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To:

Nevada County Planning Department  
950 Maidu Ave, Suite 170  
Nevada City, CA 95959  
Attn: Matt Kelley, Senior Planner  
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Re: The Idaho-Maryland Mine Project and Final Environmental Impact Report

Community Environmental Advocates Foundation (CEA Foundation) is respectfully submitting these comments on the Idaho-Maryland Mine Project application documents and Final Environmental Impact Report (FEIR). (Mine, Mine Project, Project)

**The FEIR concludes that the aesthetic impacts are significant and unavoidable. For this reason, the project should be denied.**

Even though the aesthetics were determined to be significant and unavoidable, the FEIR fails to provide a realistic representation of the aesthetics of the project. As stated in the FEIR, "*Panorama photographs were taken to include peripheral elements that a viewer would see...*" (FEIR Page 2-612) As stated in the comment, depicting the project in this fashion misrepresents the scale and visual impact of the project aesthetically. Even though the project has been determined to have significant and unavoidable impacts, this does not preclude providing accurate information. In fact, viewing the project in the renderings gives a false sense of size and scale, easily misleading the viewer into thinking that the project's visual impacts are not as aesthetically offensive as the reality. For example, the renderings do not convey the scale of the processing facility, which is 425 feet long and over 6 stories high, which will be overtly visible from Brunswick Road. (See DEIR Page 4.1-40).

The FEIR contains inaccurate and misleading information and does not conform with the requirements of CEQA.

**Reclamation plans are inadequate aesthetically and environmentally.**

The FEIR argues that reclamation of the barren slopes caused by the Project by the sole use of an "*erosion control seed mix*" is adequate, citing erosion control as the main motivation. (FEIR Page 2-615) In fact, the Project is destroying healthy oak and conifer woodlands and other vital habitats, causing environmental and aesthetic impacts which have not been addressed. A failure of the FEIR to provide a more representative reclamation of the damaged land will result in inadequate mitigation, leading to potentially significant and unavoidable impacts. In addition to erosion control grasses, habitat must be restored by planting of native species of trees and under-story shrubs and managing their care over the course of the Project to assure that invasive species do not become established. The FEIR reclamation plans are inadequate.

### **Mine exhaust moisture creates potential air quality, hazard, and aesthetics impacts.**

The FEIR fails to provide information about the potential impacts of the voluminous vertical discharge of saturated air into the Airport Safety Zone 5, creating possible turbulence and visual obstruction. Response to Comment Grp 8-5 states that “*The project will be reviewed by the Airport Land Use Commission* , (FEIR 2-616) The results of a review by the Airport Commission were not included in the FEIR, nor is the Airport Commission listed on DEIR Table 3-11, Potential Permits and Approvals for the Proposed Project.. Specifically, the concerns about the impacts of the persistent cloud plume which may extend into the airport airspace have not been addressed. Nor have the impacts of the constant upward moving air mass created by 200,000 cfm of air with a velocity of 7.7ft/sec been addressed and how that may induce turbulence. The FEIR also fails to address the aesthetic impacts of a visible plume extending above the head frame. Under some conditions, the plume may be visible for miles around.

In response to comment Grp 8-5, the FEIR states “*The project would not create a persistent cloud plume or fog, and the commenter provides no substantial evidence to support its claim that the mine exhaust would create turbulence.*” However, the commenter clearly outlined conditions in which the saturated warm air (68F) would interact with the humid cold air in typical winter weather conditions. The high humidity that often occurs in the winter has little to no additional moisture carrying capacity. For example, as calculated in the DEIR comment letter “Mine Exhaust Moisture” (See Plume reply Grp 7-95, Page 2-463 ), calculations are provided which show that the exhaust air would have to mix with at least 40 times its volume before dispersing. In addition, the relative humidity is often lower than the given examples, which would require much greater mixing volumes to disperse.

The FEIR response ignores this point and states without evidence: “This water vapor would be quickly dispersed.” It then makes unsubstantiated assumptions about the rates of mixing, ignoring factors such as laminar flow and upward convection in conditions where turbulence is low. In addition, the response chooses a select case of 6 mile-per-hour wind for a singular example, failing to consider worse cases which would likely occur in which the wind is calmer.

Modeling the movement and mixing of air masses in a case such as this cannot be accurately assessed without more sophisticated modeling. The FEIR response is inadequate and fails to adequately assess the potential impacts to air traffic and aesthetics.

### **Management of safeguard controls for asbestos is inadequate.**

The Final EIR does not provide adequate data on asbestos concentrations in mine rock to determine the potential impacts under CEQA. In fact, testing was conducted from just two drill holes and represents only 2/10,000 of the planned volume to be mined. In addition, the asbestos management plan (ASUR Plan) fails to adequately address processing and disposal of asbestos-bearing mine waste to meet its stated goals, and the ASUR Plan is internally inconsistent and ambiguous, providing numerous loopholes in regulatory oversight.

Additional comments are in Attachment 5, “MineWaste\_AsbestosImpacts\_Comments\_Final\_3-14-23.” (A copy is also posted at [https://www.cea-nc.org/wp-content/uploads/2023/03/MineWaste\\_AsbestosImpacts\\_Comments\\_Final\\_3-14-23.pdf](https://www.cea-nc.org/wp-content/uploads/2023/03/MineWaste_AsbestosImpacts_Comments_Final_3-14-23.pdf))

The potential for hazardous airborne pollution from the mine project is a significant health concern which is not addressed adequately. The Final EIR should be rejected.

**The management of fugitive dust after it leaves the mining facilities is inadequate.**

The FEIR fails to consider exposures to airborne asbestos for longer than 30 years, claiming that “*the assumption that exposure at all sensitive residential receptors would begin in the 3rd trimester of gestation and that the baby would be born and would grow through childhood and adulthood at the same home for the next 30 years. This scenario is unlikely to happen, yet it captures a conservative situation for health risk assessment purposes.*” This is speculation. Credible data demonstrating the likelihood of living in the same home for no more than 30 years was not provided. Some homes are lived in for generations by the same family. Furthermore, people may conceivably live in a different home within the same exposure area or could move away for a few years and then return, easily accumulating more than 30 years.

**The FEIR uses invalid meteorological data to determine exposures of Toxic Air Contaminants.**

In Nevada County, the mortality rate from Chronic Lung Disease is already – without the added toxic emissions from the mine – double the statewide rate. Nevada County also has higher-than-state-average levels of air pollutants, ozone and particulate matter, radon, chronic disease, an aging population, and poverty. Given the extent of health risk to so many and so wide a range of people, the FEIR’s Health Risk Assessment (HRA) is completely inadequate.

The HRA relies on questionable assumptions. The model relies on meteorologic input data, with the quality, quantity, speed, and direction of travel of the air toxins dependent on these meteorological factors. Yet the meteorological data input used in the FEIR comes from a Blue Canyon site - not from a Grass Valley site - an area with a significantly different meteorological profile than that of Grass Valley.

Blue Canyon, located on Highway 80, bears little meteorologic resemblance to Grass Valley: it notably deviates from Grass Valley in elevation, temperature, rainfall, snowfall, wind speed, and wind direction. Furthermore, the topography of Grass Valley is such that air movement does not compare at all with Blue Canyon in rates of dispersion. Using Blue Canyon’s meteorologic data will not correlate with Grass Valley meteorologic data under many circumstances, making any Toxic Air Contaminants (TAC) statistics invalid.

The FEIR states that “*There is no AERMOD pre-processed met data from Grass Valley or the Nevada County Airport*” ( FEIR Master Response 17, Page 2-96) and concludes that “*The use of meteorological data from the Blue Canyon area represents the best available processed data for use in the HRA and is adequate for purposes of CEQA.*” ( Ibid.) However, the selection criteria for choosing this data was not provided, nor did the FEIR provide a basis for ignoring other data sources, regardless of whether it may take more comprehensive analysis. In view of the issues raised by comments in the Draft EIR, the FEIR failed to adequately respond and justify the use of Blue Canyon other than to claim that the NSAQMD “did not suggest” using different data. This is an inadequate response.

Because of the lack of evidence that the meteorological data is valid for the HRA assessment, the FEIR is inadequate in addressing the potential impacts due to toxic air contaminants.

**Removal of flora, fauna, topsoil, wetlands and overburden down to bedrock to prepare the Centennial site for mine waste dumping represents a significant impact.**

The Project calls for the removal of flora, fauna, topsoil, wetlands and overburden down to bedrock to prepare the Centennial site for mine waste dumping. The FEIR fails to adequately address impacts to

these resources and is inadequate. A full analysis of this impact is provided by Shute, Mihaly, & Weinberger LLP, "SMW\_IMM\_FEIR\_Comment\_Letter.pdf," March 20, 2023, p2-9, submitted under separate cover.

(A copy is also posted at [https://www.cea-nc.org/wp-content/uploads/2023/03/SMW\\_IMM\\_FEIR\\_Comment\\_Letter.pdf](https://www.cea-nc.org/wp-content/uploads/2023/03/SMW_IMM_FEIR_Comment_Letter.pdf) )

**Additional Centennial Site Impacts to the Hap-Warnke Lumber Mill Site from the dumping of mine waste are not addressed in the FEIR.**

The FEIR failed to accurately assess impacts that mine waste dumping will have on the Centennial site even after the DTSC cleanup is completed. Separating the Centennial cleanup from the FEIR creates ambiguity and uncertainty about the impacts. As stated in comment Grp 7-2, "...any assumptions about baseline conditions for purposes of assessing impacts to the Mine Project are speculative at best, and at worst, significantly underestimate the actual impacts of the Project." (Page 2-430) This comment also addresses deficiencies in Master Response 4.

The former Hap Warnke Lumber Mill (HWLM) is located on the Centennial site. The land on which the mill sits has been identified as an area of "potential ecological concern," because it contains detectable amounts of mercury toxin which exceed the DTSC standards for safety. (Remedial Action Plan Draft, Centennial M-1 Property, January 25, 2021, pg. 18)

The DTSC is not planning on cleaning up the Hap Warnke area, however, because this area is currently sealed by an impermeable layer of concrete and asphalt. This layer helps prevent the detected mercury from being released into the environment.

According to the DTSC, as long as this protective layer is not disturbed, but remains in place, then all that needs to be done to the mercury-contaminated area is periodic soil samplings to assure that the mercury remains contained. (Ibid)

However, unknown to the DTSC, the Mine Project **DOES** plan on developing a portion of the Hap Warnke area when dumping its mine waste rock on-site. (See Application Documents, 11\_C101-CentennialSitePlan\_Infrastructure.pdf.) Included in Rise's plans to develop this area is the digging of a substantial drainage ditch along the mine waste's perimeter. (See Application Documents, C1-CentennialSiteGrading.pdf.) But in order to dig this drainage ditch, Rise will have to ignore the DTSC's conditions for the mill site clean-up. Instead, Rise will necessarily demolish the existing Hap-Warnke Lumber Mill structure and excavate a portion of this area to create a drainage ditch. This may significantly disturb the mercury-contaminated soil. Not only does this disturbance ignore the DTSC's conditions, but it also has the potential for releasing mercury toxins into the environment.

The FEIR fails to adequately assess the potential mercury contamination of groundwater and Wolf Creek from the creation of the drainage ditch and other activities related to dumping of mine waste on the Centennial Site.

**South Idaho Shaft physical closure potentially impacts Pine Hill flannelbush.**

The work to close the South Idaho Shaft that is situated on the Centennial site could proceed either before or after the DTSC cleanup and could take place before the issuance of grading permits as mentioned in Mitigation Measure 4.4-1(a). See Response to Comment Grp 8-25. Therefore, even though there are currently no identified Pine Hill flannelbush plants at the South Idaho Shaft location, a Condition of Approval must be included to fence off and protect the Pine Hill flannelbush prior to the start of work on the closure of the South Idaho Shaft and Tunnels as well. Otherwise, there is no

safeguard to prevent heavy equipment or bush clearing activities from inadvertently damaging the flannelbush.

**Draw down of groundwater within the mine workings may increase the potential for settlement or collapse of shallow workings which will affect individual property owners directly.**

Despite the potential for damages, the FEIR fails to address the lack of financial assurances or adequate mitigations for some businesses and/or property owners that are in the areas where mine features exist, and the mine water level is close to the surface. When the mine is dewatered, the risk of damages is greatly increased, as discussed in “DEIR Appendix H.6\_Geotech Review of Near-Surface Features.pdf.”

In the case of 125 Spring Hill Drive, a business building sits atop the Eureka Shaft. The FEIR claims that after incorporation of proposed mitigation 4.6-3(c), the impact would be less than significant. The FEIR states that the DEIR’s conclusions “*were peer reviewed by the County’s independent expert, who concurred with the conclusions.*” (FEIR Page 2-626 ) However, for any business or property owners who could potentially suffer a financial loss or impact, a provision for financial assurances to fully compensate them for damages should be included. The FEIR fails to provide adequate protections for businesses and property owners who may be impacted.

In addition, sinkholes or other damages may occur at sights where legacy mining features are not currently known or apparent. The FEIR fails to address the potential for additional sinkholes to occur in areas where current mine water levels are closer to the surface. As evidence that the potential exists, the comment provides an example of a sinkhole that occurred at a location where there was no current record of a mining feature.

The FEIR inappropriately dismisses the concerns for addressing potential damages by stating: “As there is a low probability of settlement or collapse, the commenter’s concern about liability for such collapse is speculation...” (FEIR Page 2-626) Note that the FEIR admits there is a probability of settlement or collapse, but fails to provide adequate protections in this case. Mitigation Measure 4.6-3(c) only requires the applicant to close the identified features prior to initial dewatering. The mitigation has no provisions of financial assurances to protect the property owners or businesses. The FEIR is inadequate on this point.

The FEIR should provide financial assurances or adequate mitigations for all businesses and/or property owners that are within the area of potential damages from dewatering and/or mining activities.

**Probabilities of near-surface collapse hazards are not adequately addressed.**

The FEIR failed to provide answers to the basic information requested, which bears directly upon the potential hazards. The Draft EIR stated that “...collapse of a deep (e.g., 100 feet bgs) mine feature is not likely to be expressed at the ground surface” (DEIR Appendix H.6, pg 2). But this response to the comment is not addressing near surface features, leaving this impact inadequately addressed and mitigated.

**The FEIR utilized an arbitrary threshold for significant greenhouse gas (GHG) emissions.**

Instead of determining a GHG threshold suitable for Nevada County, the FEIR arbitrarily chose an outdated threshold that was used in other air districts. The correct threshold should be “net zero” for projects of this type. For details, see Attachment 4, “CEA\_GHG\_Comments\_2-7-23.pdf.”

**Cement manufacturing is not included in the GHG analysis.**

The FEIR states that the GHG emissions from the production of cement is not required to be included in the impacts under CEQA. Regardless of this technicality, cement is a tremendous contributor to climate change and the Mine will be using very large quantities of it to create 500 tons/day of cement-paste backfill. This amounts to roughly 4000 tons of added GHG emissions per year, bringing the true total emissions of GHG to over 13,000 tons/year. In addition, metal shoring materials for miles of tunnels are not included in the total, and the emissions from the processing of the gold concentrate, which will be shipped off-site, are not included.

We are in the midst of a climate change crisis. This level of emissions is unethical and exceeds the latest threshold of significance. The threshold for GHG emissions should be net-zero, per detailed explanation cited previously. The GHG emissions from the Mine Project will be significant and unavoidable and must be fully mitigated. The FEIR fails to adequately address this impact.

**Provisions for temporary storage of explosives on the surface are inadequate.**

The FEIR fails to provide information about the storage location of explosives during construction. The Response to comment Grp 8-47 states: “Explosives would be immediately transported underground once delivered to the site.” However, this will not be possible until the dewatering has been completed and considerable work is done to allow for storage underground. Any explosives temporary storage location on the surface should have been identified in the FEIR. The FEIR does not provide enough information to assure that the location chosen will provide the necessary safety.

**Curing of mass concrete can generate significant heat and needs to be managed.**

The Mine would dispose of 500 tons/day of sand tailings back into the mine by using Cement Paste Backfill (CPB). No analysis of heat generated by CPB is provided in the DEIR. Comment Grp 8-50 provided valid information regarding the heat emissions from curing concrete, and then provided calculations to show that the heat generated would be over 200,000 Kilojoules (KJ) per metric ton. Using a conservative value, the heat from curing the estimated 83 tons of cement per day would add over 17 million KJ/day\* to the mine tunnel environment.

The following calculations were provided:

*“Heat of curing is dependent upon the cement Type. Here, we use Portland Type IV: Heat 55cal/g ( note 1 cal/g == 4.184kJ/kg , 55cal/g \* 4.184kJ/kg//cal/g == 230kJ/kg) (230kJ/kg x 907kg/ton == 208,610kJ/metric ton)”*

There are numerous studies and an abundance of guidelines for managing the curing heat of cement. (E.g. see <https://www.forconstructionpros.com/concrete/equipment-products/article/11598829/kb-engineering-llc-how-to-plan-and-manage-curing-for-mass-concrete-pours> )

The FEIR ignored the information that was provided. Instead, the Response to Comment Grp 8-50 dismisses the point by making the incoherent statement: “No “heat management mitigations” are required or proposed for the placement of cemented paste backfill, as **there is no evidence that any evidence could result.**” [Emphasis added.] This response reflects the commenter’s ignorance about the exothermic nature of curing concrete, how accumulated heat in larger quantities of curing cement can destroy the strength and durability characteristics of the concrete or cement mix, and how the working areas of the mine may become overheated.

In addition, the Response failed to even answer the simpler questions posed about the quantity of cement that would be used daily, or what mitigations would be established to protect workers from excessive heat. The FEIR response is inadequate on this point.

**Evaluation of potential hazards to enclosed near-surface shafts during dewatering is not adequate.**

Upon initial dewatering of the Mine, the physically sealed mine shafts such as the one under the Spring Hill Drive business will potentially experience a negative air pressure as the water level drops. This would occur in any enclosed mine works that lacks ventilation to the surface.

NV5 attempted to address this issue in FEIR Appendix P, p3748. Unfortunately, NV5 seemingly failed to understand the nature of the problem. The conclusion of NV5 states: “...*the water in the mine would drop at approximately 2.7 feet per hour. This rate of water level drop is not expected to result in significant forces related to temporary air pressure fluctuation due to the air recirculation in the mine and large frictional and volume exchange differences between water and air.*”

In the case of the shaft under Spring Hill Drive, which is directly under a business, there is no evidence that air could enter the shaft allowing “air recirculation” to take place. “*The original shaft construction likely included a concrete collar. The specific method of physical closure is not known,*” DEIR Appendix H.6, p3.

The current state is of a water filled shaft with approximately 35 feet of air space above the water. (i.e. the water level is about 35 feet below the concrete slab floor of the business.) As the water level drops, the air pressure will lessen as the volume occupied by the air increases. Without a vent to allow air to enter the shaft, the pressure will continue to drop. For example, within 13 hours, the water level will have dropped about 35 feet. Without an air vent to allow air into the shaft, this will create a vacuum of about 7 pounds per square inch on all the walls of the shaft and the floor of the business.

These questions were not addressed:

- How will air enter the shafts as the water drops?
- How will this impact potential surface structures?
- Were the additional net load forces upon the sides and top of the shafts taken into consideration?

There is clear evidence that the lowering of the mine water level creates an additional potential hazard due to a drop in air pressure within an enclosed shaft. The FEIR fails to adequately address this potential hazard. The FEIR response to this potential hazard is inadequate.

**The DEIR does not address potential riparian and surface water impacts from physical closure of the East Eureka Shaft.**

East Eureka Shaft and the East Eureka Drain are located at 815 Idaho Maryland Road. The Shaft is under an existing commercial building occupied by Navo and Sons, within 50 feet of Wolf Creek. The East Eureka Drain is a 24 inch culvert that runs approximately 70 feet from the East Eureka Shaft at Navo and Sons to the bank of the Wolf Creek, where it discharges. (See DEIR Appendix H.6, pgs 4,13,14.)

Closure of this mine feature will require excavation around the shaft, followed by study of the feature and implementation of a structural concrete cap and permanent drainage solution. Per DEIR Appendix

H.6 page 8, “*The likely course of action will be to over-excavate surface soil in the areas of these features to determine where competent, native soil/rock is located and attempt to identify the trend of any subsurface mining-related structures (i.e. tunnel, shaft, drift, etc.).*”

The surface of the mine water is about 4 feet below the surface (Ibid.), almost at the low flow level of Wolf Creek. Thus, almost the entire operation of closing the shaft will involve working at or below the mine water level, and the continuous discharge of the mine water will have to be managed to avoid discharging any sediment or contaminants into the creek. In addition, any work necessary to reconfigure the drain will be within the riparian zone working very close to the creek, below top-of-bank. A trench at least 50 feet long at a depth below top-of-bank and open into the creek will be excavated to reconfigure the drain.

The FEIR Response to Comment 8-52 claims that the “*Work will not be conducted underwater or within Wolf Creek.*” (FEIR Page 2-629) In addition, the FEIR affirms that the work will be done prior to dewatering.

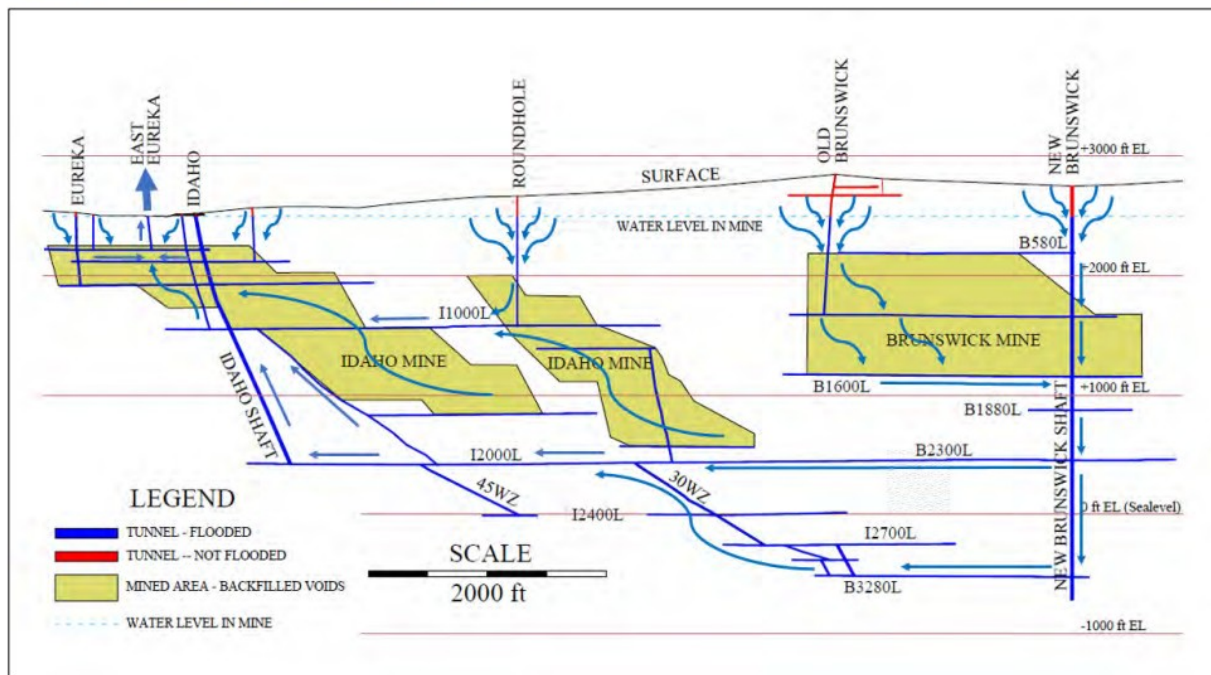
Clearly, this will require permits from the California Department of Fish & Wildlife for working within Wolf Creek (generally designated as below the top of the creek bank) and careful management to protect Wolf Creek from pollution while maintaining the outflow from the mine. In addition, diverting the mine drain outflow would require additional permits. The FEIR has not adequately addressed the potential impacts, nor the required permits required for this work.

**Assessments of the current mine water chemistry are inadequate.**

This comment addresses the fact that the mine water at the mine drains in the vicinity of Wolf Creek and is a more accurate representation of the water chemistry of the mine than the mine water in the Brunswick Shaft. This is blatantly obvious when considering the flow directions of the water as shown here. (DEIR Appendix K.2, Figure 3-20.) The water flows in at the New Brunswick Shaft and hence has not passed through the mine yet. Then it flows out the mine drain at the East Eureka Shaft after it has passed through about 1 ½ miles of the mine works, providing opportunity for the water to mix and interact. Testing of the water after it flows through the mine rather than before it flows through the mine will likely provide a better sample of the water in the mine.



Figure 3-20 Groundwater Movement in Mine Workings



The characterization of the mine water has been misrepresented by the use of samples from the Brunswick Shaft. The FEIR fails to acknowledge this simple point. A single test of the current discharge at the mine drain **after the water has passed through the mine** showed elevated levels of arsenic. This limited testing is inadequate. The concentrations of contaminants may vary with flow rates and may depend upon the amount of near surface inflows to the mine. The EIR should have tested the drain waters repeatedly over time to assess the pollutant concentrations during different flow conditions.

The chemistry of the mine water is largely unknown. Of the 72 miles of tunnels in the existing flooded Idaho-Maryland Mine, there may be areas where oxidation of tunnel surfaces and backfilled materials has leached significant levels of contaminants into the stagnant water which will be discharged when the mine is de-watered. The water that exits the mine drains is a better representative of the typical mine water chemistry, but it is not an adequate representative to fully characterize what the water quality will be on average.

Thus, unknown are the long term impacts to water quality from reopening the mine, increasing the oxidation of existing rock and backfill, increasing the amount of exposed tunnel surfaces, addition of cemented paste backfill, and finally re-flooding the mine upon mine closure.

There is more at stake here than just whether the mine will treat the water which it discharges into the South Fork Wolf Creek during operations. Without plans for a permanent water treatment facility operating after the mine has closed and been re-flooded, there is a potentially significant long-term impact to water quality from mine water effluent. Given what is currently known from tests of the mine drain, the current mine drain water already constitutes a point source pollution and needs immediate remedy. It is highly probable that it will be worse after dewatering and more mining.

In addition, discharge of mine water that is contaminated with arsenic and other toxins into the 7-acre pond for oxidation is another potential impact that was not adequately assessed and may be harmful to waterfowl and other wildlife, in addition to creating a potential air quality hazard from aerating the water as planned.

The FEIR fails to provide sufficient information to assess the potential impacts of initial dewatering and long-term maintenance dewatering. Nor does it provide for long-term treatment of the mine water after closure. The FEIR is inadequate on these points.

**Drill core testing for water quality impacts used insufficient samples.**

The FEIR fails to adequately address the potentially significant impact from mine waste and its potential to pollute ground water and surface waters by the leaching of hazardous chemicals. There was not sufficient sampling of the intended mineral resource area. And, of the samples taken, there is no validating record of the chain of custody and correct processing of the samples.

It is a requirement of CEQA that adequate information be provided to determine the potential impact of a project and to determine adequate mitigations. Yet in this case, only 11 linear feet of drill core were used to assess 80 years of mining operations which would process approximately 27 million tons of rock. And the integrity of the few samples that were assessed is not established.

A key element of the project is the planned disposal of the mine waste via “off-site sales”. Yet in the EIR, the Water Board and numerous other parties identified that there was insufficient testing to determine whether the mine waste would be Group C, suitable for off-site sales. (FEIR Page 2-333, 234)

CEQA requires that the EIR “...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.” (Section 15125 – Environmental setting) This EIR fails to meet that standard.

The FEIR states that mitigation measures address the potential impacts and that additional testing would not alter the significance identified in the DEIR. Note that the testing has not identified the scale and scope of the levels of toxicity in the materials to be mined. Thus, it has not been established that the applicant has a viable business plan or method of disposal. The project depends upon off-site sales as a means of disposal of mine waste. Given the lack of information about the composition of the mine waste and its potential for hazardous discharge into the environment, an alternative mine waste disposal plan must be provided which meets the criteria for Group A and Group B mine waste disposal.

Additional comments are in Attachment 2, “ MineWaste\_Water Impacts\_Comments\_Final 1-10-23.

**The hydrology study incorrectly tested for potential long-term acid mine type drainage.**

In addressing the potential for acid mine type drainage, the FEIR ignores the key point of comment 8-66 and others: The testing methods used for the Draft EIR were not reliable for predicting the long-term potential of contaminants to be leached out of mine waste. This point is made clear by statements from experts from The Sierra Fund (FEIR Grp 26, Page 2-1015) , CSP2 (FEIR Grp 7-176 , Page 2-502), and others.

Also, there is some direct physical evidence that long-term or kinetic testing is required. What is flowing out of the mine is a useful indication as to what will flow out of the mine waste. A real world long-term test datum is available from Idaho-Maryland Mine's current drainage along Wolf Creek. And even though the outflow is likely diluted by additional near surface contributions, the tests from there show elevated arsenic.

However, the FEIR did not provide any additional testing data. Instead, in Master Response 8, the FEIR claims that sufficient testing has been done and that any additional testing that may be needed will be conducted under the permits from the Regional Water Quality Control Board. This is incorrect. Adequate testing cannot be deferred until later. To satisfy CEQA and to provide the lead agency with sufficient information regarding the potential impacts of the project, the potential for toxic drainage from the mine waste must be adequately evaluated in the FEIR. This would ensure that the necessary mitigations can be established: whether the mine waste will be Group C, or Group A or B, and thus how it might be managed to prevent unwanted discharge of toxins in the future.

The waste rock's potential to produce poor quality effluent should be thoroughly characterized using appropriate tests to the satisfaction of the Water Board (e.g., ASTM D 5744) over a sufficient period, also to the satisfaction of the Water Board (e.g., 40 weeks). And this information should be included in the FEIR.

The FEIR analysis of this issue is not adequate.

**Under CEQA, it is not adequate to defer analysis of mine waste, a potential hazard, to some future date without providing substantial evidence that the proposed actions will not result in environmental impacts.**

The FEIR has not provided adequate testing data to characterize the water quality impacts of the Project's mine waste but persists in maintaining that it is not needed for the EIR. FEIR Master Response 8 states *"Given the geochemical testing that has already been conducted to characterize the water quality impacts of engineered fill and cemented paste backfill placement, and the further waste characterization that will be required as part of the WDRs approval process, additional testing is not required for the purposes of CEQA."* (FEIR Page 2-45)

While it is true that further waste characterization will be required, the requirements of CEQA are that adequate data must be provided to assess the potential environmental impacts. The FEIR has failed to do that for both the potential impacts to surface and ground waters as well as potential impacts due to airborne asbestos.

FEIR comments submitted by Shute, Mihaly, & Weinberger LLP on behalf of CEA Foundation provide a full discussion of the requirements under CEQA as they apply to the required testing of mine waste for this Project. (See "SMW\_IMM\_FEIR\_Comment\_Letter.pdf," March 20, 2023, pgs 13-15. A copy is also posted at [https://www.cea-nc.org/wp-content/uploads/2023/03/SMW\\_IMM\\_FEIR\\_Comment\\_Letter.pdf](https://www.cea-nc.org/wp-content/uploads/2023/03/SMW_IMM_FEIR_Comment_Letter.pdf) .)

Furthermore, the FEIR repeatedly fails to provide an accurate description about the status of classification of the mine waste as Group C and the suitability of using it for Engineered Fill.

--The FEIR states: "*California Waste Extraction (WET) testing was performed on samples of mine materials and the results of these tests suggest the engineered fill (barren rock and sand tailings) will be a Group C mining waste.*" (FEIR Master Response 8, Page 2-48.) Relying upon a suggestion is speculation. The classification of the mine waste has not been determined.

--The FEIR repeatedly makes the false claim that "*...the historic mine waste has been determined to be Group C mining waste from which any discharge would be in compliance with the applicable water quality control plan, including water quality objectives other than turbidity.*" (FEIR Page 2-516, Page 2-6208, Page 2-8062. )

--It is not clearly communicated that, using the test data provided, the mine waste can be dumped on the two local sites (Centennial and Brunswick ) as Engineered Fill. It has to first be tested and determined as Group C mine waste by the Water Board. As stated in the Water Board comment regarding Engineered Fill "...the Draft EIR indicates that mining waste used as engineered fill would be considered a Group C mining waste. The language leaves the reviewer with the impression that because mining waste is used as engineered fill, it is considered a Group C mining waste. This is not correct." It goes on to say that materials "...being proposed for engineered fill will need to be characterized as Group C mining waste prior to its use as engineered fill." (FEIR Page 2-233) In other words, the viability of the entire business plan for the Mine is in question.

The FEIR does not provide adequate test data to determine the potential impacts of the mine waste and fails to provide an accurate description of the mine waste and the unresolved problems of mine waste disposal.

**Water Quality, Reclamation. No provisions were made with respect to treatment of mine effluent after mining operations cease.**

Whether the Mine operates for a full 80 years, or whether it shuts down within a decade, the FEIR must address the potential impacts of shutting down. However, the FEIR fails to provide adequate information on the management of Mine closure and the cessation of Mine maintenance dewatering. If maintenance dewatering is stopped, the mine will refill and resume discharge of mine water at or near the mine drain(s) along Wolf Creek.

Also, the FEIR does not include provisions for long term monitoring and treatment of mine water. Should it be tested as exceeding allowable thresholds, how would the mine water be contained and/or treated? For example, levels of arsenic, iron, and manganese could exceed allowable thresholds. A water treatment plan must be included in the FEIR that could operate indefinitely after the mine closes, and adequate permanent funding assurances should be required.

In addition to provisions for monitoring mine water outflows, a means to monitor drainage from the engineered fill must be included in the FEIR.

In total, the FEIR fails to assess the impacts of shutting down operations on South Fork Wolf Creek and Wolf Creek, as well as potential impacts to ground water, wells, drainage, etc.

**The FEIR inappropriately defers the collection of additional water monitoring data to the future.**

The FEIR fails to address the inconsistency identified by comment Grp 8-73 with respect to Mitigation 4.8-2(a)(4):

*“ A projected water-level impact assessment for individual domestic wells shall be performed once dewatering of the underground mine workings commences, based on responses of the measured groundwater levels of the project monitoring wells. The projected groundwater drawdown shall be estimated for each domestic well in the project area.”* (FEIR Page 4-79)

Clearly, the proposed assessment would be initialized too late to be included in this EIR. The assessment of impacts for domestic wells must be included in the EIR. This FEIR analysis is inadequate on this issue.

Furthermore, Mitigation 4.8-2(a)(4) continues to assume that the creation of monitoring wells in 15 locations, rather than directly monitoring the domestic wells, constitutes an adequate assessment of the water levels in all of the potentially impacted domestic wells. This is a presumption with no actual supporting data from current domestic well conditions and is an implausible proposal due to the nature of fractured rock stratigraphy. As noted repeatedly, the ground water levels and recharge rates can vary significantly over short distances due to the fractured rock strata.

The FEIR inappropriately defers the collection of additional data (via a Groundwater Monitoring Plan) to the future. CEQA does not allow the deferral of important studies necessary to characterize impacts because it denies decision-makers the information they need to make well-reasoned decisions regarding the impacts and appropriate mitigations of the project. See Attachment 7, “CEA\_GroundwaterBaselineRequirements\_1-12-2023” for additional comments.

**Relying on fifteen monitoring wells to estimate the impacts on all water supply wells around the mine area is inadequate.**

Fractured rock geology does not provide a uniform aquifer. Water holding capacity and transmissivity can vary significantly over short distances. A good example of this is the adjoining Union Hill Mine, which is part of the Mine holdings. The water level in that mine was 20 feet at the end of the historic mining in 1956, while a short distance away the mine was completely dewatered. Examples abound of the difficulty in predicting groundwater impacts in fractured rock strata. In the prior Emgold Mine project description for this same mine, it states: *“The geologic formation in which the mine is located is fractured bedrock whose hydrogeology is difficult to predict. Therefore, reliance on Domestic Well Level Monitoring Program data will be required to assess impacts and discern appropriate mitigation measures for each domestic well owner.”* (Idaho-Maryland Mine Project, Revised Project Description (May 2011) Appendix N-T-3 ) See “Wells Coalition Comments Jan-12-2023” for additional examples. ( [https://www.cea-nc.org/wp-content/uploads/2023/03/Wells\\_Coalition\\_comments\\_Jan-12-2023.pdf](https://www.cea-nc.org/wp-content/uploads/2023/03/Wells_Coalition_comments_Jan-12-2023.pdf) )

The FEIR presumes that the placement of monitoring wells at 15 strategic locations are adequate for predicting groundwater draw-downs that may result from the mine: *“...the measurements of water levels in the monitoring wells can be used to verify the groundwater draw downs as dewatering progresses to provide sufficient time to predict adverse impacts to domestic wells before they occur so that appropriate mitigation measures can be implemented.”* (FEIR Page 2-951)

There are basic flaws in this reasoning. As noted, due to fractured rock there is a high likelihood that domestic wells may be impacted differently than the monitoring wells. Also, the proposed monitoring wells are situated according to the predictions of the Itasca Groundwater Model, which may be

incorrect. In fact, the FEIR documentation “...acknowledges that there are uncertainties in groundwater modeling [sic] and states that the predicted contours are based upon the numerical groundwater flow model and the assumptions inherent in the model. Actual, in-field measured water levels may be different from the predicted water levels due to heterogeneities in the hydrogeologic system.” (See FEIR Page 2-952.) [Emphasis added.]

And finally, even if the monitoring wells could “...provide sufficient time to predict the adverse impacts to domestic wells” as stated in the FEIR, they do not provide sufficient time to prevent the adverse impacts. They merely detect them. There usually will be a substantial delay before the effects of dewatering are fully transmitted regionally and felt in the area’s domestic wells. Even if the mine dewatering is halted, it may be years before the groundwater impacts return to equilibrium.

Monitoring wells are useful for supplying information about the impacts of the mine, but are not sufficient to determine impacts to the domestic wells that they are intended to protect. Monitoring directly at the domestic wells is needed. Without that, the impacts cannot be accurately detected, and the mitigations cannot be adequately defined. The FEIR is inadequate in addressing this issue.

**Impacts from using the 7 acre freshwater pond as a treatment pond are not adequately assessed.**

The 7 acre freshwater pond on the Brunswick site is currently home to abundant waterfowl and is surrounded by rich riparian habitat. No biological analysis was conducted at this pond. Instead, FEIR states that “...the water treatment pond is an artificial pond constructed for industrial uses. As such, the pond berms are not riparian areas and vegetation on the structure will be removed. Untreated water in the pond would not be released to the environment. No mitigation to replace habitat in the pond is proposed nor required.” (FEIR Page 2-637)

The FEIR statement “...the pond berms are not riparian areas...” is blatantly false. Regardless of the intended use or history, the pond has supported riparian habitat for decades. A survey for special status plant species, and special status wildlife species should have been conducted.

The FEIR failed to provide a biological assessment of the pond and is inadequate under CEQA.

**The FEIR Alternative Land Use analysis is flawed.**

In considering Alternative Land Uses and responding to Comment Grp 8-97, the FEIR argues that current land use already allows activities that “could likely be more intense and impactful than the project in numerous resource areas.” (FEIR Page 2-639) Several suggested impacts from several specific examples are listed as representing what “could likely be more intense and impactful.”

This is not a justification for allowing a more intensive use. First, the Mine Project has significant and unavoidable impacts typical of heavy industrial use, including frequent haul trucks dumping of mine waste on the surface and using heavy equipment to spread, grade, and compact the mine waste into large tailings piles for years. Thus, it is not consistent with existing zoning. Second, in any zoning designation, one can imagine worse case scenarios, but that is not a basis for justification of allowing a non-conforming use in an existing zoning which might be similar to those worse case scenarios. Using this argument could lead to no zoning at all, with pig farms in residential neighborhoods because someone has a pet pig.

The arguments presented in the FEIR justifying the adequacy of the Alternatives analysis are not valid. The Alternatives analysis is not adequate. In addition, the Mine should be designated a heavy industrial project.

**Dumping of mine waste on the Centennial site is a heavy industrial activity.**

In Response to Comment 8-99, the FEIR states that the dumping of the mine waste on the Centennial site should be considered construction under Section L-II 3.22 D.4.b of the Nevada County Land Use and Development Code, and therefore does not violate the land use ordinances. However, for the purposes of the other impact areas of the FEIR the Centennial site is considered part of operations. It can't be both. Furthermore, the impacts would need to be recalculated for both the construction phase and the operation phase of the project if the dumping of mine waste on the Centennial site were considered part of construction. Dumping of mine waste on the Centennial site is a heavy industrial activity and conflicts with current land use zoning.

**Land Use inconsistencies at the Centennial Site.**

The FEIR is also deficient in not analyzing the mine project's inconsistencies with the Grass Valley General Plan. The mine project is within the Grass Valley Sphere of Influence. The Centennial site is within Grass Valley's first phase annexation area. A portion of the Centennial site is also zoned by Grass Valley for Urban Medium Density housing. The Nevada County General Plan requires the county to designate lands within the cities' Spheres of Influence consistent with the city land use designations. The County has not done this; thus, the Industrial designation and the mine project's operations are clearly inconsistent with its own General Plan and the Grass Valley General Plan. Physical land use compatibility impacts (industrial uses next to medium density housing) will also result. The FEIR fails to adequately address these issues and respond to comments 8-98. (Page 2-640)

**Dumping mine waste on the Centennial site defeats the Project Goal of providing industrial land.**

A Project goal of the Mine is to provide usable industrial land on the Centennial site, a benefit. (See DEIR Project Description, Page 3-33.) This is repeatedly referenced in the FEIR. (E.g.: "*The objective of the placement of engineered fill, over approximately 5 years, at Centennial site is to increase the usable land area at the Centennial site to allow its future use as industrial land (see page 3-12 of the DEIR)*") (FEIR Page 2-640)

However, the FEIR assumes that the baseline for the CEQA analysis of environmental conditions on the Centennial site is that the project has been cleaned up by the DTSC. Thus, the entire 44 acres of the Centennial site that will be covered with mine waste will be suitable for industrial development before the Mine begins operations.

The Mine Project plan is to dump mine waste on the site as "Engineered Fill", covering the 44 acres. This will result in 37 acres of usable industrial land. So in fact, the Mine Project is reducing the amount of usable industrial land by 7 acres.

Since the FEIR insists that the Centennial DTSC cleanup is a separate project, the Mine Project claims of benefit from the dumping of mine waste on the Centennial site are false.

**The DEIR has not demonstrated that mine waste disposal by off-site sales would be viable.**

The Mine Project relies entirely upon off-site sales as a means of disposing 1000 tons of mine waste daily as "*Engineered Fill*" to be used in construction projects regionally. However, the viability of this plan has not been established. An analysis of the market for the mine waste materials and the issues impacting the feasibility is provided in "FEIRComments\_OffSiteSales\_3-21-23.pdf", Attachment 6. (The document is also available online at <https://www.cea-nc.org/idaho-maryland-mine-final-eir-comments/> .)

FEIR Master Response 11 (FEIR Page 2-61,62) affirms that “*No large-scale temporary rock or sand storage facilities/stockpiles are proposed for the Project.*” The lack of definition of “*large-scale*” leaves open the possibility that materials will be stockpiled on the site, significantly altering the potential impacts on air quality, aesthetics, noise, and water.

The EIR must include a clear restriction stating that no mine waste (i.e. Engineered Fill, barren rock, waste rock, tailings, aggregates or sand ) shall be temporarily or permanently stored outside the Project structures on either the Centennial or Brunswick sites other than to complete the two “*Engineered Fill*” pads that are included in the Project Description, and that Mine operations shall reduce or halt generation of these materials if necessary to comply with this mitigation.

Without a credible assurance that the Mine Project has a solution for mine waste disposal, the FEIR is not adequate.

**There is scant data on the outflow from the mine.**

The FEIR dismisses a valid question about the scant groundwater outflow data from the mine, stating: “*The commenter asserts that there is “scant data” relating to the groundwater outflow values reported in the DEIR. However, measured outflows from the drains were completed by EMKO in April 2019 for the preparation of the Groundwater Hydrology and Water Quality Analysis...*”

In fact, here are all of the data from the 4 discharge points that were provided for the FEIR:

- Flow data, ED-1: [Eureka Drain ]
  - “...in the range of 100 gpm (Condor, 1994)
  - “...only a few gpm” (EMKO Feb 2018, Dec 2018)
  - “...in the range of 20 to 25 gpm” (EMKO, April 17, 2019)
- Flow data, IMD-1: [East Eureka Shaft Drain ]
  - “...to be about 60 gpm.” (Todd Engineers, 2007)
  - “...consistent with Todd...” (EMKO Feb 2018, Dec 2018)
  - “...approximately 100 gpm.” (EMKO April 17, 2019)
- Flow data, IMD-2: [ East Eureka Shaft steel pipe ]
  - “...in the range of 1-2 gpm.” (EMKO Feb, 2018)
- Flow data, D-1: [ A potential mine drain ]
  - “...only a few gallons per minute” (EMKO? Feb, Dec 2018, April 2019)

EMKO failed to actually measure the outflows from the drains. Instead, EMKO estimated them, making vague statements such as “...consistent with Todd...”. Those estimates were done on 3 dates ( Feb 2018, Dec 2018, and April 2019.)

The FEIR failed to provide an answer to the question “What is the actual measured outflow?” In addition, these few estimates do not provide adequate data for assessing the groundwater baseline. No measurements to assess seasonal variations were undertaken, and the amount of outflow that was predicted by the Itasca Groundwater Model was not provided as requested. As a result, no data to compare the predicted outflows with the actual outflows was provided, which would provide some validation to the Itasca model. The FEIR failed to provide this information.

In responding to comment 7-68, the FEIR introduces data from the 1991 measured drain flows: “*This table provides the following flow data for the drains: IMD-1 = 50 gpm, ED-1 = 110 gpm, IMD-2 = 30 gpm, Drain = 20 gpm (across the street from Roto-Rooter building). These measurements of drain flow are similar to measurements of flow presented in Appendix K.2 of the DEIR.*” (FEIR Page 2-527).



This totals 210 gpm. Note that 210 gpm is significantly outside the range of values estimated by EMKO of 60-125. This further affirms that the FEIR lacks valid current measurements about the amount of water flowing out of the mine. This important deficiency is inappropriately dismissed by the FEIR.

The FEIR goes on to respond that that the current flow rate from the drains was not used for the calibration of the Groundwater Model, and hence not relevant to the analysis.

The absence of mine water outflow data and predicted outflow is a deficiency in the Groundwater Model. Comparing the predicted outflow with the measured outflow is a means of validating the model.

Furthermore, Goal 3 of the Itasca Groundwater Model was stated as to predict “The potential reduction of baseflows of selected nearby creeks as the result of future mining.” (Itasca, DEIR Appendix K.3, pg ix) If the current average mine outflow is not known, the potential impacts of the mining upon the creek flow rates cannot be accurately assessed. Clearly the Itasca Groundwater Model does not adequately address this point.

**The analysis of seasonal measurements of the level of water in the mine is flawed and does not support the transmissivity assumptions used in the model.**

The analysis of seasonal measurements of the level of water in the mine is flawed. (See “Review of the Idaho-Maryland Mine DEIR Groundwater Model” FEIR Page 2-454) The FEIR does not refute this comment regarding the Groundwater Hydrology and Water Quality Analysis Report by EMKO (DEIR Appendix K.2 ). Instead, the FEIR deflects recognizing the flaw by stating that the topic is irrelevant: “...the observations presented in Section 3.3.3.3 of Appendix K.2 of the DEIR are not used as the basis for estimating transmissivity values used in the Groundwater Model.”

In Section 3.3.3.3 of Appendix K.2 the DEIR states “*The differences in the magnitude and cyclicity of the water level fluctuations in the measurements from the New Brunswick Shaft versus those from the domestic wells indicate that there are not any direct connections (e.g. via fractures) between the domestic wells and any of the underground mine workings.*” (EMKO, p31) This is a critical flaw. Here EMKO was attempting to establish that when the groundwater levels vary seasonally (due to precipitation, usage, etc.), the water level in the mine doesn’t show corresponding variations, and that this demonstrates low transmissivity (i.e., that the groundwater does not migrate down through the rock and into the mine.) However, the problem is if more water flows into the mine above a certain level, it quickly just flows out the openings at the drain. So regardless of the amount of increased inflow to the mine, the water level remains fairly constant.

The FEIR states that this fact is irrelevant. Apparently, the FEIR is maintaining that the Groundwater Hydrology and Water Quality Analysis Report is wrong in this conclusion:

“...**it is important** to note that the seasonal patterns in water levels observed in the wells are not reflected in the water levels measured in the mine. The lack of a seasonal pattern in the mine water levels indicates that the mine workings are not directly connected to the wells by through-going fractures...” (EMKO, p81)

The FEIR clearly fails to address this fundamental error in the EMKO report. The FEIR states “As described on page 81 of Appendix K.2, the lack of a seasonal pattern in the mine water levels indicates

*that the mine workings are not directly connected to the wells by through-going fractures...*" (FEIR Page 2-527)

This is a false conclusion. That is the point being made by the comments Grp 7-70,72 (FEIR Page 2-455 through 457). Read this statement again: "*Obviously, if the water level exceeds the drain level, the water will flow out*" (Page 2-455). *I.e. regardless of how much water flows into the mine, the water level height is limited, and so one cannot derive any meaningful conclusion about seasonality or transmissivity by simply comparing the mine water level.*"

The FEIR is flawed and inconsistent in its analysis of the groundwater impacts from the mine.

**Invalid interpretations of seasonal precipitations vs mine water levels.**

The FEIR fails to acknowledge or correct invalid data in the EMKO Report (DEIR Appendix K.2 ). As noted in comment Grp 7-73, the graph in the EMKO Report, Figure 3-7, is still incorrect, providing misleading information. In addition, the graph in Figure 3-7 lacks sufficiently granular data to correctly represent any actual correlation between precipitation and mine water levels, if they existed.

For example, in close examination of the data for 2005, there is a clear drop in levels between the late winter sample and the mid-summer sample followed by a fall rebound. Also, again in 2006, there is a clear drop from late winter to mid-summer followed by a rebound. Thus, data from both of those years seems to imply that there actually is a seasonal correlation. This discrepancy illustrates that the EMKO Report has inappropriately used sparse data to infer a conclusion which is not valid.

**Invalid references used in the FEIR.**

The FEIR repeatedly refers the reader to Grp 19-20, Grp 19-21, Grp 19-66, Grp 19-68. (E.g. see Page 2-528.) These Response to Comments do not exist.

**Data from monitoring of wells is old, limited to a few years, and with no well owners' usage data.**

The Response argues that the monitoring that was conducted in the years 1995-2001 and 2003-2007 was adequate to provide current data on the amount of seasonal variation and the amount of lowering of the ground water level due to drought. The Response states "*Based on the lack of changes in the individual well hydrographs between wet and dry climatic cycles, the amount of recharge, as described in Section 3.2, appears to be consistent from year to year and is not affected substantially by drought or wet cycles.*"

This is misleading. For example, the Response noted below normal rainfall in 2004 and 2007, and near normal in 2003 and 2005, and above normal in 2006. Sequentially the years 2004-2007 are: near normal, below normal, above normal, below normal. This does not constitute "drought or wet cycles". This constitutes normal annual variation. In addition, there is no consideration of lag times between precipitation and ground water recharge. Furthermore, the data is misleading because the "precipitation year" is not the same as the calendar year.

The hydrology report is full of similar statements intending to support a presupposed argument. For example, even though the analysis of sensitivity scenarios conducted in the Groundwater Model by Itasca was not part of comment Grp 7-77, the Response attempts to provide evidence that the groundwater recharge "has been evaluated" via the Itasca Groundwater Model here by explaining "*that increasing or decreasing recharge by 50% only changes the predicted inflows to the mine by +/- 3% compared to the base case.*" (FEIR Page 2-520)

Of course, this is not actual measured data. This is using the computer simulation with assumed transmissivity values, presumed findings on the impacts of drought on ground water levels, and then concluding that the amount of actual variations of inflow into the mine would even be known to any degree of precision. Plus, there has not been any precise measurement of the outflow from the mine over the same time periods. (Note: clearly the level of water in the Brunswick Shaft is not an adequate measure of mine water inflow as confirmed by comments.) So it is only natural that if one assumes a certain low transmissivity in the bedrock and model accordingly, one would end up confirming what one just assumed.

The response goes on to state *“Thus, there may not be a substantial variation in recharge to the water-bearing geologic materials in the project area. Nevertheless, the sensitivity of the model to changes in recharge has been evaluated.”* This is not adequate. What is needed is actual ground water data from the domestic wells! To obtain adequate data to assess variation in recharge due to weather cycles, it should be collected over legitimate periods of high precipitation and low precipitation such as the period of drought we have experienced in 2007-2009, and 2012-2016.

The FEIR Response to Comment Grp 7-77 continues with the following statement, attempting to dismiss the credibility of climate science findings: *“The future effects of climate change on groundwater recharge are unknown and CEQA does not require the analysis of speculative impacts.”* ( FEIR Page 2-530. )

The FEIR analysis of the groundwater impacts is inconsistent, supports flawed data, ignores valid information, and states that climate science findings are speculation. The FEIR inadequately addresses the subject of groundwater impacts from the mine.

#### **Domestic well usage data is important for assessing groundwater variability.**

The FEIR inappropriately dismisses the importance of consumption data. (Comment Grp 7-77, FEIR Page 2-531). Rates of consumption may drastically impact the measured levels of water in domestic wells and may accentuate the seasonal variation in wells. This is obvious: there is more water usage in the dry season for irrigation.

Much of the baseline data used by the Groundwater Model is derived from domestic wells. However, the FEIR mistakenly includes a reference to the Itasca Technical Memo (Append 0) and points out that *“Consumption water uses from individual wells are not considered in the groundwater flow model due to the lack of consumptive-use data and the fact that consumptive use is small, relative to regional groundwater flow.”*

Of course, the local variations in ground water around wells may not drastically affect the overall mine water inflow. But this is not the FEIR defect being addressed. The point made in the final paragraph of comment Grp 7-77 is that the impacts due to drought, seasonal variations, the addition of more wells, etc. need to be factored into the estimates of potential ground water impacts to well owners. The FEIR fails to assess these potential impacts.

#### **The study fails to account for a substantial decrease in groundwater recharge from precipitation as a result of planned project development.**

The FEIR fails to provide a quantification of the impacts caused by the reductions in permeability on at least 81 acres due to the project. The FEIR Response speculates that the decrease in infiltration *“would be trivial.”* The reduction in recharge would also have changed the results of the *“Sensitivity Scenario 5.”* These reductions in infiltration would increase the lowering of groundwater levels that were

estimated by the Itasca Groundwater Model and should have been included in the FEIR. The Final EIR is inadequate in its assessment of the Project impacts on groundwater resources.

**Additional groundwater impacts from the new access shaft cone of depression.**

There will be two shafts at the Brunswick site. One is the existing main Brunswick shaft and head frame, which will be significantly modified. The second “new access shaft” will be constructed about 1000 ft SE from the main Brunswick shaft and will be within 100 ft of the South Fork Wolf Creek (SFWC) natural drainage bed, which will be placed into a new culvert. For a better detail, see Sheet 2, Page 3-14, of the DEIR and note the “Service Shaft Complex”.

The FEIR states: “*The proposed service shaft is located approximately 440 ft east of the South Fork Wolf Creek as shown in Figure 3-8 of the DEIR. The service shaft and the excavation to construct it will not be within 100 feet of the creek.*” (FEIR Page 2-531.)

Here the FEIR again relies upon an inaccurate record. SFWC runs through the project and originates east of Brunswick Rd. The natural creek bed runs adjacent to the shaft and is not correctly shown. Instead, the figures only show the creek as it exists in the culvert.

The difficulty in locating the proposed new service shaft in relation to the creek is indicative of the general inadequacy of detail in the project description. The proximity to the natural creek drainage should be evaluated. The fact that the existing creek bed and natural groundwater movement and drainage into the creek is not evaluated is a defect in the EIR.

The impacts of the removal of approximately 60 ft of overburden as shown in Section F-F of “Brunswick Site Plan – Section Views” are not addressed. (See [Application Materials](#), Plans and Elevations) How would it impact the natural drainage of the creek?

The FEIR persists in claiming that “South Fork Wolf Creek originates from the outlet of this 48-inch culvert” This is a false statement. SFWC is a perennial stream that originates on the East side of Brunswick Road.

The FEIR is inadequate in addressing this issue.

**The groundwater model should be run for the full term of the 80-year project proposal.**

The FEIR notes that “*The comparison of draw-down contours between Scenario 6 and the Base-Case Scenario suggests that the added potential mining (beyond the 65 years modeled) will not lead to large incremental draw-downs as the mining progresses because the mining activities occur in deep, low-K rocks.*” ( FEIR Page 2-534)

This is an admission that there likely would be additional draw-down, but the amount is unknown. Clearly the model fails to evaluate the impacts on groundwater over the full course of the project, and is thus inadequate.

The FEIR mentions that the model will be updated in the future. Updating the groundwater model in the future based upon observed data would be valuable in the future as a means of determining whether the model is accurate and allow for model corrections and improved predictions, but that does not provide information for the FEIR as required by CEQA.

**The FEIR fails to provide a realistic construction schedule.**

The FEIR fails to provide a realistic construction schedule and fails to adequately respond to the issues raised in comments to the DEIR. The assumptions made in Master Response 24 are based on a lack of understanding the nature of construction project scheduling in general and demonstrates a failure to perform simple addition. Furthermore, the claim that “...increase in the duration of construction activities and/or the completion of activities sequentially would serve to reduce environmental impacts in many areas.” (FEIR Page 2-513) in fact also illustrates that, by not correctly addressing the scope of the construction project, the true impacts from noise, fugitive dust, traffic, greenhouse gases, etc. remain unknown, failing to meet the requirements of CEQA.

The Mine Project will take at least a year to obtain the necessary permits to begin site work. Substantial site work must then be done and a 14 foot build-up pad be constructed before construction could begin on the water treatment facility. This will take at least an additional year. The water treatment facility will be constructed on top of the pad and will take about one year. Assuming other elements needed for dewatering are complete (pond repair, physical closure of near surface shafts, etc ), dewatering can begin. Dewatering is at least a six month process. After dewatering has taken the water levels down about 1200 feet, access and construction of the new access shaft can theoretically begin. The new access shaft will take about a year to build. (FEIR Page 2-643). This brings the construction time total to over 3.5 years, and there still remains the lengthy job of removing old shoring and restoring the existing mine works to allow operations at depth.

The updated construction schedule as presented in Master Response 24 is simplistic and misses the key critical path elements of a normal construction schedule. For example, how would dewatering begin without PG&E service? Would generators be used to run the pumps? If so, what are the air quality impacts of that change?

The analysis of air quality impacts, noise, traffic, and hazards cannot be reasonably expected to be accurate based upon the assumptions in the DEIR, which used the estimate of 1 year for construction. The FEIR is inadequate because of this inaccuracy.

**Conclusion**

The FEIR is a flawed document that does not adequately address the impacts of the proposed Idaho-Maryland Mine Project. We ask that the County deny the approval of the Idaho Maryland Mine Use Permit and not certify the Final Environmental Impact Report.

Thank you,

On behalf of the CEA Foundation Board of Directors,  
Ralph Silberstein, President  
CEA Foundation

# ATTACHMENT 1

# WELLS COALITION



[wells@cea-nc.org](mailto:wells@cea-nc.org)

January 12, 2022

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## **Subject: Protection for Wells Near Idaho-Maryland Mine Still Not Adequate**

The Wells Coalition is a group of well owners near the Idaho-Maryland Mine. Our purpose is to protect our only source of water, our wells.

We are astounded that a comprehensive domestic well monitoring program was not established *before* the Draft EIR was published last year. Such a program is a necessary step to establishing the baseline data required by CEQA. It's clear that this omission was recognized in the Final EIR, but the proposed solution is little more than a band-aid that doesn't actually address the serious, underlying problem.

Even though there are over 300 properties with wells within 1000 feet of the Mine's mineral rights area, neither the draft nor final EIRs provided current monitoring data from these domestic wells. They relied only on *sparse patches of data from over 15 years ago*. The quality of this input data is one of many concerns identified by numerous experts who contradicted the findings of the Draft EIR's groundwater study in their written comments.

The EIR's primary approach is to install fifteen non-domestic *monitoring wells over a limited area* to do the job of predicting impacts for all water supply wells. With our complex fractured bedrock spread over thousands of acres, this approach is inadequate. This is further complicated by the fact that the estimated area of potential impact is based on the findings of a questionable study. In addition, the 378 properties identified in the Final EIR's *supplemental domestic well monitoring program* only capture about 150 of the 300 plus wells in the mineral rights area.

Timing of baseline data collection, however, is really the central issue. CEQA requires that a baseline be established prior to the evaluation of potential impacts. This was not done. With mine dewatering, previous dry years, and drought still predicted for the future, it is imperative that we get this right. Adding a well monitoring program *after* the project is approved and just one year before the mine is dewatered - as the Final EIR proposes - is not only out of compliance with CEQA, but is also extremely shortsighted and risky. Multiple experts provided comments telling us that it takes a minimum of 3 years to establish a reliable baseline in order to account for year-over-year variations.

Also, under CEQA a mitigation measure must be achievable, enforceable, and must be capable of actually reducing the Project's impacts. The Final EIR's supplemental domestic well monitoring program is not even defined as a mitigation.

Not having a baseline established by a properly constructed *domestic* well monitoring program before publishing a Final EIR is unacceptable. Our wells are not currently being monitored. Since it will take several years for Rise Gold to establish a reliable baseline, we request the current EIR be rejected and that any future EIRs include at least 3 years of comprehensive well monitoring data.

Sincerely,

Christy Hubbard (District 3 resident)  
The Wells Coalition  
[wells@cea-nc.org](mailto:wells@cea-nc.org)





San Juan Ridge Taxpayers Association

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January 12, 2023

Nevada County Planning Commissioners  
950 Maidu Avenue  
Nevada City, Ca. 95959

Dear Commissioners,

My name is Sol Henson, I grew up on the San Juan Ridge and hold a master's degree in hydrology. I am the president of the San Juan Ridge Taxpayers Association and speak for the Association today. I'm here to talk about the importance of baseline monitoring for wells to protect our community from industrial mining impacts.

In 1995 Siskon Gold operated a gold mine in the North Columbia Diggings on the San Juan Ridge. During mining operations, they breached a water bearing fault-line 300 feet underground. This breach led to the loss of nearly a dozen wells including the well for our middle school and the community Cultural Center. This was a disaster for those who lost their wells, but we still do not know the extent of well impacts. Some wells may have lost 50% or even 75% capacity but without baseline data, owners could not prove that the mine had impacted their wells.

This was a single catastrophic event. Wells are more commonly impacted by the extraordinary amount of water pumped out of mine tunnels just to maintain daily industrial mining operations. Over time, millions of gallons of water a day must be removed from the surrounding fractured bedrock aquifer. In such cases, well impacts can be slow to develop and can be hidden within seasonal cycles.

In 2012, the San Juan Ridge Mine Corporation submitted a new permit application to mine the North Columbia Diggings. Exhibiting due diligence, and with community input, the County helped to create a baseline monitoring program for domestic wells. This program established a baseline through monthly collection of water quantity and quality data. This information would have been invaluable for the environmental review process. Should the mine have been permitted, well owners would have had recourse to say with some confidence if their well had been impacted.

We firmly support the precedent of baseline monitoring for projects of such scale and impact as the Idaho Maryland Mine. Significant monitoring programs have been developed in the past for the IMM site, including for the 1996 permit to dewater the mine for exploration and the 2008 Emgold Mine environmental review process. It is unclear why the current Rise Gold effort to permit the IMM lacks a monitoring plan that would form a baseline for water quantity and quality of domestic wells in the surrounding area. We believe that the community is owed these safeguards and that CEQA requires it. Thank you very much.

Sincerely,

Sol Henson

President of the San Juan Ridge Taxpayer's Association

# WELLS COALITION



*wells@cea-nc.org*

January 12, 2023

Nevada County Planning Commission  
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*planning@nevadacountyca.gov*

**Subject: the Idaho-Maryland Mine Final EIR groundwater hydrological model predictions and risk to domestic wells in the area of the Project.**

The proposed well mitigations in the Final EIR for Rise Gold fail to acknowledge that there are significant risks posed to domestic wells in the surrounding area of the Idaho-Maryland Mine project, and it does not comply with CEQA.

The Final EIR for Rise Gold states:

*“ All potentially impacted wells are located in the E. Bennett Road area. Domestic water wells outside this area will not be impacted.”* [1]

But expert opinions contradict the certainty of these statements, citing repeatedly the uncertainties in hydrologic predictions and impacts to wells:

Emgold’s 2008 DEIR for the Idaho-Maryland Mine states

*“Due to the uncertainties regarding the complex geology and groundwater flow, dewatering **impacts to domestic water supply wells cannot be accurately predicted.**”* [2]

Also, Emgold’s project description states

*“**The geologic formation in which the mine is located is fractured bedrock whose hydrogeology is difficult to predict.** Therefore, reliance on Domestic Well Level Monitoring Program data will be required to assess impacts and discern appropriate **mitigation measures for each domestic well owner.**”* [3]

After reviewing the hydrology computer model from the EIR for Rise Gold an expert hydrogeologist in groundwater modeling stated

*“**Even a well calibrated model has a large uncertainty to it, in its predictions.**”*

***It turns out that this model is not well calibrated, so the uncertainties are almost certainly larger.”[4]***

The hydrology report for the Idaho-Maryland Mine’s 2008 EIR affirms the uncertainty in predicting whether ground water from near surface well waters may drain down into the deeper mine workings.

***“The groundwater in this particular area is contained in and flows through fractures in near surface bedrock and because of this fracture flow regime, the groundwater flow in quantity varies considerably with location and **cannot be predicted with certainty. Furthermore, complete hydraulic separation between the deeper groundwater within the underground mine workings and the shallow groundwater within fractures and supplying the domestic wells cannot be assumed.”[9]*****

Even the hydrologist who prepared the hydrology computer model for the EIR, told the NID board of directors.

***“With fractured rock there will always be uncertainty and during my career there won’t be any 100% confidence in predictions.”[5]***

**It is because of these uncertainties that we are appealing to you to require protection for all wells with a comprehensive well monitoring plan for at least 3 years to gather baseline data to be used in a revised EIR.**

Thank You,

Gary Pierazzi  
The Wells Coalition  
wells@cea-nc.org

## **Additional expert opinion quotes regarding uncertainties in groundwater modeling and fractured rock.**

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*“The EMKO Report describes a three-step procedure used to assess potential drawdown effects in perimeter areas. A major assumption underlying the procedure is that flow contributions from the workings are distributed uniformly across the mining areas after correcting for depth. **However, the subsurface distribution and orientation of bedrock fractures is not uniform and is subject to uncertainty. Discussion of this uncertainty and the overall uncertainty of the analytical and numerical model predictions with respect to groundwater level impacts on individual wells should be provided. expanded to include an assessment of the uncertainty in the conclusions developed by Todd Engineers.**”*[6]

*“Although the analysis is considered conservative in methodology, **several complexities in the groundwater system could potentially result in a larger or smaller radius of influence. Although larger impacts seem unlikely, it is difficult to prove that aberrations in the system do not exist.**”* [9]

*“**Uncertainties in the analysis indicate that monitoring should occur over a slightly larger area than where impacts are predicted. In addition, the monitoring program should consider adjustments specifically for geologic faulting.**”* [7]

*“**Monitoring locations should also include areas outside of the predicted impact zone to account for uncertainties in the analysis,**”* [7]

*“**The fracture systems existing in buried bedrock beneath Grass Valley are not mappable within the resolution needed to predict specific dewatering effects. Technology and state-of-the-art hydrogeology have not developed to a level that fracture mapping is possible. Due to this limitation, hydrogeologic modeling is attempted by making an assumption on fracture connectivity.**”* [8]

*“**Based upon the significance criteria established on page 4.3-4, the risk to all wells within the study area, regardless of risk category, represent a potentially significant impact.**”* [10]

*“**The study area has not been monitored by an approved groundwater monitoring system designed to observe the dynamics associated with subsurface hydrology. Therefore, many of the initial unknown hydrogeologic and geologic parameters located within the earth between well and mine elevations still exist.**”*

- [1] Idaho Maryland Mine Project FEIR, December 2022, Volume VII, Appendix D, Page 2.
- [2] Idaho-Maryland Mine Project Draft EIR (2008) p4.7-34
- [3] Idaho-Maryland Mine Project, Revised Project Description (May 2011) Appendix N-T-3
- [4] June Oberdorfer, PhD, PD, Certified Hydrogeologist (CHG), Review of the March 2020 EMKO Groundwater Hydrology Report, Minewatch Virtual Community Meeting Video Presentation (October 2021)
- [5] Houmau Liu, hydrologist for Itasca, February 9, 2022 NID board of directors meeting.
- [6] Appendix K.7 West/Yost Peer Review (August 27, 2020), p8-9, p18, Idaho-Maryland Mine Draft DEIR (December 2021)
- [7] Todd Engineers (2007), Final Report Hydrogeologic Assessment Idaho-Maryland Mine, prepared for Idaho-Maryland Mining Corporation, August t.p22, p25, p26 [6] Idaho-Maryland Mine Project Draft EIR (2008) p4.7-34
- [8] Steve Baker, Certified Hydrogeologist, Response Comment Letter to 2008 Idaho Maryland Mine DEIR
- [9] Idaho-Maryland Mine Project Draft EIR (October 2008) 4.8 Hydrology and Water Quality, p 4.7.29
- [10] Draft Environment Impact Report for The Idaho-Maryland Mine (May 1995) p4.3-5

# WELLS COALITION



*wells@cea-nc.org*

January 12, 2022

Nevada County Planning Commission  
950 Maidu Avenue, Suite 170  
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*planning@nevadacountyca.gov*

I'm a resident & well owner in district 1.

I can appreciate the inclusion of a well monitoring program in the FEIR, but it falls significantly short of what we really need. I should not have to beg for protection from the county to keep our sacred resource safe. Our well is amazing! It provides safety from wildfires by allowing us to maintain green space. It keeps my family and pets healthy and happy. Just imagine what you would do if the water in your own home suddenly vanished. Your spouse and kids, asking what's wrong with the water? Oh my god! Without water my property is worthless! How could this have happened? Where is the protection from my county?

Experts have weighed in on the amount of monitoring time necessary to obtain a dependable baseline. In some cases, 3 years is not even enough. It's also a stretch to accept a program that is deficient in infrastructure to replace my water resource if it becomes damaged? As I read the details, I would be subject to some sort of nebulous negotiations with Rise Gold to get my water connected to NID. Would this make you feel protected? To be forced to deal with a CEO that has demonstrated severe environmental failures in Canada, and spreads contrary information through press releases and interviews, stating, "there will be no impacts", or, "the community overwhelmingly supports the project"?

I should not be required to compromise or negotiate when it comes to an intruder causing harm to my family and home. None of the hundreds of well owners asked for this. None of us would be the recipient of any benefit whatsoever. We need complete protection from this potential catastrophe, with a comprehensive well monitoring program that is designed around the adequate years necessary to produce dependable data. This data should have been obtained before the DEIR, according to CEQA. This program must also lay out, in specific details, the transfer to an equal replacement water source, with all necessary infrastructure in place, and independent from Rise Gold for immediate implementation when a well fails.

Our stress levels are off the charts dealing with these potential consequences, including financial ruin and loss of our nest egg. The fact that I must beg for protection in 3 minutes here is just as stressful. No one here today would accept even the tiniest risk that they could lose their water in exchange for gold in the pockets of strangers. I implore the board reject this FEIR and take everything back to the drawing board with our protection as top priority.

Tony & Lauren Lauria  
13784 Greenhorn Rd  
Grass Valley, CA 95945  
530-273-3106

## ATTACHMENT 2





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## **Mine Waste and the Water Pollution Problem**

### **Jan 10, 2023**

The Final EIR for Rise Gold's Idaho-Maryland Mine is inadequate because it fails to address the potentially significant impact of mine waste disposal.

The Mine project plans to export 1000 tons of tailings and waste rock per day. This mine waste will be dumped into 2 Engineered fill piles over the course of the first 11 years. After that, the mine waste will be disposed of through off-site sales.

There are significant issues with the disposal of mine waste due to the potential to pollute ground water and surface waters by leaching hazardous chemicals. This falls under the jurisdiction of the Regional Water Quality Control Board.

The Water Board classifies mine waste by Groups A, B, and C. Only Group C, which has relatively low levels of contaminants, is clean enough to be used for off-site sales. Groups A and B require more stringent controls. The Water board requires mine waste testing to determine classification. In response to the Draft EIR, the Water Board stated: "The applicant shall not sell or utilize waste rock and tailings from the Project for construction aggregate or fill purposes offsite unless such material has been tested and confirmed to qualify as Group C mining waste..." [1]

In the EIR, the Water Board and numerous other parties identified that there was insufficient testing to determine whether the mine waste would be Group C, suitable for off-site sales.

Per the Water Board comments:

*"...the alternative scenario that the mining waste is not suitable for off-site use should be examined."*

The Water Board goes on to state that Rise should assess any constraints or challenges associated with waste disposal in case they can't do off-site sales for construction aggregate. They conclude with:

*"The Draft EIR should be revised to address this comment."* [3]

Rise Gold acquired a collection of drill cores and samples from Emgold Mining when they purchased the mine. In addition, they did over 67,500 linear feet of exploratory drilling. . Yet, from all those samples, they chose to test only 11 feet to characterize what will be over 25 million tons of waste rock that will be produced over the life of the mine. [2]

Disposal of mine waste is a critical element of the project with the potential for causing significant long term impacts. Yet no further testing was produced for the Final EIR. This is inexplicable.

CEQA requires that the EIR "...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." [4] This Final EIR fails to do that.

---

You are being asked to approve a project without knowing if any portion of the mine waste will qualify as Group C. Currently, there is no realistic plan for continued mine operations if you can't sell the mine waste.

The Final EIR response uses speculative, unproven assumptions stating that the mine rock "...would not be mined until mine waste characterization has been performed to ensure the rock will be suitable for off-site sale. Rock types that are not suitable for off-site sale would likely not be mined, and if mined, the waste rock would be placed underground" [5].

Mine waste classified as Group A and B requires specific management that must be determined by the Water Board, and cannot automatically be placed underground.

Backfilling with waste rock and tailings is the exact scenario which has led to polluted ground water discharges in so many mines in our area. This new element, the placement of Group A or B mine waste underground, was not included in the Draft EIR.

Even disposal of mine waste on the project sites for Engineered fill (Centennial for 5 years, Brunswick for 6 years) requires testing and will have to meet the Water Board's approval. Quoting the Final EIR:

"The barren rock and sand tailings would undergo testing as part of obtaining [Water Discharge Requirements] WDRs for use in the Engineered fill pads, and compliance with water quality objectives will need to be demonstrated to the [Water Board ] prior to that placement ." [6]

The project description fails to provide an adequate means of interim storage for mine waste.

The viability of the entire project is dependent upon the safe disposal of mine waste under Group C. There were numerous core samples available that could have undergone static and long-term dynamic testing, yet, subsequent to the release of the Draft EIR, no additional testing was done.

Even if the mine waste is all Group C, it is hard to believe there will be no need to stockpile any of it for shipping off site. 1,000 tons/day will be coming out of the shaft. That's about 50 truck loads/day. Construction aggregate is seasonal. Most construction shuts down in the winter.

The Final EIR is inadequate because it fails to address the potentially significant impact of mine waste disposal. Again, critical testing after project approval does not provide an "...accurate and understandable picture...of the projects likely...impacts".

Thank you.

Ralph Silberstein  
John Vaughan  
CEA Foundation

////References////

[1] FEIR Page 2-61 (p134)

[2] 1000 Metric tons per day x 365 days per year x 75 years = 27,375,000 tons.

[3] FEIR Page 2-233, 234

[4] <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>

[5] FEIR Page 2-60

[6] FEIR Page 2-59, 2-60 Master Response 11

## ATTACHMENT 3



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

Jan 24, 2023

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.

## ATTACHMENT 4



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## **Idaho-Maryland Mine Greenhouse Gas Emissions Are Significant**

Feb 7, 2023

The Idaho-Maryland Mine Final Environmental Impact Report (EIR) is inadequate in its assessment of greenhouse gas (GHG) emissions. A valid threshold for GHG emissions was not set in the EIR.

As stated in the EIR, CEQA Guidelines allow a lead agency to determine its own thresholds for environmental impacts (including GHG emissions), and “explicitly provides that an agency may consider thresholds adopted by other agencies provided that such decision is supported by substantial evidence.”[1]

The Northern Sierra Air Quality Management District has not set thresholds for GHG emissions, so, as lead agency, Nevada County simply applied the 10,000 Ton/year [2] carbon-dioxide-emission threshold chosen by some other air districts for this project. However, the justifications for adopting these thresholds are unique to each air district. These other air districts have prepared detailed GHG inventories to identify and evaluate strategies for achieving the statewide GHG reduction goals within their districts.

Nevada County cannot simply assume that the justifications used by other air districts to adopt their thresholds also apply in Nevada County. Hence, the EIR failed to provide “substantial evidence” required by CEQA by just relying other districts for setting the threshold. In fact, the EIR provided no evidence beyond just copying what other districts used.

But this is doubly wrong because the other air districts originally adopted the 10,000 Ton threshold to achieve the older statewide GHG goal under California Assembly Bill 32, which is no longer consistent with the current statewide GHG reductions goals.[3]

In 2015, the California Supreme Court determined that a project’s GHG emissions should be evaluated based on its effect on California’s efforts to meet its long-term climate goals.[4]

Then, in 2017, the California Air Quality Board Climate Change Scoping Plan stated “Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.”[5]

And in 2018, Governor Brown signed Executive Order 55-18, calling for the state to achieve carbon neutrality as soon as possible and no later than 2045, and to achieve and maintain net-negative emissions thereafter.[6] In view of this, the mine’s 9000 tons/year of emissions for 80 years should be considered significant and unmitigated.

The mine is proposing an 80 year project, and no consideration was given to meeting the state's GHG emission goals. The EIR should have established a net zero threshold for GHG emissions from the proposed project.

For example, in considering current goals, the recent Draft EIR for another mine - the analogous Sargent Ranch Quarry project within the Bay Area Air District uses a net-zero significance threshold for operational GHG emissions.[7]

This EIR should have done the same. The EIR does not explain why the Project should be exempted.

### **Nevada County Energy Action Plan**

The Nevada County Energy Action Plan's (EAP) goal is to reduce the projected annual grid supplied electricity the county will use in 2035 by 51% and the annual natural gas use by 30% through energy efficiency measures. The mine's electricity use is equal to adding the energy use of 5,575 homes in Nevada County. This almost eliminates the results of any energy-saving measures planned by the county.

This project will consume 49,000 Megawatts of electricity, in direct conflict with the County's energy reduction goals.[8] The FEIR states "...although the EAP is not a Qualified GHG Emissions Reduction Plan under CEQA the project was nevertheless determined to be consistent with the EAP." [9] This statement is essentially false. [10]

In fact, the Mine operation is antithetical to the County's Energy Action Plan. The Nevada County Planning Commission and the Board of Supervisors should ask the question: Are we serious about the Energy Action Plans? If so, this mine should not be approved.

In conclusion, the EIR for the mine fails to correctly identify a valid threshold for GHG emissions by assuming an outdated 10,000 Ton threshold without any substantial evidence, failing to consider the current State goals, and it would also effectively undo a large part of the goals of the Energy Action Plan.

Under CEQA, this EIR is totally inadequate in addressing the significant impacts of greenhouse gas emissions from Rise Gold's proposed mine.

Thank you,

Don Rivenes  
Ralph Silberstein  
CEA Foundation

[1] FEIR Page 2-115, 2-116, per CEQA 15064.7(c)

[2] "Ton" used herein is Metric Ton Carbon Dioxide Equivalent emissions (MTCO<sub>2e</sub>)

[3] SB-32 California Global Warming Solutions Act of 2006

[4] *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), [https://ceqaportal.org/ceqacase.cfm?cq\\_id=1612](https://ceqaportal.org/ceqacase.cfm?cq_id=1612)

[5] California Air Quality Board 2017 Climate Change Scoping Plan, page 101

[6] Executive order 55-18 signed by Governor Edmund Brown September 9, 2018

[7] Santa Clara County, 2022 Sargent Ranch Quarry DEIR 3.8-10

[8] FEIR Appendices, p1945, Appendix M, Dudek, 1.2

[9] FEIR Response to Comments Page 2-753

[10] Nevada County Energy Action Plan, Page 2



## ATTACHMENT 5



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## **Mine Waste and Asbestos Impacts Comments on the Final EIR**

March 14, 2023

### **Overview**

Airborne asbestos is hazardous to inhale, leading to lung cancer and other diseases. The Idaho-Maryland Mine Final EIR does not provide enough data to determine the potential impacts of airborne asbestos, and the asbestos management plan (ASUR plan) for preventing hazardous emissions is inadequate.

Very limited asbestos testing was done, constituting less than 2/10,000 of the total rock to be mined over the project lifespan. As the Air Quality Board stated “It would be short-sighted to commit to the ASUR Plan for the entire life of the mine based on the few samples that have been tested so far.” (FEIR Page 2-360)

The ASUR plan was developed to limit emissions, but it is a flawed document that fails to provide the needed protections. Under the plan, if the asbestos concentrations on any 1000-ton lot of mined materials would put the 3-month rolling average asbestos concentration over a threshold of 0.01%, it would not be allowed to be exported.

A key problem is accurate and timely testing. It takes 2 weeks to get the results. The Final EIR has no provisions for stockpiling materials while waiting for results. And no temporary storage on the surface is provided. To avoid the need for stockpiling mined materials, the plan states that exploratory drilling tests will determine what can be mined in advance. Then grab samples will be taken as the rock is loaded into silos for deployment. But the testing is too sparse.

The loading into silos of 1000 tons of rock requires about 166 6-ton skip loads. This means that the grab test will only capture, on average, about 1 out of 55 skip loads, and even then, the three grab samples will be mixed together to form one combined test. And even accurate sample testing before shipping will not always prevent exceeding the safe average threshold.

Examination of how this system may fail reveals that large quantities of mine waste could pass through undetected. And though the ASUR plan talks about what happens when the delayed testing shows that the threshold was exceeded, it doesn't actually provide a credible solution or adequate oversight.

Finally, it's important to note that all exported Mine Waste from this mine must be classified as “Restricted Materials” (ASUR 9.2, p18) Aggregate suppliers in the region have indicated that they do not handle Restricted Materials because there is no market for them and there already are abundant aggregate sources regionally.

In conclusion, the Final EIR does not provide adequate data on asbestos concentrations, and fails to adequately address processing and disposal of asbestos-bearing mine waste.

## **A. Introduction**

Asbestos is found in all the rock types within the Idaho-Maryland Mine in varying concentrations, though it is predominantly associated with Serpentinite, which can contain high concentrations. Airborne asbestos is hazardous to inhale. It can lead to mesothelioma cancer, asbestosis, and other diseases, and is closely regulated by the California Air Resources Board (CARB). The mine's "Asbestos, Serpentinite, and Ultramafic Rock (ASUR) Management Plan" (DEIR Appendix E.2) was developed to address the management of asbestos airborne emissions. Regulation of asbestos emissions falls under the jurisdiction of CARB and the Northern Sierra Air Quality Management District (NSAQMD). Management of asbestos to prevent hazardous emissions is complicated by the difficulties of accurately testing for it and by the fact that concentrations can be found close to gold ore.

## **B. Criteria**

The FEIR Condition of Approval 3 (COA-3) and the ASUR Plan establish a limit of 0.01% asbestos by weight as the threshold for managing all mine waste that leaves the enclosed project structures or containment structures, such as the silos, conveyors, and processing facility. Under the ASUR Plan, if the asbestos concentrations on any 1000 ton lot of mined materials would put the 3-month rolling average asbestos concentration over 0.01%, then that lot would not be allowed to be sent out of the containment structures.

The Final EIR does not provide enough baseline data to determine whether the project can be mined while meeting this threshold. Very limited testing was done. Thirty-seven samples were taken, but they came from only 3 drill holes. (Drill Holes 1-18-11, 1-19-13, and 1-19-14, ASUR Plan, Appendix C, p55-57). Assuming that each sample provided a good estimate of the asbestos concentrations for a 2000 cubic foot volume ( 20' h x 10' w x 10' d ), the tests constituted less than 2/10,000 of the total rock to be mined over 75 years. The criteria for sample selection was not specified and the sampling party was not named.

Even so, of the 37 drill core samples from the mine that were tested, asbestos testing (TEM method) determined that 15 had asbestos, and 8 of those had asbestos over the 0.01 limit. A potential hazard clearly exists.

There are three test methods. Polarized Light Microscopy (PLM) is fast but not precise, being only valid for detecting above 0.25%. This method is not adequate for detecting the 0.01% threshold, but it is used to define the threshold for surfacing applications under the Airborne Toxic Control Measure (ASTM). The Transmission Electron Microscopy (TEM) process is more accurate, but takes up to 2 weeks to get a result. The TEM test is what dictates most of the management activities in the ASUR Plan to prevent asbestos emissions. (A third method, Phase Contrast Microscopy (PCM), is not valid for rock sampling but is used for air quality monitoring and provides a referential standard for TEM.) (ASUR, p8).

The FEIR has NO plans for the temporary stockpiling of mined materials. So, to avoid the need for stockpiling mined materials, the ASUR Plan states that samples from exploratory drilling will be tested for asbestos in advance of mining. If the anticipated rolling average asbestos levels exceed 0.01%, gold ore will not be mined and barren rock will either not be mined or mined using a dust collection system and materials will be disposed underground (ASUR, p9). However, the prescribed testing is sparse and could easily miss rock having higher asbestos levels. Just one combined test per 1000 thousand tons of mine rock is prescribed (1000 tons is approximately equal to an 8'x8'x170' block).

The mined rock will be lifted from the mine to the silos on the surface with skips. Gold ore will be dumped into a silo with 1000 tons of capacity and barren rock into two smaller silos with 400 tons of capacity. From the gold ore silo, material is fed into the processing facility via an enclosed conveyor.

The project plans to process about 1500 tons of rock per day, from which 1000 tons is expected to be mineralized rock (gold ore) and 500 tons is expected to be waste rock (barren rock). The gold ore will be run through the processing facility to extract a gold concentrate, leaving 1000 tons of fine sand tailings material which must be disposed.

About half of the sand tailings, 500 tons per day, will be mixed with cement to form a cement paste backfill material which will be put back into the mine. The other 500 tons per day of sand tailings will be stockpiled to be loaded onto trucks with a front-end loader and trucked off. The 500 tons of barren rock that are mined daily will be moved via conveyors to the truck loading building for export.

### **C. Deficiencies of the Testing and Processing Plans**

To prevent the 3-month rolling average of asbestos in rock from exceeding the 0.01% threshold, the ASUR Plan relies on developing an inventory of asbestos levels of un-mined rock through exploration and testing, and then avoiding mining the rock that would violate the threshold.

However, the critical test that monitors what will be exported is taken when the gold ore and barren rock are lifted and dumped into the silos. A minimum of three grab samples must be taken for each 1000 tons that are transferred. These three samples will then be combined to form a composite sample for a single test result. Each sample is added to the record which tracks the rolling average of exported materials.

The materials are lifted into the silos using skip carts that lift around 6 tons (ASUR, Fig 2). The processing of 1000 tons requires about 166 skip loads. Each grab test will only capture, on average, about 1 out of 55 skip loads, and even then, the three grab samples will be mixed together in a combined test. Because of the sparseness of the sampling, 1000 tons of mine rock, or about 50 truckloads worth, could contain excessive levels of asbestos and still pass through undetected.

Complicating that, the materials go into a split output stream, with a daily average of 1000 tons going to the processing facility and 500 tons going directly off-site as barren waste rock. It is not specified how the grab samples would be associated with the two output streams.

After processing, as described previously, the sand tailings are exported: 500 tons of the tailings will go off-site, and 500 tons will be transported back into the mine and used as cemented paste backfill. The plan should specify separate sampling criteria for each stream of materials which should follow those materials through the process phases.

The amount of required testing is inadequate to reasonably detect the asbestos levels of materials leaving the containment structures. The ASUR Plan does not even specify testing of the sand tailings after processing, and there are no provisions for the gold ore to be tracked to associate the specific test results with the 1000 ton loads as the material is sent through the processing facility. If a TEM grab test comes back with unexpectedly high asbestos values, how would the processing system determine which sand tailings from the processing output should be redirected to be used as cemented-paste backfill? This part of the plan is inadequate in assuring that higher-than-expected levels of asbestos are not being exported.

The materials' processing is a stream, but the ASUR Plan tries to manage the materials by testing blocks of un-mined rock. Materials from multiple sites within the mine will be transported, crushed to 6" maximum size and lifted for processing. Most of the materials will then be sent via conveyors to the processing facility, and the resultant sand tailings will be conveyed and accumulated for hauling out. The testing procedure is poorly suited for tracking the materials through the processing system. How will the process keep track of which final outputs were from a given block of un-mined rock?

In addition, under certain conditions as described in ASUR Plan Section 6.0-7i (ASUR, p8), gold ore with high asbestos levels would be processed, which means introducing gold processing tailings with known exceedances into the same system.

#### D. Deficiencies in the Moving Average Approach

Exceeding the 0.01% threshold would only be detected in hind-sight once the TEM tests are processed. In addition, a series of many individual loads in excess of 0.01% could be shipped out and still not exceed the 3-month rolling average if the average started out low. Given that there is no plan for on-site storage, the possibility is real that, during the 2 week testing lag time, many additional 1000-ton batches of materials exceeding 0.01% asbestos would be processed. Taken together, many weeks' worth of mine waste with high levels of asbestos could be shipped out.

We noted above that one test from 3 grab samples is sparse and can likely give inaccurate results. But even if testing accurately measures the asbestos levels per day, it does not assure that the 3-month rolling average won't end up exceeding the 0.01% threshold. For example, the following test results would result in a 0.024% average asbestos concentration on Day 120 even after an operations shut down on day 106.

#### Threshold Exceedance Example

Day 105:

- 75 days exported averaging 0.008%
- 15 days exported averaging 0.02%  $((75 \times 0.008) + (15 \times 0.02)) / 90 = \mathbf{0.01\% \text{ average. OK}}$
- 15 days exported (test results not back yet, avg 0.03%)

Day 106:

- 74 days exported averaging 0.008%
- 15 days exported averaging 0.02%
- 1 day exported at 0.03%  $(74 \times 0.008) + (15 \times 0.02) + (0.03) / 90 = \mathbf{0.0102\% \text{ average, SHUT DOWN}}$
- 14 days already exported (test results not back yet, avg 0.03%)

:

Day 120:

- 60 days exported averaging 0.008%
- 15 days exported averaging 0.02%
- 15 days exported averaging 0.03%  $((60 \times 0.008) + (15 \times 0.02) + (15 \times 0.03)) / 90 = \mathbf{0.024\%}$

**Results in 15 days exceeding the 0.01% rolling average!**

In the Threshold Exceedance Example, the 90 day average asbestos level ends up at 0.024% even while complying with the ASUR Plan by shutting down on the first day of exceedance (Day 106). Plus, in total, 30 individual days of output exceeded 0.01% asbestos concentration.

The ASUR plan to prevent the asbestos levels from exceeding the 0.01% threshold is inadequate.

### **E. Surface Exposures of Airborne Asbestos at the Engineered Fill Sites**

There will be about 500 tons per day of sand tailings exported from the ore processing plant. This represents approximately one half of 1000 tons of tested gold ore from the silo. The sand tailings from the gold ore processing is stockpiled inside a containment structure to be loaded onto trucks with a skip loader and shipped off. Operations run for 24/7 but materials are only shipped off 16 hours per day and may have weather related days of no shipping, accumulating the sand tailings, which are loaded into trucks outside the structure (FEIR Page 2-543). Conceivably, the 30 days of gold ore that were processed in the Threshold Exceedance Example could produce sand tailings exceeding the 0.01% threshold.

How would it be determined which sand tailings came from the contaminated materials that end up in the sand tailings containment structure?

After the sand tailings are delivered to the planned Engineered Fill dumping sites at the Centennial site, and later the Brunswick site, they will be mixed with the barren rock in the open air by “on-site blending of blast rock and sand tailings” (DEIR Centennial GeoTechnical Report, p13). Using the Threshold Exceedance Example, thirty days of materials exceeding the asbestos threshold - equivalent to 1500 truck loads - could be mixed in the open air on the Engineered Fill sites, in clear violation of the ASUR Plan goals for reduction of airborne asbestos.

### **F. Exported Mine Waste is Classified as “Restricted Materials”**

**All mine waste, aka “Engineered Fill” or “sand tailings and barren rock,” from the Idaho-Maryland Mine is considered “Restricted Materials” under 17 CCR 93106(d)(1).** (ASUR Plan, p16-17).

The Restricted Materials can be separated into two groups, one group being below the 0.25% threshold under the ASTM rule, and the other group being equal or above that threshold.

**For materials below 0.25% asbestos** using the PLM test, the material can be transported and used for Engineered Fill or surface applications, but “*Any person who transports Engineered Fill (considered a restricted material) must maintain a copy of all receipts with the material at all times during transit and application*” (ASUR p16).

The following receipts must be provided:

- A. The amount of restricted material that was sold or supplied;
- B. The date that the restricted material was sold or supplied;
- C. The dates that the restricted material was sampled and tested; and
- D. A statement that the asbestos content of the restricted material is less than 0.25 percent.

Because the ASUR plan establishes a threshold of 0.01% for the rolling 3-month average using TEM testing, it is probable that most of the mine waste that is output from the facility would fall below 0.25%. However, it is worth noting that some 1000 ton daily outputs could exceed 0.25% and still not cause the rolling 3 month average to exceed 0.01%. (For example, 89 days with an average of 0.007% and 1 day with 0.25% asbestos concentration by weight equals a rolling average of less than 0.01%.)

**For materials at or above 0.25% asbestos**, the mine waste is classified as “Asbestos Containing Material” under ATCM for Surfacing Standards. For Engineered Fill materials detected at or above 0.25% using the PLM test, strict usage requirements are imposed to prevent exposure or possible future

disturbances. ATCM requires that “*the material shall not be used for surfacing applications pursuant to 17 CCR 93106*” (ASUR p16).

In the case of at or above 0.25%, it cannot be used for surfacing, but it may be used for operations that assure the materials will be handled under strict conditions. All materials in this classification must be accompanied with the following written receipt:

**WARNING!**

**This material may contain asbestos.**

*It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances.*

*Extreme care should be taken when handling this material to minimize the generation of dust.*

*Any person who transports Engineered Fill (considered a restricted material) must maintain a copy of all receipts with the material at all times during transit and application.*

Of course, the three-month rolling average must also be less than 0.01% to even be shipped out.

**G. The “Restricted Materials” classification may severely limit off-site sales.**

As the ATCM rules make it clear:

**“All aggregate extracted from the Idaho-Maryland underground mine, including barren rock and mineralized material sent for processing, is considered Restricted Material under the ATCM for Surfacing Applications”** (ASUR 9.2, p18).

Aggregate suppliers in the region have indicated that they do not handle Restricted Materials because there is no market for them.

**H. Unapproved Underground Dumping May Violate Water Board Standards**

The ASUR Plan does not address how the mine waste which might be diverted to underground storage because of high asbestos levels would be tested to conform with the Water Board’s requirements to prevent pollution of ground and surface waters through leaching of hazardous chemicals. Because the Final EIR did not include adequate testing of the mine rock for possible water contamination, the Water Board is requiring continuous testing to determine whether the materials conform to Group C mine waste, which is required for off-site use, or whether the Water Board will require special processing as the more hazardous Group A or Group B mine waste.

**I. The ASUR Plan is Ambiguous and Self Contradictory**

**1) Ambiguous Terms**

The ASUR Plan discusses the processing and testing of mine waste by utilizing the euphemism “Engineered Fill,” eventually describing it on page 13 in the statement: “...asbestos content of Engineered Fill (barren rock and sand tailings) placed and compacted...” Since there is an intent to simply sell the the mine waste, “Engineered Fill” doesn’t seem to mean the applicant is including the “placement and compacting.” Hence, the document seems to define Engineered Fill simply as “barren rock and sand tailings.”

The use of the term “engineered fill” is ambiguous when there are statements such as “the remainder of the *sand tailings* will be used for *engineered fill*.” Substituting the words “barren rock and sand tailings” for “engineered fill” in this statement then reads thus: “the remainder of the *sand tailings* will be used for *barren rock and sand tailings*.”

Another confusing example is the use of the term “Asbestos Containing Materials.” This term is explicitly defined in the document to mean materials having over 0.25% asbestos under the ASTM rule. However, materials having asbestos exceeding 0.01% are also referred to as “asbestos containing materials,” as seen on ASUR Plan page 20.

The ASUR Plan document contains numerous ambiguous statements which distort the meaning and validity of the document.

## **2) Aggregates, Surfacing and Loopholes**

Rock aggregates that are used in the construction industry include a wide range of materials mostly consisting of specific crushed rock sizes that are generally screened or filtered to within certain size limits (e.g. ¾” Class II road base) and many also require washing. The barren rock that is produced by the mine will be mixed crushed rock 6 inches or less in size and would need to be recrushed to the right sizes, screened, and sometimes washed to meet most aggregate market demand. The sand tailings are fine sand or silt size granules which have very limited use. (See <https://www.gohbe.com/index.php/rock-masonry>.) However, the ASUR Plan mistakenly treats Engineered Fill and surfacing materials interchangeably. Engineered Fill made of barren rock and sand tailings is not suitable for surfacing applications. Sand tailings have little use and the barren rock would first need additional processing, which requires facilities that the mine does not provide.

The word “aggregate” is commonly known but is not specifically defined in the ASUR Plan. In Section 8.4 (p16), the term is used to describe regulatory restrictions: “*If a composite sample determines that aggregate is not Asbestos-Containing Material, a written receipt must be provided to the recipient of the Engineered Fill.*” This statement is ambiguous in that it is not clear that the Engineered Fill being referred to is the “aggregate” used in this sentence, or some additional materials.

The ASUR Plan repeatedly refers to surfacing materials as if they are equivalent to Engineered Fill. For example, the statement in Section 6.0 -Item 7(i):

*“If planned mining is projected to result in insufficient material available for Surfacing in Engineered Fill Placement Plan:*

*i. An operational plan will be prepared and approved...”*

Item 7(i) in section 6.0 also describes ambiguous conditions about “insufficient materials” which seemingly allow mining of Asbestos Containing Material if it is gold ore.

Then the subsequent Item 8(i) in Section 6.0 then states that if the 0.01% threshold would be exceeded, gold ore will not be mined. (ASUR, p9) This is in direct contradiction to Item 7(i)!

## **3) Operations Oversight**

The ASUR Plan lacks clearly defined oversight for the management of the asbestos materials. Nor are guidelines for approval of changes to operations or procedures provided. Here the responsibility is given to an unspecified “geology department.”

*“If the three-month rolling Asbestos Inventory for materials hoisted to surface exceeds 0.01% asbestos by mass of PCM equivalent units the geology department will immediately investigate the source of the*



*asbestos containing material and halt mining in the area of concern until a revised mine plan is prepared in compliance with the ASUR Plan” (ASUR, p20).*

This is inadequate. To provide reasonable safeguards, an independent party should be responsible for overseeing monitoring, investigations, reporting, and corrective actions. What constitutes a valid report should be defined. And guidelines for subsequent actions should be explicitly defined and authorized by the County and NSAQMD, and not be done by employees of the mine.

The ASUR Plan was written by Rise Gold (ASUR, p1).

## **Conclusion**

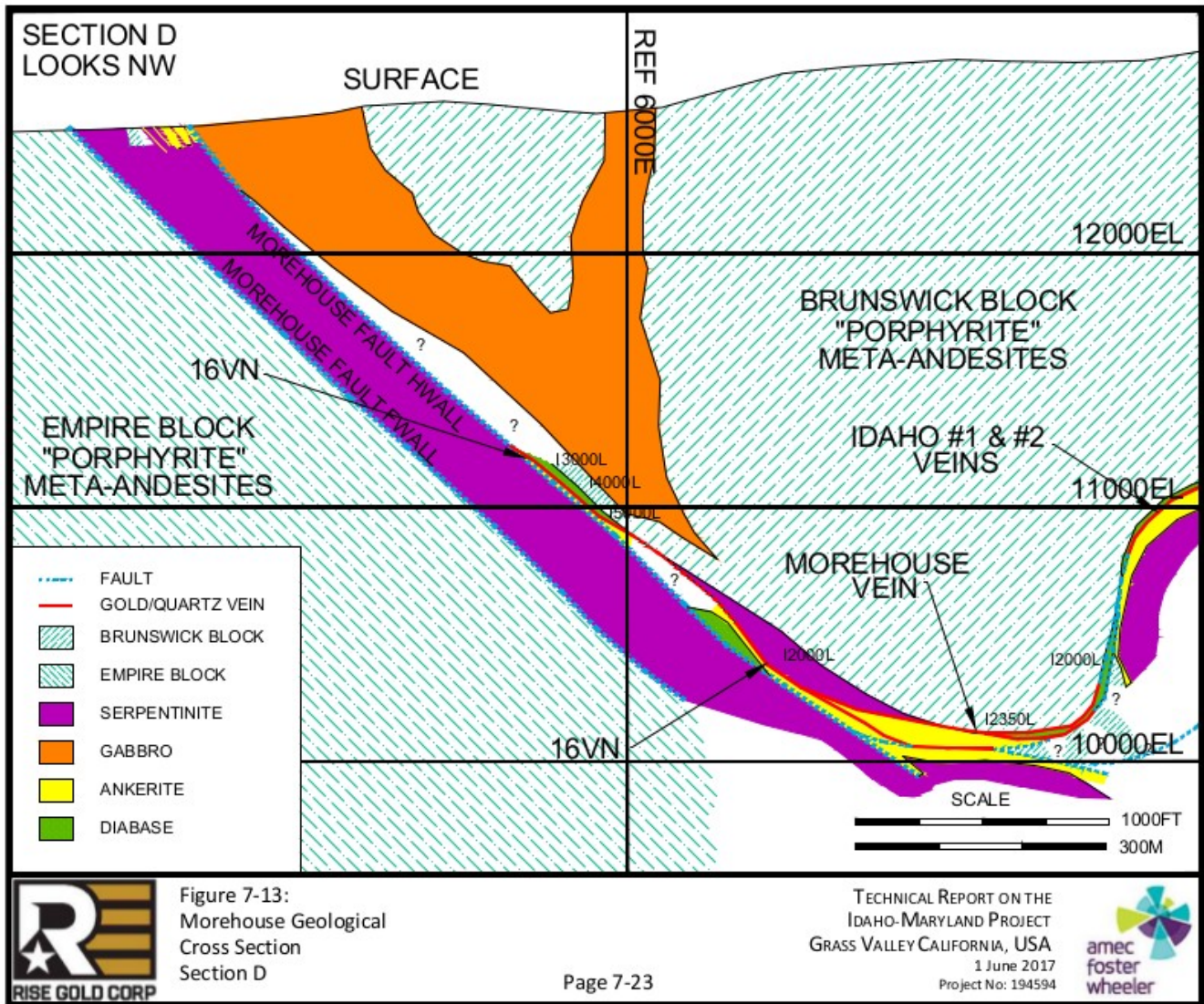
The Final EIR does not provide adequate data on asbestos concentrations in mine rock to determine the potential impacts under CEQA. In addition, the ASUR Plan fails to adequately address processing and disposal of asbestos-bearing mine waste to meet its stated goals, and the ASUR Plan is internally inconsistent and ambiguous, providing numerous loopholes in regulatory oversight.

The potential for hazardous airborne pollution from the mine project is a significant health concern which is inadequately addressed in the Idaho-Maryland Mine Final EIR. This Final EIR should be rejected.

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The appended figure is from page 106 of Rise Gold’s “Technical Report On The Idaho-Maryland Project” ([https://www.risegoldcorp.com/uploads/content/I-M\\_Tech\\_Report.pdf](https://www.risegoldcorp.com/uploads/content/I-M_Tech_Report.pdf)). It shows the Morehouse Fault and the location of gold ore in close proximity to surrounding Serpentinite rock beds. Serpentinite is generally high in asbestos. The purple shows Serpentinite, the orange shows Gabbro, and the red line shows the gold-quartz ore vein. The region near the bottom of the figure is a primary target for the proposed project.

# Geology Cross Section from Rise Gold Technical Report



## ATTACHMENT 6



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## **Off-site Sales of Mine Waste and the Idaho-Maryland Mine Final EIR**

March 20, 2023

### **Introduction**

The Idaho-Maryland Mine Final Environmental Impact Report (FEIR) does not provide adequate information regarding the viability of the plan to dispose of mine waste through off-site sales and does not have provisions for adequate on-site temporary storage or permanent disposal of mine waste, leading to potentially significant impacts.

The project documents call for approximately 11 years of operations in which the mine waste will be disposed of on the Centennial and Brunswick sites as “Engineered Fill,” but the FEIR fails to resolve uncertainties affecting the viability of that plan. Due to inadequate testing information in the FEIR, the mine waste could not be classified as Group C mine waste by the Regional Water Quality Control Board as needed to allow dumping onto these two sites. In addition, due to inadequate testing of mine drill cores for asbestos to establish a reasonable assessment of the potential hazards due to airborne asbestos, numerous management issues regarding the safe handling and placement of asbestos-bearing rock as “Restricted Materials” remain unresolved.

Worse still, for the remaining 65 or more years of operations, even if the issues of potential water and asbestos impacts are resolved, significant issues remain as to how and where the mine waste will be disposed.

### **Mine Waste Disposal Plans**

The mine operations will require disposing of 1500 tons/day of mine waste 365 days/year for approximately 75 years. Five hundred tons/day of sand tailings are to be returned underground in the form of cemented paste backfill. The remaining 1000 tons/day, consisting of 500 tons/day of barren rock and 500 tons/day of sand tailings, will be exported from the containment structures of the processing facility.

The mineralized rock (ore) and barren rock will be removed from the mine by hoisting and dropping the materials into the silos on the surface at the New Brunswick shaft. The silos will have a capacity of 1000 tons for the ore and 400 tons for the barren rock. This means that the silos will have a maximum capacity of just under the daily production of 1500 tons. The 1000 tons/day ore will then be run through the processing facility and the sand tailings for export will be loaded into haul trucks with a front-end loader from within an enclosed structure. The barren rock will be loaded directly into haul trucks from the silo.

## **Market Demand**

The FEIR states that after the Centennial and Brunswick sites are full, "...hauling of engineered fill (barren rock and sand tailings ) would shift entirely to be utilized in local and regional construction markets." (FEIR Page 2-59). The market demand for this mine waste (barren rock and sand tailings) has not been established.

The FEIR mistakenly assumes that the aggregate market is analogous to the market for mine waste rock (or barren rock) and sand tailings. The FEIR then argues that there is substantial market demand for aggregates in the region. (See FEIR Master Response 11, "Evidence for Market Demand", Page 2-61, 62)

The FEIR notes that the Sacramento County aggregate production-construction area has less than 50% of its 50-year aggregate demand currently permitted, and also lists the annual demands for Nevada County, Placer County, and Yuba City/Marysville. The FEIR then concludes, "This master response demonstrates that there is sufficient market demand for engineered fill (barren rock and sand tailings)". This is a false conclusion based upon selectively excerpting data from the California Department of Conservation Mapsheet 52, 2018, ([https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS\\_052\\_California\\_Aggregates\\_Map\\_201807.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS_052_California_Aggregates_Map_201807.pdf) )

In fact, the Department of Conservation data shows that Sacramento County has 327 million tons of aggregate supplies already permitted, enough to meet 21 to 30 years of demand. In addition, it is entirely reasonable to expect that within the next 20 to 30 years, more permits may be issued in Sacramento County. In addition, the aggregates map also shows that surrounding counties already have more than enough surplus aggregate supplies to provide for the needs of Sacramento County. Placer County has more than double the estimated 50 year aggregate demand already permitted (387 million tons vs 188 million tons needed), Nevada County has 125% of the 50 year aggregate demand already permitted (52 of 41 needed), and Yuba City-Marysville has almost 200% already permitted (679 of 344 needed).

A realistic view of the market for aggregates is that there are abundant aggregate supplies in the region, the aggregate market is very competitive, demand varies significantly by season, and most importantly, the mine waste is ill-suited to compete in the aggregate market.

## **Mine Waste versus Aggregate Demand**

The FEIR addresses the market viability for off-site sales based upon assumptions of annual mass volume demand of aggregate and erroneously assumes that the mine's barren rock and sand tailings would be suitable for meeting that aggregate demand.

Aggregate production is a business which requires the delivery of specific rock sizes and grades depending on the nature of the customer's project. A producer must be able to produce and deliver rock that meets the specifications - such as those noted below - in the specific tonnages required by the customers. Regional market demands for aggregates are wildly varied in grade and size and producers must comply with aggregate specifications. Consequently, aggregate producers have to produce and stockpile numerous specific products, which have different production inputs, screening, crushing, and washing needs.

The mine will be exporting 500 tons/day of “sand tailings” and 500 tons/day of “barren rock.” The sand will be a mix of medium and fine sand, down to very fine silt that has limited market value (300 - 0.044 mm). The barren rock will be crushed to “approximately 6 inches maximum dimension.” (DEIR appendix H4, p14 ) These two products fulfill only a small portion of the aggregate market.

At the very least, in order to compete in the aggregate market, significant processing of the mine waste would be required, and the Idaho-Maryland Mine project does not include any of the facilities needed for that processing. The mine waste material may only be suitable for fill, while the majority of aggregate sales in the region are for specified aggregate types.

### **Example Aggregate Products \***

<b>Crushed Aggregate – No Fines</b>		
Crushed Aggregate (3/8" Hot Plant)	3/16" x 7/16"	Black & white river rock used for pathways landscaping and underdrains.
Crushed Aggregate (1/2" Hot Plant)	7"/16" x 5/8"	Black & white river rock used for pathways landscaping and underdrains.
Crushed Mine Rock	1" x 2"	1" x 2" Good rock in muddy areas. Lays down well, very angular.
Crushed Mine Rock	2" x 5"	very angular rock good for very muddy and wet locations.
3/4" Clean Crush	5/8" x 1"	Crushed angular rock with very few fines is popular for parking areas and driveways.
Permeable Class 1 Type B (1/4" x 1/2")	1/4" x 1/2"	round river rock used for underdrains.
Trench Fill, Crushed certain NID jobs	3/16" x 5/8"	This aggregate has been designed to meet fill material specifications for
<b>Crushed Aggregate With Fines</b>		
Aggregate Base 3/4" Class II	1" minus	State spec. product. Compacts well use under driveways, roads, etc
Limestone Base Rock 3/4"	1" minus	Blue-gray angular rock with fines. Packs very hard.
Road Rock 1/2"	1/2" minus	Crushed black & white rock with fines.
Road Rock 3/4"	1" minus	Crushed black and white rock with fines.
3/4" AB II Ridge Rock slopes	1" minus	This very angular blue/green-gray rock packs well on driveways and is good on slopes
Crushed Mine Rock 1 1/2"	2" minus	Very angular blue/green-gray to brown rock, packs very well.
Recycled Base Rock 3/4"(ClassII)	1" minus	Base rock made from 100% recycled asphalt, concrete and aggregate products.
3/16" x 5/8" Clean Crushed	3/16" x 5/8"	This angular crushed product is made at our Ridge Rock Quarry.
<b>Sand</b>		
Crushed Sand	1/4" minus	This sand packs very well. Used for backfill under pipes and culverts and pathways.
Masonry Sand	1/8" minus	Fine washed sand used for stucco, mortar & horse arenas.

Fill Sand, PG&E Spec.	1/8" minus	This economical sand packs well. Used as fill in trenches over pipe and gas lines.
Pond Sand/Silt	1/16" minus	Very fine unwashed product, typically used as affordable fill material.

\*Partial Aggregate List From Hansen Bros. Enterprises, <https://www.gohbe.com/index.php/rock-masonry> . See also <https://teichert.com/materials/aggregate-products/>, <https://unionquarries.com/crushed-stone-sizes-for-construction/>

The FEIR speculates that the project can meet the specific business needs of the aggregate market without providing a plan for how to actually produce the aggregates needed to meet the actual aggregate market demands. In addition, the FEIR does not provide any market demand data for the rock and sand tailings that will actually be produced by the mine.

### **Seasonal Demand**

Furthermore, the market for aggregates is seasonal. There is little demand for aggregate in the winter months, as little construction is taking place due to weather restrictions. In addition, winter weather can shut down any ongoing operations. How will the mine waste be managed during long winter shutdowns? There is no provision for temporary stockpiling of output materials anywhere on the project sites.

### **Asbestos Bearing Mine Waste**

The FEIR does not provide adequate testing to assess the potential impacts of asbestos bearing rock and air pollution hazards, utilizing samples from just 3 drill cores. The few tests that were conducted represented only approximately 2/10,000 of the mine rock volume planned for excavation. This is inadequate.

Management of asbestos bearing rock is described in the “Asbestos, Serpentine, and Ultramafic Rock Management Plan” (ASUR Plan) in DEIR Appendix E.2. Due to the potential for the occurrence of asbestos-bearing rock in the Idaho-Maryland Mine, which is in an Ultramafic Rock zone, all materials extracted from the Idaho-Maryland Mine are considered “Restricted Materials” under the California Air Resources Board (CARB) asbestos Airborne Toxic Control Measures (ATCM). (ASUR Plan, p18). This requires written documentation to accompany any handling, transport and application of the materials, including testing information, amounts, dates, etc. Reportedly, area aggregate suppliers avoid using Restricted Materials because there isn’t a market for them.

In addition, the North Sierra Air Quality Management District (NSAQMD) requires that the 3-month rolling average of asbestos levels in all mined materials that leave the enclosed project facilities must not exceed 0.01% asbestos by weight. Concerningly, there are multiple deficiencies in the ASUR plan which could fail to determine exceedances of this 0.01% rolling average threshold until after the materials have already been shipped out.

The ASUR Plan does not adequately safeguard against exceeding the toxic thresholds that are established for this project. These safeguard deficiencies are identified in “MineWaste\_Asbestos\_Impacts\_Comments\_Final.pdf” ([https://www.cea-nc.org/wp-content/uploads/2023/03/MineWaste\\_AsbestosImpacts\\_Comments\\_Final\\_3-14-23.pdf](https://www.cea-nc.org/wp-content/uploads/2023/03/MineWaste_AsbestosImpacts_Comments_Final_3-14-23.pdf) )

## **Contaminated Mine Waste and Water Impacts**

As mentioned, the FEIR has not adequately determined that the mine waste can be disposed of by off-site sales (see above). Nor has it been adequately determined that the waste can be disposed of by dumping it as Engineered Fill because of its potential to pollute ground and surface waters by the leaching of hazardous chemicals. This inadequacy falls under the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB, or Water Board).

The Water Board classifies mine waste by Groups A, B, and C. Only Group C, which has relatively low levels of contaminants, is clean enough to be used for off-site sales. Groups A and B require more stringent controls. The Water Board requires sufficient mine waste testing to determine its classification. In its response to the Draft EIR, the Water Board states: “The applicant shall not sell or utilize waste rock and tailings from the Project for construction aggregate or fill purposes offsite unless such material has been tested and confirmed to qualify as Group C mining waste...” (FEIR Page 2-61).

In the DEIR, the Water Board and numerous other parties identified that there was insufficient testing to determine whether the mine waste would be classified as Group C. Therefore, its suitability for off-site sales is in question. Per the Water Board comments: “...the alternative scenario that the mining waste is not suitable for off-site use should be examined.” The Water Board goes on to state that Rise should assess any constraints or challenges associated with waste disposal, in case they can’t do off-site sales for construction aggregate. They conclude with: “The Draft EIR should be revised to address this comment” (FEIR Page 2-233, 234). The FEIR does not address the Water Board’s comment. This is unacceptable, especially given that Rise Gold could easily have done an adequate amount of testing to accommodate the Water Board’s requests, given the plethora of drill cores and samples to which Rise Gold has access.

Rise Gold acquired a collection of drill cores and samples from Emgold Mining when they purchased the mine. In addition, they did over 67,500 linear feet of exploratory drilling, themselves. Yet, from all those samples, they chose to test only 11 feet – of the 67,500 - to characterize what will be over 25 million tons of mine waste that will be produced over the life of the mine (1000tons/day x 365days/year x 75years = 27 million tons).

Disposal of mine waste is a critical element of the project with the potential for causing significant, negative, long term impacts if it is inappropriately stored or disposed of. Yet, in spite of the wholly inadequate testing represented in the DEIR, the fact that no further testing of the drill cores was required by the FEIR is inexplicable and unacceptable.

The FEIR response uses speculative, unproven assumptions stating that the mine rock “...would not be mined until mine waste characterization has been performed to ensure the rock will be suitable for off-site sale. Rock types that are not suitable for off-site sale would likely not be mined, and if mined, the waste rock would be placed underground,” (FEIR Page 2-60).

Mine waste classified as Group A or Group B requires specific management that must be determined by the Water Board and cannot automatically be placed underground. Backfilling with waste rock and tailings is the exact scenario which has led to polluted ground water discharges in so many mines in our area. This new project element, the placement of Group A or Group B mine waste underground, was



not included in the Draft EIR and if not addressed adequately has a high potential of creating the same type of long-term toxic mine water discharge again.

Even disposal of mine waste on the project sites for Engineered Fill (Centennial for 5 years, Brunswick for 6 years) requires testing and will have to meet the Water Board's approval. Quoting the Final EIR: "The barren rock and sand tailings would undergo testing as part of obtaining WDRs [Water Discharge Requirements] for use in the Engineered Fill pads, and compliance with water quality objectives will need to be demonstrated to the CVRWQCB prior to that placement," (FEIR Page 2-59, 60). This is further detailed in Mitigation Measure 4.8-1 (e) (FEIR Page 3-37,38,39).

The FEIR Master Response 11 makes false and misleading assertions. The discussion makes the false claim that "...the historic mine waste has been determined to be Group C mining waste from which any discharge would be in compliance with the applicable water quality control plan, including water quality objectives other than turbidity," (FEIR Page 2-59). In fact, the historic mine waste has not been determined to be Group C by the Water Board. The site is currently undergoing a cleanup under the Department of Toxic Substances Control (DTSC) and was conditionally deferred from being processed as a superfund site provided the cleanup is completed. See "IMM\_TRANSMITTAL\_Signed.pdf" at [https://www.envirostor.dtsc.ca.gov/public/final\\_documents2?global\\_id=29100007&enforcement\\_id=60472136](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=29100007&enforcement_id=60472136). The DTSC does not need to do cleanup on sites that have only Group C mine waste.

In any event, the legacy tailings on the Centennial site cannot be used to determine the likely classification of the mine waste from the proposed project because:

1. The tailings on the site have been subject to over 67 years of oxidation and leaching, reducing the presence of soluble hazardous chemicals which may pollute the surface and ground waters.
2. The geology varies in the Idaho-Maryland Mine.
3. The samples provide by the DEIR were for selected areas and did not undergo examination and testing to the satisfaction of the Water Board to warrant its classification as Group C.

However, the Centennial site does serve as a cautionary tale of the hazards associated with dumping mine tailings.

The FEIR fails to provide information necessary to assess the potential impacts to surface and ground waters from the leaching of contaminants from mine waste. The mine waste must be classified as Group C mine waste in order to be used for off-site sales. The Water Board requested additional testing to be done and the DEIR to be recirculated to provide adequate data for review. The FEIR provides no additional testing. The FEIR provides no viable plan for storage or disposal of those materials. Instead, the FEIR suggests that "Rock types that are not suitable for off-site sale would likely not be mined, and if mined, the waste rock would be placed underground," (FEIR Page 2-60). Mine waste classified as Group A and B requires specific management that must be determined by the Water Board, and cannot automatically be placed underground. The FEIR fails to provide adequate information to reasonably determine how to characterize the mine waste for safe disposal.

## **Conclusion**

The FEIR Master Response 11 states:

*"If the Project's proposed engineered fill sites and the Brunswick and Centennial Industrial Sites were complete and there was low demand for barren rock or sand tailings, or the material was unsuitable for construction use, the operation would by necessity reduce or halt generation of these materials*

*until an appropriate market, such as fill material or other use of rock material for which the material met appropriate specifications, could be identified.”*

As this statement demonstrates, rather than following the requirements of CEQA, the FEIR chooses to ignore the need for assessing the potential impacts of the disposal of mine waste. Instead the FEIR assumes, without substance, that an appropriate market would be found to provide a solution. In addition, the FEIR fails to address a potential that the mine waste may not be suitable for dumping on the project’s two Engineered Fill sites, or provide a mechanism for managing the reduction or cessation of operations. Who would make the determination to halt, and under what authority? How would the contaminated materials that are in process be managed? This is a recipe for a failed project leaving yet another toxic problem.

In summary,

- No evidence was provided that an adequate market for Restricted Materials in the form of barren rock and sand tailings exists.
- Most aggregate sales require rock ground to specifications that require an aggregate processing facility. No facilities or other provisions to produce those materials were provided.
- No temporary stockpiling capacity is included in the project description or FEIR to deal with a lack of market demand, or even to accommodate variations in demand. The applicant apparently envisions starting and stopping mining operations as individual orders come in from unknown sources.
- The FEIR does not provide adequate testing to determine the potential impacts of the mine from airborne asbestos.
- The FEIR does not provide adequate testing to determine if the mine waste will qualify as Group C.
- The viability of the critical operational plan to dispose of mine waste is not demonstrated.

CEQA requires that the EIR “**...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.**” (CEQA 15125) This Final EIR fails to meet that requirement.

## ATTACHMENT 7



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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."<sup>[1]</sup> It goes on to state: this baseline "should describe **physical environmental conditions as they exist at the time the notice of preparation** is published."<sup>[2]</sup> (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."<sup>[3]</sup> 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."<sup>[4]</sup>

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.**"<sup>[5]</sup> 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](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](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