



**NEVADA
COUNTY**
CALIFORNIA



**In Re:
IDAHO-MARYLAND MINE
VESTED RIGHTS PETITION
Dated September 1, 2023**

**COUNTY'S RESPONSES TO PETITIONER'S
FACTS AND EVIDENCE IN THE VESTED RIGHTS
PETITION
(Including County's Exhibits 1001-1027)**

November 28, 2023

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	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
<p>1.</p>	<p>Petition, p. 1 [T]he Mine was first established in 1851</p> <p>Petition, p. 3 The first mention of mining activity within the vicinity of the Vested Mine Property is in 1851.</p>	<p>i The terms “Vested Mine Property” and “Mine” are inaccurate and overly inclusive. The property that was geographically defined in 1954 was parceled out. Idaho-Maryland Industries, Inc., eventually only holds 175.64 acres of surface rights and 2,585 acres of subsurface rights. (Exhibits 224.) A more accurate term is the “Subject Properties,” which are those properties subject to the Vested Rights Petition (“Petition).</p> <p>i “Stating that ‘the Mine’ was first established in 1851 is an ahistorical characterization because as used in the petition, ‘the Mine’ refers to a collection of mines with independent origins that were later consolidated by ownership. There is evidence to support that two of the mines that were consolidated by ownership in the twentieth century, Union Hill and Eureka, located claims in 1851.” (S. Miltenberger, Ph.D., Principal & H. Norby, M.A., Senior Historian, <i>Peer Review Comments, Idaho-Maryland Mine Vested Right Petition</i> (“Historian”), Comment No. 1.)</p> <p>i “Petitioner’s assertion that “[t]he first mention of mining activity within the vicinity of the Vested Mine Property is in 1851” is “uncited, and thus cannot be evaluated as to accuracy or credibility.” (Historian, Comment No. 3.)</p>

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		<ul style="list-style-type: none"> i Historical mining journals report employees of the Idaho-Mayland Mines Corp. are, “leaving the gold mines to seek employment in lead and copper mines which are considered more essential industries.” (Engineering and Mining Journal <i>Idaho-Maryland Mine References 1948-1970</i> (Dec. 1950) (County Exhibit 1001).)
<p>2.</p>	<p>Petition, p. 34</p> <p>1952: Exhibits 173 and 174 depict the Mine Property and many of the mines that collectively comprise the present day Mine.³⁶⁷ ³⁶⁷ Property Map for Title Insurance, Idaho Maryland Mines Corpora on (1952) [Exhibit 173]; Map of Idaho-Maryland Mine Property [Exhibit 174].</p>	<ul style="list-style-type: none"> i “Exhibit 173 is an undated map that appears to have been an attachment to a title report that is not provided in the exhibits. The legend shows ‘Surface & Mineral Owned’ and ‘Mineral Only Owned’ but the demarcations in the legend and on the map are difficult to discern. Exhibit 174 is an undated map with no legend. It is not clear who produced the color annotations on the map and for what purpose.” (Historian, Comment No. 29.) i The Archeological Site Record attached to the Historic Properties Inventory, which was prepared as a result of a cultural resources study in compliance with the National Historic Preservation Act, describes the site condition as: “littered with ‘industrial’ trash...[¶] All features not in immediate vicinity of shaft have been completely destroyed by subsequent use of the site[¶]...[¶]After the mine’s closure in 1956, the structures of the New Brunswick were

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		<p>dismantled down to the site’s cement pads, foundations, ore bins and other objects of concrete. The tailings area was levelled, a large section of railroad grade was destroyed and much of the area paved to accommodate subsequent lumber mill operations. These compromises to the site’s integrity have essentially destroyed the means by which the property’s significance can be conveyed visually.” (Historic Properties Inventory and Finding of Effect Remedial Action Plan, (July 2020) (County Exhibit 1002).)</p> <p>i Tungsten was produced at the Union Hill mine during World War II, but was then abandoned prior to March 1951. (Engineering and Mining Journal <i>Idaho-Maryland Mine References 1948-1970</i> (March 1951) (County Exhibit 1003).)</p>
3.	<p>Petition, p. 35</p> <p>1954: During the year, 88,632 tons of ore was produced from the New Brunswick shaft and milled at the Brunswick mill,³⁷¹ and Idaho Maryland Mines Corporation reports losses of \$471,372.³⁷² Active mining occurs in at least 14 areas throughout the Mine,³⁷³ and new discoveries of scheelite containing tungsten are made.³⁷⁴ Bullion from the Mine is shipped to the American Smelting and Refining Co. in Selby.³⁷⁵</p>	<p>i In regard to Petitioner’s assertion that “[a]ctive mining occurs in at least 14 areas throughout the Mine,” it must be noted that “[t]he source provided (Exhibit 179) is records for September and October 1954 only, showing only mining activities at the ‘Brunswick Unit.’ The language presented in the petition – ‘throughout the Mine’ - suggests something more expansive.” (Historian, Comment No. 30.)</p>

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	³⁷¹ Clark 242. ³⁷² Oroville Mercury (July 7, 1955) [Exhibit 178]. ³⁷³ Mine Development Reports, Idaho Maryland Mines Corp. (Sept. 1954) [Exhibit 179]. ³⁷⁴ The Sacramento Bee (Feb. 10, 1954) [Exhibit 180]. ³⁷⁵ Clark 242.	
4.	<p>Petition, p. 56</p> <p>As of the vesting date, the Vested Mine Property was located within 1,000 feet of multiple county roads, including East Bennett Road, Idaho Maryland Road, and Brunswick Road, as depicted in Exhibits 318⁵⁶² and 319.⁵⁶³</p> <p>⁵⁶² Data from Road Commissioners Office, Nevada County (1955) [Exhibit 318].</p> <p>⁵⁶³ County Surveyor Map (June 22, 1955) [Exhibit 319].</p>	<p>i The terms “Vested Mine Property” and “Mine” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p>
5.	<p>Petition, p. 35</p> <p>1954: Several surface properties are sold, with reservation of mineral rights, as well as reservation of rights necessary to facilitate mining operations, including roadways and maintenance.³⁷⁶ For example, the deed from Idaho Maryland Mines Corporation to John J. Looser, dated July 22nd, contains the following reservations:</p> <p><i>all the mineral, metal matter and rock contained under said premises, with the right to extract at any time hereafter all the mineral, metal matter and rock contained under said property, from any depth up to and within 75 feet of the surface of said property, without disturbing the surface thereof.</i></p> <p>...</p> <p><i>all necessary or convenient rights of way for roads, pipe lines, or other easements necessary or convenient</i></p>	<p>i It appears from the face of the Deed from Idaho Maryland Mines Corporation to Dean and Gladys Perkins (Jan. 1954) [Exhibit 181] that the Deed did NOT contain any “reservation of rights necessary to facilitate mining operations.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p> <p>i It appears from the face of the Deed from Idaho Maryland Mines Corporation to Glen and Mary Jones (Oct. 1954) [Exhibit 183] that the Deed did NOT contain any “reservation of rights necessary to facilitate mining operations.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on</p>

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	<p><i>for working said Independence Quartz Mine, Patented, and in consideration of said right to so follow the Independence Quartz Ledge and said rights of way.</i>³⁷⁷</p> <p>³⁷⁶ Deed from Idaho Maryland Mines Corpora on to Dean and Gladys Perkins (Jan. 1954) [Exhibit 181]; Deed from Idaho Maryland Mines Corpora on to Looser (July 1954) [Exhibit 182]; Deed from Idaho Maryland Mines Corpora on to Jones (Oct. 1954) [Exhibit 183]; Deed from Idaho Maryland Mines Corpora on to Nevada County Horsemen, Inc. (Oct. 1954) [Exhibit 184].</p> <p>³⁷⁷ Deed from Idaho Maryland Mines Corpora on to John J. Looser (July 1954) [Exhibit 182].</p> <p>Petition, p. 69</p> <p>Beginning in 1954, the Idaho Maryland Mines Corporation sold several surface properties, while expressly reserving mineral and mining rights,⁶⁶⁸ using the below language, or in some cases, substantially similar thereto:</p> <p><i>EXCEPTING AND RESERVING THEREFROM all the mineral, metal matter and rock contained under said premises, with the right to extract at any time hereafter all the mineral, metal matter and rock contained under said property, from any depth up to and within 75 feet of the surface of said property, without disturbing the surface thereof.</i></p> <p>...</p> <p><i>all necessary or convenient rights of way for roads, pipe lines, or other easements necessary or convenient for working said Independence</i></p>	<p>the property transferred by that Deed.</p> <p>i Thus, in half of the deeds that Idaho Maryland Mines Corporation granted in 1954 (cited by Petitioner), the company sold off properties and did not retain any mineral or access rights, certainly demonstrated an intent to abandon mine operations on those properties.</p>

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	<p align="center"><i>Quartz Mine, Patented, and in consideration of said right to so follow the Independence Quartz Ledge and said rights of way.</i>⁶⁶⁹</p> <p>⁶⁶⁸ Exhibits 181, 182, 183, 184. ⁶⁶⁹ Exhibit 182</p>	
<p>6.</p>	<p>Petition, pp. 35-36</p> <p>1954: On September 10, 1954, the Nevada County Board of Supervisors adopts Ordinance No. 196, the Nevada County Zoning Enabling Ordinance, which requires, for the first time, a Use Permit for the “commercial excavation of natural materials within a distance of 1,000 feet from any public street, road, or highway.”³⁷⁸ This ordinance becomes effective October 10, 1954.³⁷⁹ ³⁷⁸ Nevada County Ordinance No. 196 (1954) [Exhibit 185]. ³⁷⁹ Ibid.</p> <p>Petition, p. 69</p> <p>Exhibits 194 through 198 clearly demonstrate that mining operations at the Vested Mine Property were conducted before, during, and after 1954, when Nevada County Ordinance No. 196 was codified.</p> <p>Petition, p. 69</p> <p>In 1954, active mining was occurring in at least 14 locations throughout the Mine,⁶⁶⁵ and new discoveries of scheelite containing tungsten were made.⁶⁶⁶ That year, 88,632 tons of ore was produced and milled.⁶⁶⁷ ⁶⁶⁵ Exhibit 179. ⁶⁶⁶ Exhibit 180. ⁶⁶⁷ Clark 242</p>	<ul style="list-style-type: none"> i “As noted above, the source provided (Exhibit 179) to support this only shows mining activities at the ‘Brunswick Unit.’ The language presented in the petition – ‘throughout the Mine’ - suggests something more expansive.” (Historian, Comment No. 74.) i Some mining operations were conducted in 1954, but there is no evidence supporting mining at all times after 1954 at the Subject Property.

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<p>7.</p>	<p>Petition, p. 36</p> <p>1955: In January, the Idaho Maryland Mines Corporation prepares to sink a winze on the 3,280-foot level of the Mine, where several sample sacks of high- grade gold had been gathered while driving the No. 25 drift.³⁸⁰ An area of the Mine was enlarged to set the hoist, and 40 feet of rope-raise run above the level.³⁸¹ A first shipment of 200 tons of tungsten ore is shipped to Lovelick, Nevada for treatment, as depicted in Exhibits 187 and 188.³⁸² Ore and waste bins were completed, and the actual sinking operations were about to begin when the operation was stopped due to the company’s critical cash position.³⁸³ The <i>Oroville Mercury</i> reports that due to lack of financing, there can be no assurance that sinking operations will continue.³⁸⁴</p> <p>³⁸⁰ Clark 242. ³⁸¹ Ibid. ³⁸² The San Francisco Examiner (Aug. 18, 1955) [Exhibit 186]. ³⁸³ Ibid. ³⁸⁴ Oroville Mercury (July 7, 1955) [Exhibit 178].</p>	<p>i Petitioner’s citation (Exhibit 186) does not state that ore and waste bins were completed, and the actual sinking operations were about to begin when the operation was stopped due to the company’s critical cash position.</p> <p>i Petitioner’s citation to the <i>Oroville Mercury</i> (July 7, 1955) (Exhibit 178) does not state that, due to lack of financing, there can be no assurance that sinking operations will continue. Rather, the newspaper article states:</p> <p align="center"> The President of Idaho Maryland Mines Corp., once one of the leading gold producers in the California Mother Lode, says the firm is in “critical” condition and may have to discontinue operations. President Bert C. Austin said in his annual report to stockholders yesterday that the corporation lost \$471,372 during 1951, increasing the company’s overall deficit to \$1,579,937. He said Idaho Maryland’s current assets total only \$68,611, including \$17,428 in cash, while current liabilities are \$147,172. “Your corporation’s current cash position is critical.” Austin told the stockholders. “Under present conditions your management can offer no assurance that operations can be continued.” </p>

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		<p>Austin said, “supplies and materials are badly needed” at the company’s mine in Grass Valley but “means for procurement are not presently at hand.” He said that if mining operations are to be continued “additional working capital will be required.”</p>
<p>8.</p>	<p>Petition, p. 36</p> <p>1955: In February, 48 employees are terminated and by May, development of the Mine is suspended with the exception of tungsten exploration.³⁸⁵ Mining operations turn to stopping whatever high-grade quartz is available.³⁸⁶ Several more surface properties are sold, again with reservations of mineral rights.³⁸⁷ For example, the grant from Idaho Maryland Mines Corporation to the County of Nevada dated October 24th, reserves the following:</p> <p style="padding-left: 40px;"><i>the right to mine for extract and take minerals from beneath the surface of, and the subsurface of that portion of the property lying more than 50 feet beneath the surface thereof.</i>³⁸⁸</p> <p>³⁸⁵ Clark 242-243. ³⁸⁶ Ibid. ³⁸⁷ Deed from Idaho Maryland Mines Corporation to George Maurer (July 1955) [Exhibit 189]; Deed from Idaho Maryland Mines Corporation to Walter and Ida Canon (July 1955) [Exhibit 190]; Deed from Idaho Maryland Mines Corporation to Walter Cannon Jr. (July 1955) [Exhibit 191]; Deed from Idaho Maryland Mines Corporation to Roy and Pauline Dodge (July 1955) [Exhibit 192]; Deed from Idaho Maryland Mines Corporation to Oliver and Pearl Stewart (Oct. 1955) [Exhibit 193]; Deed from Idaho Maryland Mines Corporation to County of Nevada (Oct. 1955) [Exhibit 194].</p>	<p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to George Maurer (July 1955) [Exhibit 189], and it appears from the face of the Deed from Idaho Maryland Mines Corporation to Walter and Ida Canon (July 1955) [Exhibit 190] that the Deeds did NOT include any “reservation of mineral rights.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p> <p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to Walter and Ida Canon (July 1955) [Exhibit 190] that the Deed did NOT contain any “reservation of rights necessary to facilitate mining operations.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p>

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	<p>³⁸⁸ Deed from Idaho Maryland Mines Corporation to County of Nevada (Oct. 1955) [Exhibit 194].</p> <p>Petition, p. 69</p> <p>“The only plausible reason for requiring these exclusions in the deeds is that the company intended to resume underground mining operations at these properties in the future....”</p>	<ul style="list-style-type: none"> i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to Walter Cannon Jr. (July 1955) [Exhibit 191] that the Deed did NOT contain any “reservation of rights necessary to facilitate mining operations.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed. i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to Roy and Pauline Dodge (July 1955) [Exhibit 192] that the Deed did NOT contain any “reservation of rights necessary to facilitate mining operations.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed. i Exhibit 193 is incomplete, and so it does not support Petitioner’s assertion. i Thus, contrary to Petitioner’s assertion, in the far majority of deeds that Idaho Maryland Mines Corporation granted in 1955 where the company sold off properties (cited by Petitioner), the deeds do NOT contain any “reservation of rights necessary to facilitate mining operations.”

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		<p>Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the properties transferred by those deeds.</p> <p>i “The history of mineral development in the United States is marked by speculative practices to reserve ‘rights’ that may in the future be sold, and which may or may not be bona fide. Not all historical actors who have reserved such ‘rights, moreover, have possessed a viable future plan for exploitation of those ‘rights.’” (Historian, Comment No. 75.)</p>
<p>9.</p>	<p>Petition, p. 36</p> <p>1955: The profitability of gold mining has fallen to the equivalent gold price of approximately \$400 per ounce in current 2023 dollars.³⁸⁹ Only 28,905 tons of ore are mined, down from 88,892 tons the previous year.³⁹⁰ ³⁸⁹ Gold Prices Adjusted for Inflation – 100 Year Historical Chart, Macrotrends LLC (2023) [Exhibit 58]. ³⁹⁰ Idaho Maryland Mines Corporation Annual Report (1954) [Exhibit 195]; Idaho Maryland Mines Corporation Annual Report (1955) [Exhibit 196].</p>	<p>i Petitioner’s Exhibit 276 states: “Four hundred dollars per ounce is often cited as the bench mark price for deciding whether a gold mine is viable, but not always, [Ross] Gunther said.”</p> <p>i Petitioner completely omits the quote in Jack Clark’s book <i>Gold in Quartz</i> (cited by Petitioner) (“Clark”) at page 252 (the last page of the book): “Idaho Maryland Mines Corp. had stopped its gold-mining production on December 27, 1955, when it switched operations entirely to mining tungsten.”</p>
<p>10.</p>	<p>Petition, p. 4</p> <p>5. Cessation of Gold Mining Activities and Sale of the Mine, 1956-1963. ...entered into a period of dormancy in 1956.”</p>	<p>i “Cessation” and “dormancy” have different meanings, and it is unclear here if the interpretation is that gold mining at the</p>

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	<p>Petition, pp. 36-37</p> <p>1956: Tungsten exploration and mining continues in at least 6 work sites,³⁹¹ while gold mining ceases due to the static price of gold.³⁹² Idaho Maryland Mines Corporation resolves to dewater the Union Hill shaft and upper workings to eliminate the possibility of flooding in and to facilitate future mining and exploration of the Brunswick Mine.³⁹³ To this end, the Union Hill shaft is retimbered and electrical power is installed.³⁹⁴ However, the dewatering is halted when it becomes apparent that it will require a greater outlay of money.³⁹⁵ To acquire this money, Idaho Maryland Mines Corporation applies for a \$122,000 grant from the Defense Mineral Administration but is denied.³⁹⁶</p> <p>Due to lack of financing, the Board of Directors of the Idaho Maryland Mines Corporation orders on September 25th the cessation of nearly all tungsten production, the unoccupancy of the Idaho shaft, and that the mines be allowed to flood to the 1,450-foot level of the Mine.³⁹⁷ The raise on the 1,100-foot level was to be continued.³⁹⁸</p> <p>³⁹¹ Mine Development Reports, Idaho Maryland Mines Corp. (Jan. 1956) [Exhibit 197]; Mine Development Reports, Idaho Maryland Mines Corp. (Feb. 1956) [Exhibit 198]. ³⁹² Clark 246. ³⁹³ Ibid. ³⁹⁴ Ibid. ³⁹⁵ Ibid. ³⁹⁶ Ibid. ³⁹⁷ Clark 248. ³⁹⁸ Ibid.</p>	<p>historical Idaho-Maryland Mine ended in this period (i.e., “cessation”) or was merely inactive (i.e., “dormancy”). (Historian, Comment No. 5.)</p> <p>i Jack Clark states on page 246 of his book, <i>Gold In Quartz</i> (cited by Petitioner):</p> <p align="center">The Year of Retrenchment – 1956</p> <p>The year 1956 began with a general retrenchment of underground operations, beginning in the lower levels of both mines. A small crew of men began removing all trolley motors, ore cars, mucking machines, drills, hoses, slushers, etc., from all levels below [the] 2000-foot level, including the 3280-foot level. All pumps were left in place, and the pumping continued. The levels connecting with the No. 45 winze in the Idaho Maryland had no connection with any other underground location, therefore the No. 45 winze was allowed to fill with water after all equipment and pumps had been removed.</p> <p>Now that gold mining had ceased, the future of the mine focused entirely on the production of tungsten.</p> <p>i The Engineering & Mining Journal’s December 1956 edition reports, “Idaho Maryland Mines Corp. wrote an obituary to gold</p>

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	<p>Petition, p. 70</p> <p>Idaho Maryland Mines Corporation conducted preparations to expand operations by sinking a winze on the 3,280-foot level of the Mine, where several sample sacks of high-grade gold had been gathered previously.⁶⁷⁰ However, due to the company’s critical cash position caused by a lack of financing, rising costs, and the government-imposed static price of gold, it was unable to continue gold mining operations.⁶⁷¹</p> <p>⁶⁷⁰ Exhibit 186; Clark 242. ⁶⁷¹ Clark 248; Exhibits 178; The Los Angeles Times (Jan. 7, 1957) [Exhibit 416];</p>	<p>mining operations at its historic mine at Grass Valley by selling the surface plant to Oro Lumber Co.” The sale included the headframe of the 2,000 foot Idaho shaft and some of the equipment. (Engineering and Mining Journal <i>Idaho-Maryland Mine References 1948-1970</i> (December 1956) (County Exhibit 1004).)</p> <p>i Gold mining at the Union Hill shaft was shut down in 1918 and has been idle since 1920. Union Hill <i>could</i> be used for tungsten production, but would first need to be dewatered. (Engineering and Mining Journal <i>Idaho-Maryland Mine References 1948-1970</i> (June 1956) (County Exhibit 1005); and Engineering and Mining Journal <i>Idaho-Maryland Mine References 1948-1970</i> (December 1956) (County Exhibit 1004).)</p>
11.	<p>Petition, p. 37</p> <p>1956: As a part of the retrenchment program commenced in response to rising costs of labor and materials and the static price of gold, the Idaho Maryland Mines Corporation sells the Idaho-Maryland surface plant, including the mill, cyanide plant, headframe, hoists, compressors, and several buildings, to the Oro Lumber Company, headed by Gladys Perkins, Robert Graham, and Ed Brunning.³⁹⁹ The Idaho Maryland Mines Corporation also sells several surface properties, including the Brunswick sawmill site, to Milton and</p>	<p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to John and Donna Grimes (Apr. 1956) [Exhibit 200] that the Deed did NOT “reserve[] the mineral estate.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p> <p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to Carl and</p>

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	<p>Ina Balmain, but again reserves the mineral estate.⁴⁰⁰</p> <p>³⁹⁹ The Sacramento Bee (Oct. 22, 1956) [Exhibit 199]; Clark 248.</p> <p>⁴⁰⁰ Deed from Idaho Maryland Mines Corporation to John and Donna Grimes (Apr. 1956) [Exhibit 200]; Deed from Idaho Maryland Mines Corporation to Carl and Gwen Richardson (Jun. 1956) [Exhibit 201]; Survey Drawing by T.H. McGuire & Son (Aug. 27, 1956) [Exhibit 202]; Deed from Idaho Maryland Mines to Vivian and Francis Normille (Aug. 1956) [Exhibit 203]; Survey Drawing by T.H. McGuire & Son (Oct. 30, 1956) [Exhibit 204]; Chain of Title Report, Environmental Data Resources (2023) [Exhibit 205]; Deed from Idaho Maryland Mines Corporation to Milton and Ina Balmain (Dec. 1956) [Exhibit 206]; Survey Drawing by T.H. McGuire & Son (Nov. 9, 1956) [Exhibit 207]; Deed from Idaho Maryland Mines Corporation to Michael and Elizabeth Hammill (Dec. 1956) [Exhibit 208].</p>	<p>Gwen Richardson (Jun. 1956) [Exhibit 201] that the Deed did NOT “reserve[] the mineral estate.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p> <p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to Malcolm and Elizabeth Hammill (Dec. 1956) [Exhibits 202, 208] that the Deed did NOT “reserve[] the mineral estate.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p> <p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines to Vivian and Francis Normille (Aug. 1956) [Exhibit 203] that the Deed did NOT “reserve[] the mineral estate.” Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the property transferred by that Deed.</p> <p>i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to Milton and Ina Balmain (Dec. 1956) [Exhibit 206] that the Deed did NOT “reserve[] the mineral estate.”</p>

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		<p>Thus, Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the “Brunswick sawmill site” that was sold off in its entirety (surface and subsurface) to Milton and Ina Balmain. (Exhibit 205.)</p> <ul style="list-style-type: none"> i Thus, in NONE of the deeds that Idaho Maryland Mines Corporation granted where the company sold off properties (cited by Petitioner), did the company “reserve[] the mineral estate,” as Petitioner alleges. Idaho Maryland Mines Corporation certainly demonstrated an intent to abandon mine operations on the properties transferred by those deeds. i “Recorded documents are provided for the property transfers described in this paragraph except for the sale of the Idaho-Maryland surface plant to Oro Lumber Company. The chain of title provided as Exhibit 205 also indicates that the Brunswick site was owned by lumber interests from 1957 through 2018.” (Historian, Comment No. 33.) i Nevada Irrigation District unanimously voted to purchase three buildings from the Idaho Maryland Mine at one-third of the price of new buildings. (Minutes of Adjourned Regular

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		Meeting of the Board of Directors, Nevada Irrigation District (December 28, 1956) (County Exhibit 1006.)
12.	<p>Petition, pp. 37-38</p> <p>1957: News outlets report on the epidemic of gold mine closures in California, brought on by “[i]ncreased costs of labor, steel, blasting powder and lumber used for shoring” following World War II.⁴⁰¹ <i>The Los Angeles Times</i> reports: <i>Prior to World War II, there were 1600 gold mines in California. By 1953, 98% of the State’s output was coming from 10 mines, and today these mines are closing one by one. The miners, faced with rising costs, can no longer economically afford to extract gold from the earth at the rate of \$35 an ounce established by the government in 1934.</i>⁴⁰²</p> <p>When questioned, mine officials stated they “believe a sizeable increase in the price of gold is the only answer [to the closure of mines].”⁴⁰³</p> <p>⁴⁰¹ Nevada State Journal (July 7, 1957) [Exhibit 209]. ⁴⁰² Ibid. ⁴⁰³ Ibid.</p>	<ul style="list-style-type: none"> i Contrary to Petitioner’s assertion, the news report cited by Petitioner, Nevada State Journal (July 7, 1957) [Exhibit 209], does NOT state that “the epidemic of gold mine closures in California, brought on by’ [i]ncreased costs of labor, steel, blasting powder and lumber used for shoring’ following World War II.” Rather, that news report states, among other things, that “[l]arge-scale mining at the Idaho-Maryland ended when the company filled its stockpile quota of tungsten for the government.” i In Exhibit 209, there is no “Los Angeles Times” report, or quotation, as Petitioner asserts. i The news report cited by Petitioner, Nevada State Journal (July 7, 1957) [Exhibit 209], states, in relevant part, “Mine officials, questioned concerning the future, are hopeful but <i>not optimistic</i>. They believe a sizeable increase in the price of gold is the only answer.” (Emphasis added.) The new report also states: “The cessation of active gold mining in the underground workings of the Idaho Maryland Mines Co. and the Empire State Mining Corp., Ltd., marks the <i>end of an era</i> in which more than 3,500 workers

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>were employed at peak periods.” (Emphasis added.) The news report also states: “For the first time in 106 years with the exception of a compulsory wartime closure, the once great gold mining industry at Grass Valley, California, has rolled to a halt, <i>perhaps permanently.</i>” (Emphasis added.) The news report also states: The <i>removal of pumps, compressors, hoists, mine rails</i> and other salvage jobs is going ahead at both mines.” (Emphasis added.)</p> <p>i In regard to Petitioner’s assertion that, “[w]hen questioned, mine officials stated they ‘believe a sizeable increase in the price of gold is the only answer [to the closure of mines],’” it must be noted that “The quotation that follows in this sentence overlooks that that the sentence immediately before the quotation in the <i>Nevada State Journal</i> was: ‘Mine officials, questioned concerning the future are hopeful but not optimistic’ (Exhibit 209). The newspaper went on to note that ‘equipment had been removed,’ and that ‘other salvage jobs [were] going ahead’ with ‘[a] handful of men...manning pumps and performing other maintenance duties.’ The paper also observed that ‘Large-scale mining at the Idaho-Maryland [mine] ended when the company filed its stockpile quote of tungsten for the government.’” (Historian, Comment No. 34.)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> <li data-bbox="971 310 1456 449">i “Jack Clark, Superintendent of the Idaho Maryland Mine” stated: “We closed down in December of 1955...” (Exhibit 216.) <li data-bbox="971 499 1456 890">i Idaho-Maryland Mines Corporation diversified their investments, acquiring Schroeder Manufacturing, Inc., a manufacturer of valves and accessories for the aircraft industry. (Engineering and Mining Journal <i>Idaho-Maryland Mine References 1948-1970</i>, Vol. 158 (1957) (County Exhibit 1007).) <li data-bbox="971 940 1456 1226">i “In Grass Valley, a veteran miner gazed at the rusting equipment of a deserted shaft and shook his head sadly. ‘Something better happen,’ he said, ‘and it had better be quick. Otherwise, we may as well leave all this gold to the ages.’” (Exhibit 416.) <li data-bbox="971 1276 1456 1772">i “While it is not clear what date is alleged here, historical evidence presented in this petition suggests that gold mining operations at Idaho-Maryland Mine reached their zenith before World War II. Gold mining activities were confined to the “Brunswick Unit” in late 1954, and then ceased altogether by 1957. Describing the mine’s activities as “large-scale” and “modern” at any time after 1942 appears overstated.” (Historian, Comment No. 80.)

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
<p>13.</p>	<p>Petition, p. 38</p> <p>1957: In October, the Idaho Maryland Mines Corporation sells a 56.004-acre portion of the Property located south-east of the Idaho-Maryland tailings pond but reserves mineral rights below 100-feet and a roadway right of way for the purpose of moving men and equipment to the sand flume, a ditch and a tailings dam into which the contents of the ditch flow.⁴⁰⁴ The locations of the sand flume and ditch indicates that the Idaho-Maryland Mines Corporation planned to transfer tailings from the Brunswick mill to the Idaho-Maryland tailings pond along the route of the former narrow-gauge railroad.⁴⁰⁵ Several other properties are sold but always with a reservation of the mineral estate and the continuing right to explore and develop the Mine in the future.⁴⁰⁶ For example, the deed from Idaho Maryland Mines Corporation to Sierra Nevada Memorial Hospital contains the following reservations: <i>RESERVING TO IDAHO MARYLAND MINES CORPORATION and its successors and assigns all minerals, gas, oil, and mineral deposits of every kind and nature contained in and under the above-described real property, together with all necessary and convenient rights to explore for, develop, produce, extract and take the same....</i>⁴⁰⁷ ⁴⁰⁴ Survey for Idaho-Maryland Mines Corp by T.H. McGuire & Son (Jan. 1957) [Exhibit 210]; Deed between Idaho Maryland Mines Corpora on, Gladys Perkins, and Edwin and Wenona Bruning (Oct. 1957) [Exhibit 211].</p>	<ul style="list-style-type: none"> i Petitioner stops its analysis of the Clark book at page 248, and with events in 1956. Petitioner completely omits pages 249 and 251, which consists of photographs under which the following are stated, respectively: “For many years after most of the buildings had been removed, this was all that was visible of the New Brunswick mine. Finally only the silo remained”; “A salvage crew prepares the mine property for sale”; “(Above) New Brunswick mine in March 1956. (Below) Same view in 2004.” (Clark, at pp. 249, 251 (County Exhibit 1027).) i Petitioner also omits the photograph on the Clark book, page 251, of the “Cover page of sales brochure for the 1957 auction of New Brunswick mine equipment.” (<i>Id.</i>) i Petitioner also omits all the critical events of 1957 that are described on page 252 of the Clark book (the last page of the book) as follows: <p style="text-align: center;">A Successful Auction-1957</p> <p>After the mine closed, the salvage crew continued removing equipment from underground. On March 15, 1957, the last cage of items was hoisted to the surface in the New Brunswick shaft. The electric power to the mine then was disconnected</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>⁴⁰⁵ See Deed between Idaho Maryland Mines Corporation, Gladys Perkins, and Edwin and Wenona Bruning (Oct. 1957) [Exhibit 211].</p> <p>⁴⁰⁶ Deed from Idaho Maryland Mines Corporation to John and Mary Gwin (Aug. 1957) [Exhibit 212]; Grant Deed from Idaho Maryland Mines Corporation to Sierra Nevada Memorial Hospital (Dec. 1957) [Exhibit 213]; Quitclaim Deed from Idaho Maryland Mines Corporation to Sierra Nevada Memorial Hospital (Dec. 1957) [Exhibit 214].</p> <p>⁴⁰⁷ Grant Deed from Idaho Maryland Mines Corporation to Sierra Nevada Memorial Hospital (Dec. 1957) [Exhibit 213].</p> <p>Petition, p. 69</p> <p>The only plausible reason for requiring these exclusions in the deeds is that the company intended to resume underground mining operations at these properties in the future....</p> <p>Petition, p. 70</p> <p>Over the next few years, Idaho Maryland Mines Corporation sold off various surface properties to obtain cash and stay in business, always with an express reservation of mineral rights,⁶⁷⁹ including in 1959 a sale of the remaining ancillary surface property to Oliver Investment Company in settlement of a debt.⁶⁸⁰</p> <p>⁶⁷⁹ Exhibits 200, 202, 204, 205, 206, 207, 210, 211.</p> <p>⁶⁸⁰ Exhibits 216, 217, 218.</p>	<p>at the Brunswick substation. These two great gold producers became a casualty of the low price of gold and an inflated economy that left gold mining in its wake.</p> <p>On April 30, 1957, Nevada County Tax Collector Alma Hecker and Auditor/Controller John T. “Tom” Trauner jointly announced the good news that the county of Nevada and two school districts had received a check for \$102,291.98 from the Idaho Maryland Mines Corp. for payment of local taxes. That amount included \$34,930.33 for the current fiscal year, and \$67,361.56 for delinquent taxes and late penalties. Payment of these taxes was made possible by the sale of mining equipment owned by the mine. The Milton J. Wershow and David Weisz companies of Los Angeles had been employed to auction off all saleable equipment and buildings. Beginning on May 21, 1957, a two-day auction was held at the New Brunswick mine to liquidate over 1400 lots of equipment and structures. These involved everything from the Old Brunswick, New Brunswick, and what remained of the Idaho Maryland mines. Buyers</p>

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		<p>representing mining companies from many parts of the world, cities, counties, lumber mills, and interested people came to participate. Over 1,000 reviewed the items that were neatly arranged throughout the mine yard and in buildings.</p> <p>The auction was a huge success, with the bidding brisk at times. Management was quite satisfied with the outcome, especially for the prices received for items such as the Marcy 86 ball mills, hoists, head-frames and compressors. President Bert C. Austin announced that the money received would satisfy all outstanding debts and leave the corporation with a surplus of cash. [Clark, at p. 252</p> <p>That auction, which removed all of the gold-mining equipment for the Idaho Maryland Mine, on the Subject Properties, demonstrates an intent to abandon the gold-mining operations. (Clark, at p. 252 (County Exhibit 1027).)</p> <p>i In regard to Petitioner’s assertion that “[t]he locations of the sand flume and ditch indicates that the Idaho-Maryland Mines Corporation planned to transfer tailings from the Brunswick mill to the Idaho-Maryland tailings pond along the route of the former narrow-gauge railroad,”</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>it must be noted that “[g]iven the previous observation that mining came to an end in 1956, it is not apparent how the transfer of tailings represented a continuation of mining operations. Such an activity would seem to be more in line with clean-up or reclamation than excavation of ore.” (Historian, Comment No. 35.)</p> <ul style="list-style-type: none"> <li data-bbox="971 747 1456 1329">i Contrary to Petitioner’s assertion, it appears from the face of the Deed from Idaho Maryland Mines Corporation to John and Mary Gwin (Aug. 1957) [Exhibit 212] that the Deed did NOT include “a reservation of the mineral estate and the continuing right to explore and develop the Mine in the future.” Thus, the properties are NOT “always” sold “with a reservation of the mineral estate and the continuing right to explore and develop the Mine in the future,” contrary to Petitioner’s statements. <li data-bbox="971 1373 1456 1696">i The reservations of the mineral estate included in the Quitclaim Deeds to Sierra Nevada Memorial Hospital, cited by Petitioner, were both “subject to the express limitation that the foregoing reservation shall not include any right of entry upon the surface of said land.” (Exhibits 213, 214.) <li data-bbox="971 1740 1456 1883">i “The history of mineral development in the United States is marked by speculative practices to reserve ‘rights’ that

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		<p>may in the future be sold, and which may or may not be bona fide. Not all historical actors who have reserved such ‘rights,’ moreover, have possessed a viable future plan for exploitation of those ‘rights.’” (Historian, Comment No. 75.)</p>
<p>14.</p>	<p>Petition, p. 38</p> <p>1958:</p> <p>The County grants a use permit (U58-15) authorizing operation of the Brunswick sawmill to Summit Valley Pine Mill, Inc.⁴⁰⁸ The permit has no conditions and does not expire.⁴⁰⁹</p> <p>⁴⁰⁸ Use Permit U58-15 (Jun. 12, 1958) [Exhibit 215].</p> <p>⁴⁰⁹ Ibid.</p>	<ul style="list-style-type: none"> i “Nevada County issued Use Permit U58-15 (Exhibit 215) to Summit Valley Pine Mill, Inc. not only to operate a sawmill, but to construct a sawmill.” (Historian, Comment No. 36.) i Use Permit U58-15 also provides that the Nevada County Planning Commission “[h]ave determined that operation of a sawmill at the said location is within the meaning and intent of section 2 of Nevada County Ordinance No. 196.” (Exhibit 215.) Section 2 of the Nevada County Ordinance No. 196 (1954) (Exhibit 185) provides: “Said zoning plan is adopted to promote, protect, and secure the public health, safety, and general welfare, to provide the social and economic stability of agricultural, residential, commercial, and industrial areas, resulting in an orderly and beneficial development of the county and the areas therein.” Thus, the issuance of the use permit demonstrates the County’s and the applicant’s [Summit Valley

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Pine Mill, Inc.’s] understanding that there was no vested right for “a sawmill on the Brunswick road, in the NW¼ Section 31, Township 16 North, Range 9 East.” (See also, Nevada County Use Permit, (June 12, 1958) U58-15, (County Exhibit 1008).)</p> <p>i Use Permit U58-15 also provides: “The Nevada County Planning Commission does hereby issue to the Summit Valley Pine Mill, Inc. a use permit to <i>construct</i> and operate a sawmill at the said location” (emphasis added), which indicates that such a sawmill did not exist at the location at the time the use permit was issued. (Nevada County Use Permit, (June 12, 1958) U58-15, (County Exhibit 1008).)</p>
15.	<p>Petition, pp. 38-39</p> <p>1959:</p> <p>On March 13th, the Corporation’s Board of Directors decides to transfer the surface (to a depth of 250 feet) of a portion of the Mine Property, while reserving appropriate mill site areas, to settle \$200,000 of debt.⁴¹⁰ On June 2nd, the sales agreement is modified to promptly sell certain parcels of land for \$89,000, convey the balance of the surface to a depth of 200 feet, excluding 65 acres to be retained by the Idaho Maryland Mines Corporation, in satisfaction of the balance of the principle of the \$200,000 note in favor of Oliver</p>	<p>i “An excerpt of the minutes of one meeting of the Board of Directors of Idaho Maryland Mines Corporation (Exhibit 216) is provided to demonstrate the decision by the company to sell a portion of the surface properties and reserve mill site areas. These minutes are not produced in their entirety, however - in fact it does not appear that any of the corporate minutes proffered as evidence in the petition are - which makes it difficult to evaluate if all relevant information is presented. A detailed examination of the company’s minutes from 1956 through</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>Investment Company and Frederick W. Richmond.⁴¹¹ On August 3rd, Idaho Maryland Mines Corporation transfers the land to the Oliver Investment Company who then immediately transfers it to Sum-Gold Corporation Inc.,⁴¹² but reserves the “mineral rights and 70 acres around three mine shafts.”⁴¹³ The reserved area covers the New Brunswick shaft, the Old Brunswick shaft, the Union Hill shaft, and the Brunswick mill site.⁴¹⁴ The agreement reserves the mineral and mining rights as follows:</p> <p align="center"><i>EXCEPTING AND RESERVING TO IDAHO MARYLAND MINES CORPORATION and its successors and assigns all minerals, gas, oil, an mineral deposits of every kind and nature located in and under such real property, provided, however, that wherever the surface is granted hereunder, then excepting and reserving only minerals, gas, oil and mineral deposits below a depth of 200 feet beneath such surface; together with all necessary and convenient rights to explore for, develop, produce, extract, and take the same, subject to the express limitation that the foregoing exception and reservation shall not include any right of entry upon the surface of said land without consent of the owner of such surface of said land.</i>⁴¹⁵</p> <p>⁴¹⁰ Board Minutes of Idaho Maryland Industries Inc. (Mar. 13, 1959) [Exhibit 216]. ⁴¹¹ Board Minutes of Idaho Maryland Industries Inc. (June 2, 1959) [Exhibit 217].</p>	<p>1959, and fully produced, could provide a more complete picture of the decision to sell and the intent for the future uses of the property.” (Historian, Comment No. 37.)</p> <ul style="list-style-type: none"> i The Sacramento Bee (Aug. 14, 1959) [Exhibit 219] states that the Secretary-Treasurer of Sum-Gold Corporation, David M. Maltman, said that “the firm will retain mineral rights and 70 acres around three mine shafts.” The article indicates that “the firm” is Sum-Gold Corporation, and not Idaho Maryland Mines Corporation. Also, “[t]he newspaper source cited (Exhibit 219) not only reported on the sale of the Idaho-Maryland tract, but also observed that “The mining firm...closed down its last gold mining operation in Nevada County about eight years ago [i.e., in 1951].” (Historian, Comment No. 38.) i On June 2, 1959, the Board authorized the modified sales agreement to include the following provision: “Oliver Investment Company is to receive any and all proceeds from existing gravel contracts.” (Exhibit 217.) i Following the transfer of land and mineral rights to Oliver Investment Company, and then the immediate transfer to Sum-Gold Corporation Inc., in August 1959, the Board of Directors of

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>⁴¹² Deed from Idaho Maryland Mines Corporation to Oliver Investment Company (Aug. 3, 1959) [Exhibit 218].</p> <p>⁴¹³ The Sacramento Bee (Aug. 14, 1959) [Exhibit 219].</p> <p>⁴¹⁴ Survey for Idaho-Maryland Mines Corp by T.H. McGuire & Son (Aug. 1959) [Exhibit 220].</p> <p>⁴¹⁵ Deed from Idaho Maryland Mines Corporation to Oliver Investment Company (Aug. 3, 1959), emphasis added [Exhibit 218].</p> <p>Petition, p. 70</p> <p>Over the next few years, Idaho Maryland Mines Corporation sold off various surface properties to obtain cash and stay in business, always with an express reservation of mineral rights,⁶⁷⁹ including in 1959 a sale of the remaining ancillary surface property to Oliver Investment Company in settlement of a debt.⁶⁸⁰</p> <p>⁶⁷⁹ Exhibits 200, 202, 204, 205, 206, 207, 210, 211.</p> <p>⁶⁸⁰ Exhibits 216, 217, 218.</p>	<p>Idaho Maryland Mines Corporation authorized the quitclaim of mineral rights on December 10, 1959, as follows:</p> <p align="center"><u>MINERAL RIGHTS</u></p> <p>The Secretary stated that the Corporation holds certain mineral rights in Nevada County which are not contiguous to the bulk of its mineral rights in that area, and that former President, Burt C. Austin, had expressed the opinion such mineral rights have no potential value to the Corporation. It was the recommendation of Mr. Austin that the Corporation relinquish these rights which would result in a saving of property tax. Following a discussion and upon motion duly made and seconded, it was unanimously</p> <p align="center">RESOLVED: That the President and Secretary of Idaho Maryland Mines Corporation be and are hereby authorized and directed to execute quitclaims in substantially the form of those presented to the meeting, and for the consideration discussed at the meeting, and that copies of such quitclaim deeds be</p>

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		<p>filed with the Secretary of the Corporation. [Exhibit 217, p. 123.]</p> <p>i Also following the transfer of mineral rights to Oliver Investment Company, and then the immediate transfer to Sum-Gold Corporation Inc., in August 1959, the Board of Directors of Idaho Maryland Mines Corporation authorized the quitclaim of mineral rights on January 29, 1960, as follows:</p> <p><u>MINERAL RIGHTS</u> A discussion was held in connection with the advisability of selling certain mineral rights belonging to the corporation. Considering that these particular mineral rights have been abandoned by nonpayment of taxes, one of the reasons being that they are not contiguous to the Corporation’s other mining properties and are not accessible through the main mine shafts, upon motion duly made and seconded, it was unanimously</p> <p>RESOLVED: That the President and Secretary of the Corporation be and are hereby authorized to sell to Sum-Gold Corporation approximately 2,500 acres of mineral rights,</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>which have heretofore been abandoned by non-payment of taxes, for a sum not less than \$1,500.00. [Exhibit 217, p. 127.]</p> <p>i Petitioner has omitted from its Petition and its Exhibits the quitclaim deed(s) that effectuated that votes of the Board on December 10, 1959, and on January 29, 1960 (Exhibit 217), which followed the reservation of mineral rights in the Grant Deed to Oliver Investment Company in August 1959 (Exhibit 218). Therefore, it is unknown what mineral rights the Idaho Maryland Mines Corporation actually retained following the Board resolution on January 29, 1960.</p> <p>i “The history of mineral development in the United States is marked by speculative practices to reserve “rights” that may in the future be sold, and which may or may not be bona fide. Not all historical actors who have reserved such ‘rights,’ moreover, have possessed a viable future plan for exploitation of those ‘rights.’” (Historian, Comment No. 75.)</p>

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<p>16.</p>	<p>Petition, p. 39</p> <p>1960:</p> <p>Idaho Maryland Mines Corporation changes its name to Idaho Maryland Industries Inc.⁴¹⁶ ⁴¹⁶ Valley Times (Sept. 13, 1960) [Exhibit 221].</p>	<p>i “A corporate name change notwithstanding, no evidence of activity or efforts to re-initiate mining at the historical Idaho-Maryland Mine is offered for this year. Reporting of the corporate name change (Exhibit 221) explained that as the ‘corporation grew, it became more and more apparent that the original name, Idaho Maryland Mines Corporation, presented a misleading and limited picture of their capabilities’ and that the stockholders ‘immediately voted to change the name’ at the annual stockholders meeting, thus eliminating ‘Mines’ from the name. Additionally, it is worth noting the following from the corporate minutes for January 29, 1960 (Exhibit 217, pdf p. 198): ‘discussion was held in connection with the advisability of selling certain mineral rights belonging to the Corporation. Considering that these particular mineral rights have been abandoned by non-payment of taxes, one of the reasons being that they are not contiguous to the Corporation’s other mining properties and are not accessible through the main mine shafts...,’ the directors voted to convey these mineral rights to Sum-Gold Corporation. No affirmative evidence (such as in the form of tax assessment records) is clearly presented in the petition that Idaho-Maryland Industries or any of its immediate successors-in-interest continued to pay taxes relative to mineral rights or the</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>property that they possessed during periods of mining inactivity. The statement from the minutes would seem to suggest that this is a vital component to avoiding ‘abandonment,’ and thus to foreclose an argument for abandonment ought to be presented. The order settling Marian Ghidotti’s estate in 1983 does acknowledge that ‘[a]ll personal property taxes due and payable by the estate have been paid’ (Exhibit 248, pdf p. 70). What those taxes were and for what property is not stated.” (Historian, Comment No. 39.)</p> <p>i Secretary of the Sum-Gold Corp., states that their company has acquired approximately 70 acres of the Idaho-Maryland Mine property and is in the process of subdividing lots for residential development. (Nevada County Planning Commission Meeting Minutes p. 58 of Book 2 (July 11, 1960) (County Exhibit 1009).)</p>
<p>17.</p>	<p>Petition, pp. 39-40</p> <p>1961:</p> <p>In hopes of resuming gold extraction and processing operations, H.G. Robinson, a member of the Board of Directors at Idaho Maryland Industries Inc., writes a letter to Congressman Ed Edmondson outlining a plan to “subsidize or establish incentive funding arrangements for the costs of development work” of gold as an</p>	<p>i The letter from Mr. Robinson (Exhibit 222) says nothing about his or his company’s “hopes of resuming gold extraction and processing operations,” or whether the letter was written in furtherance of such purported “hopes.” Also, while the letter mentions “the \$35 price of gold,” it does not explicitly mention “the price of gold that had been set by the federal government in 1934.”</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>alternative to increasing the price of gold that had been set by the federal government in 1934.⁴¹⁷</p> <p>⁴¹⁷ Letter from H.G. Robinson to Ed Edmonson (Dec. 19, 1961) [Exhibit 222].</p>	<p>i “No evidence is presented here or elsewhere that Robinson’s appeal (Exhibit 222) was made on behalf of Idaho-Maryland Industries. In fact, while he identifies himself as a director of the company, Robinson goes on to state that his ‘suggestion is submitted not as a technical mining expert or operator but as an observer who has watched the gold situation since 1942 with full cognizance of the economic and related factors involved.’ Moreover, no evidence is presented that Robinson’s suggestion bore fruit.” (Historian, Comment No. 40.)</p> <p>i Yuba River Lumber Co. applied for a rezone to industrial for the lumber mill site they were operating on the Subject Properties. The company states that they are willing to record a restriction on their deed that only wood or lumber products would be allowed or file a declaration of restrictions on the property which would limit its industrial uses to only lumber. (Planning Commission Minutes pp. 19-23, Book 4 (March 23, 1961) (Nevada County Exhibits 1010); Nevada County Planning Commission Minutes pp. 24-31, Book 4 (April 10, 1961) (Nevada County Exhibits 1011); and Nevada County Planning Commission Minutes pp. 34-41, Book 4 (April 24, 1961) (Nevada County Exhibits 1012).)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
<p>18.</p>	<p>Petition, p. 40</p> <p>1962:</p> <p>Idaho Maryland Industries Inc. files for bankruptcy due to the “rapid acceleration of defense work” and the resulting inability to “make deliveries on schedule.”⁴¹⁸</p> <p>⁴¹⁸ Arizona Daily Star (Feb. 8, 1962) [Exhibit 223]</p>	<p>i The news article cited by Petitioner states: ““At the present time, it is estimated that the assets of the company exceed the liabilities, and that the operations of the company were on an indicated profitable basis,’ [James] Hart said.</p> <p>The general manager explained that Idaho Maryland is divided into six divisions, most of which are working on missile contracts.” (Exhibit 223.)</p>
<p>19.</p>	<p>Petition, p. 40</p> <p>1963:</p> <p>On April 17th, Idaho Maryland Industries Inc. auctions the Idaho-Maryland Mine Property, comprised of 2,630 acres of mineral rights and 78.531 acres of surface rights⁴¹⁹ (later known as “BET Acres”), to mine owner and gold investor William Ghidotti and his wife Marian Ghidotti, who purchased the property as an investment.⁴²⁰ An avid gold investor, William Ghidotti would later purchase a gold collection from the Sierra Mother Lode gold mines.⁴²¹ The Mine Property is held jointly by William and Marian Ghidotti.⁴²²</p> <p>⁴¹⁹ The Oakland Tribune (Apr. 11, 1963) [Exhibit 224].</p> <p>⁴²⁰ Deed from Idaho Maryland Industries Inc. to William and Marian Ghido (Jun. 1963) [Exhibit 225]; The Sacramento Bee (Apr. 26, 1963) [Exhibit 226]; Declaration of Lee Johnson [Exhibit 227].</p> <p>⁴²¹ The Oakland Tribune (June 13, 1965) [Exhibit 228]; The Modesto Bee (Apr. 11, 1963) [Exhibit 224]; The Placer Herald (Jun. 18, 1965) [Exhibit 229]; Declaration of Lee Johnson [Exhibit 227].</p>	<p>i The news article cited by Petitioner stated that William Ghidotti “said he had no immediate plans but had brought the land as an investment.” (Exhibit 226.)</p> <p>i “As a historical source, a declaration such as Lee Johnson’s (Exhibit 227) is problematic, particularly for the factual assertions made here. Both historical study and scientific research have revealed the unreliability (and even instability) of human memory. Historical interpretation is based upon a critical examination of documentation made at or near the occurrence of an event. Memoirs and reminiscences often drafted years after an event are consulted as sources, but treated with caution. Corroboration from sources closer or contemporaneous in time with the events described are frequently sought. Relying on this declaration to ascertain William</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>⁴²² Deed from Idaho Maryland Industries Inc. to William and Marian Ghido (Jun. 1963) [Exhibit 225].</p> <p>Petition, pp. 70-71</p> <p>In 1962, Idaho Maryland Mines Corporation filed for bankruptcy and sold the Mine Property on April 17, 1963, at auction to mine owner and gold investor William Ghidotti, who purchased the Mine as an investment.⁶⁸³ William Ghidotti also owned the Ancho-Erie Mine Property, as well as stock in several mining companies including gold mining companies Newmont and Homestake Mining.⁶⁸⁴</p> <p>⁶⁸³ Exhibit 226. ⁶⁸⁴ Exhibit 235.</p>	<p>and Marian Ghidotti’s thoughts or intentions - in the absence of independent supporting documentation - is methodologically suspect for a historian.” (Historian, Comment No. 44.)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in his declaration that “Bill and Marian Ghidotti purchased the Idaho-Maryland Mine at an auction in or about 1963.” Mr. Johnson was the son-in-law of a friend of Marian Ghidotti. (Exhibit 227.) Nowhere does he state where he obtained his knowledge of the affairs of William and Marian Ghidotti.</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant regarding the statement that William and Mariam Ghidotti “purchased the property as an investment.”</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant regarding the statement “William Ghidotti would later purchase a gold collection from the Sierra Mother Lode gold mines.”</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> <li data-bbox="971 310 1458 743">i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant regarding the statement in his declaration that “Bill Ghidotti was a gold investor and gold enthusiast and had a collection of fold and quartz specimens he would inspect in his house and would store in the basement.” <li data-bbox="971 789 1458 1108">i Exhibits 228 and 229 states that in 1965, William Ghidotti purchased two “collections of gold and quartz specimens” of the “Original 16 to One” gold mine in Sierra County, and not a gold collection from the Sierra Mother Lode gold mines, as Petitioner asserts. <li data-bbox="971 1155 1458 1411">i The news articles in Exhibits 228 and 229 indicates a different reason for the purchase of the gold specimens; as another auction bidder stated: “It isn’t the value of the gold, it’s the history.” (Exhibit 229.) <li data-bbox="971 1457 1458 1776">i Also, the statements about Bill Ghidotti purportedly being a “gold investor,” “gold enthusiast” and collector of “gold and quartz specimens” do not indicate an intent by Mr. Ghidotti to resume gold mining at the former location of the Idaho Maryland Mine. <li data-bbox="971 1822 1458 1877">i The California Division of Mines and Geology’s Bulletin 193 states

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>that the Idaho-Maryland Mine stopped mining gold in 1956 and tungsten ore in 1957. (Gold Districts of California, <i>California Gold Discovery to Statehood (Bulletin 193)</i> (1880-2005) (125th Anniversary Ed.) (County Exhibit 1013).)</p>
<p>20.</p>	<p>Petition, p. 40</p> <p>1964:</p> <p>William and Marian Ghidotti purchase additional surface property previously part of the fully-assembled Mine Property, which includes the historical tailings storage area (now referred to as the Centennial Site) from Sum-Gold Corporation Inc.⁴²³</p> <p>⁴²³ Deed from Sum-Gold Corporation Inc. to William and Marian Ghidotti (Oct. 1964) [Exhibit 230]; Declaration of Lee Johnson [Exhibit 227].</p>	<ul style="list-style-type: none"> i William and Marian Ghidotti’s purchase of “surface property” does not appear to include any of the mineral rights of the former Idaho Maryland Mine that Sum-Gold Corporation Inc. had obtained from Oliver Investment Company in August 1959. i “As a historical source, a declaration such as Lee Johnson’s (Exhibit 227) is problematic, particularly for the factual assertions made here. Both historical study and scientific research have revealed the unreliability (and even instability) of human memory. Historical interpretation is based upon a critical examination of documentation made at or near the occurrence of an event. Memoirs and reminiscences often drafted years after an event are consulted as sources, but treated with caution. Corroboration from sources closer or contemporaneous in time with the events described are frequently sought. Relying on this declaration to ascertain William and Marian Ghidotti’s thoughts or intentions - in the absence of independent supporting

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>documentation - is methodologically suspect for a historian.” (Historian, Comment No. 44.)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in his declaration that “in addition to owning the Mine, Bill and Marian Ghidotti also began acquiring adjacent properties surrounding the Mine in the mid-1960’s from land owners, including Sum-Gold Corporation, for the purpose of eventually supporting subsurface mining operations when the Mine resumed operating.” Indeed, that statement in paragraph 7 of Mr. Johnson’s Declaration is contradicted by the fact that the properties that the Ghidottis acquired from Sum-Gold Corporation did not include the mineral rights of the Idaho Maryland Mine, but only surface rights.</p> <p>i “From an historical perspective, it is not clear how the additional surface property purchased by William and Marian Ghidotti was ‘previously part of the fully-assembled Mine Property.’ What date or era of the property’s past ownership or uses is meant by ‘previously’?” (Historian, Comment No. 41.)</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
<p>21.</p>	<p>Petition, p. 40</p> <p>1964 A rock crusher with associated mining operations begins operating on the Vested Mine Property in 1964 and continues until 1965, for 4 months.⁴²⁴ In 1965 William and Marian Ghidotti sell 200,000 tons of crushed rock left over from past mining operations.⁴²⁵ With guidance from a former miner at the Mine, the watchman posted to guard the rock finds “several pieces of quartz shot full of gold,” which the former miners had hidden away in or around 1956 once they learned of the Mine’s imminent closure.⁴²⁶ William keeps the gold “to show to prospective buyers, if and when he decided to sell the mineral rights.”⁴²⁷</p> <p>⁴²⁴ Letter from Marian Ghidotti to County Planning Department (Nov. 15, 1979) [Exhibit 231]. ⁴²⁵ Calhoun [Appendix F] 352. ⁴²⁶ Id. at 353-354. ⁴²⁷ Id at 354.</p>	<p>i The terms “Vested Mine Property” is inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i The evidence presented by Petitioner (F.D. Calhoun, “California Gold And The Highgraders: True Stories of the Mines and the Miners [Appendix F]) does not describe any mining activity, and certainly no underground gold mining. Instead, it describes how the Ghidottis provided crushed rock from the “already broken, hard rock [that] lay in great heaps in the waste dump at the Brunswick Mine,” and how “[t]he aggregate company placed a crusher by the Brunswick dump.” (Calhoun [Appendix F] 352-353.) Furthermore, the author cited by Petitioner recognizes that the gold mining operations are likely over for the Idaho Maryland Mine, and that the real “gold” are the new residents moving into the County: <p style="padding-left: 40px;">When the gold reaches the [Mint], (if it ever does) the last of the highgrade in large amounts will have left the Gold Country of California. Hereafter, the gold flowing from the mining country will be in the form of currency brought to the hills by the people anxious to escape the cities. They have discovered that the country lying between 1,000 and 3,000 feet above</p> </p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>sea level, the elevation where most of the gold was found, and the elevation lying above the smog and the fog of the Great Valleys and below the snows of the high country, is ideal for retirement living. It is also closer to more and to better recreational activities than almost any other place in the United States.</p> <p>It has been more than 140 years since the first gold was taken from the hills of California. During the next 140 years, the amount of gold brought back to the hills by retired couples and by men and women who work in the Central Valleys but commute to the hospitality of the hills, will far exceed the value of all the treasure taken by all the miners since James Marshall picked up that first piece of yellow metal from the mill race at Coloma. [Calhoun [Appendix F]. pp. 354-355.]</p> <p>i In 1979, Marian Ghidotti informed the Nevada County Planning Department that since 1964 or 1965, “people have been coming in and taking rock without permission” and “[t]hat is why I am selling what rock is left.” (Exhibit 231.) There is no indication in that correspondence that Marian Ghidotti intended to</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>resume underground gold mining activities at the property, or even rock crushing activities on the property.</p> <p>i “Additionally, the activity described at the site is not focused on any revival of mining under the Ghidottis’ ownership but rather on the sale ‘of crushed rock left over from past mining operations.’ Furthermore, Ghidotti reportedly was open to offers to purchase ‘the mineral rights’ raises a historical question as to his motivations. Was his interest mostly or exclusively speculative? If so, how much intent to mine or revive mining operations can be fairly ascribed to Ghidotti?’” (Historian, Comment No. 41.)</p>
22.	<p>Petition, p. 71</p> <p>During the term of their ownership and beginning in 1964, mining activities, including crushing and the operation of a screening plant, were conducted on the Vested Mine Property, specifically the Centennial Industrial Site.⁶⁸⁶ Between this point and when the right was originally vested in 1954, there is no proof that any owner abandoned the right through subjective intent or objective action. ⁶⁸⁶ Exhibits 231, 232.</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i “It is not clear from the sources provided that the Ghidottis intended to use what this petition refers to as the ‘Centennial Industrial Site’ for any activities outside of crushing and selling waste rock.” (Historian, Comment No. 77.)</p> <p>i In 1964 and 1965, the Brunswick Timber Products Corp. applied for multiple use permits on the Subject Properties to operate a lumber mill. There was no claim</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>of vested rights arising out of mining related timber milling activities and no mention of ongoing or planned mining on the property. (Nevada County Planning Commission Use Permit Application Nevada County Zoning Enabling Ordinance No. 196 (July 23, 1964) (County Exhibit 1014); Nevada County Planning Commission Notice of Denial of Application for Use Permit and Findings (Use Permit No. 249) (September 18, 1964) (County Exhibit 1015); and Notice of Approval of Use Permit Application and Approval of Use Permit Application, Nevada County Board of Supervisors on Appeal (Use Permit No. 249) (February, 1 and 11, 1968) (County Exhibit 1016).)</p>
<p>23.</p>	<p>Petition, p. 40</p> <p>1967-1979:</p> <p>From 1967 through 1979, a rock crusher operates and “both mine rock wastes and mill sand has continuously been removed in small amounts” from the Mine Property.⁴²⁸</p> <p>⁴²⁸ Letter from Marian Ghido to Nevada County Planning Department (Oct. 12, 1979) [Exhibit 232].</p>	<p>i Petitioner’s assertion that, “[b]ecause a vested right cannot be broken down to encompass ‘less than the entire business operation’ (citing <i>Hansen Brothers, supra</i>, 12 Cal.4th at 566), the County vested the right to mine for the entire Vested Mine Property,” wrongly inserts the determination of the scope of a vested right with the determination of abandonment. A person may abandon less than all of that person’s vested rights.</p> <p>i “During this nine [year] period the only evidence of activity at the historical Idaho-Maryland</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Mine presented is of the operation of a rock crusher and the removal of ‘mine rock wastes and mill sand.’ It is unclear of how indicative this was of an intent to resume gold mining operations.” (Historian, Comment No. 42.)</p> <ul style="list-style-type: none"> i Even though the price of gold rose significantly during the 1970s (Exhibit 58), there still was no underground gold mining that was resumed at the Idaho-Maryland Mine during that decade during this economic period. i The Subject Properties continued to be used for timber milling and processing in the mid to late 1970s. (County of Nevada, State of California, Planning Commission / Planning Department, Commercial, Industrial, and Multiple Family Residential Site Plan App (April 22, 1976) (County Exhibit 1017).)
24.	<p>Petition, p. 40-41</p> <p>1968:</p> <p><i>The Stockton Daily Evening Record reports a predicted rise in the price of gold, and reports:</i></p> <p><i>To all intents and purposes gold mining in the U.S. has been dead for a quarter century – shut down by presidential order in 1942 which syphoned off men and materials to other needed wartime industries.</i>⁴²⁹</p>	<ul style="list-style-type: none"> i The article cited by Petitioner indicates that a rise in the value of gold will not alone bring back underground gold mining. The article states: “But if the price of gold is raised – if gold mining again should become profitable – where are the men who would mint the gold? ... The miners, who were in their 20s and 30s now are middle-aged men, no longer physically able or with the will to return to the labor required

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>In the meantime, California mines are in “no rush to reopen” due to the deflated price of gold, as well as the extensive labor and refurbishing costs required to reopen a gold mine.⁴³⁰</p> <p>The Stockton Daily Evening Record (Mar. 18, 1968) [Exhibit 233].</p> <p>⁴³⁰ The Sacramento Bee (Mar. 24, 1968) [Exhibit 234].</p>	<p>in the hard-rock mining of gold, says [Jack] Ross. [¶] And gold mining is a specific skill.”</p>
<p>25.</p>	<p>Petition, p. 41</p> <p>1969: Marian Ghidotti becomes the sole owner of the Mine Property owned by William when William Ghidotti passes away.⁴³¹ At his death, William Ghidotti also owned the Ancho-Erie Mine Property, as well as stock in several mining companies including Newmont and Homestake Mining.⁴³² Separately, Marian Ghidotti acquires several mining claims which she subsequently sells throughout the 1970’s.⁴³³</p> <p>⁴³¹ Estate of William R. Ghido (Mar. 1974) [Exhibit 235]; Exhibit 227.</p> <p>⁴³² Exhibit 235.</p> <p>⁴³³ Deed from Marian Ghidotti to Aubrey and Gerald Wall (Mar. 1972) [Exhibit 236]; Deed from Marian Ghidotti to Helen and John Rohrer (Jun. 1973) [Exhibit 237]; Deed from Marian Ghidotti to Lee Buttle, Douglas and Karen Hawkins, et al. (Jan. 1975) [Exhibit 238]; Deed from Marian Ghidotti to June Peat (Sept. 1975) [Exhibit 239]; Deed from Marian Ghidotti to Roy and Vernell Hammock (July 1977) [Exhibit 240]; Quitclaim Deed from Marian Ghidotti to James Vendley and Oscar Pfanner (May 1979) [Exhibit 241]; Grant Deed from Marian Ghidotti to James Vendley and Oscar Pfanner (May 1979) [Exhibit 242].</p> <p>Petition, pp. 70-71</p>	<p>i “As a historical source, a declaration such as Lee Johnson’s (Exhibit 227) is problematic, particularly for the factual assertions made here. Both historical study and scientific research have revealed the unreliability (and even instability) of human memory. Historical interpretation is based upon a critical examination of documentation made at or near the occurrence of an event. Memoirs and reminiscences often drafted years after an event are consulted as sources, but treated with caution. Corroboration from sources closer or contemporaneous in time with the events described are frequently sought. Relying on this declaration to ascertain William and Marian Ghidotti’s thoughts or intentions - in the absence of independent supporting documentation - is methodologically suspect for a historian.” (Historian, Comment No. 44.)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>In 1962, Idaho Maryland Mines Corporation filed for bankruptcy and sold the Mine Property on April 17, 1963, at auction to mine owner and gold investor William Ghidotti, who purchased the Mine as an investment.⁶⁸³ William Ghidotti also owned the Ancho-Erie Mine Property, as well as stock in several mining companies including gold mining companies Newmont and Homestake Mining.⁶⁸⁴</p> <p>⁶⁸³ Exhibit 226. ⁶⁸⁴ Exhibit 235.</p>	<p>of the declarant, regarding the statement in paragraph 8 of his declaration that “Marian Ghidotti inherited the Mine after Bill Ghidotti’s death in 1969.”</p> <ul style="list-style-type: none"> i Petitioner does not cite to any evidence that “Marian Ghidotti acquire[d] several mining claims” i The mining claims and gold mines sold off by Marian Ghidotti (Exhibits 236, 237, 238, 239, 240, 241, 242) evidences her intent NOT to engage in gold mining. i “The information presented as to William Ghidotti’s investment in other mining companies does not provide any evidence as to his intent to develop or re-initiate mining operations at the historical Idaho-Maryland Mine - nor does the observation that Marian Ghidotti acquired and sold other mining claims. The latter in fact raises once again the question of Ghidottis’ interest in the historical Idaho-Maryland Mine. Was it speculative, and if so, how does that speak to their intent to pursue mining?” (Historian, Comment No. 43.)
<p>26.</p>	<p>Petition, p. 41</p> <p>1960’s – 1970’s:</p> <p>By the 1970’s, environmental policy groups have a firm foothold in California, and news outlets report the</p>	<ul style="list-style-type: none"> i Petitioner’s Exhibit 244 describes the opposition to a gold exploration project not by environmental policy groups, as Petitioner asserts, but by “Members of the San Juan Ridge Taxpayers Association” and by

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>difficulty in reopening gold mines in Nevada and Placer Counties because of this, even though the price of gold is now rising.⁴³⁴ This “anti-mining sentiment” creates barriers to reopening idle mines, like the Idaho-Maryland Mine.⁴³⁵</p> <p>⁴³⁴ The Napa Valley Register (Sept. 5, 1979) [Exhibit 243]; see The Sacramento Bee (May 13, 1983) [Exhibit 244]; The Sacramento Bee (Mar. 14, 1984) [Exhibit 245].</p> <p>⁴³⁵ See The Sacramento Bee (Jun. 5, 1987) [Exhibit 246].</p>	<p>“[r]esidents of the area [who] have complained that the drilling at the site will affect their water wells,” and who “have argued against noise and increased traffic they say the project will bring.”</p> <p>i Petitioner’s Exhibit 245 describes the opposition to “the prospect of a large gold mine operating in their neighborhood” not by environmental policy groups, as Petitioner asserts, but by “about 150 Banner Mountain area residents in Nevada County.” Most of the concerns raised “related to the effects of the pumping [of water from the old abandoned shafts] on surrounding water wells.”</p> <p>i Contrary to Petitioner’s assertion Petitioner’s Exhibit 245 quotes a resident opposed to a potential gold mining operation in Nevada County as saying: “We’re not anti-mine. We’re pro-home.”</p> <p>i Petitioner’s Exhibit 246 describes the opposition to resuming gold mining in Nevada County not by environmental policy groups, but residents: “The little gold mining that remains is being squeezed as more people move to the foothills and build homes on hillsides above buried ore deposits.” As an attorney for the homeowners stated: “Nevada County needs to adopt a policy which balances mining and residential development, not one which</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>places mining as the supreme land use.’”</p> <ul style="list-style-type: none"> i Petitioner’s Exhibit 243 describes opposition to the gold mining techniques in the State of Nevada by “retirement people” and “ranchers,” even though “environmental restrictions are comparatively few in Nevada” and “[t]he mining climate is very good there compared with the rest of the states.’” i Thus, the news articles presented by Petitioner demonstrate that the opposition to gold mining is by homeowners and residents, not environmental policy groups, contrary to Petitioner’s assertions. i Even if opposition to gold mining is due to environmental concerns, Petitioner’s Exhibit 243 presents the valid grounds for such concerns, even in the State of Nevada, by describing modern gold-extracting methods as follows: <ul style="list-style-type: none"> There are no nuggets left to be found, at least not in commercial quantities, but invisible traces of gold around old deposits, as well as untouched deposits of gold to fine to be seen, can be found and mined by chemical methods. ... The microscopic gold - sometimes called “no see-

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>um” gold - can be located by testing rock samples for arsenic and mercury, with which it is often associated.</p> <p>...</p> <p>This modern method of locating trace gold is accompanied by techniques for separating it that were equally unheard of by the early miners. One of these, known as heap leaching, involves piling up the ore and sprinkling it with a cyanide solution until the gold leaches out.</p> <p>i And even if, as it states in Petitioner’s Exhibit 243: “the Mother Lode will never produce again on a large scale – even though the ore is there – because of the environmentalists,” such purported “anti-mining sentiment” described by Petitioner is not evidence of Marian Ghidotti’s intent to resume underground gold mining at the Subject Property. Indeed, the news articles presented by Petitioner involve extensions of use permits, zone changes and a new County-side mineral management plan. None of those are at issue in a vested rights determination, such as that here. Thus, Petitioner has not shown an intent by Marian Ghidotti to mine by highlighting homeowner opposition to gold mining.</p> <p>i By Petitioner asserting that “environmental policy groups</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>have a firm foothold in California” then “[t]his ‘anti-mining sentiment’ creates barriers to reopening idle mines, like the Idaho-Maryland Mine,”</p> <p>Petitioner appears to be taking the position that vested mining rights cannot be abandoned or are actually tolled when “environmental policy groups have a firm foothold in California” or where there is “anti-mining sentiment.”</p> <p>Petitioner’s position is both factually and legally erroneous. <i>Factually</i>, Petitioner’s own Exhibit 262 (“Proposal: Permitting Feasibility Study, Reactivation Project for the Idaho-Maryland-Brunswick Mine,” by Condor Earth Technologies) - which also discusses the San Juan Ridge project that is mentioned in Exhibits 243-246 - demonstrates that purported “environmental groups” and “anti-mining sentiment” is not a barrier to pursuing underground gold mining or could potentially be overcome, if such a pursuit is, in fact, the intent of the property owner who allegedly has vested mining rights. The same is proven by Rise Gold’s current efforts to resume underground gold mining in the face of “environmental groups” and “anti-mining sentiment.”</p> <p><i>Legally</i>, the existence of “environmental groups” and “anti-mining sentiment” are not valid grounds either (a) to explain</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>why a property owner with alleged vested mining rights did not commence mining when the owner had such an intent, or (b) to avoid the conclusion that a vested mining right has been abandoned. Thus, Petitioner’s assertions about “environmental groups,” or about ““anti-mining sentiment”” [that] creates barriers to reopening idle mines, like the Idaho-Maryland Mine,” are irrelevant considerations here.</p> <p>i Petitioner does not explain how the alleged “environmental groups” and/or “anti-mining sentiment” prevented Marian Ghidotti from seeking to resume underground gold mining at the Idaho-Maryland Mine when “gold moved from \$35 in 1974 to \$825 an ounce in early 1980” (Exhibit 269; see also Exhibit 58), and where “four hundred dollars per ounce is often cited as the bench mark price for deciding whether a gold mine is viable.” (Exhibit 276.)</p> <p>i Petitioner’s focus on alleged “anti-mining sentiment” is misplaced. As Emgold Mining Corporation later stated, in the context of attempts to reopen the Idaho-Maryland Mine: “Further, the business of mining and exploration involves a high degree of risk and there can be no assurance that current exploration programs will result in profitable mining operations. The recoverability of exploration and</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>evaluation assets is dependent upon several factors. These include the discovery of economically recoverable reserves, the ability of the Company to obtain the necessary financing to complete the development of these properties, and future profitable production of proceeds from disposition of mineral properties.” (Exhibit 306.) Indeed, Petitioner listed numerous reasons why there can be “no assurance” that the “expectations” in the “forward-looking statements” about the Idaho-Maryland Gold Mine “will prove to be correct” (Exhibit 309), which are similar explanations as to why resuming underground gold mining operations can be delayed or never actually occur. Petitioner explained:</p> <p style="padding-left: 40px;">Although the Company believes that the expectations reflected in the forward-looking statements are reasonable, there can be no assurance that such expectations will prove to be correct. Such forward-looking statements are subject to risks, uncertainties and assumptions related to certain factors including, without limitation, obtaining all necessary approvals, meeting expenditure and financing requirements, compliance with environmental</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>regulations, title matters, operating hazards, metal prices, political and economic factors, competitive factors, general economic conditions, relationships with vendors and strategic partners, governmental regulation and supervision, seasonality, technological change, industry practices, and one-time events that may cause actual results, performance or developments to differ materially from those contained in the forward-looking statements. [Exhibit 309.]</p>
27.	<p>Petition, p. 41</p> <p>1960’s – 1970’s:</p> <p>On August 15, 1971, the United States terminates convertibility of the U.S. dollar to gold, effectively bringing the Bretton Woods system to an end and allowing the price of gold to increase.</p>	<ul style="list-style-type: none"> i There is no evidence to support Petitioner’s assertions. i Exhibit 269 discusses “President Nixon’s decision in 1974 to take the dollar off the gold standard and opt for a floating currency.” “[G]old moved from \$35 in 1974 to \$825 an ounce in early 1980.” (Exhibit 269.)
28.	<p>Petition, p. 41</p> <p>1975:</p> <p>An 84-ounce chunk of pale gold on quartz from the Idaho-Maryland Mine is a prime item on display at the State Fair Gem and Mineral Show.⁴³⁶ ⁴³⁶ The Sacramento Bee (Aug. 21, 1975) [Exhibit 247].</p>	<ul style="list-style-type: none"> i Petitioner’s assertion regarding a chunk of “pale gold on quartz” on display at the State Fair Gem and Mineral Show is not evidence of Marian Ghidotti’s intent to resume underground gold mining at the Idaho-Maryland Mine.
29.	<p>Petition, pp. 41-42</p>	<ul style="list-style-type: none"> i There is no grant deed included in Exhibit 248 that describes a

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>1976:</p> <p>Marian Ghidotti purchases additional surface lands from Newmont Mining in or around 1976, which are contiguous to the Centennial Industrial Site, for the purpose of facilitating future mining operations on the Mine Property.⁴³⁷ The Brunswick sawmill produces the lumber needed to construct a piping system for recycling wastewater from the wastewater pond to the log deck, and the water which is used is pumped from the Brunswick Mine.⁴³⁸</p> <p>⁴³⁷ Estate of Marian Ghido (Aug. 1983) [Exhibit 248]; Declaration of Lee Johnson [Exhibit 227].</p> <p>⁴³⁸ Letter from S.J. Houck to William B. Baldwin (Aug. 24, 1976) [Exhibit 249].</p>	<p>purchase by Marian Ghidotti of “additional surface lands from Newmont Mining in or around 1976.”</p> <p>i Exhibit 248 describes how Newmont Exploration Limited reserved mineral rights below 100 feet in the purchase by Ms. Ghidotti. That fact indicates that Ms. Ghidotti did not purchase the surface rights “for the purpose of facilitating future mining operations on the Mine Property,” as Petitioner asserts. Indeed, there is nothing in Exhibit 248 that evidences such a purported purpose.</p> <p>i “As a historical source, a declaration such as Lee Johnson’s (Exhibit 227) is problematic, particularly for the factual assertions made here. Both historical study and scientific research have revealed the unreliability (and even instability) of human memory. Historical interpretation is based upon a critical examination of documentation made at or near the occurrence of an event. Memoirs and reminiscences often drafted years after an event are consulted as sources, but treated with caution. Corroboration from sources closer or contemporaneous in time with the events described are frequently sought. Relying on this declaration to ascertain William and Marian Ghidotti’s thoughts or intentions - in the absence of</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>independent supporting documentation - is methodologically suspect for a historian.” (Historian, Comment No. 44.)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 9 of his declaration that “Marian Ghidotti continued acquiring properties adjacent to the Mine in the 1970’s, including property owned by Newmont Mining in or about 1976.” Mr. Johnson was the son-in-law of a friend of Marian Ghidotti. (Exhibit 227.) Nowhere does he state where he obtained his knowledge of the affairs of Marian Ghidotti.</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 9 of his declaration that “Marian [Ghidotti] acquired these particular properties because she thought it would be used in the future to support subsurface mining operations at the mine.” That statement is pure speculation as to the mindset of someone other than the declarant. (<i>See People v. Perez</i> (1992) 2 Cal.4th 1117, 1133 [“In any given case, one ‘may speculate about any number of scenarios that may</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>have occurred A reasonable inference, however, may not be based on suspicion alone, or on imagination, speculation, supposition, surmise, conjecture, or guess work. . . . A finding of fact must be an inference drawn from evidence rather than . . . a mere speculation as to probabilities without evidence.”)] Nowhere does Mr. Johnson state where he obtained his knowledge of what was in the mind of Marian Ghidotti.</p> <p>i “The sawmill does not appear to have a direct relationship to any mining activities despite the cited source (Exhibit 249) stating that the Brunswick mill used water in the Brunswick mine as a source of water supply. The letter does not indicate that water was being pumped from the mine to support any mining activities.” (Historian, Comment No. 45.)</p> <p>i The Subject Properties continued to be used for timber milling and processing in the mid to late 1970’s. (County of Nevada, State of California, Planning Commission/Planning Department, Commercial, Industrial, and Multiple Family Residential Site Plan App (April 22, 1976) (County Exhibit 1017).)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
<p>30.</p>	<p>Petition, p. 42</p> <p>1977:</p> <p>Marian Ghidotti insures the Mine Property as a mining asset because she believed it contained a large amount of unextracted gold and would someday generate significant income when mining resumed.⁴³⁹</p> <p>⁴³⁹ Declaration of Lee Johnson [Exhibit 227].</p>	<ul style="list-style-type: none"> i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. See County Response, Note 1, above.) i “As a historical source, a declaration such as Lee Johnson’s (Exhibit 227) is problematic, particularly for the factual assertions made here. Both historical study and scientific research have revealed the unreliability (and even instability) of human memory. Historical interpretation is based upon a critical examination of documentation made at or near the occurrence of an event. Memoirs and reminiscences often drafted years after an event are consulted as sources, but treated with caution. Corroboration from sources closer or contemporaneous in time with the events described are frequently sought. Relying on this declaration to ascertain William and Marian Ghidotti’s thoughts or intentions - in the absence of independent supporting documentation - is methodologically suspect for a historian.” (Historian, Comment No. 44.) i “As discussed in the comment above, there are issues with the Johnson declaration as a historical source. In this specific instance, a better source for Marian Ghidotti insuring the ‘Mine Property’ would be policy

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>documents from Gold Cities Insurance Company (the carrier, according to Johnson) or some other formal evidence of the insurance. Additionally, it was Johnson’s ‘impression that Marian wanted the Mine property insured because she viewed it as valuable asset that contained a large amount of unextracted gold and would one day generate significant amounts of income when mining resumed’ - and not (as claimed here) her belief.” (Historian, Comment No. 46.)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) states that “Marian Ghidotti insured the Mine property as a mining asset for liability losses in 1977.” But that declaration does not state what kind of insurance policy was issued, what was actually covered in that insurance policy, whether any of the subsurface or mineral rights of the property was covered, whether underground gold mining was covered, or whether the property was covered for any year between 1963 – 1977, or after 1977.</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 13 of his declaration that “[i]t was my impression that Marian wanted the Mine property insured because she viewed it as a</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>valuable asset that contained a large amount of unextracted gold and would one day generate significant amounts of income when mining resumed.” That statement is pure speculation as to the mindset of someone other than the declarant. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 133 [“In any given case, one ‘may speculate about any number of scenarios that may have occurred A reasonable inference, however, may not be based on suspicion alone, or on imagination, speculation, supposition, surmise, conjecture, or guess work. . . . A finding of fact must be an inference drawn from evidence rather than . . . a mere speculation as to probabilities without evidence.’”]) Nowhere does Mr. Johnson state where he obtained his knowledge of what was in the mind of Marian Ghidotti.</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 13 of his declaration that that Marian Ghidotti insured the Mine Property as a mining asset “because she believed it contained a large amount of unextracted gold and would someday generate significant income when mining resumed” is sheer speculation without any substantial evidence in support.</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>(See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133 [“To be sufficient, evidence must of course be substantial. It is such only if it “reasonably inspires confidence and is of ‘solid value.’ “By definition, ‘substantial evidence’ requires evidence and not mere speculation.””].) Nowhere does Mr. Johnson state where he obtained his knowledge of what Marian Ghidotti “believed.”</p>
<p>31.</p>	<p>Petition, p. 42</p> <p>1979:</p> <p>In 1979, Marian Ghidotti enters into a licensing agreement with North Star Rock Products Corporation regarding the Centennial Industrial Site.⁴⁴⁰ In turn, North Star Rock Products Corporation applies for use permit (U79-41) for a proposed “rock crushing and gravel retail sales operation,”⁴⁴¹ which includes mining rock and sand, a crusher and screening plant.⁴⁴² Pursuant to the use permit, approximately 400,000 to 500,000 tons of existing rock and 10,000 tons of mill sand from historic mining will be removed.⁴⁴³</p> <p>⁴⁴⁰ License Agreement Between Marian Ghido and North Star Rock Products Corpora on (Sept. 14, 1979) [Exhibit 250].</p> <p>⁴⁴¹ Use Permit Applica on (1979) [Exhibit 251].</p> <p>⁴⁴² Nevada County Planning Commission Sta Report (Feb. 20, 1980) [Exhibit 252].</p> <p>⁴⁴³ Nevada County Planning Commission Sta Report (Feb. 20, 1980) [Exhibit 252].</p>	<p>i “Referring to the location of the licensing agreement between Marion Ghidotti and North Star Rock Products as the ‘Centennial Industrial Site’ is an ahistorical construct. The license agreement refers to the property in question as ‘the “Morehouse” Dump and/or the “Idaho-Maryland Mine” dumps.’ Moreover the intended activities to be covered by the use permit do not appear consistent with historical gold mining activity.” (Historian, Comment No. 47.)</p> <p>i The February 20, 1980 Staff Report noted only that the applicant claims mine rock has been taken from the property continuously, no documentation is cited in support of this. Further, Staff recommends the use permit be granted subject to the condition that the applicant restore the mined lands to a useable condition which is ready to be adapted to alternative land uses. (County of Nevada,</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Planning Department to Nevada County Planning Commission Re Memorandum Re Use Permit Application of North Star Rock Products Corporation for the expansion of an Existing Gravel Harvest and Processing Operation and Reclamation Plan on the Operation located at the old Idaho-Maryland Mine (U79-41) (February 20, 1980) (County Exhibit 1018).)</p> <p>i The project was not open-ended. The anticipated start of the project was January 1, 1980, and the project was to be completed by January 1, 1984. (Environmental Information Form: Idaho-Maryland Mine Rock Crushing Project, p. 2 (Exhibit 251).) “The maximum life span of this project is four years.” (<i>Id.</i>, at p. 26.)</p>
32.	<p>Petition, p. 42</p> <p>1980:</p> <p>The County grants Use Permit U79-41 authorizing the harvesting, crushing, screening, and sale of existing mine rock and tailings at the Centennial Industrial site.⁴⁴⁴ The County’s Staff Report states that the waste rock and tailings were previously deposited onto the site as part of the mining operations of the Mine, and that such rock and tailings had been crushed on the site by a rock crusher in 1964 or 1965. Notably, the County recognizes mining operations at the Property as</p>	<p>i The terms “Vested Mine Property” and “Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i “The permit application states the use is ‘To expand existing rock harvesting operation to the west and to the south. To create a terraced building site for future development, this is a surface quarry. No expansion of current methods or sales are proposed. Plant and related items pertaining to operation to remain in the same locations they currently exist.’ Under Type of Deposit, the</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>an existing nonconforming use – i.e., a vested right.⁴⁴⁵</p> <p>In the County’s Staff Report regarding Use Permit U79-41, the County acknowledges that Marian Ghidotti is considering “re-opening the mine because of the price of gold.”⁴⁴⁶</p> <p>⁴⁴⁴ Exhibit 252; Agreement Between the City of Grass Valley and North Star Rock Products Incorporated (Nov. 24, 1992) [Exhibit 253].</p> <p>⁴⁴⁵ Nevada County Planning Commission Staff Report (Feb. 20, 1980) [Exhibit 252].</p> <p>⁴⁴⁶ Minutes of Meeting of Board of Supervisors (Feb. 28, 1980) [Exhibit 254].</p> <p>Petition, p. 5</p> <p>In the Planning Commission Hearing for this use permit, the County stated that “Mrs. Ghidotti who owns the property intends to put it to some use other than a horse ranch in the future, because it is zoned industrial, and there has been some consideration of re-opening the mine because of the price of gold.”</p> <p>Petition, pp. 66-67</p> <p>Importantly, the vested right was already confirmed in 1980 by the County itself. The County’s issuance of Use Permit U79-41 explicitly states that the grant of the permit was “an expansion of an <u>existing, non-conforming use</u>,” as “the property owner has indicated that mine rock has been sold and taken from the property continuously since the mine closed.”⁶⁵² The County Staff Report further notes that the County’s “‘M-1’ Light Industrial District in which the subject property is located, does not allow gravel harvest and processing as permitted or conditionally permitted uses.”⁶⁵³ In other words, but for the “existing, non-conforming use,” that then existed on the</p>	<p>application states, ‘Aggregate only; no precious metal extraction.’” (Historian, Comment No. 79.)</p> <p>i Contrary to Petitioner’s assertions, the Staff Report (Exhibit 252) does NOT state that rock and tailings had been crushed on the site by a rock crusher in 1964 or 1965.</p> <p>i The consultant for North Star Rock Products Corporation stated in 1979: “After re-opening the mine, which involved removal of water from the tunnels and extensive re-timbering the mine closed in 1956 due to excessive operating costs. [¶] The site was then used as a rock crushing project for several years and other rock and sand removing operations have continued until the present time.</p> <p><u>Existing Uses</u> The project site is unused except for the occasional removal of rock and sand wastes by the owner of the property. Lumber is also stored on the property.</p> <p><u>Existing Structures</u> The only remaining structures on the site are two concrete towers which were used as the mill sand pond overflows and a small rock bridge abutment.” (Environmental Information Form: Idaho-Maryland Mine Rock Crushing Project, p. 10 (Exhibit 251).) Also, “The project does conflict with the General Plan 1990, and current</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>Vested Mine Property, the permit could not have been issued. The County found that the legal, non-conforming mining use existed on the Vested Mine Property, and on that basis granted the permit.⁶⁵⁴ ⁶⁵² Use Permit U79-41 (1980). ⁶⁵³ Nevada County Planning Commission Sta Report (Feb. 20, 1980).</p> <p>Petition, p. 68</p> <p>Additionally, the County itself confirmed the Vested Mine Property had a vested right in 1980 when it found the Centennial Industrial Site’s mining operation was a legal nonconforming use – i.e., a vested right, and based the issuance of a permit on the basis of that vested right. Use Permit U79-41 authorized mining, crushing, screening, and sale of existing mine rock, sand, and tailings, all of which are mining activities critical to the mining operations conducted on the Property, while characterizing the activities as “an existing, non-conforming use.”⁶⁶³ This confirmation of a vested right was not limited to the Centennial Industrial Site. ⁶⁶³ Exhibits 252, 253.</p> <p>Petition, p. 67</p> <p>As such, the County has already approved and acknowledged the vested right to continue mining operations at the Mine Property as of 1980.⁶⁵⁶ ⁶⁵⁶ Cal. Code Regs., t. 14, § 3951, providing that (a “vested right’ is <u>the right to conduct a legal nonconforming use of real property</u> if that right existed lawfully before a zoning or other land use restric on became effective and the use is not in conformity with that restric on when it continues thereafter.”).</p> <p>Petition, p. 67</p> <p>Because a vested right cannot be broken</p>	<p>zoning. The light industrial zoning (M-1) does not include mining as a permitted use, however, it does provide for the “Enlargement of Non-Conforming Use of Building.” The owner of the property has established the non-conforming use by removing small amounts of rock and mill sand over a continuous period before the current general plan and zoning were enacted. The application for the use permit is based upon the premise that the non-conforming use has been established.” (Environmental Information Form: Idaho-Maryland Mine Rock Crushing Project, p. 26 (Exhibit 251).)</p> <p>i The environmental consultant also did NOT state that “rock and tailings had been crushed on the site by a rock crusher in 1964 or 1965.” Instead, the consultant stated that “[t]he site was then used as a rock crushing project <i>for several years.</i>” (Environmental Information Form: Idaho-Maryland Mine Rock Crushing Project, p. 10 (Exhibit 251) (emphasis added).) Furthermore, the consultant stated that “[t]he project site is <i>unused</i> except for the occasional removal of rock and sand wastes by the owner of the property” and that “the only remaining structures on the site are two concrete towers which were used as the mill sand pond overflows.” (Environmental Information</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>down to encompass “less than the entire business operation,” the County vested the right to mine for the entire Vested Mine Property.⁶⁵⁷</p> <p>⁶⁵⁷ See Hansen Brothers, supra, 12 Cal.4th at 566.</p>	<p>Form: Idaho-Maryland Mine Rock Crushing Project, p. 10 (Exhibit 251) (emphasis added).)</p> <ul style="list-style-type: none"> i In other words, the rock crushing operations, if any, had long since stopped and the equipment for such rock crushing, if any existed, was no longer on the property. In short, the consultant’s statements is evidence of abandonment of rock crushing operations on the property, even if they had existed 14 years earlier in the mid-1960s. i Other than the consultant’s statements in the Use Permit application, there is no written or pictorial evidence to support these statements. i In a Memorandum, County staff stated: “This permit is being processed as an <i>alteration</i> of an existing, non-conforming use.” (Memorandum, regarding “U79-41 Use Permit Application of North Star Rock Products” (Exhibit 251) (emphasis added).) i The Staff Report (Exhibit 252) states: <ul style="list-style-type: none"> ➤ “this 40 acres is covered with mill sand and rock left from the historic hard rock mining operation” ; ➤ “the project ... will include a crusher and screening plant to process the waste rock and sand”;

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> <li data-bbox="1068 344 1458 1108">➤ “It is noted that the provisions of the ‘M1’ Light Industrial District in which the subject property is located do not allow gravel harvesting and processing as permitted or conditionally permitted uses. However, the property owner has indicated that mine rock has been sold and taken from the property continuously since the mine closed, and so this use permit application is for expansion of an existing, non-conforming use by the addition of a crusher and screening plant.” <li data-bbox="1068 1150 1458 1583">➤ “The planning Commission should move to grant the use permit, subject to the following conditions: ... *11 The use permit covers only removal of mine waste and processing to restore the site to its original contours. Earth excavation for a borrow pit is not included.” <li data-bbox="1068 1625 1458 1877">➤ “The planning Commission should move to grant the use permit, subject to the following conditions: ... *12 The permit covers only the processing of material

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>harvested from the subject property and does not include the processing of material imported from outside the property” for processing.</p> <p>i The Staff Report (Exhibit 252) further states:</p> <ul style="list-style-type: none"> ➤ <u>Resource Conservation District</u> *1 The Nevada Resource Conservation District has approved the erosion and sedimentation control plan submitted by the applicant, and the conditions included in that plan are made conditions on this use permit, as follows: <ul style="list-style-type: none"> a. No material beyond the depth of rock waste material shall be removed from the site.” <p>i The Minutes of the public hearing by the Planning Commission on Use Permit No. U79-41 on February 28, 1980 (Exhibit 254) provide:</p> <ul style="list-style-type: none"> ➤ Clayton Abbott on behalf of the use permit application “explained he will operate a jaw crusher and a cone crusher on the property” (page 10); ➤ “The project is only for four years, assuming the

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>estimate on the amount of aggregate is accurate” (page 10);</p> <ul style="list-style-type: none"> ➤ “The Hansen operation is predicated to last 200 years, and the Abbott operation is predicted to last 4 years” (pages 10-11); ➤ “Mrs. Ghidotti who owns the property intends to put it to some use other than a horse ranch in the future, because it is zoned Industrial, and there has been some consideration of re-opening the mine because of the price of gold” (page 11 of 13) ➤ The Planning Commission approved “the use permit of North Star Rock Products Corporation for an operation which will involve harvesting, crushing, screening, and sale of waste rock left from the Idaho-Maryland Mine, subject to the conditions in the staff report” (page 11). <p>i There is no indication in the Minutes of the Planning Commission meeting on February 28, 1980, that the assertion of a “consideration of re-opening of mine” was based on the premise that vested rights exist to allow for re-opening the mine. Nor is</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>there any indication in those Minutes of who articulated that assertion at the Meeting, or what was the factual basis of that assertion, or what foundation existed for the person who articulated that assertion, or even whether it was Mrs. Ghidotti who had the purported “consideration.”</p> <p>i “The source cited (Exhibit 254) for this statement is not a County Staff Report, but rather reported in the minutes of a meeting where the use permit was under discussion. Marian Ghidotti was not present at the meeting. Although not entirely clear, it appears that Clayton Abbott, attending on behalf of the application, made the statement that was recorded in the minutes as ‘Mrs. Ghidotti who owns the property intends to put it to some use other than a horse ranch in the future, because it is zoned Industrial, and there has been some consideration of re-opening the mine because of the price of gold.’” (Historian, Comment No. 50.)</p> <p>i Also, the statement in the Minutes of the Planning Commission that “<i>Mrs. Ghidotti who owns the property intends to put it to some use other than a horse ranch in the future, because it is zoned industrial, and there has been some consideration of re-opening the mine because of the price of gold</i>” indicates “that</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Marion Ghidotti (the owner, ca. 1980) was using the property as ‘horse ranch’ and was ‘consider[ing]...re-opening the mine because of the price of the gold.’ This implies that the historical Idaho-Maryland Mine was closed and no mining operations were occurring.” (Historian, Comment No. 7.)</p> <ul style="list-style-type: none"> i The County’s Staff Report (Exhibit 252) regarding Use Permit U79-41 does NOT acknowledge, or even mention, “that Marian Ghidotti is considering ‘re-opening the mine because of the price of gold,’” contrary to Petitioner’s assertion. i The Planning Department’s “Notice Of Conditional Approval: Use Permit Application, for Use Permit No. U79-41 (Exhibit 252) granted the use permit “for an operation which will involve harvesting, crushing, screening, and sale of waste rock left from the Idaho-Maryland Mine lying on the south side of Idaho-Maryland Road” That Notice also states: <ul style="list-style-type: none"> ➤ “This permit is being processed as an <i>alteration</i> of existing non-conforming use” [emphasis added]; ➤ “The use permit covers only removal of mine waste and processing to

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>restore the site to its original contours. Earth excavation for a borrow pit is not included”;</p> <ul style="list-style-type: none"> ➤ “The permit covers only the processing of material harvested from the subject property and does not include the processing of material imported from outside the property” for processing; and ➤ <u>Resource Conservation District</u> *1 The Nevada Resource Conservation District has approved the erosion and sedimentation control plan submitted by the applicant, and the conditions included in that plan are made conditions on this use permit, as follows: <ul style="list-style-type: none"> a. No material beyond the depth of rock waste material shall be removed from the site.” <p>i By reiterating that the project was only expected to last about 4 years, the County Staff implicitly recognized the applicant was NOT engaging in such harvesting, crushing, screening, and sale of waste rock pursuant to a vested mining right.</p> <p>i The foregoing demonstrates that, contrary to Petitioner’s assertion,</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>the County did NOT “recognize[] mining operations at the Property as an existing nonconforming use – i.e., a vested right.” Rather, Staff report states that “the property owner has indicated that mine rock has been sold and taken from the property continuously since the mine closed, and so this use permit application is for <i>expansion</i> of an existing, non-conforming use by the addition of a crusher and screening plant.” (Emphasis added.) <i>Thus, the “existing, non-conforming use” is merely “mine rock” being “sold and taken from the property.”</i> Contrary to Petitioner’s assertion, having a “crusher and screening plant to process the waste rock and sand” (Staff Report, p. 1, Exhibit 252) constituted an “expansion” of the “existing, non-conforming use.”</p> <p>i “The Use Permit application package U79-41 includes an Environmental Information Form (Exhibit 251, pdf p. 18) that outlines the plans to crush and remove mine wastes left from gold mining operations and reclaim the site. Under ‘Water,’ the report notes that ‘When the site ares [sic] is reclaimed following the gravel operation, the intermittent drainage flows will be re-established to the pre-mining patterns’ (Exhibit 251, pdf p. 32). Where the environmental discussion addresses the project’s conflict with the General Plan 1990, it</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>notes that the ‘owner of the property [Marian Ghidotti] has established the non-conforming use by removing small amounts of rock and mill sand over a continuous period’ and that the ‘project will continue a general pattern of mineral recovery in the area’ (Exhibit 251, pdf p. 35). Per the timeline provided in the petition, the Ghidottis began the activity of rock crushing at the site in 1964.” (Historian, Comment No. 48.)</p> <p>i The Reclamation Plan prepared in 1979 (attached to Exhibit 251), required that 40 acres of the Centennial Industrial Site be reclaimed and restored to a condition that was either (1) graded to the contours of the land before it was covered with waste rock from the historic gold mine operations, or (2) leveled with a culvert drainage pipe installed to prepare the land for an “easy transition” to alternate uses and further states that that reclamation of the site, “will end surface mining and storage of the waste rock.” (Petition, Exhibit 251, Reclamation Plan, ¶ 23(a) and 29.)</p> <p>i At no time did the Planning Commission make any findings or determination at the public hearing on February 28, 1980, of the scope of the vested rights of the Idaho-Maryland Mine, if any, when the Commission approved</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Use Permit No. U79-41. (Exhibit 254.)</p> <ul style="list-style-type: none"> <li data-bbox="971 422 1451 636">i At no time did the Planning Commission make any finding or determination in its Notice (Exhibit 252) of the scope of the vested rights of the Idaho-Maryland Mine, if any. <li data-bbox="971 680 1451 1696">i The very fact that North Star Rock Products / Mrs. Ghidotti sought a conditional use permit in 1979 for a “crusher and screening plant to process the waste rock and sand,” and spent the resources for an outside consultant to prepare a lengthy “Environmental Information Form: Idaho-Maryland Mine Rock Crushing Project” (Exhibit 351), and incurrent the expense and effort to obtain Planning Commission approval of the CUP, strongly evidences the understanding and belief of North Star Rock Products / Mrs. Ghidotti that there was no vested right in 1979 for a “crusher and screening plant to process the waste rock and sand” at the site. And the fact that the County only allowed that use under Use Permit U79-41 for a maximum of four years further evidences the County’s understanding that no vested right existed in 1979 for such use. <li data-bbox="971 1740 1451 1883">i The fact that page 4 of the Staff Report (Exhibit 252) and page 3 of the Notice of Use Permit U79-41 (Exhibit 252) provide that “No

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>material beyond the depth of rock waste material shall be removed from the site” is evidence that there was NO County recognition of “an existing nonconforming use – i.e., a vested right” for the removal from the site of material beyond the depth of rock waste material, contrary to Petitioner’s assertion.</p> <p>i The Staff Report nowhere states or implies that there are any vested rights for resuming underground gold mining. Indeed, in the Staff Report for a later use permit issued to Emperor Gold Corporation in 1996 for dewatering the mine and performing some exploratory drilling and sampling to determine the extent of the resources (U94-017), the County Staff explicitly stated: “When the mine is empty, the condition of the workings will also be evaluated. The results of these activities will determine whether it will be feasible to <i>reopen the mine at some future date, under a new use permit.</i>” (Exhibit 291 (emphasis and underline added).)</p> <p>i Thus, contrary to Petitioner’s assertion, since 1980 the County has NOT “approved and acknowledged the vested right” to continue underground gold mining operations at the site.</p>
33.	Petition, pp. 42-43	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive.</p>

<p>1980:</p> <p>Marian Ghidotti passes away and leaves the Mine Property to the BET Group because she believed the group would be capable of resurrecting the Mine due to their collective expertise as land use/title professionals and accountants.⁴⁴⁷ Marian also knew that each of these individuals wished for the Mine to resume operations, and believed they could make this happen using their professional skills and training.⁴⁴⁸</p> <p>During Marian’s ownership of the Mine, she acquired thousands of maps, documents detailing gold discoveries and locations, exploratory mining, and other documents related to the Mine.⁴⁴⁹ During Marian’s and William’s ownership of the Mine, neither believed the Mine Property would be used for anything other than mining in the future, and were convinced the Mine would be operational again.⁴⁵⁰ In fact, they thought they could potentially reopen the Mine themselves.⁴⁵¹ Despite the fact that Marian owned and grazed cattle, she never allowed the cattle to graze on the Mine Property because she considered mining to be the only appropriate use of the Mine Property.⁴⁵²</p> <p>⁴⁴⁷ Estate of Marian Ghido (Aug. 1983) [Exhibit 248].</p> <p>⁴⁴⁸ Ibid.</p> <p>⁴⁴⁹ Exhibit 227.</p> <p>⁴⁵⁰ Ibid.</p> <p>⁴⁵¹ Ibid.</p> <p>⁴⁵² Ibid.</p> <p>Petition, p. 5</p> <p>Marian Ghidotti passed away on May 12, 1980, leaving the Mine Property to Mary Bouma, Erica Erickson, and William Toms (collectively, the ‘BET Group’). Marian Ghidotti left the</p>	<p>(See County Response, Note #1, above.)</p> <p>i “The source(s) of Ghidotti’s belief - both why she possessed this stated conviction and the recordation of her conviction - are unstated here. Individual beliefs, without attribution to documentation, cannot be evaluated historically.” (Historian, Comment No. 8.)</p> <p>i “As a historical source, a declaration such as Lee Johnson’s (Exhibit 227) is problematic, particularly for the factual assertions made here. Both historical study and scientific research have revealed the unreliability (and even instability) of human memory. Historical interpretation is based upon a critical examination of documentation made at or near the occurrence of an event. Memoirs and reminiscences often drafted years after an event are consulted as sources, but treated with caution. Corroboration from sources closer or contemporaneous in time with the events described are frequently sought. Relying on this declaration to ascertain William and Marian Ghidotti’s thoughts or intentions - in the absence of independent supporting documentation - is methodologically suspect for a historian.” (Historian, Comment No. 44.)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal</p>
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	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>Mine Property to these individuals because of her belief that they had the wherewithal and skillset to facilitate the development of the Mine Property back into production.</p>	<p>knowledge disclosed on the part of the declarant, regarding the statement in paragraph 16 of his declaration that “Marian Ghidotti decided to bequeath the Mine to the BET Group because she knew the Mine was a valuable mining asset, and that this group would be capable of resurrecting the Mine due to their collective expertise as land use/title professionals and accountants.” That statement about what another person other than the declarant thought or believed or knew is sheer speculation without any substantial evidence in support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133 [“‘To be sufficient, evidence must of course be substantial. It is such only if it ‘reasonably inspires confidence and is of ‘solid value.’ ‘By definition, ‘substantial evidence’ requires evidence and not mere speculation.’”].)</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 16 of his declaration that “it is my understanding that Marian believed the BET Group would be capable of marketing and selling the Mine property to a mining company that would then resume mining operations at the Mine.” That statement about what another person other than the declarant believed, about</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>what a third person is capable of, in respect to what a fourth person will do in the future, is rank speculation without any substantial evidence in support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133.) Nowhere does Mr. Johnson state where he obtained his knowledge of what Marian Ghidotti “believed.” Furthermore, Mr. Johnson does not even describe what is the basis of his <i>own</i> purported “understanding.”</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 16 of his declaration that “Marian also knew that each of the individuals comprising the BET Group wanted the Mine to resume mining operations.” That statement about what another person other than the declarant “knew,” about what yet another third person “wanted,” constitutes multiple layers speculation without any substantial evidence in support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133.) Nowhere does Mr. Johnson state where he obtained his knowledge of what Marian Ghidotti “knew.”</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>statement in paragraph 16 of his declaration that “Marian ... believed they could do so with their professional skills and training.” That statement about what another person other than the declarant believed is sheer speculation without any substantial evidence in support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133.) Nowhere does Mr. Johnson state where he obtained his knowledge of what Marian Ghidotti “believed.”</p> <p>i Contrary to Petitioner’s assertion, the Estate of Marian Ghidotti (Aug. 1983) (Exhibit 248) provides no evidentiary support for the statement that “Marian also knew that each of these individuals wished for the Mine to resume operations, and believed they could make this happen using their professional skills and training.”</p> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 9 of his declaration that “Marian Ghidotti acquired and kept thousands of documents relating to the Mine, including maps, documents detailing gold discoveries and locations, exploratory mining, and other similarly related documents.”</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> <li data-bbox="971 310 1458 1220"> <p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 11 of his declaration that “[t]he entire time Marian Ghidotti and Bill Ghidotti owned the Mine ... neither thought the Property would be used for anything except for mining, and were convinced that the Mine would be operational again in the future.” That statement about what another person other than the declarant thought or believed is sheer speculation without any substantial evidence in support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133.) Nowhere does Mr. Johnson state where he obtained his knowledge of what Marian Ghidotti and Bill Ghidotti “thought.”</p> <li data-bbox="971 1262 1458 1654"> <p>i Petitioner’s assertion that “[d]uring Marian’s and William’s ownership of the Mine, neither believed the Mine Property would be used for anything other than mining in the future, and were convinced the Mine would be operational again” does not demonstrate what Marian Ghidotti and Bill Ghidotti intended.</p> <li data-bbox="971 1703 1458 1875"> <p>i “The claim about the Ghidottis being ‘convinced’ the mine would again be operational does not take into account the speculative nature of investing in</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>properties with the hope that they may become more valuable in the future.” (Historian, Comment No. 51.)</p> <ul style="list-style-type: none"> <li data-bbox="971 491 1455 1037">i There is no evidence whatsoever presented by Petitioner supporting the assertion that, “In fact, [Marian Ghidotti and Bill Ghidotti] thought they could potentially reopen the Mine themselves.” No evidence in the Declaration of Lee Johnson (Exhibit 227) supports or even mentions that assertion. Nor is there any evidence presented by Petitioner that demonstrates any efforts actually taken by either Marian Ghidotti and Bill Ghidotti to “reopen the Mine themselves.” <li data-bbox="971 1079 1455 1625">i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 12 of his declaration that “[d]espite the fact that Marian Ghidotti owned and operated a cattle ranch and was the President of the Cattlemen’s Association, she never allowed the cattle to graze the Mine property.” Mr. Johnson never presents the factual basis for how he purportedly knows that. <li data-bbox="971 1667 1455 1877">i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 12 of his

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>declaration that Marian Ghidotti “considered mining as the only appropriate use of the Mine Property.” That statement about what another person other than the declarant thought or believed or considered is sheer speculation without any substantial evidence in support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133.) Nowhere does Mr. Johnson state where he obtained his knowledge of what Marian Ghidotti “considered.”</p> <p>i “The claim as to Marian’s knowledge of her heirs’ desire ‘to resume operations’ and her belief as ‘their professional skills and training’ is not supported by the cited document (Exhibit 248) which is merely the order settling Marian Ghidotti’s estate.” (Historian, Comment No. 49.)</p> <p>i “The Johnson declaration (Exhibit 227) opines that Ghidotti ‘knew the Mine was a valuable mining asset, and that this group would be capable of resurrecting the Mine due to their collective expertise as land use / title professionals and accountants.’ This statement alone, notwithstanding the question of what Ghidotti may or may not have known, indicates that mine property was inactive for a number of years prior to her death. The declaration further opines as to Johnson’s ‘understanding’ of Ghidotti’s beliefs but there no corroborating</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>evidence is offered either by the declaration or elsewhere in the petition (see Comment No. 44 above).” (Historian, Comment No. 49.)</p> <p>i Even assuming, <i>arguendo</i>, that Petitioner’s assertions are true that “Marian owned and grazed cattle” and “never allowed the cattle to graze on the Mine Property,” it is likely that Ms. Ghidotti prevented such grazing NOT “because she considered mining to be the only appropriate use of the Mine Property,” as Petitioner asserts, but because of the contamination on the site. As Petitioner’s Exhibit 66 demonstrates, during the historic mining operations “[t]he cyanide-treated waste sands, or tailings, were placed in an unlined pond with waste rock berms adjacent to Wolf Creek in the northeastern portion of Parcel 17.” (See generally Exhibit 66.) Indeed, when the property was listed for sale (and then Petitioner bought the property), the real estate broker and listing agent acknowledged the contamination on the site:</p> <p>Considering contaminated mine tailings are part of the property, which the listing notes, [Charlie] Brock [with Coldwell Banker said it will likely be a challenge to sell. “We’re very much aware of the sort of political history with Emgold having attempted</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>to permit the operation of the mine and failed,” Brock said. “There are substantial environmental issues with the property itself. There are a number of environmental concerns that we anticipate the market will need answers to.”</p> <p>i Thus, Petitioner’s assertions that Marian Ghidotti “leaves the Mine Property to the BET Group because she believed the group would be capable of resurrecting the Mine due to their collective expertise as land use/title professionals and accountants,” that “Marian also knew that each of these individuals wished for the Mine to resume operations, and believed they could make this happen using their professional skills and training,” that “[d]uring Marian’s and William’s ownership of the Mine, neither believed the Mine Property would be used for anything other than mining in the future, and were convinced the Mine would be operational again,” and that “they thought they could potentially reopen the Mine themselves,” are all statements that are sheer speculation without any evidentiary support. (See <i>People v. Perez, supra</i>, 2 Cal.4th at p. 1133 [“In any given case, one ‘may speculate about any number of scenarios that may have occurred A reasonable inference, however, may not be based on suspicion alone, or on imagination, speculation,</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>supposition, surmise, conjecture, or guess work... . A finding of fact must be an inference drawn from evidence rather than ... a mere speculation as to probabilities without evidence.”].)</p> <p>i Petitioner’s assertions (and Lee Johnson’s statements in his declaration) are actually contradictory. The statements that the “<i>BET Group</i>” would be “capable of resurrecting the Mine” and “could make [the Mine resume operations] happen using <i>their</i> professional skills and training,” are contradicted by the statement in Mr. Johnson’s declaration that the “<i>BET Group</i> would be capable of marketing and selling the Mine property to a <i>mining company</i> that would then resume mining operations at the Mine.” (Exhibit 227.)</p>
34.	<p>Petition, p. 43</p> <p>1983:</p> <p>Marian Ghidotti’s estate is settled in 1983 — three years after her death.⁴⁵³ ⁴⁵³ Exhibit 227; Estate of Marian Ghido (Aug. 1983) [Exhibit 248].</p>	<p>i The Declaration of Lee Johnson (Exhibit 227) lacks foundation, and there is no personal knowledge disclosed on the part of the declarant, regarding the statement in paragraph 15 of his declaration that “Her estate was settled in or about 1983.</p>
35.	<p>Petition, p. 43</p> <p>1984:</p> <p>In the 1980’s, an anti-mine sentiment from County residents creates obstacles to the resumption of mining activities in mines like the</p>	<p>i “The discussion here suggests that little or no mining operations were occurring in Nevada County as of 1984, and offers no evidence of Ghidotti’s efforts prior to her death or of the <i>BET Group</i> that acquired the historical Idaho-Maryland Mine to advance</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>Idaho- Maryland Mine. In 1984, Brian Jamison, president of the Nevada City Chamber of Commerce, states that “Nevada County was born and raised a miner” after the County Planning Commission votes down a move to kill a proposed gold mine on San Juan Ridge after the mining project was attacked by local environmental policy groups claiming it would cause pollution.⁴⁵⁴ The project manager for that mining project states: “If it’s going to open at all, it’s going to take a change in the political conditions in the county.”⁴⁵⁵ Political opposition ultimately causes the project to be abandoned.⁴⁵⁶</p> <p>By November of 1985, County voters pass Measure C, which precluded the County Board of Supervisors from approving gold mining projects in Banner Mountain.⁴⁵⁷ Then in 1987, following “[a] growing number of showdowns between residents and gold mine and gravel operators,” the County passes a new mineral management plan “to identify and protect mineral resources for current utilization and for future generations in a manner that does not create land-use conflicts.”⁴⁵⁸</p> <p>⁴⁵⁴ The Sacramento Bee (Aug. 2, 1984) [Exhibit 255]. ⁴⁵⁵ The Sacramento Bee (Sept. 12, 1984) [Exhibit 256]. ⁴⁵⁶ The Sacramento Bee (Oct. 7, 1984) [Exhibit 257]. ⁴⁵⁷ The Sacramento Bee (Nov. 7, 1985) [Exhibit 258]. ⁴⁵⁸ The Sacramento Bee (Jun. 5, 1987) [Exhibit 246].</p>	<p>work in the fact of prevailing county-wide opposition to mining.” (Historian, Comment No. 52.)</p> <p>i Petitioner’s assertion that “[i]n the 1980’s, an anti-mine sentiment from County residents creates obstacles to the resumption of mining activities in <i>mines like</i> the Idaho-Maryland Mine” is inaccurate, because the citation is to a news article that discusses a “multi-million-dollar open pit mine on portions of a 2,300-acre site that still bears the scars of hydraulic mining a century ago.” (Exhibit 255.) That is very <i>unlike</i> the Subject Property.</p> <p>i The news articles cited by Petitioners do NOT reveal ‘anti-mine sentiment, as Petitioner asserts. Instead, those articles reveal that several Planning Commissioners opposed the open pit mine because they were “convinced that the project would have a serious impact on the lives of nearby residents. ‘The feeling has been developing in my stomach for some time now,’ said [Commissioner] Davidson. ‘With homes all; around, it’s an incompatible land use.’” (Exhibit 255.) “The project was fought by residents of the North Ridge area.” (Exhibit 257.) The conditional use permit that was <i>approved</i> by the Planning Commission included conditions “designed ... to help protect the</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>lifestyles of nearby residents on the rural ridge.” Indeed, the “chairman of the Board of Supervisors, credited the [Planning] commission with spending a tremendous amount of time on the project and developing conditions that would make the project compatible with its neighborhood.” (Exhibit 256.)</p> <p>i Contrary to Petitioner’s assertions, “political opposition” was NOT what ultimately caused the project to be abandoned. The news articles cited by Petitioner demonstrate that “[p]lans for a big, open-pit gold mine in Nevada county have been shelved by a mining firm because of unfavorable gold prices and community opposition.” (Exhibit 257.)</p> <p>i The mining project cited by Petitioner was NOT attacked by “local environmental policy groups claiming it would cause pollution,” as Petitioner asserts. Rather, the news article cited by Petitioner actually states:</p> <ul style="list-style-type: none"> ➤ “residents of the San Juan Ridge countered that they alone will have to put up with noise and dust from the operation, all night lighting, and they said that the plant pumping water from the open pit mine could affect their water wells”; ➤ “San Juan Ridge Taxpayer’s Association”

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>is “the group which has opposed the mining project”; and</p> <p>Indeed, there is NO ‘local environmental policy group’ listed in any of the news articles cited by Petitioner. (Exhibits 255, 256, 257.)</p> <p>i The news article cited by Petitioner regarding Measure C explains that the comments about “anti-mining and no-growth sentiment” came from the “pro-mining” political campaign, while the local residents who proposed Measure C “worried the mining could affect their water wells, bring noise, dust and traffic to the crest of 3,899-foot Banner Mountain.” (Exhibit 258.) “At one time, the Banner and Lava Cap mines were among the richest in the gold country, but since the mines closed in the early 1940s, the surrounding area has been developed with homes.” (Exhibit 258.)</p> <p>i Petitioner’s own Appendix F explains how political conditions can change based on the residential makeup of the County: When the gold reaches the Mint, (if it ever does) the last of the highgrade in large amounts will have left the Gold Country of California. Hereafter, the gold flowing from the mining country will be in the form of currency brought to the</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>hills by the people anxious to escape the cities. They have discovered that the country lying between 1,000 and 3,000 feet above sea level, the elevation where most of the gold was found, and the elevation lying above the smog and the fog of the Great Valleys and below the snows of the high country, is ideal for retirement living. It is also closer to more and to better recreational activities than almost any other place in the United States.</p> <p>It has been more than 140 years since the first gold was taken from the hills of California. During the next 140 years, the amount of gold brought back to the hills by retired couples and by men and women who work in the Central Valleys but commute to the hospitality of the hills, will far exceed the value of all the treasure taken by all the miners since James Marshall picked up that first piece of yellow metal from the mill race at Coloma. [F.D. Calhoun, “California Gold And The Highgraders: True Stories of the Mines and the Miners, pp. 354-355.]</p> <p>i Petitioner’s assertions are not availing to the current petition for vested rights determination,</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>because (1) the project cited by Petitioners involved “whether a use permit should be granted” to allow the project (Exhibit 255); (2) the open pit mine project in the news article is different from what Petitioner is proposing here; (3) the status of other projects do not indicate an intent on the part of the BET Group to resume the underground mining at the Idaho-Maryland Mine in 1984.</p> <p>i If by asserting that “[i]n the 1980’s, an anti-mine sentiment from County residents creates obstacles to the resumption of mining activities in mines like the Idaho- Maryland Mine,” Petitioner is taking the position that vested mining rights are not abandoned where there is “anti-mine sentiment from County residents,” then Petitioner’s position is both factually and legally erroneous. <i>Factually</i>, Petitioner’s own Exhibit 262 (“Proposal: Permitting Feasibility Study, Reactivation Project for the Idaho-Maryland-Brunswick Mine,” by Condor Earth Technologies) demonstrates that opposition by residents is not a barrier to pursuing underground gold mining or could potentially be overcome, if such a pursuit is, in fact, the intent of the BET Group who allegedly has vested mining rights. Indeed Exhibit 262 explicitly discusses how to overcome the precise opposition that occurred in the other mining cases within Nevada County that</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Petitioner refers to in Exhibits 255, 256 and 257. Also, Rise Gold’s current efforts to resume underground gold mining, in the face of potential greater opposition by residents than existed in the 1980s, proves that the existence of opposition by residents is not a consideration in determining whether a property owner has an intent to mine, and whether alleged vested mining rights have been abandoned. <i>Legally</i>, political opposition to mining is not a valid ground either (a) to explain why a property owner with alleged vested mining rights did not commence mining when the owner had such an intent, or (b) to avoid the conclusion that a vested mining right has been abandoned. Indeed, BET Group’s selling off portions of the Brunswick Mine surface properties for residential development (Exhibits 266, 270, 271, 272, 273), when “most mining activity is expected to take place around the New Brunswick shaft” is the Idaho-Maryland Mine was reopened (Exhibit 276), essentially invites residential opposition to such reactivation of underground gold mining activities. For that reason, the existence of residential opposition cannot legally be a consideration as to whether an alleged vested mining right has been abandoned. Thus, Petitioner’s assertion that “[i]n the 1980’s, an anti-mine</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>sentiment from County residents creates obstacles to the resumption of mining activities in mines like the Idaho- Maryland Mine,” is irrelevant here.</p> <p>i If by quoting a mining project manager who stated “[i]f it’s going to open at all, it’s going to take a change in the political conditions in the county,” and if by asserting that “[p]olitical opposition ultimately causes the project to be abandoned,” Petitioner is taking the position that vested mining rights are not abandoned due to the existence of “political opposition” to mining, then Petitioner’s position is both factually and legally erroneous. <i>Factually</i>, Rise Gold’s current efforts to resume underground gold mining, in the face of potential greater “political opposition” than existed in the 1980s - where a project was approved with conditions, whereas Rise Gold’s project was not approved - proves that the existence of “political opposition” is not a consideration in determining whether a property owner has an intent to mine, and whether alleged vested mining rights have been abandoned. <i>Legally</i>, political opposition to mining is not a valid ground either (a) to explain why a property owner with alleged vested mining rights did not commence mining when the owner had such an intent, or (b) to avoid the conclusion that a</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>vested mining right has been abandoned. Thus, Petitioner’s assertion regarding “political opposition” is irrelevant here.</p> <ul style="list-style-type: none"> <li data-bbox="971 491 1458 961">i Petitioner does not explain how the alleged opposition by County residents prevented the BET Group from seeking to resume underground gold mining at the Idaho-Maryland Mine where “four hundred dollars per ounce is often cited as the bench mark price for deciding whether a gold mine is viable” (Exhibit 276), and where that price was greatly exceed throughout the 1980s. (Exhibit 58.) <li data-bbox="971 1010 1458 1367">i Petitioner does not explain why BET Group did not engage in efforts to resume underground gold mining even though other entities, such as Emgold Mining Corporation, engaged in efforts to reopen the Idaho-Maryland Mine when the price of gold was merely \$290 an ounce. (Exhibits 286, 290, 291.) <li data-bbox="971 1415 1458 1625">i Petitioner’s focus on alleged “anti-mine sentiment” is misplaced. As Emgold Mining Corporation later stated, in the context of attempts to reopen the Idaho-Maryland Mine: <ul style="list-style-type: none"> <li data-bbox="1094 1667 1458 1885">“Further, the business of mining and exploration involves a high degree of risk and there can be no assurance that current exploration programs will

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>result in profitable mining operations. The recoverability of exploration and evaluation assets is dependent upon several factors. These include the discovery of economically recoverable reserves, the ability of the Company to obtain the necessary financing to complete the development of these properties, and future profitable production of proceeds from disposition of mineral properties.” (Exhibit 306.)</p> <p>i Indeed, Petitioner listed numerous reasons why there can “no assurance” that the “expectations” in the “forward-looking statements” about the Idaho-Maryland Gold Mine “will prove to be correct” (Exhibit 309), which are similar explanations as to why resuming underground gold mining operations can be delayed or never actually occur. Petitioner explained:</p> <p>Although the Company believes that the expectations reflected in the forward-looking statements are reasonable, there can be no assurance that such expectations will prove to be correct. Such forward-looking statements are subject to risks, uncertainties and assumptions related to</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>certain factors including, without limitation, obtaining all necessary approvals, meeting expenditure and financing requirements, compliance with environmental regulations, title matters, operating hazards, metal prices, political and economic factors, competitive factors, general economic conditions, relationships with vendors and strategic partners, governmental regulation and supervision, seasonality, technological change, industry practices, and one-time events that may cause actual results, performance or developments to differ materially from those contained in the forward-looking statements. [Exhibit 309.]</p>
<p>36.</p>	<p>Petition, p. 43</p> <p>1985:</p> <p>North Star Rock Company Inc. is granted Use Permit U85-025 to amend Use Permit U79-41, allowing the relocation of the crushing plant and allow the importation of crushable materials from off-site.⁴⁵⁹</p> <p>⁴⁵⁹Land Use Application (Mar. 28, 1985) [Exhibit 259]; Notice of Conditional Approval Use Permit Application (1985) [Exhibit 260].</p>	<p>i “Into 1985, no evidence is presented as to an effort to revive mining at the historical Idaho-Maryland Mine. North Star Rock Company instead continues its operations under an amended use permit. The Notice of Conditional Approval of Use Permit Application (Exhibit 260) for an amendment to U79-41 states that the ‘use permit covers only removal of mine waste and processing to restore the site to its original contours. Earth excavation for a borrow pit is not</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>included.’” (Historian, Comment No. 53.)</p> <ul style="list-style-type: none"> <li data-bbox="971 422 1451 596">i “North Star Rock processed mine tailings from these historic mines until 1985 when the tailings were exhausted.” (Initial Study for U92-37 (Exhibit 278).) <li data-bbox="971 642 1451 1440">i An Environmental Information Form prepared for the rock crushing project reports that the project would have a limited lifetime of four years and, over that lifetime, would clear the property for future building development. The report, which was prepared by the applicant’s contractor, notes that some of the conclusions are premised on the applicant’s undocumented representations that rock and sand was taken from the property in small amounts for decades. (Environmental Information Form: Idaho-Maryland Mine Rock Crushing Project Prepared for: North Star Rock Production Corporation, Prepared by: Enviroanalysis (November 27, 1979) (County Exhibit 1019).) <li data-bbox="971 1486 1451 1885">i The Staff Report for U85-25 describes the amended conditional use permit as follows: As noted above, this application is a proposed amendment to one issued in 1979 by the Nevada County Planning Commission (U79-41). That permit was issued to this applicant for the purposes of processing

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>existing mine rock left on-site from earlier quartz mining activities. The purpose of processing this material was to crush it to produce road base rock material. These on-site deposits are currently exhausted. The primary purpose of this application is to receive the graded material to be taken from the proposed (and not yet approved) Wolf Creek Plaza site adjacent and to the south-west and also to process rock material extracted through that grading process. The graded material taken from the Wolf Creek Plaza site will be placed in an engineered fill on this site as part of this application.”</p> <p>i The “Notice Of Conditional Approval Use Permit Application,” for Use Permit No. U85-25, includes condition number 11, which states that “[t]he use permit covers only removal of mine waste and processing to restore the site to its original contours,” and condition number 12, which states that “[t]his permit covers the processing of rock material from off-site locations for a maximum of five years.” (Exhibit 260.) The Notice also provides that “No material beyond the depth of rock waste material shall be removed from the site.” (Exhibit 260.)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> i By limiting the use permit to a maximum of 5 years, the County implicitly recognized that the applicant was NOT engaging in “receiv[ing] the graded material to be taken from the proposed (and not yet approved) Wolf Creek Plaza site adjacent and to the south-west and also to process[ing] rock material extracted through that grading process” pursuant to a vested mining right.
<p>37.</p>	<p>Petition, pp. 43-44</p> <p>1986:</p> <p>By May, most of the tailings have been re-mined, processed and removed from the Centennial site, and were most likely reused for the production of aggregate.⁴⁶⁰ In December, Nevada County issues Use Permit U86-45 to North Star Rock Products Inc.⁴⁶¹ Use Permit U86-45 amends Use Permits U79-41 and U85-25 for aggregate excavation and relocation of the processing plant for rock crushing and recycling of asphalt and concrete.⁴⁶² In that same month, the BET Group enters into negotiations with Ross Guenther to sell the Mine Property for development purposes.⁴⁶³</p> <p>⁴⁶⁰ Geotechnical Investigation, Anderson Geotechnical Consultants Inc. (May 12, 1986) [Exhibit 261].</p> <p>⁴⁶¹ Agreement Between the City of Grass Valley and North Star Rock Products Incorporated (Nov. 24, 1992) [Exhibit 253].</p> <p>⁴⁶² Ibid.</p> <p>⁴⁶³ Status Report of the Idaho-Maryland-Brunswick Property (Jan. 23, 1989) [Exhibit 262]; See Geotechnical Investigation, Anderson Geotechnical Consultants Inc. (May 12, 1986) [Exhibit 261].</p>	<ul style="list-style-type: none"> i “The cited source (Exhibit 261) does not use the term ‘re-mined’ or ‘Centennial site.’ Use of these words by this petition is ahistorical in nature and does not accurately characterize how the activity or the place were conceptualized by the author in May 1986.” (Historian, Comment No. 54.) i The “Proposal: Permitting Feasibility Study, Reactivation Project for the Idaho-Maryland-Brunswick Mine” (Exhibit 262) states: “Last production from the complex occurred in 1956 and <i>the mine has been idle for the last 32 years.</i>” (Emphasis added.) i The Geotechnical Investigation, Anderson Geotechnical Consultants Inc. cited by Petitioner was “an additional geotechnical investigation” completed for the BET Group for “5 proposed residential lots” on the Brunswick mine location.” (Exhibit 261.) The purpose of the

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>investigation “was to locate any possible geologic hazards due to past mining activity at the old Brunswick Mine.” (Exhibit 261.) The investigation “was performed in conjunction with our previous Geotechnical Reconnaissance (dated 26 February 1986) in which we recommended that additional studies take place to locate buried shafts, tunnels, and adits and find buildable areas on each residential lot.” (Exhibit 261.) “The results of our study indicate that single family residences can be built on select areas on each of the five lots. ... These building areas have been selected to minimize the risk of experiencing problems from past mining activities at the site.” (Exhibit 261.) “We recommend that residential construction be avoided on the tailings piles on lots 2 and 4. Although most of the tailings have been removed (reused for aggregate and/or fill off the site), constructing on the remaining tailings could prove difficult.” (Exhibit 261.)</p> <ul style="list-style-type: none"> <li data-bbox="971 1444 1464 1766">i The Geotechnical Report provided by Petitioner demonstrates the intent of the BET Group NOT to resume the underground gold mining activities at the former Brunswick Mine site, but to instead develop the site for residential housing development. <li data-bbox="971 1812 1464 1881">i In regard to Petitioner’s assertion that “[i]n that same month, the

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>BET Group enters into negotiations with Ross Guenther to sell the Mine Property for development purposes,” citing footnote 463 and Exhibits 261-262, it must be noted that “[t]he ‘development purposes’ addressed in Exhibit 261 is residential. A Status Report (Exhibit 262) prepared by Ross Guenther in 1989 for Northern Mines noted that steps were being taken to upgrade the title. Figure 2 of the report (Exhibit 262, pdf p. 136) shows the Idaho-Maryland Brunswick Property boundary, with Surface Rights called out at the Brunswick Shaft. The document does not clearly explain the documentation for these boundaries. The Permitting Feasibility Study (Exhibit 262) prepared for Reactivation Project for the Idaho-Maryland-Brunswick Mine notes that the mine ‘has been idle for the last 32 years [i.e., since 1954]’ and that the property was composed of 2,760 acres of mineral rights and 37 acres of surface rights ‘centered at the New Brunswick Shaft’ (Exhibit 262, pdf p. 154).” (Historian, Comment No. 55.)</p> <p>i North Star Rock Products filed an application to allow for the processing of rock brought in from off site. The application makes no claims of vested rights or intentions to resume mining activities. (County of Nevada, State of California, Planning Agency / Planning Department,</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		Conditional Use Permit Application Re North Star Rock Products (Harry Abbott) (July 28, 1986) (County Exhibit 1020).)
38.	<p>Petition, p. 44</p> <p>1987:</p> <p>In January, the Final Map for the BET Acres subdivision is approved, which divides a portion of the surface of the Mine Property into 8 parcels, but explicitly reserves the mineral estate and the right to mine in the future.⁴⁶⁴</p> <p>In September, 4 samples from the historic mine tailings are taken by Ross Guenther and provided to Erika Erickson.⁴⁶⁵ The gold from these samples is valued at approximately \$39.15 per ton.⁴⁶⁶</p> <p>⁴⁶⁴ Final Map No. 85-7 for BET Acres (Jan. 1987) [Exhibit 263].</p> <p>⁴⁶⁵ Letter from Ross Guenther to Erica Erickson (Sept. 29, 1987) [Exhibit 264].</p> <p>⁴⁶⁶ Ibid.</p>	<p>i Contrary to Petitioner’s assertion, the Final Map for the BET Acres subdivision does NOT “explicitly reserve[] the mineral estate and the right to mine in the future.” No such language exists on that Final Map. Rather, the Final Map merely notes that “mine shafts may be located within the boundaries of this subdivision” (Exhibit 263, Sheet 4 of 4), which is essentially a reference to the findings of the Geotechnical Investigation in May 1986. (Exhibit 261.)</p> <p>i The Letter from Ross Guenther also states: “I cannot presume at this time whether or not a profit could be made on processing the tailings.” (Exhibit 264.)</p> <p>i “Reservation of mineral and other subsurface rights with the creation of residential subdivisions is fairly typical, and in the absence of other evidence of an intent by BET Group to mine this alone does not support such a claim.” (Historian, Comment No. 56.)</p> <p>i The BET Group demonstrated its interest in the mine tailings, not resuming underground mining. (Exhibit 264.)</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
<p>39.</p>	<p>Petition, pp. 44-45</p> <p>1988:</p> <p>The BET Group sells Lots 3 and 8 of BET Acres, reserving the following: <i>the mineral, metal matter, and rock lying below 200 feet of the surface, with the right to extract and remove said mineral, metal matter and rock from any depth up to 200 feet of the surface of said premises, without disturbing the surface thereof.</i>⁴⁶⁷</p> <p>The BET Group options the Mine Property to Mother Lode Gold Mines, which announces that it expects the Mine to be in production within 5 years.⁴⁶⁸ The BET Group and Mother Lode Gold Mines execute a mining lease and option to purchase the Mine, and Mother Lode Gold Mines assigns the lease to a subsidiary, Northern Mines Inc.⁴⁶⁹</p> <p>In addition, 14,500 tons of gold-bearing tailings from the Centennial Industrial site are sold this year.⁴⁷⁰</p> <p>From August 1988 through April 1989, the BET Group leases 5.28 acres of the tailings disposal area to Argo Associates, who excavates 7756.2 tons of tailings materials and ships them to Homestake Mining Company.⁴⁷¹ In turn, Homestake Mining Company runs the tailings through the process mill to extract gold.⁴⁷²</p> <p>⁴⁶⁷ Deed from Mary Bouma, Erica Erickson, and William Toms to Bohemia, Inc. (Mar. 1988) [Exhibit 265]; Deed from Mary Bouma, Erica Erickson, and William Toms to Rexforde and Frieda Clark (Dec. 1988) [Exhibit 266].</p> <p>⁴⁶⁸ The San Francisco Examiner (May 13, 1988) [Exhibit 267].</p> <p>⁴⁶⁹ Status Report of the Idaho-Maryland-Brunswick Property (Jan. 23, 1989) [Exhibit 262].</p>	<ul style="list-style-type: none"> i From August 1988 through April 1989, the activity on the BET-owned property is the removal of mine tailings. (Exhibit 66.) i “BET Group’s optioning of the Idaho-Maryland/Brunswick mine to Mother Lode Gold Mines may be fairly interpreted as speculative, with their interest being in selling rather than operating. Activity at the property, other than the option to Mother Lode, seems focus on management and removal of surface debris (tailings) from past mining.” (Historian, Comment No. 57.) i “The history of mineral development in the United States is marked by speculative practices to reserve “rights” that may in the future be sold, and which may or may not be bona fide. Not all historical actors who have reserved such ‘rights,’ moreover, have possessed a viable future plan for exploitation of those ‘rights.’” (Historian, Comment No. 75.)

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	⁴⁷⁰ The Napa Valley Register (Aug. 4, 1988) [Exhibit 268]. ⁴⁷¹ Exhibit 66. ⁴⁷² Ibid.	
<p>40.</p>	<p>Petition, p. 45</p> <p>1989:</p> <p>Mother Lode Gold Mines reports its belief that the Mine still contains approximately 1 million ounces of gold.⁴⁷³</p> <p>The BET Group sells Lots 1, 4, and 5 of BET Acres, with a reservation of mineral rights that provides as follows:</p> <p><i>EXCEPTING AND RESERVING THEREFROM all the mineral, metal matter, and rock lying below 200 feet of the surface, with the right to extract and remove said mineral, metal matter and rock from any depth up to 200 feet of the surface of said premises without disturbing the surface thereof.</i></p> <p><i>TOGETHER WITH AND RESERVING THEREFROM, as applicable thereto, easements and rights-of-way for ingress, egress, and utilities...</i>⁴⁷⁴</p> <p>⁴⁷³ The Tribune (Nov. 13, 1989) [Exhibit 269]. ⁴⁷⁴ Deed from Mary Bouma, Erica Erickson, and William Toms to Dale and Shelly Cope (Mar. 1989) [Exhibit 270]; Deed from Mary Bouma, Erica Erickson, and William Toms to Patricia Cope and Mary Wilson (Apr. 1989) [Exhibit 271]; Deed from Mary Bouma, Erica Erickson, and William Toms to Buddy and Velda Newman (Jun. 1989) [Exhibit 272]; Deed from Mary Bouma, Erica Erickson, and William Toms to David and Kelly Russo (July 1989) [Exhibit 273].</p>	<p>i “The history of mineral development in the United States is marked by speculative practices to reserve “rights” that may in the future be sold, and which may or may not be bona fide. Not all historical actors who have reserved such ‘rights,’ moreover, have possessed a viable future plan for exploitation of those ‘rights.’” (Historian, Comment No. 75.)</p>
<p>41.</p>	<p>Petition, p. 45</p> <p>1989:</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive.</p>

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>The BET Group during its ownership inherited the thousands of documents acquired by Marian Ghidotti regarding the Mine. As of 1989, Erica Erickson stores in her basement approximately 1500 maps of the Mine Property.⁴⁷⁵ Exhibit 274 depicts the Mine Property around this time.⁴⁷⁶ The group records a Notice of Intent to Preserve Interest in all mineral rights and interests in minerals.⁴⁷⁷</p> <p>⁴⁷⁵ Status Report of Idaho-Maryland-Brunswick Property (1989) [Exhibit 262].</p> <p>⁴⁷⁶ Aerial Photograph of Brunswick Industrial Site (Feb. 19, 1997) [Exhibit 274].</p> <p>⁴⁷⁷ Notice of Intent to Preserve Interest by Mary Bouma, Erica Erickson & William Toms (Dec. 8, 1989) [Exhibit 275].</p>	<p>(See County Response, Note #1, above.)</p> <p>i Exhibit 274 states above the photograph: “Air Photo of Brunswick site – April 1997,” which makes Petitioner’s assertion appear inaccurate. Also, the “Brunswick site” depicted in the photograph in Exhibit 274 was subdivided and sold off by parcels to separate property owners in 1988 and 1989 (Exhibits 261, 263, 270, 271, 272, 273), which makes the “around this time” assertion by Petitioner appear inaccurate. (See also, Clark, at p. 251 (County Exhibit 1027).)</p> <p>i The “Notice of Intent to Preserve Interest” is recorded on December 8, 1989, “pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).” (Exhibit 275) That recordation took place over 7 years after the enactment of the Marketable Record Title, Civ. Code 880.020, <i>et. seq.</i>, by Stats. 1982 ch. 1268 §1. Civil Code section 880.310 provides:</p> <p>(a) If the time within which an interest in real property expires pursuant to this title depends upon recordation of a notice of intent to preserve the interest, a person may preserve the person’s interest from expiration by recording a notice of intent to preserve the interest before the interest expires</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>pursuant to this title. <i>Recordation of a notice of intent to preserve an interest in real property after the interest has expired pursuant to this title does not preserve the interest.</i> (b) <i>Recordation of a notice of intent to preserve an interest in real property does not preclude a court from determining that an interest has been abandoned or is otherwise unenforceable pursuant to other law, whether before or after the notice of intent to preserve the interest is recorded, and does not validate or make enforceable a claim or interest that is otherwise invalid or unenforceable.</i> Recordation of a notice of intent to preserve an interest in real property creates a presumption affecting the burden of proof that the person who claims the interest has not abandoned and does not intend to abandon the interest. [Emphasis added.] Petitioner does not explain why the BET Group waited over 6 years after the enactment of Civil Code section 880.301 to record the Notice of Intent. Furthermore, the BET Group’s recording of the Notice of Intent did not validate any interest that was otherwise invalid or unenforceable as of the time the Notice was recorded. (Civ Code</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>§880.310, subd. (b); 5 Miller & Starr, Cal. Real Estate (3d. ed. 2000) § 11.62, p. 168.)</p> <p>i “The filing of a Notice of Intent to Preserve Interest (Exhibit 275) appears to be affirmative evidence of an intent to retain whatever mineral rights may have been held by Bouma, Erickson, and Toms. However, no explanation is offered as to why Bouma, et al., made this filing in 1989. From a reading of the historical evidence presented thus far in the petition, the filing would appear to reflect concern that a question surrounded the purported efficacy of the rights, that a threat of extinguishment existed.” (Historian, Comment No. 58.)</p>
42.	<p>Petition, p. 45</p> <p>1991:</p> <p>After Mother Lode Gold Mines relinquishes and returns the Mine Property to the BET Group in January, Consolidated Del Norte Ventures leases the Mine in March.⁴⁷⁸ The company hopes to reopen the Mine, and opines that it currently contains about 2.5 million ounces of gold.⁴⁷⁹</p> <p>⁴⁷⁸ The Sacramento Bee (Mar. 4, 1991) [Exhibit 276].</p> <p>⁴⁷⁹ Ibid.</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i Exhibit 276 does not state or discuss whether “Mother Lode Gold Mines relinquishes and returns the Mine Property to the BET Group in January [1991],” as Petitioner asserts.</p> <p>i “No explanation is given why Mother Lode Gold Mines ‘relinquishes and returns the Mine Property’ to BET Group only 3 years after acquiring its option. This once again raises questions as to the state of</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>knowledge regarding the historical Idaho-Maryland Mine’s viability. Then again, Consolidated Del Norte Ventures leases the property with the ‘hope’ of reopening and expresses an opinion that there is gold to be extracted.” (Historian, Comment No. 59.)</p>
<p>43.</p>	<p>Petition, pp. 45-46</p> <p>1992:</p> <p>In June, North Star Rock Products Incorporated applies for a use permit to extend the existing rock harvesting operation at the Centennial site by 10 years and expand it to the west and south using the County’s form titled “Application for Exploration and/or Mining Permit”.⁴⁸⁰ The County grants Use Permit U92-037 in December, thus guaranteeing the continuation of mining activities at the Mine Property.⁴⁸¹</p> <p>⁴⁸⁰ Application for Exploration and/or Mining Permit (Jun. 22, 1992) [Exhibit 277].</p> <p>⁴⁸¹ Notice of Conditional Approval Use Permit Application (Dec. 14, 1992) [Exhibit 278].</p>	<ul style="list-style-type: none"> i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i The Application For Exploration And/Or Mining Permit (Exhibit 277) was explicitly “To expand existing rock harvesting operation to the west and to the south. To create a terraced building site for future development, this is a surface quarry. No expansion of current methods or sales are proposed.” The Application also stated: “Aggregate only; no precious mineral extraction.” i The Application was for a “Conditional Use Permit and Reclamation Plan, in four phases, which proposes to expand existing rock harvesting” (Exhibit 278.) i “This present permit is requested by the applicant because the amount of material which could be harvested under U86-45 has been completed.” (Initial Study, p. 1 (Exhibit 278).)

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> <li data-bbox="971 310 1458 1150">i The Staff Report for U92-037 states: “North Star Rock Products proposes to expand an existing rock harvesting operation located in an existing quarry. The project is an amendment of U86-45 which was approved by the Planning Commission on December 18, 1986. (Note: The original project was approved under U79-41, amended under U85-25, and amended again under U86-45.) The present project requests approval to expand the rock harvesting operation by approximately 220,000 cubic yards of material over the next 10 years. All exiting factors of the operation, including the importation of material to be crushed, are proposed to remain as approved under the last permit.” <li data-bbox="971 1192 1458 1663">i Mitigation Measure “7” in Use Permit U92-037 provides: “In addition this permit also covers the processing of rock material from off-site locations. Processing of off-site rock material shall not be conducted after 10 years from the issuance of this permit.” Thus, the permit did NOT recognize that the applicant had a vested right to continue such rock harvesting pursuant to a vested mining right. <li data-bbox="971 1705 1458 1873">i Nothing in Use Permit U92-037 allows, recognizes or even mentions the right to engage in underground gold mining at the site. Indeed, the “Initial Study”

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>(Exhibit 278) repeats that “No expansion of current mining methods or product sales is proposed.”</p> <p>i The fact that the property owner / applicant pursued a conditional use permit for such rock harvesting operations, with all of the conditions of approval (Exhibit 278), evidences the understanding of that the property owner / applicant that such operations could not be performed pursuant to a vested right.</p>
44.	<p>Petition, p. 46</p> <p>1993:</p> <p>In February, Consolidated Del Norte relinquishes its lease on the Mine Property and in August, a mining lease and option to purchase agreement is executed with Emperor Gold Corporation.⁴⁸² Emperor Gold Corporation begins the “permitting process to rehabilitate the New Brunswick 3,460-foot shaft, dewater the mine to the 3,280-foot level, and commence exploratory drilling in promising areas from the 2,000-foot level and below.”⁴⁸³</p> <p>⁴⁸² Guenther, Ross. Historical Notes on the Idaho-Maryland Mine (July 31, 1994) [Exhibit 279].</p> <p>⁴⁸³ Ibid.</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i “No explanation is given for why Consolidated Del Norte Ventures relinquished its lease 2 years later.” (Historian, Comment No. 60.)</p>
45.	<p>Petition, p. 46</p> <p>1993:</p> <p>In March, the BET Group sells the</p>	<p>i “The history of mineral development in the United States is marked by speculative practices to reserve “rights” that may in the future be sold, and</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>Morehouse Quartz Mine, reserving the mineral rights as follows: <i>EXCEPTING AND RESERVING THEREFROM all the mineral, metal matter and rock lying below 200 feet of the surface, with the right to extract and remove said mineral, metal matter and rock from any depth up to 200 feet of the surface of said premises without disturbing the surface thereof.</i>⁴⁸⁴</p> <p>⁴⁸⁴ Deed from Mary Bouma, Erica Erickson, and William Toms to North Star Rock Products Corporation, Inc. (Mar. 1993) [Exhibit 280].</p>	<p>which may or may not be bona fide. Not all historical actors who have reserved such ‘rights,’ moreover, have possessed a viable future plan for exploitation of those ‘rights.’” (Historian, Comment No. 75.)</p>
<p>46.</p>	<p>Petition, p. 46</p> <p>1993:</p> <p>Nevada County rezones the sawmill property, including BET Acres Lot 8, to M1-SP to allow for “service maintenance and repair, manufacturing and processing, warehousing and distribution facilities... office, professional and conference facilities.”⁴⁸⁵ According to the Staff Report, “the County does not intend to restrict the site to a mill use.”⁴⁸⁶ At a County Board of Supervisors meeting, a representative of Sierra Pacific explains the company’s intent to use the site for industrial purposes.⁴⁸⁷</p> <p>⁴⁸⁵ Ordinance No. 1853 (1994) [Exhibit 281]. ⁴⁸⁶ County of Nevada Board of Supervisors Meeting Minutes (Dec. 14, 1993) [Exhibit 282]; See Ordinance No. 1853 (1994) [Exhibit 281]. ⁴⁸⁷ County of Nevada Board of Supervisors Meeting Minutes (Dec. 14, 1993) [Exhibit 282].</p>	<p>i The Staff Report explained:</p> <ul style="list-style-type: none"> ➤ “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. As a result, it would also show that the County prefers some type of <i>mixed industrial/business park uses.</i>” (Exhibit 282 (emphasis added).) <p>i Ordinance No. 1853, which adopted the rezoning, included development standards as “Exhibit A,” which constitutes a “Master Design Theme” described on page 7 as follows: “The central theme behind the Nevada County Business and Industrial Center is a coordinated infrastructure plan with preapproved design guidelines.”</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>(Exhibit 281.) Exhibit A also states at p. 13: “This area is planned for corporate headquarters of business’s operating onsite. ... The primary uses in this area are intended to include office administration and research. ... Secondary uses include: incidental light manufacturing for products produced on site, [i.e.]; laboratories, service and repair, and research facilities.” (Exhibit 281.)</p> <p>i Thus, the “industrial uses” for the site did not include underground gold mining.</p>
47.	<p>Petition, p. 46</p> <p>1993:</p> <p>The BET Group begins receiving substantial amounts of annual royalty and option payments for the Mine.⁴⁸⁸ The payments continue until 2012.⁴⁸⁹</p> <p>⁴⁸⁸ Exhibit 227, Attachment 1. All financial information contained in the Declaration of Lee Johnson has been redacted for privacy purposes.</p> <p>⁴⁸⁹ Ibid.</p>	<p>i Attachment 1 to Exhibit 227 recites royalty and option payments, but do not state whether those payments were from “the Mine.” (Exhibit 227.)</p> <p>i All of paragraph 17 of the Declaration of Lee Johnson lacks foundation and does not state what personal knowledge the declarant has of such matters. Mr. Johnson has neither authenticated any of the information in that paragraph of in the Attachment 1, nor explained how he purportedly knows such information.</p>
48.	<p>Petition, pp. 46-47</p> <p>1994:</p> <p>Emperor Gold holds an option to purchase the Vested Mine and</p>	<p>i The terms “Mine Property,” “Vested Mine Property” and “Vested Mine” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>announces potential gold mineralization of up to 3 million ounces of gold within the Vested Mine Property.⁴⁹⁰ The company provides a “new six-page brochure and information pack” to “potential investors.”⁴⁹¹ The mining lease and option dated October 1994 includes an option to purchase the Vested Mine Property for \$8,000,000.⁴⁹² Emperor Gold enters into a lease agreement with an option to purchase the sawmill property, which was effective March 10, 1994.⁴⁹³</p> <p>⁴⁹⁰ National Post (Oct. 22, 1994) [Exhibit 283]. ⁴⁹¹ Ibid. ⁴⁹² Emgold Mining Corporation Consolidated Financial Statements (Dec. 31, 1999 and 1998) [Exhibit 284]. ⁴⁹³ Lease and Option to Purchase Agreement between Sierra Pacific Industries and Emperor Gold (U.S.) Corp. (Mar. 1994) [Exhibit 285].</p>	<p>i The Memorandum of Agreement between Sierra Pacific Industries and Emperor Gold Corp. describes the property in “Exhibit A,” and does not refer to any “sawmill property.” Also, the described property excludes all “the mineral, metal matter and rock lying below 200 feet of the surface.” (Exhibit 285. See also Exhibit 286.)</p>
49.	<p>Petition, p. 47</p> <p>1995:</p> <p>To facilitate exploration of the Mine, Emperor Gold obtains an option to purchase the Brunswick mill site.⁴⁹⁴ In October, the County approves the Final Environmental Impact Report on the proposed dewatering of the Mine.⁴⁹⁵</p> <p>⁴⁹⁴ Northern Miner (Dec. 11, 1995) [Exhibit 286]. ⁴⁹⁵ Ibid.</p>	<p>i Petitioner’s Exhibit 286 points out: “Except for a concrete silo and some old foundations, little is left of the huge Idaho-Maryland mining complex”</p>
50.	<p>Petition, p. 47</p> <p>1996:</p> <p>Nevada County approves Use Permit U94-017 for dewatering and underground exploration of the Idaho-</p>	<p>i There is no evidence to support the assertion that “To this end, Emperor Gold conducts extensive grading activities.”</p> <p>i On the contrary, in 2002 Emgold had to extend the Use Permit</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>Maryland Mine.⁴⁹⁶ To this end, Emperor Gold conducts extensive grading activities. ⁴⁹⁶ Northern Miner (Feb. 5, 1996) [Exhibit 287].</p>	<p>because no substantial exercises of the permit had occurred.</p>
<p>51.</p>	<p>Petition, p. 47</p> <p>1997:</p> <p>Emperor Gold prepares evaluations and engineering studies for the purpose of bringing the mine into a 30-year production life with a 1,500 ton per day operation.⁴⁹⁷ It also conducts collar inspection and tests at the shaft. The company changes its name to Emgold Mining Corporation.⁴⁹⁸</p> <p>During this year, the BET Group receives royalty and option payments.⁴⁹⁹</p> <p>⁴⁹⁷ The Sacramento Bee (Dec. 28, 1997) [Exhibit 288]. ⁴⁹⁸ Emgold Press Release (July 2, 1997) [Exhibit 289]. ⁴⁹⁹ Exhibit 227, Attachment 1. The payment amounts received have been redacted for privacy purposes.</p>	<ul style="list-style-type: none"> i Attachment 1 to Exhibit 227 recites royalty and option payments, but paragraph 17 of the Declaration of Lee Johnson lacks foundation and does not state what personal knowledge the declarant has of such matters. Mr. Johnson has neither authenticated any of the information in that paragraph of in the Attachment 1, nor explained how he purportedly knows such information. i The Idaho Maryland Mine is registered as “abandoned” as of September 5, 1997, in the Mine Safety and Health Administration’s register. (Mine Safety and Health Administration Mine Data Retrieval System (Re Idaho-Maryland Mine (September 1997) (County Exhibit 1021).)
<p>52.</p>	<p>Petition, p. 47</p> <p>1998:</p> <p><i>The Sacramento Bee</i> reports Jack Clark, former underground superintendent at the Idaho-Maryland Mine at the Mine’s closing in 1956, states, “There’s a lot of gold underground. Probably as much underground as they mined.”⁵⁰⁰</p> <p>⁵⁰⁰ The Sacramento Bee (Jun. 18, 1998) [Exhibit 290].</p>	<ul style="list-style-type: none"> i Exhibit 290 points out: “Mining is no longer the centerpiece of the Nevada County economy, but the gold is still there.” i Exhibit 290 also points out that Mr. Clark “still tracks the price of gold, now at \$290 an ounce, down from a high some years ago of nearly \$400.” Despite that price of only \$290 an ounce, Emgold Mining Corporation engaged in exploration of

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		reopening the Idaho-Maryland Mine. (Exhibit 286.)
53.	<p>Petition, p. 47</p> <p>1999:</p> <p>Emgold Mining Corporation’s lease with an option to purchase the sawmill property from Sierra Pacific expires on December 31, 1999.⁵⁰¹ ⁵⁰¹ Exhibit 286.</p>	<p>i Exhibit 286 does not provide any dates, and only states: “To facilitate exploration at the mine site, Emperor acquired a 3-year lease and option-to-purchase on the nearby Brunswick mill site.”</p>
54.	<p>Petition, p. 47</p> <p>2001:</p> <p>The County grants an extension of Use Permit U94-017, which permits the dewatering of the Mine, to January 25, 2003.⁵⁰² ⁵⁰² Letter from Nevada County Planning Commission to Scott A. Gala (Mar. 28, 2001) [Exhibit 291].</p>	<p>i The Notice of Conditional Approval for U94-017 (Exhibit 291) states: “You are hereby notified that the Nevada County Planning Commission, at a regular meeting held on January 25, 1996, after public hearing, did duly consider your application for the dewatering of the existing underground workings of the Idaho-Maryland Gold Mine, and the subsequent underground exploration and sampling of those workings”</p> <p>i The Notice of Conditional Approval for U94-017 (Exhibit 291) states, as “MM 4.6.2,” that “Concurrent with project operations, all activities relative to site preparation, dewatering, shaft rehabilitation and mineral exploration shall be conducted in conformance with MSHA and CALOSHA regulations.”</p> <p>i The Staff Report (Exhibit 291) explained: “Essentially, the project will remove the water from the underground workings</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>of the Idaho-Maryland Mine. During this process of dewatering, the main shaft (New Brunswick Shaft) will be rehabilitated as necessary. The applicants propose to perform some exploration drilling and sampling to determine the extent of the resources. ... The results of these activities will determine whether it will be feasible to reopen the mine at some future date, under a <i>new use permit</i>.” (Emphasis added.)</p>
<p>55.</p>	<p>Petition, pp. 47-48</p> <p>2002:</p> <p>Emgold Mining Corporation renegotiates its mining lease and option to purchase agreement with the BET Group to now provide for an option to purchase the Vested Mine Property for \$4,35,000 with an expiration date of May 31, 2007.⁵⁰³ ⁵⁰³ Emgold Press Release (Jun. 5, 2002) [Exhibit 292]; Emgold Financial Statements for Year Ended Dec. 31, 2002 [Exhibit 293].</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i The “Property” that is leased with an option to purchase consists of “approximately 37 acres of land (referred to as the ‘Brunswick Property’) with mineral rights located around the New Brunswick Shaft and an additional parcel of 56 acres (referred to as the ‘BET Property’) of land located west of the Brunswick Property.” (Exhibit 292.)</p>
<p>56.</p>	<p>Petition, p. 48</p> <p>2003:</p> <p>Emgold Mining Corporation conducts exploration surface drilling,⁵⁰⁴ and the Old Bohemia Mill is torn down.⁵⁰⁵ Use Permit U94-017 allowing dewatering expires on January 25th.⁵⁰⁶</p>	<p>i In its announcement on June 17, 2003 entitled “Emgold Commences Surface Drill Program At Idaho-Maryland (Exhibit 294), Emgold Mining Corporation stated: Emgold, through its wholly owned subsidiary, Idaho-Maryland Mining Corporation</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>⁵⁰⁴ Emgold Press Release (Jun. 17, 2004) [Exhibit 294].</p> <p>⁵⁰⁵ The Union (Apr. 4, 2003) [Exhibit 295].</p> <p>⁵⁰⁶ Exhibit 291.</p>	<p>(formerly Emperor Gold (U.S.) Corp.) is also preparing the necessary documentation to submit applications to acquire a Use Permit to construct a decline and surface facilities to continue with the underground exploration and development of the Idaho-Maryland and ultimately put the mine back into production. It is anticipated that permitting will cost approximately US\$500,000 and is expected to take fifteen to twenty-four months to complete. <i>Emgold is confident that it will be able to obtain a Use Permit for the Idaho-Maryland. Since the early 1960’s, 37 gold mines have applied for permits in California and all have been approved and allowed to go into operation. Since 2002 three gold mines have received Use Permits to operate in California.</i> Emgold is developing plans 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.ennciold.com or www.sedar.com. [Emphasis added.]</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<ul style="list-style-type: none"> i Thus, Emgold implicitly concedes that a conditional use permit is needed to resume underground gold mining at the Idaho-Maryland Mine. i The Old Bohemia Mill, including “five buildings” and “the old sawmill,” was torn down “to make way for a possible business park and light industrial site.” “‘We’re still in the formative stages,’ Ed Sylvester, president of SCO Engineering, said about plans that could include a business park and light-manufacturing site.” (Exhibit 295.)
<p>57.</p>	<p>Petition, p. 48</p> <p>2004:</p> <p>Emgold Mining Corporation conducts further exploration surface drilling⁵⁰⁷ and applies for a conditional use permit from the City of Grass Valley to dewater the existing Mine workings and construct an access ramp for underground exploration and possible future staged mine production.⁵⁰⁸</p> <p>⁵⁰⁷ Emgold Press Release (July 21, 2004) [Exhibit 296].</p> <p>⁵⁰⁸ Emgold Press Release (Dec. 14, 2004) [Exhibit 297].</p> <p>Petition, p. 48</p> <p>2005:</p> <p>Beginning in December 2005, the City of Grass Valley conducts an environmental review of Emgold Mining Corporation’s conditional use</p>	<ul style="list-style-type: none"> i “David Watkinson, President and COO of Emgold stated, ‘We are very pleased to see the permitting process progress to the third and final stage for Idaho-Maryland Gold Mine. The Company’s focus over the coming year will be to complete the California Environmental Quality Act (“CEQA”) process, complete the Final Environmental Impact Report, and <i>obtain the Conditional Mine Use Permit (CMUP) from the City. We are very fortunate to be applying under CEQA, a well defined and controlled process through which over 40 gold mines have obtained their CMUP’s since the early 1960’s.</i>” (Exhibit 302.) i “The City of Grass Valley, California (the ‘City’) is nearing completion of the Draft

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>permit application pursuant to the California Environmental Quality Act.⁵⁰⁹</p> <p>⁵⁰⁹ See Emgold Press Release (Apr. 20, 2006) [Exhibit 298]; Emgold Press Release (Feb. 1, 2007) [Exhibit 299]; Emgold Press Release (Mar. 1, 2007) [Exhibit 300]; Emgold Press Release (Jun. 25, 2007) [Exhibit 301]; Emgold Press Release (Jan. 7, 2008) [Exhibit 302]; Emgold Press Release (Sept. 21, 2008) [Exhibit 303]; Emgold Press Release (Nov. 3, 2008) [Exhibit 304]; Emgold Press Release (Feb. 23, 2009) [Exhibit 305].</p>	<p>Environmental Impact Report (‘DEIR’) for the Idaho-Maryland Gold Mine Project (the ‘Project’) which is expected to be published in late September or early October of 2008.” (Exhibit 303.)</p> <p>“It is expected that the FEIR will be certified near the end of 2008. Upon approval of the Project by the Planning Commission and City’s Council <i>a Conditional Mine Use Permit will be issued for the Project.</i>” (Exhibit 303 (emphasis added).)</p> <p>i Thus, Emgold explicitly concedes that a conditional use permit is needed to resume underground gold mining at the Idaho-Maryland Mine.</p>
<p>58.</p>	<p>Petition, p. 48</p> <p>2008:</p> <p>In October 2008, the City of Grass Valley releases a Draft Environmental Impact Report for the Idaho-Maryland Project, which allows for mining operations to resume at the Mine.⁵¹⁰ However, the application is subsequently withdrawn.</p> <p>⁵¹⁰ Emgold Press Release (Nov. 3, 2008) [Exhibit 304].</p>	<p>i “The Planning Commission [for the City of Grass Valley] will be asked to review the entitlements for the Project which include a <i>Conditional Mine Use Permit (CMUP)</i>, <i>These are additional applications that were included as submissions to the City that also require formal approval to allow the Project to move forward.</i></p> <p>...Assuming the FEIR is certified and entitlements approved by City Council, final operating permits would be obtained for the Project.</p> <p>Emgold is permitting the operation of a 2,400 ton per day gold mine and gold processing facility as part of the Idaho-Maryland Project. <u>Upon successful completion of mine</u></p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p><u>permits</u>, Emgold’s plan is to become a mid-tier producing gold company within the next 5 years.” (Exhibit 304 (emphasis and underline added).)</p> <ul style="list-style-type: none"> i Thus, Emgold explicitly concedes that a conditional use permit is needed to resume underground gold mining at the Idaho-Maryland Mine. i Petitioner provided no evidence to support the assertion that “the application is subsequently withdrawn.” i “The reasons for Emgold’s withdrawal are not discussed, which raises questions as to the reasons why. Such reasons may be significant in understanding the state of knowledge of prospective purchasers / operators regarding the historical Idaho-Maryland Mine’s viability.” (Historian, Comment No. 9.) i Assuming “the application” was withdrawn, that demonstrates market conditions, i.e., the price of gold, was not the primary reason why underground gold mining was not resumed. Petitioner does not explain why the price of gold in 2008 did not preclude underground gold mining. i The Notice of Approval and Staff Report regarding Emperor Gold’s application to extend time on their Conditional Use Permit for

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>the dewatering and exploration of the Idaho Maryland Mine, there is no mention of the existence of vested rights and it is noted multiple times that a new permit would be required if any mining is to be commenced after the dewatering and exploration project. (County of Nevada, Community Development Agency Correspondence to Scott A Galati Re Extension of Time for Emperor Gold (U.S.) Corporation – Conditional Use Permit File (Number U94-017 (March 28, 2001) (County Exhibit 1022).)</p>
59.	<p>Petition, p. 48</p> <p>2012:</p> <p>2012 is the last year the BET Group receives royalty or option payments for the Vested Mine Property.⁵¹¹ ⁵¹¹ Exhibit 227.</p>	<ul style="list-style-type: none"> i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i All of paragraph 17 of the Declaration of Lee Johnson lacks foundation and does not state what personal knowledge the declarant has of such matters. Mr. Johnson has neither authenticated any of the information in that paragraph of in the Attachment 1, nor explained how he purportedly knows such information.
60.	<p>Petition, p. 48</p> <p>2013:</p> <p>Emgold Mining Corporation’s lease and purchase agreement for the Vested Mine Property is allowed to</p>	<ul style="list-style-type: none"> i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>expire.⁵¹² Over the next few years, the Mine Property is advertised for sale as a “historic California gold mine.”⁵¹³ The BET Group stores drill core from Emgold’s exploration program in two large storage units.⁵¹⁴</p> <p>⁵¹² Emgold Financial Statements for Year Ended Dec. 31, 2012 [Exhibit 306].</p> <p>⁵¹³ Historic California Gold Mine for Sale, MineListings.com – Mines for Sale (2015) (available at: https://web.archive.org/web/20150117000302/https://minelistings.com/mines-for-sale/historic-idaho-maryland-gold-mine-for-sale/) [Exhibit 307]; Exhibit 227.</p> <p>⁵¹⁴ Exhibit 227.</p>	<p>i The advertisement presented by Petitioner (Exhibit 307) states: From 2002 to 2012, Idaho Maryland Mining Corporation, a subsidiary of Emgold Mining Corp., under agreement with the mine owners, conducted studies, investigations, sampling, testing, etc. at the Idaho-Maryland Mine and <i>applied to California and local regulating agencies for <u>permission</u> to reopen the mine</i>. These efforts produced a Draft Environmental Impact Report, Phase 1 Environmental Report, Technical Reports, Assays and numerous other studies and data. About two thirds of the way through the regulatory process, Emgold, citing equity market conditions and funding difficulties, withdrew its application to re-open the Idaho-Maryland Mine. [Emphasis and underline added.]</p> <p>That “permission” included a conditional use permit to reopen the mine. (Exhibits 294, 303, 304.)</p> <p>i The advertisement presented by Petitioner (Exhibit 307) states that the property is listed for sale with “Charles Brock, CA BRE Lic # 00328328, Coldwell Banker Grass Roots Realty, Grass Valley, CA 95945.” A news article at the time stated:</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>Nearly 145 acres of land once associated with the historic Idaho-Maryland Mine, which Emgold Mining Corp. had attempted to reopen in recent years, is now on the market. Coldwell Banker Grass Roots Realty has the \$2,750,000 land listing of 18 separate assessor’s parcels, which includes 2,750 acres of mineral rights and a collection of core samples. <i>But although the land’s owners are sitting on a former gold mine, they’re not selling the property as one.</i></p> <p><i>“We’re not selling a mine,” said Charlie Brock, broker associate with Coldwell Banker, and the listing agent. “The property is not permitted as a mine. It’s zoned M1, or light industrial.”</i></p> <p>i In his declaration discussing that sale, Mr. Brock stated: “Historical information, data and core samples were made available to the market, however, the sellers wanted the market to clearly understand that the Idaho-Maryland Mine was not a permitted, operating mine, and that the BET Group would not be participating in any mine cleanup or permitting activity as a condition of sale. This condition of sale was clearly stated, in a remark I made at that time which</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>was quoted in the Grass Valley Union newspaper (June 11, 2014) where I said ‘we are not selling a mine,’ Measures taken to arrive at our asking price were based on comparable sales of similarly zoned light industrial and residential properties.”</p> <p>i Emgold’s 2010 Third-Quarter report reflects their understanding that permitting is required to operate the Idaho Maryland Mine and there is no mention of a claim of vested rights. “There is no guarantee that the City of Grass Valley will approve the project or that other agencies will approve the permits necessary to operate[¶]...[¶]if the Company is unable to obtain required permits, and the reasons that the permits cannot be obtained are deemed financially insurmountable, the development of the [Idaho-Maryland Mine] Project would be curtailed, and the Company’s operations in Grass Valley , would cease.” (Emgold Mining Corporation Quarterly Report Three and Nine Months Ended September 30, 2010 (Q3) (November 26, 2010) (County Exhibit 1023).)</p> <p>i In 2014, the real estate agent for the Subject Properties stated, “We’re not selling a mine,” and, “The property is not permitted as a mine, it’s zoned M1, or light industrial.” The agent further stated,” we’re very much aware of the sort of political history</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>with Emgold having attempted to permit the operation of the mine and failed.” (<i>Former Idaho-Maryland Mine Property Up for Sale</i>, NCS Import, The Union (June 12, 2014) (Exhibit 1025).)</p> <p>i “After nearly 20 years of exploratory activity, Emgold Mining Corporation permits its lease and purchase agreement (previously re-negotiated once before in 2002) to expire - the 3rd mining company to walk away from the historical Idaho-Maryland Mine property. No explanation is offered. The property itself is marketed for sale for 4 years before being acquired by Rise Resources, and no evidence is presented as to activities or operations at the site during this time.” (Historian, Comment No. 61.)</p>
61.	<p>Petition, pp. 48-49</p> <p>2017:</p> <p>Rise Resources Inc. purchases the Vested Mine Property from the BET Group for \$2,000,000 for the purpose of resuming mining and processing operations thereon.⁵¹⁵ Shortly thereafter, Rise Resources Inc. commences exploration drilling from the surface⁵¹⁶ and changes its name to Rise Gold Corp.⁵¹⁷</p> <p>⁵¹⁵ Rise Resources Press Release (Jan. 25, 2017) [Exhibit 308].</p> <p>⁵¹⁶ Rise Gold Corp. Press Release (Oct. 23, 2017) [Exhibit 309].</p> <p>⁵¹⁷ Rise Gold Corp. Press Release (Apr. 7, 2017) [Exhibit 310].</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i Exhibit 208 states that “[t]he Company has purchased fee simple land upon which the I-M Mine is situated (the “Propert”) [sic], which includes approximately 93 acres of surface land and approximately 2,750 acres of mineral rights, for a purchase price of US\$2,000,000.” But Petitioner did not cite to or provide any grant deeds to verify</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>that Petitioner has obtained such mineral rights.</p> <p>i The advertisement presented by Petitioner (Exhibit 307) states that the property was listed for sale with “Charles Brock, CA BRE Lic # 00328328, Coldwell Banker Grass Roots Realty, Grass Valley, CA 95945.” A news article at the time stated:</p> <p>Nearly 145 acres of land once associated with the historic Idaho-Maryland Mine, which Emgold Mining Corp. had attempted to reopen in recent years, is now on the market. Coldwell Banker Grass Roots Realty has the \$2,750,000 land listing of 18 separate assessor’s parcels, which includes 2,750 acres of mineral rights and a collection of core samples. <i>But although the land’s owners are sitting on a former gold mine, they’re not selling the property as one.</i></p> <p><i>“We’re not selling a mine,” said Charlie Brock, broker associate with Coldwell Banker, and the listing agent. “The property is not permitted as a mine. It’s zoned M1, or light industrial.” (Former Idaho-Maryland Mine Property Up for Sale, NCS Import, The Union (June 12, 2014) (Exhibit 1025).)</i></p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>i In his declaration discussing that sale, Mr. Brock stated: “Historical information, data and core samples were made available to the market, however, the sellers wanted the market to clearly understand that the Idaho-Maryland Mine was not a permitted, operating mine, and that the BET Group would not be participating in any mine cleanup or permitting activity as a condition of sale. This condition of sale was clearly stated, in a remark I made at that time which was quoted in the Grass Valley Union newspaper (June 11, 2014) where I said ‘we are not selling a mine,’ Measures taken to arrive at our asking price were based on comparable sales of similarly zoned light industrial and residential properties.”</p>
<p>62.</p>	<p>Petition, p. 49</p> <p>2018:</p> <p>Rise Gold Corp. continues extensive exploration drilling from the surface of the Vested Mine Property which “continues to be successful,”⁵¹⁸ and purchases the sawmill property from Sierra Pacific Industries for \$1,900,000 to facilitate “the exploration and future development of the Idaho-Maryland Gold Project.”⁵¹⁹</p> <p>⁵¹⁸ Rise Gold Corp. Press Release (Dec. 13, 2018) [Exhibit 311].</p> <p>⁵¹⁹ Rise Gold Corp. Press Release (May 23, 2018) [Exhibit 312].</p>	<p>i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p> <p>i Exhibit 312 states that the company “has completed the purchase of 82 acres of fee-simple land (the “Mill Site Property”) adjacent to the historic New Brunswick mine shaft.” But Exhibit 312 does not include any grant deeds, and the Grant Deed provided by Petitioner (Exhibit 200) does not include any mineral rights below 75 or 200 feet.</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
<p>63.</p>	<p>Petition, p. 49</p> <p>2019:</p> <p>After completing its exploration drilling program,⁵²⁰ Rise Grass Valley Inc. applies to the County of Nevada for a use permit to re-open the Idaho- Maryland Mine, and is fully financed to complete the permitting process.⁵²¹</p> <p>⁵²⁰ Rise Gold Corp. Press Release (Jun. 28, 2019) [Exhibit 313].</p> <p>⁵²¹ Rise Gold Corp. Press Release (Nov. 21, 2019) [Exhibit 314].</p>	<ul style="list-style-type: none"> i Petitioner’s Exhibit 314 states: “Rise Gold Corp. (CSE: RISE, OTCQS: RYES) (the “Company”) is pleased to announce that it has submitted an application for a Use Permit to Nevada County to allow the re-opening of the Idaho-Maryland Gold Mine (the ‘IM Mine’).” “The Use Permit application proposes underground mining to recommence at an average throughput of 1,000 tons per day.” “Subsurface mining and aboveground processing is an allowed use subject to County approval of a Use Permit.” (Exhibit 314.) i Thus, Petitioner implicitly conceded that resuming underground gold mining at the Idaho-Maryland Mine will require a conditional use permit, and not through a vested right to resume such underground gold mining. i Correspondence from the California Department of Conservation confirms they will need to evaluate any proposed use permit for reopening of the Idaho-Maryland Mine. (Correspondence from California Department of Conservation, Division of Mine Reclamation to Matt Kelley of Nevada County Planning Department Re Notice of Preparation, State Clearinghouse No. 2020070378 (August 11, 2020) (County Exhibit 1024).)

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
64.	<p>Petition, p. 49</p> <p>2022:</p> <p>The County of Nevada releases a favorable Draft Environmental Impact Report for the Idaho-Maryland Mine Project in December 2021,⁵²² and a Final Environmental Impact Report in December 2022.⁵²³</p> <p>⁵²² Rise Gold Corp. Press Release (Jan. 4, 2022) [Exhibit 315].</p> <p>⁵²³ Rise Gold Corp. Press Release (Dec. 16, 2022) [Exhibit 316].</p>	<p>i Petitioner’s Exhibit 316 states: “The FEIR builds upon the Draft EIR issued on January 4, 2022,” and not December 2021 as Petitioner asserts.</p>
65.	<p>Petition, p. 49</p> <p>2023:</p> <p>On May 11, 2023, the Nevada County Planning Commission recommends denial of the Idaho-Maryland Mine Project following a public hearing.⁵²⁴</p> <p>⁵²⁴ Rise Gold Corp. Press Release (May 12, 2023) [Exhibit 317].</p>	<p>i Petitioner’s Exhibit 317 states: “The Nevada County Planning Commission held a public hearing on May 10 and May 11, 2023 to consider the Final Environmental Impact Report (the ‘FEIR’). At the conclusion of the public hearing the Planning Commission recommended to the Nevada County Board of Supervisors that the FEIR not be certified and that the Use Permit be denied.”</p> <p>i The USGS Mineral Resource Data System’s entry for the Idaho-Maryland Mine, accessed in 2023, reports that all mining terminated as of 1957. (<i>Idaho – Maryland Mine Past Producer in Nevada County in California, United States with Commodities Gold, Silver, Mineral Resources, USGS.GOV (County Exhibit 1026).</i>)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
PETITIONER’S CHRONOLOGICAL RECAP SUMMARY		
66.	<p>Petition, pp. 55-56</p> <p>Here, the County approved Ordinance No. 196 on September 10, 1954, which became effective thirty days thereafter on October 10, 1954. Ordinance No. 196 required, for the first time, that an operator of a “commercial excavation of natural materials within a distance of 1,000 feet from any public street, road, or highway” obtain a land use permit to operate.⁵⁶¹ Accordingly, October 10, 1954, represents the “vesting date” against which vested mining rights must be tested. As demonstrated above, the Vested Mine Property operated before, during, and after the adoption of Ordinance No. 196, firmly vesting the mining use, and creating the vested right to mine the Vested Mine Property.</p> <p>⁵⁶¹ Ordinance No. 196, § 7 (1954).</p>	<ul style="list-style-type: none"> i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i “As noted above, the source provided (Exhibit 179) to support this only shows mining activities at the ‘Brunswick Unit.’ The language presented in the petition – ‘throughout the Mine’ - suggests something more expansive.” (Historian, Comment No. 74.) i Some mining operations were conducted in 1954, but there is no evidence supporting mining at all times after 1954 at the Subject Property.
67.	<p>Petition, p. 57</p> <p>[T]he geographic scope of the vested area is comprised of both the surface and subsurface estate, all of which were under common ownership by 1941 and the surface was used for the primary purpose of supporting subsurface gold mining operations. The vested mining area of the Vested Mine Property includes two components: (1) the surface of the Vested Mine Property, which includes the Brunswick Industrial Site and the Centennial Industrial Site; and (2) and the subsurface of the Vested Mine Property, which consists of established mine tunnels and the untapped mineral estate into which mining will expand as mining progresses in</p>	<ul style="list-style-type: none"> i The term “Vested Mine Property” is inaccurate and overly inclusive. (See County Response, Note #1, above.) i “The use of the ‘surface’ property at the historical Idaho-Maryland Mine has changed over time. Historical uses include support of gold mining during the period of gold mining, commercial timber harvesting and milling, and a rock crushing operation. The ‘surface’ has also been developed for residential, commercial, and recreational purposes.” (Historian, Comment No. 62.)

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	the future.	<ul style="list-style-type: none"> i “These geographic terms - Brunswick Industrial Site and Centennial Industrial Site - appear to be modern constructs that do not have a clear grounding in the history of the Grass Valley Mining District. Use of these modern terms obscures the land use and ownership history of these areas.” (Historian, Comment No. 63.)
68.	<p>Petition, p. 58</p> <p>This storied history of the expansive underground workings of one the largest gold mining operations in California, establishes without question that the mineral rights of the Vested Mine Property were vested as of 1954. Rise now holds the property assembled in 1941 encompassed within this vested rights petition.</p>	<ul style="list-style-type: none"> i The term “Vested Mine Property” is inaccurate and overly inclusive. (See County Response, Note #1, above.) i “The petition does not clearly define which historical mining properties were assembled by ownership in 1941, nor does it clearly present the ownership history after 1941.” (Historian, Comment No. 65.) i The fact that Petitioner had to re-assemble the various properties that existed together in 1941, such as Brunswick mill site that was completely severed (both surface and subsurface rights) in 1956 (Exhibit 206), demonstrates abandonment of the mine as it was constituted in 1941.
69.	<p>Petition, p. 60.</p> <p>[T]he Vested Mine Property’s surface consisted of two separate sites: the Brunswick Industrial Site and the Centennial Industrial Site. There are clear manifestations of intent to continue the use of both sites to support subsurface mining operations at the vesting</p>	<ul style="list-style-type: none"> i The terms “Vested Mine Property” and “Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i “These geographic terms - Brunswick Industrial Site and

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	date.	Centennial Industrial Site - appear to be modern constructs that do not have a clear grounding in the history of the Grass Valley Mining District. Use of these modern terms obscures the land use and ownership history of these areas.” (Historian, Comment No. 63.)
70.	<p>Petition, p. 60</p> <p>Aerial photographs beginning in 1938 clearly depict a gradual increase in mining operations at the Brunswick Industrial Site, consistent with expected expansions of vested mining operations.⁵⁸⁸ By 1947, an extensive network of roads and various buildings had been constructed on the Vested Mine Property for the purpose of supporting mining operations.⁵⁸⁹ New roads and clearings are visible on the southernmost portion of the Brunswick Industrial Site, physically indicating an intent to use this entire property to the extent of its current border at least as of 1952.⁵⁹⁰</p> <p>⁵⁸⁸ Aerial Photograph of Idaho-Maryland Mine (1938). ⁵⁸⁹ Clark 172, 177-178, 190-193, 216; Exhibits 145, 146, 147, 152, 153, 154, 159, 161, 162, 334; Geologic Summary of Mine Development (Nov. 1941) [Exhibit 337]; See Letter from Idaho Maryland Mines Corporation to William Oliver (Aug. 22, 1949) [Exhibit 338]. ⁵⁹⁰ Exhibit 330.</p>	<ul style="list-style-type: none"> i The terms “Vested Mine Property” and “Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i “Aerial imagery can yield historical information - however, no acknowledgement is given to its inherent limitations. As with any photograph, a single moment in time and place is captured. Unless analyzed sequentially, such images can create a distorted interpretation of any land use activity over time. Even when aerial photographs are viewed sequentially, chronological gaps or shifts between the photographs may obscure more than may be revealed by examination.” (Historian, Comment No. 23.) i “Observation of roads in aerial photographs is not sufficient to support any definitive statements about the purpose of the roads. Roads may have been present to support mining activities or they may have been present to provide access to timber stands, or to serve other types of infrastructure that may or may not relate to

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
		<p>mining activities. Note that Exhibit 167 reports that in 1948 Idaho-Maryland was cutting timber on its own property and that ‘there may be more money this year in the above ground enterprise than in the entire underground activities.’” (Historian, Comment No. 67.)</p>
<p>71.</p>	<p>Petition, pp. 60-61</p> <p>Even after the suspension of gold extraction in 1956 due to the static low price of gold,⁵⁹¹ mining operations are still visible at the Brunswick Industrial Site, including tree clearing to fuel the Brunswick sawmill.⁵⁹² As mentioned above, the sawmill was originally constructed for the exclusive use and benefit of mining operations, and continued to operate during the 1960’s and 1970’s pursuant to Use Permits U58-15, U64-30, and U64-31.⁵⁹³</p> <p>⁵⁹¹ Exhibit 58. ⁵⁹² Exhibits 181, 182, 183, 184; See Aerial Map of Brunswick Industrial Site (1973) [Exhibit 339]; Topographical Map of Centennial Industrial Site (1973) [Exhibit 340]; Topographical Map of Brunswick Industrial Site (1973) [Exhibit 341]; Overview of Vested Area (1976) [Exhibit 342]; Map of Centennial Industrial Site (1978) [Exhibit 343]; Aerial Map of Centennial Industrial Site (1984) [Exhibit 344]; Aerial Map of Brunswick Industrial Site (1984) [Exhibit 345]; Map of Brunswick Industrial Site (1987) [Exhibit 346]; Topographical Map of Centennial Industrial Site (1995) [Exhibit 347]; Topographical Map of Brunswick Industrial Site (1995) [Exhibit 348]; Topographical Map of Centennial Industrial Site (1998) [Exhibit 349]; Aerial Map of Centennial Industrial Site (1998) [Exhibit 350]; Aerial Map of Brunswick Industrial Site (1998) [Exhibit 351]; Historical Topographical Map of Brunswick Industrial Site (1998, 2000) [Exhibit 352]; Aerial Map of Centennial Industrial Site (2006) [Exhibit 353]; Aerial Map of Brunswick Industrial Site (2006) [Exhibit 354]; Aerial Map of Brunswick Industrial Site (2009) [Exhibit 355]; Aerial Map of Centennial Industrial Site (2009) [Exhibit 356]; Aerial Map of Centennial Industrial Site (2012) [Exhibit 357]; Aerial Map of Brunswick Industrial Site (2012) [Exhibit 358]; Historical Topographical Map of Brunswick</p>	<ul style="list-style-type: none"> i The terms “Vested Mine Property” and “Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i The Brunswick sawmill site was completely severed, both surface and subsurface mining rights, from the rest of the mine property by Idaho-Maryland Mine Corporation in 1956. (Exhibit 206.) i The fact that use permits were requested, and then issued by the County, in 1958 and 1965, demonstrates that the operation of a sawmill on the site was not considered by either the property owner or the County to be a use conducted pursuant to a vested right. i “There is evidence (Exhibit 167) that by the 1940s, the Idaho-Maryland sawmill was operating in part to produce commercial lumber. Exhibit 215 is suggestive that a new sawmill was constructed after Summit Valley Pine Mill, Inc. was issued a use

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>Industrial Site (2012) [Exhibit 359]; Historical Topographical Map of Centennial Industrial Site (2012) [Exhibit 360]; Historical Topographical Map of Centennial Site (2015) [Exhibit 361]; Aerial Map of Brunswick Industrial Site (2016) [Exhibit 362]; Aerial Map of Centennial Industrial Site (2016) [Exhibit 363]; Historical Topographical Map of Centennial Industrial Site (2018) [Exhibit 364]; Aerial Map of Centennial Industrial Site (2020) [Exhibit 365]. ⁵⁹³ Nevada County Board of Supervisors’ Minutes (May 10, 2005) [Exhibit 366].</p>	<p>permit by Nevada County.” (Historian, Comment No. 68.)</p> <p>i Historic photographs demonstrate the dismantling and extrication of the Idaho-Maryland Mine’s buildings and equipment. (Clark, at p. 251 (County Exhibit 1027).)</p>
72.	<p>Petition, p. 61</p> <p>Finally, exploratory trenching, tunnels, drilling and mineral surveys were conducted on the Brunswick Industrial Site continuously throughout the last century through to the present.⁵⁹⁴ ⁵⁹⁴ Exhibits 57, 279, 286, 314; See Exhibits 298, 333; Emgold Press Release (Feb. 12, 2003) [Exhibit 367]; Emgold Press Release (Apr. 15, 2003) [Exhibit 368]; Emgold Press Release (Sept. 16, 2003) [Exhibit 369]; Emgold Press Release (Mar. 31, 2004) [Exhibit 370]; Emgold Press Release (Nov. 23, 2004) [Exhibit 371].</p>	<p>i The evidence presented by Petition shows such activity occurring in 1915 (<i>Exhibit 57</i>), and then not again until 1994 (<i>Exhibit 279</i>). Abandonment occurred during that 80-year period.</p>
73.	<p>Petition, p. 61</p> <p>Not only was the Idaho Mine shaft located on the south eastern area of the Centennial Industrial Site, but the Centennial Industrial Site was also directly utilized to support underground mining operations, primarily for the purpose of storing mine tailings and waste from the Brunswick Industrial Site.⁵⁹⁸ ⁵⁹⁸ Exhibits 218, 230.</p>	<p>i None of the citations referenced by Petitioner (grant deeds) appear to support the assertions made by Petitioner.</p> <p>i In regard to Petitioner’s assertion that “<i>the Centennial Industrial Site was also directly utilized to support underground mining operations, primarily for the purpose of storing mine tailings and waste from the Brunswick Industrial Site,</i>” it is “unclear how the cited sources (Exhibits 218 and 230) support this connection between the two sites.” (Historian, Comment No. 69.)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
74.	<p>Petition, p. 61</p> <p>Turning to the present, mine-related activities and disturbance areas are still evident on the Vested Mine Property, at both the Brunswick and Centennial Industrial sites, with visible areas of disturbance. Taken together, these facts support a finding of vested mining right across the entire 175 surface-acre and 2,560 subsurface-acre Vested Mine Property.”</p>	<ul style="list-style-type: none"> i The term “Vested Mine Property” is inaccurate and overly inclusive. (See County Response, Note #1, above.) i “It is unclear at what point in the history of the mines in question the surface area constituted 175 acres. The newspaper article presented as Exhibit 219 noted that Idaho-Maryland Mines Corporation had sold 1,100 acres for residential, commercial, industrial, and recreation use and that 70 acres would be retained around three mine shafts.” (Historian, Comment No. 70.)
75.	<p>Petition, pp. 63-64</p> <p>These important improvements significantly increased production at the Mine. For example, the new capacity of the completed New Brunswick headframe, crusher plant, hoist, and compressor building was reported to be 2,000 tons of ore daily from depths as low as 5,000 feet below surface.⁶²⁵ The mining operation sold waste rock to third parties,⁶²⁶ transported and stored explosives,⁶²⁷ and trucked materials on public roads.⁶²⁸ Mineral processing equipment included pan feeders, belt conveyors, screens, jaw crushers, gyratory crushers, ore bins, drum feeders, screw classifiers, ball mills, table concentrators, amalgamators, flotation dells, thickeners, and filter presses.⁶²⁹ In the late 1940’s and 1950’s, further improvements to the Mine Property were less aggressive due to a lack of financing, falling revenues, and the stagnated price of gold caused in large part by World War II.⁶³⁰</p>	<ul style="list-style-type: none"> i The term “Mine Property” is inaccurate and overly inclusive. (See County Response, Note #1, above.) i The fact that all the equipment and buildings described by Petitioner were all sold off and dismantled by 1957 (Clark, pp. 247-252), and the fact that the “[l]ast production from the complex occurred in 1956 and the mine has been idle for the last 32 years” (Exhibit 262 (“Proposal, p. 1)), demonstrate that the mining operations were abandoned no later than January 1, 1958. (See also, Minutes of Adjourned Regular Meeting of the Board of Directors, Nevada Irrigation District (December 28, 1956) (County Exhibit 1006); Clark, at pp. 249, 251 (County Exhibit 1027).)

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>⁶²⁵ Exhibit 154.</p> <p>⁶²⁶ Letter from Idaho Maryland Mines Corporation to David Maltman (Jan. 9, 1950) [Exhibit 375]; See Letter from Idaho Maryland Mines Corporation to Nevada City Highway (Oct. 23, 1950) [Exhibit 376].</p> <p>⁶²⁷ Letter from Idaho Maryland Mines Corporation to Hercules Powder Company (Feb. 20, 1947) [Exhibit 377]; Letter from Idaho Maryland Mines Corporation to Hercules Powder Company (Jan. 31, 1949) [Exhibit 378].</p> <p>⁶²⁸ Letter from Neil O’Donnell to E.L. Oliver (Jul. 5, 1950) [Exhibit 379].</p> <p>⁶²⁹ Brunswick Mill Flowsheet (1954) [Exhibit 380].</p> <p>⁶³⁰ Clark 191-193, 246, 248; Exhibits 176, 178, 186, 209; see also Letter from Idaho Maryland Mines Corporation to James A. White (May 27, 1947) [Exhibit 381]; See also Letter from Idaho Maryland Mines to Robert E. Rust (May 1, 1950) [Exhibit 382]; Letter from Idaho Maryland Mines Corporation to U.S. Department of the Interior (June 26, 1950) [Exhibit 383]; Letter from Idaho Maryland Mines Corporation to William. Oliver (Aug. 9, 1950) [Exhibit 384]; Letter from Idaho Maryland Mines Corporation to Day Mines Inc. (Oct. 7, 1950) [Exhibit 385]; Inter-Office Correspondence, Idaho Maryland Mines Corporation (June 1, 1950) [Exhibit 429].</p>	
76.	<p>Petition, 63</p> <p>Thus, the sawmill was, at the time of its construction, an auxiliary use of the Mine Property, with the purpose of facilitating the mining operation.</p>	<ul style="list-style-type: none"> i The term “Mine Property” is inaccurate and overly inclusive. (See County Response, Note #1, above.) i “The presented history of this sawmill is not complete and does not follow the operations or longevity of this sawmill. It is unclear how long the initial sawmill was operational, and to what degree, if any, it was supporting mining after the 1940s.” (Historian, Comment No. 71.)
77.	<p>Petition, 64</p> <p>In 1946, a second sawmill was constructed on the Vested Mine Property “to cut timber for the mine” and was known as the Brunswick sawmill.⁶³¹ Both sawmills operated throughout the 1940’s, and were reported as cutting about 60,000 feet of</p>	<ul style="list-style-type: none"> i The terms “Mine Property” and “Vested Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i The Brunswick sawmill site was completely severed, both surface

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>pine lumber daily.⁶³² In the late 1940’s, the Idaho Maryland Mines Corporation contemplated upgrading at least one of the sawmills with a burner and rubber liner.⁶³³</p> <p>⁶³¹ Exhibits 159, 162, 380; See Letter from Idaho Maryland Mines Corporation to Grass Valley Lumber Company (Oct. 14, 1947) [Exhibit 386].</p> <p>⁶³² Letter from Idaho Maryland Mines Corporation to Wood Products Company (Jan. 21, 1947) [Exhibit 387].</p> <p>⁶³³ Letter from Idaho Maryland Mines Corporation to Placerville Lumber Company (Feb. 28, 1947) [Exhibit 388]; See also Exhibit 379.</p>	<p>and subsurface mining rights, from the rest of the mine property by Idaho-Maryland Mine Corporation in 1956. (Exhibit 206.) That demonstrates an abandonment of the mining operation as it existed in the 1940s.</p>
78.	<p>Petition, p. 64</p> <p>By 1957, only one mill was referenced and reported in the corporate documents – the Brunswick sawmill – which underlying property was sold to and operated by various parties until Rise Gold Corporation purchased it in 2018 for \$1,900,000 to facilitate “the exploration and future development of the Idaho-Maryland Gold Project.”⁶³⁴ This sawmill was originally built by the Idaho Maryland Mines Corporation to support mine operations, and is firmly a part of the vested right as an ancillary use.</p> <p>⁶³⁴ Exhibit 312; See Letter from Idaho Maryland Mines Corporation to American Lumber and Treating Company (Jan. 16, 1950) [Exhibit 389]; Plan of Sawmill Area (1950) [Exhibit 390]; Letter from Idaho Maryland Mines Corporation to Bishop Concentrate and Cleaning Co. (Jan. 8, 1951) [Exhibit 391]; The Press Tribune (Nov. 22, 1991) [Exhibit 392]; Grant Deed from Sum-Gold Corporation Inc. to Yuba River Lumber Company (Apr. 1960) [Exhibit 424]; Letter from Idaho Maryland Mines Corporation to Fred Henderson (Dec. 17, 1948) [Exhibit 428].</p>	<p>i The Brunswick sawmill site was completely severed, both surface and subsurface mining rights, from the rest of the Subject Property by Idaho Maryland Mine Corporation in 1956. (Exhibit 206.) That demonstrates the abandonment of the mining operation as it existed in the 1950s.</p> <p>ii “Exhibits 159, 162, and 386 cited in Footnote 631 and Exhibit 387 cited in Footnote 632 date to the 1940s and do not give any indication as to whether or not the Brunswick sawmill supported mining activities in the 1950s. The only cited source that dates to the 1950s is Exhibit 380 in Footnote 631 and it is a ‘Flowsheet of the Brunswick Mill,’ with no apparent reference to a sawmill.” (Historian, Comment No. 72.)</p>
79.	<p>Petition, p. 64.</p> <p>[R]oadways are an integral part of a mining operations, and were utilized to transport mined materials from the Vested Mine Property to market, and to bring</p>	<p>i The terms “Vested Mine Property” and “Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.)</p>

	PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION	COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT
	<p>tools and supplies to the site. These roadways, internal and external to the Property, were easily observed in aerial photographs taken in the 1930’s through the 1980’s.⁶³⁵ In the 1930’s, the roads were improved assuming “much greater travel than heretofore with the reopening on a large scale of the Brunswick properties.”⁶³⁶ The roads are used for mine access,⁶³⁷ as well as the export and import of ore, aggregate materials,⁶³⁸ and lumber.⁶³⁹</p> <p>⁶³⁵ Exhibits 137, 323, 330; Aerial Photograph of Brunswick Site (1939) [Exhibit 393]; Aerial Photograph of Centennial Site (1939) [Exhibit 394]; Aerial Photograph of Brunswick Site (1962) [Exhibit 395]; Aerial Photograph of Centennial Industrial Site (1962) [Exhibit 396]; Aerial Photograph of Brunswick Site (1975) [Exhibit 397]; Aerial Photograph of Brunswick Site (1987) [Exhibit 398]; Aerial Photograph of Centennial Industrial Site (1947) [Exhibit 399]; Aerial Photograph of Centennial Industrial Site (1952) [Exhibit 400]; Aerial Photograph of Centennial Industrial Site (1957) [Exhibit 401]; Aerial Photograph of Centennial Industrial Site (1978) [Exhibit 402]; Aerial Photograph of Centennial Industrial Site (1984) [Exhibit 403].</p> <p>⁶³⁶ Exhibit 119.</p> <p>⁶³⁷ Ibid.</p> <p>⁶³⁸ Exhibits 3, 66, 186, 259, 260.</p> <p>⁶³⁹ Letter from Neil O’Donnell to E.L. Oliver (Oct. 31, 1949) [Exhibit 404]; Exhibit 386.</p>	<ul style="list-style-type: none"> i The photographs after 1958 do not evidence any underground gold mining at the Subject Properties. i “Aerial imagery can yield historical information - however, no acknowledgement is given to its inherent limitations. As with any photograph, a single moment in time and place is captured. Unless analyzed sequentially, such images can create a distorted interpretation of any land use activity over time. Even when aerial photographs are viewed sequentially, chronological gaps or shifts between the photographs may obscure more than may be revealed by examination.” (Historian, Comment No. 23.)
80.	<p>Petition, p. 65</p> <p>[T]he time the mining right vested in 1954, mining uses at the Vested Mine Property consisted of those operations and equipment typically used in traditional gold mining operations, including mining and processing of gold, transportation and hauling of mined materials off-site, and all other equipment necessary for those uses, including a sawmill to provide lumber for use at the Vested Mine Property. Consistent with California court cases holding that equipment associated with vested land uses can be updated and</p>	<ul style="list-style-type: none"> i The terms “Vested Mine Property” and “Mine Property” are inaccurate and overly inclusive. (See County Response, Note #1, above.) i The Brunswick sawmill site was completely severed, both surface and subsurface mining rights, from the rest of the mine property by Idaho Maryland Mine Corporation in 1956. (Exhibit 206.) That demonstrates an abandonment of the mining

	<p align="center">PETITIONER’S PURPORTED FACTS AND EVIDENCE ALLEGED IN THE PETITION</p>	<p align="center">COUNTY’S RESPONSE AND EVIDENCE IN SUPPORT</p>
	<p>modernized,⁶⁴⁰ operators at the Mine have periodically updated and modernized mining equipment after mining operations first commenced on the Vested Mine Property, including upgrading the types of extraction equipment used and modernizing processing equipment and facilities, all of which was necessary to accommodate the amount of materials mined, processed, and sold from the Vested Mine Property.</p> <p>⁶⁴⁰ See, e.g., Endara v. Culver City (1956) 140 Cal.App.2d 33, 38; City of Ukiah v. County of Mendocino (1988) 196 Cal.App.3d 47; McCaslin v. City of Monterey Park (1958) 163 Cal.App.2d 339.</p>	<p>operation as it existed in the 1950s.</p> <p>i The fact that the extensive equipment described by Petitioner was all sold off in 1957 (Clark, pp. 247-252), and the fact that the “[I]ast production from the complex occurred in 1956 and the mine has been idle for the last 32 years” (Exhibit 262 (“Proposal, p. 1)), demonstrate that the underground mining operations were abandoned.</p>
<p>81.</p>	<p>Petition, p. 75</p> <p>As a result of a shortage in financing, active material sales were reduced, and the Mine was held in a state of suspension with intent to resume mining operations when possible until the resumption of mining, crushing and material sales activities in the 1960’s and 1970’s.</p>	<p>i “Component parts of Idaho-Maryland Mine were sold to various entities after the gold mine closed. There does not appear to have been a single entity holding the historical mine ‘in suspension’ as claimed by Petitioner for future gold mining development. The waste rock crushing, removal, and sales that began in 1964 was not described contemporaneously as a resumption of historical gold mining operations.” (Historian, Comment No. 81.)</p>

EXHIBIT 1001

December 1950:

★Edwin L. Oliver, president of the Idaho-Maryland Mines Corp., announced recently that the company's production has been lessened by reduction of the workers from 350 to 200 men. Workers have been leaving the gold mines to seek employment in lead and copper mines which are considered more essential industries and offer more security from the draft. This reduction has cut volume from \$150,000 to \$100,000 monthly.

EXHIBIT 1002

INTRODUCTION

This Historic Properties Inventory and Finding of Effect document was prepared as a result of a cultural resources study conducted by InContext, under contract to Rise Grass Valley, Inc., for the Remedial Action Plan of the Centennial M-1 Property (Project) (Figures 1 and 2). The study was completed in compliance with the California Environmental Quality Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA). The study consisted of the following tasks:

- prefield research
- outreach to potentially interested parties
- pedestrian survey
- historical research
- evaluation of resources eligibility for listing in the NRHP and the CRHR
- assessment of project effects on NRHP and CRHR eligible resources' qualifying characteristics

The study resulted in the identification of one cultural resource that is considered eligible for listing in the NRHP and the CRHR for the purpose of this undertaking only. This resource is the Idaho-Maryland Mines Historic District (Historic District). The Historic District is comprised of three separately documented mines: the Idaho- Maryland Mine (P-29- 1447); the New Brunswick Mine (P-29-1494); and the Union Hill Mine (P-29-1496). However, only the Idaho-Maryland Mine (P-29-1447) is within the current Project's limits and/or Area of Potential Effects.

An assessment of the Project's impacts to the physical characteristics that qualify the Historic District for NRHP and CRHR eligibility finds that the project will have no adverse effect as defined by Section 106 of the NHPA and will not result in a significant adverse impact as defined by CEQA.

Project Description

A Remedial Action Plan (RAP) was prepared pursuant to a Voluntary Cleanup Agreement (VCA; Docket No. HSA-FY18/19-014) between Rise Grass Valley Inc. (the Proponent) and the California Department of Toxic Substances Control (DTSC). The purpose of the RAP is to describe procedures for conducting remedial activities related to soil contamination at the Centennial M-1 Property (the site). The RAP presents remedial action objectives, proposes remedial procedures for the recommended remedial action, and provides a verification sampling plan to document that the remedial action objectives are achieved.

The 56-acre site ("Centennial Industrial Site") is located at 10344 Centennial Drive near the city limits of Grass Valley in unincorporated Nevada County, California. The site is located immediately south of Centennial Drive and Idaho Maryland Road, and north of East Bennett Road. (Figures 1 and 2).

The site is historically associated with the Idaho Maryland Mine, a former underground hard rock (lode) gold mining operation. Historical mining and milling structures associated with the former



mine were generally located to the east of the site, and the site was used primarily for disposal of mine waste (tailings and waste rock) to land. The historical tailings ponds comprise approximately two-thirds of the site (37.1 acres of the 56.4-acre site).

The RAP proposes remediation efforts encompassing roughly 28 acres within the larger 56-acre Centennial Industrial Site. Remediation includes the excavation, movement, and placement of roughly 241,000 yards of material onsite within that confined 28 acres. Materials proposed for excavation and remediation consist entirely of waste rock and tailings piles that are remnants of the former gold mining activities. No excavation is anticipated into undisturbed, native soils. As such, there is no need to discuss vertical impacts and potential for encountering buried archaeological resources.

Regulatory Context

California Environmental Quality Act

The proposed Project is subject to CEQA compliance because it requires a discretionary action by DTSC. CEQA requires public agencies to evaluate the implications of their projects on the environment and includes *historical resources* and Tribal Cultural Resources as part of the environment. If a project results in significant adverse impacts on *historical resources* or Tribal Cultural Resources, the impact should be disclosed, and mitigation measures must be considered. The steps that are typically taken in a cultural resources investigation for CEQA compliance are as follows:

1. Identify historical resources or Tribal Cultural Resources that may be affected by the project;
2. Assess the impact of the project on historical resources and Tribal Cultural Resources; and
3. Develop and implement measures to mitigate the impacts of the project on historical resources and Tribal Cultural Resources.

Tribal Cultural Resources are not addressed in this document because they will be addressed by DTSC, who, as the lead agency, will conduct AB52 consultation.

Section 106 of the National Historic Preservation Act

The Project will require a permit issued by the U.S. Army Corps of Engineers (ACOE). As a result, the Project is considered a federal undertaking and, as such, is subject to compliance with Section 106 of NHPA (Section 106). Section 106 requires that, before beginning any undertaking, a federal agency must take into account the effects of the undertaking on *historic properties* and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on these actions (16 U.S.C. 470f). The Section 106 process is presented in 36 CFR 800 and consists of the following five basic steps:

1. Initiate process by coordinating with other environmental reviews, consulting with the State Historic Preservation Officer (SHPO), identifying the Area of Potential Effects; identifying and consulting with interested parties, and identifying points in the process to seek input from the public and to notify the public of proposed actions.



Errol MacBoyle, a well-known mining engineer from San Francisco, found interest in the Idaho-Maryland Mine and compiled a report. In his report, MacBoyle determined that the mine held much larger amounts of riches than the \$19,000,000 it had generated to earlier owners. He also considered the benefits of combining all the surrounding mines with the Idaho-Maryland Mine. MacBoyle first received options from the South Idaho Consolidated Mining Company, Gold Point Gold Mining Company, and Black Hawk Mine. To further his plans to combine the mines, MacBoyle formed a syndicate to obtain the Union Hill Mine. Gold Point Consolidated Mines, Inc., was created to handle the purchases of more properties, but in 1917, Metals Exploration Company took over Gold Point Consolidated Mines, Inc. After months of negotiations, Metals Exploration Company leased the Eureka, Roanase, South Idaho, Black Hawk, Union Hill, Gold Point Mines and several other claims with the option to buy each. The Idaho-Maryland Mine was purchased from Samuel P. Dorsey in late 1919 for \$187,692.50. Obtaining control of the mines, the Metals Exploration Company secured the funds necessary to begin reopening the mines. The company named the new project the Idaho– Maryland Mines Company.

World War I – 1957

This period is characterized by vacillating decades of high production costs/low gold production and low production costs/high gold production. The end of this period also marks the closing of the large lode mines in the Grass Valley Mining District, which have yet to recover.

The Eureka Mine reopened in 1920 and several years of production followed the consolidation. In 1925, the Idaho-Maryland Mine closed. Errol MacBoyle sought the funds necessary to continue operating the pumps so that the mine would not fill with water. Tributers or men who leased a part of the claim to mine kept the mine operating.

In the 1930s and 1940s, the Idaho-Maryland Mine was the second-largest underground gold mine in California behind the Empire Mine and was extremely active and productive. Between 1930 and 1940, the Idaho-Maryland and Brunswick Mines yielded 2,186,381 tons of ore, equating to \$26.76 million in extracted materials, and a new method of sinking shafts, core drilling, was developed in the Idaho-Maryland shops. On July 1, 1933, the Idaho-Maryland Mines Company leased the Brunswick Mine from the Idaho Consolidated Mines, Inc., for 5 years. By 1934, the underground workings of the Idaho-Maryland Mine extended more than 8,000 feet from the main shaft. To supply better ventilation and another exit, the decision was made to sink another shaft closer to where the underground operations were in progress. The location for the shaft was near the intersection of Brunswick and Maryland Roads. This area proved problematic from a geological standpoint because the rock formations consisted of serpentine, gouge, ankerite, and gabbro. To run a conventional shaft that could drill and blast in that location would have needed a vast amount of timber and constant upkeep, which would add to the cost. The shaft would not need to hoist ore or waste rock, so they tried using a 60-inch-diameter experimental, single compartment, core drill that J. Branner Newsome constructed at the Idaho-Maryland shop. They called the No. 2 shaft the “Round Hole” shaft, and with the use of the drill, the shaft advanced 173 feet in 1934.



The Idaho-Maryland Consolidated Mines, Inc., merged with its operating company Idaho-Maryland Mines Company in 1935 and then changed the name to Idaho-Maryland Mines Corporation. Mining operations, including the Idaho shaft and the New Brunswick, produced 293,975 tons of ore in 1936. According to some government reports, in 1939, the Idaho-Maryland Mines Corporation experienced the largest gold production of any quartz mine in California and remained the second-largest gold mine in the United States. The mine kept these leading numbers for several years as a direct result of the output from the Idaho- Maryland Mine, and other Grass Valley area mines they controlled including the Brunswick Mine. The Brunswick Mine added to the Idaho-Maryland Mine's production numbers, which peaked in 1941 (Wolflin 1941).

Further improvements to the New Brunswick Mine in 1940 included deeper shafts and, in turn, an increase in ore production, which required increasing the headframe size and hoisting capabilities. The owners of the surface plant for New Brunswick bought a 1,000-horsepower water drum from the Los Angeles Metropolitan Water District. The hoist had 8-foot-diameter drums with a 60-inch face that could hold 4,800 feet of cable. The cement piers, foundations, and drum pits were constructed, and the large hoist installed during summer. Concrete floors were poured and an all-steel building, 56 by 60 by 15 feet high was built over the hoist. The new hoist room was constructed north of the three-compartment shaft, and the regularly used hoist was on the south side.

Errol MacBoyle left an impression on the Grass Valley area. The mines produced over 2 million tons of material from the time MacBoyle took over the mine in 1925 until the early 1940s. At the peak of production, a turn of events occurred on October 8, 1942, when the War Production Board issued Limitation Order L-208, closing many of the top United States gold mines, including the Idaho-Maryland. Mining resumed after the war but without the same success realized as that before the war under MacBoyle's supervision.

MacBoyle contributed resources to the Grass Valley area, including an airstrip that he allowed the National Guard to use for training. The government closed the airstrip during WWII and dug ditches across the field, effectively ruining the airstrip. In 1936, MacBoyle formed the Grass Valley Memorial Hospital Association and built a hospital to 80 percent completion, but when WWII began, obtaining needed materials proved too difficult and monetary funding stopped. MacBoyle believed in supplying jobs, and because of him, the mines stayed active and he supplied construction jobs; therefore, the residents of the Grass Valley area did not feel the effects of the Great Depression as severely as the rest of the country. MacBoyle passed away in his sleep in 1947 after battling an illness that followed a stroke in 1943 (McKinney 2016).

For the first time in 105 years, in 1956, all the Grass Valley area mines stopped running. The stamp mills halted, and a deafening quiet fell over the town. In December 1955, the Idaho-Maryland Miners Corporation ceased gold mining operations and switched to mining only tungsten; the mine eventually closed entirely in 1957. The Empire and North Star Mines Company, Ltd., closed on July 5, 1956. The estimated worth of the total yield of the lode mines was \$300 million. The Empire-Star Mine produced \$130 million and the Idaho- Maryland Mine produced \$70 million, making them the two largest mining



operations in California and among the largest in the United States. The equipment at the New Brunswick and Idaho-Maryland Mines sold at auction in March 1957 to help offset delinquent taxes. The Grass Valley and Nevada City area mines not only transformed the local area environmentally and economically, but quartz gold from the Sierra foothills changed the nation as well.

Summary of Historic Context

The history of the District and lode mining, which includes the Idaho-Maryland Mine, reflects the broader trends and conditions of the times in local, state, and United States society from 1866 to 1957. With the discovery of gold in the area in 1848, mining changed the landscape of the Sierra foothills and made some of the Grass Valley District Mines top gold producing mines in the state and country. The General Mining Act of 1872 allowed miners, or anyone else, to patent mineral rights, in the same way farmers could claim settlements under the Homestead Act of 1862. The General Mining Act sparked a small boom in gold production in the later 1800s.

Most developments of new mining techniques and equipment originated in the Grass Valley and Nevada County Mining Districts, including hydraulic mining, which originated from ground sluicing. In 1867 there were thirty stamp mills operating and roughly 1,600 men working in the mining industry in the Grass Valley area. Power drills and nitroglycerine-based dynamite replaced hand drills and black power in 1868. A new steel headframe, 20-stamp mill, and a cyanide plant were in place at the Idaho-Maryland Mine in 1915 and by 1919, a new hoist and Ingersoll-Rand compressor were installed together and powered by electricity. The Idaho-Maryland Mine property also housed a machine shop and carpenter shop. J. Branner Newsome fabricated a core drill at the Idaho-Maryland Shop in 1934 to help offset the amount of timber needed to get through the hard rock material. The new mining equipment that developed from need within the Grass Valley District mines contributed to some of the advancements of the Gilded Age. The surface level of the mine property constantly changed to remain updated and in working order to better aid with the underground workings of the mine; however, the underground parts of the mine remained the same over time, except for timber being replaced as needed and further digging.

The District, as well as the Idaho-Maryland Mine, experienced many fluxes from 1848 to 1957. Between 1856 and 1860, there was a minor nationwide economic depression. Many continued placer mining even though the work became increasingly more complicated than simple panning or rocking for gold. Gold mining consistently increases during slow economic cycles. The decline shows the pull of other strikes, other occupations, and some miners simply giving up and going home; however, the District's gold mining influence increased from 71% of the population engaged in mining in 1850 to 76% in 1860. A worldwide economic depression from 1893 to 1896 created a gold boom and the production of gold climbed steadily. The Grass Valley region would have suffered negative economic effects of the first depression if the mines did not employ such a sizable part of the community. The Great Depression brought the final boom of historic gold mining in the Grass Valley region and between 1930 to 1940 the Idaho and Brunswick Mines produced enormous amounts of ore. By 1941, there were 973 employees working at the Idaho Maryland and Brunswick Mines.



UPDATE

ARCHEOLOGICAL SITE RECORD

Permanent Trinomial: _____ Supplement _____
Other Designations: Ghidotti/Olson Properties
Site Record #2

Page 1 of 3

1. County: Nevada
2. USGS Quad (7.5' or 15"): Grass Valley 7.5'; Photorevised 1975
3. UTM Coordinates: Zone 10 4343740m Easting 668230m Northing
4342820m Easting 668410m Northing
4. Legal Description: A portion of the northwest quarter of the south half of Section 26, Township 16N Range 8E, MDM & BM.
5. Map Coordinates: 141 mmS 267 mmE (from NW corner of map)
137 mmS 274 mmE
6. Elevation: 2480'
7. Location: From northeast corner of furthest east Grass Valley Cemetery (as shown on USGS topographic map), walk north approximately 3 chains (200 feet).
8. Prehistoric _____ Historic X Protohistoric _____
9. Site Description: Abandoned bed of Idaho Ditch (so named in deed for property, as well as adjacent property Record of Survey). Ditch probably dates back to gold rush era, and was used to carry water. It has been long abandoned and disturbed by old road built on top of it. Road no longer used, but unable to determine exact dimensions of original ditch. May have been one meter wide by .33 meters deep, based on partial disturbed area.
10. Area _____ m() x _____ m() _____ m2.
Linear feature: Approximately 1140' (348 meters) long, based map measurement (brush and berry vines too dense to allow accurate field measurement).
11. Depth: N/A cm Method of Determination: N/A
12. Features: None observed
13. Artifacts: None observed associated with ditch.

4054

ARCHEOLOGICAL SITE RECORD

Page 2.

P-29-1447

Permanent Trinomial: CA-NEV-953-H

Temporary Number: WPP-1

17. Burials: N/A

18. Site Integrity: The site complex has been heavily disturbed by mining and logging activities. Logging and industrial activities are still being conducted in the area.

19. Water (Type and Distance): Wolf Creek is approx 60 meters to the north of the main (cont)

20. Vegetation Community (ies): This area is in the Yellow Pine Belt (Transitional Zone).

21. Plant List: Yellow Pine, Digger Pine, Manzanita, Incense Cedar, Madrone, Scrub Oak, Poison Oak, Ceanothus sp., Blackberry, Douglas Fir, native and introduced grasses.

22. Site Soil: Sites Series loam (cont) 23. Surrounding Soil: (same as item 22)

24. Geology: Granodiorite noted 25. Landform:

26. Slope: 25% average over site 27. Exposure: Northerly

28. Landowner (s) (and/or tenant) and Address: Town and Country Associates, c/o Harold A. Berliner, (Grass valley, Calif)

29. Remarks: Other components of the Idaho-Maryland Mining Complex are the Eureka, Maryland, Brunswick and South Idaho.

30. References/ Name of Project: Proposed Whispering Pines Park annexation.

31. Site Accession Number:

32. Photos: 35mm Black & White Taken By: Joan Northrop

Photo Accession Number: (pending) On File At: Archeological Study Center, California (cont)

EXHIBIT 1003

Vol. 152 1951:

Idaho Maryland Feb n133, Mar n95, May n112, Sept n124

February 1951:

★Idaho-Maryland Mines Corp. has applied to the California Corporation Commission for permission to grant C. Marshall Wood, New York financier, options to buy 300,000 shares of treasury stock at \$1 a share, par value. The company plans to use the funds to raise working capital for exploration and development at its Grass Valley mine.

March 1951:

★Idaho-Maryland Mines Corp. is preparing to experiment on reduction of scheelite ore at its Grass Valley properties. A limited quantity of high-grade scheelite was recently opened in a portion of Idaho-Maryland property near the Union Hill mine which produced tungsten in World War II, but which has since been abandoned.

EXHIBIT 1004

December 1956

Idaho Maryland Mines Corp. wrote an obituary to gold mining operations at its historic mine at Grass Valley by selling the surface plant to Oro Lumber Co.

The transaction included compressors and allied equipment, headframe of the 2,000-ft Idaho shaft, but not underground equipment.

C. L. Allan, secretary-treasurer, said water will be allowed to fill the Idaho to the 1450 level, flooding much of the mine's 55 miles of underground workings. Work was discontinued at the 65-year-old Idaho shaft in 1946.

The firm will continue its tungsten exploration work centered at the Brunswick shaft. A tunnel to the Old Brunswick shaft will be used as a safety exit, since access to the Idaho (the present secondary exit, 1½ miles away), will be flooded.

Under the tungsten development program, a raise is being cut from the 1100 to the 900 level. Drifts and crosscuts have intersected the adjoining Union Hill mine, also owned by Idaho Maryland. Exceptionally high grade scheelite has been encountered on Union Hill property, but the mine must be unwatered before work can proceed. Still pending are Idaho Maryland applications to the DMEA for a \$122,000 loan to finance unwatering of the Union Hill and for a \$27,000 loan for tungsten exploration at Union Hill. The Union Hill was mined originally for gold, then for tungsten, and in 1918 it was shut down.

Idaho Maryland has 17 men at work on the development program, under the direction of Jack Clark, superintendent.

EXHIBIT 1005

June 1956:

Idaho Maryland Mines Corp. has placed its new tungsten mill in operation at Grass Valley.

The \$28,000 facility has a capacity of 20 tons per 24 hr. It is being operated currently at rate of 50 tpd—two 8-hr shifts.

The mill utilizes a crushing plant that was already in operation. New features of the 3x8-ft rod mill are four concentration tables, a flotation cell, and a cleaning table.

The mill is producing 50-60% concentrate. Concentrate is shipped to the Tulon mill near Lovelock, Nev., for upgrading to 70%.

Idaho Maryland has been shipping tungsten concentrate to the Government's buying depot in San Francisco.

Company president Bert Austin said a project under consideration is dewatering of the Union Hill shaft at Grass Valley.

The 1,200-ft shaft is part of a gold mining operation that has been idle since 1920.

The Union Hill shaft can be used for working tungsten deposits. Decision on the dewatering project rests on outcome of a diamond drilling program now under way and an application for a \$244,000 DMEA loan.

In charge of the mine and mill operation is Max Bechhold, resident manager.

EXHIBIT 1006

MINUTES OF ADJOURNED REGULAR MEETING
of the Board of Directors, Nevada Irrigation District
December 28, 1956

Pursuant to the adjournment of December 7, 1956, the Directors of Nevada Irrigation District convened at the office of the District, 144 So. Auburn St., Grass Valley, Calif., the 28th day of December, 1956, at 10:10 a.m.

All Directors, Attorney D. H. Minasian, Manager T. D. Sawyer and Assessor Elton A. Tobiassen were in attendance.

Minutes of December 7, 1956, were read, corrected and approved as corrected.

First considered was the joint meeting of landowners and N.I.D. officials held at the Mt. Pleasant Hall, near Lincoln, on December 20th. The meeting was to present to the landowners the procedure of establishing an Improvement District, such District to possibly assist financially in the construction of the proposed Rielli project. Each Director was presented with a copy of the proceedings of that meeting, outlining what had transpired. (See Schedule "A"). Discussion disclosed that the meeting had been prematurely called and inadequately prepared for; that while others were partly to blame, one of the Placer ditch-tender's unauthorized and hasty actions were most responsible. Director Power went on record that he had not been consulted and knew nothing of the time or place of the meeting until asked to attend. It was pointed out that many of the landowners present at the meeting were not in favor of an Improvement or Assessment District, but the majority were in favor of more study and another meeting at a later date.

Under discussion of new subdivisions and outlying domestic services, the Manager expressed the belief that it might be well to establish a firm policy as to how the District would handle construction of new facilities to care for them. After considerable discussion, Director Rolph moved that in the future, subdividers would have to deposit with the District sufficient funds to cover the entire estimated cost of the improvements, plus an additional 25% of such total estimate, to cover unforeseen expenses. Seconded by Director Winkler. In discussion after the question, the matter was tabled without a vote until a future meeting, in order to allow more study before establishing such a firm policy.

The Manager assured the Board that on all future subdivision improvements, the work would be checked very carefully during progress, and at such time as the subdivider's cash deposit was used up, work would stop until additional deposit was made. By handling in this manner it would protect the District should a subdivider run into financial difficulties and be unable to pay off at the conclusion of the work.

Sealed bids for the sale to the District of certain of its outstanding First Refunding Bonds were opened. After discussion and comparison of prices, Director Rolph moved that the bid of Blyth & Company, San Francisco, for 27 bonds at 83-7/8 and one at 83 be accepted, as well as the bid of Stone & Youngberg, San Francisco, for two at 84-1/8, same being the best bids submitted, provided that Stone & Youngberg would split their bid. Seconded by Director Winkler and unanimously carried. Director Personeni moved that the Accountant be authorized to telephone Stone & Youngberg at once, to ascertain if this was acceptable to them. Seconded by Director Winkler and unanimously passed. Stone & Youngberg were agreeable, so the bids were accepted as moved.

Consideration was given to the possibility of the District buying three buildings, wood and galvanized iron construction, from the Idaho-Maryland Mine, to be moved and erected at the District's highway yard for the storage of equipment, at a price of \$2,700.00. It was pointed out that this price was one-third of the cost of such buildings if new material was used. After considerable discussion Director Rolph moved that the Purchasing Agent make the best possible deal with Idaho-Maryland Mines for the purchase of the three buildings and that the needed funds be transferred from the Contingency Account to the Construction Account. Seconded by Director Winkler and unanimously carried.

Director Rolph moved that the 1957 Wage Schedule, effective January 1, 1957, and adopted at the meeting of December 7, 1956, be incorporated into the Minutes. Seconded by Director Personeni and unanimously carried.

Wage Schedule - Effective January 1, 1957

	1	2	3	4	5
Manager	\$		\$	\$	\$700
Board Secretary	250	275	300	325	350
Superintendents - Mt., Nev., & Placer Div.					425
Shop Supt. & Equipment Foreman					500
Assessor - Treasurer - Collector	340	365	390	420	450
Chief Clerk & Deputy Assessor	205	225	245	270	290
Address. Opnr. & Clerk-Typist	205	225	235	245	270
Watermaster & Hydrographer (to inc. Engr.)	400	425	450	475	500
Hydrographer Aid & Assistant	250	275	300	325	350
Chief Engineer					500
Office Engineer	325	350	375	400	425
Engineering Aids	250	275	300	325	350
Draftsman	250	275	300	325	350
Eng. & Hydro. Secretary	230	245	260	280	295
Office Mgr. and Purchasing Agent	370	395	420	445	475
Accountant	335	355	380	400	420
Accounts Receivable Bookkeeper	235	250	270	285	300
General and Relief Clerk	310	325	340	355	370
Chief Cashier	220	230	240	250	260
Assistant Clerk	190	205	215	225	235
Switchboard and Assistant Clerk	190	205	215	225	235
Utility and Clerk Typist	220	230	240	250	260
Extra Part-time Clerk Typist	\$1.25	per hour			
Carpenter-Foreman (working)	320	335	350	365	380
Carpenter Class	300	315	330	345	360
Labor-Foreman (working)	270	285	300	315	330
Equipment Operators	300	315	330	350	370
Truck Driver and Steady Labor	260	275	290	305	320
Laborers	\$1.45	per hour			
Laborers - Skilled (Temporary)	\$1.70	per hour			
Ditchtender's Mileage	\$0.08	per mile			
Ditchtenders:					
(a) Fuller Lake and Bowman	260	270	285	300	310
(b) Camp 19, Texas Creek, Upper and Lwr. Cascade, Up. & Lwr. Sno. Mt.	250	270	285	300	310
(c) Irrig. & Domestic (Nev. & Placer)	260	270	285	300	310
(d) Above on Tarr Ditch & B Canal	240	250	265	280	290
(e) Average Ditch	230	240	255	270	280
Warehouseman - Full Experience	290	315	340	370	395
Warehouseman - Partial Experience	250	260	275	310	325
Asst. Warehouseman - Hwy. & Aub. St. Yard					270
Shop Men - Welder and Mechanics					400

Director Rolph moved that the bills be paid, and that Vouchers 1739 to 1785, inclusive be approved for such payment. Seconded by Director Personeni and unani- mously carried.

The Attorney read to the Board the proposed contract between the City of Grass Valley and the District for the serving of water to the Country Club Terrace. (See Minutes of Dec. 7, 1956). After discussion, Director Personeni moved that the President and Secretary be authorized to sign the agreement for the District, and submit it to the City of Grass Valley, to be effective upon their approval and signature. Seconded by Director Rolph and unanimously carried.

After limited debate, Director Rolph moved that the District set aside 5% of revenues from Domestic accounts, after 4th Bond Issue obligations have been met, for the improvement of service to Domestic accounts. Seconded by Director Winkler and carried. Director Vogt voted "NO".

Adjourned for luncheon at 12:30 p.m., reconvening at 2:00 p.m.

The Assessor advised the Board that because of double assessment he requested permission to cancel Assessment #1310, William and Marian Ghidotti. Acreage included with that assessed to Cecil J. & Carrie I. Witchell; amount \$9.00, and Assessment #287, Ernst L. Bierwagen, acreage included with that assessed to Loyd G. McCurry, in the amount of \$12.50. Director Personeni moved that the Assessor be authorized to cancel the two assessments. Seconded by Director Vogt and unanimously carried.

The Assessor also asked the Board for a resolution to cancel Certificates of Sale #7256, #7529 and #7862, Henry Miller, Jr., et al, as this property was included in property assessed to Mary Allen Rikers, making a double assessment. Thereupon the following resolution was introduced on motion of Director Rolph, seconded by Director Vogt and unanimously carried:

RESOLUTION NO. 780

WHEREAS, the following Certificates of Sale on the hereinafter described real properties should be cancelled because of double assessment:

<u>Certificates of Sale</u>	<u>Names and Description of Property</u>
No. 7256 - Year 1945	Henry Miller, Jr., et al. Lot 31, Pino Alto Subdivision
No. 7529 - Year 1946	Henry Miller, Jr., et al. Lot 31, Pino Alto Subdivision
No. 7862 - Year 1947	Henry Miller, Jr., et. al. Lot 31, Pino Alto Subdivision

NOW, THEREFORE, BE IT RESOLVED that the Collector of this District be and is hereby ordered to cancel the following Certificates of Sale:

No. 7256 - Year 1945	Henry Miller, Jr., et. al. Lot 31, Pino Alto Subdivision
No. 7529 - Year 1946	Henry Miller, Jr., et. al. Lot 31, Pino Alto Subdivision
No. 7862 - Year 1947	Henry Miller, Jr., et. al. Lot 31, Pino Alto Subdivision

AND BE IT FURTHER RESOLVED, that the County Recorder of Nevada County in whose office there has been filed Certificates of Sale No. 7256 (Year 1945), No. 7529 (Year 1946) and No. 7862 (Year 1947) be and he is hereby authorized and directed to cancel said Certificates of Sale.

The Assessor reported that as of December 26th, \$74,192 of 1st Installment assessments were collected, with \$37,586 to collect. On second installment assessments, \$32,098 had been collected, with \$72,055 to collect. Of the total of \$215,933.14, \$106,290.99 had been collected, with \$109,642.15 to go.

Mr. R. B. Leedy presented a petition requesting a new water main from N.I.D. reservoir north of Colfax Highway and west of Meadow View Drive; to run from reservoir along the southerly line of Mariam P. Wilder property to Meadow View Drive, thence along road bordering the property of Anna Driggs, Arthur Ring and David Valentine, connecting up with the present water main near the S. E. corner of the David Valentine property. The petition was signed by eleven property owners who would benefit if such installation was made. After considerable discussion, Director Personeni moved that the Manager and Engineering Department ascertain the cost and feasibility of such a project and report back to the Board at a later meeting. Seconded by Director Rolph and unanimously carried.

Mr. Roger Murray appeared before the Board, representing the Wheatland Water District, to find out if any progress had been made regarding possibility of surplus water. (See Minutes of Dec. 7, 1956). He was advised by the Manager that due to the heavy work load of the Engineering Department nothing had been done as yet, but that the District would try and have the requested information within ten days to two weeks.

Director Rolph moved that Voucher No. 1786 in the amount of \$15.00 for today's Board luncheon, be approved. Seconded by Director Personeni and unanimously carried.

The Manager presented the preliminary 1957 Budget. After considerable discussion, action was postponed until the meeting of January 11, 1957, to give the Board members opportunity to study it.

Director Winkler directed attention to the fact that his motion to raise all water rates 10% for the year 1957, except Domestic, seconded by Director Power, was still standing open for vote, it having been tabled without vote at the meeting of December 7th. After further discussion, a roll-call vote ensued and the motion was defeated.

Division 1 - Personeni - NO
 Division 2 - Rolph - NO
 Division 3 - Winkler - YES
 Division 4 - Power - YES
 Division 5 - Vogt - NO

Director Personeni moved that all water rates for 1957 remain as they are. Seconded by Director Rolph. A roll-call vote ensued and motion carried.

Division 1 - Personeni - YES
 Division 2 - Rolph - YES
 Division 3 - Winkler - NO
 Division 4 - Power - YES
 Division 5 - Vogt - YES

Director Power went on record as believing that rates had to be established and he certainly was not in favor of lowering them.

Director Rolph suggested that during the next few months a comprehensive and thorough survey be made of the entire rate structure, either by the Manager or somebody appointed by him, and a report made to the Board in October of 1957.

Use of a District vehicle to attend the recent I.D.A. Convention was discussed. Director Rolph explained that the vehicle was used absolutely only to San Jose and return, and that Director Winkler accompanied him; that the only reason for his use of a District vehicle at all was to transport picture exhibit panels to the convention; that on December 15th, the day after the convention ended, he attempted to return the vehicle but the District yard was closed and there was no one in attendance to accept it and put it away; that December 16th was Sunday and the yard was closed; that on Monday, December 17th, because of a previous appointment with a doctor, he was unable to return it, and returned it on Tuesday, December 18th. Director Rolph again reiterated that the vehicle was used only for the authorized use to San Jose and return.

There being no further business, the meeting adjourned at 5:30 p.m., until Friday, January 11, 1957, in District offices at 10:00 a.m.

Normal R. Strang
 Secretary Pro-Tem

Attest a true record of proceedings had and taken at the above and foregoing meeting our presence thereat and our consent thereto.

<i>Philip L. Personeni</i>	Directors
<i>Carl G. Rolph</i>	1st Division
<i>John Winkler</i>	2nd Division
<i>E. B. Power</i>	3rd Division
<i>Wm. G. Vogt</i>	4th Division
	5th Division

NOTES TAKEN AT A JOINT MEETING OF LAND-OWNERS AND N. I. D. OFFICIALS, HELD AT THE MT. PLEASANT HALL, NEAR LINCOLN, PLACER COUNTY, DECEMBER 20, 1956, REGARDING THE POSSIBLE FORMATION OF AN IMPROVEMENT DISTRICT TO EXPEDITE EXTENSIVE IMPROVEMENTS ON THE RIELLI PIPELINE AND SYSTEM.

* * * * *

Those present for the District were E. B. Power, Director from the Fourth Division and President of the Board; T. D. Sawyer, Manager; D. H. Minasian, Attorney for the District; Elton A. Tobiassen, Treasurer-Assessor-Collector; Willis H. Shinn, Superintendent of the Placer Division; Frank Newcomb and W. W. Wells.

George Logan, Douglas Newcomb, Walter Wiswell, Harley Hutchinson, C. M. Pomeroy, Robert Amlin, M. W. Hubbard, William Klose, Ralph Braik and the Nicklas Brothers, and other land-owners were present. E. E. Burnett, land-owner and a former Director of the N. I. D. was present.

The meeting was called to order at 8 o'clock p.m., with E. B. Power presiding.

Mr. Power introduced the District officials and employees present, and briefly outlined the purpose of the meeting; presented a concise review of the Rielli project from the time of its inception to the present, showing that the cost of the initial proposal had been estimated at \$10,000; that so many demands had been made for more water and new outlets from the project it had been decided to study the feasibility of an extensive long-range plan before proceeding with the work originally agreed upon.

Manager T. D. Sawyer advised that District Engineers, working in conjunction with Frank Newcomb, had prepared three plans for the bringing of additional water to Placer County users, designated as plans "A", "B" and "C", and asked Mr. Newcomb to outline the coverage of each on a wall-map prepared for the purpose.

Mr. Newcomb pointed out on the map the present Rielli system, the acreage covered and mentioned the landowners served. As he presented each of the three plans, as follows, he illustrated on the map the proposed course, acreage served and owners effected.

SCHEDULE "A" - 7.5 C. F. S.

From Gold Hill Canal thru Hubbard and Munson

<u>Acres</u>	<u>M.I.</u>	<u>C.F.S.</u>		<u>Amount</u>	<u>Unit</u>	<u>Cost</u>
600	300	7.5	Grade Ditch	7,655'	\$ 0.85	\$ 6,506.75
			Random Ditch	2,230'	.50	1,115.00
			Natural Random	600'	.50	300.00
			16" Pipe	1,375'	3.15	4,331.25
			Trench & Laying Pipe	1,375'	1.25	1,718.75
			Inlet & Outlet	8	300.00	2,400.00
			Bridges	8	150.00	1,200.00
					TOTAL	<u>\$17,571.75</u>

In the general discussion that followed, questions were asked, discussed, explained and answered. Some of the more pertinent are as follows:

Q: Would an assessment imposed by an Improvement District be in addition to that assessment all ready assessed by the Nevada Irrigation District?

A: Yes. If your present District assessment is \$25.00 per acre, and the Improvement District assessed \$25.00, your total would be \$50 per acre.

Q: If the Improvement District was formed, would its members have priority over non-members in case of water shortage?

A: No. In case of water shortage, the State Water Code provides that water shall be pro-rated between all users.

Q: What percentage of land-owners must be had, in a given area, in order to form an Improvement District?

A: Two-thirds (66.2/3%) of the land-owners must be in agreement.

Q: Does a holder of a large acreage have more voice than the small land-owner?

A: No. A man owning one acre has as much vote-power as the man with a hundred.

Q: Could a land-owner be excluded, if not in favor?

A: Yes.

Q: Would a land-owner be forced to give a right-of-way for a ditch or pipeline across his property if he was not in favor of the Improvement District?

A: Only by due process of condemnation laws.

Q: Can the cost of such projects be repaid any other way than by an assessment against the land?

A: Yes. Contracts can be worked out to determine whether the cost is to be paid by assessment or increased water rates.

Q: If an Improvement District paid the entire cost of pipelines and ditches, to serve the members, could they hold the supply of water only to those members, or such others as would pay their pro-rata share of the cost?

A: Yes.

Q: If the Improvement District was formed, how would the money be raised to finance the project?

A: By the issuance and sale of interest-bearing bonds or warrants.

Q: If the entire plan was to be adopted and installed, how many additional acres of land could be served, over and above that presently served?

A: Approximately 3300 additional.

Mr. Power called for a short recess to permit individual discussion. Those present broke up into several small groups, where questions were asked of the Manager, the Attorney, Mr. Power, Mr. Newcomb and the Assessor. After approximately thirty minutes of individual and group discussion, Mr. Power called the meeting to order, and asked for opinions on the proposed formation of an Improvement District.

Several land-owners expressed a definite negative opinion, but the majority felt that additional time should be given to study and investigation. It was therefore agreed that another meeting to discuss the problem should be held at a place and date to be announced later.

In closing remarks Mr. Power and Mr. Sawyer assured the land-owners that the District would proceed with plans to get them water as soon as possible, whether the Improvement District was formed or not, and reminded them that the important thing to give consideration to, prior to the next meeting, was whether they wanted the water now, or wait until the District could complete the project by itself several years hence.

Meeting adjourned at 10:30 P. M.

N. R. Strang

EXHIBIT 1007

Vol. 158, 1957:

Idaho-Maryland Mines Corp (N) Nov 166:

... owners say.
**Idaho-Maryland Mines Corp., owner of
idled gold and tungsten properties at
Grass Valley, has embarked on a diver-
sification policy.**

Engineering and Mining Journal—Vol.158, No.11

California (Continued)

Stockholders approved acquisition of Schroeder Manufacturing, Inc., Long Beach manufacturer of valves and other accessories for the aircraft industry.

The transaction involves \$425,000, including 400,000 shares of Idaho-Maryland stock at 50c and assumption of Schroeder's debts amounting to \$225,000.

EXHIBIT 1008

, June 12, 1958

Use Permit

U58-15

APR 6 1958

The Nevada County Planning Commission at a general meeting held August 22, 1958, at the Nevada County Courthouse, Nevada City, California, heard testimony and inspected records concerning the application of the Summit Valley Pine Mill, Inc., Box 963, Grass Valley, California, for a use permit for a sawmill on the Brunswick road, in the NW $\frac{1}{4}$ Section 31, Township 16 North, Range 9 East.

Have determined that operation of a sawmill at the said location is within the meaning and intent of section 2 of Nevada County Ordinance No. 196:

The Nevada County Planning Commission does hereby issue to the Summit Valley Pine Mill, Inc. a use permit to construct and operate a sawmill at the said location.

Nevada County Planning Commission

Per _____

EXHIBIT 1009

utes of the meeting of the Nevada County Planning Commission held
11, 1960 in the Court Room at the Court House, Nevada City, Calif.

esent, Chairman Bruncker and members Litton, Runyan, Looser, Edmunds,
lier, Kitts, Stevens, McGuire, Berliner and approximately fifty
ple interested in different points of the agenda.

motion by Hillier, seconded by Runyan, the minutes of the meeting
June 27 were approved as mailed.

. Tac Spoor read a letter from the Supervisors asking that he appear
fore the commission and offer his advice on how to arrange for legal
esentation before the Tri-County Water Compact Commission.

. Spoor stated that:

1. He was not in a position to say whether or not the county should have an attorney in this matter;
2. He would recommend that an attorney be engaged to make a brief study of the problems and recommend proper procedure;
3. Nevada and Placer Counties have in the past joined together in having an attorney represent them in connection with water problems;
4. Suggested that Mr. Adolph Moskovitz would be a competent attorney. Mr. Spoor offered to contact Mr. Moskovitz for the Commission if they so desired. Since the actual employment of an attorney would be handled by the Board of Supervisors the Commission thru a motion made by Mr. Edmunds and seconded by Mr. Litton decided to send names of three competent attorneys to the Supervisors. The three named were: Adolph Moskovitz, Alvan Landis, and Martin McDonaghue.

t public hearing in regard to proposed zoning of Donner Lake pro-
as described in public notice in the Grass Valley Union. Mr. Swanson
ed that the Zoning plan had been worked out by the Committee named
the Planning Commission last winter.

. Welsh asked just what was meant by the terms high water mark and water mark.

. Swanson stated that the water level of the lake was dropped about feet in the fall, but the lake level should have no bearing on zoning procedure.

Berliner commented that the Commission could not proceed with the ing if any of the original specifications were changed.

. Walsh said the only reason the zoning was being proposed was to tect the property owners on Donner Lake.

. Trauner, Lot 4, Block B, objected to Lots 21 and 22A and Lots 1 10B being zoned as commercial.

. Atchinson (Donner Lake Development Co.) stated they had nothing to do th the zoning planning but they objected to that area south of Summit ek being zoned as R 1.

Estes (Property Owners Assn.) stated the four hundred feet was to ample beach space to property owners for private beach.

Creagan stated this piece of property was very swampy and she felt should remain R-1.

Walker, County Sanitarian, stated the property could not be zoned until sewers were installed.

Estes said that their concern was that their beach did not become less.

Walker said that he would like to see the entire beach given to the property owners.

Further comment from the floor the hearing was adjourned until July 25.

The hearing proposed industrial zone on Brunswick Road (Yuba River Lumber Co) as advertised in the Grass Valley Union.

Todd (in favor) presented pictures of mill site and area. Pictures showed direction of smoke flow and condition of mill. He stated that purpose of the proposed zoning is to assure the Yuba River Lumber Co. land use in order that they may plan future development. He also stated that smoke and dust flows to the west, that noise is normal mill noise and that there is no sanitation problem. The company employs seventy-five people in the community. Mr. Jim Feightner (opposed) stated that he lives near the plant and wind is from different directions at different times of the day. He feels that since this is heavy industry that it should not be near a residential area, also the heavy traffic from lumber trucks would interfere with air port traffic.

Pauline Dye (opposed) lives north of the mill gets a great deal of smoke and dust and condition is getting worse. She stated that the mill does not have proper burner. She is in favor of keeping property on the side the mill site residential.

Todd stated that the mill has plans for installing a new burner.

Don Foree (opposed) lives east of mill site. States that her property is affected by smoke from the mill in the afternoon.

David Maltman (opposed), Secretary of the Sum-Gold Corp., stated his company has acquired Idaho-Maryland property around the mill site. Approximately seventy acres in the process of being set up in lots of one acre or more for residential area. He feels the lumber company should be kept on its present basis and the area not zoned for industry.

Gates, (in favor), Yuba River Lumber Co.) stated that at the present time the company does not have a burner, because they are not sure where the burner should be located nor the volume burner to install. If the company has to obtain Use Permits at certain intervals the risk is too great to plan ahead. They would like industrial zones so they can safely invest money to put in improvements so that the mill will not be a nuisance. The company will install a new burner as soon as they determine best

location. Since the mill has been in operation in this location for many years it is not illegal. All the company is asking is land use protection so they may put in improvements that will eliminate the objectional features. No further comment from the floor the hearing was adjourned until July 25.

Use Permit Application of O.S. Johnson for a trailer court, at the junction of the present State Highway #49 with the old Highway 49 to LaBarr Meadows, in the SE 1/4 of the SW 1/4 of Section 11, Township 15 N, R 8 E, MDB&M. Hearing published in Grass Valley Union, July 1, 1960. Letter recorded from Arthur Liedtke and Leuta A. Liedtke - opposed. Letter recorded from L. H. Murrell and V. H. Murrell - opposed.

O. J. Johnson (in favor) stated one of the best trailer courts in the County is directly across the street from the proposed location. He expects to close in the NID irrigation ditch and meet all the County and State sanitation requirements. Expects to reserve the front of the property for a restaurant or similar business. Trailer spaces will be located according to trees in order to obtain shade.

M.A.L. Trost (opposed) one of the first water consumers of water that flows through proposed site, is afraid of the water being contaminated by septic tanks.

Mr. Harold Cox, County Sanitarian, stated that County Ordinance prohibits a drain field within fifty feet of NID ditch. Also that the State Law would be invoked to see that the ditch would be procted. The number of trailer sites would be limited to the number the drain field would support.

Mr. Armitage (opposed) stated that covering the ditch within the proposed area would not keep children from the trailer court from playing in the ditch outside the boundary lines. Also, that he and several neighbors use a private road that runs adjacent to this property. He feels that the trailer court would hurt surrounding property values.

Mr. Looser (Planning Commission) stated that before action is taken the Commission should have full plans of what will be built, location of trailer spaces and sanitation plans.

Mr. Stinson (in favor) stated that realtors do not try to place anything where they feel it is out of place. However, they must come before the Planning Commission to get information on land use before they make a sale.

Mr. Johnson stated that if eight or ten residences were built in place of the trailer court the sanitation problem would be the same. Also that all sanitation installations would have to be inspected by the State.

Mr. Ray Crammer (opposed) stated that he lives up the hill from this property and feels that there would be a definite fire hazard.

No further comment from the floor the public hearing was closed until July 25 with instruction to Mr. Johnson that at the July 25 hearing he present plans for the commercial improvements, proposed location of trailer spaces, proposed sanitation arrangements in relation to location of NID ditch.

-4-

Mr. Andegs asked for extension of one year to July 20, 1961 for filing of final map for PLA*VADA WOODLANDS #2. Motion to allow the extension to July 20, 1961 was made by Mr. Litton and seconded by Mrs. Hillier was passed unanimously.

Mr. Edmunds suggested that names of streets in subdivisions should not be the same or too similar. Commission should develop some method of controlling this matter. Mr. Berliner stated that the Board of Supervisors is the body within the County to name streets.

Final map of Skyline Estates presented by Mr. Stinson. Mr. McGuire said there were no streets to dedicate in this subdivision. Mr. Cox said the sanitation requirements could be met. Moved by Mr. Runyan and seconded by Mr. Litton that the map be approved. Carried unanimously.

Application by Wheeler Acres Subdivision for R2 zoning was presented to Commission could not take action. Mr. Jones, Secretary, to send application back to the petitioners with the request it be presented in proper form.

Request for Use Permit for Auto Wrecking Yard, by Truckee-Donner Disposal Company yard to be located at the site of present Truckee Dump on Kings Beach cut-off road.

Mr. Sassarini stated that there is an area of sixteen acres part of which is now being used as a dump. The wrecking yard would be on the lower end of this property and out of sight of the road. Wrecked cars would be cleared off the property at least once each year.

Mr. Walker requested that if the permit were issued that at no time anything be brought closer to the road than their present fence line.

Mr. Edmunds suggested that a suitable fence be put up at the back of the wrecking yard.

Mr. Edmunds asked that decision be held up until meeting of July 25 so adjoining property owners might be notified.

Use Permit request for a Warehouse for material storage to be located at Moraine St. and Highway 40 on Lot 1, Block A of the Walz Tract, by Rex E. Reid. Moved by Mr. Runyan and seconded by Mr. Edmunds that the permit be approved was carried unanimously.

Final map southside Highlands Subdivision #1, was presented for approval. Final map was same as approved tentative map. Moved by Mrs. Hillier, seconded by Mr. Looser that the final map be approved, subject to the approval of the sanitarian was carried unanimously.

Mr. Berliner stated that this was his first meeting with the Commission and that in the future Mr. Jan Stevens would attend the meetings to represent the District Attorney's Office.

Mr. Bruner asked for discussion of the reorganization of the Planning Commission. Mr. Edmunds said that since he was appointed on a temporary basis he felt the Board of Supervisors should be notified to make a

permanent appointment, not necessarily himself. Mrs. Hillier stated that the Board of Supervisors had already been asked to appoint Mr. Edmunds on a regular basis.

Motion was made by Mr. Runyan, seconded by Mrs. Hillier that Mr. Litton be named as Chairman of the Commission. Motion was carried unanimously.

Mr. Runyan made a motion that the Commission make a resolution, thanking and expressing to Mr. Bruner the Commission's appreciation for his time and effort in performing an outstanding job as Chairman of the Commission during the past year. Motion was seconded by Mr. Litton and accepted heartily by all members.

Meeting adjourned at 10:45 p.m.

Next meeting July 25, at 7:30 p.m. in the Board of Supervisors' Room, Court House.

EXHIBIT 1010

NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MARCH

MINUTES of the regular meeting of ~~XXXXXX~~ 23, 1961.
Supervisors Chambers, County Court House, Nevada City, California.

Members Present: Chairman Edmunds, Commissioners Kitts, Looser, Graham, Hillier and Runyan.

Members Absent : Commissioner Brunker

Staff Present : Exec. Secty. H. Verne Jones, Sanitarian Cox.

Meeting was called to order by Chairman Edmunds, at 7:40 P.M.

The minutes of the meeting of March 13, 1961, were approved as mailed.
The minutes of General Plan Study Meeting of March 24, 1961 were approved as read.

I. Public Hearing.

1. Yuba River Lumber Co. application for "M" Zone, Industrial, on Brunswick Road.

Petition read by Mr. Jones. Mr. Todd, appearing for the Yuba River Lumber Co., stated that they would submit to the Commission a detailed plot map, intended uses of the property, landscaping planned, with the hope that these would solve a number of the problems to which objections have been raised. Also will submit a breakdown of what the mill and its subsidiaries will mean to the community.

David Maltman rose to oppose this zoning, on his behalf and that of his corporation, Security Sungold Corporation, as an owner of surrounding property. Stated that they could not prevent the mill from operating as it is already there, but they are selling home sites, and the smoke nuisance is terrible. Stated that he was not against industry and realized that we must have it, and understood that Yuba River Lumber Co., stated at the meeting that they would put in adequate burners, and suggested that they look into the burner which prevents smoke and ashes from floating about.

Mrs. Pauline Dodge owns a home on the Brunswick Road. Mrs. Dodge rose in protest also. States that work is being done on the property out there between Union Hill Road and the Brunswick Mill -- wants to know if this is allowable without the public hearing first. States the smoke, noise and dirt is terrible. That there is no gravel, etc., and the trucks carry huge amounts of mud onto the road and this is a hazard. In the summer and in the evenings the smoke is terrible.

Mr. Terry Crane, said he lived on the Brunswick Road and said they were badly troubled by smoke and ashes. Breeze seems to blow it down the canyon, and that he was also protesting.

JOE LACEY ROSE IN PROTEST ALSO, ON HIS BEHALF AND THAT OF MR. FLATLANDS. THEY WERE PLANNING A SUBDIVISION ACROSS THE ROAD FROM HIS MILL, AND INDUSTRIAL AREA WOULD BE CONTRARY TO THEIR PLANS FOR R-1 ZONE.

MRS. FRASER STATED THAT THEY OWNED PROPERTY ON THE BRUNSWICK ROAD, AND OBJECTED TO THIS MILL. SAYS THE SMOKE IS TERRIBLE AND THEY WORRY ABOUT THE SPARKS. HAVE BARNs WHERE HAY IS STORED AND THEY HAVE HORSES AND CATTLE AT TIMES.

COMMISSIONER RUNYAN ASKED IF THIS WAS A COMMERCIAL OPERATION.

MRS. FRASER STATED THAT THEY RENTED THE BUILDINGS FOR THE STORAGE OF HAY AND FEED, AND SOLD THE CATTLE IN THE FALL AND BOUGHT IN THE SPRING.

COMMISSIONER KITTS CALLED ATTENTION TO THE FACT THAT A MILL HAS EXISTED IN THIS LOCATION FOR TEN YEARS -- ALSO THE MINE MILL LONGER. ASKED IF PEOPLE REALIZED THAT THERE WAS NO WAY OF PREVENTING THE CURRENT OPERATION FROM GOING ON AS IT IS, THAT THIS HEARING IS MERELY FOR THE "M" ZONING.

MR. TODD STATED THAT AT THE LAST MEETING HE STATED THAT THE COMPANY WOULD BE WILLING AND WANTED TO BUILD NEW BURNERS, BUT DIDN'T WANT TO MAKE THIS LARGE INVESTMENT UNTIL THEY WERE SURE THEY COULD PROCEED, ON A FOUNDATION. STATED FURTHER THAT THE COMPANY HAD OTHER LOCALS, AND THAT THEY COULD PICK UP THEIR LOCAL OPERATION AND MOVE IT WELL AWAY, AND WE CAN'T STAND THEIR MOVING AWAY FROM THIS AREA.

COMMISSIONER GRAHAM VOICED DISAPPROVAL THAT THE COMPANY HAD NOT PRESENTED THEIR PLANS AT THIS MEETING.

MR. MALTMAN ADVISED THAT HE WOULD BE GLAD TO TRADE EQUAL VALUE OF PROPERTY OUT ON THE LABARR MEADOWS ROAD, ACROSS FROM THE BEAR RIVER LUMBER COMPANY, IN EXCHANGE FOR THIS PROPERTY. BELIEVED THEY HAD A FIVE YEAR TENURE HERE, ON A TEMPORARY USE PERMIT.

EXEC. SECTY. JONES ADVISED THAT THERE WAS NO TIME LIMIT. THAT THE "M" ZONE WOULD MAKE IT OPEN TO ALL COMMERCIAL DEVELOPMENT, EXCEPT THAT THE YUBA RIVER LUMBER COMPANY WAS WILLING TO RECORD THAT ONLY WOOD OR LUMBER PRODUCTS WOULD BE ALLOWED.

MR. TODD ASKED THE COMMISSION IF IT FELT THAT IT WAS FEASIBLE TO HAVE THE PLANS DRAFTED, BECAUSE THERE WAS NO NEED TO WASTE TIME UNLESS IT WAS DESIRED BY THE COMMISSION.

COMMISSIONER RUNYAN ADVISED MR. TODD THAT AT THE LAST MEETING HE WAS INSTRUCTED TO BRING PLANS AND/OR LETTERS STATING PLANS, INTENTIONS TO CONTROL SMOKE, NOISE, DIRT, ETC.

CHAIRMAN EDMUNDS ADVISED THAT THE SECOND PUBLIC HEARING WOULD BE APRIL 10, AT WHICH TIME THE YUBA RIVER LUMBER CO., WILL BRING IN ITS PLANS AND IDEAS. THAT IF A FINAL DECISION CANNOT BE REACHED AT THAT TIME BY THE COMMISSION, IT WILL BE NECESSARY TO HAVE ADDITIONAL HEARINGS, AND HOPE THAT THE NEXT MEETING WILL CONSUMMATE SOME OF THE OBJECTIONS, BY THE SUBMISSION OF PLANS.

II. Subdivisions:2. Tentative Map - Birch Meadows -- Carlos McGuire

Mr. McGuire presented maps. Subdivisions to be on Dog Bar Road. All lots to be one acre or more, on county road, with chlorinated water, under pressure. Only one house per lot.

Sanitarian Cox stated that the ground saturation is equal to twice as many residences. One of the best subdivisions in the County.

Motion made by Kitts, and seconded by Graham that the map be approved and land use for Birch Meadows Subdivision be granted tentatively. Motion carried 6 to 0, with Commissioner Bruncker noted absent.

2a. Brunswick Vista Subdivision.

Mr. Joe Lacey, presented a map on behalf of the Mr. Flatlands and himself for a subdivision across from the Yuba River Lumber Co. mill-site. Each lot to be in excess of 10,000 feet each. Provisions are being made with the NID for water from Cedar Ridge, pipeline, in exchange for the property; stated that this was a preliminary plan only, for 30 lots, and Parcel B would be for three acres, would come later.

Commissioner Runyan noted that some of the lots had no access to them and recommended further plans, more completely made, be presented later, and that this should be put over until a later date.

Motion made by Runyan that this be put over until a later date, when the map is more complete, and seconded by Looser. Motion carried 6 to 0, with Commissioner Bruncker noted absent.

Commissioner Kitts then asked if this location was considered suitable for subdivision, even with the mill there. Mr. Lacey answered yes.

III. Proposed Developments:3. Olympia Lake -- Bert Burns

Mr. Burns presented a letter, which was read and noted. Total area is 20 acres, but interested in opening only the canoing, boating, soda fountain, foods and recreation area, rides, etc. Using the old swimming pool for swimming and not the lake.

Sanitarian Cox stated that the lake was highly contaminated and could not be used for swimming, and doubted that the trout could live there.

Mr. Burns stated that he planned to enlarge the existing swimming pool, have mechanical rides, narrow guage railroad, etc. More plans to be developed later. Plan to landscape only, on the island, for the time being. The closest residence is 700 feet away, except for the area where the Bar-b-que is, which is about 500 feet.

Mr. Burns stated he wanted to feel out the commission and assured them he would apply for permit and then have the public hearing, as he wanted to open this for use this summer.

CHAIRMAN EDMUNDS ADVISED THAT THE PUBLIC HEARING WOULD BE SET, FOR APRIL 11, PROVIDED PERMIT APPLIED FOR, IN TIME.

IV. TRUCKEE TAHOE AIRPORT APPROACH ZONE:

4. ORDINANCE REFERRED BACK TO PLANNING COMMISSION BY BOARD OF SUPERVISORS, FOR CONSIDERATION OF CHANGES PROPOSED BY PLACER COUNTY PLANNING COMMISSION.

EXEC. SECTY. JONES SUGGESTED THAT THE TWO ORDINANCES, ONE FROM PLACER COUNTY AND ONE FROM NEVADA COUNTY, BE TAKEN TO THE DISTRICT ATTORNEY AND HAVE HIM REVIEW SAME, FOR A DECISION, AS TO INCORPORATING THE CHANGE IN OUR ORDINANCE.

THE MAJOR CHANGES BEING THE TREES COULD BE REMOVED BY THE AIRPORT COMMISSION, AND THAT IT IS THEIR RESPONSIBILITY TO WATCH THE HEIGHT OF THE TREES. COMMISSIONER EDMUNDS ADVISED THAT THE AIRPORT DISTRICT WOULD BE WILLING TO ACCEPT THIS RESPONSIBILITY.

MOTION MADE BY COMMISSIONER KITTS AND SECONDED BY COMMISSIONER HILLIER THAT THE ORDINANCE BE SENT TO THE DISTRICT ATTORNEY FOR CONSIDERATION. MOTION CARRIED 6 TO 0, WITH COMMISSIONER BRUNKER NOTED ABSENT.

V. MASTER PLAN FOR AIRPORTS FOR NEVADA COUNTY.

5. RESOLUTION TO BOARD OF SUPERVISORS RECOMMENDING THE ADOPTION OF THE MASTER PLAN FOR AIRPORTS IN NEVADA COUNTY.

MOTION MADE BY COMMISSIONER RUNYAN AND SECONDED BY GRAHAM, THAT THIS RESOLUTION BE ADOPTED, WITH THE PROVISION THAT MR. LITTON VERIFY THAT THE PLAN CONSIDERED IS THE MASTER PLAN. MOTION CARRIED 6 TO 0 WITH COMMISSIONER BRUNKER NOTED ABSENT.

RESOLUTION PC-16, RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS, THE ADOPTION OF THE NEVADA COUNTY MASTER PLAN FOR AIRPORTS.

AYES: CHAIRMAN EDMUNDS, COMMISSIONERS GRAHAM, HILLIER, KITTS, LOOSER AND RUNYAN.

NOES: NONE.

ABSENT: COMMISSIONER BRUNKER.

VI. DIRECTOR OF PLANNING:

6. APPLICATION OF EDMUND BAXTER FOR POSITION OF DIRECTOR OF PLANNING.

LETTER FROM APPLICANT READ AND NOTED. MR. BAXTER INTRODUCED AND ADVISED THAT HE WOULD STAY AS LONG AS HE HAD THE JOB, IF HE GOT IT. MOVING FOR WIFE'S HEALTH.

MOTION MADE BY RUNYAN AND SECONDED BY GRAHAM, THAT MR. BAXTER BE RECOMMENDED TO THE BOARD OF SUPERVISORS FOR THE POSITION OF DIRECTOR OF PLANNING, AT THE SALARY OF \$600.00 PER MONTH, WITH PER DIEM AT 10¢ PER MILE, COMMENCING MAY 1, 1961. MOTION CARRIED 6 TO 0 WITH COMMISSIONER BRUNKER NOTED ABSENT.

MR. BAXTER ADVISED THAT THE COMMISSION NOT EXPECT TOO MUCH THE FIRST FEW MONTHS, BUT THAT WITHIN A YEAR THEY SHOULD HAVE THE SUBDIVISION ORDINANCE, ZONING ORDINANCES, WITH LAND USES WITHIN THE TIME.

VII. Preliminary Budget:

7. Preliminary Budget should be presented to Board of Supervisors at April 3 meeting.

Chairman Edmunds asked for as many of the members to be present as possible.

Total budget of \$16,166.00 to be submitted to the Board of Supervisors for the year 1961-62. Motion made by Commissioner Runyan and seconded by Commissioner Hillier that budget in the amount of \$16,166.00 be presented to the Board of Supervisors. Motion carried 6 to 0, with Commissioner Bruncker noted absent.

VIII. New Members for Planning Commission.

8. Names for two vacancies on Commission should be recommended to Board of Supervisors.

Motion made by Kitts and seconded by Graham that Ernest Struckman be recommended for the vacancy left by Litton. Mr. Beechel, the new Surveyor, to be recommended for the vacancy left by McGuire. Motion made and carried 6 to 0 with Commissioner Bruncker noted absent.

Motion made by Runyan and seconded by Kitts that the appointment of Melva Hillier be continued for another term of four years. Motion carried 6 to 0, with Commissioner Bruncker noted absent.

Discussion had on recommending to the Board of Supervisors, that any member who misses three or more meetings, without permission be dropped.

IX. Correspondence.

9. Letter- Dick Wilkinson re applicant for position of Director, read and noted.
10. Letter - Fresno State College re applicants for position of Director, read and noted.
11. Letter - National Association of Real Estate Boards re applicant for position of Director read and noted.

Next regular meeting of the Planning Commission to be April 10, 1961, at 7:30 P.M. at the Supervisors Chambers, Court House, Nevada City, California.

Meeting was adjourned.

Respectfully submitted,

H. Verne Jones, Executive Secretary
Nevada County Planning Commission

EXHIBIT 1011

NEVADA COUNTY PLANNING COMMISSION

NEVADA COUNTY, CALIFORNIA

MINUTES of the regular meeting of April 10, 1961.
Supervisors Chambers, County Court House, Nevada City, California.

Members Present: Chairman Edmunds, Commissioners Graham, Kitts, Hillier, Runyan, Looser, Struckman and Beechel.

Members Absent : Commissioner Bruncker.

Staff Present : Deputy District Attorney Wolthers, Executive Secretary Jones, Sanitarian Cox.

Meeting was called to order by Chairman Edmunds at 7:35 P.M.

The minutes of the meeting of March 13, 1961, were changed from typographical error of January 27, 1961 to correct date of March 13, 1961. Minutes then were approved, as corrected.

There was then the introduction of new members, Commissioners Struckman and Beechel. Congratulations offered Melva Hillier, on reappointment to the Commission.

I. Public Hearing:

1. Yuba River Lumber Company application for (M) Zoning, Industrial, Brunswick Road, 2nd Public Hearing.

Mr. Leo Todd appeared, as attorney for the Company. Apologized for his presentation at the first public hearing. Stated that Yuba River Lumber feels it is a part of this community and wants to remain a part of it, feels that many of the objections concerning the operation of the present mill, will be corrected, and alleviating the objections. They plan to operate a mill that is clean, and not objectionable to the property owners. That they have been cleaning up the adjacent area which they felt was objectionable, and plan on continuing progress. The company has come up with a program which they feel will eliminate the four main objections. A map was ready, a detailed outline of what they are willing to do.

Noise. We have given serious consideration to that problem. The mill is downhill from most of the adjacent home owners. Feel that most of the complaint is from the proposed planing mill, and plan to install noise abatement arrestors, which stops a good deal of the noise.

Smoke: The Company was considering the installation of a chipping machine. This machine will chip about 90% of the material we are burning, and this will be sent out on trucks and trailers. If the chipper is not put in, the alternative will be a burner, the same type as the Lawson Brothers Burner, which the people refer to as the example, and the company is willing to put in this type of burner if the people feel it is necessary.

The chipper would eliminate the problem of a lot of the smoke and ashes, as the bark would be all that would be burned, and this burns rapidly and completely. The Company has realized that there is the problem of smoke. If a planing mill is put in, it will be necessary to have a burner. If the chipper goes in, a small mill burner is all that will be necessary.

Mud and Dust: The Company has installed a great deal of gravel to their access roads and the company has authorized Mr. Todd to say that they will install whatever is necessary to eliminate the problem -- gravel or blacktop. They don't want to cause inconvenience or problems for anyone.

Unightly: Willing to plant a hedge type row of fast growing trees to help cut down the unsightliness and noise too.

The company has no desire to, if this is zoned Industrial, install a blacktopping plant, etc., and to assure the commission and the people that there will be no other type of Industry; they are willing to file a declaration of restrictions on the property and submit a brief outlined with the restrictions. Are willing that the property be restricted to lumber, and wood products. This is desirable for their own protection too. They plan to install the most modern equipment in the industry. As noted, sawmills are located in populated areas, such as downtown Sacramento, etc., and they plan the same type. Recapped that the company was willing to list all the above plans in the Declaration of Restrictions, plus the added notation that this can be abandoned, and returned to residential at some later date, upon the approval of the commission. Also willing to have a limitation of 30 to 50 years. Also, the improvements can be modified or changed from time to time as need be, upon the approval of the Planning Commission and the two public hearings. Listed that they employed 92 employees, paid a total of \$353,000.00 in salaries, processed 14,000,000 board feet of lumber, paid into the county, the sum of \$8,500.00 in taxes, and spent \$191,000.00 in the community. They don't want a sawmill that is a nuisance, problem or bother to anyone and will comply with the Planning Commission and do all possible to comply with the requests of the Complainants. They want to stay in the community and the purpose of zoning is to have a solid foundation on which to make the improvements and spend the money to make the improvements. Put up a map showing the proposed planing mill, burner, etc.

Mr. Jones announced that a petition with 57 signatures had been filed in protest, which is on file. Also two letters in complaint from R. & R. Moses, and Mr. Sucetti, who also signed the petition, which are now on file.

Mr. L. E. Woodward appeared, a resident of Cedar Ridge, and one of the first on Brunswick Drive. Stated that the noise has been terrific and at night the smoke too. However, the noise recently has subsided greatly. As far as smoke, too early to judge, in the year. Not therefore raising an objection by this, community wants industry and must have something besides residential. If the company is willing to do all this, I think it would be splendid.

Mr. Knight rose to ask if the access roads would open up onto Brunswick Drive, or Cedar Ridge Drive, for the trucks.

Mr. Todd said that these would not be used by the trucks, had no reason to use them for the trucks. That they had prepared roads that run to the back of their property, and that is only an access road and does not connect with the roads in Cedar Ridge.

Mr. Knight stated that they had given the County ten feet on each side of the road years ago and they had done nothing, but will something be done now for the trucks?

Mr. Todd said not for the trucks.

Mr. R. C. Dittle, from Colfax Highway stated that they just moved here recently from Los Angeles area, to get away from smoke and fog, and afraid they will move out if the smoke continues as it is. He worked in a mill, and said this mill was a mess and not kept up. Says having worked in a mill he doesn't see how they plan to keep the smoke and noise out. That only so much of the material can be used in the chipping mill, to be used for fireplace logs, etc. He is definitely against the zoning, and will move his family and knows of others who will move out too.

Mr. Todd stated that the company had just taken over the mill a few months ago, and that please notice that considerable work had been done to clean up the area. The pollution of the stream has been stopped, and the stream diverted. The work done now, and not blame his company for those before it.

Mrs. Lusk stated that as they came by tonight, the sparks were flying and what a worry it is to everyone out there, that their place will catch fire. Seems that there must be a state law. The lack of water, dry trees, and dry homes are a problem. Why can't something be done immediately? Mr. Todd says it is going to be done, but what about now, will it get done, or be left until later, and later.

Mr. Todd stated that the company appreciated this problem and is presently operating within the laws of the State of California. They realize that operating with an open pit leaves much to be desired, and that is something they will take care of as soon as this is settled.

Mr. Edmunds stated that for the benefit of all present he must state, that they must realize that this mill is operating at the present time and has a permit and there is nothing this commission can do to stop the operation of this mill under the present conditions. The fact that they want to change to industrial zone is what faces the Planning Commission. They can go on right now and on and on, without said restrictions, and the only recourse would be to take them to court, and appreciate what they are agreeing to do with any changes they are proposing to make.

Pauline Dodge, lives 3/10 of a mile from the mill. Stated the Forest Service told Mr. Taylor and his partner two years ago that they must build a burner in order to comply with the laws. Since they haven't a burner and all these items presented by Mr. Todd, how do we know they will be done, and when? She is definitely against it. Monday the area was thick with ashes. Referred to article in the Union after the last meeting. States her place has been there since 1933 and the first mill built by Idaho-Maryland Mine for timber for the mill, and then has gone on from there. What is going to make the Yuba River live up to their agreements?

Mr. Edmunds stated that the District Attorney would have to enforce it?

Mr. Sucetti rose to say he had come here 19 years ago and had cleared off 90 acres, and grass growing there. However, recently his area has been blanketed with smoke, and they don't know what they want to do now. Stated that he had made a study, and there are five mills within two miles of each other, and that causes the problem. Presented a topographic map and picture of smoke in the area. Believes that the mills should move 15 to 20 minutes from town, rather than have them right in the middle. Everyone tries to get the same area, lumber companies, residences, etc. That he is a part-owner of 3 businesses, and knows he has to meet requirements. Feels that 50,000 families would move in if these mills were not here. That the Grass Valley Chamber of Commerce wants homes built in this area, and mills could be out of town, and making lumber for the homes. The Commission should look ahead. He was not against the Yuba River Lumber as an employer and business, but when are we going out of town with the mills.

Chairman Edmunds stated that it must be appreciated that it has only been in the last few years that the people have seen fit to want to attempt any form of planning and we are in the baby stage of planning and that the future of Nevada County and this particular area that you are pointing out is going to be very difficult to adjust to under the circumstances.

Mr. Sucetti stated that work of 19 years was going to be handed over to someone else if they were going to be blanketed by smoke, and he had great respect for Grass Valley, the air, water, etc., but that people had better start thinking straight about this problem.

Mr. Todd stated that the company would be the first to admit that there is a smoke problem here, but would like to call attention to the fact that if you look into the future, you will see that as such, sawmills are moving into the populated areas. Noted Redding and Sacramento, and leaving Placerville and other areas.

W. L. Satterly rose, and agreed with Mr. Sucetti. Stated he was retired and that he could show he spent more money than any lumber worker. Felt it would be better to let the mills get out and let residences come in, with retired people. Seems it is double work, to haul logs to the mill and lumber from the mill. Let them centralize.

Mr. Vreehorts said he wanted to point out that this mill contributes a good deal toward the Union Hill School District in taxes, and if it is improved it will contribute that much more, and felt it was something to think about.

Mr. Maltman stated he pays \$5000.00 on unimproved property in taxes, and that this is lovely residential property. He is the last to stand in the way of business, but this M zone would open it up for more and more of the same. Open pit burners may be legal but they are unsafe.

Mrs. Phelan rose to ask if they would move closer to their property, and was assured they would not. She then asked about the installation of any additional, undesirable type of operation, which were rumored, and Mr. Todd advised that they did not plan anything not mentioned. She then asked about a Pulp Mill. Mr. Todd said they were not in a position to install this type of operation, not sufficient water, etc. That they might, where they are clearing now, add a drying yard, but that would be a building in which

lumber would be stored. That they might have the door and window framing mill, but this would be no problem, but they would not be coming any closer to Cedar Ridge. Mrs. Phelan then asked about the access roads. Mr. Todd advised that the road would be used only if acceptable to and since it was an advantage to the people there, for the fire truck to be parked there, because many of the employees there are on the Fire Department and would want to be able to get to a fire when needed.

Mr. Joe Lacey stated that as he understood it, Yuba River Lumber wants a planing mill. Why not operate under a use permit, why not apply for a planing mill? Why rezone?

Mr. Todd answered it was simply a question of economics. A burner costs \$10,000 to \$12,000 and a planing mill \$2,000 more. Rezoning means to clarify this possibility to do it, and continue on doing it.

Mr. Lacey asked if a use permit, for a particular length of time, wouldn't do the job?

Gordon Crane rose to say he had said a good deal at the last meeting, but that the present mill is on a use permit, could the planing mill be fore 20 to 30 years on a permit. On a use permit we can push them out if they go over the boundaries? If they did this, rezone, would they have a time limit in which to accomplish their promises?

Chairman Edmunds stated that the Commission would insist upon that in the terms of the permit on the various activities.

Mrs. Dodge felt that any expansion would depreciate the value of the property.

Chairman Edmunds then stated that there seemed to be an objection to the rezoning rather than the mill. Smoke and noise under a use permit might continue, as under the present operation unless steps are taken legally to make then change it. The fact of their applying for a use permit for the planing mill will not permit our commission to lay extra restrictions except as it may affect the products of the planing mill, if it would add to the smoke and noise.

Commissioner Graham asked if anyone of them had ever lived near a sawmill that was operated in the manner in which Mr. Todd had outlined. All noes.

Gordon Crane rose to state he still opposed the M zoning, and didn't want that misunderstood.

Commissioner Graham stated that if the Company did these things, he felt that the area would be well off -- no more trouble with smoke and noise, etc. These people are willing to correct problems -- they don't have to, they can operate as they are. The bigger the operation the better operation it will be.

Mr. Todd advised that they had taken a lease on the old New Brunswick Mine area, for the purpose of cleaning it up, and possibly for using it for a drying yard.

Commissioner Runyan stated that the Company actually was asking for a use permit, with the exception of the one item, that of time.

Mr. Todd stated they found themselves in the position that they can understand people objecting to a blank check so to speak for the area, but they are willing to limit themselves, with the declaration of restrictions, and restrict it to very definite uses. The problem is that if someone expresses a dislike to a use permit, then you get us coming and going. The company wants a definite foundation before spending money in large amounts, and willing to try and meet the objections. In trying to anticipate, we realize that the declaration of restrictions and that there will be other things that should be in it to protect the people and ourselves.

Attorney Wolthers noted that the declaration of restrictions would be to use and not to manner of use.

Commissioner Runyan stated the use permit is for a matter of time.

Attorney Wolthers stated the owners would and could declare restrictions and it would carry over to the buyer and run with the land.

Mr. Todd stated that the company did not want to have to get a use permit every time they made an addition.

Motion made by Runyan, seconded by Kitts, that the public hearing be continued to the next hearing for further consideration on the 24th of April. Motion carried 8 to 0, with Commissioner Bruncker noted absent.

Chairman Edmunds then advised that he would be glad to have anyone come at the next hearing that wanted to come, but that their comments were noted and would be considered from this meeting, without repeating same.

Mr. Todd asked if additional testimony would be taken, and was advised that it would be.

II. Subdivisions:

2. Tentative Subdivision map - Brunswick Vista -- Mr. Flatland.

Mr. Joe Lacey appeared with maps, which proved to be incomplete. Mr. Cox of the Health Department advised that the State had advised that they would have to obtain, as will all other applicants, a water purveyor permit from the State in Sacramento, before it could go further. Percolation tests showed satisfactory.

Mr. Maltman advised that the water would come from the Cedar Ridge pipeline.

Mrs. Elam rose to state that they are just now getting the pipeline payed for out there, and she has property in Cedar Ridge, and there isn't enough water now. She understands that the people in Cedar Ridge would have to sign a petition to allow this water to be taken.

Mr. Maltman advised that the pipeline was a 12 inch line and this was an 8 inch take-off.

Mr. Cox advised that there was adequate water, without taking it away from Cedar Ridge.

Motion made by Commissioner Runyan, seconded by Commissioner Kitts that the map be accurately prepared and presented as to roads, lots, descriptions, etc. Motion carried 8 to 0, with Commissioner Bruncker noted absent.

3. Final map - Birch Meadows Acres - Carlos McGuire.

Motion made by Commissioner Runyan and seconded by Commissioner Kitts that Birch Meadows Acres Subdivision map be approved as submitted, and motion carried 8 to 0, with Commissioner Bruncker noted absent.

III. Use Permit Applications:

4. Recreational area - Lake Olympia - Burt Burns.

Mr. Burns desires a recreation area containing a narrow guage railroad, mechanical rides, commercial trout fishing, swimming in a pool, picnic area and barbeque area, canoeing and boating. Will have to have use permits for some types of business. Intends using the building, existing, with improvements, for fountain and lunch. One hearing will be necessary.

Motion made by Commissioner Graham and seconded by Commissioner Runyan that a public hearing be set up on the petition for application for April 24, 1961. Motion carried 8 to 0, with Commissioner Bruncker noted absent.

5. Furniture Storage - Maryland Road -- Moranville.

Moranville not present -- put over to next meeting.

IV. Land Development:

6. Plans for West Main Street development -- Ray Jacobus.

Mr. Ray Jacobus, Realtor, presented a plat of the property of B. G. Barker property, in Grass Valley, with a total of nine acres. Mr. Jacobus represents Mr. Holsinger, for the building of super market type commercial business area, for Lucky Markets, a possible bank building, drug store, etc. The largest portion is inside the city limits. Mr. Jones to send a copy of the ordinance covering same. Mr. Jacobus to attend the City of Grass Valley meeting and return to our meeting on April 24, 1961.

V. Review of Truckee Tahoe Airport Approach Zone Ordinance:

7. Tahoe Truckee Airport Approach Zone Ordinance referred back to Planning Commission, by the Board of Supervisors.

Two paragraphs listed as "e" and "f", with reference to changing of the ordinance making it the responsibility of the Airport District to check on the height of the trees and the cutting of same, with no responsibility to the owners noted. Waddel Brothers appeared and this was their desire.

Motion made by Commissioner Runyan and seconded by Commissioner Looser, that we recommend to the Board of Supervisors, that the Ordinance have added thereto paragraphs "e" and "f". Motion carried 8 to 0 with Commissioner Bruncker noted absent.

VI. Discuss Organization of Planning Department.
8. Personnel and office for Planning Department.

Decision made to request Mr. Baxter to appear, and anyone else available, and anyone answering local advertisements, to appear before a panel consisting of the Commissioner from Placer County, the State Commissioner of Planning, from Sacramento, the local board, for an interview and questioning, to determine eligibility.

Mr. Jones to go to Sacramento and discuss with the State Planning Commission the situation, and obtain advisement.

Commissioner Runyan to contact Mr. Hughes, Purchasing Agent, with the proposed lease of the building considered at 244 Commercial Street, Nevada City, and allow him to go ahead and check into the terms, etc., to be sure the meet requirements.

VII. Correspondence:

9. Letter of resignation from Planning Commissioner W. W. Bruncker.

Letter read and noted. Letter sent to the Board of Supervisors with copy to the Planning Commission. Consideration for recommendations for replacement to be so considered for the vacancy, and presented to the next meeting.

10. Mr. Jones asked for permission to be absent from the next meeting of the commission, on the 24th of April, as he will be away from the area. Permission was granted.

Next regular meeting of the Planning Commission on April 24, 1961.

Next General Plan Study Meeting with Consultant Wilkinson, April 21, 1961.

Meeting adjourned.

Respectfully submitted,

H. Verne Jones, Executive Secretary
Nevada County Planning Commission.

EXHIBIT 1012

NEVADA COUNTY PLANNING COMMISSION

NEVADA COUNTY, CALIFORNIA

MINUTES of the regular meeting of April 24, 1961.
Supervisors Chambers, County Court House, Nevada City, California

Members Present: Chairman Edmunds, Commissioners Graham, Kitts, Hillier, Runyan, Looser, Struckman and Beechel.

Members Absent : None.

Staff Present : Deputy District Attorney Wolthers, Sanitarian Cox.

Meeting was called to order by Chairman Edmunds at 7:30 P.M.

The minutes of the meeting of April 10, 1961, were approved as mailed.

I. Zoning Application:

1. Continuation of Zoning Application Hearing: Yuba River Lumber Company application for (M) Zone Industrial for property.

Mr. Leo Todd appeared for the Company, stating that he would like to point, realizing the Commission realizes, but maybe the public does not, that the company has a permit to continue operating even if this application is denied; and was sure the company would continue to operate, but that they wanted a firm foundation on which to expend money, and wanted all the people out there to be satisfied. Further that with the approval of the office of the District Attorney, would make it conditional that the Industrial Zoning be granted after the conditions and improvements outlined in the Declaration of Restrictions have been accomplished; further, wanted to outline that the mill has been there for a considerable period of time and before the subdividers and they were aware of the fact that the mill was there and still they put in the subdivision, or bought property adjacent to it and built on it. The company has a large investment and pay their share of the taxes to the community, are a part of the community and are certainly willing to meet the requirements of this commission, and will make additional expenditures of money if they have the firm foundation on which to proceed. Don't believe it is necessary to repeat again the modifications, but the company is willing to hear any additional restrictions or changes.

Commissioner Looser stated the major complaint seemed to be about smoke, and cinders. Did they plan on improving same, as advised?

Mr. Todd advised that they planned to put in a burner similar to Lausman's further down the road, or a chipping plant. If a planing mill was installed, they would still put in a burner. Stated further, that the company

was willing, upon a favorable vote or recommendation from the Commission to do all these things, provided the Company could come back later and pick up the promise that it would be zoned industrial.

Commissioner Runyan then stated that certain expansion is under way. Modification or new construction?

Mr. Todd advised that it was modification only.

Commissioner Runyan stated that there was a new unit and that there was new conveying machinery.

Commissioner Graham stated it was a log slip, and is a part of a saw-mill and is not attached to the present saw mill, and is however still a part of it. This saves time and money as they do not have to buck up the logs in the yard, but can do it in the mill.

Chairman Edmunds then read the proposed Declaration of Restrictions which are to be a part of the Resolution granting M Zoning.

Mr. Maltman then rose to state, we want industry, but that if it is changed to an M Zone Industrial, I believe that should a change of ownership occur, which is apt to happen, that the restrictions would certainly not be binding if it is an M Zone.

Deputy District Attorney Wolthers advised that this was correct.

Mr. Maltman advised that this was a residential area, and was bound to be an increased residential area. It would be alright if the 30 year guarantee were possible, but we do not know what they might build in there, if it were zoned Industrial M Zone. To safeguard our interests and interests of the people in the community, I think to grant a use permit, based on the agreement of restrictions, with a time limit has a permanent basis and will have just as much security as they would have under an M Zone. We only want to try and control the future, and not stop progress, but hope that the Commission will give serious thought before issuing an M Zoning.

Chairman Edmunds stated it was the understanding of the Commission that they had a use permit which restricts nothing. The restrictions cannot enter the use permit, which they already have and allows them to operate.

Mr. Todd advised that they could put in the clause "binding upon the heirs, assigns, etc.", which would bind the new owners if sold.

Attorney Wolthers advised that the Declaration of Restrictions is not binding on anyone. The County cannot enter into agreements as it is prohibited by law. Also there must be privity with the surrounding land owners.

Mr. Todd asked what could be done then to guarantee this performance?

Mr. Wolthers stated that the only thing he could see would be for the owners of the surrounding property to enter into a mutual agreement with

all property owners in that area and between the owners of the property here involved, so that those persons could enforce those covenants.

Mr. Todd advised that the company would be glad to enter into such an agreement with the surrounding land owners.

Chairman Edmunds asked about the possibility of the land being deeded to a disinterested party and then deeded back with the restrictions.

Attorney Wolthers advised that this was only possible if someone with an interest in the property was involved.

Commissioner Runyan stated that M Zoning is too broad, even if they are willing to place restrictions on it. It still cannot be understood why there is objection to limited use permit, except for the element of time.

Mr. Todd advised that they then would need a permit each time there was any work to be done.

Commissioner Runyan stated that an M Zone as set up in our ordinance, is unlimited. You want a planing mill, saw mill, etc., why not do so on a use permit?

Mr. Todd stated they wanted the firm foundation, as with a use permit the Company could be caught coming and going. They wanted to build a planing mill, drying yard, etc., and any other lumber activity, without having to come up against an argument each time. Would the Commission then guarantee that the people would go along with the proposed additions each time?

Commissioner Runyan asked what would happen should this application for rezoning be denied?

Mr. Todd advised that they would continue to operate for a period of time until they felt they wanted to make a change.

Commissioner Runyan stated there were many objections to smoke, noise, mud, etc., and with a use permit why not proceed. You would have to improve to a degree, there are ways of measuring smoke in the area, noise, etc.

Mr. Todd stated they were willing to install the burner similar to the Lausman burner, which is a model approved of by all who have complained.

Mr. Maltman stated that he felt Mr. Todd could get an opinion here tonight in connection with the use permit to be granted, if the conditions were carried out as proposed. The major objection is to the zoning.

Chairman Edmunds asked is there anyone who still objects, after hearing the restrictions definitely agreed to by the Company.

Gordon Crane asked if the restrictions outlined would apply on a use permit.

Attorney Wolthers advised that they would bind under a use permit.

Mrs. Pauline Dodge stated that she didn't want any further expansion of the sawmill, but will give in if a use permit is granted with the restrictions, as outlined.

Chairman Edmunds advised that the application is for an M Zone, and not for a use permit. They already have a use permit, and it is the understanding of the Commission that this is an unlimited use permit, to run with the land. They have a land use permit, not limited in time, and can do whatever they want on their property.

Attorney Wolthers stated that it was his opinion that the use permit as granted to Yuba River Lumber Company, goes with the land; they could operate a sawmill and any appurtenant operations thereto, within the confines of the property, anything that is known to be a part of the operation of a sawmill.

Mr. Maltman then stated that this means they could go ahead at random and there would be no means of protection, by approving a burner, etc.

Chairman Edmunds advised that there would be due recourse to law.

Mrs. Dodge stated she wanted it understood that she did not agree to an M Zone.

Mr. Crane stated that this meant that right now then they can put in anything they want and don't need a use permit to expand as long as it is in the operation of a sawmill, an indefinite use permit -- then why ask for an M Zone.

Mr. Todd stated they had tried to bend over backward to cooperate, and that the M Zone would give them a firmer foundation. They plan on operating in a way that would be objectionable to no one. They have spent money improving it and plan on spending much more and must have some assurance of what they can do.

Mr. Jacobus rose to state that if they did anything so bad, couldn't they be run out of business, even if it was zoned M?

Mr. Wolthers advised that as soon as they became a nuisance, they could be abated.

Commissioner Graham noted that this M Zone covered the 14 acres only.

Mrs. Sucetti stated that they had trouble just burning trash on their property in an incinerator. Why didn't the Forest Service enter into it?

Mr. Todd advised that they had a permit to operate as it is.

Mr. E. Ellinger stated he thought they shouldn't be so close in, and why not move out further?

Mrs. Dodge asked if they would be permitted to use the area between the area in question and the Union Hill Road on their present use permit? This is the Brunswick Mine property.

Chairman Edmunds answered no.

Commissioner Looser asked if a time limit of 30 years could be put on a use permit?

Chairman Edmunds advised this was an application for M Zone, not use permit.

Chairman Edmunds then read Resolution No. PC-17. Resolution Recommending an Amendment to Nevada County Zoning Enabling Ordinance, to Establish Precise Zoning District (M) Industrial.

Motion made by Commissioner Runyan and seconded by Commissioner Kitts not to adopt the Resolution as read, and to deny M Zoning, on the grounds of not serving general welfare.

- AYES : Commissioners Runyan, Edmunds.
- NOES : Commissioners Hillier, Looser, Kitts, Beechel and Graham.
- ABSTAIN : Commissioner Struckman.

Voting again requested because of confusion on the vote; and to clarify the voting, a new motion was for, and a final vote:

Motion made by Commissioner Graham and seconded by Commissioner Hillier that proposed Resolution PC-17, Resolution Recommending an Amendment to Nevada County Zoning Enabling Ordinance, to Establish Precise Zoning District (M) Industrial be adopted:

- AYES : Commissioners Beechel, Graham, Hillier, Looser & Kitts.
- NOES : Commissioners Edmunds and Runyan.
- ABSTAIN : Commissioner Struckman.

(Confusion clarified after three ballots.)

Mr. Todd then asked if this could be reserved until the work was done, and then adopted?

Mr. Wolthers advised that there was a time limit of 60 days in which Resolutions adopted, must be passed to the Board of Supervisors.

Commissioner Runyan asked Mr. Todd because of the time limitation, would he prefer that the action of the Commission be rescinded, and was answered in the negative.

Commissioner Hillier stated that the Declaration of Restrictions were a part of the granting of the zoning.

Mr. Todd advised that they were, and would be recorded immediately.

II. Sub-Divisions:

2. Tentative Map: Brunswick Vista. Mr. Joe Lacey for Mr. Flatland.

Due to illness of Mr. Lacey, Mr. Dooling appeared and presented map of the Brunswick Vista Subdivision. Lots are 10,000 square feet, 12% road grades, roads to be built and topped, and then deeded to the County; water will be brought to each lot and working with the NID on this.

Motion made by Commissioner Kitts and seconded by Commissioner Looser, that tentative land use permit be granted for the Brunswick Vista Subdivision. Motion carried unanimously.

III. Land Use Permit Applications: Public Hearings - Legally Advertised.

3. Recreational Area: Olympia Lake - Burt Burns.

Mr. Burns appeared and presented letter asking to withdraw application for use permit because of lack of interest in the project, and lack of money. Letter noted and filed.

4. Shopping Center: West Main Street - Ray Jacobus for P. H. Holsinger.

Advised Mr. Jacobus that use permit not required for shopping center, but that any business should apply for one before operating the business.

Mr. Jacobus advised that there were 9.005 acres in this parcel, mostly in the city limits. Had gotten all signatures surrounding the property except five across the road, and one on the hill.

Motion made by Commissioner Kitts and seconded by Commissioner Beechel that a letter be written by the Executive Secretary with the approval of the District Attorney's Office, regarding use permit not required for building the shopping center, but for businesses. Motion carried unanimously.

IV. Membership Vacancy:

Name of Leonard F. Carey, Grand View Terrace, Grass Valley suggested.
Name of Mr. Dean Thompson, who was present and refused.
Name of Mr. Alfred Heller suggested.

Mr. Kitts to contact Mr. Hennessy and see how he would feel if it were someone from other than his district.

V. Progress report on proposed Planning Department:

6. Report by Myron Runyan.

Presented copy of memo to the Board of Supervisors, with attached budget, dated April 17, 1961. A copy of the memo was given to each member of the Commission, and requests were made by members of the audience and copies provided to them. Commissioner Runyan advised that a lease had been prepared by Clare Hughes for the rental of 244 Commercial Street, and the supervisors to act on it at the next meeting.

Supervisors confused about setup to be established when we had no Director. Also the sum of \$1500 to set up the office was in question.

Reported on the meeting with the State Planning Commissioner and of their willingness to help in the establishing of a board to qualify applicants. Some confusion on the qualifications for planner, of Mr. Baxter. Applications are slow in coming in and the salary of \$600 seems to be the problem. There is a possibility of a man now receiving \$850 coming in.

The Board of Supervisors are going to have to back us up if we are going to be competent, the part time workers have worked hard but it is too difficult.

Suggested at Sacramento that we advertise in four different periodicals dealing with planners. Sacramento is willing to cooperate together with Planning Directors of surrounding counties, in forming a qualifying board for the applicants.

Motion made by Commissioner Looser and seconded by Commissioner Kitts that the sum up to \$125.00 be spent to advertise in the four recommended periodicals be done. Motion carried unanimously. Commissioner Kitts made a motion that the advertising should also be in the local papers. Motion was carried unanimously.

Commissioner Beechel suggested that we attempt to stay on the west coast or the northwest area.

There was discussion about a minimum building code, to be presented to Commission by the Builders Exchange.

VI. Executive Secretary Resignation:

Motion made by Commissioner Kitts and seconded by Commissioner Looser that a letter be written to the Board of Supervisors asking that the resignation of H. Verne Jones, be extended from May 1, to June 1, 1961. Motion was carried unanimously.

VII. Radiator Shop and Garage. Ray Johnson, 850 South Auburn Street.

7a. Use Permit.

Mr. Johnson appeared, and presented a map. Will build a building similar to the A & A Metal building. Is to be located next to building which is to be his and will become his home. This is an industrial area. Building to be situated 20 feet inside the property line, on a 78 foot frontage lot. This is to be for radiator and garage work.

Motion made by Kitts and seconded by Commissioner Hillier that a land use permit be granted. Motion was carried unanimously.

VIII. Correspondence.

8. Letter - Richards Garage.

Complaining that Norman Nagle is operating a tow truck in Donner Lake Area without a use permit. Letter read and noted. Executive Secretary to check into the situation for further information and handling.

9. Letter - Placer County Planning Commission:

Relating to General Plan for Airports on Placer County. Letter read and noted.

10. Letter from Robert Jang, Jr.

Requesting renewal of Use Permit to park a trailer at Soda Springs. Letter noted answered and forms forwarded.

11. Letter from N. E. Loveland.

Complaining about property on Idaho Maryland Road. Millers Exchange. Letter read and noted, and Executive Secretary to check into same for further information and action.

12. Dean Thompson: Invitation to co-sponsor Nevada County Development Conference. Mr. Thompson advised that there was to be a meeting the first Saturday of August, and an agenda will be prepared and ready by the 15th of May. Would like the Commission to co-sponsor. Chairman Edmunds stated that it was certainly a worthy project.

Next meeting will be May 8, 1961, at 7:30 P.M., at the Supervisors Room, Nevada City, California.

Meeting adjourned.

Respectfully submitted,

H. Verne Jones, Executive Secretary

EXHIBIT 1013

Gold Districts of California

Bulletin 193

William B. Clark
Geologist, California Division of Mines and Geology

125th Anniversary Edition
1880-2005
California Gold Discovery to Statehood

Manuscript submitted for publication in 1963
Revisions through 2005
Eighth Printing



Granite Springs

This district is in the northwest corner of Mariposa County and the southwest corner of Tuolumne County in the vicinity of Lake McClure and Don Pedro Reservoir. The mines apparently were last worked in the 1930s. The region is underlain chiefly by greenstone with some interbeds of graphitic slate. There are a considerable number of northwest-striking gold-quartz veins often associated with diorite dikes. Most of the deposits are relatively shallow.

Mines. Mariposa County: Anita, Burr \$350,000, Florinita, Jackson, White Rock. Tuolumne County: Buzzard Roost, Diamond, Hedley, Oak Mesa, Solambo.

Bibliography

Bowen, O. E., Jr., 1957, Mariposa County, Burr mine: California Jour. Mines and Geology, vol. 53, p. 247.

Graniteville

Location and History. This district is in east-central Nevada County about 30 miles east of Nevada City. It is also known as the Eureka district. An extensive belt of gold mineralization in this region extends from the vicinity of the town of Graniteville south-southeast to the Emigrant Gap district, a distance of about 10 miles. The district includes the Gaston mine area, which sometimes has been classified as a separate district. The Alleghany-Washington gold belt lies a few miles to the west, and the American Hill district is to the north. The Graniteville district was first placer-mined during the gold rush, and quartz mining began soon afterward. Considerable mining activity continued from the 1860s until about 1900, and there was much activity again during the 1930s. The Ancho-Erie and a few other mines were worked for a short time after World War II.

Geology. The district is underlain by slate, schist, and phyllite of the Blue Canyon Formation (Carboniferous) in the west and granodiorite in the east. In addition, there are several patches of Tertiary gravel and several glacial moraines.

Ore Deposits. Three main north-striking vein systems run through the district. One in the western portion of the district is in slate and schist and contains the Culbertson, National, and Ancho-Erie mines. One to the east is in granodiorite and contains the Wisconsin, Baltic, and Iowa mines. The veins in the central system are along the slate-granodiorite contact. Properties in the central system include the Rocky Glen and Gaston mines. The quartz veins are as much as 15 feet thick. The ore contains free gold and varying amounts of auriferous sulfides. The milling ore usually averages $\frac{1}{2}$ ounce per ton or less with very little high grade. Some of the ore shoots had stoping lengths of several hundred feet. The veins were mined to depths of as much as 500 feet. The Tertiary gravels at Graniteville and at Shands two miles to the west have yielded some gold.

Mines. Alpha, Ancho-Erie \$1 million+, Anderson, Artic, Azalie, Baltic, Barren, Birchville, Blue Bell,

Celina Flat, Cooley, Culbertson, Eagle Bird, Gaston \$2 million+, German, Gold Bug, Hotwater, Iowa, IXL, Jim, Keller, Last Chance, Lindsay, Mountain View, National, Rainbow, Rattlesnake, Republic, Rocky Glen \$300,000+, Star, Washington, Wisconsin, Yellow Metal, Yuba \$2 million+.

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Grass Valley

Location. This famous mining district is in western Nevada County in the immediate area of the town of Grass Valley. The Nevada City district adjoins it on the northeast and the Rough-and-Ready district is to the west.

History. Placer gold was first found in Wolf Creek in 1848 shortly after Marshall's discovery at Coloma. The earliest mining was done by David Stump and two companions who came from Oregon. The shallow placers were rich but were exhausted quickly. Gold-bearing quartz was discovered at Gold Hill in 1850 and soon afterward at Ophir, Rich, and Massachusetts Hills. Quartz mining soon developed into a major industry that was to last more than 100 years. The Gold Hill and Allison Ranch were the leading lode mines during the 1850s. Mining was curtailed somewhat during the Comstock rush of 1859-65, but the mines were productive again in the late 1860s. The camp declined in the 1870s, and by 1880 only the Empire and Idaho mines were active. In 1884 the North Star mine was reopened and activities increased; the North Star, Empire, Idaho-Maryland, Pennsylvania, and W.Y.O.D. all were highly productive. By 1900, the Idaho-Maryland mine had yielded a total of \$12.5 million. From 1900 to 1925, the North Star and Empire mines were the largest producers, the Idaho-Maryland having been idle in 1901-19. By 1928, the North Star had had a total output valued at \$33 million.

In 1929 the Empire and North Star groups were purchased by the Newmont Mining Corporation. This merger, which resulted in the Empire-Star Mines Co., included other important mines, such as the Pennsylvania, W.Y.O.D., and Sultana. From 1930 to 1941, the district was enormously productive. The 1930-40 output of Idaho-Maryland Mines Corp., which included the Idaho-Maryland and Brunswick mines, was \$26.7 million. The Empire-Star group yielded 1,074,284 ounces of gold from 1929 to 1940. Nearly 4000 miners

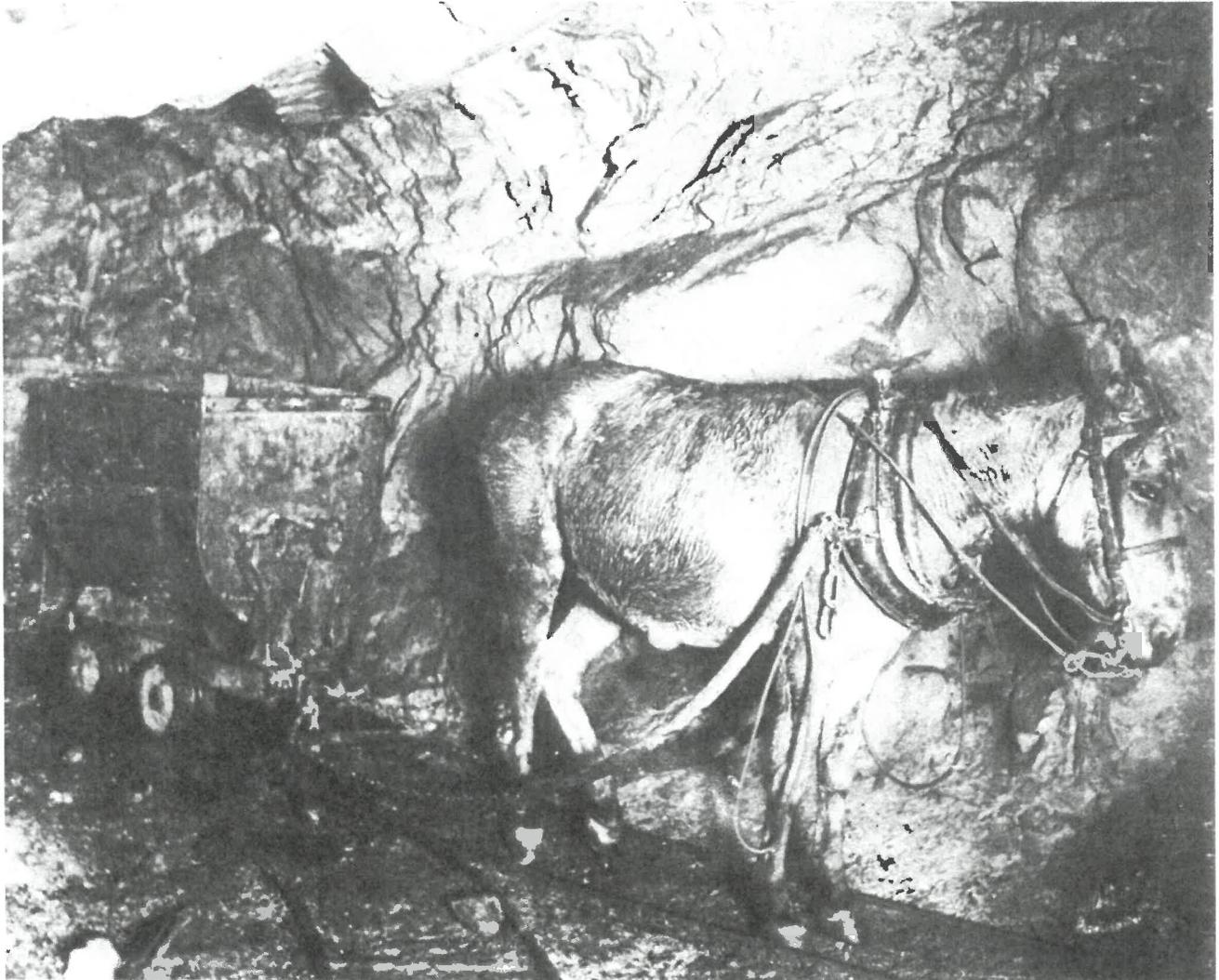


Photo 22. Empire Mine, Grass Valley District. Mules frequently hauled ore cars, as in this underground scene at the mine in Nevada County. The photo was taken in about 1910.

were at work in the mines during the 1930s and early 1940s. The mines were shut down during World War II, but the Empire, Pennsylvania, North Star, and Idaho-Maryland reopened soon afterward. However, operations gradually decreased; the Idaho-Maryland stopped gold mining in 1956 and the Empire-Star group in 1957, closures that ended nearly 106 years of gold-mining operations in the Grass Valley district. Some tungsten ore was mined in 1954-57 at the New Brunswick unit of the Idaho-Maryland mine.

Grass Valley was the richest and most famous gold-mining district in California. The value of the total

output of the lode mines is estimated to have been at least \$300 million, and the placer mines yielded a few million dollars more worth of gold. The two largest operations, the Empire-Star and Idaho-Maryland groups, had total outputs of \$130 million and \$70 million, respectively. Many famous mining engineers and geologists worked in the Grass Valley district. A number of important inventions and improvements were made in mining and milling equipment in the Grass Valley gold mines. Many of the miners were of Cornish descent and were often known as "Cousin Jacks". For many years the town and the mines were served by the Nevada County Narrow Gauge Railroad,

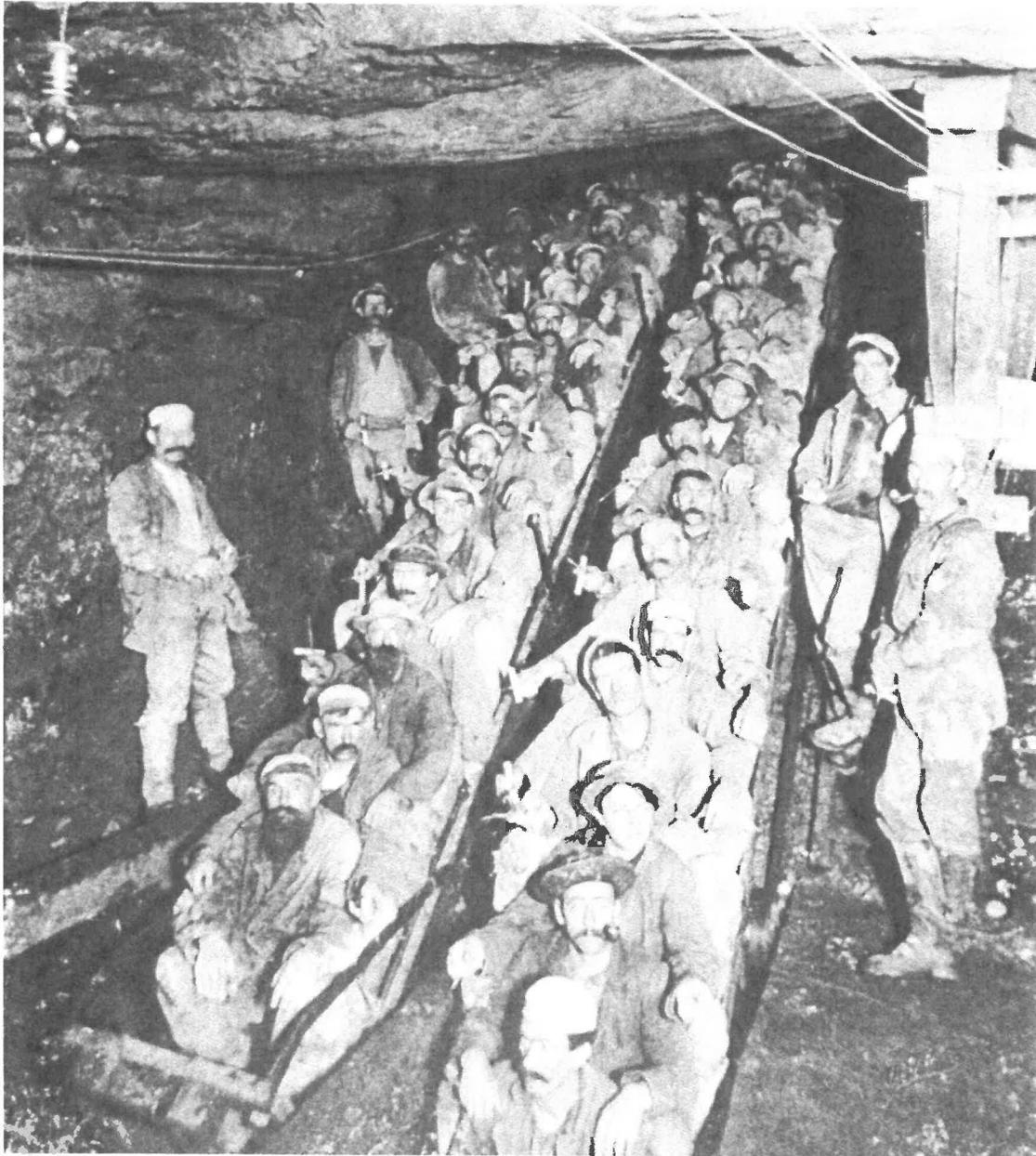


Photo 23. End of a Shift, Empire Mine, Grass Valley District. A shift, circa 1900, ascends after a work tour at the Nevada County mine. Many of these miners were Cornishmen—"Cousin Jacks."



Photo 24. Idaho-Maryland Mine, Grass Valley District. This photo, taken in about 1930, shows the Idaho shaft at the Nevada County mine. Photo by Walter W. Bradley.



Photo 25. New Brunswick Mine, Grass Valley District. This is a 1955 view of the Nevada County mine, which was a member of the Idaho-Maryland group. Photo by D. W. Carlson.

which extended north from Colfax. A few historic mine structures are still standing, but most of the extensive surface plants of the major mines have been dismantled. The old power house at the North Star mine and its 32-foot Pelton wheel are part of a Nevada County historical display.

Geology. An elongated body of granodiorite is in the central portion of the district (fig. 8). This body is five miles long in a north-south direction and $\frac{1}{2}$ to two miles wide. It is intrusive into older metamorphic rocks and itself is cut by various dike rocks. Immediately east and west of the intrusion are dark green-



Photo 26. Scotia Mine, Grass Valley District. This scene shows the Nevada County mine in the 1940s. Photo by Olaf P. Jenkins

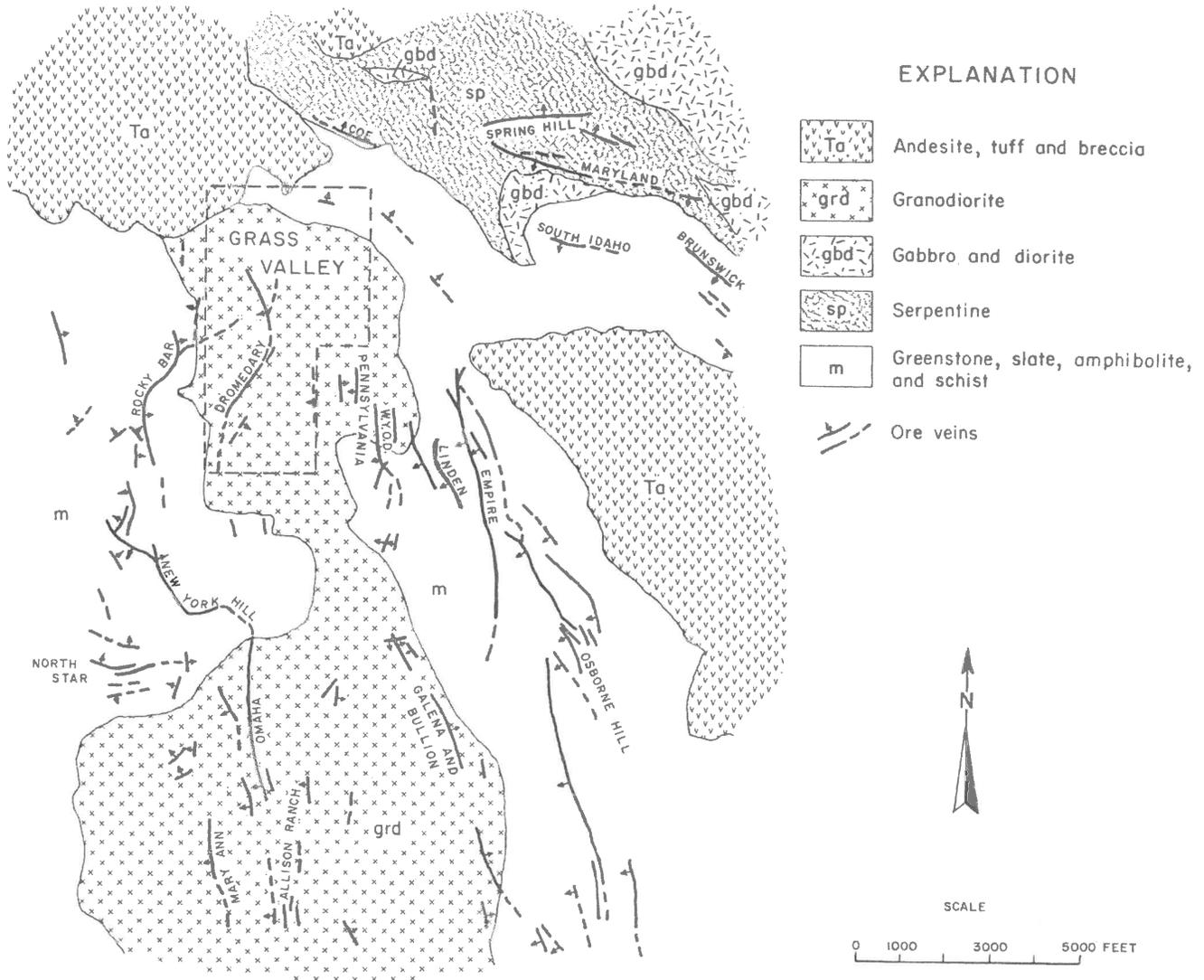


Figure 8. Geologic Map of Grass Valley District, Nevada County. The major veins and vein systems are shown. The names apply to veins, not mines. After Johnston, 1940, plate 1, and Lindgren, Nevada City Special Folio, 1896.

stones classified as metadiabase and metadiabase porphyry (so-called "porphyrites"), and continuing to the northeast are amphibolite schist, serpentine, gabbro and diorite, and slate. Just north of the granodiorite and to the southwest are slates, phyllite, quartzite, and schist of the Calaveras Formation (Carboniferous to Permian). A number of intermediate to basic dikes are present also, as well as a few aplite and granite porphyry dikes. Overlying part of the district to the east and to the northwest are Tertiary gravels, in turn largely overlain by andesite.

Ore Deposits. This is the most heavily mineralized and richest gold district in the state with a very large number of productive veins in a relatively small area. The veins fall into two major groups: 1) those of the granodiorite-greenstone area, which have gentle dips, and 2) those of the serpentine-amphibolite area, with

steep dips (see fig. 8). The veins of the granodiorite area are either in the granodiorite or in the adjacent greenstone, entering the granodiorite at depth. One group of veins strikes north and dips gently (about 35° on the average) either east or west. This group includes the Empire, Pennsylvania, Osborne Hill, Omaha, W.Y.O.D., and Allison Ranch veins. The other group of veins in the granodiorite strikes west or northwest and dips gently north. The North Star and New York Hill veins are included in this group. In the serpentine-amphibolite area the veins strike northwest and dip steeply southwest; a few dip northeast. These occur mostly in the amphibolite near or at the serpentine contact. The Idaho-Maryland, Brunswick, and Union Hill mines are here.

The veins usually range from one to 10 feet in thickness and consist of quartz with some calcite and an-

kerite. They fill minor thrust faults. Many veins contain several generations of quartz. There are numerous northeast-striking, vertical or steeply-dipping fractures or "crossings" that commonly are boundaries of ore shoots. The ore contains free gold and varying amounts of sulfides, chiefly pyrite. Present in smaller amounts are galena, chalcopyrite, arsenopyrite, sphalerite, and pyrrhotite. Galena is commonly associated with gold.

The ore shoots vary considerably in size and shape, and the distribution of gold within the shoots is erratic. Some have pitch lengths of up to several thousand feet, and the veins have been developed to inclined depths of as much as 11,000 feet. Much specimen ore has been found, but milling ore usually averaged from 0.25 to 0.5 ounce of gold per ton. Coarse-grained scheelite is present in several veins, notably in the Union Hill and New Brunswick mines.

Mines. Ajax, Alaska, Alcade, Allison Ranch \$2.7 million, Alpha, Bella Union, Ben Franklin \$750,000, Big Diamond, Black Hawk, Bow, Boundary, Buena Vista, Bullion, Cassidy (Linden), Centennial \$500,000+, Cheranne, Coe \$500,000+, Conlan, Crown Point * \$130,000+, Daisy Hill *, Dakota *, Diamond, East Star *, Empire *, Empire-Star group \$130 million, Empire West *, Empress, Eureka † \$5.7 million, Gaston, General Grant, Gladstone, Golden Center (Dromedary) \$2.5 million+, Golden Gate, Golden Treasure, Gold Hill *, Gold Point †, Goodall, Granite Hill, Grant, Hartery \$350,000, Hermosa, Heuston, Homeward Bound *, Houston Hill, Idaho †, Idaho-Maryland group \$70 million, Independence, Inkmarque, Kate Hayes *, Larimer, Le Duc, Lone Jack, Magenta, Mary Ann, Maryland †, Massachusetts, Massachusetts Hill *, New Brunswick †, New Eureka †, New Homeward Bound, New Ophir *, New York Hill, Normandy-

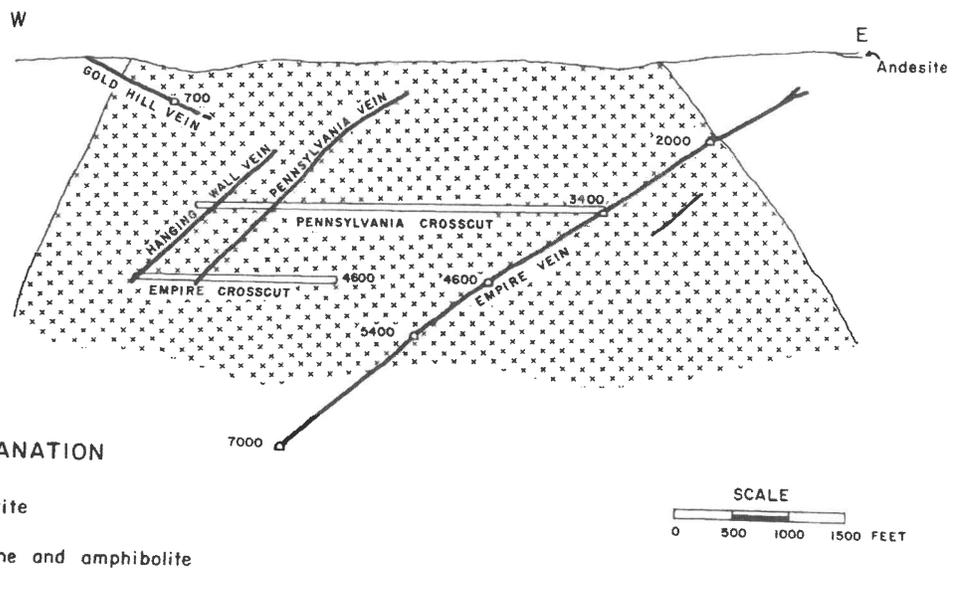
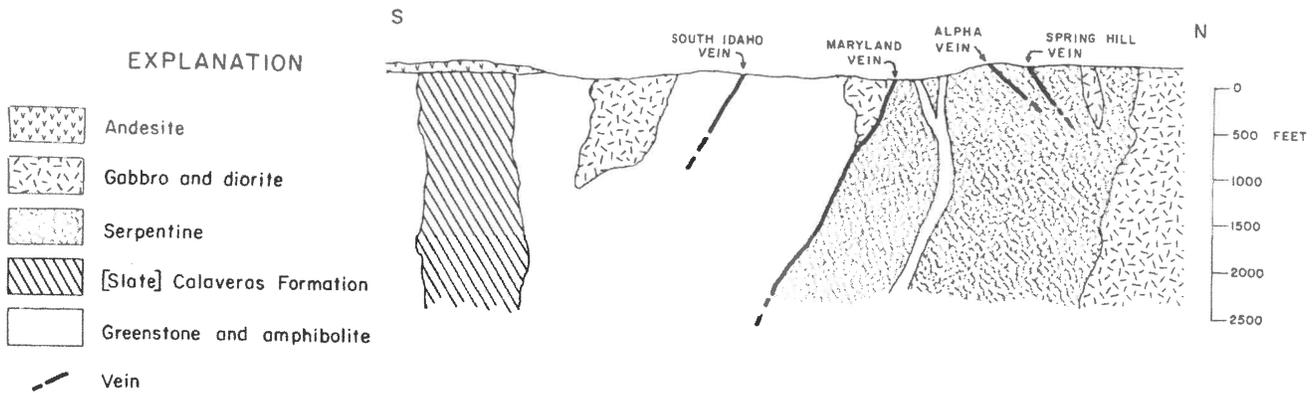


Figure 9 (top). Section through Idaho-Maryland Mine. After Johnston, 1940, figure 65.

Figure 10 (bottom). Section through Empire and Pennsylvania Mines. After Johnston, 1940, figure 62.

Dulmaine, Northern Bell, North Star *, Norumbagua \$1 million+, Oakland \$100,000, Old Brunswick †, Old Eureka †, Old Homeward Bound, Omaha, Orleans, Osborne Hill *, Peabody, Pennsylvania *, Phoenix, Polar Star, Prescott Hill, Prudential \$100,000, Republic, Reward, Rich Hill, Rocky Bar, Rose Hill \$100,000+, Scotia, Sebastopol, South Idaho †, Spring Hill \$300,000+, Stockton Hill, St. John, Sultana *, Syndicate, Telegraph *, Union Hill † \$750,000, Wisconsin, Wyoming, W.Y.O.D.

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In addition to the above references, many reports on mining methods, equipment, and mining activities in the district have appeared in various periodicals. Very many private reports also have been made on various mines.

Gravel Range

This district is in south-central Tuolumne County and north-central Mariposa County about 15 miles east of Groveland. The principal sources of gold have been several bodies of quartzitic Tertiary channel gravels that are part of the Tertiary Tuolumne River. The deposits are in the Gravel Range, at Dorseys and north of Smith Station. They were mined chiefly by hydraulic mining. Bedrock consists of granodiorite in the east and slate and schist in the west. In places the gravels are capped by andesite.

* Part of the Empire-Star group.

† Part of the Idaho-Maryland group.

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Greenhorn Mountain

Location and History. This district is in Kern County about 28 miles northeast of Bakersfield. The first discovery of gold in Kern County was made in Greenhorn Creek in 1851 by a member of General John C. Fremont's party. A rush soon followed, and the town of Petersburg was established. Gold-mining activity declined before 1890, but there has been minor prospecting since. Most of the output has been from placer mining.

Geology. Much of the area is underlain by quartz diorite. There are a few bodies of metamorphic rocks and also some pegmatite dikes. The chief placer deposits were in Greenhorn, Fremont, Bradshaw, and Black Gulch Creeks. There are numerous small, poorly mineralized quartz veins, most of which are a few miles east of David Guard Station. The gold is in the free state and there is very little sulfide mineralization. Uranium-bearing peat bog was discovered in 1955 in the northwest part of the district.

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Greenwood

Location. This district is in northwestern El Dorado County. It consists of the northwest segment of the Mother Lode gold belt, which splits at Garden Valley (the east segment continues through Georgetown). This segment of the belt is several miles wide and extends from the point of the split northwest through Greenwood and Spanish Dry Diggings to the Middle Fork of the American River, a distance of about eight miles.

History. Placer mining began in this area shortly after the beginning of the gold rush. The town was named for Caleb and John Greenwood, who established a trading post here in 1850. The district flourished during the 1850s, when the American River was mined and the seam deposits hydraulicked on a large scale. The river was mined by diverting the main stream with a series of flumes, tunnels, and wingdams. The gold-bearing gravels were removed from the bedrock and sent through sluices or long toms. Major mining activity continued through the early 1900s, much of the later placer mining done by Chinese. This district was quite productive again during the 1930s, when the Sliger, Taylor, and Grit lode mines were active. Since about 1955, numerous skin divers have been mining the Middle Fork of the American River by small-scale methods.

Geology. There are two northwest-trending belts of slate of the Mariposa Formation (Upper Jurassic) ½ to one mile apart. Chert, impure quartzite, and slate

EXHIBIT 1014

USE PERMIT APPLICATION
NEVADA COUNTY ZONING ENABLING ORDINANCE NO. 196

Instructions:

File two copies of the application and attachments, together with the application fee, not later than 12 days prior to the regular planning commission meeting at which action is desired to allow time for giving notice of public hearing. One copy will be returned and one will remain on file. The applicant or his representative should be present at the meeting. PLEASE print or type.

<u>Brunswick Timber Products Corp., 265-2417</u> name of applicant: telephone:	<u>same</u> name of owner of property:
<u>P. O. Box 67</u> street or p.o. box address:	street or p.o. box address:
<u>Nevada City, Calif.</u> city: state: zip code:	city: state: zip code:
applicant is (check one): <u>owner</u> //lessee//purchaser//agent//	former owner if recent purchase:

Application for use permit is hereby made to the planning commission under the terms of Nevada County Zoning Enabling Ordinance No. 196, as amended, for operation and maintenance of the following described use of land and/or buildings within a _____ zoning district: _____

Lumber drying and storage yard

Number of units _____; Water supply KID; Sewage disposal None needed

ADDRESS OF PROPERTY (show location sketch on back of application):

x North east corner Brunswick & Union Hill Roads Sec 31, T16N, R 9E

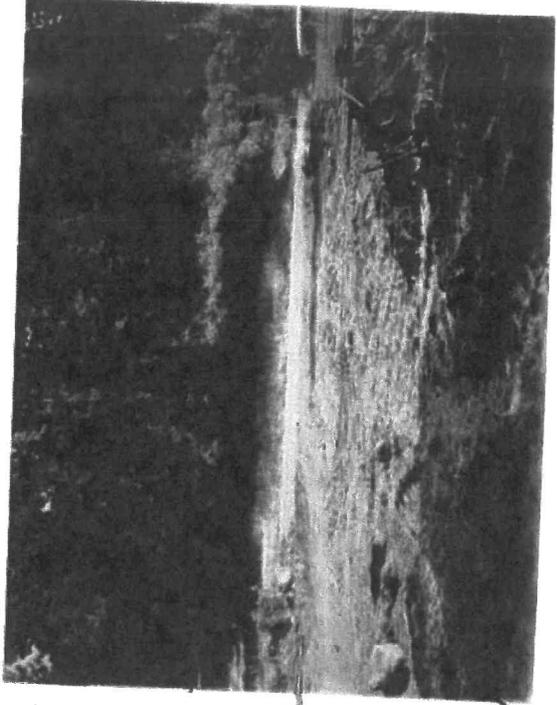
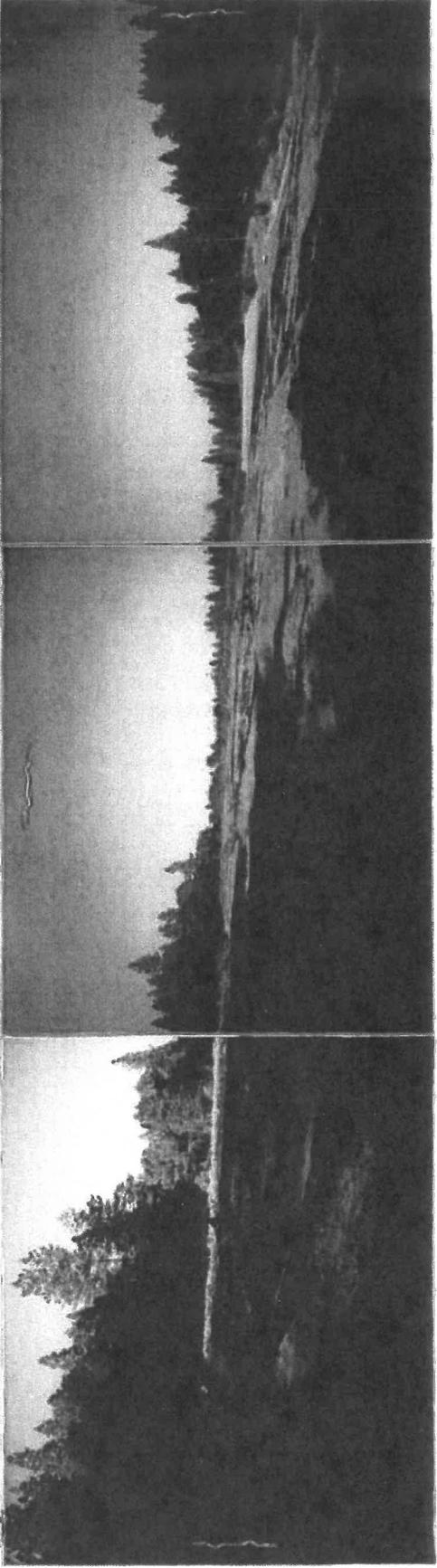
ATTACH complete and accurate legal description of property based on deed or other recorded instrument.

ATTACH Plot Plan drawn to scale, showing property lines, existing and proposed buildings and their uses, parking spaces, access to public roads, signs, landscaping, drainage, sewage disposal, water supply and such other information as will aid the planning commission to fully understand the use applied for.

APPLICATION FEE: \$10.00 Make checks payable to: Nevada County Treasurer.

I (we) declare under penalty of perjury that the foregoing is a true and correct statement; that it is the representation of the applicant that the use applied for, if approved, will be conducted as stated herein and as shown on the attached plot plan, and that such conditions as attached to the granting of the use permit will be observed.

July 23, 1964 date
by [Signature] signature of applicant
Pres. Pres.
 RECEIPT NO. 244; DATE July 23, 1964; RECEIVED BY [Signature] secretary
 NOTICE OF HEARING PUBLISHED: _____ MAILED _____
 DATE OF HEARING: Aug. 16, 1964; ACTION TAKEN: _____



Use Permit Application
Brunswick Timber Products
lumber yard
196(A-1)U64-31
AP# 6-390-15
Northeast corner, Brunswick and Union Hill Roads



...TICE OF PUBLIC HEARING

USE PERMIT APPLICATION FOR PLANING MILL - BRUNSWICK AND UNION HILL ROADS.

Notice is hereby given that on August 10, 1964, at 8:20 p.m. in the Supervisors' Chambers, Court House, Nevada City, California, the Nevada County Planning Commission will hold a public hearing where will be heard persons desiring to make statements concerning the application for a use permit under the terms of Nevada County Zoning Enabling Ordinance No. 196, as amended, by Brunswick Timber Products Corporation, applicant, for a planing mill on property owned by the applicant, located in an A-1 Zoning District, at the address of Southwest corner of Brunswick and Union Hill Roads; said property being legally described as follows:

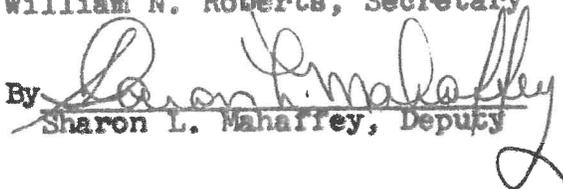
All that certain real property situate in the County of Nevada, State of California, and described as follows, to-wit:

The SURFACE and SUB-SURFACE to a depth of 75 feet below the surface of a portion of the Northwest one-quarter of Section 31, Township 16 North, Range 9 East, M. D. M., being more particularly described as follows, to-wit:

Beginning at a point on a SWly line of that certain County Road known as the Brunswick Road from which the NW corner of Sec. 31., T.& R. aforesaid, bears N 38° 50' 44" West 1125.89 feet distant; thence from said point of commencement with TRUE BEARINGS S 46° 19' West 469.54 feet to a steel drill; thence S 55° 18' East 140.65 feet to a steel drill; thence S 34' 37" East 612.51 feet to a steel drill; thence N 55° 33' East 725.10 feet to a steel drill situate on the said SWly line of the Brunswick Road; thence along said line N 29° 16' 14" West 1088.66 feet to a steel drill, the place of beginning, containing 14.044 acres, more or less.

NEVADA COUNTY PLANNING COMMISSION

William N. Roberts, Secretary

By 
Sharon L. Mahaffey, Deputy

NOTICE OF PUBLIC HEARING

USE PERMIT APPLICATION FOR LUMBER YARD - BRUNSWICK AND UNION HILL ROADS.

Notice is hereby given that on August 10, 1964, at 8:35 p.m. in the Supervisors' Chambers, Court House, Nevada City, California, the Nevada County Planning Commission will hold a public hearing where will be heard persons desiring to make statements concerning the application for a use permit under the terms of Nevada County Zoning Enabling Ordinance No. 196, as amended, by Brunswick Timber Products Corporation, applicant, for a lumber yard on property owned by the applicant, located in an A-1 Zoning District, at the address of Northeast corner of Brunswick and Union Hill Roads; said property being legally described as follows:

A portion of the S 1/2 of Section 30, Township 16 North, Range 9 East M. D. M., described as follows:

Beginning at a point from when the SE corner of Sec. 30 bears S 1° 18' E 250.57 feet distant; then from said point of beginning along the W line of the SE 1/4 of Sec. 30, Township and Range aforesaid N 1° 18' W 638.80 feet to a point on a SEly line of the property now or formerly owned by John J. Looser; then along the SEly, SWly and SEly lines of the said Looser property then following courses and distances, to-wit: N 81° 49' 42" E 233.85 feet, S 85° 17' 26" E 114.74 feet, N 58° 13' 48" E 531.11 feet, N 83° 37' 22" E 184.48 feet, S 81° 45' 32" E 29.93 feet, N 87° 19' E 145.17 feet, N 85° 47' E 129.78 feet, to a point on a SEly line of the property now or formerly owned by H. Berliner; then along the SEly, SEly and NEly lines of the said Berliner property then following courses and distances, to-wit: S 10° 27' E 652.92 feet, N 72° 34' 42" E 822.45 feet, N 9° 31' W 706.42 feet, to a point on the S line of the Loma Rica Industrial Park; then along the said S line N 88° 16' 43" E 148.53 feet, N 84° 49' 37" E 356.14 feet, N 80° 28' 34" E 127.47 feet, N 43° 19' 19" E 182.83 feet to the most Ely corner of the said Park; then S 58° 33' E 512.58 feet to the NW corner of that certain parcel of land now or formerly owned by G. C. Bagley; then along the W line of the said Bagley property and the W line of the property now or formerly owned by McMurty, S 1° 08' 22" E 1205.79 feet to a point on the N line of that certain road known as Union Hill Road; then along the Nly lines of the said Union Hill Road, then following: S 87° 23' 22" W 473.86 feet to beginning of left curve having a radius of 328.97 feet; then along said curve in a Wly direction consuming an angle of 28° 25' 31", a distance of 163.31 feet to end of said curve and the beginning of a right curve having a radius of 270.00 feet; then along said curve in a Wly direction, consuming an angle of 28° 23' 42", a distance of 133.81 feet to end of said curve; then continuing along the N line of the said Union Hill Road, S 87° 32' 33" W 1277.83 feet, S 88° 42' 34" W 569.93 feet to beginning of a left curve having a radius of 244.00 feet; then along said curve in a Wly direction consuming an angle of 25° 52' 34" a distance of 110.20 feet to end of said curve; then S 62° 50' W 62.49 feet to a point on the S line of the SE 1/4 of the said Sec. 30; then along the S line S 87° 25' 20" W 39.59 feet to a point on a NEly line of that certain county road known as Brunswick Road; thence leaving the said S line and following the said NE line N 45° 33' 55" W 342.34 feet to the place of beginning. Containing 77 acres.

EXCEPTING THEREFROM the above described parcel of land the following: Beginning at a point from whence the SE corner of Sec. 30, T.16N., R.9E., M. D. M. bears S 49° 44' 20" W 948.74 feet distant; thence from said point of commencement with TRUE BEARINGS N 52° 09' W 165.61 feet; thence N 39° 36' 49" W 136.64 feet to the place of beginning. Containing 0.519 acres.

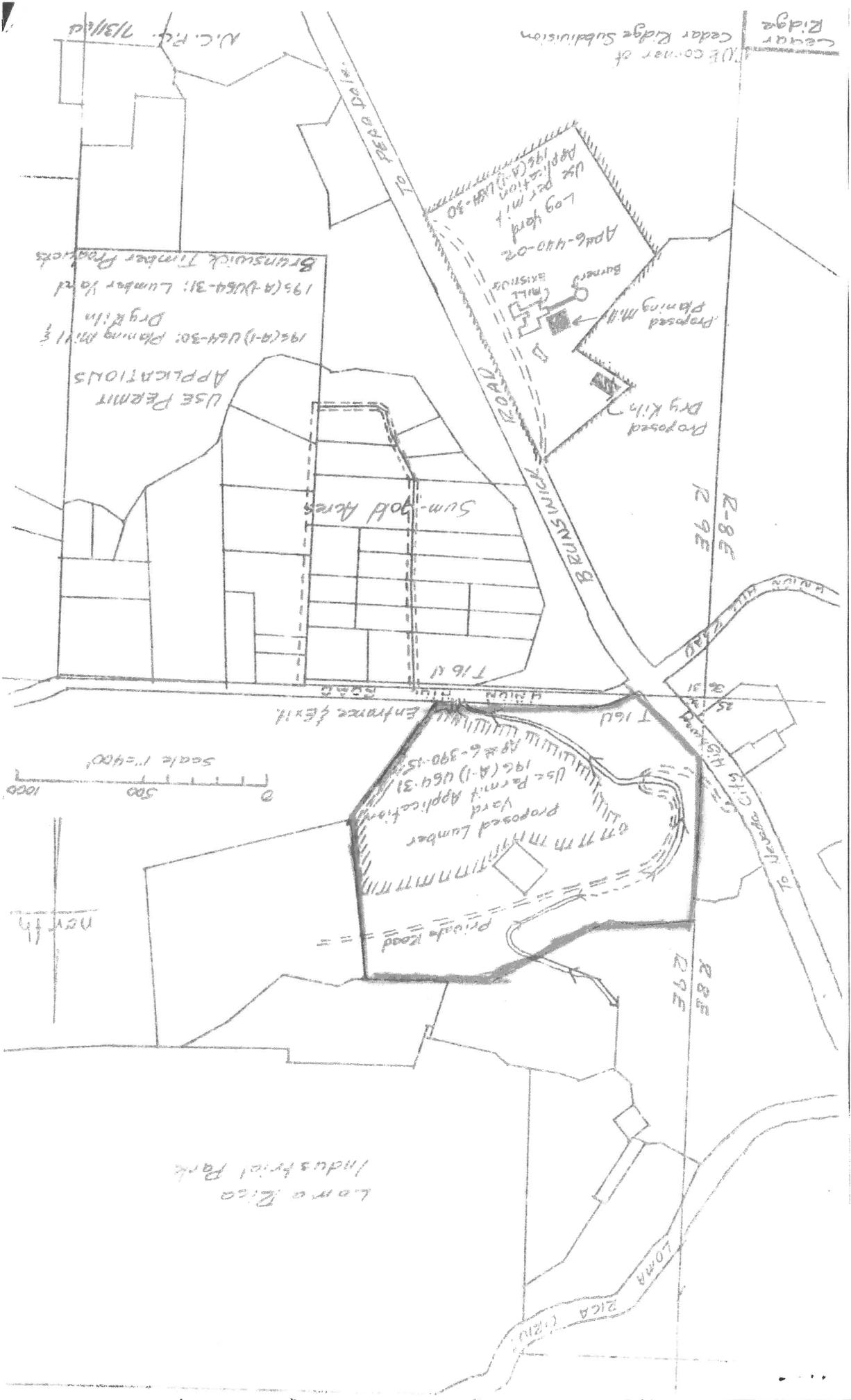
NEVADA COUNTY PLANNING COMMISSION

William N. Roberts, Secretary

By *Sharon L. Mahaffey*
Sharon L. Mahaffey, Deputy

DATE OF PUBLICATION: August 1, 1964

*Revised 3-2
W/M Longo
D. Pagnard
HEW
Safety
of people
in area
and adjacent
areas.
Peterson
Necessary that
we have
houses here.
Need jobs
and just demand.*



Use Permit Application of Brunswick Timber Products for a lumber yard on property owned by the applicant located in an A-1 Zoning District at the address of Northeast corner of Brunswick Road and Union Hill Road. TABLED FROM MEETING OF AUGUST 10, 1964. DENIED.

Amarel stated he will have to appeal the decision of the Planning Commission on the denial of his previous application for a planing mill and requested that a decision on the lumber yard be postponed.

County Counsel Lawrence suggested that Mr. Amarel should not ask for continuance; so that he could have the right of appeal if the application were denied, to which Mr. Amarel agreed.

Mr. Hinz, Union Hill Road resident, stated that Union Hill Road is an 18 foot paved road not suited to heavy truck traffic and in addition he feels the lumber yard would pollute the D-S Canal which runs through it.

Mrs. Kaulmer stated that if the lumber yard is allowed she will have fire hazards on both sides of hwy. She asked how large trucks are going to travel Union Hill Road and still allow cars on the road too.

Peterson asked if the lumber yard is contingent on the planing mill and Amarel answered not necessarily.

Leonard Casey stated that lumber mills were here long before most of us were and where can you live in the County where you can't hear a mill at some time or another.

David Maltman, stated the property including the proposed yard property has been residential since it was part of the MacBoyle Estate, but the lumber yard property was sold without the seller knowing when the property was being sold to.

Les Aistett stated that it would appear some people are trying to discourage operation of the mill and lumber yard for a personal gain and even though he feels the effects of the mill were three miles away, he is still in favor of progress for the County.

NOTION by Madley to deny the use permit application. Died for a lack of second.

Maltman stated if the applicant such have room for a lumber yard there is such usable land on the west side of Brunswick Road for the use. Amarel stated that the land so the west is primarily in a gully and a hill such as is proposed for the yard is needed so the lumber will dry properly. He stated he does not feel the land is necessarily residential, regard much of it as undeveloped, but he definitely feels his property and lack of the surrounding

property is industrial because it was part of the original mining property. He added that large trucks will not be using Union Hill Road as suggested because he will not be hauling in large trucks but in carriers to the lumber yard.

Bill Stinson stated the Commission must consider safety factors such as fire danger in such a forested area.

MOTION by Wadley, seconded by McWhinney, that the permit be denied for the health, safety and welfare of the people in the area. A show of hands vote was as follows: AYES: McWhinney, Wadley, Longo and Peterson; NOES: Dowing; ABSTAINING: Heller; ABSENT: Looser.

Final Map of Gold Forest Country Club and Estates Unit No. 1. Birchville Road. French Corral Land Company, owner and subdivider. POSTPONED.

The Planning Director asked for a report from the County Counsel on the situation of the water rights, stating a letter was received from the French Corral County Water District protesting the subdivision on the grounds of a dispute over the water to serve the subdivision.

The County Counsel suggested postponement of the final map because there is a lawsuit pending over the water rights which she would like to review.

MOTION by McWhinney, seconded by Longo, that the final map of Gold Forest Country Club and Estates be postponed pending report from the County Counsel. Motion carried unanimously.

Tentative Map of Cascade Shores Unit No. 1. East of Nevada City, adjacent to Deer Creek Road, near Cascade Road. Cascade Development Company, owner and subdivider. CONDITIONALLY APPROVED.

The Planning Director showed the location of the proposed subdivision on a quadrangle map and stated that the development is located $\frac{1}{2}$ mile east of Scott's Flat Reservoir and access will be along Cascade Ditch on Quaker Hill Road. Access can also be made from the Scott's Flat Dam, but it is hard to tell whether the road will remain open or not. Cascade Ditch runs on a saddle ridge above the subdivision which will include some 64 lots in the first development. The roads have already been roughed in and Quaker Hill Road will be realigned. There will be 100-foot setback from the ditch for all development on lots.

Memorandums received regarding the tentative map were as follows:

1. County Surveyor--recommendations of Surveyor put into a revised tentative presented for approval.

13 parcels - 36 feet

LIST OF PROPERTY OWNERS
FOR
USE PERMIT OR ZONING

Shrewsbury Timber Tract - lumber yard
TITLE OF APPLICATION

DATE: Jul 30 1964
P.C. FILE NO. 464-30131

PARCEL NUMBER*	NAME OF OWNER	MAILING ADDRESS	CITY
6-390-15	Dev Co. - C. Genpa. B	715 Zion St	N.C.
-16	Sam Gokal	Box 957	GV.
-20	Matthew S. Vanderbussen	Rt. 1 Box 426	GV.
-21	John J. Cooney	P.O. Box 949	GV.
-22	Howard J. Wambler	232 Broad St.	N.C.
-27	Tom Skidmore		N.C.
-28	Albert Elliot	P.O. Box 262	GV.
-29	Cooney		
-02	Home Aid Indust. Inc		
6-700-01	Sam Gokal		
02	David W. Straub	Rt. 1 Box 435-E	GV.
03	Clinton O. Hays	181 O. Walker Dr	GV.
04	Straub		
05	Harry P. McLaughlin	Box 36	GV.
06	Bill Phillips	Rt. 1 Box 435-B	GV.
07	Wilhelmina Beck	1108 Fernside Loop	Rocky Mt
-10	James F. Malachuk	Rt. 1 Box 440	GV.
-11	Tom W. Hugo		
-12	Stella May Bann	Union Hill Rd.	GV.
-13	Loyal V. Roberts	Rt. 1 Box 501	GV.
-14	Simon Lundholm		
-15	Valbert Faulconer	Rt. 1 Box 506	GV.
-16	Mary Jensen	Box 556B	GV.
-17	John P. Hall	Rt. 1 Box 500	GV.
-18	Willie Fair	Rt. 1 Box 503	GV.
-19	Carol W. Bulmer	5348 North Ave	Lanark
6-441-01	Tom Skidmore		
6-338-23	Kenya Faires	P.O. Box 886	GV.
-45	Skidmore		

Health Dept.
E. S. Dir. of H.

LIST OF PROPERTY OWNERS
FOR
USE PERMIT OR ZONING

DATE: _____

P.C. FILE NO. _____

TITLE OF APPLICATION _____

PARCEL NUMBER*	NAME OF OWNER	MAILING ADDRESS	CITY
9-180-29	John Goody		
-38	Dum Salep		
-39	Ray L. Wada	Rt. 1 Box 508	N.V.
-40	Harold F. Rowe ^{Home}	Rt. 1 Box 429	"
-41	"	"	"
-37	Richard J. Holland	P.O. Box 720	G.V.
-42	"	"	"

A por of the S $\frac{1}{2}$ of Sec, T.16N. R.9E. MDM, Desc. as fols:

Beg at a pt fr wh the SE cor of Sec 30 bears S 1° 18' E 250.57 feet dist; th fr sd pt of beg alg the W ln of the SE $\frac{1}{4}$ of Sec 30 T& R ~~XX~~ aforsd N 1° 18' W 638.80 ft to a pt on a SEly ln of the prop n/f owned by N John J. Looser; th alg the SEly, SWly and SEly lns of the sd Looser prop the fol c/d, to-wit: N 81° 49' 42" E 233.85 ft, S 85° 17' 26" E 114.74 ft, N 58° 13' 48" E 531.11 ft, N 83° 37' 22" E 184.48 ft, S 81° 45' 32" E 29.93 ft, N 87° 19' E 145.17 ft, N 85° 47' E 129.78 ft, to a pt on a SEly ln of the prop n/f owned by H. Beeliner; th alg the SEly, SEly and NEly lns of the sd Berliner prop the fol c/d, to-wit: S 10° 27' E 652.92 ft, N 72° 34' 42" E 822.45 ft, N 9° 31' W 706.42 ft, to a pt on the S ln of the Loma Rica Industrial Park; th alg the sd S ln N 88° 16' 43" E 148.53 ft, N 84° 49' 37" E 356.14 ft, N 80° 28' 34" E 127.47 ft, N 43° 19' 19" E 182.83 ft to the most Ely cor of the sd Park; th S 58° 33' E 512.58 ft to the NW cor of that cert parc of land n/f owned by G. C. Bagley; th alg the W ln of the sd Bagley prop and the W ln of the prop n/f owned by McMurty, S 1° 08' 22" E 1205.79 ft to a pt on the N ln of that cert co rd known as Union Hill Rd; th alg the Nly lns of the sd Union Hill Rd, th fol: S 87° 23' 22" W 473.86 ft to beg of left curve hav a rad of 328.97 ft; th alg sd curve in a Wly direc cons an angle of 28° 25' 31", a dist of 163.21 ft to end of sd curve and the beg of a right curve have a rad of 270.00 ft; th alg sd curve in a Wly direc, cons an angle of 28° 23' 42", a dist of 133.81 feet to end of sd curve; th cont alg the N ln of the sd Union H Rd. S 87° 32' 33" W 1277.83 ft, S 88° 42' 34" W 569.93 ft to beg of a left curve hav a rad of 244.00 ft; th alg sd curve in a Wly direc cons an angle of 25° 52' 34" a dist of 110.20 ft to end of sd curve; th S 62° 50' W 62.49 ft to a pt on the S ln of the SE $\frac{1}{4}$ of the sd Sec 30; th alg the S ln S 87° 25' 20" W 39.59 ft to a pt on a NE ly ln of that cert co rd k a Brunswick Rd; th leav the sd S ln and fol the sd NE ln N 45° 33' 55" W 342.34 ft to the pl of beg. 77 ac.

EXC fr the above desc parc of land the fol:

Beg at a pt fr wh the SE cor of Sec 30 T 16 N R9E MDM bears S 49° 44' 20" W 948.74 ft dist; th fr sd pt of com w TB N 52° 09' W 165.61 ft; th N 39° ~~XX~~ 36' 49" W 136.64 ft to the pl of beg. Cont o.519

3086 May Road
Richmond, California
August 7, 1964

Planning Commission
Grass Valley
Nevada County
California

Gentlemen:

This is a letter of protest against the lumber drying yard at the foot of Timberlane Road.

We are residents of Richmond, California that are selling our home to move to Grass Valley in the future when our home is completed on Timberlane Road. We made the decision to retire in this community because of the peaceful quiet of the area.

The noise and smell would spoil the peaceful serenity of the area.

The roads are not built for lumber trucks and that would be a traffic hazard.

We were under the impression that the area was zoned residential.

Please give this considerable thought as there are many other places more suitable for that type of business.

Yours very truly,

Einar Anderson
Einar Anderson

Alice W. Anderson
Alice W. Anderson

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AUG 10 1964
NEVADA COUNTY
PLANNING COMMISSION

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AUG 10 1964

NEVADA COUNTY
PLANNING COMMISSION

PETITION IN OPPOSITION TO USE PERMIT APPLICATION OF
FRANK AMARAL FOR LUMBER YARD AT
NORTHEAST CORNER OF BRUNSWICK AND
UNION HILL ROADS

51-petition
Timber

The undersigned real property owners hereby pretest the application of Frank Amaral; regarding Use Permit Appl. 196(A-1) 464-31 AP#6-390-15

<u>Name</u>	<u>Address</u>
Lloyd Roberts	Rt. 1 Box 501 G.V.
Margaret K Roberts	" " " "
A.E. Lindholm	Rt. 1 Box 502 Grass Valley Cal.
Paul E. Lindholm	" " " "
Henry Matheson	Box 504 Rt. 1. Grass Valley.
Hubert Frankson	Rt. 1 Box 506 Grass Valley.
Myrtle Faulconer	Rt. 1, Box 506, Grass Valley.
Margaret Ferguson	Rt. 1 Box 505 Grass Valley
John Wessell	Rt. 1 Box 435 K. Grass Valley V.
Wyle E. Beckard	Rt. 1 Box 414 Grass Valley.
Ed Shum	Rt. 1 Box 425 Grass Valley.
Willie A. Fairly	Rt. 1, Box 503 Grass Valley.
Gynn Wickman	Rt. 1 Box 504 Grass Valley.
John A. McAtie	Rt. 1 - Box 507 - Grass Valley.
David W. Strand	Rt. 1 Box 435 E. Grass Valley
Alice M. Strand	Rt. 1 Box 435 C of E.
Signe M. Callough	Rt. 1 Box 36 G.V.
E. M. Callough	" " " "
Bill H. Callough	" " " "
Edna M. Bulow	Rt. 1 Box 330 G.V.
Donald Udseth	Rt. 1 Box 435 C G.V.
Jean Udseth	Rt. 1 Box 435 C G.V.
Joseph Burnett	Rt. 1 Box 435 J, Grass Valley.
Carroll Burnett	" " " "
Rees J. Quae	Rt. 1, Box 435, Grass Valley.

AUG 10 1964

Name

A ESS

NEVADA COUNTY
PLANNING COMMISSION

Sylvia J. Crane Rt. 1 Box 429 Grass Valley, Calif.
 Mrs Henry Freitas Rt 1 ^{Box} 513 Grass Valley
 John P. Hale RT-1 Box 500 Grass Valley
 Anne Hale Rt 1 Box 500 Grass Valley
 Adeline M. Christensen Rt. 1 Box 445 Grass Valley.
 Einar L. Christensen Rt 1 Box 445 Grass Valley.
 Dorothy L. Harter Rt 1 Holydale Od Grass Valley
 Newey Harter Rt 1 Holydale Rd Grass Valley
 John R Green Rt 1 Box 464 Grass Valley
 Mrs J R Green Rt 1 - Box 464 Grass Valley
 Annie M. Boepf Rt 1 - Box 453 Grass Valley
 Millie E Hurn Rt 1. Box 444 Grass Valley.
 Mildred M. Hurn Rt 1 Box 444 Grass Valley City
 Jack Melugin Rt 1 Box 446 Grass Valley
 Joyce Melugin Rt 1 Box 446 Grass Valley, Calif.
 Gordon R Crome Rt 1 Box 429 Grass Valley.
 John J. Liebig Rt. 1 Grass Valley, Calif.
 Helen Liebig Rt 1 Grass Valley, Calif.
 Jack A. Turner Rt #1. Box 4356. Grass Valley, Calif.
 Marjorie Turner RT #1 - Box 4356 - GRASS VALLEY, CALIF.

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AUG 10 1964

NEVADA COUNTY
PLANNING COMMISSION

Jack J. Fisher Rt. 1 Box 447
 Audrey M. Fisher Grass Valley, Calif
 James R. Medlock - Rt. 1 Box 440 Grass Valley
 Raymond B. Medlock Rt. 1 Box 440 " "

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Matt S. Vanderbruggen Rt. 1 Box 426 Grass Valley Calif.

AUG 10 1964

NEVADA COUNTY
PLANNING COMMISSION

Helen Vanderbruggen Rt. 1 Box 426 Grass Valley Calif.

September 21, 1964

Mr. Frank V. Amaral, President
Brunswick Timber Products Corporation
P.O. Box 67
Nevada City, California

Dear Mr. Amaral:

In answer to your request dated September 21, 1964 concerning an appeal from the County Planning Commission's decision, please be advised that the matter has been placed on the Agenda of the Board of Supervisors for October 1, 1964 at 1:30 P.M.

Sincerely yours,

JOHN T. TRAUNER
Clerk & Ex-Officio Clerk
Board of Supervisors
County of Nevada

JTT:jvj

cc: Mrs. Dean Lawrence, County Counsel
Mr. William Roberts, County Planning Director

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SEP 22 1964

NEVADA COUNTY
PLANNING COMMISSION

Brunswick Timber Products Corporation

P. O. Box 67

NEVADA CITY, CALIFORNIA - 95959

SEP 21 1964

September 21, 1964

Nevada County Board of Supervisors
County Court House
Nevada City, Calif.

Gentlemen:

In reference to the following:

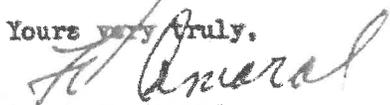
Use Permit No. 249
P.C.196(A-1)064-31
Certified No. 298570

Use Permit No. 248
P.C.196(A-1)064-30
Certified No. 298571

Applications for each of the above Use Permits were denied by the Planning Commission at a regular meeting held on September 14, 1964. We find it necessary to appeal these decisions at once, and ask that you consider same at your next regular meeting to be held Thursday, October 1, 1964.

Please inform us of the approximate time at which this hearing may be held.

Yours very truly,



Frank V. Amaral,
President

SEP 22 1964

NEVADA COUNTY

Sept 13, 1964

Brunswick Timber Products Corp.
c/o Frank V Amaral
211 Reward Street
Nevada City, California

Gentlemen:

The Commissioners of the Gold Flat Fire District were contacted by the President of the Board of Fire Commissioners on September 13, 1964 to inquire if any Commissioner objected to the Use Permit for the Brunswick Timber Products to have a drying yard at the corner of Brunswick Road and Union Hill Road.

The majority of the Commissioners did not object to a lumber drying yard at this location.

It is understood that you will have sufficient water supply to cope with any fire that may get started in that area.

Sincerely yours,

GOLD FLAT FIRE DISTRICT

By

Robert A. Hawkins
Secretary

NEVADA COMPANY
NEVADA CITY, CALIF.

August 10, 1964

The Planning Commission of Nevada County

Gentlemen:

The Nevada Company, a partnership of Nevada County business men, owns approximately 40 acres directly adjoining property of Brunswick Timber Products Corporation, on which an application has been made for a use permit ^{for a} lumber yard, and in the vicinity of the existing Brunswick Mill, on which property an application has been made for a use permit for a ^{planing mill.} ~~lumber yard~~.

Nevada Company opposes both of these applications for the following reasons:

1) The Lumber Yard Use Permit This proposed use would be inconsistent with the best use of the land on which the application has been made, with the best use of adjoining land which is yet to be developed, with the best use of property across Union Hill Road ~~which is~~ some of which has been developed and some of which is now being developed. The acreage for which the use permit has been applied ~~for~~ is ideal subdivision property, land which could be subdivided with relatively little clearing expense or grading. It is excellently situated, with a pleasant prospect from all sides, and faces property [°] already well developed. These same considerations apply to the land which Nevada Company holds, adjoining the property for which the lumber yard permit has been asked. If such a use permit were granted, the use of Nevada Company lands would be severely limited, subdivision would be out of the question, and it is improbable that the land would be good for any

practical purpose for many years.

The property across Union Hill Road has already been developed to a high degree in small homes, and Sum-Gold subdivision promises much more of the same type of development. Substantial sums of money have been expended on these houses, with the idea that the zone was an A-1 zone, and it is very doubtful if this amount of money and planning and work would have gone into these homes had the owners known a lumber ~~mill~~ yard might be established across the street.

The use is an improper extension of the Brunswick Mill. As presently constituted, the Brunswick Mill is located in a hollow, and although it operates on a use permit making it an exception already to the A-1 Zone, still it is hardly visible from the road. It conducts its operations on land which seems unsuitable for anything else, and did not materially harm an existing neighborhood as the proposed extension of the mill would. However it is to be noted that there is highly desirable land, right on the Brunswick Road, directly opposite the present mill, which has not been developed at all, and it would seem that a good reason for this lack of development is the presence of the existing mill. The union Hill ^{road} land would affect an entirely different neighborhood.

2) The Planing Mill Use Permit Anyone who has had the experience of living in the vicinity of a planing mill which operates eight hours a day, or possibly sixteen hours during heavy seasons, knows the enormous amount of noise such a mill generates. He also knows the high, shrill quality of the sound which carries it great distances to disturb anyone within hearing. Although the planing mill would not affect other property by its appearance (considering that there is already a mill at that location) it would by its sound affect

not only property opposite it, but also the neighborhood for a very considerable distance in all directions.

A second reason for opposing this application is that a planing mill would generate more smoke. It would increase the amount of waste materials to be burned, and add to the present smoke factor which often affects neighborhoods as far as Union Hill. The smoke burden at present is the maximum to be reasonably tolerable, and an increase on this would work a real hardship on homes in the area.

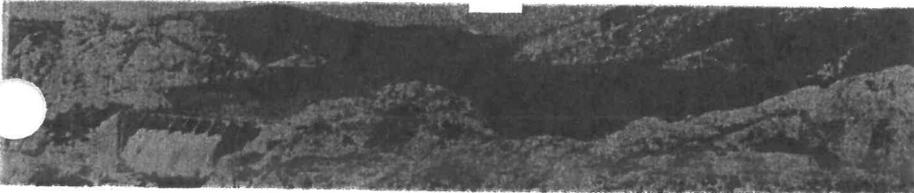
For these reasons, therefore, Nevada Company opposes both applications of Brunswick Timber Products Corporation.

Respectfully submitted,

NEVADA COMPANY

by William C George
president

RECEIVED
AUG 10 1964
NEVADA COUNTY
PLANNING COMMISSION



NEVADA IRRIGATION DISTRICT

260,000 ACRES SITUATED IN NEVADA & PLACER COUNTIES

144 SOUTH AUBURN STREET GRASS VALLEY CALIFORNIA

DIRECTORS

Warren S. Wilson, Pres. Melvin A. Brown, Vice Pres.
Ross E. McBurney, Leonard D. Hmtley, Vernon D. Vineyard

MANAGER

Edwin Koster

ASSESSOR-COLLECTOR-TREASURER

Elton A. Tobiasen

ATTORNEYS
Minasian & Minasian

SECRETARY
H. Georgia Scobie

August 10, 1964

Nevada County Planning Commission
244 Commercial St.
Nevada City, California

Attn: Mr. Roberts, Director

Dear Bill:

Reference is made to the public hearing to be held regarding a Use Permit for a lumber yard for Brunswick Timber Products (196 (A-1) U 64-31, Ap # 6-390-15)

We are concerned for the protection and safety of our D-S Extension Canal and Sum Gold Pipeline, both of which lie to the South of the property under discussion. Natural drainage from this area is toward our canal, and if the permit should be granted some provision should be made for prevention of contaminated run off to the canal.

The Sum Gold Pipeline is placed along the North side of the canal and will have to be crossed by all vehicles entering and leaving the proposed yard.

The consideration of the Board on these items will be appreciated.

Very truly yours,
NEVADA IRRIGATION DISTRICT

Keith Sauers
Keith Sauers
Engineer

KS:dcw

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AUG 10 1964

NEVADA COUNTY
PLANNING COMMISSION

"SUM-GOLD ACRES"

SUM-GOLD CORPORATION, INC.
125 MILL STREET
GRASS VALLEY, CALIFORNIA

August 6th, 1964.

NEVADA COUNTY PLANNING COMMISSION
244 Commercial Street
Nevada City, California.

Att:William N. Roberts, Sect'y.

Dear Mr. Roberts:

Referring to your published notice and letter addressed to property owners in the immediate area, concerning "Use Permit Application for Planing Mill, Brunswick and Union Hill Roads." and "Use Permit Application for Lumber Yard - Brunswick and Union Hill Road".

Because your notice of Public Hearing described the property in the South half of Section 30, TWP. 16 North, Rang 9 East., as containing 77 acres, I called at your office to question the correctness of this description. You produced the Application and the map accompanying same and it was disclosed that 29 acres were designated as the property being represented in the application for a permit. You stated that an error had been made in advertising the entire 77 acres and it should be re-advertised.

To keep the record straight, I must request that only the 29 acres be included in the description of the application and a corrected advertisement and notice be printed, that is published before a hearing is had, Monday August 10th, 1964.

Respectfully submitted
SUM-GOLD CORPORATION, Inc.



By David Maltman, Secretary

DM:bj

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AUG 7 1964

NEVADA COUNTY
PLANNING COMMISSION

Notice of Public
Hearing.

AFFIDAVIT OF PUBLICATION

State of California }
County of Nevada } ss.
EXHIBIT "A"

Constance Suydam, being duly sworn deposes and says that Union Publishing Company now is and during all the times herein named was a corporation duly organized and existing under the laws of the State of California, and now is, and during all the times herein named was the printer and publisher of **The Union**, a newspaper of general circulation as defined by Section 6000 of the Government Code of the State of California printed and published daily (Sundays excepted) in the city of Grass Valley, county of Nevada, State of California, that affiant is the **Principal Clerk** of said Union Publishing Company, that the printed advertisement hereto annexed marked exhibit "A", was published in said **The Union** in the issues of the following named dates: **Date of publication; August 1, 1964.**

Subscribed and sworn to before me this **3rd** day of **August, 1964**

Constance Suydam

Lois I. Shafer

Notary Public in and for the County of Nevada
State of California



LOIS I. SHAFER
My Commission Expires Aug. 15, 1967

31.00

1/4/65

Bill:

Nothing in our files showing Sun
Gold Fine in relation to D-S

Ext. R/w.

I have enclosed a copy of the
easement requested and a map
covering same.

Bob

Recorded in Book of Records # 106
Page 214 — May 27, 1946

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JAN 5 1964

NEVADA COUNTY
PLANNING COMMISSION

AGREEMENT

THIS AGREEMENT, made the day of April, 1946, between IDAHO MARYLAND MINES COMPANY, a Nevada Corporation, and ERROL MacBOYLE, parties of the first part, and NEVADA IRRIGATION DISTRICT, an irrigation district, party of the second part,

WITNESSETH: Whereas, the party of the second part wishes to construct a water canal or ditch over and across certain properties owned by the parties of the first part in the County of Nevada, State of California; and

WHEREAS, the parties of the first part are willing to grant an easement or right of way to the party of the second part for the purpose of constructing a certain water canal or ditch upon certain premises and conditions hereinafter set forth and to be kept and performed by the party of the second part.

Now, therefore, in consideration of the promises, covenants, agreements and stipulations as hereinafter set forth, to be kept and performed by the party of the second part, the parties of the first part hereby grant to the party of the second part a perpetual easement or right of way for the purpose of constructing, maintaining and operating a conduit and/or canal and/or pipe line as the same crosses, or which shall hereafter be constructed to cross over, across, and/or under that portion of the real property of the parties of the first part transferred by the right of way hereinafter particularly described, together with the right of ingress and egress for man with tools and/or equipment required for the repair, maintenance and/or operation of said conduit and/or canal, and/or pipe line upon, over, through and/or across that certain real property situate in the County of Nevada, State of California, and particularly described as follows, to-wit:

PARCEL #7.

A strip of land lying a certain distance on each side of, as indicated below, and parallel to the following described centerline of a canal:

Beginning at a point on the East line of Section 25, Township 16 North, Range 8 East, M.D.B. & M., from which an iron pipe at the Northeast corner of said Section 25, bears N. 1° 12' 40" W., 1516 feet, more or less; thence Westerly and Southwesterly along a grade contour canal of minus 0.045 per centum with land 30 feet to the right, a distance of 457 feet, more or less; thence Southwesterly continuing along said grade contour canal with land 40 feet to the left and 100 feet to the right, a distance of 900 feet, more or less; thence continuing Southwesterly along said grade contour canal with land 30 feet to the left and 30 feet to the right, a distance of 650 feet, more or less; thence Southeasterly, continuing along said grade contour canal with same width of right of way, a distance of 1008 feet, more or less; thence continuing Southwesterly along a flume, with a grade of minus 0.1 per centum, with same width of right of way, a distance of 145 feet, more or less, to a point on the East line of said Section 25, from which an iron drill at the Southeast corner of said Section 25, Township 16 North, Range 8 East, bears S. 1° 22' E., 1404 feet, more or less, containing an area of 6.01 acres, more or less.

PARCEL #8.

A strip of land lying a certain distance on each side of, as indicated below, and parallel to the following described centerline of a canal:

Beginning at a point on the West line of Section 30, Township 16 North, Range 9 East, M.D.B. & M., from which an iron drill at the Southwest corner of said Section 30 bears S. 1° 22' E. 1404 feet, more or less; thence Southeasterly along a flume with a grade of minus 0.1 per centum, with land 30 feet to the left and 30 feet to the right, a distance of 350 feet, more or less; thence continuing Southeasterly along a grade contour canal of minus 0.045 per centum, with same width of right of way, a distance of 510 feet, more or less; thence Southwesterly, continuing along said grade contour canal with land 70 feet to the left and to the creek generally paralleling and averaging 50 feet, more or less, to the right, a distance of 227 feet, more or less; thence continuing Southwesterly along a flume with a grade of minus 0.1 per centum, with land 30 feet to the left and 30 feet to the right, a distance of 180 feet, more or less; thence continuing Southwesterly along a grade contour canal of minus 0.045 per centum, with same width of right of way, a distance of 400 feet, more or less; thence Southerly, continuing along said grade contour canal with same width of right of way, a distance of 250 feet, more or less; thence Southeasterly continuing along said grade contour canal with same width of right of way, a distance of 1020 feet, more or less, to a point on the South line of said Section 30 from which an iron pipe at the SE corner of said Section 30, Township 16 North, Range 9 East, M.D. B. & M., bears N. 87° 24' E., 1509 feet, more or less, containing an area of 4.36 acres, more or less.

PARCEL #9

A strip of land lying a certain distance on each side of, as indicated below, and parallel to the following described centerline of a canal:

Beginning at a point on the North line of Section 31, Township 16 North, Range 9 East, M.D. B. & M., from which an iron pipe at the NE corner of said Section 31, bears N. 87° 24' E., 1509 feet, more or less; thence Southwesterly along a grade contour canal of minus 0.045 per centum, with land 30 feet to the left and 30 feet to the right, a distance of 500 feet, more or less; thence Southeasterly, continuing along said grade contour canal with same width of right of way, a distance of 260 feet, more or less; thence continuing Southeasterly along said grade contour canal with land 30 feet to the left and 30 feet to the right, a distance of 400 feet, more or less; then continuing Southeasterly along said grade contour canal with land 30 feet to the left and 30 feet to the right, a distance of 350 feet, more or less; thence Northeasterly continuing along said grade contour canal with same width of right of way, a distance of 425 feet, more or less, to a point on the West line of property now or formerly owned by J. J. Keensy, from which an iron pipe at the NE corner of said Section 31, Township 16 North, Range 9 East, M.D. B. & M., bears the following courses and distances: N. 1° 19' W., 1346 feet, and N. 87° 24' E., 1000 feet, containing an area of 2.85 acres, more or less.

PARCEL #10.

A strip of land lying a certain distance on each side of, as indicated below, and parallel to the following described centerline of a canal:

BRUNSWICK TIMBER PRODUCTS LUMBER YARD APPEAL

This application covers 29 acres north of the existing mill site as shown on the map, and a separate use permit is required because it covers a new locatinn. The matter was set for hearing on August 10, 1964, following the planing mill hearing. After tabling of the planing mill application, this application was immediately tabled also.

This application was again considered on September 14th after denial of the planing mill application.

Objections to the application were that:

1. Union Hill Road is not wide enough or constructed to accomodate heavy truck traffic into the yard.
2. The possibility of increased fire hazard.
3. The property in the vicinity is developing residentially, and the lumber yard would be an industrial use.
4. Possible pollution of D-S Canal on the lower portion of the site.

The applicant stated this hillside property has suitable air circulation so that the lumber will dry properly , and this is the only suitable site he has been able to find for the purpose. He stated large trucks will not be using Union Hill Road; that he will be using lumber carriers to carry lumber stacks from the mill to the yard and back to the planing mill.

Upon motion carried by a 4-1 vote, the application was denied for the health, safety and welfare of the people in the area.

EXHIBIT 1015

COUNTY OF NEVADA - STATE OF CALIFORNIA

TELEPHONE 265-2130
AREA CODE 916

NEVADA COUNTY PLANNING COMMISSION

244 COMMERCIAL STREET
NEVADA CITY, CALIFORNIA
95959

WILLIAM N. ROBERTS, Director of Planning

September 18, 1964

NOTICE OF DENIAL OF APPLICATION
FOR USE PERMIT AND FINDINGS

TO: Brunswick Timber Products Corp.
P. O. Box 67
Nevada City, California

Use Permit No. 249
P.C.196(A-1)U64-31
Certified No. 298570
AP# 6-390-15

You are hereby notified that the Nevada County Planning Commission, at a regular meeting held on the fourteenth day of September, 1964, after public hearing, did duly consider your application filed on the twenty-third day of August, 1964, under the terms of Nevada County Zoning Enabling Ordinance No. 196, as amended, for operation of a lumber yard on property owned by the applicant, located in an A-1 Zoning District, at the address of Northeast corner of Brunswick Road and Union Hill Road; said property being legally described as follows:

PARCEL NO. 1: THE SURFACE RIGHTS to a depth of Seventy-five (75) feet of a portion of the Southwest $\frac{1}{4}$ of Section 30, Township 16 North, Range 9 East, N. D. E., being more particularly described as follows, to-wit:

Beginning at a point on the West line of the Southwest $\frac{1}{4}$ of Section 30, Township and Range aforesaid, from which the Southwest corner thereof bears South $1^{\circ} 18'$ East 250.57 feet distant; thence from said point of beginning with TRUE BEARINGS North $1^{\circ} 18'$ West and along the West line of the Southwest $\frac{1}{4}$ of Section 30, Township and Range aforesaid, a distance of 638.80 feet to a corner of that certain parcel of land now or formerly owned by John J. Looser; thence leaving the said West line and following the Southerly, Southeasterly and Scutherly lines of the said Looser property the following successive courses and distances, to-wit: North $81^{\circ} 49' 42''$ East 233.85 feet, South $85^{\circ} 17' 26''$ East 114.74 feet, North $58^{\circ} 13' 48''$ East 531.11 feet, North $83^{\circ} 37' 22''$ East 184.48 feet, South $81^{\circ} 45' 32''$ East 29.93 feet, North $87^{\circ} 19'$ East 145.17 feet, North $85^{\circ} 47'$ East 129.78 feet to the Northwest corner of that certain 12.089 acre tract of land now or formerly owned by Harold Berliner et ux; thence following the West line of the said Berliner property South $10^{\circ} 27'$ East 643.92 feet to the Southwest corner of the said Berliner property; thence leaving the said Berliner property South $29^{\circ} 03' 21''$ West 580.30 feet to a point on a North line of that certain County Road known as Union Hill Road; thence following the Northerly line of the said Union Hill Road, the following: South $87^{\circ} 32' 33''$ West 90.00 feet; thence South $88^{\circ} 42' 34''$ West 569.93 feet to the beginning of a

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left curve having a radius of 244.00 feet; thence along said curve in a Westerly direction, consuming an angle of $25^{\circ} 52' 34''$, a distance of 110.20 feet to the end of said curve, thence South $62^{\circ} 50'$ West 62.49 feet to a point on the South line of the Southwest $\frac{1}{4}$ of the said Section 30, Township and Range aforesaid, thence leaving the said Union Hill Road and following the said South line South $87^{\circ} 25' 20''$ West 39.59 feet to a point on a Northeasterly line of that certain County Road known as Brunswick Road; thence leaving the said South line and following the said Northeasterly line North $45^{\circ} 33' 55''$ West 342.34 feet to the place of beginning.

EXCEPTING FROM PARCEL NO. 1 the following described parcel: Beginning at a point from which the Southwest corner of Section 30, Township 16 North, Range 9 East, M. D. M., bears South $49^{\circ} 44' 20''$ West 948.74 feet distant; thence from said point of beginning with TRUE BEARINGS North $52^{\circ} 09'$ West 165.61 feet; thence North $39^{\circ} 36' 49''$ East 136.64 feet; thence South $52^{\circ} 09'$ East 105.61 feet; thence South $52^{\circ} 09'$ East 60.00 feet; thence South $39^{\circ} 36' 49''$ West 136.64 feet to the place of beginning.

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After said hearing and upon the evidence thereat taken, the Commission does hereby notify you that the permit applied for is hereby denied. The Planning Commission does find that:

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The proposed use of land would be detrimental to the health, welfare and safety of the people living in the affected area.

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NEVADA COUNTY PLANNING COMMISSION

William N. Roberts, Secretary

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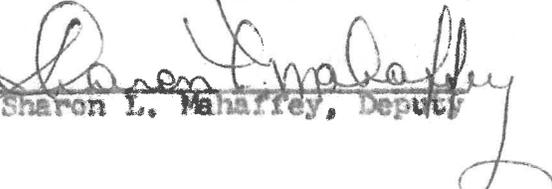
By 
Sharon L. Mahaffey, Deputy

EXHIBIT 1016

For Bert Livingston June 11, 1968

On February 1, 1965, the Brunswick Timber Products Corp., was granted a use permit for a lumber yard subject to the following conditions:

1. The entrance and exit to the drying yard shall be confined to one combined entrance and exit on Union Hill Road located east of the D-S Canal crossing of Union Hill Road.
2. All roads within the drying yard shall be rocked and oiled including entrance and exit in such a manner as to control mud and dust.
3. Adequate fencing shall be placed around the area comprising the drying yard as needed to hinder children's access to a possible "attractive nuisance". Entrance and exit gates shall be kept closed during non-hauling hours.
4. Cut and fill slopes bordering property lines or easement lines shall not be steeper than 1:1 for cut slopes or 1½:1 for fill slopes.
5. Any drying yard shall be operated in compliance with any rules or regulations established by fire regulating agencies.

The applicant is also responsible for compliance with other State laws and county ordinances applicable to the afrestated proposed use.

On February 11, 1965, the Brunswick Timber Products Corp., was granted a use permit for a planing mill subject to the following conditions:

1. The planing mill shall be completely enclosed in a building as far as practical and still allow the free flow of material in and out.
2. Noise suppressants as required by the Industrial Safety Commission shall be installed on the machinery.
3. A blower of sufficient capacity to complete combustion insofar as possible within the burner shall be maintained on the burner.
4. The burner shall be maintained in good operating condition.

The applicant is also responsible for compliance with other State laws and county ordinances applicable to the aforestated proposed use.

February 11, 1965

NOTICE OF APPROVAL OF USE PERMIT APPLICATION
Approved by Board of Supervisors on Appeal

TO: Brunswick Timber Products Corp.
P. O. Box 57
Nevada City, California

Use Permit No. 549-A
P.C. 196(A-1)464-31
AP# 6-390-15
Certified No. 898592

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You are hereby notified that the Board of Supervisors of the County of Nevada, State of California, after hearing held on the seventeenth day of November, 1964, did duly consider your Notice of Appeal received by the County Clerk and Auditor September 22, 1964, of the decision of the Nevada County Planning Commission to deny your application filed on the twenty-third day of July, 1964, for a use permit under Section 7, A-1 District, of Nevada County Zoning Enabling Ordinance No. 196, as amended, for the following purpose:

Construction, operation and maintenance of a lumber yard in an A-1 Zoning District on property owned by the applicant at the address of northeast of the intersection of Brunswick Road and Union Hill Road; Assessor's Parcel No. 6-390-15; said parcel of land being legally described hereinafter.

After said hearing and upon the testimony thereto taken, the said Board of Supervisors, on February 1, 1965, reversed the action of the Planning Commission as you were previously then notified by Certified Mail received by you September 22, 1964, and you are hereby notified that the use permit applied for is hereby granted subject to the following conditions:

1. The entrance and exit to the drying yard shall be confined to one combined entrance and exit on Union Hill Road located east of the D-S Canal crossing of Union Hill Road.
2. All roads within the drying yard shall be rocked and oiled including entrance and exit in such a manner as to control mud and dust.
3. Adequate fencing shall be placed around the area comprising the drying yard as needed to hinder children's access to a possible "attractive nuisance". Entrance and exit gates shall be kept closed during non-hauling hours.
4. Cut and fill slopes bordering property lines or easement lines shall not be steeper than 1:1 for cut slopes or 1 1/2:1 for fill slopes.

February 11, 1965

- The drying yard shall be operated in compliance with any rules or regulations established by fire regulating agencies.

The applicant is also responsible for compliance with other State laws and County ordinances applicable to the aforesaid use.

Said parcel is legally described as follows:

PARCEL NO. 1: THE SURFACE RIGHTS to a depth of Seventy-five (75) feet of a portion of the Southwest $\frac{1}{4}$ of Section 30, Township 16 North, Range 9 East, N. D. N., being more particularly described as follows, to-wit:

Beginning at a point on the West line of the Southwest $\frac{1}{4}$ of Section 30, Township and Range aforesaid, from which the Southwest corner thereof bears South $1^{\circ} 18'$ East 250.57 feet distant; thence from said point of beginning with TRUE BEARINGS North $1^{\circ} 18'$ West and along the West line of the Southwest $\frac{1}{4}$ of Section 30, T. and R. aforesaid, a distance of 636.80 feet to a corner of that certain parcel of land now or formerly owned by John J. Looser; thence leaving the said West line and following the Southerly, Southeasterly and Southerly lines of the said Looser property the following successive courses and distances, to-wit: North $81^{\circ} 49' 42''$ East 213.85 feet, South $85^{\circ} 17' 26''$ East 114.74 feet, North $58^{\circ} 13' 48''$ East 531.11 feet, North $83^{\circ} 37' 22''$ East 184.48 feet, South $81^{\circ} 45' 32''$ East 29.63 feet, North $87^{\circ} 19'$ East 145.17 feet, North $85^{\circ} 47'$ East 129.78 feet to the Northwest corner of that certain 12.055 acre tract of land now or formerly owned by Harold Berliner et ux; thence following the West line of the said Berliner property South $10^{\circ} 27'$ East 643.92 feet to the Southwest corner of the said Berliner property; thence leaving the said Berliner property South $29^{\circ} 03' 21''$ West 580.30 feet to a point on a North line of that certain County Road known as Union Hill Road; thence following the Northerly line of the said Union Hill Road, the following: South $87^{\circ} 32' 33''$ West 50.00 feet; thence South $88^{\circ} 42' 34''$ West 569.93 feet to the beginning of a left curve having a radius of 204.00 feet; thence along said curve in a Westerly direction, consuming an angle of $85^{\circ} 52' 34''$, a distance of 110.80 feet to the end of said curve, thence South $82^{\circ} 50'$ West 62.45 feet to a point on the South line of the Southwest $\frac{1}{4}$ of the said Section 30, T. and R. aforesaid, thence leaving the said Union Hill Road and following the said South line South $87^{\circ} 25' 20''$ West 39.59 feet to a point on a North-easterly line of that certain County Road known as Brunswick Road; thence leaving the said South line and following the said North-easterly line North $45^{\circ} 33' 55''$ West 342.34 feet to the place of beginning.

COPY

February 11, 1963

EXCEPTING FROM PARCEL NO. 1 the following described parcel:
Beginning at a point from which the Southwest corner of Section 30,
Township 16 North, Range 9 East, M. D. N. bears South $49^{\circ} 44' 20''$
West 948.74 feet distant; thence from said point of beginning with
TRUE BEARINGS North $52^{\circ} 09'$ West 165.61 feet; thence North 39°
 $36' 49''$ East 136.64 feet; thence South $52^{\circ} 09'$ East 105.61 feet;
thence South $52^{\circ} 09'$ East 60.00 feet; thence South $39^{\circ} 36' 49''$
West 136.64 feet to the place of beginning.

NEVADA COUNTY PLANNING COMMISSION

William N. Roberts
William N. Roberts, Secretary

cc/Lee Todd, Attorney
Ted Kohler, County Clerk
Bob Hurlbut, Building Inspector

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EXHIBIT 1017

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

COMMERCIAL, INDUSTRIAL, AND MULTIPLE FAMILY RESIDENTIAL SITE PLAN APPLICATION

INSTRUCTIONS: File one copy of the application, attachments, and six copies of the site plan with the Planning Department; also, if required, an Environmental Rating Form for review and evaluation of environmental impact the project may create. The site plan will take a minimum of three weeks to process and if an Environmental Rating Form is required, another three weeks is needed if a negative declaration is approved, and additional time if a full Environmental Impact Report is needed.

Site Plan Number SP 76-10 Date 4-22-76
Name of Applicant BRANSWICK TIMBER PRODUCTS
Address P.O. BOX 2027
City Grass Valley, CA State _____ Zip 95945
Legal Owner of Property and Address BRANSWICK TIMBER PRODUCTS

Location of Property BRANSWICK ROAD

Date Property purchased by Current Owner _____

Legal Description: Section 31 Township 16N Range 9E

Assessor's Parcel Number 6-44-03 Zoning or General Plan M-1

Acreage or Square Footage of Property 80+

Setbacks: Front _____, Rear _____, Side Yards: Right _____, Left _____

Description of Proposed Use Log storage yard. Move existing scaling platform

(Attach additional sheets if necessary)

Size of Building _____ (Sq. Ft). Parking provided yes

Hours and days of Operation _____ No. of Employees/or Units _____

Water Supply yes Sewage Disposal yes

Size and Location of Signs _____

Signature: Max Williamson Date: 4-20-76

TO

Brunswick Timber Products

P. O. Box 2027

Grass Valley, California 95945

FROM

Planning Department
Courthouse
Nevada City, Calif. 95959

SUBJECT Site plan for log yard expansion

DATE 4 / 22 / 76

MESSAGE I am enclosing your check number 24086 in the amount of \$35.00. The filing fee for an environmental rating form relative to a site plan is \$25. Please make your new check in the amount of \$25 payable to the Nevada County Treasurer and forward to the Planning Department, Attn: Jennifer Dunger. This does not affect the processing of the application, however, the first available agenda for the Advisory Review Committee is May 13, 1976, for consideration of the environmental rating form.

If you have any questions, please do not hesitate to call me.

SIGNED Jennifer Dunger, Steno II

REPLY

SIGNED

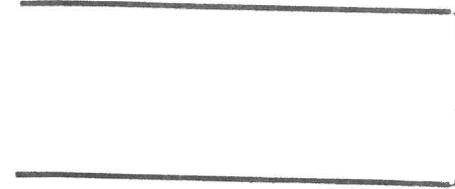
DATE

SEND PARTS 1 AND 3 WITH CARBON INTACT - PART 3 WILL BE RETURNED WITH REPLY.

Rediforme 45 472

Poly Pak (50 sets) 4P472

DETACH AND FILE FOR FOLLOW - UP



7. EIS76-113. Proposed division (PM76-166) of 10 acres into two 2.7-acre parcels and two 2.3-acre parcels for John McBain. The property is located between Slack's Ravine and the China Ditch, east of Mooney Flat Road.

8. EIS76-114. Proposed division (PM76-171) of 6.6 acres into three 2.2-acre parcels for Roy Cox. The property is located south of You Bet Road, east of Colfax Highway.

9. EIS76-115. Proposed division of 10 acres (PM76-172 into four 2.5-acre parcels for Julius Ward. The property is located on the south side of You Bet Road, east of Colfax Highway.

10. EIS76-116. Proposed division (PM76-173) of 1.28 acres into one lot containing 10,000 square feet, 2 lots containing 7,500 square feet and 6 lots containing 5,000 square feet for James Palmer. The property is located on the northwest side of McCourtney Road, southwest of Brighton Street, Grass Valley.

Notice for Publication, Etc. (T

ENVIRONMENTAL IMPACT

AFFID

ICATION

In the Superior Court
State of California
County of Nevada } ss.

EXHIBIT "A"

PUBLIC NOTICE

NOTICE OF ENVIRONMENTAL IMPACT NEGATIVE DECLARATION

Notice is hereby given that the Advisory Review Committee, on June 24, 1976, issued negative declarations on the following projects in respect to any environmental impact:

1. EIS76-80. Site plan (SP76-10) for the proposed expansion of the Brunswick Mill log storage yard and the relocation of the existing scaling platform. The property involved is the site of the existing Brunswick Mill located on the southwest side of Brunswick Road, west of Grass Valley.
2. EIS76-108. Proposed division (PM76-164) of 18,002 acres into parcels of 8,067 acres, 4,756 acres and 5,179 acres for Vincent Moore. The property is located on the north side of You Bet Road, southeast of Grass Valley.
3. EIS76-109. Tentative map (FM76-14) proposing 7 condominium units on .732 acre to be known as Hadley Manor Houses. The project is located at Donner Lake on the south side of Donner Pass Road and is the site of the existing Donner Lake Resort consisting of one residence and 7 motel units. The property is currently within the "C1-PD" Neighborhood Commercial, Planned Development District and the property owner has petitioned to change that zoning to "R2-PD" Multi-family Residential, Planned Development District. The property is owned and being developed by H & M Enterprises.
4. EIS76-110. Proposed division (PM76-165) of 6.4 acres into one 5.4-acre parcel and one 1-acre parcel for Dart Industries. The property is located on the northeast corner of Northwoods Boulevard and Donner Pass Road, Truckee.
5. EIS76-111. Petition of William and Patricia Eddy (Z76-19) to amend Zoning District Map Nos. 1242 and 2131 from the current "A1" General Agricultural District to establish an "A1-MH" General Agricultural, mobile homes permitted, District. The property is located along Indian

11. EIS76-117. Proposed division of 3 acres into two 1.5-acre parcels for Henry R. Noble, et ux. The property is located on the east side of State Highway 49, south of Grass Valley.

12. EIS76-118. Proposed division (PM76-175) of 8.8 acres into four 2.2-acre parcels for Julius Ward. The property is located east of Pine Cone Circle and Brooks Road, southeast of Grass Valley.

13. EIS76-121. Proposed division (PM76-179) of 162 acres into parcels of 46 acres and 116 acres for Hubert Prestel. The property is located east of State Highway 49 and north of the Bear River.

14. EIS76-123. Tentative map (FM76-15) of Terrace Pines proposing 11 lots on 11 plus acres and being developed by Robert Harlow. The property is located on the north side of Colfax Highway between the Partridge and Grandview Terrace subdivisions. Accompanying the tentative map is the petition of Newmont Exploration Limited to rezone the property from "R1-2(PD)10,000" Single-family Residential, minimum lot size two acres, with a planned development combining district of one unit for each 10,000 square feet of area if served by a public water supply and sewer system, to establish an "R1-X" Single-family Residential, with the minimum lot size to remain as shown on the record map.

Questionnaires, accompanying data and statements are on file in the Planning Department, Courthouse, Nevada City, California, and are available for public examination. Within 15 days from the date of filing a negative declaration with the County Clerk (filing date June 28, 1976), an appeal of the action of the Advisory Review Committee may be filed with the Planning Commission. State law provides for a 30-day stay period before any further action may be taken on the project. Except as otherwise required by applicable laws of the County of Nevada and/or State of California and unless written objections specifying grounds are filed in accordance with the adopted procedures, said action of the Advisory Review Committee shall be final.

John L. Oats
clerk of the Nevada County Public that the Nevada County Publishing during all times herein named, was organized and existing under the of California, and now is, and during amed was the printer and publisher newspaper of general circulation, as n 6000 of the Government Code of ornia, printed and published daily) in the City of Grass Valley, County f California, and that affiant is the said Nevada County Publishing Co.

Advertisement hereto annexed, marked published in the said UNION, in the ing named dates:

penalty of perjury, that the foregoing valley, California, this .. 2nd .. 19 76.

NEVADA COUNTY
ADVISORY REVIEW
COMMITTEE
(Mrs.) SHARON M. BOIVIN,
Planning Director
Date of Publication: July 2, 1976.

John L. Oats

NOTICE OF
ENVIRONMENTAL IMPACT
NEGATIVE DECLARATION

Notice is hereby given that the Advisory Review Committee, on June 24, 1976, issued negative declarations on the following projects in respect to any environmental impact:

1. EIS76-80. Site plan (SP76-10) for the proposed expansion of the Brunswick Mill log storage yard and the relocation of the existing scaling platform. The property involved is the site of the existing Brunswick Mill located on the southwest side of Brunswick Road, west of Grass Valley.
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6. EIS76-112. Proposed division (PM76-166) of 8.24 acres into two 1-acre parcels, one 6-acre parcel and a remainder of .24-acre to be combined with an adjacent ownership. The property is owned by Mr. E. A. Wallis and is located on the north side of Red Dog Road, east of Nevada City.
7. EIS76-113. Proposed division (PM76-168) of 10 acres into two 2.7-acre parcels and two 2.3-acre parcels for John McBain. The property is located between Slack's Ravine and the China Ditch, east of Mooney Flat Road.
8. EIS76-114. Proposed division (PM76-171) of 6.6 acres into three 2.2-acre parcels for Roy Cox. The property is located south of You Bet Road, east of Colfax Highway.
9. EIS76-115. Proposed division of 10 acres (PM76-172) into four 2.5-acre parcels for Julius Ward. The property is located on the south side of You Bet Road, east of Colfax Highway.
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Questionnaires, accompanying data and statements are on file in the Planning Department, Courthouse, Nevada City, California, and are available for public examination. Within 15 days from the date of filing a negative declaration with the County Clerk (filing date June 28, 1976), an appeal of the action of the Advisory Review Committee may be filed with the Planning Commission. State law provides for a 30-day stay period before any further action may be taken on the project. Except as otherwise required by applicable laws of the County of Nevada and/or State of California and unless written objections specifying grounds are filed in accordance with the adopted procedures, said action of the Advisory Review Committee shall be final.

NEVADA COUNTY ADVISORY REVIEW COMMITTEE
(Mrs.) Sharon M. Boivin, Planning Director
DATE OF PUBLICATION: July 2, 1976
THE UNION

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL. (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

TO: Department of Public Works
Health Department
Soil Conservation Service
Air Quality Control Officer
Ophir Hill Fire District

FROM: Planning Department

SUBJECT: EIS Questionnaire (EIS76-80) and Site Plan
(SP76-10).

DATE: April 22, 1976

Enclosed is the EIS questionnaire and site plan submitted by Brunswick Timber Products for the proposed expansion of the log storage yard and the relocation of the existing scaling platform to the new entrance area. The property involved is the site of the Brunswick Mill located on the southwest side of Brunswick Road, west of Grass Valley (Assessor's Parcel No. 6-441-05).

The Advisory Review Committee will consider the EIS questionnaire at 9:30 a.m., on Thursday, May 13, 1976, in the Supervisors' Room, Courthouse, Nevada City, California. Your written comments are required by May 12, 1976.

Very truly yours,

(Mrs.) Sharon M. Boivin
Planning Director

By: 
James Louie
Assistant Planning Director

SMB:JL/jsd

cc: Max Williamson, Brunswick Timber Products

COMMERCIAL, INDUSTRIAL, AND MULTIPLE FAMILY RESIDENTIAL SITE PLAN APPLICATION

INSTRUCTIONS: File one copy of the application, attachments, and six copies of the site plan with the Planning Department; also, if required, an Environmental Rating Form for review and evaluation of environmental impact the project may create. The site plan will take a minimum of three weeks to process and if an Environmental Rating Form is required, another three weeks is needed if a negative declaration is approved, and additional time if a full Environmental Impact Report is needed.

Site Plan Number SP 76-10 Date 4-22-76

Name of Applicant BRANSWICK TIMBER PRODUCTS

Address P.O. BOX 2027

City GRASS VALLEY, CA State _____ Zip 95945

Legal Owner of Property and Address BRANSWICK TIMBER PRODUCTS

Location of Property BRANSWICK ROAD

Date Property purchased by Current Owner _____

Legal Description: Section 31 Township 16N Range 9E

Assessor's Parcel Number 6-44-03 Zoning or General Plan M-1

Acreage or Square Footage of Property 80+

Setbacks: Front _____, Rear _____, Side Yards: Right _____, Left _____

Description of Proposed Use LOG STORAGE YARD. MOVE EXISTING SCALING PLATFORM

(Attach additional sheets if necessary)

Size of Building _____ (Sq. Ft). Parking provided YES

Hours and days of Operation _____ No. of Employees/or Units _____

Water Supply YES Sewage Disposal YES

Size and Location of Signs _____

Signature: Max Williamson Date: 4-20-76

ENVIRONMENTAL RATING FORM

Name and Address of Applicant(s)

MINNICK TIMBER PRODUCTS
PO BOX 2027
GRASS VALLEY, CAL

Type of Project LOG YARD EXPANSION

Location or Assessor's Parcel Number G-44-03 &

Section 31 Township T 16 N Range R 9 E

Date of Submittal 4/20/76

Plot Plan or map attached, dated 4/19/76

Area in acres 20 A±

The answers to the attached questions shall be used as criteria for the Advisory Review Committee to determine whether a project can qualify for a "negative declaration". If a "negative declaration" is not issued the project sponsor will be required to prepare a draft environmental impact report subject to the criteria available in the Planning Department.

For questions 1 through 9 write the following terms in the space provided: none (no effect whatsoever), trivial (a minor effect), moderate (more than the average effect), significant (a substantial effect). For questions 10 through 23 check whether yes or no. If unknown, write "unknown" across the Yes-No spaces.

If an explanation of an answer is needed, attach the material to this form.

NOISE PROJECT:

1. Involve drainage into a lake, stream or other perennial water course? ALL DRAINAGE GOES TO (insert term) SETTLING POND
2. Have an impact on utilities and services such as:
 - a. Gas, water, and electricity? NONE
 - b. Emergency, police, and fire? ATTACHED
 - c. Traffic and traffic controls? ATTACHED
 - d. Schools? NONE
 - e. Sanitation systems (treatment)? NONE
 - f. Solid waste disposal? NONE
 - g. Other? _____
3. Have an impact on the Air Quality? NONE
4. Create noise? ATTACHED
5. Generate amounts of sewage? NONE
6. Remove or destroy amounts of trees and other flora? ATTACHED
7. Have an effect on the fauna (fish, deer, and other wildlife) in the region? ATTACHED
8. Have any effect on the health and safety of the future occupants and/or existing population in the area? NONE
9. Have an effect on the employment and tax base of the County? YES
10. Conflict with existing land uses in the area — X *

- | | Yes | No |
|--|----------|----------|
| 11. Aesthetic: compare with the surrounding area? | <u>X</u> | <u>—</u> |
| 12. Does the project conflict with applicable general plans and specific plans of the County of Nevada? (See Notes). | <u>—</u> | <u>X</u> |
| 13. Could the project affect the use of a recreational area, or area of important visual value? | <u>—</u> | <u>X</u> |
| 14. Will any natural or man-made features in the project area which are unique, that is, not found in other parts of the County, State, or Nation, be affected? (See Notes). | <u>—</u> | <u>X</u> |
| 15. Will the project involve construction of facilities on a slope of 20 percent or greater? | <u>—</u> | <u>X</u> |
| 16. Will the project involve construction of facilities in an area of geologic hazards? | <u>—</u> | <u>X</u> |
| 17. Could the project change existing features or involve construction in any flood plain, lake, stream, marsh or watercourse? | <u>—</u> | <u>X</u> |
| 18. Is the project, as part of a larger project, one of a series of cumulative actions, which although individually small, may as a whole have significant environmental impact? | <u>X</u> | <u>*</u> |
| 19. Could the project change existing features of any of the region's lake shorelines or stream beds? | <u>—</u> | <u>X</u> |
| 20. Could the project serve to encourage development of present undeveloped areas or intensify development of already developed areas? (See Notes). | <u>—</u> | <u>X</u> |
| 21. Will the project involve the application, use, or disposal of potentially hazardous materials? (See Notes) | <u>—</u> | <u>X</u> |
| 22. Could the project significantly affect the potential use, extraction, or conservation of a natural resource? (See Notes). | <u>—</u> | <u>X</u> |
| 23. Could the project result in damage to soil capability or loss of agricultural land? | <u>—</u> | <u>X</u> |
| 24. Additional remarks: _____ | | |

I declare under penalty of perjury that the foregoing statements are true and correct except as to those statements which are declared on information and belief and as to the statements I believe true to be true.

Executed at Grass Valley on the 20th day of April 1976

Max D. Williamson
Signature.

*On site plans, show any on-site or nearby lakes, streams, or other water courses.

- FILING FEES**
- A. Evaluating environmental questionnaires and related data and where proper the publication and issuance of negative declarations thereto in relation to planning matters:
 1. Minor lot splits, variances and site plans.... \$25.
 2. All others (minor conditional use permits).... 35.
 - B. Review of major projects and the publication of and writing of any Negative Declarations thereto (if applicable) 50.
 - C. Publication of notice on EIR and preparation of final EIR upon adoption by the responsible agency..... 50.
 - D. In matters concerning paragraph A., if it can be determined on the face of the questionnaire that no further investigation is required only the publication fee will be charged.

E1576-80

NOTES

12. Does the project conflict with applicable general plans, and specific plans of the County of Nevada?

This question should be considered with regard to:

- Land use
- Density
- Provision of low and moderate income housing
- Rate of growth
- Design of site
- Provision of needed facilities

14. Will any natural or man-made features in the project area which are unique, that is not found in other parts of the County, State or Nation, be affected?

Unique features include those areas, structures, biological phenomena etc., that exhibit distinguishing characteristics not found in other areas, or only in a small number of other areas. Such features can be either good or bad for human health, safety, comfort or convenience.

20. Could the project serve to encourage development of presently undeveloped areas or intensify development of already developed areas?

Examples include the introduction of facilities such as streets, roads, water mains or sewerage lines in such a manner as to facilitate development or intensification of the use of an area.

21. Will the project involve the application, use, or disposal of potentially hazardous materials?

Examples include but are not limited to pesticides, toxic substances and radioactive wastes.

22. Could the project significantly affect the potential use, extraction, or conservation of a scarce natural resource?

Examples include but are not limited to:

Developments which effectively preclude the extraction of the region's rock, sand, gravel, or other mineral resource.

Uses which effectively preclude the multiple use of regional natural resources in scarce supply.

Activities which tend to diminish the supply or availability of regional natural resources that are in scarce supply.

Reviewed by the Nevada County Advisory Review Committee on _____

Based on the above review, it is found that an environmental impact statement is required.

Signed

Date

Negative Declaration

Based on the above review (and statement below) it is found that this project does not cause any significant environmental impact.

Signed

Date

Statement of No Significant Environmental Effects

For any points answered "yes" or "unknown", the reasons for a negative declaration are as follows:

NOTE: The Advisory Review Committee may distribute copies of the questionnaire and comments to any public agency which has jurisdiction by law, or special expertise with respect to any environmental effect of the project

Brunswick Timber Products Corporation

P.O. BOX 2027 GRASS VALLEY, CALIFORNIA 959

TELEPHONE 273-9572

AREA 916

Attachment to Environmental Rating Form

- 2b Trivial: cleanup of bark residue on area will eliminate fire and air pollution problem.
- 2c Trivial: the new entrance is to permit smoother truck flow and better use of storage facilities. Congestion in egress and ingress should be eased. It is not expected that additional traffic will occur.
- 4 The buffer zone, design of the yard, and dispersed use should reduce the noise. The scaling platform and less frequently used decks will be the main occupants of the area.
- 6 Moderate: most of the area was already cleared.
- 7 As per 6, area is already mostly cleared.
- 9 Additional employment may result because of increased utilization of the timber resource.
- 10 Trivial: area is adjacent to present log yard.
- 18 This project is part of a larger one that includes renovation of the present log yard. The overall drainage will be improved and siltation reduced. The overall effect will be a smoother flow of trucks turning off Brunswick Road, reducing backup of trucks onto Brunswick Road, better dispersion of trucks in log yard, more efficient stacking of logs, and reduced use of log loaders. The net benefits should be reduced dust, mud, and noise.

Form EIR-1
4/5/73

EIR No. 76-80

COUNTY CLERK OF THE COUNTY OF NEVADA
Courthouse
Nevada City, California 95959

NEGATIVE DECLARATION

Please file this Negative Declaration pursuant to Section 21152 of the Public Resources Code of the State of California.

Responsible Agency: County of Nevada, California	Contact Person James Louie	Telephone: 265-2461 X260
Address: Courthouse	City: Nevada City	County: Nevada
		Zip Code: 95959
Project Title: Site Plan SP76-10	Area in Acres: 20 acres	Zoning: M1
Project Address: Brunswick Mill located on the southwest side of Brunswick Road, west of G.V.	Assessor's Parcel Numbers: 6-441-05	
Project Description or Nature, Purpose, and Beneficiaries: Site plan (SP76-10) for the proposed expansion of the Brunswick Mill log storage yard and the relocation of the existing scaling platform. The property involved is the site of the existing Brunswick Mill located on the southwest side of Brunswick Rd., west of Grass Valley.		
Finding That the Proposed Project Will Not Have a Significant Effect on the Environment: specifically in the following areas: (1) it will not have the potential to degrade the quality of the environment or curtail the range of the environment; (2) it will not achieve short-term, to the disadvantage of long-term, environmental goals; (3) it will have no impacts which are individually limited, but cumulatively considerable; (4) it will not cause substantial adverse effects on human beings, either directly or indirectly. If the project is approved and if there are any potential environmental impacts, they may be mitigated through conditions of approval on the site plan.		
Date of Finding: June 24, 1976	Attest: James Louie Signed: <u>James Louie</u> For Responsible Agency <u>Asst. Planning Director</u> Title	File With County Clerk: RECORDED JUN 24 1976 Linda Munoz

ENVIRONMENTAL RATING FORM

Name and Address of Applicant(s)

BRUNSWICK TIMBER PRODUCTS
P.O. Box 2027
GRASS VALLEY, CALIF.

Type of Project LOG SKID EXHAUST

Location or Assessor's Parcel Number C 44-03

Section 31 Township T 16 N Rge R 9 E

Date of Submittal 4/26/76

Plot Plan or map attached, dated 4/19/76

Area in acres 26.8 ±

The answers to the attached questions shall be used as criteria for the Advisory Review Committee to determine whether a project can qualify for a "negative declaration". If a "negative declaration" is not issued the project sponsor will be required to prepare a draft environmental impact report subject to the criteria available in the Planning Department.

For questions 1 through 9 write the following terms in the space provided: none (no effect whatsoever), trivial (a minor effect), moderate (more than the average effect), significant (a substantial effect). For questions 10 through 24 check whether yes or no. If unknown, write "unknown" across the Yes-No spaces.

If an explanation of an answer is needed, attach the material to this form.

IMPACTS OF THE PROJECT:

1. Involve drainage into a lake, stream or other perennial water course? ALL DRAINAGE FLOWS TO SETTLEMENT AREA
 2. Have an impact on utilities and services such as:
 - a. Gas, water, and electricity? NONE
 - b. Emergency, police, and fire? ATTAINABLE
 - c. Traffic and traffic controls? ATTAINABLE
 - d. Schools? NONE
 - e. Sanitation systems (treatment)? NONE
 - f. Solid waste disposal? NONE
 - g. Other? _____
 3. Have an impact on the Air Quality? NONE
 4. Create noise? ATTAINABLE
 5. Generate amounts of sewage? NONE
 6. Remove or destroy amounts of trees and other flora? ATTAINABLE
 7. Have an effect on the fauna (fish, deer, and other wildlife) in the region? ATTAINABLE
 8. Have any effect on the health and safety of the future occupants and/or existing population in the area? NONE
 9. Have an effect on the employment and tax base of the County? YES
- YES NO
10. Conflict with existing land uses in the area X *

- Yes No
11. Aesthetically compare with the surrounding area? X
 12. Does the project conflict with applicable general plans and specific plans of the County of Nevada? (See Notes). _____
 13. Could the project affect the use of a recreational area, or area of important visual value? _____
 14. Will any natural or man-made features in the project area which are unique, that is, not found in other parts of the County, State, or Nation, be affected? (See Notes). _____
 15. Will the project involve construction of facilities on a slope of 20 percent or greater? _____
 16. Will the project involve construction of facilities in an area of geologic hazards? _____
 17. Could the project change existing features or involve construction in any flood plain, lake, stream, marsh or watercourse? _____
 18. Is the project, as part of a larger project, one of a series of cumulative actions, which although individually small, may as a whole have significant environmental impact? X
 19. Could the project change existing features of any of the region's lake shorelines or stream beds? _____
 20. Could the project serve to encourage development of present undeveloped areas or intensify development of already developed areas? (See Notes). _____
 21. Will the project involve the application, use, or disposal of potentially hazardous materials? (See Notes) _____
 22. Could the project significantly affect the potential use, extraction, or conservation of a natural resource? (See Notes) _____
 23. Could the project result in damage to soil capability or loss of agricultural land? _____
 24. Additional remarks: _____

I declare under penalty of perjury that the foregoing statements are true and correct except as to those statements which are declared on information and belief and as to statements I believe true to be true.

Executed at Grass Valley on the 20th day of April 1976
Max D. Williamson
 Signature.

*On site plans, show any on-site or nearby lakes, streams or other water courses.

PROJECT FEES

- A. Evaluating environmental questionnaires and related data and where proper the publication and issuance of negative declarations thereto in relation to planning matters:
 1. Minor lot splits, variances and site plans... \$:
 2. All others (minor conditional use permits).... :
- B. Review of major projects and the publication of and writing of any Negative Declarations thereto (if applicable)
- C. Publication of notice on EIR and preparation of final EIR upon adoption by the responsible agency.....
- D. In matters concerning paragraph A., if it can be determined on the face of the questionnaire that no further investigation is required only the publication fee will be charged.

E1576-80

NOTES

12. Does the project conflict with applicable general plans, and specific plans of the County of Nevada?

This question should be considered with regard to:

- Land use
- Density
- Provision of low and moderate income housing
- Rate of growth
- Design of site
- Provision of needed facilities

14. Will any natural or man-made features in the project area which are unique, that is not found in other parts of the county, State or Nation, be affected?

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Examples include the introduction of facilities such as streets, roads, water mains or sewerage lines in such a manner as to facilitate development or intensification of the use of an area.

21. Will the project involve the application, use, or disposal of potentially hazardous materials?

Examples include but are not limited to pesticides, toxic substances and radioactive wastes.

22. Could the project significantly affect the potential use, extraction, or conservation of a scarce natural resource?

Examples include but are not limited to:

- Developments which effectively preclude the extraction of the region's rock, sand, gravel, or other mineral resource.
- Uses which effectively preclude the multiple use of regional natural resources in scarce supply.
- Activities which tend to diminish the supply or availability of regional natural resources that are in scarce supply.

Reviewed by the Nevada County Advisory Review Committee on _____

Based on the above review, it is found that an environmental impact statement is required.

Signed _____

Date _____

Negative Declaration

Based on the above review (and statement below) it is found that this project does not cause any significant environmental impact.

Signed _____

Date _____

Statement of No Significant Environmental Effects

For any points answered "yes" or "unknown", the reasons for a negative declaration are as follows:

NOTE: The Advisory Review Committee may distribute copies of the questionnaire and comments to any public agency which has jurisdiction by law, or special expertise with respect to any environmental effect of the project

Brunswick Timber Products Corporation

P.O. BOX 2027 GRASS VALLEY, CALIFORNIA 95945

TELEPHONE 273-9572

AREA 916

Attachment to Environmental Rating Form

- 2b Trivial: cleanup of bark residue on area will eliminate fire and air pollution problem.
- 2c Trivial: the new entrance is to permit smoother truck flow and better use of storage facilities. Congestion in egress and ingress should be eased. It is not expected that additional traffic will occur.
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- 18 This project is part of a larger one that includes renovation of the present log yard. The overall drainage will be improved and siltation reduced. The overall effect will be a smoother flow of trucks turning off Brunswick Road, reducing backup of trucks onto Brunswick Road, better dispersion of trucks in log yard, more efficient stacking of logs, and reduced use of log loaders. The net benefits should be reduced dust, mud, and noise.

Brunswick Timber Products Corporation

P.O. BOX 2027 GRASS VALLEY, CALIFORNIA 95945

TELEPHONE 273-9572
AREA 916

June 7, 1976

Mr. James Louie
County of Nevada
Planning Department
Courthouse
Nevada City, California 95959

Dear Sir:

In reply to your letter of June 1, 1976, we offer the following:

(1) Water Quality:

We are working with Sandra Houck of the Central Valley Water Control Board and have established a working relationship with her. When our plans are able to be completed, we will have a closed cycle water use system for our log yard and sawmill.

(2) Erosion Control Measures:

The log yard has been sloped so that almost all of the bare ground slopes from Brunswick Road to the cut bank on the West side of the yard and North to our recycling ponds. These ponds will collect sediment and bark. There will be some bare cut and fill slopes which are needed for fire protection both from external and internal fires. These slopes are no more extensive than cut and fill slopes on highways.

(3) Clear Cutting:

It is impossible to leave trees in the log yard. Safety demands that they be removed. If trees were left, soil compaction around them would soon cause their death.

(4) Grading:

The entire log yard has been graded to drain all water into our recycling ponds. There is a small portion of the yard that drains toward stream channel which will not be used until it has been raised and drained into our wastewater collection system.

(5) Setback from trees:

There will be a bare space between log deck and trees maintained to provide access around the log deck. This area will reduce danger of fires entering log deck from without and also internal fires from escaping. We plan to meet the requirements of the Public Resources Code.

Mr. James Louie
Planning Department - Con't.

(6) Siltation Basin:

The siltation basin has been deepened and cleaned. We will install a recycling pump and expand our log sprinkling system to cover almost all of our log decks. The siltation basin will be cleaned out as needed. When all the necessary work has been done, there should be no overflow from the siltation basin. We will be working with Sandra Houck to develop these ponds in a manner which is satisfactory to the Central Valley Water Quality Control Board

Sincerely yours,

BRUNSWICK TIMBER PRODUCTS CORP.

Max Williamson
Forester

MW:ms

Yuba River Lumber Company Inc.

RECEIVED

P.O. DRAWER U
GRASS VALLEY, CALIFORNIA 95945

TELEPHONE 265-4521
AREA 916

JUN 4 1976

June 2, 1976

NEVADA COUNTY
PLANNING DEPARTMENT

County of Nevada
Department of Planning
Courthouse
Nevada City, California 95959

Dear Mrs. Boivin:

Enclosed you will find a revised map showing our revised log yard. We will not be constructing a new entrance to the log yard, now will we be relocating the trailer loader. We may move the scaling platform slightly within the old log yard boundaries.

The log yard has been sloped from Brunswick Road toward the cut bank where a drainage ditch will carry all yard drainage into our recirculating ponds. An enlarged log sprinkling system will be installed which will recycle all waste water. Drainage from areas outside of the log yard has been channeled into the natural stream channel

We wish to go on record as to why we were not in attendance at an Advisory Review Committee Meeting on the morning of May 27, 1976.

1. A letter signed by Patrick S. Norman dated May 13, 1976, in which I quote the last sentence of paragraph two: " We will be in touch with you concerning the time and date of the meeting "
2. On May 25, 1976, Jerry Dayton of the Ophir Hill Fire District called Ted French and discussed a meeting to be held on the morning of May 27, 1976.
3. On May 26, I called Patrick Norman to ask for a time and place of the meeting and if Sandra Houck was involved. Mr. Norman informed me that the people involved in the meeting wanted to meet at the Brunswick Mill, and then adjourn to someplace else for their formal meeting. He also stated that Sandra Houck would be with the group.
4. Late in the afternoon of May 26, I again called Mr. Norman to remind him that I would be at the Brunswick Mill, not at Yuba River Retail, and that he should be sure to inform Sandra Houck of this, and that I would do other work at my office until the group arrived.

County of Nevada, Con't.

5. On May 27, I was very busy doing productive work in my office. About 10:00 A.M., I began to worry and about 11:00 A.M., I called Mr. Norman to find out where all the people were. It was only then did I find out there had been a meeting which started at 9:30 A.M. in the Courthouse.

6. The telephone call we received from Mr. Dayton was unofficial and completely negated by my subsequent conversation with Mr. Norman.

We request that your official records show that our non-appearance at the May 27, 1976 meeting was entirely the failure of your office to communicate with us and that we made every effort to try to attend this meeting.

Sincerely,

Max Williamson

Max Williamson
Forester

MW:ms

Enclosure

*Mr. Rogers
Brunswick Timber
273-9572*

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL. (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

TO: Department of Public Works
Health Department
Soil Conservation Service
Air Quality Control Officer
Ophir Hill Fire District

FROM: Planning Department

SUBJECT: EIS Questionnaire (EIS76-80) and Site Plan
(SP76-10).

DATE: April 22, 1976

Enclosed is the EIS questionnaire and site plan submitted by Brunswick Timber Products for the proposed expansion of the log storage yard and the relocation of the existing scaling platform to the new entrance area. The property involved is the site of the Brunswick Mill located on the southwest side of Brunswick Road, west of Grass Valley (Assessor's Parcel No. 6-441-05).

The Advisory Review Committee will consider the EIS questionnaire at 9:30 a.m., on Thursday, May 13, 1976, in the Supervisors' Room, Courthouse, Nevada City, California. Your written comments are required by May 12, 1976.

Very truly yours,

(Mrs.) Sharon M. Boivin
Planning Director

By: 
James Louie
Assistant Planning Director

SMB:JL/jsd

cc: Max Williamson, Brunswick Timber Products

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

1230 E. Main St., Grass Valley, CA 95945

(916) 273-4153

SUBJECT: EIS76-80 - Brunswick Timber Products -
Storage Expansion

DATE: May 5, 1976

TO: Nevada County Planning Department
Nevada City, California

Attached is the information requested on this project. Included is a brief description of the situation and suggested solutions to the particular problems we see.

If I can be of any further assistance concerning this project, please do not hesitate to call.

Sincerely,



Dale Brogan
Soil Conservationist
Grass Valley Field Office

Attch



5/5/76

Situation -

Yard expansion of an existing log yard is proposed. The area will be or has been cleared and will be graded to facilitate the proposed use.

Soils found in this area are gradable, being deep soils.

The area will be subjected to surface drain water, which has the possibility of carrying large quantities of sediment. This is, in part, due to the surface area of the yard being exposed soil. Natural traffic will no doubt compact this soil, which will have a tendency to accelerate the run-off water. It has been proposed that drainage will be diverted into a sediment pond. This will help reduce sediment load of the water.

Suggested Solution -

With regard to this land use, it is recommended that:

1. A buffer zone of natural vegetation be left bordering Brunswick Road.
2. In areas along the perimeter of the development where topography lends itself to draining water onto surrounding lands, a berm of sufficient height and grade be constructed to contain the flow. Further, this flow to be diverted and carried to a common collection point. At this point, water should be treated in a manner that will eliminate sedimentation problems once the water enters a major water course. The applicant has mentioned the item of sediment ponds to accomplish this. Serious consideration should be given to the proper placement, size and number of ponds to do this job. All ponds should be constructed in a manner that will facilitate their periodic removal of sediment. All such sediment removed should be spread and revegetated.

3. All water once collected and treated for removal of sediments should be returned to the natural water course in a manner not to cause significant erosion. This may be accomplished by creating a protected drainway with vegetation and rock rip-rap or culverting.
4. All culverts should have inlets and outlets protected with rip-rap or similar material.
5. All fills created should have their slope revegetated and stabilized.
6. Access roads should have any roadside drains required adequately protected with rip-rap or similar material.



OPHIR HILL

FIRE PROTECTION DISTRICT OF NEVADA COUNTY
P.O. BOX 384 GRASS VALLEY, CALIFORNIA 95945

May 11, 1976

Planning Department
Nevada City Courthouse
Nevada City, California 95959

Ref: EIS Questionnaire (EIS76-80) and Site Plan (SP76-10).

Attn: Mrs. Sharon Boivin
Planning Director

Director Boivin,
The Board of Directors for the Ophir Hill Fire Protection District requires a hundred foot clearance including an annually maintained roadway around the log deck. There should be no slash or debris within the one hundred foot clearance.

This Board feels this clearance is absolutely necessary to minimize the possibility of a fire burning up the hill to the residential area of Cedar Ridge Drive and Brunswick Drive.

This Board is also requiring two Standard Dry Barrel Fire Hydrants with a simultaneous flow of one thousand gallons per minute. One hydrant should be located on the South West corner of the log deck, and the other between Brunswick Road and the new scale house.

Sincerely,

Jerry Dayton
Secretary to the Board.
P.O. Box #94
Cedar Ridge, California 95924
Ph: 273-8109

cc: Max Williamson, Brunswick Timber Products

RECEIVED

MAY 12 1976

NEVADA COUNTY
PLANNING DEPARTMENT



COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL. (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

May 13, 1976

Brunswick Timber Products
P. O. Box 2027
Grass Valley, California 95945

Re: EIS Questionnaire relative to the proposed expansion of
the log storage yard and relocation of the scaling platform

Gentlemen:

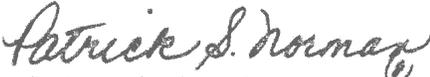
This is to inform you that at the May 13, 1976, Nevada County Advisory Review Committee meeting, the Brunswick Timber Products Environmental Impact Statement Questionnaire (EIS76-80) concerning site plan a-proval (SP76-10) for an expansion of the Brunswick Mill was continued. Since no representative of Brunswick Timber Products appeared at the meeting, the Committee felt there were certain unanswered questions concerning the expansion that only further discussion would solve. The EIS questionnaire concerning the above has been continued to the May 27, 1976, ARC meeting, and I would urge that a representative of your business be present.

In addition, Committee members also felt that an onsite inspection of the site, along with a representative of your business, would help to clear up any questions. Of particular concern is erosion potential and sedimentation control, as well as potential fire hazard. Attending such a meeting will probably include representatives from the County Planning Department, County Health Department, County Public Works Department, U. S. Soil Conservation Service, State Water Resources Control Board. We will be in touch with you concerning the time and date of the meeting.

If you have any questions concerning the above please feel free to contact this office.

Very truly yours,

(Mrs.) Sharon M. Boivin
Planning Director

By: 
Patrick S. Norman
Planner II

SMB:PSN/jsd

MEMORANDUM

TO Brunswick Mill Expansion File

DATE May 27, 1976

FROM Patrick S. Norman

SUBJECT May 27, 1976 ARC Meeting

For the Record:

On May 25, 1976, I informed Mr. Max Williamson that 1) there would be a meeting on the property with a member of this department, Soil Conservation Service, State Water Quality Control Board, and a representative of the applicant, to review the site in question on May 27 (no specific time was given because that depended on when the State representative arrived), and 2) there would be the regular meeting of the Advisory Review Committee to review the EIS Questionnaire on May 27 in addition to the other meeting. I stated that a decision would be made concerning the EIS Questionnaire and that it would be to the applicant's benefit to have a representative present at the ARC meeting.

Brunswick

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

June 1, 1976

Mr. Max D. Williamson
Brunswick Timber Products
P. O. Box 2027
Grass Valley, California 95945

Dear Mr. Williamson:

At their meeting of May 27, 1976, the Advisory Review Committee again considered the environmental impact questionnaire submitted with your site plan for the proposed expansion of the log storage yard at the Brunswick Mill on Brunswick Road.

Although there was not a representative present, considerable discussion ensued and the motion to continue the matter to the Advisory Review Committee meeting of June 24, 1976, stipulated that an expanded questionnaire covering the following areas be submitted to the Planning Department by June 10, 1976: (1) water quality; (2) erosion control measures; (3) clear cutting; (4) extent of grading proposed; (5) setback distance from trees; (6) more detail relative to siltation basin.

If the above information is received by June 10, 1976, the matter will be considered at the meeting of the Advisory Review Committee of June 24, 1976, 9:30 a.m., Supervisors' Room, Courthouse, Nevada City, California. We ask that you or a representative of your company be present at this meeting.

Very truly yours,

(Mrs.) Sharon M. Boivin
Planning Director

By: *James Louie*
James Louie
Assistant Planning Director

SMB:JL/jsd

cc: Health Department
Department of Public Works

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL. (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

June 4, 1976

Mr. Max D. Williamson
Brunswick Timber Products
P. O. Box 2027
Grass Valley, California 95945

Dear Mr. Williamson:

In reference to our letter to you dated June 1, 1976, relative to the proposed expansion of the log storage yard at the Brunswick mill, we will also require a revised site plan indicating what exists on the property at this time and what is anticipated.

All information requested is required by June 10 to allow adequate time for review prior to the June 24th meeting. Again, a representative of the company who is knowledgeable in what is taking place, is asked to be present at this meeting at 9:30 a.m. on June 24, 1976, Supervisors' Room, Courthouse, Nevada City, California.

Very truly yours,

(Mrs.) Sharon M. Boivin
Planning Director

By: *James Louie*
James Louie
Assistant Planning Director

SMB:JL/jsd

LETTER NOT SENT IN LIGHT
OF MEETING WITH JERRY ROGER
ON JUNE 9, 76

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

1230 E. Main St., Grass Valley, CA 95945

(916) 273-4153

SUBJECT: Field Review of Brunswick Timber Products
Log Yard Expansion (May 27, 1976)

DATE: June 7, 1976

TO: Nevada County Planning Department
County Courthouse
Nevada City, CA 95959

RECEIVED

JUN 10 1976

ATT: Jim Louie

NEVADA COUNTY
PLANNING DEPARTMENT

A field review of the log deck expansion being proposed by Brunswick Timber Products at their Brunswick Road Mill was conducted on May 27, 1976. Those present were Max Williamson, representing the applicant, Carl Barnes of NCDPW, Jim Louie of NCPD, Sandra Houck of State Water Quality Control Board, 2 members of the Ophir Hill Fire Department, one member of the general public, and myself. While a variety of topics were discussed, this report will concern itself with the questions of erosion control and watercourse sedimentation potential.

Based upon the observations resulting from the field review, the following actions are recommended:

1. All areas within the project that have been disturbed and are not being utilized as deck area or roadway should be replanted. Various low-volume, fire-resistant plant species exist that may be used to accomplish this. This requirement should yield to any fire department request where the area falls within the 100' no-vegetation buffer zone.
2. All fills should be revegetated. (Any cut banks where establishment of vegetation is feasible should be stabilized also.) The principle areas of concern in this requirement are in the vicinity of the 48" culvert inlet and outlet. These areas of fills are obvious and should require no further clarification.
3. All culvert inlets and outlets should be adequately protected with rip-rap or similar material. With the volume of water that most of the culverts are expected to convey (in particular, the 48" culvert) this should be mandatory.
culvert
4. A question of size relative to their ability to handle the anticipated flow came out during the review. It was not known if the previous owners had or had not determined the size based on engineering calculations. Therefore, it is recommended that proof of adequate culvert size with respect to anticipated flow

Jim



6/7/76

be submitted for all culverts being used in this yard expansion.

5. This final item shall concern itself with the existing sedimentation pond and its ability to function properly. The condition of the pond as of the day of the review was of major concern. Items noted were:

- The embankment footing appeared to be seeping a fair quantity of water.
- A 2' freeboard was being maintained at the embankment's lowest point.
- A 12" culvert serving as an overflow valve was running one-half full.
- Considerable quantities of coarse fragments were incorporated in the embankment.
- A few large trees were growing in and on the embankment.
- The embankment had no stabilizing vegetative cover established on it.
- Pond depth could not be established.
- It was not known if the pond was of a size that could adequately and safely hold all run-off water resulting from the entire area.

In light of these observations, it is recommended that the following steps be taken:

- A study be undertaken by a qualified engineer to determine the maximum quantity of run-off water the pond can be anticipated to hold. Minimum pond size can thus be accurately designed.
- All woody vegetation not be allowed to establish on the embankment. Some large trees are already present, which should not be removed unless the stumps and all roots are also removed. No further tree establishment should be allowed. The areas already containing trees should be monitored on a regular basis for signs of leaks and seepage. If this is observed, measures should be taken to stop the leak and/or remove the tree.

Nevada County
Planning Dept

6/7/76

- A minimum 3' of freeboard be maintained in all areas of the embankment.
- Properly designed and sized spillway replace the existing 12" overflow valve.
- Measures be taken to seal the face and footing of the embankment to eliminate seepage problems.
- Non-woody vegetative cover be established on all areas of the embankment.
- Periodic and continuing maintenance of the sedimentation pond be practiced to make sure it is doing the job it was intended to do.

If the drainage study indicates total reconstruction of the pond is in order, then construction of the embankment should proceed from the keyway up. No part of the existing embankment should be utilized in the condition it is in now. All other items previously discussed should be implemented, including removal of woody vegetation, stumps, roots and all. This office can help in the proper design if requested to do so by the applicant.

If you have any questions relative to this project that I may answer, please feel free to call.

Respectfully submitted,



Dale Brogan
Soil Conservationist
Grass Valley Field Office

cc: Sandra J. Houck
Calif. Regional Water Quality Control Board

Carl Barnes
Nevada County Dept. of Public Works



MEMORANDUM

Date: August 2, 1976

To: Sharon Boivin, Planning Director
Attention: Jim Louie

From: Carl Barnes

Subject: Site Plan 76-10 Brunswick Timber Products

During our field review of the site, we were not able to find an outlet for the small catch basin shown on the site plan. We, therefore, recommend that an outlet be provided for this basin.

Additionally, we recommend that the fill slopes at the entrance and outlet of the exist 48" culvert be revegetated and rip-rap placed to eliminate erosion during storm water run-off.

With regards to Brunswick Road, we would like to see a buffer zone of natural vegetation and trees left between the existing roadbed and the new log storage yard.

CB:kl:wf

RECEIVED

AUG 4 1976

NEVADA COUNTY
PLANNING DEPARTMENT

DEPARTMENT OF PUBLIC WORKS

Jim

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL. (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

August 6, 1976

Mr. Max Williamson
Brunswick Timber Products Corporation
P. O. Box 2027
Grass Valley, California 95945

Dear Mr. Williamson:

The staff has reviewed the site plan for the expansion of the log yard and related facilities, south of the existing Brunswick sawmill complex. The property is located in the "M1" Light Manufacturing and Industrial Zoning District, and is known as Assessor's Parcel Number 6-441-05.

The site plan is hereby approved, subject to the following conditions:

1. The Department of Public Works requires the following:

a. An outlet shall be provided for the small catch basin shown on the site plan.

b. The fill slopes at the entrance and outlet of the existing 48 inch culvert be revegetated and rip-rap placed to eliminate erosion during storm water run-off.

2. A buffer zone of natural vegetation and trees shall be left between the Brunswick Road bed and the new log storage yard as shown on the site plan.

3. Subject to the requirements of the Ophir Hill Fire Department:

a. Clearance and roadway around log deck and no slash or debris should be within the clearance area.

b. Standard dry barrel fire hydrants, with simultaneous flow of 1000 gpm, shall be provided at locations required by the fire district.

C
O
P
Y

Site Plan 76-10
August 6, 1976
Page 2

4. The applicant shall work with the Soil Conservation Service in implementing the recommendation in SCS memo dated June 7, 1976 (See attachment for memo).

5. Subject to the requirements of the California Water Quality Control Board, Central Valley Region.

6. Any future expansion beyond what is represented on the approved site plan shall require additional approval from the County.

Very truly yours,

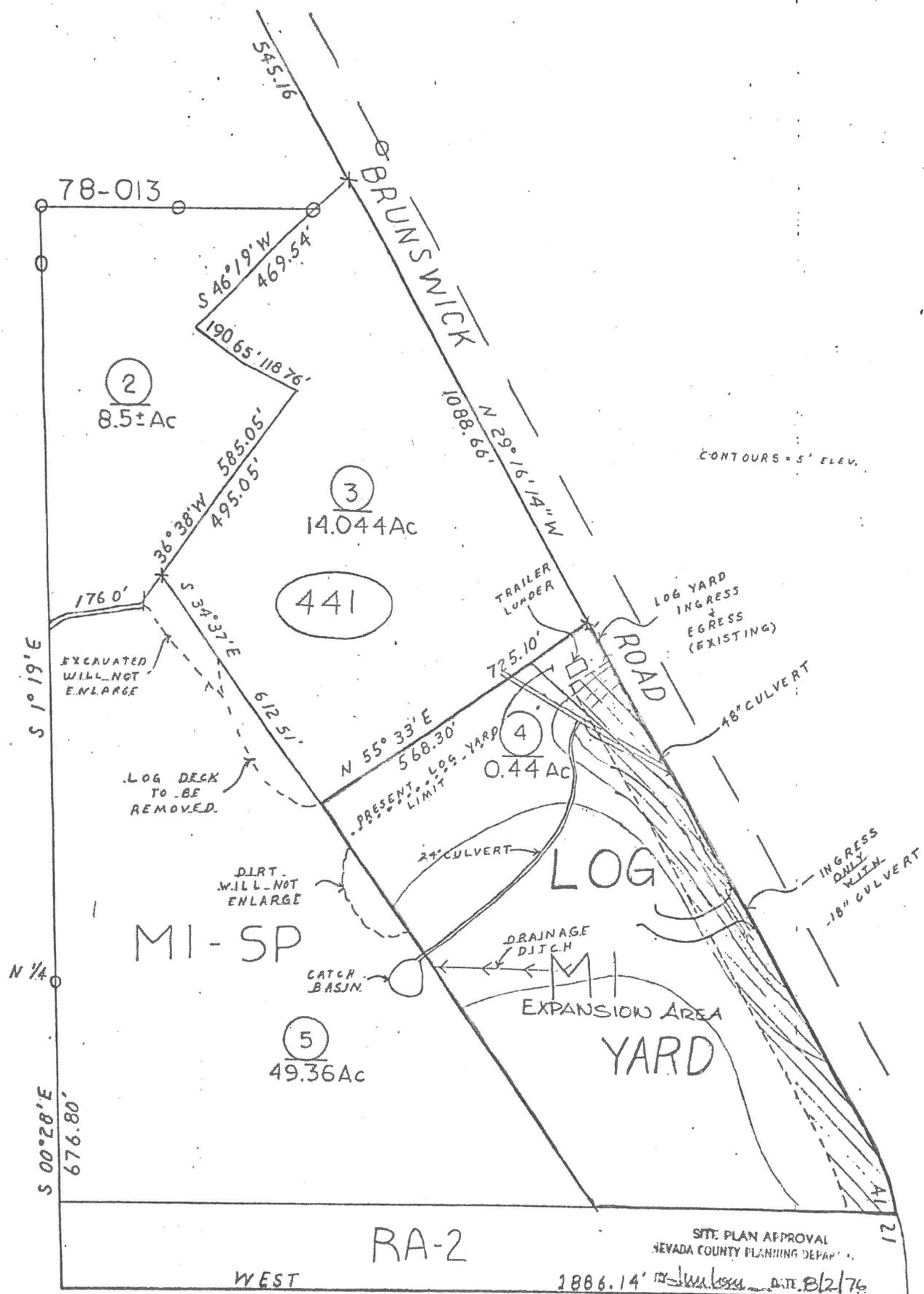
(Mrs.) Sharon M. Boivin
Planning Director

By: 
Mr. James Louie
Assistant Planning Director

SMB:JL/clr

cc/Department of Public Works
Soil Conservation Service
Water Quality Control Board, Central Valley Region
Ophir Hill Fire Department

Enclosure



CONTOURS = 5' ELEV.

SP76-10

August 9, 1976

Mr. Leo Todd
County Counsel
123 Bank Street
Grass Valley, California 95945

Dear Sir:

The Brunswick Mill has apparently illegally expanded its log deck without a proper use permit.

Some months ago the Planning Department asked the Ophir Hill Fire Protection District its requirements concerning the use permit. This district supplied the requested requirements to the Planning Department and to the Brunswick Mill.

The mill proceeded to expand the log deck without the use permit and to this date has not complied with our requirements.

This Board has by unanimous vote concluded the log deck operation should be stopped until the Ophir Hill Fire Protection District requirements are met.

We are asking you as County Counsel to initiate the action necessary to implement our decision.

Sincerely,



Ann Knox
Secretary to the Board
Post Office Box 94
Cedar Ridge, California 95924

Enclosure

cc: Brunswick Timber Products Corporation
Sharon Boivin, Planning Director
Board of Supervisors
Brad Williams
Nevada County Fire Chiefs and Fireman's Association

RECEIVED

AUG 10 1976

NEVADA COUNTY
PLANNING DEPARTMENT

COUNTY OF NEVADA - STATE OF CALIFORNIA

TEL. (916) 265-2461
EXTENSION 260

PLANNING COMMISSION / PLANNING DEPARTMENT

COURTHOUSE
NEVADA CITY, CALIFORNIA
95959

August 11, 1976

Ms. Ann Knox
Secretary to the Board
Ophir Hill Fire Department
P. O. Box 94
Cedar Ridge, California 95924

Dear Ms. Knox:

The site plan for the expansion of the log yard was approved by the Planning Department on August 6, 1976. The site plan was subject to several conditions and condition three stated:

"Subject to the requirements of the Ophir Hill Fire Department:

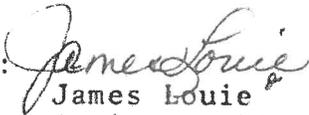
- a. Clearance and roadway around log deck and no slash or debris should be within the clearance area.
- b. Standard dry barrel fire hydrants, with simultaneous flow of 1000 GPM, shall be provided at locations required by the fire district."

The fire protection requirement should be complied with as soon as possible. If the situation is not resolved to the fire district's satisfaction, legal proceedings can be initiated by the district through County Counsel or the District Attorney's office to have your adopted standards/codes enforced.

If there are further questions on this matter, please do not hesitate to contact this office.

Very truly yours,

(Mrs.) Sharon M. Boivin
Planning Director

By: 
James Louie
Assistant Planning Director

SMB:JL/jsd

cc: County Counsel
District Attorney
Mike McKee

RECEIVED

MEMORANDUM

AUG 25 1976

TO: WILLIAM B. BALDWIN *E.B.*
FROM: S. J. Houck
SUBJECT: Requirements Checking, Brunswick Timber Products Corp.

NEVADA COUNTY
PLANNING DEPARTMENT

On 27 May and 12 August 1976, I visited the subject sawmill to ascertain compliance of the discharge with the Board's requirements.

Personnel from the Soil Conservation Service, County Public Works and Planning Departments, and the Ophir Hill Fire District met with Max Williamson, Forester for Bohemia, Inc. on 27 May. The mill had recently cleared an area for an expanded log deck at the south end of the property. This is the headwaters of the South Fork Wolf Creek. The creek is diverted under the mill and yard through corrugated metal pipe. At this time the cleared area needed more work to control erosion, stabilize fills, and provide a buffer zone along the creek. This recent work had filled in an old catchment basin.

Some work had begun at the wastewater pond. It was being cleaned out with a dragline and the dike was being built up. The pond was overflowing into a newly constructed trench and the water was percolating through the aggregate bottom into the adjacent field. During dry weather the pond should not be overflowing. The mill was constructing the piping system for recycling wastewater to the log deck. They plan to install a trap and filter. My conclusion at the end of this day's visit was that a considerable amount of work was necessary to achieve a no discharge wastewater system and control erosion.

On 12 August I returned to the Brunswick mill. Inspection was made with Ted French, Forester for Bohemia, Inc. Most of the construction has now been completed on the wastewater system and generally it looked very good. A sump has been installed in the pond with a comminutor that finely grinds the material in the water. The water is then pumped through a filter that contains a 600 mesh screen. The filtered water is recycled to the log deck. The system has been in operation about one month and the filter has to be cleaned once a week. Such fine filtration eliminates the plugging of the log deck sprinkler nozzles. Fresh water is fed to the sump as needed. The supply is pumped from the Brunswick mine. On this day there was about two feet of freeboard in the pond. Mr. French feels that he will be able to maintain no discharge by monitoring the pond level, watching the weather reports for incoming storms, and varying the freshwater feed accordingly. He has correlated fresh water pumping time with incremental changes in the pond level. In addition he plans to install an adjustable weir to control overflow to the adjacent trench. Sections of the pond had been dried out and the dike gunnited to control seepage. There was standing water outside the pond. Some of this may be pond seepage, but overflow from a ditch through the adjacent field also contributes to it. In any case, it does not appear that surface flow will reach the creek from this area.

Jim - file

MEMORANDUM

Brunswick Timber Products Corp.

- 2 -

We then looked at the cleared area for the new log deck. The fill banks had been seeded and the culvert opening that diverts the creek had been cleaned out. Mr. French plans to build a box around it to prevent debris from falling in. The log deck has been graded away from the creek so that all runoff will join the wastewater drainage to the pond.

Ted French and Max Williamson feel that the wastewater system is designed for no direct discharge to Wolf Creek and I feel it can be so operated. Therefore, I will proceed to draft revised requirements to prohibit any direct discharge.

sjh/cis 8/24/76

cc: Bohemia, Inc., Oregon
Brunswick Timber Products Corp.
Soil Conservation Service, Grass Valley
Nevada County Dept. of Public Works
Nevada County Planning Dept.
Nevada County Health Dept.

(Form letter sent)

August 26, 1976

Brunswick Timber Products
Post Office Box 2027
Brunswick Road
Grass Valley, California 95945

Attention: Mr. Max Williamson
Mr. Jerry Rogers

Gentlemen:

Referring to the meeting of August 25, 1976 Mr. Todd stated you shall furnish us with a letter regarding a schedule for the installation of hydrants and compliance with the use permit requirements of the Ophir Hill Fire Protection District.

If you wish contact Mr. Todd directly, otherwise, we will forward your reply.

Will you please advise us of your insurance carrier for your log deck. We understand there has been a change in carriers.

Sincerely,

Ann Knox
(Mrs.) Ann Knox
Secretary to the Board
P. O. Box 94
Cedar Ridge, California 95924

C.C. Leo Todd, County Counsel
James Louis, Assistant Planning Director ✓

RECEIVED

AUG 27 1976

NEVADA COUNTY
PLANNING DEPARTMENT

Jim

Jan

RECEIVED

Dear Sirs: Please find enclosed...

Very truly yours,
[Signature]

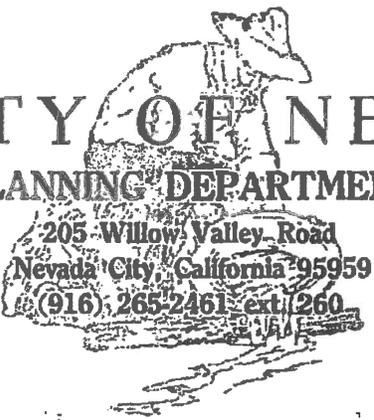
Enclosed for you are...

I am sure you will find...

Very truly yours,
[Signature]

Yours faithfully,
[Signature]

EXHIBIT 1018



COUNTY OF NEVADA
PLANNING DEPARTMENT

205 Willow Valley Road
Nevada City, California 95959
(916) 265-2461 ext. 260

February 20, 1980

TO: NEVADA COUNTY PLANNING COMMISSION

FROM: NEVADA COUNTY PLANNING DEPARTMENT

SUBJECT: Use Permit Application of North Star Rock Products Corporation for the expansion of an existing gravel harvest and processing operation and reclamation plan on the operation, located at the old Idaho Maryland Mine. U79-41.

FACTUAL DATA

The property involved in this application is a 110 acre parcel being leased by the applicant from Marion Ghidotti, and it is a portion of the site formerly known as the Idaho Maryland Mine lying on the south side of Idaho Maryland Road, immediately east of the Hills Flat Interchange on the Golden Center Freeway, State Highway 20-49. The property is within the boundaries of an "M1" Light Industrial District, as is property to the south and east. Land to the north and west, inside the Grass Valley city limits, is zoned for industrial use. There is a small strip of residential uses on both sides of the street in the county, and those homes are zoned residential until such time as they are converted to industrial uses consistent with the city and county general plans for the area. The proposed county general plan revision also recommends the area for industrial use.

This use permit application involves only about 40 acres out of the 110 acres, and this 40 acres is covered with mill sand and rock left from the historic hard rock mining operation. The application and reclamation plan indicates that approximately 400,000 to 500,000 tons of rock (270,000 cubic yards) and 10,000 tons of mill sand will be removed from the site. It is intended that the site will then be restored to its original contours and reseeded where necessary to prevent erosion. The environmental information form, reclamation plan and ARC memo are attached for a complete understanding of the project which will also include a crusher and screening plant to process the waste rock and sand.

At its meeting of January 10, 1980, the Nevada County Advisory Review Committee conducted environmental review on the project. The attached ARC memo reflects the ARC recommendation that the Commission find that although this project could have a significant effect on the environment, there will not be a significant effect because of recommended mitigation measures to be attached to the project (see * in staff recommendations). Also attached is the erosion control plan which the ARC memo indicates must be submitted before the Planning Commission meeting.

It is noted that the provisions of the "M1" Light Industrial District in which the subject property is located do not allow gravel harvest:

and processing as permitted or conditionally permitted uses. However, the property owner has indicated that mine rock has been sold and taken from the property continuously since the mine closed, and so this use permit application is for expansion of an existing, non-conforming use by the addition of a crusher and screening plant.

STAFF COMMENT

During review of the environmental impacts of this project, ARC members noted that noise will probably be the most obvious impact associated with the gravel operation. Page 23 of the environmental information form indicates that the ambient noise level in the industrial neighborhood ranges from 60 to 70 DBA. The neighborhood already contains four lumber processing operations plus a variety of other industrial uses, and a great deal of residential and industrial traffic already uses Idaho Maryland Road as a connection between Brunswick Road and the freeway interchange, so the ambient level is high already. Mitigation measures suggested by ARC and recommended staff conditions include noise attenuation methods which should keep noise levels at the property lines below the existing ambient level. Conditions are also suggested to preclude pollution of Wolf Creek and degradation of air quality in the area.

To demonstrate how the property will be restored to its original contours after the rock is removed, the applicant has submitted cross sections of the site depicting existing and proposed conditions. A copy of those profiles is attached along with the erosion control plan required by the ARC before the Planning Commission meeting.

STAFF RECOMMENDATION

It appears, based on information currently available, that the Planning Commission can make the findings necessary to grant a use permit for the proposed project, and the County's zoning regulations make provisions for expansion and alteration of a non-conforming use, even though that use may not be provided for in the zoning district in which the property is located.

The Planning Department recommends that the Planning Commission take the following actions to grant the use permit:

- I. Use Permit - The Planning Commission should move to grant the use permit, subject to the following conditions (*indicates ARC recommended mitigation):

- A. Planning Department

- *1. If water for the project is to be taken from Wolf Creek, either water rights to the water will be established to the satisfaction of the Nevada Irrigation District, or satisfactory arrangements shall be made with the district to draft water from the creek.
 - *2. All appropriate permits shall be obtained from the Nevada County Building Department, Nevada Irrigation District, and State Department of Fish & Game for the proposed bridge crossing over Wolf Creek. The Department of Fish & Game indicates that the department will not require a stream alteration permit for the building crossing if (1) the applicant does not disturb the historic railroad crossing

abutments; and (2) the access road shall cross the rock dike on a 90 degree angle and shall not parallel the rock pile which would involve riparian vegetation removal.

- *3. The mill pond adjacent to the main project area shall be deepened and/or flash boards reinstalled in the outlet facility so that suspended material in run-off waters can settle out before entering Wolf Creek. This settlement pond shall maintain a useful life as long as the period of time necessary to restabilize the area after the project ends.
- *4. In order to preserve wildlife habitat to the greatest extent possible, no native vegetation shall be removed except where necessary to remove the mine waste material.
- *5. The location of screening and crushing equipment shall be limited to site number one indicated on the site plan submitted by the applicant. The applicant shall, to the best of his ability, locate the plant so that it is screened as much as possible from view from the Golden Center Freeway.
- *6. Noise emanating from the project shall not exceed 70 decibels at the property line. If complaints are received from adjoining properties regarding excessive noise emissions, the applicant shall submit a study which shall be brought back before the Planning Commission which in turn may reconsider the use permit application for denial, additional conditions of approval, or reaffirmation.
- *7. Prior to commencement of operation, submit a waste discharge report to the State Water Quality Control Board and then comply with any requirements of that agency.
- *8. Hours of operation for the processing plant and loader shall be limited to from 8 a.m. to 5 p.m. Monday through Friday, except for a demonstratable emergency which shall be reported to the Planning Department. Operation beyond the designated times for purposes other than machinery maintenance or authentic emergency may cause the permit to be brought back to the Planning Commission which may in turn modify the conditions on the permit or recommend its revocation to the Board of Supervisors.
- *9. Subject to any on-going requirements of the Nevada County Air Pollution Control Officer.
- *10. Subject to receipt of a waiver from the Nevada County Health Officer for the use of portable toilets.
- *11. The use permit covers only removal of mine waste and processing to restore the site to its original contours. Earth excavation for a borrow pit is not included.
- *12. The permit covers only the processing of material harvested from the subject property and does not include the processing of material imported from outside of the property.
- *13. This permit includes no approval of on-site fuel storage. Any fueling of vehicles on the site will be done with care to preclude spillage.

- *14. The water supply used to control dust on the site shall be clearly marked to indicate it is not suitable for drinking.
- *15. Vegetative waste generated by the gravel removal shall be disposed of at the sanitary land fill unless a permit is issued by the Air Pollution Control Officer for on-site burning.
- *16. Any historical artifacts recovered during the gravel harvest and processing shall be received by the Nevada County Historical Society.
- 17. The following noise attenuation and dust control measures shall be employed by the applicant for the life of the use permit:
 - 1. The subject site and access road shall be watered regularly to control dust emissions.
 - 2. All equipment associated with the use shall be muffled with approved mufflers.
 - 3. The applicant shall take the sides of the long tailings pile first, and then reduce the height at the last phase of the project. This condition is intended to provide a noise barrier between the operation and nearby homes to the north and northeast for the longest time possible.
 - 4. Where feasible, all metal to metal contact points will be insulated.
 - 5. Rubberize or insulate rock hoppers and bins.
 - 6. Cal OSHA ear protection shall be provided to employees.
 - 7. Limit the speed of all vehicles on the access road to 25 miles per hour.
 - 8. Limit the range of the tracked bulldozer to the plant site and use the rubber-tired loader off the plant site.

B. Resource Conservation District

- *1. The Nevada County Resource Conservation District has approved the erosion and sedimentation control plan submitted by the applicant, and the conditions included in that plan are made conditions on this use permit, as follows:
 - a. No material beyond the depth of rock waste material shall be removed from the site.
 - b. The applicant shall provide gravel and/or rip-rap for the plant site drainways, roads and conduits. When the site area is reclaimed, following the gravel operation, the intermittent drainage would be re-established to the pre-mining patterns.
 - c. Fine rock particles generated through the proposed crushing operation that would remain on-site during the wet season (October 1 to April 30) shall be stabilized.
 - d. Any exposed area resulting from the proposed operation shall be stabilized by October 1 and remain stabilized through April 30. During this period no excavation would be allowed, but other related activities, such as crushing, stockpile removal and sales would be allowed. Reclamation must be concurrent with the proposed excavation operations, and the applicant shall excavate no more material than he would be able to reclaim within the dry weather season.

- e. The Nevada County Resource Conservation District shall be contacted prior to October 1 annually for the purpose of site inspection each season to determine the adequacy of the stabilization program. Stabilization may include seeding, mulching, fertilizing, placing of a crushed or broken rock layer, or the use of plastic sheeting on a temporary basis.
- f. The existing mill sands in the sediment basin, used when the Idaho-Maryland Mine was active, shall be removed from the site. Once the sands are removed, the sediment basin shall function to control sedimentation off the site from the proposed gravel operation. The existing outlet structure for the basin shall be used, and the outlet conduit shall not be disturbed by the mill sand removal process.
- g. No vegetation shall be disturbed between Wolf Creek and the top of the rock piles which are being removed.
- h. In order to protect the two concrete pillars as required by the Historical Society, 150 feet of the tailing dike located adjacent to Wolf Creek and the northernmost pillar shall remain undisturbed as follows:
 1. Do not disturb the tailings pile for a distance of 50 feet eastward and 100 feet westward of the concrete pillar; and
 2. The slopes created by this activity shall not exceed 2:1 and shall be stabilized as directed by the Resource Conservation District.

C. Department of Public Works

- *1. Dedicate road right-of-way to the County of Nevada along Bennett Street and Idaho-Maryland Road on an alignment satisfactory to the Department of Public Works which shall prepare the deeds for the dedication.
- *2. The access road into the property shall be a minimum of eighteen feet wide and shall be paved from the County road to the new bridge crossing over Wolf Creek. The applicant shall place a stop sign facing south where the new access road intersects Idaho-Maryland Road.
- *3. At the conclusion of the project, the new bridge crossing over Wolf Creek shall be removed.
- *4. The applicant has offered a fee of \$800.00 to mitigate the cumulative impact of traffic generated by the proposed project. That fee shall be counted as credit to other projects on the same property when the gravel operation has terminated.

II. Use Permit Findings - In granting the use permit, the Commission should make the following minimum findings based on the standards included in Section L-IV 31.5 of the Land Use and Development Code:

- A. The site for the proposed use is adequate in size and shape to contain the crusher, screen and sedimentation pond within the confines of the property so that operation is not detrimental to adjoining properties.

- B. Idaho-Maryland Road and the roads serving it are adequate to accommodate the kinds and quantities of traffic generated by the use, and the applicant has volunteered funds to contribute toward improvements in the regional transportation system.
- C. The conditions attached to the permit will assure that the operation will have no adverse effect on abutting properties or the permitted use thereof.
- D. The conditions attached to the permit are necessary to promote, protect and secure the public health, safety and welfare.

III. Reclamation Plan - Approve the reclamation plan submitted with the application with the following minimum findings required by Section LII 31B.6 of the Nevada County Land Use and Development Code:

- A. That the reclamation plan minimizes water degradation, air pollution, damage to aquatic and wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations.
- B. That the reclamation plan restores the mined lands to a usable condition which is readily adaptable for alternative land uses.
- C. That the reclamation plan restores the mined lands to a condition which creates no danger to public health or safety.

IV. Environmental Review - The Commission may find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because of conditions attached to the issuance of the permit, and the staff is directed to file a negative declaration on the project with the County Clerk.

###

Attachments

cc/Mr. Clayton Abbott, P.O. Box 908, Grass Valley, CA 95945
Mrs. Marion Ghidotti, 426 Commercial Street, Nevada City, CA 95959
Mr. Peter Chamberlin, 13790 Gas Canyon Road, Nevada City, CA 95959

COUNTY OF NEVADA

PLANNING DEPARTMENT

205 Willow Valley Road
Nevada City, California 95959
(916) 265-2461 ext. 260

MEMORANDUM

TO: FILE U79-41 USE PERMIT APPLICATION FOR NORTH STAR ROCK PRODUCTS CORPORATION FOR A GRAVEL HARVEST AND PROCESSING OPERATION AT THE IDAHO-MARYLAND MINE.

FROM: ADVISORY REVIEW COMMITTEE

SUBJECT: ENVIRONMENTAL REVIEW ON USE PERMIT APPLICATION

DATE: JANUARY 10, 1980

At its meeting on this date, the Nevada County Advisory Review Committee commenced environmental review on the subject project which includes the use permit application for gravel harvest and processing, and the reclamation plan for restoration of the site.

Environmental review on the project involved lengthy discussion with the applicant, Mr. and Mrs. Clayton Abbott of North Star Rock Products; Mr. Peter Chamberlin, environmental consultant; and Mrs. Marion Ghidotti, the property owner. Letters from interested agencies were reviewed.

In response to comments from the City of Grass Valley relative to traffic impacts on Railroad Avenue, the applicant indicated he has changed his proposed access and now wants to build a bridge across Wolf Creek east of the Railroad Avenue intersection.

In completing the environmental checklist form, a number of impacts were recognized as significant but were felt to be mitigated by recommended conditions. It was noted that the Building Department representative on the committee indicated he was not satisfied with the information received on erosion control techniques, impacts on historical resources and effects of potential sedimentation. Other committee members felt that mitigation measures are written so that this information will be received prior to the Planning Commission public hearing on the application.

Following completion of discussion and the checklist, which is attached hereto for a recognition of impacts, the committee voted two yes, one no, to recommend to the Planning Commission that it find that although there could be a significant effect on the environment, there will not be a significant effect in this case because of the following recommended mitigation measures to be attached to the project:

1. If water for the project is to be taken from Wolf Creek, either water rights to the water will be established to the satisfaction of the Nevada Irrigation District, or satisfactory arrangements shall be made with the district to draft water from the creek.
2. All appropriate permits shall be obtained from the Nevada County Building Department, Nevada Irrigation District and State Department of Fish and Game for the proposed bridge crossing over Wolf Creek. (Note: Subsequent discussions with the Department of Fish and Game representatives indicate that the department will not require a stream alteration permit for the bridge crossing if (1) the applicant does not disturb the historic railroad crossing abutments; and (2) the access road shall cross the rock dike on a 90 degree angle and shall not parallel the rock pile which would involve riparian vegetation removal.)
3. No vegetation shall be disturbed between Wolf Creek and the Toe of the rock piles which are being removed.
4. The mill pond adjacent to the main project area shall be deepened and/or flash boards reinstalled in the outlet facility so that suspended material in run-off waters can settle out before entering Wolf Creek. This settlement pond shall maintain a useful life as long as the period of time necessary to restabilize the area after the project ends.
5. Any exposed slopes or roadways which may discharge silt into Wolf Creek shall be stabilized by October 1 and remain so through April 30.
6. In order to preserve wildlife habitat to the greatest extent possible, no native vegetation shall be removed except where necessary to remove the mine waste material.
7. The location of screening and crushing equipment shall be limited to Site No. 1 indicated on the site plan submitted by the applicant. The applicant shall, to the best of his ability, locate the plan so that it is screened as much as possible from view from the Golden Center Freeway.
8. Noise emanating from the project shall not exceed 70 decibels at the property line. If complaints are received from adjoining properties regarding excessive noise emissions, the applicant shall submit a noise study which shall be brought back before the Planning Commission which in turn may reconsider the use permit application for denial, additional conditions of approval, or reaffirmation.
9. Prior to the public hearing before the Planning Commission on the use permit application and the reclamation plan, the Resource Conservation District shall approve an erosion and sedimentation control plan, and the recommendations in that plan shall be attached as conditions on the use permit.
10. Prior to commencement of operation, submit a waste discharge report to the State Water Quality Control Board and then comply with any requirements of that agency.

11. Dedicate road right-of-way to the County of Nevada along Bennett Street and Idaho Maryland Road on an alignment satisfactory to the Department of Public Works. The Department of Public Works shall prepare the deeds for the dedication.
12. The access road into the property shall be a minimum of eighteen feet wide and shall be paved from the County road to the new bridge crossing over Wolf Creek. The applicant shall place a stop sign facing south where the new access road intersects Idaho Maryland Road.
13. At the conclusion of the project, the new bridge crossing over Wolf Creek shall be removed.
14. The applicant has offered a fee of \$800.00 to mitigate the cumulative impact of traffic generated by the proposed use. That fee shall be counted as credit to other projects when the gravel operation has terminated.
15. Hours of operation for the processing plant and loader shall be limited to from 8:00 a.m. to 5:00 p.m., Monday through Friday, except for a demonstratable emergency which shall be reported in writing to the Planning Department. Operation beyond the designated times for purposes other than machinery maintenance or authentic emergency may cause the permit to be brought back to the Planning Commission which may in turn modify the conditions on the permit or recommend its revocation to the Board of Supervisors.
16. Subject to any on-going requirements of the Nevada County Air Pollution Control Officer.
17. Subject to receipt of a waiver from the Nevada County Health Officer for the use of portable toilets.
18. The use permit covers only removal of mine waste and processing to restore the site to its original contours. Earth excavation for a borrow pit is not included.
19. The permit covers only the processing of material harvested from the subject property and does not include the processing of material imported from outside the property.
20. This permit includes no approval of on-site fuel storage. Any fueling of vehicles on the site will be done with care to preclude spillage.
21. The water supply used to control dust on the site shall be clearly marked to indicate it is not suitable for drinking.
22. Vegetative waste generated by the gravel removal shall be disposed of at the sanitary land fill unless a permit is issued by the Air Pollution Control Officer for on-site burning.
23. Any historical artifacts recovered during the gravel harvest and processing shall be reviewed by the Nevada County Historical Society.

It was noted that the applicant appeared to be in agreement with the recommended mitigation measures, but he did indicate that he would like the hours of operation to be changed to from 7:00 a.m. to 4:00 p.m. during the summer months. The committee did not amend its recommendation because of concerns for possible noise impacts on adjoining residential uses.

SMB:jp

cc: North Star Rock Products Corporation, P. O. Box 908, Grass Valley, CA 95945
Mrs. Marion Ghidotti, 426 Commercial Street, Nevada City, CA 95959
Mr. Peter Chamberlin, 13790 Gas Canyon Road, Nevada City, CA 95959
Nevada County Building Department
Nevada County Department of Public Works
Nevada County Resource Conservation District
Mr. Bill Roberts, Grass Valley Planning Department
Mr. Ed. Neuharth, Nevada Irrigation District
Mr. James Pappas, California Regional Water Quality Control Board,
Central Valley Region, 3201 "S" Street, Sacramento, CA 95816

EXHIBIT 1019

County

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NEVADA
PLANNING DEPARTMENT

ENVIRONMENTAL INFORMATION FORM:

IDAHO-MARYLAND MINE
ROCK CRUSHING PROJECT

RECEIVED
NOV 27 1979
BLDG. DEPT.

PREPARED FOR:

NORTH STAR ROCK PRODUCTS CORPORATION
GRASS VALLEY, CALIFORNIA

PREPARED BY:

ENVIRONMENTAL ANALYSIS
NEVADA CITY, CALIFORNIA
OCTOBER, 1979

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INTRODUCTION

This Environmental Information Form was prepared by Environalysis, Environmental Planners (Nevada City), for North Star Rock Products Corporation (Grass Valley). The purpose of this report is to provide Nevada County with an outline of the preliminary project proposal itself, and present an overview of the possible environmental consequence of this proposed rock crushing operation. The site is located on ±108.5 acres immediately east of the Grass Valley city limits on Idaho-Maryland Road.

The format and content of this report are patterned after the Nevada County Planning Department's Environmental Information Form which is further based upon the amended Guidelines for Implementation of the California Environmental Quality Act, ("State EIR Guidelines") which became effective statewide on March 3, 1978.

Generally, Section 15080 (a) of the "State EIR Guidelines" dictates that:

sw
"If a project is subject to the requirements of CEQA and not exempted by these guidelines, the Lead Agency shall conduct an initial study to determine if the project may have a significant effect on the environment....."

The County's format is utilized in the following sections to provide the Lead Agency, Nevada County, with the basic project data and pertinent supplemental environment information.

Appendix I of the Guidelines, which is intended to satisfy the remaining Initial Study requirements, will be prepared by the County's staff in accordance with local CEQA implementation procedures, and will be attached to this Environmental Information Form. The combined consultant and the County reports will constitute the complete Initial Study, for the project, from which the County's decision making body will ultimately determine whether a (Mitigated) Negative Declaration or an Environmental Impact Report will be required to meet CEQA review criteria.

The project applicant is leasing the 108 acres of the site from the property owner. The project is located on the historic Idaho-Maryland Mine Property. The project site is leased by North Star Rock Products Corporation of Grass Valley, California.

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OCT 12 1979

FOR OFFICIAL USE ONLY:

NEVADA COUNTY
PLANNING DEPARTMENT

EIS
FILE NO: 79-204 DATE REC'D: OCT. 12, 1979 DATE ACCEPTED: _____ BY: _____

Name of Applicant: North Star Rock Products Corporation	Telephone: (916) 273-1177
Address of Project/Location: Idaho-Maryland Road, Grass Valley, California	Assessor's Parcel No. 95945 09-550-13, 14 and 15 09-560-08 and 02
Contact Person: Peter Chamberlin	Telephone: (916) 265-4686
Address: 13790 Gas Canyon Road, Nevada City, California	95959

A. General Information:

Existing Zoning: (M-1) Light Manufacturing and Industrial (RA) RES. AGRICULTURAL -	General Plan Classification: (M) Industrial RECREATIONAL OR OPEN SPACE
List other related permits and approvals required for this project from other agencies (special districts, city, state and federal): City of Grass Valley Encroachment Permit; Gold Flat Fire District; Nevada Irrigation District	

B. Project Description (attach site plan/map):

Proposed Use of Site: A rock crushing and gravel retail sales project is proposed on the project site.

Project Site Size: 108 acres Sq. Ft. of Construction: N/A

Anticipated starting date: January 1, 1980 Completion date: January 1, 1984

Anticipated future or phase development: None

Project Information (answer only the applicable questions):

If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household sizes expected.

PROJECT INFORMATION (Site plan next page)

This proposed project is industrial. The applicant intends to operate a regionally oriented gravel plant. He would crush and remove mine wastes from former "hard rock" gold mining operations. Mill sand would also be removed. The sites of mineral recovery will be reclaimed following the waste removal.

This project would employ 4 to 10 people, working from 8:00 A.M. to 5:00 P.M., Monday through Friday. Maintenance would take place on weekends. Crushing equipment would be utilized an average of 2 to 3 days a week. Equipment used on site would be bull dozers, scrapers, rubber-tired loaders and a fire/water truck. Fifteen ton dump trucks will haul the rock products from the site. A portable truck-weighing scale and a chemical toilet would also be on site.

Off-street parking will be provided at the rock crushing plant.

This project does not involve a variance, rezoning or general plan amendment.

ENVIRONMENTAL SETTING

1.a. Topography

The project would be located on the gentle to level northern slopes of the Idaho-Maryland Mine Site. The project elevations range from 2,500 to 2,560 feet. The project land slopes from the south to the north (to Wolf Creek).

Geology

The surface geology and the mine wastes are composed of diabase and ultramafic intrusive rocks. The site is on a contact zone between these two rock types. Mineralization has taken place in this contact zone and veins of gold, quartz, and metallic sulfides were produced.

Soil Stability

The Soil Conservation Service indicates that the mine waste dumps onsite are composed of a mixture of stones, cobble stones and some soil. The dump sides tend to be devoid of vegetation, but on top are growths of young trees and brush. The larger dumps rise to 55 feet above the level of the surrounding lands. Water permeability is moderately rapid with the run-off being very rapid. The hazard of erosion is slight on the waste piles.

The mill sand wastes are finely crushed silica sand from which gold was extracted. A blue-gray clay has developed from the finer sands which would tend to lower the permeability of this material. Erosion potential is high because this sand and clay mixture is located at the bottom of a settling pond which has a 30" diameter drain pipe open to Wolf Creek. Arroyos, or erosion channels, can be seen leading to this drain pipe.

Wolf Creek settlement

The natural ground is composed of shallow and poorly developed serpentine (ultramafic) soils. Many rock outcrops and cobbles are on surface. Water permeability is low due to large amounts of clay which tends to form in pockets of the parent rock. The hazard of erosion is high in these soils due to scant vegetative ground cover.

Vegetation

The vegetation is surprisingly complex on site. Along Wolf Creek many wildflowers, escaped fruit trees, and shrubs grow in abundance. The major plant grouping, however, are the Cypress-Ceanothus association which is indicative of the nutrient deficient serpentine soils. The soils are so poor that Poison Oak won't even grow. The soils are lacking in calcium, high in magnesium, and can have toxic amounts of nickel and chromium. -leaching into Wolf

Trees and shrubs have established themselves on both the rock and sand wastes. Only on the well-drained or easily eroded areas of the waste areas are plants not to be found. (See next pages for a list of plants observed on site).

A PARTIAL LIST OF PLANTS AT THE IDAHO-MARYLAND MINE PROPERTY

<u>Common Name</u>	<u>Scientific Name</u>
1. Digger Pine	<u>Pinus sabiniana</u>
2. Ponderosa Pine	<u>Pinus ponderosa</u>
3. Douglas Fir	<u>Pseudotsuga menziesii</u>
4. Incense Cedar	<u>Libocedrus decurrens</u>
5. McNab Cypress	<u>Cupressus macnabiana</u>
6. Leather Oak	<u>Quercus durata</u>
7. Black Oak	<u>Quercus kelloggii</u>
8. Black willow	<u>Salix spp.</u>
9. Sandbar willow	<u>Salix hindsinana</u>
10. Red Willow	<u>Salix spp.</u>
11. White Alder	<u>Alnus rhombifolia</u>
12. Madrone	<u>Arbutus menziesii</u>
13. Broad-leaf Maple	<u>Acer macrophyllum</u>
14. Honey Locust	<u>Robinia pseudo-Acacia</u>
15. Black Locust	<u>Robinia spp.</u>
16. Black Walnut	<u>Juglaus spp.</u>
17. Apple, Cherry, Pear	<u>Rosaceae</u>
18. Sierra Plum	<u>Prunus subcordata</u>
19. American Dogwood	<u>Cornus stolonifera</u>
20. Hawthorn	<u>Crataegus douglasii</u>
21. Buckbrush	<u>Ceanothus cuneatus</u>
22. Chapparel Pea	<u>Pickeringia montana</u>
23. Deer Brush	<u>Ceanothus tenua folia</u>
24. Flannel Bush	<u>Fremontia californica</u>
25. Scotch Broom	<u>Cytisus scoparius</u>
26. Golden Fleece	<u>Happlopappus arborescens</u>
27. Congon's Silk-tassel	<u>Garrya condonii</u>
28. Common Snowberry	<u>Symphoricarpos rivularis</u>
29. Blue Elderberry	<u>Sambucus mexicana</u>
30. Yerba Santa	<u>Eriodictyon californicum</u>
31. Toyon	<u>Heteromeles arbutifolia</u>
32. Sierra coffeeberry	<u>Rhamnus rubra</u>
33. Holly Leaf Redberry	<u>Rhamnus crocea</u>
34. Chaparell Honeysuckle	<u>Lonicera spp.</u>
35. Blackberry	<u>Rubus vitifolius</u>
36. Manzanita	<u>Arctostaphylos spp.</u>
37. Mugwort	<u>Artemesia spp.</u>
38. Cat-tail	<u>Typha spp.</u>
39. California Rose	<u>Rosea californica</u>
40. Rush	<u>Juncus ensilifolius</u>
41. Poison Oak	<u>Toxidendron diversiloba</u>
42. Common Mullein	<u>Verbascum thapsus</u>
43. Yarrow Milfoil	<u>Achillea millefolium</u>
44. Wood Fern	<u>Dryopteris argua</u>
45. Horsetail	<u>Equisetum arvense</u>

A PARTIAL LIST OF PLANTS AT THE IDAHO-MARYLAND MINE PROPERTY (Cont.)

<u>Common Name</u>	<u>Scientific Name</u>
46. Barberry	<u>Berberis dictyota</u>
47. Western Serviceberry	<u>Amelanchier alnifolia</u>
48. English Ivy	<u>Hedera Helix</u>
49. Pine Mistletoe	<u>Arceuthobium campylopodum</u>
50. Large seed Dodder	<u>Cuscuta indecora</u>
51. Yellow Cinquefoil	<u>Potentilla glandulosa</u>
52. Devil's Beggarsticks	<u>Bidens frondosa</u>
53. Common Cocklebur	<u>Xanthium pensylvanicum</u>
54. Curly Dock	<u>Rumex crispus</u>
55. Blue Dicks	<u>Brodiaea capitata</u>
56. Bed Straw	<u>Galium spp.</u>
57. Star Thistle	<u>Centaurea melitensis</u>
58. Sierra Thistle	<u>Cirsium californicum</u>
59. Klamath Weed	<u>Hypericum perforatum</u>
60. Self-heal	<u>Brunella vulgaris</u>
61. Meadow Goldenrod	<u>Solidago elongata</u>
62. Tarweed	<u>Madia elegans</u>
63. Oyster Plant	<u>Tragopogon dubius</u>
64. Western Star Flower	<u>Trientalis latifolia</u>
65. Black Mustard	<u>Brassica nigra</u>
66. Field Mustard	<u>Brassica campestris</u>
67. Wyethia	<u>Wyethia augustifolia</u>
68. Gumballs	<u>Grindela spp.</u>
69. Soap Plant	<u>Chlorogalum pomeridianum</u>
70. Pearly Everlasting	<u>Anaphalis margaritacea</u>
71. Milkweed	<u>Asclepias cordifolia</u>
72. Common Plantain	<u>Plantago major</u>
73. Carpet Clover	<u>Trifolium monanthum</u>
74. Western Dock	<u>Rumex occidentalis</u>

Wildlife:

The project area currently is an excellent wildlife habitat. Few people visit this 108 acres and the site has much brush in which the animals can hide and escape the "elements". Historically, the area has been extensively disturbed by mining and logging activities. The project area is adjacent to other large tracts of relatively undeveloped lands which help increase the diversity of animal life. (See next page for a list of animals observed on site).

~ wildlife disruption
~ encroaching development
~ buffer zone

ANIMALS OBSERVED ON IDAHO-MARYLAND MINE PROPERTY

<u>Common Name</u>	<u>Scientific Name</u>
1. Valley Quail	<u>Lophortyx californicus</u>
2. Scrub Jay	<u>Aphelocoma coerulescens</u>
3. Belted King Fisher	<u>Megaceryle alcyon</u>
4. Valley Coyote	<u>Canis ochropus</u>
5. Black-tailed Deer	<u>Odocoileus hemionus</u>
6. Rattlesnake	<u>Crotalus viridis</u>
7. Western Fence Lizard	<u>Sceloporus occidentalis</u>
8. Meadow Mouse	<u>Microtus californicus</u>
9. Dusky-footed Wood Rat	<u>Neotoma fuscipes</u>
10. Banana Slug	<u>Ariolimax columbianus</u>
11. Acorn Woodpecker	<u>Melanerpes formicivorus</u>
12. Mole	<u>Scapanus latimanus</u>
13. Oregon Junco	<u>Junco oreganus</u>
14. California Ground Squirrel	<u>Citellus beecheyi</u>
15. Black-tailed Jack Rabbit	<u>Lepus californicus</u>
16. Yellow-legged Frog	<u>Rana boylei</u>
17. Red-winged Blackbird	<u>Agelaius phoeniceus</u>
18. Killdeer	<u>Charadrius vociferus</u>
19. Turkey Vulture	<u>Cathartes aura</u>
20. Red-shafted Flicker	<u>Colaptes cafer</u>
21. Red-tailed Hawk	<u>Buteo jamaicensis</u>
22. Mourning Dove	<u>Zenaidura macroura</u>
23. Great Horned Owl	<u>Bubo virginianus</u>
24. Evening Grosbeak	<u>Hesperiphona vespertina</u>
25. Robin	<u>Turdus migratorius</u>
26. California Gray Squirrel	<u>Sciurus griseus</u>

Scenic Aspects:

The project area is relatively uninspiring from a distance. The light-green brush and unsymmetrical digger pines offer little shade and lots of spines to persons walking through the site. The mine wastes are interesting due to their unique topography and varied mineral patterns in the individual rocks. The white mill sand piles are also interesting. There are no buildings on the site.

aesthetics

The project land has high visibility from surrounding lands, including the Golden Center Freeway and the hills of Grass Valley.

Historical Aspects

Little remains of this illustrious mine except the concrete head frame and some metal buildings on the east adjoining property. Two concrete pillars, used as overflows for the mill sand pond, remain on site. Two mining drifts, rock bridge abutments, and mining rubbish can be found north of the long tailings pile.

The earliest hard rock mine on the property started in 1851 after the Placer miners had worked Wolf Creek. The Idaho was discovered in 1863 but little work was done until the Coleman Brothers bought it in 1867. They organized the Idaho Quartz Mining Company and struck an excellent vein of gold quartz. The mine produced \$12,000,000 of gold up to 1893. The Idaho Quartz Mine and the Maryland Mine merged soon after and formed the Idaho-Maryland Mines Company, which employed a thousand men through the lucrative 1930's. A World War Two mandate closed all the local mines as non-essential uses of fuel and they remained closed until the late 1940's. After re-opening the mine, which involved removal of water from the tunnels and extensive re-timbering the mine closed in 1956 due to excessive operating costs.

The site was then used as a rock crushing project for several years, and other rock and sand removing operations have continued until the present time.

Existing Uses

The project site is unused except for the occasional removal of rock and sand wastes by the owner of the property. Lumber is also stored on the property.

Existing Structures

The only remaining structures on the site are two concrete towers which were used as the mill sand pond overflows and a small rock bridge abutment. (See next page for photographs of site)

3. Land

This proposed project will remove mine waste tailings down to adjoining land contours. Soils and subsoils may be displaced or exposed as part of this operation. This project will not remove soil from the site. Any displaced soils will be stockpiled and saved for the reclamation process.

The potential exists for increased siltation and deposition of soils.

→ Should the project continue operation through the rainy season (November through April), roads and the plant site will have to be stabilized to minimize erosion. Interim drainage protection should also be established. Drainage protection could include rip-rapping, culverting and siltation basins. *-control?*

Approximately 400,000 to 500,000 tons of rock or 270,000 cubic yards, will be removed from the project area. Also 10,000 tons of mill sand will be removed. There should be no water discharge from the project. A washing plant will not be established as part of this operation. A preliminary surface mining reclamation will be filed concurrently for this project detailing how the area will be reclaimed after the mine wastes are removed.

4. Geologic mapping of the area indicates that it lacks historic faults or geologic hazards. There are no unique geologic or physical features on the site.
5. The project will not result in the loss of agricultural lands.
6. The project is not sited on filled lands. Project lands slope to the north an average of under 10%.
7. No percolation tests were performed for this project.
8. Air and Noise

Air pollutants created by this project would be primarily particulate matter (dust) and emissions from diesel powered equipment. Asbestos dust, rubber dust, and oxides of carbon, sulfur, and nitrogen would be produced.

The air movement and temperature would also change on the north side of the long tailings dump. These neighboring adjacent lands would be windier and warmer due to the removal of the sheltering pile.

As proposed, there will be crushing of rock on the site. The rock material should be kept moist during all phases of handling the rock which includes conveying, crushing, stockpiling, and loading of the rock.

The diesel powered equipment could create the following emissions, based upon the environmental Protection Agency (EPA) emission estimates:

Table 1 -- Average Emissions of Diesel Engines

Particulate Matter	1.3 grams/mile
Sulfur dioxide	2.8 grams/mile
Carbon monoxide	28.7 grams/mile
Oxides of nitrogen	20.9 grams/mile
Hydrocarbons	4.6 grams/mile

Disel powered equipment to be operated on site includes (1) one loader, (2) two scrapers, (3) one D-6 Bulldozer, (4) one generator for the crushing plant, (5) one fire/water truck. Fifteen ton dump trucks will be driven into and out of the site transporting rock to other areas.

Working on an average day the loader and scraper could travel up to 40 miles per day each. The generator engine would generate the same emissions as the loader. The bulldozer would operate as needed to move tailings to the loader or scraper. Based upon Table 1, the following emissions could be generated by the loader, scraper, bulldozer and generator.

Table 2 -- Average Emissions of the Diesel Powered Equipment Working an Eight-Hour Day at the Project

Particulate matter	208 grams/day
Sulfur Dioxide	448 grams/day
Carbon Monoxide	4,592 grams/day
Oxides of Nitrogen	3,344 grams/day
Hydrocarbons	736 grams/day

Total emissions could amount to approximately 9,328 grams/day from the diesel equipment, which amounts to about 20.56 lbs./day.

A total estimate of emissions from the dump trucks is difficult to make because of variable number of miles traveled and the number of trucks operating.

9. Air quality in the Grass Valley Basin would deteriorate due to increased amounts of dust and diesel emissions, however there would not be a potential to approach violation of the ambient air quality standard. The drainage basin does have an air inversion in various times of the year. *cumulative effects?*

The EPA estimates that up to 100 lbs./day of particulate matter in the form of dust could be generated by a rock crushing and screening plant without dust control measures.

The use permit could require the applicant to water as necessary for the control of dust at the plant and the access road. The applicant has indicated that he is willing to provide dust control to keep the project from violating ambient air quality standards. Employees should also wear dust masks.

An average of twenty dump trucks could visit the site each day. The trucks would contribute to the diesel emissions of the area. Provided the dust control measures are adhered to, the total project generated emissions should not exceed any air quality standards.

10. The project will raise the existing noise and vibration levels in the vicinity. Between 8:00 A.M. and 5:00 P.M., Monday through Friday, a continuous noise would be generated by the increased vehicular traffic and the rock crushing plant. The noise intensity would remain at measurable levels, without interruption during a daily work regime. However, it must be pointed out that a rock processing operation is a highly seasonable business with few customers in the wet months. The crushing operation would run only a yearly average of two to three days a week. The dry months would receive most of the noise.

The Federal Government and Cal-Trans usually set their maximum permitted noise level at 70 db. Pre-project ambient noise levels at the project site and the vicinity were measured at 10 points (see map) during the week day with a sound meter. The three surrounding saw mills were in operation during the measurements.

Table 4 -- Average Work-Day Sound Levels

Station	dBA
1	65
2	60
3	60
4	60
5	60
6	60
7	70
8	60
9	65
10	60

These measurements reflect a non-irritating working and living environment.

11. Water

Ground water resources will not be utilized for the project. No wells will be drilled or septic tanks installed. Sedimentation or the potential for chemical contamination should not be a problem. No effluent will be generated. The anticipated water demand would be pumped from Wolf Creek at a rate of 2,600 gallons/day when crushing and moving rock in dry conditions. Employee sanitary needs will be provided by renting portable toilet facilities.

12. There are marsh areas within the project area which lie below the logging pond at the east and middle of the site. In summer months these areas are relatively dry, but water stain bands indicate that these areas rise up to three feet higher. A mine drift (see map) also has water flowing from it at approximately 2 g.p.m. Wolf Creek, a major water course, defines the north boundary of the project site.

13. The project has the potential to degrade surface water quality of Wolf Creek. The applicant has indicated that the project (at least sales) will operate year-round and that he is willing to provide rip-rap for the drainways around the plant site, roads and conduits. He will provide gravel for the access road and the plant site. He will provide a dike around the fueling station to limit any fuel spillage flows. He will further stay clear of the easily-eroded mill sand area in the wet months.

cannot rip-rap large exposed areas

When the site area is reclaimed following the gravel operation, the intermittent drainage flows will be re-established to the pre-mining patterns.

Currently the rock tailings and mill sand contribute to the degradation of Wolf Creek by releasing water soluble toxic metals such as chromium, lead and copper sulfides. The removal of these mine wastes would substantially decrease the mineral loading into the creek.

Really disturbing existing piles could increase discharges from tailings

A general mineral analysis was performed by Cranmer Engineering Laboratories,

the primary receptors of noise in the vicinity of the project are the homes and commercial ventures north and adjacent to the project. Areas to the south are hidden by hills which block sound waves. The nearest home to the project is 100 feet away on the north side of the long tailings pile. This home and its neighbors would be sheltered from the crusher noise if the applicant would take the sides of the long tailings pile first, and then at the last phase of the project, reduce the height. Another plan would place the rock crusher in the bottom of the mill sand pond, which has been excavated, and the clay banks would act as an effective horizontal topographic barrier to sound. The clay banks are an average of 25 feet above the bottom of the pond. The long tailings pile rests on the north clay bank.

Noise and vibration levels can be reduced on the site by following this noise abatement plan:

1. Where feasible, all metal to metal contact points will be insulated.
2. Rubberized or insulated rock hoppers and bins.
3. Provide all diesel powered equipment with approved type mufflers.
4. Required Cal OSHA ear protection be provided to employees.
5. Limit the speed of all vehicles on the access road to 25 M.P.H.
6. Limit the range of the tracked bulldozer to the plant site and use the rubber-tired loader off the plant site.

1 others

Table 3 -- Noise Levels Generated by Major Equipment

<u>Equipment</u>	<u>Horsepower</u>	<u>Noise Generated No Modifications (dBA @ 50 ft.)</u>	<u>Noise Generated Good Muffler/Engine Panels (dBA @ 50 ft.)</u>
Power Generator (75 KVA)	Diesel/48	85	78
Process Pilot Plant	Electric	90	82
Cedar Rapids Portable Crusher	Electric	95	90
Bulldozer (D-4/D-6)	Diesel/75	85	78
Rubber-tired Loader 966	Diesel/75	85	75
Loader 10-Wheel Dump Truck	Diesel/100	--	66

on the site and vicinity (see map). The mill sand (location #3) was found to contain the following metals concentration expressed in milligram/kilogram (Parts per Million):

Arsenic	4.0
Cadmium	2.0
Copper	19.0
Chromium	64.0
Lead	19.0
Mercury	1.3
Silver	2.0

* These metals are moderate in concentration and dissolve slowly, but the previously mentioned 30" diameter pipe does drain this mill sand area and has a detrimental effect.

The mine drift (location #2) has less than 0.005 milligrams/liter of arsenic in the water flowing out of it. This is relatively pure water as the other metals present were not measurable.

The east adjacent logging pond is filled by ground water pumped from the flooded mine tunnels directly downstream from the dam. A sample of this mine water was analyzed and found to contain arsenic at less than 0.005 mg./liter and mercury at less than 0.0002 mg./liter. Specific conductivity, which is a measure of salts in the water, is 699 micro-mhos/centimeter at 25° C; this is a fairly high amount of salt.

The logging pond (location #4) was analyzed for specific conductivity which measured 456 micro-mhos/centimeter at 25° C. It was measured for chemical oxygen demand (C.O.D.) and found to have a level of 54 milligrams/liter which is an excellent level for a logging pond. The pond was also measured for tannin and lignin and was found to contain 4.0 mg./liter, which is also a low level for a logging pond. These various sites were tested because they are all part of the project drainage area. The cumulative effect of these chemicals is that of a slight poison and a competitor for oxygen with aquatic life.

14. The project will increase absorption rates, restore natural drainage patterns and reduce impervious layers (rocks). Presently the project site is drained by the 30" diameter pipe which drains the mill sand pond. This pipe would be abandoned when natural contours are restored. Conduits will be adequately placed and rip-rapped to control erosion. Siltation basins would be used where applicable.

15. Plant and Animal Life

The project would change the diversity of existing habitat for both wildlife. The tailings piles act as a wind break and provide shade and shelter for both plants and animals. The removal of these piles would "open up" the area toward Idaho-Maryland Road for both noise, view shed, wind and rain. The removal of the piles would make the areas North of the piles turn relatively quickly into southern exposures which would change the micro-climate of the houses across Wolf Creek from the tailings.

This project will not interfere with movement of any resident or migratory fish or wildlife species.

16. Trees, shrubs and ground cover around and on the tailings will be removed. Mainly cottonwoods and ceanothus shrubs will be removed. A few commercial trees, Ponderosa Pines, and Black Oak will also be removed. These plants will be removed by bulldozer, and/or chain saw. 100% of the plant life will be removed on top of the tailings piles and mill pond. The stumps will be taken to the McCourtney Road Landfill for disposal.
17. The project does conflict with the General Plan 1990, and current zoning. The light industrial zoning (M-1) does not include mining as a permitted use, however, it does provide for the "Enlargement of Non-Conforming Use of Building". The owner of the property has established the non-conforming use by removing small amounts of rock and mill sand over a continuous period before the current general plan and zoning were enacted. The application for the use permit is based upon the premise that the non-conforming use has been established. The maximum life span of this project is four years.
18. The project will continue a general pattern of mineral recovery in the area. The scale of the rock removing activity will be increased and terminated in four years. The project will not disrupt or divide the physical arrangement of an established community, other than increasing the amount of noise in the area.
19. The project has the potential to extract 400,000 to 500,000 tons of mine rock and 10,000 tons of mill sand within a projected four year period. The rock and sand will be removed from the site and sold.
20. The project will use fossil fuels, cleaning solvents and possibly oxy-acetylene welding equipment which are all potentially explosive. The project will not require the use of explosives because the rock material is loose and unconsolidated.
21. Population
This project will employ a total of 4 people in winter and 10 people in summer, excluding the truck drivers. No one will be establishing residence on the project. The project will not alter the distribution or density of human populations in the area. No one will be displaced or need to change locations as a result of this project. No new residents will result from this project.
22. Transportation/Circulation
This project will increase the average daily traffic (ADT) on Railroad Avenue, Idaho-Maryland Road, Golden Center Freeway and Brunswick Road. The new traffic would be generated by various-sized dump trucks hauling rock off the site, and by employee vehicles. The project could produce 3,000 tons per day of useable rock, however, the applicant's former gravel operation sold 2,000 to 3,000 tons of rock a week on the dry busy season, and 800 to 1,000 tons a week in the slow season. Project employees could generate 20 to 40 trips per day related to the project. This project could generate an estimated 90 to 110 ADT at full production in the busy summer months. In the wet months an average of 5 to 10 gravel trucks a day visited the previous gravel operations.

Nevada County traffic counts made in 1977 through 1979 indicate the following ADT:

Idaho-Maryland Road	May, 1977	2,400
Idaho-Maryland Road (west of Brunswick Road)	April, 1979	2,300
Brunswick Road North	March, 1978	6,000
Brunswick Road South	March, 1978	7,500
Golden Center Freeway South	Average Annual Daily 1978	17,000
Golden Center Freeway North	Average Annual Daily 1978	14,900

No traffic data was obtained through Grass Valley.

Other alternate access routes include an existing road off of Bennett Street and the road adjacent to the Community Workshop which exits on to Idaho-Maryland Road.

23. Railroad Avenue is a two-lane dead-end asphalt concrete (AC) road. Idaho-Maryland Road is a two-lane AC road. State Highway 20/49 freeway is a four-lane AC road. This project proposes no changes to these roads except for an encroachment upon Railroad Avenue, a City of Grass Valley road. Bennett Street could also have an access road tied to it.

24. Public Services

a. Police Services

The Nevada County Sheriff's Department would go to the project if called for some reason. No increase in demand for police services is anticipated.

b. Fire Protection

The project is located in the Gold Flat Fire Protection District. The nearest year-round fire station is approximately two miles from the project site. The project has fire hydrants.

The project will use on site a water/fire truck which can hold 4,000 gallons on water. The truck has a separate 4" pump and about 800 feet of 1" hard fire line.

c. Water Supply

Water supply for controlling dust and fire would be drafted from Wolf Creek. The project property owner has water rights from Wolf Creek. The project will require water at the rate of 5 to 10 gallons per minute.

d. Sewage

Sewage will be provided for an on contract basis from a private portable chemical toilet contractor.

e. Schools

The project will have no direct impact on local schools.

f. Social Services

The demand for social services will be low.

g. Solid Waste

Solid wastes will be disposed of at the McCourtney Road Sanitary Landfill. Most of the solid waste from the project will be in the form of tree stumps.

h. Medical Services

Emergency and acute medical services are available at Sierra Nevada Memorial Hospital in Grass Valley.

i. The project is adjacent to, and partially included in, the East Grass Valley Township line.

25. Energy and Utilities

The project will increase the use of fossil fuel consumption, but will not use the fuels or energy in a wasteful manner.

26. The project initially plans to use a diesel-powered electrical generator for energizing the gravel processing equipment. Approximately one year later, the project would be served with electrical energy from P. G. & E. This service would probably require an extension from the industrial area east of the project (see map). The extension of sewer lines and the installation of septic tanks will not be necessary. Natural gas will not be needed.

The projects electrical equipment, when installed, would use an average 4,000 kilowatts per quarter of a year.

27. Aesthetics

The project would be aesthetically pleasing when the mine wastes are finally removed and the area is reclaimed. A view shed would be re-opened from Idaho-Maryland Road toward the project grounds to the south. Topographically, the project lies in a natural "bowl" or broad, gently sloping drainage area. The gold mine mining wastes have covered the natural ground and essentially made a geographical "wall" over 55 feet tall in some areas. Realistically, in time, the mine dumps would have to be removed to level the ground for light industrial (M-1) uses in the near future.

28. The project will change scenic views from existing residential areas and roads. It will increase the view to the pre-mining distance of approximately one-third of a mile to the south.

29. Archeological/Historical

The mine wastes are man-made historical artifacts. In these rocks are metal artifacts which will be removed by the magnetic separator of the crushing operation. These artifacts, such as nails and iron objects, will be removed periodically and examined for historical significance.

30. General

The project will employ ten people in the summer months, although four of the employees are currently employed by the applicant of another gravel operation. The tax base of the County will be little affected by this project.

3. This project has no relationship to a larger project or series of projects which may directly cause a significant environmental impact. Siltation into Wolf Creek caused by man's activities along it flanks all have a cumulative impact. This project will clear a path for future building development on the project property. This project will have short life span due to the limited supplies of rock and sand available.

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and the facts, statements and information presented are true and correct.

Date: 10/12/79

Jim Shultz
Jim Shultz

Date: 10/12/79

Peter Chamberlin
Peter Chamberlin

For: NORTH STAR ROCK PRODUCTS CORPORATION

Nevada County Historical Society



P.O. Box 1300
214 Main Street, Nevada City, California
95959

IDAHO-MARYLAND MINE PROPERTY

HISTORICAL and ARCHEOLOGICAL CHECKLIST

APPLICANT: Please complete the following series of questions. Please consider anything in existence prior to the year 1920. If you answer any item YES please provide us with the following information: what the item is, a description, its' location and a short statement as to its' history.

Name of person to contact
for more information

Peter Chamberlin

Address 13790 Gas Canyon Road
Nevada City, California 95959

Telephone (916) 265-4686

- | YES | NO | THE PROPERTY CONTAINS: |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. A structure built prior to 1920. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Signs of Native American activity or culture (i.e., encampments, burial sites, mortars, etc.) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Signs of Oriental activity or culture. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Significant remnants of other cultures and peoples. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Indications of emigrant movements (i.e., signs of emigrant trail). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Signs of toll roads, stage roads and other roads prior to 1920. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Signs of pioneer graves and/or cemeteries. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Remnants or signs of railroad activity. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Signs of early day water storage and conveyance, i.e., flumes, canals, ditches, reservoirs, etc. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Mining activity is known to have occurred on the property. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Signs or remnants of mining activity (i.e., equipment, shafts, mills, frames, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Signs of early lumbering activity (i.e., mills, transportation systems, trestles, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 13. Signs of other early industrial activity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. The property contains a townsite or a portion thereof. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Other items, sites, structures, or remnants of historical or archeological importance. |

I declare under penalty of perjury that the above is true and correct.

Executed on October 10, 1977, at Grass Valley, California.

EXHIBIT 1020

NORTH STAR ROCK
(IDAHO-MARYLAND MINE)

COUNTY OF NEVADA

PLANNING DEPARTMENT

700 Zion Street
Nevada City, California 95959
(916) 265-1440

NOTICE OF CONDITIONAL APPROVAL USE PERMIT APPLICATION

Mr. Harry Abbott
North Star Rock Products
P. O. Box 908
Grass Valley, CA 95945

Use Permit #1476
500 (M1) U86-45
AP No. 9-55-13 (por. 14)
Certified #P329 059 938

You are hereby notified that the Nevada County Planning Commission, at a regular meeting held on December 18, 1986, after public hearing, did duly consider your application filed on July 28, 1986, for an amendment to your existing use permits (U79-41 and U85-25) to allow for excavation of a six acre on-site borrow pit and relocation of the processing plant on the 11.9 acre parcel located on Idaho Maryland Road, Grass Valley. A legal description of the property is on file in the Planning Department, 700 Zion Street, Nevada City, California

After said hearing, and upon the evidence thereat submitted, the Planning Commission does hereby notify you that your application for use permit is granted, subject to the following conditions:

A. DEPARTMENT OF TRANSPORTATION

1. This department has no objections to modifying use permits nos. U79-41 and U85-25 to allow material obtained from an adjacent 150,000 CY borrow area to be processed on-site and hauled off-site for sale.
2. A development fee will not be required for processing and hauling material from the borrow area since a development fee was paid on the original use permit to offset those impacts.
3. If the applicant imports material for processing, a development fee of \$.05 per ton of material hauled to the site for processing shall be paid to the County Department of Transportation to offset the impacts the proposal will have on our road system. The applicant shall notify the Department of Transportation at least 24 hours in advance of the haul.
4. In reviewing exhibits 5 and 6 of the document submitted by the applicant to amend U79-41 and U85-25, we note that setbacks required by the grading ordinance are not being met. The grading plan submitted for plan check must show proper setbacks between the top of cut and the south and west property lines.

B. PLANNING DEPARTMENT

1. If water for the project is to be taken from Wolf Creek, either water rights to the water will be established to the satisfaction of the Nevada Irrigation District, or satisfactory arrangements shall be made with the district to draft water from the creek.
2. All appropriate permits shall be obtained from the Nevada County Building Department, Nevada Irrigation District, and State Department of Fish & Game for the proposed bridge crossing over Wolf Creek. The Department of Fish and Game indicates that the department will not require a stream alteration permit for the Wolf Creek crossing if (1) the applicant does not disturb the historic railroad crossing abutments; and (2) the access road shall cross the rock dike on a 90 degree angle and shall not parallel the rock pile which would involve riparian vegetation removal.
3. The mill pond adjacent to the main project shall be deepened and/or flash boards reinstalled in the outlet facility so that suspended material in run-off waters can settle out before entering Wolf Creek. This settlement pond shall maintain a useful life as long as the period of time necessary to re-establish the area after the project ends.
4. In order to preserve wildlife habitat to the greatest extent possible, no native vegetation shall be removed except where necessary to remove the mine waste material.
5. The rock processing/crushing plant shall be moved southwest approximately 300 feet as represented on the site plan.
6. Prior to commencement of operation, submit a waste discharge report to the State Water Quality Control Board and then comply with any requirements of that agency.
7. Hours of operation for the processing plant and loader shall be limited to between 8:00 a.m. and 5:00 p.m., Monday through Friday, except for a demonstrable emergency which shall be reported to the Planning Department. The operation could commence at 7:00 a.m. during the summer months (May 1 through September 30), unless an unresolved complaint is received by the Planning Department. Operations beyond the designated times for purposes other than machinery maintenance or authentic emergency may cause the permit to be brought back to the Planning Commission which may in turn modify the conditions on the permit or recommend its revocation to the Board of Supervisors.
8. Subject to any on-going requirements of the Nevada County Air Pollution Control Officer.

9. Subject to receipt of a waiver from the Nevada County Environmental Health Department for the use of portable toilets.
10. In addition, this permit also covers the processing of rock material from off-site locations. Processing of off-site material shall not be conducted after six years from the issuance of this permit.
11. Any storage of on-site fuel shall be done in compliance with Department of Fish & Game regulations.
12. Vegetative waste generated by the gravel removal shall be disposed of at the sanitary landfill unless a permit is issued by the Air Pollution Control Officer for on-site burning.
13. Any historical artifacts recovered during the gravel harvest and processing shall be received by the Nevada County Historical Society.
14. The following noise attenuation and dust control measures shall be employed by the applicant for the life of the use permit.
 - a. The subject site and access road shall be watered regularly to control dust emissions.
 - b. All equipment associated with the use shall be muffled with approved mufflers.
 - c. The applicant shall take the sides of the long tailings pile first, and then reduce the height of the last phase of the project. This condition is intended to provide noise barrier between the operation and nearby homes to the north and northeast for the longest time possible.
 - d. Where feasible, all metal to metal contact points will be insulated.
 - e. Rubberize or insulate rock hoppers and bins.
 - f. Cal OSHA ear protection shall be provided to employees.
 - g. Limit the speed of all vehicles on the access road to 25 miles per hour.
 - h. Limit the range of the tracked bulldozer to the plant site and use the rubber-tired loader off the plant site.
15. Landscaping and Reclamation
 - a. At completion of cut bank, planting and landscaping in accordance with approved reclamation plan shall be installed (see exhibit "B"). Should development of adjacent properties include excavation that would eliminate cut bank then said landscaping and planting shall not be required.
 - b. Prior to installation, a landscaping plan prepared by a licensed landscape architect shall be reviewed and approved by the Planning Department. Said plan shall incorporate (1) type and quantity of plant materials; (2) irrigation and maintenance provisions; and (3) soil preparation techniques.

16. Should westerly property develop and material is transferred for processing onto the North Star Rock Products site, then all access haul routes shall utilize private internal roads.
17. Obtain a permit from the Air Pollution Control District, if required.
18. The applicant shall provide gravel and/or rip rap for the plant site drainways, roads and conduits. When the site area is reclaimed, following the gravel operation, the intermittent drainage would be re-established to the pre-mining patterns.
19. Fine rock particles generated through the proposed crushing operation that would remain on-site during the wet season (October 1 to April 30) shall be stabilized.
20. Any exposed soil area resulting from the proposed operation shall be stabilized by October 1 and remain stabilized through April 30.
21. The Planning Department and Nevada County Resource Conversation District shall be contacted prior to October 1 annually for the purpose of site inspection each season to determine the adequacy of the stabilization program. Stabilization may include seeding, mulching, fertilizing, placing of a crushed or broken rock layer or the use of plastic sheeting on a temporary basis.
22. Disturbed areas seeded in the spring and summer shall be periodically irrigated during the dry season to insure vegetative establishment.

The applicant is also responsible for compliance with applicable State laws and County ordinances. Pursuant to the requirements of the Land Use and Development Code you are hereby notified that this permit is not valid until the expiration of ten (10) days from the date of the Planning Commission action. If the granting of the permit is appealed or submitted to the Board of Supervisors for final action, the effective date is stayed until final action by said Board. Any appeal must be submitted on the proper form which is available from the Clerk to the Board of Supervisors, Courthouse, Nevada City, California 95959.

Section L-II 32.1 of the Nevada County Land Use and Development Code states that when the use of land, building or premises, authorized by the County under provisions of a plan or permit is not established within two years (or as specified by the Planning Commission or Board of Supervisors in granting a plan or permit) from the date of such authorization, the permit issued pursuant thereto shall become null and void. When the actual construction of any main building or buildings which are described or shown in any application which in the determination of the approving authority is not commenced or the conditions attached thereto complied with, within two years from the date it became final or within the time specified in such application or determination, if any, the permit issued pursuant thereto shall become null and void. The "main building or buildings" are those housing the main or

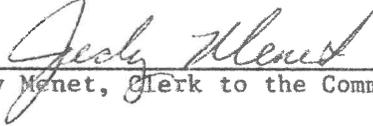
Notice of Conditional proval - U86-45
North Star Rock Products
December 19, 1986

Page 5

principal use of the premises as authorized, or as designated in the determination of the approving authority. When actual construction of any accessory building or buildings which are described or shown in any application or determination of the approving authority is not commenced prior to or immediately following completion of construction of the main building or buildings, or within the time specified in the application or determination, if any (whichever is earlier) any such accessory building or buildings may be deemed not authorized by the permit issued thereto. For the purposes of the foregoing, the "accessory building" or buildings are those other than the main building or buildings.

You are advised not to commence any work on this permit until the ten-day period expires and to check with the Planning Department to determine if any appeal has been submitted.

NEVADA COUNTY PLANNING COMMISSION
Thomas A. Parilo, Ex-Officio Secretary

By: 
Judy Menet, Clerk to the Commission

TAP:jm

cc: Assessor's Office
Building Department
Dept. of Public Works
Resource Conservation District
Rick DeJesus

2-4-A

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

APPLICANT: North Star Rock Products HEARING DATE: December 18, 1986
FILE NO: U86-45, EIS86-69

PROJECT: Amendment to existing use permit U79-41 and U85-25 to allow for excavation of a 6 acre on-site borrow pit which will yield approximately 150,000 cubic yards of processed rock material for off-site sale. Also requested is relocation of the existing processing plant approximately 300 feet southwest. As reclamation, the excavated area will be recontoured to create an industrial building pad.

LOCATION: Idaho Maryland Road, Grass Valley

FACTUAL DATA:

General Plan: Industrial
Zoning: M1
Lot Size: 11.9± acres

Services:

Water: Wolf Creek
Sewage: Portable chemical toilets
Schools: N/A
Fire: Gold Flat
Roads: Idaho-Maryland Rd.

ENVIRONMENTAL ACTION: The Nevada County Advisory Review Committee on September 25, 1986, recommended that a mitigated negative declaration be adopted for this project.

STAFF COMMENT:

In 1979 the Planning Commission approved a conditional use permit, U79-41, for a rock crushing operation known as the North Star Rock Products on the subject Idaho-Maryland Road site. Since that date the processing, operation, and reclamation of the site has taken place. In 1985, the Planning Commission approved an amendment to the 1979 use permit (U85-25) to allow for importation of material for processing from off-site locations. To date implementation of that permit has not occurred. Both permits were subject to several conditions of operation and reclamation which have been effectively implemented.

The proposed project is requested to amend the 79 and 85 use permits with a new permit which would expand the operation from five acres to 11.9 acres and entails the following:

1. Excavation of approximately six additional acres of a borrow pit with a yield of 150,000 cubic yards of material to be processed into crushed rock products for off-site sale.
 2. To relocate the rock crushing and processing plant from its present location three hundred feet southwest (shown on exhibit 1 of the attached project description).
-

3. To reclaim the disturbed area with a flat six acre building pad and a 45 foot cut bank that includes the following:
 - a. A 2 to 1 slope with a drainage interceptor ditch at the top.
 - b. An 8 foot wide landscaped bench midway up with cut face of the bank.

The proposal was circulated for review through many state and local agencies and local interest groups for comment. To date comments were received from the City of Grass Valley, Resource Conservation District, Nevada Irrigation District and the Department of Conservation. Those comments/concerns, have been addressed, to the extent possible, in the revised project initial study and description or through the attached recommended conditions and mitigation measures.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- I. Approve the conditional use permit subject to the following conditions:

- A. DEPARTMENT OF TRANSPORTATION

1. This department has no objections to modifying use permits nos. U79-41 and U85-25 to allow material obtained from an adjacent 150,000 CY borrow area to be processed on-site and hauled off-site for sale.
2. A development fee will not be required for processing and hauling material from the borrow area since a development fee was paid on the original use permit to offset those impacts.
3. If the applicant imports material for processing, a development fee of \$.05 per ton of material hauled to the site for processing shall be paid to the County Department of Transportation to offset the impacts the proposal will have on our road system. The applicant shall notify the Department of Transportation at least 24 hours in advance of the haul.
4. In reviewing exhibits 5 and 6 of the document submitted by the applicant to amend U79-41 and U85-25, we note that setbacks required by the grading ordinance are not being met. The grading plan submitted for plan check must show proper setbacks between the top of cut and the south and west property lines.

- B. PLANNING DEPARTMENT

1. If water for the project is to be taken from Wolf Creek, either water rights to the water will be established to

- the satisfaction of the Nevada Irrigation District, or satisfactory arrangements shall be made with the district to draft water from the creek.
2. All appropriate permits shall be obtained from the Nevada County Building Department, Nevada Irrigation District, and State Department of Fish & Game for the proposed bridge crossing over Wolf Creek. The Department of Fish and Game indicates that the department will not require a stream alteration permit for the Wolf Creek crossing if (1) the applicant does not disturb the historic railroad crossing abutments; and (2) the access road shall cross the rock dike on a 90 degree angle and shall not parallel the rock pile which would involve riparian vegetation removal.
 3. The mill pond adjacent to the main project shall be deepened and/or flash boards reinstalled in the outlet facility so that suspended material in run-off waters can settle out before entering Wolf Creek. This settlement pond shall maintain a useful life as long as the period of time necessary to re-establish the area after the project ends.
 4. In order to preserve wildlife habitat to the greatest extent possible, no native vegetation shall be removed except where necessary to remove the mine waste material.
 5. The rock processing/crushing plant shall be moved southwest approximately 300 feet as represented on the site plan.
 6. Prior to commencement of operation, submit a waste discharge report to the State Water Quality Control Board and then comply with any requirements of that agency.
 7. Hours of operation for the processing plant and loader shall be limited to between 8:00 a.m. and 5:00 p.m., Monday through Friday, except for a demonstrable emergency which shall be reported to the Planning Department. The operation could commence at 7:00 a.m. during the summer months (May 1 through September 30), unless an unresolved complaint is received by the Planning Department. Operations beyond the designated times for purposes other than machinery maintenance or authentic emergency may cause the permit to be brought back to the Planning Commission which may in turn modify the conditions on the permit or recommend its revocation to the Board of Supervisors.
 8. Subject to any on-going requirements of the Nevada County Air Pollution Control Officer.

9. Subject to receipt of a waiver from the Nevada County Environmental Health Department for the use of portable toilets.
10. In addition, this permit also covers the processing of rock material from off-site locations. Processing of off-site material shall not be conducted after six years from the issuance of this permit.
11. Any storage of on-site fuel shall be done in compliance with Department of Fish & Game regulations.
12. Vegetative waste generated by the gravel removal shall be disposed of at the sanitary landfill unless a permit is issued by the Air Pollution Control Officer for on-site burning.
13. Any historical artifacts recovered during the gravel harvest and processing shall be received by the Nevada County Historical Society.
14. The following noise attenuation and dust control measures shall be employed by the applicant for the life of the use permit.
 - a. The subject site and access road shall be watered regularly to control dust emissions.
 - b. All equipment associated with the use shall be muffled with approved mufflers.
 - c. The applicant shall take the sides of the long tailings pile first, and then reduce the height of the last phase of the project. This condition is intended to provide noise barrier between the operation and nearby homes to the north and northeast for the longest time possible.
 - d. Where feasible, all metal to metal contact points will be insulated.
 - e. Rubberize or insulate rock hoppers and bins.
 - f. Cal OSHA ear protection shall be provided to employees.
 - g. Limit the speed of all vehicles on the access road to 25 miles per hour.
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15. Landscaping and Reclamation
 - a. At completion of cut bank, planting and landscaping in accordance with approved reclamation plan shall be installed (see exhibit "B"). Should development of adjacent properties include excavation that would eliminate cut bank then said landscaping and planting shall not be required.

- b. Prior to installation, a landscaping plan prepared by a licensed landscape architect shall be reviewed and approved by the Planning Department. Said plan shall incorporate (1) type and quantity of plant materials; (2) irrigation and maintenance provisions; and (3) soil preparation techniques.
 16. Should westerly property develop and material is transferred for processing onto the North Star Rock Products site, then all access haul routes shall utilize private internal roads.
 17. Obtain a permit from the Air Pollution Control District, if required.
 18. The applicant shall provide gravel and/or rip rap for the plant site drainways, roads and conduits. When the site area is reclaimed, following the gravel operation, the intermittent drainage would be re-established to the pre-mining patterns.
 19. Fine rock particles generated through the proposed crushing operation that would remain on-site during the wet season (October 1 to April 30) shall be stabilized.
 20. Any exposed soil area resulting from the proposed operation shall be stabilized by October 1 and remain stabilized through April 30.
 21. The Planning Department and Nevada County Resource Conversation District shall be contacted prior to October 1 annually for the purpose of site inspection each season to determine the adequacy of the stabilization program. Stabilization may include seeding, mulching, fertilizing, placing of a crushed or broken rock layer or the use of plastic sheeting on a temporary basis.
 22. Disturbed areas seeded in the spring and summer shall be periodically irrigated during the dry season to insure vegetative establishment.
- II. Pursuant to Article 31.5, staff has prepared the following suggested findings:
- A. Because of the M1 zoning of the area, and that the 11.9 acre property is a portion of a larger parcel, the attached map clearly depicts that the site is adequate in size and shape to accommodate the proposed use and comply with setbacks, landscaping and other recommended conditions of approval.
 - B. That the existing road serving the site, Idaho Maryland, is adequate in surface type and size to accommodate the proposed use. This has been demonstrated by the past permit activity and is also verified by the traffic analysis prepared in the initial environmental study.

- C. Because of the mitigation measures attached involving noise standards, dust control, hours of operation, length of permit and landscaping requirements required in the reclamation plan, the development will not adversely affect surrounding properties or the permitted uses thereof.
 - D. A development fee of \$0.05 per ton has been attached to offset the cumulative impacts this project would have on the Regional Transportation System.
 - E. The proposed development is consistent with the Industrial designation and the industrial zoning district on the General Plan.
 - F. The attached conditions and mitigation measures are the minimum necessary to insure the protection of the public health, safety and general welfare.
- III. Find that a mitigated negative declaration is applicable and direct staff to file a notice of determination with the County Clerk's office.

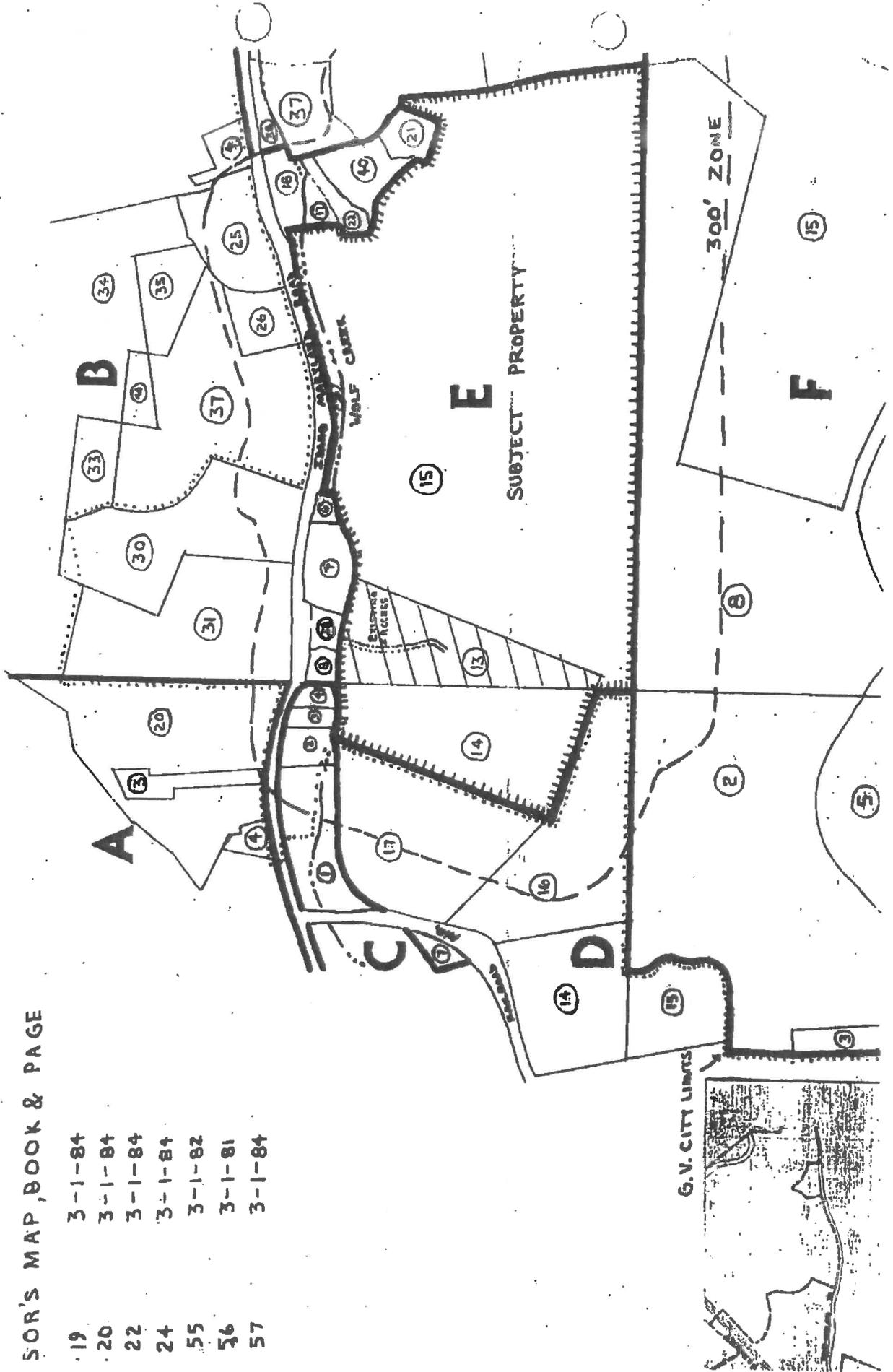
2-4-A

PUBLIC NOTICE MAP

APPLICANT: NORTH STAR ROCK PRODUCTS CORPORATION

SOR'S MAP, BOOK & PAGE

- 19 3-1-84
- 20 3-1-84
- 22 3-1-84
- 24 3-1-84
- 55 3-1-82
- 56 3-1-81
- 57 3-1-84



DATE: August 5, 1986

TO: _____

NEVADA COUNTY PLANNING DEPARTMENT
INITIAL DISTRIBUTION - NEW APPLICATION

APPLICANT: North Star Rock Products
FILE NO: U86-45, EIS86-69

PROJECT: Amendment to existing use permit U79-41 and U85-25 to allow for excavation of a 6 acre on-site borrow pit which will yield approximately 150,000 cubic yards of material. This material will be processed on-site but hauled off-site for sale. A portion of the excavated materials will be used to create a building pad on-site. The applicant is also requesting that this amended permit allow the existing processing plant to be relocated approximately 300 feet southwest of its current location.

LOCATION: Idaho Maryland Road, Grass Valley

FACTUAL DATA:

General Plan: Industrial
Zoning: M1
Lot Size: 11.9± acres

Services:

Water: Wolf Creek
Sewage: Portable chemical toilets
Schools: N/A
Fire: Gold Flat
Roads: Idaho-Maryland Rd.

ENVIRONMENTAL ACTION: This project is scheduled for environmental review by the Nevada County Advisory Review Committee on September 10, 1986. That meeting will be held in the Nevada City Veterans Building, 415 Pine Street, Nevada City beginning at 10:00 am. All written comments must be submitted to the department prior to August 29, 1986 or verbally at the ARC meeting.

PLANNER: Karla McCabe, Planner I
Nevada County Planning Department
700 Zion Street
Nevada City, CA 95959
(916) 265-1440



Nevada County Resource Conservation District

113 PRESLEY WAY, SUITE 1 - GRASS VALLEY, CALIFORNIA 95945 (916) 272-3417

RECEIVED

OCT 30 1989

October 27, 1989

NEVADA COUNTY
PLANNING DEPARTMENT

Tom Parilo, Planning Director
Nevada County Planning Department
P.O. Box 6100
Nevada City, CA 95959

SUBJECT: North Star Rock Products, U86-45

Dear Tom,

For your information, I inspected the subject site with Harry Abbott at his request on 10/24/89 to evaluate the status of reclamation and winterization. Following are my comments.

Excavation of the cut slope is progressing. A 10-foot wide terrace has been constructed midway on the slope. A rock-lined interceptor ditch is in place above the slope and discharges into a stable area.

Drainage from the plant and mining area is directed to the tailings pond east of the plant site. Roadside drainage is filtered through vegetation before entering Wolf Creek.

The site is not yet at the stage where reclamation can occur. At this point, it is stable and winterized so that off-site sedimentation from this source is minimal.

Sincerely,

Andrew Lovato, CPESC
District Manager

cc: Harry Abbott

AL/pw

1950

1950

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COUNTY OF NEVADA

PLANNING DEPARTMENT

Eric Rood Adm. Bldg.
950 Maidu Avenue
P. O. Box 6100
Nevada City, CA 95959-6100
(916) 265-1440

CODE ENFORCEMENT DIVISION

Date: June 10, 1988

To: Wesley W. Zachary, Department of Transportation Director

From: Thomas A. Parilo, Planning Department Director *Tom*

Subject: Enforcement of Department of Transportation initiated Conditions of Approval for Use Permits.

A possible violation of Condition No. 3 of U86-45, North Star Rock Products, has recently been brought to our attention. The condition was initiated by your department and requires the applicant to pay a development fee of \$.05 per ton for material hauled onto the property for processing.

Due to the fact that the condition was initiated by your department and falls within your department's area of expertise and primary jurisdiction, it is appropriate that this violation be pursued in a manner similar to the current procedure for enforcement of encroachment permit requirements. Initial contact and attempts at obtaining compliance through the use of a thirty day warning notice should be made by the Department of Transportation. If voluntary compliance is not obtained the matter can then be referred on to the Code Enforcement Division of the Planning Department consistent with Resolution No. 86-58 of the Nevada County Board of Supervisors.

12/30

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: (Public Agency) Nevada County Planning Department
700 Zion Street
Nevada City, CA 95959

or
 County Clerk
County of Nevada

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title
U86-45 Conditional use permit application for North Star Rock Products, Inc.

State Clearinghouse Number (If submitted to Clearinghouse)	Contact Person	Telephone Number
<u>N/A</u>	<u>Dale Creighton, Senior Planner</u>	<u>(916) 265-1440</u>

Project Location
Idaho Maryland Road, Grass Valley

Project Description
Amendment to existing use permit to allow on-site borrow pit and movement of processing plant.

This is to advise that the Nevada County Planning Commission
(Lead Agency or Responsible Agency)
has approved the above described project and has made the following determinations regarding the above described project:

1. The project will, will not, have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of project approval may be examined at:
Nevada County Planning Department, 700 Zion St., Nevada City

3. Mitigation measures were, were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations was, was not, adopted for this project.

Date Received for Filing
RECEIVED

DEC 30 1986

ANNETTE FAULKNER

Signature

DEPUTY CLERK

DEC 31 1986

Title

NEVADA COUNTY

COUNTY CLERK OF THE COUNTY OF NEVADA
 Courthouse
 Nevada City, California 95959

NEGATIVE DECLARATION

Please file this Negative Declaration pursuant to the requirements of the California Environmental Quality Act of 1970, as amended.

Responsible Agency: County of Nevada, California	Contact Person: Dale Creighton, Senior Planner	Telephone (916)265-1440
Address: 700 Zion Street	City: Nevada City	County: Nevada
Project Title: U86-45 Conditional use permit application of North Star Rock Products, Inc.	Area in Acres: 11.9	Zip Code: 95959
Project Address: Idaho Maryland Road, Grass Valley		Zoning: M1
		Assessor's Parcel Number(s): 9-55-13

Project Description or Nature, Purpose and Beneficiaries:

Amendment to existing use permit to allow for excavation of 6 acre borrow pit and relocation of existing processing plant 300 feet southwest

Finding:

Although the project could have a significant effect on the environment, there will not be a significant effect because of mitigation measures attached as conditions of approval.

Date of Finding: PC 12/18/86	Attest: Signed: <u>Dale Creighton</u> Dale Creighton Senior Planner Title	Filed with County Clerk: FILED DEC 30 1986
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BRUCE C. BOLINGER
 COUNTY CLERK
 BY ANNET [Signature]
 Deputy Clerk

EXHIBIT 1021



Mine Safety and Health Administration

Mine Data Retrieval System

***MSHA Mine Data Retrieval System maintenance window starts Fridays 10:00PM ET to Saturday 10:00AM ET. Please be advised that there may be interruption to data retrieval during this time period. Please note that Internet Explorer might not work on this page. Please use another browser, e.g. Chrome ***

*** For any questions please contact [MSHA Data Group](#).***

Active Mine Locations

Coal or Metal/Non-Metal (All)

Mine Type (All)

Search...

STYL

+ -

Mine Information

Mine	Operator History	Current Operator	Controller
------	------------------	------------------	------------

Mine Information	Mine Name	Commodity	Mine Status	Status Date	Type of Mine
Mine ID 0405288	IDAHO MARYLAND MINE	Gold Ore	Abandoned	9/5/1997	Underground

Mine Address

Addresses of Record

Mine ID	Mine Name	Street	City	State	Zip Code
0405288	IDAHO MARYLAND MINE	N/A	GRASS VALLEY	California	95945

Related Reports

- [Overview](#)
- [Inspections](#)
- [Accidents](#)
- [Violations](#)
- [Health Samples](#)
- [Mine Quarterly Reported Production Information](#)
- [POV Monitoring Tool](#)

 [Return to DRS Home Page](#)

EXHIBIT 1022



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
950 MAIDU AVENUE NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-1272 www.co.nevada.ca.us/cda

PLANNING DEPARTMENT
PHONE (530) 265-1440
FAX (530) 265-1798

ENVIRONMENTAL HEALTH
PHONE (530) 265-1452
FAX (530) 265-7056

BUILDING DEPARTMENT
PHONE (530) 265-1444
FAX (530) 265-1272

CODE COMPLIANCE
PHONE (530) 265-1362
FAX (530) 265-1625

March 28, 2001

Scott A. Galati
Grattan & Galati
801 "K" Street, Penthouse Suite
Sacramento, CA 95814

RE: Extension of Time for Emperor Gold (U.S.) Corporation – Conditional Use Permit File
Number: U94-017

Dear Mr. Galati:

At their regular meeting of March 22, 2001, the Nevada County Planning Commission considered your extension request dated December 13, 2000; for an extension of time for the Conditional Use Permit application of Emperor Gold, File Number U94-017.

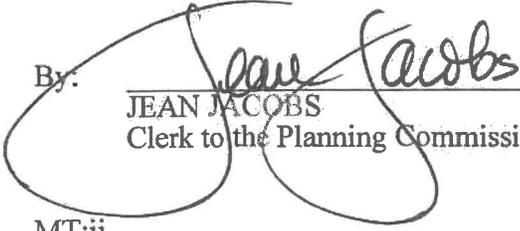
The Commission, by a 5-0 vote, granted the extension of time for two (2) years. The dewatering activities for the Conditional Use Permit on this project must be commenced no later than January 25, 2003 .

If you have any questions, please contact the project planner, Tod Herman, Associate Planner, at (530) 265-1257.

Very truly yours,

NEVADA COUNTY PLANNING COMMISSION
Mark Tomich, Ex-Officio Secretary

By:



JEAN JACOBS
Clerk to the Planning Commission

MT:jj

COUNTY OF NEVADA

PLANNING DEPARTMENT

Eric Rood Adm. Bldg.
950 Maidu Avenue
Nevada City, CA 95959-8617
(916) 265-1440
Fax (916) 265-1798

January 26, 1996

NOTICE OF CONDITIONAL APPROVAL USE PERMIT APPLICATION

Emperor Gold (U.S.) Corporation
P. O. Box 1836
Grass Valley, CA 95945

U94-017; EIR94-003
AP#: 06-441-03, -04, -05, & -29;
09-630-24, -27, -30 & -31

ENVIRONMENTAL ACTION: Certified EIR

You are hereby notified that the Nevada County Planning Commission, at a regular meeting held on January 25, 1996, after public hearing, did duly consider your application for the dewatering of the existing underground workings of the Idaho Maryland Gold Mine, and the subsequent underground exploration and sampling of those workings, on property located on 117 acres of contiguous property located southwest of the intersection of Brunswick Road and E. Bennett Road, including the Bohemia Mill site. A legal description of the property is on file in the Planning Department, 950 Maidu Avenue, Nevada City, California.

The Planning Commission hereby notifies you that your application for a use permit was granted, on a 4-0 vote, subject to the following mitigation measures and conditions:

The agency references are: Planning Department (PD), Department of Transportation (DOT), Environmental Health (EH), Building Department (BD), and the Northern Sierra Air Quality Management District (NSAQ).

I. GENERAL CONDITIONS

- PD 1** All operations shall be conducted in accordance with the project description in Section 3.0 (Draft EIR), and as amended in the EIR Errata (Section 3.0 of the Final EIR). All other conditions required by this permit shall be considered as modifications to the project description. All mitigation measures attached to this project shall also be considered as conditions of this permit.
- PD 2** Under applicable law, this use permit will "run with the land" and the entitlements and obligations will be fully assumed by any subsequent owner of the property covered by this use permit. Any party or entity acquiring the property and electing to continue with the use of the property as authorized by this use permit will be required to fully comply with all of the conditions and obligations created by the use permit, including, but not limited to, being required to post and maintain adequate security as required under MM 4.3.6 of this permit.

PD 3 Once the dewatering portion of the Exploration Phase has commenced, the operator shall have four and a half years to complete the Exploration Phase and an additional six months to complete the site clean up activities outlined in the Post Project phase (Section VIII) of this use permit. All mine dewatering shall cease at the end of the Exploration Phase (Section VII).

PD 4 Every two years, beginning from the commencement of the Site Preparation Phase, this Use Permit shall be reviewed before the Nevada County Planning Commission. The purpose of the review will be to evaluate the success of the established performance standards and of the operator in complying with these Conditions of Approval. Additionally, the review will monitor the status of the project and any deviations from the anticipated impacts described in the Final EIR. Adjustments to the monitoring program may be made in order to accommodate any such deviations.

PD 5 If the review hearings in Condition PD 4 above reveal serious violations and/or unexpected significant environmental or public health impacts that either have not or cannot be corrected, the Planning Commission shall recommend that the Board of Supervisors hold a hearing to consider revocation of the Use Permit.

NOTE: Notwithstanding any other provision, use permit revocation hearing(s) may be held any time by the Board of Supervisors pursuant to Section L-II 31.6 of the Land Use and Development Code whenever non-compliance on the part of the operator is demonstrated such that the established conditions of approval are not being followed.

PD 6 These conditions may not be changed without amending this permit except that minor adjustments to the project and conditions may be made if approved by the Planning Department staff, and if such changes do not result in a major departure from the approval either individually or cumulatively as defined in Section L-II 3.49 of the Land Use and Development Code. Staff will report all such adjustments to the Planning Commission and Community Liaison when applicable.

PD 7 The operator shall fund the County's monitoring and inspection for this project. All such fees shall be based on an at-cost basis pursuant to Section K.1 of the latest fee schedule adopted by the Board of Supervisors.

PD 8 The following is the definition of the Community Liaison with whom the Mine Operator shall be required to coordinate:

- a. At their election, and on an "as available" basis, the Bohemia Area Residents Committee (BARC) will provide the operation with the name, address, and phone number of a person designated as the "Community Liaison." This volunteer will serve both the community near the mine and the operator as the main line of communication between the two. For example, the liaison may:
 - i. Pass on BARC or community member's concerns in an orderly fashion.
 - ii. Stay informed about the project and notify BARC or community members of the current stage of the project including, as examples, temporary noisy events or the status of the monitoring results.

- iii. Review monitoring data on file at the County as necessary.
 - iv. Serve on the Review Team for various contracts administered by or requiring review by the County.
- b. The liaison will be notified concurrently with the County of any changes to the operation requiring County approval.
 - c. The operator shall allow the Community Liaison (when accompanied by County staff) to review on-site monitoring procedures and related activities. These on-site visits however, will be subject to conditions of the operator's liability or product loss insurance carriers and the necessary safety training of the liaison.
 - d. Periodic "Review Team" meetings with the County, the Community Liaison, and the operator shall be held to discuss the project's status. These meetings shall occur at a minimum on a quarterly basis, but may also be held on a more-frequent "as-needed basis." If deemed desirable by the "Review Team," the County will provide notice (at the operator's expense) to area residents of project events, status, etc. which may be of interest to such persons.

II. SUBSEQUENT PERMIT ACQUISITION

- EH 1** Valid Hazardous Waste Permits are required prior to remedial action or hazardous waste operations. If necessary, obtain a Hazardous Waste Permit from the Nevada County Department of Environmental Health prior to the start of operations.
- EH 2** A Hazardous Material Storage Permit is required prior to installing any hazardous material on site which equals or exceeds 55 gallons, 500 pounds, or 200 cubic feet of compressed gas. Obtain a valid permit(s) from the Nevada County Department of Environmental Health prior to the start of operations.
- EH 3** Bulk storage of hazardous materials, hazardous substances, hazardous wastes and/or fuels require the submittal of a Hazardous Materials Release Response Plan and Inventory (HMRRP&I) pursuant to California Health and Safety Code Chapter 6.95. Operator shall submit a HMRRP&I to the Nevada County Department of Environmental Health 30 days prior to the start of operations at this site.
- NSAQ 1** Obtain an Authority to Construct and Permit to Operate from the Northern Sierra Air Quality Management District prior to constructing anything that requires such a permit.
- MM 4.4.2** The water quality and quantity parameters associated with surface discharge resulting from the proposed project shall conform to Order No. 94-005 (for quality) and any other waste discharge requirements and standards as set forth by the California Regional Water Quality Control Board, Central Valley Region. The operator shall submit any required background documentation to CRWQCB to obtain these permits, and these permits shall be in place before dewatering commences. The operator shall also submit to the Nevada Irrigation District any discharge plans or proposals which may affect NID facilities. NID shall be treated as an affected or reviewing agency.

MM 4.4.5 As supporting documentation to assess receiving water quality, the operator shall conduct additional upstream and downstream testing within the South Fork channel, as required by the CRWQCB.

MM 4.4.6 The operator shall conduct a discharge Monitoring and Reporting Program during dewatering, as set forth by the CRWQCB. Such monitoring will include testing for metals as well as pH levels.

III. ON-SITE PREPARATION

PD 9 During the On-Site Preparation Phase, the operator may conduct the following site preparation activities:

- a. Do the necessary geotechnical work for the dewatering pond.
- b. Installation of the on-site power lines.
- c. Develop the internal road system.
- d. Begin preliminary site clearing and development of the on-site buildings and structures.

Prior to the establishment of any of these activities, the operator shall demonstrate by documentation that all appropriate mitigation monitoring has been performed. All such activities must comply with the other applicable requirements of this permit and those of the other permit issuing agencies.

PD 10 The activities in Condition PD 9 above shall be conducted in the following manner:

- a. All surface activities (PD 9 above) shall comply with those noise standards established in Policy 9.1 of the Noise Chapter of the Nevada County General Plan and shall be conducted in accordance with Mitigation Measures 4.9.2, and 4.9.3.
- b. All required permits from the CRWQCB, or waivers therefrom, shall be obtained prior to the dewatering.

PD 11 Site plan standards shall be as follows:

- a. Administration Office Parking: A minimum of 12 parking stalls (including Disabled parking) shall be provided in accordance with Article 28 of the Land Use and Development Code. Parking area shall be paved to control fugitive dust.
- b. Shop Area Parking: A minimum of 30 parking stalls shall be provided in accordance with Article 28 of the LUDC. Parking area shall be paved to control fugitive dust.
- c. Buildings: All permanent building shall be colored to blend with their respective background settings.

- d. Lighting: All exterior lighting shall be shielded and directed down to prevent direct off-site light spill. Permanent exterior lighting shall be limited to the Administration Office Area, Shop Area, Watchman's Quarters, and those areas reasonably necessary to provide safety measures during nighttime operations. Within an hour after the evening's activities, all unnecessary exterior lighting shall be turned off.
- e. Site Plan: After buildings are permanently located, a revised site plan shall be submitted to the Planning Department and kept on file.
- f. Watchman's Quarters: A watchman's quarters shall be permitted for the purposes of mine security.

BD 1 Obtain the proper permits from the Building Inspection Department for all building construction and grading activities. Such permits shall meet the minimum requirements of the Uniform Building Code and Chapter XV of the Nevada County Land Use and Development Code (Grading Ordinance).

DOT 1 Provide proof of access rights to Brunswick Road through the S.P.I. property. (Note that the "Concept Plan" as submitted with the rezoning application, Z93-004, depicts a redesigned interior road system for the S.P.I. property.)

DOT 2 The Road Improvement Fee in accordance with Nevada County Ordinance No. 1829 creating and establishing the authority for imposing and charging a road improvement fee within the unincorporated territory of Nevada County, will be levied for this development and will be based on the latest fee schedule adopted by the Board of Supervisors. (Note: Class of Use = 5; Zone = 5)

EH 4 Sewage disposal from any facility on the project site shall be in compliance with Nevada County Land Use and Development Code, Chapter X, and any subsequent revisions or amendments pertaining to the disposal of sewage in Nevada County.

MM 4.2.1 Prior to the construction of water treatment improvements to the treatment pond, the operator shall conduct a geotechnical evaluation of the pond and earthen dam structure. This evaluation should include (but not be limited to) the following:

Testing using the hollow stem-auger drilling method to bore test holes through the containment dam and into underlying materials.

A slope stability study of the containment structure based upon an evaluation of the drilled soil samples, their condition, and encountered ground water conditions within the earthen structure;

A determination of the dam's existing factor of safety under normal conditions and during a seismic event.

Recommendations for remedial measures, if necessary, to ensure the stability and integrity of the structure for the life of the project. Such measures, if found to be necessary, may include re-compaction, stabilization with additional engineered material, or excavation and caulking of the existing structure. Necessary remedial measures shall be completed concurrent with construction of treatment facilities.

MM 4.2.2 Commensurate with site grading and improvement activities, the following measures shall be taken to help prevent the loss of soil within the construction area around the shaft:

Regular spraying of water on exposed soils during the dry season from a hose or water truck to prevent the generation of dust.

Construct a brow ditch above (up-gradient) from the construction area to divert the overland flow of rainfall around construction activities.

Place straw bails below the construction site (down-gradient) to help prevent discharge of muddy runoff.

MM 4.5.1 Prior to approval of a building permit for on-site improvements, the operator shall obtain from **NID** any necessary permits, approvals, will-serve letters, or agreements required for the extension of treated water to areas of the site not currently served.

MM 4.5.2 Prior to the issuance of building permits for on-site structures, the operator shall submit detailed wastewater treatment plans to the County of Nevada Department of Environmental Health for review and approval. Prior to finalizing plans, operator shall work with the Department to determine site-specific soil/percolation conditions and optimum facility locations. All wastewater disposal permitting will be conducted through the Department of Environmental Health.

MM 4.5.3 The operator shall coordinate with PG&E staff to assess the technical requirements for utilizing existing primary lines. This process, although at the operator's discretion, should begin immediately considering that all electrical equipment must be in place prior to dewatering. Operator will incur the costs of connections and other equipment, such as on-site transformers.

MM 4.5.5 Concurrent with site preparation activities, all access and service roads shall be made available for use by all emergency response units, including fire suppression, medical aid, and law enforcement.

MM 4.5.6 Concurrent with site preparation activities, the operator shall provide signage that will make all project entries and on-site buildings easily identifiable by emergency service providers.

MM 4.5.9 Prior to approval of grading permits for site improvements, the operator shall designate an area of the project site to be used as a helispot (for use in medical emergencies only) for County review and approval. This area shall be cleared and void of all vegetation and loose gravel materials.

MM 4.6.1 Concurrent with final site plans for the project, the underground powder magazine shall be located in accordance with the American Table of Distance for Storage of Explosives. All use and transport of explosives will conform to applicable federal, State and local regulations, requirements, and specifications.

MM 4.6.2 Concurrent with project operations, all activities relative to site preparation, dewatering, shaft rehabilitation and mineral exploration shall be conducted in conformance with MSHA and CALOSHA regulations.

MM 4.6.4 Prior to commencement of dewatering, the operator shall establish a bond for the removal and disposal of the precipitate sludge.

NOTE: At the completion of the dewatering and exploration phase, the operator shall contract for this task if necessary. The material (if determined to be hazardous via MM 4.6.5) shall be removed and transported by a certified hazardous materials hauler and disposed of in a pre-approved facility licensed by the State.

MM 4.8.1 During site construction, the operator shall utilize the following dust control measures:

Water sprays to control dust during demolition, loading and unloading activities;

Suspend dust-producing activities during periods of high winds when dust control measures are unable to avoid visible dust plumes;

During the dry season (May-October) provide equipment and staffing for watering of unpaved haul roads, areas being graded and equipment/vehicle parking areas at least twice daily;

Daily removal of mud and dirt carried out from the site to adjacent paved roads;

Limit the speed of equipment and vehicles to 15 miles per hour while traveling on unpaved surfaces on the site; and

Earthen or other materials which may become entrained in ambient air will be sprayed or tarped as necessary to prevent fugitive emissions while in transport to or from the site.

MM 4.8.2 Concurrent with site construction operations, parking areas and access roads on-site shall be paved, graveled or treated with a dust palliative to control fugitive dust.

✓ **MM 4.9.1** Unless weather conditions (which may result in an impact upon the public health or safety) require early morning or late night construction activities, the operator shall limit site surface construction activities to daytime hours, Monday through Friday (7 a.m. to 6 p.m.).

✓ **MM 4.9.2** During initial site construction (and throughout the life of the project), the operator shall ensure that all equipment utilizing internal combustion engines shall be properly maintained and fitted with mufflers in accordance with the manufacturers recommendations.

MM 4.10.1 Prior to the construction of any outfall facilities within the stream banks of South Fork Wolf Creek, the operator shall obtain an Army Corps permit under Section 404 of the Clean Water Act as required. The operator will be required to submit all information required for such a permit, and shall be subject to all mitigation requirements set forth by the Corps.

- MM 4.10.2** Prior to the construction of any outfall facilities within the stream banks of South Fork Wolf Creek, the operator shall obtain a Streambed Alteration Agreement under Sections 1600-1603 of the California Fish and Game Code. The operator will be required to submit all information needed for such a permit, and shall be subject to all conditions (if any) set forth by the Department of Fish and Game (DFG).
- MM 4.11.1** Concurrent with final site planning and site improvement activities, disturbance to the Union Hill Mine, prospects landscape area and narrow gauge railroad bed shall be avoided by design and left intact. If, by change in design or plan, it is determined that the project will affect one or more of these sites, a qualified historical archaeologist shall be required to reevaluate the sites(s), determine the effect(s), and suggest appropriate measures to mitigate the impacts identified.
- MM 4.11.2** Should cultural or historic resources be uncovered in the course of grading operations, all work in the immediate vicinity of the uncovered material shall be halted until a qualified archaeologist can evaluate the finds and propose suitable recommendations for further action.
- MM 4.11.3** Should human remains be discovered, work must stop immediately and the county coroner must be contacted, as required by State law. If the remains are Native American, then the coroner will notify the Native American Heritage Commission.
- MM 4.11.4** Should historic mining artifacts be encountered and recovered concurrent with dewatering and exploration activities, such artifacts will undergo an evaluation to determine the material's significance. Such an evaluation will be conducted by a qualified archaeologist.
- MM 4.12.1** Concurrent with project implementation, the operator will use the minimum number of light sources and minimum wattage necessary to provide a safe working environment and security at the site. All building permits shall note the locations of the exterior light sources.
- MM 4.12.2** Concurrent with project implementation, the operator shall ensure that light sources will be mounted at the lowest feasible height in order to minimize the line of sight from surrounding properties.
- MM 4.12.3** Concurrent with project implementation, the operator shall locate and shield light sources so as to minimize the spill of light into unwanted areas. The operator shall utilize cut-off lenses, baffles or other methods to control the focus of the light sources, specifically protecting the adjacent residential areas.

IV. OFF-SITE PREPARATION

- MM 4.4.1** Prior to dewatering, the operator shall conduct an engineering study to quantify the ultimate volume capacities of downstream public and private drainage facilities. Once facility capacities are known and quantified, the operator shall:

Reduce or cease outflow into South Fork Wolf Creek during storm events to the point where the combined natural flow and discharge flow do not exceed 75% capacity of downstream drainage facilities (75% of capacity allows for a storm buffer, so that the creekshed can "bleed", or drain after discharge is throttled back). This option will require accurate monitoring of downstream volumes in order to make appropriate outflow adjustments. Monitoring of storm events will require measuring precipitation with a rain gauge to determine the amount of precipitation entering the drainage basin, monitoring water volume at several downstream locations, and visually monitoring for stream bank erosion along the length of the South Fork below the project site. Monitoring of volume will occur hourly once facility capacities reach 50%. The operator shall be responsible for parcel-specific erosion damage, if such damage is shown by the third-party consultant that mine discharge was responsible.

DOT 3 A copy of the comprehensive hydrological analysis (required in MM 4.4.1 above) shall be submitted to the Nevada County Department of Transportation upon completion of the study. A fee based on the latest adopted hourly rate will be charged for the actual time spent reviewing the analysis.

V. PRE-DEWATERING WATER SUPPLY

Monitoring Program, and Property Notices

MM 4.3.1 As mitigation for the potential well impacts, the project will require a monitoring program to establish baseline data on local wells. As the first step in this process, the operator (or consultant acceptable to the County) shall locate and collect survey data for any remaining wells within the identified study area which have not yet been logged and assigned a risk category. To identify such wells and their owners, the operator shall send a notification letter/questionnaire to the owner of each parcel within the study area to ensure 100% coverage. This notification letter/questionnaire will serve to accomplish the following:

- a) To identify any new or previously unknown wells within the study area;
- b) To inform property owners (with and without wells) as to the purpose of the data collection, and that the data may later be used to determine if a well is impacted;
- c) To provide an informational update to well owners currently participating in the operator-sponsored well monitoring program;
- d) To request permission from un-categorized well owners to allow the operator or County-approved professional to collect specific well data needed to determine the well's risk group;
- e) To solicit well owner participation in the 12-month baseline monitoring program;
- f) To inform well owners that specific well characteristics and monitoring data is very helpful for early identification of impacts .

MM 4.3.2 Based upon the authorizations received and additional well data collected, any new data shall be applied to the County's model of risk assessment and a risk category determined for that well. Once a risk category is determined and monitoring is allowed by a well owner, that well will be considered "in the monitoring program".

MM 4.3.3 At least 12 months prior to the commencement of dewatering, the operator shall be responsible for establishing and implementing a ground water monitoring program which shall be approved by the County targeted for all wells within the study area. This 12 month period will establish baseline well data for the four seasons of the year. The monitoring effort shall be conducted by a qualified professional acceptable to the County, and will consist of the following:

- a) Baseline monitoring of all identified wells will occur monthly, and will consist of measuring the static water level of each well. The 12 month monitoring time line will begin only after the notification letter/questionnaire has been sent and personal contact with the owners of all the high and moderate risk wells has been made or attempted by the operator, as described below. After or during this initial contact with well owners, an initial monitoring date and regular monitoring schedule will be established. This first monitoring date will establish the beginning of the 12 month time line for baseline data collection. Well data previously collected by the operator may be considered for inclusion into the baseline data.
- b) Prior to the first monitoring date described above, the operator shall conduct follow-up contact efforts, either in person or by telephone, to each well owner to further ensure that each owner has been given ample opportunity to participate in the monitoring program. Property owners shall be provided the results of all monitoring in a timely fashion with direction to review the results to insure that they coincide with the property owner's experience. In the event of any disagreement, the operator shall be required to retest the well.
- c) In order assess the rate of owner participation, the operator shall report back to the County prior to this first monitoring date, to evaluate the effectiveness of the letter/questionnaire and follow-up contact efforts. A qualified professional acceptable to the County shall be consulted (if necessary) to determine that the rate of well owner participation is sufficient to establish baseline data.
- d) A second follow-up contact effort shall be conducted for the remaining wells within the Western Study Group. This follow-up effort is intended to maximize participation in the monitoring program. Any new participants from the Western Study Group resulting from this follow-up effort shall be identified and shall begin participating in the program by the second monthly monitoring date. The rate of well owner participation will also be reported to a qualified professional acceptable to the County to determine that the rate of owner participation within the Western Study Group is sufficient for establishing baseline data.

- e) A third follow-up contact effort shall be conducted for the remaining wells within the entire Study Area. This follow-up effort is intended to maximize total participation in the monitoring program. Any new participants within the Study Area resulting from this follow-up shall be identified and shall be included in the program by the third monthly monitoring date. The rate of well owner participation will also be reported to a qualified professional acceptable to the County to determine that the rate of participation within the remaining areas is sufficient for establishing baseline data.

Third Party Consultant

- MM 4.3.8** Prior to the commencement of the dewatering process, a qualified third party consultant selected mutually by the County, the Community Liaison, and the operator, shall be retained (at operator's expense) to interpret the ground water monitoring results on behalf of all parties. If the three parties cannot agree on the selection of the third party consultant, the County, at its sole discretion, shall select the third party consultant. In any event, the operator shall fund a qualified third party consultant for the life of the project.

The duties of the third-party consultant are to independently interpret data, to conduct well impact analysis, to review the baseline stream conditions developed in the hydrological study required by MM 4.4.1 and DOT 3, to determine when an adverse impact has occurred, to determine size and locations of temporary systems, and to determine the difference between NID and electricity costs, as outlined in subsequent measures. Other related duties may be added as conditions and issues arise over the live of the project.

Design, Engineering, Annexation, and Contract

- MM 4.3.4** Prior to the commencement of mine dewatering, the operator shall prepare complete engineering and design plans, as well as an installation schedule, all of which shall be submitted to and accepted by Nevada Irrigation District (NID) for water main trunk line infrastructure (including individual laterals for all High and Moderate risk wells) to all properties within the Study Area, with a permanent water source to be supplied through NID facilities. Such plans will be provided for all parcels.

- PD 12** Prior to the commencement of mine dewatering, the operator shall conduct a "windshield" survey of all parcels within the Study Area to determine potential locations for temporary water storage tanks. For all parcels with High and Moderate risk wells and those parcels identified during this survey to pose siting difficulties, plans for the location and size of temporary water systems shall be completed and submitted to the County. Upon submittal, the third party consultant shall review those plans with those parcel owners to ensure the determined locations are agreeable. Any disagreement shall be settled by the third party consultant.

MM 4.3.5 Prior to commencement of dewatering, the operator shall complete the following:

- a) Successfully annex any parcel within the Study Area with a well to NID which is currently outside of NID's district boundaries; or enter into a private water supply agreement with the owner of such a parcel until annexation is complete. The operator shall be responsible for any and all costs associated with NID annexation.
- b) Enter into a conveyance agreement with NID to allow for infrastructure construction;
- c) Enter into an agreement with an engineering company, acceptable to NID, to supervise and direct a contractor to install the water trunk lines and individual residence connections. The County shall be notified of the contractor selected; and
- d) Confirm water capacity of NID systems and water availability per NID requirements as a component of any conveyance agreement.
- e) Obtain and document all necessary permits and approvals, and identify all right-of-way, variances, easements, and agreements necessary to guarantee installation and delivery of water service from NID to any and all residences in the study area.

MM 4.3.6 Prior to dewatering, the operator shall post financial assurances in a form acceptable to and to be approved of by the Nevada County Counsel and consisting of either a performance and security bond, a letter of credit, cash, certificate of deposit with a recognized financial institution, or a combination thereof, in an amount that will cover 100% of the costs, as determined by a registered civil engineer and as accepted by the County, of providing for permanent water sources to all of the properties within the study area defined in the Final EIR. At least \$100,000 of this amount shall be available for immediate use of the County to address emergency water supply needs should the operator not respond to such problems within the 24 hour period designated in MM 4.3.9. The financial security shall contain a provision (to be approved by County Counsel) that creates, in addition to the rights of the County, an independent right of action against the security deposit or bond in favor of any of the owners of the private property whose water supply may be deemed to be adversely impacted by the dewatering of the mine and obligates the operator, the surety/bonding company, or party or financial institution holding the cash deposit to honor any demand by such impacted private property owner, only in the event of non-action by the County for a period of 45 days in response to any such demand for County action by a private property owner. Non-action by the County as used herein is defined as: 1) The County failing to provide written notice to the operator demanding provision of a permanent water source to any affected property when required by conditions of approval; or 2) The County failing to continue for a successive period of 45 days to direct the operator to remedy the situation or to take initiate any claim against the financial assurances when no continuing progress is being made toward provision of a permanent water source until it is provided. The County shall maintain a log of all such contacts from which the 45 successive day period would run. Any independent right exercised hereunder would be in lieu of, rather than in addition to, any right of the County to make a claim against the financial assurance for the affected property concerned.

The amount of the financial security shall include all of the following:

- a) Installation of all necessary infrastructure and any necessary improvement to the existing system water supply system, based upon the accepted final design plans (MM 4.3.4).
- b) Estimated costs for the installation of the individual laterals to each residence within the study area.
- c) Construction costs for the moderate to high risk groups (based upon prevailing wage rates) to perform all the work associated with a) and b) above. All other risk groups shall use construction costs at a non-prevailing wage rate.
- d) Costs of providing individual meters to each residence within the study area.
- e) NID system capacity charges for each residence.
- f) Contingency for administrative costs.

Any lapse or failure to provide or maintain the security deposit or bonds shall result in the immediate suspension of the right to continue any of the use of the property as authorized under the use permit but shall not invalidate the operator's, security's or depository institution's obligation under the security provisions as required under this Mitigation Measure.

In the event that the operator is required to provide a permanent water supply to any of the private property owners under the terms of this use permit, in lieu of providing a permanent water supply the operator may, and subject to the separate and independent concurrence of the private property owner whose well or ground water is deemed adversely affected, purchase any of the affected private properties at a fair market value. Nothing in this permit shall be deemed to require the private property owners to sell their property.

PD 13

In the event the operator is required to provide a permanent water supply to any property or area pursuant to the conditions of this permit, and in the event the operator has successfully and satisfactorily provided the water source, the costs associated with that task may be subtracted from the total financial assurance amount required by MM 4.3.6 above.

Within 24 months, but not less than 6 months from completely dewatering the workings (below the 3,280 foot level), the financial assurance amount may be reviewed by the County (through a public hearing) for the purposes of reconsidering the required amount. If evidence can be provided supporting the fact that the risks have either been reduced or no longer exist, the percentage amount required by MM4.3.6 may be altered. The intent of this provision is to provide an opportunity to reconsider the necessary financial assurance amount. It may be possible to reduce the required amount at this hearing if it is demonstrated that the risks no longer warrant 100% of the total costs required by MM 4.3.6 above. In no case however, will the County consider releasing the entire requirement for the financial assurance.

- PD 14** Prior to the commencement of the dewatering, this Use Permit shall be reviewed by the Nevada County Planning Department staff and the results of the review shall be reported to the Planning Commission and the Community Liaison. The purpose of this review will be to evaluate the operator's compliance with the permit conditions of approval and the success of the established performance standards.

VI. ON-GOING WATER SUPPLY

Monitoring Program

- MM 4.3.7** Throughout the dewatering process, the operator shall continue the ground water monitoring program, and reports shall be provided to the County as follows:

Weekly intervals for wells within the high and moderate risk groups;

Twice-monthly intervals for wells in the low risk group; and

Monthly intervals for wells in the very low risk group.

Twelve months following the dewatering to the 3,280 level, monitoring will be required at quarterly intervals for the life of the project and until the mine refills (to the pre-project level) with water.

- PD 15** Should an impact occur to any residence, the monitoring sequence for the adjacent homes (from the impacted well) shall increase to a weekly interval.

Third Party Consultant

- MM 4.3.12** All well owners within the study area will be notified by the third-party consultant if other wells in the study area are showing an impact or change in yield. This condition will allow another chance for non-participating well owners to join the monitoring program, and will generally serve to inform the owner of the surrounding conditions of nearby properties.

- MM 4.3.16** All parcels within the study area that are not yet developed shall be connected to the permanent water system at the operator's expense if the well owner can establish to the third party consultant and the County that mine dewatering has adversely affected the property's ability to support a well. The operator shall make notice to properties currently without wells that the burden remains with the well owner to determine the source of impact to any future well.

Temporary Water Source and Compensation

- EH 5** In the event that any parcel within the study areas is adversely affected by the mine dewatering, potable water service shall be provided to the properties in accordance with MM 4.3.9 and MM 4.3.9A below. All water provided (on a temporary or permanent basis) for service to habitable structures shall be potable and from an approved source, in compliance with Nevada County Land Use and Development Code, Chapter VI.

MM 4.3.9 Should any well be impacted a temporary water source shall be immediately provided to the affected well owner prior to the installation of a permanent water source. The temporary water source shall be in place within and operational 24 hours after telephonic notification to the third party consultant. The operator shall be required to provide a phone number to all property owners were such notification can be accepted at all times.

Where feasible and subject to the permission of any affected property owners, any temporary water source may include the installation of a water tank on or near the affected property. In some instances, a single tank may serve more than one affected property

Any temporary water supply needed as a result of mine dewatering will be of sufficient capacity and pressure so that the daily lifestyles and average water usage of individual families will not be affected.

Any temporary water supply needed as a result of mine dewatering will be in place only as long as necessary to hook up the residence to the permanent water source.

Temporary water systems will be located, configured and sized by the third-party consultant with the concurrence of the property owner (identified within MM 4.3.8). Property owners must be immediately informed of the identified impact, and permission must be received prior to temporary system installation.

PD 16 In the event the temporary system cannot be installed within 24 hours (as outlined in the first paragraph of MM 4.3.9), a fine in the amount of \$500.00 per day (paid weekly) shall be paid to the County starting 24 hours after telephonic notification up until such time that the temporary water system is installed and operating. The County shall deposit the fine(s) into a trust account and will have the choice of utilizing the fines for either permit monitoring costs or property owner(s) compensation.

MM 4.3.9A Should an impact occur in the form of an unexpected and sudden failure of a well, the affected resident shall be provided an immediate source of water supply for the period of time prior to temporary system installation (maximum 24 hours). This immediate supply may include water delivered by truck, bottled water, alternative lodgings (or cash equivalent), at the property owner's discretion, until the temporary supply is established. The costs of all immediate and temporary water supplies and storage facilities will remain the burden of the operator. Furthermore, all water carriers contracted by the operator shall be properly insured and licensed, and certified to carry and deliver potable water as required by law.

MM 4.3.9B Upon removal of the temporary system or installation of the permanent system, the operator shall either restore the property to its original state, including the repair of any damage or scarring caused by tank installation (and/or hook-up) or water truck delivery, or, the property owner will be financially compensated, at the property owner's discretion, for such damages. If financially compensated, a mutual agreement must be reached regarding the existing condition of the property prior to tank installation.

- MM 4.3.13** Any well owner impacted by the project who requires **NID** service will be compensated by the project applicant for any additional costs for monthly water service. The operator shall compensate for the difference between current monthly rates (as determined by the third party consultant), and **NID** rates. This compensation shall continue for as long as the owner's well is impacted by the project.
- MM 4.3.14** In cases where an affected property currently utilizes **NID** service and well water, the operator shall compensate for the cost of additional **NID** water usage caused by the unavailability of supplemental well water. Water usage will be determined by the third-party consultant based upon historic water usage patterns.

Permanent Water Source

- MM 4.3.10** Installation of a permanent water source shall be initiated immediately after the well(s) have displayed a significant impact (partial or complete dewatering). Such a response will be determined as significant on a case by case basis by the third party consultant identified in MM 4.3.8. Temporary water systems shall be removed once permanent service is in place and operational. The costs associated with engineering and installing the permanent system will be the responsibility of the operator.

On the first day of impact identification to an individual residence, the operator shall coordinate with **NID** to finalize the service agreement application and pay the necessary hook-up fees for the affected residence. The process and payments will be completed in the quickest manner afforded by **NID** staff. The contractor hired to make the final connection shall be available, at the operator's expense, immediately upon **NID's** meter installation.

- PD 17** In the event the operator becomes responsible for providing a permanent water source to any residence (as outlined in the above mitigation measure, MM 4.3.10), the operator shall be held to an acceptable time frame for completing the project. Said time frame will be mutually agreed upon by the County, the operator, the third party consultant, and the community liaison. Should the operator fail to complete the project within this time frame, a penalty (\$1,000 per week) will be paid to the County up until such time as **NID** water service is hooked up and operational to all applicable residences. This payment is a penalty only and is not payment in lieu of a permanent water system or supply. The County shall deposit the fine(s) into a trust account and will have the choice of utilizing the fines for either permit monitoring costs or property owner(s) compensation.

VII. EXPLORATION PHASE

Miscellaneous Operations

- EH 6** All waste generated shall be classified by Waste Determination Methods pursuant to the California Health and Safety Code, Chapter 6.5 and the California Code of Regulations, Title 22, Sections 66261.2, 66261.3, 66261.20, and all other applicable regulations.

PD 18 The hours of operation for the miscellaneous surface activities associated with this phase of the project shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. This does not apply to the following activities as long as such activities do not result in a violation of any existing County Standards, including but not restricted to, noise impacts:

- a. activities associated with dewatering;
- b. activities associated with water treatment;
- c. indoor equipment maintenance (where the entire activities are enclosed);
- d. activities associated with project management;
- e. activities associated with the logging of rock core samples;
- f. response to life- or property-threatening emergencies; and
- g. underground activities.

However, it is recognized that the operator shall attempt to minimize incidental noise impacts during all operations.

MM 4.4.3 In the event that discharge quantities exceed those proposed within the Project Description (6 cfs), the operator shall notify the Regional Board, NCDEH, NID, and the Planning Department immediately to implement a remedial action program or other requirements as set forth by the Board.

MM 4.4.4 In the event that the quality of discharged water exceeds effluent limitations as set forth by Order 94-005 or the individual order for this project, the operator shall take action including but not limited to temporary cessation, reduction, or treatment of the discharge to acceptable levels. The operator shall also immediately notify the Regional Board, NCDEH, NID, and the Planning Department and develop/submit a remedial action program for Regional Board approval and implementation.

MM 4.5.4 Concurrent with project operation, the operator will adopt and adhere to the relevant fire prevention and hazardous material response methods as defined in the County's Fire Protection Ordinance, County Hazardous Material Ordinance and other established regulations regarding emergency response.

MM 4.6.3 Prior to any on-site disposal of timber wastes, the operator must demonstrate, through analytical testing of the timbers, that the wood is untreated and safe. This analysis (waste determination and classification) will be demonstrated to the satisfaction of the County of Nevada Department of Environmental Health. The operator shall be responsible for the hauling and disposal of the material at an appropriate disposal facility, if necessary, once a waste determination is made.

MM 4.7.1 For the duration of the project, haulage vehicles moving equipment and/or materials to and from the site will be restricted to Brunswick Road and that section of East Bennett Road between Brunswick and Millsite Road (E. Bennett entrance). The operator shall post signage on site exit points alerting drivers to designated haul routes.

- MM 4.9.2** Throughout the life of the project, the operator shall ensure that all equipment utilizing internal combustion engines shall be properly maintained and fitted with mufflers in accordance with the manufacturers recommendations.
- MM 4.11.2** Should cultural or historic resources be uncovered in the course of grading operations, all work in the immediate vicinity of the uncovered material shall be halted until a qualified archaeologist can evaluate the finds and propose suitable recommendations for further action.
- MM 4.11.3** Should human remains be discovered, work must stop immediately and the county coroner must be contacted, as required by State law. If the remains are Native American, then the coroner will notify the Native American Heritage Commission.
- MM 4.11.4** Should historic mining artifacts be encountered and recovered concurrent with dewatering and exploration activities, such artifacts will undergo an evaluation to determine the material's significance. Such an evaluation will be conducted by a qualified archaeologist.
- MM 4.12.1** Concurrent with project implementation, the operator will use the minimum number of light sources and minimum wattage necessary to provide a safe working environment and security at the site.

Underground Operations

- MM 4.3.7** Throughout the dewatering process, the operator shall continue the ground water monitoring program, and reports shall be provided to the County as follows:
- Weekly intervals for wells within the high and moderate risk groups;
- Twice-monthly intervals for wells in the low risk group; and
- Monthly intervals for wells in the very low risk group.
- Twelve months following the dewatering to the 3,280 level, monitoring will be required at quarterly intervals for the life of the project and until the mine refills with water.
- MM 4.3.15** Should water be encountered within any core drill hole during the exploration process, that drill hole shall be immediately sealed or plugged upon removal of the core material to prevent the continued flow of water. The operator shall then notify the County and the Community Liaison of said encounter.
- MM 4.4.7** During implementation of the shaft rehabilitation, timbers pressure-treated with substances which may leach toxins into future mine water shall not be used. The project applicant shall indicate the type and amount of replacement timber to the County prior to its use.

- MM 4.5.7** Prior to the commencement of project activities which require the work of personnel below ground, the project applicant shall coordinate with other local mining operations and local fire protection districts to establish and maintain a cooperative mine rescue station, per the requirements of Title 8, Article 30 of the California Code of Regulations.
- MM 4.5.8** Prior to the commencement project activities which require the work of personnel below ground, the operator shall contact the Mining and Tunneling Unit of the Division of Occupational Safety and Health or other certified entity to schedule and receive specialized safety and rescue training pursuant to the provisions of Title 8. The operator shall include and invite appropriate OHFPD and NCCFPD personnel in any scheduled training sessions. The Districts and the operator shall decide cooperatively upon the appropriate fire protection district personnel to be trained.
- MM 4.6.1** Concurrent with final site plans for the project, the underground powder magazine shall be located in accordance with the American Table of Distance for Storage of Explosives. All use and transport of explosives will conform to applicable federal, State and local regulations, requirements, and specifications.
- MM 4.6.2** Concurrent with project operations, all activities relative to site preparation, dewatering, shaft rehabilitation and mineral exploration shall be conducted in conformance with MSHA and CALOSHA regulations.
- MM 4.9.3** Concurrent with dewatering operations, the operator shall retain a consultant acceptable to the County to conduct a noise level measurement survey with the project in normal operation to ensure compliance with Nevada County noise standards. If it is determined that project noise emissions are excessive, noise control devices shall be incorporated into the project design to reduce noise impacts to a less-than-significant level.

VIII. POST PROJECT

- MM 4.6.5** At the completion of dewatering and exploration, the removal of waste sludge will be accomplished under proper permitting through the Department of Toxic Substances Control (DTSC), the Nevada County Department of Environmental Health (NCDEH) or other responsible agency. Prior to removal, the material will be analyzed (to the satisfaction of the RWQCB and NCDEH) to determine if it exhibits characteristics of hazardous waste. Based upon the analytical results and prior to off-site removal, the operator will explore the possibility of on-site (stope) disposal.
- MM 4.6.6** Prior to pond sediment removal, the operator shall apply for and appropriate any necessary hazardous material, hazardous waste, or other permits or plans as required through the authority of the NCDEH.
- PD 19** Upon completion of the project, the New Brunswick Shaft shall be safely secured to prevent further mine entry. If prior to project completion, a new application is sought to reopen the mine, this condition may be sustained until a determination is made on that application.

The applicant/operator is also responsible for compliance with applicable State Laws and County Ordinances including Article 32 of the Land Use and Development Code. In order to maintain a valid permit, Article 32 requires that you commence your project no later than January 25, 1998, and complete the dewatering and exploration and all post project activities (Section VIII of this Permit) no later than January 25, 2000. If you will not have commenced on-site construction activities (Section III of this Permit) prior to that starting date, you may apply for an extension of time prior to January 25, 1998. If you do not commence your project pursuant to Section L-II 32.1.A of the Nevada County Land Use Code by the above-referenced dates or do not request in writing an extension of time for those dates, the permit shall become null and void.

Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this permit is not valid until the expiration of ten (10) days from the date of the Planning Commission action. If the granting of the permit is appealed or submitted to the Board of Supervisors for final action, the effective date is stayed until final action by said Board. Any appeal must be submitted on the proper form which is available from the Clerk to the Board of Supervisors, Eric Rood Administrative Center, Nevada City, California 95959 (Deadline for appeal: February 5, 1996, at 5:00 p.m.).

You are advised not to commence any work on this permit until the ten-day period expires and to check with the Planning Department to determine if any appeal has been submitted.

Should you have any questions, please contact the project planner, Tod Herman, at (916) 265-1257.

NEVADA COUNTY PLANNING COMMISSION
Thomas Miller, Acting Ex-Officio Secretary

By: 
DEBORAH A. KEYSER
Clerk to the Planning Commission

TM:dk

cc: Building Department
Department of Transportation
Environmental Health Department
Northern Sierra Air Quality Management District
Regional Water Quality Control Board (Central Valley)
Scott Galati, Esq.
BARC

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

APPLICANT: Emperor Gold (U.S.) Corporation
SUPERVISORIAL DISTRICT: III

HEARING DATE: January 25, 1996
FILE #: U94-017

PROJECT: U94-017. Use permit application of *Emperor Gold (U.S.) Corporation* for the dewatering of the existing underground workings of the Idaho Maryland Gold Mine, and the subsequent underground exploration and sampling of those workings. Specifically, the dewatering activities will necessitate the clearing of the entire underground mine workings to a depth 3,280 feet below the shaft collar. Approximately 6 cfs (12 acre-feet/day) of water will be pumped into the existing 40 acre-foot pond on site. The estimated volume of water within the workings is 2,500 acre-feet, which will take approximately 7 months to dewater. Once the mine is dewatered, the pumping will be maintained (at an estimated average of 1.1 cfs to 2.7 cfs) in order to allow the exploration activities to continue. The retention pond water will be aerated to allow excess iron, manganese, and arsenic to precipitate. From that point, the water will either be discharged in the South Fork of Wolf Creek, or a portion may be diverted for domestic uses. The exploration activities will be conducted within the existing underground workings (the sampling will occur off-site). Diamond drilling and blasting will be conducted at or below 2,000 feet beneath the surface, and channel samples will be collected from selected areas. Bulk samples of gold-quartz mineralized rock will be shipped off-site in containers for further testing. Bulk sample size could range from 0.25 to 10 tons, with the maximum estimated tonnage of bulk samples at 70 tons. All waste rock from the exploration activities will be stored underground in the abandoned stopes. Most of the on-site exploration activities will be completed over a 20 month period. However, the New Brunswick shaft could be kept open for up to 5 years in order to continue economic evaluation. If the exploration and sampling results are encouraging to the operator, an additional permit may be sought to formally re-open the mine for production. No mining is proposed with this application.

LOCATION: The Idaho Maryland Mine project location is described in two formats: 1) where the surface activities (office, underground mine access, and the dewatering process) will be located; and 2) the extent of the underground mineral rights. Emperor Gold controls the surface rights to 117 acres of contiguous property located southwest of the intersection of Brunswick Road and East Bennett Road. This includes the 80 acre Bohemia Mill site. The Idaho Maryland subsurface mineral rights includes 2,750 contiguous acres which irregularly extends into portions of Sections 23, 24, 25, 26, and 36 of Township 16 North, Range 8 East, and Sections 19, 29, 30, and 31 of Township 16 North, Range 9 East.

FACTUAL DATA:

General Plan: Industrial
Zoning: "M1"
ZDM: #53
Lot Size: 117 ac.
APN: 06-441-03, -04, -05, -29;
09-630-24, -27, -30, -31
Sup. Dist.: III
Prev. File #: SP77-20; MSP86-16; MSP87-5; Z93-04, EIS93-042, MI91-016; MSP90-02

SERVICES:

Water: N.I.D.
Sewage: Septic
Fire: Ophir Hill Fire District
Schools: Grass Valley/NUHS
Recreation: Grass Valley

RECOMMENDED ACTIONS:

Use Permit: Approve subject to staff's recommended Mitigation Measures and Conditions of Approval.

ATTACHMENTS:

1. Project Findings of Fact
2. Use Permit Mitigation Measures and Conditions of Approval
3. Mitigation Monitoring Program

BACKGROUND

The last association the Planning Commission had with this project was the certification of the Final EIR in October. That action was appealed to the Board of Supervisors who considered the appeal last December. After the close of the public hearing, the Board determined the Final EIR was adequate - with the addition of a proposed Water Supply Plan the applicant has prepared - and upheld your Commission's determination.

Outside of the public hearing process, there have been a number of meetings involving Planning Department staff, County Counsel, members of the Bohemia Area Residents Committee (BARC), and the applicant. The purpose of these meetings has been to negotiate the conditions of approval (and the mitigation measures) through agreement with various parties. In a few cases our recommendation does not represent a consensus since there wasn't agreement on some issues. Staff will highlight those in our presentation.

PROJECT PROPOSAL

The Planning Commission will be familiar with the proposed project through its review of the specific project description section within the environmental impact report (Section 2.0 of the Draft EIR, and as revised in Section 5 - 2.0 of the Final EIR).

Essentially, the project will remove the water from the underground workings of the Idaho Maryland Mine. During this process of dewatering, the main shaft (New Brunswick Shaft) will be rehabilitated as necessary. The applicants propose to perform some exploration drilling and sampling to determine the extent of the resources. The sampling activities will occur off site at some other location. When the mine is empty, the condition of the workings will also be evaluated. The results of these activities will determine whether it will be feasible to reopen the mine at some future date, under a new use permit.

STAFF COMMENT / USE PERMIT

The last step in this process is to consider the use permit for the project. Throughout the various hearings on the EIR, a few issues have been deferred to this point. Also, ingrained within the use permit is the Remedial Water Supply Plan, something identified in the EIR as critical to an approval of this project. This is the program for insuring that no home will be left without water as a result of this project. And, coupled with the water supply plan is the need for a financial assurance to guarantee the plan will be carried out if ever needed. Last, but not least, the permit process also involves the adoption of a Mitigation Monitoring Program. Each of these items will be discussed below.

The Planning Commission should take note that the conditions of approval for this use permit are divided into eight separate categories - each representing an identifiable step in the project. These categories (or steps) are as follows: General (applicable throughout the project), Subsequent Permit(s) Acquisition, On-Site Preparation, Off-Site Preparation, Pre-Dewatering Water Supply, On-Going Water Supply, Exploration Phase (on-going project), and Post Project. To make the conditions fit neatly into these categories, the numbering format has been modified somewhat. This will make clear which conditions (and mitigation measures) are applicable to each step in the project.

Pre-project Infrastructure

Much of the focus on this project has been aimed at the potential impacts associated with the dewatering. That "potential" has resulted in a series of debates as to whether the risk warrants the installation of some of the infrastructure before the dewatering activities begin. On one side of the debate, having the main infrastructure in place (only for the high and moderate risk wells) before the dewatering would reduce the overall time to bring permanent water to those impacted residences. On the other side, everyone will be covered by the financial assurance (adequate to cover all the costs to hook homes up to permanent water) anyway and if the impact never occurs, the money spent on the infrastructure would be unnecessarily spent.

This critical debate has not yet been decided by the County, although it has been raised many times throughout the EIR process (including the appeal). The County's position has been that this will be an issue for the use permit to decide. In anticipation of this opportunity, staff has attempted to negotiate a resolution to this issue.

The applicant had shown a willingness to consider the partial installation of the infrastructure (defined as the main trunk line down E. Bennett Road serving those parcels in the high and

moderate risk groups) on the condition that a substantial "portion" of the financial assurance be released after the risk has been "substantially diminished" (defined as approximately six to twelve months after the entire workings have been dewatered). Although there are merits to this argument, staff has chosen to err on the conservative side and - at this time - recommend not to relinquish the financial assurances based, solely on the theory that all of the impacts will be known soon after the mine working have been emptied.

Because of this conservative approach, staff also cannot support the requirement for the pre-dewatering infrastructure installation. Staff believes that having an appropriate financial assurance in place (covering those costs associated with the entire study area infrastructure installation) will ensure that if any problems do occur, a solution will be available. Granted, it may not be as quick - but it would happen. This also avoids having to second-guess the definition of the terms such like "portion" and "substantially diminished."

Remedial Water Supply Plan

Assuming the use permit is approved as recommended, the Remedial Water Supply Plan will be as follows:

Prior to the commencement of mine dewatering, the complete design of the water system infrastructure, easements, and individual hook-ups needed for all homes within the established study area will be completed by the operator. Those plans will then be checked and accepted by the County and NID. Additionally, the operator will secure a list of contractors who will be ready and able to carry out the installation project.

A complete monitoring program will [again] be established [or added to]. All parcels within the study area will be notified of the approved project and given additional opportunities to sign up for the program.

The County will hire a qualified independent Consultant to review/coordinate the monitoring program and evaluate the results of the monitoring. Additionally, a variety of other assignments related to water issues will be assigned to this person.

The community will establish a contact person (or liaison) who will serve both the surrounding community and the mine operator. This liaison will help to transfer information between the operation and the community.

A financial assurance will be provided to the County to cover those cost associated with the installation of the permanent water system.

The operator will secure temporary systems and keep them on site and available for an instant response to any ground water loss. Additionally, the particulars associated with the location of these systems will be established.

All of these items will be in place before any dewatering begins. When the dewatering begins, the ground water monitoring will be closely watched by the County's consultant. Then, should a well ever become impacted, the temporary system(s) can be installed and the plans for bringing in permanent water will be in place ready to give to a construction company. Additional incentives (read: fines) have also been incorporated into the recommended conditions to ensure that the operator quickly responds.

Limits to the Plan

In addition to how this Plan works, a question has been raised as to who is actually covered by this Plan. The question has come from a few people who live beyond the defined study area. In response to this question, staff's interpretation of General Plan Policy 17.12 is that the Remedial Water Supply Plan should cover only those who in the "expert's opinion" may be impacted. In this case, the County has hired a qualified consultant (Willdan/PMC and Sierra Pacific Groundwater Consultants) to evaluate the ground water issue.

The first step of the EIR's ground water study actually addresses this question by defining the study area. The area was defined (in Section 4.3) using both the surface and subsurface features. These include the boundaries of the local drainage basin (surface features) and the location of those fault structures containing dense, impermeable barriers (subsurface features). Using that study, the County can make a qualified decision based on factual evidence. Your Commission may recall that within this study area, all the known wells (101) were placed into one of four risk groups ranging from High to Very Low. And even though "Very Low" has been determined to be highly unlikely to be impacted, those wells are still covered under this proposal. Staff would not recommend going beyond those established boundaries at this time.

Financial Guarantee of Permanent Water Supply

As stated above, staff is recommending that a financial assurance be in place to cover 100% of the costs for providing permanent water to all parcels within the study area. Mitigation Measure 4.3.6 has been modified from the version in the Final EIR to provide the structure for this financial assurance.

Staff has, however, recommended (through Condition PD 13) two opportunities for this financial assurance to be reduced. The first would be if the operator ever has to provide permanent water to any area, and only after the water has been provided, those costs associated with that water project may be returned to the operator from the original financial assurance amount. Obviously, the theory being that if the area now has water, there is no longer a need for the County to hold those costs. The second opportunity is not an absolute either. Staff is recommending reevaluation of the financial assurance amount 24 months after the entire workings have been dewatered. Going back to the EIR's ground water hydrology study, the impacts (if any) should (in theory) be realized sometime after the workings have been dewatered below the fractured rock zone (approximately 330 feet). Again, as a safety measure, two years is being recommended as a conservative time to allow for those impacts to occur. If at that time those

impacts have not yet been realized, then it may be a safe bet to assume the impacts might not ever occur. Assuming that can later be proved, staff is recommending a public hearing be held in order to discuss a partial release of the financial assurance.

Mitigation Monitoring Program

Associated with the use permit is the Mitigation Monitoring Program, established through the EIR. The purpose of this monitoring program is to identify the timing and responsibility of each mitigation measure. Attachment #2 is a draft Mitigation Monitoring Program prepared by Willdan Associates/PMC. You will note that the measures listed in the monitoring program resemble those found in the Final EIR. The many cases, the text of the mitigation measures have been clarified - resulting in changes to the wording from those found in the Final EIR. But, in those cases, the measures remain consistent with the purpose of the original mitigation, and with who and when will be responsible for the measure. Thus, the basic program still works and can be used as a matrix for the purposes of the monitoring program.

Other Issues

There is general agreement on the mitigation needed to deal with issues other than water, including light and noise. Again, staff will highlight those in our presentation.

ACTIONS FOR CONSIDERATION

Staff recommends the Planning Commission take the following actions:

- I. Prior to taking action on the project, review and consider the previously certified Final EIR and determine that the project is consistent with the project description.
- II. Pursuant to Section 15092 of the CEQA Guidelines, review and consider making the **Environmental Findings** for this project found in Attachment #1 of this staff report.
- III. Approve the Use Permit (U94-017) subject to the Mitigation Measures and Conditions of Approval found in Attachment #2 of this staff report.
- IV. Also based upon the certification of the Final EIR, and the approval of the Use Permit, adopt the Mitigation Monitoring Program found in Attachment #3 for this project complete with any changes to the Mitigation Measures resulting from the public hearing.
- V. Pursuant to Section L-II 31.5 of the Land Use and Development Code, upon approval of U94-017, make the **Use Permit Findings** found in Attachment #1 of this staff report.

EXHIBIT 1023

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The following information, prepared as of November 26, 2010, should be read in conjunction with the audited annual consolidated financial statements of **Emgold Mining Corporation** (“Emgold” or “the Company”) as at December 31, 2009 and 2008 and for the years ended December 31, 2009, 2008 and 2007 and the related notes attached thereto, which were prepared in accordance with Canadian generally accepted accounting principles (“GAAP”). All amounts are expressed in U.S. dollars unless otherwise indicated.

All schedules and tables within this Quarterly Report are extracted from or derived from information in the Company’s interim consolidated financial statements for the three and nine months ended September 30, 2010 and 2009 or the annual consolidated financial statements noted above.

Certain statements included herein may constitute forward-looking statements, such as estimates and statements that describe our future plans, objectives or goals, including words to the effect that we expect or management expects a stated condition or result to occur. Such forward-looking statements are made pursuant to the safe harbor provisions of the United States Private Securities Litigation Reform Act of 1995. Since forward-looking statements address future events and conditions, by their very nature they involve inherent risks and uncertainties. The following list is not exhaustive of the factors that may affect any of our forward-looking statements. These and other factors should be considered carefully and readers should not place undue reliance on our forward-looking statements.

Subject to applicable law, the Company expressly disclaims any obligation to revise or update forward-looking statements in the event actual results differ from those currently anticipated. Actual results relating to mining and exploration, among other things, resources, results of exploration, reclamation and other post-closure costs, capital costs and mine production costs could differ materially from those currently anticipated. Actual results relating to, among other things, the status of the research and development of recycling technology and associated products, could differ materially from those anticipated in such statements by reason of factors such as changes in general economic conditions and conditions in the financial markets, changes in demand, and prices for the products that may be produced. Other factors that affect both the exploration and development and the status of ongoing research and development of the recycling and associated products may include litigation, legislative, environmental and other judicial, regulatory, political and competitive developments in domestic and foreign areas in which we operate, technological and operational difficulties encountered in connection with our research and development activities, productivity of our resource properties, changes in general economic conditions and conditions in the financial markets, changes in demand and prices for minerals, litigation, legislative, environmental and other judicial, regulatory, political and competitive developments in domestic and foreign areas in which we operate, technological and operational difficulties encountered in connection with our exploration activities, labour relations matters, costs and changing foreign exchange rates. This list is not exhaustive of the factors that may affect any of our forward-looking statements. These and other factors should be considered carefully and readers should not place undue reliance on our forward-looking statements. Further information regarding these and other factors is included in our filings with the US Securities and Exchange Commission (which may be viewed at www.sec.gov) and Canadian provincial securities regulatory authorities (which may be viewed at www.sedar.com).

1.1 Overview

Emgold is a mineral exploration and mine development company. The main focus of the company is to permit and reopen the historic Idaho-Maryland Gold Mine located in Grass Valley, California (the “I-M Project”). The Idaho-Maryland Mine was discovered in 1851, was in production from 1862 through

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1956, and was the second largest historical underground gold producer in California. Total recorded production was 2,383,000 ounces of gold from 5,546,000 short tons of ore, for a recovered grade of 0.43 ounces of gold per short ton. The Company intends to obtain all necessary permits for dewatering, exploration, construction, development, re-opening, and reclamation of the Idaho-Maryland Mine. The permitting application is based on development of up to a 2,400-ton per day mining and processing operation with potential to produce over 250,000 ounces of gold per year.

The Company is currently in the process of completing an Environmental Impact Report (“EIR”) to reopen the Idaho-Maryland Mine. The City of Grass Valley is the Lead Agency and permitting is being completed according to the California Environmental Quality Act. Upon completion of the EIR, the Company will obtain a Conditional Mine Use Permit and other operating permits to reopen the Idaho-Maryland Mine. The Company anticipates the completion of the EIR and receipt of the CUMP for the I-M Project during 2011, subject to securing a sufficient level of funding to continue advancement through the final stage of the permitting process.

The Company also has a portfolio of early to middle stage mineral exploration projects including the Buckskin-Rawhide Property in Nevada, the Stewart Property in British Columbia, and until January 2010, the Rozan property in British Columbia. The Rozan property is currently subject to a lease and option to purchase agreement with Valterra Resource Corporation.

In addition, the Company has developed a manufacturing process that can be used to process a variety of mineral wastes, including mine tailings, into high quality 100% recycled stone and ceramic building products. These products can be certified by the US Green Building Council and would meet requirements for Leadership in Energy and Environmental Design (LEED) Credits. The Company plans to spin this technology off to a third party to allow its commercialization to be independently financed

The following is a brief summary of the Company’s activities during the nine months ended September 30, 2010 (“fiscal 2010”):

- Emgold continued with the EIR process related to the Idaho-Maryland Mine. The Company is making several modifications to the Project Description for the Draft EIR which it expects to submit to the City of Grass Valley in the first quarter of 2011. It is expected that these modifications will result in recirculation of the Draft Environmental Impact Report to ensure adequate public comment. This decision will be made by the City of Grass Valley after submittal. Subsequently, it is expected that the Final EIR will be completed prior to year end 2011.
- The Company extended its lease and option to purchase agreement with the BET Group for an additional two years to February 1, 2013. All lease payments related to the agreement are current as at September 30, 2010. Payments for the extension period will be \$30,000 per quarter. Fifty percent of quarterly payments for 2010 were deferred, lowering quarterly payments from \$60,000 to \$30,000 per quarter. The deferred balance of \$120,000 will be added to the purchase price of the property and mineral rights, the first purchase payment being due February 1, 2013.

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- A debt settlement of accrued dividends on preference shares and conversion preference shares to common shares was completed, removing \$1.5 million in liabilities from the Company on the conversion to equity.
- The Company completed a debt settlement with two creditors by issuing 608,135 common shares at a deemed value of \$0.25 to settle outstanding debt of \$152,034.
- Emgold completed the first tranche of a private placement, closed in September 2010, for the issuance of 5,203,856 common shares at a price of \$0.14 to provide gross proceeds of \$728,540 to the Company.
- Emgold's loss in fiscal 2010 was \$709,124 or \$0.04 per share compared to a loss of \$1,709,526 or \$0.11 per share in the nine months ended September 30, 2009 ("fiscal 2009").
- During fiscal 2010, cash used in operations was \$1,289,668 compared to \$683,971 in fiscal 2009.
- Exploration expenditures (net of recoveries) of mineral property interests totalled \$416,033 in fiscal 2010, compared to \$917,071 in fiscal 2009. The Company's accounting policy is to expense exploration costs on its mineral property interests. Exploration expenditures were incurred on the following mineral properties in fiscal 2010, with the 2009 expenditures in parentheses: Idaho-Maryland - \$421,384 (\$916,553); Rozan – recovery of \$1,197 (\$63); and Stewart – recovery of \$4,154 - (\$455).

1.1.1 Idaho-Maryland Project, California

The Idaho-Maryland Mine, located in Grass Valley, California was discovered in 1851. It was in production from 1862 through 1956 and was the second largest historical underground gold producer in California. Total recorded production 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. The Idaho-Maryland Mine is located adjacent to the historic Empire Mine, the largest historical underground producer in California, reportedly producing 5.8 million ounces of gold. It was Newmont Mining Corporation's first operating mine and Newmont maintains the mineral rights to the property. Within a three mile radius of the Idaho-Maryland Mine, the historic mines in the Grass Valley District produced a reported 13 million ounces of gold.

The Company has a mining lease and option to purchase agreement (the "BET Agreement") for the I-M Project. The BET Agreement, subject to a series of extensions, covers the lease and purchase of approximately 2,750 acres of mineral rights and 93 acres of surface rights associated with the Idaho-Maryland Project. Emgold owns certain other mineral and surface rights associated with the Project. The currently lease extension for the BET Agreement runs from February 1, 2009, to February 1, 2011. During the quarter, the BET Agreement was further extended from February 1, 2011, for an additional two years to February 1, 2013. Lease payments during the extension period will be \$30,000 per quarter. The Company has the ability to exercise the purchase option of the BET Agreement at any time while the option agreement remains in good standing. At September 30, 2010, the Company was in compliance with all the terms of its option to purchase agreement on the Idaho-Maryland Mine.

Subject to the existing lease extension agreement, Emgold was to make quarterly option payments of \$30,000 beginning on February 1, 2009, until January 31, 2010. For the period from February 1, 2010,

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to January 31, 2011, the quarterly option payments were to increase to \$60,000 per quarter. The BET Group has agreed to defer 50 percent of the quarterly lease payment for 2010, amounting to \$30,000 per quarter. The amount of the deferral, totalling \$120,000, will be added to the purchase price of the Property, the first installment of which becomes due on February 1, 2013. The \$120,000 will be subject to an interest calculation at 5.25% compounded annually.

In California, permitting is a well-defined process where companies work with the local communities and governments to define and mediate areas of potential concern. The Company is in the advanced stage of the permitting process for the Idaho-Maryland Project and believes it has developed a good working relationship with all stakeholders in the local communities. The I-M Project is being permitted in accordance with the California Environmental Quality Act ("CEQA") and the Surface Mining and Reclamation Act ("SMARA"), as well as other local, State and Federal legislation. The City of Grass Valley (the "City") is the Lead Agency for the CEQA and SMARA processes for the I-M Project. The initial permit applications were deemed substantially complete by the City on May 20, 2005 at which time the City completed the Master Environmental Assessment ("MEA") finalized in June of 2006. Based on the comments in the MEA, comments received from the City, public comments received as part of the community relations program, and advances in the computer modeling and mine planning being done by IM staff, the Company elected to revise its permit application prior to proceeding with the Initial Study. On June 22, 2007, the City of Grass Valley accepted the Company's revised permit application. The City completed an Initial Study on January 8, 2008 and commenced preparation of the DEIR.

The Draft EIR was prepared by the City of Grass Valley and its consultants. It was submitted for public comment on October 30, 2008. The public comment period was completed January 20, 2009. Public and agency comments obtained in the public comment period were categorized and reviewed. Meetings were held with various state agencies to review their comments on the Draft EIR.

Subsequent to these meetings, Emgold elected to make certain modifications to the Project Description for the Draft EIR. The Company is currently working on a revision to the Project Description for the project. The revision will include elimination of discharge into the South Fork of Wolf Creek from the New Brunswick site and elimination of the water treatment plant at the New Brunswick site. Instead, a raw water line will be constructed under East Bennett Road and water will be pumped from the New Brunswick site to the Idaho-Maryland Site and to the water treatment plant located there. Water will then be discharged into Wolf Creek after treatment. The revision will also include the clean-up of historic tailings on site which was not included in the scope of the Draft EIR. Upon submission of the changes to the project description, a Revised Draft EIR may be required to allow public comment on any revisions followed by completion of the Final EIR. The pace of work in permitting the Idaho-Maryland Project has been affected by availability of funds and work has been adjusted based on funding available. The Final EIR is anticipated by the Company during 2011 and it is expected that the CMUP may be issued by the City within 120 days of the Final EIR being completed.

During the quarter, the Company successfully completed the site investigation and remediation action for removal and cleanup of underground diesel and gasoline fuel tanks that were associated with operation of the historic Lausman Lumber Mill, formerly located on the Idaho-Maryland Property. Idaho-Maryland Mining Corporation ("IMMC"), the 100% subsidiary of Emgold, received notification from the California Regional Water Quality Control Board, Central Valley Region, that no further action is required with the State. Work has included soil sampling, installation and monitoring of ground water wells, contaminated soil removal, and backfilling of the tank excavation.

There are a variety of operating permits and agreements that will also be required with various regulatory agencies to operate the mine. The Company has commenced work on final operating

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permits and other agreements to allow granting of these as quickly as possible after the EIR is completed.

There is no guarantee that the City of Grass Valley will approve the project or that other agencies will approve the permits necessary to operate. However, two gold mines (the Mesquite Mine operated by New Gold Inc. and the Briggs Mine operated by ATNA Resources Ltd.) have recently returned to operations in California. Sutter Gold Mining Inc. is currently obtaining permits to operate the Sutter Gold Mine and Golden Queen Mining Company Ltd is in the process of obtaining permits to open the Solidaridad Mountain Project in California.

An EIR for the Idaho-Maryland Project was previously completed in 1995 to dewater and explore the mine with Nevada County as the Lead Agency. Emgold believes there is no technical reason to prevent the mine from being permitted and the risk is the political uncertainty of permitting in the United States and the State of California with constantly evolving regulations at all levels of government that may impact the permitting requirements at some future date. In particular, potential legislation from the California Air Resources Board and the Federal EPA related to carbon emissions and potential cap and trade rules may have an effect on mining operations in the U.S.

Operation of the mine will require the submission and approval of additional environmental assessments. Environmental assessments of proposed project operations and permit approvals and conditions carry a heightened degree of responsibility for companies and directors, officers and employees. The cost of compliance with changes in governmental regulations has a potential to reduce or eliminate the profitability of operations. For example, if the Company is unable to obtain required permits, and the reasons that the permits cannot be obtained are deemed to be financially insurmountable, the development of the I-M Project would be curtailed, and the Company's operations in Grass Valley, would cease.

Information about the I-M Project is distributed at community events. Issues of concern to the community are addressed and communicated to all interested parties at public workshops and meetings and community events as well as through local news media, direct mail-outs, circulars and brochures. A website devoted to the I-M Project, www.idaho-maryland.com, provides general I-M Project information and permitting documentation and addresses community concerns regarding the expected impact of dewatering existing mine workings, underground development, exploration and the possible operation of a mine on the community and the environment. The Company has participated in public workshops held during the preparation of the draft EIR.

1.1.2 Buckskin Rawhide Property, Nevada

In 2009, the Company entered into a lease and option to purchase agreement to acquire the rights to the Buckskin Rawhide mineral claims, a gold prospect located near Fallon, Nevada. In January 2010, the transaction closed and the Company issued 19,432 common shares at a value on the day of issue of \$7,134.

The Buckskin Rawhide Property is an early stage gold/silver exploration property located adjacent to the Denton-Rawhide Mine, a gold/silver mine owned and operated by Kennecott Rawhide Mining Company, a subsidiary of Rio Tinto Mining Corporation.

In its Second Quarter 2010 Operations Review, dated July 14, 2010, Rio Tinto announced that it had sold its 100% interest in the Denton Rawhide Mine in Nevada with an effective date of June 25, 2010. The property has been purchased by a private company, Rawhide Mining Company that plans to bring the mine back into production.

On April 26, 2010, Fronteer Gold Corporation announced that it has acquired Nevada Eagle Resources

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from Gryphon Gold Corporation. Part of this acquisition includes the Regent Property, which is also adjacent to the Buckskin Rawhide Property. Fronteer Gold is currently evaluating the properties it acquired prior to making the decisions on how best to advance them.

The Buckskin Rawhide property was previously explored and drilled by Kennecott Minerals, including over 27 drill holes. Results indicate the potential for high grade mineralized gold/silver veins and bulk minable disseminated gold/silver zones. The development alternatives would include advancing the Buckskin Rawhide Property as a standalone gold/silver exploration project or combining it with other existing properties in the region.

Emgold Mining Corporation (Emgold) has a lease and option to purchase agreement to acquire 100% of the Buckskin Rawhide Property from Nevada Sunrise LLC, a private company located at Auburn, California. The property comprises 920 acres of unpatented mineral lode claims and is under the jurisdiction of the Bureau of Land Management (BLM). The terms of this agreement were disclosed in an Emgold news release dated December 1, 2009.

The Buckskin Rawhide Property is currently 75% owned by Nevada Sunrise LLC, a private Nevada company and 25% owned by Maurice and Lorraine Castagne. Emgold has agreed to lease the property from Nevada Sunrise LLC, subject to the following payments:

Year	Advance Royalty Payment
2009	\$10,000 ⁽¹⁾ (paid in common shares)
2010	\$10,000 ⁽¹⁾
2011	\$10,000 ⁽¹⁾
2012	\$20,000 ⁽¹⁾
2013	\$40,000 ⁽¹⁾
2014	\$60,000 ⁽²⁾
2015	\$60,000 ⁽²⁾
2016	\$60,000 ⁽²⁾
2017	\$60,000 ⁽²⁾
2018	\$60,000 ⁽²⁾
2019	\$60,000 ⁽²⁾

Note: (1) Lease payments may be paid in either cash or Emgold common shares based on an average price of shares traded during the calendar month prior to the payment due date. (2) Lease payments may be paid in Emgold common at the discretion of Nevada Sunrise based on an average price of shares traded during the calendar month prior to the payment due date.

During the lease period, Emgold may conduct exploration and, if warranted, complete a NI 43-101 compliant feasibility study. On completion of the feasibility study, Emgold may acquire 100% ownership of the property by paying Nevada Sunrise an additional amount of \$250,000 which Nevada Sunrise is required to use to purchase the retained 25% interest from Maurice and Lorraine Castagne as per an underlying property agreement, and to transfer that title to Emgold. Upon commercial production and after acquisition of 100% interest in the property by Emgold, Nevada Sunrise will be entitled to a 2.5% Net Smelter Royalty ("NSR") on production from the property.

1.1.3 Stewart Property, British Columbia

In 2001, the Company entered into an option agreement to acquire the rights to the Stewart mineral claims, a polymetallic prospect located close to Nelson in south-eastern British Columbia. The Company has earned a 100% interest in the property.

The Stewart Property is a middle stage exploration property. It is located in a region of historic mining activity, and is part of a large geologic trend of tungsten, molybdenum and gold mineralization. This

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trend includes Emgold's Rozan Property, Valterra Resource Corporation's Toughnut and Star Properties, Anglo-Swiss Resources Incorporated's Nelson Property, and Sultan Minerals Inc.'s Kena Property (see map of Rozan and Stewart Properties, British Columbia).

The Stewart Property contains a number of gold, molybdenum, tungsten and silver-lead-zinc prospects. The property has been assessed by various operators since 1967, each exploring a different type of mineral deposit. Much data is available from those programs to use in future exploration.

The companies that explored the Stewart Property were seeking specific metals. In general most of the work was focused on exploring for tungsten and base metals from the 1940's through the 1960's. A relatively minor amount of gold exploration was completed in the late 1980's and 1990's. Emgold's assessments considered all of those metals.

Premier Gold Mining Company (1942) conducted the initial exploration of Stewart on the Arrow Tungsten prospect. Tungsten mineralization was identified along a 300 meter strike length, with samples up to a few feet wide showing grades of over one percent WO₃. This was the first recorded work on the Stewart Property, but Emgold has no reports from it.

Copper Horn Mining Limited (1967) explored for molybdenum. They staked claims, mapped geology, conducted reconnaissance soil geochemistry sampling, and completed magnetometer geophysical surveys. Copper Horn wrote assessment report No. 1083 in 1967.

In 1969, Quintana Minerals Corporation conducted geological and geochemical investigations that resulted in the definition of two copper-molybdenum zones. They summarized their work in 1970 assessment report No. 2301.

Union Carbide acquired and explored the Arrow tungsten area in 1977 and wrote assessment report No. 6654 in 1978. They did geochemical surveying for tungsten, molybdenum, copper and zinc.

Asamera Oil Corporation (1979-1980) carried out a geochemical exploration program on the Bobbi claims on the eastern part of the Stewart property for molybdenum. They concluded that further testing of the anomalous areas was warranted and summarized their findings in a report.

In 1979 through 1981, Shell Canada Resources Ltd. optioned the property and carried out a detailed evaluation over large areas of the property that included geological mapping, magnetometer and impulse EM geophysics, soil geochemistry and diamond drilling. Much of this work (including extensive drilling) was focused on the Stewart Moly and Breccia Summit areas, with the results indicating that a molybdenum-bearing porphyry system might exist on the property. Shell defined a small resource (which is described below) and compared Stewart to the Henderson deposit.

Cominco Limited (1980) conducted geophysical surveys for porphyry molybdenum deposits on an eastern section of the Stewart property known as the Bobbi claims. They ran 8.8 kilometers of induced polarization and field magnetic lines and summarized the findings in a report that year. Several anomalies were detected, but no other field work was done to investigate the anomalies.

Selco Inc.(1982-1984), a division of BP Exploration Canada Limited, conducted extensive exploration on the property for metals, primarily molybdenum. In 1982 Selco did airborne EM and magnetics surveys and rock chip sampling, and in 1983 they continued with geological evaluations, further geochemical sampling, ground geophysics, and drilling (1677.3 meters of NQ core). Much of their work was on the Stewart Moly Project. Selco concluded that Stewart contained many showings of base and precious metals. While they thought that the potential would be too small for Selco or BP, they stated that the "property does, however, contain potential for lode deposits which would be amenable to mining by a junior sized mining company..." Selco wrote assessment reports in years 1983 (report No. 12251) and in 1984 (report No. 13166), and those reports included several volumes of data in

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appendices.

Lacana Mining Corporation conducted geochemical sampling in 1987 and summarized the results in a 1988 report. They concentrated on the Rest Creek area, but failed to find targets for further testing.

Minnova Incorporated (1989-1990) explored the northwest part of the Stewart property in the Craigtown Creek area for gold with soil geochemistry sampling. They also split and re-assayed old drill core, with the best results being 2,150 ppb gold. Minnova wrote a report in 1991.

Cameco Corporation focused on the Craigtown Creek area with programs in years 1992 and 1993. The 1992 program included geological mapping, soil and rock sampling, and backhoe trenching. In 1993 Cameco drilled four core holes (448 meters total) and found anomalous gold up to 24,854 ppb in a quartz-sulphide vein. Cameco also ran induced polarization and magnetic geophysics surveys. Company progress reports were written in both 1992 and 1993.

In 1995, Orvana Minerals acquired the Stewart Property to “characterize potentially economic mineralization known to occur on the property” and to develop exploration drill targets. Their focus was primarily on gold and copper. In 1996-1997, Orvana Minerals conducted geologic mapping, rock soil and moss mat geochemical sampling, and a ground magnetic and VLF-EM survey, emphasizing the Craigtown Creek area. Orvana described the results of their field work in detail in two reports dated 1997 and 1998, and the conclusions/recommendations in those reports outlined favourable exploration targets to be evaluated during the next field season.

Emgold (2001 to present) acquired the Stewart Property from Jack and Eric Denny in the year 2001. Emgold originally optioned the property for its gold potential but eventually conducted exploration for any previously discovered metals. In the year 2001, Emgold conducted soil geochemistry sampling to verify prior historic work, and in 2003 Emgold added airborne geophysics (magnetic, resistivity, and electromagnetic). In 2005, Emgold completed a 6-hole diamond drill program totaling 404.47 meters of NQ size core and in 2006 five more holes were drilled. That program included rock and soil sampling and the results indicated that further work on the property was warranted and that the other areas of the property were deemed to have potential for tungsten, and silver-lead-zinc mineralization.

In 2007, Emgold conducted a trenching and diamond drill program over several areas of the property. A total of 28 trenches and 30 diamond drill holes (3,338 meters of 10,950 feet of drilling) were completed on the property, and 339 trench samples along with 1,285 BTW size core samples were obtained and shipped to a laboratory in Vancouver, BC for analysis. The results of this program further defined the presence of gold and tungsten-molybdenum mineralization on the property, and produced more evidence that Stewart had significant potential.

Emgold believes that the Stewart Property has very good potential to host a large mineral deposit, but a large-scale exploration program will be required to adequately make this assessment. This program would require deep drilling to test for mineralization at depths greater than previously assessed, and might require more geochemistry or geophysics to define exploration targets.

For these reasons Emgold is seeking opportunities to advance its Stewart Property through a lease, joint venture or other means. Alternatively, Emgold will proceed with additional exploration on its own.

1.1.4 Rozan Property, British Columbia

In 2000, the Company entered into an option agreement to acquire the rights to the Rozan Gold Property, a prospect located south of the community of Nelson in the Red Mountain area of southeastern British Columbia. The Company holds a 100% interest in the property.

The Rozan Property is an early stage polymetallic exploration property. It is located in a region of

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historic mining activity and is part of a large geologic trend containing tungsten, molybdenum, gold, copper, silver and lead mineralization. The trend includes the Rozan Property, Emgold's 100%- owned Stewart Property, Valterra Resource Corporation's ("Valterra") Toughnut and Star Properties, and Sultan Mineral Inc.'s Kena Property.

Exploration by Emgold has included geological mapping, geochemical sampling and geophysical surveys along with small drilling programs, all of which had encouraging results. The Rozan Property has the potential for high-grade gold veins, bulk mineable disseminated gold zones, and possibly other metals.

On January 14, 2010, the Company entered into a Lease and Option to Purchase Agreement (the "Agreement") with Valterra.

The Agreement calls for cumulative work commitments of Cdn\$1,000,000 over five years, with a commitment of Cdn\$50,000 in 2010, Cdn\$200,000 in 2011, and Cdn\$250,000 in each of years 3 to 5.

The term of the Agreement is for a period of 5 years, with property payments of cash, common shares and five-year warrants to be made by Valterra to the Company during the lease as follows:

Period	Cdn\$	Shares	5 Year Warrants
Signing	Nil	50,000 (received)	50,000 (received)
Year 1	\$30,000	50,000	50,000
Year 2	\$30,000	50,000	50,000
Year 3	\$40,000	50,000	50,000
Year 4	\$40,000	50,000	50,000
Year 5	\$60,000	100,000	100,000
Total	\$200,000	350,000	350,000

Upon completion of the lease payments and work commitments, Valterra will acquire the Rozan Property, subject to an underlying NSR. Valterra will use its best efforts to complete a NI 43-101 resource estimate for the property by Year 5, subject to results obtained from exploration and development work.

Under the Agreement with Valterra, should the Company elect to acquire two thirds of the NSR currently held by the original optionors, or a 2% NSR, Valterra will have 30 days to exercise an option to obtain half of this interest (a 1% NSR) for Cdn\$500,000. The Company will use this payment as part of the required payment to acquire the 2% NSR from the original optionors and will then transfer the 1% NSR to Valterra. Should Valterra elect not to exercise its option at this time, it shall retain a further option to acquire the 1% NSR from the Company at a future date for Cdn\$750,000. The Company will retain its first right of refusal with the original optionors to acquire the remaining 1% of their NSR, should they elect to sell it to a third party. Should the Company obtain this 1% NSR, Valterra shall have first right of refusal if the Company elects to sell it to a third party.

1.1.5 Market Trends

The price of gold has been increasing steadily over the past three years. The average London gold fix in 2008 averaged \$872 per ounce; \$972 in 2009, and has averaged approximately \$1,210 per ounce to November 26 in 2010.

Measurement uncertainty and impairment assessments

The Company is currently in the exploration stage on its mineral property interests, and has expensed its exploration costs. The mineral property costs that are capitalized relate to mineral property acquisition costs. At September 30, 2010, the carrying value of mineral property interests reflects the

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acquisition costs of surface rights and option payments on mineral property interests.

As at September 30, 2010, the Company determined that impairment indicators existed based on the Company's ability to raise financing and caused significant changes in the work programs. The Company completed an impairment assessment for each of its mineral property interests.

Mineral property interests, where future cash flows are not reasonably determinable, are evaluated for impairment based on the nature and amount of recent exploration amounts expensed, management's intentions and determination of the extent to which future exploration programs are warranted and likely to be funded. It is management's opinion that the carrying amount of the remaining properties is supported by recent exploration expenditure excess of the properties carrying value and the Company's near-term exploration plans. Although management believes that estimates applied in these impairment assessment are reasonable, such estimates are subject to significant uncertainties and judgments.

1.1.7 Golden Bear Ceramics Company

Golden Bear Ceramics Company has developed a process that can use a variety of non-traditional feedstock materials such as mine tailings, fly ash from coal fired power plants, fines from aggregate quarries, and other mineral wastes to make high quality 100% recycled stone and ceramic building products. This process uses off the shelf equipment from the ceramics industry and involves traditional cold forging and hot forging processes. Building products that can be produced include floor tile, wall tile, and roof tile. These products are 100% recycled, qualify for Leadership in Energy and Environmental Design (LEED) Credits, require less energy to manufacture than traditional stone and ceramic tiles, and reduce trucking costs for both feedstock to plant and finished product to market. Emgold plans to spin off this technology to a third party to allow its commercialization. Plans are to construct a plant using the process developed by Golden Bear at the Idaho-Maryland Project in Grass Valley, CA and permitting to construct and operate a plant are included in the applications for the Project and are being evaluated as part of the EIR..

Golden Bear entered into an agreement with Ceramext LLC in 2003 to develop and commercialize a hot vacuum extrusion apparatus developed by Ceramext LLC. This agreement was terminated on May 7, 2009.

1.2 Results of Operations

Fiscal 2010 compared to fiscal 2009

Emgold's loss in fiscal 2010 was \$709,124, or a loss per share of \$0.04, compared to a loss of \$1,709,526, or a loss per share of \$0.11 in fiscal 2009. This includes \$416,033 in exploration costs incurred in fiscal 2010, compared to \$917,071 incurred in fiscal 2009. Emgold's accounting policy is to expense exploration costs until the Company reaches the development stage on its mineral property interests.

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In the last quarter of 2009 and the three quarters of fiscal 2010, the Company took a number of steps to significantly reduce operating expenses on both a corporate and a project basis. This included reduction in personnel and reduced work weeks for certain employees, downsizing of office and warehouse space in Grass Valley, renegotiation and deferral of property payments on the Idaho-Maryland property for 2010-13. The Company has been successful in reducing its operating costs by over \$600,000 per year.

	Three months ended		Nine months ended	
	September 30,		September 30,	
	2010	2009	2010	2009
Expenses				
Amortization	\$ 4,355	\$ 5,904	\$ 14,285	\$ 24,219
Accretion of debt portion of preference shares	635	1,909	4,471	4,267
Golden Bear research costs	--	(996)	--	9,192
Exploration costs	93,310	283,640	416,033	917,071
Foreign exchange loss	67,808	103,255	50,459	155,745
Finance expense	4,455	17,696	31,795	43,125
Legal, accounting and audit	35,965	28,256	85,571	67,547
Management and consulting fees	10,127	29,090	58,270	81,466
Office and administration	29,647	54,461	128,958	194,496
Recovery on sale of equipment	(7,200)	--	(43,200)	--
Salaries and benefits	38,270	42,061	150,462	145,182
Stock-based compensation	--	--	102,961	964
Shareholder communications	28,811	28,484	66,974	98,624
Travel	--	--	--	1,315
	306,183	593,760	1,067,039	1,743,213
Other income				
Recovery of provision for doubtful accounts	(26,330)	(28,409)	(136,187)	(32,379)
Gain on settlement of preference shares	(144,270)	--	(144,270)	--
Gain on settlement of debt	--	--	(77,197)	--
Interest income	(261)	--	(261)	(1,308)
Loss for the period	\$ (135,322)	\$ (565,351)	\$ (709,124)	\$ (1,709,526)
Loss per share – basic and diluted	\$ (0.01)	\$ (0.03)	\$ (0.04)	\$ (0.11)
Weighted average number of common shares outstanding	21,662,578	16,155,130	19,436,486	16,304,028

During fiscal 2010 the Company earned \$261 in interest income on excess cash balances compared to \$1,308 in fiscal 2009. For most of fiscal 2010, the Company has had no excess cash to invest in short-term investments resulting in the decrease. In fiscal 2010, the Company sold equipment with a book value of \$nil for \$43,200.

During the period, the Company settled \$152,034 in debt by the issuance of 608,135 common shares at a deemed value of \$0.25 per common share. This resulted in a gain of \$77,197, due to the difference in fair value of the common shares at the time of issuance of \$0.12 and the deemed value of \$0.25.

In addition, the 394,843 preference shares were converted to common shares on a one for one ratio. Also, the Company issued 2,813,575 common shares at a value of \$517,151 to convert all accrued dividends to common shares. In addition, 2,813,575 warrants with an exercise price of \$0.35,

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exercisable for five years, formed part of the debt settlement, and were valued at \$479,587, using a Black-Scholes method, at a volatility of 170.6%, an expected life of five years, no dividend and a discount rate of 2.56%. This has been recorded as a cost of the settlement of the conversion of the preference shares, and the resulting gain on the settlement of the convertible preference shares and accrued dividends was \$144,270.

Amortization expenses relating to general and administrative activities decreased from \$24,219 in fiscal 2009 to \$14,285 in fiscal 2010.

Accretion expenses increased from \$4,267 in fiscal 2009 to \$4,471 in fiscal 2010. The debt portion of the convertible preference shares was accreted over ten years from inception. There will be no further accretion due to the conversion of the preference shares to common shares and the conversion of the convertible portion to common shares and warrants in the debt settlement.

The Company shares services on a full cost recovery basis including rent, certain accounting and administrative salaries and overhead with three other public companies. Quorum Management and Administrative Services Inc. ("Quorum"), a private company held jointly by the Company and two other public companies, provides services to these public entities currently sharing office space and other services with the Company. The companies each hold a one-third interest in Quorum and also have certain common directors and are related parties of Emgold. The Company advanced three months of funds to Quorum for future services. Quorum held this advance as a deposit for each shareholder company as working capital. As at December 31, 2008, the Company concluded that amounts advanced may not be recoverable in full, based on the financial position of Quorum and its corresponding ability to continue to provide services to the Company. Consequently, a provision of \$321,839 was recorded. This provision estimate assumed that Quorum would be in a position to provide services for a period of three months from the balance sheet date and that such services could drawn down against outstanding advances. Any advances amounts in excess of the estimated 3 months services values have been provided in full. In the nine months ended September 30, 2010, Quorum has provided services in fiscal 2010 in excess of the amount receivable from Quorum in the amount of \$136,187. The recoverability of the balance of \$163,588 will continue to be assessed as the receivable decreases for services provided by Quorum, and as services are performed, the amount of the services will be taken into income until such time that three months of working capital are advanced to Quorum as per the administrative services contract.

The Company has stopped all further development of the Ceramext® Process using hot vacuum extrusion. In May 2009, the Ceramext agreement was terminated, and the advance technology royalties were not paid. In total, costs incurred in fiscal 2009 of \$9,192, compare to \$Nil in fiscal 2010.

Foreign exchange changed from a loss of \$155,745 in fiscal 2009 to a loss of \$50,459 in fiscal 2010. Fluctuations in currency are affecting operations to a greater degree in fiscal 2010 due to volatility in the Canada and United States exchange rates and the changes in the United States dollar relative to the Canadian dollar, than in fiscal 2009. In the past, the Company has held most of its excess cash and short-term investments in Canadian dollars while the majority of the Company's expenses are denominated in U.S. dollars. Much of the loss related to the convertible preference shares and related accrued interest which were denominated in Canadian dollars.

Finance expense remained consistent increasing slightly from \$43,125 in fiscal 2009 to \$31,795 in fiscal 2010. The finance expense relates to interest on the convertible preference shares which are denominated in Canadian dollars and varied as exchange rates fluctuated. A debt settlement of common shares has settled all unpaid accrued interest, and the preference shares have also been converted to common shares. No interest will be accrued or paid in future periods. Interest was also being accrued on promissory notes payable entered into by the Company with directors, officers and

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investors to provide working capital. The promissory notes and all accrued interest have been repaid to the directors, officers and investors subsequent to September 30, 2010, from the proceeds of the private placement financing.

Legal, accounting and audit fees increased from \$67,547 in fiscal 2009 to \$85,571 in fiscal 2010, due to higher audit and legal fees in fiscal 2010. Legal fees incurred in the period related to financing costs are recorded as share issue costs.

Management and consulting fees decreased from \$81,466 in fiscal 2009 to \$58,270 in fiscal 2010. Consulting fees paid or accrued and payable to two private companies, each controlled by an officer and director of the Company, have decreased due to changes in officers (consolidation of the CEO and COO position) and renegotiation of lower fees with the officers. The Company has discontinued payment of quarterly directors' fees to independent directors until it is in a better financial position.

Office and administration expenses decreased from \$194,496 in fiscal 2010 compared to \$128,958 in fiscal 2009. Administrative expenses include telephone, courier and other direct costs. The expense decreased compared with the previous period as a result of various fluctuations in other direct costs as a result of sharing of office space as well as various cost cutting initiatives such as a reduction in the amount of corporate office space used by Company personnel. In California, the Company moved to smaller warehouse and office premises in February 2010.

Salaries and benefits remained at approximately the same level, \$145,182 in fiscal 2009 compared to \$150,462 in fiscal 2010, a nominal increase.

Shareholder communications costs decreased from \$98,624 in fiscal 2009 to \$66,974 in fiscal 2010. These costs include dissemination of news releases, transfer agent, regulatory and filing fees as well as fees associated with the maintenance of the Company's website. The decrease relates primarily to a reduction in investor relations activity compared with the previous period. The fiscal 2009 expense includes Cdn\$45,000 in consulting fees for services provided by King James Capital Corporation for investor relations services. No fees were incurred in fiscal 2010.

Stock-based compensation of \$964 in fiscal 2009 relates to re-valuations of stock options granted to a consultant vesting during the period. In fiscal 2010, stock-based compensation of \$102,961 was recorded. The stock option expense was calculated using a Black-Scholes option valuation model, using a risk free rate of 2.2%, an expected life of 3.8 years, and an estimated volatility of 112.3%. The fair value per option grant was Cdn\$0.18 for each of the stock options granted at a price of Cdn\$0.25, with an expiry date of March 17, 2015.

Travel expense decreased from \$1,315 in fiscal 2009 to \$Nil in fiscal 2010. The Company has reduced the extent of travel from Grass Valley, California to Vancouver, BC in order to reduce expenses. Exploration costs incurred by property are as follows:

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	Nine months ended September 30,		Cumulative Total
	2010	2009	to September 30, 2010
Idaho-Maryland Property, California			
Exploration costs			
Assays and analysis	\$ --	\$ --	\$ 100,140
Community relations	--	--	80,561
Drilling	--	--	1,039,920
Geological and geochemical	242,469	371,789	4,314,409
Land lease and taxes	120,281	53,676	1,448,738
Consulting	--	--	209,713
Mine planning	58,634	398,285	4,409,826
Site activities	--	92,803	1,672,390
Stock-based compensation	--	--	481,684
Transportation	--	--	128,250
Incurring during the period	421,384	916,553	13,885,631
Rozan Gold Property, British Columbia			
Exploration costs			
Assays and analysis	--	--	11,803
Geological and geochemical	1,076	14	123,388
Drilling	--	--	64,050
Site activities	256	49	22,044
Stock-based compensation	--	--	16,055
Trenching	--	--	4,666
Transportation	--	--	12,354
Assistance and recoveries	(2,529)	--	(7,332)
Incurring during the period	(1,197)	63	247,038
Stewart Property, British Columbia			
Exploration costs			
Assays and analysis	--	--	96,157
Drilling	--	--	530,056
Geological and geochemical	431	21	221,148
Site activities	35	434	21,510
Stock-based compensation	--	--	16,055
Trenching	--	--	19,318
Transportation	--	--	45,838
Assistance and recoveries	(4,620)	--	(29,692)
Incurring during the period	(4,154)	455	920,390
Total Exploration Costs	\$ 416,033	\$ 917,071	\$ 15,053,059

Direct exploration expenditures on the I-M Project decreased from \$916,553 in fiscal 2009 to \$421,384 in fiscal 2010. The Company's primary focus continues to be the completion of the final phase of the three-phase permitting process. The public comment period on the Draft EIR was completed January 20, 2009. Public and agency comments obtained in the public comment period have been categorized and reviewed. Meetings were held with various state agencies to review their comments on the Draft EIR. The Company has elected to make revisions to the Project Description and upon review with the City, it may be determined that a Revised Draft EIR will be completed prior to the Final EIR being completed to allow public comment on the revisions. The Final EIR is anticipated by the Company

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during 2011 and it is expected that the CMUP may be issued by the City within 120 days of the EIR being completed.

Planned expenses for the remainder of fiscal 2010 for the I-M Project include the activities associated with responding to public comments to the Draft EIR, progressing through the final application process for a CMUP, on-going financing, an update to existing resource models and public outreach activities.

1.4 Summary of Quarterly Results (Unaudited)

Operating results for the three-month period ended September 30, 2010 (“Q3 2010”), compared to the three-month period ended September 30, 2009 (“Q3 2009”)

Emgold’s loss in Q3 2010 was \$135,322, or a loss per share of \$0.01, compared to a loss of \$565,351 or a loss per share of \$0.03 in Q3 2009. This includes \$93,310 in exploration costs incurred in Q3 2010, compared to \$283,640 incurred in Q3 2009. The discussion of Q3 2010 expenses focuses on the areas of significant change from Q3 2009, and any areas that are not discussed in the nine months discussion above.

General and administrative expenses:

Legal, accounting and audit fees increased from \$28,256 in Q3 2009 to \$35,965 in Q3 2010. Q3 2010 accounting and audit expenditures were higher than those incurred in Q3 2009 levels. Stock option grants and re-pricing and the preparation of the Company’s annual information circular completed in Q3 2010 contributed to higher legal fees in that period.

Office and administration expenses decreased from \$54,461 in Q3 2009 to \$29,647 in Q3 2010. These included rent, telephone, courier and other direct costs with the decrease, primarily due to the new premises in California.

Management and consulting fees decreased from \$29,090 in Q3 2009 to \$10,127 in Q3 2010. Payments to related parties for services as officers decreased to Cdn\$3,500 per month from Cdn\$7,000 during the period and are accrued and unpaid.

The Company incurred a foreign exchange loss of \$67,808 in Q3 2010 compared to a foreign exchange loss of \$103,255 in Q3 2009. The U.S. dollar weakened relative to the Canadian dollar in Q3 2009, and the Company had significant liabilities denominated in Canadian dollars. The preference shares and accrued dividends were converted to equity in Q3 2010 resulting in less of a foreign exchange loss in the fiscal quarter.

Salaries and benefits decreased from \$42,061 in Q3 2009 to \$38,270 in Q3 2010.

Shareholder communications costs remained at the same level in Q3 2010 as Q3 2009, although Q3 2009 costs include investor relations services at a cost of Cdn\$5,000 monthly.

Exploration expenses:

Direct exploration expenditures decreased from \$283,640 in Q3 2009 to \$93,310 in Q3 2010. The change in third quarter expenses compared with the prior year relates to the timing of mine planning and permitting related costs as the Company progresses through the three-phase permitting process with the City of Grass Valley, and also reflects the reduced work week of some employees in Grass Valley. Costs incurred on the British Columbia properties are nominal.

The table below provides, for each of the most recent eight quarters, a summary of exploration costs on a project-by-project basis and of corporate expenses.

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	Golden Bear Costs	Idaho- Maryland Property, California	Rozan Property, British Columbia	Stewart Property, British Columbia	Jazz Property and Others	General and administrative expenses (Note 1)	(Earnings) loss per quarter	Quarterly (earnings) loss per share
2010								
First Quarter	--	176,825	1,331	466	--	371,877	466,195	0.03
Second Quarter	--	144,098	1	--	--	102,256	107,607	0.00
Third Quarter	--	100,461	(2,529)	(4,620)	--	220,073	(135,322)	(0.01)
2009								
First Quarter	49,064	387,384	39	455	--	214,594	650,973	0.04
Second Quarter	(38,876)	245,553	--	--	--	291,240	493,202	0.03
Third Quarter	(996)	283,616	24	--	--	311,116	565,351	0.03
Fourth Quarter	84,148	271,075	(4,614)	(8,066)	54	303,599	676,470	0.04
2008								
Fourth Quarter	114,281	730,047	61	--	(19)	403,364	1,249,563	0.08

Note 1: General and administrative expenses do not include interest revenue, the write-down of mineral property interests, bad debts recovery, gain on settlement of debt and the recovery of future income taxes.

Variations between quarters are primarily affected by the Company's activities and progress on permitting of the Idaho-Maryland Project. Changes in the level of funds raised by private placement or other forms of financing may cause delays in planned expenditures from quarter to quarter. These are discretionary costs, primarily related to the timing and availability of hiring of external consultants related to the permitting process, resource estimates and engineering or capital expenditures, which may be delayed.

1.5 Liquidity

Historically, the Company's sole source of funding is and has been the issuance of equity securities for cash, primarily through private placements to sophisticated investors and institutions. The Company has issued common shares pursuant to private placement financings and the exercise of warrants and options.

The current market conditions, the challenging and inhospitable funding environment and the low price of the Company's common shares make it difficult to raise funds through private placements of shares. In addition the Company endeavors to minimize dilution to existing shareholders. There is no assurance that the Company will be successful with any financing ventures. Please refer to the "Risks" section of this document.

At September 30, 2010, the Company had a working capital deficiency of \$698,564, defined as current assets less current liabilities, compared with a working capital deficiency of \$1,880,208 at December 31, 2009. The Company's interim consolidated financial statements were prepared using Canadian generally accepted accounting principles applicable to a going concern. Several adverse conditions cast substantial doubt on the validity of this assumption.

Operations for the nine months ended September 30, 2010, were funded primarily from advances from related parties and subscription receipts from a non-brokered private placement raising gross proceeds of \$750,000 which closed during the period and gross proceeds of \$728,540 received on the first tranche of a gross proceeds private placement totalling \$1,750,000, which closed in October 2010.

The Company also completed a debt settlement with two creditors by the issuance of 608,135 common shares at a deemed value of \$0.25 per share to settle outstanding debt of \$152,034, resulting in a gain on

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settlement of debt of \$77,197. In addition, the 394,843 preference shares were converted to common shares on a one for one ratio. Also, the Company issued 2,813,575 common shares at a value of \$517,151 to convert all accrued dividends to common shares. In addition, 2,813,575 warrants with an exercise price of \$0.35, exercisable for five years, formed part of the debt settlement, and were valued at \$479,587, using a Black-Scholes method, at a volatility of 170.6%, an expected life of five years, no dividend and a discount rate of 2.56%. This has been recorded as a cost of the settlement of the conversion of the preference shares, and the resulting gain on the settlement of the convertible preference shares and accrued dividends was \$144,270. The debt settlement relating to the convertible preference shares and accrued dividends and the conversion of the preference shares in September 2010 has converted approximately \$1,150,000 of the Company's liabilities to equity.

The deferral with the BET Group whereby they agreed to defer 50 percent of the quarterly lease payment for 2010, or \$120,000, will be added to the purchase price of the Property, the first installment of which becomes due on February 1, 2013. The \$120,000 will be subject to an interest calculation at 5.25% compounded annually. The deferral will remove \$120,000 from the current liabilities of the Company. Emgold had 90 days, or until October 21, 2010, to bring any outstanding quarterly lease payments on the Property current. At the date of this report, the outstanding quarterly lease payments have been made.

The Company's ability to continue as a going concern is contingent on its ability to obtain additional financing. The current equity and financial market conditions, the challenging environment for raising monies, and the low price of the Company's common stock make it difficult to obtain additional funding by private placements of shares. The junior resource industry has been severely impacted by the world economic situation, as it is considered to be a high-risk investment. There is no assurance that the Company will be successful with any financing ventures. It is dependent upon the continuing financial support of shareholders and obtaining financing to continue exploration and/or development of its mineral property interest. While the Company is expending its best efforts to achieve its plans by examining various financing alternatives including reorganizations, mergers, sales of assets, or other form of equity financing, there is no assurance that any such activity will generate funds that will be available for operations.

To date, the Company has been able to advance all of its planned activities related to the I-M Project. Golden Bear has access to commercially available technology that is readily available to advance the development of the I-M Project and efforts are continuing to raise separate funding for Golden Bear to possibly construct its first commercial plant outside of Grass Valley. Progress on the I-M Project has been at a slower pace than planned due to budgetary constraints, due to a decision by Management to revise the Permit Application at the end of the MEA prior to proceeding with the Initial Study, and due to a management decision to make modifications to the Project Description in the Draft EIR prior to moving forward with the Final EIR.

Investing Activities

As at September 30, 2010, Emgold has capitalized \$1,076,248 (December 31, 2009 - \$1,067,707) representing costs associated with the acquisition of its mineral property interests in California and British Columbia. See Section 1.1.4 for a description of the option on the Rozan Property.

The Company entered into an agreement to acquire 7.13 acres of land known as the "Whisper Property" in the year ended December 31, 2009. Under the terms of the agreement, the Company issued 280,823 (post-consolidation) common shares to the seller for the purchase of the Whisper Property at a deemed market price of Cdn\$0.55 on the date of filing. No common shares were issued as bonuses, finder's fees or commissions in connection with this transaction. A title search has been completed and the transfer

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should be completed before December 31, 2010. The common shares have been issued from treasury but have not been distributed to the seller pending title searches and final documentation to be provided by the seller of the property.

In 2009, the Company entered into a lease and option to purchase agreement to acquire the rights to the Buckskin Rawhide mineral claims, a gold prospect located near Fallon, Nevada. In January 2010, the transaction closed and the Company issued 19,432 common shares at a value on the day of issue of \$7,134.

During the nine months ended September 30, 2010, the Company entered into an Agreement with Valterra on the option and sale of the Rozan property in British Columbia. Pursuant to the Agreement, the Company received 50,000 common shares and 50,000 warrants of Valterra as the initial payment on the option agreement.

1.6 Capital Resources

The Company's continued operations are dependent upon the Company's ability to obtain sufficient financing to carry on planned operations. Currently, the Company does not have sufficient working capital to carry on planned operations, and will have to cease operations, if it is unable to raise funds for general corporate maintenance.

Share Capital

At September 30, 2010, the Company had 28,934,151 common shares issued and outstanding.

Options and Warrants

During the nine months ended September 30, 2010, the Company granted a total of 559,998 incentive stock options to directors, officers, employees and consultants of the Company, exercisable over a five-year period expiring March 17, 2015, at a price of Cdn\$0.25 per share, in accordance with the Company's 10% rolling stock option.

Preference shares, issued

	Number of Shares	Amount
Equity portion of Class A Convertible Preference		
Shares, September 30, 2010 and December 31, 2009	394,843	\$ 90,902
Debt portion of Class A Preference Shares		
	September 30, 2010	December 31, 2009
Balance, beginning of period	\$ 727,674	\$ 621,232
Accretion	4,471	6,250
Realized foreign exchange loss	36,267	--
Unrealized foreign exchange loss	--	100,192
Loss on settlement of debt portion of preference shares	(288,825)	--
Warrant valuation	(479,587)	--
	--	106,442
Balance, end of period	\$ --	\$ 727,674

The 394,843 Class A Convertible Preference Shares were issued in fiscal 2003 in full satisfaction of an aggregate Cdn\$789,686 of indebtedness owing to related parties. In conjunction with the share consolidation discussed in Note 6 (a), the Company also amended the conversion ratio of the Class A Convertible Preference Shares. The Class A Convertible Preference Shares were voting, with no fixed

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term and ranked in priority to the Company's common shares and were entitled to fixed cumulative preferential dividends at a rate of 7% per annum. The shares were redeemable by the Company at any time after 30 days written notice at a redemption price of Cdn\$2.00 per share, but are redeemable by the holder only out of funds available that are not, in the Company's opinion, otherwise required for the development of the Company's mineral property interests or to maintain a minimum of Cdn\$2,000,000 in working capital. The Class A Convertible Preference Shares were convertible, at the option of the holder, into common shares at any time at a ratio of one common share for each Class A Convertible Preference Shares. The Preference Shares also had attached a gold redemption feature by which holders may elect at the time of any proposed redemption to receive gold valued at \$300 per ounce in lieu of cash, provided the Company had on hand at the time, gold having an aggregate value of not less than the redemption amount. This was at the Company's option.

The value of the convertible preference shares was split into a debt component and an equity component. This resulted in \$90,902 being included in equity. The debt portion of the preference shares fluctuates due to both accretion and fluctuations in the Canadian to U.S. dollar exchange rate. The preference shares were converted to common shares at September 9, 2010, at a ratio of one preference to one common. The common shares market value was less than the \$90,902 preference share value and the difference of \$18,328 was recorded in contributed surplus.

During the nine months ended September 30, 2010, the holders of its issued and outstanding Series A Preference Shares agreed to convert all of the Series A Preference Shares into common shares of the Company and to accept, subject to receipt of all necessary regulatory approvals, 2,813,575 units of the Company in satisfaction of accrued and unpaid dividends totalling approximately Cdn\$422,036. The fair value of the common shares issued on the settlement date was \$517,151, resulting in a gain on the debt settlement of the unpaid dividends of \$95,115. A gain on the convertible preference share conversion was offset by the warrant valuation described below. The gain on preference share conversion was \$49,155, after the warrant valuation described below. In addition, as part of the debt settlement, 2,813,575 warrants were issued at a price of \$0.35, with an expiry date of September 9, 2015. A valuation of the warrants using a Black-Scholes method, at a volatility of 170.6%, an expected life of five years, no dividend and a discount rate of 2.56%, was \$479,587. This has been recorded as a cost of the settlement of the conversion of the preference shares.

The Company has been advised by Frank A. Lang that as a result of the transaction, Mr. Lang will beneficially own 3,827,237 shares of the Company representing 15.7% of the issued and outstanding shares and 25.11% assuming exercise by Mr. Lang of all convertible securities he holds and no other issuances of shares by the Company.

Financing Activities

Further financing will be required to advance the I-M Project and for general and administrative costs, in order to complete the permitting process.

On September 24, 2010, the Company completed a first tranche of a private placement, which was comprised of 5,203,856 units at a price of \$0.14, comprised of one common share and one warrant, exercisable for \$0.35 for a period of 24 months. Finder's fees of \$15,680 and 112,000 finder's warrants ("Finder's Warrants") were awarded in relation to the first tranche of the financing. The Finder's Warrants have the same terms as the Warrants included in the Units sold to purchasers. The share purchase warrants were valued using a European option pricing model using the following assumptions: weighted average risk free interest rate of 1.35%, volatility factors of 94% and an expected life of 1.67 years. The value attributable to the transferable common share purchase warrants was \$0.0001 per warrant. The finders' warrants were valued using the same assumptions, but using a Black-Scholes valuation and have a value attributable per share of \$0.04 per share.

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Subsequent to September 30, 2010, the Company closed the second and final tranche of the non-brokered private placement, of 7,296,142 units. Finder's fees of \$75,673 and 540,491 finder's warrants were awarded in relation to the second tranche of the financing. Each finder's warrant entitles its holder to purchase, for a period of 24 months, one additional common share of the Company at a price of US\$0.35. In total, 12,499,998 units were issued at the price of \$0.14 per Unit to raise gross proceeds of approximately \$1,750,000. The shares, the warrants, the finder's warrants and any common shares issued on exercise of the warrants or the finder's warrants will be subject to a minimum hold period of four months.

Emgold has been looking at various alternatives to implement Golden Bear's business plan as noted in section 1.1.1. Using the pilot-plant facility in Grass Valley, the Company has produced stone and ceramic tiles that were installed in a home/office building constructed by a development partner in the research process. As Golden Bear was unable to obtain financing for the development and construction of a larger-scale facility during 2008, the capital costs related to the equipment were written off in fiscal 2008.

Going Concern

At September 30, 2010, and subsequent to that date, the Company has had a working capital deficiency. However, financing activities have raised \$2,500,000 to the date of this quarterly report for use as working capital.

Executive salaries are being deferred voluntarily, together with Board remuneration and management and consulting fees, until such time as new financing is available.

The need to raise working capital directly impacts the ability of the Company to undertake planned exploration programs or advance permitting activities relating to the Idaho-Maryland project. Sufficient work has been undertaken on all of the Company's current mineral property interests in Canada for several years, but if the Company is unable to perform additional exploration work in future years or with exploration partners, it may be necessary to write-down additional mineral property interests in future periods.

The Company's exploration activities and its potential mining and processing operations are subject to various laws governing land use, the protection of the environment, prospecting, development, production, contractor availability, commodity prices, exports, taxes, labour standards, occupational safety and health, waste disposal, toxic substances, mine safety and other matters. The Company believes it is in substantial compliance with all material laws and regulations which currently apply to its activities. There is no assurance that the Company will be able to obtain all permits required for exploration, any future development and construction of mining facilities and conduct of mining operations on reasonable terms or that new legislation or modifications to existing legislation, would not have an adverse effect on any exploration or mining project which the Company might undertake.

The Company has been performing reclamation activities on an on-going basis on its exploration properties. As such, management feels that there is no significant reclamation liability outstanding on properties owned by the Company. The low price of the Company's common shares limits its ability to raise capital by issuing shares. There are several reasons for these effects. First, the internal policies of certain institutional investors prohibit the purchase of low-priced stocks. Second, many brokerage houses do not permit low-priced stocks to be used as collateral for margin accounts or to be purchased on margin. Third, some brokerage house policies and practices tend to discourage individual brokers from dealing in low-priced stocks. Finally, broker's commissions on low-priced stocks usually represent a higher percentage of the stock price than commissions on higher priced stocks. As a result, Emgold's shareholders pay transaction costs that are a higher percentage of their total share value than

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if the share price were substantially higher.

The Company's continuing operations and the underlying value and recoverability of the amounts shown for mineral property interests are entirely dependent upon the existence of economically recoverable mineral reserves, the ability of the Company to obtain the necessary financing to complete the exploration and development of its mineral property interests and on future profitable production or proceeds from the disposition of the mineral property interests or other interests.

The unaudited consolidated financial statements for the three and nine months ended September 30, 2010 and 2009 have been prepared using Canadian generally accepted accounting principles ("Canadian GAAP") applicable to a going concern. There is substantial doubt on the validity of this assumption as at September 30, 2010, as the Company has no source of revenue. The Company incurred a loss of \$917,730 for the nine months ended September 30, 2010 and had a working capital deficiency of \$698,564 (December 31, 2009 working capital deficiency - \$1,880,208) and an accumulated deficit of \$47,076,333 at September 30, 2010 (\$46,158,603 - December 31, 2009). Operations for the nine months ended September 30, 2010, have been funded primarily from working capital from private placements.

During the nine months ended September 30, 2010, the Company completed a debt settlement with two creditors by issuing 608,135 common shares at a deemed value of \$0.25 to settle outstanding debt of \$152,034.

During the nine months ended September 30, 2010, the holders of its issued and outstanding Series A Preference Shares agreed to convert all of the Series A Preference Shares into common shares of the Company and to accept, subject to receipt of all necessary regulatory approvals, 2,813,575 units of the Company in satisfaction of accrued and unpaid dividends totalling approximately Cdn\$422,036. The fair value of the common shares issued on the settlement date was \$517,151, resulting in a loss on the debt settlement of the unpaid dividends and the conversion of the debt of \$64,336. In addition, as part of the debt settlement, 2,813,575 warrants were issued at a price of \$0.35, with an expiry date of September 9, 2015, valued at the time of issue at \$479,587. This has been recorded as a cost of the settlement of the conversion of the preference shares.

The Company's ability to continue as a going concern is contingent on its ability to obtain additional financing. The current equity and financial market conditions, the challenging environment for raising monies, and the low price of the Company's common stock make it difficult to obtain additional funding by private placements of shares. There is no assurance that the Company will be successful with any financing ventures. It is dependent upon the continuing financial support of shareholders and obtaining financing to continue exploration and/or development of its mineral property interest. While the Company is expending its best efforts to achieve its plans by examining various financing alternatives including reorganizations, mergers, sales of assets, or other form of equity financing, there is no assurance that any such activity will generate funds that will be available for operations.

The interim consolidated financial statements do not include any adjustments to the recoverability and classification of recorded assets, or the amounts of, and classification of liabilities that would be necessary if the going concern assumption were not appropriate. Such adjustments could be material.

Plans for 2010 and Ongoing

The Company continues to focus on the permitting required for the I-M Project in Grass Valley. The I-M Project is entering the final stages of the permitting process and is requiring a substantial amount of the Company's financial and management resources.

At September 30, 2010, it is estimated that it may require approximately \$200,000 - \$300,000 per

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month in working capital to operate the Company over the next year, including environmental monitoring, permitting, preliminary engineering costs associated with obtaining the CMUP as well as corporate administration. The estimated direct cost for environmental monitoring, permitting and community relations costs leading to award of the CMUP on the I-M Project is contingent on the progress made by the City of Grass Valley and its consultants in reviewing the Final EIR and other permit applications. The project will also be impacted by the Company's ability to raise additional funds to advance through the final stages of the permitting process. The inability to raise additional funds would result in potential delays to the permitting process.

The Company has a very proactive and successful community outreach program to inform local residents and decision makers about the I-M Project and its benefits to the region. Additional environmental investigations are required as a part of the permitting process and for the future development of the surface properties for the purposes of underground exploration and possible mining and milling of ore. Currently the Company believes that the time frame for completing the EIR and obtaining the Conditional Mine Use Permit is approximately 12 months providing the Company is able to obtain adequate funding through the permitting process. The Company has engaged numerous independent consultants to assist with preparation of information for a MEA and EIR to obtain a CMUP from the City of Grass Valley and other local and state agencies.

The Company continues to expand the resource at the I-M Project and develop new exploration targets. When the Company obtains the CMUP, the Company plans to conduct underground exploration leading to the completion of a feasibility study for a 2,400 STPD underground gold mine mill. Emgold's management and technical teams believe that the I-M Project represents one of the largest high-grade, underground gold exploration opportunities in North America.

The Company's exploration activities and its potential mining and processing operations are subject to various laws governing land use, the protection of the environment, prospecting, development, production, contractor availability, commodity prices, exports, taxes, labour standards, occupational safety and health, waste disposal, toxic substances, mine safety and other matters. Emgold believes it is in substantial compliance with all material laws and regulations which currently apply to its activities. There is no assurance that the Company will be able to obtain all permits required for exploration, development and construction of mining facilities and conduct of mining operations on reasonable terms or that new legislation or modifications to existing legislation, would not have an adverse effect on any exploration or mining project which the Company might undertake.

The Company has been performing remediation activities on an on-going basis. As such, management feels that there is no significant reclamation liability outstanding on properties owned by the Company. In addition much of the exploration activities in California relates to the digitization of historical information. No drilling has been conducted since 2004, and reclamation related to drilling was completed at that time.

Readers are cautioned that the CMUP is required in order to dewater (removal of water from) the existing mine workings at the I-M Project and to construct access to the underground to conduct underground exploration and complete feasibility work. A production decision must be made before the mine can go into gold production.

The Company is in the process of exploring its mineral property interests and has not yet determined whether its mineral property interests contain mineral reserves that are economically recoverable. The Company's continuing operations and the underlying value and recoverability of the amounts shown for mineral property interests are entirely dependent upon the existence of economically recoverable mineral reserves, the ability of the Company to obtain the necessary financing to complete the exploration and development of the mineral property interests and on future profitable production or

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proceeds from the disposition of the mineral property interests.

Although 40 gold mines have been permitted for operations in California since the CEQA legislation was enacted in the 1960s, there seems to remain a general perception in the mining industry that it is not possible to permit a mine in California and this has seriously impeded the Company's efforts to obtain required and timely equity financing. The number of gold mines permitted and put into production is only a small fraction of the other mineral and metal mining production in California. According to the United States Bureau of Economic Analysis, California's Gross State Product ("GSP") for mining in 2007 was nearly \$5.5 billion while for comparison Nevada's GSP for mining in 2007 was only \$2.7 billion. The Company has received all permits applied for by the Company since its acquisition of the I-M Project. There is a perception that California is not a hospitable or significant mining jurisdiction and this has made it extremely difficult for the Company to obtain adequate financing for the permitting of the I-M Project, causing delays in anticipated timing of the permit schedule.

1.7 Off-Balance Sheet Arrangements

The Company has no off-balance sheet arrangements.

1.8 Related party transactions and balances

	September 30, 2010	December 31, 2009
Balance receivable from:		
Directors and officers	\$ 12,607	\$ --
Balance payable to:		
Directors and officers	\$ 553,047	\$ 757,022

- (a) In the nine months ended September 30, 2010, \$97,450 (2009 - \$101,729) in management, administrative, geological and other services have been provided by Quorum Management and Administrative Services Inc. ("Quorum"), a private company held jointly by the Company and other public companies, to provide services on a full cost recovery basis to the various public entities currently sharing certain personnel costs, office space, and overhead with the Company. Currently, the Company has a one-third interest in Quorum. The Company advanced three months of funds to Quorum for future services. Quorum held this advance as a deposit for each shareholder company as working capital. As at December 31, 2008, the Company concluded that amounts advanced may not be recoverable in full, based on the financial position of Quorum and its corresponding ability to continue to provide services to the Company. Consequently, a provision of \$321,839 was recorded. This provision estimate assumed that Quorum would be in a position to provide services for a period of three months from the balance sheet date and that such services could drawn down against outstanding advances. Any advance amounts in excess of the estimated three months services values were provided in full. In the nine months ended September 30, 2010, Quorum has provided services in excess of the amount receivable from Quorum in the amount of \$136,187.

The recoverability of the balance of \$163,588 will continue to be assessed as the receivable decreases for services provided by Quorum, and as services are performed, the amount of the services will be taken into income until such time that three months of working capital are advanced to Quorum as per the administrative services contract.

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- (b) Consulting fees of \$37,495 (2009 – \$40,675) were paid or are accrued and payable to 759924 Ontario Ltd., a private company controlled by a director, Kenneth Yurichuk.
- (c) Consulting fees of \$20,775 (2009 – \$40,791) were paid or are accrued and payable to Kent Avenue Consulting Ltd., a private company controlled by a director, Sargent H. Berner.
- (d) Related party balances are non-interest bearing and are due on demand, with no fixed terms of repayment, except for promissory notes totalling \$49,436 advanced by two directors. Interest of \$7,549 has been accrued on these notes payable. Transactions with related parties are recorded at the exchange amount, being the price agreed between the parties.

1.9 Proposed Transactions

There are no proposed asset or business acquisitions or dispositions before the board of directors for consideration, other than those in the ordinary course of business or as described in items 1.6 or 1.7 above.

1.10 Critical Accounting Estimates

Critical accounting estimates used in the preparation of the interim consolidated financial statements include the Company's estimate of recoverable value of its mineral properties as well as the value of stock-based compensation. Both of these estimates involve considerable judgment and are, or could be, affected by significant factors that are out of the Company's control. The factors affecting stock-based compensation include estimates of when stock options might be exercised and the stock price volatility. The timing for exercise of options is out of the Company's control and will depend upon a variety of factors including the market value of the Company's shares and financial objectives of the stock-based instrument holders. The future volatility is also uncertain and the model has its limitations. The Company uses the Black-Scholes option pricing model to estimate a value for these options.

The Company's recoverability of the recorded value of its mineral properties is based on market conditions for minerals, underlying mineral resources associated with the properties and future costs that may be required for ultimate realization through mining operations or by sale. The Company is in an industry that is dependent on a number of factors including environmental, legal and political risks, the existence of economically recoverable reserves, the ability of the Company and its subsidiaries to obtain necessary financing to complete the development and future profitable production or the proceeds of disposition thereof.

Measurement uncertainty and impairment assessments

The Company is currently in the exploration stage on its mineral property interests, and has expensed its exploration costs. The mineral property costs that are capitalized relate to mineral property acquisition costs. At September 30, 2010, the carrying value of mineral property interests reflects the acquisition costs of surface rights and option payments on mineral property interests.

As at September 30, 2010, the Company determined that impairment indicators existed based on the Company's ability to raise financing and significant changes in a property's work program. The Company completed an impairment assessment for each of its mineral property interests.

Mineral property interests, where future cash flows are not reasonably determinable, are evaluated for impairment based on the nature and amount of recent exploration amounts expensed, management's intentions and determination of the extent to which future exploration programs are warranted and likely to be funded. The Company decided to abandon the Jazz property and subsequently wrote-off the

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carrying value to zero. It is management's opinion that the carrying amount of the remaining properties is supported by recent exploration expenditures in excess of the properties carrying value and the Company's near-term exploration plans. Although management believes that estimates applied in these impairment assessment are reasonable, such estimates are subject to significant uncertainties and judgments.

1.11 Critical accounting policies and changes in accounting policies

(a) Recent accounting pronouncements

(i) Business combinations

In January 2009, the CICA issued CICA Handbook Section 1582, "Business Combinations", which replaces former guidance on business combinations. Section 1582 establishes principles and requirements of the acquisition method and related disclosures. In addition, the CICA issued Section 1601, "Consolidated Financial Statements", and Section 1602, "Non-controlling interests, which replaces the existing guidance. Section 1601 establishes standards for the preparation of consolidated financial statements and Section 1602 provides guidance on accounting for a non-controlling interest in a subsidiary in consolidated financial statements subsequent to a business combination. These standards apply prospectively to business combinations for which the acquisition date is on or after the beginning of the first annual reporting period beginning on or after January 1, 2011, with earlier application permitted.

Section 1582 is equivalent to the corresponding provisions of IFRS 3R. Sections 1601 and 1602 are equivalent to the corresponding provisions of International Accounting Standard 27, Consolidated and Separate Financial Statements (January 2008). The new sections require that, for each business combination, the acquirer measure any non-controlling interest in the acquiree either at fair value or at the non-controlling interest's proportionate share of the acquiree's identifiable net assets. The new sections also require non-controlling interest to be presented as a separate component of shareholders' equity.

Under Section 1602, non-controlling interest income is not deducted in arriving at consolidated net income or other comprehensive income. Rather, net income and each component of other comprehensive income are allocated to the controlling and non-controlling interest based on relative ownership interests. These Sections apply to interim and annual consolidated financial statements relating to fiscal years beginning on or after January 1, 2011, and should be adopted concurrently with Section 1582.

(ii) International Financial Reporting Standards ("IFRS")

In 2006, the Accounting Standards Board (AcSB) published a new strategic plan that will significantly affect financial reporting requirements for Canadian companies. The AcSB strategic plan outlines the convergence of Canadian GAAP with IFRS over an expected five-year transitional period. In February 2008, the AcSB announced that 2011 is the changeover date for publicly-listed companies to apply IFRS. The changeover is effective for interim and annual financial statements relating to fiscal years beginning on or after January 1, 2011. The transition date of January 1, 2011, will require the restatement of comparative amounts reported by the Company for the year ending December 31, 2010.

The Company's IFRS conversion plan will include consideration of the impacts of IFRS on the Company's consolidated financial statements, internal control over financial reporting, information systems and business activities such as income and expenses denominated in currencies in other than United States dollars, compensation metrics, and personnel and training requirements. Management

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expects minimal impact on information systems and compensation metrics will arise from converting to IFRS.

The IFRS conversion plan will include a high level impact assessment of IFRS effective in 2010, as relevant to the Company. This initial assessment will identify those standards of high or medium priority to the Company, based on a number of factors pertinent to the Company. The International Accounting Standards Board has activities currently underway which may, or will, change the standards effective upon the Company's adoption of IFRS, and therefore may impact this initial high level assessment. The Company will assess any such change as a component of its detailed impact assessment and update its IFRS conversion plan as appropriate.

The Company will review in detail any areas that they have determined may have a high or medium level of impact on the Company's consolidated financial statements. This phase involves detailed review of IFRS relevant to the Company and identification of all differences between existing Canadian GAAP and IFRS, along with quantification of impact on key line items and disclosures. The phase includes identification, evaluation and selection of accounting policies necessary for the Company's conversion to IFRS and evaluation of the impact on outstanding operational elements such as budgeting. The Company has commenced a high level review but has not yet outlined a detailed review of IFRS relevant to the Company and identification of key differences. The Company expects to complete this before the end of the third quarter of fiscal 2010.

The Company currently operates in Canada and the United States. Training of Company personnel, where required, has started and will continue through 2010. This training is being conducted via attendance at seminars specifically designed for Canadian companies going through the transition to IFRS. The Audit Committee members will continue to receive quarterly IFRS presentations and project status updates from management.

As the Company has no debt covenants, executive compensation arrangements or other contracts that depend on financial information, there will be no changes required to business activities as a result of the change to IFRS.

Areas of potential differences between Canadian GAAP and IFRS that have been identified to date include the following:

Property, plant and equipment

The Company's property, plant and equipment are recorded at cost under Canadian GAAP.

IFRS 1 allows companies to elect fair value as the deemed cost of an individual asset at the date of transition.

IFRS requires a componentization approach, separately identifying and measuring significant individual components of assets which have different useful lives. Significant components will be depreciated based on their individual useful lives. The Company has no significant assets requiring this approach.

Exploration for and the evaluation of mineral resources

Costs incurred in the exploration and evaluation of its mineral property interests are expensed until the Company reaches the development stage at which point the Company will commence capitalization of development costs.

IFRS does not give directive guidance on the treatment of exploration costs. IFRS allows a company to set its accounting policy to expense or capitalize the costs incurred in the acquisition, exploration, evaluation and development of mineral resources.

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The Company's current accounting policy is likely to be maintained through transition with no differences anticipated.

Impairment of long-lived assets

In evaluating the Company's long-lived assets which include its mineral property interests for recoverability, undiscounted future cash flows are used to perform the test. Recoverability is evaluated whenever events or changes in circumstances indicate that the carrying value of an asset may not be recoverable. An impairment charge is recorded if the undiscounted future net cash flows are less than the carrying amount. Reductions in the carrying value, with a corresponding charge to operations, are recorded to the extent that the estimated discounted future net cash flows are less than the carrying value.

IFRS requires the use of a one-step impairment test (impairment testing is performed using discounted cash flows) rather than the two-step test under Canadian GAAP (using undiscounted cash flow as a trigger to identify potential impairment loss).

IFRS requires reversal of impairment losses where previous adverse circumstances have changed; this is prohibited under Canadian GAAP.

Impairment testing should be performed at the asset level for long-lived assets and intangible assets. Where the recoverable amount cannot be estimated for individual assets, it should be estimated as a part of a Cash Generating Unit.

Impairment testing under IFRS is performed using two new valuation methods – value in use and fair value less cost to sell.

Once the areas that will require detailed review are identified, the Company will make any required changes for conversion to IFRS into the underlying financial close and reporting process and business processes of the Company. This will include finalization and approval of accounting policy changes, collection of financial information necessary to prepare IFRS compliant consolidated financial statements, implementation of additional internal controls, and preparation and approval of completed IFRS consolidated financial statements. The Company has issued Canadian flow-through shares in the past and the effect of the issuance of these shares has yet to be quantified. The IFRS changeover is expected to impact the presentation and/or valuations of balances and transactions in the Company's quarterly and annual consolidated financial statements and related notes effective January 1, 2011, including comparative figures for the year ended December 31, 2010. The Company has continued with its high-level diagnostic and once it is complete, the Company will be able to describe or quantify the effects on its consolidated financial statements.

1.12 Financial Instruments and Other Instruments

Financial assets and financial liabilities are measured on an ongoing basis at fair value or amortized cost. Cash and cash equivalents and short-term investments are designated as held-for-trading and measured at fair value. Accounts receivable and due from related party balances are designated as loans and receivables and measured at amortized cost. Accounts payable, due to related parties, capital lease obligations and convertible preference shares are designated as other financial liabilities and measured at amortized cost.

The fair values of the Company's financial liabilities may be below carrying values due to the liquidity issues of the Company, as indicated by the \$698,564 working capital deficiency at September 30, 2010, although a significant decrease from the Company's deficiency at December 31, 2009, of \$1,880,208. The fair values of the Company's accounts receivable and due from related parties approximate their

Emgold Mining Corporation
Quarterly Report
Three and Nine Months Ended
September 30, 2010 (Q3)
(expressed in United States dollars, unless otherwise stated)

carrying values at September 30, 2010, due to their short-term nature.

Financial assets and financial liabilities are measured on an ongoing basis at fair value or amortized cost. Cash and cash equivalents and short-term investments are designated as held-for-trading and measured at fair value. Accounts receivable and due from related party balances are designated as loans and receivables and measured at amortized cost. Accounts payable, due to related parties, capital lease obligations and convertible preference shares are designated as other financial liabilities and measured at amortized cost.

The fair values of the Company's financial instruments measured at September 30, 2010, constitute Level 2 measurements for its cash within the fair value hierarchy.

The Company recognized no interest income during the nine months ended September 30, 2010.

Credit risk

Credit risk is the risk of financial loss to the Company if a customer or counterparty to a financial instrument fails to meet its obligations. The Company's maximum exposure to credit risk at the balance sheet date under its financial instruments is summarized as follows:

	September 30, 2010	December 31, 2009
Accounts and other receivables -		
Currently due	\$ 45,192	\$ 6,852
Past due by 90 days or less, not impaired	--	--
Due from related parties with contractual maturities		
Within 90 days or less	--	--
Past due by 90 days or less, not impaired	12,607	--
	57,799	6,852
Cash	397,032	3,955
	\$ 454,831	\$ 10,807

Substantially all of the Company's cash and short-term investments are held with major financial institutions in Canada, and management believes the exposure to credit risk with such institutions is not significant. Those financial assets that potentially subject the Company to credit risk are any receivables. The Company has increased its focus on credit risk given the impact of the current economic climate. The Company considers the risk of material loss to be significantly mitigated due to the financial strength of the major financial institutions where cash and term deposits are held. In the nine months ended September 30, 2010, there was a provision recorded in respect of impaired receivables. The Company's maximum exposure to credit risk as at September 30, 2010, is the carrying value of its financial assets.

Liquidity risk

Liquidity risk is the risk that the Company will not be able to meet its obligations associated with financial liabilities. The Company has a planning and budgeting process in place by which it anticipates and determines the funds required to support normal operation requirements as well as the growth and development of its mineral property interests. The Company coordinates this planning and budgeting process with its financing activities through the capital management process in normal circumstances. Due to the lack of liquidity and working capital deficiency, management has increased its focus on liquidity risk given the impact of the current completed two private placements for gross proceeds of \$2,500,000. The Company's financial liabilities are comprised of its accounts payable and accrued liabilities and amounts due to related parties, the contractual maturities of which at September 30, 2010, are summarized as follows:

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	September 30, 2010	December 31, 2009
Within 90 days or less	\$ 607,925	\$ 1,150,899
In later than 90 days, not later than one year	5,976	4,482
Due to related parties with contractual maturities		
Within 90 days or less	8,147	757,022
In later than 90 days, not later than one year	--	--

Currency risk

The Company's currency risk arises primarily with fluctuations in United States dollar and the Canadian dollar. The Company has no revenue and any exposure to currency risk is related to expenditures by the Company in Canadian, as a significant portion of operating expenses are payable in Canadian dollars. The currency risk by the Company relates to unpaid liabilities of the Company payable in Canadian dollars.

The Company has not hedged its exposure to currency fluctuations. At September 30, 2010, the Company is exposed to currency risk through the following assets and liabilities denominated in Canadian dollars, but presented in United States dollar equivalents.

	September 30, 2010	December 31, 2009
Canadian dollars		
Cash	20,702	1,089
Accounts payable and accrued liabilities	(163,482)	(580,691)
Face value of convertible preference shares	--	(764,785)

Based on the above net exposures at September 30, 2010, and assuming that all other variables remain constant a 10% appreciation or depreciation of the Canadian dollar against the United States dollar would result in an increase/decrease of \$14,278 in the Company's loss from operations.

1.13 Management of capital

The Company determines capital as its available working capital and assets that may be used for operations and exploration of its mineral property interests. The Company's objective in managing capital is to maintain adequate levels of funding to support permitting activities in California, maintain corporate and administrative functions necessary to support organizational management oversight, and obtain funding sufficient for advancing the Company's other interests including the Stewart property and using commercially available equipment to process waste rock and mine tailings to a ceramics tile.

The Company seeks to manage its capital structure in a manner that provides sufficient funding for operational activities. Funds are primarily secured through equity capital obtained in private placements. There can be no assurances that the Company will be able to continue raising capital in this manner. The Company currently does not use other sources of financing that requires fixed payments of interest and principal due to the lack of cash flow from current operations and is not subject to any externally imposed capital requirements.

The Company has in the past invested its capital in short-term investments to obtain adequate returns. The investment decision is based on cash management to ensure working capital is available to meet the Company's short-term obligations while maximizing liquidity and returns of unused capital.

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Although the Company has been successful at raising funds in the past through the issuance of share capital, it is uncertain whether it will be able to continue this form of financing due to the current difficult conditions. The Company currently does not have sufficient funds to complete the permitting, and will need to rely on equity financings, or forms of joint venture or other types of financing to continue the permitting process and commence exploration work and to meet its administrative overhead costs for the coming year.

1.13.1 Other MD & A Requirements

See the unaudited consolidated financial statements for the three and nine months ended September 30, 2010 and 2009.

1.13.2 Additional Disclosure for Venture Issuers without Significant Revenue

- (a) capitalized or expensed exploration and development costs

See Item 1.3 in this Quarterly Report.

- (b) expensed research costs

See Item 1.3 in this Quarterly Report.

- (c) deferred development costs

Not applicable.

- (d) general administrative expenses

The required disclosure is presented in the Consolidated Statements of Operations.

- (e) any material costs, whether capitalized, deferred or expensed, not referred to in (a) through (d)

None.

1.14.3 Disclosure of Outstanding Share Data

The following details the share capital structure as of November 26, 2010, the date of this MD&A, subject to minor accounting adjustments:

Outstanding share information at November 26, 2010

- (a) **Authorized Capital**

Unlimited number of common shares without par value.
Unlimited number of preference shares without par value.

- (b) **Issued and Outstanding Capital**

At the Annual and Special General Meeting of its shareholders held on September 18, 2009, the shareholders approved a special resolution to alter the Company's authorized share structure by

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consolidating all of the issued and outstanding common shares without par value, of which 16,894,310 post-consolidation common shares are issued, based on 168,972,873 pre-consolidation common shares issued, and a consolidation on the basis of ten (10) pre-consolidation common shares to one (1) post-consolidation common share, after adjusting for rounding, or 16,894,310 common shares. In addition, the issued and outstanding Class A preference shares were consolidated on the same basis, resulting in 398,483 Class A preference shares, after consolidation. The share consolidation of the common shares without par value and the Class A preference shares was effective December 21, 2009.

36,230,293 common shares are issued and outstanding.

Stock Options Outstanding

Exercise Price (Cdn\$)	Number Outstanding and Exercisable	Expiry Date
\$0.175	26,500	October 12, 2011
\$0.175	151,500	November 19, 2013
\$0.175	85,500	July 12, 2014
\$0.175	39,000	November 24, 2011
\$0.175	635,000	December 27, 2012
\$0.175	97,500	May 18, 2013
\$0.25	559,998	March 17, 2015
	1,594,998	

Warrants Outstanding

Number of Warrants	Exercise Price	Expiry Date
501,500	\$1.60	March 15, 2011
10,000	\$1.60	April 9, 2011
350,000	\$1.00/\$1.50	November 4, 2010/2011
1,600,000	\$0.35	April 6, 2012
80,000	\$0.25	April 6, 2012,
1,400,000	\$0.35	April 23, 2012
112,000	\$0.25	April 23, 2012
4,053,500		

1.15 Other Information

Other Information

Controls and Procedures

In contrast to the certificate required under National Instrument 52-109 Certificate of Disclosure in Issuers' Annual and Interim Filings (NI 52-109), this Venture Issuer Basic Certificate does not include representations relating to the establishment and maintenance of disclosure controls and procedures (DC&P) and internal control over financial reporting (ICFR), as defined in NI 52-109, in particular, the certifying officers filing this certificate are not making any representations relating to the establishment and maintenance of:

- i) controls and other procedures designed to provide reasonable assurance that information required to be disclosed by the issuer in its annual filings, interim filings or other reports filed

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- or submitted under securities legislation is recorded, processed, summarized and reported within the time periods specified in securities legislation; and
- ii) a process to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with the issuer's GAAP.

The issuer's certifying officers are responsible for ensuring that processes are in place to provide them with sufficient knowledge to support the representations they are making in this certificate.

Investors should be aware that inherent limitations on the ability of certifying officers of a venture issuer to design and implement on a cost effective basis DC&P and ICFR as defined in NI 52-109 may result in additional risks to the quality, reliability, transparency and timeliness of interim and annual filings and other reports provided under securities legislation.

Approval

The Board of Directors of Emgold Mining Corporation has approved the disclosure contained in this Interim MD&A. A copy of this Interim MD&A will be provided to anyone who requests it and can be located, along with additional information, on the SEDAR website at www.sedar.com.

Caution on Forward-Looking Information

This Interim MD&A contains "forward-looking statements". These forward-looking statements are made as of the date of this MD&A and the Company does not intend, and does not assume any obligation, to update these forward-looking statements.

Forward-looking statements may include, but are not limited to, statements with respect to future remediation and reclamation activities, future mineral exploration, the estimation of mineral reserves and mineral resources, the realization of mineral reserve and mineral resource estimates, the timing of activities and the amount of estimated revenues and expenses, the success of exploration activities, permitting time lines, requirements for additional capital and sources and uses of funds.

Forward-looking statements involve known and unknown risks, uncertainties and other factors which may cause the actual results, performance or achievements of the Company to be materially different from any future results, performance or achievements expressed or implied by the forward-looking statements. Such factors include, among others, risks related to actual results of exploration activities; actual results of remediation and reclamation activities; conclusions of economic evaluations; changes in project parameters as plans continue to be refined; future prices of gold and other commodities; possible variations in ore reserves, grade or recovery rates; failure of plant, equipment or processes to operate as anticipated; accidents, labour disputes and other risks of the mining industry; delays in obtaining governmental approvals or financing or in the completion of exploration and development activities.

EXHIBIT 1024



August 11, 2020

Matt Kelley
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Copy sent via email: matt.kelley@co.nevada.ca.us

SUBJECT: Idaho-Maryland Mine Project; Notice of Preparation; State Clearinghouse No. 2020070378

Dear Mr. Kelley:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Idaho-Maryland Mine Project (Proposed Project) Notice of Preparation (NOP). The NOP indicates that Nevada County (County), as lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for the Proposed Project.

As described in the NOP, the Proposed Project encompasses two separate project sites, the Brunswick and the Centennial Industrial Sites, totaling approximately 175.34 acres, along with approximately 2,585 subsurface acres to which the applicant and owner (Rise Grass Valley) has the mineral rights. In addition, the Proposed Project would include approximately 0.30 acres of off-site improvements associated with a potable water pipeline easement, which would be located along East Bennett Road in the road right-of-way. The Proposed Project description includes the following elements that have a nexus with the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.):

- Reinitiate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an 80-year period proposed to operate 24 hours a day, 7 days a week during full operations; operations include:
 - Dewatering of the underground mine workings
 - Exploration and mining of the underground workings once dewatering is complete
 - Construction and operations of aboveground facilities, including processing facilities
 - Development of industrial pad
 - Construction of potable water pipeline
- Evaluate a proposed 80-year Mining Use Permit and Reclamation Plan

Matt Kelley
Idaho-Maryland Mine Project
August 11, 2020

The Division has review responsibilities associated with lead agency implementation of SMARA. SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

The Division's primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Division staff has reviewed the subject NOP pursuant to the CEQA and State CEQA Guidelines and offers the following comments at this time:

- Under the NOP section heading "Project Approvals" please add the requirement under SMARA for the County to submit the Reclamation Plan or the Financial Assurance Cost Estimate (FACE) to the Division for review and comment.
- Division staff will provide comments on the Reclamation Plan for this proposed mining activity once the Division receives the complete Reclamation Plan and any supporting documents along with the statement from the County that certifies the submission as complete and in accordance with PRC Section 2772.1(a)(3)(A-C) .
- Division staff will provide comments on the FACE for the Proposed Project in accordance with PRC Section 2773.4(a-c).

The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., the Draft EIR, hearing notices for the Draft and Final EIRs, and any supplemental environmental documents), as well as a copy of the certified Final EIR, be sent to the Division at DMR-Submittals@conservation.ca.gov or the mailing address on the bottom of page 1 of this letter. If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:

73ECCB6738194DA...

Carol E. Atkins, Manager
Environmental Services Unit

ec: State Clearinghouse, state.clearinghouse@opr.ca.gov

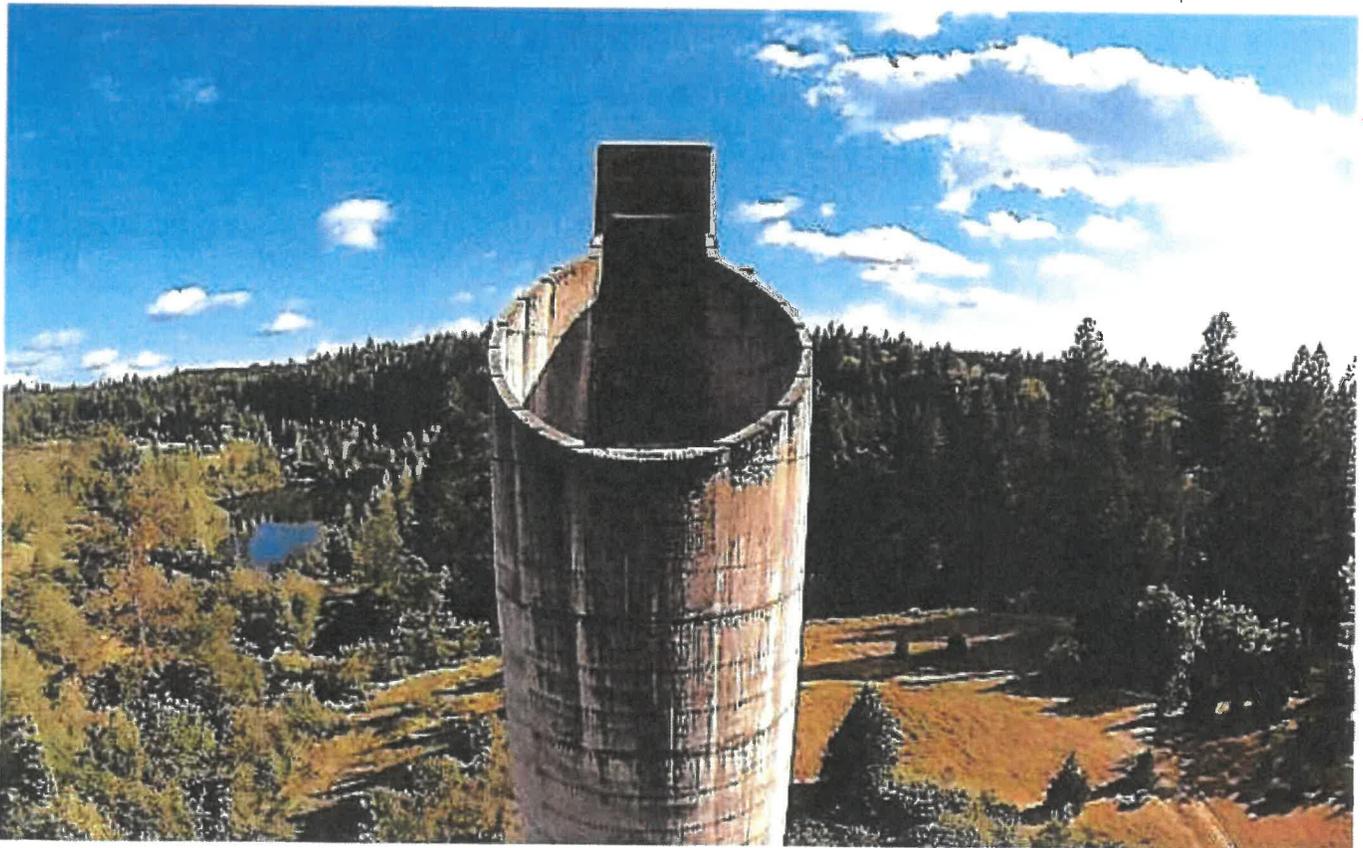
Department of Conservation, Office of Legislative and Regulatory Affairs,
OLRA@conservation.ca.gov

EXHIBIT 1025

https://www.theunion.com/news/local-news/former-idaho-maryland-mine-property-up-for-sale/article_3a487ecf-c310-5dd9-809f-b06e650b37e5.html

Former Idaho-Maryland Mine property up for sale

By NCS Import
Jun 12, 2014



\$1,399

\$469

\$1,209

\$1,469

Nearly 145 acres of land once associated with the historic Idaho-Maryland Mine, which Emgold Mining Corp. had attempted to reopen in recent years, is now on the market.

Coldwell Banker Grass Roots Realty has the \$2,750,000 land listing of 18 separate assessor's parcels, which includes 2,750 acres of mineral rights and a collection of core samples. But although the land's owners are sitting on a former gold mine, they're not selling the property as one.

"We're not selling a mine," said Charlie Brock, broker associate with Coldwell Banker, and the listing agent. "The property is not permitted as a mine. It's zoned M1, or light industrial."

Emgold had been trying to revive the mine east of Grass Valley for more than seven years to take advantage of an estimated 472,000 ounces of gold. Emgold's Grass Valley-based President David Watkinson had estimated that reopening the mine would generate about 600 jobs, half of which he said would be filled by residents.

But in January, Emgold announced it no longer would list the Idaho-Maryland Mine as a current project for its investors. The project's website has been removed, and the company does not have the requisite rights to pursue the project.

The project was first sent to the city of Grass Valley in 2005. In 2009, a draft environmental report drew criticism; the report was declared insufficient and Emgold was to revise its project. That now-scrapped report estimated the net revenue to the city's general fund created by the mine would be about \$750,000 per year, once it reached full production.

Opposition to the mine reopening included the formation of CLAIM-GV (Citizens Looking at Impacts of Mining-GV).

In April 2010, Watkinson updated the project plan, substantially changing projections for traffic patterns, air quality, mine water, impact on nearby wells, the crushing of waste rock and noise. Grass Valley's city council gave Emgold a deadline of Sept. 13, 2012, to come up with funds to restart the environmental review, or the application would be deemed withdrawn. In February 2013, another deadline passed for Emgold to renegotiate the lease and option to purchase approximately 2,750 acres of mineral rights and 91 acres of surface rights associated with the project. In September 2013, Emgold sold off 18 acres of the prospective mine site to raise capital.

Considering contaminated mine tailings are part of the property, which the listing notes, Brock said it will likely be a challenge to sell.

“We’re very much aware of the sort of political history with Emgold having attempted to permit the operation of the mine and failed,” Brock said. “There are substantial environmental issues with the property itself. There are a number of environmental concerns that we anticipate the market will need answers to.”

The total 145 acres includes 109 acres of 16 assessor's parcels that are contiguous to the City of Grass Valley's city limits, Brock said, with two more parcels totaling 39 acres on the former New Brunswick Mine site, near where a silo is still visible off East Bennett Road.

“It’s also a site, unfortunately, that is proving to be a homeless encampment site,” Brock said. “There are issues with availability and accessibility — and our clients are not insensitive that, but trespassing is trespassing and there’s been desecration of the land and also fire hazards.

“Coupled with the environmental concerns, it’s a very challenging property to be selling.”

Contact Editor Brian Hamilton via email at bhamilton@theunion.com or by phone at 530-477-4249.



EXHIBIT 1026

(<https://www.usgs.gov/>)

Mineral Resources (<https://www.usgs.gov/energy-and-minerals/mineral-resources-program>) / Online Spatial Data (/)
/ Mineral Resource Data System (MRDS) (/mrds/)

Idaho - Maryland Mine

Past Producer in Nevada county in California, United States with commodities Gold, Silver

Map (<https://www.google.com/maps/place/39.22339,-121.03843/@39.22339,-121.03843,12z/data=!3m1!1e3>) XML (/mrds/xml/10310630) JSON (/mrds/json/10310630)
KML (/mrds/kml/10310630) B (/mrds/grade-summary.php?dep_id=10310630)

Geologic information

Identification information	
Deposit ID	10310630 (/mrds/show-mrds.php?dep_id=10310630)
Record type	Site
Current site name	Idaho - Maryland Mine

Geographic coordinates	
Geographic coordinates:	-121.03843, 39.22339 (WGS84)
Elevation	770
Location accuracy	100 (meters)
Relative position	1 Mile northeast of the town of Grass Valley
<i>Political divisions (FIPS codes)</i>	
Nevada (county)	
California (state)	
United States (country)	
North America (continent)	
Land (continent)	
<i>USGS map quadrangles</i>	
Grass Valley (quadrangle 1:24,000 scale)	
Yuba City (quadrangle 1:100,000 scale)	
Chico (quadrangle 1:250,000 scale)	
<i>Hydrologic units (watersheds)</i>	
Upper Bear (hydrologic unit)	
Lower Sacramento (hydrologic accounting unit)	
Sacramento (hydrologic subregion)	
California (hydrologic region)	

Geographic areas		
Country	State	County
United States	California	Nevada

Public Land Survey System information					
Meridian	Township	Range	Section	Fraction	State
Mount Diablo	016N	008E	26	NE/4	California

Comments on the location information

The location point selected for latitude and longitude represents the Idaho-Maryland Mine main shaft as shown on the USGS Grass Valley 7.5-minute quadrangle.

Commodities	
Commodity	Importance
Gold	Primary
Silver	Secondary

Comments on the commodity information

Ore Materials: Free-milling coarse and fine gold in quartz (850 fine). Auriferous pyrite and galena.

Gangue Materials: Quartz, calcite, chalcopyrite, sphalerite

Materials information	
Materials	Type of material
Gold	Ore
Pyrite	Ore
Galena	Ore
Quartz	Gangue
Calcite	Gangue
Chalcopyrite	Gangue
Sphalerite	Gangue

Alteration

(Local) Ankeritic, sericitic, and pyritic replacement of wall rocks adjacent to veins

Mineral occurrence model information	
Model code	273
USGS model code	36a
Deposit model name	Low-sulfide Au-quartz vein
Mark3 model number	27

Host and associated rocks	
Host or associated	Host
Rock type	Plutonic Rock > Granitoid > Granodiorite
Stratigraphic age (youngest)	Early Cretaceous
Host or associated	Host
Rock type	Plutonic Rock > Mafic Intrusive Rock > Diorite > Diabase
Stratigraphic age (youngest)	Mesozoic
Stratigraphic age (oldest)	Paleozoic
Host or associated	Host
Rock type	Metamorphic Rock > Serpentinite

Stratigraphic age (youngest)

Mesozoic

Stratigraphic age (oldest)

Paleozoic

Nearby scientific data

- (1) Mesozoic volcanic rocks, unit 2 (Western Sierra Foothills and Western Klamath Mountains) (/geology/state/sgmc-unit.php?x=-121.03843&y=39.22339)

List (/general/near-point.php?x=-121.03843&y=39.22339&d=0.01&format=html)

Map (/mrds/map-graded.html?x=-121.03843&y=39.22339&z=14)

Geologic structures

Type of structure	Regional
Structure description	Wolf Creek Fault Zone, Gillis Hill Fault, Melones Fault Zone

Ore body information

General form	Tabular
---------------------	---------

Controls for ore emplacement

Mineralization occurs as erratic shoots within mesothermal gold-bearing quartz deposited within fracture zones.

Comments on the geologic information

REGIONAL GEOLOGY The Idaho-Maryland Mine is the second largest underground gold mine in the Grass Valley District. The Idaho-Maryland and the Empire-North Star Mine, located to the south, are the two largest-producing underground gold mines in California. The district is located in the northern portion of the Sierra Nevada Foothills Gold Belt. This belt averages 50 miles wide and extends for about 150 miles in a north-northwest orientation along the western slope of the Sierra Nevada range. The Foothills Gold Belt roughly coincides with the Foothills Metamorphic Belt, which can be subdivided into four major lithotectonic belts: Western Belt, Central Metamorphic Belt, Feather River Peridotite Belt, and Eastern Belt. The Grass Valley District lies within the Central Belt, where in the Grass Valley area it is marked by an 8-mile-wide north-trending assemblage of two accreted terranes that range from Late Triassic to Late Jurassic in age. The Central Belt is bounded on the east and west by regional-scale tectonic suture zones; the Wolf Creek Fault Zone on the west and the Gillis Hill Fault/Melones Fault Zone on the east. The oldest rocks in the area are those of the Carboniferous-Triassic metasedimentary Calaveras Complex. Originally clastics, these rocks were converted to schistose or slaty rocks during the Late Paleozoic orogeny and locally into a contact-metamorphic biotite gneiss by intruded granodiorite during Late Mesozoic time. The slates of the Jurassic Mariposa Formation, which outcrop in a small part of the area, are relatively unaltered. Igneous rocks in the district include granodiorite, diabase, porphyrite, amphibolite schist, serpentinite, gabbro, diorite, quartz porphyry, and various dike rocks (Johnston, 1940). The veins of the Grass Valley and neighboring Nevada City districts are not connected with or continuations of the famous Mother Lode vein system to the south. The last veins of the Mother Lode end about 20 miles to the south. Also, the Grass Valley veins differ in general character from those of the Mother Lode. Generally, the Grass Valley veins are narrower and produce a higher-grade ore than those of the Mother Lode. The veins trend in two primary directions. One trends N-S (dipping E or W), and the other trends E-W (dipping N or S). The major feature of the Grass Valley District is a body of Lower Cretaceous granodiorite and diabase five miles long from north to south and half a mile to two miles wide (probably the apex of a larger batholithic mass). It which is intruded into older sedimentary and igneous rocks, including diabase of the Mesozoic-Paleozoic Lake Combie Complex, and is itself cut by various dike rocks. Gold-quartz veins cut the granodiorite and diabase (and in some cases, serpentinite) throughout the district. Most of the veins strike generally north, parallel to the intrusive body, and display gentle dips averaging 35°. Others strike northwest, parallel to a diabase contact with the granodiorite. The veins fill minor thrust faults that occur within fracture zones of various width and degree of fracturing. The maximum measured reverse displacement is 20 feet (Johnston, 1940). In all veins, quartz is the principal vein material and occurs in four textural types: 1) Comb quartz that forms crustifications and lines vugs, 2) massive milky quartz with a granular texture that displays many sharp crystal faces and has not undergone deformation, 3) sheared quartz developed with little or no dilation of the vein fracture and commonly showing ribbon or shear-banding structures, and 4) brecciated quartz formed where vein movement dilated the interwall space (Johnston, 1940). Gold occurs in quartz and in sulfides, principally pyrite. Although specimen ore has been found, most ore from the district occurs as fine and coarse free-milling gold in ores averaging between 0.25 to 0.5 ounces per ton.

An important structural feature in the district is a group of "crossing" vertical or steeply dipping fractures that strike northeast, about normal to the long axis of the granodiorite body. In places they are simple fractures; elsewhere they form sheeted fracture zones several feet wide. Some are tight, some are open and form watercourses, and few contain any quartz. Two main stages of primary or hypogene mineralization are recognized - 1) a hypothermal stage represented by one vein and one mineralized crossing, in which magnetite, pyrrhotite, pyrite, and specularite were deposited, and 2) a mesothermal stage, in which the gold quartz veins were formed. The mesothermal stage is further divided into two sub-stages - an older one, in which quartz is the principal gangue mineral, and a younger one, marked by the deposition of carbonates. Pyrite and arsenopyrite, deposited in the quartz stage, are the earliest sulfides of the gold-quartz veins. Sphalerite, chalcopyrite, and galena are somewhat later. No secondary or supergene minerals have been noted except limonite, calcite, and gypsum, which are being deposited in the oxidized zone. The distribution of gold in the ore shoots is extremely erratic and assays of adjacent vein samples commonly differ widely. Some ore shoots have a pitch length of several thousand feet, but most are much smaller. Adjacent to veins and crossing fractures, the wall rocks are generally highly altered. Ankerite, sericite, and pyrite have replaced the original rock-forming minerals. Lesser amounts of chlorite and epidote have been found. The wall rock

has not been replaced by quartz. LOCAL GEOLOGY By far the most important vein in the Idaho-Maryland Mine was the Eureka-Idaho-Maryland vein. This vein strikes N 77° W and has an average dip of 70° SW, ranging between 50° and 80°. The hanging wall is composed of diabase and gabbro, and the footwall is serpentinite. All of the rocks are highly altered and contain abundant ankerite. Mariposite commonly occurs in the serpentinite. The famous Eureka-Idaho ore shoot had a pitch length of almost 1 mile and a breadth of 500 to 1,000 feet. The width of the shoot averaged 2.5 feet but reached 8 feet in places. The average gold content in the Eureka-Idaho shoot was 1 ounce/ton. Most of the gold was free gold, and much specimen ore came from this famous shoot. Between 1-2 percent of the ore was sulfides, pyrite being the most abundant. Lesser amounts of galena, chalcopyrite, and sphalerite are present. The sulfides yielded between 5 and 20 ounces of gold per ton.

Economic information

Economic information about the deposit and operations

Operation type	Underground
Development status	Past Producer
Commodity type	Metallic
Significant	Yes
Discovery year	1865

Mining district

District name	Grass Valley
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Land status

Ownership category	Private
Area name	Nevada County Planning Department

Ownership information

Type	Owner
Owner	Emgold Mining Corp.
Home office	570 Granville St. Vancouver, British Columbia Canada V6C 3P1

Comments on the workings information

A diagram of the Eureka-Idaho ore shoot is given in Johnston (1940, fig. 64). A detailed account of the underground workings of the Idaho-Maryland Mine is not available at this time.

Comments on other economic factors

Total gold production from the Idaho-Maryland group was estimated by Clark (1970) at about \$70,000,000.

Comments on development

The Idaho-Maryland is the second largest underground gold mine in California behind the Empire Mine. The mine was located in 1865. The first period of mining extended from 1867, when the Idaho Quartz Mining Company was organized, until 1893. In 1867, a shaft was sunk to 300 feet and encountered a rich pay shoot (the eastern extension of the Eureka-Idaho Ore Shoot). The Idaho Quartz Mining Company worked this same pay shoot stoping it for a distance of 3500 feet along strike until 1893 when the eastern limit of the Idaho claims were reached. Total output up to this time was \$11,638,000, with ore ranging \$12.76 to \$35.00/ton and averaging \$20.00/ton. Most of the gold came from the Eureka-Idaho shoot, which averaged 2.5 feet wide yielded 1 ounce/ton. The Idaho Mine was developed by a shaft inclined at 70 degrees to the 1000-foot level and an inclined winze raking to the east, called the Canyon shaft, that bottomed at the 1600-foot level at a vertical depth of 2,180 feet. In 1893, in settlement of a dispute over the eastward extension of the Eureka-Idaho shoot, the Maryland Company acquired the Idaho Quartz Mining Company for \$85,000. From 1893 until 1901, the Maryland Company operated the mine and produced \$1,250,000 in gold. A winze was sunk from the 1,600- to the 1,900-foot level. However, in 1894, a fire destroyed the hoist and the mine was flooded and workings below the 1,600-foot level were not reclaimed. In 1901, partly because of the poor condition of the workings, the mine was closed. The mine remained idle until 1903 when it was bonded to the Idaho-Maryland Development Company, which worked it until 1914. The company succeeded only in reopening it to the 1600-foot level, and the \$300,000 in gold they produced came mainly from old stopes and pillars left behind by the earlier operators. A fourth period of activity extended from 1918 to 1925, when the mine was operated by the Metals Exploration Company. At a cost far exceeding the \$500,000 in gold it produced, the main shaft was extended downward 1,000 feet to the 2,100-foot level at a vertical depth of 2,000 feet. Drifts on the 2,000- and 2,100-foot levels were driven from the main shaft, the Dorsey winze, and a new winze was sunk 850 feet below the 2,000-foot level. Failing to find a new ore shoot, the company suspended operations in 1925.

Control of the property changed hands in 1926 when Errol MacBoyle and Edwin Oliver created holdings that included the Idaho-Maryland, Brunswick, and Morehouse mines. Work resumed the same year under the Idaho- Maryland Mines Company. New ore was found and the mine entered a period of prosperity. During the three years 1930, 1931, and 1933, the mine produced \$1,681,887. Total production for the period 1868 - 1933 was almost \$16,000,000. From 1926 to 1942, the mine produced 650,000 ounces of gold from 1.1 million tons of ore. The mines were closed in 1942 due to enactment of the Federal War Production Board's Limitation Order L-208, but were reopened again in 1945. Production was hampered by depleted operating funds, rising costs, labor shortages, and negligible exploration. All mining ceased in 1957. At the time of closure, the mine was owned by Idaho-Maryland Industries. In 1983, Emgold Mining Corp., through its subsidiary Emperor Gold (U.S.) Corp., obtained a lease and option to purchase all mineral rights formerly held by Idaho-Maryland Industries. From 1993 to 2000, Emgold spent \$7,000,000 evaluating the Idaho-Maryland properties. The project was put on hold for 1.5 years while the lease and option were renegotiated. The revised Agreement includes a mining lease and option to purchase the property consisting of 2,750 acres of minerals and minerals rights and approximately 37 acres around the old New Brunswick shaft. The term of the lease is 5 years commencing on June 1, 2002. As of March, 2004, Emgold had conducted a boring and assessment program, but has not yet commenced mining operations.

Reference information

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MacBoyle, E.M., 1919, Mines and mineral resources of Nevada County: Sixteenth Annual Report of the State Mineralogist, California State Mining Bureau, p. 1-270.

Deposit

Additional information on the Idaho - Maryland Mine is contained in File No. 331-9392 (CGS Mineral Resources Files, Sacramento)

Reporter information

Type	Date	Name	Affiliation	Comment
Reporter	25-MAR-2004	Downey, Cameron	California Geological Survey CGS (Formerly CDMG)	
Editor	01-SEP-2007	Schruben, Paul G.	U.S. Geological Survey	Converted from S&A FileMaker format to Oracle. Edit checks on rocks, units, and ages with Geolex search, and other fields.

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EXHIBIT 1027

GOLD
IN
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*The Legendary
Idaho Maryland Mine*

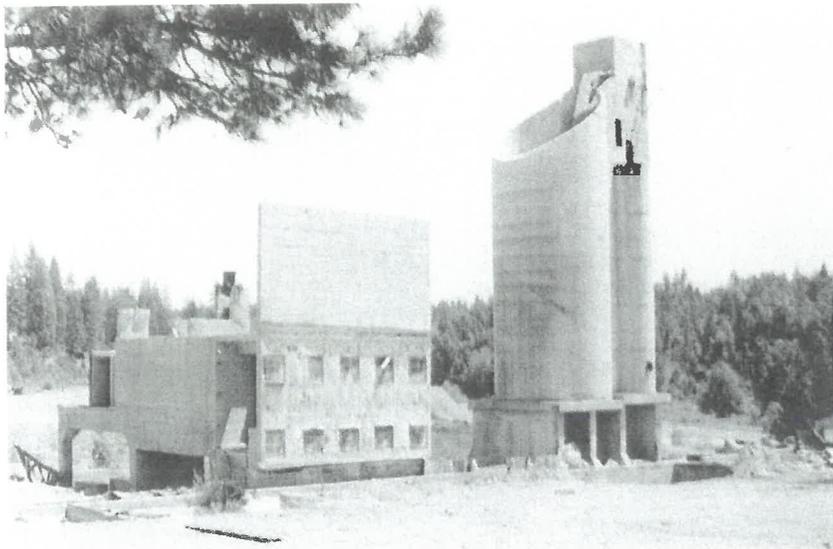
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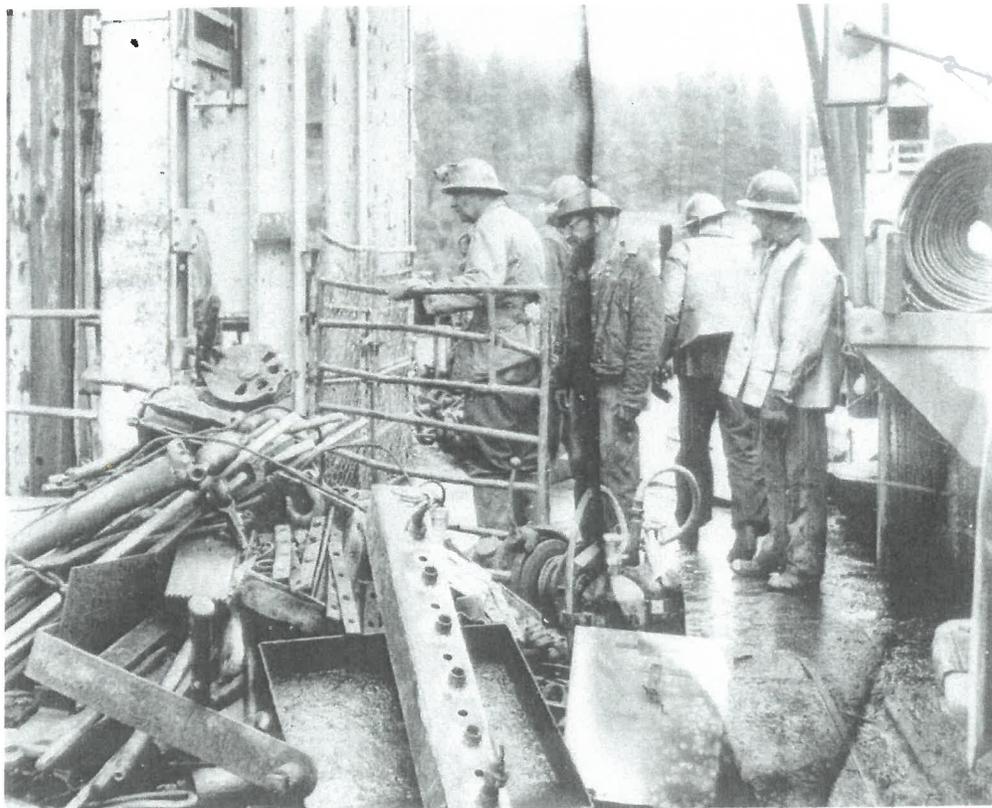
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- My wife and two daughters, who urged me to write this part of history for others to know about.



For many years after most of the buildings had been removed, this was all that was visible of the New Brunswick mine. Finally only the silo remained.



A salvage crew prepares the mine property for sale.

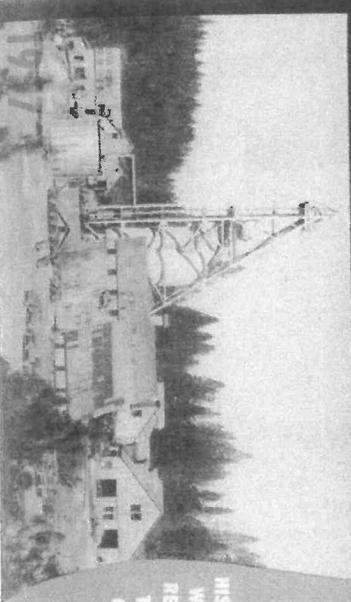
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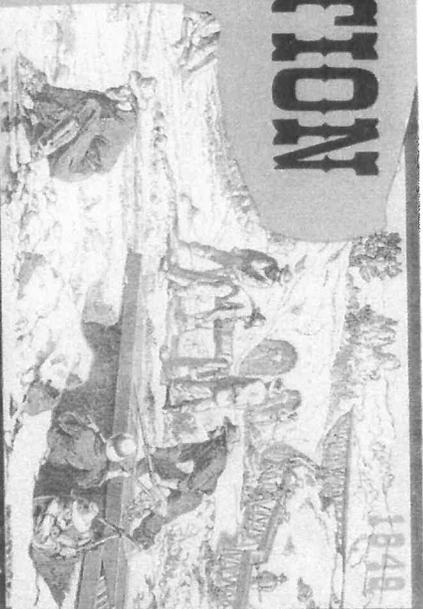
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Cover page of
sales brochure
for the 1957
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Brunswick mine
equipment.



(Above) New Brunswick mine in March 1956. (Below) Same view in 2004.



ground levels. The total production of tungsten during 1956 amounted to 8,343 tons, from which a gross of \$402,000 was realized.

All gold mining operations in the Grass Valley mining district ceased in July 1956, for the first time in over 105 years. Idaho Maryland Mines Corp. had stopped its gold-mining production on December 27, 1955, when it switched operations entirely to mining tungsten. The Empire Star Mines Co. Ltd. ended its gold production on July 5, 1956, after it received a strike notice from the Mine Workers Protective League.

A Successful Auction—1957

After the mine closed, the salvage crew continued removing equipment from underground. On March 15, 1957, the last cage of items was hoisted to the surface in the New Brunswick shaft. The electric power to the mine then was disconnected at the Brunswick substation. These two great gold producers became a casualty of the low price of gold and an inflated economy that left gold mining in its wake.

On April 30, 1957, Nevada County Tax Collector Alma Hecker and Auditor/Controller John T. "Tom" Trauner jointly announced the good news that the county of Nevada and two school districts had received a check for \$102,291.98 from the Idaho Maryland Mines Corp. for payment of local taxes. That amount included \$34,930.33 for the current fiscal year, and \$67,361.56 for delinquent taxes and late penalties. Payment of these taxes was made possible by the sale of mining equipment owned by the mine. The Milton J. Wershow and David Weisz companies of Los Angeles had been employed to auction off all saleable equipment and buildings. Beginning on May 21, 1957, a two-day auction was held at the New Brunswick mine to liquidate over 1400 lots of equipment and structures. These involved everything from the Old Brunswick, New Brunswick, and what remained of the Idaho Maryland mines. Buyers representing mining companies from many parts of the world, cities, counties, lumber mills, and interested people came to participate. Over 1,000 reviewed the items that were neatly arranged throughout the mine yard and in buildings.

The auction was a huge success, with the bidding brisk at times. Management was quite satisfied with the outcome, especially for the prices received for items such as the Marcy 86 ball mills, hoists, head-frames and compressors. President Bert C. Austin announced that the money received would satisfy all outstanding debts and leave the corporation with a surplus of cash.