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Groundwater Baseline Requirements and the Idaho-Maryland Mine EIR

Presented as Public Comment to the Planning Commission Jan 12, 2023

The California Environmental Quality Act (CEQA) does not allow the deferral of important studies necessary to characterize a project's impacts.

According to CEQA Guidelines § 15125(a), an Environmental Impact Report (EIR) must include an accurate description of a project's environmental setting, which provides "the baseline physical conditions by which a lead agency determines whether an impact is significant." [1] It goes on to state: this baseline "should describe **physical environmental conditions as they exist at the time the notice of preparation** is published." [2] (i.e. before the Draft EIR is prepared.) The purpose of this requirement is, per CEQA Guidelines, "to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts." [3] And the court case of *Save Our Peninsula Com. v. Monterey County Bd. of Supervisors (2001)* affirmed that point: "Without a determination and description of the existing physical conditions on the property at the **start** of the environmental review process, the EIR cannot provide a meaningful assessment of the environmental impacts of the proposed project." [4]

Note that the Rise Gold project Final EIR clearly acknowledges that this baseline is needed. It states that for each domestic well, a projected and seasonally averaged water level shall be estimated "**...which will serve as a baseline groundwater level.**" [5] But this **incorrectly defers** the collection of the needed additional groundwater data to after the EIR process is over.

Let's look at it using common sense. Unless the EIR identifies current well levels and related data, it cannot establish performance criteria and evaluate how dewatering may impact wells, and it's not possible to define appropriate mitigations. For example, Rise Gold's hydrology model estimates that water levels will drop between 1-10 feet for over 150 wells. But there is no current data that could tell what the impact would be to well owners. A two foot drop could be critical. How would that be determined? Are some wells near failure? We don't know.

CEQA law, County precedents, and common sense all say the same thing: Collection of the well data should have been included in the Draft EIR, not deferred until after the CEQA decision has been made.

Current domestic well monitoring data should have been collected and included in the EIR to establish a baseline so that it can be reviewed and then used in the decision making process.

The County has ignored this critical step and released an inadequate Final EIR.

Thank you.

///References///

[1] CEQA Guidelines § 15125(a), <https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-15125-environmental-setting>

-Refer to complete comments provided by Shute, Mihaly & Weinberger:

https://www.cca-nc.org/wp-content/uploads/2022/04/SMW_FinalComments.pdf , pgs 15-23.

[2] Ibid.

[3] Ibid.

[4] See <https://casetext.com/case/save-our-peninsula-v-monterey-county>

[5] Idaho-Maryland Mine Draft EIR 4.8-2(a) -(4), pg 4.8-67,

https://www.nevadacountyca.gov/DocumentCenter/View/41605/48_Hydrology-and-Water-Quality



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Just Say No to the Final EIR and the Idaho Maryland Mine

Presented to the Nevada County Planning Commission 1/12/23

The previous speakers made it very clear that the groundwater impacts of the proposed mine have not been adequately addressed in the Final EIR... and could be catastrophic. Rather, the Final EIR holds to their Draft EIR conclusion, with no additional analysis, that impacts will be less than significant.

This is a theme throughout the Final EIR responses. The consultants continually dismiss comments from our technical experts on numerous big-ticket impacts, against all common sense, and continue to conclude that impacts will be less than significant.

That is why when we come before you in the next few months, we will ask you to just say no. Please do not certify this flawed EIR. And do not approve the project. The many environmental impacts associated with the Project, as well as its inconsistency with Grass Valley's and the County's land use plans provide ample justification for denying the Project. If you deny the Project, the County is under no legal obligation to certify the EIR. This has been well-litigated by other counties.

The bottom line is that the community overwhelmingly does not want the Idaho Maryland Mine to reopen. We believe that the impacts will be severe, and it will permanently alter the community we have become since it was closed down almost 70 years ago.

There is no reason to continue with the EIR. We believe that continuing the EIR will just cost the County in loss of your time and energy as well as that of your staff and the community. We can better spend this time on critical issues like wildfire safety and climate change.

Yes, you can certify the EIR and deny the project just to get it out of the way. But do we want a flawed EIR in our records that can be used in the future by the next Canadian gold mining company?

We appreciate that staff and the decision makers have worked so well with the community.

Now we are asking you to please say no to the Final EIR and the mine.

Thank you for your time,

Laurie Oberholtzer

District 1 Resident

Board Member, Community Environmental Advocates Foundation