

Tine Mathiasen

From: Jennifer Hanson <hansonj@nidwater.com>
Sent: Tuesday, February 13, 2024 3:28 PM
To: BOS Public Comment
Subject: Idaho Maryland Mine_BOS_Hearing Comments
Attachments: Idaho Maryland Mine_BOS_Hearing Comments.Final_02132024.pdf

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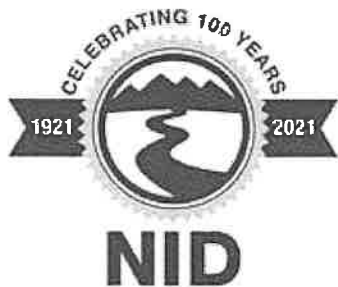
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Good Afternoon,

Attached are comments regarding the Public Hearing for the Mine.

Please let us know if you have any questions.

Thank you,



Jennifer Hanson
General Manager
Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA 95945
Office: 530.273-6185
Email: hansonj@nidwater.com



Nevada Irrigation District

VIA EMAIL: BOS.PublicComment@nevadacountyca.gov

February 13, 2024

Nevada County Board of Supervisors
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

RE: Idaho Maryland Mine (Assessor Parcel Number's 006-441-003, -004, -005, -034; 009-630-037, -039; 009-550-032, -037, -038, -039, -040; and 009-560-036)

Dear Honorable Board of Supervisors,

Thank you for the opportunity to comment on the Idaho-Maryland Mine project that will be before the Board of Supervisors on February 15, 2024, for consideration of a recommendation regarding the Board of Supervisor's certification of the final Environmental Impact Report (EIR), the project's conditional use permit, and the proposed development agreement. Nevada Irrigation District (NID) previously provided comments on the project's draft and Final Environmental Impact Report. While the District appreciates that some of the comments that the District provided were satisfactorily addressed, others have still not been addressed. Specifically, the comments provided in the District's May 8, 2023, comment letter regarding the Final EIR. As such, we are providing additional comments to the Board of Supervisors for consideration.

Financial Assurance;

Regional groundwater models are simplistic representations of complex systems, and therefore there is a high level of uncertainty related to predictions based on groundwater modelling. If the predicted number of wells impacted increases and more parcels do not have a potable water source, NID has no obligation to provide financial assistance for the construction of improvements or for the payment of connection fees. Therefore, connection to NID's potable water system may be delayed, or worse may not happen, if the County or the applicant does not have the fiscal resources to pay for the infrastructure needed or the required fees.

As such, NID is once again requesting that the applicant be required to provide financial assurance (such as a bond or security deposit) in the amount of \$14 million dollars to cover the cost of mitigating potential dewatering impacts in the Greenhorn, Woodrose, and Beaver Lane areas. This financial assurance should be required until such time there is adequate evidence supporting a determination that continued dewatering activities have no impact on any private wells in the areas mentioned. Additionally, any lapse or failure to provide or maintain the security deposit or bonds should result in the immediate suspension of the conditional use permit.

This requirement for financial assurance should be included in the proposed development agreement or the conditional use permit.

Groundwater Monitoring:

It is imperative that groundwater monitoring prior to dewatering occurs for more than 12 months. Groundwater levels fluctuate significantly from season to season, and it will not be possible to establish a reasonably sufficient baseline with data from only one year. NID requests that the baseline groundwater monitoring program period be extended to three years.

Climate Change:

Considering the uncertainty related to climate change and its impacts on groundwater levels and the fact that there is currently not a requirement to establish a sufficient groundwater level baseline prior to dewatering, it is recommended that the 10% drawdown threshold of significance for well mitigation be reduced to any drawdown from the established baseline (please see comments regarding baseline below). As climate change progresses, it is not widely understood what the long-term impacts will be on local groundwater supplies. NID has received an increased number of complaints related to groundwater impacts thought to be associated with climate change from parcels that do not have a potable water connection. NID is not the local groundwater authority, and there is no dedicated source of funding to facilitate connection to a treated water system. Therefore, setting the drawdown threshold of significance at 10% could result in making a functioning well today, non-operable because of the proposed project combined with climate change. Potentially leaving parcels with no potable water source and no funding to provide connection to NID's system.

The District would like to note that the project applicant has in no way attempted to resolve these issues or, at a minimum, gain an understanding of the District's concerns.

Again, thank you for the opportunity to provide comments on the Idaho-Maryland Mine project. NID looks forward to working collaboratively with the County and Rise Grass Valley. If you have any questions or would like additional information, please contact me at (530)-273-6185.

Thank you,



Jennifer Hanson
General Manager

cc: Rich Johansen, NID Board President, Division V
Ricki Heck, NID Board Vice President, Division I
Chris Bierwagen, NID, Division II
Karen Hull, NID Board Director, Division III
Trevor Caulder, NID Director, Division IV
File

**Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal;
Applicable to all Successors, Assigns, and Agents.**

Silence, when there is a moral or legal Duty to respond, constitutes Fraud.

Issued by: Twelve Members of the American Body Sovereign living within Nevada county
c/o [REDACTED]

Issued to: Allison Lehman, d.b.a. County Chief Operating Officer
Katherine Elliott, Esq., d.b.a. County Counsel
Shannin Moon, d.b.a. County Sheriff
Heidi Hall, d.b.a. Supervisor District 1
Ed Scofield, d.b.a. Supervisor District 2 Board Chairperson
Lisa Swarthout, d.b.a. Supervisor District 3
Sue Hoek, d.b.a. Supervisor District 4
Hardy Bullock, d.b.a. Supervisor District 5
Julie Patterson Hunter, d.b.a. Clerk of the Board
Attn.: **Katherine Elliott**, Esq., d.b.a. County Counsel
Eric Rood Administrative Center
c/o 950 Maidu Avenue [CA 95959]
Nevada City (50), California

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BOARD OF SUPERVISORS

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Cc: Joseph Mullin, d.b.a. President/CEO
RISE GOLD Corp.
333 Crown Point Circle, Suite 215 [CA 95945]
Grass Valley (45), California, U. S. of A.

Service by: hand-delivery and PRIORITY MAIL EXPRESS® EJ 652 451 130 US

February thirteenth, A. D. 2024

Attention Board of Supervisors, et al.;

The County of Nevada is a body politic whose powers are exercised by the board of supervisors¹. As public servants of the American Body Sovereign (i.e., the American People) living in the county, the board of supervisors and all county employees have a fiduciary Duty to the People.

The powers delegated to a public officer are held in trust for the People and are to be exercised on behalf of the government or of any of the People who may need the intervention of the officer. Furthermore, the view has been expressed that **all** public officers within whatever branch and whatever level of government and whatever be their private vocations, are trustees of the People, and accordingly, labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the People. It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual². As fiduciaries of the Public Trust, public servants must always, without exception, display honesty, integrity, and good faith toward the beneficiaries, i.e., the People.

Pursuant to previous Notices served on the officers of the government services corporation known as COUNTY OF NEVADA, d.b.a. NEVADA COUNTY [DUNS #: [1] NEVADA, COUNTY OF; D-U-N-S® Number 01-097-9029; [2] NEVADA, COUNTY OF; D-U-N-S® Number 02-349-7287; [3] NEVADA, COUNTY OF; PRESCOTT; D-U-N-S® Number 075676429; [4] NEVADA, COUNTY OF; GRASS VALLEY; D-U-N-S® Number 00-2422223; [5] NEVADA, COUNTY OF; TRUCKEE, D-U-N-S® Number 004462946; [6] NEVADA, COUNTY OF; PENN VALLEY; D-U-N-S® Number 006500730; [7] NEVADA, COUNTY OF; OLIVEHURST; D-U-N-S® Number 008994535; [8] NEVADA, COUNTY

¹ See: County of Sierra v. Butler, 136 Cal. 547 @ 550 (Cal. 1902).

² See: McNally v. United States, 483 U.S. 350 (1987)

OF; NEVADA CITY; D-U-N-S® Number 01-568-0291), over the last three years; it is now a matter of Public Record that live agents, acting as officers and employees of the aforementioned foreign municipal services corporation, have no lawful authority to manage the affairs of the sovereign American People [i.e., Californians, a.k.a. American Nationals, California state Nationals, etc.] living within the surveyed geographic boundaries of Nevada county. And further, they have **no** right or authority to administer matters concerning the approval of a known environmental hazard, which will adversely impact the People's private land located in Nevada county, i.e., authorizing the reopening of an unnecessary environmental hazard in the form of the RISE MINE that provides **no** direct benefit to the People living in Nevada county nor does it improve the quality of life for the People living adjacent to the mine.

To make this Matter clearer, under the American Republican Form of Government, **the People are sovereign**³. The People created **all** government through authorizing **some** of our delegated Powers to government, purely for the purpose of protecting the People's unalienable Rights (Rights = property). We never created Government to enslave us or go to war with us. We only allowed corporations to be created by government to serve the People (to provide a benefit to the People). When either government or corporations violate these fiduciary duties, the People have the plenary and indefeasible Power to alter, abolish, or assume direct control of any government agency or corporate entity. **No** body politic entity, whether government or a corporation (public or private) in America, is sovereign; **only** the People are! Americans have allowed constitutionally-banned foreign BAR agents to deceive them into thinking otherwise over decades. That ends today.

STATE OF CALIFORNIA Government Code § 100:

“(a) The sovereignty of the state resides in the people thereof, and all writs and processes shall issue in their name.

(b) The style of all process shall be “The People of the State of California,” and all prosecutions shall be conducted in their name and by their authority.”

STATE OF CALIFORNIA Government Code § 11120:

“It is the public policy of this state that **public agencies exist to aid in the conduct of the people's business** and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.”

STATE OF CALIFORNIA Government Code § 54950

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State **exist to aid in the conduct of the people's business**. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. **The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.** The people insist on remaining informed so that they may retain control over the instruments they have created.”

³ See: Chisholm v. Georgia, 2 Dallas (U.S.) 419 @ 471-472 (1793)

The vast majority of the American People living in Nevada county, unschooled in even the basic foundations of the law, are unaware that the COUNTY OF NEVADA, d.b.a. NEVADA COUNTY is a sub-chartered municipal services corporation of the STATE OF CALIFORNIA, which is a sub-chartered Corp. of the UNITED STATES Corp.⁴, whose origin is rooted in a foreign corporation originally created as UNITED STATES Corp. [not to be confused with our original Founding Father's national government] created under the Act of 1871 [see U.S.A. v. U.S. @ <http://www.usavsus.info/>].

Based on the foregoing, the sad reality is that the COUNTY OF NEVADA, d.b.a. NEVADA COUNTY is nothing more than a foreign racketeering enterprise [18 U.S.C. §§ 1951-1964] impersonating a de jure California county government, which for the Record, post-bankruptcy of the UNITED STATES® is operated under control of the United Nations / International Monetary Fund, et al. It is not Nevada county's original, organic guaranteed Republican Form of Government. The live agents of this foreign governmental services corporation have been extorting the People living in Nevada county **under color of official right** [18 U.S.C. 1951 (b)(2)] for decades.

It is worth mentioning that neither the American People nor the original, organic The United States of America was ever lawfully bankrupted, only the UNITED STATES® municipal services corporation was bankrupted! In other words, the "smoke and mirrors" (deceptions) used by the live agents of the BAR (British Accredited Registry) to take over America since the banker-fomented so-called Civil War is all based on fraud and deceit. There is no lawful foundation for any act post March 12, A. D. 1819 that was initiated and passed by constitutionally-banned foreign BAR agents, due to the existence of the de jure Thirteenth (Titles of Nobility Act) Amendment.

It is a matter of Public Record that live agents of the aforementioned foreign municipal services corporations are operating ultra vires (acting outside the corporate charter of the STATE OF CALIFORNIA) of the very authorities being claimed as the foundational authority for them to govern their foreign municipal services corporation styled as COUNTY OF NEVADA, d.b.a. NEVADA COUNTY. Pursuant to the rules and codes of the STATE OF CALIFORNIA, no employee or officer can claim office, act in **any** government office, or collect a **paycheck**⁵ (see highlighted footnote for STATE OF CALIFORNIA authorities verifying this point) unless they have the mandated constitutional oath and fidelity performance bond, which none of the live agents of the COUNTY OF NEVADA have. The Undersigned would further direct all parties reading this to Government Code § 1027.5 to understand what is truly going on across America today.

The Public Record further testifies that all employees and officers of the above BAR attorney-controlled foreign municipal services corporations in all 3,143 counties across America [e.g., COUNTY OF NEVADA, d.b.a. NEVADA COUNTY], the fifty STATE municipal services corporations [e.g., the STATE OF CALIFORNIA], and at the apex, the UNITED STATES®, are impersonating government officials which requires all offenders to be subjected to military court martial [10 U.S.C. § 906(a)(3) states that: "Any person who, wrongfully and willfully, impersonates an **official of a government**," and according to Federal law shall be punished as a court-martial may direct].

These undisputable Facts corroborate that current and former leadership of the above corporations masquerading as our legitimate governments have been embezzling and extorting funds from the People of Nevada county under color of official right [ditto on all 3,143 counties across America] from the People living on Nevada county and from the Federal government over decades. This has been going on here on Nevada county since Trustees of the original unincorporated Republican Form of Government was unlawfully flipped one dark night for a foreign District of Columbia municipal services corporation, somewhere between 1880 and 1913, according to documents which were hanging on the wall of our Government building at 950 Maidu Avenue, Nevada City, without a word on the matter to the People of Nevada county or without presenting an official ballot measure on the

⁴ 28 U.S.C. § 3002(15)(A), a "Federal Corporation" that is "located in the District of Columbia" [see: Comm. Code § 9307(h)]

⁵ Constitution of the STATE OF CALIFORNIA (A. D. 1879), Article XX, § 3 Oath, Government Code §§ 1360, 1367, 1770(i), 68076, 1450-1463, 1480-1482; Crimes committed by live agents of the COUNTY OF NEVADA include: 18 U.S.C. §§ 241-242; 15 U.S.C. §§ 1 - 2

matter, which was an act of sedition, treason, rebellion, and insurrection against the People living in Nevada county.

With this knowledge, the American People have the Prerogative Right to direct their so-called public servants, in any branch of government, to provide immediate and full redress to any sworn sovereign grievance. It is a maxim of law that "Justice delayed is justice denied." The People are now taking necessary measures to restore proper governance on our county.

It needs to also be stated, that at this time, most of the American People living on Nevada county erroneously identify themselves as foreign UNITED STATES⁶ citizens and not as Americans, Californians. Most do not understand that claiming to be a UNITED STATES citizen means one is alienating themselves from their Birthright status as an American, Californian which guarantees one all of the Constitutional protections of our organic, original law foundations of our nation. The People of Nevada county should be aware that claiming to be a United States Citizen is like claiming oneself to be a citizen of Rome (as a subject) more akin to that of being a Roman slave.

Be advised that a number of the American People living in Nevada county have corrected their status with the UNITED STATES® [28 U.S.C. § 3002(15)(A)], where UNITED STATE® is a bankrupt corporation as held in Perry v. United States, 294 U.S. 330 @ 381 (1935). Said People living peacefully in Nevada county no longer erroneously claim UNITED STATES® citizen status but have established a record whereby they have reclaimed their birthright Status as an American, a constituent Member of the American Body Sovereign, with all Prerogative Powers of a sovereign. Furthermore, the Members of the American Body Sovereign have come together and reseated our original, abandoned, guaranteed Republican Form Government here on Nevada county, which at this time is operated by temporary Trustees until such time that lawful elections can be held.

The American People are ultimately the supreme authority in county, state, and federal government; not employees of a foreign municipal services corporation who are operating ultra vires of their own rules, codes, and corporate charters. The live agents of the COUNTY OF NEVADA, d.b.a. NEVADA COUNTY **have not** been able to produce any documents proving the People of Nevada county elected to become subject-slaves to a foreign municipal services corporation impersonating the de jure Nevada County government, which is guaranteed to be a Republican Form of Government.

The Undersigned would like to further underscore the material Fact that duly authorized live agents of corporations [COUNTY OF NEVADA, CITY OF NEVADA CITY, et al.], whether public or private, can exercise **no power** which is not derived from their corporate charter, i.e., constitution [see: Bank of United States v. Planters' Bank of Georgia, 22 U.S. 904 (1824); Federal Housing Administration v. Burr, 309 U.S. 242 (1940); Clearfield Trust Co. v. United States, 318 U.S. 363 (1942)].

It should also be noted that **all** corporations, being dead, legal entities, can only claim authority over other dead entities [i.e. other corporations, juristic persons, etc.]. They have **no** authority over living people, especially the constituent Members of the American Body Sovereign, i.e. the American People.

It should also be noted that **even if** the above municipal services corporations styled as: COUNTY OF NEVADA, CITY OF NEVADA CITY, et al., were operating in accord with their corporate charters, they are still corporations of the District of Columbia and have no lawful authority here in Nevada county.

It should be noted that the DUN and BRADSTREET listings for COUNTY OF NEVADA, NEVADA COUNTY, CITY OF NEVADA CITY, et al., list an address designation as "CA" where "CA" is not the abbreviation for the de jure republic state of California (Calif.), but is the service mark of the "STATE OF CALIFORNIA" deceptively used to confuse the American People into being subject to the forum state (lex fori) and jurisdictional ambit of the District of Columbia, as if it included the physical California [see: Buck Act (4 U.S.C. §§ 105-110) and origin of federal Zone Improvement Plan (ZIP) Code, which is only required for domestic mail].

⁶ The UNITED STATES®, as defined and operating at 28 U.S.C. § 3002(15)(A), is bankrupt as determined in Perry v. United States, 294 U.S. 330 @ 381 (1935).

The People living within Nevada county, **not** as UNITED STATES® citizens, but as birthright American Nationals, Californians without the District of Columbia, expressly **do not** Consent to the reopening of the Idaho/Maryland (Rise) mine; and, it's only the People in this county that can authorize it. The People have said "No!"

Therefore, be forewarned that any action taken to authorize the reopening of the IDAHO MARYLAND / RISE MINE against the will of the People is **null and void**.

As the board of supervisors must by now be aware, all courts operating in America are unlawfully controlled by constitutionally-banned foreign BAR agents operating in absolute violation of the supreme Law of the Land, which is binding on all public servants, federal, state, county, and city [Constitution for the United States of America, Article Six, clause three].

The People on the land in Nevada county have reclaimed our Common Law Right to hold Trial by Jury at Common law and reseated our common law Grand Jury to deal with any matter where the supreme Law of the Land is being violated by individuals impersonating de jure government officials.

Govern yourselves accordingly.

By: 
Member of the American Body Sovereign

By: 
Member of the American Body Sovereign

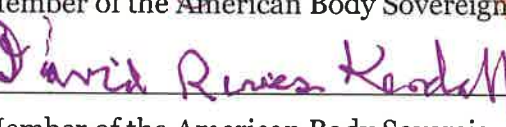
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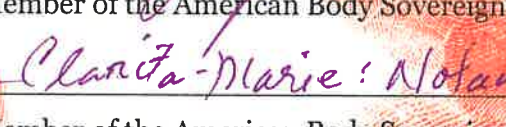
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A full list of all recipients will be published in due course.

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Tine Mathiasen

From: John Alevizakis <[REDACTED]>
Sent: Wednesday, February 14, 2024 8:18 AM
To: BOS Public Comment
Subject: Environmental impact underestimated- No to Mine!

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Greetings..

I'm appalled that the extent of Rise Golds acknowledgement of environmental impacts is almost exclusively focused on human impact , and not once in their presentation at the vested rights meeting mention all the other living beings that exist in this fragile ecosystem that will be impacted.

This is scary-that Rise doesn't even acknowledge the full environmental impact in their arguments-very bad omen..

No To Mine!

Thank you

John Alevizakis

Sent from my iPhone

Dist 1

Tine Mathiasen

From: Gary Zimmerman <[REDACTED]>
Sent: Wednesday, February 14, 2024 8:39 AM
To: BOS Public Comment
Subject: Comments for BOS Idaho-Maryland Hearing on 2024-2-15
Attachments: COMMENTS to NEVADA CO BOS - 2-14-24 - Gary Zimmerman.pdf

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Nevada County Board of Supervisors Hearing Comments on the Proposed Idaho-Maryland Mine Project

February 12, 2024

To: Nevada County Board of Supervisors

c/o BOS.PublicComment@nevadacountyca.gov

Please cc: Nevada County Planning Commission

Please cc: Nevada County Planning Department

Nevada City, California 95959-7902

RE: COMMENTS to BOS on the Proposed Idaho-Maryland Project

FROM: SUMMARY COMMENTS on the Idaho-Maryland Proposal & EIR by Gary Zimmerman of Nevada City, CA.

RECOMMENDATIONS: REJECT the INADEQUATE EIR and ALL PROPOSED PROJECT ALTERNATIVES!

**Nevada County Board of Supervisors Hearing
Comments on the Proposed Idaho-Maryland Mine Project**

February 12, 2024

To: Nevada County Board of Supervisors

c/o BOS.PublicComment@nevadacountyca.gov

Please cc: Nevada County Planning Commission

Please cc: Nevada County Planning Department

Nevada City, California 95959-7902

RE: COMMENTS to BOS on the Proposed Idaho-Maryland Project

**FROM: SUMMARY COMMENTS on the Idaho-Maryland Proposal & EIR
by Gary Zimmerman of Nevada City, CA.**

**RECOMMENDATIONS: REJECT the INADEQUATE EIR and
ALL PROPOSED PROJECT ALTERNATIVES!**

**Thank you for the opportunity to comment on the PROPOSED
re-opening of the long-closed Idaho-Maryland Mine and
Toxic Superfund Waste Site.**

From my experience reviewing and commenting on a number of environmental impact reports, teaching graduate courses in Environmental Economics, as well as the commenting on the economic impacts of a number of proposed projects over the past four decades, I would like to provide these written comments on the EIR and the proposed Rise Gold project, because I will not be able to attend the February hearing to make them in person.

- ✓ **ILL-CONCEIVED PROJECT & INADEQUATE EIR!**
I would like to begin with comments on several general aspects of the EIR, which is clearly incomplete and inadequate, and likely will end up in court if approved.
- ✓ **My conclusions are SIMILAR to the Nevada County Planning Commission's 2023 Vote Rejecting the Project & the Planning Department's recommendation against approving the proposed closed (since 1950s) mine reopening.**

CONCLUSIONS: Again, having reviewed many EIRs for a number of organizations over many years, my professional opinion is that this EIR is **INADEQUATE** and **INCOMPLETE!**

It underestimates or ignores CUMULATIVE SIGNIFICANT ADVERSE IMPACTS & RISKS in a number of areas, including WATER, AIR, TRAFFIC, and QUALITY of LIFE CONCERNS!

The EIR makes ASSUMPTIONS that without complete information or study. It makes ASSUMPTIONS that NECESSARY, but RISKY MITIGATIONS, some that last forever, will be successful, when FAILURES involving WATER AVAILABILITY and QUALITY, AIR QUALITY, GREENHOUSE GAS EMISSIONS, PROPERTY VALUES, TAX REVENUES, ENERGY USAGE, & EVEN ASTETHICS... could last forever!

The EIR indicates that the PROPOSED PROJECT was POORLY CONCEIVED and HIGHLY SPECULATIVE, and NEED NOT and SHOULD NOT BE APPROVED!

Thank you for the opportunity to comment on this important document. My detailed comments are found below, on pages 3-7.

Gary Zimmerman, [REDACTED]

GENERAL OBSERVATIONS on Proposal by Rise Gold to reopen the Idaho-Maryland Mine, that closed in the 1950s!

- ✓ **CLIMATE CONCERNS: This one proposed project would consume about 1/8th of the county's current energy consumption and generate ADDITIONAL GREENHOUSE GAS EMISSIONS that would offset existing County Efforts to REDUCE EMISSIONS. Straining Nevada County's power grid and spiking greenhouse gas emissions and worsening air quality ARE SIGNIFICANT ADVERSE IMPACTS!**
- ✓ **BLASTING UNDERGROUND & IMPACTS on TECH FIRMS ABOVE GROUND -- ECONOMIC LOSSES to these FIRMS:** My recollection was that this was an important adverse impact from the failed effort to reopen the Idaho-Maryland Mine in the 2005-2012 time frame. Is there a proposed estimate of the potential costs to existing "above ground" tech firms of product losses related to vibrations caused by proposed continuous underground blasting if the mine were to be reopened?
- ✓ **Has this significant adverse environmental impact been fully evaluated? If not, why not? Could Grass Valley & Nevada City & County businesses, governments, and the public be injured?**
- ✓ **CENTENNIAL SITE: This site is ALREADY A TOXIC "SUPERFUND" SITE, WASN'T IT SUPPOSED TO BE CLEANED UP FIRST by Rise Gold?**
Rise Gold hasn't developed a clean-up plan! Implemented a clean up plan? Paid to begin the clean up? If not, when?

- ✓ **WILL THE PROPOSED MINE PAY FOR THE EXISTING CLEAN UP, OR WILL IT “FAIL” AND LEAVE OTHERS (TAX PAYERS & GOVERNMENTS) TO PAY FOR THE CLEAN UP COSTS?**

How can Nevada County protect itself from the RISK that FAILURE or EARLY CLOSURE results in “Nevada County & Others” paying for the proposed Rise Gold clean up(s)?

- ✓ **NOTE: RISE GOLD bought this property knowing that it included nearly 270,000 cubic yards of mine tailings that include a variety of toxics that should be cleaned up...**

Has the applicant made a good faith effort to begin the toxic superfund site clean up on the Centennial parcel? What is the cost of the clean up of existing toxics on the site? The annual cost of clean up associated with proposed annual operations?

- ✓ **ASBESTOS: SERPENTINE ROCK, common in Nevada County and closed mines, often contain asbestos. Is the type(s) of asbestos found in the Idaho-Maryland mine tailings considered a toxic waste today? What is the typical asbestos content of the mine tailings that would be produced by the proposed reopening of the mine? What are the annual costs of cleaning up the existing mine tailings, and their asbestos content, and the costs of cleaning up additional “new” mine tailings that would be located on the proposed mine site?**

- ✓ **ECONOMIC BENEFITS: This may be an ILLUSION. My opinion is that the analysis seems to only count “claimed benefits” (that likely are exaggerated) and carefully “IGNORES” the many large costs (ongoing & long-run costs) that would be incurred (likely by others, like Nevada County and its taxpayers, Grass Valley & Nevada City residents) by others!**

- ✓ **ECONOMIC IMPACTS: WHAT ARE THE ECONOMIC COSTS, in lost property values arising lost or contaminated wells, from close proximity to an active mine site, toxic waste tailings, noise, traffic, air & water quality? Ask NC residents!**

- ✓ **FALLING PROPERTY VALUES, both private homes and local businesses operating near or in the vicinity of the toxic sites, and properties losing property rights to their groundwater, also likely will impact Nevada County property tax assessments and property tax receipts. Overtime, or in event that the proposed mine fails or is closed before the 80-year timeframe is completed, these costs will be CUMULATIVE and would be SUBSTANTIAL!**

- ✓ **Have these costs to individuals, businesses, and governmental organizations like Nevada County, school districts, special districts, NID, been evaluated? Have the proposed project proponents offered to provide mitigation or compensation (and for how long?) to those who will suffer damage and lost property values and tax receipts as a result of reopening this mine, that will require mitigations and expensive treatment of toxics into perpetuity?**

- ✓ **MARKET RISK: PRICE of GOLD? Aside from the many other RISKS associated with the proposed mine reopening, is the price of gold. The potential success or failure of a proposal like this proposed project, from the standpoint of the firm, may depend on the price of gold on the global market. Please note that gold prices have a history of moving, both up & down, with a longer-term upwards trend. The downward movements, like during the 2008 Financial Crisis, create another RISK, that a fall in the price of gold also could cause a**

failure of the proposed mine operations. For example, note the substantial fall in gold prices from the 2012 peak through 2016. Sales of gold stocks by central banks in a financial emergency or crisis also would dramatically lower the market price of gold for other uses.

✓ **FAILURE or CLOSING (well before 80 years...)**

The price of gold is high now, but that does not guarantee that it will remain high forever. How might higher and rising interest rates, anticipated in the years ahead, also make non-interest paying (but including costs of gold storage) gold less attractive to financial instruments like bonds or stocks that pay interest or dividends. Approval of the proposed mine reopening, means taking the RISK that failure of the proposed mine, when the cost of failure or closing are included would likely result in **significant adverse environmental damage and clean-up costs left to Nevada County and its taxpayers!**

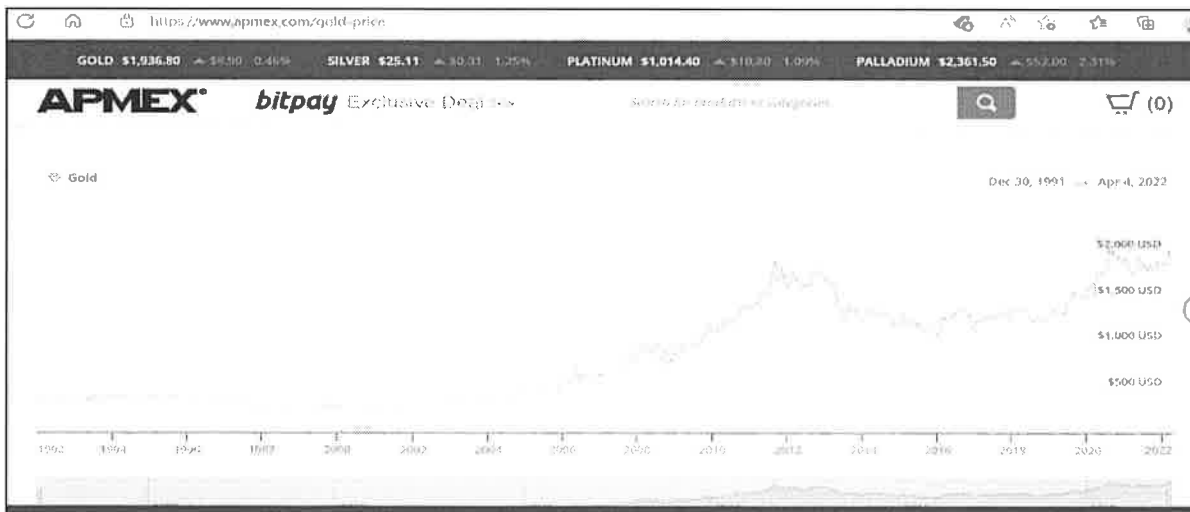


Chart 1: Historic Price of Gold Chart. 1992-to-2022

CONCLUSIONS: Again, having reviewed many EIRs for a number of organizations over many years, my professional opinion is that this EIR is **INADEQUATE** and **INCOMPLETE!**

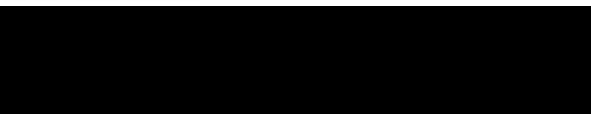
It underestimates or ignores CUMULATIVE SIGNIFICANT ADVERSE IMPACTS & RISKS in a number of areas, including WATER, AIR, TRAFFIC, and QUALITY of LIFE CONCERNS!

The EIR makes ASSUMPTIONS that without complete information or study. It makes ASSUMPTIONS that NECESSARY, but RISKY MITIGATIONS, some that last forever, will be successful, when FAILURES involving WATER AVAILABILITY and QUALITY, AIR QUALITY, GREENHOUSE GAS EMISSIONS, PROPERTY VALUES, TAX REVENUES, ENERGY USAGE, & EVEN ASTETHICS... could have devastating impacts on County residents.

Even the INADEQUATE EIR indicates that the PROPOSED PROJECT near Grass Valley & Nevada City & Nevada County Residents was POORLY CONCEIVED and HIGHLY SPECULATIVE, and SHOULD & NEED NOT BE APPROVED!

Thank you for the opportunity to comment on this important document.

**Gary Zimmerman
Economist**



Tine Mathiasen

From: Joan Clayburgh <joan.clayburgh@sierrafund.org>
Sent: Wednesday, February 14, 2024 8:40 AM
To: BOS Public Comment
Cc: Carrie Monohan; Syd Godfrey
Subject: The Sierra Fund Written Comments Urging Nevada County BOS Deny IMM
Attachments: TheSierraFund Comments IMM 2-14-24 NevadaCountyBOS.pdf

You don't often get email from joan.clayburgh@sierrafund.org. [Learn why this is important](#)

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Dear Board of Supervisors of Nevada County,

Attached are our written comments on the proposed Idaho Maryland Mine – Rise Grass Valley Project. The Sierra Fund (TSF) appreciates the opportunity to offer comments on the Idaho-Maryland Mine Project. We urge the Nevada County Board of Supervisors to deny reopening of IMM by Rise Grass Valley due to this proposal lacking a sufficient water monitoring plan, the proponent doing a woefully inadequate job of testing deposits to project water discharge, and the proponent lacking adequate financial assurances for reclamation. The county should deny this proposal. We hope the attached comments are helpful in making your final decision.

Sincerely - Joan Clayburgh

--



Joan Clayburgh
Executive Director

The Sierra Fund

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February 14, 2024

Nevada County Board of Supervisors
via Email: BOS.PublicComment@nevadacountyca.gov



The Sierra Fund Written Comments on the Idaho-Maryland Mine - Urging BOS to Deny Rise Grass Valley Reopening of IMM

Dear Nevada County Board of Supervisors,

The Sierra Fund (TSF) appreciates the opportunity to offer comments on the Idaho-Maryland Mine Project. We urge the Nevada County Board of Supervisors to deny reopening of IMM by Rise Grass Valley due to this proposal lacking a sufficient water monitoring plan, the proponent doing a woefully inadequate job of testing deposits to project water discharge, and the proponent lacking adequate financial assurances for reclamation. The county should deny this proposal.

Our Qualifications

The Sierra Fund is a 501(c)(3) non-profit corporation. Our expertise in mining law has been tapped repeatedly by various state administrations over the last two decades. The Sierra Fund worked closely with Governor Brown and the legislature on the substantial revisions to the Surface Mining and Reclamation Act (SMARA) that became law in 2017 that strengthened regulations to protect communities and the environment. The Fund has led projects on abandoned mine lands throughout the region and has published numerous reports of best available methods and technologies for assessing and remediating these compromised lands. We are working collaboratively with several local, state, and federal agencies to support abandoned mine land reclamation.

Dr. Carrie Monohan, Associate Director of The Sierra Fund, who helped prepare current and past comments on this IMM proposal holds a Ph.D. in Hydrology from the University of Washington, serves as an adjunct professor at the California State University in Chico and has been working on abandon mine related issues for the past 15 years. The Sierra Fund is advised by hydrologists, geologists, mining engineers, lawyers, medical doctors, geochemists, and environmental health specialists.

The impacts to water quality are significant, long lasting, and expensive. The mine project proponent has not done their due diligence to address water quality issues. We know these water quality issues are present due to the current EPA clean up on the Centennial site. The Centennial site has the waste rock from the Idaho Maryland in large piles. This IMM waste rock has been sitting out in the elements for some time and water has been running off the materials every time it rains. Water monitoring has shown there are elevated levels of known contaminants from this pile of waste rock including lead, arsenic, hexavalent chromium, manganese, iron, ANTIMONY??, and copper. Despite this information, the water quality standards provided in the EIR

documents are only sufficient for discharging to land. This might be sufficient for a construction site but is not appropriate for mine water going into the creek that affects aquatic life. The county should have demanded a surface water monitoring plan from the mine proponent. It is not expensive to create a monitoring plan and it is common practice to be included in an environmental analysis. **Without a water monitoring plan from the mine proponent, the county has insufficient information to approve this proposal.**

The mine proponent did a woefully inadequate job of testing deposits at the mine site. In addition, the mine proponent did not adequately test deposits at the mine site to determine impacts to water quality by the project. This means that very little is known about the geochemistry of the rock. The proposal notes that there will be four million tons of waste placed at two sites near the mine from the first eleven years of their mining. However, their water discharge was poorly characterized by only four tailing samples and six samples of the waste rock. **This very low level of sampling and ZERO leach tests does not meet the basic mining industry guidelines for reference testing provided in the Guard Guide.**

In addition, the geotechnical engineering work was *not* included as attachments to the EIR. This makes the description of the waste rock tailing facilities described in the EIR purely conceptual, with no technical assessment of the viability. **This lack of standard testing information should evoke a significant level of concern by the Board and our community.**

Inadequate Financial Assurances for the Cost of Reclamation

The biggest problem with Rise Grass Valley's request to reopen the mine is that there are inadequate financial assurances for the cost of reclamation by Rise Grass Valley. This proposal does not include the cost of ongoing water quality treatment. Mine reclamation could easily run into the millions of dollars. If the mine proponent goes bankrupt, as numerous mine operations have in the past, there is supposed to be sufficient bonds to cover the costs of reclamation. The county should demand the mine proponent estimate of the cost of ongoing water treatment.

There are Many Other Problems with the Rise Gold Proposal

The Sierra Fund submitted technical written comments on DEIR and FEIR. The county did not address our comments on the DEIR and the FEIR was flawed. The responses were to deflect responsibility to the water board or provide a technically inaccurate response. We are reattaching to this submission or prior DEIR comments for your consideration.

Conclusion – Deny Rise Gold's Proposal to Reopen Idaho Maryland Mine

Due to many reasons, but particularly the insufficient water monitoring plan, woefully inadequate testing deposits to project water discharge, and lack of financial assurances for reclamation – please reject this proposal in the interests of the public, water quality and fiscal responsibility.

Please feel free to contact me if you have any questions about our comments. Thank you again for this opportunity to participate in this public process.

Sincerely,

A handwritten signature in cursive script that reads "Joan M. Clayburgh". The signature is written in black ink and is positioned below the word "Sincerely,".

Joan Clayburgh
Executive Director
The Sierra Fund

March 30, 2022

Matt Kelley, Senior Planner
Nevada County Planning Department
Via Email: Idaho.MMEIR@co.nevada.ca.us



The Sierra Fund Comments on the Idaho-Maryland Mine Project Draft Environmental Impact Report SCH No. 2020070378

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Dear Nevada County Planning Commissioners and Staff,

The Sierra Fund (Fund) appreciates the opportunity to offer comments on the Draft Environmental Impact Report (DEIR) for the Idaho-Maryland Mine Project (Project). We first summarize our concerns and recommended actions briefly, and then offer extensive comments about each item in the body of the letter.

Summary and Recommended Action

Our review has found that the scientific and site assessment work conducted as part of the DEIR is deeply flawed, providing a totally inadequate base on which the environmental review and mitigation measures were based. The DEIR fails to describe basic aspects of the project including how the existing hazards on the site will be remediated. The DEIR lacks crucial information needed in order to adequately define the potential geochemistry impacts of the 80-year operation, much less the impacts on surface and groundwater quantity in the area. The DEIR is inadequate to serve its proper role in permitting.

We believe that addressing these concerns calls for a significant re-write of the DEIR, which should then be re-circulated for public comment prior to certifying the final EIR.

Our Qualifications

The Sierra Fund is a 501(c)(3) non-profit corporation dedicated to improving the environmental health of the Sierra Nevada and the health of those people who make the Sierra their home. The Fund worked closely with Governor Brown and the legislature on the substantial revisions to the Surface Mining and Reclamation Act that became law in 2017. The Fund has led the development of research and projects on abandoned mine lands throughout the region and has published numerous reports of best available methods and technologies for assessing and remediating these compromised lands. We are working collaboratively with a number of local, state and federal agencies to support abandoned mine land reclamation.

Our program is led by Dr. Carrie Monohan who holds a Ph.D. in Hydrology from the University of Washington and is also an adjunct professor at the California State University in Chico. The Fund is advised by hydrologists, geologists, mining engineers, lawyers, medical doctors, geochemists and environmental health specialists.

Scope of Our Comments

The Sierra Fund has signed on to the group community comment letter that raises issues from transportation to green-house gas impacts. In this letter we will not comment on every issue that might be appropriate to raise in a review of this DEIR, such as land use issues raised by the Project proposal to place a major working mine in the middle of a city that depends to a great extent on tourism for its revenue base. However, we echo the comment by our colleague David Chambers with the Center for Public Participation "This mine development proposal lacks the economic and environmental data necessary to evaluate a full mine development proposal. "

This letter focuses on two topics in which we are deeply qualified to comment: hydrology and water quality. Our comments mostly follow the same order in which the various issues are reviewed in the DEIR. The Fund makes its comments based on the California Environmental Quality Act (CEQA) and the regulations (Guidelines) adopted to implement CEQA. Court decisions interpreting CEQA and the Guidelines are not referenced in the interest of not detracting from the factual points the Fund wishes to present. However, we believe each of our major contentions concerning the DEIR is grounded in the requirements of CEQA and the Guidelines and supported by court decisions interpreting them.

Overall Comment #1:

Site Assessment Methods Used & Proposed Monitoring Need Improvement

One deep flaw running through this DEIR is an assumption first articulated in the public notice, which states flatly that the project sites are not on a list of hazardous materials compiled pursuant to Government Code Section 65962.5. This finding and phrase seems to allow the entire DEIR to ignore the obvious presence of legacy hazardous mining waste on and around the proposed development sites. We believe this is because the current site assessment methods are inadequate to properly evaluate the properties slated for mining.

We do not believe that the assessment methods used to assess the area have found the problems on the site. We do not believe that proper assessment has been done of the ore that will become waste rock; the water that will leach from the site during rain events; or the amount of particles such as asbestos fibers, that will be released as a result of the massive amount of rock and water that are being moved around.

The Idaho-Maryland mine drilling cores is not sufficient to provide the necessary information on the geochemistry of the waste rock and tailings and there is no surface water-quality modeling. These are elements that are critical in evaluating the potential impacts of a proposed mine. As a result, it is not known whether the mine waste could leach contaminants into ground and/or surface waters. Rise Gold lack of an adequate number of drill samples results in the lack of data required to adequately characterize the geochemistry of the waste rock and tailings that will be produced, or to supply test data on the leachate from this waste that would allow modeling of potential impacts to surface water.

Rise completed 19 drill exploration drill core holes, totaling 67,500 linear feet, from 2017-2019.

From this drill core, Benchmark Resources collected six drill core samples that it used to characterize the geochemistry of the waste rock. These samples are listed in Table 4-6. The geochemical predictions for approximately 96% of the waste rock to be produced comes from one 10-foot interval of drill core (Sample MA-2 from 3959.7' to 3969.7'), and one 1-foot sample (MA-3 from 3265' to 3266').

Another way to describe this is that the geochemical characterization of the 2 million tons of waste rock produced during the first 11-years of mining, and nominally the waste rock production from the entire 80- life of the proposed permit, is represented by these two samples, which come from a total of 11 feet of drill core.

If this site is to be mined for 80 years the environmental monitoring needs to be improved now – and needs to create mechanisms to incorporate additional methods of assessment as they are developed.

THE DEIR needs to be halted until the methods used to assess this site are improved and implemented. Water sampling must be done during storm events and EPA certified laboratories able to do trace metal detection must be used. Soil testing must use judgmental and targeted sampling of areas with mine features identified by the cultural site evaluation that details the site history and uses.

Overall Comment #2: The Centennial disposal site is part of the mining project, and must be addressed as such in this DEIR.

The DEIR goes to great lengths to put distance between the ongoing voluntary clean-up at the Centennial Industrial Site and the proposed mine at the Brunswick Industrial site. It argues that the conditions of the Centennial Industrial site now should not be considered as the project baseline, instead they will be “adjusting the environmental baseline for Centennial Industrial Site to use the above-described post-remediation condition instead of existing conditions at the Centennial Industrial Site” (DEIR Page 1-4).

CEQA is clear that a project must be considered as a whole. Projects are not allowed to be piece meal when doing a DEIR. The fact that the DEIR notes that if the Centennial Industrial site can't be used to accept all of the waste generated by the mine that they will just find another undescribed site to place the material, makes it clear that the projects are joined – or are not joined? There is enough capacity or there isn't? This is not planning. This is guessing.

This decision is a judgement call that is really up to the Nevada County Planning Commission to decide. The Commission needs to decide that these projects are related and bring them back as one unified project

Detailed Comments

CHAPTER 4.6: GEOLOGY, SOILS, AND MINERAL RESOURCES

Collapses

The DEIR states (pdf p. 542) that “the underground mine workings focused on removal of quartz vein materials that are generally narrow, so the collapse of a deep (e.g., 100 feet bgs) mine feature is not likely to be expressed at the ground surface.” However, as described in the DEIR on pdf pages 574-576, there are several existing collapses at this mine site. The scientific basis for the 100-foot cut-off is not presented. The DEIR states of ECM that “They believe that in all areas where the separation equals or exceeds 100 feet there is no chance that ground water drawdown could affect surface structures.” Belief is not an adequate technical basis for such a crucial determination.

Due to previous surface instability in the community from underground mine stope collapses, *the DEIR should be revised to provide a robust scientific basis to support the relevant contentions/beliefs, or be more forthcoming about the possibility of collapses originating from more than 100 feet bgs.*

CHAPTER 4.7: HAZARDS AND HAZARDOUS MATERIALS

Assaying

A significant omission in the DEIR is the topic of the environmental impacts of a mining operation’s mineral assays, which may have environmental impacts due to emitted lead fumes and disposal of lead-contaminated crucibles and cupels. As noted in the DEIR on pdf page 199 (Table 3-8) and pdf page 733 (Table 4.9-6), the mining operations workforce is proposed to include the task of assaying. Assaying is ongoing as mining progresses through variations in the host rock and its ore grade, in order to determine where or whether in the ore body to continue mining. As described in the currently-posted [Investopedia article](#)¹ on mineral assessment, “The fire assay method is the most popular method and consists of grinding samples into a fine powder, mixing the sample with lead oxide and appropriate flux. Subsequently, the sample is heated in a ceramic or metal crucible, which decomposes the sample into a lead button containing gold, silver, etc., and slag. The lead button is placed into a shallow cup (cupel) and *the lead is boiled off in a fire assay furnace [emphasis added]*. A bead of precious metals is left in the cupel after the lead is boiled off. The bead is weighed and analyzed for precious metals and these data are used to determine ore grade (richness).” A [metallurgy website](#)² goes on to describe the disposition of the lead contaminated “cupels” left over after the instrumental analysis, as follows, “The disposable [*sic*] of the used, lead-contaminated cupels should done by certified environmental company with accordance of the environmental laws set out by the regulations of the governing body.” In California, these lead-contaminated wastes may be determined to be hazardous and therefore pose an additional environmental impact not analyzed in the DEIR.

¹ <https://www.investopedia.com/terms/a/assay.asp>, accessed on February 4, 2020

² <https://www.911metallurgist.com/blog/fire-assay>, accessed on February 4, 2020

According to the DEIR, assaying will be done five days a week (pdf page 199, Table 3-8) but the DEIR does not describe how many used, lead-contaminated crucibles and cupels Rise plans to dispose of per day and how will be they be handled in an environmentally safe manner. In addition, the DEIR does not address the potential release of lead fumes on a daily basis from the fire assaying process, as described above.

The DEIR should be revised to address the potential daily and long-term release of hazardous wastes both from crucible and cupel disposal as well as potentially from lead fumes.

CHAPTER 4.8: HYDROLOGY AND WATER QUALITY

The threat to water quality posed by the mine waste to be discharged to land will be regulated by the Central Valley Regional Water Quality Control Board under the Land Disposal Program. The DEIR (pdf page 652) correctly states that Water Board regulations governing discharge of mining waste to land are located in Title 27 of the California Code of Regulations, Section 22470 et seq. The DEIR (pdf page 652) also correctly states that "The project will discharge mining waste, which is appropriately regulated under the Title 27 Mining Waste Management Regulations." Mining wastes are defined and classified as follows in Title 27:

Mining Waste Management Regulations, apply to all discharges of mining wastes and to owners/operators of a waste management unit for the treatment, storage, or disposal of mining waste. The Mining Waste Management Regulations define "mining waste" as "waste from the mining and processing of ores and mineral commodities. Mining waste includes: (1) overburden; (2) natural geologic material which have been removed or relocated but have not been processed (waste rock); and (3) the solid residues, sludges, and liquids from the processing of ores and mineral commodities" (CCR, Title 27, § 22480(a)).

- Group A: mining waste of Group A are wastes that must be managed as hazardous waste pursuant to Chapter 11 of Division 4.5, of Title 22 of the CCR, provided the RWQCB³ finds that such mining wastes pose a significant threat to water quality.
- Group B: mining waste of Group B are either: (A) mining wastes that consist of or contain hazardous wastes, that qualify for a variance under Chapter 11 of Division 4.5, of Title 22 of the CCR, provided that the RWQCB finds that such mining wastes pose a low risk to water quality; or (B) mining wastes that consist of or contain nonhazardous soluble pollutants of concentrations which exceed water quality objectives for, or could cause, degradation of waters of the state.
- Group C: mining wastes from Group C are wastes from which any discharge would be in compliance with the applicable water quality control plan, including water quality objectives other than turbidity.

³ RWQCB is defined as the Regional Water Quality Control Board. In the case of the IMM, this would be the Central Valley Regional Water Quality Control Board.

The DEIR does not contain any data that would serve as a basis for classifying waste rock. Waste rock from mines has the potential to generate poor quality effluent that threatens water quality unless adequate containment is provided. As a result, 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). Moreover, if the mine began operating, testing would need to continue because the mineral makeup of the waste is likely to be heterogeneous. The same can be said for the mill tailings that are proposed to be either incorporated into cement paste backfill or discharged along with waste rock into the two proposed waste rock piles.

A previous submittal by Rise did include some acid base accounting test data (Desktop Study of Cemented Past Backfill, Itasca Inc. Feb. 24, 2020), from a 47-kilogram (103 pound) composite sample of "ore". Based on the data from the single test, Rise concludes that the tailings will not generate acid. Rise's conclusion, however, fails to recognize that acid base accounting does not provide any data regarding effluent quality data are used to classify mining waste under Title 27 discharge of waste to land regulations. The mill tailings should be thoroughly characterized using appropriate tests (e.g., ASTM D 5744).

According to the DEIR, the proposed mine will produce 350,000 tons of ore per year, meaning a very large total of 28 million tons if the mine operates for the planned 80 years. Itasca's desktop study does recommend follow up sampling and analyses during mining to catch changes in ore mineralogy that might affect effluent quality.

The DEIR should be revised to clarify that follow-up ore sampling and analyses can be expected to continue indefinitely during mining. Furthermore, if the analyses indicate that the nature of expected effluent quality has changed for the worse, further actions may be required by the Water Board in the future to protect water quality.

Terminology

The term "Engineered Fill" introduced in the DEIR on pdf page 32 is undefined and is used throughout the DEIR. Mined rock that does not have enough gold to warrant processing is more correctly referred to as waste rock. Such rock may be useful in constructing an engineered fill provided that it has been classified as a waste that does not pose a threat to water quality by the appropriate Regional Water Board that has authority over the location of discharge. The DEIR (pdf page 653) acknowledges that "the engineered fill...is a mining waste."

Therefore, for clarity and conformance with regulations, the DEIR should discontinue use of the misleading term "Engineered Fill" and globally replace it with "waste rock".

The term "Barren Rock" is introduced on pdf page 181 but does not fall under the definition of mining waste in CCR, Title 27, § 22480(a). For clarity and conformance with regulations, "Barren Rock" should be globally replaced with "waste rock."

The DEIR indicates on pdf page 33 that Rise plans to sell waste rock on the open market if it is still being produced after the two proposed waste rock piles reach capacity. This is an unrealistic proposal unless the appropriate Regional Water Board (with jurisdiction over the location where the waste rock is to be discharged to land) determines that the waste rock does not pose a threat to water quality. It should be noted that dispersing waste rock and other mine waste over large areas without containment often results in contamination (e.g., Calcine mercury mine tailings used for road construction in San Luis Obispo County).

The DEIR must specify where the waste rock will go after the waste rock piles reach capacity, or if the Centennial site cannot be used to accept all of the rock generated by the project.

Waste Characterization

The DEIR, on pdf page 33 as well as later in the document, describes DTSC's characterization work at the Centennial site (the discharge site of historic Idaho Maryland Mine waste). The Centennial site cleanup potentially provides insight into how the waste rock and tailings from the proposed mine might behave under surface conditions over the long term. According to the description in the DEIR (pdf page 534), it appears that the historic mining wastes from this very mine have been undergoing a form of long term (over 60 years), uncontrolled Kinetic test. The DEIR states (pdf page 534), "Extensive site investigation, overseen by DTSC, has identified mill tailings, waste rock and affected soil at the site that contain lead, arsenic, mercury and other metals at concentrations exceeding background soil metals concentrations and regulatory benchmark concentrations." The information suggests that there is a serious risk that the proposed new waste rock piles would produce effluent that would pose a significant risk to water quality unless the Water Board requires adequate containment.

The DEIR should acknowledge that data from DTSC's characterization work at the Centennial site undercuts the notion that mining waste from a new operation would not pose an environmental threat.

Waste Rock Piles

The two proposed waste rock piles (30 acres at the Brunswick site, 44 acres at the Centennial) border Wolf Creek and its South Fork. There should be a real concern that effluent from these waste rock piles could severely degrade not only the South Fork of Wolf Creek and Wolf Creek, but groundwater as well, if the waste rock piles are permitted under Title 27 as unlined and uncapped mine waste management units.

The DEIR should characterize the risk of effluent from these waste rock piles getting into surface and groundwater and design an appropriate mitigation measure.

Financial Assurances

The DEIR fails to mention that regulations require that the discharger (mine operator) provide, in advance, financial assurances to cover closure and post-closure mining activities to the satisfaction of the Regional Water Board. The applicable regulations [27CCR 22510(h)] state that the post-closure period ends only when the Regional Water Board "determines that water

quality aspects of reclamation are complete and waste no longer poses a threat to water quality.” Robust and ongoing financial assurances are vital to preventing long-term environmental effects from the waste piles, since they will presumably remain in place indefinitely into the future.

The Reclamation Plan and associated DEIR must describe potential mitigation measures – including those that might be needed to treat water discharge – in one project. Water quality treatment can be expensive and have its own potential environmental impacts. These issues should be included in the DEIR and considered in the Financial Cost Estimate and Financial Assurance Mechanisms created when the project is approved.

Cement Paste Backfill

Cement Paste Backfill (CPB) is made from mill tailings, cement, and water and is used to fill underground workings. Aggregate (e.g., crushed waste rock) is added when unstable underground workings need support. Rise has proposed to backfill portions of the mine with CPB. Backfilling with CPB may present problems under the Title 27 regulations because tailings (mine waste) would be deposited underground and would likely be submerged by groundwater after mining (and thus pumping) ceases, and the water in the mine (“mine pool”) returns to its pre-mining elevation. It is unclear how the Water Board ‘s requirements would address this scenario in order to protect water quality into the future.

The DEIR must be amended to address these long term water quality impacts and potential mitigation measures.

Permitting Period

The DEIR repeatedly refers to a proposed permit period of 80 years. For example, the DEIR states on pdf page 32 that “The proposed project would reinitiate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an 80-year permit period...” This time period characterization is incorrect for water quality permitting. The proposal would entail obtaining several different types of Water Board permits, none of which would have anything approaching an 80-year time frame. The waste discharge requirements issued for waste rock piles and other discharges of mining waste to land all must be reviewed periodically and made available for public comment during each review; they are subject to changes in specific requirements. In addition, NPDES permits for discharges to surface water expire, unless renewed, every five years per the federal Clean Water Act. The NPDES permit re-issuance process is also subject to public comment.

The DEIR should be revised so that it does not misleadingly imply that there is an 80-year permit period for any water quality permits.

Summary

What the DEIR describes is a proposed mining operation that if initiated, would be quite similar to historical mining operations in Grass Valley, only larger. The DEIR does not propose any significant innovative techniques to improve management of mine wastes or process ore. The

DEIR indicates that the mine would rely on surface disposal of waste rock and tailings, just as the historical mines in Grass Valley once did.

Nevada County has more than its share of legacy waste rock and tailings sites, mine water discharges, and mine collapses left over from historical mining operations. Today's Grass Valley residents have to live with and sometimes pay for cleaning up mine wastes from historical mines.

The DEIR claims that the two waste rock piles produced as part of the mining process will be suitable for development, however that claim is pure speculation at this time. No data are presented to support that claim, but plenty of data are available about the water quality and air quality impacts of legacy gold mines working in the same ore body.

What isn't pure speculation is that the two waste rock piles that would result from operating the mine would be eyesores at best and more likely, attractive nuisances and environmental liabilities that current and future residents of Nevada County would have to live with in perpetuity. As stated in the DEIR (pdf page 1052), the No Project Alternative is environmentally superior.

Please feel free to contact me if you have any questions about our comments. Thank you again for this opportunity to participate in this public process.

For the Sierra,



Carrie Monohan, Ph.D.
Program Director
The Sierra Fund

Adjunct Professor
Department of Geological and Environmental Sciences
California State University, Chico

Dist 1

Tine Mathiasen

From: Daisy Simmons [REDACTED]
Sent: Wednesday, February 14, 2024 9:12 AM
To: BOS Public Comment
Subject: Please vote no on the Mine

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Dear Nevada County Supervisor,

Laura Simmons [REDACTED] here. I support the Planning Commission's recommendation to deny the Rise Gold application to reopen the Idaho Maryland mine -- and I ask you to do the same. Like many others, I am concerned about the negative impacts said mine would have on local environment and health.

And while I agree new job creation is an important consideration, I also agree with concerns that have been raised that the traffic and industrialization of the area could have a negative impact on tourism, in turn potentially disrupting already existing jobs.

Thanks for your time,
LDS

Tine Mathiasen

From: Tine Mathiasen
Sent: Wednesday, February 14, 2024 12:17 PM
To: Tine Mathiasen
Subject: FW: Another reason to not certify the Idaho Maryland FEIR

From: Bill Lawrence [REDACTED]
Sent: Wednesday, February 14, 2024 5:19 AM
To: Planning <Planning@nevadacountyca.gov>
Subject: Re: Another reason to not certify the Idaho Maryland FEIR

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Dear Nevada County Planning Commissioners,

The following information will demonstrate that the Final Environmental Impact Report (FEIR) for the Idaho Maryland Mine insufficiently addresses how Rise Gold will store, use, and manage the hazardous wastes from the chemicals used in the mineral processing on the Brunswick site. The chemicals that Rise Gold proposes to use are briefly identified but no other information is provided.

The response provided to individual letter 59 by the consultants states that CEQA does not require that the applicant provide detailed information on chemical storage and management of chemicals used. They cite Dry Creek Citizens Coalition v. Tulare County (1999) 70 Cal.App. 4th 20, 26 as precedent. The Dry Creek case was a proposed expansion of a surface mining operation by a ready mix concrete company. The issues challenged by the appellants focused on surface water rights and water diversion structures in the project. There is no mention of any chemical usage in that case. **It is inappropriate to use that case as rationale** to not identify the types, quantities, and fate of chemicals that Rise Gold proposes to use.

The FEIR states that no liquid wastes will be generated during the gold recovery process. Referring to page 3-26 in the DEIR, it is stated that the processing plant is a closed loop. **The FEIR does not demonstrate the gold processing as a closed system.** Instead, tailings (solid waste) from the gold recovery process would be dewatered and used for either backfill for the underground mine or stockpiled for transport and use as engineered fill. This liquid waste is recovered in the process. **Stating that the gold processing is a closed loop is not a credible response and assumes that all chemical agents are either "used up" in reaction or never leave the processing plant.**

The DEIR also states that MIBC, a flammable toxic compound, is a frother used to create foam to facilitate recovery of gold in the process. It is one of the three chemicals mentioned in the DEIR. **The FEIR states that these reagents would be removed from the concentrate and sand tailings during the dewatering stage conducted in the process plant using filter presses.** This does not seem like the definition of a closed loop and there is no mention of the fate of these recovered reagents.

The DEIR estimates 500 to 1,000 tons of ore will be processed each day of operation or 182,500 to 365,000 tons per year. Chemicals such as MIBC are typically used at a rate of 0.05-0.1 pound per ton of ore. Production would require 25

to 50 pounds daily or on an annual basis, 18,250 pounds (9.125 tons) to 36,500 pounds (18.250 tons). These quantities are not trivial and management of the chemical and wastes need to be explained in the FEIR. Otherwise, it is assumed that up to 18 tons of MIBC evaporates in the vicinity of the mine and neighboring communities or remains in wastewaters. Neither outcome is desirable.

Rise Gold and their consultants must provide more detailed information on the processing chemicals to be used at the Brunswick site if we are to believe that no hazardous wastes will be generated during the process.

This includes:

- Material Safety Data Sheets for each chemical used in processing
- quantities of each chemical
- discussion on waste characterization and waste disposal practices on all chemical wastes used in the processing plant.

If this information cannot or will not be provided, the Planning Commission needs to consider this FEIR as incomplete, inadequate and not worthy of certification by the County.

Thank you for your service to Nevada County and consideration of my comments.

Sincerely,
Bill Lawrence
Grass Valley resident

Sent from [Mail](#) for Windows

Dist 1

Tine Mathiasen

From: Meshawn Ayala [REDACTED]
Sent: Wednesday, February 14, 2024 9:16 AM
To: BOS Public Comment
Subject: Please Vote NO on the Mine

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Dear Nevada County Supervisor,

I support the Planning Commission's recommendation to **deny** the Rise Gold application to reopen the Idaho Maryland mine -- and I ask you to do the same. Like many others, I am concerned about the negative impacts the mine would have on the local environment and health.

And while I agree new job creation is an important consideration, I also agree with concerns that have been raised that the traffic and industrialization of the area could have a negative impact on tourism, in turn potentially disrupting already existing jobs.

Thanks for your time,
Meshawn Simmons

[REDACTED]

Dist 1

Tine Mathiasen

From: Gary Zimmerman [REDACTED]
Sent: Wednesday, February 14, 2024 11:28 AM
To: BOS Public Comment
Cc: Cea Nc Info; CEA Foundation
Subject: Idaho-Maryland Mine Proposal Comments by Jan Zimmerman
Attachments: Nevada Co BOS - Jan Zimmerman COMMENTS -- 2-14-2024.pdf

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Dear Nevada County Board of Supervisors,

Attached are my written comments for your February 15-16, 2024, Public Hearing on the proposed Idaho-Maryland Mine Project.

My RECOMMENDATION:

DO NOT APPROVE THE PROPOSAL or ACCEPT EIR.

I recommend you follow the Nevada County Planning Department and Nevada Planning Commission decisions to REJECT the proposal!

Thank You,

Jan Zimmerman
Nevada City, CA

Nevada County Board of Supervisors COMMENTS –

REJECT the Proposed Idaho-Maryland Mine

February 15, 2024, *Written Comments for Public Hearing*

Nevada County Board of Supervisors

950 Maidu Avenue

Nevada City, CA 95959-7902

Email: BOS.PublicComment@nevadacountyca.gov (emailed 2024-2-14)

FROM: Jan Zimmerman, Nevada County, CA

RECOMMENDATION: REJECT Both the PROPOSED MINE REOPENING & EIR.

The Planning Department & Planning Commission RECOMENDATIONS NOT to APPROVE THE EIR and NOT to APPROVE the PROPOSED MINE APPLICATION were CORRECT give the problems and risks associated with this proposal.

MY GENERAL COMMENTS on the Proposal & EIR:

As a **Municipal Advisory Council (MAC) Member** in a large California unincorporated area, voting on recommendations to the County BOS on many proposed projects, I have reviewed many Environmental Impact Reports and proposed projects. Thus, I am very concerned about the significant negative adverse impacts of the proposed project and the general inadequacy of the Environmental Impact Report that has been prepared and rejected by the County Planning Commission and the County Planning Departments.

- **INADEQUATE ASSESSMENT of CUMULATIVE EFFECTS** on Water Quality and Water Use, Ground Water Availability and Quality, Air Quality, Traffic, Noise, Quality of Life...
- **INADEQUATE ASSESSMENT of MITIGATION RISKS...** What happens when the proposed project proponents FAIL to comply with or complete promised MITIGATIONS? What are the environmental (toxics) and economic (clean-up costs) RISKS to the COMMUNITY?

- **INADEQUATE ASSESSMENT of RISKS & CUMULATIVE EFFECTS – FOREVER.**
The 80-year time span of the proposed project, and the need to mitigate toxics affecting water, air, and quality of life issues will last forever... WILL the PROPOSED MITIGATIONS? Or, will they end with an early closing or failure of the proposed project? Then, who pays?
- **CONCLUSIONS:** The EIR MUST BE REJECTED, and the proposed MINE REOPENING PROJECT, SHOULD NOT BE APPROVED.

EIR COMMENTS - Proposed Idaho-Maryland Mine Reopening (EIR).

MITIGATIONS:

- The proposed project will take away the long-term groundwater / property rights and economic value of the hundreds of properties in the area of the proposed mine as a result of “dewatering.”
- Proposed project Mitigations may become too expensive or fail, or both, leaving significant adverse consequences that are not mitigated. How does the EIR assess the RISKS associated with potential mitigations?
- CUMULATIVE IMPACTS do NOT MATCH the proposed MITIGATIONS...

For EXAMPLE, concerning WATER:

Comments from NID Nevada Irrigation District General Manager Jennifer Hanson illustrates my concerns on the inadequacy of the EIR with respect to a critical issue like WATER and WATER QUALITY, RISKS to the COMMUNITY from Rise Gold’s proposal. Should Rise Gold fail and fall into bankruptcy, for business reasons or because of the cost of cleaning up environmental damage, the public, and public agencies, likely will be faced with the ultimate clean-up efforts and significant costs. How are these risks to Nevada County taxpayers mitigated?

“Hanson said Rise Gold Corp., the entity trying to reopen the mine, should purchase a bond worth around \$14 million to account for the assumptions and unknowns of hydrological modeling and the risk incurred to their neighbor’s water supply.”

“Hanson said the district serves over 700 irrigation customers, on top of purveying potable water to most of Nevada County, and requested that a water quality mitigation measure be included in the next EIR that would require daily monitoring and public availability to data regarding discharged water.”

For ADVERSE WATER IMPACTS alone, my professional position would be to recommend REJECTING the Project EIR as well as the PROPOSED PROJECT!

EIR COMMENTS - Proposed Idaho-Maryland Mine (EIR).

FOR EXAMPLE: Massive WATER FLOWS & TOXICS drain into WOLF CREEK, the Bear & Feather Rivers, & eventually San Francisco Bay:

Dewatering the proposed mine and daily pumping from the proposed mine would place millions of gallons of water into Wolf Creek. The water would include toxics. HOW MUCH and WHAT TYPES? While the EIR proposes “cleaning” the water, before putting it into Wolf Creek (water that may be used for drinking water, for irrigation, for environmental needs on its way to San Francisco Bay...). Impacts on fish and wildlife? Impacts on the Delta and the Bay? The ocean?

How will the proposed project pay for and guarantee that the mine “waste water” will not damage the downstream Wolf Creek? How will the firm pay for equipment failures or plant failures that place toxics into Wolf Creek? What is the firm’s proposed liability and what insurance are they providing Nevada County?

Again, the history of other “re-opened” mines in the area is not a stellar one.

- **The LAST PROPOSAL for REOPENING this MINE FAILED for the same reasons this proposal should not be approved after an ADEQUATE EIR is prepared, commented on by the public, and analyzed by the Nevada County Planning Commission and the Board of Supervisors: Idaho-Maryland Mine in the 2005-2012 timeframe: This proposed project failed to complete the Environmental Impact Report due to environmental concerns and financial problems. (Source: CEA) The EIR DID NOT EXPLAIN HOW and WHY THIS PROPOSAL and MITIGATIONS HAVE CHANGED FROM THE LAST FAILED ATTEMPT TO REOPEN THE MINE?**

The **San Juan Mine (Siskon) opened and was forced to shut down in 1995** after a disastrous draining of local wells due to mining. The impacts of this failure are still felt amongst the residents. Wells were permanently damaged. (Source: CEA)
This is a major problem for this proposal.

Again, SIGNIFICANTLY ADVERSE WATER & TOXIC ISSUES are an IMPORTANT REASON for REJECTING the proposed project.

EIR COMMENTS - Proposed Idaho-Maryland Mine (EIR).

TOXICS EXAMPLE : The CENTENNIAL SITE is TOXIC! LARGE VOLUMES OF TOXICS would be “located” on both the proposed Centennial site near Downtown Grass Valley and the proposed Brunswick site...

“The Centennial property covers 56 acres and is located at 10344 Centennial Drive in Grass Valley, along Idaho Maryland Road. It is currently County land, but the ***City of Grass Valley has included it in their near-term annexation plans.*** Up until its closure in 1956, the site was the primary processing and access site for the Idaho Maryland Mine. **The site now contains over 270,000 cubic yards of legacy tailings material. Soil samples show contamination from arsenic, cobalt, barium, mercury, thallium, chromium, copper, lead, zinc, cyanide, vanadium and nickel.** These tailings cannot be used for the base layer of the proposed mine waste pile and must be removed.” (Source: CEA)

“An agreement between Rise Gold and the **California Department of Toxic Substances (DTSC) mandates that the contaminated tailings be cleaned up,** and a work plan is being prepared. This cleanup project permit is a separate project from the mine permit. The mine proposal includes dumping more mine waste on this site.” (Source: CEA) Where is the completed work plan & is it in the EIR?

- **Nevada County already has a legacy of toxic sites left over from the gold mining industry.** Some of those sites remain highly toxic to this day. ***Does Nevada County need or want to increase the size and/or number, or both, of TOXIC WASTE SITES, including one very near to central Grass Valley?***

- Other waste has accumulated from former gold country operations in the bottom of San Francisco Bay. **Will the mining industry – the proposed Rise Gold mine -- clean up their new toxics as well as the existing toxics on the property they purchased in 2017, knowing the toxics had been there for decades when they purchased the property.** Will Rise Gold’s proposed project pay to clean up the existing toxics accumulated on their property, as well as “escaped toxics” that are washed downstream from Wolf Creek, through the Delta, and to San Francisco Bay and the Pacific Ocean?

CONSIDERING the RISKS that MITIGATIONS are NOT COMPLETED and are INADEQUATE, I consider there are sound environmental and economic reasons to reject the EIR and the proposed mine reopening project on this site, very near downtown Grass Valley, and several important Grass Valley business districts.

CONCLUSION: Again, having reviewed many EIRs as a Municipal Advisory Council member, my analysis leads to considering this EIR to be INADEQUATE in its assessment of CUMULATIVE IMPACTS, SIGNIFICANTLY ADVERSE IMPACTS, and PROPOSED MITIGATIONS and RISK ASSESSMENTS, and the PROPOSED PROJECT should be REJECTED by the Nevada County Planning Commission and Board of Supervisors, as it already has been by many Nevada County residents!

Many Thanks to the Nevada County Planning Department, the Planning Commission, and to the Board of Supervisors for you years of work and analysis of the proposed project and EIR and for providing the public with the opportunity to comment on this important decision for a livable future for Nevada County and its residents.

Jan Zimmerman



cc: CEA

Dist 1

Tine Mathiasen

From: Joy Waite - [REDACTED]
Sent: Wednesday, February 14, 2024 12:22 PM
To: BOS Public Comment
Subject: Comment for Public Hearing 2/15/24
Attachments: BOS e mailed comment 2 24.pdf

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Thank you for reviewing my comment letter in advance of the hearing on February 15.

Attachment also below.

Our community owes a debt of gratitude to CEA Community Environmental Advocates, and to the Nevada County Planning Commission and Staff, and to the Nevada County Board of Supervisors and Staff for the human capital it took to go through this process. Also thank you to the Grass Valley City Council and Staff for the last time around with Emgold. I was not here for the time before that round. It would have saved so much time, stress, and money if the earlier testimony was enough precedent to close the issue forever. Our community is blessed to have so many outstanding professionals with the background, strength, and commitment to raise the bar to PLEASE assure NEVER AGAIN.

You have heard expert testimony by Professionals in many fields about the myriad effects of industrial mining activity. Much of this information was already presented during Emgold public hearings. That is because the Rise Gold DEIR had few differences. 80 years instead of 20 (even though the impacts begin on the first day), no tile factory, and no mention of a decline tunnel this time. These were the major differences I noted.

Testimony on the Economic Impact Report showed major flaws. How much did Rise Gold raise in Penny Stock from their misleading reports?

On the issue of economics, the term mineral property tax was new to me this time around. From the State of CA Department of Tax and Fee, I learned that mineral property tax is assessed beginning with the Exploration Phase. What has Rise been doing since being on the land? Their website states that "The company has not completed a feasibility study to establish mineral reserves and therefore has not demonstrated economic viability of the Idaho Maryland Mine." If according to their last financial statement their assets are \$3.8 million and the clean up of Centennial is estimated to cost over \$3.2 million, how could they expect to win a "takings" lawsuit in court? The evaluation of assets to determine "takings" wouldn't apply to speculation of future profits. If Rise still owns the land, denying a mining permit does not prevent them from recouping their investment.

Fortunately, the Vested Rights process seems to be the same as a “takings” lawsuit. The presentation by Nevada County during the Vested Rights disclosed that the 175 acres were not sold as mining property and the sales price reflected that. The slide reporting that Rise purchased 175 acres also said “Allegations of 2585 acre subsurface mineral rights”. Why is the term “Allegations” used? Has this been verified in the Nevada County Records Office? Has the deed for any land transfer been recorded? Please answer this during the public hearing.

Please deny Rise Gold’s permit application and allow our local expertise to turn their attention to issues that benefit our community instead of exploiting it, like Localizing CA Waters principles which you can find detailed on the internet.

Joy Waite
Grass Valley

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Please deny Rise Gold's permit application and allow our local expertise to turn their attention to issues that benefit our community instead of exploiting it, like Localizing CA Waters principles which you can find detailed on the internet.

Joy Waite
Grass Valley

Tine Mathiasen

From: noreply@granicusideas.com
Sent: Wednesday, February 14, 2024 12:29 PM
To: BOS Public Comment
Subject: New eComment for Nevada County Board of Supervisors February 15, 2024, Special Meeting

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New eComment for Nevada County Board of Supervisors February 15, 2024, Special Meeting

Stephen Senatore submitted a new eComment.

Meeting: Nevada County Board of Supervisors February 15, 2024, Special Meeting

Item: 1. SR 24-0199 Public Hearing to consider A) PLN19-0176; EIR19-0001; RZN19-0002; VAR19-0003; MIS22-0019; CUP19-0004; MGT19-0039, MGT19-0040, MGT20-0009, MGT20-0010, MGT20-0011, MGT20-0012, MGT20-0013; LLA20-0006; AAM21-0002; a proposed project that would reinstate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an eighty (80)-year permit period with gold mineralization processing and underground exploration and mining proposed to operate twenty-four (24) hours a day, seven (7) days a week during full operations. Following completion of mining and processing activities, the project site would be reclaimed to open space and land suitable for future development of industrial uses; and B) to carry forward the results of the Special Meeting of Nevada County Planning Commission on May 10, 2023, and May 11, 2023 and the (5-0) vote and recommendation to deny the proposed Idaho-Maryland Mine - Rise Grass Valley Project. (Assessor's parcel numbers: 006-441-003, -004, -005, -034; 009-630-037, -039; 009-550-032, -037, -038, -039, -040; and 009-560-036.) Resolution to not certify the Final Environmental Impact Report and find the project statutorily exempt pursuant to Section 15270(a) of the California Environmental Quality Act (CEQA) Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves; to deny the Rezone (RZN19-0002) for the parcels located at the Brunswick Industrial Site from Light-Industrial with Site Performance Combining District (M1-SP) to Light Industrial with Mineral Extraction Combining District (M1-ME); to deny the Variance (VAR19-0003) for the construction of several structures up to a height of 165 feet, where forty-five (45) feet is required, pursuant to Nevada County Land Use and Development Code, Section L-II 2.5 - Industrial Uses, Table L-II 2.5.E, and; to take no action on

the following project entitlements: Development Agreement (MIS22-0019), Use Permit with a Reclamation Plan (CUP19-0004); Management Plans (MGT MGT19-0039, MGT19-0040, MGT20-0009, MGT20-0010, MGT20-0011), Boundary Line Adjustment (LLA20-0006), Parcel Map Amendment (AAM21-0002).

eComment: I strongly oppose reopening the Idaho Maryland Mine in Nevada County. Mining risks environmental harm, including water and air pollution, and threatens public health. Economic benefits pale against long-term costs. Please reject this proposal for the well-being of our community. Stephen Senatore

[View and Analyze eComments](#)

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950 Maidu Avenue, Nevada City, Ca 95959

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Tine Mathiasen

From: Art Healy [REDACTED]
Sent: Wednesday, February 14, 2024 1:08 PM
To: BOS Public Comment
Subject: Comment for Special Meeting of February 15, 2024

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Dear Supervisors:

As I have written to you on more than one occasion, I am strongly OPPOSED to the Certification of the EIR for the Rise Gold IMM Project, as well as any Permit Approvals. I urge you to follow your Staff and Planning Commission recommendations for REJECTION of the EIR and project.

The evidence is very clear, from the voluminous analysis and agency and expert comments to the Planning Commission and Board, that the EIR is severely flawed and deficient in dozens of areas. The Planning Commission hearing in May exposed the many distortions, inconsistencies, omissions and outright falsehoods put forth by the applicant. Besides the technical deficiencies, the most glaring problem is the total incompatibility with any of the General Plan concepts, and the goals of the Supervisors as to the priorities of our County, especially Western Nevada County. This massive industrial project in the middle of a beautiful residential area, with its many environmental and quality of life impacts, does not conform to a single County priority and initiative that has been set over the last several decades. The mine has been shuttered and fully abandoned for nearly 60 years, as you clearly recognized in December.

Rise Gold is not a good neighbor, they are not an ethical enterprise, they care nothing about the thousands of residents that would be directly or indirectly impacted by this monstrosity. In fact, they retained a convicted environmental criminal on their Board of Directors, telling you all you need to know about how they care about this community. Rise Gold has long ago worn out their welcome, but they took it to another level with their recent legal threats and bogus vested rights theory. Rise Gold, now controlled by East Coast private equity, have no clue about this community, as evidenced in the December hearing. Bringing in the high priced lawyers to threaten the County only increases the need to send this firm packing. This County doesn't need a Heritage Foundation attorney educating us on Constitutional rights, when not a single mention of the rights of impacted residents was mentioned. Rise Gold has shown to be unresponsive and unaccountable to the citizens of western Nevada County, and that is unacceptable.

Just Say No to the EIR and project, unanimously, in the strongest terms. My family would greatly appreciate it.

Sincerely,

Art Healy
[REDACTED]

Tine Mathiasen

From: WCCA <wolf@wolfcreekalliance.org>
Sent: Wednesday, February 14, 2024 1:38 PM
To: BOS Public Comment
Subject: Comments on the Proposed Idaho-Maryland Mine - Rise Grass Valley Project
Attachments: Final Comments to BOS - Idaho-Maryland Mine.docx.pdf

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Dear Board of Supervisors,

Please consider the attached document below as written comments submitted with regard to the proposed Idaho Maryland Mine - Rise Grass Valley Project. A text version of our comments is also included in the body of the email itself.

Thank you for the consideration,

Gary Griffith, President
Wolf Creek Community Alliance

Nevada County Board of Supervisors
February 15th, 2024 Meeting
Comments on the Proposed Idaho Maryland Mine Project

Dear Board of Supervisors,

The Planning Commission deserves much credit for looking carefully at the submitted EIR and the requests for variance, and for seriously listening to the large amount of expert community input. We agree with its recommendation and that of your staff to **deny this project**.

At **Wolf Creek Community Alliance**, we speak for the watershed, the streams this project wants to dump mine water into, the aquifer it wants to drain, the fish, the amphibians, birds, plants and animals this project would impact, the forests, ponds and wetlands it would destroy, AND the people of this community whose health, livelihood and quality of life it would impact. It's all one watershed.

We have commented on this project from its beginning, from the NOP through to the final EIR, and have consistently found its analysis of impacts to be inadequate.

Sometimes it is the pure lack of scientific data collected, for impacts to streams, plants and animals. Sometimes it is the questionable conclusions made based on that limited data, or the valid impact issues that are dismissed as speculative or insignificant, without justification. Sometimes it is the way cumulative impacts for a proposed 80 year project are ignored. Sometimes it is the insufficiently detailed management plans and the lack of strong safeguards for the county and the community, when things do NOT go as promised.

As proposed, this heavy industrial project is fundamentally in conflict with the reality of this community, one where a city essentially abuts the project, where residential neighborhoods enclose it, where the green space around us that we value needs protection, instead of degradation, and perhaps most importantly, impacting a community where water, health and quality of life is more precious even than gold.

In short, this project is destructive for our community.

Below, we share some specific concerns about the inadequacy of this project as proposed.

- 1.
- 2.
3. **The EIR does not adequately address impacts to South Fork**
4. **Wolf Creek.**
- 5.

This “South Fork” is one of many tributaries of Wolf Creek itself. “South Fork” runs directly through the heart of the proposed Brunswick Site. It is a federally protected perennial stream. And the upper half was ignored in the EIR.

One stretch of “South Fork” is currently encased in a culvert, but the stream is nonetheless healthy and vibrant – upstream, downstream, and in fact in the culvert itself.

The term “Biological Resource” sounds very dry and scientific – but please remember what we’re really talking about: fish, and the bugs they eat - like dragonfly larvae, damselflies, worms, beetles – it’s an interconnected web of aquatic life.

And so yes, this culvert reach is an important “biological resource”. It allows for the passage of trout and other aquatic species from the headwaters **above Brunswick Road**, to the downstream reaches, and back up again.

However, both the Draft and the Final EIRs disregarded this healthy stream, along with its fish and aquatic food web. Despite concerns raised by our Alliance and others, both EIRs refused to discuss any impacts to the creek upstream of the spot where it leaves the culvert. Where do they suppose the water, and the fish, and the bugs, come from??

Impacts to biological resources that would occur during replacement of the culvert should have been considered; **but they were not.** **Alternatives**, including the daylighting of the culvert, should have been considered; **but they were not.**

The **California Department of Fish and Wildlife** also responded to this EIR. On page 2-202 of the Final EIR you will find their comment: ***“The DEIR did not analyze all potential temporary, permanent, direct, indirect, and/or cumulative impacts to ... aquatic features and associated biological resources/habitats that may occur because of the project.”***

- 3.
4. **The EIR does not adequately address impacts to the Brunswick Pond.**
- 5.
- 6.

Instead it dismisses and does not study or consider the biological resources of the pond simply because it is claimed to be a "man-made feature." State and federal law, however, requires that any body of water connected in any way to the overall hydrology of a watershed be protected for its biological resources. This pond, historically, was part of a larger wetlands area some of which exists today immediately downstream. South Fork Wolf Creek flows immediately next to this pond, separated only by a man-made berm. Without clear evidence to the contrary, we assert that this body of water is connected to the watershed. The pond is rich with life, supporting a riparian zone with habitat for migrant birds, potentially including the special status Black Rail, pairs of wood ducks, and certainly a whole ecosystem of aquatic species. None of this is studied or considered by the EIR. The proposed project would simply destroy this biological resource.

- 3.
- 4.
5. **The EIR does not adequately protect wetlands and meadows**
- 6.

Impacts to the Bennett Street Meadow and its wetlands, part of the original historic 'Grass Valley,' are claimed not to exist, despite of the expert opinion of **California State Parks**, which has completed a 5-year restoration project in the meadow, **Gold Country Avian Society**, which has done bird banding there for over 3 years, and **SYRCL**.

The EIR, seeks to limit consideration of impacts by looking at them in isolation, using insufficient data to discount the impacts of increased flow, erosion, turbidity, temperature, water quality, groundwater depletion and noise.

Updated responses in the EIR often rely on large amounts of speculation, insufficient data, as **California State Parks** suggests with regard to turbidity, or incomplete modeling, as **Appendix H** does, by presenting only two scenarios for groundwater depletion, omitting projections using flows higher than the average 1.9 cfs.

This meadow area is currently part of our State Parks, and is a unique resource. The FEIR does not offer enough analysis to assure that this last remnant of the original Grassy Valley will be protected.

- 4.
- 5.
6. **The EIR does not adequately address impacts due to dewatering.**
- 7.

The EIR attempts to assure us that dumping mine water into South Fork Wolf Creek will either be too small to have an impact, or fully mitigated by water treatment.

Yet, a number of agencies and groups still express their concerns, including California State Parks, California Department of Fish & Wildlife, SYRCL, and SSI.

They suggest that testing for turbidity impacts is too limited, that too little study was done downstream in the Bennett Street Grasslands, that temperature regulation will be more difficult than suggested, and uncertain, as it will require reducing operations underground.

We want to point out the lack of study given to **benthic macroinvertebrates (BMI)**, those bottom-dwelling creatures essential to the aquatic food web, species such as the giant stonefly, an important food for trout as any fly fisherman knows.

Yet, no BMI studies, a standard protocol for assessing stream health, and essential for creating a monitoring baseline, were conducted for this EIR. As Dr. Dave Herbst, PhD of UC Santa Cruz, and expert in aquatic biology said in his comment:

Significant biological impact assessment needs to consider benthic macroinvertebrates (BMIs) and the organic matter/algae that are the foundation of the food chain in this section of the creek and downstream of the project. The post-project NPDES permit would require BMI biomonitoring but this does not satisfy the need to assess what the effects would be before the project is implemented.

The final EIR does not include this kind of essential assessment.

- 5.
- 6.
7. **The EIR does not adequately consider impacts to birds, amphibians**
8. **or plants**
- 9.

Much of the biological surveying done in the EIR centers around the presence or absence of special status species. The EIR does a minimal job of this, initially doing so few surveys that additional ones had to be fit in and completed after the DEIR.

Yet, the problems with the surveys remain the same. Special status species are not always easy to find, due to their rarity, their movement, their blooming season, or year-to-year changes. So biologists look for suitable habitat as a sign of possible presence. Unfortunately the surveyors for this DEIR frequently minimized the suitability of habitat, almost always in the report without substantiation or specific evidence. This bias against finding suitable habitat is pointed out repeatedly by commentators, such as CNPS as other qualified experts.

Further, **CDFW protocols** require that surveyors should

Space botanical field survey visits throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

Surveys were not done in this manner. The EIR instead states that single surveys were conducted somewhere (usually at the end, as it turns out) within a blooming or breeding season. CDFW is clear that this is not enough.

Overall, whether it is in regard to the Spotted Owl, willow flycatcher, yellow-breasted chat, foothill yellow-legged frog or the rare Finger Rush, the EIR does its best NOT to find these species, by minimizing the potential for their presence and not following survey protocols.

And IF these species are found during construction, they will simply be removed and their habitat destroyed. And if the species is disturbed by noise, loss of habitat or other disruption, they will simply be forced to leave, as the circumstances for their survival will no longer be present.

- 6.
- 7.
8. **The EIR unreasonably defers consideration of management plans,**
9. **permits and monitoring essential to the projection of biological resources, thus not allowing for a full consideration of its impacts.**
- 10.

Comment letters from the **California Department of Fish and Wildlife, California Native Plant Society**, and the Law Firm **Shute, Mihaly & Weinberger**, all point out the inadequacy of referring to future mitigations without explaining their details. This leaves us unable to judge the completeness and adequacy of those mitigations, whether they involve management plans, water treatment plans, permits, robust monitoring, financial assurances such as bonds, or public access to real-time information.

The **California Department of Fish and Wildfire** states this problem clearly in their comment:

...formulation of mitigation measures should not be deferred until some future time. Because there is no guarantee that these approvals or cooperation with all the involved entities will ultimately occur, the mitigation measures are unenforceable and do not reduce the impacts to biological resources...

This uncertainty about the probable success of actions meant to mitigate impacts should have been remedied in the EIR by more detailed description of plans, as well as many more measures that build confidence for success, including economic support for the county to monitor mine operations, bonds sufficient to cover mine failures, and legally binding mechanisms that require mine operations to cease if impacts endangering the community occur.

- 7.
- 8.
9. **The EIR ignores cumulative impacts as speculative when these**
10. **impacts reasonably could be studied and considered.**
- 11.

As the City of Grass Valley asserts, "The applicant's request for an 80-year permit is extraordinary..." The EIR justifies this saying it fits the economic model of the applicant. At the same time it strongly objects to the need for any long-term consideration of the project's impacts over that extended "multi-generational" period. Why 80 years? We need it for the money. Consider 80 years of impacts? No thanks.

What the EIR somehow assumes is the absence of change during 80 years, of accumulating risk over time, and of negligent operation or accident. Such details could have easily been analyzed through statistical modeling or reference to the compliance and accident records of similar mining operations. They are not.

Most egregious, however, is the dismissal of climate change as an impact. The EIR dismisses any concerns as "**speculative**," whereas the State of California, and numerous agencies have clearly acknowledged the existence of trends due to climate change - higher temperatures, increased drought, extreme weather events, reduced water supply, increased wildfire risk. Further these entities are all modifying their policy, programs, and goals to meet these challenges.

The EIR attempts to look scientific regarding all this by citing a one single 2012 paper, claiming that it shows wide uncertainty about the impacts of climate change concerning groundwater recharge. Yet the paper itself in its conclusions argues that the groundwater age in all the springs tested uniformly appears to be a response to "lower recharge rates," not the highly uncertain future the EIR suggests. The conclusions of the paper cited do not in any way support the assertions of the EIR. This twisting of conclusions from the only scientific source cited should not absolve the EIR from seriously looking at the impacts of climate change.

Overall, this EIR ignores impacts of climate change and suggests there are no cumulative impacts to consider in an 80 year project.

In many of its technical details, the EIR does an inadequate job of identifying and considering impacts to biological resources, the focus of our analysis of this project. As such the EIR should NOT be approved.

Beyond that, the project in our view poses not only dangerous potential impacts to biological resources, but also significant and unavoidable negative impacts to our community — to its air and wells, its health, economic welfare, property values and quality of life.

We ask that you deny the Idaho-Maryland Mine project.

Thank you very much,

Gary Griffith
President, Wolf Creek Community Alliance
Jonathan Keehn
Vice-President, Wolf Creek Community Alliance

www.wolfcreekalliance.org • wolf@wolfcreekalliance.org • (530) 272-2347
PO Box 477, Grass Valley, CA 95945

Tine Mathiasen

From: noreply@granicusideas.com
Sent: Wednesday, February 14, 2024 2:52 PM
To: BOS Public Comment
Subject: New eComment for Nevada County Board of Supervisors February 15, 2024, Special Meeting

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New eComment for Nevada County Board of Supervisors February 15, 2024, Special Meeting

Patrick Dyer submitted a new eComment.

Meeting: Nevada County Board of Supervisors February 15, 2024, Special Meeting

Item: 1. SR 24-0199 Public Hearing to consider A) PLN19-0176; EIR19-0001; RZN19-0002; VAR19-0003; MIS22-0019; CUP19-0004; MGT19-0039, MGT19-0040, MGT20-0009, MGT20-0010, MGT20-0011, MGT20-0012, MGT20-0013; LLA20-0006; AAM21-0002; a proposed project that would reinstate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an eighty (80)-year permit period with gold mineralization processing and underground exploration and mining proposed to operate twenty-four (24) hours a day, seven (7) days a week during full operations. Following completion of mining and processing activities, the project site would be reclaimed to open space and land suitable for future development of industrial uses; and B) to carry forward the results of the Special Meeting of Nevada County Planning Commission on May 10, 2023, and May 11, 2023 and the (5-0) vote and recommendation to deny the proposed Idaho-Maryland Mine - Rise Grass Valley Project. (Assessor's parcel numbers: 006-441-003, -004, -005, -034; 009-630-037, -039; 009-550-032, -037, -038, -039, -040; and 009-560-036.) Resolution to not certify the Final Environmental Impact Report and find the project statutorily exempt pursuant to Section 15270(a) of the California Environmental Quality Act (CEQA) Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves; to deny the Rezone (RZN19-0002) for the parcels located at the Brunswick Industrial Site from Light-Industrial with Site Performance Combining District (M1-SP) to Light Industrial with Mineral Extraction Combining District (M1-ME); to deny the Variance (VAR19-0003) for the construction of several structures up to a height of 165 feet, where forty-five (45) feet is required, pursuant to Nevada County Land Use and Development Code, Section L-II 2.5 - Industrial Uses, Table L-II 2.5.E, and; to take no action on

the following project entitlements: Development Agreement (MIS22-0019), Use Permit with a Reclamation Plan (CUP19-0004); Management Plans (MGT MGT19-0039, MGT19-0040, MGT20-0009, MGT20-0010, MGT20-0011), Boundary Line Adjustment (LLA20-0006), Parcel Map Amendment (AAM21-0002).

eComment: I strongly support the Rise mine project. The mining abuses of the past are just that, the past. We have a negative EIR. Gold is California's history and can be our future. We need the resources of the planet and they cannot be relocated to a convenient location. The mine will be safe for, the miners, the community, and the environment. A functioning modern gold mine in the gold country makes sense. G. Patrick Dyer, owner Utopian Stone Jewelers, NC council 8 years, Mayor 2 years

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Tine Mathiasen

From: Solomon Henson [REDACTED]
Sent: Wednesday, February 14, 2024 3:28 PM
To: BOS Public Comment
Cc: Sue Hoek
Subject: SJRTA - IMM Comment Letter
Attachments: SJRTA IMM comment 2.14.24.pdf

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Good afternoon, please receive the San Juan Ridge Taxpayers Association comment letter for the Board of Supervisors hearing tomorrow regarding the Idaho Maryland Mine.

Thank you very much, Sol



San Juan Ridge Taxpayers Association
P.O. Box 421, North San Juan, CA 95960
info@sjrtaxpayers.org www.sjrtaxpayers.org

February, 14 2024

Attention:

Nevada County Board of Supervisors
950 Maidu Avenue
Nevada City, California 95959

Dear Nevada County Board of Supervisors,

Based on the catastrophic failure of the Siskon Gold Mine on the San Juan Ridge and the myriad concerns identified by community members, we ask that you deny certification of the EIR and take no action on the use permit for the Idaho Maryland Mine Project. Statements about groundwater impacts in the EIR are eerily similar to those made in the Siskon EIR 30 years ago. The Siskon EIR all but guaranteed that there would be no significant environmental or community impacts, including to groundwater.

In 1992, after decades of responding to mining applications in the North Columbia Diggings, the San Juan Ridge community decided it was best to negotiate a mine with "safe" mine than to continue fighting. Community members, the county and the mine corporation hammered out the Remedial Water Supply Plan, which outlined monitoring and safeguards from potential mine-operation impacts.

When mining began, in quick succession issues began to spring up. A nearby well was lost. The infiltration pond clogged with clay and began dumping water from the mine directly into Spring Creek. Only then did it become clear that no one was enforcing the infractions and community members, without any power to remedy the situation, were forced to monitor these very real public health and environmental consequences. Soon after, on Labor Day of 1995 the mine operation breached a bedrock fault. Miners nearly lost their lives due to the resulting flooding, and a dozen wells were drained, including those of Grizzly Hill School and our local cultural center. The mine corporation denied fault, but agreed to drill new wells for those who lost their water immediately following the fault breach.

Then reports began to emerge of community members in the vicinity of the mine getting ill after drinking their well water. The post-mortem on the dewatering event suggested that rapid dewatering of groundwater and the eventual recovery could lead to contaminants leaching into well water. Because of the complexities of a fractured bedrock aquifer we will never know the full extent well impacts due to the breach.

Like the Siskon disaster, the Rise project lacks adequate hydrological information and well monitoring. In a fractured bedrock system such as that found in the area of the proposed project, the consequences of dewatering and mining can have disastrous consequences on surrounding wells in a wide area. No number of new jobs is worth the loss or toxification of water upon which people depend. Therefore, we urge you not to certify the EIR, and to vote "No" on the project.

Sincerely,

Solomon Henson

President of the SJRTA

Tine Mathiasen

From: Gary Griffith [REDACTED]
Sent: Wednesday, February 14, 2024 2:10 PM
To: BOS Public Comment
Subject: Deny the proposed Idaho-Maryland Mine Project

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Dear Board of Supervisors,

We live in the Grandview Terrace Neighborhood located on the hill right next to Grass Valley, within District 3. The neighborhood is less than 1 mile away from the Brunswick site proposed as the heavy industrial location for the project. Speaking to neighbors there is almost universal opposition to the proposed project, More than 25 signs line just a few streets. At our end of the neighborhood, closest in proximity to the site of the proposed mine, there are no less than 7 signs on display out of only 10 residences. In this neighborhood of many young families, older working folk and retirees, people keep asking each other, 'How can such a project happen? It's obviously so bad for our community.'

We agree. We have studied the project description along with its voluminous DEIR and FEIR. We have read the County Staff Report published in preparation for the Feb. 15th hearing. This proposed project is...

Too close, too many, too long, too little, too questionable, and too outrageously long.

It's too close to our homes, and the homes of many others in Nevada County. We have good reason to fear for our health, our safety, our quality of life, and our property values.

Its Environmental Impact Report is too many pages long, telling us that it has too many potential impacts that the consultants paid by the applicant work too hard to explain away. We are not convinced that the increased noise, traffic, air pollution, water impacts, safety risks and the rest will not dramatically impact our lives.

It offers too little in the way of jobs and benefits. Real jobs for locals? Very few. Jobs our children would want to have, definitely not. A new fire truck? Verging on bribery.

It's definitely proposed by a former CEO and company that is too questionable in its history and practices, convicted of environmental crimes due to an earlier mining disaster. What are we even thinking? No reasonable person would trust this company to follow up on its promises.

And it's totally, outrageously, too long. 80 years, because it fits their profitability model? What about fitting into the next 80 years of our future, with a large industrial mining operation needing to be monitored and watched, unable to be shut down when things go bad, or bought out by another company even worse, planning to continue its dirty work without regard to the many challenges our community will undoubtedly face in a future reaching all the way to our grandchildren.

We are appalled. We are incensed. And we ask you, our Board of Supervisors, to do the right thing, the only sane and reasonable thing. Deny this project!

Sincerely,

Gary & Christine Griffith-Nys

