



PO Box 972, Cedar Ridge, CA 95924-0972  
www.cea-nc.org / email: info@cea-nc.org

## **The Centennial Clean-Up Must Be Included in the EIR**

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The Final EIR for Rise Gold's Idaho-Maryland Mine Project is significantly flawed because it does not include the plans to cleanup the Centennial site.

California Department of Toxic Substances Control (DTSC) is managing the cleanup of the 56 acre Centennial site, which is polluted by the mine's historic operations. After it is cleaned up under what is known as a Remedial Action Plan, or RAP, Rise intends to dump mine waste there for about 5 years. But, currently, the cleanup is not done.

Under CEQA the current conditions of a project must be assessed so that the environmental impacts and appropriate mitigations can be determined. The current conditions of the Centennial site are largely unknown because most of the current conditions aren't included in the EIR.

Instead, Rise has included in its EIR what it **assumes** to be a baseline of the future conditions that might occur **after** the cleanup. Adding to the inadequacy of this approach, **an approved RAP does not even exist at this time**. But even if the RAP had been finalized and approved by the DTSC, using a future condition for establishing a baseline in an EIR is almost never valid.

Including the Centennial cleanup in the EIR would have addressed most of these problems because the initial conditions of the site would be described adequately and the steps necessary to prepare the site for mine waste would have been set into the context of the project as a whole. This would have provided a means of determining potential impacts and defining mitigations correctly.

As it is, the true impacts of the project cannot be determined. For example, the draft RAP recognizes that 44 acres will be buried in mine waste and it includes stripping off acres of soil from areas that are not contaminated to provide clean soil to put over the capped contaminated materials and other work areas, destroying wetlands and woodlands. How much of this habitat destruction is really necessary for the clean soil, considering that the mine plans to dump 1000 tons per day of fill on the site? If the cleanup was included in the Mine project, this habitat destruction could be assessed and probably significantly reduced.

In conclusion, Rise's EIR project description is legally inadequate because it does not include the cleanup, which is plainly part of the Project. Instead, the EIR is left guessing as to what the true impacts of the mine project might be. This Final EIR is inadequate under CEQA.

Thank you,

Ralph Silberstein  
CEA Foundation

### \*\*\*Addendum\*\*\*

- **The FEIR continues to maintain that the Centennial clean-up project is a separate project.**
  - The DEIR's project description is legally inadequate because it excludes the required cleanup of existing contamination on the Centennial Site, which is plainly part of the Project. FEIR p. 2-798, 2-803-05. CEQA defines a "project" broadly to include the "whole of an action," rather than "each separate governmental approval." CEQA Guidelines § 15378(a), (c). Where two actions are integrally related or where one is conditioned on another, they must be considered together as one project; segmenting their analysis is a way to evade a complete impact analysis, and is accordingly forbidden. *Nelson v. County of Kern*, 190 Cal.App.4th 252, 271 (2010).
  - The FEIR merely restates the same faulty justifications from the DEIR for the decision to piecemeal the Centennial cleanup from the IMM Project. The County's assertion that the IMM project can proceed regardless of whether the Centennial cleanup is completed (DEIR at 1-7, FEIR at 2-8) ignores the fact that one of the objectives of the IMM Project is to reclaim the Centennial Site for future industrial use. DEIR at 3-42, 3-46.
  - The DEIR also uses an inconsistent baseline: for certain impact areas, the DEIR pretends that the Centennial cleanup has already occurred, while for others, it uses the current contaminated conditions as the baseline. DEIR 4.0-1. CEQA requires that the baseline "describe physical environmental conditions as they exist at the time the notice of preparation is published," and it prohibits the use of hypothetical conditions. CEQA Guidelines § 15125(a). Accordingly, the DEIR's use of a hypothetical baseline for various impact areas in which the Centennial cleanup has already occurred renders its analysis legally inadequate and unsupported by substantial evidence. FEIR p. 2-801. The FEIR contends that it was not using a future conditions baseline, but instead the "conditions expected when the project becomes operational." FEIR at 2-295. However, there is no evidence that the Centennial cleanup will have occurred such that it can be "expected" by the time the Project is operational.
  - The FEIR's reliance on *Citizens for a Sustainable Treasure Island v. City and County of San Francisco*, 227 Cal.App.4th 1036 (2014), is misplaced. FEIR 2-9. In that case the issue was not whether the Navy's cleanup should be studied as part of the subsequent development project, but instead whether the project proponent had properly disclosed how it would manage and dispose of hazardous materials in the event it took responsibility for the cleanup. *Id.* at 1058-59. Furthermore, the project proponent in *Treasure Island* had included "exhaustive information" in the EIR about the presence and location of hazardous substances and adopted mitigation measures in case it were required to undertake some cleanup efforts. *Id.* at 1056, 1059. Because it was impossible to know whether the project proponent would have to undertake cleanup efforts, it was appropriate for it to defer environmental assessment. *Id.* at 1059. Here, in contrast, the County provided virtually no information about the contamination on the Centennial site and the process required to remediate it, despite the fact that the Project objectives include increasing the usable land on the Centennial Site to allow for its future use as industrial land. DEIR 3-12.