquotes the letter of March 18, 2005. The appeal states, ""A critical component in restarting a lapsed use permit is that the use must be substantially similar to the use permitted by the issued and outstanding use permits and no more intense than the approved ones." The letter states, "A critical component of restarting a lapsed use is that the restarted use must be substantially similar to the use permitted by the issued and outstanding use permits an no more intense than the approved ones." Use permits do not lapse and uses can be recommenced after they are stopped for any period, even 15 years or more.

- 5a. *We the people, tax payers of this county, disagree that a Bio-Mass Plant is substantially similar to that of a sawmill. The operations are entirely different. We will be collecting information in regard to this.*

Staff response:

The Fire Safe Council Wood Use Center, as described in the project description, is similar to and no more intense than uses allowed by existing Use Permits granted on the property. The type of equipment used in the sawmill operation and the proposed Wood Use Center are similar. The equipment used at the sawmill included a large saw(s), a planing mill, heavy equipment for working with the unmilled logs and the final milled products, and etc. The proposed Wood Use Center equipment includes a horizontal grinder and conveyor, use of a portable peeler cutter and portable mill for milling small dimensional material, and vehicles to move the materials. Certainly, the extent of the use of the property by the Wood Use Center will be considerable less that that of the sawmill operation as shown by comparing the photo in Attachment # 12 with the site plan of the Wood Use Center in Attachment # 11.

Also, in comparing uses for similarity for purposes of applying land use regulations, the potential impacts of the use are more important than the specific details of the operation. For example, the regulations are the same for retail sales, whether the store is selling cloths, books, or appliances. Similarly, it is not all that significant that a sawmill processed wood with a saw and planer and the Wood Use Center processes wood with a chipper if the potential impacts of the operation-noise, traffic, and etc. are similar or less.

Health and Safety issues are addressed as stated in the letter of the March 18, 2005 to the Executive Director of the Nevada County Fire Safe Council by the requirement that, "All other required permits from the Building Department, Department of Environmental Health, Department of Transportation and Sanitation, and any other required permits from County, State, or Federal Agencies must be acquired prior to use of the site as described above."

5b. *See Table 2.5D1-Industrial Districts Allowable Uses and Permit Requirements Copy.*

*Under Business Park-Not Allowed.
M1 Zoning-Use Permit and Public Hearing Required.
M2 Zoning-Use Permit and Public Hearing Required.*

We feel that this action taken by the Planning Director is in extreme violation to the Industrial Districts allowable use and permit requirements.

Staff Response:

The proposed Wood Use Center would be allowed with a Use Permit under current zoning and that, if there were not the outstanding and valid permits covering the use, a public hearing would be required. However, the finding of the March 18, 2005 letter to the Executive Director of the Nevada County Fire Safe Council was that there is no further permit required.

6. *Due to the extreme time restraints we are unable to collect all needed documents and research each and every argument needed in this appeal. We reserve the right to add to this addendum as the need arises.*

Staff response:

So noted.

Summation of the arguments to be raised by the appeal

Clearly this attempt to operate this facility is due to a monetary attachment for the Fire Safe Council. This obviously is not a smart business move. Hundreds of dollars will be spent on acquiring permits, setting up facilities, and many more needed expenses to operate for a total of ten to eleven months. It does not make economic sense to then turn around and spend more hundreds of dollars to move out. There are many more issues that need to be addressed regarding this project.

Obviously due to the very little time to file this appeal and holiday during the process very little attention has been brought to our community at this time. Although many residents have expressed their concern and were unable to attend our meeting, enclosed are a few signatures collected on a last minute notification. At this time we will enclose an informal copy of a petition.

Note: Additional paragraph contained in the appeal summary is deemed not applicable to the appeal.

Staff response:

The decision by the Planning Director is based on land use and not the economics of the Fire Safe Council.

Summary:

The March 18, 2005 letter to the Nevada County Fire Safe Council determining the temporary occupancy on the subject property contains two findings in support of this determination. These findings are:

- A. The Fire Safe Council's proposed Wood Yard, described above under project description, is a use allowed under the previous approved permits (U58-15, U64-30, U64-31, SP76-10, and MSP90-02), and the Wood Yard, as described above under project description, will be a no more intense use than those uses allowed by these permits. On June 12, 1958 the Nevada County Planning Commission approved, without conditions of approval, U58-15, a Use Permit to operate a sawmill on the Brunswick Road (APN 6-44-02). On February 11, 1965 the Board of Supervisors

approved two Use Permit applications identified as U64-30 (planing mill) and U64-31 (lumber yard). May 12, 1969 Minute records of the Nevada County Planning Commission indicate that, "there was a gold mine in operation at the site of the present mill. After the mine closed, a small sawmill was started at the site. The mill has now developed into a 24-hour operation, and the noise at times is unbearable."

- B. The Fire Safe Council's proposed Wood Yard, described above under project description, is consistent with the existing "SP" (Site Performance) zoning on the site because the proposed Wood Yard is temporary and will not place on the property any permanent structures that will conflict with the requirements of the "SP" zoning.

ACTIONS FOR CONSIDERATION:

Staff recommends the Board take the following action:

Deny the appeal of Marla Daley, Carrie Cummins, and Roy A. Anderson of the decision of the Planning Director allowing the temporary establishment of a Fire Prevention Wood Use Center by the Nevada Fire Safe Council on property previously occupied by a sawmill (Brunswick Sawmill), located 12791 Brunswick Road, Grass Valley, based on the following findings.

- A. The Fire Safe Council's proposed Wood Yard, described above under project description, is a use allowed under the previous approved permits (U58-15, U64-30, U64-31, SP76-10, and MSP90-02), and the Wood Yard, as described above under project description, will be a no more intense use than those uses allowed by these permits. On June 12, 1958 the Nevada County Planning Commission approved, without conditions of approval, U58-15, a Use Permit to operate a sawmill on the Brunswick Road (APN 6-44-02). On February 11, 1965 the Board of Supervisors approved two Use Permit applications identified as U64-30 (planing mill) and U64-31 (lumber yard). May 12, 1969 minute records of the Nevada County Planning Commission indicate that, "there was a gold mine in operation at the site of the present mill. After the mine closed, a small sawmill was started at the site. The mill has now developed into a 24-hour operation, and the noise at times is unbearable."
- B. The Fire Safe Council's proposed Wood Yard, described above under project description, is consistent with the existing "SP" (Site Performance) zoning on the site because the proposed Wood Yard is temporary and will not place on the property any permanent structures that will conflict with the requirements of the "SP" zoning.

ACTION TAKEN: Chairman Owens introduced the agenda item and asked if the neighborhood got together with the Fire Safe Council to resolve the disagreement. The answer was no.

Chairman Owens reviewed the hearing rules.

Mr. Randy Wilson, Planning Director, reviewed the staff report, going through each appeal item and staff's response to each item.

Mr. Jeffrey Bordelon, Attorney for the Appellants, referred to his April 22, 2005 letter. He did not believe that the staff report addresses the specific technical and legal issues raised in the letter. The primary concern was that by declaring the use as having been vested and no further permits required, the County itself, in the absence of a permit, had no means of assuring that this project would proceed as described. Without a permit, the Applicant's activities could be varied at any time, including the duration. The standard within which the Fire Safe Council must operate was vague, but could be generally stated, as they had to be not more intense than what was done there historically.

In his opinion, the Planning Department's decision was carte blanche authorization for the Fire Safe Council or Sierra Pacific to engage in any activities without further permitting if they were not more intense within the framework of the originally approved use permits. The legal issue was not addressed

by County staff. A vested permit can lapse by voluntary abandonment, and a subset of that was the lapsing of a vested permit where the use had become nonconforming. The County adopted an ordinance that applied to the lapsing of the nonconforming use. In this instance, the County zoning ordinance in the M1 zone stated that the development and processing of natural resources, i.e., lumbermills, is not permitted in the M1 zone. Therefore, lumbermill-related use permits approved in the 50s were nonconforming uses. In some instances, a use may not be deemed to have been voluntarily abandoned just because it stopped for a while. In this case, there is no ambiguity regarding the termination of the business. If the use had lapsed for a longer period than stated in the Ordinance and it was a nonconforming use, current uses could not be authorized based on the lapsed permit.

Mr. Bordelon believed that the County was saying that Sierra Pacific could propose any use that falls within the framework of its prior lumbermill and planing operation without further permits. If the neighbors did not take a stand on that issue and the County established a position that conferred upon Sierra Pacific that scope of a vested right, that kind of exemption from future permit requirements would justify neighborhood concern over the County's action and probably would necessitate some form of legal action to test that principle.

Mr. Bordelon believed the County was in effect creating a different set of rules for projects they like versus projects they do not like, and this was not good from a policy point of view and would adversely affect the public's views regarding the integrity of the process.

Mr. Bordelon stated that the merits of what the Fire Safe Council was proposing were not in front of the Board and he would not be addressing them. However, the practical effect of the County's decision was to allow the use to go forward on the basis of voluntary unenforceable assurances by the Fire Safe Council. He requested an articulation from the County as to how they respond to the specific issues raised regarding the nonconforming status of this use and a 14-year period of the lapse, because he believed the decision of the Board would turn on that very precise and technical issue. He also believed the Board had a policy matter. Did the County really want to tell the citizens with legitimate concerns that the County was endorsing a process where they had no formal assurances regarding the merits of the project, its mitigations, no formal enforcement capability, and no public hearing process on the merits of what was being proposed? He noted that he raised other minor technical points in his letter before the Board, but would not belabor them now.

End Tape #05-23

Ms. Michelle Phillips, Executive Director, Fire Safe Council, and Project Proponent, presented a PowerPoint presentation. She noted that the Wood Use Center was the topic of today's hearing, the vision of the Fire Safe Council, and the future of funding for fire prevention projects. The Wood Use Center has an opportunity for many creative products, and the big vision was a business park sustained by the development of wood products removed from small diameter materials. All of the proposed equipment were small diameter and would be onsite only on an as-needed basis. The Air Resources Board regulates all the pieces of equipment very carefully in terms of their permits and emissions.

She pointed out that the area of proposed use was the L-shaped concrete pad. There was heavy timber behind it and a barrier of vegetation across the front side. There were not going to be putting in any permanent structures over the next 12 months. The office would be housed in a temporary office trailer so they could be onsite working with the products and project every day. They will continue to look for a long-term solution.

Mr. Tim Feller, Sierra Pacific Industries, property owner of the Bohemia mill site, indicated that they support the Fire Safe Council of Nevada County and the Fire Safe Council of many other foothill communities. They believed identifying the fuel, building methods and processes to treat it, and ending up with a business center to make it a sustainable process for the County in the future was good for the community as a whole. He indicated Sierra Pacific Industries purchased the Bohemia property in 1991 and shortly thereafter closed the mill down because of its manufacturing inefficiencies and ability to compete in the market place. In 1994 they overlaid the property to allow them to expand

their economic and business opportunities. Shortly after, they entered into a long-term lease-option purchase agreement with Empire Gold, which expired in 2001. He believed it was unlikely for Sierra Pacific to ever build a sawmill on this site, but they did not want to preclude that option in the future. Sierra Pacific believed that the Fire Safe Council proposal was consistent with the use permits on the property and if the Board was going to deny the appeal and uphold the Planning Director's decision, they were willing to execute the lease agreement for one year for the Fire Safe Council.

Mr. Lou Merzario, West Coast Environmental and Engineering, indicated they were retained by the Fire Safe Council to assist in this appeal process. He presented their PowerPoint presentation.

Supervisor Horne requested Mr. Hal DeGraw, Assistant County Counsel, speak to the issue of whether the issue proposed by the Fire Safe Council was a nonconforming use, and if it was, is the language that a reuse may be prohibitive a discretionary action. Mr. DeGraw replied that legal nonconforming uses can be lost if they are abandoned or discontinued for a period of time. If the use was a legal nonconforming use and was discontinued, then it could not be re-commenced unless it was in compliance with the existing code. He believed that the Planning Director found that it was not a legal nonconforming use, but it was a use covered by the issued use permit. Those conditional use permits were issued and run with the land, and were not abandoned by discontinuance for a while. The permits could be resumed as long as they were resumed in compliance with the existing use permit and as long as there has not been a statute passed in the meantime which would make those uses legal nonconforming uses. If they were legal uses before and legal uses now, they were covered, but they do not lapse. He noted that the Hansen case cited by Mr. Bordelon involved a legal nonconforming use. His position was if a use that was lawfully commenced, which had subsequently become unlawful or subject to the requirement for a permit, was discontinued, then that use would be lost. If an attempt were made to recommence that use, then you would have to comply with the existing code. That did not consist of a use that was permitted under a valid outstanding permit. The question of whether or not the use being discussed today was a permitted use under the permit or whether it was a legal nonconforming use was one of the issues that the Board needed to decide. If the Board decided it was a legal nonconforming use, then the Board would have to rule for the Appellant. If the Board found it was covered by the existing use permit and a further permit was not required, then it would be appropriate to uphold the Planning Director.

Supervisor Horne referred to the assertion in the Appellant's statement that a sawmill was not permitted under M1, and in looking at the Board's packet, she did not see where the usage of a sawmill was lost with the SP-M1 zoning. Mr. DeGraw concurred with Supervisor Horne's reading with regard to what was submitted in 1993. He believed Mr. Bordelon was raising a different issue, which has changed a little bit from the first appeal. The first appeal said it looked like it required a use permit under Table 2.5.D.1, and in a subsequent letter he indicated it was precluded use under Table 2.1.G. The first one was a summary land use table which applied to all uses and all zones; and that included within it development and processing of natural resources, i.e., lumbermills, saying that that was a not permitted in the M1 zone. In the Industrial Table, which was usually the more precise and specific table, that was not listed one way or the other. Somehow it got put in one list and not the other. There were still three use permits issued: 5815, 6430, and 6431. One was for a sawmill, one was for a planing mill, and one was for a lumberyard. The Board still had to find whether it was a legal nonconforming use because of the change that was made in the code or whether it was a conforming use for which there was an outstanding permit and it was allowed to go on.

Chairman Owens opened the public hearing for public comment. The following people spoke: Mr. Bob White, Ms. Marla Daley, Ms. Lois Engel, Mr. Lee Thurston, Mr. John Brady, Ms. Carol Griffis, Ms. Carrie Cummins, Mr. Jon Swan, Mr. Bob Mc Burney, Ms. Ginger Ward (*sp?*), Ms. Jonellen Goddard, Mr. Jeff Hall, Ms. Barbara White, Ms. Suzanne Hanson, Ms. Heidi Hall-Norman, Ms. Colleen McKinnon, Ms. Karen Chileski, Mr. Robert Ingram, and Mr. Frank Olson.

Following a short recess, Chairman Owens called the meeting to order as resumed public comment. The following people spoke: Ms. Barbara Rivenes, Mr. Les Day, and Mr. Ken Roberts.

There being no further public comment, Chairman Owens closed the public hearing.

End Tape #05-24

Mr. Merzario pointed out that traffic was not an issue from the County's perspective, and an addition of 200, 300, or 400 trips would not change the level of service. He believed they have taken whatever precautions they could in changing the project description to exclude peak hour travel and the school bus issue. He believed they have given definition to the project and provided the Appellants with a clear project description so they could then understand what was being proposed on this site. With regard to noise, the Fire Safe Council opted not to set up shop right away. Accordingly, they were unable to do full operational noise studies; however, noise was not an additive thing. It was routine practice to do a noise study on the largest noisiest piece of equipment. He noted that two days of measurement was done. The first measurement was corrupted because of the airport noise and another chipper operating in the neighborhood across the street, so they opted to do it on a different day and they believed they obtained a true noise measurement. Chips were ground because the load of limbs did not arrive; however, he observed that it was very much the same level of noise and the majority of material coming in during Phase I will likely be chips anyway, and there was such a huge range of additional sound available to them in terms of threshold, that this was not going to be an issue. He also mentioned that grinding was only going to be two days a week for six hours a day. Mr. Merzario clarified that neither he nor West Coast Environmental Engineering were ever employed by Calwood. He referred to the definitions under the California Integrated Waste Management Board's regulatory tiers, Title 14, and affirmed that the word "compostable material" showed up in the title, but had nothing to do with this project. Chipping and grinding fell within the stipulations of uses, just like green waste or agricultural byproducts. This project was not about that. It was chipping and grinding and small wood products only. This fell at the lowest of the low regulatory tiers for the Integrated Waste Management Board because it was a short term occupation of the site as material moves through, which did not generate odors or a fire hazard. He urged the Board to uphold the Planning Director's decision.

Mr. Ed Arnott, Fire Safe Council Board member, indicated that a settlement agreement has not been reached. Regardless of what happens today, they will continue talking with the neighbors trying to come to an agreement. Their success comes from the goodwill of the citizens in Nevada County. He stated that the original intent for public access was to have public drop off material. Because of traffic problems and the inability to handle all of the public trips at this site, they have limited the public access to certain commercial contractors under the Council's control. He reiterated that the Council has been told unconditionally by SPI that they had one year only to occupy the site. At that time they will be looking for other sites. As far as their operations being unregulated and unenforceable, the Council would be operating under permits and would have oversight from many agencies for dust, noise, water quality, fire danger, onsite duration of material, plus staff would be onsite. The working conditions must be good for them to maintain their productivity as well as their health.

Mr. Feller assured the Board that Sierra Pacific was willing to grant the Fire Safe Council a facility license for one year and that would be it. The County was going to be widening Brunswick Road and SPI was going to give the County a right of entry to widen the road on their side of the property so there could be a center turn lane for both Wood Rose Way and a few other driveways. He met with the neighbors on Saturday of Easter weekend and offered to sit in with their representatives and the Fire Safe Council to come up with an agreement for reasonable mitigations for use at the site, and it was decided that they were going to file an appeal.

Mr. Bordelon appreciated the merits of the Fire Safe Council's program in general and the objectives of this project. Unfortunately, the public benefits generated by good uses were not exempt from permit requirements. He assumed that the use permits in question were valid when they were issued and the mills were permitted uses when those permits were approved. The zoning in place at the time presumably allowed for the mills. If the zoning today allowed for lumbermill use in the M1 zone and if it allowed for the development and processing of natural resources, he argued that the 15-year lapse reflected a voluntary abandonment of the old permits. If SPI wanted to reactivate everything

previously permitted, the County would be entitled to say no, the permits lapsed through voluntary abandonment, and therefore, if SPI wanted to revive the mills, a new use permit would be required. That only was the case if a lumbermill of natural processing materials, etc., were allowed under the current zoning.

Mr. Bordelon believed that the issue of whether this was a nonconforming use or not was much clearer. He did not know how it could be more plain than to have a zoning ordinance that indicates the development and processing of natural resources, i.e., lumbermills, is not allowed in an M1 zone. Coupled with the detailed M1 zoning provisions, which do not include a lumbermill in the M1 zone, or any other processing of natural materials, except the possible reference to a biomass fuel production facility that was in conjunction with a power plant. In order for the County to determine that these use permits did not lapse, it has to conclude that a lumbermill is a permitted use in the M1 zone. He did not believe the County could fairly do that, nor did he think the County as a matter of policy wanted to conclude that was the case. If the County concluded that a lumbermill was a conditional use in the M1 zone, that would provide an opportunity for the owner of that property, Sierra Pacific, to come forward and argue that all of their historical permits that were within the scope of lumbermill, etc., were vested and they did not need new permits for anything up to and including the intensity of what was previously approved. Mr. Bordelon believed that if the County agreed with the Fire Safe Council and the Planning Director, they would be allowing the lumbermill use, however speculative and remote, to come forward again without a new permit. He stated that there would be a huge human cry in this community if a major industrial use came forward without new permits and no new environmental review. He stated that none of the Fire Safe Council promises were legally enforceable or binding upon the Applicant unless it was contained in some other permits. If a permit was required and the lumbermill and lesser-included uses were not allowed in the M1 zone, there was no such thing as a good temporary violation of the zoning ordinance. If those uses were permitted as a conditional use permit, then a permit could be gotten for them. If the County had a process for temporary permits to allow uses to operate on an interim basis until the full use permit, then the County could consider that if the uses were allowed in the zone. He did not believe that when the decision to accommodate the Fire Safe Council was made, the full implications of the County's actions were contemplated, and it was those consequences they were especially concerned with.

Chairman Owens opened the meeting for rebuttals from members of the public. The following people spoke: Mr. Bob White, Mr. Les Day, and Ms. Carrie Cummins.

Mr. Wilson presented the staff summation.

Supervisor Spencer stated that he supported the project because it was for a major public benefit, a community organization, and was a temporary site.

Chairman Owens asked why Mr. Thurston was denied the site when he was looking for one. Mr. Wilson replied that he was not familiar with why his request was denied, however, it was for a permanent situation and if stain, materials, lacquer were used, Air Quality would have permitting requirements. To permanently develop the site, he may have also had to look at the SP zoning.

Chairman Owens asked whether there was a method of dealing with monitoring and violations if it were not what it was proposed to be. Mr. Wilson responded that the project description and the interview with the Fire Safe Council set those parameters with the approval letter such that if those parameters were violated, based on a complaint, they could go out and address those issues. He believed that at the time that the parameters were discussed with the Fire Safe Council, they were giving him honest answers to what they felt was going to be the operational characteristics of this operation.

Chairman Owens asked if SPI had development rights on this property regardless of what happens with the wood use temporary program. Mr. Hal DeGraw responded that SPI had rights with regard to the land. If they were to propose a permanent use of the site under the analysis of the Planning Director, that would be subject to the SP overlay that they intentionally added to the site on their own, which

provides for installation of roads, general design of the whole area, and meeting the design guidelines so that they would have the same type of problems that Mr. Thurston ran into when he looked at the site. Chairman Owens asked if the "SP overlay" terminology was a request made by SPI that was an enhancement in addition to prior zoning permit use. Mr. DeGraw concurred. The rezone in 1994 did not change the underlying zoning, which was M1 and remained M1. It added an overlay, which was an additional layer of regulation on top of the M1 that said these were additional requirements that need to be met with regard to this site.

Supervisor Beason asked County Counsel if approving this use permit would mean that SPI would have a right to put in a sawmill, or some similar-type enterprise. Mr. DeGraw responded that it was County Counsel's view that issuing a Conditional Use Permit for a use on the property would be a permission that ran with the land. Unless and until there was something that is subsequently adopted which precludes that use and does not allow uses under that use permit, those uses could be resumed and would still fall under the use permit. If there was something that was adopted subsequently which changes that use and makes that use prohibited, then if there was a discontinuation, then that use would be discontinued because with the passage of the subsequent law that prohibited it, it became a legal nonconforming use. So, he and Mr. Bordelon both agree that if the legal nonconforming use would be abandoned or discontinued, then it could not be re-commenced without complying with all the statutes. Mr. Bordelon contended that the right to make a use under that permit could be lost even if it was still permitted just because you have stopped using it for a period of time. This was where he and Mr. Bordelon disagree.

Supervisor Beason asked if the County, not SPI, was in a position to determine the length of the use of the property. Mr. DeGraw replied that the County would be in a position to decide if what was proposed appeared to fall under the permit. If SPI departed from that, the County could relook at it and determine that SPI went beyond what was discussed and there was a problem with that and it was not permitted, not covered under the permit, and not covered under the letter they issued, and they were going to take action.

Supervisor Horne referred to Mr. Bordelon's letter where he stated that "Non-use is not a non-conforming use [however] and reuse may be prohibited if a nonconforming use has been voluntarily abandoned." She asked who had the authority to prohibit the reuse. Mr. DeGraw believed that was addressing the general legislative authority, which lies ultimately with the Board of Supervisors with regard to zoning regulations, and it was saying that this was one of the things that the Board of Supervisors could enact, the statute which prohibits that. Supervisor Horne believed that this was saying that the Board had the discretion to allow that reuse to go forward. Mr. DeGraw replied that this statement was what was referred to in the legal profession as dicta, which was not necessary or involved in the decision because the court did not find there was any non-use with regard to the Hansen property. They found that there was an ongoing mining use and that the abandonment non-use was not an issue in the case.

Supervisor Horne also saw that there was cloudiness over the M1 usage, and what was and was not allowed. She noted that in one table the sawmill was referred to as not an allowed use, yet it was not referred to in another table. To her, if it was not spoken to, it did not necessarily mean it was a negative. Mr. DeGraw replied that to give a definitive answer, he would have to go back and look at what the discussion was at the time of adoption because it appeared to be an ambiguity on its face, certainly vagueness on its face. The setup of the old zoning regulations was that it would list each zoning district and within these zoning districts, these were the allowed uses, and then it would list them, and it would say these are the uses that are allowed with a use permit, and list them. There was a substantial change over when the zoning regulations were revised and they were all set up in a table form. There were specific tables that were related to specific uses, and Table 2.5.D.1 was a table for the industrial districts, and in the setup of the code, that would be the one that would be looked to because it was the more detailed table. Nothing was mentioned there about sawmills, planing mills, or any of the type uses allowed under the three use permits issued here. The development and processing of natural resources, i.e., lumbermills, showed up in the summary land use table, but not in the individual table. This was an inconsistency that probably would best be resolved legislatively.

Board questioning ensued.

Supervisor Beason supported the project, but believed the Appellant raised some good arguments about land use issues that Mr. DeGraw did not have an opportunity to study in depth. He did not believe the County was sufficiently prepared to provide the right kind of information to make a decision. Chairman Owens asked Mr. DeGraw if research would be necessary to develop a level of comfort or if it was a situation where the law may be unclear in this area. Mr. DeGraw responded that if Mr. Bordelon were to provide him with a case in support of his position, that would be of assistance. The legislative history was the other area that would be helpful to review.

Chairman Owens understood Supervisor Beason's discomfort. He initially supported the program, the effort, and the temporary beta study, but was concerned with Mr. DeGraw's comments relative to his comfort level.

Mr. DeGraw suggested that if the Appellant could reach some kind of settlement with regard to enforceability of the terms in the project as set out and whether or not the Fire Safe Council would comply with that, then the County could reserve jurisdiction on the matter and not make a decision. If the Fire Safe Council violates any of the provisions with regard to what they say they are going to do, then it would be without prejudice to the Appellant to come back and reassert the appeal and ask for a decision on it, at which time the matter could be fully briefed by the attorneys on both sides.

Mr. Bordelon believed that if the Board did not make a decision today, the Board would have a better-informed opinion from County Counsel, and/or a possible settlement between the Fire Safe Council and the Appellant. He suggested and endorsed the idea that the Board defer making a decision today until the next meeting and during the interim, the Appellants work with County Counsel to get him whatever information was needed in order to make a more informed decision and recommendation.

Supervisor Horne understood the concerns of the residents, however, it was a temporary facility and there was a huge public benefit to it. She wanted to see this project move forward and until she was convinced that this was a nonconforming use, she was going to side with denying the appeal. She indicated she was willing to continue the item to get further clarification. Mr. Bordelon replied that he would process his arguments and thoughts on the question Supervisor Horne raised through Mr. DeGraw.

Chairman Owens stated that it appeared to him that this Board would like to continue this item, have the two attorneys communicate satisfactorily, and he reagendaized it for consideration of the appeal, but would like more research on the legal points conducted. There would be additional public comment on any new information that would be raised at that meeting, limiting the public hearing specifically to any new information.

Chairman Owens continued the public hearing to a special meeting on Monday, May 23, 2005, at 1:30 p.m.

Following a short recess, Chairman Owens called the meeting to order.

OFF-AGENDA ITEM: (Laura Matteson, Assistant County Executive Officer)

Resolution proclaiming existence of a local emergency at Cascade Shores Sewage Treatment Plant.

ACTION TAKEN: Ms. Laura Matteson, Assistant County Executive Officer, indicated that there was a small landslide at the Cascade Shores Sewage Treatment Plant that burst a pipe and it is not functioning at this point in time. She requested the Board declare a local emergency. Usually it is done after the fact, but requested it be done concurrently with the declaration. She pointed out that the emergency occurred subsequent to the posting of the agenda. Also, they could not wait until the next meeting in order to ratify the emergency.

MOTION: Motion made by Supervisor Horne, seconded by Supervisor Spencer, to allow this emergency item onto the agenda, that the emergency occurred subsequent to the posting of the agenda and it was infeasible to make the next meeting with a seven-day notice. On a roll call vote, the motion passed unanimously. Supervisor Sutherland absent.

Mr. Rich Reader, Emergency Services Director, requested the Board ratify a Declaration of Emergency because of the failed Cascade Shores Sewer Treatment Plant. The situation was not one that was going to be remedied quickly or inexpensively, therefore he believed it was necessary to declare the emergency so that they can pursue alternate funding sources and use the provisions in the code for emergency spending that may be necessary to deal with remediation. He indicated the plant services 84 residences, and the main pipe that feeds right to the plant itself was the one that broke, and he understood that it handled about 20,000 gallons of untreated sewage a day, so that amount of spillage was now going into creek. The natural landslide destroyed the pipe that feeds the plant. At this point they have closed the plant because of unsafe conditions. There were no residences located near this facility. This was not a life safety issue. As far as public health, it was a small amount of sewage heavily diluted as it moved down the water system.

Mr. Gordon Plantenga, Wastewater Operations Manager, stated that they have provided notice to the customers asking them to reduce water flow to the best of their ability and in the short term, sewage is being discharged into Gas Canyon Creek. Once the slope is stabilized, repairs made, and the plant in on line, they will assess it and made a preliminary emergency repair. Right now, because of the mud, the upper part of the slope is unstable and they cannot do anything at the site. Over the next couple of days they will try to find some solution where they can at least stop the flow into the creek. The likelihood of getting the plant back on line in any short term is not good.

MOTION: Motion made by Supervisor Spencer, seconded by Supervisor Beason, to adopt [Resolution 05-171](#). On a roll call vote, the motion passed unanimously. Supervisor Sutherland absent.

***CLOSED SESSION:**

Pursuant to Government Code Section 54956.9(a), County Counsel is requesting a closed session to discuss the status of the following cases of pending litigation: (1) The Estate of Karen Berry v. County of Nevada, Nevada County Superior Court, Case No. T03/1012C and (2) Roxanne J. v. Nevada County Human Services Agency and Tahoe Truckee Unified School District, SEHO Case No. SN 04-00947.

ACTION TAKEN: Mr. Rob Shulman, County Counsel, introduced the closed session items.

Chairman Owens recessed into closed session.

Mr. Shulman reported out of closed session that the Board gave direction to Counsel in the handling of the Berry and Roxanne J. cases, and there was no further report at this time.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Not held.

ADJOURNMENT: There being no further business, meeting adjourned at 5:45 p.m.

End Tape #05-25



Ted S. Owens, Chairman

ATTEST:

CATHY R. THOMPSON
Clerk of the Board

By: 
Deputy Clerk to the Board

EXHIBIT 367

EMGOLD MINING CORPORATION

1400 – 570 Granville Street
Vancouver, B.C. Canada V6C 3P1
www.emgold.com

February 12, 2003

Ticker Symbol: **EMR-TSX** Venture
SEC 12g3-2(b): 82-3003

Emgold Receives Scoping Study to Develop The Idaho Maryland Mine as 116,000 oz per year Producer

Emgold Mining Corporation (Emgold) (EMR-TSX Venture) is pleased to announce receipt of a Scoping Study on its historic Idaho-Maryland Mine located in Grass Valley, California. The Scoping Study was commissioned in October 2002 to identify the necessary activities, capital and operating costs required in order to return California's second largest underground gold mine to production.

The Scoping Study was prepared by AMEC E&C Services Limited (AMEC) who also completed an independent qualified person's review and evaluation of the Idaho-Maryland project in the form of a Technical Report as defined in National Instrument 43-101 ("*Idaho-Maryland Mine Technical Report*", November 2002). As part of that report, data integrity and its verification were completed on the data presented in this news release and the Scoping Report. The Scoping Study will be used for permitting and planning purposes and is considered a Preliminary Assessment report because it contains an economic evaluation of inferred resources as defined in NI 43-101. The Technical Report is filed on the Internet on SEDAR (www.sedar.com) and also the Company's website (www.emgold.com). The Scoping Study is not intended to be a Pre-feasibility or Feasibility Study.

The Emgold project team worked closely with AMEC to develop numerous plans for the further exploration and development of the Idaho-Maryland project of which two scenarios, A and B were evaluated. Scenario A follows Emgold's intended plan of action while Scenario B is a base case plan without additional exploration and development, using a small portion of the existing resources defined in the Technical Report. The AMEC report states, "In Scenario A, a mining and exploration strategy was developed to access and explore the Idaho-Maryland mine by excavating a decline starting at surface from the 56-acre BET property located west of the New Brunswick site. The decline will descend at about -15% grade in a straight line until 290 ft below surface, where it will become a semi-spiral ramp to provide access to both the Idaho and Eureka zones. Neither scenario includes exploration, development or mining in the lower zones below the Brunswick 1500 level. Additional underground exploration would be required to further advance the Dorsey Group and other targets below the 3280 level."

"Scenario A evaluates mining the identified resource within the Eureka Group (approximately 190,000 tons) in five stopping areas in the Idaho zone near the existing Round Hole shaft, followed by mining the resources that would be discovered and

developed in the Eureka/Keel zone area adjacent and along strike to the east of this shaft. If exploration proves successful, these resources together would provide a mine life of approximately 10 years at an average grade of 0.53 oz/ton. Shrinkage mining would be the selected method for the Idaho zone, while a mixture of shrinkage and longhole mining would be used in the Eureka/Keel zone. Mining would ramp up to a steady state of approximately 600 tons per day or 210,000 tons per year, including development ore.”

The AMEC report continues, “For Scenario B, only the currently identified resource in the Eureka and Brunswick zones would be mined. As in Scenario A, the decline would descend at a gradient of –15%, passing to the south of the Idaho zone, but instead of spiraling downward, it would continue to connect with the existing 1300 level at the Brunswick zone.”

“In Scenario A, mine production will come from a combination of development ore, shrinkage stoping in the Idaho and Eureka zones, and longhole stoping in the Keel zone, where there appears to be potential for bulk mining. In Scenario B, mine production will come from development ore, shrinkage mining, and longhole mining in the Brunswick zone, where there appears to be a small number of stopes that meet the requirements of this method.”

“A third scenario exists as a long-term plan for future mine development. In Scenario C, known resources in the lower New Brunswick shaft area are accessed. Although this study does not include costs associated with this scenario, it is an important developmental progression for the overall life-of-mine plan leading to potentially improved project economics and longer mine life.”

The Scoping Study evaluated different processing methods for each scenario. “In Scenario A, the process plant will operate crushing, grinding, gravity, and flotation circuits to produce a gold concentrate. The concentrates will be leached in intensive cyanidation, and gold will be recovered using electrowinning. The gold will be smelted on site to produce doré metal then shipped to a custom refiner to produce refined bullion. In Scenario B, the process plant will operate crushing, grinding, and gravity recovery circuits to produce a gold concentrate. The concentrate will be shipped to a custom smelter and refiner to produce refined bullion.”

All capital and operating costs presented in the Scoping Study are based on 4th quarter 2002 U.S. dollars. The capital cost estimates in the Scoping Study for Scenarios A and B are \$44.5 million and \$37 million, respectively. The costs include 20% contingency and should be considered conceptual, with a probable accuracy of ±30%. The capital costs include \$9.7 and \$8.2 million (exclusive of contingency for Scenarios A and B, respectively) for permitting, surface exploration, exploration decline, and underground drilling. In order to make a future production decision, these costs would have been already incurred and would therefore be considered “sunk costs.”

The operating costs presented in the Scoping Study per milled ton are \$54 and \$62 for Scenarios A and B, respectively. The average cost per ounce of \$167 and \$201 for Scenarios A and B are exclusive of gold treatment and refining charges. A breakdown for the average estimated operating costs for the two scenarios is presented in the following table.

Operating Costs	Units	Scenario A	Scenario B
Mine	\$/ton	32.00	41.20
Plant	\$/ton	1.40	1.70
Mill	\$/ton	16.20	12.20
Administration	\$/ton	4.80	6.50
Total	\$/ton	54.40	61.60
Total	\$/ recovered oz	\$167	\$201

The project schedule presented in the Scoping Study for both scenarios is approximately 36 months from permit applications to the start of gold production. The permit application for surface drilling is estimated to take between three and six months, after which a six to seven month surface exploration program can proceed. A Mining and Development Use Permit will be pursued concurrent with surface drilling activities. The expected time frame for this application is 12 to 18 months. Upon receipt of the permit, development of the decline collar and driving of the decline ramp will commence.

The initial production schedule for both Scenarios A and B is based on excavating sufficient ore to bring Idaho into production, and then continuing the development to support production in an adjacent area when the Idaho resource begins to be depleted. In Scenario A, the Keel zone is set as a priority for initial development to get at least one longhole stope in production starting in year two in order to ramp up to the 600 tons per day target. The mine development plan can then maintain that steady rate over the project life. In the first two years in both scenarios, most of the production will be from the Idaho zone except as noted for Scenario A. Following a brief transition period in year 3, the Eureka area will provide additional shrinkage ore for the next eight years in Scenario A, and the Brunswick zone will provide ore for the next three years in Scenario B. The production schedule for Scenario A is based on 100% shrinkage mining in the Eureka and Idaho areas, supplemented by 100% longhole mining from the Keel zone, while Scenario B is based on 100% shrinkage mining in the Idaho zone, followed by 50% shrinkage and 50% longhole mining in the Brunswick Zone.

The following table illustrates the estimated production rates for both Scenario A and B for the initial 5 years of mine life. Scenario A provides for a ten-year life of mine while Scenario B has been limited to a 5-year duration. Scenario C, which was not evaluated in the study, but would eventually provide a much longer mine life and includes further development into the deeper areas of the mine. In anticipation of future production requirements, the decline was sized to accommodate 40-ton low profile haulage trucks for more than 1,000 tons per day of ore production.

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Scenario A						
Ore Mined (tons)	123,600	161,600	210,000	210,000	210,000	915,200
Ave. Grade (opt Au)	0.36	0.42	0.55	0.55	0.55	0.50
Ounces Produced	44,500	67,800	115,600	116,300	116,300	460,500
Average tons per day	350	460	600	600	600	
Scenario B						
Ore Mined (tons)	87,500	105,000	175,000	175,000	175,000	717,500
Ave. Grade (opt Au)	0.36	0.36	0.36	0.36	0.36	0.36
Ounces Produced	31,500	37,800	63,000	63,000	63,000	258,300
Average tons per day	250	300	500	500	500	

R. McKnight, P. Eng., MBA, a third-party consultant to Emgold, prepared a financial model for the Idaho-Maryland Project. The inputs to the model were generated by AMEC to a scoping level of accuracy. The model used a discounted cash flow (DCF) analysis to determine the pre-tax net present value (NPV) and the pre-tax internal rate of return (IRR) for the project. Income taxes will be incorporated into the model at the feasibility level.

Although the model was run for both scenarios at a gold price of \$350 per ounce, Scenario B showed poor economics primarily due to its limited mine life and high cost of initial stope access and ramp development.

Scenario A however, had good results with an indicated pre-tax IRR of 34.4% and a pre-tax NPV of \$80.7 million at an 8% discount rate. The following table illustrates the economics of Scenario A NPV at varying discount rates.

Discount Rate	0.0 %	5.0 %	8.0 %	10.0%
Pre-tax NPV (\$000s)	\$167,300	\$106,100	\$80,700	\$67,200
Pre-tax IRR	34.4%			

The project is most sensitive to gold price, showing a 25.8 % pre-tax return at a gold price of \$300 /oz and a pre-tax return of 40.2% at a price of \$385/oz (+10% from the base case of \$350/oz). The project economics are almost equally sensitive to changes in operating and capital cost with pre-tax returns of 30.1% and 28.3% for the increases of 20% in the operating and capital costs respectively.

The economic returns for Scenario A indicate good project potential predicated on a successful exploration program given the historical trends on the property. Successful implementation of Scenario A would allow further exploration of the major mine zones, possibly resulting in a longer mine life and improved ore grades. This would in turn allow future exploitation of older mining areas such as Brunswick, and the known deeper gold resources in the area of the New Brunswick shaft.

Emgold's geologists and the AMEC project team have developed a surface exploration program, which is presented in the Scoping Study. The Company is submitting applications to local authorities to conduct diamond drilling from six surface locations. The revised Idaho-Maryland geologic model allows Emgold to evaluate areas among the known structures and veins for new vein set targets. The initial surface drill program will entail a surface diamond drill campaign in the area of the Idaho and Round Hole shafts. The six sites have been chosen considering surface rights and access availability and geologic targets. Each site will have multiple drill holes, at varying bearings and dips, to effectively test multiple targets in light of the complex geology and variable geometry of the mineralized veins. Drill hole lengths will range from 600 to 1,400 feet with most in the 600 to 800 foot range. The initial program will range from 15,000 to 20,000 feet comprising about four drill holes per site. Subsequent drill programs will be dependent on results of this initial phase of drilling.

Emgold is presently updating its website. All of the current information on the Idaho-Maryland Mine in California and the Rozan and Stewart Properties in British Columbia will be presented on the website which will contain project descriptions, maps, drawings, historical and current photographs and downloadable copies of the NI 43-101 Technical Report and Scoping Study. Please visit the Emgold website at www.emgold.com to review this information as it becomes available.

William J. Witte, P. Eng.
President and CEO

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No regulatory authority has approved or disapproved the information contained in this news release.

This release includes certain statements that may be deemed "forward-looking statements". All statements in this release, other than statements of historical facts, that address future production, reserve potential, exploration drilling, exploitation activities and events or developments that the Company expects are forward-looking statements. Although the Company believes the expectations expressed in such forward-looking statements are based on reasonable assumptions, such statements are not guarantees of future performance and actual results or developments may differ materially from those in the forward-looking statements. Factors that could cause actual results to differ materially from those in forward-looking statements include market prices, exploitation and exploration successes, and continued availability of capital and financing, and general economic, market or business conditions. Investors are cautioned that any such statements are not guarantees of future performance and that actual results or developments may differ materially from those projected in the forward-looking statements. For more information on the Company, Investors should review the Company's filings that are available at www.sedar.com.

EXHIBIT 368

☰ **Tue Apr 15, 2003**

Emgold Increases Idaho-Maryland Gold Resources

Emgold Mining Corporation (EMR:TSX Venture Exchange) ("the Company") is pleased to announce increased gold resources for the Idaho-Maryland Mine located in Grass Valley, California. Using the historic Idaho-Maryland Mine Call Factor (MCF) of 1.44 the revised total Measured and Indicated Mineral Resources consist of 1.666 million tons grading 0.28 ounces per ton (opt) containing 472,000 ounces of gold and Inferred Mineral Resources of 2.477 million tons grading 0.38 opt containing an additional 934,000 oz of gold. The new resource additions satisfy requirements for measured, indicated and inferred resources under National Instrument 43-101, "Standards of Disclosure for Mineral Projects."

The new resources for the Idaho-Maryland without the MCF consist of Measured Resources of 3,700 tons grading 0.40 opt gold, Indicated Resources comprised of 89,000 tons grading 0.40 opt gold, while the new Inferred Resources total 64,000 tons grading 0.40 opt gold. This represents a 19 percent increase for Indicated Resources and a 3 percent increase for Inferred Resources. The calculations were based upon extensive historic development sampling records for 2,300 feet of drift and 1,100 feet of raises located between the 1500 and 2800 levels in the Idaho workings. Twenty resource blocks demonstrating above-average gold grades were calculated within 12 separate vein structures with demonstrated continuity. Two of the blocks are inferred resources developed around single drill holes, with the majority being indicated and inferred resources within developed areas. Resources were manually calculated from polygons. Gold grades remain uncut until a proper assay grade has been calculated.

The results of the new Resources for the Idaho-Maryland Mine are summarized in "Table A - Idaho-Maryland New Resources Update Summary, April 7, 2003." The revised project Resource Summary is presented in "Table B -- Idaho-Maryland -- Mineral Resource Summary, April 7, 2003." The largest blocks of indicated and inferred resources were developed at the 2000 foot level in the Idaho 23 Vein and at the 2400 foot level in the Idaho 1 Vein, both in the Idaho Group. The Idaho 52 Vein from the 2700 to 2800 levels and 80 Vein from the 1700 to 2070 levels also host significant quantities of new indicated and inferred resources. All resource calculations and historical development records were reviewed, compiled, and verified by Mr. Mark Payne, California Registered Geologist 7067, Chief Geologist for the Idaho-Maryland Project and "Qualified Person" for the purpose of NI 43-101, "Standards of Disclosure for Mineral Projects."

Emgold continues to proceed with all activities to complete a 15,000 to 20,000 foot surface drill program from 6 surface locations. An application for four surface drill sites (A-D) was submitted to the City of Grass Valley on March 26, 2003. It is anticipated that the City will complete its review of the application shortly, give a 30-day public notice, and have the Company's application submitted to a public Planning Commission Meeting in May 2003.

Emgold continues to prepare all necessary documentation for a Use Permit for dewatering the existing Idaho-Maryland Mine workings, construction of a decline, underground diamond drilling, mine development, construction and operation of surface facilities including a milling

facility, tailings impoundment and ultimately closure and reclamation programs. The permitting and environmental process in California is very well defined. For mining operations the permitting process takes approximately 15 to 24 months to complete. Since the early 1960s, 37 gold mines have successfully gone through this permitting and environmental process in California and all received permits for operation.

As announced on February 12, 2003, the Company completed a Scoping Study (Preliminary Assessment Report) to assist with the permitting process and to define the capital and operating criteria for building and operating the Idaho-Maryland Mine initially as a 116,000-ounce per year producer. The Scoping Study was prepared by AMEC E&C Services Limited (AMEC) who also completed an independent qualified person's review and evaluation of the Idaho-Maryland project in the form of a Technical Report as defined in National Instrument 43-101 ("Idaho-Maryland Mine Technical Report", November 2002). The Scoping Study defines the methodology to construct the Idaho-Maryland Mine processing initially 210,000 tons per year at a capital cost of US\$45 million; operating costs of US\$54.40 per ton (US\$ 167 per oz Au) with a Net Present Value of \$257 million (0% Discount) and an Internal Rate of Return of 34.4% based on US\$350 per ounce gold.

Emgold is working to become a 265,000 to 400,000 ounce per year gold producer, focused primarily on production from the Idaho-Maryland Mine with a potential mine life greater than 20 years. For more information about Emgold and the Idaho-Maryland Mine please visit the Company's website www.emgold.com or www.sedar.com.

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No regulatory authority has approved or disapproved the information contained in this news release.

This release includes certain statements that may be deemed "forward-looking statements". All statements in this release, other than statements of historical facts, that address future production, reserve potential, exploration drilling, exploitation activities and events or developments that the Company expects are forward-looking statements. Although the Company believes the expectations expressed in such forward looking statements are based on reasonable assumptions, such statements are not guarantees of future performance and actual results or developments may differ materially from those in the forward-looking statements. Factors that could cause actual results to differ materially from those in forward-looking statements include market prices, exploitation and exploration successes, and continued availability of capital and financing, and general economic, market or business conditions. Investors are cautioned that any such statements are not guarantees of future performance and that actual results or developments may differ materially from those projected in the forward-looking statements. For more information on the Company, Investors should review the Company's filings that are available at www.sedar.com or the Company's website at www.emgold.com.

EXHIBIT 369

EMGOLD MINING CORPORATION

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www.emgold.com

September 16, 2003

Ticker Symbol: **EMR**-TSX Venture Exchange
SEC 12g3-2(b): 82-3003

Emgold Discovers New High Grade Gold Zone at the Idaho-Maryland Project

Emgold Mining Corporation (EMR-TSX Venture) is pleased to announce that it has discovered a new high grade gold zone at its Idaho-Maryland Gold Project located in Grass Valley, California. The initial assay results define a 10.1 ft interval with a grade of 0.67 ounces of gold per ton (opt), including a 3.0 ft intercept of 2.20 opt in drill hole IDH-001 at 528 to 531 ft. This intercept is located approximately 350 ft north-west of a continuous 1 million ounce stope mined from 1862 to 1893, which had an average grade of 1.0 opt.

Emgold, through its wholly owned subsidiary Idaho-Maryland Mining Corporation, has extensive geological data on the eastern part of its 2,750 acre property. However, there is minimal data available on the older western part where the Phase I surface drill program was completed. The Company has designed a 15,000 to 20,000 foot surface drill program to better define the Company's knowledge of geological structures and search for new gold zones near surface within the Idaho-Maryland property. Emgold has obtained important information concerning key geologic structures from the information collected from Phase I of the drill program. The drill results have validated the Company's hypotheses regarding the complex geology of the Idaho-Maryland Mine area.

Phase I of the surface drill program consists of 5 drill holes from two sites located on the western portion of the property for a total of 3,286.5 feet of diamond drilling as summarized in Table 1 – "Phase I – 2003 – Idaho-Maryland Surface Drill Program." Partial assay results for holes IDH001, 003, and 004 are presented in Table 2 – "Idaho-Maryland Gold Project – Partial Phase I Drill Program Results." Additional check assays are pending for the first 3 holes sampled. Core logging, sampling, and check assaying will continue for holes IDH002 and 005. Additional results will be announced when they become available.

TABLE 1 - PHASE I - 2003 - IDAHO-MARYLAND SURFACE DRILL PROGRAM

Drill Hole No.	Site	Azimuth	Dip	Length (ft)
IDH-001	A	50°	-60°	592.5
IDH-002	A	90°	-40°	319.0
IDH-003	A	90°	-25°	678.0
IDH-004	A	70°	-25°	940.0
IDH-005	B	0°	-76°	757.0
Total				3,286.5

TABLE 2 - IDAHO-MARYLAND GOLD PROJECT - PARTIAL PHASE I DRILL PROGRAM RESULTS

Drill Hole Number	Interval From (ft)	Interval To (ft)	Length (ft)	Gold (opt)	Comments
IDH001	485.7	487.0	1.3	0.13	Idaho 233 Vein
	498.4	500.0	1.6	0.03	
	528.2	538.3	10.1	0.67	Idaho 120 Vein
including	528.2	531.2	3.0	2.20	Idaho 120 Vein
IDH003	267.9	268.7	0.8	0.01	Idaho 237 Vein
	482.5	483.4	0.9	0.19	Idaho 242 Vein
	549.0	555.0	6.0	0.02	
	559.5	564.5	5.0	0.01	
	570.3	572.2	1.9	0.02	Idaho 246 Vein
	575.0	577.0	2.0	0.01	
IDH004	263.4	265.7	2.3	0.04	
	285.0	285.5	0.5	0.01	
	290.5	292.5	2.0	0.06	Idaho 243 Vein

The first core hole in the Company’s Phase I surface drill program intersected a strong interval of high-grade gold mineralization. The Phase I drill program targeted the undeveloped western extension of the Idaho Deformation Corridor. Based on the Idaho-Maryland’s historical information and geological model, the drill intercept cut the Idaho 120 Vein at approximately 550 ft vertical depth. Holes IDH003 and IDH004 appear to have cut the same Idaho 120 Vein structure which showed strong intervals of fault gouge and no vein quartz. The results have validated the Company’s geologic model for exploring the large, complex vein system of the Idaho-Maryland gold deposit.

The high-grade drill intercept obtained from the Idaho 120 Vein in hole IDH001 shows a strongly mineralized compound vein shear of exceptional strength. The Idaho 120 Vein intercept is a 10.1 ft interval showing 3 ft of highly mineralized, white, massive to banded vein quartz with sub-parallel stringers on the foot wall side of the structure. This vein quartz contains visible free gold in close association with accessory galena, chalcopyrite, and pyrite. The footwall side of the Id 120 Vein is marked by a 1.3 ft width of pale grayish-green fault gouge containing 20 percent fragments of white, massive to banded vein quartz disrupted by post-mineral deformation. The 6 ft width of intervening mineralized schist is strongly carbonate + albite + pyrite altered, exhibits strong, internal, rotated foliation fabric, and shows little or no quartz veining.

The Idaho-Maryland exploration program is planned and supervised by Mr. Mark Payne, California Registered Geologist Number 7067, Chief Geologist for the Idaho-Maryland Project and “Qualified Person” for the purpose of National Instrument 43-101, “Standards of Disclosure for Mineral Projects.” Data compilation for the surface core drilling program was performed by the Company’s geological staff with review and verification by Mr. Payne. The Company has implemented a quality assurance/quality control program to ensure sampling and analyses of all drill cores is conducted in accordance with the best possible exploration industry practices, and conforms to National Instrument 43-101.

The drill cores are logged, sampled, and stored in a secure facility near the project site. All cores were of HQ-size to maximize core recovery a sample size. The core is sawn into halves with one-half being shipped to American Assay Laboratories of Sparks, Nevada USA for sample preparation

and analysis. The other half of the core is stored in a secured warehouse for future inspection and assay verification. All check assaying is conducted by ALS Chemex of Sparks, Nevada USA. All gold analyses at the primary and umpire labs utilize the screened metallics fire assay method with a gravimetric finish.

The Company's geological staff conducts a rigorous quality assurance / quality control program. This includes routine insertion of blank samples, three different reference standards, and a thorough duplicate assaying protocol. Each sample shipment includes at least ten percent standards and blanks. The duplicate assaying protocol incorporates a minimum ten percent of all samples. The duplicate coarse rejects are first analyzed at the primary lab then next at the umpire lab. To eliminate bias, three methods are combined to select the samples to be shipped for duplication:

- (1) A straight ten percent of all core samples are randomly selected regardless of their assay values.
- (2) All mineralized samples identified as exhibiting specific characteristics known to occur in the historic oreshoots of the Idaho-Maryland Mine are automatically submitted for duplication regardless of their assay values. Favorable characteristics include visible free gold, trace quantities of galena \pm chalcopyrite \pm tellurides, multi-phase banded and/or ribboned vein quartz, any vein quartz hosted by intensely-deformed wallrocks, and veins subjected to strong post-mineral deformation.
- (3) All samples with gold assays greater than or equal to 0.10 oz/ton are submitted automatically.

Duplicate samples are initially analyzed at the primary lab then next at the umpire lab.

The Idaho-Maryland Gold Project lies in the center of the Grass Valley Mining District, which ranks as the fifth largest gold producing district in the United States. The production in the district exceeds that for the entire 120 mile length of the famous Mother Lode Gold Belt. Recorded production for the Grass Valley Mining District is 13 million ounces of gold from 25 million tons with a recovered grade of 0.52 opt. The Idaho-Maryland Mine, discovered in 1851, produced from 1862 through 1956 and is the second largest underground historical producer in California. Total recorded production at the Idaho-Maryland Mine was 2,383,000 ounces of gold from 5,546,000 short tons for a recovered grade of 0.43 ounces of gold per short ton.

Upon completion of Phase I of the surface drill program, the Idaho-Maryland project team will further define the next phase of surface drilling to be completed on the property. Approximately 15,000 to 17,000 feet of additional drilling are planned for the overall surface drill program. Emgold, through its wholly owned subsidiary, Idaho-Maryland Mining Corporation continues to prepare all necessary documentation for a Use Permit to include, but not necessarily limited to dewatering the existing Idaho-Maryland Mine workings, construction of a decline and conduct underground exploration to test exploration targets that are not accessible by surface exploration.

The Company will be posting additional maps, information and photographs on its website as the information becomes available. For more information about Emgold and the Idaho-Maryland Mine please visit the Company's website www.emgold.com or www.sedar.com.

William J. Witte, P.Eng
President and Chief Executive Officer

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No regulatory authority has approved or disapproved the information contained in this news release.

EXHIBIT 370

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March 31, 2004

Ticker Symbol: **EMR**-TSX Venture Exchange
SEC 12g3-2(b): 82-3003

Emgold Reports on Progress with Idaho-Maryland Surface Drill Program

Emgold Mining Corporation (EMR-TSX Venture) (“Emgold”) is pleased to report progress on Phase 2 of the 20,000 foot surface drilling program on the Idaho-Maryland Mine located in Grass Valley, California. Phase 2 follows the program initiated in 2003 to test the structural geologic model developed from over 100 years of historical information available from the Idaho-Maryland Mine and to further explore the new gold zone discovered during last year’s surface drilling program.

Eight holes totaling 5,800 feet have been completed to date in this year’s planned thirty hole program, which is probing the entire width of the Idaho Deformation Corridor (the “Corridor”) from four permitted sites within the City of Grass Valley. Multiple structures hosting high-grade gold-quartz vein mineralization project into the four previously untested target areas. The mineralized intervals of core are presently being sampled and fire assayed at certified analytical laboratories. All samples with gold assays greater than or equal to 0.10 oz/ton are check assayed by a second independent laboratory. Results will be announced upon receipt and evaluation of all assays and check assays. The Idaho-Maryland exploration program is planned and supervised by Mr. Mark Payne, California Registered Geologist Number 7067. Mr. Payne is the Chief Geologist for the Idaho-Maryland Project and "Qualified Person" for the purpose of National Instrument 43-101, "Standards of Disclosure for Mineral Projects."

The Phase 2 drilling was initiated from Site B to test several prospective phyllonite zones within the Corridor, in the immediate vicinity of the Idaho No. 1 Shaft. The entire width of the Corridor, along an 800 foot strike length, is being targeted initially. The famous Idaho 1 Vein Oreshoot was the only structure historically explored and developed in this area of the mine, having produced one million ounces of gold from a single high-grade stope. The Idaho 1 Vein stope marks the southern boundary of the east-west trending deformation corridor, with an approximate 300 foot width of the Corridor currently being tested in the footwall of the Idaho 1 Vein stope. The westward projection of the Idaho 192 Vein is also being targeted within the drill program. The Idaho 192 Vein structure was stoped only in an area east of the Idaho No. 1 Shaft, having produced 75,000 ounces from a four- to eight foot width of high-grade ribboned vein quartz. The 192 Vein lies 40 to 60 feet into the footwall of the 1 Vein stope.

The surface drilling at Site B will be concluded shortly and the drill will be moved to Site A to further delineate the high-grade intercept in the Idaho 120 Vein structure from hole IDH001 in 2003. Several prospective mineralized structures were identified within the Corridor during the Phase I drill program last year. During the 2003 drilling program one newly discovered gold zone near the surface was 10.1 feet of 0.67 to 0.93 ounces per ton (opt) with 3 feet grading 2.20 opt. Locations and projections of the program’s surface diamond drill holes are illustrated on Emgold’s website.

For more information about Emgold, the Idaho-Maryland Project and Emgold's other properties (the Stewart and Rozan properties) and projects (the Ceramext™ process) please visit www.emgold.com or www.sedar.com.

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No regulatory authority has approved or disapproved the information contained in this news release.

This release includes certain statements that may be deemed "forward-looking statements". All statements in this release, other than statements of historical facts, that address future production, reserve potential, exploration drilling, exploitation activities and events or developments that the Company expects are forward-looking statements. Although the Company believes the expectations expressed in such forward looking statements are based on reasonable assumptions, such statements are not guarantees of future performance and actual results or developments may differ materially from those in the forward-looking statements. Factors that could cause actual results to differ materially from those in forward-looking statements include market prices, exploitation and exploration successes, and continued availability of capital and financing, and general economic, market or business conditions. Investors are cautioned that any such statements are not guarantees of future performance and that actual results or developments may differ materially from those projected in the forward-looking statements. For more information on the Company, Investors should review the Company's filings that are available at www.sedar.com or the Company's website at www.emgold.com.

EXHIBIT 371

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November 23, 2004

TSX Venture Exchange Symbol: **EMR**
SEC 12g3-2(b): 82-3003

EMGOLD RECEIVES PRELIMINARY ASSESSMENT TECHNICAL REPORT FOR THE FURTHER DEVELOPMENT OF THE IDAHO-MARYLAND PROJECT

Emgold Mining Corporation (EMR-TSX-V) (“Emgold”) is pleased to report that it has received a Preliminary Assessment Technical Report (“Preliminary Assessment”) for its Idaho-Maryland Project located in Grass Valley, California. The report identifies the requirements for staged development of the Idaho-Maryland and includes estimated capital and operating costs for production of high quality ceramic building materials using the Ceramex™ technology. The strategy presented in the report also contemplates the completion of a large underground gold exploration program leading to a feasibility study that may define an economic gold resource at the Idaho Maryland Mine. The NI 43-101 Technical Report was prepared by AMEC Americas Limited (“AMEC”) using Measured, Indicated and Inferred Mineral Resources from the Idaho-Maryland Mine.

The Preliminary Assessment describes the staged development of the Idaho-Maryland to process 1,200 to 2,400 tons per day (‘tons/d’) to produce from 160 million to 320 million equivalent square feet of ceramic tile per year. A preliminary discounted cash flow (DCF) financial analysis included in the Preliminary Assessment forecasts a before-tax Internal Rate of Return (IRR) on the ceramic project of 45.8% with a Net Present Value (NPV) of US\$ 1.1 billion at 10% discount rate based on an estimated project capital cost of US\$ 361 million. It is projected that the production of ceramic products would start in Q4 of 2008 or before.

William J. Witte, President and CEO of Emgold stated, “Emgold’s management and Board of Directors are pleased with the results of the Preliminary Assessment and consider that it demonstrates the robust nature of the Company’s business plan, the potential of the Ceramex™ Process and the positive potential of the Idaho-Maryland Mine. We are also very excited about the advancement of the Ceramex™ Technology and its potential applicability to other operations, sites and jurisdictions to help reduce environmental impact and assist companies to meet permitting and environmental requirements.” **Important Note:** While the AMEC Preliminary Assessment is NI 43-101 compliant, please be aware that the report is at a scoping level and is not equivalent to a preliminary feasibility study or feasibility study. Although Emgold Management views the conclusions reached by AMEC in the project review as very positive, Management cautions that these conclusions should be considered speculative at this point in time because: 1) additional resource definition is necessary, 2) technical advancement and scale up of the Ceramex™ technology is required, 3) permitting is obligatory under the supervision of the regulatory authorities, 4) capital will be required in order to prepare a feasibility study and then construct a plant for commercial exploitation of the Ceramex™ technology.

Emgold is currently updating its website (www.emgold.com) to include the information contained in the Preliminary Assessment Report. Each section and appendix of the report will be available for downloading from the site. Copies of the report will also be available for review at the Company’s offices in Vancouver, British Columbia and Grass Valley, California.

PERMITTING

Concurrently with the preparation of the Preliminary Assessment, Emgold, through its wholly owned subsidiary, Idaho-Maryland Mining Corporation (“IMMC”) has continued to prepare the necessary documentation for submission of the Final Application to the City of Grass Valley for the required Conditional Mine Use Permit. The Company believes that it enjoys a good working relationship with the City of Grass Valley and is currently coordinating the submission of the Final Application by the end of this year.

ADVANCEMENT OF THE CERAMEXT™ PROCESS

Emgold through its wholly owned subsidiary, Golden Bear Ceramics Company is advancing the Ceramext™ Process and filing additional patents on the intellectual property. Additional testing using the Ceramext™ Process is also being conducted on a wide range of feedstock from existing resource and waste management operations with positive results.

For more information about Emgold, the Idaho-Maryland Project and the Ceramext™ Process, the Stewart, Rozan and Jazz Properties in British Columbia, please visit www.emgold.com or www.sedar.com.

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No regulatory authority has approved or disapproved the information contained in this news release.

EXHIBIT 372

CASES DECIDED
IN
THE UNITED STATES
COURT OF CLAIMS

FEBRUARY 1, 1956, TO APRIL 30, 1956

WITH
REPORT OF
DECISIONS OF THE SUPREME COURT
IN COURT OF CLAIMS CASES

REPORTED BY
THOMAS C. BATCHELOR

VOLUME CXXXIV

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We suggest that you file an appeal from this order, stating your problems in detail, advising what is involved in getting your mine in operation and maintaining it on a minimum basis. In your appeal, also state whether manpower is available, and if so, can you get certification from the War Manpower Commission to use these men if they are not needed in other essential war industries.

We assure you that as soon as this appeal is filed, we will give it immediate consideration to see what can be done to give you some relief under the order.

We also suggest that you file with your appeal, the possible requirements of material of all types that you will need for approximately a year. If this is not possible, six months will suffice.

* * * * *

There is no evidence of an appeal under L-208 other than the letter quoted in finding 86.

88. By reason of the issuance of Order L-208, Central Eureka was deprived of the use and benefit of ownership of its gold mining properties, i. e., the right to obtain gold from the ore bodies on its properties and to sell such gold.

89. No compensation has been paid to Central Eureka by defendant for the closing of its mine as hereinbefore described.

90. On June 30, 1945, the WPB revoked Order L-208. Thereafter in 1947 or 1948 Central Eureka reopened its mine and has operated it continuously since.

FINDINGS RELATING TO PLAINTIFF IDAHO MARYLAND MINES CORPORATION

91. Idaho Maryland is now and was on October 8, 1942, and at all times hereinafter mentioned has been, a corporation duly organized and existing under the laws of the State of Nevada.

92. Idaho Maryland is now and at all times herein mentioned has been the owner in fee of certain gold-mining properties known as the Idaho Maryland Mines, consisting of approximately 8,000 acres of gold-bearing lands situated in the Grass Valley Mining District in the County of Nevada, State of California, together with all necessary mining plant and equipment located on said lands.

Findings of Fact

93. Idaho Maryland operated the above-described mining properties for many years prior to October 8, 1942, and continuously since July 1, 1945. It was recognized on October 8, 1942, as the second largest gold mine in the United States in terms of ore removed and treated.

94. Idaho Maryland's mining equipment located on said lands included on October 8, 1942, machine shops, electric shops, welding shops, blacksmith shop, carpenter shop, cyanidation plant and smelting plant, a sawmill and other mills, shops, automotive and all other necessary equipment required to carry out mining and servicing of the underground workings and the extraction of gold from the ore bodies.

95. It would not have been necessary for Idaho Maryland to acquire, during the life of L-208, any critical materials, supplies, equipment or facilities to enable it to continue operation on a profitable basis, because, (1) the mine was a fully developed mine comprising extended drifts, cross-cuts, raises and winzes, fully equipped with a large amount of modern mechanical equipment, including an efficient hoisting layout; (2) the company owned sufficient equipment in good condition, a large inventory of supplies and materials necessary for operating the mine, including large quantities of pipe and rail, steel, drill steel, building machine repair parts, tires, tubes, repair parts for milling machinery, valves, pipe fittings and miscellaneous supplies, a large supply of mercury and all other materials required to operate the mine. At no time during the war were industrial or commercial explosives, including dynamite, fuses and caps, subject to priority restrictions, and were available in large supply in the open market.

96. During the period of close down, Idaho Maryland was not wholly dependent upon the use of the mining machinery and equipment actually owned by it on October 8, 1942. There was a considerable quantity of secondhand mining machinery available at all times in California which could have been purchased by Idaho Maryland had the necessity arisen. Secondhand mining machinery was not rationed and was freely obtainable in the open market.

Findings of Fact

97. Idaho Maryland owned and operated its own cyanidation plant, but such operation was not essential to the continued operation of the mine as a gold mine. Two-thirds of the gold content of the ore is and was on October 8, 1942, recovered at the Idaho Maryland Mine in the amalgamation process, and prior to subjecting ore concentrates to the cyanidation process. Some of the free gold was recovered on the jig table prior to the amalgamation process. The Idaho Maryland mining properties are peculiar in that the ore contains considerable free gold. The cyanidation process is a further treatment of the residue of the concentrates to recover the remaining gold. The concentrates could have been sent to the American Smelting and Refining Company Smelter at Selby, California, for smelting and the final recovery of the remaining gold therefrom. The Selby smelter operated during the entire period of the war.

98. Idaho Maryland operated its own saw mill and had its own supply of timber. The mine obtained its power in 1942 from the Pacific Gas and Electric Company and continued to use such power throughout the period of shutdown. There was no shortage of electric power at the mine nor was it curtailed or restricted during the shut down but was available at all times.

99. The operations at Idaho Maryland were curtailed due to the loss of manpower between December 1941 and October 8, 1942. The payroll was reduced from over 800 employees to 212 employees between those dates. As the separations of employees reduced the number of employees, it became necessary before the closedown ordered by L-208 to alter their mining methods so as to more effectively utilize the employees who had stayed.

100. On October 8, 1942, 116 of Idaho Maryland's remaining employees were underground workers. The average age of all employees as of October 8, 1942, was 47.7 years and 43 of the underground men were over the age of 50. If *all* of Idaho Maryland's underground workings had been kept safe and accessible as permitted by L-208, none of the 116 underground workers would have been released.

101. During the period of October 8, 1942, to June 30, 1945, while Order L-208 was ineffect, Idaho Maryland could have

Findings of Fact

continued to operate its mine, except for the prohibition contained in Order L-208, on a satisfactory basis with a reduced force of men by resorting to shrinkage stoping, which is a method of operation requiring fewer underground men. This method of operation has been customarily followed in the Idaho Maryland Mine. It is a method customarily used in other gold mines, such as Homestake. It would also have been possible to operate with a reduced crew by eliminating extensive development work. Extensive development work is not necessary in a mine such as Idaho Maryland, located in a well-known mineralized area such as Grass Valley Mining District. In fact, Idaho Maryland has operated continuously without the necessity of having blocked out proven ore bodies.

102. Upon the issuance of Limitation Order L-208 on October 8, 1942, Idaho Maryland, under threat of criminal prosecution for failure to comply therewith, immediately notified its employees that the mine was being closed down and discontinuing work. In compliance with said order Idaho Maryland completely closed down the operation of its gold-mining properties and suspended all mining production from and after the period prescribed in said Order L-208, to wit, on October 15, 1942.

103. The properties of Idaho Maryland are, and were, useful for no other purpose except the production of gold, and said mining properties were adaptable to no profitable use other than the conduct of a gold-mining business and were not capable of being used for any purpose other than the production of gold.

The blacksmith shop, machine shops and other shops and equipment of Idaho Maryland, which were used for the repair and maintenance of mining machinery, were not capable of being utilized in the mass production of any item and were not devoted to any other use during the period of shutdown following the issuance of L-208.

104. With a greatly reduced labor force and without acquiring any critical material, supplies, equipment or facilities subject to government control, Idaho Maryland could have operated its mining properties on a profitable basis during the period L-208 was in effect.

Findings of Fact

105. On October 8, 1942, there were 81 employees who had terminated their employment with Idaho Maryland after October 8, 1942, who were thereafter reemployed by that firm, which obtained a record of the employees' intervening employment in most but not all instances. Of the 69 as to which the firm had a record of intervening employment, 6 were employed in other mining activities during some or all of the time they were out of the company's employ, 8 were in military service, 4 were employed in the Miners' Foundry, Nevada City, California, 6 worked with the railroads, 4 were employed in shipyards, and the remainder as to which there was information were engaged in other types of employment.

106. Grass Valley, Nevada County, California, located near Idaho Maryland's gold mining properties, was wholly dependent upon the operation of the gold mine for its continued prosperity. The closing of the mine caused considerable community dislocation and individual hardship. Since 1848, the principal occupation of the inhabitants of the communities of Grass Valley and Nevada City had been gold mining.

107. Pursuant to an appeal taken by Idaho Maryland Mine to the War Production Board, the mine was permitted to complete a second exit between the mine and the Brunswick Mine which was required by California State Law. On December 13, 1943, Idaho Maryland filed a second appeal calling to the attention of the Board specific conditions which existed underground in the mining properties by reason of the shutdown. The underground workings were caving and collapsing and the mine contended that it was essential for the protection of the underground workings that mining operations be resumed forthwith. On May 3, 1944, Idaho Maryland was permitted by WPB to resume operations on a limited basis with not over 200 men who must be over 40 years of age and not working for other industries. Production permitted was limited to 7,800 tons of ore per month but Idaho Maryland was not able in 1944 to reach that production because of the time it took to prepare for production and to open up the necessary ground workings due to the destruction which had already occurred to the mine. A third appeal

Findings of Fact

on November 24, 1944, asking permission to hire additional men was denied.

108. By reason of the issuance of Order L-208, Idaho Maryland Mine was deprived of the use and benefit of ownership of its gold mining properties, i. e., the right to obtain gold from the ore bodies on its properties and to sell such gold.

No compensation has been paid to Idaho Maryland by defendant for the closing of its mine as hereinabove described.

**FINDINGS RELATING TO PLAINTIFF ORO FINO CONSOLIDATED
MINES, INC.**

109. The petition as to this plaintiff was originally filed on February 8, 1950, in the name of Oro Fino Consolidated Mines, Inc. Thereafter on September 9, 1952, an amended petition in this case was filed in the name of Oro Fino Consolidated Mines, Inc.

110. Oro Fino Consolidated Mines, Inc., was incorporated under the laws of the State of Nevada on January 4, 1950.

111. Under date of September 5, 1935, Hazel P. Gridley leased to one J. C. KempvanEe certain gold mining property in Ophir Mining District, Placer County, California, known and described in the lease as the *Ora Fina Mine*. J. C. KempvanEe thereafter operated this property as Oro Fino Consolidated Mines, but this was simply a trade name, and the lessee continued to be the said KempvanEe.

112. Mr. KempvanEe was operating said gold-mining properties on October 8, 1942. On November 16, 1942, he requested permission of the War Production Board to continue the removal and milling of broken ore until January 15, 1943, representing that there were then 1,912 tons of broken ore in the mine. Such permission was granted by the War Production Board under date of December 2, 1942. The record does not disclose when operations at the mine actually ceased, but it was apparently prior to March 27, 1943. The mine has never operated since that date.

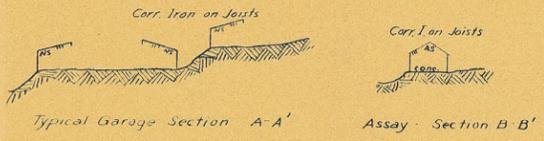
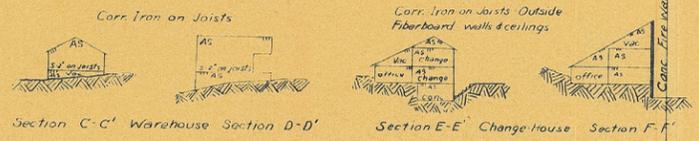
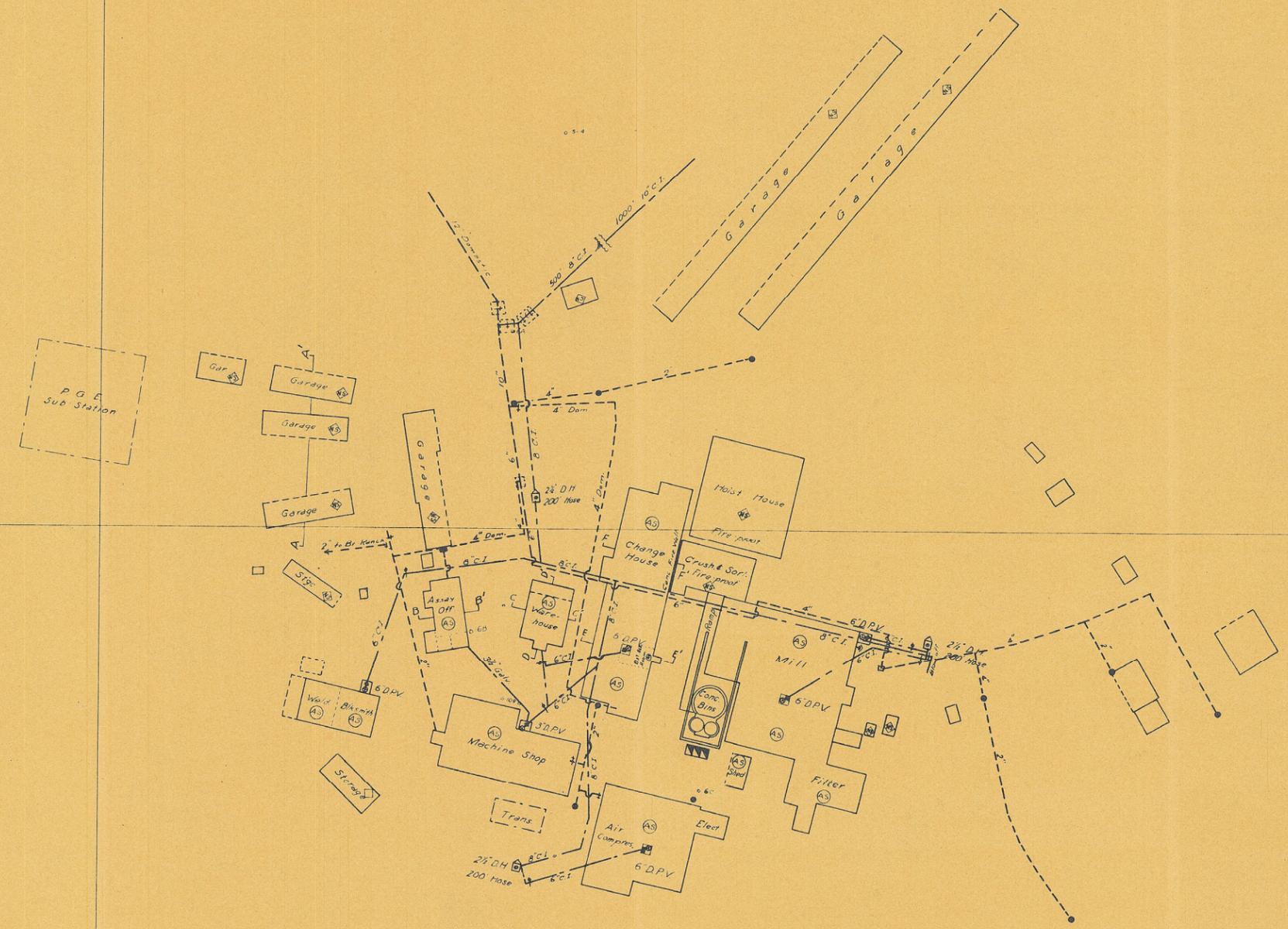
113. As of October 8, 1942, there were approximately 11 employees in the mine as contrasted with about 40 in "normal" times. The record does not disclose the employments

EXHIBIT 373

E. 11,000

N. 5200

- Fire Alarm
- 1 1/2" Hyd. off Domestic Line
- 2" Hyd. off Domestic Line
- 2 1/2" Double Outlet Hyd.
- Check Valve
- Gate Shutoff Valve
- Post Indicator Valve
- All Sprinklered
- Not Sprinklered
- Wet System
- Dry Pipe Valve System
- Domestic Line
- High Pressure Fire Line



IM-503-C

NEW BRUNSWICK MINE	
Idaho Maryland Mines Corp. Fire Protection - Pipe Lines	
Scale 1" = 50' Drawn J.L.	
Date 12-23-42 Ckd.	
No. A-328	

EXHIBIT 374



Idaho Surface Plant
 Idaho-Maryland Mines Corp.
 Fire Protection Map 1 in. = 50 ft
 1942

- ↑ FIRE ALARM
- 1½" HYDRANT OFF DOMESTIC LINE
- 2" HYDRANT OFF DOMESTIC LINE
- ⊕ 2½" DOUBLE OUTLET HYDRANT
- ∧ CHECK VALVE
- † GATE SHUTOFF VALVE
- ↑ POST INDICATOR
- ⊙ ALL SPRINKLERED
- ◇ NOT SPRINKLERED
- ⊙ WET SYSTEM
- ⊙ DRY PIPE VALVE SYSTEM
- DOMESTIC LINE
- ==== HIGH PRESSURE FIRE LINE
- ▭ 31ga CORRUGATED IRON BUILDING

EXHIBIT 375

January 9th, 1950

Mr. David Maltman
203 Mill Street
Grass Valley, California

Dear Mr. Maltman:-

I wish to acknowledge receipt of your letter of January 5th, 1950 relative to the sale of crushed rock from the Allison Ranch dump, with enclosures of letters addressed to Mr. Henry A. Heilbron, Jr. and Mr. A. I. Diepenbrock.

I note that during the month of December, 1949, 627 yards of crushed rock was sold by Bastian & Sons amounting to \$156.75.

I wish to thank you for the information contained in your letter.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

H

EXHIBIT 376

October 23, 1950

Mr. Ted Schwartz, Contractor
Nevada City Highway
Grass Valley, California

Dear Mr. Schwartz:

This letter will confirm our verbal agreement relative to rock being removed from the Union Hill Dump by you for the manufacture of asphalt road covering.

Prices to be paid Idaho Maryland for materials and services are ten cents (10¢) per ton for the rock and ten cents (10¢) per ton for the use of our shovel.

We did not discuss a method of reporting the tonnage that you used of the rock and I suggest that you give us daily a statement of the rock removed from the dump. I understand that a State man weighs and checks all materials going on State Highways, and I also understand that all materials removed from the dump are not going on State Highways. I therefore suggest that you give us this daily statement but we in turn will retain the privilege of placing a man at your weighing station to check loads at any time.

If these terms are agreeable I wish you would sign the attached copy and return it to us.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:H
cc: Attached.

I hereby agree and accept the provisions hereinabove stated:

Ted Schwartz

EXHIBIT 377

February 20th, 1947

Hercules Powder Company,
225 Bush Street,
San Francisco 4, California.

Attention: Mr. F. George Trescher, Manager.

Gentlemen:-

I wish to acknowledge receipt of your letter of February 10th, inclosing signed copy of a Memorandum of Agreement covering a portion of our explosive purchases from the Hercules Powder Company for the twelve calendar month period ending January 14th, 1948.

We do not have any questions in connection with this Agreement and if our consumption of explosives should exceed 700,000 pounds for the year, it is probable that you would secure more than 50% of the business.

I wish to advise you that we have purchased the magazine on our property which formerly belonged to the Alpha Hardware Company, and that all deliveries of explosives will be made to us directly, either to the shafts or the magazine, as directed in the weekly order of explosives.

Thanking you for your cooperation in handling this matter, we are,

Very sincerely yours,

IDAHO MARYLAND MINES CORPORATION.

ORIGINAL SIGNED BY

By **NEIL O'DONNELL** //

Neil O'Donnell,

Executive Vice President.

NO:h

EXHIBIT 378

January 31st, 1949

Mr. George Trescher
Hercules Powder Company
256 Montgomery Street
San Francisco 4, California

Dear Mr. Trescher:-

Confirming my telephone call of a few days ago relative to the injury suffered by one of our people due to the inadequate way that a recent shipment of dynamite was loaded on one of your contract trucks, I can give you the following information.

The accident happened on January 16th, 1949 at 3 P.M. near our powder magazine. The man injured was George Leroy Bond, Assistant Surface Foreman. The method by which the accident occurred is given in a detailed description by Mr. Philip Angove, our Safety Engineer. I am enclosing herewith two copies of his report. Mr. Bond was transferred to the Jones Memorial Hospital and had his shoulder x-rayed and it was found to be out of joint and the ligaments badly stretched. He was moved from the Jones Memorial Hospital to the Mercy Hospital at Sacramento on January 19th, 1949 and an operation was performed on January 21st, 1949. Mr. Bond is still in the Mercy Hospital and is expected to remain there until approximately February 4th.

The company whose truck actually transported the powder was the F. & I. Trucking Company, George Isaccs, Manager, and their address is 1425 50th Avenue, Oakland, California. The driver was Deral Hayes of 402 Fallon Street, Building 39-C, Oakland, California and the helper was Carlos Vernon with the same address as Hayes.

My feeling about this matter is that the Hercules Powder Company or the trucking concern should stand the cost of this accident. We feel that the truck was inadequate for the type of work delegated to it and it appears also to us that the truck operators, that is the driver and the helper, were too immature to trust with this type of cargo.

I shall appreciate a word from you relative to this matter.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION

NO:H
cc: Enc. 2

EXHIBIT 379

July 5, 1950

Mr. E. L. Oliver, President
Idaho Maryland Mines Corporation
807 Newhall Building
San Francisco, California

Dear Mr. Oliver:

I wish to acknowledge receipt of your letter of June 30th relative to ball mills for the Idaho Maryland property.

Of 8' x 6' Marcy Mills we have five. The La Touche type which we are taking out of the Idaho is finished which leaves four. Of these four the No. 2 Mill at the Brunswick is nearly as bad as the one we are discarding from the Idaho which leaves three. Of these three one is in the yard here with both halves cracked which is of absolutely no value to anyone except a junk man, which leaves two badly worn mills; the No. 1 Mill at the Brunswick and this mill we are putting in the Idaho.

It would be impossible to get a working mill out of what we have left.

I therefore agree with you that we have to look for a new mill and I think very soon.

The Marcy Mills are good mills, but I would like one with a steel shell and dcors on the periphery of the mill rather than the end. I want the first so that repairs to the mill can be made by welding, and I would like to have the second to obviate the tedious work of removing balls from the mill one at a time by hand and to simplify the removal and replacement of liners.

We may be able to find a satisfactory Marcy, if not, we could take any other good mill. I feel sure we can find some at a reasonable price.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:H

July 5, 1950

Mr. E. L. Oliver, President
Idaho Maryland Mines Corporation
807 Newhall Building
San Francisco, California

Dear Mr. Oliver:

I forgot to mention in answer to your letter of June 30th that in the past mine timber was piled in the mine yard. We hauled it on our truck with rolls that was used to haul lumber to the yard. In fact, it is easier to load and unload that way. It was unloaded on jacks and piled from there.

In the future our price should be on the green chain. We will haul it free of charge to the mine yard if we have a truck. If not, we will have to get our regular truck driver to take it with his roll equipped truck. The price probably won't exceed \$1.00 per M as they load and unload in about two minutes and the haul is negligible. He may haul it for nothing if we approach him right.

I note you are agreeable to a fixed price of \$41 per M on fir. We will lose a little on this, but not much.

We have an appointment with Mr. Madland for Wednesday. If he is agreeable I think we will have ample capital. In fact, I think we have enough now, but I would rather be sure. In any event I can put up an additional amount and I believe Mr. Fisher could also.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:H

EXHIBIT 380

EXHIBIT 381

May 27th, 1947

Mr. James A. White,
Barr Bldg. - Room 1028,
Washington, D. C.

Dear Jim:-

I wish to acknowledge receipt of your letter of May 15th, relative to the great shift in the gold assets in the Treasury Department. I was astounded when I read your letter to see that the Treasury Department had virtually destroyed their one billion, eight-hundred million fund of gold in order to back the International Monetary Fund and the World Bank.

I don't believe that there is very much that we can do at the present time about this matter.

I note that Mr. Glasser introduced the L-208 problem into the conversation. The only thing that I can say about this, is that I feel as you replied to him, in short, that it was none of his business. I feel that the Federal Government owes the gold miners something for the losses they placed on their shoulders. A war-time loss of this character is just as much a loss as one suffered by American companies in the Philippine's where their buildings were destroyed.

I have written a letter to several of the gold mining companies asking whether or not they intend to support a program in Washington designed to assist the gold miners, and as of the present date I have received but one reply, which is from the Yuba Consolidated Gold Fields. The General Manager, Mr. vanDeinse, stated that he did not think that they should support an additional program than the one being sponsored by the American Mining Congress, but he has left the matter to the Boston office of the company. I have received no other reply and probably will not for a period of time.

The tone of the discussions presented by the Canadian miners for an additional price for gold is getting stronger. I note in the last issue of the Northern Miner that the McIntyre Company in Canada are withholding all shipments of gold to the Canadian Treasury and had as of the end of 1946, \$5,900,000 in gold in their vaults. I have also noted that Camille Gutt, Director of the International Monetary Fund, has stated that the world is facing a monetary crisis in August. I believe myself that we will have a new gold price before Xmas.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:h

EXHIBIT 382

May 1st, 1950

Mr. Robert E. Rust
2504 Etna Street
Berkeley 4, California

Dear Mr. Rust:

I wish to acknowledge receipt of your letter of April 27th, 1950, relative to employment with the Idaho Maryland Mines Corporation at Grass Valley.

I am sorry to inform you that we do not have any openings at the present time nor do we expect any openings to develop in the near future.

As you no doubt know, gold mining is at a low ebb in the United States and our operations are almost entirely on a leaser mining basis and will remain so until such time as a change takes place in the economics concerning gold mining.

Sincerely,



E. E. Hampton,
IDAHO MARYLAND MINES CORPORATION.

EXHIBIT 383

June 26, 1950

Mr. Julian W. Feiss, Asst. to Director
U. S. Department of the Interior
Bureau of Mines
Washington 25, D. C.

Dear Julian:

I have had your letter of May 16th on my desk longer than it should have been. I have been away on two trips in the interim and have been very busy trying to get our sawmill in operation for the summer sawing season.

Briefly, Idaho Maryland owns a process for the manufacture of magnesium salts from serpentine. One of the salts is magnesium chloride which is the source material for magnesium in Dow's process and others. Magnesium chloride is electrolyzed when in a molten condition giving magnesium at one pole and chlorine at the other.

We have patents on the process in the United States, Canada, Great Britain, Australia, France, Belgium and Holland.

The process is a rather simple one consisting of crushing and grinding serpentine which is fed to a rotary kiln and calcined at a low temperature. This calcination seems to break down the hydrous magnesium silicate into MgO and a silicious skeleton. Thereafter the calcine is cooled and leached with dilute acid which takes the MgO chrome and nickel into solution. Addition of chemical precipitants drops out the chrome and nickel which appear as impurities in most serpentines. The resulting liquor is taken down to dryness giving a chloride with a high purity according to reports we have from assayers.

A pilot plant was set up in the Twining Laboratories at Fresno during the war and some metallic magnesium was made. Just enough I understand to prove that it could be done. This pilot plant was a bench type plant with a small rotary kiln and all elements for carrying the crushed material through to metal. This plant was inspected by the Truman Committee during the war and they reported favorably on it in their Report No. 10, Part 17 - "Investigation of the National Defense Program - Additional Report of the Special Committee Investigating the National Defense Program - Re. Magnesium".

The process has not been given an extensive test in a real pilot plant although the International Mineral and Chemical Company was interested in it during the war. They may have conducted more extensive tests than we did.

We are interested in establishment of a pilot plant, say on a 5 or 10 ton per 24-hour basis, in order to give the process a real test. The company does not have excess funds for that purpose today and probably will not until there is an improvement in the economics of gold mining.

I thought that the Federal Government would be interested in it as a potential producer of magnesium in wartime and that is why I discussed the matter with Bill Wrather. He was of the opinion that the matter might be explored further.

I made a report on it, a copy of which is enclosed, shortly after coming here. The outstanding feature of it from the viewpoint of the Government was the apparent lower cost of plant installation as compared with Dow or other plants.

As you know, there are enormous tonnages of serpentine in all the West Coast states. It is present in many other states also.

I think that a pilot plant installation would be necessary to determine if there are any real bugs in it; to test serpentines from various locations; to determine whether chrome and nickel could be recovered in appreciable quantities; - in short to get a yes or no answer on it.

If the Bureau is interested I could say without reservation that we could furnish plant sites rent free here at Grass Valley, water and power are available, as well as unlimited quantities of serpentine, peridotite and all intermediary minerals.

The MgO is capable of being dissolved in other acids than HCl in order to make salts other than the chloride.

If you have any further questions, do not hesitate to ask them.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARZLAND MINES CORPORATION.

NO:H

cc: W. E. Wrather
E. L. Oliver
Mrs. MacBoyle
E. Davis
C. L. Allan

(Encl. 1944 report with each cc.)

EXHIBIT 384

August 9, 1950

Mr. William Oliver
c/o Hall, Henry & Oliver
Balfour Building
San Francisco 4, California

Dear Bill:

Herewith is a revised press release such as we discussed.

"Idaho Maryland's operations for the first six months of 1950 show an earning of \$14,109.17 before depletion and depreciation charges and a loss of \$81,900.40 after such charges. This compares with an earning of \$183,817.65 before depletion and depreciation for the first half of 1949 and an earning of \$70,062.20 after such charges for that period.

Diamond drills have been used to further extend knowledge of new veins found on 2700 and 2400 levels.

A raise from 3280 to 2700 which was completed during this period has provided a means of speeding up exploration and development of veins on 2700 level. Active development on the large 2700 orebody has been in progress since March. Raises are being driven on this ore preparatory to mining. A crosscut is being driven for another new vein found by drills on this level. Also straightening of haulageways is being carried on.

Diamond drilling on 2400 level indicates that the 2700 orebody continues on a flat dip between these two levels with a stoping area over 700 feet along the dip between the levels. This vein is not known above 2400 nor below 2700 as these areas are completely unexplored.

On 1500 level we have reached rich pillars that were unmined before the closure occasioned by L-208 and it is expected that earning rate will be greatly improved during the second half of the year as a result of mining these pillars.

Both of the Company's sawmills have been leased for the current season."

I think this covers the situation without becoming verbose.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:H

cc: E. L. Oliver - Mrs. MacBoyle

EXHIBIT 385

October 7, 1950

Mr. Rollin Farmin
Day Mines, Inc.
Wallace, Idaho

Dear Dusty:

The Directors have been thinking of the idea of reopening the Union Hill Shaft as a possible source of tungsten for the defense effort. I know that you spent some time working on the problem during the Second World War and I would appreciate very much if you would give me a short memorandum of the results of your investigation.

As I understand it you inspected the dumps of various properties in that area such as the Union Hill and Lucky Shafts and also milled a tonnage of the Union Hill dump.

Anything that you can give me will be appreciated.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:H

EXHIBIT 386

October 14th, 1947

Mr. Bernard Jacobson,
Grass Valley Lumber Company,
Grass Valley, California.

Dear Mr. Jacobson:-

Pursuant to our conversation of a few days ago, I would suggest that the following prices become in force as of October 15th for lumber.

1 & 2 Clear	-	\$135.00
C Select	-	\$135.00
D Select	-	\$105.00
Moulding	-	\$100.00
#3 Clear	-	\$100.00
#1 Shop	-	85.00
#2 Shop	-	68.00
#3 Shop	-	55.00
#1 Common	-	78.00
#2 Common	-	70.00
#3 Common	-	60.00
#4 Common	-	49.50

The above prices, of course, apply only to Ponderosa Pine. I would like also to put in force at that time the advance payment of \$46.00 per thousand feet.

In as much as you are paying us the invoice price, less 8 and 2, for lumber, less cost of drying and transportation, I do not think that it will be necessary to draw up a list of prices for fir.

In as much as we are unable to accomodate Sugar Pine due to the number of jacks at the lumber mill, I would agree to include Sugar Pine at the same basis as are included Ponderosa Pine.

In lieu of our foregoing, any benefits that might accrue to us from the profits of the Grass Valley Lumber Company proposed earlier by you, I would suggest that the 8% commission be dropped.

May I have your views on this matter at an early date because I would very much like to put these new prices in effect not later than October 15th.

Sincerely,
ORIGINAL SIGNED BY.
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,

IDAHO MARYLAND MINES CORPORATION.

NO:h

EXHIBIT 387

January 21st, 1947

Wood Products Company,
1706 Broadway,
Oakland 12, California.

Gentlemen:-

Mr. Swearingen of the Square Deal Machinery Company of Mt. Eden, California, has notified me that your organization supplies a service covering transactions in sale or purchase of lumber and other wood products.

Would you be kind enough to give me a detailed description of your service and its costs.

We are operating two sawmills cutting about 60,000 feet of pine lumber daily.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:h

EXHIBIT 388

February 28th, 1947

Placerville Lumber Company,
Smith Flat,
Placerville, California.

Gentlemen:-

We wish to install a burner at our sawmill here in Grass Valley. The mill is cutting about 40,000 feet a day in one shift. We expect to run this mill two shifts a day during the summer season. We have been advised by Mr. A. W. Johnson and by the Forest Officials of the Tahoe National Forest that you have a device known as a beehive installed in your burner which makes it possible to burn the sawdust as well as the edgings delivered to the burner.

We would like to know how this device works and if you consider it satisfactory. We would also like to know what quantity of edgings and sawdust are being delivered to the burner, and we should also like to know where you secured the beehive and what its cost was to you.

We should like to have you advise us whether or not you are now sawing lumber, and if you are, would it be possible for us to go down and have a look at the beehive in operation.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:h

EXHIBIT 389

January 16th, 1950

American Lumber & Treating Company
112 West 9th Street
Los Angeles 15, California

Attention: Mr. A. E. Ferguson.

Gentlemen:-

I wish to acknowledge receipt of your letter of December 23rd, 1949. I also have received several letters from Mr. Morris on this subject, but none have been answered because of a series of deaths among our officials and very heavy snowstorms in this area.

We do not now, nor have we, manufactured any posts or poles. In fact, we buy dry, peeled poles for mine timber. However, we do manufacture lumber and we have operated since 1946, milling in that period about thirty million feet.

We are interested in going into the manufacture of posts and poles either dry or treated provided we can see that such an operation would be profitable.

Some years ago we purchased a small peeling machine, but we never set it up. At that time labor for peeling poles was scarce and costly and we bought the machine primarily to peel mine timber.

We have a large sawmill which we operate, and a smaller mill which we lease. We have dry yard space and a burner for refuse. We own about 8,000 acres in or around Grass Valley so there is no land problem. We have our own shops, both mechanical and electrical, and our own construction crews.

Our loading point would be Auburn, California, about 25 miles from here.

January 16th, 1950

We would be interested in furnishing posts, poles or markers from ponderosa pine, white or red fir, or cedar. Before entering into any project we would like to give it an analysis to determine: (a) quantity market, (b) selling prices of products, (c) point of payment, i.e., f.o.b. Auburn or f.o.b. Los Angeles. In other words, before we could give you a definite answer to the post, pole and marker question we would have to know whether we can make any money at it and how much. This we would have to know before projecting any expenditures. We have just gone through a period of starting a lumber business. Some of the mistakes we made in the lumber project we will try to avoid in a pole-post project.

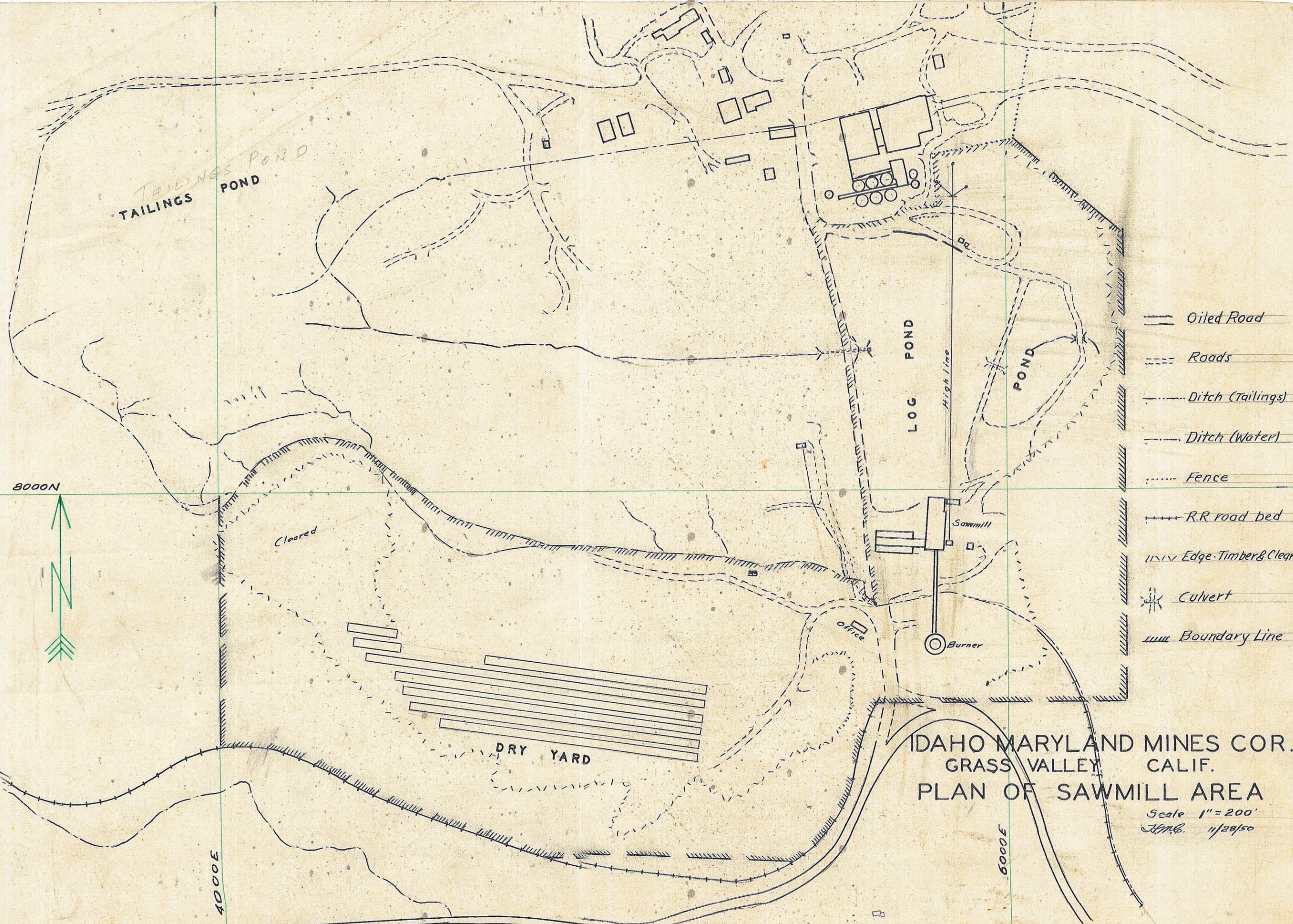
I think the Grass Valley area can be the source of posts and poles for a long period of time. Quite a few of both could be derived from material which now is either wasted or left in the woods. There remains only to prove that a financially sound business can be started.

I trust this answers your questions.

Sincerely,
ORIGINAL SIGNED BY
NEIL O'DONNELL
Neil O'Donnell,
Executive Vice President,
IDAHO MARYLAND MINES CORPORATION.

NO:H
cc: R. Morris

EXHIBIT 390



- == Oiled Road
- - - Roads
- · - · - Ditch (Tailings)
- · - · - Ditch (Water)
- · · · · Fence
- + - + - R.R. road bed
- ||||| Edge-Timber & Cleared
- ✕ Culvert
- ||||| Boundary Line

IDAHO MARYLAND MINES COR.
 GRASS VALLEY CALIF.
 PLAN OF SAWMILL AREA

Scale 1" = 200'
 J.M.B. 11/29/50

IM-544

(From Aerial Photos)

EXHIBIT 391

January 8, 1951

Bishop Concentrate & Cleaning Co.
c/o G. E. Benware
Bishop, California

Gentlemen:

The Idaho Maryland Mines Corporation is contemplating the modification of one or both of our mills so as to recover scheelite as a by-product of our gold ores.

Your company has been suggested to us by the Division of Mines of the California Department of Natural Resources as a possible purchaser of our product.

Although we have not as yet determined the composition of the concentrate which we will be able to produce, it will probably be a high scheelite concentrate with some pyrite and very minor quantities of gold, pyrrhotite and the sulphides of copper and lead.

To assist us in planning would you please send us your schedule of payments and penalties that would apply to this type of material.

Yours sincerely,



Neil Whiting, Mine Supt.,
IDAHO MARYLAND MINES CORPORATION.

EXHIBIT 392

Bohemia reflects industry trend

By MAUREEN MAGEE
Of The Press-Tribune

What was once a thriving occupation, passed down from generation to generation, has become as threatened as the spotted owl.

Lumber-industry workers are finding economic forces — not recent actions by environmentalists — are seriously reducing the number of jobs that at one time in California's history had been plentiful.

When Bohemia Inc. last week sold its California assets to Redding-based Sierra Pacific Industries, it laid off 20 Lincoln plant workers, closed down its Grass Valley mill and joined forces with a national lumber family to operate the Rocklin plant.

During the past two years, 19 California lumber mills have closed down and 20 have significantly reduced operations, according to the California Forestry Association. The result has been the loss of nearly 4,000 lumber jobs since November 1989.

Although only 20 of South Placer's 350 Bohemia workers lost jobs, the entire industry is affected by this trend. Family-owned mills are selling to big corporations, lumber conglomerates are closing down plants, timber companies are merging and generations of lumber workers are losing their jobs and way of life.

Unlike in other industries hurt by the recession, laid-off lumber workers generally have



Robert Downing / Press-Tribune

The Bohemia lumber plant in Rocklin has been sold. The new owners plan to keep the plant open and running as usual. The name will be changed to SierraPine Limited.

nowhere to turn without undergoing major re-training, according to the Employment Development Department.

"When a plant closes, there are not a lot of jobs directly related to their skills," said Sharyn Mendoza, manager of Roseville's EDD office. "South Placer is not as severely affected as some other areas."

The temptation for a lumber mill to sell for a profit often becomes too great to pass up, according to William Sullivan, chairman of the forestry department at Humboldt State University.

"It is bound to be a good opportunity to merge if it can keep a mill going and absorb some of the costs," said Sullivan, a member of Sierra College's Ad-

visory Committee on Forestry.

Eugene, Ore.-based Bohemia, founded in 1916, was \$94 million in debt when it sold its California assets to SPI.

SPI's largest stockholders, the Emmerson family, merged with the Gonye family, which controls the top stocks for Michigan-California Lumber and Timber Products, to run the former Bohemia plant in Rocklin — recently dubbed SierraPine Limited.

After laying off the some 20 workers in Lincoln, the sawmill will operate as usual. However, all 65 Grass Valley workers lost their jobs when the plant closed last week.

SierraPine is the first partnership between the Emmersons and the Gonyes.

EXHIBIT 393



INQUIRY #: 5940744.8

YEAR: 1939

— = 625'



EXHIBIT 394



INQUIRY #: 7387294.3

YEAR: 1939

— = 500'



EXHIBIT 395



INQUIRY #: 5940744.8

YEAR: 1962

— = 625'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.

EXHIBIT 396



INQUIRY #: 7387294.3

YEAR: 1962

— = 500'



EXHIBIT 397



INQUIRY #: 5940744.8

YEAR: 1975

 = 625'



EXHIBIT 398



INQUIRY #: 5940744.8

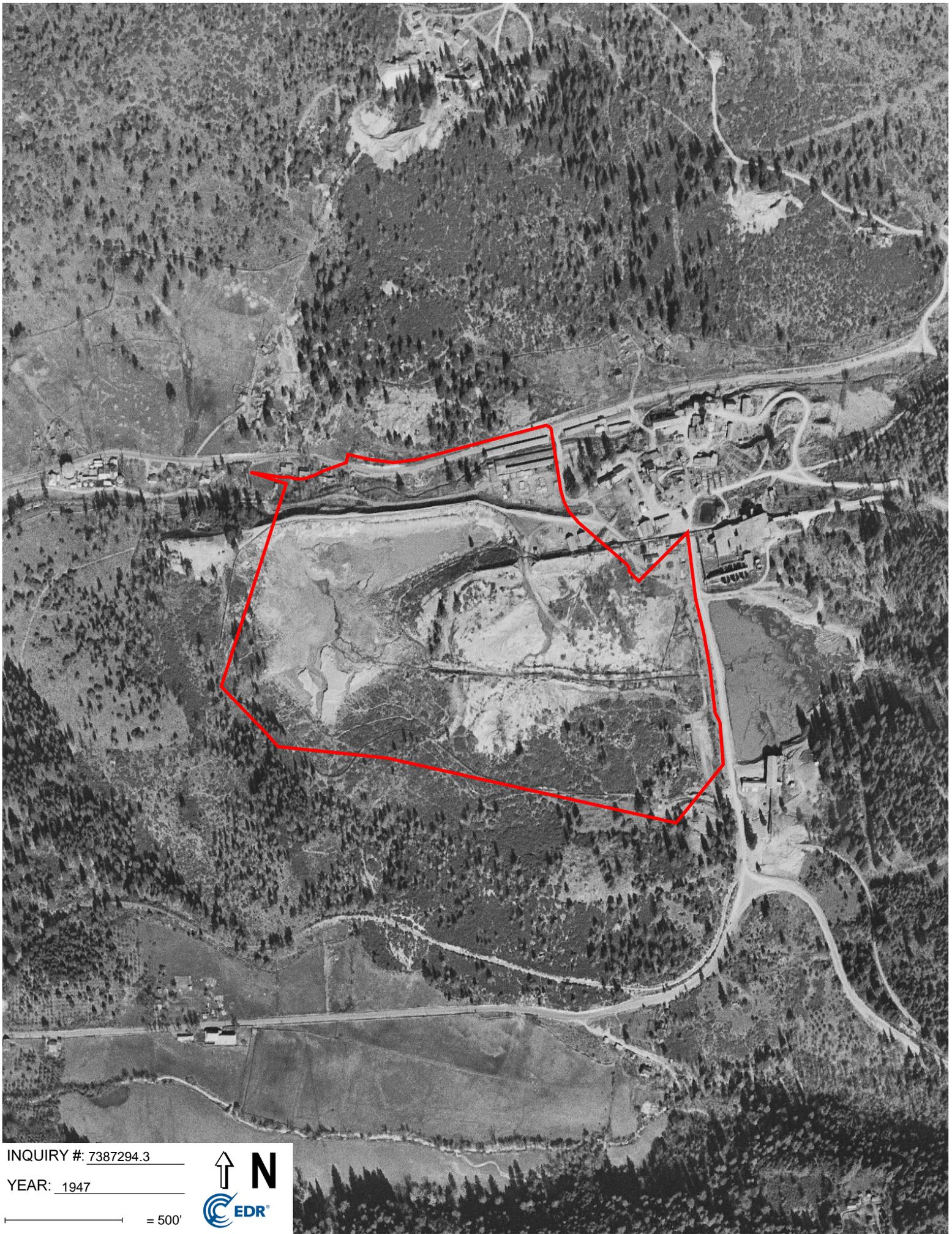
YEAR: 1987

— = 625'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.

EXHIBIT 399



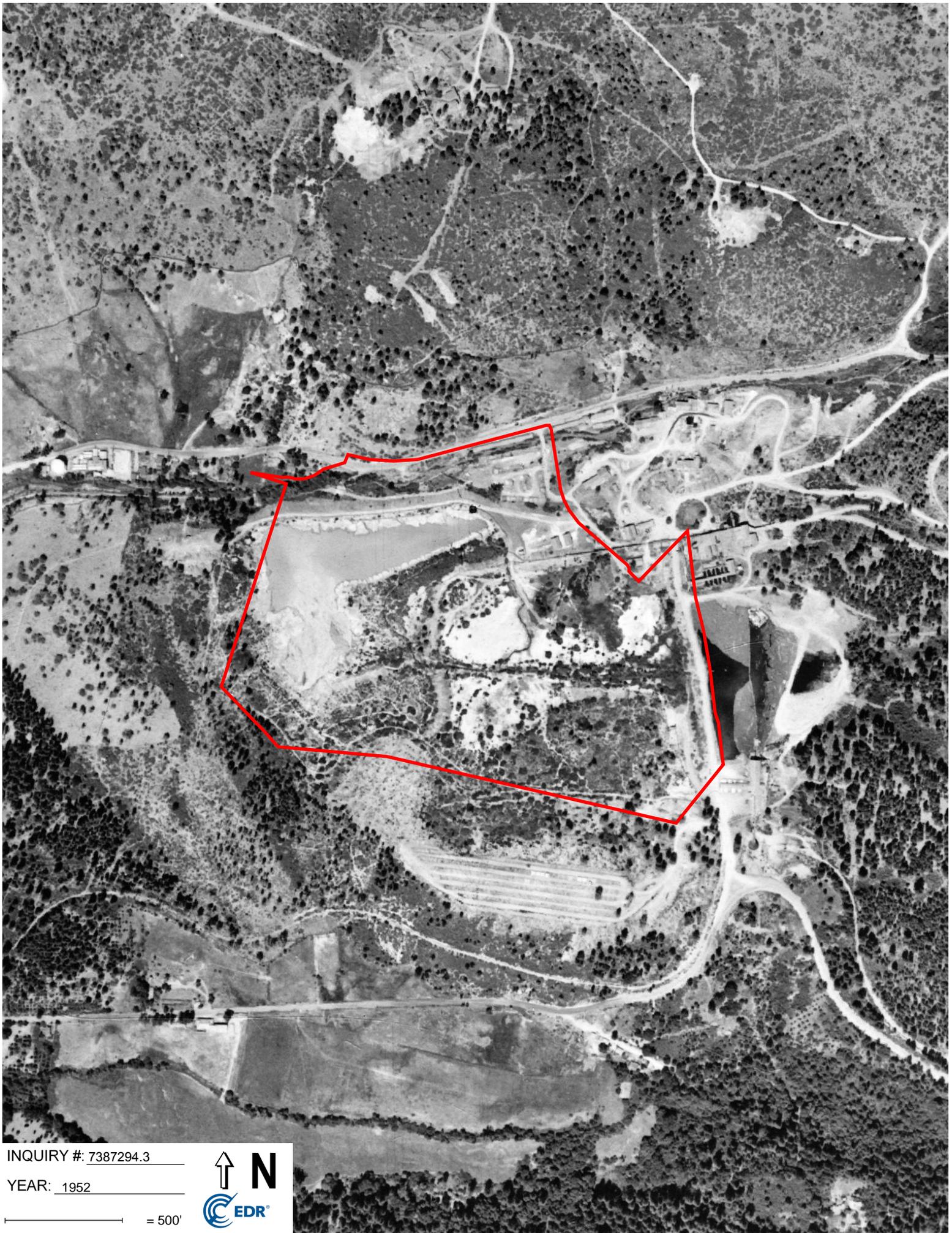
INQUIRY #: 7387294.3

YEAR: 1947

— = 500'



EXHIBIT 400



INQUIRY #: 7387294.3

YEAR: 1952

— = 500'

