

1 **NEVADA COUNTY PLANNING COMMISSION**  
2 **NEVADA COUNTY, CALIFORNIA**

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4 **MINUTES** of the meeting of May 10, 2023 and May 11, 2023 9:00am., Board Chambers, Eric Rood  
5 Administration Center, 950 Maidu Avenue, Nevada City, California  
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8 **MEMBERS PRESENT:** Commissioners Greeno, Mastrodonato, Duncan. Milman, McAteer  
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10 **MEMBERS ABSENT:**

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12 **STAFF PRESENT:** Planning Director Brian Foss, Senior Planner, Matt Kelley, Administrative Assistant,  
13 Shelley Romriell  
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15  
16 **PUBLIC HEARINGS:**

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18 **1. Idaho Maryland Mine Project**

19 PLN19-0176; EIR19-0001; CUP19-0004; RZN19-0002; VAR19-0003; MGT19-0039; MGT19-  
20 0040; MGT20-0009; MGT20-0010; MGT20-0011; MGT20-0012; MGT20-0013; LLA20-0006;  
21 AAM21-0002; MIS22-0019  
22

23 **STANDING ORDERS:** Salute to the Flag - Roll Call.  
24

25 **CALL MEETING TO ORDER:** The meeting was called to order at 9:00am. Roll call was taken.  
26

27 **PUBLIC HEARING:**

28  
29 **9:00 a.m. PLN19-0176; EIR19-0001; CUP19-0004; RZN19-0002; VAR19-0003; MGT19-0039;**  
30 **MGT19-0040; MGT20-0009; MGT20-0010; MGT20-0011; MGT20-0012; MGT20-0013; LLA20-**  
31 **0006; AAM21-0002; MIS22-0019**

32 The proposed project would reinitiate underground mining and gold mineralization processing for the  
33 Idaho-Maryland Mine over an eighty- (80)-year permit period with gold mineralization processing and  
34 underground exploration and mining proposed to operate 24 hours a day, 7 days a week during full  
35 operations. Following completion of mining and processing activities, the project sites would be reclaimed  
36 to open space and land suitable for future development of industrial uses. For the full Project Description,  
37 please see the Draft Environmental Impact Report Chapter 3.0.  
38

39 **LOCATION:** The proposed project's surface components would be located within unincorporated western  
40 Nevada County on approximately 175.64 acres, consisting of the Brunswick Industrial Site, the Centennial  
41 Industrial Site, and an approximately 0.30-acre portion of East Bennett Road for off-site improvements  
42 associated with a potable water pipeline easement. The proposed project would also involve underground  
43 mining within a defined portion of an approximately 2,585-acre mineral rights boundary owned by the  
44 project applicant. It should be noted that underground mining would not occur within the entire area of  
45 mineral rights and would be limited to an approximately 1,415-acre portion of the underground mineral  
46 rights boundary as analyzed in the Environmental Impact Report prepared for the proposed project. The  
47 potable water pipeline easement would be located along East Bennett Road and would be contained within  
48 the existing right-of-way.  
49

50 The Centennial and Brunswick Industrial Sites are located within unincorporated Western Nevada County  
51 and are owned by Rise Grass Valley (applicant). The 119-acre Brunswick Industrial Site is located  
52 southwest of the intersection of East Bennett Road and Brunswick Road and is accessible from Brunswick  
53 Road or East Bennett Road. The 56.41-acre Centennial Industrial Site is located southwest of the

54 intersection of Idaho Maryland Road and Centennial Drive, approximately 1.5 miles from the Brunswick  
55 Industrial Site.

56  
57 **ASSESSOR PARCEL NUMBER'S:** 006-441-003, -004, -005, -034; 009-630-037, -039; 009-550-032, -  
58 037, -038, -039, -040; and 009-560-036

59  
60 **RECOMMENDED ENVIRONMENTAL ACTION:** The Planning Commission will make a  
61 recommendation to the Board of Supervisors.

62  
63 **RECOMMENDED PROJECT ACTION:** Hold a public hearing to make a recommendation to the Board  
64 of Supervisors.

65  
66 **PLANNER:** Matt Kelley, Senior Planner; Cindy Gnos – Raney Planning & Management; Nick Pappani –  
67 Raney Planning & Management

68  
69 *See attached for transcription of the 2-day hearing*

70  
71 **Motion by Commissioner McAteer** to recommend the Board of Supervisors not certify the Final  
72 Environmental Impact Report (EIR) and deny the request for Project approval of the Rezone and Variance.  
73 *(See attached for full transcription of the motion)*

74  
75 **Second by Commissioner Milman. Motion Carried on a 5/0 vote.**

76  
77 Chair Greeno adjourned the meeting at 4:34pm, May 11, 2023

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79 \_\_\_\_\_  
80 Passed and accepted this day of , 2024.

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83 Brian Foss, Ex-Officio Secretary

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Transcription of  
Nevada County  
Planning Commission Hearing  
May 10, 2023

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REPORTED BY: JOYCE P. MORLIN  
ANNE EDELMANN

1 [START 2023-05-10 MINE PC audio.mp3]  
2 CHAIRMAN WILLIAM GREENO: Good morning.  
3 Hello. Test. Am I on? Test. Test. Test.  
4 I don't know. It doesn't sound like I'm on.  
5 Test. Test. I can speak loud enough for  
6 this room, but not everybody else. There we  
7 go. Good morning. I'm Bill Greeno. I'm  
8 the chairman of the Planning Commission, and  
9 if you would all rise, please, and join me  
10 in the Pledge of Allegiance to the flag.  
11 I pledge allegiance to the flag of the  
12 United States of America, and to the  
13 Republic for which it stands, one nation  
14 under God, indivisible, with liberty and  
15 justice for all.  
16 Thank you. The purpose of the meeting  
17 here today is to, first, hear presentations  
18 both from staff and then from the Applicant  
19 for the Rise Grass Valley Idaho-Maryland  
20 Mine gold mine, and then to ultimately  
21 deliberate and bring a recommendation to the  
22 Board of Supervisors.  
23 The schedule today will--I just laid  
24 some of it out. We'll hear first from staff.  
25 Then we'll hear from the Applicant. I'll

1 then entertain questions, clarifying  
2 questions, from my fellow commissioners to  
3 clarify any information presented this  
4 morning. Then we will hear from the public,  
5 and then at the--when everybody has spoken  
6 that needs to, we will deliberate. I expect  
7 that to be tomorrow.

8         Logistics of how this works. We're  
9 going to bring--everybody should have a  
10 number that wants to speak. We're going to  
11 bring ten at a time down this side over here,  
12 and then up to the microphone. When you're  
13 done speaking, exit straight out that way,  
14 over to my left, waving over there, and on  
15 out the door.

16         For those of you who are seated in here,  
17 there's I don't know how many people.  
18 There's a lot of people in other rooms and  
19 outside who would probably like to take your  
20 place, so if you get a little tired or want  
21 to open up your seat, open seats are welcome.  
22 I'm sure that there's other people, and we  
23 have a limited number, obviously capacity  
24 for fire safety, and we have folks keeping  
25 track of how many people are in here. So

1 please feel free to open up your seat to  
2 other folks that might want to come on in.

3       Everybody will get three minutes at the  
4 podium there. At the end of three minutes,  
5 the microphone will turn off, and nothing  
6 will be recorded after that point. So  
7 please keep it to three minutes. Also  
8 please silence your cell phones now. Put  
9 them on airplane mode if you don't need to  
10 talk to anybody. Making sure I'm not  
11 missing anything here.

12       So during the--during the public  
13 comment, please refrain from reacting to  
14 anything that's said, whether you agree or  
15 disagree. We're all here to, to hear one  
16 another out, and we really need to hear from  
17 all of you. It takes extra time when folks  
18 are disruptive. Applauding and such is  
19 disruptive, and it's not appropriate at this  
20 time. If you do support and want to show  
21 support, you're free to use the American  
22 Sign Language form of applause. Okay, looks  
23 like that. So please feel free. Worked  
24 really well last time. Some of you were  
25 here.

1           If you have signs, don't block the  
2 people behind you. We will break, 12 to 1,  
3 for lunch. We will likely break earlier  
4 than 12 for a restroom break. And if you  
5 see any of us stand up back here, it's just  
6 because we're nursing sore backs, and we're  
7 going to have to sit for a couple days. So  
8 nothing to be noticed there.

9           And finally, if you have any questions,  
10 especially those of you who are not in this  
11 room, outside we've got a couple of staff  
12 members, Marie Maniscalco and Vera De  
13 Ferrari are located in the lobby, I'm told,  
14 and they can field questions, if you have  
15 any.

16           Make sure I haven't missed anything  
17 here. How'd I do, Shelley? Is that  
18 everything?

19           THE CLERK: You did great. Go ahead  
20 and take roll.

21           CHAIRMAN GREENO: Thank you.

22           THE CLERK: Commissioner Millman?

23           COMMISSIONER DANNY MILLMAN: Here.

24           THE CLERK: Commissioner Duncan?

25           COMMISSIONER LAURA DUNCAN: Here.

1 THE CLERK: Commissioner McAteer?  
2 COMMISSIONER TERENCE MCATEER: Present.  
3 THE CLERK: Commissioner Mastrodonato?  
4 COMMISSIONER MIKE MASTRODONATO: Here.  
5 THE CLERK: And Chair Greeno?  
6 CHAIRMAN GREENO: Here. With that, we  
7 will hear from Senior Planner Matt Kelley  
8 with the staff presentation.  
9 MR. MATT KELLEY: Thank you, Mr. Chair,  
10 members of the Planning Commission. Matt  
11 Kelley, planner with the Nevada County  
12 Planning Department. I'm going to share my  
13 screen here briefly, so the rooms upstairs  
14 can see that.  
15 Okay. Thank you. So seated to my left  
16 is Nick Pappani. He's with Raney Planning &  
17 Management, one of our consultants on the--  
18 on the project. To my further left is Diane  
19 Kindermann of Abbott & Kindermann. She's  
20 with--also a consultant on the project. She  
21 is serving as counsel to staff for this  
22 project. And seated to her left is Cindy  
23 Gnos with Raney Planning & Management, a  
24 consultant on the proposed project.  
25 So just a brief meeting overview. I'll

1 do a brief introduction, and then Nick is  
2 going to do a project summary. He'll then  
3 also talk about the EIR, or the  
4 Environmental Impact Report. I'm going to  
5 do a discussion on the General Plan and  
6 zoning consistency, and then finish with  
7 recommendations.

8       So purpose of today's meeting is to  
9 present the proposed Idaho-Maryland Mine  
10 project to the Nevada County Planning  
11 Commission. We will open with a public  
12 hearing. Based on the information presented  
13 today, and public testimony, Planning  
14 Commission will make a recommendation that  
15 staff will forward to the Board of  
16 Supervisors, who will take final action and  
17 consider the proposed project.

18       So just a brief project timeline. In  
19 November of 2019, the application was  
20 received from Rise Grass Valley.  
21 Resubmittals through the--were submitted  
22 through February of 2020, and final  
23 submission of the project and CEQA documents  
24 with the release of the EIR was January of  
25 '22.

1           The notice of preparation was prepared  
2 and released from July through August of  
3 2020. The Draft EIR was circulated for a  
4 91-day public comment period starting in  
5 January of '22. Between March or in March,  
6 commission held a Draft EIR public comment  
7 meeting where we heard from the public, and  
8 then presented those public comments in the  
9 Final EIR, which is for your consideration  
10 today, as well.

11           In December of 2022, the Final EIR was  
12 released, which was a culmination of all the  
13 public comments that were received, and  
14 responses to those public comments. The  
15 Final EIR also included an erratum and  
16 updates to the analysis that was included  
17 from the Draft EIR. And then finally, in  
18 April of 2023, the Staff Report was released  
19 for the proposed project that you're  
20 considering today.

21           So the project sites, they are located  
22 within unincorporated Western Nevada County.  
23 The project is comprised of two project  
24 sites. The Brunswick Industrial Site, which  
25 is zoned M1 Light Industrial, has a

1 Combining District of SP or Site Performance.  
2 The General Plan of the project site is also  
3 industrial, and it's on this map here to  
4 your right. It's located here. The project  
5 is also located on what's called the  
6 Centennial Industrial Site, located on  
7 Whispering Pines Lane, accessed through the  
8 city of Grass Valley. It is zoned Light  
9 Industrial or M1, and it also has a General  
10 Plan designation of industrial.

11 The project site surface components  
12 make up approximately 175 acres between the  
13 two project locations. There is also a  
14 proposed waterline that would be constructed  
15 under East Bennett Road that makes up a  
16 portion of the surface components of the  
17 proposed project.

18 The subsurface components of the  
19 proposed project are about 2,500 acres.  
20 They're comprised of this green--or this,  
21 this orange line here on the map. In  
22 addition, the Applicant has agreed to,  
23 through a Condition of Approval, would limit  
24 subsurface mining to about 1,400 acres, and  
25 that's shown on subsequent site plans. But

1 the subsurface estate of the entire project  
2 site is about 2,500 acres.

3       So this is just a map of the project  
4 boundary, the project location, to show the  
5 Centennial Industrial Site and the Brunswick  
6 Industrial Site, and then the waterline, as  
7 I was speaking to earlier, is along East  
8 Bennett Road that would be connected here.

9       So this is the Brunswick industrial  
10 site. The site is the location of the  
11 existing Idaho-Maryland Mine. It did also  
12 contain a former, former Bohemia mill--  
13 sawmill site, at one point, that was located  
14 generally on this paved area. The project  
15 entrance, or the entrance to the underground  
16 mine workings, is located in the existing  
17 concrete silo, the Brunswick shaft here, and  
18 then the Applicant would construct the mine-  
19 -the additional service shaft that would be  
20 located on the project site in this general  
21 location. Project also--there's an existing  
22 clay-lined pond as well as the tailings that  
23 would be deposited on the Brunswick Site in  
24 the Brunswick Site fill pile would be  
25 located in this area here.

1           This is the Centennial Site. This is  
2 the historic tailings area for the Idaho-  
3 Maryland Mine. This is located off of--it's  
4 off of--located and accessed off of  
5 Whispering Pines Lane, and then it does also  
6 border Idaho-Maryland Road. Wolf Creek does  
7 front along it. There's an inactive sawmill  
8 that's on the Applicant's property that's  
9 not proposed to be used as this project or  
10 part of the project, but it's there. And  
11 then this is the existing historical  
12 tailings location for the Idaho-Maryland  
13 Mine. The Applicant proposes to utilize  
14 this site in addition to deposit tailings,  
15 as well.

16           And this is the mineral rights boundary.  
17 This map just shows the extent of the  
18 mineral rights boundary, and the--as I was  
19 speaking to earlier, the approximately 1,400  
20 acres that the Applicant would actually mine,  
21 or actively mine, is located here in red.  
22 It's outlined here in this red box. The  
23 subsurface total estate is outlined in this  
24 dashed line here.

25           And then we'll turn it over to Nick.

1 MR. NICK PAPPANI: Thank you, Matt.  
2 Good morning, Chair, members of the  
3 Commission. Nick Pappani, Vice President  
4 with Raney Planning & Management. Pleasure  
5 to be here before you this morning. We were  
6 retained by the county to prepare the  
7 Environmental Impact Report and assist with  
8 the planning services associated with the  
9 project. As Matt mentioned, I'm going to  
10 present the project summary, as well as the  
11 Environmental Impact Report overview.

12 So starting with this slide, generally  
13 the project consists of several components,  
14 including the installation, as Matt  
15 mentioned, of a potable water pipeline for  
16 residential potable water supply. And this  
17 is just overview. We'll talk about each of  
18 these components in more detail.

19 Dewatering of the existing underground  
20 mine workings. Underground mining at a  
21 depth of 500 feet or more in areas  
22 underlying the mineral rights. Construction  
23 and operation of aboveground processing and  
24 water treatment facilities at the Brunswick  
25 industrial site. Engineered fill placement

1 for potential future industrial pad  
2 development at Centennial and Brunswick, and  
3 reclamation of the project sites in  
4 accordance with the reclamation plan.

5       Okay. So the first component would be  
6 the potable water pipeline. Prior to  
7 commencement of initial mine dewatering, the  
8 project Applicant will install a buried  
9 potable water pipeline along East Bennett  
10 Road to connect up to 30 properties to NID's  
11 potable water supply. This is a requirement  
12 of Mitigation Measure 4.8-2C of the EIR.  
13 Pipeline will be approximately 1.25 miles  
14 long, eight inches in diameter, and  
15 contained within the existing right-of-way.  
16 Connection to the pipeline would be  
17 voluntary. Here again is an exhibit that  
18 shows, just generally in blue, the potable  
19 water pipeline that runs along East Bennett  
20 between the two surface properties.

21       Getting into a little more detail on  
22 the Brunswick industrial site, I want to  
23 kind of go over the water treatment plant  
24 that would be utilized for the initial and  
25 ongoing dewatering. The mine is currently

1 flooded, so there would be a need to pump  
2 groundwater into an on-site pond for removal  
3 of total suspended solids, iron and  
4 manganese. As I mentioned, the initial mine  
5 dewatering would be required, as well as  
6 some what's called maintenance dewatering,  
7 due to continual inflow of groundwater  
8 within the underground mine workings.

9       Groundwater sampling has identified two  
10 constituents of concern, which are iron and  
11 manganese, above Regional Water Control  
12 Board--Quality Control Board discharge  
13 standards. So the iron and manganese would  
14 be removed at the on-site water treatment  
15 plant that would be built at the outset of  
16 the project. The manganese and the iron  
17 would be removed at the treatment plant  
18 through filtration. The filter media will  
19 remove those two constituents to compliant  
20 levels specified by the state.

21       A couple more details here. Out of  
22 caution, secondary treatment would also be  
23 employed at the water treatment plant. The  
24 water treatment plant would be permitted  
25 through the state Regional Water Quality

1 Control Board prior to discharge of any  
2 treated water to South Fork Wolf Creek.

3 Water will be discharged to South Fork  
4 Wolf Creek at a maximum rate of 5.6 cfs  
5 during the approximately six-month initial  
6 dewatering of the mine. After initial  
7 dewatering, groundwater is anticipated to  
8 continue to infiltrate the underground  
9 workings, as I mentioned, at a rate of 1.9  
10 cfs, so lesser than the initial dewatering.

11 And so you have kind of a range of  
12 discharge--treated water discharge into  
13 South Fork Wolf Creek from an initial 5.6  
14 cfs to 1.9 cfs on that ongoing time frame.

15 Those levels of treated water discharge,  
16 when combined with observed base flows to  
17 the creek, would be below flows that  
18 commonly exhibit significant work on the  
19 channel. Initial and ongoing water sampling  
20 will be required to demonstrate that the  
21 treated water complies with the state  
22 discharge requirements. Quarterly reports  
23 are submitted to the Regional Water Quality  
24 Control Board to demonstrate that the  
25 treated water complies with the standards

1 set by the state.

2       Okay. So at the Brunswick Site,  
3 underground mining will occur. Mine  
4 development will occur in nonmineralized  
5 barren rock, i.e., non-gold bearing.  
6 Approximately 500 tons per day would be  
7 produced to create tunnels to access  
8 mineralized rock. And tunneling and  
9 blasting would occur in mineralized rock as  
10 well to access the ore.

11       New underground workings, except for  
12 the service shaft, which we'll talk about,  
13 would be below 500 feet of the ground  
14 surface. And tunnels would be constructed  
15 in ten-foot advances, per blast round. And  
16 the blasting is a controlled process,  
17 generally, whereby holes would be drilled  
18 into the rock face and loaded with  
19 explosives, and then detonated to fragment  
20 rock. And so this is a controlled process  
21 that basically advances approximately ten  
22 feet per blast round.

23       All electric equipment would be  
24 utilized underground in the mining process.  
25 Barren rock would be crushed, loaded, and

1 hoisted up the Brunswick shaft to the  
2 concrete silo and headframe building.

3 Barren rock would be transported from  
4 the silo to an enclosed truck-loading  
5 building using a covered conveyor. And  
6 mineralized rock would also be hoisted up  
7 the shaft and transported to the on-site  
8 processing plant using a covered conveyor.  
9 And the intent of the conveyors being  
10 covered is, of course, to minimize noise.

11 So the process plant, a little more  
12 detail on that. Approximately 1,000 tons of  
13 mineralized rock would be processed through  
14 the plant per day. There's grinding mills  
15 within the plant that would crush the rock  
16 down. And then water would be added to  
17 produce a slurry. Gold would be extracted  
18 from that slurry through gravity  
19 concentration and secondary gold recovery  
20 processes. No mercury or cyanide would be  
21 utilized in the process.

22 Twenty tons of gold concentrate would  
23 be produced per day and shipped off-site.  
24 Through that processing, sand tailings would  
25 be produced. Sand tailings would be

1 dewatered for use as cement paste backfill  
2 in the mine voids, as well as combined with  
3 barren rock to produce engineered fill. As  
4 I mentioned, the cement paste backfill would  
5 be utilized in voids. It would be pumped  
6 underground, and that would help ensure the  
7 stability of the underground workings.

8         The cement paste backfill would be  
9 subject to state review and approval. A  
10 waste discharge requirement from the  
11 Regional Water Quality Control Board would  
12 be required for utilization of cement paste  
13 backfill in the mine.

14         The Brunswick Site will have a complex  
15 of buildings, as generally illustrated in  
16 this chart here, as well as the proposed  
17 maximum heights. There's a total of  
18 approximately 126,000 square feet of  
19 industrial buildings and 9,800 square feet  
20 of additional structures, such as tanks, a  
21 water treatment plant, covered conveyors.  
22 And we'll talk about some of these  
23 components a little further as we move  
24 through the presentation.

25         This is a map of the Brunswick Site,

1 particularly the northern portion. Just  
2 going to cover a couple of these features  
3 here.

4       So as Matt pointed out, that is the  
5 site of the Brunswick headframe, which is  
6 currently the site of the existing shaft and  
7 silo. There is an 80-foot-tall headframe,  
8 or approximately 85-foot-tall, I believe,  
9 existing silo there now.

10       Service headframe would be a new shaft  
11 and headframe that would be excavated at  
12 that location. It would be an 80-foot-tall  
13 headframe, and it would move workers and  
14 materials underground and provide a fresh  
15 air intake. No barren rock or mineralized  
16 rock would be moved in the service shaft.

17       You can see there the north of the  
18 Brunswick headframe would be the truck  
19 loading area, and that is in a covered  
20 building. East Bennett Road access, where  
21 the trucks would load out and turn right  
22 onto East Bennett Road and then onto  
23 Brunswick North. Proposed process plant,  
24 where the processing of the gold  
25 mineralization would occur. Warehouse

1 building on-site provide various functions  
2 of the water treatment plant that's on-site.  
3 And the upper left is the South Fork Wolf  
4 Creek discharge point, where treated water  
5 at the treatment plant would be routed and  
6 discharged into South Fork Wolf Creek.

7       Okay. Buildings shown on this slide  
8 consist of the process plant. You have a  
9 front and a rear elevation, rear elevation  
10 being that which would face Brunswick Road.  
11 These buildings would include the use of  
12 vertical rib metal wall panels with standing  
13 seam metal roofing panels. Exterior colors  
14 are a combination of gray and brown earth  
15 tones with some contrasting wainscot.

16       Buildings would be designed with window  
17 structural bays, roof overhangs, awnings,  
18 and other details. It is noted that a  
19 Condition of Approval is required for the  
20 rear elevation at the bottom of the screen  
21 to break that structure up further with  
22 awnings and additional bays and roof  
23 overhangs to better conform to the western  
24 Nevada County design guidelines.

25       Okay. Here's an elevation of the

1 proposed Brunswick shaft headframe building.  
2 You can see that the—has a similar materials  
3 and colors as the other buildings that we  
4 just looked at. The headframe would be  
5 approximately 165 feet tall. Vertical  
6 headframe structure would be clad with  
7 weathered copper, perforated, perforated at  
8 the top, which you can kind of see there,  
9 but—and that would be to help kind of blur  
10 the lines between the structure and the sky.  
11 There would be some level of ability to see  
12 through that top portion of the headframe.  
13 The dark color may contrast sharply against  
14 the sky given the height, so staff has  
15 included a condition on the project to use a  
16 different material at the top to better  
17 blend in with the sky.

18       Site development standards for lighting.  
19 The proposed lighting has been identified  
20 throughout the Brunswick Site. New light  
21 structures are proposed for various purposes,  
22 including pedestrian safety, along internal  
23 walkways and around equipment areas, as well  
24 as project entry points and parking lot  
25 lighting and building lighting.

1           A total of 41 pole-mounted LED lights,  
2 at 15 feet tall, have been identified and  
3 are kind of generally shown in those  
4 exhibits as little kind of crosses on there.  
5 The proposed lighting would be compliant  
6 with International Dark Sky Association  
7 standards. It would be downcast lights and  
8 fully shielded. To ensure that is what the  
9 ultimate building is—ultimate building  
10 lighting and on-site lighting does comply  
11 with that, a Condition has been required to  
12 ensure that. In fact, the final design  
13 reflects that, that all lighting is  
14 compliant with International Dark Sky  
15 Association standards.

16           Landscaping has also been identified.  
17 We have a preliminary landscape plan. The  
18 landscape plan generally reflects heavy  
19 landscaping within the parking lot area on  
20 the Brunswick Site. You can see that on the  
21 right side of the slide. On the left side  
22 of the slide, you can see, generally, the  
23 landscaping that is proposed at the northern  
24 corner of the site. That's basically south  
25 of the intersection of Brunswick and East

1 Bennett. Trees are anticipated to reach  
2 full maturity in approximately 30 years.

3       What the EIR identifies, and we'll talk  
4 a little bit more about, is that the impacts  
5 associated with the engineered fill pad  
6 would represent a significant and  
7 unavoidable impact associated with the  
8 project.

9       There is a mitigation measure that  
10 requires preparation of a final landscaping  
11 plan that would have some minimum  
12 performance standards that must be met,  
13 including such things as additional  
14 plantings along the Brunswick frontage, as  
15 well as that northern corner there, to  
16 ensure that maximal screening is provided,  
17 eventually. Obviously, it's going to take  
18 some time for those trees to reach maturity,  
19 but we are requiring some additional  
20 landscaping.

21       This is a, and I know it's a little  
22 hard in terms of the scale, but this shows  
23 the cross-sections associated with the  
24 Brunswick industrial site with incorporation  
25 of the engineered fill pad.

1           And particularly, maybe if you want to  
2 point, I don't know if they can see that,  
3 but the second from the bottom. You can see  
4 the fill pad there, probably at its maximal  
5 height. The fill pad would be approximately  
6 50 to 60 feet tall above the existing--the  
7 existing grade, and it would take  
8 approximately six years to reach that design  
9 elevation at the proposed processing rates.  
10 Fill slopes would be three to one,  
11 horizontal to vertical.

12           So a little bit more on Brunswick here.  
13 The engineered fill placement would occur at  
14 a 31-acre portion, and that's shown at the  
15 kind of southern end there in the light gray.  
16 So that's a 31-acre portion of the  
17 approximately 119-acre Brunswick Site.

18           One thousand tons per day of engineered  
19 fill would be produced, and that's 500 tons  
20 of barren rock and 500 tons of sand tailings,  
21 as well as the 500 tons of mineralized rock  
22 and sand tailing results.

23           The on-site haul hours at Brunswick, in  
24 terms of engineered fill deposition at the  
25 pad area, that would occur from 7 a.m. to 7

1 p.m., and that's identified in the EIR  
2 project description. That consists of about  
3 50 round trips, so from the--from the truck  
4 loading building to the pad area, there's 50  
5 round trips from 7 a.m. to 7 p.m.

6 The project includes a detention basin  
7 that's at the toe of the engineered fill pad  
8 area. You can see that actually just below  
9 that, right there. That is a proposed  
10 detention basin that would be sized to  
11 contain flows to compensate for the amount  
12 of treated mine water discharged to South  
13 Fork Wolf Creek.

14 So it's sized sufficiently to hold back  
15 storm water in up to a 100-year storm event  
16 to make sure that the water does not exceed  
17 the current levels with input of mine water-  
18 -treated mine water into the channel. And,  
19 in fact, the predictions are that in the  
20 100-year storm event, the levels discharged  
21 would be less than existing conditions  
22 because it would hold the water back  
23 sufficiently.

24 Okay. Let's go to the next one. The  
25 Centennial Industrial Site Plan. Fill would

1 not be placed within the 100-year floodplain  
2 limits of Wolf Creek. There would be some  
3 grading work within the 100-foot setback  
4 from the floodplain area, and we'll talk  
5 about that a little bit later. A floodplain  
6 management plan has been prepared in order  
7 to address that.

8       This site would also include on-site  
9 detention that would be sized to ensure that  
10 the 100-year storm can be detained. The  
11 engineered fill here would be on about 44  
12 acres of the 56-acre Centennial Site, and  
13 1,000 tons per day of engineered fill would  
14 be hauled to this site from the hours of 6  
15 a.m. to 10 p.m. with the same amount of  
16 trips, 50 round trips, from the Brunswick  
17 Site to the Centennial Site.

18       So here's an illustration of some  
19 cross-sections for the engineered fill pad  
20 at the Centennial Site at its full design  
21 height, which would be approximately 50 feet  
22 tall from the existing grade. The  
23 Centennial Site slopes up to the back of the  
24 property, if you will, so you can kind of  
25 get a sense from these cross-sections that

1 it would be a greater height towards the  
2 front, and then as you move towards the back  
3 of the property, the fill height would be  
4 less. And the proposed placement of fill at  
5 the Centennial location, it would take  
6 approximately five years to reach the design  
7 height that's shown in these cross-sections.

8 Project also requires a reclamation  
9 plan approved by the state. The reclamation  
10 would occur as the mining is completed over  
11 the course of the process. The ultimate  
12 land use would be 37 acres of an engineered  
13 fill pad on the Centennial Site, and 12  
14 acres of open space associated primarily  
15 with the Wolf Creek portion on the  
16 Centennial Site.

17 At the Brunswick industrial site, the  
18 fully-reclaimed condition after the 80-year  
19 term of the use permit would be 21 acres of  
20 an engineered fill pad. The industrial  
21 buildings would remain on-site for potential  
22 future industrial uses, though any future  
23 industrial uses on that site would require  
24 further discretionary review and approval  
25 through the county, as well as 59 acres of

1 open space on the Brunswick Site.

2       So in a quick overview of the  
3 entitlements, and then we'll talk a little  
4 bit further about them, the project requires  
5 a rezone, a use permit, reclamation plan and  
6 financial assurance cost estimate, variance,  
7 management plans, amendment to the final map  
8 for the BET Acres subdivision (we'll talk  
9 about that further), boundary line  
10 adjustment, and Development Agreement.

11       So the rezone entails a request to  
12 rezone the Brunswick parcels from Light  
13 Industrial, Site Performance Combining  
14 District to Light Industrial, with Mineral  
15 Extraction Combining District. The Site  
16 Performance Combining District was placed on  
17 the site in 1994 when Sierra Pacific  
18 Industries proposed the Nevada County  
19 Business and Industrial Center. The ME is  
20 required to allow surface mining facilities  
21 related to the underground mining operations.

22       The use permit is--entails the various  
23 components of the proposed project, as shown  
24 here on the screen. The ME overlay allows  
25 surface mining, which includes the

1 aboveground processing facilities in the  
2 industrial M1 zone, and as mentioned, the  
3 subsurface mining is also allowed subject to  
4 a use permit.

5       Reclamation plan, we talked a little  
6 bit about, it also entails a Financial  
7 Assurance Cost Estimate, or FACE, that is  
8 associated with the reclamation of the site.  
9 The FACE includes 100% of all reclamation  
10 costs for the first full year of mining, as  
11 well as drainage improvements and erosion  
12 control, and the FACE is adjusted annually  
13 as mining progresses.

14       The variance for the project is  
15 associated with several structures and their  
16 proposed heights. Those are listed here.  
17 The maximum height per the code is 45 feet.  
18 You can see here the proposed 64-foot-tall  
19 process plant, the 165-foot-tall headframe,  
20 80-foot-tall service shaft that we spoke  
21 briefly about, and 50-foot-tall hoist  
22 buildings.

23       Management plans. County code, as you  
24 all are familiar with, requires management  
25 plans if a project may potentially impact

1 certain resources. Those management plans  
2 must identify ways that those impacts will  
3 be minimized, and so various management  
4 plans have been prepared for the project,  
5 including water resource riparian area  
6 management plans for both surface properties,  
7 Centennial habitat management plan for Pine  
8 Hill flannelbush, steep slopes and high  
9 erosion potential management plans for  
10 Centennial and Brunswick Sites, and a  
11 seismic hazard management plan for a portion  
12 of the Brunswick Site, as well as for  
13 Centennial, a floodplain management plan  
14 that I briefly mentioned earlier.

15       The amendment to the final map for BET  
16 Acres and the boundary line adjustment. So  
17 the final map for the formerly proposed BET  
18 Acres subdivision includes a setback of  
19 approximately 200 feet from a identified  
20 fault.

21       Based on substantial evidence from our  
22 geotechnical team, we believe that, that if  
23 there is a fault there, it is not active,  
24 and thus the setback could be removed from  
25 that map. We have our geological experts

1 here, so if there's any specific discussion  
2 on that, we certainly can do that. So  
3 basically, based on the understood inactive  
4 status of that fault, and its imprecise  
5 location, we believe that, that it can be  
6 removed, and that is the proposal to amend  
7 that final map.

8       There's also a boundary line adjustment,  
9 and that is just to reconfigure property  
10 lines on Brunswick so buildings would not  
11 cross property lines.

12       The proposed Development Agreement is  
13 between the Applicant and Nevada County to  
14 establish necessary processes for the  
15 payments of cents-per-ton for roadway  
16 maintenance and other public benefits that  
17 we will discuss a little bit further in the  
18 presentation. The DA would ensure that the  
19 project can proceed consistent with all  
20 plans, policies, ordinance, and regulations,  
21 and will remain in effect for 20 years, with  
22 two possible ten-year extensions.

23       So the Environmental Impact Report,  
24 Matt covered a few of these points here,  
25 we'll recap a bit of the process, the NOP or

1 Notice Of Preparation, which is a required  
2 kind of initial step in the CEQA process,  
3 notifying agencies and interested public  
4 that the county, or lead agency, is going to  
5 prepare an EIR. It's a-it's a process that  
6 solicits comments on the scope of the EIR  
7 and what should be studied.

8         So that was released in July of 2020  
9 with a scoping meeting held on July 27, 2020.  
10 Subsequent to that process in reviewing  
11 those scoping comments, and in working with  
12 our technical consultants to prepare various  
13 technical studies, we prepared a draft  
14 Environmental Impact Report in concert with  
15 the county staff. And that was released in  
16 January of 2022 for public review.

17         The initial period for the release and  
18 review was 60 days, and that is typically  
19 the maximum review period for an EIR unless  
20 there are unusual circumstances. And this  
21 is pursuant to CEQA guidelines 15105, that  
22 typically the Draft EIR will not be released  
23 for more than a 60-day review, unless  
24 there's unusual circumstances. And  
25 essentially, the county determined that in

1 response to public comments, and  
2 consideration of some unusual circumstances,  
3 such as power outages due to winter storms,  
4 that the review period was extended beyond  
5 the 60 days and ran a total of 91 days.

6       The Draft EIR was prepared pursuant to  
7 the guidelines by our firm under direct  
8 contract with Nevada County. Nevada County  
9 reviewed, and we worked in concert to  
10 finalize that draft document, and then  
11 release that document, which identified  
12 several potentially significant  
13 environmental impacts that would result from  
14 the project.

15       I just want to cover briefly here in  
16 terms of notifying the public of the  
17 availability of the Draft EIR, noticing was  
18 released in accordance with CEQA guidelines  
19 15087. A notice of availability indicating  
20 the availability of the Draft EIR was  
21 published in the Nevada Union newspaper,  
22 posted at the county clerk's office, and  
23 mailed to all those who commented on the  
24 notice of preparation. And the document was  
25 routed through the state clearinghouse for

1 review by state agencies.

2 All right. So the Environmental Impact  
3 Report identified, as I said, several  
4 potentially significant environmental  
5 impacts in the following categories,  
6 ultimately determining that these impacts,  
7 in these specific categories, could be  
8 reduced to a less-than-significant level,  
9 that is, below their applicable thresholds.  
10 There are a set of significant and  
11 unavoidable impacts, as well, that couldn't  
12 be fully mitigated, and we'll cover that on  
13 the next slide.

14 But I'm going to spend a little time  
15 here kind of going over a couple of what we  
16 might consider key topics, and key  
17 mitigation, in terms of interest and concern  
18 from the public. But--so as I do that, you  
19 can see here the, the range of topics for  
20 which significant project impacts were  
21 identified, but could be mitigated to less-  
22 than-significant levels.

23 So I'm going to start with hydrology  
24 and water quality. There were several  
25 potentially significant impacts that the

1 project would have associated with hydrology  
2 and water quality. And we have our experts  
3 here to answer any particular questions you  
4 may have, a follow-on to the presentation.  
5 But just kind of at a--at a higher level, we  
6 want to point out that Itasca Denver is a  
7 hydrology consultant that utilized a 3-D  
8 groundwater model to assess the project's  
9 potential impacts to the--to the aquifer.  
10 The groundwater model that was utilized has  
11 undergone extensive third-party review and  
12 is approved by the Nevada Division of  
13 Environmental Protection for use in mine-  
14 permitting applications.

15 This--the provenance of the model, the  
16 adequacy of the model for the type of  
17 fractured rock system here, is dealt with in  
18 detail in master response 14 of the Final  
19 EIR.

20 The model was calibrated based on  
21 regional and local data, including well data,  
22 based on extensive 3-D modeling prepared by  
23 Itasca Denver and peer reviewed by the  
24 county's independent consultant, West Yost.  
25 And the predicted drawdown from mine

1 dewatering ranged from approximately five to  
2 ten feet in the East Bennett area. That's  
3 where two-thirds of the maintenance  
4 dewatering would occur. So the East Bennett  
5 area is the area that would be most affected  
6 by the dewatering.

7       EMCO Environmental, another  
8 professional as part of the team, reviewed  
9 Itasca's modeling results and identified a  
10 impact threshold for wells. That impact  
11 threshold is if the total water column of  
12 the well would be reduced by 10%. That  
13 includes 100% safety factor, meaning that,  
14 typically, 20% is considered an adverse  
15 impact. And so by making it 10%, that's  
16 that 100% safety factor. So the analysis  
17 identified that up to seven domestic wells  
18 would be subject to that 10% reduction in  
19 total water column. That's illustrated in  
20 the Draft EIR in Figure 4.8-12.

21       As a result of the projected adverse  
22 impacts on those seven wells, the Draft EIR  
23 includes Mitigation 4.8-2C, which is a Well  
24 Mitigation Plan. That plan is Appendix K.9  
25 to the DEIR and is also part of the Staff

1 Report attachments.

2       Notwithstanding those seven predicted  
3 impacted wells, the mitigation requires  
4 connection of up to 30 properties, within  
5 that area that would be affected, to Nevada  
6 Irrigation District's potable water system.  
7 Connection would be voluntary.

8       The water that would be required for up  
9 to those 30 properties is--was assessed in a  
10 Water Supply Assessment. That is also a  
11 component of the Draft EIR. And the Water  
12 Supply Assessment, which was prepared in  
13 accordance with the California Water Code,  
14 determined that NID has sufficient water to  
15 serve the project's potable water needs.  
16 The NID Board adopted the Water Supply  
17 Assessment on February 9<sup>th</sup> 2022.

18       The project EIR also requires the  
19 implementation of a Groundwater Monitoring  
20 Plan. The monitoring plan would include the  
21 installation of a network of monitoring  
22 wells at 15 different locations that were  
23 strategically identified to make sure that  
24 the effects of the project are captured.  
25 The 15 locations, each of them would have

1 two wells, a shallow well and a deeper well,  
2 so there's a total of 30 wells in that  
3 monitoring network.

4 The groundwater monitoring wells would  
5 collect data for 12 months prior to any  
6 dewatering. And there would be ongoing  
7 monitoring and evaluation of data on a  
8 quarterly basis. If that monitoring  
9 determines that any additional wells would  
10 be impacted, so that is more than 10% of the  
11 total water column of any additional well is  
12 impacted, the Applicant is responsible for  
13 providing a comparable supply.

14 We'll talk a little bit later as well  
15 that, that the project now also includes  
16 implementation of a Domestic Well Monitoring  
17 Plan. So this is--this component here, it  
18 was born out of the EIR analysis, the  
19 Groundwater Monitoring Plan, which has that  
20 network of 30 wells in strategic locations  
21 that's different from the Domestic Well  
22 Monitoring Plan, where the Applicant has  
23 committed to monitor actual wells on  
24 properties for those folks who would  
25 voluntarily agree to that.

1           So at any rate, if an additional well  
2 would be impacted, the Applicant is required  
3 to provide an immediate source of water  
4 supply, which--that could consist of a  
5 couple different things. There's  
6 potentially some additional options that  
7 could be adjusting the pumping rate,  
8 deepening the water well, drilling a new  
9 well, or providing connection to NID's water  
10 supply.

11           Next I want to talk about noise and  
12 operational noise, which has been certainly  
13 a concern. Based on the noise analysis in  
14 the EIR, including an independent peer  
15 review by the county's consultant, it's  
16 estimated that the project's stationary  
17 noise sources, so the noise on the Brunswick  
18 Site, would not exceed county noise  
19 standards at or near sensitive receptors.

20           To ensure that operational noise is, in  
21 fact, below thresholds when the project is  
22 up and running, the EIR requires a  
23 comprehensive noise monitoring program. So  
24 obviously, based on best available data, the  
25 potential noise effects of the project have

1 been modeled using SoundPLAN, which is a  
2 very robust model that takes into account  
3 topography, and the impacts have been  
4 determined to be less than the county's  
5 applicable noise thresholds.

6        Obviously, that doesn't mean you're not  
7 going to hear any noise, but CEQA requires  
8 comparison to identified numerical noise  
9 thresholds, which come out of the General  
10 Plan, and the assessment determines that the  
11 noise impacts should be below the county's  
12 thresholds.

13        Nevertheless, to ensure that that is,  
14 in fact, the case when the project is up and  
15 running, that detailed noise monitoring  
16 program would be required, and would consist  
17 of, installing permanent noise monitors at  
18 the Brunswick and Centennial Sites at  
19 locations specified by a third-party noise  
20 consultant under contract with the county.

21        Within 30 days of mine operation, the  
22 third-party noise consultant to the county  
23 would retrieve monitoring data from those  
24 monitors to determine if the mine is in  
25 compliance with the county's standards. If

1 it's found that the mine is not in  
2 compliance with the county's standards, then  
3 the operation shall cease until resolved.  
4 And by resolved, that would mean either  
5 operational changes to the mine, or other  
6 design-related changes to the mine to  
7 attenuate noise to the county's standards.

8       The program includes not only that  
9 initial monitoring, that initial check to  
10 make sure the mine is in compliance, but  
11 also ongoing monitoring will be conducted by  
12 the third-party consultant for the life of  
13 the mine.

14       Next I'm going to discuss air quality  
15 and asbestos, which has been a concern from  
16 the public. And I want to just talk a bit  
17 on the mitigation measures, and measures  
18 that will be in place to address asbestos.

19       So first off, Mitigation Measure 4.3-2  
20 of the EIR requires the implementation of an  
21 Asbestos Dust Mitigation Plan during  
22 construction, operation, and reclamation.  
23 This is required pursuant to the California  
24 Air Resource Board Asbestos Airborne Toxic  
25 Control Measure, or ATCM, for surfacing

1 applications. So entails such things as  
2 prevention of visible track-out of dust from  
3 trucks on roads, dust control on the site.  
4 Hauled trucks must be wetted and tarped to  
5 prevent dust from leaving the truck.

6 And the implementation, in addition to  
7 that Asbestos Dust Management Plan, which is  
8 a standard requirement that is utilized  
9 throughout the county in areas where  
10 asbestos is known to be present, the project  
11 would implement what's called an ASUR plan,  
12 or Asbestos, Serpentinite, and Ultramafic  
13 Rock plan. That's Condition of Approval 32.

14 And, essentially, two methods of  
15 asbestos testing are required under this  
16 plan. The first is known as PLM testing,  
17 and that's required to comply with that  
18 airborne toxic measure that I mentioned from  
19 the state. And, basically, trucks are not  
20 allowed to transport any material without a  
21 receipt based on those PLM results, a  
22 receipt that they don't contain a detectable  
23 asbestos.

24 Any materials with detectable asbestos,  
25 which per the state rule is greater than

1 0.25%, that material would not be allowed to  
2 be used for any surfacing. PLM testing will  
3 be conducted on-site, in the headframe  
4 structure, by trained personnel using  
5 microscope technology.

6 Three grab samples will be taken in the  
7 silo for every 1,000 tons of material. Off-  
8 site PLM testing may also be utilized by a  
9 local lab, with results within an  
10 approximately 12-hour turnaround time.

11 So this is done on a fairly, you know,  
12 quick basis and pace. It can be done on-  
13 site. It can be done off-site at a lab.  
14 And so the fate of the rock is pretty  
15 readily determined. As a rock comes up  
16 through the shaft and is put in the silo,  
17 it's stored there as this testing is done,  
18 but the testing is quite, quite immediate to  
19 determine if the rock can be utilized for  
20 surfacing, or if it cannot.

21 There's also what's called TEM testing.  
22 I'm trying not to get too detailed here, but  
23 we also have experts here who can elaborate  
24 on any of these. But the TEM testing, which  
25 is Transmission Electron Microscopy, is

1 basically another form of asbestos testing  
2 that's done as part of mine planning. So  
3 the Applicant will be doing mine planning,  
4 which is pretty standard, to try and  
5 determine, you know, where are the asbestos,  
6 where's the serpentinite rock which contains  
7 that asbestos, and to try and avoid that  
8 rock.

9       So there's testing done both before  
10 mining, taking core samples, and there's  
11 testing done as mining is occurring. And so  
12 this is a process that is a longer  
13 turnaround time for results, but it doesn't  
14 control the fate of the rock. It's to  
15 ensure that the rock that's being pulled out  
16 contains a minimal amount of asbestos, an  
17 amount that is consistent with that which  
18 was assumed in the Health Risk Assessment  
19 for the project.

20       So a detailed Health Risk Assessment  
21 was prepared to evaluate the potential  
22 effects of asbestos, as well as diesel  
23 particulate from the on-site construction  
24 equipment. And the Health Risk Assessment  
25 assumed a certain percentage of asbestos in

1 rock that was based on on-site testing.

2       So, essentially, the mine planning is  
3 to say, hey, let's tie--let's tie the, the  
4 material coming out of the mine to that  
5 which was assumed in the Health Risk  
6 Assessment; so there's a confidence level  
7 that the health risk won't exceed that which  
8 was assumed, and evaluated, in the EIR.

9       Okay. Biological resources. Just  
10 going to generally touch on that. Several  
11 mitigation measures were included in the EIR  
12 to address the project's potential impacts  
13 to biological resources, including, but not  
14 limited to, Pine Hill flannelbush, which is  
15 only on the Centennial Site, foothill and  
16 yellow-leg--foothill yellow-legged frog and  
17 California red-legged frog, and various  
18 protected bird species. Okay. That's what  
19 I wanted to cover there, Matt.

20       The project includes a couple of  
21 significant, unavoidable impacts that we'll  
22 touch on here, and those are impacts that  
23 mitigation can be applied, but the  
24 mitigation cannot reduce those impacts to a  
25 less-than-significant level. The first of

1 which is esthetics.

2       As I mentioned before, the creation of  
3 the engineered fill pads would result in  
4 substantial degradation of the visual  
5 character and quality of the Centennial and  
6 Brunswick industrial sites, and their  
7 surroundings, as viewed from public vantage  
8 points. So that's the focus of our analysis  
9 pursuant to CEQA, is where can you see these  
10 locations from public viewpoints. Because  
11 those are the viewpoints where, you know,  
12 more people are affected, rather than  
13 individual views, which while certainly  
14 important, CEQA does allow. It's kind of  
15 the focus to really hinge on those public  
16 viewpoints.

17       So for Centennial, for example, you  
18 know, from SR4--State Route 49, Spring Hill  
19 Drive, Centennial Drive, and Brunswick, you  
20 know, Brunswick Road, intersection of East  
21 Bennett and Brunswick Road, those public  
22 viewpoint locations.

23       To try and soften the impacts, the  
24 landscape plan that I mentioned would be  
25 required, which would include more robust

1 plantings at strategic locations along the  
2 Brunswick frontage, for example, the  
3 Brunswick's site frontage off Brunswick Road,  
4 the intersection of Brunswick and East  
5 Bennett. However, it's clearly acknowledged  
6 in the EIR that that will not fully mitigate  
7 the esthetic impacts, and therefore, the  
8 impact would remain significant and  
9 unavoidable.

10       There's a temporary construction noise  
11 impact that could be addressed at some level,  
12 but not fully mitigated below the applicable  
13 standards, that's associated with the  
14 installation of the potable water pipeline  
15 along East Bennett Road. And essentially,  
16 there's a mitigation measure in the EIR to  
17 try and minimize those construction noise  
18 levels, that's Mitigation 4.10-1. Not only  
19 does that require notification to property  
20 owners of the pipeline construction timeline,  
21 but also several measures such as equipment  
22 of all--equipment with mufflers, fitting  
23 construction equipment with a growler-type  
24 backup, so not the beep noise, but the  
25 growler-type that hearing a lot on the

1 Amazon trucks these days. But nevertheless,  
2 the impact associated with the temporary  
3 construction of the pipeline would be above  
4 the applicable thresholds, and so it's  
5 determined to be unavoidable for that,  
6 approximately, estimated to be about four-  
7 month period to construct that pipeline.

8       There are a few significant and  
9 unavoidable impacts identified for  
10 transportation. This consists of impacts  
11 under two different scenarios. So the  
12 traffic study looks at various scenarios,  
13 the existing conditions and then add the  
14 project, which would be your existing plus  
15 project, the near-term conditions, or EPAP,  
16 which is, Existing Plus Project, plus  
17 Approved Projects. So it's looking at that  
18 near-term when other projects that are  
19 reasonably foreseeable, would be developed.

20       And then cumulative conditions, which  
21 would be kind of the long-term build-out of  
22 the--of the region. And so under the near-  
23 term traffic condition, and the cumulative  
24 condition, the intersection of SR-174 and  
25 Brunswick would be significantly impacted,

1 and would remain significant and unavoidable  
2 after mitigation. So Mitigation 4.12-1B  
3 does require the Applicant to enter into a  
4 Traffic Mitigation Agreement with the county,  
5 and provide the project's fair share towards  
6 the improvements that would be needed at  
7 that intersection. But the remaining funds  
8 for the intersection improvements are  
9 unknown in terms of timing and contributing  
10 parties; so therefore, it's determined to be  
11 significant and unavoidable.

12 In addition, another traffic impact  
13 that would be unavoidable is under the  
14 cumulative condition. So the project as  
15 well as long-term development that would be  
16 queue lengths at the intersection of  
17 Brunswick and Sutton Way. This would be the  
18 northbound left turn, it would be in excess  
19 of the threshold in the EIR which is 25-foot,  
20 so essentially an additional car length.  
21 And it would occur during the 3:30 to 4:30  
22 p.m. hour.

23 The EIR requires mitigation to retime  
24 the intersection, and improve operations to  
25 shorten that queue. But the intersection is

1 in the City of Grass Valley. And that is  
2 what we call an extraterritorial area, and  
3 the county can't require another  
4 jurisdiction to implement mitigation. So in  
5 that situation, we will typically override  
6 that impact, given that we can't compel  
7 another agency. But if that--if the agency  
8 does agree, and that was implemented, the  
9 impact would be less than significant.

10       Okay. The EIR is required to evaluate  
11 alternatives to the proposed project. The  
12 EIR analyzed four alternatives, added at a  
13 full equal-weight, considered fully, four  
14 alternatives, and dismissed another five  
15 alternatives. So a total of nine  
16 alternatives were considered, but four were  
17 evaluated.

18       The first one is Alternative 1, the no  
19 project, no build, and this is a required  
20 CEQA alternative, the null project.  
21 Essentially, it's pretty straightforward;  
22 the project is not built at the site--the  
23 site remains.

24       The second alternative that was  
25 considered is the elimination of the

1 Centennial Industrial Site, and expansion of  
2 the Brunswick fill pile. So instead of the  
3 project proposal, to place engineered fill  
4 both on Centennial and Brunswick, this  
5 alternative would only place engineered fill  
6 on the Brunswick Site. Approximately 1.6  
7 million tons of additional engineered fill  
8 would be placed on the Brunswick Site. That  
9 would render that potential future  
10 industrial use area on Brunswick, basically  
11 unbuildable, because of the increased height  
12 of that—the fill pad would be approximately  
13 50 feet higher than the proposed project  
14 height.

15       Alternative 3 is, essentially,  
16 expansion of the Centennial fill pile and  
17 elimination of the Brunswick fill pile.  
18 That would place an additional approximately  
19 two million tons of engineered fill at the  
20 Centennial Site. And that would render the  
21 19 acres of potential future land--  
22 industrial land, unbuildable due to the  
23 increased height of the fill pile. The fill  
24 pad would be increased by 20 to 60 feet, in  
25 that alternative, depending on the location

1 given, again, that the site slopes.

2       Alternative 4 was assessed as a  
3 reduced-throughput alternative. That would  
4 be, essentially, 500 tons per day of gold  
5 mineralization would be extracted and  
6 processed, versus the 1,000 tons per day  
7 proposed by the project. The life of the  
8 mine under this alternative would increase,  
9 given that the same level of resources are  
10 inherent in the ground. And so, in order to  
11 extract that resource, additional time would  
12 be required due to the 50% reduction in  
13 daily processing. Fill operations at  
14 Centennial and Brunswick Sites would  
15 increase from approximately five to six  
16 years, to 10 to 12, respectively.

17       We have identified an environmentally  
18 superior alternative, and that alternative  
19 is identified in the Environmental Impact  
20 Report as Alternative 2, which is  
21 elimination of Centennial Industrial Site.  
22 That would avoid significant unavoidable  
23 impact associated with esthetics at  
24 Centennial. It would avoid a series of  
25 biological impacts at the Centennial Site,

1 such as impacts the Pine Hill flannelbush,  
2 impacts to various bird species that may  
3 occur, and it would preclude the need for  
4 hauling engineered fill to the Centennial  
5 Site.

6         One of the impacts that was identified,  
7 but mitigable, was the utilization of Jake  
8 Brakes, and noise associated with Jake  
9 Brakes, during the hauling of rock from  
10 Brunswick to Centennial. And so that Jake  
11 Brake noise would not occur under the  
12 environmentally superior alternative, due to  
13 the elimination of the Centennial Site.

14         And elimination of haul truck traffic  
15 to Centennial would also avoid pavement  
16 impacts from the truck hauling to a couple  
17 segments: Brunswick Road northbound, between  
18 East Bennett and Whispering Pines; and East  
19 Bennett Road, between the project driveway  
20 and Brunswick Road. Also, under this  
21 alternative, widening along Centennial  
22 driveway would not be required to  
23 accommodate haul truck turning movements.

24         And I also want to point out that the  
25 Draft EIR analyzed the impacts of off-site

1 hauling of rock material to the construction  
2 aggregate market, starting in 2033. And  
3 that's based on the amount of time it would  
4 take to deposit engineered fill at  
5 Centennial and Brunswick, and once that's  
6 completed, that engineered fill would be  
7 hauled to the aggregate market, through the  
8 haul route, to the freeway. And it was--so  
9 it was assumed, prior to the 2033, that all  
10 that material would be going to either  
11 Brunswick or Centennial. So if Centennial  
12 is removed, that's going to potentially  
13 speed up that time frame for the engineered  
14 fill to be hauled to market.

15       So a Condition of Approval has been  
16 placed on the project. That's Condition of  
17 Approval 33, that would require the  
18 Applicant to use electric trucks for any  
19 off-site sale or transport of waste rock. If  
20 such transport occurs prior to 2033, the  
21 assumption in the EIR, that which the  
22 analysis was based on. So that would ensure  
23 that the project would not have greater air  
24 quality impacts than analyzed under the  
25 Draft EIR, even if the Centennial Site is

1 not utilized for placement of fill.

2       Okay. So the Draft EIR, again, was  
3 released for 91-day public comment period.  
4 The county received, as listed here, 12  
5 comment letters from agencies, 32 letters  
6 from groups, a little over 2,800 individual  
7 comment letters, and comments at the Draft  
8 EIR comment hearing before your body. The  
9 individual comment letters are made up of,  
10 you know, various letters, some of which are  
11 more of a form letter. We've--we've  
12 included all the letters in the Final EIR to  
13 make sure there's a complete record.

14       There are form letters from folks that  
15 are opposed to the mine, there are some form  
16 letters from supporters. And I'm going to  
17 just kind of touch on a few details here.  
18 But we can answer any questions you may have  
19 as we move into questioning.

20       So all comments were reviewed by the  
21 county, and addressed in the Final EIR. The  
22 Final EIR includes 38 master responses,  
23 which is a fairly common approach to dealing  
24 with comments that are thematic in nature,  
25 that are repeated. And so we had determined

1 that 38 master responses would be  
2 appropriate, and that's kind of at the front  
3 end of the Final EIR.

4 The Final EIR also include some  
5 revisions to the Draft EIR text that were  
6 determined necessary based on public comment.  
7 The revisions included in the Final EIR  
8 served to clarify existing mitigation  
9 measure language, provide additional  
10 background and analysis, and we looked  
11 closely at the need to whether or not to  
12 recirculate the Draft EIR based on public  
13 comment, based on revisions to the Draft EIR.

14 There's specific criteria that are  
15 included in the CEQA guidelines that, that  
16 govern when it is necessary to recirculate  
17 an EIR, and that's mentioned there on the  
18 slide 15088.5 of the guidelines. There's a  
19 detailed discussion of the recirculation  
20 criteria in the introduction chapter of the  
21 Final EIR. And essentially, the conclusion  
22 that was reached was that the recirculation  
23 criteria were not met by the changes to the  
24 document. And any further questions on that  
25 happy to answer as we move forward. The

1 Final EIR was released to the public on  
2 December 16, 2022.

3 So as part of the CEQA process, when a  
4 project has significant impacts, an agency  
5 must make certain findings. And the  
6 relevant sections from the Public Resource  
7 Code and the CEQA guidelines are up on the  
8 screen.

9 And essentially, an agency should not  
10 approve a project if there are feasible  
11 alternatives, or mitigation measures, that  
12 would substantially lessen the significant  
13 effects of the project. And, that is,  
14 unless the agency can determine that there  
15 are specific economic, legal, social or  
16 technological considerations that make  
17 infeasible the mitigations and the  
18 alternatives. So that basically part of our  
19 process was to determine okay, what are the  
20 impacts? Are there feasible mitigation  
21 measures? If so, those are required. If  
22 not, we've identified those, those are those  
23 three topics--esthetics, temporary  
24 construction noise, and those traffic  
25 impacts that were identified--those are

1 unavoidable. And so, in order for an agency  
2 to approve a project that has unavoidable  
3 impacts, the agency must consider the  
4 specific economic, legal, technological, or  
5 other considerations, and basically put  
6 together a statement of overriding  
7 considerations, identifying the benefits of  
8 the project that the agency feels could  
9 outweigh the unavoidable effects. And  
10 therefore, if they consider them outweighed,  
11 then those unavoidable effects are, in a  
12 sense, considered acceptable. So a  
13 statement of overriding considerations has  
14 been prepared, and is a component of the  
15 Staff Report that identifies benefits for  
16 the decision-makers to consider with respect  
17 to the project.

18 Findings of fact were also prepared,  
19 that goes through and identifies every  
20 impact in the EIR, identifies whether that  
21 was mitigated, and if it wasn't mitigated,  
22 why it could not be. And then it also  
23 evaluates alternatives, and reasons for  
24 rejecting alternatives as being infeasible.

25 I mentioned earlier the Domestic Well

**Commented [JP1]:** "Decision-making." *Merriam-Webster's Unabridged Dictionary*, Merriam-Webster, <https://unabridged.merriam-webster.com/unabridged/decision-making>. Accessed 18 Jun. 2023.

 **Style: MLA**

1 Monitoring Program; that was a program that  
2 came out of the draft--excuse me, Final EIR,  
3 in response to comments and reviewing  
4 comments, to provide property owners with  
5 additional assurance regarding impacts of  
6 mine dewatering. We already touched on the  
7 Groundwater Monitoring Plan, that is a  
8 requirement of the Draft EIR, that would  
9 focus on that network of monitoring wells.  
10 This would actually be in addition to that,  
11 above and beyond that, which would be  
12 focusing on actual domestic wells.

13       It's focused on the area that was  
14 determined to have a one-foot drawdown--this  
15 is through the groundwater modeling. And so  
16 that's approximately 378 properties that  
17 would be monitored, though it is, of course,  
18 would be voluntary. This is similar to the  
19 Groundwater Monitoring Plan that's required  
20 in the EIR; it would require 12 months of  
21 monitoring before any dewatering could occur,  
22 and a minimum of five years of monitoring  
23 thereafter.

24       So through this process as well, if the  
25 monitoring determines that a well would be

1 impacted, which would be that threshold of  
2 10% or more of the overall water column  
3 would be reduced, then the Applicant would  
4 be required to address that, mitigate that,  
5 and provide an immediate source of water  
6 supply, as I mentioned before, with a  
7 potential range of options to address that,  
8 up to providing NID potable water supply.

9       Okay. So we continued to receive  
10 comments after the close of the Draft EIR,  
11 91-day review period. Those have been made  
12 available to, to the commissioners, and have  
13 been reviewed by staff. All comments  
14 received have been reviewed, and we have not  
15 identified new substantive issues raised  
16 beyond those that were identified as part of  
17 that 91-day public review period and comment  
18 on the Draft EIR. Notwithstanding, the  
19 county that has elected to provide further  
20 clarification on a select number of comments,  
21 which is attachment six to your Staff Report.  
22 And those, generally, consist of traffic-  
23 related comments from the City of Grass  
24 Valley; air quality and greenhouse gas  
25 comments provided in Exhibit A of Shute,

1 Mihaly & Weinberger letter; and hydrology-  
2 related comments provided in June Oberdorfer  
3 letter.

4       One thing that's important to  
5 understand as part of the overall CEQA  
6 process, and is not uncommon for complex  
7 projects, is to have disagreement amongst  
8 experts. It's a--it's something that is  
9 recognized by CEQA, and is identified as not  
10 rendering an EIR inadequate, so long as  
11 substantial evidence has been provided to  
12 support the EIR's conclusions, and  
13 substantial evidence being fact-based,  
14 reasoned analysis, not speculation or  
15 argument. So long as that substantial  
16 evidence supports the analysis in the EIR,  
17 to the extent there may be contrary evidence  
18 brought forward, that doesn't render an EIR  
19 inadequate, and an EIR could still be  
20 determined adequate by decision-makers.

21       And with that, I think I'm going to  
22 turn it over to Matt, to continue the  
23 presentation. Thank you.

24       MR. KELLEY: Thank you, Nick. I'm  
25 going to kind of go through General Plan

1 consistencies, zoning code consistency, and  
2 then we'll conclude with recommendations.

3       So our General Plan includes four  
4 themes. They're outlined, our four central  
5 themes, in addition to a number of policies  
6 and goals.

7       First is fostering a rural quality of  
8 life, which is Central Theme 1; number two,  
9 and then I'll go through these. So the  
10 first is that we have to consider the  
11 project is consistent with Central Theme 1.  
12 The goals of the General Plan, explained in  
13 the policies and land use element, describe  
14 balances of growth within rural and urban  
15 areas. The project site is located within  
16 both a community region of Grass Valley, and  
17 a rural region on the Brunswick Site, so  
18 there's a demarcation line between the two.

19       The--in reviewing the proposed project,  
20 and for consistency with the central--the  
21 central theme, Brunswick Site is surrounded  
22 primary--primarily by Residential  
23 Agricultural Zone property. It's also zoned,  
24 there's areas that are zoned Single-Family  
25 Residential or R1, therefore, balancing the

1 land use pattern is very important. The  
2 overall project site is mostly, as I  
3 mentioned, located within the Grass Valley  
4 Community region, the buildings itself, and  
5 the existing headframe, would be located  
6 within the community region, the Grass  
7 Valley Community region, this is the  
8 Brunswick Site, the fill pile and parking  
9 area entrance will be located in the rural  
10 region.

11 So in considering the proposed project,  
12 we have to look at the impacts of the two  
13 regions. The kind of the overall--the  
14 overall project, as proposed, would operate  
15 24 hours a day, seven days a week. It's  
16 estimated, as Nick spoke about earlier,  
17 that'd be approximately 236 one-way truck  
18 trips, and an average of 100--sorry, 216--236  
19 one-way truck trips with an average of 115--  
20 sorry, 236 round trips and 115 one-way trips,  
21 there we go, over the--over the life of the  
22 project, over about 80 years, as proposed.

23 The level of mining, and proposed  
24 activity, is rather intense, due to the 24-  
25 hours-a-day operation, and just the overall,

**Commented [JP2]:** Should you use hyphens in the following:  
service available 24-hours-a-day, seven-days-a-week?  
Or should it just be 24 hours a day, seven days a week?

Grammar's Response No hyphens are necessary in those constructions.

1 overall size, and scope, and scale of the  
2 proposed project. So we have to look at is  
3 this appropriate in this--in these given the  
4 semi-rural area of the surrounding  
5 neighborhood? Included in your Staff Report  
6 is an analysis of this, and essentially, it  
7 looks at--that the overall project sites are  
8 zoned Industrial, but there are varying  
9 levels of industrial uses, everything from a,  
10 you know, small mini-storage facility or  
11 office building, all the way up to the  
12 proposed project. So there's varying levels  
13 of intensity.

14       So in reviewing this, and the--with  
15 Central Theme 1, staffs, staffs determined  
16 that the proposed project would not be  
17 consistent, as proposed, with Central Theme  
18 1, which is the fostering of rural quality  
19 of life.

20       Number two is sustaining the quality of  
21 environment. This was looked at extensively  
22 throughout the General Plan, I'm sorry, the  
23 EIR. The proposed project, as we talked  
24 about earlier, does contain a number of  
25 significant, nonavoidable impacts. However,

1 most of the impacts that are outlined and  
2 analyzed in the EIR can be mitigated to a  
3 less-than-significant level.

4       There are a number of conditions of  
5 approval, including Condition of Approval  
6 8.34, which is included in your packet, that  
7 would achieve a level of overall reduction  
8 in the size of the project due to the  
9 subsurface estate being reduced down, which  
10 the Applicant could overall mine.

11       In reviewing this, and as noted in the  
12 EIR, there are a number of levels of impacts  
13 that can be reduced to a less-than-  
14 significant level. Therefore, this, this  
15 can general, the General Plan consistency  
16 for Central Theme 2 can be found to be  
17 consistent, due to the level of impacts as  
18 analyzed in the EIR.

19       Number three is developing a strong,  
20 diversified local economy. As included in  
21 the EIR, and as discussed in the Staff  
22 Report, this finding can be made. The  
23 proposed project would generate  
24 approximately, or would start with 52  
25 persons--52 people is estimated to be able

1 to develop and construct the project.  
2 Throughout the life of the project, there  
3 would be approximately 312 jobs that would  
4 be required for full, complete operation.  
5 The project would generate tax revenue for,  
6 for the county, as well as indirect job  
7 creation through, through--associated jobs  
8 would be created with neighboring parcels,  
9 neighboring land uses, all those additional  
10 employment, all those different types of  
11 things that would go with a large-scale type  
12 project like this. Therefore, the Central  
13 Theme 3 can be found to be consistent, due  
14 to the job creation of the project.

15       Number four is that pattern land uses  
16 will determine the level of public services.  
17 The proposed project has been found to be  
18 able to, to achieve this. The land use  
19 patterns and public services, the project  
20 would utilize NID water, and NID has  
21 indicated that they can serve the proposed  
22 project, as well as those parcels along East  
23 Bennett that would, that would be served by  
24 the--by the project. In addition, the  
25 project would be served by Pacific Gas and

1 Electric Company which they've, they've  
2 indicated they can serve the project. So  
3 there's adequate public services that are  
4 available to be able to, to serve the  
5 project, and not create additional impacts  
6 due to, due to the need for additional  
7 public services. The other is emergency  
8 services, they are as analyzed in the EIR,  
9 they're adequate to serve the proposed  
10 project as well, so therefore Central Theme  
11 4 can be found to be consistent with the  
12 project as proposed.

13 Just kind of moving through, through  
14 some of the other General Plan consistency  
15 portions of the project included--as  
16 included in the Staff Report, there's a  
17 discussion of consistency and inconsistency,  
18 so I'll go through a few of these.

19 Policy 1.1.3 can be found to be  
20 consistent with the project as proposed.  
21 Would be--development would be within both  
22 the Grass Valley community region, and a  
23 rural region. However, the project can be  
24 found to be consistent with development  
25 within the community region. There are a

1 number of buildings and things that would be  
2 constructed. The project would be  
3 conditioned to limit the overall--the  
4 overall hours of operation. Their project  
5 includes mitigation measures that would,  
6 that reduce, or relocate truck routes so  
7 they don't go through residential  
8 neighborhoods, trucks entering out of the  
9 exit gate would be restricted, and the  
10 project conditioned on turning left on East  
11 Bennett road, and the haul route for the  
12 project would go out of--onto, turning right  
13 on out onto Brunswick Road, and then going  
14 out to Whispering Pines to reach the  
15 Centennial Site, as well as off-site markets.  
16 This project can be found to be consistent  
17 with this policy.

18       The other is Policy 1.1.2 or 1.2.4.  
19 The General Plan provides for future  
20 development in accordance with various land  
21 use designations, which this project is  
22 zoned Industrial, in general has a General  
23 Plan designation of Industrial, or zoned  
24 Light Industrial. The overall project can  
25 be mitigated to less-than-significant

1 impacts for transportation, with the  
2 exception of one, which is the unavoidable  
3 impacts due to, to State Route 174 and  
4 Brunswick Road; however, this can be over--  
5 through the statement of overriding  
6 considerations--this can be--can be  
7 considered. Therefore, due to this, and the  
8 conditions of approval that are included in  
9 the project, the project can be found to be  
10 consistent with this policy.

11 A couple of others, is Policy 17.9 of  
12 the mineral management element. So the  
13 project would--is a proposed mining project.  
14 It would include reclamation and a  
15 reclamation plan. There are--it's been  
16 demonstrated that there is gold there in  
17 economically mineral--minable materials. So  
18 and then including reclamation, the project  
19 can be found to be consistent with this  
20 policy.

21 Policy 17.15, the project does include  
22 a rezone, and so would require to be rezoned  
23 to add the ME or the Mineral Extraction  
24 Overlay Combining Fistricts. This is  
25 required, this would be--this is required of

1 the proposed project to be able to allow the  
2 mining activities to occur. We have both  
3 surface uses, and subsurface uses, that  
4 would require the overlay to be--to be  
5 included, so the project can be found to be  
6 consistent with this policy.

7 The last is Policy 17.24, that the  
8 Draft EIR addressed any potential impacts  
9 including the operation of both surface land  
10 uses, water quality, noise and vibration,  
11 land subsidence and traffic, as well as  
12 subsurface underground mining, would be  
13 consistent with the project, as outlined,  
14 and included in the Draft EIR. So,  
15 therefore, this policy can be found to be  
16 consistent with the project as proposed.

17 There are--so included also in the  
18 Staff Report is projects that are--policies  
19 of the project can be found to be  
20 inconsistent with; the first is Policy 1.1.1,  
21 which, as I spoke about earlier, maintaining  
22 a distinct boundary between the rural and  
23 community regions. Located on the Brunswick  
24 Site, there is the--there is a demarcation  
25 line between the two. The buildings are

1 proposed to be located within the community  
2 region, and access and things will be  
3 located within the rural region.

4       As I spoke about earlier, balancing  
5 land uses is important, and so one of the  
6 things we have to look at is the impact to  
7 the surrounding neighborhood, and given the  
8 surrounding semi-rural nature of the  
9 surrounding neighborhoods, the overall  
10 intensity. So intensity is that the mine,  
11 the project, has proposed to operate 24  
12 hours a day, 7 days a week, and so this,  
13 this would create a larger impact to the  
14 surrounding property owners and surrounding  
15 land uses. And so, because of this type of  
16 analysis, the project could be found to be  
17 inconsistent with Policy 1.1.1.

18       Next is Policy 1.1.2. So as I spoke  
19 about earlier, the project would be  
20 inconsistent with the rural region, given  
21 the overall intensity of the--of the project.  
22 The rural region, this area is surrounded by  
23 parcels that are--have a General Plan, land  
24 use designation of Estate, and then also  
25 urban Single-Family Residential, which is

1 consistent with the Residential Agricultural  
2 Zoning District, and also with the R1  
3 Single-Family Residential Zoning District.  
4 The rural-like area would be impacted by the  
5 proposed project, as I talked about with the  
6 overall intensity, and just the overall size  
7 and scale of the project. Therefore, the  
8 project can be found to be inconsistent with  
9 this policy.

10       And just a couple of others is Policy  
11 1.4.2. So the Western Nevada County Design  
12 Guidelines outline requirements for all  
13 projects, and any project that is a  
14 discretionary action is required to adhere  
15 to the Western Nevada County Design  
16 Guidelines. Projects within, within  
17 community regions need to adhere to these as  
18 well. The project does include a Condition  
19 of Approval to break up the larger--the  
20 larger scale, and larger sizes, of the  
21 buildings that are on Brunswick Road.  
22 However, the project includes a variance,  
23 and so a variance is requested for the  
24 project due to the overall height of a  
25 number of the buildings, including the

1 headframe at 165 feet. And I'll talk about  
2 the variance in just a minute, as well. But  
3 the--when looking at the Central Theme 1  
4 discussion, and the inconsistency with  
5 Central Theme 1, you have to--we have to  
6 look at both of these. So with the variance  
7 request, the Applicant has been requested to  
8 consider potentially redesigning the project  
9 to meet the overall 45 foot height limit and  
10 consider, potentially, lowering the  
11 buildings down. That's not been proposed,  
12 and so when we're looking at these two, the  
13 project can be found to be inconsistent with  
14 this policy.

15       The next is Policy 17.6, which does  
16 talk about the extraction of minerals and  
17 gold-bearing material, which we do  
18 understand that the project, as proposed, is  
19 a gold mine and would operate as such.  
20 However, as when looking at the overall  
21 massing and intensity of the project, the  
22 overall operations of the project, it would  
23 be found to be inconsistent with this policy.

24       So a couple of others is the zoning  
25 code consistency. So the project, as

1 proposed, subsurface mining is allowed on  
2 all zone--on all base zoning districts,  
3 subject to the approval of a use permit,  
4 which is included as part of the project.  
5 The project does require a rezone, and so  
6 also pursuant to Nevada County Land Use  
7 Development Code Section L.II 3.21, surface  
8 access to subsurface, including vent and  
9 escape shafts, are allowed in the zoning  
10 districts that are displayed here, subject  
11 to the approval of a use permit.

12       And then, last, is that surface mining  
13 is also an allowed use within the M-1 Zoning  
14 District, provided that we have the ME  
15 Combining District.

16       So in reviewing these, the project can  
17 be found to be consistent, and inconsistent,  
18 with both--with the zoning code, when you  
19 add the ME Combining District, as long with  
20 the variance. So these are things that all  
21 have to be looked at, and analyzed. Just  
22 due to the overall use and size and scale of  
23 the project, with the rezone, I'll talk  
24 about in a second, project can be found to  
25 be inconsistent with adding the ME Combining

1 District, due to the overall size and scale.

2       So the project, as I mentioned, does  
3 include a rezone, and so it kind of just to,  
4 to touch bases on this a little bit. The  
5 project site is zoned Light Industrial, and  
6 would be--this is at the Brunswick Site  
7 where to require the addition of the Mineral  
8 Extraction Combining District. There are,  
9 as I talked about, there are many different  
10 types of industrial uses, and overall levels  
11 of industrial uses. The project site is  
12 zoned Light Industrial, and certainly mining  
13 is an allowed use within Light Industrial.  
14 However, it also allows for repairing,  
15 distribution, warehousing, those types of  
16 things, and other supporting businesses.

17       So when looking at this, along with the  
18 addition of the ME Combining District, the  
19 ME Combining District allows for surface  
20 mining, and provides for public awareness,  
21 and potential subsurface mining activities.  
22 The District should also only be used on  
23 lands with, that are compatible with the  
24 Nevada County General Plan, and are not  
25 located within a residential zone. The

1 project certainly is not located with a  
2 residential zone, being zoned Light  
3 Industrial. However, all uses in the ME  
4 Combining District are subject to the  
5 approval of a use permit, with a reclamation  
6 plan, which this project is proposing.  
7 However, inclusion of this, and this is  
8 included in Nevada County Land Development  
9 Code, inclusion with this District shall not  
10 alter the ability of the county to deny any  
11 mining operation, where the county  
12 determines that such operation would be--  
13 would have unacceptable impacts on the  
14 environment and surrounding land uses. So  
15 with the statement of overriding  
16 considerations, this is something we would  
17 need to look at. And so in looking at this,  
18 and evaluating the project is included in  
19 your Staff Report, staff feels that the  
20 rezone, given the overall intensity and use  
21 of the mining, the mining project, cannot  
22 be--cannot be made, and therefore would not  
23 be consistent with the General Plan and  
24 zoning code.

25 And then the other is that the

1 application does include a variance. In  
2 order to grant a variance, there's a number  
3 of findings that have to be made, including  
4 those are--those are included here on this  
5 slide. So the project, as proposed, would  
6 include a 64-foot-tall processing plant,  
7 165-foot-tall headframe for the Brunswick  
8 shaft, 80-foot-tall headframe for the new  
9 service shaft, and a 50-foot-tall hoist  
10 building that would be associated with the  
11 two mine shafts. Pursuant to Nevada County  
12 Land Use and Development Code Section L-II  
13 2.5, the variance is required due to the 45-  
14 foot height limitation that's outlined and  
15 required by the Light Industrial Zoning  
16 District. The overall height of the  
17 buildings would exceed the 45-foot--45-foot  
18 height limit. So therefore, a variance is a  
19 departure from the allowed height of the  
20 project, or that layout height of the Light  
21 Industrial Zoning District.

22 A variance can only be granted upon the  
23 demonstration of a hardship, based upon the  
24 peculiarity of the--peculiarity of the  
25 property, including the overall size, shape,

**Commented [JP3]:** These are hyphenated together as they precede the noun. See CMOS 7.89, "number + noun"

1 topography, things of that nature, is what  
2 you have to be able to find--to find a  
3 project to be consistent with General Plan  
4 and being able to allow for a variance.

5       In processing the application, staff  
6 expressed an overall concern due to the size  
7 and massing of the buildings, and the  
8 overall size and scale of the mining  
9 operation itself, including 24-hours-a-day  
10 operation, seven days a week; including the  
11 overall height of several of the proposed  
12 buildings, including the headframe. The  
13 Draft EIR, and the EIR, does include a  
14 significant, unavoidable impact for  
15 esthetics, because their buildings are as  
16 proposed. Therefore, there's no way to  
17 mitigate that. However, in discussions with  
18 the Applicant, and in looking at the overall  
19 size, it has potential to be able to lower  
20 the height of the buildings down, or  
21 consider redesigning the headframe to be  
22 lower. And so staff did express concerns  
23 about the overall height of the buildings,  
24 and feels that just given the overall size  
25 and scale, when you're reviewing the project,

1 that the variance findings cannot be made.

2       Included in your packet, in Attachment  
3 11 of the Staff Report, does include  
4 findings that were submitted by the  
5 Applicant for your consideration, which do  
6 discuss approval of the variance, but they  
7 are included for your consideration, and  
8 staff is happy to answer questions about  
9 these if you would like, as well.

10       Also, just to touch on the memorandum.  
11 So this morning there was a memorandum that  
12 was placed on your seats, as well. This is  
13 included in the packet was staff's  
14 recommending replacement of Attachment 18;  
15 the boundary line adjustment was printed  
16 inadvertently twice. And so, included in  
17 your packet is the exhibit map for the  
18 parcel map amendment. And so, this exhibit  
19 map was also included in the EIR--in the  
20 Draft EIR itself. This doesn't change any  
21 of the analysis, but staff just wanted to  
22 clarify this for, for the Planning  
23 Commission, and to insert the right exhibit  
24 map for your review.

25       So for recommendations, the project, as

1 we talked about, can be found to be  
2 consistent with several Nevada County  
3 General Plan goals and policies, and found  
4 to be inconsistent with other Nevada County  
5 General Plan goals and policies. Included  
6 is two recommendations are being presented  
7 to the Planning Commission, for  
8 consideration as recommendations to the  
9 Board of Supervisors. And the Planning  
10 Commission can choose to take one of these  
11 two recommendations if, if you so choose, or  
12 to consider other recommendations, or other  
13 options, at the pleasure of the Planning  
14 Commission.

15       And just to touch on these,  
16 Recommendation A includes certification of  
17 the EIR; denial of the rezone and variance,  
18 and then no action on the remaining  
19 entitlements. This is based on the project  
20 to be found inconsistent with several of the  
21 General Plan goals and policies. The  
22 intensity of the operations would exceed  
23 those of the rural character of the overall  
24 surrounding area, given the overall  
25 intensity of the use, and intensity of the

1 proposed mining operation, with the  
2 surrounding land uses. And then requesting  
3 the—regarding the requested variance, there  
4 is the potential for—potentially redesigning  
5 the project to consider lowering the height  
6 of several of the buildings, potentially  
7 lowering the height of the overall headframe,  
8 including additional different type  
9 redesigns that could be considered.

10       So if Planning Commission chooses to  
11 consider Recommendation A, the Planning  
12 Commission, the actions would be to certify  
13 the Final Environmental Impact Report as  
14 adequate, and not adopt the findings of fact  
15 and statement of overriding considerations.  
16 This is so—this finding, or this action,  
17 would be to certify the Final EIR, but not  
18 adopt the findings of fact, statement of  
19 overrides. This is because the overall  
20 benefits of the project, and the overall  
21 statement of overriding considerations,  
22 cannot be made. However, the EIR itself  
23 could be certified. And so this is just—  
24 that's what this action would do.

25       The second would be to deny the rezone,

1 deny the variance application, and then we'd  
2 be taking no action on the remaining  
3 entitlements, including the use permit with  
4 the reclamation plan, the management plans,  
5 the map amendment, boundary line adjustment,  
6 and the Development Agreement.

7       Recommendation B is included for  
8 Planning Commission to consider. This would-  
9 -should the Planning Commission determine  
10 that the proposed project is consistent with  
11 the Nevada County General Plan and zoning  
12 ordinance, Planning Commission can take the  
13 actions included in Recommendation B.  
14 Additionally, should the Planning Commission  
15 recommend approval of the proposed project,  
16 staff would recommend that the Planning  
17 Commission adopt and make recommendations on  
18 the CEQA findings of fact and the statement  
19 of overriding considerations, and this would  
20 be under Recommendation B.

21       The Recommendation B project actions  
22 would be to certify the Final Environmental  
23 Impact Report, and adopt the findings of  
24 fact and statement of overriding  
25 considerations, approve the rezone, approval

1 of the use permit with the reclamation plan,  
2 approval of the variance, approval of the  
3 separate management plans, approval of the  
4 parcel map amendment, the boundary line  
5 adjustment, and approval of the, the  
6 Development Agreement.

7       And then, lastly, there are other,  
8 other considerations that the Planning  
9 Commission can take. And staff would be  
10 willing to discuss these with you further,  
11 should you have questions on them. But they  
12 would be to continue the--if Planning  
13 Commission desires, to request additional  
14 information to be brought forward for its  
15 consideration, would be to continue the item  
16 to a date and time certain, or a date and  
17 time uncertain, depending upon the requested  
18 information.

19       The other would be used to provide a  
20 motion of intent, or a continuation, to  
21 recommend one or more of the alternatives.  
22 There are the Alternative 2, is the  
23 environmentally superior alternative. If  
24 Planning Commission would desire to consider  
25 this alternative, that is something that

1 Planning Commission can do. And so you can  
2 do this through a motion of intent, or you  
3 can do a continuance, or if you'd like to  
4 request staff to bring this back for, to add  
5 additional findings or considerations, staff  
6 can do that, and would be to continue the  
7 project to a later date to allow staff to do  
8 that. Or a motion of intent would be to  
9 intend to approve the Alternative 2, and  
10 with motion--with findings, and then staff  
11 can forward that--those findings, on to  
12 consideration by the Board of Supervisors.

13 And then, lastly, is that this Planning  
14 Commission can consider a combination of  
15 recommendations from Recommendation A or B,  
16 would be to consider approval of some of the  
17 entitlements, or denial of some of the  
18 entitlements, certification of the EIR and  
19 denial of some of the entitlements, or  
20 approval of some of the entitlements. So  
21 these are all things that are within the  
22 Planning Commission's purview for  
23 consideration.

24 So with that, that concludes our Staff  
25 Report. And if you have any questions, we'd

1 be happy to answer them.

2 CHAIRMAN GREENO: Thank you, Matt. I

3 think I'd like to wait until after the

4 Applicant presentation for questions. Thank

5 you. Is the Applicant prepared?

6 [Crosstalk]

7 CHAIRMAN GREENO: Pardon, pardon me,

8 we're going to--we're going to take five

9 minutes for a quick break, and we'll be--

10 we'll reconvene here, we'll say 10:55. Ten

11 minute. Thank you.

12 [Background conversation]

13 [Break]

14 CHAIRMAN GREENO: If folks can start

15 finding their seats we're going to reconvene

16 in one minute.

17 CHAIRMAN GREENO: Okay, let's bring it

18 back. Thanks folks, we got to be efficient

19 with time here. Two days goes fast, as the

20 morning already has. Please find your seats.

21 Please find your seats. Thank you. All

22 right. With that, we would like to hear

23 from the Applicant, with the Applicant

24 presentation.

25 MR. BEN MOSSMAN: Morning,

1 commissioners. Thank you very much for your  
2 time today and for all the time you've taken  
3 to prepare for this hearing. I'm Ben  
4 Mossman, president of Rise Grass Valley.

5 My mine is nearby - - and I've lived in  
6 Nevada County for the past five years. I've  
7 started a family here and have contributed  
8 this community: advocating for the workers  
9 of the community; supporting local  
10 businesses with millions of dollars of local  
11 spending; hosting the Senior Firewood  
12 Program, and the greenest program on our  
13 site, and no cost for the past four years;  
14 provided \$100,000 to the new senior center;  
15 and paid over \$200,000 in property taxes.

16 There are two fundamental reasons why  
17 I've continued to advocate for the Idaho-  
18 Maryland Mine in Nevada County.

19 First, the Idaho-Maryland Mine was once  
20 the second largest gold producer, by annual  
21 production, in the entire United States.  
22 Before it was forced to close in 1942, the  
23 mine employed 1,000 people and was producing,  
24 on average, 120,000 ounces of gold per year.  
25 When the mine closed, they had plans to

1 double the production.

2       What makes this mine exceptional is the  
3 very high grade, which averages a half-ounce  
4 per ton, over total production of 2.4  
5 million ounces of gold. If this mine can be  
6 reopened today, and achieve the success of  
7 its past, it will be among the highest-grade,  
8 major gold mines in the world.

9       Second, I believe that our project  
10 meets the high environmental standards and  
11 values of Nevada County. That jobs and tax  
12 revenues are greatly needed. And that  
13 Nevada County is a place that respects  
14 property rights and applies its laws and  
15 regulations consistently and fairly.

16       We did extensive research before and--  
17 before applying for this use permit. We  
18 studied thousands of pages from two previous  
19 Environmental Impact Reports and read every  
20 comment letter submitted by the community on  
21 those projects.

22       We studied the county General Plan and  
23 the Land Use Development Code; we met with  
24 the supervisors, county staff, and many  
25 members of the community. With this

1 information in hand, we set out to design  
2 what would be the most attractive and  
3 environmentally friendly gold mine in the  
4 world.

5 From the outset, we determined that the  
6 mine would produce gold concentrates and not  
7 use any harmful reagent, such as mercury or  
8 cyanide. We purchased the former sawmill  
9 site, which provides an ideal location for  
10 the mine infrastructure. Each of the sites  
11 include large, level paved areas, trees  
12 screen in the entire site, high voltage  
13 power, and access to a major road.

14 We carefully designed the mine, and  
15 plant, to ensure that our neighbors would  
16 not be disturbed. The crusher and  
17 ventilation fan are placed underground. The  
18 conveyor between the silo and plant was  
19 fully enclosed. Truck loading will be done  
20 inside of the building, behind closed doors.

21 The process plant we built with the  
22 highest level of insulation available. Air  
23 lock to be used to ensure that noise could  
24 not escape through an open door. We  
25 considered the hours of the operation of the

1 project in detail. Hours of operation for  
2 activities which could impact our neighbors  
3 was reduced. For example, placement,  
4 grading the compacting engineered fill would  
5 only take place during daytime hours, on  
6 weekdays, and trucking would not take place  
7 at night.

8       We incorporated the existing clay-lined  
9 pond, to ensure that sediment from the  
10 underground mine could not escape to the  
11 environment. We designed the process water  
12 system in a closed circuit, to minimize  
13 water use, and ensure the protection of the  
14 environment.

15       We designed the project to treat  
16 groundwater pumped from the mine to a level  
17 that is as good, or better than, drinking  
18 water quality standards. Rather than a  
19 tailings dam that other mines might use, we  
20 will produce dry sand tailings to allow them  
21 to be compacted to engineer standards.

22       In 1995, the Nevada County Planning  
23 Commission approved the dewatering of this  
24 very mine. During that process, the  
25 extension of the NID waterline on East

1 Bennett Road was a mitigation measure, only  
2 to be implemented if a well was impacted.  
3 We understood the concerns of well owners  
4 and committed to the installation of this  
5 water line before dewatering would even  
6 commence.

7         We hired Dr. Compania [phonetic], a  
8 hydrologist who has been trusted to work  
9 directly for NID and the County of Nevada.  
10 We hired Itasca Denver, probably the most  
11 qualified firm in the world on these issues,  
12 to create a groundwater model and analyze  
13 this issue to a level far beyond what was  
14 previously approved by this county.

15         Throughout the EIR process, we have  
16 listened to the community and responded with  
17 improvements to the project. We agreed to  
18 construct an extensive well-monitoring  
19 network and to domestic well monitoring. We  
20 reduced the proposed underground mining area  
21 by 1,000 acres and committed to mining  
22 depths of only 500 feet or greater.

23         We committed to use a simple flotation  
24 reagent which has no odor and is 100%  
25 biodegradable and environmentally friendly.

1 We committed to eliminating all diesel  
2 equipment underground and using only  
3 electric and battery electric vehicles  
4 underground. We designed the ASUR plan,  
5 which uses the most sophisticated testing  
6 methods available to ensure the protection  
7 of air quality. This plan is a new  
8 benchmark and goes far beyond what's  
9 required for any, any construction project,  
10 or any mining project in the state of  
11 California.

12 Finally, we have offered funding to the  
13 local air district ensuring that the mine  
14 meets its commitments to air quality.

15 The result is the EIR before you today,  
16 with no significant impacts to air quality,  
17 biological resources, water quality,  
18 groundwater, vibration, or noise from  
19 operations.

20 I want to thank Matt Kelley and the  
21 Planning Department for their work on our  
22 project over the past four years. They've  
23 taken on a large project and been subjected  
24 to an enormous amount of pressure.

25 After four years, millions of dollars,

1 and 30,000 pages of technical reports, we  
2 have one final hurdle put in front of us.  
3 Does the Idaho-Maryland Mine foster our  
4 rural quality of life in Nevada County?

5       First, I think it's important to  
6 acknowledge that the Idaho-Maryland Mine has  
7 been part of Nevada County since its  
8 formation. The mine was not closed from  
9 depletion, but rather the policies of the US  
10 government, which fixed the price of gold at  
11 \$35 per ounce. When the mine closed in 1956,  
12 it owned almost all the surface land above  
13 it. Surface land was severed and sold, but  
14 only with a strict agreement: that the mine  
15 would retain all necessary convenient rights  
16 to extract its minerals in the future.

17       This agreement is written into every  
18 deed, of every property, of every  
19 neighborhood, surrounding the site,  
20 including East Bennett Road, Brunswick Manor,  
21 Beaver Drive, New Brunswick Court, Cedar  
22 Ridge, Timber Lane, Star Drive, Brunswick  
23 Pines, Whispering Pines, and Loma Rica.  
24 Brunswick Road has been used to access the  
25 Brunswick Site for over 130 years. This

1 includes the mine, the sawmill, and,  
2 recently, PG&E and the greenways program.

3 Drivers might see our headframe as they  
4 pass by. Drivers may see a truck for the  
5 mine on Brunswick Road. However, these  
6 trucks will make up less than 1% of the  
7 traffic on the road. Fifty truck loads,  
8 over 16 hours, is only one truck every 20  
9 minutes. If this bothers someone, I suggest  
10 you think about what this headframe or truck  
11 represents: three hundred members of your  
12 community earning, on average, \$145,000 per  
13 year; \$50 million per year in new spending  
14 at local businesses, creating hundreds of  
15 additional jobs; tens of millions of dollars  
16 in construction work for local contractors;  
17 \$6 million per year in new property taxes,  
18 funding schools, towns, and public safety; a  
19 new engine, three full-time firefighters,  
20 and 24 volunteer firefighters for the Ophir  
21 Hill Fire District, creating one of the  
22 finest fire departments in the county.  
23 We're talking our district and the entire  
24 region.

25 Let me give you my view of a real

1 quality of life. Not having to commute out  
2 of the county every day for work. Making  
3 enough money to build a home in your own  
4 community. Making enough money to allow  
5 your partner to stay at home, and take all  
6 their time and love for a new child.  
7 Building schools for children, and providing  
8 schools with the tax revenue to keep them  
9 open. Providing job opportunities for young  
10 people, so your kids and grandkids don't  
11 have to move away to find work.

12 I've lived in rural areas and worked in  
13 mining most of my life. I think that some  
14 people have a hard time imagining who a mine  
15 worker is. They fear change in the local  
16 culture, but a mine worker is the people  
17 that are already part of your community.  
18 Hundreds of local people, people have  
19 already reached out to us about employment.  
20 They are your neighbors, your family, and  
21 members of your church, who want a rewarding  
22 job and a good life for their families.  
23 It's expected that opponents will  
24 participate, and be vocal, but project  
25 supporters don't normally see the need to

1 weigh in. Almost 2,000 people have  
2 submitted their names to this commission in  
3 support of the mine. These submissions  
4 represent the view of tens of thousands of  
5 people in our community who agree that the  
6 Idaho-Maryland Mine belongs in this  
7 community.

8 CHAIRMAN GREENO: Thank you, Ben.

9 MR. BRAIDEN CHADWICK: Thank you, Ben.  
10 My name is Braiden Chadwick. I'm outside  
11 counsel to Rise. I've been working with,  
12 with the county, as well as Rise for the  
13 last few years, to go through the  
14 environmental review, review process and  
15 work with staff to permit this, permit this  
16 project.

17 Before I go into my, my presentation,  
18 chief, what I'd like to do is walk through  
19 the prior history review of this. Ben  
20 touched on it a little bit. I think here--  
21 and this--and the Planning Commissioners, I  
22 know, all know this, but it might be good  
23 for the public to hear it as well,  
24 considering some of the comments that I've  
25 been hearing today, and even before today,

1 which is that the public can have confidence  
2 in the county's process.

3       Staff has worked incredibly hard on  
4 this, as well as the team of experts both on  
5 the Rise resources side, as well as the, the  
6 county side. And there should be confidence  
7 in this process. As Ben mentioned, there's  
8 two reasons primarily for it. The first is  
9 the prior history of CEQA review for this  
10 project. CEQA documents were produced by  
11 the county in 1995, which permitted the  
12 dewatering of the mine and, and granted a  
13 permit for that by the city of Grass Valley  
14 in 2011, which resulted in an Environmental  
15 Impact Report, and, and copious amounts of,  
16 of public comment and review, expert review,  
17 consultant review, which leads us to the  
18 2022 Environmental Impact Report that's  
19 before you right now.

20       Now, before Rise had even put pen to  
21 paper on designing a project, or putting a  
22 site plan together, Ben mentioned this, is  
23 that Rise went to school on both the 1995  
24 and the 2011 environmental documents that  
25 were produced for this mine.

1           And again, prior to even doing any  
2 planning of the site, they went through  
3 every letter, every comment letter from  
4 county and, and state agencies, every  
5 comment letter from the public, every  
6 comment letter and report from a technical  
7 perspective from a consultant. And this  
8 Rise project was designed from the get-go to  
9 address the public concerns. So that's  
10 reason one why the public can have some  
11 confidence in this project and in the  
12 process.

13           And the second reason is because of the  
14 county process itself. County planning staff,  
15 from the get-go, hired an independent  
16 environmental consultant and worked closely  
17 with that environmental independent  
18 consultant. And every resource section of  
19 the EIR, that consultant, Raney Planning,  
20 hired its own suite of experts to review  
21 every technical report and peer-review every  
22 conclusion that was submitted to them. And  
23 so, every resource section of the EIR had  
24 two teams of experts, at least, review and  
25 peer-review the data and conclusions of the

1 technical reports.

2       And that's in addition to County  
3 Planning Staff. And that's in addition to  
4 the independent consultant that the county  
5 hired. And the only exception to that is  
6 the water and well analysis, which actually  
7 had three separate hydrogeological firms  
8 looking at that data. So the public can  
9 have confidence in the county process. And  
10 we thank the county staff for its time, and  
11 its diligence, in processing this  
12 application.

13       So now I'd like to get to what I really  
14 want to talk about, which is the project.  
15 First, I want to go through Alternative 2.  
16 I want to talk about the Brunswick Site  
17 itself, where it is, and its current  
18 condition. We can talk about the impact  
19 issues that matter most to the county based  
20 on the comments, including visual impacts,  
21 noise, traffic, air, and, of course, water.  
22 So as we go through this, let's talk about  
23 Alternative 2 first. Now, Rise in the--in  
24 the letter that you received last Friday,  
25 and was delivered to the county as well,

1 proposes that the county adopt Alternative 2  
2 as identified in the Draft Environmental  
3 Impact Report.

4       Now, as staff had mentioned, the  
5 Alternative 2 is the environmentally  
6 superior alternative. It removes the  
7 Centennial Site completely from the project.  
8 It addresses significant confusion that we  
9 saw with, with the Centennial Site in the  
10 project and eliminates a lot of public  
11 comments received on the project, including  
12 a lot of concerns from the city of Grass  
13 Valley itself. And it would significantly  
14 lower the intensity of the project, which  
15 includes fewer truck trips. Now,  
16 Alternative 2--and commissioners, I--I'm  
17 sure you're aware that you can adopt  
18 Alternative 2 without further environmental  
19 review. Lead agencies can adopt  
20 alternatives that are analyzed in an EIR as  
21 long as the review includes sufficient  
22 analysis in the EIR. And in this case,  
23 we're confident that that's the case because  
24 Alternative 2 is identical to the proposed  
25 project, with the exception of cutting off

1 the Centennial portion of the project.

2 So it does account for all potential  
3 impacts, and you don't need to continue a  
4 hearing, or further deliberate the issue,  
5 because it's already analyzed in the EIR  
6 sufficiently.

7 So Alternative 2, and the reason why it  
8 is the environmentally superior alternative,  
9 as identified by staff as well as the  
10 Environmental Impact Report, is because not  
11 only does it eliminate the Centennial Site  
12 completely, it--and does have fewer impacts  
13 on almost every category. More material  
14 will be placed at the Brunswick Site, of  
15 course. The good news is there's room for  
16 it, but there are fewer esthetic impacts.  
17 There are fewer air quality and greenhouse  
18 gas impacts. There are fewer biological  
19 impacts, cultural impacts, geological and  
20 soils impacts, fewer hydrology and water  
21 quality impacts, fewer noise impacts, and  
22 fewer traffic impacts, including, you know,  
23 not hauling rock from the site for an  
24 extended period of time.

25 So again, what Rise is asking this

1 commission to recommend to the Board of  
2 Supervisors, is the adoption of the  
3 environmentally superior alternative,  
4 Alternative 2.

5       So let's talk about the Brunswick Site  
6 itself. Now, this site has been used for  
7 industrial uses for 130 years. It's a part  
8 of the community. It's been here prior to  
9 the, to the county. It's been here prior to  
10 every land use, almost, that's in the county  
11 itself. It has a history of mining, of  
12 logging and sawmill uses, most recently, and  
13 other industrial uses. In fact, it's  
14 currently being used right now as, as you  
15 know, chipping operation that's, that's  
16 connected with the county. It's a highly  
17 disturbed site. It looks like what it is,  
18 which is a--which is a disturbed industrial  
19 site that is kind of beat up. It needs  
20 revitalization, it needs a facelift, as it  
21 were.

22       It is adjacent, and located immediately  
23 adjacent, to a state-designated truck route.  
24 Brunswick Road is a state-designated truck  
25 route. That was, you know, not mentioned,

1 but, but that's--that is the case. But that  
2 is convenient for this project. And it  
3 reflects--again, the industrial nature of  
4 this particular property in this area is  
5 that truck trips were always going back and  
6 forth, including during the sawmill use,  
7 which is--which was most recent. And  
8 there's already substantial screening from  
9 public review. The, the views from the  
10 public are--there's, there's certain windows,  
11 but the proposed project uses the existing  
12 screening from, from the public views and  
13 enhances that. And we'll look at some of  
14 the visuals that were included in the  
15 Environmental Impact Report.

16       So let's go back in time to 1947. This  
17 is an aerial photograph. You can see the  
18 Brunswick shaft right there. You can also  
19 see the Cedar Ridge neighborhood right there  
20 as well. And this was during active mining  
21 site--active mining operations of the mine.

22       Again, this is 1991. And again, you  
23 see the logging operation right here and the  
24 mill. And you see what the industrial pond  
25 was constructed there for the Bohemia

1 Sawmill. There's log stacking, sawing, and  
2 industrial operations here. And of course,  
3 a lot of trucking back and forth here on the  
4 state-designated truck route on Brunswick  
5 Road. So you can see where all those is.

6       The Brunswick Industrial Site we can  
7 start here at this. I'm going to walk you  
8 through it. But basically, the Brunswick  
9 Industrial Site on the one end starts with  
10 this property right here. And this is the  
11 iconic silo that you see on the property.  
12 And as you see with this drone footage, you  
13 can see the, the current status of the site.  
14 This is an industrial site that has always  
15 been used for industrial operations, again  
16 for 130 years or so. And it tells that--you  
17 can tell that. You can see the paved areas.  
18 You can see where parking lots were, you can  
19 see over here. And, and, and county staff  
20 pointed this out, where the sawmill was, and  
21 operated 24 hours a day, seven days a week.  
22 You can see where logs were stacking up in  
23 the top right-hand corner. As we approach  
24 the end of this, you can see the entrance to  
25 the site, where trucks were going in and out.

1 And again, this is a constant for this  
2 property for the last a hundred or so years.  
3 The drone's going to tilt here, but you'll  
4 see again the senior firewood operation here  
5 that Rise has invited to be on its site for-  
6 -basically for many years now. And you can  
7 see, again, where all the industrial  
8 operations are taking place. This entire  
9 area, and here's a better view of the pond  
10 as well, but this entire area will be  
11 redeveloped as part of this project. And  
12 I'll leave it up to you whether this is  
13 going to be a negative impact when it comes  
14 to sight lines and esthetics, or there's  
15 going to be an improvement. But this is the  
16 site, as it currently exists today.

17 Let's talk about the Staff Report. I  
18 want to talk about the variance in the  
19 General Plan that Matt was mentioning.

20 First, let's talk about the variance.  
21 The Staff Report recommends that the Board  
22 of Supervisors deny the variance, and they  
23 talk about a couple things. The first is it  
24 asserts that the property is not unique, or  
25 unique enough, I guess it would be. That's

1 not true, especially when you're considering  
2 some of the variances that the county's  
3 approved in the past. The Staff Report also  
4 asserts that granting would constitute some  
5 sort of special privilege that's  
6 inconsistent for the properties. That's  
7 also not true, and we'll talk about that in,  
8 in detail. And it states that the headframe  
9 would extend above the top of the existing  
10 canopy and into the skyline. That's also  
11 not true. Trees and setbacks provide  
12 addition--provide the screening necessary to  
13 screen that headframe, and we'll look at  
14 some of the visuals that are actually in the  
15 Environmental--Environmental Impact Report,  
16 in the technical report, to show you what  
17 that's going to look like. When we move on  
18 to the General Plan, we'll talk about the  
19 Staff Report recommends that the super--  
20 Board of Supervisors deny the project for  
21 General Plan inconsistency.

22 Now, there's a focus on intensity that  
23 you might have heard a few times during the  
24 presentation about the potential for surface  
25 mining operations on the property. Now that

1 it's not compatible because of the intensity  
2 of the project, the 24/7 nature of the  
3 operations. This isn't true because the  
4 impacts are actually limited. If you look  
5 at the conclusions of the Environmental  
6 Impact Report, you see that this has fewer  
7 environmental impacts than any mine I've  
8 ever permitted in the last few decades of my  
9 career. The impacts are limited, and more  
10 intense mines are approved and have been  
11 recently approved in rural areas. I think  
12 that the intensity issue is key here,  
13 because despite the fact that the project  
14 will operate 24/7, 365, there'll be--these  
15 people will be working inside buildings.  
16 These people will be working underground.  
17 And trucking doesn't, doesn't run at night.  
18 And stacking and hauling doesn't run at  
19 night, either. And so I think that the  
20 intensity of the project is a little  
21 overblown, considering there's going to be  
22 no one on, on the surface working outside.

23 It's inconsistent with what the General  
24 Plan says--the Staff Report, because there's  
25 a requirement that the boundary line be

1 maintained between rural and community  
2 regions. The large property size of the  
3 Brunswick Site has 120 acres, only 60 of  
4 which are going to be used for the, for the  
5 project itself. So over half of the  
6 property won't even be used for this project.  
7 So the boundary line is maintained.

8       And there's also a concern over truck  
9 trips and traffic injection. But again,  
10 again, as is pointed out by the  
11 Environmental Impact Report, traffic is  
12 extremely limited compared to the existing  
13 traffic. And we'll go into that in a little  
14 more detail, too.

15       So let's talk about the variance  
16 findings first, so we can dispense with that.  
17 The county's requirements for various  
18 findings, there's six of them. The first is  
19 that it doesn't confer special privilege.  
20 The second is that there's special  
21 circumstances associated with the property.  
22 And, and Matt was correct when he pointed  
23 out that's key here, is that the property  
24 has to have some unique characteristics that  
25 would justify the variance being granted.

1 This property absolutely has them, and we'll  
2 talk about that. The third is that it does  
3 not authorize a use that is otherwise  
4 illegal, or otherwise not allowed. The  
5 fourth is that it doesn't adversely affect  
6 the health, safety, or welfare. The fifth  
7 is that it's consistent with the General  
8 Plan. And the sixth is that it is the  
9 minimum departure that the project requires.

10 So what I'd like to do is take a look  
11 at one of the variances that we got from the  
12 county. So when the county staff asked us  
13 to apply for a variance, one of the things  
14 that Rise did was pull different variances  
15 from the county itself, just to see what the  
16 county normally does with variances and how  
17 to properly structure the findings and the  
18 application.

19 And so this one stands out to me, the  
20 Lone Oaks Apartments, but it is emblematic  
21 of how the county approaches variances,  
22 especially height variances in the--in, in  
23 its deliberations. So this variance is--the  
24 example is the Lone Oaks Apartments. And  
25 we'll walk through all six of their--the

1 findings that the county requires.

2       Of course, the first is that doesn't  
3 grant a special privilege. There's a whole  
4 two sentences there.

5       The second, again, this is the key, so  
6 we'll, we'll dwell on this one that Matt,  
7 Matt was correct in, is that there are  
8 special circumstances applicable to the  
9 property. It's interesting that the  
10 property proponent, and the county, found  
11 this to be convincing, as far as special  
12 circumstances concerning the property or the  
13 uniqueness of the property. This property  
14 was deemed unique by Planning Staff because  
15 the property is relatively flat and has  
16 nearby local amenities. I'm not sure how  
17 unique that is. That seems not unique to me  
18 at all, actually. And it's only one  
19 sentence. But, again, this is the standard  
20 that the county holds variances to.

21       Second is, of course--the third is that,  
22 that it's not--that it's authorized by the  
23 zoning district in which the property is  
24 located, and doesn't harm health, safety, or  
25 welfare.

1           And here, of course, they say that  
2 benefits and everything else are the same as  
3 the next-door property. So how bad could it  
4 be?

5           And the fifth is that it's consistent  
6 with the General Plan because the zoning  
7 allows it.

8           And the sixth is that, hey, we asked  
9 for 38%, we're allowed 50.

10          This is Page 1 of the variance findings  
11 for the Idaho-Maryland Mine. Page 1 of  
12 about nine. The difference is, is that the  
13 Idaho-Maryland Mine variance justification  
14 includes specific details about the project.

15          It has more-than-adequate information  
16 to justify the variance. It illustrates  
17 that other projects, and provides lists of  
18 other projects, with similar heights that  
19 have been approved by the county—been  
20 approved for variances by the county. It  
21 has citations to the General Plan, to the  
22 zoning code, and to the Environmental Impact  
23 Report that is for this project. I guess  
24 the, the point of this is that when we make  
25 our recommendation—when the commission makes

1 its recommendation to the Board of  
2 Supervisors, that the Idaho-Maryland Mine  
3 project should be judged with the same ruler  
4 that the county holds other properties  
5 accountable to.

6       And just to go back to the  
7 justification for the uniqueness of the  
8 property on some of these applications that  
9 we pulled, just because that the property  
10 itself is nearby things or relatively flat,  
11 if that's the ruler that we're holding  
12 properties to, certainly a variance  
13 justification is appropriate here with a  
14 property that is unique.

15       And let's go through that. What makes  
16 this property unique? This property is  
17 unique because of primarily one thing: gold.  
18 There is a valuable mineral deposit  
19 underneath this property that is not under  
20 any other property in the county. That is  
21 unique. It's one of the highest-grade gold  
22 mines in the country. It was one of the  
23 highest-grade gold mines when it was  
24 producing, and it will be again. Even if  
25 CEQA acknowledge—even CEQA acknowledges that

1 for mining projects, they are special.  
2 Mining projects, you have to look at the  
3 minerals, because minerals are where they  
4 are, and you cannot move them and you cannot  
5 exploit them or use them from any other site.  
6 That makes this site unique. And for  
7 variances, as county staff pointed out  
8 appropriately, variances, you have to look,  
9 and the key is: what is unique about this  
10 property? This property is unique in the  
11 county. There's nothing else like it.

12       There are also existing and usable  
13 mining facilities, and this--these are all  
14 in the findings as well, as well as the  
15 letter that was sent to you last Friday.  
16 But there's an industrial pond there that  
17 already exists. There's a 3,000-foot-deep  
18 mine shaft that's existed there. Does that  
19 make it unique? Absolutely. That's a  
20 unique feature of this property that enables  
21 this particular project. There is an  
22 existing 85-foot silo, and there is a reuse  
23 of this mine site. And the reuse of this  
24 mine site is something in General Plan  
25 encourages and wants to happen, of course.

1           And, of course, the last, and this will  
2 echo the other application that you just saw,  
3 is the county has zoned this property for  
4 this purpose. This is a zoning that allows  
5 this use. And the county has kept that. In  
6 fact, this use predates the zoning code.  
7 And so, the county has always kept the  
8 zoning code to allow this use. It's M1.

9           Despite that fact, and despite the fact  
10 that--of that--that variance can be achieved  
11 and can be approved, and can be found to be  
12 consistent with the requirements in the  
13 findings of the county, a variance isn't  
14 even required. And I'll tell you why. With  
15 that letter last Friday that you received,  
16 Rise committed to --, for its submittable  
17 buildings, meet the 45-foot standard for the  
18 zone. So Rise will reduce the height of  
19 those buildings because, again, it was a  
20 surprise to us that the, that the building  
21 height was going to cause staff--the Staff  
22 Report to try and find inconsistency there.  
23 But Rise will reduce those buildings to the  
24 45-foot height limitation.

25           And Nevada County Code Section 424

1 provides an exception that says that  
2 architectural features not intended for  
3 human occupancy or non-habitable structures,  
4 like headframes, have an exception as long  
5 as there's a use permit associated with the  
6 project. And here, that's the case. So  
7 Rise commits and asks this commission to put  
8 a Condition of Approval on its  
9 recommendation to the Board of Supervisors  
10 that the building heights comply with the  
11 zoning--with the existing zoning code height  
12 limitation of 45 feet, Rise will commit to  
13 make that happen. And this variance isn't  
14 even required.

15       So let's talk about the General Plan.  
16 First of all, the general--General Plan  
17 consistency is essentially extremely hard to,  
18 to make. And here's why. And there's a lot  
19 of cases on this, and I'll just give you a--  
20 just, just a couple of them. The lead  
21 agency's role, your role, is to balance  
22 competing goals and interests that are  
23 reflected in the General Plan. You're well  
24 aware General Plan goals and interests  
25 sometimes compete with each other. And as

1 staff pointed out, you can comply with one  
2 and be inconsistent with another, because  
3 those two things are at odds with each other.  
4 And again--furthermore, it's well-  
5 established that no project could completely  
6 satisfy every policy. And state law does  
7 not impose a requirement that each project  
8 comply with every policy. It's a balancing  
9 test. And it's one that, that you're tasked  
10 with as the Planning Commission.

11 So is the project consistent with the  
12 General Plan? Absolutely. And respectfully  
13 disagree with, with some of the things in  
14 the Staff Report. Let's go through some of  
15 these things.

16 The General Plan introduction of volume  
17 1, page 1 through 8, it says that one of the  
18 county goals of here is to ensure the long-  
19 term quality of natural resource values,  
20 including mining activities. Mining in the  
21 county, despite its unpopularity with some  
22 people, is a critical part of the  
23 infrastructure, and it's a critical part of  
24 the county's economy. And the General Plan  
25 acknowledges that, that mining activities

1 should be ensured as long-term operations  
2 here in the county. General Plan Policy  
3 1.1.1, that Matt mentioned, that maintained  
4 a distinct boundary between rural and  
5 community regions. Again, what you have  
6 here is you have a very large site that's  
7 always been zoned Industrial, that the  
8 county has zoned it Industrial, and only 60  
9 of the 120 acres are even going to be used.

10 Is there a distinct boundary between  
11 rural and community? Absolutely, there is.  
12 And it was designed that way. General Plan  
13 Policy 1.1.2, this talks about development  
14 which was consistent with rural lifestyle  
15 and surrounding land use patterns. Well,  
16 what's the surrounding land use patterns?  
17 The surrounding land use patterns are this  
18 site. It's a state-designated truck hauling  
19 route; that's a land use pattern that's here  
20 at the property. This property has always  
21 been an industrial property. It's been a  
22 sawmill, it's been log stacking, it's been  
23 wood chipping, it's been a mining property.  
24 It's always been part of the community.  
25 It's part of this, this particular

1 neighborhood. So is it consistent with the  
2 surrounding land use pattern--patterns?  
3 Absolutely. And I'll also point out that,  
4 as the county staff pointed out, there's  
5 very, very little impact on the neighboring  
6 community, when it comes to the environment--  
7 the environmental impacts that are  
8 disclosed on the Environmental Impact Report.

9       General Plan Policy 142. This  
10 basically says that the development should  
11 be consistent with overall rural quality of  
12 life in the county. And I'll bold this last  
13 part, because it's important. The General  
14 Plan provides you the means of how this  
15 project will comply, or how any project has  
16 to comply, with Policy 142. And that is  
17 that these criteria shall be accomplished.  
18 In other words, you comply with 142 and  
19 accomplish that through the application of  
20 comprehensive site design standards. So  
21 this project, and we'll walk through that,  
22 but this project has worked laboriously to  
23 make sure that it complies with the Western  
24 County Site Design Standards, including  
25 building height, building design, building

1 color, and we've worked with staff to make  
2 that happen. So can we be consistent with,  
3 with General Plan Policy 142? Absolutely.  
4 And finally, General Plan Policy 17.6.  
5 I--I almost--I--I had to smile when, when  
6 the Staff Report said that, that this  
7 project might be inconsistent with this one,  
8 because this one says that it, the county,  
9 encourages the extraction of mineral  
10 resources--encourages the extraction of  
11 mineral resources--in areas compatible,  
12 before intensified urbanization overruns  
13 them. Because, again, it's the same thing  
14 with the California Environmental Quality  
15 Act. When you're talking about areas in the  
16 county that are zoned MRZ-2, which this is,  
17 and is incorporated into your General Plan,  
18 that is reserved for mining opportunities.  
19 And it's reserved that way because the  
20 state recognizes that when you have valuable  
21 mineral resources, they need to be protected  
22 until they can be exploited by this county.  
23 And your General Plan policy reflects that  
24 by saying they encourage the General Plan  
25 policy, the policy is to encourage the

1 extraction of mineral resources before you  
2 have significant urbanization.

3       So the project does fit with the rural  
4 character of the area. There are similar  
5 surface mining operations conducted in rural  
6 areas for years. In fact, that's where they  
7 almost exclusively are, is in rural areas.  
8 Most recently, Boca Quarry 2019, the  
9 expansion that was approved by the county  
10 was in a rural area. And the project--this  
11 project, has taken a litany of measures to  
12 mitigate any of the negative impacts,  
13 including visual screening, insulated  
14 buildings, mature trees to be installed, no  
15 nighttime hauling. All of that goes to  
16 making sure that this project is consistent  
17 with the rural character of the area.

18       Now, just harkening back again to the  
19 intensity issue. Intensity is not found as  
20 one of your findings in the--in the zoning  
21 code here that you need to make--that you  
22 need to find. The intensity of the project  
23 is consistent with the type of mining that  
24 is historically conducted in the area. It  
25 meets all of the regulation and guidelines.

1 There's less traffic than any other mine in  
2 the county, and there's less traffic than  
3 most of the industrial uses that could be  
4 placed here. It's designed to meet the  
5 county design characteristics, and it does  
6 meet the, the design characteristics, which  
7 is consistent with General Plan Policy 142.  
8 Here's a view of the headframe of what it  
9 looks like with the mature trees.

10 Now, the project impacts are small  
11 compared to a lot of quarries in the--and a  
12 lot of mines in the county. And I'm not  
13 going to pick, I'm--it's going to seem like  
14 I'm picking on the Boca Quarry. I'm not. I  
15 like the Boca Quarry, actually, but they are  
16 two different but, but somewhat similar  
17 projects. And that's why I want to just  
18 compare the two, because this shows you how  
19 minimal the impacts of this mine are  
20 compared to other mines in the county.

21 The Boca Quarry's impacts are more  
22 significant, usually in effect--by a factor  
23 of ten in terms of air quality, in terms of  
24 esthetics, in terms of traffic. Boca Quarry  
25 is a surface mine. This is not. Everything,

1 everything is underground. Nearby homes for  
2 the Boca Quarry can see the quarry  
3 unobstructed, and the staff recommended  
4 approval, of course. Idaho-Maryland Mine  
5 project only has 112 one-way daily truck  
6 trips, compared to almost 1,500 for the Boca  
7 Quarry. Put that in perspective, again, 112  
8 truck trips versus 1,500 for the Boca Quarry.

9 Now, the Idaho-Maryland Mine has been  
10 determined also to have less-significant  
11 impacts, this is in the EIR, to esthetics  
12 for adverse effects on scenic vistas. So  
13 let's take a look at this.

14 Here's the Boca Quarry, and again, I, I  
15 don't want to pick on it, but this is just a,  
16 just a, a comparison is you cannot hide a  
17 high wall. Okay? That's a visual impact.  
18 Okay? This is I-80 and here's the Boca  
19 Quarry. Okay? The Draft EIR for the Boca  
20 Quarry, this is a quote from it, says, "The  
21 associated visual impact at the key views  
22 would be considered significant and  
23 unavoidable." And that's why. This site  
24 does not have these views like that. This  
25 is a view of the entrance of the site. The

1 Draft EIR has found that, that the project  
2 is compatible with the General Plan. The  
3 EIR says this, okay? The Staff Report is  
4 inconsistent with this analysis.

5 Now, the Idaho-Maryland Mine project is  
6 less intense than other mines approved by  
7 the county, and that's why it's consistent  
8 with the General Plan. Let's talk about the  
9 project design, because that's what we're  
10 talking about here. We're talking about  
11 avoiding impacts, we're talking about  
12 addressing concerns. And again, act one for  
13 Rise when coming to the county was to go to  
14 school on those previous Environmental  
15 Impact Reports.

16 So the design is environmentally  
17 responsible. There's esthetic improvement  
18 over the site as it currently is. And I'll  
19 let you be the judge of that.

20 There's minimal noise because  
21 everything is designed to be enclosed in the  
22 building. That's expensive, that's  
23 difficult. It requires air locks and  
24 requires fully insulated buildings to state-  
25 of-the-art standards. But that's something

1 Rise is committed to, to make sure that the  
2 county doesn't hear this, and neighbors  
3 don't hear this--this, this operation.

4       There's minimal traffic. Again,  
5 consider--just compare it with any other  
6 mine in the entire county. It's designed to  
7 protect air quality. It's designed to  
8 improve the water quality that's, that's  
9 currently flowing through the site, and it's  
10 designed to protect local wells.

11       Let's talk about this. For esthetics,  
12 there's an esthetic improvement, okay? And  
13 for temporary construction noise, this  
14 construction noise is temporary. And the  
15 reason there's any noise at all, that the  
16 EIR found was significant, was because  
17 they're constructing a water pipeline to  
18 provide water service to the neighbors. But  
19 for that, that wouldn't even be an impact.

20       And there's only two intersections  
21 where you have significant impacts for  
22 traffic. Only two. And let's look at what  
23 those mean. Okay? It's Brunswick Road and  
24 Highway 174, and it's Sutton Way at  
25 Brunswick Road. This is what I want you to

1 focus on. This is an impact because there's  
2 only ten employees going through there at  
3 3:30 p.m. ten, not hundreds, ten. And the  
4 only reason why this is significant and  
5 unavoidable is because any traffic at this  
6 intersection, any traffic, is considered an  
7 impact. But there's not tons of trucks and  
8 tons of cars going through here. It's ten  
9 employees going through there at 3:30 in the  
10 afternoon. The Sutton Way is even more  
11 pronounced, because there's only two  
12 employees going through at 3:30 in the  
13 afternoon. And, again, the reason why the  
14 EIR found it significant and unavoidable is  
15 because any traffic at that intersection,  
16 any at all, even one car, is considered an  
17 impact.

18 This is Brunswick Road. Brunswick Road  
19 has a speed limit of 45 miles an hour, and  
20 it is a state-designated trucking route,  
21 okay? These are not neighborhoods we're  
22 driving through, and I want to drive with  
23 you down Brunswick Road. Okay? So  
24 Brunswick Road, and this is East Bennett.  
25 This starts at the very beginning of the

1 site. And let's just drive down the road as  
2 you can see. And again, these are cars  
3 going at 45 miles an hour. There's the silo  
4 you can see on the right. And as you're  
5 driving down this road, this is what the  
6 public is going to see. You'll see visual  
7 screening; you'll see a lot of trees that  
8 are already there. They're mature. And  
9 this visual screening is going to only get  
10 better. There's a raised berm there, as  
11 well, that continues to hide the site. The  
12 site, as you can see, is at a lower  
13 elevation than the road is. That helps hide  
14 the project itself.

15       You can see, you know, county workers  
16 there on the side of the shoulder of the  
17 road. And as you continue going down here,  
18 again, this is 45 miles an hour that people  
19 are driving down this road, and it's a--and  
20 again, state-designated haul route. And up  
21 here on the right, you'll see the entrance  
22 to the site. That's what the public sees,  
23 okay? Again, the Brunswick Industrial Site  
24 and this--just a reminder of what it looks  
25 like. You can see the pond over here on the

1 right-hand side. You see the silo, of  
2 course, right here. It's 85 feet tall  
3 currently. And you see, kind of, the beat-  
4 up kind of structure of this site. The  
5 paved, the, the paving, the parking lots  
6 that are there.

7       This is what it's going to look like  
8 with the visual simulations. And I want to  
9 walk you through this, okay? This is what  
10 the project is proposed to do. As you can  
11 see, you have buildings that comply with the  
12 county design guidelines that we worked with  
13 staff on. You have a parking lot with trees  
14 and dividers and vegetation. And, as you  
15 see, as it flies through here, you'll see  
16 all the different buildings. You'll see  
17 the--the parking that is available there.  
18 You'll see the awnings and the, the  
19 accoutrements that meet the Western County  
20 Design Guidelines. The buildings have been  
21 broken up as, as Matt mentioned, to make  
22 sure that they're not giant buildings that,  
23 that comply--again, this is to comply with  
24 the design standards. You'll see the  
25 existing pond. And this is what the site

1 will look like.

2       Now, you'll see everything's, again,  
3 here enclosed to make sure that there's no  
4 noise. You'll see right here where the rock  
5 will be transported through a covered and  
6 the agency right here where the, the  
7 headframe is.

8       So again, this is a, this is a site  
9 improvement from what it currently is. And,  
10 again, visual screening is going to be part  
11 of this. Now this comes from the  
12 Environmental Impact Report, and these are  
13 visual simulations that are there, and you  
14 can go look at them at your leisure.

15       But here is the site of the current  
16 view, where you can see, of course, the 85-  
17 foot-tall silo there that currently exists  
18 there, and this is in the corner of East  
19 Bennett. And this is what the headframe is  
20 going to look like. And then again, this is  
21 what the visual screening will be. Again,  
22 this is anticipated to be put there prior to  
23 when that's getting built.

24       So again, visual screening is key to  
25 this project, and it's part of this project,

1 and it's a Condition of Approval of this  
2 project.

3 Same thing here. And let's look at  
4 this. This is the entrance to the site on  
5 Brunswick Road. At this entrance to the  
6 site, you can see, you can see Caltrans  
7 vehicles there, you can see some staging  
8 that they were doing. And this is what the  
9 current view is. That was - - that, that  
10 Rise inherited. This is the engineered fill.  
11 And this is worst-case scenario, because  
12 there's the engineered fill and the  
13 vegetated berm, right there looks like just  
14 a hill, right? And these are trees that are  
15 just barely planted. Trees are going to be  
16 planted, but they're going to be filled to  
17 maturity long before this pile gets that  
18 high. And here's what it will look like  
19 with mature trees planted all along here.  
20 And, again, this--the trees take time to  
21 grow, but so does the fill pile. And so,  
22 it's anticipated, this is what the  
23 engineered fill is going to look like. It  
24 is a vegetated hill, is what it is. That's  
25 what the fill pile is. And there's going to

1 be mature landscaping all around there. And  
2 again, this is an improvement over what the  
3 current view of the site currently is by  
4 passersby.

5         The Brunswick fill pile aerial view.  
6 This is where it's going to be. There's the  
7 pond again, and there's Brunswick Road.  
8 Here's the public view of Brunswick fill pad.  
9 Again, this is one of the visual  
10 simulizations in the Environmental Impact  
11 Report.

12         We have a viewpoint location of a  
13 person who's standing there. You have the  
14 trees, of course. The, the fill that's-that,  
15 again, is going to fill in here. That's  
16 part of this project. And you have the  
17 vegetated berm. And this is the viewpoint  
18 of where they'd be looking. Okay? That's  
19 the public view of what the fill pad will  
20 look like. It's a vegetated hill.

21         Idaho-Maryland Mine project will also  
22 generate minimal noise. This was a concern  
23 from the public, and it was a concern back  
24 in 2011 as well. And so, again, Rise went  
25 to school on that, read the public review,

1 read the impacts, and decided to do  
2 something about it, even if it cost them a  
3 lot of money to do. Here are the nighttime  
4 noise contours. And you can see here in  
5 the-that this is as, as Ben mentioned, and  
6 the staff mentioned, the machinery is going  
7 to be 100% fully enclosed in insulated  
8 buildings. These sound-insulated buildings  
9 are state-of-the-art, they cost a lot of  
10 money, but it's worth it to achieve no sound  
11 that's going to be outside here.

12       Rock crushing is not going to be done  
13 on the surface. Rock crushing is going to  
14 be done underground. Again, is it more  
15 expensive? Is it more troublesome? Of  
16 course. But does it save noise? Absolutely,  
17 it does. The ventilation fans also will be  
18 located underground, and all the buildings,  
19 as Ben mentioned, will have airlocks in them  
20 to make sure no noise is escaping the site.  
21 And what you see here, the outer contours of  
22 this, will be 35 decibels. That's  
23 equivalent to a whisper. And when you  
24 factor in that Brunswick Road is a, is a  
25 state-designated haul road, and you have

1 truck traffic and vehicle traffic there, you  
2 won't hear this project at all. And that's  
3 how it's designed, at great cost to Rise.  
4 Because Rise wants to make sure the public  
5 will not be impact--impacted by this project.

6 Let's talk about traffic. Again, state  
7 haul road, designated by the state, minimal  
8 traffic, especially minimal traffic with the  
9 adoption of Alternative 2. Alternative 2  
10 cuts off Centennial, and cuts off all of  
11 that truck traffic over to Centennial, all  
12 of it. And so, all you have now, is the  
13 stuff on the site and the stuff going out to  
14 174.

15 You here--and here you have the truck  
16 traffic and truck trips. And this little  
17 chart is something I think we need to pay  
18 attention to, because the current zoning for  
19 the property, and this was with the sawmill,  
20 allowed 196 total truck-ins estimated from  
21 the trip generation manual, right? One  
22 hundred ninety-six truck trips. Idaho-  
23 Maryland Mine project is 112 truck trips.  
24 The Boca Quarry is almost 1,500 truck trips.  
25 The Greenhorn, permitted, is almost 500

1 truck trips. So the Idaho-Maryland truck  
2 trip generation is less intense than other  
3 nearby mines, such as Boca Quarry and  
4 Greenhorn. And so, this concern over truck  
5 traffic, or the intensity of truck traffic,  
6 again, is overblown.

7 The Idaho-Maryland Mine project only  
8 has 112, one-way daily truck trips. And  
9 again, that's equivalent to during, during  
10 the day and daylight only. During the day,  
11 that's only one truck every 20 minutes, on a  
12 state-designated trucking route that has a  
13 lot more traffic than that.

14 So here's--putting it a different way,  
15 here's the trucks on Brunswick Road. The  
16 current traffic you can see is the blue line  
17 here, okay? That's what current traffic  
18 looks like at different times of the day,  
19 which is down here at the bottom. What you  
20 have with the Idaho-Maryland Mine is when  
21 you add current traffic with Idaho-Maryland  
22 Mine trucks, here's what you get. It's  
23 almost overlaying completely, because there  
24 are so few truck trips. And compared to  
25 other mines, again, it's almost nothing.

1           And so, the trucks on Brunswick Road  
2 are the equivalent of only three equivalent  
3 vehicles. But you can see how it currently  
4 tracks the current traffic there. There's  
5 hardly any traffic impacts at all here. And  
6 the EIR that staff is endorsing, that you--  
7 the staff says that, that you and recommends  
8 that this commission recommend for adoption.  
9 That's where this data comes from.

10           So air quality. Rise goes above and  
11 beyond what the state air quality  
12 requirements are. The Draft EIR concluded  
13 there are no significant air quality impacts,  
14 because all-electric machinery is used  
15 underground. Okay? That was a voluntary  
16 design project, for this project, that Rise  
17 started with from the very beginning in the  
18 project description; only electric vehicles  
19 underneath to make sure there are no air  
20 quality impacts.

21           The project's also required to, to  
22 comply, and staff mentioned this, with the  
23 ATCM for surfacing and for grading. Now  
24 that's used for all projects in the county  
25 where there's any hint of asbestos, which is

1 almost everywhere. And so, Rise--and again,  
2 this is a Condition of Approval--and Matt  
3 mentioned this, Rise agreed for the ASUR  
4 plan. So Rise proposes additional measures  
5 beyond those required by the state with the  
6 ASUR plan, which requires sampling before  
7 and after mining, and it's a Condition of  
8 Approval. And this is a guarantee of a  
9 negligible asbestos content, because it's  
10 constantly being measured, all the time, in  
11 addition to the ATCMs required by the state.

12 And finally, and this is something that  
13 Rise itself has proposed, and it's not being  
14 required of Rise, but Rise is proposing this  
15 as part of the project and as part of the  
16 Development Agreement, Rise is proposing to  
17 fund a full-time air pollution officer at  
18 the APCD. In other words, paying the salary  
19 for someone at the APCD to basically  
20 regulate them. And why is that? And that's  
21 because Rise wants the public, of course, to  
22 have confidence that the rules are being  
23 followed, that the conditions of the permits  
24 and the--and that the air impacts are not  
25 going to be anything of harm to them.

1           And so, Rise is proposing to fund an  
2 entire position there, to make sure that the  
3 APCD has the staff to appropriately regulate  
4 them. And, again, this is not required by  
5 the county. This is something that Rise is  
6 proposing as part of the project and the  
7 Development Agreement. And I was on the  
8 phone with the, with the Air District just  
9 two weeks ago, about what the contours of  
10 that would look like.

11           So this is, this is, this is real items  
12 and things that, I mean, Rise has taken this  
13 project and the public concerns very  
14 seriously. And I think that's borne out by-  
15 -the Environmental Impact Report is borne  
16 out by the, the few impacts that are there,  
17 and the impacts that are there are not very  
18 hefty at all, compared to other mining  
19 projects.

20           If you look at a low carbon footprint,  
21 this is something that the state is worried  
22 about, of course, which is the greenhouse  
23 gas emissions. Because of this, the Idaho-  
24 Maryland Mine is going to make up less than  
25 1% of the greenhouse gas emissions here in

1 the county. And that's adoption of electric  
2 vehicles, adoption of electric mining  
3 equipment. This is an ultra-modern mine  
4 that's designed to be environmentally  
5 friendly.

6 Let's talk about water quality really  
7 quickly, because this is of concern. Now,  
8 water quality that the public is concerned  
9 about, were two things. Water quality as  
10 being discharged from the site, and water in  
11 the wells. Both of these things are  
12 appropriate things to be concerned about.  
13 No bones about it. And that's why Rise went  
14 to school on this so hard.

15 The discharge from the mine--from the  
16 water will meet the California water quality  
17 objectives because, A, it's going to be  
18 regulated by the Central Valley Regional  
19 Board. The permitting process is separate  
20 from the county and it's more intense of  
21 course, because you have to meet discharge  
22 requirements. And these discharge  
23 requirements state that the water discharge  
24 from the site has to be as good, or better,  
25 than California drinking water quality

1 standards. There's testing, there's  
2 oversight, and there's a whole agency to do  
3 it. And that's what Rise is--that's what is  
4 going to be happening here, is you can be  
5 able to drink this water coming off of the  
6 site that's going to the South Fork of Wolf  
7 Creek.

8       Let's talk about the impacts to the  
9 South Fork of Wolf Creek. Operations are  
10 going to be about 1.9 cfs and the initial--  
11 when they're dewatering, the line will be  
12 about 5.6 cfs. And as you go through,  
13 here's what four--approximately four cfs  
14 looks like. One of the concerns the public  
15 had was that the inflow in the creek would  
16 cause adverse impacts to the creek. You  
17 still have a babbling brook at four cfs.  
18 There's no scouring, there's no problems  
19 there. In fact, it's a whole lot less than  
20 the, than the spring runoff that goes down  
21 through there.

22       And here's what one cfs looks like.  
23 And again, this is not a raging river of  
24 South Fork of Wolf Creek. This is both just  
25 babbling brooks on both of them. Okay? So

1 there's not going to be any adverse impacts  
2 to Wolf Creek. And, as you know, the mine's  
3 going to be using a lot of it--its own water.  
4 But, of course, this water use is far less  
5 than golf courses.

6 Let's talk about wells. And I want to  
7 spend a little bit of time here, because  
8 wells are important. And the neighbors'  
9 wells are important. They're important to  
10 Rise, they're certainly important to the  
11 neighbors. And, so, I think that it bears a  
12 lot of, a lot of introspection here. And  
13 then we do have experts here to talk about  
14 this for any questions that the commission  
15 has.

16 But, essentially, you have water wells  
17 on the left, that are usually placed in  
18 fractured rock in the first couple of  
19 hundred feet of, of the surface. Mining  
20 will take place 500 feet below the surface.

21 Okay?

22 And when we go through here, I want to  
23 walk through some drill cores that were  
24 taken right here. This is on the Rise  
25 property. Here's East Bennett and here's

1 Brunswick Road, right? This is a drilling  
2 operation that happened there. And so  
3 there--these are drill cores that, you'll  
4 see, that there are no significant impacts  
5 between wells and the dewatering of the mine.  
6 And here's why. Eighteen feet, you can see  
7 right here, that this is what it looks like  
8 when you have fractured rock near the  
9 surface. And you can see why this rock is  
10 hold to water. Here's 66 feet down and 76  
11 feet down. And you can see as you go down,  
12 there's still fractured bedrock. Here you  
13 have fractured rock and weathered rock, 121  
14 feet, 129. And as you get closer to 200  
15 feet, which is basically the bottoming of a  
16 lot of the wells, you're going to see why  
17 they bottom there. And that's because it  
18 gets more and more solid. It's not  
19 permeable. There's not water there.

20 And as you go down 226--244, these are  
21 actual drill cores taken from the property.  
22 There's 254, 263, and as you keep going down,  
23 it gets more and more solid. There's no  
24 water here, right? Three hundred and sixty-  
25 three, 375, here's 400 feet down, 435. And

1 as we get down to 500 feet, it's below this  
2 area that mining starts. And there's no,  
3 there's no significant features that connect  
4 the water wells and this, this impervious  
5 rock. And again, we have - - experts here  
6 to explain this in more detail than I'm  
7 willing to get into with you.

8 But I will say this, is that one of the  
9 things that Rise looked at, when it was  
10 looking at the well issues, is where were  
11 these wells and how, how far did they go  
12 down? And what did they yield at that point,  
13 to make sure there was no connection between  
14 the wells and the mine as far as dewatering  
15 is concerned.

16 So here's a well, there was a 300 feet-  
17 -50 feet deep, okay? They weren't getting  
18 the yield they wanted, so they went deeper.  
19 They went down to 700 feet. And what they  
20 find is they found greenstone here, which is  
21 the same thing you see with that drill core,  
22 sitting right there. And look at the yield,  
23 nothing. There was no water they could get  
24 out of that--out of that well. And the  
25 reason is because when you're that deep into

1 solid rock, there is no water to get, and  
2 there's no connection between the fractured  
3 rock on the surface and the deep solid rock  
4 500 feet down.

5       So the mine is, actually, already  
6 partially dewatered. And that's, that's  
7 something that a lot of the public doesn't  
8 know about. But the well--the, the mine  
9 water is actually a lot lower than their  
10 wells already. The water wells, the East  
11 Bennett area, or the Beaver Drive area, or  
12 the Greenhorn area, you can see what they  
13 are right here, and what the difference  
14 between the surface of the water in the mine  
15 is, versus the surface--versus the bottom of  
16 the, the wells. So the water level in the  
17 Brunswick Mine is currently at 2,500 feet  
18 elevation, and the wells closest to the mine  
19 still haven't been drained, despite the fact  
20 that here, in the East Bennett area, between  
21 the wells and the surface water that's in  
22 the mine itself, there's 140 [loud noise]--  
23 I'm sorry--there's 140 feet of room between  
24 the two. And in Beaver Drive, there's 360  
25 feet of difference between the water in the

1 mine and the bottoms of their wells.  
2 There's 335 feet of difference for Greenhorn.  
3 So, again, the wells aren't connected by any  
4 significant feature or fracture to the mine  
5 itself.

6         So, again, here's a graphic that just--  
7 it's a little bit busy, but it shows that--  
8 and you can see right here, this is, this is  
9 the Brunswick shaft, and that's where the  
10 water is. And you can see the wells, and  
11 these are just symbols of the well, but the  
12 wells here, and these are real wells that  
13 are depicted. Most don't even go down below  
14 the, the water level there in the mine.

15         So the Idaho-Maryland Mine is also  
16 providing substantial mitigation. So  
17 despite the fact that in 1995 there wasn't  
18 anticipated to be a problem, and despite the  
19 fact that in 2011 the, the EIR had the same  
20 conclusions, and despite the fact that the  
21 EIR for 2022 had the same conclusions, all  
22 using different lead agencies, different  
23 staffing, and, of course, different experts,  
24 they all came to that conclusion. Basically,  
25 what you have here is that, even with only

1 small impacts to water levels and  
2 groundwater, Rise is going to have  
3 substantial mitigation. Why? Because this  
4 is of major concern to people, and Rise  
5 wants to make sure there's no problems here  
6 at all.

7       So despite the fact that this is not  
8 going to be a problem, here's what Rise is  
9 proposing: construction of this water  
10 pipeline. This is part of the project. The  
11 project doesn't need it. This is for the  
12 benefit of the people and the neighbors  
13 around the mine. It's going to connect 30  
14 different properties to NID water at a  
15 substantial cost to, to the project.  
16 There's going to be 12 months of groundwater  
17 monitoring before the mine is dewatered.  
18 And, again, this is in addition to the, the  
19 well records going all the way back prior to  
20 1995, when this was first looked at. So you  
21 have almost 30 years of data that was looked  
22 at by the hydrogeological teams, making sure  
23 this wasn't a problem. But there's still  
24 going to be 12 months of monitoring, to make  
25 sure that any problems will be detected

1 before they occur.

2       And Rise will always be responsible for  
3 well mitigation, if any well is impacted by  
4 just 10% of this water column. And any  
5 person who is worried about this, Rise will  
6 monitor their well for them. It is by their  
7 permission, of course, but that's something  
8 Rise is committed to do, is making sure  
9 there are no problems here. So this is the  
10 ultimate belt and suspenders, and I think  
11 what, what county staff called it was the  
12 100% factor of safety.

13       So why is this project good for Nevada  
14 County? I'll end here. But, basically, the  
15 project has substantial benefits to the  
16 county. There's significant property tax  
17 revenue. It's larger than any existing  
18 property in the county. This is 312 jobs  
19 with an average salary of \$145,000. That's  
20 significant. Up to 300 indirect jobs and  
21 indirect economic impacts, it helps to solve  
22 significant budget and employment challenges  
23 that are currently plaguing the county and,  
24 and the, the City of Grass Valley. Provides  
25 funding for an APCD officer. It provides

1 funding for the Ophir Hill Fire Department.

2       And when we're talking about taxation  
3 and tax revenue, taxation and mineral rights  
4 are of a squirrely nature. Basically, by  
5 both statute and case law comes out the fact  
6 that the income approach is used, you have  
7 to use proven reserves in order for the  
8 county to tax what the value of that mineral  
9 estate is. Now, an independent economic  
10 study by RDN, and this is the county's  
11 economic study - - so there were two  
12 economic studies that were done and, just  
13 going along with the theme of redundancy,  
14 there were two economic studies done. One  
15 was done by, by a firm that was hired by  
16 Rise to assess the economic viability of  
17 this project, as well as what it's going to  
18 do, beneficially, to the county. And the  
19 second one was hired by the county itself,  
20 at county expense, to verify whether the  
21 economics of this actually were as Rise was  
22 saying.

23       And I'm pleased to report that the  
24 county's own independent consultant, which  
25 is very well thought of in this area, the

1 county's own independent consultant came to  
2 the same conclusions. And their county's  
3 consultants said that the estimated property  
4 tax revenue from Rise was ranging from a  
5 million dollars a year to \$5.4 million a  
6 year, depending on what the proven reserves  
7 are. If you take the historic mine, and you  
8 fast forward that to the 2022 equivalent,  
9 what that works out to be is approximately  
10 \$6.9 million of county tax revenue per year,  
11 almost seven million a year. So this is how  
12 that's work--how that's broken down.

13 Just to see how you did it. The  
14 property tax, 1939 through 1941, you take  
15 the assumed price of gold, which is low  
16 right here in this, in this slide, you have  
17 the historic production. Here's the revenue  
18 in current prices. You have the inflation  
19 of what, what the value of that dollars are,  
20 right? Discount rate. And, of course, what  
21 you end up with is an annual mineral  
22 property tax at 1% of \$6.8 million going to  
23 the county on a yearly basis.

24 Put in perspective, the mineral  
25 property tax comparison are greater than the

1 top ten taxpayers of the county combined,  
2 right now.

3 In greater perspective, the property  
4 tax that is going to be collected by the  
5 county from the mine is greater than all the  
6 properties within a mile of the site.

7 So you want to talk about where this is  
8 going to go. Basically, the intensity here  
9 is, the property tax per acre is  
10 approximately a hundred thousand dollars per  
11 acre used. That's 30x as to what the county  
12 normally collects, okay? And that's greater  
13 than all properties to the one mile to site  
14 again.

15 So where does it go? This property tax  
16 goes to schools 55.7%, to cities 10.6%,  
17 special districts 20%, and then to the  
18 county's own general fund, almost 14% of  
19 that money.

20 Again, this is high-paying jobs. The  
21 average wage order reported by the majority  
22 of US gold miners, \$145,000. That's what's  
23 anticipated here.

24 Okay. Two-thirds of the people hired  
25 for this project, two-thirds, will be drawn

1 from right here. Okay? This is a  
2 comprehensive training programs and skilled  
3 workforce. These numbers, again, borne out  
4 by the economic studies, from both Rise and  
5 the county.

6 Now, this is, this is an economically  
7 distressed community. It's an opportunity  
8 zone, and this is judged by the state  
9 government and the federal government. It's  
10 a zone in need of jobs. Okay?

11 The median household income, especially  
12 in Grass Valley, is lower than that in  
13 Nevada County proper, in Truckee, in  
14 California, and the United States. How do  
15 you fix that? You bring in jobs, high-  
16 paying jobs, skilled jobs, and that's how  
17 you fix that number.

18 Now, families have been leaving the  
19 county at a alarming rate since 2009, and  
20 they--they're doing it reluctantly, but they  
21 still have to do it, because why? Lack of  
22 opportunity, as Ben pointed out his view,  
23 and I think it's one shared by a lot of  
24 people, of what the rural lifestyle for the  
25 county is, is meaning you don't have to move

1 away for economic opportunities. It means  
2 you don't have to take your family and move,  
3 because there's no jobs for you, or you  
4 can't afford a home here, right? People are  
5 leaving, but we got to get them back, and  
6 you get them back by having good, high-  
7 quality paying jobs.

8       The Nevada Joint Union High School  
9 District has a budget deficit of about \$1.3  
10 to \$1.5 million in future years; \$700,000  
11 per year, from the mine, helps fill that  
12 hole nicely.

13       The benefits of this project are  
14 numerous: You have 312 employees; you have  
15 \$145,000 average wage. You have either 163  
16 or to 300 induced jobs. And, again, two  
17 economic reports, one by the county itself,  
18 verifies that. Four hundred seventy-five or  
19 612 total jobs created, just by approving  
20 the mine. Construction and local  
21 contractors with extra work and millions of  
22 dollars, \$6 million to the county alone per  
23 year in property taxes. Two hundred forty  
24 thousand dollars per year to the Ophir Hill  
25 Fire Department District, in addition to

1 buying them a new fire engine, which they  
2 asked for; and, again, which is not required,  
3 but is something offered by Rise. A hundred  
4 thousand dollars per, per year to hire  
5 someone at the Air Quality Management  
6 District to regulate the mine itself.  
7 Eighty-eight thousand dollars a year to  
8 public works, a million dollars to the Ophir  
9 Fire Department District, and that's for its  
10 new engine, and \$258,000 in traffic  
11 improvement fees. These are significant  
12 numbers.

13 This is a significant project that has  
14 very few environmental impacts, that  
15 protects its neighbors, that does everything  
16 it can to mitigate all the impacts, and all  
17 the comments, from all the public, over all  
18 the years. This is the project that can  
19 change the county for the better.

20 Now, the Applicant team's here, and is  
21 willing and happy to answer any questions  
22 you might have, and all the experts here. I  
23 know that the, the county's experts are here,  
24 as well, as well as the Applicant team's  
25 experts.

1           And you can see here's who they are.  
2 We have some people you might want to talk  
3 to, Andy Cappania [phonetic], for example,  
4 the chief geologist, hydrogeologist. Itasca  
5 Denver, as well. And so everyone is here to  
6 answer your questions.

7           And so what I would just urge you to do  
8 is--again, Rise wishes to be the best  
9 project it can be, to the greatest benefit  
10 to the county. And for that reason, urges  
11 this commission to make a recommendation, of  
12 the planning, to the Board of Supervisors to  
13 adopt Alternative 2, which is the  
14 environmentally superior alternative. Thank  
15 you very much.

16           CHAIRMAN GREENO: Thank you, Braiden.  
17 And it's, it's 12 o'clock. What is the--  
18 what's the opinion of the commissioners here  
19 about pushing through, and having a little  
20 later lunch so we can finish any questions  
21 that we have, and, also, I'd, I'd really  
22 like to hear from some of the public before  
23 we take a break for lunch. I don't know how  
24 y'all feel about that. Okay. All right.  
25 We're going to change the plan, and we're

1 going to take lunch at 1 o'clock in an  
2 effort to get you guys up to the podium.

3 But first, I would entertain any  
4 questions from commissioners based on the  
5 presentations today, and I would implore my  
6 fellow commissioners to keep it brief so  
7 that we can get to, to the public. And,  
8 again, just keeping it--we're, we're--for  
9 those of you who presented and, and  
10 everybody else we're--we won't be addressing,  
11 or asking any questions regarding, anything  
12 that was received in the, in the EIR or the  
13 Draft EIR process. This is just clarifying,  
14 based on the presentations this morning.  
15 And with that, I would entertain any..

16 COMMISSIONER DUNCAN: Yeah,  
17 clarification. I also would like to thank  
18 staff for the excellent Staff Report. I'm  
19 not on. Thank you, folks, for reminding me.  
20 Didn't want you to hear me sniffing up here.

21 Thank you very much for the Staff  
22 Report, Matt. It was very clear and walked  
23 us through. And I appreciated that, the way  
24 it was done. I do have one question. It,  
25 it--the Applicant has said that they would

1 conform to modifications to the project to  
2 avoid a variance, but then they brought up  
3 the point on the shaft that they could have  
4 constructed at 165 feet, if it's uninhabited,  
5 without a variance. Is that--can you  
6 clarify for me, or do I have that wrong?

7 MR. KELLEY: Mr. Chairman,  
8 commissioners, Commissioner Duncan. Yes,  
9 the Applicant has indicated that a variance  
10 is not required, and that they can construct  
11 the project based on the use permit  
12 application that's been submitted. Being  
13 that the, the Brunswick shaft or the, or the  
14 headframe would be at 165 feet, this is  
15 something that I think I'd want to confer  
16 with legal counsel on a little bit, and  
17 defer to some of them on that question.  
18 There is a use permit process that Nevada  
19 County Land Use and Development Code  
20 outlines, and part of that for a overheight  
21 structure would include a use permit. The  
22 Applicant submitted a variance application  
23 for the overheight structure, not in the use  
24 permit, is for the use itself, with the  
25 reclamation plan.

1           So that's something that we would have  
2 to look at. And I would defer to counsel on  
3 that a little bit, is by removing the  
4 variance application, does that change the  
5 project itself? And so that's something I  
6 think we need to look at a little bit closer,  
7 and talk about, I think, with counsel on.

8           CHAIRMAN GREENO: And is that something  
9 that we should kick down the road until  
10 tomorrow, when you have time to decide on  
11 the answer?

12           COMMISSIONER DUNCAN: I think that  
13 would be appreciated, so.

14           CHAIRMAN GREENO: Is that--

15           COMMISSIONER DUNCAN: [Interposing]  
16 That's great.

17           CHAIRMAN GREENO: --acceptable.

18           COMMISSIONER DUNCAN: Give the staff  
19 some time to come back. Thanks, Matt.

20           I do want to address something. I--for  
21 clarification. Nevada County is unique, and  
22 special, as evidenced by most of the people  
23 in this room. And the comparison to a  
24 variance for the Lone Oak Project, and that  
25 statement that it's flat, that is unique and

1 it is not normal for Nevada County,  
2 especially when you're looking at  
3 developable sites. So that was definitely  
4 an ability to put in multi-family housing,  
5 which this community desperately needs. And  
6 services, amenities--they're not widely  
7 dispersed. So whenever we can get a win in  
8 producing multi-family housing, flat and  
9 amenities is unique.

10 CHAIRMAN GREENO: Thank you,  
11 Commissioner Duncan. Would anybody like to  
12 come in second here on any clarifying  
13 questions? Terry?

14 COMMISSIONER TERENCE MCATEER: Thank  
15 you. So I have three, three questions here  
16 before we get to lunch.

17 Could you pull up your slide, your--sir,  
18 regarding the local funding with the pie  
19 graph, if you don't mind? Because  
20 unfortunately, Mr. Niehaus and, and you have  
21 a misinterpretation of school funding, and  
22 I--if one thing I can talk about, having  
23 been the school superintendent, I can attest  
24 to how schools are funded. So if you don't  
25 mind finding that pie chart, I'd really like

1 to clarify that for everyone. Thank you.

2 Thank you for the time. Sorry about this,

3 but it really help--will help everyone.

4 Thank you.

5 So as you can see there by that chart,

6 55% according to this chart of school--of

7 tax dollars will go to schools. So I need

8 you to understand that those dollars are

9 essentially sent to Sacramento because of a-

10 -important court case many years ago. So

11 that schools are all equalized. So none of

12 those tax dollars where you said Nevada

13 Union may be getting 700,000 or so, I need

14 you to understand that that's not how

15 schools are funded. Schools are funded,

16 that our dollars come in and, essentially,

17 they're shipped to Sacramento, and

18 Sacramento creates this big pool and then

19 divides it up by the millions of kids in

20 this state, and then sends it back to Nevada

21 County.

22 So there will be no, and I want to make

23 that clear, there are no tax benefits to

24 schools in this county by this project.

25 Okay? So I, I mean that not pro or con,

1 that's just the facts of the matter. Okay?

2 Thank you.

3 Secondly, and that's Mr. Niehaus got  
4 that wrong, too, 'cause he doesn't obviously  
5 know school funding.

6 So I'd like to talk about your, your  
7 comment about Alternative 2 that you've sort  
8 of shifted to. Alternative 2 is one of the,  
9 one of the pros of Alternative 2 was the  
10 cleanup of those toxic mine tailings there.  
11 Does your alternative going to alt--excuse  
12 me, the original was on Centennial would be  
13 to, to work with the Water Quality Board and  
14 improve that site and all. So my question  
15 is, if you go to Alternative 2 now, do you  
16 not--are you not doing, then, the cleanup on  
17 the Centennial Site?

18 MR. CHADWICK: Thank you, commissioner.  
19 The answer to that is that the cleanup was  
20 never part of this project, actually. The  
21 cleanup has a separate track with DTSC and  
22 EPA. And so the part of this project, the  
23 part of this project, that was shipping,  
24 essentially, rock over to that site was  
25 post-cleanup project over there. And so

1 that's what the, the issue was, was--that  
2 was trucking the--was trucking the material  
3 over there, and using it as a base to then  
4 repurpose that property. But the cleanup as  
5 a--was a process, an environmental  
6 document's already been, already been issued  
7 and, and had public comment from DTSC along  
8 a separate course of action. And so--

9 COMMISSIONER MCATEER: [Interposing] So  
10 I'm, I'm still lost.

11 MR. CHADWICK: Okay.

12 COMMISSIONER MCATEER: Is, is the  
13 answer--is the answer yes. You--since it's  
14 on--you own that property?

15 MR. CHADWICK: Yes.

16 COMMISSIONER MCATEER: Is, is the  
17 answer, you are going to clean up that  
18 property on Alternative 2, or you're not  
19 going to clean it up on Alternative 2?

20 MR. CHADWICK: Well, the point, I guess,  
21 I guess my point so I can be clearer...

22 COMMISSIONER MCATEER: Sure.

23 MR. CHADWICK: Is this--is that the  
24 cleanup of that property is happening  
25 regardless, so the cleanup of that property

1 is, is with DTSC and the DTSC CEQA process  
2 and not part of this project and never was.

3 COMMISSIONER MCATEER: I understand  
4 that, but I'm hearing that the answer to  
5 your question is--

6 MR. CHADWICK: [Interposing] Is yes.

7 COMMISSIONER MCATEER: --yes?

8 MR. CHADWICK: Yes. That is being  
9 cleaned up.

10 COMMISSIONER MCATEER: Thank you very  
11 much.

12 MR. CHADWICK: Yes.

13 COMMISSIONER MCATEER: And I'd like to  
14 turn to you, sir, I, I lost your name in the,  
15 in the early introductions. Thank you very  
16 much for your clarifying such. So my  
17 question is in, in your slide regarding the,  
18 the amount of mine rock that's coming out,  
19 you had it at 500 and I was, I was under the  
20 interpretation that it was 1,500 tons a day  
21 coming out of the mine. Is that, is that  
22 your understanding?

23 MR. PAPPANI: No, that's not my  
24 understanding. Thank you for the question.

25 COMMISSIONER MCATEER: Sure.

1 MR. PAPPANI: I don't know if we can  
2 get that, that slide up, but the  
3 anticipation is 500 tons of barren rock per  
4 day.  
5 COMMISSIONER MCATEER: Okay.  
6 MR. PAPPANI: And then an equivalent  
7 amount of mineralized rock.  
8 COMMISSIONER MCATEER: Okay.  
9 MR. PAPPANI: So 1,000.  
10 COMMISSIONER MCATEER: 1,000. It's not  
11 1,500?  
12 MR. PAPPANI: Correct.  
13 COMMISSIONER MCATEER: Okay. That's  
14 different than--and what about the--I  
15 thought there was another 500 tons of sand,  
16 and other stuff that was coming out, to help  
17 make the paste that would go back in. Is  
18 that true?  
19 MR. PAPPANI: Yes. That's going to be  
20 a byproduct of the, the process plant that  
21 will be--  
22 COMMISSIONER MCATEER: [Interposing]  
23 Sure. So go on, excuse me.  
24 MR. PAPPANI: Yeah, so that's a  
25 byproduct of the processing plant. And that

1 will be generated through that and combined  
2 with barren rock.

3 COMMISSIONER MCATEER: So I--again, you  
4 know, I'm one of those kind of teachers. I  
5 want to make sure I've got this story  
6 correct. So 500, 500 tons of, of barren  
7 rock, is coming out, and then there's also  
8 going to be this 500 tons of mineralized  
9 rock coming out. Is that correct? And then  
10 what's going to happen after the crushing  
11 and all, there's going to be some portion of  
12 that that's going to be made into paste, and  
13 shoved back down in the mine. Is that  
14 correct?

15 MR. PAPPANI: Yes. I, I see the  
16 confusion and, and I apologize because I, I  
17 contributed to that. So basically, of-in  
18 terms of rock, you have the 500 tons of the  
19 barren rock that's associated with the  
20 tunneling, and, yes, 1,000 tons for the ore  
21 that's going to be processed, 500 tons of  
22 that, which will be--end up as sand tailings.  
23 Right. So you end up having about 1,000  
24 tons a day of engineered fill that's  
25 produced.

1           COMMISSIONER MCATEER:  Sorry, I'm  
2 still--I'm a, I'm a slow learner.  So how  
3 many tons are coming out of the mine on a  
4 daily basis, no matter what they're  
5 categorized as?  How many tons are coming  
6 out on a daily basis?  
7           MR. PAPPANI:  1,500.  
8           COMMISSIONER MCATEER:  It's all right.  
9 Are you as confused as I am?  
10          MR. PAPPANI:  Yep.  I confused you,  
11 initially, my apologies.  
12          COMMISSIONER MCATEER:  So let's get  
13 this square.  There's 500 tons of, of  
14 mineralized rock, and there's a thousand  
15 tons of other rock--  
16          MR. PAPPANI:  [Interposing] Mm-hm.  
17          COMMISSIONER MCATEER:  --correct?  
18          MR. PAPPANI:  Correct.  
19          COMMISSIONER MCATEER:  Thank you.  I'm  
20 done with my questions.  
21          COMMISSIONER MILLMAN:  Can I follow up  
22 on that?  
23          CHAIRMAN GREENO:  Thank you,  
24 commissioner.  Yes.  
25          COMMISSIONER MILLMAN:  Okay, so that

1 comes out, and then it gets stacked up under  
2 Alternative 2--on the Brunswick Site--

3 MR. PAPPANI: [Interposing] Correct.

4 COMMISSIONER MILLMAN: --as a vegetated  
5 hill. So after five to six years, I think  
6 was the duration, is that correct? After  
7 five to six years, it stacks up to 60 feet  
8 tall?

9 MR. PAPPANI: Under the proposed  
10 project it would be--it's about  
11 approximately six years on the Brunswick  
12 Site to reach the design height of that  
13 engineered fill pad. So under Alternative 2,  
14 in placing more engineered fill, that would  
15 be extending that timeframe to approximately  
16 11 years to reach the design height on the  
17 Brunswick Site. So--

18 COMMISSIONER MILLMAN: [Interposing] So  
19 under the proposed project, you're putting  
20 some of it on Centennial and some of it on  
21 Brunswick?

22 MR. PAPPANI: Correct. Correct.

23 COMMISSIONER MILLMAN: But under  
24 Alternative 2, you're putting it all on  
25 Brunswick. So instead of reaching that

1 height in six years, you should reach that  
2 height in two or three years, correct?

3 'Cause you're putting more on Brunswick?

4 MR. PAPPANI: Well, you'd be putting  
5 more on Brunswick and extending the  
6 timeframe, almost double to reach the design  
7 height. It's almost double the height under  
8 the Alternative 2.

9 COMMISSIONER MILLMAN: So in six years,  
10 instead of being 60 feet tall, now it's 100  
11 feet tall on Brunswick?

12 MR. PAPPANI: Correct.

13 COMMISSIONER MILLMAN: Okay. So after  
14 six years, where does that kind of material  
15 go after that?

16 MR. PAPPANI: It gets hauled off to  
17 market, the aggregate market. So it's  
18 shipped from the Brunswick Site to Brunswick  
19 Road, to the freeway, and then out to market.

20 COMMISSIONER MILLMAN: So after six  
21 years, then the truck traffic increases,  
22 correct?

23 MR. PAPPANI: That's correct.

24 COMMISSIONER MILLMAN: So do we have  
25 numbers on what that increases to, on the

1 state highway trucking?

2 MR. PAPPANI: Yes. It's the, a hundred  
3 truck trips per day to haul that material.  
4 So that's 1,000 tons material. That's  
5 associated with the engineered fill, and you  
6 have some additional truck trips. I believe  
7 the total is 118 in the traffic chapter, 118  
8 one-way truck trips associated with hauling  
9 from Brunswick to the freeway.

10 COMMISSIONER MILLMAN: They don't come  
11 back?

12 MR. PAPPANI: They do. Yeah. So  
13 that's, that's one way.

14 CHAIRMAN GREENO: Come on, folks.  
15 We're, we're not doing that.

16 COMMISSIONER MILLMAN: Okay. So--

17 MR. PAPPANI: [Interposing] So just  
18 divide by two, that's your run trips.

19 COMMISSIONER MILLMAN: --112 trucks,  
20 it's six--it's however many trucks, 65 round  
21 trips. That's what I mean.

22 MR. PAPPANI: Correct.

23 COMMISSIONER MILLMAN: Okay.

24 MR. PAPPANI: Correct.

25 COMMISSIONER MILLMAN: So, so then the

1 vegetated hill that remains on-site even  
2 after the 80 years are over?

3 MR. PAPPANI: Yes. Yes.

4 COMMISSIONER MILLMAN: What kind of  
5 vegetation grows in that type of tailing  
6 pile?

7 MR. PAPPANI: I believe the intent is  
8 to plant similar trees that exist out there  
9 now in terms of coniferous trees.

10 COMMISSIONER MILLMAN: Will they grow  
11 without--I mean, is there some plan to--like  
12 how does it make top soil?

13 MR. PAPPANI: Yeah, there's--

14 COMMISSIONER MILLMAN: [Interposing]  
15 And generally, if you plant something in  
16 rock, it doesn't do super well.

17 MR. PAPPANI: Yeah. It, it will have  
18 a--so it's, it is--the engineered fill is a  
19 mix of the sand and the barren rock. So  
20 it's a combination. And then they have to--  
21 there's a performance standard requirements  
22 through the landscape plan that if those  
23 trees do not succeed, that they have to make  
24 sure and, and replant--resolve the issue,  
25 whatever that might be, in terms of ensuring

1 that they, in fact, do survive.

2 COMMISSIONER MILLMAN: Is there a demo  
3 plan for the landscaping? Like, is the  
4 perimeter landscaping, does that all stay,  
5 and then it gets added to, or it gets demoed  
6 and then it gets replanted? The first one,  
7 it, it stays--the existing stays around the  
8 perimeter.

9 MR. PAPPANI: Yes. And that'll be  
10 shown on the landscape plans, the final  
11 plans.

12 COMMISSIONER MILLMAN: Okay. I think  
13 those are my most immediate questions.  
14 Thanks. Thank you, guys.

15 CHAIRMAN GREENO: Thanks, Commissioner  
16 Millman. Commissioner Mastrodonato.

17 COMMISSIONER MASTRODONATO: Thank you,  
18 Chair Greeno. I just have a couple of quick  
19 questions, basically to Matt, about the  
20 process.

21 One of them--or the first one obviously  
22 is in, in one of the segments of your  
23 presentation, you talked about alternatives  
24 with the number one or the, the alternatives  
25 listed as four that were considered, number

1 one being no build. And you mentioned  
2 something about that being a requirement.  
3 No build is a requirement to be an  
4 alternative.

5 MR. KELLEY: Commissioner Mastrodonato.  
6 It is. So CEQA requires that one of the  
7 alternatives that's considered is the no  
8 build alternative, that's required by CEQA  
9 and is considered in all Environmental  
10 Impact Reports.

11 COMMISSIONER MASTRODONATO: Great. And  
12 you also mentioned that there--or there were  
13 listed, four alternative--alternatives that  
14 were considered, and five, I believe, that  
15 were dismissed. Just kind of really briefly  
16 walk me through that process of what would  
17 determine or predicate that five identified  
18 alternatives would be dismissed?

19 MR. KELLEY: So in CEQA, and I'll, I'll  
20 defer some of this to Nick for the EIR. In  
21 CEQA, you have to consider alternatives that  
22 are reasonable for the project. And so it  
23 also has to make the project be able to be  
24 viable. And so is included in the Draft EIR  
25 was a number of alternatives that were

1 looked at. And I'd have to go back to the  
2 Draft EIR to give you the specific exact  
3 ones that were dismissed. And I would  
4 probably defer to Nick on some of those.  
5 But if they're not considered viable or  
6 considered a--considered to make the project  
7 work, then they would be considered  
8 dismissed by, by CEQA, and then I would  
9 defer to Nick on some of that, too.

10 MR. PAPPANI: Thank you. Yes,  
11 commissioner. So in terms of--it's pretty--  
12 it's routine in CEQA review to look at a  
13 whole host of alternatives. And oftentimes  
14 some of those kind of drop out from the full  
15 analysis. So it oftentimes will have in an  
16 EIR, alternatives that were considered at  
17 some level, and then dismissed. And, and  
18 what we typically look for there is, does  
19 the alternative meet the intent of CEQA?  
20 And there's some specific requirements, one  
21 of which would be, does the alternative meet  
22 most of the basic objectives of the project?  
23 So that's kind of an initial check in terms  
24 of--well, let's build a, a, a, you know,  
25 multi-story residential project that clearly

1 doesn't meet the objectives of, of the--  
2 basic objectives of the project. So that's  
3 one consideration. Another consideration is  
4 that an alternative does have to reduce,  
5 avoid, or substantially lessen one or more  
6 of the project's significant effects.

7       And so sometimes, you know, when we  
8 look at alternatives, we, we come up with  
9 something that, that, you know, looks, looks  
10 palatable, but when we start kind of  
11 considering, well, what are the impacts that  
12 it would have, would it be lesser or greater  
13 than the project? And so, alternatives that  
14 would not avoid or substantially lessen a  
15 project's significant impacts, we'll kick  
16 them out, so to speak, and, and we'll, we'll  
17 exclude them from the full alternatives  
18 analysis. So that's kind of what we did.  
19 We looked at, you know, five other  
20 alternatives that we said, well, they either  
21 don't meet the basic objectives of the  
22 project or they don't really reduce the  
23 impacts of the project, and so they don't  
24 meet the requirement for CEQA.

25       COMMISSIONER MASTRODONATO: Thank you.

1 And then finally, because this is a new one,  
2 I mean, I've been, you know, involved with  
3 the commission now for two and a half years.  
4 And I'm kind of used to the process, and I  
5 have to say, and ask for clarification on,  
6 the Staff Report in general. I mean, I'm  
7 used to seeing a project, or an issue, that  
8 staff reviews and makes a recommendation.  
9 This one gave us a multiple-choice  
10 recommendation. And for me, personally,  
11 it's the first time I've seen that. Not to  
12 say I'm sure it's happened before. But,  
13 yeah. So I'm wondering what the, you know,  
14 what's behind that? Is it the--just the  
15 grand scope of this project, or is there a  
16 reason for that?

17 MR. KELLEY: Commissioner Mastrodonato,  
18 there is. So what we wanted to do is, you  
19 know, there are consistencies and  
20 inconsistencies with the project, as  
21 included are in the Staff Report. The  
22 staff's recommendation is use Recommendation  
23 A, but we want it to be fair to the project  
24 and to be--to present the full project as  
25 it's proposed. So there--to be fair to the

1 project, there being that there are  
2 consistencies that the project could be  
3 found to be made, there is a recommendation  
4 of approval as, as Recommendation B. It's,  
5 it's true that, that staff does not do that  
6 very often, where to have multiple  
7 recommendations. The staff recommendation  
8 that's included in the Staff Report is  
9 Recommendation A, but to--like I said, to be  
10 fair to the project, and to present the full  
11 project to the commission for consideration,  
12 we chose to do multiple recommendations to  
13 be able to have analysis for both  
14 considerations.

15 COMMISSIONER MASTRODONATO: Thank you.  
16 That answers my questions. And that's it  
17 for me.

18 CHAIRMAN GREENO: Thank you,  
19 Commissioner Mastrodonato. And thank you  
20 Matt, Nick, Braiden, and Ben for those  
21 presentations. If we could line up the  
22 first ten folks who would like to provide  
23 testimony, public testimony, and then we  
24 will be breaking for lunch. So we will hear  
25 30 minutes worth before we, before we break.

1           And as you as you, again, come down  
2 this side to the podium, exit backwards and  
3 then, and then out the door over to my left  
4 over here. And please give us your name  
5 when you take the podium.

6           And then, again, after those ten, we  
7 will break. So as far as 11 through 270,  
8 we'll do that after two o'clock. And are we  
9 ready? I'm burning time here. Are we  
10 ready? We can go to number two. We can go  
11 to number two. You'll, you'll still have  
12 your spot. Just trying to be efficient with  
13 everyone's time here.

14           FEMALE VOICE: We were thinking we'd-  
15 we-after lunch, so.

16           CHAIRMAN GREENO: Pull that microphone  
17 down a little bit. There you go.

18           MS. LAURIE OBERHOLTZER: Okay. My name  
19 is Laurie Oberholtzer. I live in Nevada  
20 City District 1, and today I'm representing  
21 the CEA Foundation Board, which has  
22 organized the MineWatch Campaign that has  
23 shown up today.

24           Over the past three years, thousands of  
25 residents and business leaders have voiced

1 their opposition to the mine. And I think  
2 we have- I- maybe at some point later today,  
3 we'll unveil a wonderful graphic that we  
4 have of, of hundreds of the faces of those  
5 people that, that have come out in, in  
6 opposition to the mine. We'll show you that  
7 later.

8         During these three years, 5,500 people  
9 signed the no mine petition. And we'd like  
10 to resubmit that today to you. This is a  
11 compilation, it's sort of a compressed list  
12 of all the 5,500 people.

13         CHAIRMAN GREENO: And there's a,  
14 there's a box outside, actually, at the end  
15 of your presentation for any submittals.  
16 Yeah, the clerk--so we're actually taking it  
17 outside. Sorry, I didn't mention that  
18 before.

19         MS. OBERHOLTZER: Okay. So I'll just  
20 keep them.

21         CHAIRMAN GREENO: Yeah.

22         MS. OBERHOLTZER: And during those  
23 three years, 1,500 people also took the  
24 time-well, with these petitions, 1,500  
25 people took the time to add personal notes

1 to, to their petitions. And we're going to  
2 resubmit those to you today, also. And for  
3 this hearing alone, 1,150 people wrote  
4 letters of opposition, which we also brought  
5 with us today. And that's the big stack  
6 right there. And then we have a whole bunch  
7 of postcards. A thousand of these have been  
8 sent in to you folks, they've been emailed  
9 to you. And the pile that we have here is  
10 just those that have come in since the Wild  
11 and Circle Film Festival. Thank you very  
12 much Circle for featuring us during that  
13 festival.

14 Our mine opponents have also written  
15 202 very smart and entertaining op-eds. And  
16 that was accurate as of yesterday, 202. The,  
17 the whole county is peppered with hundreds  
18 of the no mine signs, and the list goes on  
19 and on. But, finally, there are hundreds of  
20 volunteers that for the past years have  
21 worked so hard to defeat this gold mine that  
22 we do not need, that would harm a place that  
23 we all worked so hard to protect. So many  
24 of these speakers will—these folks will be  
25 here today, and we are asking you, clearly,

1 that you just say no to the mine and no to  
2 the EIR. Only turning down both the mine  
3 and the EIR will defeat this mine for good.  
4 Thank you.

5 CHAIRMAN GREENO: Thank you, Laurie.  
6 And you can just leave that stuff here for  
7 now and then we can haul it out at lunch, if  
8 you don't mind.

9 MS. OBERHOLTZER: Okay. Thanks.

10 CHAIRMAN GREENO: Thanks.

11 MS. LAUREN TACKBARY: Hi, my name is  
12 Lauren Tackbary. I live in Grass Valley,  
13 about a mile and a half from the proposed  
14 mine site. I work for Sierra Club, and I  
15 also volunteer with the local Sierra Nevada  
16 Sierra Club Group.

17 And I come before you today on behalf  
18 of CEA Foundation, to present the MineWatch  
19 Coalition letter of 27 organizations,  
20 including local, state, and national groups.  
21 We weren't able to bring them in, but we  
22 will bring them in to you afterward. The  
23 groups who have signed onto this letter are  
24 all concerned about the long-lasting  
25 environmental impacts the mine would have on

1 our community and the inadequacy of the FEIR.

2       These groups are, and I will read them.

3 Community Environmental Advocates Foundation,

4 the Sierra Fund, South Yuba River Citizens

5 League, Wolf Creek Community Alliance, Wells

6 Coalition, Patagonia, California Native

7 Plant Society Redwood Chapter, Sierra

8 Foothills, Audubon Society, Sierra Club

9 Nevada Group, Sierra Club Center for

10 Biological Diversity, Friends of Bear River,

11 Sierra Streams Institute, Nevada County

12 Climate Action Now, Elders Action Now,

13 Friends of Banner Mountain, Brunswick Pine

14 Road Association, Brunswick Manor HOA, San

15 Juan Ridge Taxpayers Association, Earth

16 Justice Ministries, Earthworks, Fly Fishing

17 International and Northern California

18 Council, American Rivers, Nevada County

19 Sunrise, Sierra Watch, Mountain Area

20 Preservation, Nevada County Rancheria, and

21 our most recent coalition member, Truckee

22 Mountain Area Preservation Foundation. Whew,

23 that's a lot of names on that list. Twenty-

24 seven of them. And behind all 27 of those

25 organizations are thousands of concerned

1 Nevada County residents, and voters, who  
2 have opposed the mine over the past three  
3 years and continue to oppose this mine.

4       So we respectfully request the county  
5 deny the approval of the Nevada County Mine  
6 and not certify the FEIR. There's no  
7 adequate economic justifications for the  
8 mine. It's inconsistent with the Nevada  
9 County General Plans to protect mineral  
10 resources, and the environmental impacts are  
11 severe and would cause irreversible damage  
12 to our community and including air, land,  
13 water, and wildlife.

14       And don't do it just for us, for every  
15 single one of us in this room, but do it for  
16 our next generation, the next generations,  
17 our kids, our kids' kids, because they  
18 should be able to enjoy this land, the  
19 foothills just as it is today.

20       So on a personal note, I moved here in  
21 2020 looking for refuge in the foothills. I  
22 so happens to be a mile and a half from the  
23 new site. I moved here because of the  
24 community and its beauty, and I purchased a  
25 homestead to live off the land. And this

1 site is so close, it would affect my own  
2 water, my own well. On behalf of MineWatch  
3 Coalition, the community, as well as myself.  
4 Please just say no to the mine--

5 CHAIRMAN GREENO: Thanks, Lauren.

6 MR. GREG THRUSH: Hi, my name is Greg  
7 Thrush. I've lived in Grass Valley for 17  
8 years. I'm here on the behalf of CEA  
9 Foundation. And today I'd like to--my  
10 comments will be about mine waste and water  
11 pollution. Okay, thank you.

12 The Final EIR for the mine fails to  
13 address the potentially significant impact  
14 of mine waste disposal. The mine plans to  
15 output 1,000 tons of sand tailings and waste  
16 rock per day. The mine waste all will be  
17 dumped onto two engineered fill sites over  
18 the course of the first 11 years. It sounds  
19 like it'll be less than that now. After  
20 that, the mine plans to dispose of it  
21 through off-site sales.

22 There are significant issues with the  
23 disposal of mine waste, due to the potential  
24 to pollute ground and surface waters by  
25 leaching hazardous chemicals. Something

1 that didn't get discussed much. This falls  
2 under the jurisdiction of the Regional Water  
3 Quality Control Board. The Water Board  
4 classifies mine waste by groups A, B, and C.  
5 Only Group C, which has relatively low  
6 levels of contaminants, is clean enough to  
7 be used for off-site sales. The Water Board  
8 requires mine waste testing to determine  
9 classification; Rise Gold did over 76,500  
10 linear feet of exploratory drilling, yet  
11 they chose to test only 11 feet to  
12 characterize what will be, potentially, over  
13 25 million tons of waste rock. Think about  
14 that. In the Draft EIR, the Water Board and  
15 numerous other parties identified  
16 insufficient testing to determine whether  
17 the mine waste would be Group C, suitable  
18 for off-site sales.

19 I quote the Water Board comments: "The  
20 alternative scenario that the mining waste  
21 is not suitable for off-site use should be  
22 explain--examined." The Water Board goes on  
23 to state that Rise would--should access any  
24 constraints or challenges associated with  
25 waste disposal, in case they can't do off-

1 site sales for construction of aggregate.  
2 The Water Board concludes by saying the  
3 Draft EIR should be revised to address this  
4 comment. However, no further testing was  
5 done, and alternatives were not assessed in  
6 the Final EIR, as suggested. As a result,  
7 the Water Board is requiring continuous mine  
8 water testing--waste testing, and per  
9 additions to the EIR, the new project now  
10 contains the following restriction: "The  
11 Applicant shall not sell or utilize waste  
12 rock and tailings from the project for  
13 construction, aggregate, or fill purposes  
14 off-site unless such material has been  
15 tested and confirmed to qualify as Group C  
16 mining waste."

17 CEQA requires that the EIR give the  
18 public and decision makers the most accurate  
19 and understandable picture practically  
20 possible of the project's likely near-term  
21 and long-term impacts. Clearly, the Final  
22 EIR should have provided a realistic  
23 solution to that, and it will happen if the  
24 mine waste isn't Group C, the - -.

25 CHAIRMAN GREENO: Thank you, Greg.

1 Thank you.

2 MR. MIKE SHEA: Hello. My name's Mike  
3 Shea. I live in Cedar Ridge, on Cedar Ridge  
4 Drive.

5 The other side of my backyard fence is  
6 the Rise Gold Mine property. The engineered  
7 fill is going to start 500 feet behind my  
8 house. So if you--if--just think about it,  
9 your house, 500 feet behind your house for  
10 11 years, they're going to be dumping  
11 engineered fill. So that's my problem with  
12 this mine or one of my problems.

13 So I'd like to continue with some of  
14 the comments that Greg made about sand and  
15 tail--tailing waste rock. Again, you are  
16 being asked to approve a project without  
17 knowing if any portion of the mine waste  
18 will be suitable for off-site sales. And  
19 there is no realistic plan for continuing  
20 the mine operation if the mine waste can't  
21 be sold. The Final EIR contains lengthy  
22 discussions trying to demonstrate that the  
23 mine waste is quote, "likely Group C." Also  
24 included are results of selective spot-  
25 testing on the Centennial Site, which is

1 covered with tailings dumped there before  
2 1956. Based on that testing, the Final EIR  
3 claims that, again, quote, "the historic  
4 mine waste has been determined to be Group C  
5 mining waste."

6 First, the Water Quality Control Board  
7 has not made that determination and will  
8 likely need more sophisticated testing.

9 Secondly, for over 70 years of  
10 weathering and leaching, the tailings at the  
11 Centennial Site now bear little resem--  
12 little value for assessing what will come  
13 out of the mine now. Those toxic metals and  
14 contaminants that will mobilize and pollute  
15 have already mobilized and polluted.  
16 Currently, the most accurate place to look  
17 for estimating whether the mine waste will  
18 be Group C is the mine drain, and the water  
19 coming out of the mine drain has high levels  
20 of arsenic, iron, magnes...man...nesium, I can't  
21 pronounce it, I apologize, and zinc, which  
22 is definitely not Group C.

23 The Final EIR response relies on  
24 speculative and inadequate provisions for  
25 mine waste disposal, stating that the mine

1 rock would not be mined until mine waste  
2 characterization has been performed to  
3 ensure that the rock will be suitable for  
4 off-site sale. Rock types that are not  
5 suitable for off-site sale will likely not  
6 be mined, and, if mined, the waste rock  
7 would be placed underground.

8       But keep in mind, mine waste classified  
9 as Group A and B require specific management  
10 that must be determined by the Water Quality  
11 Control Board and cannot automatically be  
12 placed underground.

13       Backfilling with waste rock and  
14 tailings is the exact scenario which has led  
15 to polluted groundwater discharges in so  
16 many mines in our area. This new element,  
17 the placement of Group A and B mine waste  
18 underground was not included in the Draft  
19 EIR.

20       The Final EIR is inadequate and fails  
21 to address the potentially significant  
22 impact of mine waste disposal and not being  
23 able to sell the mine waste. Don't approve  
24 this mine. Don't approve the EIR. Thank  
25 you.

1 CHAIRMAN GREENO: Thank you, Mike.

2 MR. DON RAVINES: Don Ravines from  
3 Grass Valley and also the member of the CEA  
4 Board.

5 The county should deny the Idaho-  
6 Maryland Mine project and should not certify  
7 the Final EIR.

8 The EIR is inadequate in its assessment  
9 of greenhouse gas emissions. A valid  
10 threshold for greenhouse gas emission was  
11 not set in the EIR. As stated in the EIR,  
12 CEQA guidelines allow a lead agency to  
13 determine its own thresholds for  
14 environmental impacts, including greenhouse  
15 gas emissions. Explicitly provides that an  
16 agency may consider thresholds adopted by  
17 other agencies, provided that such decision  
18 is supported by substantial evidence.

19 The Northern Sierra Air Quality  
20 Management District has not set thresholds  
21 for greenhouse gas emissions. So as lead  
22 agency, Nevada County simply applied the  
23 10,000 ton/year carbon dioxide emission  
24 threshold chosen by some other air districts  
25 for this project. Nevada County cannot

1 simply assume that the justifications used  
2 by other air districts to adopt their  
3 thresholds also applies in Nevada County.

4       Hence, the EIR failed to provide  
5 substantial evidence required by CEQA by  
6 just considering other districts' thresholds.  
7 In fact, the EIR provided no evidence beyond  
8 just copying what other districts used. But  
9 this is doubly wrong, because the other air  
10 quality districts originally adopted the  
11 10,000 ton threshold to achieve the older  
12 2006 statewide greenhouse gas goal under  
13 California Assembly Bill 32, which is no  
14 longer consistent with the current statewide  
15 greenhouse gas reduction goals. In 2017,  
16 the California Air Quality Board Climate  
17 Change Scoping Plan stated, "Achieving no  
18 net additional increase in greenhouse gas  
19 emissions, resulting in no contribution to  
20 greenhouse gas impacts, is an appropriate  
21 overall objective for new development."

22       In view of this, the mine's 9,000  
23 ton/year of emissions should be considered  
24 significant and unmitigated. The EIR should  
25 have established a net zero threshold for

1 greenhouse gas emissions for this proposed  
2 project.

3       The recent Draft EIR for another mine,  
4 the analogous Sargent Ranch Quarry Project  
5 within the Bay Area Air District, used a net  
6 zero significance threshold for operational  
7 greenhouse gas emissions. This EIR should  
8 have done the same. This EIR does not  
9 explain why the project should be exempted.

10       The county should deny the Idaho-  
11 Maryland Mine project, and should not deny--  
12 should not certify the Final EIR. Thank you.

13       CHAIRMAN GREENO: Thank you, Don.

14       MR. ROB KATZENSTEIN: Hello, I'm Rob  
15 Katzenstein and I've resided in downtown  
16 Grass Valley for about 17 years. I'm  
17 speaking on behalf of CEA and the Nevada  
18 County Climate Action Now and the Clean  
19 Power Co-op of Nevada County. I'll be  
20 talking about the FEIR, its relation to the  
21 Energy Action Plan.

22       When the Nevada County Board of  
23 Supervisors adopted its objectives in 2023  
24 under the economic development section, they  
25 included the phrase, implement tasks

1 identified in the Nevada County Energy  
2 Action Plan, the EAP. The EAP was adopted--  
3 was adopted one year earlier than the mine  
4 proposal. The Nevada County Energy Action  
5 Plan is reduced--is to reduce the projected  
6 annual electricity provided in by 51% and  
7 the annual natural gas used by 30% by the  
8 year 2035. The Idaho-Maryland Mine will  
9 consume 49,000 megawatts of electricity per  
10 year. To put this into perspective, the  
11 mine's yearly electrical use is equal to the  
12 yearly electrical use of about 5,500 homes,  
13 or the combined use of all the businesses in  
14 Nevada County.

15       The mine eliminates the results of any  
16 energy-saving measures that the county will  
17 take. Therefore, the Idaho-Maryland Mine is  
18 in direct conflict with the county's energy  
19 reduction goals. However, the FEIR states,  
20 quote, "Although the EAP is not a qualified  
21 greenhouse gas emissions reduction plan  
22 under CEQA, the project was nevertheless  
23 determined to be consistent with the EAP."  
24 This statement is blatantly false. In fact,  
25 the mine operation is antithetical to the

1 county's Energy Action Plan.

2       You guys, and the Board of Supervisors,  
3 should ask the question, are we serious  
4 about meeting our 2020 strategic objectives?  
5 If so, don't approve this FEIR and don't  
6 approve the mine.

7       Oh, I have 42 seconds left. So  
8 furthermore, the EIR fails to correctly  
9 identify a valid threshold for greenhouse  
10 gas emissions, as Don pointed out, by  
11 assuming an outdated 10,000 ton threshold  
12 without any substantial evidence. It is  
13 also failing to consider current state goals,  
14 and it could effectively undo a large part  
15 of the goals of the County Energy Action  
16 Plan. So, in conclusion, and this is  
17 putting it mildly, under CEQA, the EIR is  
18 totally inadequate. Don't approve this  
19 false document. Thank you.

20       CHAIRMAN GREENO: Thank you, Rob.

21       MR. DAVID BROWNSTEIN: Hi, my name is  
22 David Brownstein. I live in Grass Valley.

23       As you know, airborne asbestos is  
24 hazardous to inhale, leading to lung cancer  
25 and other diseases. The Idaho-Maryland Mine

1 Final EIR does not provide enough data to  
2 determine the potential impacts of airborne  
3 asbestos. And the asbestos management plan,  
4 the ASUR plan, for preventing hazardous  
5 emissions, is inadequate.

6       Very limited asbestos testing was done,  
7 constituting less than 2/10,000s of the  
8 total rock to be mined over the project  
9 lifespan. As the Air Quality Board stated,  
10 quote, "It would be short-sighted to commit  
11 to the ASUR plan for the entire life of the  
12 mine based on the few samples that have been  
13 tested so far." Unquote. FEIR Page 2-360.

14       The ASUR plan was developed to limit  
15 emissions, but it is a flawed document that  
16 fails to provide the needed protections.  
17 Under the plan, if the asbestos  
18 concentrations on any 1,000 ton lot of mine  
19 materials would put the three-month rolling  
20 average asbestos concentration over a  
21 threshold of .01%, it would not be allowed  
22 to be exported.

23       A key problem is accurate and timely  
24 testing. It takes two weeks to get the  
25 results. The Final EIR has no provisions

1 for stockpiling materials while waiting for  
2 results, and no temporary storage on the  
3 surface is provided.

4 To avoid the need for stockpiling mine  
5 materials, the plan states that exploratory  
6 drilling tests will determine what can be  
7 mined in advance. Then, grab samples will  
8 be taken as the rock is loaded into silos  
9 for deployment. But the testing is too  
10 sparse. The loading in the silos of 1,000  
11 tons of rock requires about 166, six-ton  
12 skip loads. This means that the grab test  
13 will only capture, on average, about one out  
14 of 55 skip loads, and even then, the three  
15 grab samples will be mixed together to form  
16 one combined test.

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

25 Finally, it's important to note that

1 all exported mine waste from this mine must  
2 be classified as restricted materials. ASUR  
3 9.2 Page 18. Aggregate suppliers in the  
4 region have indicated they do not handle  
5 restricted materials, because there is no  
6 market for them, and there already are  
7 abundant aggregate sources regionally.

8 In conclusion, the Final EIR does not  
9 provide adequate data on asbestos  
10 concentrations and fails to adequately  
11 address processing and disposal of asbestos-  
12 bearing mine waste. Thank you.

13 CHAIRMAN GREENO: Thank you, David.  
14 And for all y'all with written documents, if  
15 you haven't submitted those, there is a box  
16 outside where they will end up with the  
17 clerk. So feel free to put that in there.

18 MS. BARBARA RAVINES: Well, greetings,  
19 everyone. My name is Barbara Ravines, and I  
20 live in Grass Valley and in District 3.

21 The Final EIR for Rise Gold's Idaho-  
22 Maryland Mine project is significantly  
23 flawed, because it does not include the  
24 plans to clean up the Centennial Site. Now  
25 I hear today, that there has been a jettison

1 of that particular into giving a new  
2 alternative. I'm not exactly clear as to  
3 what I should take from that, because  
4 Centennial is an issue that was not fully  
5 explored, or explored at all for that matter,  
6 in the DEIR and in the Final EIR. They  
7 claim, as I've heard today from Mr. Chadwick,  
8 that it's not something that they were ever  
9 planning to do. That is done, in truth, by  
10 the Department of Toxic Substance Control.  
11 They were to clean up this toxic Superfund  
12 site at the behest of the owner, the, the  
13 Rise Gold.

14       So I don't know the answer to Mr.  
15 McAteer's question, as to whether or not  
16 they will move forward with cleaning it up  
17 even though they apparently are not,  
18 according to today's testimony, not going to  
19 be using it. But that was one of the major  
20 flaws in their--in the DEIR. The fact that  
21 this was a site that was going to be used as  
22 preparation for the mine, from working the  
23 mine and putting the tailings there, that  
24 needed to be cleaned up first by the DTS--  
25 DTSC and then those tailings placed there.

1 And there is a issue of other--there's an  
2 issue of how that was to be done and because  
3 that whole process has not been completed at  
4 the state level with the DTSC.

5       So I'm a little--I'm, I'm certainly not  
6 prepared for this today, and there are many  
7 other subjects that one could talk about in  
8 relation to the inadequacy of the DEIR and  
9 the FEIR. So I would like to just, at this  
10 point, urge you to help figure out what is  
11 actually going to happen with this project,  
12 and, and to say no to the adequacy on  
13 certification of the FEIR and to no mine.  
14 Thank you very much.

15       CHAIRMAN GREENO: Thank you, Barbara.

16       MR. RICK RANGE: Hello. Thank you for  
17 having me these few minutes to speak. My  
18 name is Rick Range. I have been a resident  
19 of Grass Valley for 25 years. I'm a retired  
20 economic--economist with a special interest  
21 in the economics of the environment and  
22 climate change.

23       Despite all the warnings over the last  
24 decades, we have now entered the worst-case  
25 scenario, where nothing of substance has

1 been done to address climate change on a  
2 national or international level. It's a  
3 simple equation. The more CO2 and methane  
4 greenhouse gases we dump into the air, the  
5 greater the warming of our planet.

6       According to the latest assessments, we  
7 have already blown by the original United  
8 Nations Intergovernmental planning on  
9 climate change targets of 1.5 and two  
10 degrees Celsius. Two degrees Celsius  
11 converts to 3.6 degrees.

12       It may seem crazy, but the climate at  
13 the Arctic poles drives the worldwide  
14 weather outcome. And ice, and the lack  
15 thereof, is a critical element. The poles  
16 are warming.

17       CHAIRMAN GREENO: Rick, excuse me.  
18 We're addressing the Final EIR, okay?

19       MR. RANGE: I'm going to get right to  
20 this.

21       CHAIRMAN GREENO: Okay. Thank you.

22       MR. RANGE: This is my intro, okay?

23       CHAIRMAN GREENO: Thank you.

24       MR. RANGE: And how it relates to the  
25 mine.

1           CHAIRMAN GREENO: I appreciate that.

2           MR. RANGE: Okay. Yes. Unfortunately,  
3 California's geographic location is  
4 identified as one of them that will be most  
5 greatly affected. This is nothing new to us,  
6 because we have been experiencing it before  
7 our eyes. Just imagine what is likely to be  
8 headed towards us. Remember those periods  
9 and consecutive triple, triple-digit heat  
10 wave, and imagine those occurring with  
11 greater intensity and duration.

12           We are now entering years of a strong  
13 El Nino in Nevada County. Our atmospheric  
14 rivers will be more fierce because of the  
15 rising temperatures in the ocean and air  
16 above it, that will be situated off our  
17 coast and driven by an erratic jet stream.

18           In this age of climate uncertainty,  
19 self-reinforcing food pegs, feedback loops  
20 can spin out of control, and there's no  
21 guarantee that we will--we will ever return  
22 to the normal patterns of the past we have  
23 relied upon.

24           So I respectfully submit that this  
25 reality must be a major concern in your,

1 your consideration to certify this  
2 inadequate EIR and approval permit for the  
3 Idaho-Maryland Mine. Say no to this project.

4 In brief, there is a tremendous amount  
5 of electricity needed to operate the--this  
6 mine. Where is the tremendous amount of  
7 electricity needed to operate this mine  
8 going to come from, and the environmental  
9 impact...

10 CHAIRMAN GREENO: Thank you, Rick.  
11 Thank you. It's not being recorded at this  
12 point, Rick. Thank you.

13 MR. JOHN VAUGHAN: Good afternoon, my  
14 name is John Vaughan, District 3. I'm a 56-  
15 year resident of Nevada County speaking on  
16 behalf of CEA.

17 The proposed Idaho-Maryland Mine has a  
18 significant mine waste problem. A key  
19 aspect of the project is disposal of mine  
20 waste by off-site sales as aggregate.  
21 Aggregate production is a business, which  
22 requires specific rock sizes and grades  
23 depending on the customer's project.  
24 Producers must be able to crush, wash, sort  
25 and deliver rock that meets customer

1 specifications. There are at least 20  
2 different types of aggregate produced by  
3 regional vendors, and demand varies widely  
4 in grade and size. Aggregate producers must  
5 produce and stockpile numerous products,  
6 each with different markets.

7         The mine proposes to export a thousand  
8 tons a day of engineered fill, a euphemism  
9 for sand tailings and barren rock. The fine  
10 sand or silt has limited market value.

11 Barren rock will be crushed to quote,  
12 "Approximately six inches." End quote.  
13 Those two products will fill only a small  
14 portion of the aggregate market.

15         To compete in the aggregate market,  
16 significant processing of mine waste is  
17 required. The mine project assumes  
18 engineered fill can be sold as aggregate but  
19 does not include any of the facilities  
20 needed for processing and stockpiling. The  
21 FEIR falsely assumes the mine can meet the  
22 specific demands of the aggregate market,  
23 without providing a plan for how to store or  
24 produce the actual products.

25         Compounding this error, the FEIR

1 mistakenly argues that a substantial market  
2 exists in the Sacramento region. Saying  
3 Sacramento has less than 50% of its 50-year  
4 aggregate demand currently permitted. It  
5 also lists annual demand for Nevada County,  
6 Placer County, and Yuba City/Marysville.

7       The FEIR then concludes that quote,  
8 "There is a significant market demand for  
9 engineered fill." End quote. This is a  
10 false conclusion, based upon selective  
11 excerpts from the Department of Conservation  
12 map sheets. In fact, data shows Sacramento  
13 County has enough aggregate for almost 30  
14 years of demand already permitted. Plus it  
15 shows Nevada County, Placer County, and Yuba  
16 City/Marysville have enough surplus  
17 aggregate to more than meet the 50-year  
18 needs of Sacramento County all already  
19 permitted.

20       Furthermore, aggregate demand is low  
21 during the winter and storms often shut down  
22 ongoing projects.

23       In summary, the aggregates market  
24 already has abundant suppliers in the region.  
25 It is very competitive, demand varies

1 significantly by season, and most  
2 importantly, mine waste is ill-suited to  
3 compete in the aggregate market.

4 Just say no to this faulty EIR and the  
5 Rise project. Thank you.

6 CHAIRMAN GREENO: Thank you, John. And  
7 with that, we will take a break here until,  
8 we'll say 1:56. Thank you.

9 Okay, and the fire marshall has  
10 requested that everyone leave during lunch,  
11 we're going to close the chamber.

12 [Break]

13 CHAIRMAN GREENO: If we can start  
14 taking our seats, we're going to get started  
15 here in just a minute.

16 THE CLERK: Check. Check.

17 [Background Noise]

18 CHAIRMAN GREENO: Okay. We're going to  
19 call the hearing back to order here.

20 Okay. We're going to have an  
21 operational change in the way we--in the way  
22 we line up. We're actually going to line up  
23 the ten at a time back here, along the wall.  
24 Then you'll file down the middle to the  
25 podium, and then you'll file back out, and

1 out the door.

2       If you don't already have a chair in  
3 the chamber here, please plan to leave after  
4 you speak, because we're, we're keeping it  
5 at capacity. So if there's an open seat,  
6 you can grab it, great, but otherwise,  
7 please plan to head out.

8       And if you are challenged to stand at  
9 the podium for three minutes, physically, we  
10 do have an accessible microphone over here  
11 with a seat.

12       Can everybody hear me? We're back. So  
13 anybody that needs to sit, right over there.  
14 And is Jennifer Hanson--thank you. Jennifer  
15 is going to lead us off here with the NID.  
16 I just identified you, so I guess that's  
17 good.

18       [Laughter]

19       MS. JENNIFER HANSON: Saves me some of  
20 my seconds. Thank you, chairman, Planning  
21 Commissioners, county staff. My name is  
22 Jennifer Hanson. I'm the general manager in  
23 Nevada Irrigation District.

24       The District has asked--the District  
25 Board has asked, that I am present today to

1 provide some additional comments that are in  
2 addition to the comments we already provided  
3 on the Draft EIR. Those are probably better  
4 articulated in the letter that we had  
5 submitted to the county dated May 8<sup>th</sup>. And I  
6 will touch on three very quick topics.

7       We have two, basically, concerns and  
8 one request. Our first concern is related  
9 to the groundwater monitoring that will be  
10 completed to establish the baseline that  
11 will be utilized to determine whether or not  
12 any well is significantly impacted during  
13 the mine dewatering process. And it  
14 currently states in the mitigation that it  
15 is only going to be monitored for 12 months.  
16 And we do not believe that is an adequate  
17 monitoring period to have a sufficient  
18 baseline established. And the reason being  
19 is that groundwater greatly fluctuates based  
20 off of seasonal conditions, rain and  
21 snowmelt, and, as such, we do recommend a  
22 full three years of baseline monitoring.

23       Secondly, we would like the county to  
24 reconsider the 10% reduction in well column  
25 threshold to determine whether or not a well

1 is impacted. And this is simply because of  
2 climate change. One of our large concerns  
3 that we're hearing from our own constituency,  
4 and also of requests for connection to our  
5 potable water system, is related to the fact  
6 that climate change has been causing a  
7 decrease in groundwater levels, and we are  
8 concerned that although the wells are--may  
9 still be operational, or may just require a  
10 simple fix if they're impacted within that  
11 zero to 10% level, that paired with climate  
12 change may, in fact, make those wells  
13 inoperable.

14       And then, lastly, I'll get to the  
15 request and make it quick. In our original  
16 comments on the Draft EIR, Nevada Irrigation  
17 District did request that the county require,  
18 through mitigation, a payment of a security  
19 bond, or some other type of financial  
20 assurance, in the event that more--that more  
21 groundwater wells are impacted due to  
22 dewatering activities.

23       This mitigation request was not  
24 included in the mitigation in the Final EIR,  
25 and, as such, I'm here today to request that

1 you put that condition into either the  
2 conditional use permit or the project's  
3 Development Agreement.

4       The great thing about Development  
5 Agreements is the state legislature did  
6 contemplate that they are a useful tool to  
7 provide certainty to developers, but they  
8 are also a useful tool to provide certainty  
9 to the county, as well as to our mutual  
10 constituents, and that we would have some  
11 type of financial assurance, if those wells  
12 are impacted, that we would be able to  
13 connect them to potable water in a timely  
14 manner.

15       And, with that, I'll thank you.

16       CHAIRMAN GREENO: Thanks, Jennifer.

17       MS. DENNY: Hi. My name is Denny  
18 [phonetic] and I live in District 3 and I'm  
19 speaking on behalf of CEA. And I'll kind of  
20 summarize what CEA has said so far today.

21       In addition to concerns about the  
22 market for selling mine waste as aggregate,  
23 the mine project does not provide a credible  
24 plan to protect people and the environment  
25 from exposure to mine waste hazards. For

1 instance, due to inadequate testing, the  
2 mine waste has not been classified as Group  
3 C by the Water Board, yet only Group C mine  
4 waste is safe enough to be sold or stored  
5 without restrictions. So it is not even  
6 known whether the waste can be stored at the  
7 Brunswick and maybe the Centennial Sites,  
8 let alone whether or not it can be sold off-  
9 site.

10 In addition, the Final EIR does not  
11 include the adequate asbestos testing needed  
12 to determine the potential cancer-causing  
13 hazard of airborne asbestos. The asbestos  
14 management plan sets a limit on asbestos  
15 levels that it is unknown how much of the  
16 mine waste will be under that limit. And  
17 even if most of the mine waste is under the  
18 limit, it must be sold as restricted  
19 material, which requires strict oversight  
20 and scares away buyers.

21 Also, the mine will be exporting a  
22 thousand tons of mine waste per day, yet,  
23 except in the structures which only hold  
24 about one day's worth of mine waste, there  
25 are no provisions for temporary storage of

1 the waste during those days on which off-  
2 site exports are slow or lacking, either due  
3 to weather, irregular sales, delayed testing  
4 results, et cetera.

5 In summary, this EIR is a recipe for  
6 disaster because the Water Board may not  
7 classify much of the mine waste as Group C,  
8 the aggregate market is already saturated,  
9 mine waste is generally not salable without  
10 further processing, mine waste is generally  
11 not salable because it's a restricted  
12 material, and there is no onsite storage for  
13 excess mine waste.

14 This EIR does not admit to any of these  
15 potential problems, nor does it provide  
16 solutions for these problems should they  
17 occur. As a result, this mine project fails  
18 to comply with CEQA in providing the mine's  
19 likely near-term and long-term impacts. In  
20 no way is this mine ready to be permitted or  
21 this substandard EIR ready to be certified.

22 Thank you very much for your time.

23 CHAIRMAN GREENO: Thanks, Jenny.

24 MS. JILLIAN BLANCHARD: Afternoon,  
25 commissioners. I'm Jillian Blanchard. I'm

1 with CEA, and I'm also a land use attorney,  
2 and I urge you not to certify and to  
3 recommend project denial.

4 As commissioners, you have two critical  
5 jobs here today: determine whether the EIR  
6 is adequate, and make a recommendation on  
7 the project. As staff has made clear, this  
8 project does not comply with land uses and  
9 should not be approved.

10 So why would you certify an EIR for an  
11 incompatible project? This contradicts  
12 California law, which clearly states that  
13 when there is no project, there is no need  
14 to certify. And when the document is  
15 legally flawed, which it is here, you cannot  
16 certify.

17 There is overwhelming evidence on the  
18 record, comment letters from technical and  
19 legal experts, that the EIR does not comply  
20 with CEQA.

21 To highlight just a few fatal flaws:  
22 the EIR fails to evaluate and mitigate  
23 significant impacts related to mine waste,  
24 air quality, biological and well impacts; it  
25 illegally relies on future permitting to

1 address significant impacts; it fails to  
2 accurately include the Centennial Site as  
3 part of the project; it also fails to  
4 adequately address water supply impacts that  
5 will financially ruin your community members,  
6 ignoring substantial evidence of  
7 hydrologists; finally, it fails to respond  
8 to comments from technical experts, calling  
9 their evidence speculative with no support.  
10 But CEQA requires more.

11       The EIR fails on so many accounts that,  
12 respectfully, it would be a dereliction of  
13 duty to certify this document, which stands  
14 as one of the most flawed CEQA documents  
15 I've seen in over 20 years of land use  
16 practice.

17       Even if you deny this project,  
18 certifying the EIR would violate state law  
19 and would leave this community exposed to  
20 the very real threat that a future developer  
21 would come back, relying on this deficient  
22 document, and ram a project through the  
23 approval process.

24       If you certify, you'll be perpetuating  
25 a nightmare for this community, giving Rise

1 Gold a blank check to come back with a new  
2 proposal, or sell the property at a high  
3 price to a miner to come back and do the  
4 same. And we will be right back here in six  
5 months or a year with the same frustration  
6 and fear. Only then we will be stuck with  
7 an inadequate EIR. The next applicant will  
8 claim that the county is bound by this FEIR  
9 analysis and mitigation, and you  
10 commissioners will have your hands tied by a  
11 legally deficient document. This exact  
12 thing happened in Lafayette, California,  
13 where a developer successfully came back  
14 years later to push a housing project based  
15 on a seven-year-old EIR.

16 The only way to solve this problem and  
17 comply with state law is to deny the project  
18 and the CEQA document. We urge you to vote  
19 no, to comply with CEQA, to protect this  
20 community, and to do your critical job.  
21 Just say no, or they will never go. Thank  
22 you.

23 CHAIRMAN GREENO: Thanks, Jillian.

24 [Applause]

25 MS. SYD BROWN: My name is Syd Brown

1 and I've been a resident and homeowner in  
2 District 1 since 1983.

3 I commuted to Sacramento from 1983 to  
4 2013 for my job as senior engineering  
5 geologist for California State Parks. For  
6 most of my career, I was the only geologist  
7 in the entire department, and my expertise  
8 was always in high demand. I have dealt  
9 with abandoned mine issues throughout my  
10 career, and I've witnessed repeated attempts  
11 to revive gold mining here in Nevada County.

12 I submitted comments on the Draft EIR  
13 and eagerly awaited the issuance of the  
14 Final EIR. I was sorely disappointed at the  
15 responses to comments, which I waded through  
16 at the lonely back corner of the Madelyn  
17 Helling Library.

18 The seemingly endless three-ring  
19 binders yielded a bleak picture of analysis,  
20 with the master response, quote, "Many  
21 public comments submitted on the Idaho-  
22 Maryland Mine DEIR are outside the scope of  
23 CEQA and thus, do not require a specific  
24 response from the county." End quote. The  
25 document is simply inadequate, despite its

1 many volumes, and fails to meet acceptable  
2 standards for project evaluation and  
3 mitigation.

4 I would like to reiterate my concerns  
5 over several specific issues. Empire Mine  
6 State Historic Park has experienced ongoing  
7 issues inherited from legacy mining impacts.  
8 And even with the relatively deep pockets of  
9 the state, and the commitment to improving  
10 environmental conditions, negative impacts  
11 associated with water, toxic chemicals,  
12 subsidence, and collapse remain today, long  
13 after the active mining pursuits have ended.  
14 The proposed project would have significant  
15 and unavoidable impacts to the park from  
16 underground plumbing effects to noise and  
17 esthetics. Groundwater and surface water  
18 are inextricably linked, and the subsurface  
19 complex geology of fractures and faults  
20 render the transport paths of fluids  
21 unpredictable.

22 Our community is steeped in gold mining  
23 history and legacy impacts we continue to  
24 struggle with. While the mining activities  
25 soften with time and through the lens of

1 nostalgia, modern techniques are at odds  
2 with an economy based on tourism and  
3 environmental quality.

4 I strongly recommend that the Planning  
5 Commission make the determination that the  
6 proposed project is a nonstarter, that the  
7 FEIR is not an adequate document, and that  
8 it fails to adequately address and offer  
9 feasible mitigations, for the unavoidable  
10 and unacceptable negative environmental  
11 impacts.

12 Save our community and the additional  
13 time and expense to carry forward additional  
14 oppositions to a project virtually no one  
15 wants, save for the gold-fevered investors  
16 and the Rise Gold principles.

17 The county is peppered with say no to  
18 the mine signs, protect our air quality and  
19 quality of life...

20 CHAIRMAN GREENO: Thank you, Syd.  
21 Thank you.

22 [Applause]

23 CHAIRMAN GREENO: Yeah, we're not doing  
24 that, folks. If you want to remain in the  
25 room, we have to respect the, the decorum.

1 MR. JIM BAIR: County staff and--

2 CHAIRMAN GREENO: [Interposing]

3 Appearance.

4 MR. BAIR: --county council. I'm Jim  
5 Bair, president of Grass Valley and leader  
6 of the Stop the Mine Task Force.

7 And after years of research, I conclude  
8 that if you recommend certification of this  
9 FEIR, you will be approving a number of  
10 things. And I have a list.

11 Number one: The FEIR citations of case  
12 law that are not able to justify the removal  
13 and exclusion of critical components of  
14 mitigation measures. In other words, in  
15 seven places throughout the FEIR it  
16 explicitly states, based on law, we don't  
17 have to give you the details.

18 Number two: The delegation of asbestos  
19 pollution management to an understaffed  
20 agency that does not accept the measurements  
21 in the FEIR, is something else you would  
22 approve. Today we heard that there is  
23 someone that might be hired by the mine,  
24 perhaps through the county, perhaps through  
25 the Air Quality Management District, who

1 would be an inspector. And I question, who  
2 would they be responsible to? Who would pay  
3 their salary?

4       Number three: The surreptitious  
5 withdrawal of an official comment on the  
6 DEIR, by the Northern Sierra Air Quality  
7 Management District, and it detailed  
8 inadequacies in the mitigation of asbestos,  
9 including the impossibility of generalizing  
10 from the asbestos content in rock to  
11 airborne asbestos.

12       Number four: The scientifically unsound  
13 measurement and mitigation of naturally  
14 occurring asbestos, despite that in the  
15 laboratory there have been approximately a  
16 billion asbestos fibers per gram. Think  
17 about that for a minute, per gram of  
18 asbestos in the test samples. So that is a  
19 lot to deal with, and they--for--just for  
20 comparison, I have a penny, that's 2.5 grams.  
21 So imagine the density of asbestos that is  
22 going to be in the rock coming out of the  
23 mine.

24       Number five: The continued treatment of  
25 asbestos as dust when government agencies

1 defined dust particles to be ten to 20 times  
2 larger than asbestos fibers and therefore  
3 cannot be managed as dust.

4       Number six: The release of  
5 approximately seven million pounds of  
6 airborne toxins into our air... Thank you.

7       CHAIRMAN GREENO: Thanks, Jim.

8       MR. RAY BRYARS: Good afternoon. My  
9 name is Ray Bryars. I've been a resident of  
10 Nevada City since 1984, with a 20-plus  
11 career--year career at Grass Valley Group.  
12 I am speaking on behalf of CEA.

13       The California Environmental Quality  
14 Act, CEQA, does not allow the deferral of  
15 important studies necessary to characterize  
16 a project's impacts. According to CEQA  
17 guidelines, an Environmental Impact Report,  
18 EIR, must include an accurate description of  
19 a project's environmental setting. This  
20 provides the baseline physical conditions by  
21 which a lead agency determines whether an  
22 impact is significant. This baseline should  
23 describe physical environmental conditions  
24 as they exist at the time the notice of  
25 preparation is published. This means before

1 the Draft EIR is prepared. Per CEQA  
2 guidelines, the purpose is to give the  
3 public, and decision-makers, the most  
4 accurate and understandable picture  
5 practically possible for the project's  
6 likely near-term and long-term impacts.

7 Court case of Save Our Peninsula  
8 Committee versus Monterey County Board of  
9 Supervisors, affirm the point. Without a  
10 determination and description of the  
11 existing physical conditions on the property  
12 at the start of the environmental review  
13 process, the EIR cannot provide a meaningful  
14 assessment of the environmental impacts of  
15 the proposed project.

16 The Final EIR specifies that this  
17 baseline is needed for wells. It states  
18 that, "For each domestic well, a projected  
19 and seasonally averaged water level shall be  
20 estimated." Sadly, the EIR wrongly defers  
21 the collection of the needed additional  
22 groundwater data until after the EIR is  
23 approved.

24 Unless the EIR identifies current  
25 groundwater levels, it cannot establish

1 performance criteria and evaluate how  
2 dewatering may impact wells. There is no  
3 current data that could tell the impact--  
4 what the impact would be to well and owners.  
5 CEQA Law, county precedence, and common  
6 sense all say the same thing: collection of  
7 current data must be included in the Draft  
8 EIR to assess impacts and properly mitigate  
9 them. They cannot be deferred until after  
10 the CEQA decision has been made. Current  
11 domestic well monitoring data should have  
12 been collected and included in the Draft EIR.  
13 The deficient domestic well data is just one  
14 of many examples that show how this EIR is  
15 inadequate and should not be certified.

16 Please recommend not to approve the EIR.  
17 Thank you.

18 CHAIRMAN GREENO: Thanks, Ray.

19 [Applause]

20 CHAIRMAN GREENO: Good catch.

21 MR. STEVE TEMPLE: My name is Steve  
22 Temple, and I live near the intersection of  
23 Highway 174 and Brunswick and on the edge of  
24 the proposed mine.

25 I retired to, to live in Nevada County

1 after a 40-year career at UC Davis in  
2 research and extension education, focused on  
3 grain legume breeding and sustainable  
4 agriculture. My career focused on  
5 developing healthier bean varieties that  
6 require fewer chemical pesticides, and on  
7 agricultural production methods that reduce  
8 water needs and dependence on fossil fuels  
9 and regenerative soil qualities.

10 I chose to retire to Nevada County  
11 because this county has achieved progressive  
12 approaches to water and energy management.  
13 The demands placed on these two key public  
14 resources by the proposed mine are a step  
15 backward from the noteworthy efforts of past  
16 and current planners and supervisors.

17 Deep rock mining is both extractive and  
18 exploitive and, as such, unsustainable. The  
19 enormous demands of the proposed mine on  
20 finite resources, resources of quality water  
21 and energy are staggering and, in themselves,  
22 reason to reject the EIR, and mine, outright.  
23 Our recent cycles of drought, followed by  
24 numerous atmospheric rivers this winter,  
25 should serve as a warning.

1           Furthermore, the EIR does not address  
2 in detail the impacts the mine would have on  
3 what we in sustainability research call  
4 ecosystems or environmental services. These  
5 services include air quality, water quality  
6 and quantity, regenerative soil properties,  
7 and plantscapes that benefit current and  
8 future ecosystems and generations.

9           Several articles to The Union have  
10 described excellent alternative uses for the  
11 land where the proposed mine would operate.  
12 All of those suggestions offer ecosystem  
13 services that the proposed mine would never  
14 hope to produce, and, in fact, will degrade  
15 or seriously imperil.

16           I urge you to not certify the shallow,  
17 short-sighted EIR based on inadequate  
18 mitigation measures, and missing information,  
19 and the proposal to reopen the mine. Thank  
20 you very much.

21           CHAIRMAN GREENO: Thank you, Steve.

22           MS. CHRISTY HUBBARD: Good afternoon.  
23 My name is Christy Hubbard, and I live in  
24 District 3. I'm one of the organizers of  
25 the Wells Coalition, a group of well owners

1 and residents near the mine. Our purpose is  
2 to protect our only source of water, our  
3 wells.

4 Today I'm here to present a group  
5 letter signed by the very people who have  
6 the most to lose in this--if this project is  
7 approved. It's signed by over 200 well  
8 owners and represents 125 properties, the  
9 vast majority of which live within roughly a  
10 half-mile of the mine--of the mine's mineral  
11 rights, I should say.

12 This letter asks the county to reject  
13 the FEIR, and vote no on the project. Huge  
14 risks are not being addressed, making this  
15 project completely unacceptable for well  
16 owners in the area.

17 The Final EIR asserts that stronger  
18 mitigations and/or financial assurances are  
19 quote, unquote, "Not necessary, because no  
20 significant impact to domestic water wells  
21 are predicted." But a prediction is only an  
22 educated guess, not a certainty. And in  
23 this case, it's based on an analysis that  
24 has serious flaws. You heard a little bit  
25 about that from CEA today. The stakes are

1 just too high to get this wrong.

2       A review of the county's Economic  
3 Impact Report revealed this project is  
4 unprecedented in its proximity to so many  
5 homes. Pumping over a million gallons a day  
6 from an area with hundreds of wells is a  
7 huge risk. If predictions are wrong, it  
8 could cost the county, NID, and individual  
9 homeowners, homeowners tens of millions of  
10 dollars, and years or decades to connect a  
11 permanent water supply to each property.  
12 Claiming no significant impact defies both  
13 science and common sense.

14       In comments from other Wells Coalition  
15 members today, you'll be hearing how this  
16 alarmingly inadequate FEIR lacks the  
17 baseline data needed to make the mitigations  
18 compliant with CEQA. This FEIR provides no  
19 procedure, no funding guarantees, and no  
20 independent oversight of the means by which  
21 the replacement of a permanent water source  
22 could be provided, in a timely fashion, for  
23 well owners beyond 30 properties. Nor does  
24 it provide a mechanism by which we can  
25 concretely say whether or not a well has

1 been impacted by mine dewatering. Without  
2 such information, there is no way to hold  
3 the, the mine accountable.

4 I'm wrapping up here and will be  
5 leaving copies of our letter with the clerk.  
6 In addition, for your final consideration,  
7 we're providing a map, showing where our  
8 well owners live, as well as an at-a-glance  
9 handout that we put together, that compares  
10 the FEIR's claims versus the enormous gaps.  
11 The things that they've promised versus what  
12 really needs to be done.

13 Our final message is simple. Please  
14 reject the FEIR and vote no on the project.  
15 This project is completely unacceptable for  
16 well owners in the area.

17 CHAIRMAN GREENO: Thanks, Christy.

18 MS. HUBBARD: Thank you.

19 CHAIRMAN GREENO: And, again, for  
20 anybody that has submissions, out in the  
21 lobby there's a box that staff can help you  
22 find if you can't locate it yourself.

23 MR. BOB HUBBARD: Hello, my name is Bob  
24 Hubbard. I live in District 3, and I am a  
25 member of the Wells Coalition.

1           Regarding the Final EIR and protections  
2 for wells, Nevada County's General Plan  
3 Policy 17.12 states that, "The county shall  
4 require the operator to guarantee a  
5 comparable supply of water." The only  
6 comparable supply of water, if we lose our  
7 wells, is NID service. Any other options,  
8 such as the trucked-in water, or the storage  
9 tanks the FEIR describes, would be a burden  
10 on property owners and severely devalue  
11 their properties.

12           One of the mitigations in the Well  
13 Mitigation Plan states that it could include  
14 an extension of NID potable water to any  
15 wells that could be impacted. That's a big  
16 promise, with no evidence of study that it's  
17 even feasible. Therefore, the FEIR fails to  
18 meet both CEQA and General Plan policy in  
19 that it does not demonstrate how, or if, the  
20 Applicant could feasibly supply NID service.

21           This alarms me, as my well is essential  
22 for my home to be livable and also to  
23 maintain its value. Other than the 30  
24 designated wells along East Bennett Road,  
25 this Final Environmental Impact Report

1 provides no feasible mitigation measure for  
2 connecting impacted wells to water service.  
3 That means no additional wells identified as  
4 needing mitigation, no Water Supply  
5 Assessments by NID, no infrastructure design  
6 plans in place, no permitting, acquiring  
7 easements or rights of way, no timetable, no  
8 enforceable remedy for impacted well owners.  
9 But most importantly, no financial  
10 assurances for the design, construction, and  
11 bringing service to impacted well owners.

12 NID has asked for a \$14 million bond,  
13 but the FEIR dismisses the request, stating  
14 a bond for connection of water supply  
15 infrastructure in this area is not necessary.  
16 The FEIR ignores the risk to our wells from  
17 pumping over a million gallons a day from  
18 the mine for the life of the project.

19 Where is the guarantee that the General  
20 Plan policy requires? Where is the proof of  
21 feasibility that CEQA requires? If the  
22 mitigation is not feasible, it is not an  
23 enforceable remedy for impacted well owners.

24 If you look at the language in the  
25 Final Environmental Impact Report, you'll

1 see that it points to the county General  
2 Plan and its requirement to protect well  
3 owners, but it fails to even discuss how the  
4 Applicant would, or could, guarantee those  
5 protections with NID connections beyond 30  
6 properties.

7 We as homeowners purchase homeowners  
8 insurance to guarantee protection for one of  
9 our most valuable assets, our home. If the  
10 cost of replacing a well with an NID  
11 connection is not covered, we can only--

12 CHAIRMAN GREENO: Thank you, Bob.

13 MR. MIKE PASNER: Good afternoon. I'm  
14 Mike Pasner. I'm a farmer from Penn Valley.

15 There are many problems with Rise  
16 Gold's proposed reopening of the Idaho-  
17 Maryland Mine. Yes, there are. My main  
18 concern as a Nevada County farmer is the  
19 pumping of millions of gallons of water out  
20 of the mine for the next 80 years. Rise  
21 Gold will be responsible for testing  
22 impurity of the water they pump. When the  
23 mine fails in their testing, this poison  
24 water will go through NID's, Nevada  
25 Irrigation District's, canals and reservoirs.

1 This is the water I have farmed with for 37  
2 years. There are many other local ranches  
3 and farms relying on this water.

4 Who will be held liable? The Canadian  
5 gold mining company? Nevada Irrigation  
6 District? Nevada County? Grass Valley? Me,  
7 the farmer, or you, the rancher? We don't  
8 need this problem, and it should not be  
9 allowed to happen.

10 The county should deny the Idaho-  
11 Maryland Mine project and should not certify  
12 this flawed Environmental Impact Report.  
13 Thank you. Mike Pasner, Indian Springs  
14 Organic Farm.

15 CHAIRMAN GREENO: Thank you, Mike.

16 MS. LINDA LANZONI: Good afternoon. My  
17 name is Linda Lanzoni. I live in District 3,  
18 and I am speaking on behalf of the Wells  
19 Coalition.

20 My home of almost 29 years is among the  
21 378 properties that qualify for the Domestic  
22 Well Monitoring Program described in the  
23 Final EIR. I am here today to ask you to  
24 deny this project and not certify an FEIR  
25 that throws well owners like me under the

1 bus.

2       In Draft EIR comments, expert reviewers  
3 identified numerous defects in the  
4 groundwater model. For example, the FEIR  
5 replies--relies on sparse patches of well-  
6 monitoring data from over 15 years ago.  
7 This is inadequate under CEQA, because  
8 current baseline data is needed to assess  
9 potential impacts to groundwater prior to  
10 determining mitigations. The Final EIR  
11 dismissed these concerns but agreed that  
12 more data is needed for validating the model.

13       Current well performance data is key to  
14 establishing water quality and determining  
15 well--when a well has gone down or doesn't  
16 recharge quickly enough. It is also the  
17 linch pin in determining what threshold  
18 should be used to determine whether an  
19 impact is significant. Legal and hydrology  
20 experts called the Final EIR's choice of a  
21 10% drawdown in water level arbitrary and  
22 invalid.

23       The Final EIR's addition of a Domestic  
24 Well Monitoring Program is a feeble attempt  
25 to address the missing baseline data, but it

1 does little to ease my concerns, or those of  
2 well owners who were excluded from the  
3 program because they live in NID-served  
4 areas.

5       Instead of following CEQA, and  
6 collecting data before evaluating the  
7 project, this program promises data after  
8 the project is approved and won't collect  
9 the well performance data the county needs.  
10 Monitoring is scheduled for only 12 months  
11 and takes just one water quality sample,  
12 which does not account for seasonal or year-  
13 over-year variations. Experts who commented  
14 on the Draft EIR tell us a minimum of three  
15 years are needed to collect valid water  
16 quantity data, and water quality should be  
17 tested at least one--twice a year.

18       This program expires five years after  
19 dewatering, and provides no protection for  
20 accidents that could occur in future years  
21 as the mine operation expands.

22       The bottom line is that well owners are  
23 being told to trust that nothing will go  
24 wrong with their water supply for 80 years  
25 based on assumptions and speculation. This

1 Final EIR compounds this uncertainty.

2 I respectfully request you just say no  
3 to the Final EIR. It completely fails to  
4 protect well owners like me. Thank you.

5 [Laughter]

6 CHAIRMAN GREENO: Linda, thank you.  
7 And Linda, are you Number 20?

8 MS. LANZONI: 20. Yes.

9 CHAIRMAN GREENO: Okay. And do we have  
10 21 through 30 lined up?

11 MS. JILL SHOEMAKER: Good afternoon.  
12 I'm Jill Shoemaker. I live in District 3 on  
13 Lower Colfax Road. I'm a member of the  
14 Wells Coalition. Thanks to listen--for  
15 listening to us today.

16 The nearly 2,600 acres of mineral  
17 rights where mining operations can come  
18 within 200 feet of the surface extends into  
19 my neighborhood. In fact, the boundary runs  
20 along the east side of my property. While  
21 neighbors around me are included in the  
22 FEIR's Domestic Well Monitoring Program, I  
23 am not. That means Rise will not be  
24 collecting any baseline data from my well.  
25 So my only protection is the Well Mitigation

1 Plan in the FEIR, which fails to hold Rise  
2 Gold accountable.

3       The FEIR's most concrete promise to  
4 impacted well owners is this, quote, "If  
5 water supply to a property is disrupted for  
6 an appreciable amount of time greater than a  
7 day, a temporary water supply will  
8 immediately be provided to the property  
9 using water tanks." Close quote. Really?  
10 This language does not hold the operator  
11 accountable for any timeframes for fixing  
12 wells or providing a permanent water supply  
13 replacement. In fact, all decisions about  
14 fixing wells or replacing water are left  
15 solely up to the mine operator. And Rise  
16 would take action only if the 30 monitored  
17 well locations in the official groundwater  
18 monitoring program flag an impact. It makes  
19 no commitment to use the data from the 378  
20 wells in the Domestic Well Monitoring  
21 Program to flag an impact. So even if my  
22 neighbor's monitored well has a problem, let  
23 alone mine, no, Rise has no commitment to  
24 actually use that information to act.

25       If the line were to reopen, a separate

1 oversight committee must be required. This  
2 committee would determine impacts to well  
3 owners, resolve disputes, provide  
4 professional analysis of monitored data,  
5 assure a timely execution of mitigations,  
6 and administer fines or corrective notices.

7 Both the '96 Emperor Gold and the 2008  
8 Emgold mining proposals included forms of  
9 independent oversight. This FEIR does  
10 nothing but leave the oversight to Rise.

11 I'm concerned about the risk to my well  
12 and those of my neighbors. We've been told  
13 that our property values have likely already  
14 declined on the possibility of the mine and  
15 that, should we try to sell today, the risks  
16 of the mine must be disclosed. We are  
17 already challenged with storm recovery,  
18 increased wildfire risk, and home insurance  
19 nonrenewals. Are we really going to add the  
20 risks to our wells and declining property  
21 values to this list?

22 I respectfully request that you just  
23 say no to the project and to the Final EIR.  
24 It is not in line with Nevada County General  
25 Plan Policy 17.12. It completely fails to

1 provide adequate accountability, or any  
2 viable plan for mitigation, for well owners  
3 at risk. My neighbors and I thank you.

4 CHAIRMAN GREENO: Thank you, Jill.

5 MR. ERIC GIBBONS: Good afternoon. My  
6 name is Eric Gibbons, and I live in District  
7 3. I've lived and worked and raised family  
8 here in Nevada County since 1991. In other  
9 words, I'm still a newbie here.

10 I'm speaking on behalf of Daniel  
11 Ketcham of Grass Valley, who could not be  
12 here today. Mr. Ketcham is a senior right  
13 of way professional, senior residential  
14 appraiser, and a designated member of the  
15 Appraisal Institute and International Right  
16 of Way Association, who has done extensive  
17 consulting regarding easements and rights of  
18 way for NID. Both Daniel and I are members  
19 of the Wells Coalition.

20 The Final EIR is deeply flawed and  
21 should not be certified. One of its most  
22 egregious faults is the assumption that risk  
23 to local wells can be easily mitigated by  
24 connecting them to NID. The language in the  
25 FEIR clearly dismisses the enormous

1 complexity, and very long time frames,  
2 involved. The FEIR commits to providing NID  
3 connections to 30 properties along East  
4 Bennett Road and, more generally, to any  
5 other impacted well, but denies the need for  
6 financial assurances or plans for connecting  
7 to NID. And yet, the proposed connections  
8 to the 30 properties are not feasible as  
9 written.

10 I'd like to take a moment to help you  
11 understand the complexity which,  
12 coincidentally, serves as a cautionary tale  
13 for the hundreds of other wells in the area.

14 According to NID Water Service  
15 Regulations Section 10.09, "Water  
16 connections to NID must front on an NID  
17 water main." If you review the East Bennett  
18 Road parcel maps in the FEIR, you will find  
19 that there are approximately 15 to 20 of the  
20 30 identified parcels that do not front on  
21 East Bennett. All parcels, without the  
22 required frontage, would have to petition  
23 NID to obtain a variance, with no guarantee  
24 that a variance will be provided or how long  
25 it will take.

1           Additionally, all meters at--are set at  
2 the street. Each property owner must extend  
3 a private service pipeline from the meter to  
4 their property. This presents two serious  
5 issues.

6           One, some parcels have a significant  
7 elevation gain from the meter to their home,  
8 which may require a pump to ensure  
9 sufficient water pressure. A pipeline and  
10 pump require installation, and the pump  
11 consumes electricity. None of these issues  
12 and associated costs are considered in the  
13 FEIR.

14           And, two, these private service  
15 pipelines may require easements along roads  
16 or across neighboring properties. Many of  
17 which may not exist at this time. NID  
18 requires legal access to be demonstrated,  
19 and there is no guarantee the required  
20 easements will be granted by other parcel  
21 owners.

22           Think about how these issues would play  
23 out for the other 378 property owners  
24 identified in--

25           CHAIRMAN GREENO: Yeah, thank you, Eric.

1 MS. THERESA YOUNGMAN: - - and anger in  
2 this room. My name is Theresa Youngman. I  
3 live in District 4. I've lived in Nevada  
4 County since the mid-1970s. I'm also your  
5 Nevada County Farm Service representative.

6 I am 100% behind the reopening of the  
7 Idaho-Maryland Mine Project. My husband,  
8 Ron Youngman, is a native, born and raised  
9 in Nevada County. Ron worked for the  
10 Manzanita Mine for his cousin, Sonny McCloud  
11 [phonetic], and his father, William Youngman,  
12 worked for most of the mines in Nevada  
13 County.

14 Reopening the Idaho-Maryland Mine will  
15 be the best sustainable and green mine in  
16 the USA. The Idaho-Maryland Mine will be  
17 the--oops. Already read that. Sorry. And  
18 of course, bring millions of tax revenue and  
19 many good-paying jobs to the Nevada County.

20 People are scared of the water from the  
21 mine. When they get finished with the water,  
22 it will be better water than which flows in  
23 our NID ditches at this time. There's no  
24 fish, frogs, or anything living in the NID  
25 ditch in my area anymore.

1           When the Idaho-Maryland Mine reopens, I  
2 will be the first one in line to drink the  
3 water out of the mine. I would not have a  
4 problem going to the Idaho-Maryland Mine or  
5 working for the company. We need to think  
6 of our future, and our grandchildren, and  
7 our great-grandchildren's futures. It's  
8 like right up there. There's a gold miner.

9           I urge the Nevada County Planning  
10 Commission to pass--to please support the  
11 Idaho-Maryland project, for now and for our  
12 future. Let's get back to our roots in  
13 Nevada County. Mining is Nevada County  
14 roots. Thank you for your time and your  
15 consideration.

16           CHAIRMAN GREENO: Thank you, Theresa.

17           MS. CINDI ANDERSON: Good afternoon.  
18 My name is Cindi Anderson. I'd like to  
19 address not only our board here, but  
20 everyone in the room.

21           I've lived here since 1965, still in  
22 the same house that I grew up in, and I sit  
23 on top of The North Star Mine.

24           I grew up here and was involved in the  
25 timber industry. I actually worked at the

1 Brunswick sawmill as a log scaler out in the  
2 yard. The water that they used on the log  
3 decks probably far exceed what they would  
4 extrude out of this mine.

5       The work in the timber industry was  
6 something that brought this community  
7 together, taught you values and ethics and  
8 what was right and wrong. Everybody stuck  
9 together. I think that there is a lot of  
10 tension in this room, just due to the fact  
11 of personal opinions. We need to be open-  
12 minded and look at the facts of everything  
13 that is here.

14       I think Terry will also attest to this,  
15 even though maybe not all of our taxes would  
16 go right directly to our schools, it still  
17 benefits our whole state with our school  
18 systems.

19       I believe that this project should be  
20 approved. I'm 100% behind it. I think we  
21 need to look at this for future generations,  
22 for our children, our grandchildren. We can  
23 work and stay within our community and make  
24 a good wage.

25       Since the sawmills went away, I have

1 not made as much money as I did out there at  
2 that time. It was a very good quality of  
3 life. I mean, I just--I just feel as though  
4 it really brought this community together.

5 I think that this mine project, because  
6 it is already established here, and there is  
7 the right to mine act that supports this  
8 federally. And I believe that there are  
9 stipulations for, for this, but you just  
10 have to comply. You have to make it work.  
11 It's just like a marital relationship.

12 I just personally think that this is a  
13 very good project for this area, whether  
14 you're dealing with the water project, there  
15 is always a resolution. Myself, I ran the  
16 gas pipeline from the fairgrounds out past  
17 Orion, on my own, and it took me a year to  
18 do this. Granted, it was a big deal, but  
19 you know what? It is totally 100%  
20 attainable to do a water line through this  
21 whole, whole project.

22 I don't think people need to be worried  
23 about, you know, the amount of water that's  
24 here. There is such a--such an abundant  
25 amount of water in this community. Five

1 hundred miles of tunnels, which means you  
2 can drive from here to Los Angeles with  
3 tunnels full of water. It's just incredible.  
4 There's a reason they call where the  
5 hospital sits Springhill.

6 So I am in a 100% absolute--totally I  
7 would go to work for this company and work  
8 in, in this mine.

9 Thank you very much for listening, and  
10 you all have a good day.

11 CHAIRMAN GREENO: Thank you, Cindi.

12 MR. ERIC FELDHEIM: I have ringing in  
13 my ears, so I might speak loud. Can  
14 everyone hear me?

15 CHAIRMAN GREENO: Yes.

16 MR. FELDHEIM: Yeah, my name is Eric  
17 Feldheim [phonetic]. I'm going to go with  
18 statistics of who I am. Eagle Scout.  
19 Father of two Eagle Scouts. I do a good  
20 turn daily, every single day. I work about  
21 a hundred hours a week. I have a ten-acre  
22 ranch on Greenhorn Road. Been there 34  
23 years. If you look at my hands, they're all  
24 beat up. I worked on my well many, many  
25 times. We have gardens. We have trees. We

1 have a beautiful property. And so we are  
2 very, very concerned about this mine--this  
3 mine going in.

4       When I heard them--I'm going to choose  
5 different subjects than we've been talking  
6 about. Some of this data. I'm going to  
7 talk about their presentation. I'm going to  
8 talk about their integrity, because as a  
9 bartender, I've served 1.7 million drinks.  
10 I was a manager of--and I hired and fired so  
11 many people. I was supposed to read them in  
12 seconds, and also if I was going to serve  
13 someone a drink.

14       So when I hear them speak, I get ding,  
15 ding, ding, ding bells. And automatically  
16 one of them is going, there's something  
17 wrong here. I feel like they're used car  
18 salesmen. They're trying to sell us on this  
19 idea.

20       They're also another term when they had  
21 all the, the things that they were giveaways.  
22 I kind of called those bribes. That they're  
23 trying to bribe you looking at some of your  
24 special interests, giving money away to, to  
25 try to get you to give an affirmative for

1 this mine.

2 I could see that they gave the best  
3 scenario for the--doing the mine, but let's  
4 look at like, Lake Wildwood. They also  
5 wanted to have a great project there with  
6 Lake Wildwood, but look at what's happened?  
7 You smell. What do you smell? All sorts of  
8 things. And it doesn't work so well, does  
9 it?

10 One thing that's never been addressed,  
11 and it's the most important thing, the most  
12 valuable thing, that all the gold cannot buy.  
13 We have not talked very much about the  
14 trucking. Trucks going down Brunswick; 112.  
15 I don't care if it's one. Who's going to  
16 answer if one kid is killed? One kid is  
17 killed by those trucks. You heard--you saw  
18 what happened to PG&E when they did some  
19 negligence. They, they were up for  
20 manslaughter, some of those people. So the,  
21 the responsibility sits on your shoulders,  
22 and we thank you for being--and doing that.

23 Everyone is accountable at the chain,  
24 and we look to you for that accountability.  
25 The very first thing I would do is if I was

1 going to interview someone like you or, or  
2 look at where you're going to make a  
3 decision, is I would look at where you live.  
4 That's critical because you do have a  
5 personal interest in what's going to happen  
6 with this mine. If people that are making  
7 decisions don't live anywhere close, they  
8 may not be so interested in what happens.  
9 Thank you very much.

10 CHAIRMAN GREENO: Thank you, Eric.

11 MR. CHRIS SNYDER: Good afternoon,  
12 Planning Commission. My name is Chris  
13 Snyder, and I am with the Operating  
14 Engineers, Local 3. A lot of people think  
15 I'm with the company. I'm not with the  
16 company.

17 I've heard some interesting comments  
18 speak today. Yeah, but we have talked to  
19 the company. We've also worked with the--  
20 with the county before, and what the  
21 Operating Engineers does, we're here for men  
22 and women. We fight for workers, workers'  
23 rights, we--their pensions, and a good  
24 quality of life. And I'm here to urge you  
25 to approve the EIR and to go to the next

1 level.

2       But I'm really here to ask the  
3 community and the company and the county to  
4 work with us, because we have over 300  
5 members that work here. We have a training  
6 facility outside of Sacramento with 2,000  
7 acres, where we train about three-year  
8 apprenticeship programs, three to four years,  
9 and those jobs are the kind of jobs we're  
10 looking at. Over \$100,000 a year. These  
11 jobs, we take folks from the community a lot.  
12 We work with a Workforce Investment Board  
13 pre-apprenticeship programs, get them into  
14 our program to train them on this kind of  
15 stuff, mine equipment, excavation, drilling.  
16 All the things that make a safe and--a very  
17 safe mine.

18       We represent--my local represents in  
19 Nevada, this county--the city of--the, the  
20 state of Nevada, the Newmont Gold Mines.  
21 And on a global, global basis we have the  
22 safest work culture on the planet. Other  
23 mines actually go there to study the, the  
24 kind of work culture we have with the  
25 operating engineers there. So we know how

1 to do this. We're here to partner with,  
2 with the--with Rise. We're here to partner  
3 with the county, and we're here to partner  
4 with the community, and I believe with my  
5 whole heart that a--a good job with pension  
6 and benefits, here in this county, is of  
7 benefit to everybody. And I've been doing  
8 this a long time, and when folks--when we  
9 could do stuff locally, it's better for the  
10 environment instead of folks always having  
11 to travel into Sac and out of--out of area  
12 to work.

13       So we want to see these jobs here. I  
14 actually had about a dozen members reach out  
15 to our union to come and support this. And  
16 so a bunch of our folks are here today with  
17 the union. So when we fight, we win  
18 workers' rights, and safety, and good jobs,  
19 and good benefits. And that's what it's all  
20 about for me. Thank you.

21       CHAIRMAN GREENO: Thank you, Chris.

22       MR. CHRISTY BARDEN: My name is Christy  
23 Barden. I live in District 1 on land, that  
24 has a well, that I bought about 1980. I'm  
25 here to talk about the potential release of

1 mercury toxins.

2       This comment addresses potential  
3 mercury contamination and deficiencies in  
4 the FEIR, Master Response Form, The  
5 Department of, of Toxicity--of Toxic  
6 Substance Control, a T-, DTSC is planning a  
7 toxic waste cleanup at the Idaho-Maryland  
8 Centennial Site now owned by Rise Gold. The  
9 former Hap - - Lumber Mill location on this  
10 site. The land in which this mill sits is  
11 identified as a potential ecology concern,  
12 because it contains discernible amounts of  
13 mercury toxin which, which exceeds the DTSC  
14 standards for safety.

15       The DTSC is not planning to clean up  
16 this Hap - - area, however, because the  
17 area's currently sealed by a permanently  
18 layer of concrete and asphalt. This prevents  
19 the deteriorating mercury from being  
20 released into the environment. According to  
21 the DTSC, as long as a protective layer is  
22 not disturbed, but remains in place, that's  
23 all that needs to be done is a periodic soil  
24 sampling to assure that the mercury contains  
25 remain low.

1           However, unknown to the DTSC, Rise Gold  
2 does plan on developing a portion of the Hap  
3 - - area in dumping its mine waste rock.  
4 Included in the Rise's plan to develop the  
5 area is digging up substantial drainage  
6 ditch along the waste's perimeter. But in  
7 order to dig this ditch, Rise will have to  
8 ignore the DTSC's condition for the mill  
9 site cleanup. Instead, Rise will demolish  
10 the existing Hap - - lumber company  
11 structure, evacuate a portion, create a  
12 drainage ditch, and this may significantly  
13 disturb the mercury containment in the soil.  
14 Not only does it disturb and ignore the  
15 DTSC's conditions, but it also is a  
16 potential release of mercury toxins into the  
17 environment.

18           The EFIR fails to identify the DTSC's  
19 condition for cleanup, and fails to address  
20 the potential mercury contamination of the  
21 Wolf Creek and groundwater. Here is a  
22 pictorial presentation which I'll put in the  
23 box. Thank you.

24           CHAIRMAN GREENO: Thank you, Christy.

25           MR. MICHAEL TAYLOR: Hello. My name is

1 Michael Taylor. I live in District 1.

2 I'll be straight. I have not read the  
3 environmental report to comment on it being  
4 either accurate or not accurate. However, I  
5 have a lot of--I question the ER--the EIR  
6 simply from just reading the Staff Report.

7 The Staff Report created a situation  
8 where you have an A choice and a B choice.  
9 There is a lot of room in between that for  
10 other ideas and other, other things to  
11 consider before considering adopting the,  
12 the ERI. One of the things that I think  
13 that needs to be considered, or what I would  
14 like you guys to do, is to do a motion of  
15 intent. I would think that Alternative 4,  
16 at a minimum, reducing it by 50%. I think  
17 that as part of the 50% being reduced, that,  
18 that there's no activity above ground from  
19 seven o'clock at night until seven in the  
20 morning. No visible activity.

21 The other thing I think needs to be  
22 considered: they're talking about this  
23 highway with, with it being for a truck  
24 route. The, the aggregate that's coming out  
25 of either Bear River, years ago, or

1 Greenhorn, currently, comes--that scale  
2 opens at 7 o'clock and turns off--closes at  
3 3 o'clock. The trucks are not trucking  
4 after 3 p.m. I think that we should have  
5 trucking limited to 7 o'clock to 3 o'clock,  
6 Monday through Friday.

7       Also to consider: buses for school and  
8 people out for school. I think that having  
9 this heavy equipment on the road after 3  
10 o'clock is not safe for the community.

11       Something else to consider is that  
12 there has been no mention of disposal of  
13 asbestos. Asbestos comes in veins. And it  
14 comes in veins between serpentine rock. I  
15 have been in construction. I've done rock--  
16 removing rock. Here locally in Brunswick,  
17 you come across big veins of asbestos.  
18 There is no--they haven't come up with a  
19 plan to remove piles of asbestos. We're  
20 talking huge veins of asbestos that will  
21 turn up.

22       The other thing that--to consider is  
23 that the, the quarry that was--the Hansen  
24 Brothers bought, and then now it's the RV  
25 place. That, that rock that came out of

1 there, was not certified by Caltrans to be  
2 used aboveground, because of its levels of  
3 asbestos.

4 The, the mine at Ridge Rock for years  
5 didn't have--I mean, it didn't have rock  
6 that was considered adequate, that met  
7 Caltrans' standards.

8 The other thing to consider, that we're  
9 going to be putting people out of business  
10 down the road, when this rock is going to be  
11 available for commercial use or for sale.  
12 No one's--the mountains coming out of there  
13 will not be able to be sold, it'll be given  
14 away. It'll shut down the local businesses,  
15 Hansen Brothers, or whatever, that actually  
16 make money selling aggregate. They'll have  
17 to give it away, with free trucking, because  
18 of the surplus.

19 CHAIRMAN GREENO: Thank you, Michael.

20 THE CLERK: Chair, can we do a number  
21 check, please?

22 CHAIRMAN GREENO: Sure. What number  
23 are we on? 29. Thank you.

24 MS. ALLISON NELSON: My name is Allison  
25 Nelson. I live in District 4. I am a

1 biologist and the Director of Gold Country  
2 Avian Studies. I run a bird-monitoring  
3 program at the Bennett Street Grasslands  
4 within Empire Mine State Historic Park.

5       The meadow where we band birds is  
6 bisected by South Fork Wolf Creek, and our  
7 bird-trapping locations are spread along the  
8 creek approximately 1.5 miles downstream  
9 from the Brunswick Site. Wastewater treated  
10 at the mine will ultimately flow through our  
11 research station.

12       I strongly advocate against certifying  
13 the Final EIR and recommend project  
14 rejection for a number of reasons.

15       One, the Final EIR did not adequately  
16 propose alternatives to discharging  
17 wastewater into South Fork Wolf Creek.  
18 Continually fluctuating water levels and  
19 temperature can adversely affect bird life  
20 and the invertebrates they feed upon.

21       Two, on Page 4-106 it states that, "The  
22 county will not require the flow data to be  
23 publicly available, but the data may be made  
24 publicly available at the Applicant's or  
25 NID's discretion." This should not be up to

1 the discretion of Rise Gold. When the right  
2 to clean water has the potential to be  
3 compromised, we should be able to educate  
4 ourselves for our own benefit, and for that  
5 of the land, and the wildlife that require  
6 our stewardship.

7 Three, the EIR, including Table 4.4-6,  
8 was revised to indicate that protected,  
9 protected-status bird species have a low  
10 potential for occurrence on the Brunswick  
11 Site. This is incorrect. The FEIR also  
12 states, "The willow flycatcher has, has not  
13 been mapped within the CNDDDB within five  
14 miles of the Brunswick area, but unprocessed  
15 data regarding their potential occurrence  
16 downstream of the Brunswick area is included  
17 in the Grass Valley Quad CNDDDB search."

18 To clarify, several listed species,  
19 special status species were detected or  
20 captured by our program 1.5 miles from the  
21 Brunswick Site. The CNDDDB has this  
22 detection data, but simply hasn't processed  
23 it yet. The FEIR states that these species  
24 have a low probability of occurrence on the  
25 site, and that no potential impact is

1 expected, because of the lower quality of  
2 the habitat. However, no quantitative  
3 habitat studies have been performed or  
4 required. I have here, myself, a map that I  
5 made of a--of the Brunswick Site, and have  
6 starred habitat at the site where willow  
7 flycatchers could potentially breed for it  
8 to take cover. I also have photos of a  
9 willow flycatcher I took, in breeding  
10 condition, captured at our monitoring site.  
11 This endangered willow flycatcher could have  
12 bred at the Brunswick Site and easily  
13 dispersed to our location. Therefore, the  
14 indication that the--that there's a low  
15 probability of encountering willow  
16 flycatchers at the Brunswick Site is false.

17 CHAIRMAN GREENO: Thank you, Allison.

18 MR. CHRISTOPHER RING: Hello, and thank  
19 you, commissioners, for--hello, and thank  
20 you, commissioners for giving me the  
21 opportunity to speak.

22 My name is Christopher Ring. I live in  
23 District 2. I'm a local realtor, and I'm  
24 here on behalf of the Nevada County  
25 Association of Realtors. I have a letter to

1 read on our behalf. I also want to show--  
2 this is our shirt showing the support for  
3 the letter we're about to read, and there's  
4 a significant number of other realtors  
5 representing us outside on the steps.  
6 You'll see our photo in the paper tomorrow  
7 morning.

8        "To the honorable Planning  
9 Commissioners, on behalf of the Nevada  
10 County Association of Realtors, we  
11 respectfully submit our comments relating to  
12 the Final Economic Impact Report for the  
13 Idaho-Maryland Mine project.

14        "Upon reviewing the final report, we  
15 see multiple deficiencies and unmitigated  
16 impacts on the surrounding residential  
17 properties, overall community, and market  
18 values of properties in Nevada County.  
19 While we recognize deficiencies in the  
20 Environmental Impact Report, as experts in  
21 our field, we wish to specifically address  
22 the results of the Economic Impact Report.

23        "A survey was previously completed by  
24 the Rise Gold consultant RDN and included in  
25 the Economic Impact Report. It had a total

1 of 65 completed surveys, of which 79%  
2 believed that property values would be  
3 negatively impacted. However, the findings  
4 of this Economic Impact Report dismisses the  
5 real estate industry survey completed,  
6 stating results were not robust enough to be  
7 considered.

8       “The Nevada County Association of  
9 Realtors re-sent that same survey, with all  
10 the questions, to our association  
11 memberships and are now presenting the  
12 results of that survey. A hundred and  
13 sixty-two of our active membership  
14 participated and completed the survey,  
15 representing a 27% sample size of the total,  
16 total group. The results are overwhelming.  
17 Eighty-seven percent of the survey  
18 participants believe that property values  
19 will be negatively impacted.”

20       And now I quote from the EIR itself,  
21 Economic Impact Report itself. “Of the  
22 three types of research RDN performed for  
23 this analysis, a literature review, a real  
24 estate industry survey, and a case study  
25 analysis, the case study was selected, only,

1 and it totally dismisses the survey of the  
2 real estate experts."

3 "This quote clearly states the case  
4 study analysis was selected for the findings  
5 of this report, and dismisses the findings  
6 of the real estate survey completely. We  
7 believe as realtors that our expert opinion  
8 matters and should not be dismissed. Rise  
9 Gold consultant summarizes their Economic  
10 Impact Report findings, stating we do not  
11 estimate any anticipated average change in  
12 property values associated with the proposed  
13 project. As experts in our--"

14 CHAIRMAN GREENO: Thank you, sir.

15 FEMALE VOICE: - -.

16 CHAIRMAN GREENO: No, we're not doing  
17 that.

18 MR. KURT LORENZ: Planning  
19 Commissioners and audience. My name is Kurt  
20 Lorenz. I'm a 47-year resident of the San  
21 Juan Ridge. And, at one point, I was a  
22 Nevada County Planning Commissioner and the  
23 chair of the commission for two years. And,  
24 Laura, you deserve some kind of public  
25 service honor for serving as long as you

1 have.

2       A little bit of history, just for  
3 comparison. In 1996, a conditional use  
4 permit was granted by the supervisors for  
5 Emperor Gold to dewater the mine for  
6 exploration. It was not a permit for  
7 production, although ore sampling was  
8 allowed. The 1996 permit followed the  
9 normal steps and included the preparatory  
10 work to ensure property owners would be able  
11 to get potable water immediately if a well  
12 problem was detected. Emperor Gold was  
13 required to obtain all permits, identify all  
14 rights of way, easements, and agreements, to  
15 guarantee installation of water service from  
16 NID to any and all residents of the study  
17 area.

18       In addition to the area along East  
19 Bennett Road, the study area included a  
20 large portion of Cedar Ridge north of Colfax,  
21 Wells as far west as Union Hill, as far east  
22 as Bellevue Road, substantial areas of  
23 Greenhorn Road, neighborhoods beyond Anchor  
24 Lane, and the north end of Glen Pine Road.  
25 Emperor Gold was required to provide cash

1 bonds or securities to pay all construction  
2 costs, including replacement water service.  
3 Somehow all of this protection got missed in  
4 this process.

5       And, very quickly, I want you to know  
6 that when the Siskon Mine failed on San Juan  
7 Ridge, it was the F6 fault. Remember the  
8 fault that was mentioned here today, that's  
9 just going to be erased? That fault flooded  
10 the mines so fast that people had to run for  
11 their lives, abandoned all their equipment,  
12 and we lost 14 wells on the ridge in two  
13 weeks. Some of them were almost two miles  
14 from the well. Those of you that are  
15 worried about wells need to think about that.

16       I request that you not approve this  
17 project, or the environmental...

18       CHAIRMAN GREENO: Thank you, Kurt.

19       MR. LARRY ENGEL: Hello. My name is  
20 Larry Engel. I live on an area uphill from  
21 the Wolf Creek, on the surface around the  
22 mine, the underground mine that they never  
23 talk about much in the EIR, and that you  
24 didn't hear about from the, the Rise folks  
25 today. I am objecting to this EIR and

1 asking that it not be certified.

2 As a retired bankruptcy lawyer with  
3 lots of experience in failed mines, I know  
4 why there are 49,000 failed mines abandoned  
5 in California, because I liquidated the  
6 largest, at the time in America, Surety,  
7 that provided reclamation bonds for mines.

8 And I can tell you that this EIR misses  
9 the point, so does the DEIR. And I would  
10 ask for you to--for your consideration that  
11 I filed two objections to the DEIR, and I  
12 filed two more to the EIR. And I gave you  
13 my top 50 reasons why this should not happen,  
14 but let me give you just one to start with,  
15 because I raised it at our prior hearing,  
16 and that was that they are basically hiding  
17 the hexavalent chromium problem, CR-6. This  
18 is what killed Hinckley, California. You  
19 may remember the movie, Erin Brockovich.  
20 They're putting--they call it now, they've  
21 rebranded it, they call it now cement mine  
22 paste, but it contains hexavalent chromium.

23 You're putting into--they would put  
24 into the mine--this toxin. Look at the EPA  
25 studies. Look at the CalEPA studies. They

1 all show you it's a dangerous carcinogen,  
2 and they don't, you know, address it in the  
3 place in the DER, or in the EIR, that says  
4 hazardous--hazards and hazardous materials.  
5 There's a section, 4.7, where all this  
6 information is supposed to go. It's not  
7 there. What they do, the DEIR mentions it  
8 in two places regarding the mine paste use  
9 in shoring up the mine, but that's it.

10 In the EIR, after my objection, they  
11 added some new information, which we dispute.  
12 And in addition, they have tagged on to the  
13 back of the EIR, Appendix Q, O, and R, where  
14 they admit the use of hexavalent chromium.  
15 And they describe this system, but they do  
16 it in a really obscure way and an obscure  
17 place.

18 They also took on my objection in their  
19 EIR at IND 254, which is my--one of my two  
20 EIR objections, and I urge you to read it.  
21 Find out why.

22 CHAIRMAN GREENO: Thank you, Larry.

23 MR. PAUL SCHWARTZ: Paul Schwartz,  
24 13812 Meadow Drive, District 1.

25 I am in agreement with the Nevada

1 County planning staff and ask you to adopt  
2 Recommendation A, and reject the Idaho-  
3 Maryland Mine reopening proposal. The  
4 proposal, as our planning director has said,  
5 is not consistent with the county General  
6 Plan, state and Nevada County policy, and  
7 the 2023 Board of Supervisors' objectives.

8 I disagree with the recommendation to  
9 certify the Final EIR. Third-party experts  
10 have submitted to the Planning Commission,  
11 and the Planning Department, and the Board  
12 of Supervisors, extensive analysis, detailed  
13 references to the errors, omissions, and the  
14 faulty analysis and conclusions in the  
15 document. As a capital planner at  
16 University of California, Davis, I reviewed  
17 Draft Environmental Impact Reports connected  
18 to over \$1.5 billion in projects, so I  
19 wanted to give you my impressions of this  
20 EIR.

21 Preparation and presentation of  
22 material, analysis and the findings are  
23 poorly organized, and the document is  
24 difficult to navigate. In many cases, the  
25 data was old, incomplete, inadequate, and

1 not benchmarked against industry or other  
2 measurable standards.

3       Consultants involved spoke to budget  
4 constraints, and that confined their efforts.  
5 Some reports start with a vague disclaimer  
6 that the depth of the study was limited by  
7 defined scope and limited resources.

8       The Draft EIR fails to integrate the  
9 implications of an 80-year approval.  
10 Important outcomes incumbent to the Idaho-  
11 Maryland Mine project in regard to airborne  
12 pollution, dust, water quality, noise,  
13 traffic, energy use, greenhouse gas  
14 emissions, carbon footprint analysis,  
15 community health, worker safety, were not  
16 adequately addressed in the Draft EIR.

17       In the future, we can expect energy  
18 efficiency, carbon footprints, and community  
19 health impacts to be more thoroughly  
20 scrutinized, consider how the Draft EIR  
21 completely ignores our current Energy Action  
22 Plan.

23       There have been substantial third-party  
24 experts' scrutiny on the Draft EIR chapters,  
25 data analysis, and conclusions that

1 contradict and challenge the findings in the  
2 document. The experts found faulty science,  
3 misguided assumptions, and juvenile monitor-  
4 -computer modeling.

5 We learned in the Niehaus economic  
6 report there are no comparable projects  
7 approved in the State of California  
8 within .5 miles of the residential  
9 neighborhood, as is the case here. The  
10 concept of incompatible uses in the Draft  
11 EIR, disregard of this issue alone ought to  
12 get your full attention.

13 Do not certify a badly-flawed Final EIR  
14 that the future Planning Departments,  
15 Planning Commissions, and Boards of  
16 Supervisors will have to defend. Reject the  
17 Final EIR. Do not certify it.

18 And if Rise wants to negotiate the  
19 scope of the--

20 CHAIRMAN GREENO: Thanks, Paul.

21 MR. MARK JOHNSON: Good afternoon.

22 Mark Johnson, District 4.

23 Before you I stand experienced,  
24 experienced HAZMAT supervisor competent  
25 person. I worked hard. I directed the

1 removal of thousands of tons of asbestos and  
2 asbestos-containing materials, after Reagan  
3 signed the AHERA act in '86.

4       The FEIR stipulates Rise will submit an  
5 abatement plan after approval. A mitigation  
6 plan must be approved before any approval is  
7 granted. And I would be honored to be on  
8 the committee that approves or denies this  
9 stipulation. Will all employees be required  
10 to wear full Tyvek suits and Type A, B and C  
11 respirators? Would employees be required to  
12 shower each time he comes up from below  
13 ground?

14       The absolute necessity of asbestos is  
15 containment. To think you can truck it down  
16 the road with a tarp on it, you're breaking  
17 the law. All the things in the EIR, FEIR,  
18 you're going to have to vacuum those streets  
19 to get the asbestos off the street. It just  
20 doesn't wash away.

21       The stipulations, all the stuff that is  
22 taken out of--all the asbestos that comes  
23 out of the mine will have to be shipped down  
24 to Kesterson. You can't throw it back in  
25 the, in the mine. It's all contaminated.

1           Removal, the disturbance, and  
2 transportation of asbestos on a large scale  
3 is completely unacceptable in areas  
4 surrounded by hundreds of homes valued in  
5 the hundreds of millions of dollars.

6           Compaction and storage of asbestos-  
7 laden serpentine is sheer lunacy. The task  
8 is an impossibility to perform without  
9 releasing fibers and unleashing pulmonary  
10 diseases upon an unknown amount of land  
11 every day, every time the wind blows. If  
12 even one person, a citizen, a tourist, or  
13 even a worker at the mine, contracts a fatal  
14 lung disorder after 20- or 30-year latency  
15 period, such as asbestosis, mesothelioma,  
16 scoliosis, et cetera, et cetera, due to your  
17 approval of Mr. Mossman's gamble with our  
18 lives, our wells, our property values, could  
19 you personally be held responsible that,  
20 that-- if you were to approve this health-  
21 destroying, killing, ecological disaster,  
22 wouldn't you, wouldn't you, in a very direct  
23 sense, have blood on your hands? Would you  
24 be able to face the fact that your decision  
25 cost somebody their life? Maybe two, five,

1 20, 30, a hundred lives? Could you look in  
2 the mirror? I couldn't.

3 Mr. Mossman's proposed venture would be  
4 to--have to be monitored around the clock,  
5 24/7, each and every day, by a trained  
6 HAZMAT supervisor, with complete control and  
7 the ability to shut down any or all  
8 operations, at any time, for any violation  
9 that endangers any person, anywhere. Mr.  
10 Mossman must not be allowed to self-monitor  
11 any single aspect of this greed-fueled  
12 venture, including the water.

13 Mr. Mossman's proven total disdain for  
14 regulations at his last failed mining  
15 disaster has caused irreparable damage to  
16 not only salmonid-bearing streams and lakes  
17 in his native land, but Mr. Mossman's crimes  
18 also encompass - - slough and the Pacific  
19 Ocean.

20 CHAIRMAN GREENO: Mark, we're--we need  
21 to keep it on this project. Not the  
22 Applicant.

23 MR. JOHNSON: It's a good thing that  
24 Banks Island does not exhibit any asbestos-  
25 laden--

1 CHAIRMAN GREENO: Thank you. Mm-hm.

2 Thank you, Mark. Are we on 35? 36?

3 [Laughter]

4 MR. DAVID WATKINSON: My name is David  
5 Watkinson. I represent the Sierrans for  
6 Responsible Resource Development. We're a  
7 nonprofit that was formed in 2015  
8 exclusively for educating residents,  
9 businesses, and government agents in the  
10 community about the benefits of responsible  
11 and sustainable resource industries in the  
12 Sierra Nevada Mountains, including mining.  
13 Many of our members are mining engineers,  
14 geologists, environmental professionals that  
15 work in the mining industry. Some of them  
16 are here today, and others are at work and  
17 couldn't attend the meeting.

18 I'm a professional mining engineer by  
19 background, with over 40 years of worldwide  
20 experience in exploration, mine development,  
21 construction, and operation in Canada, the  
22 United States, and overseas. I've worked in  
23 Nevada County since 2006, and I'm president  
24 and CEO of two public exploration companies,  
25 one of which was Emgold Mining Corporation

1 that was taking the project through the  
2 permitting process in 2008 and 2009 and  
3 before the city of Grass Valley. We got to  
4 the planning commission there. And I've  
5 worked in underground mines exactly like the  
6 Idaho-Maryland project 5,000 feet deep. I  
7 worked as a miner, a supervisor, a general  
8 foreman, a mine superintendent, and a mine  
9 manager.

10       So the mines do hire, and try to  
11 develop local workforces. I will guarantee  
12 you that that will happen here with the  
13 mining project. People want to hire locally.  
14 They don't want to have to pay to relocate  
15 people to a site when they can develop a  
16 local workforce that's going to be there for  
17 the long term.

18       We were advancing the Idaho-Maryland  
19 project through the City of Grass Valley in  
20 2008-2009 when the Great Recession hit. We  
21 couldn't raise additional money to advance  
22 the project, so the city eventually deemed  
23 the project applications as withdrawn, but  
24 the company still survives, and we still  
25 live and work here in Grass Valley.

1           We need to learn the lessons of the  
2 Great Recession, COVID-19, and things that  
3 can happen looking forward, like, we're  
4 going to run into a significant period of  
5 high inflation, and potentially another  
6 recession occurring. So your job, and the  
7 Board of Supervisors' job, is to look at the  
8 future.

9           I looked at the county's '21/2022  
10 adopted budget and compared it with 2008 and  
11 2009 when we were permitting the Idaho-  
12 Maryland project. In 2008-2009 the city's  
13 budget was 190 million--or the county's  
14 budget was 190.9 million, and now it's 299.9  
15 million. It's gone up \$109 million in 13  
16 years and that's a 72.9% increase. So that  
17 represents an increase of about \$8.3 million  
18 a year over that period.

19           So your job is to not only look at how  
20 this project will affect a certain number of  
21 special interest groups, but look at how--

22           CHAIRMAN GREENO: Thank you. Thank you.

23           MR. PETE PEREZ: My name is Pete Perez.  
24 I live in District 3 here in Nevada County.

25           I've lived here for over 22 years.

1 Married a fourth-generation local girl.  
2 Both of my kids were born here at Sierra  
3 Nevada Memorial Hospital. My wife's Great-  
4 Grandpa George was on the last crew to enter  
5 the Empire Mine.

6 I support reopening the Idaho-Maryland  
7 Mine because of the good-paying jobs that  
8 Nevada County needs. I hope to be able to  
9 work there one day.

10 I also hope it would be an option for  
11 both of my kids once they graduate Nevada  
12 Union, if they wanted to decide to stay in  
13 Nevada County and have a good-paying career.

14 I also believe that this state-of-the-  
15 art mine would be a way of little old Nevada  
16 County giving a world-class example on how  
17 to mine cleanly, ethically, and responsibly.  
18 Gold is the best conductor of electricity,  
19 and with the world's push for electric  
20 products like cell phones, laptops, TVs,  
21 electric cars, there needs to be competition  
22 from our country against other countries who  
23 are mining raw materials and don't do it  
24 cleanly, ethically, or responsibly.

25 Mining is not only our past, but the

1 future. So I ask you to please approve this  
2 project. Thank you.

3 CHAIRMAN GREENO: Thank you, Pete.

4 MR. MIKE GRIFFITH: Hello, my name is  
5 Mike Griffith. I am a lifelong Nevada  
6 County resident of 43 years.

7 I've come here to request the Planning  
8 Commission to recommend approval of this  
9 mine project as proposed. I believe that  
10 reopening this mine would be beneficial to  
11 Nevada County and its residents.

12 It is important to remember why we are  
13 all here today. We are here because of gold.  
14 These towns, this county, and this community  
15 were formed around the gold-mining industry.  
16 People came here from all over the world.  
17 Why here? Because there was an invaluable  
18 resource here. These people brought with  
19 them diversity and culture, which formed  
20 this community and its history. This  
21 history has left such a strong impact on the  
22 community that in Grass Valley, new  
23 buildings must be designed to fit the gold-  
24 mining esthetic of the town's history.

25 It has been said that if it's not grown,

1 it's mined. This is a statement which  
2 applies to every individual in this room and  
3 everywhere else in this world. The products  
4 we use every day must be produced from raw  
5 materials. These raw materials are called  
6 resources, and not all resources are found  
7 everywhere. We are fortunate to have a  
8 highly sought-after and valuable resource  
9 right here in our community. To ignore this  
10 fact, and turn a blind eye to those who  
11 would be willing to spend the time and  
12 effort to extract such valuable resource,  
13 would be similar to walking along the shore  
14 of the Yuba River with a rope, during a  
15 storm, and refusing to help save a drowning  
16 individual just because you don't want to  
17 get your rope wet. It would be completely  
18 asinine.

19       There are those who will argue against  
20 this project on the grounds of environmental  
21 impact. It is true that in the eighteen  
22 hundreds and early nineteen hundreds,  
23 operations of this nature have had an  
24 adverse environmental impact. This was due  
25 to a lack of knowledge, as well as oversight,

1 and inferior methods of extraction. Today,  
2 though, we have the knowledge, the oversight,  
3 and superior methods of extraction, which  
4 can guarantee that the environment and the  
5 community's way of life can be protected  
6 from any adverse impacts which may be a  
7 concern arising from this project.

8 I believe that this project, as  
9 proposed, will offer many great benefits to  
10 this county and community, such as local  
11 jobs and tax revenue. It will increase  
12 tourism by showing the world that the gold  
13 country mother lode is still alive and well  
14 in Northern California by producing vast  
15 sums of a resource, which today's  
16 technological world desperately needs.

17 It will bolster the community's  
18 reputation as hardworking, thoughtful  
19 individuals by producing that beautiful,  
20 shiny gold metal.

21 Again, I implore this committee to  
22 recommend approval of this project as  
23 proposed. Thank you.

24 CHAIRMAN GREENO: Thank you, Mike.

25 MR. JUSTIN SANDERS: Justin Sanders, 30

1 years here in Nevada County. I'd like to  
2 say thank you, guys, for taking the time to  
3 listen to everybody. Some louder than  
4 others, but thank you either way.

5 I am in support of the mine, and I'm  
6 asking you guys take everybody's word, but  
7 go with the side that makes the most sense  
8 is open the mine.

9 I had this great big long speech of, of,  
10 of why, but I'm—all this is going to go out  
11 the window to a conversation I had with a, a  
12 young lady in, in the front.

13 She asked me, "Why would you support a  
14 mine that's only for themselves?" And I  
15 asked, I said, "Well, what is it, what is it  
16 that you do?" And her response was, she's a  
17 local jeweler, and she's having a hard time  
18 surviving with COVID and, and the economy.  
19 And I said, well, with the opening of this  
20 mine and, and the people who are going to be  
21 working there, keeping the money local,  
22 rather than going to Target or these big  
23 chain stores, we're going to then spend the  
24 money with you, because it's, it's a good  
25 salary for Nevada County. And, and rather

1 than, than paying--excuse me, the go--the,  
2 the, the cheap route of, of buying the best  
3 deal, we're going to go with the, the more  
4 local, more sought-after gems that she's,  
5 she's selling. And, and she was, she was  
6 pretty thrilled about that.

7 So I'm saying open the mine. Let's get  
8 to mining and, hopefully, you take that to  
9 the, the supervisors. Thank you.

10 CHAIRMAN GREENO: Thank you, Justin.

11 MS. GIANNA SETOUDEH: Thank you, County  
12 Planning Commission, and County Planning  
13 Department staff, for the opportunity to  
14 provide comments today.

15 Gianna Setoudeh, I am the policy  
16 director at the South Yuba River Citizens  
17 League, or known as SYRCL. SYRCL is a  
18 community-based nonprofit organization  
19 founded by grassroots activists and has been  
20 the leading advocate for the protection of  
21 water quality, river health, and watershed  
22 restoration within the Yuba River Watershed  
23 for almost 40 years. Our work and mission  
24 is supported by 3,500 members and 1,300  
25 active volunteers.

1           Keeping our grassroots legacy alive,  
2 this year, at our Wild and Scenic Film  
3 Festival, we brought a petition with a  
4 simple ask that the Nevada County Board of  
5 Supervisors reject the proposed Idaho-  
6 Maryland Mine. An astounding 1,167  
7 individuals from the community and beyond  
8 signed our letter; that's included in your  
9 Board packet in the background materials,  
10 along with individual messages from  
11 community members, many of whom are in the  
12 room today. So I'd like to thank them for  
13 being here.

14           First and foremost, we'd like to thank  
15 county staff for giving this project the  
16 time and attention it deserves, and for  
17 providing a thoughtful Staff Report that  
18 reflects many of the sentiments you've heard  
19 from the community today and will continue  
20 to hear.

21           Today you've heard why the Planning  
22 Commission should recommend the rejection of  
23 the project, as outlined in Recommendation A,  
24 about the project's direct conflict with  
25 local goals, initiatives, and policies more

1 broadly. Recommendation A essentially deems  
2 the project dead, and rightfully calls  
3 attention to the project's inconsistency  
4 with several of the county's General Plan  
5 themes and policies, as you've heard earlier.

6           However, both recommendations before  
7 you still include the certification of the  
8 Final EIR, which we find deeply concerning.

9           Recommendation A is a step in the right  
10 direction, and we want to thank county staff  
11 for that. But we are here to urge the  
12 Planning Commission to go a step further and  
13 reject the EIR.

14           SYRCL is not antidevelopment or anti-  
15 jobs; however, we listen to the community,  
16 and when a project seeks to threaten the  
17 community and local watersheds we work so  
18 hard to protect and restore, it's our duty  
19 to speak up, and that's our job to do so.

20           So as you consider the recommendations  
21 before you, we must underscore that in  
22 addition to our--rejecting the project, you  
23 must recommend to the Board of Supervisors  
24 that they reject the Final EIR. And my  
25 colleagues following me will go into more in

1 detail.

2 Thank you again for your-, for allowing  
3 us to speak today.

4 CHAIRMAN GREENO: Thank you, Gianna.

5 MS. ALECIA WEISMAN: Good afternoon.

6 My name is Alecia Weisman. I'm the  
7 Headwater Science Program Director at the  
8 South Yuba River Citizens League. I have a  
9 background in water quality and aquatic  
10 ecology. I hold a master's in hydrology  
11 from the University of Nevada, Reno, and I  
12 worked at a local water quality lab, Cranmer  
13 Engineering.

14 The Rise Gold project and the EIR, as  
15 presented, pose significant water quality  
16 risks and will put significant pressure on  
17 our already fragile groundwater resources.  
18 Legacy mining impacts still persist in our  
19 area and continue to cause health advisories  
20 throughout the Sierra Nevada. Many parts of  
21 the Yuba and Bear River watersheds are  
22 currently listed as impaired due to mercury  
23 contamination under the Clean Water Act.  
24 During existing rain events, these areas  
25 contribute to elevated levels of metals and

1 sediments in our local streams and rivers.  
2 This project will increase sedimentation and  
3 erosion and has the potential to disturb  
4 contaminated land, which would further  
5 contribute to this issue.

6 Also, the storage of mine waste that we  
7 heard about earlier, a hundred-foot pile,  
8 will certainly leach hazardous chemicals  
9 into our local waterways.

10 Rise Gold plans to pump out 3.6 million  
11 gallons of water every day for six months,  
12 and another 1.2 million for up to 80 years,  
13 which will be released every day into the  
14 South Fork of Wolf Creek. The potential  
15 water quality and environmental impacts  
16 associated with daily release of this water,  
17 that doesn't really happen seasonally like  
18 it naturally would, have not been fully  
19 evaluated by the limited surveys conducted.

20 Also, the associated groundwater  
21 impacts with this pumping plan are  
22 concerning. Here in the Sierra Nevada, we  
23 have seen early impacts of global warming,  
24 including prolonged periods of drought.  
25 These periods are expected to increase, and

1 the droughts alone are stressing our  
2 groundwater resources. If NID and its plan  
3 for water identifies water security as a top  
4 concern for our region, then how can we  
5 simultaneously allow a Canadian company to  
6 pump 1.2 million gallon--gallons a day for  
7 80 years?

8 Further, the EIR sets the significance  
9 level for their impacts to groundwater  
10 levels at 10%, without acknowledging that  
11 local groundwater levels will go dry even at  
12 reductions of less than 10%. It's been set  
13 arbitrarily, as others have commented on.

14 I'll leave it there. There's been a  
15 lot of good information given thus far. I  
16 just want to reiterate that for these  
17 reasons, the FEIR and the Rise Gold project  
18 should be rejected. Thank you.

19 CHAIRMAN GREENO: Thank you, Alecia.

20 MR. AARON ZETTLER-MANN: Hello, my name  
21 is Aaron Zettler-Mann. I'm the interim  
22 executive director and watershed science  
23 director at SYRCL. I hold a PhD in fluvial-  
24 geomorphology.

25 As part of the proposed Idaho-Maryland

1 Mine project, Rise Gold suggests that their  
2 potentially toxic mine sand tailings in  
3 barren rock will be sold as engineered fill  
4 in the Sacramento region at the rate of  
5 excavation; about a thousand, or maybe it's  
6 1,500, tons per day.

7         This market does not exist, as they  
8 suggest, and, therefore, this material will  
9 need to be stored, likely onsite. As the  
10 Water Resources Control Board points out,  
11 inadequate sampling means this material  
12 could leach toxins at unknown quantities  
13 into surface and groundwater.

14         The source they rely on for aggregate  
15 demand over the next 50 years focuses on  
16 currently-permitted aggregate. I know, from  
17 SYRCL's restoration work in the lower Yuba,  
18 that holding permits for aggregate mining is  
19 time-consuming and expensive. A reclamation  
20 plan must be created and approved. Bonds  
21 must be obtained to guarantee post-mine  
22 restoration, and there's state mines and  
23 geology board oversight. This means that an  
24 aggregate mine will not permit aggregate  
25 until it needs to. Just because it's not

1 permitted today, doesn't mean a ready supply  
2 doesn't exist.

3       In fact, Tygrid Aggregate [phonetic]  
4 has mineral rights to most of the 685  
5 million cubic yards of gravel in the lower  
6 Yuba gold fields. Their 100-year business  
7 plan is aggregate mining of the gold fields  
8 to supply the Sacramento region with  
9 engineered fill. The Yuba gold fields'  
10 material is closer to Sacramento, already on  
11 the surface, easier to extract, requires  
12 significantly less trucking, is not  
13 contaminated at unknown toxins levels, and  
14 its removal has significantly positive  
15 ecosystem benefits for salmonids and other  
16 species.

17       The assumption that it is economically  
18 feasible to truck 1,500 tons of mine  
19 tailings, every day, to Sacramento to be  
20 sold is not supported. There are cheaper  
21 and better sources available. The Final EIR  
22 did not accurately account for the reality  
23 that potentially toxic mine sand tailings,  
24 and barren rock, will likely be stored  
25 onsite in excess of the fill pads. Nor did

1 it address how this onsite storage could  
2 contribute to the leaching of toxins and  
3 surface and groundwater, as requested by the  
4 Water Resources Control Board in the Draft  
5 EIR.

6 The Final EIR fails to accurately  
7 assess the known and likely impacts to the  
8 environment by hiding behind inadequate  
9 sampling and false assumptions. Because the  
10 Final EIR fails to accurately assess the  
11 true impact of the project on the  
12 environment, you must reject the EIR. For  
13 the health of the community and the  
14 environment, it is crucial you recommend the  
15 rejection of the EIR, and the project, to  
16 the Board of Supervisors. Let's continue to  
17 focus on repairing the damage of the last  
18 gold rush and restoring the health of our  
19 forests, rather than starting - -.

20 CHAIRMAN GREENO: Thanks, Aaron. What  
21 number are you? 41. Thanks.

22 MS. GAIL VAUGHAN: I'm Gail Johnson  
23 Vaughan, District 3. I've been a 40-year  
24 resident of Nevada County. I hold a  
25 doctoral degree in organizational psychology,

1 with a special interest in behavioral  
2 science.

3 Thank you for your time, your  
4 thoroughness, and your attention today.  
5 Amazing. The--all that you are putting into  
6 this critically important process.

7 You have been given the trust of your  
8 supervisor, who has been given our trust to  
9 put aside the special interests, and self-  
10 interest, so that you can make a decision  
11 that is in the best interest, not just of  
12 those of us who live here today, but our  
13 children, our grandchildren, our great-  
14 grandchildren, and their children.

15 Your decision bears even more weight  
16 given the countless decisions that have been  
17 previously made by others, from all part of  
18 the globe, that have put our planet and all  
19 inhabitants at risk. No matter what  
20 alternative is chosen, the negative  
21 environmental impacts remain.

22 Your first job is to decide if the  
23 Environmental Impact Report provides all the  
24 information you need to predict the  
25 environmental and health impacts of the

1 proposed mine on us and, yes, our children,  
2 grandchildren, great-grandchildren, and  
3 their children.

4       The consultants, paid by the Applicant,  
5 says it does. A myriad of impressive and  
6 qualified experts in relevant fields say it  
7 does not. These experts have no financial  
8 stake in this decision. Their passionate  
9 concern is driven by their love of this  
10 county, and of this planet, and a deep  
11 concern for those of us who live here now  
12 and the future generations.

13       How are you confident, without a doubt,  
14 that the Environmental Impact Report  
15 provides the thorough and accurate  
16 information that you need? And are you  
17 confident that the other experts who have  
18 highly educated and brought their expertise  
19 to the table, are wrong? All of them are  
20 wrong. If not, it is your responsibility to  
21 reject this Environmental Impact Report as  
22 inadequate. Thank you.

23       CHAIRMAN GREENO: Thank you, Gail.

24       MR. JEFF CAIN: Thank you,  
25 commissioners, for your supernatural

1 patience. My name is Jeff Cain. I've lived  
2 in Nevada County most of my life. Now I'm  
3 in, I'm in District 1. As a medical doctor  
4 especially concerned with air quality, I ask  
5 you not to certify the mine's EIR.

6 The Draft EIR fails to estimate total  
7 airborne emissions of known, known, toxins  
8 and carcinogens, including carbon monoxide,  
9 reactive organic gases, and, particularly,  
10 diesel exhaust. This is a very troubling  
11 omission.

12 According to the California Air  
13 Resources Board, 70% of our risk of getting  
14 cancer from what we inhale will come from  
15 diesel exhaust. The EIR also fails to  
16 mention the 2020 Dudek Corporation air  
17 quality study, which reported that the  
18 mine's diesel engines will idle 200,000  
19 minutes every year. These emissions aren't  
20 simply ugly pollution, they're poisons,  
21 especially for our children and  
22 grandchildren, who will breathe them their  
23 entire lives.

24 On Page 366, the Draft EIR lists the  
25 already-mitigated emissions. That is, the

1 best-case scenario. It estimates they'll  
2 total 105 pounds daily during the first year  
3 of operation, and concludes that that amount  
4 is insignificant. But the EIR is inadequate  
5 in failing to calculate cumulative emissions,  
6 or to consider repetitive human exposure  
7 over decades.

8       If it had, if it had done the math, it  
9 would've found that during the mine's  
10 lifespan it would emit at least 3,600 tons  
11 of known airborne poisons. The Final EIR  
12 dismisses this inexcusable lapse by stating  
13 that there's no standard method for  
14 estimating the significance of these poisons  
15 in aggregate. That the EIR failed to  
16 recognize this virtual assault on our  
17 community is outrageous, but that's only one  
18 hole in this document.

19       The county is only--under no obligation  
20 to certify the EIR, even if the planning  
21 staff recommends it. It's incomplete and  
22 misleading. But there's another reason, too,  
23 which a number of people have mentioned: if  
24 the county declines the use permit and  
25 accepts the EIR, another company can come in

1 and take over without a new EIR being  
2 necessary. So, please, do what you can to  
3 protect our county. Thank you.

4 CHAIRMAN GREENO: Thank you, Jeff.

5 MS. SUSAN MCKINNEY: Good afternoon.

6 My name is Susan McKinney [phonetic]. I  
7 live in District 1. I am a 40-year resident.

8 According to a Pacific Wild July 27<sup>th</sup>,  
9 2015, report and a CBC October 20th, 2020,  
10 article, Ben Mossman, president, CEO, and  
11 manager of Banks Island Limited, and now CEO  
12 of Rise Gold, was ordered to cease  
13 operations at his Yellow Giant gold mine  
14 after only seven months of commercial  
15 production--

16 CHAIRMAN GREENO: [Interposing] Susan,  
17 we're, we're here to talk about the project,  
18 not about Ben.

19 MS. MCKINNEY: I hear you. This is  
20 part of my presentation.

21 CHAIRMAN GREENO: Okay.

22 MS. MCKINNEY: May I continue? Thank  
23 you. Due to "unauthorized effluent  
24 discharge--discharges and several permit  
25 violations," Banks Island Northwest, British

1 Columbia, mine had spilled slurry on land  
2 into surrounding creeks, lakes, and wetlands.  
3 The discharge then made its way to the ocean.  
4 Banks Island Gold Limited then--

5 CHAIRMAN GREENO: [Interposing] We  
6 really need to keep it on this project, not  
7 on the other project that you're referring  
8 to, Susan. Susan, we can't do that. We, we  
9 need to keep it on this EIR, this project.

10 [Background conversations]

11 CHAIRMAN GREENO: If, if you will, if  
12 you'll keep your comments to--I'll, I'll  
13 give you--your time over. If you'll keep  
14 your comments to this, if--this EIR.

15 MS. MCKINNEY: - - I mentioned the CEO  
16 of Rise Gold - - I have other things that I  
17 want to - - .

18 CHAIRMAN GREENO: I'd, I'd love to hear  
19 the other things.

20 [Background conversations]

21 CHAIRMAN GREENO: I don't know if you  
22 need to pick off where you left, if you'd  
23 start with the EIR.

24 MS. MCKINNEY: Okay. So where did I  
25 leave off. Now it says three minutes.

1 CHAIRMAN GREENO: I'm starting you over.

2 MS. MCKINNEY: Thank you.

3 CHAIRMAN GREENO: Yeah.

4 MS. MCKINNEY: Okay, so I'm ready to go  
5 now. All right.

6 Banks Island Gold Limited then  
7 conveniently went bankrupt letting taxpayers  
8 foot the bill for the \$1.6 million cleanup.  
9 Ben Mossman is still currently on trial in  
10 Canada on charges related to the spills at  
11 the mine.

12 CHAIRMAN GREENO: We're, we're  
13 duplicating what--

14 MS. MCKINNEY: [Interposing] There is  
15 no such thing as a clean, safe gold mine, as  
16 demonstrated by another Canadian-owned mine  
17 in Nevada County, Siskon Gold mine. On  
18 Labor Day weekend, 1995, their miners hit  
19 an--

20 CHAIRMAN GREENO: [Interposing] Okay.  
21 Susan, that's - -. Thank you.

22 [Crosstalk]

23 CHAIRMAN GREENO: I'm not censoring,  
24 I'm asking you to address--this is not the  
25 supervisors' meeting where you, where you

1 can talk about other things. This is for  
2 specifically for the EIR today and, and the  
3 project.

4 MS. MCKINNEY: I don't know when I will  
5 get a chance to voice these things. I have  
6 recently relocated here. I have waited a  
7 long time to - - and [Unintelligible]

8 CHAIRMAN GREENO: [Interposing] You're  
9 continuing to--you're continuing to, to  
10 address a resume of somebody else.

11 MS. MCKINNEY: [Unintelligible] . . .  
12 concerns that--I can concern everyone here.

13 CHAIRMAN GREENO: Thank you.

14 MS. MCKINNEY: So I would appreciate if  
15 you would allow me to finish. May I,  
16 please?

17 CHAIRMAN GREENO: If, if, if the rest  
18 of what you're saying is slandering and,  
19 and--

20 MS. MCKINNEY: [Interposing] This is  
21 not slander, these are facts.

22 CHAIRMAN GREENO: --covering the resume  
23 of someone else, that is not--

24 MS. MCKINNEY: [Interposing] Thank you  
25 very much.

1           CHAIRMAN GREENO:  --that is not, that  
2 is not what we're doing here today.  
3           [Crosstalk]  
4           CHAIRMAN GREENO:  It's the--okay.  
5 We're done.  Thank you.  We, we tried.  We  
6 tried.  Will we have the next person, please.  
7           [Crosstalk]  
8           CHAIRMAN GREENO:  We won't have any  
9 outbursts, either.  Okay.  Thank you.  
10          [Crosstalk]  
11          CHAIRMAN GREENO:  We can get through  
12 two more minutes.  We tried.  You continued  
13 with the, with--  
14          MS. MCKINNEY:  [Interposing] All I was  
15 doing was listing what has happened in the  
16 past - - is really important that everyone  
17 here to base their decisions on.  
18          CHAIRMAN GREENO:  That's not what we're  
19 basing our decisions on.  
20          MS. MCKINNEY:  The environmental impact.  
21 I am dis--I'm telling people exactly what  
22 happened with the environmental impact--  
23          CHAIRMAN GREENO:  [Interposing] That's  
24 not what we're talking about here today.  
25          MS. MCKINNEY:  --was of a prior mine.

1 CHAIRMAN GREENO: If that's what your  
2 presentation is, that is more appropriately  
3 done with supervisors. Not at this time.  
4 Thank you. We'll take the next speaker,  
5 please.

6 MS. MCKINNEY: Wow. Thank you.

7 [Background conversations]

8 MR. RANDALL SNODGRASS: A hard act to  
9 follow. [Laughter]

10 I'm Randall Snodgrass. I live in  
11 supervised District 1.

12 I've spent--I'm in my 85th year. I've  
13 spent 40 years working on conservation for  
14 national organizations and land trusts in  
15 Northern California. I've studied the CEQA  
16 process. I've been involved in projects  
17 that threatened the community's culture and  
18 their values and watched what's happened.  
19 Thank God for CEQA; I really appreciate it.  
20 So I'm asking you to not certify the EIR,  
21 and I'm asking you to deny the permit.

22 CEQA calls for cumulative impacts  
23 analysis. Activities proposed build on one  
24 another and must be examined as to the total  
25 impact. CEQA requires the presentation of

1 alternatives to the permit requested by Rise  
2 Grass Valley.

3 Today the transparency of the Planning  
4 Department was disturbing to me when they  
5 mentioned there were five alternatives that  
6 weren't to be revealed today. And that  
7 question was raised. There's, there's  
8 alternatives that can be proposed under CEQA  
9 that would actually deny this project.  
10 That's an alternative. And I ask for that.

11 So the evidence is available that shows  
12 other subsurface mining in Nevada County has  
13 failed and resulted in large environmental  
14 damage.

15 This history can be a part of the  
16 cumulative impacts analysis required by CEQA.  
17 A glaring example is the fact that there's a  
18 stream that flows in Grass Valley that is  
19 off limits. And here I have photographed a  
20 sign that's in Memorial Park. Here it is.  
21 I added Memorial Park Grass Valley. But  
22 here's the sign. Warning, stream water may  
23 be hazardous. This is a creek that runs  
24 through Memorial Park right next to the  
25 children's playground.

1           It's fenced off by cyclone fences on  
2 both sides. No one's allowed. Do not wade.  
3 Do not drink. Do not eat fish from this  
4 stream. Do not handle sediment. This  
5 stream drains through the Empire Mine,  
6 California's largest gold mining operation  
7 for over 100 years. The water and sediment  
8 contain residual metals and chemicals that  
9 may be hazardous.

10           CHAIRMAN GREENO: Thank you, Ronald.

11           MR. RANDALL SNODGRASS: I'd like to  
12 submit this sign.

13           CHAIRMAN GREENO: You can. There's a  
14 box right outside.

15           MR. RANDALL SNODGRASS: Will it fit in  
16 that box? [Laughter]

17           CHAIRMAN GREENO: Next to it maybe.  
18 Not, not after Lori's stuff all goes in  
19 there.

20           MS. BEVERLY BLAKE: Good afternoon. My  
21 name is Beverly Blake. I've been a local  
22 realtor here for over 20 years.

23           I wanted to share with you the personal  
24 impact that the Idaho-Maryland Mine has  
25 already had on my husband and myself. I'm

1 76, my husband, a retired professional  
2 firefighter, is almost 80.

3 We purchased a home in District 3 off  
4 Greenhorn Road with one goal in mind. We  
5 planned to live in it for a number of years,  
6 improve the property with our own labor, and  
7 use the profit to fund our retirement. We  
8 have invested hundreds of hours of labor,  
9 ourselves, invested thousands of dollars,  
10 making the property attractive and fire safe.

11 My husband has become disabled, and is no  
12 longer able to help me maintain our three  
13 acres.

14 We wanted to put our home on the market  
15 last summer, but we soon discovered that  
16 with the mine issue hanging over us, no one  
17 would even look at it. I have two neighbors  
18 who had their properties for sale all summer.  
19 As soon as potential buyers heard about the  
20 mine, they were no longer interested.

21 I know there are many other residents  
22 in our situation, and we have all been put  
23 in limbo by the mine. I personally have  
24 three clients who currently are waiting for  
25 your decision. If the mine is approved,

1 they will no longer be looking to buy in  
2 Grass Valley or Nevada City. They have no  
3 interest in moving to a mining community.

4 The county's economic report did not  
5 include local realtors' opinions, even  
6 though they surveyed us. The Nevada County  
7 Association of Realtors recently did their  
8 own survey. Over 90% of 150 realtors  
9 believe that local property values will drop,  
10 and the drop will be permanent. I believe  
11 that the probability of diminished property  
12 values, and, therefore, reduced property tax  
13 income, would impact the county revenues far  
14 more than Rise Gold's inflated promises.

15 Grass Valley and Nevada City are unique  
16 in the Sierra Foothills. No other towns  
17 have the vast extent of culture, art, music,  
18 and natural beauty. If you certify the  
19 flawed Environmental Impact Report, another  
20 mining group will step in, and we'll have to  
21 go through all of this again. Our future,  
22 and many others, entirely depend on the  
23 decision about the mine. Please do the  
24 right thing. Just say no to the mine and do  
25 not certify the EIR. Thank you.

1 CHAIRMAN GREENO: Thanks, Beverly. And  
2 are you number 46?

3 MS. BEVERLY BLAKE: Yes.

4 MR. GARY GRIFFITH: Hello, my name is  
5 Gary Griffith. I live at 110 Gold Hill  
6 Drive, Grass Valley, in District 3, less  
7 than a mile from both proposed mining sites.

8 And, yes, I'm concerned about my  
9 property values, but I'm here as President  
10 of Wolf Creek Community Alliance, and I've  
11 been 18 years monitoring the South Fork of  
12 Wolf Creek.

13 Commissioners, at Wolf Creek Community  
14 Alliance we speak for the watershed. We have  
15 a longer, more intimate knowledge of its  
16 hydrology and biological resources than the  
17 paid consultants, who've made their limited  
18 walkthroughs and argued, always, for impacts  
19 being minimal or easily mitigated.

20 Our view, unlike theirs, is that this  
21 watershed is a unique, irreplaceable  
22 resource for the county. Its area is open  
23 space, free-flowing water, and unique  
24 habitats, holding a great diversity of  
25 creatures. A resource that a densely

1 populated area next to a city truly needs  
2 for its public health and wellbeing.

3       To the EIR. We have read and commented  
4 on the NOP and the Draft EIR, spending  
5 countless hours doing so. We've also  
6 closely considered the new appendices, the  
7 master responses, the individual responses  
8 to our comments, and those from other  
9 agencies, or groups, who have raised similar  
10 concerns.

11       We find that the Final EIR has changed  
12 little and still ignores, discounts, or  
13 inadequately addresses impacts to the  
14 biological resources in the watershed, and  
15 offers little new data and answers concerns,  
16 not by seriously considering them, as many  
17 people have pointed out, but by dismissing  
18 them, often by resorting to its own  
19 speculative conclusions and appeals to  
20 technical justifications that dismiss or  
21 lead away from actually considering the  
22 potential impacts being raised. We find all  
23 this very disturbing. We find this is the  
24 case with our own comments and the comments  
25 of many others. Our concerns about impacts

1 remain largely unanswered.

2       Therefore, we ask that this project's  
3 Final EIR not be certified, and that the  
4 project be denied. Following will be more  
5 detailed comments from some of our Wolf  
6 Creek community members. Thank you for your  
7 time and consideration.

8       CHAIRMAN GREENO: Thanks, Gary.

9       And we're going to take a recess where  
10 everybody can use the bathroom. And, what  
11 do you think? Can we do ten minutes? Is  
12 that adequate? We'll be back at 4:05.  
13 Thank you.

14       [Break]

15       CHAIRMAN GREENO: All right. Hello.  
16 We're going to bring it back. Is my mic on?  
17 Shelley? I don't have a mic. Test. Test.

18       All right, we're going to bring it back,  
19 and we'll hear from our next speaker.  
20 Please take your seats. All right. And  
21 we're picking up after Gary. And your  
22 number, sir? We'll get that mic on. Here  
23 we go. I'm ready.

24       MR. JONATHAN KEEN: Feels like morning  
25 or evening, but I'm Jonathan Keen [phonetic].

1 I live in Grass Valley, District 3. I've  
2 been a resident of Nevada County for 53  
3 years.

4 I'm a general contractor, and I'm also  
5 part of the Wolf Creek Community Alliance,  
6 and I've been monitoring almost monthly for  
7 the last 18 years, monitoring in our streams  
8 in our watershed, and I'm speaking for the  
9 creeks and the trout, and I wanted to--the  
10 ER--EIR you have before you does not  
11 adequately address the impacts to South Fork  
12 Wolf Creek.

13 South Fork is one of many tributaries  
14 in Wolf Creek itself. It runs directly  
15 through the heart of the proposed Brunswick  
16 Site. It is a federally protected perennial  
17 stream, and the upper half of South Fork  
18 Wolf Creek, as it goes through the Brunswick  
19 Site, was ignored in the EIR.

20 One stretch of this part of South Fork  
21 is currently encased in a culvert, but the  
22 stream is nonetheless healthy and vibrant,  
23 upstream, downstream, and through the  
24 culvert itself.

25 The term biological resource sounds

1 kind of dry and scientific. But please  
2 remember what we're talking about here: fish,  
3 the bugs that they eat, dragonfly larvae,  
4 damsel flies, worms, beetles, an  
5 interconnected web of aquatic life. And so,  
6 yes, this culvert is an important biological  
7 resource. But please remember, it allows  
8 for the passage of trout, and other aquatic  
9 species, from the headwaters above Brunswick  
10 Road to the downstream reaches, and back  
11 again. However, both the draft and the  
12 Final EIRs disregarded this healthy stream,  
13 along with its fish and aquatic food web.  
14 Despite concerns raised by our alliance and  
15 others, both EIRs refuse to discuss any  
16 impacts of the creek upstream of the spot  
17 where it leaves the culvert. Where do they  
18 suppose the water, the fish, and the bugs  
19 come from?

20       Impacts, biological resources that  
21 would occur during the replacement of the  
22 culvert should have been considered, but  
23 they were not. Alternatives, including the  
24 daylighting of the culvert, should have been  
25 considered, but they were not.

1           The California Department of Fish and  
2 Wildlife also responded to this EIR. On  
3 page 2-202 of your FEIR, you'll find the  
4 comment, "The EIR did not analyze all  
5 potential temporary, permanent, direct,  
6 indirect, and/or cumulative impacts to  
7 aquatic features and associated biological  
8 resources that may occur." So commissioners,  
9 we agree with the CDF--

10           CHAIRMAN GREENO: Thank you, Jonathan.

11           MS. WENDY THOMPSON: Good afternoon. I  
12 am here to speak for the Brunswick Pond and  
13 the beautiful wood ducks who nest in this  
14 pond. My name is Wendy Thompson. I live in  
15 Nevada City, in District 1. And I'm  
16 submitting these comments as a citizen who  
17 cares deeply for the Wolf Creek watershed,  
18 which this proposed project is situated.  
19 I'm also a volunteer water-quality monitor,  
20 and I'm a member of Wolf Creek Community  
21 Alliance.

22           We ask that this project's Final EIR  
23 not be certified, as it inadequately  
24 considers impacts to biological resources,  
25 nor is it consistent with the county General

1 Plan and our community values.

2       This draft EIR does not adequately  
3 address impacts to the Brunswick Pond, which,  
4 I think you saw earlier in the pictures, is  
5 quite large. It's over two acres. Instead,  
6 it dismisses, and does not study or consider,  
7 the biological resources or the diversity of  
8 the pond, simply because it is man-made  
9 feature. State and federal law, however,  
10 requires that any body of water connected in  
11 any way to the overall hydrology of a  
12 watershed be protected for its biological  
13 resources and diversity.

14       This pond, historically, was part of a  
15 larger wetlands area that exists today  
16 immediately downstream. South Fork Wolf  
17 Creek flows immediately next to this pond.  
18 Engineering studies in the EIR suggest  
19 uncertainty and possible connectivity  
20 between the ponds and the wetlands, thus the  
21 projected need to rebuild the pond berm.  
22 Study of how this pond is fed is lacking.

23       Most importantly, the pond is rich with  
24 life, supporting a riparian zone with  
25 habitat for migrant birds, potentially

1 including the special-status black rail,  
2 pairs of beautiful wood ducks, and certainly  
3 a whole ecosystem of aquatic species. None  
4 of this is studied or considered by the EIR,  
5 in spite of our previously expressed  
6 concerns. Please do not certify this flawed  
7 EIR, and I ask you please do not approve  
8 this project. Thank you very much.

9 CHAIRMAN GREENO: Thank you, Wendy.

10 MS. JOSIE CRAWFORD: Hello, thank you  
11 very much for your incredible listening  
12 skills today. I admire your patience.

13 My name is Josie Crawford. I'm a  
14 resident of Grass Valley. I live on Wolf  
15 Creek in District 2. I've been here since  
16 2004. I'm a biologist. Am I speaking too  
17 close to this?

18 CHAIRMAN GREENO: You're good.

19 MS. CRAWFORD: Okay. I'm a biologist,  
20 a botanist. And I'm part of Wolf Creek  
21 Community Alliance. I've been as a  
22 volunteer and as staff. And today I speak  
23 for the Pine Hill flannelbush, an endangered  
24 species.

25 This EIR does not adequately consider

1 the impacts to the endangered Pine Hill  
2 flannelbush. The flannelbush species on the  
3 Centennial Site is unusual and rare. And  
4 scientists are still studying it, trying to  
5 determine its exact identity; DNA most  
6 likely showing that it's going to be the  
7 Pine Hill flannelbush, the endangered one,  
8 or perhaps a new species with only this  
9 location.

10 The EIR treats it as the endangered  
11 Pine Hill flannelbush, but in the interest  
12 of forwarding the most financially lucrative  
13 version of this project, it defends the  
14 creation of a mine waste zone that would  
15 require the removal of 18 of these mature  
16 shrubs. And the EIR does not consider an  
17 alternative; seems like it could be simple  
18 to do that, where the boundary for the mine  
19 waste could be moved a short distance back  
20 from the population of these shrubs so as to  
21 protect all the individuals.

22 Instead it promotes a complicated,  
23 untested habitat-management plan, which  
24 horticultural experts at CMPS see as  
25 dangerous and very unlikely to succeed.

1 CDFW, the Department of Fish and Wildlife,  
2 concurs, saying that transplanting  
3 endangered species is generally experimental  
4 and largely unsuccessful. And I might say  
5 that with this species, especially show  
6 these are, even the horticultural members of  
7 this genus once developed for the trade, are  
8 so, their root system is so sensitive, you  
9 have to cut off the pot before you put it in  
10 the ground. You can't touch the roots.  
11 Imagine trying to transplant a wild shrub.  
12 It's going to be ridiculous and unsuccessful.  
13 So these mature shrubs would be dug up and  
14 transplanted in this plan. Independent  
15 evidence suggests that this would have an  
16 extremely high rate of failure. And it  
17 would end up in killing the plants.  
18 Collecting seeds and transplanting the  
19 seedlings is also unproven to work and will  
20 have a very low success rate.

21 CHAIRMAN GREENO: Thanks, Josie.

22 MS. MARY ANN HART: Hello, I feel very  
23 privileged to be in this room with everybody,  
24 thank you so much for all your time and  
25 listening to us.

1           My name's Mary Ann Hart [phonetic], and  
2 I live in District 2, which is downstream of  
3 Wolf Creek. I am a monitor for Wolf Creek  
4 Community Alliance, and I'm here today to  
5 speak for the stream community and with its,  
6 and also its giant stoneflies, which are a  
7 very important part.

8           This EIR does not adequately address  
9 impacts due to dewatering. The EIR attempts  
10 to assure us that dumping mine water into  
11 the South Fork Wolf Creek will not, it'll be  
12 too small to have an impact, or fully  
13 mitigated by the water treatment. Yet a  
14 number of agencies and groups still express  
15 their concerns, including California State  
16 Parks, California Department of Fish and  
17 Wildlife, South Yuba River Citizens League,  
18 and CRS Streams Institute. They suggest  
19 that testing for turbidity impacts is too  
20 limited, that too little study was done  
21 downstream in the Bennett Street grasslands,  
22 that temperature regulation will be more  
23 difficult than suggested, and uncertain as  
24 it will require reducing operations  
25 underground.

1           We want to point out that the lack of  
2 study given to the benthic micro-  
3 invertebrates, BMI, those bottom-dwelling  
4 creatures essential to the aquatic food web  
5 species, such as the giant stonefly, an  
6 important food for trout, as any fisherman  
7 would know. Yet no BMI studies, a standard  
8 protocol for assessing stream health and  
9 essential for creating a monitoring baseline,  
10 were conducted for this EIR. As Dr. David  
11 Herbst, PhD of UC Santa Cruz said in his  
12 comment, significant biological impact  
13 assessment needs to consider benthic micro-  
14 invertebrates, and the organic matter algae  
15 that are the foundation of the food chain in  
16 this section of the creek, downstream of the  
17 project. The most, the post-project the  
18 National Pollution Discharge Elimination  
19 System permit, would require this BMI  
20 monitoring, but this does not satisfy the  
21 need to assess what the effects would be  
22 before the project is implemented. So I am  
23 also asking that the Final EIR does not  
24 include this kind of essential assessment.  
25           So please do not certify the EIR, and

1 do not approve this thing, this project.

2 Thank you.

3 CHAIRMAN GREENO: Thank you, Mary Ann.

4 MR. DANNY ROBERTSON: Hi, I'm Danny  
5 Robertson. I live in District 2, and I'm  
6 with Wolf Creek Community Alliance.

7 I speak for the spotted owl, the  
8 foothill yellow-legged frog, and the finger  
9 rush. This draft EIR does not adequately  
10 consider impacts to birds, amphibians, or  
11 plants.

12 Much of the biological surveying done  
13 in the EIR centers around the presence or  
14 absence of special-status species. The EIR  
15 does a minimal job of this, initially doing  
16 so few surveys that additional ones had to  
17 be fit in and completed after the draft EIR.  
18 Yet the problems with the surveys remain the  
19 same. Special-status species are not always  
20 easy to find due to their rarity, their  
21 movement, their blooming season, or year-to-  
22 year changes. So biologists look for  
23 suitable habitat as a sign of possible  
24 presence. Unfortunately, the surveyors for  
25 this draft EIR frequently minimize the

1 suitability of habitat almost always in the  
2 report without substantiation or suitability  
3 of, excuse me, without substantiation or  
4 specific evidence. This bias against  
5 finding suitable habitat is pointed out  
6 repeatedly by commentators such as CMPS and  
7 other qualified experts.

8       Further, CDFW protocols require that  
9 surveys should space botanical field survey  
10 visits throughout the growing season to  
11 accurately determine what plants exist in  
12 the project area. This usually involves  
13 multiple visits to the project site; for  
14 example, in early, mid, and late season, to  
15 capture the floristic diversity at a level  
16 necessary to determine if special-status  
17 plants are present. Surveys were not done  
18 in this manner. The EIR instead asserts  
19 that single surveys were conducted somewhere,  
20 usually at the end, as it turns out, within  
21 a blooming or breeding season. CDFW is  
22 clear that this is not enough.

23       Overall, whether it is in regard to the  
24 spotted owl, the monarch butterfly, which no  
25 survey at all was undertaken, willow

1 flycatcher, yellow-breasted chat, foothill  
2 yellow-legged frog, or the rare finger rush,  
3 the EIR does its best not to find these  
4 species, by minimizing the potential for  
5 their presence and not following survey  
6 protocols. And if these species are found  
7 during construction, they will simply be  
8 removed, and their habitat destroyed. And  
9 if the species is disturbed by noise, loss  
10 of habitat, or other disruption, they will  
11 simply be forced to leave, as the  
12 circumstances for their survival will no  
13 longer be present.

14 Please, do not certify this EIR, and do  
15 not approve this project. Thank you.

16 CHAIRMAN GREENO: Thank you, Danny.

17 MS. DIANA SUAREZ: Hi, thank you for  
18 listening to all our comments. My name is  
19 Diana Suarez. I live over on Bear River.

20 I'm a board member of Earth Justice  
21 Ministries and a representative of Friends  
22 of Bear River. I'm a 50-year resident of  
23 Placer and Nevada Counties.

24 This comment addresses current and  
25 potential water pollution from the Idaho-

1 Maryland Mine. The water code defines water  
2 pollution as quote, "Acid mine drainage, the  
3 discharge or leaching of heavy metals, or  
4 the release of other hazardous substances,"  
5 end quote. Currently, water draining from  
6 the mine into Wolf Creek, a tributary of  
7 Bear River, contains almost six times the  
8 regulatory limit of arsenic and exceeds the  
9 limit for iron, manganese, and zinc. The  
10 Final EIR fails to specify how long-term  
11 monitoring of these substances will be  
12 accomplished. It also fails to identify how  
13 polluted mine water will be treated after  
14 the mine ceases operation.

15       Although the Final EIR recognizes the  
16 need for long-term monitoring, it does not  
17 specify how this long-term monitoring will  
18 be accomplished, nor does it identify  
19 mitigation measures capable of ensuring that  
20 unanticipated contaminants will not  
21 adversely affect water quality. Because it  
22 lacks a specific long-term monitoring plan,  
23 and lacks any measures needed to mitigate  
24 contaminants, the Final EIR fails to address  
25 what may be, based on historical evidence,

1 significant and unavoidable impacts to the  
2 environment and to the Bear River.

3 As the Central Valley Regional Water  
4 Quality Control Board notes, the draft EIR  
5 should be revised to address anticipated  
6 post-mining water-quality issues, and  
7 whether the mine will require long-term  
8 oversight to ensure that water-quality  
9 conditions comply with applicable regulatory  
10 requirements. The mine project ignored this  
11 comment by the Water Board.

12 Should this EIR be certified, the  
13 county will be left with the responsibility  
14 of managing the pollution of these remnant  
15 mine waters. This, along with its failure  
16 to address the monitoring of water quality  
17 after the mine closes, is a substantial  
18 reason to reject this flawed EIR. And I'd  
19 like to say that our water is more valuable  
20 than gold. Thank you.

21 CHAIRMAN GREENO: Thanks, Diana.

22 MR. DANIEL LOKEN: Hello, my name is  
23 Daniel Loken, and I'm the communication and  
24 engagement director at the South Yuba River  
25 Citizens League. Prior to my role here at

1 SYRCL, I worked locally as a teacher for 20  
2 years.

3       The proposed Idaho-Maryland Mine and  
4 the EIR should both be rejected based on the  
5 identified significant and unavoidable  
6 impacts to our community and its clear  
7 conflict with the county's goals. Nevada  
8 County's stated Recreation Board objective  
9 is to, quote, "Promote sustainable  
10 recreation in partnership with community  
11 providers in other jurisdictions to enhance  
12 recreational access, support public health  
13 and safety, realize economic opportunities,  
14 and preserve natural resource assets." The  
15 Recreation Board's website goes on to state,  
16 quote, "Nevada County recognizes the  
17 connection between the health of people and  
18 ecosystems, tourism and outdoor recreation,  
19 and community resilience. The county will  
20 work with our community to address  
21 challenges and opportunities for Nevada  
22 County's open space and organize recreation  
23 priorities, furthering solutions that  
24 promote community health, safety, economic  
25 development, environmental stewardship, and

1 resilience,” end of quote.

2       The Recreation Board is currently  
3 working on developing a recreation and  
4 resilience master plan with the goal of  
5 identifying key goals and objectives to  
6 address challenges and opportunities for  
7 Nevada County’s open space, trails, and  
8 other recreational interfaces. And,  
9 prioritizing solutions that promote  
10 community health and safety, economic  
11 development, creative place-making,  
12 landscape restoration, environmental  
13 sustainability, climate change adaptation,  
14 and resilience.

15       A working mine does not fit into this  
16 master plan. A project like this will not  
17 increase the tourism appeal of the area and  
18 does not align with the goals of promoting  
19 health and safety, landscape restoration, or  
20 environmental sustainability in the region.  
21 In fact, as identified in the EIR, the mine  
22 will have a significant and unavoidable  
23 detrimental impact on the esthetic values  
24 that makes this place attractive. The  
25 county should continue, continuing to invest

1 resources in advancing efforts that support  
2 the recreation and resilience master plan,  
3 including addressing current priorities in  
4 the Sierra, like watershed stewardship and  
5 management, and forest management. In  
6 addition, further support of the restoration  
7 economy, which is here and employing people  
8 today, is more in line with the county's  
9 goals and priorities.

10 The significant and unavoidable impacts  
11 listed in the Final EIR include impacts on  
12 esthetics, traffic, and noise. Our county  
13 prides itself on its rural and scenic  
14 character and is actively working to  
15 capitalize on those values. I strongly  
16 encour--

17 CHAIRMAN GREENO: Thank you, Daniel.

18 MS. SUZI KERSTON: Hi, good afternoon.  
19 My name is Suzi Kerston, and I work at  
20 RE/MAX Gold in Grass Valley and Nevada City.

21 And Greg Ward asked me to come present  
22 this letter, which I've read a thousand  
23 times, and I can't get it done in three  
24 minutes so I'm going to recap a little bit.  
25 But, anyway, we have signatures from 250

1 businesses, thriving businesses, within our  
2 community that are against moving forward  
3 with the mine. And at the, the bottom line  
4 is they're asking that you do not certify  
5 the EIR for several inconsistencies that are  
6 part of that.

7 I am a realtor. And if people think it  
8 won't affect your property, it absolutely  
9 will. We have people all the time that are--  
10 --the first question is, how close is the  
11 property to the mine? You know, where--how  
12 far is that circle around the mine, and what  
13 will it do to my water table? It's one  
14 thing if you're in the city and you've got  
15 treated water, but it's entirely different  
16 if you're on a well.

17 I live on Lost Lake Road, so I'm very  
18 familiar with the--everybody on that lake  
19 there is a Superfund site. So for those of  
20 you that don't know, Superfund sites are the  
21 federal government saying that your water is  
22 toxic on some front. You have to disclose  
23 it for the life of the property, but you--  
24 doesn't mean you always maintain that water  
25 as Superfund. It needs to be checked

1 periodically like that M1 site. I know that  
2 the DTSC was out there, and I don't believe  
3 they tested it again. So although they're  
4 capping it on the top, those are open mine shafts  
5 where that water is shared between Idaho-Maryland  
6 and the M1 site, so it's certainly a concern that  
7 we have.

8       But from a real estate perspective, I would  
9 say that people come to our community because  
10 it's beautiful, because it's gorgeous, and I  
11 don't see people staying, or wanting that draw of  
12 people to come to our area, when you've got an  
13 active, toxic mine with an 80-year contract in  
14 that location, where you've got dynamite, arsenic,  
15 all the things that we have talked about today,  
16 I don't need to reiterate those. But it does  
17 have an impact, and our customers express  
18 concerns. We have people from the Bay that are,  
19 you know, it won't be as popular as it is. You  
20 have to understand that people will move away. I  
21 personally, am not going to live in a town that  
22 has an open mine, in the middle of town, with all  
23 the things. And I do think other people will be  
24 hesitant to live here as well.

25       And then, I want to just talk a little

1 bit about the jobs and I'm going to read a  
2 specific paragraph in here, from the letter,  
3 that basically says that, "The Economic  
4 Policy Institute brief cited by Rise Gold  
5 themselves actually shows that other  
6 industries can produce - - .

7 [Background conversation]

8 CHAIRMAN GREENO: Suzi, can you--can  
9 you submit that letter in the box out there?

10 MS. KERSTON: Okay.

11 CHAIRMAN GREENO: Yeah, that'd be great.

12 If it hasn't been. Thanks.

13 MALE VOICE: Finally, we have some  
14 entertainment.

15 [Background conversation]

16 MR. JEFF IRWIN: I am Jeff Ato Irwin  
17 [phonetic], District 4.

18 It gives me great faith that you, who  
19 have dedicated so much of your lives in  
20 service to this community, to protect us,  
21 have already discovered two lies that this  
22 company has told. One, regarding where  
23 educational tax revenues will go. And two,  
24 regarding how much waste will be created on  
25 a daily basis by Rise Gold and their

1 endeavors.

2       Given the enormity of evidence  
3 presented here by the citizen--citizenry, I  
4 trust that you will vote, "no" on the FEIR  
5 and on this project.

6       Following is how the majority of Nevada  
7 County feels about this project:

8       [Music and singing] "You must say your  
9 mining claim is what everybody needs,  
10 beneath your lying promises is the heart of  
11 your greed. We won't let you slip it in to  
12 the ground beneath our feet. Rape our land  
13 of treasures that our people sorely need.  
14 Wells run dry and the people are thirsty,  
15 wells run dry and the people awake. Wells  
16 run dry and the people are thirsty, wells  
17 run dry and the people awake. Wells run dry  
18 and the people are thirsty, wells run dry  
19 and the people awake. Wells run dry and the  
20 people are thirsty, wells run dry and the  
21 people awake.

22       "Won't you please do us the decency of  
23 not pretending like you care. For you fill  
24 our space with toxic waste and contaminate  
25 our air. Rivers have no memory of poison in

1 their veins. We will fight for every drop  
2 'til you abandon all your claims. Wells run  
3 dry and the people are thirsty, wells run  
4 dry and the people awake. Wells run dry and  
5 the people are thirsty, wells run dry and  
6 the people awake.

7 "Won't start to put the planet back to  
8 the place where it belongs. Sacred  
9 righteous architect, the beats in every song.  
10 Take dominion, exploitation, and greed  
11 without remorse. Bring harmony and dignity  
12 and honoring our songs. Wells run dry and  
13 the people are thirsty, wells run dry and  
14 the people awake. Wells run dry and the  
15 people are thirsty, wells run dry and the  
16 people awake. Wells run dry and the people  
17 are thirsty, wells run dry and the people  
18 awake. Wells run dry and the people are  
19 thirsty, wells run dry and the people awake.  
20 Wells run dry and the people are thirsty,  
21 wells run dry and the people awake. Wells  
22 run dry and the people are thirsty, wells  
23 run dry and the people awake."

24 Thank you.

25 CHAIRMAN GREENO: Jeff, thank you for

1 presenting on key.

2 [Laughter]

3 MR. IRWIN: Cheers.

4 MS. ITERA O'CONNELL: Good afternoon.

5 My name is Itera O'Connell [phonetic]. I  
6 live in Grass Valley and have been since  
7 2020, I guess it is--no, since before that.  
8 I've been here 20 years. My math is not  
9 that good, but my speaking voice is better.  
10 You wanted entertainment, so here we are.

11 Okay. So this is in relationship to  
12 the Wolf Creek Community Alliance. This  
13 DEIR ignores cumulative impacts as  
14 speculative, when those impacts reasonably  
15 could be studied and considered. I guess  
16 the major thing that we're looking at right  
17 now is an 80-year project, which kind of  
18 blows my mind. Eighty years is just beyond  
19 any possibility of us imagining, during  
20 climate change, how this will affect our  
21 community.

22 We know that it will split up our  
23 community into a major industrial complex in  
24 an area that's zoned for Light Industry. So  
25 that's part of it, the EIR, that I object to.

1           The City of Grass Valley asserts that  
2 the Applicant's request for an 80-year  
3 permit is extraordinary. The EIR justifies  
4 this, saying it fits the economic model of  
5 the Applicant. At the same time, it  
6 strongly objects to the need for any long-  
7 term consideration of the project's impact  
8 over that extended, multi-generational  
9 period. Why 80 years? We need it for the  
10 money. Consider 80 years of impact--; no  
11 thanks.

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

20           Most egregious, however, is the  
21 dismissal of climate change as an impact to  
22 be considered. The EIR dismisses these  
23 concerns as speculative, whereas, the State  
24 of California and numerous agencies have  
25 clearly acknowledged the existence of trends

1 due to climate change: higher temperatures;  
2 increased drought, punctuated by extreme  
3 weather events; reduced water supply.  
4 Further, these entire--entities are  
5 modifying policy, programs, and goals to  
6 meet these challenges.

7       The DEIR attempts to look scientific--  
8 I'm sorry. Attempts to look scientific  
9 regarding all this by citing a single 2012  
10 paper claiming that it shows wide  
11 uncertainty about the impacts of climate  
12 change concerning groundwater recharge. Yet  
13 the application--that the paper itself, and  
14 its content, and its conclusions argues that  
15 the groundwater age is in all the springs  
16 tested appears to be [laughter]--looking at  
17 the zero.

18       [Laughter]

19       CHAIRMAN GREENO: Thanks, Itera.

20       [Background Conversation]

21       MS. CARRIE MONAHAN: Good afternoon.

22 Thank you so much for holding this space for  
23 all these comments and for the opportunity  
24 to be a part of this important process.

25       My name is Carrie Monahan, I'm the

1 Program Director at the Sierra Fund. I'm  
2 also faculty at CSU, Chico in the  
3 Environmental Sciences and Geology  
4 Department. My PhD is in hydrology, with an  
5 emphasis on water quality, and I've studied  
6 the impact of mining to the Sierra for the  
7 past decade and a half.

8 The Sierra Fund has submitted technical  
9 comments on the DEIR and the FEIR to the  
10 County. In short, we feel that the County  
11 did not address our comments on the DEIR.  
12 The responses to our comments were either to  
13 deflect the responsibility to another agency,  
14 specifically, the Water Board, or provide a  
15 technically inaccurate response. So I  
16 wanted to bring a few of these to your  
17 immediate attention verbally, and I have  
18 also submitted these as comments to staff.

19 The impacts to water quality are  
20 significant, long-lasting, and expensive.  
21 And the mine proponent has not done his due  
22 diligence to address these issues. We know  
23 that these water quality impacts are present,  
24 because of the current EPA cleanup on the  
25 Centennial Site. This site has the waste

1 rock from the Idaho-Maryland Mine workings  
2 on it in large piles. This material's been  
3 sitting out in the elements for some time,  
4 and water has been running off this material  
5 every time it rains.

6       There are elevated levels of known  
7 contaminants from this pile of waste rock  
8 including lead, arsenic, hexavalent chromium,  
9 iron, manganese, antimony, and copper. In  
10 addition, the water quality standards  
11 provided in the document are only sufficient  
12 for discharging to land. This might be  
13 sufficient for a construction site, but not  
14 appropriate for mine water going into the  
15 creek that can affect aquatic life. The  
16 County should demand a surface water  
17 monitoring plan from the mine proponent. It  
18 is not expensive to create a monitoring plan,  
19 and it is common practice for it to be  
20 included in an environmental analysis.

21       The second overarching point is that  
22 the mine proponent did a woefully inadequate  
23 job of testing the deposit. Which means  
24 that very little is known about the  
25 geochemistry of the rock. For example, four

1 million tons of waste will be placed at two  
2 sites near the mine during the first eleven  
3 years of the mining, and it was  
4 characterized by four tailing samples and by  
5 six samples of the waste rock. This level  
6 of sampling, and without any leach tests,  
7 does not meet the basic guidelines from the  
8 GARD Guide, which is the industry standard  
9 for reference testing.

10       The geotechnical engineering work was  
11 not included as an attachment to the EIR,  
12 which makes the descriptions of the waste  
13 rock tailings' facilities, described in the  
14 EIR, purely conceptual, with no technical  
15 assessment of their viability. Lacking this  
16 information should evoke a significant level  
17 of concern.

18       And, finally, the biggest problem with  
19 this entire approach to permitting a mine,  
20 is that there is inadequate financial  
21 assurances for the cost of reclamation,  
22 because it does not include the cost of  
23 ongoing water quality treatment.

24       Mine reclamation could easily run into  
25 the millions of dollars, and if the mine

1 proponent goes bankrupt, then there's  
2 supposed to be sufficient bonds to cover  
3 these costs. The County should demand that  
4 the mine proponent estimate the cost of  
5 ongoing water treatment, and reject this  
6 proposal.

7 Thank you.

8 CHAIRMAN GREENO: Thank you, Cara [sic].

9 And are these our last six, Jeff?

10 We can do these six, and then we'll be  
11 done for the day. Thank you.

12 MS. MARIAN BLAIR: I'm so glad, thank  
13 you. My name's Marian Blair, and--

14 CHAIRMAN GREENO: [Interposing] Mary  
15 Ann--

16 MS. BLAIR: --I live in District 3.

17 CHAIRMAN GREENO: Thank you. Hold on  
18 one second.

19 MS. BLAIR: Sure.

20 CHAIRMAN GREENO: Can you start her  
21 over? Jeff, can you make sure Tyler knows  
22 so he's not lining anybody up outside,  
23 please. Thanks. Sorry, Mary Ann.

24 MS. BLAIR: No problem. My name's  
25 Marian Blair, and I represent Earth Justice

1 Ministries.

2       Record drought and wildfires and a  
3 winter of a dozen atmospheric rivers in  
4 California make it clear that we have a  
5 climate crisis impacting California, our  
6 beloved community of Grass Valley and Nevada  
7 City, and beyond. Earth Justice Ministries'  
8 mission statement includes the following:

9 We connect faith to actions that bring hope  
10 for the Earth, the human family, and the  
11 community of life, to further the cause of  
12 peace, justice, and healing of the Earth.

13 We feel that it is Earth Justice Ministries'  
14 responsibility to protect our community and  
15 combat climate change, among other things.

16       The proposed reopening of the IMM, the  
17 Idaho-Maryland Mine, will not bring hope for  
18 the Earth, the human family, and the  
19 community of life. As a community, we need  
20 to be pushing for a just and equitable  
21 energy transition away from fossil fuels,  
22 which are the driving force behind the  
23 climate crisis.

24       In fact, California Senate Bill 350  
25 aims to establish clean energy, clean air,

1 and greenhouse gas reductions, reducing its  
2 emissions significantly within the next  
3 decade. SB350 also requires the state to  
4 double statewide energy efficiency savings;  
5 yet, operations are projected to use as much  
6 electricity in one year as the entire town  
7 of Grass Valley uses in a year.

8 California's been working hard to  
9 reduce greenhouse gas emissions by switching  
10 to cleaner energy sources, and since 1990,  
11 energy-clean energy sources have been  
12 increased by 22%. Still over 40% of these  
13 emissions come from vehicles, a quarter of  
14 which are heavy trucks. The FEIR downplays  
15 the impacts of greenhouse gas emissions this  
16 project would create, along with many other  
17 environmental impacts that our attentive  
18 community questioned in the DEIR.

19 The repeated use of Master Responses  
20 whitewashes the significance of these  
21 impacts under a legal cloak of empty, and  
22 often conflicting, statements. Specifically,  
23 the following FEIR Master Response 25 states,  
24 "The actions within the energy action plan  
25 are voluntary, and do not require the County

1 or community to meet the reduction goals.  
2 Nevertheless, the project is found to be  
3 consistent with the EAP." This statement is  
4 followed by a chart of the assumptions  
5 regarding how the mine will voluntarily  
6 reduce its use of electricity. However,  
7 assumptions are not strategies.

8       Additionally, this land is heritage  
9 Nisenan Land, which was never ceded to  
10 immigrants. There's been little attempt  
11 made in the FEIR to consider the cultural  
12 resources of these indigenous people whose  
13 ancestral lands and livelihoods were  
14 virtually destroyed by gold mining. A  
15 recent personal conversation--oops--with  
16 Wanda Enos, of the Kelly Enos Homewok  
17 [phonetic] representing the local Nisenan  
18 community, confirms they were never  
19 consulted, contrary to the following  
20 statement in the FEIR, which states local  
21 tribes were notified, and invited to consult  
22 on the proposed project. This is another  
23 example of the whitewash to make it appear  
24 they are complying with CEQA. It is our  
25 responsibility, and honor, to provide the

1 ethics of care and guardianship to this land.

2 Prioritizing profit over sustainability is  
3 an inequity in the rights and concern for  
4 indigenous peoples and all local communities.

5 We - - .

6 [Background conversation]

7 CHAIRMAN GREENO: Marian, thanks for  
8 the fresh testimony.

9 MS. KATHERINE GURWAY: - - name. This  
10 is--I'm Katherine Gurway [phonetic], and I'm  
11 here to talk about your FEIR. I'm totally  
12 against the mine.

13 I've been--my family's been invested in  
14 mining for a long time, so I've visited  
15 mines in--all over Utah and Nevada. And  
16 they are not friendly. This gentleman just  
17 reminded me how unpopular they are when  
18 they're brought up in other cities. Yes,  
19 they are very unpopular, because they're  
20 very destructive. And, here, I think that I  
21 can't repeat all the great homework all  
22 these people have done. They've made such  
23 good presentations about things that are  
24 reasons not to have this FEIR accepted. And  
25 I fully agree with all of them, and I would

1 like to-- I want not to repeat them.

2 Listen to what they had to say. And I  
3 was understanding that they were cleaning up  
4 the Centennial Site, because there's arsenic  
5 there. Arsenic is still there, and it will  
6 continue, because these drugs have to be--  
7 drugs--are they drugs? Cyanide and arsenic  
8 are needed to separate the gold from the  
9 rock. So they're there--one way or another.  
10 Mercury is there; it's still there. How are  
11 they going to take it out of the water? I  
12 don't know, but they're going to pile it up  
13 on the--excuse me--Centennial Site again.  
14 This is wrong. It's just really bad.  
15 Twenty-five words or less. I still have one  
16 minute and 43 minutes--seconds. I'm going  
17 to let the next person say it. But please  
18 listen to--pay attention to all those  
19 presentations. They did their homework.  
20 Thank you.

21 CHAIRMAN GREENO: Thanks, Katherine.

22 MS. MICHALYN LOGUE: Hello. My name is  
23 Michalyn Logue [phonetic]. I live in Grass  
24 Valley. And I work for the Nevada County  
25 Arts Council.

1           One thing that's been talked about a  
2 lot here is the vitriol and animosity, but I  
3 believe that we're all gathered, unified in  
4 purpose. We care about this community, and  
5 we want to make sure that it grows and  
6 thrives into the future.

7           It's been discussed how many jobs will  
8 be contributed, how much will be paid in  
9 taxes. I don't know if you guys know, but  
10 Grass Valley, Nevada City is a Cultural  
11 District, one of 14 in California, one of  
12 four rural such designations. We just  
13 recently re-received designation and that  
14 will come with some funding. That funding  
15 will go towards hiring an individual  
16 dedicated to the development of our Cultural  
17 District. I do believe that if we are  
18 turned into a one-industry town, the culture  
19 will disperse, and we will no longer have  
20 that valuable resource.

21           You mentioned the uniqueness of our  
22 community. The true gold--gold here, not to  
23 be extracted, but to be invested in, is the  
24 creative community that is in this room,  
25 that is in front of this building, that is

1 in their homes. In 2018, when we received  
2 Cultural District designation, Nevada County  
3 brought in \$47 million in arts and arts  
4 ancillary spending. Five million of that  
5 was state and local taxes, 21 million was  
6 take-home pay, created nearly 1,000 full-  
7 time jobs. I do believe that is more jobs  
8 than what has been promised today.

9 I hope that you understand the value of  
10 the arts and culture when it comes to  
11 stewarding the future; not just for our town,  
12 or California, or the country, but the world,  
13 and we set an example here with what you  
14 decide, and what you tell your supervisors  
15 today.

16 Thank you.

17 CHAIRMAN GREENO: Thank you, Michalyn.

18 MR. GEORGE OLIVE: Hi. My name is  
19 George Olive. I live at 15356 Banner Lava  
20 Cap Road, up on Banner Mountain. My family  
21 and I moved to Nevada County in 1980. I  
22 worked in various county school districts  
23 for 25 years, and I'm currently the  
24 president of the governing board of the  
25 South Yuba River Citizens League, known as

1 SYRCL. You've heard from us before.  
2 I address the Planning Commissioners  
3 this evening. I hope I'm going to offer a  
4 slightly different point of view than has  
5 been said before. SYRCL asked the  
6 commissioner--the commission to consider  
7 contrasting environmental impacts. What  
8 type of multiyear, multidecade project is  
9 best for our county? Because SYRCL's vision  
10 for our local watershed is one of  
11 restoration and protection. Because much of  
12 our work on the lower Yuba is cleaning up  
13 the impacts of mining, the prospect of a  
14 reactivated hard rock mine is hard to  
15 swallow. In fact, it makes me gag.  
16 SYRCL is a 40-year-old, regionally  
17 influential, and locally effective,  
18 organization. We are all about planning.  
19 Planning for the future health of our water,  
20 our forests, and our communities. We are  
21 here today to urge that the Planning  
22 Commissioners to join us in our vision of a  
23 county that prioritizes health, that  
24 prioritizes improved water and air quality,  
25 that approves projects that are constructive,

1 progressive, and future-oriented.

2         Dewatering, extracting, piling toxic  
3 tailings for multiple decades is regressive  
4 planning. Hard rock mining takes our county  
5 backwards. Products that are forward-  
6 looking make life better. Restoration  
7 improves lives for our citizens. SYRCL's  
8 projects provide sustainable jobs for many  
9 contractors. Our grant programs bring in  
10 millions of dollars that are spent in our  
11 region on improving our rivers, our forests,  
12 habitats for wildlife, and recreation for  
13 our citizens.

14         The FEIR on which you must pass  
15 judgment calls for mitigations for controls,  
16 for protective measures in case of damage or  
17 disaster. A mining project, and all the  
18 negatives that go with it, can only move  
19 critical aspects of local life backwards.  
20 What might be improved that warrants a few  
21 jobs?

22         Nevada County's planning buck stops  
23 with you. You five people, SYRCL  
24 respectfully recommends that your decision-  
25 making and recommendations to the Board of

1 Supervisors on the Idaho-Maryland Mine turn  
2 us away from mitigation, extraction, and  
3 retrograde heavy industry, and towards  
4 progress in improved quality of life,  
5 healthier air, and waterways.

6 [Silence]

7 MR. JONAH: There's a start. Hello.  
8 Thank you for being here. It's been a  
9 really long day. You all did great. Thank  
10 you for still giving me your attention.

11 My name is Jonah. I work with Nevada  
12 County Sunrise. We work on mobilizing young  
13 people to address the climate emergency that  
14 we all find ourselves in. And I think that  
15 that is an important aspect that needs to be  
16 brought up.

17 You would have seen more young people  
18 from the get-go, but just getting those  
19 tickets, were a hard time. Getting students  
20 to leave school, or me to leave work, that's  
21 a lot of work. So it's not as accessible,  
22 but I want to let you know that there are a  
23 lot of young people that care deeply about  
24 this.

25 And it's more, a broader conversation

1 about the world that we want to live in, and  
2 the world that we want passed on to us. And  
3 that we already feel that there has been a  
4 tremendous amount of environmental  
5 degradation and social injustices that also  
6 are carried with those, that if, you know,  
7 they're countless. We can't count them all,  
8 we can try, but there's--there's just a lot,  
9 and it's really depressing and challenging  
10 to be a young person. Not to mention all  
11 the other stuff we have to deal with, and  
12 I'm sure you all are already in the loop  
13 with social media and all of the bombardment  
14 of media always hitting you.

15       But the fact that we don't have a world  
16 that we can take for granted anymore is huge.  
17 And this project is another step in that  
18 same direction. And I hope you deeply feel  
19 and acknowledge that, that it really to us  
20 you're passing, passing society and passing  
21 the earth over to us as we will if we have  
22 kids, and the generations that come after us.

23       This county was built on the gold rush.  
24 That has, you know, some wealth, and it also  
25 has a lot of injustice and environmental

1 degradation that went with it. And we're  
2 looking at that same choice again. I would  
3 love to see less miners. I would see more  
4 recognition of the indigenous folks that  
5 were out here. And just more  
6 acknowledgement of what's really happening  
7 versus looking at the money, whitewashing it  
8 to the colonialism that happened here.

9 And, so yeah, thank you for listening  
10 to me, for hearing us. I'm hoping that  
11 you're going to hear more young people  
12 tomorrow. We're going to do our best to get  
13 some of us in here, and we, as an  
14 organization, are actively working to talk  
15 to y'all more, so you can hear our student  
16 voices. Once again, thank you.

17 CHAIRMAN GREENO: Jonah, thank you for  
18 the fresh representation.

19 MS. SHARON GOLDEN: Hi there. Sharon  
20 Golden, labor researcher, Operating  
21 Engineers Local 3.

22 I'm sure you guys know this, but Nevada  
23 County has a median income of \$62,000 a year.  
24 Average annual base wages at the mine are  
25 expected to be nearly double that, \$112,000.

1 The lowest-paid positions are expected to be  
2 \$76,000 a year, which is 14 thousand more  
3 than the average median income in the county,  
4 which is also 17% higher.

5 Two hundred and ninety-three of these  
6 jobs are expected to be union operating  
7 engineer jobs. Our workers are skilled and  
8 trained. Not only having an expert  
9 equipment operator create a safer work site,  
10 our training also teaches workers to  
11 identify and report potential problems.  
12 These local union workers also wouldn't want  
13 their water contaminated.

14 Due to the day and time of this meeting,  
15 a lot of people who want these careers were  
16 unable to attend. Instead, there's an  
17 overwhelming number of people who have had a  
18 successful career, and that were provided  
19 retirement, that were able to be here.  
20 Nevada County working-age folks deserve that  
21 same opportunity--a successful career and a  
22 chance for retirement.

23 I also would like to point out that  
24 gold isn't everything. Even this phone I'm  
25 talking on. We want to make sure gold is

1 mined by skilled and trained professionals  
2 in the state with the tightest environmental  
3 and OSHA standards in the county to ensure  
4 that things are done safely.

5 Rise Gold Corp has identified dozens of  
6 entry-level training positions to give  
7 locals an opportunity to learn the field and  
8 fill these available positions. When  
9 talking to us, this has been their main  
10 priority. We look forward to helping Rise  
11 get the working folks in this community high  
12 road careers with benefits and the  
13 opportunity for retirement like others that  
14 are here in this room.

15 Please approve the EIR and staff  
16 Recommendation B. Give locals a chance for  
17 a good-paying career and a chance for  
18 retirement. Thank you.

19 CHAIRMAN GREENO: Sharon, thank you for  
20 another great representation of something  
21 that hasn't been represented today.

22 MS. GOLDEN: Yes, thank you.

23 CHAIRMAN GREENO: All right. Look at  
24 that. Five o'clock.

25 FEMALE VOICE: We have to be out of

1 here.

2 CHAIRMAN GREENO: Yes, we do. Thank

3 you everyone for coming. We will be

4 reconvening here tomorrow morning at nine

5 a.m. And we will take--we'll be taking

6 public comment--continuing public comment at

7 that time.

8 THE CLERK: And, Chair, if I may, we

9 will start at Number 66 tomorrow.

10 CHAIRMAN GREENO: Sixty-six. Yes, do I

11 have a motion to adjourn, if we need that?

12 FEMALE VOICE: - - adjourn the meeting

13 until tomorrow at nine.

14 CHAIRMAN GREENO: Second?

15 FEMALE VOICE: I'll second that.

16 CHAIRMAN GREENO: All right. All in

17 favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN GREENO: Aye. Motion carries.

20 [END 2023-05-10 MINE PC audio.mp3]

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C E R T I F I C A T E

I, Joyce P. Morlin, certify that the foregoing transcript is a true record of said proceedings, that I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.

Signature *Joyce P. Morlin*

Date May 26, 2023

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C E R T I F I C A T E

I, Anne Edelmann, certify that the foregoing transcript is a true record of said proceedings, that I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.

Signature *Anne Edelmann*

Date July 5, 2023

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Transcription of  
Nevada County  
Planning Commission Hearing  
May 11, 2023

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REPORTED BY: Brandi Chamberlain

1 [START 2023-05-11 MINE PC audio.mp3]

2 CHAIRMAN WILLIAM GREENO: Good morning.

3 I'm calling this hearing to order at 9 a.m.

4 Please rise and salute the flag.

5 MULTIPLE VOICES: I pledge allegiance  
6 to the flag of the United States of America,  
7 and to the Republic for which it stands, one  
8 Nation, under God, indivisible, with liberty  
9 and justice for all.

10 CHAIRMAN GREENO: You're good. Good  
11 morning. Well, here we are day two. I just  
12 want to give kind of the lay of the land to,  
13 uh, how we're going to proceed today. We're  
14 going to continue with public testimony.  
15 And what I would--what I would like to do is  
16 it looks like a pretty consolidated group  
17 anyway. I'm going to call for a hard stop  
18 at 2:00, so that we can have time for  
19 deliberation, any final comments, and then  
20 actually to move on and make a  
21 recommendation.

22 As a reminder, this is a step in the  
23 process. We are making a recommendation.  
24 If we--if we are unable to make a  
25 recommendation, then we have to call for a

1 continuance, which could be three weeks, a  
2 month, or more, uh, which holds back the  
3 final part of the process, which is the  
4 Supervisor's hearing on this--on this topic.

5         So in an effort, I think both sides  
6 would really like, um--and if there's a  
7 third side, would, would like to see us move  
8 on, and get to the next step beyond the  
9 recommendation. So if you--if we can  
10 consolidate, I think some of--some of you  
11 already have kind of consolidated, and I  
12 appreciate that.

13         COMMISSIONER TERENCE MCATEER: Excuse  
14 me. I'd just like to also note how much we  
15 all appreciate the civility of yesterday.  
16 And that showed what Nevada County is like.  
17 And I know--knew it to come true that you  
18 look at other public hearings and how--on TV,  
19 and how nasty things can get. And I just  
20 wanted to say, and I know the rest of my  
21 commissioners feel the same way, thank you  
22 very much for showing what the greatness of  
23 Nevada County is.

24         CHAIRMAN GREENO: Thanks, Terry.

25         [Applause]

1           CHAIRMAN GREENO: All right. With that,  
2 we're ready.

3           THE CLERK: Chair, if we could go ahead  
4 and take roll call, real quick?

5           CHAIRMAN GREENO: Oh, thank you. Sorry.  
6 We'll do that first.

7           THE CLERK: Commissioner Milman?

8           COMMISSIONER DANNY MILMAN: Here.

9           THE CLERK: Commissioner Duncan?

10          COMMISSIONER LAURA DUNCAN: Here.

11          THE CLERK: Commissioner McAteer?

12          COMMISSIONER MCATEER: Present.

13          THE CLERK: Commissioner Mastrodonato?

14          COMMISSIONER MIKE MASTRODONATO: Here.

15          THE CLERK: And Chair Greeno?

16          CHAIRMAN GREENO: Here. All right.

17 And do we have anyone ready to take the  
18 podium?

19          COMMISSIONER DUNCAN: Which number are  
20 we starting with?

21          THE CLERK: We'll be starting with 66  
22 today.

23          CHAIRMAN GREENO: 66? We have a winner.  
24 I think--so folks that are here, uh, if  
25 you're here at this point, and you're after

1 66 somewhere, and you want to jump in line,  
2 that would be--that would be appropriate.  
3 Let's say--let's say the next ten.

4 MR. PATRICK BOILEAU: Hi, good morning.  
5 My name is Patrick Boileau. I'm the Deputy  
6 Political Director with the Operating  
7 Engineers Local 3. I'm here today on behalf  
8 of our members, especially the 300 members  
9 who live here in Nevada County. Many of  
10 them couldn't be here, but they're excited  
11 about the prospect of this mine because it  
12 gives them a chance to work right here in  
13 the community they live in.

14 While our union doesn't yet have an  
15 agreement with the company to represent the  
16 workers at the mine, we fully believe that  
17 we will by the time the mine opens. That's  
18 because the company has taken a high road  
19 approach to employment, offering good wages,  
20 good benefits, and good training to their  
21 workers. These are the kinds of companies  
22 that unions like ours find are good partners  
23 for us in representing the union workers.

24 I wanted to address something I heard  
25 pretty frequently in the comments yesterday.

1 Many of the opponents to this project refer  
2 to this mine as a few jobs. And while I  
3 don't think that 293 nonmanagement positions  
4 is just a few jobs, I guess that's a matter  
5 of opinion. I do want to talk, though,  
6 about the value of one job.

7 One job can mean that a family puts a  
8 down payment on a home. One job can mean--

9 FEMALE VOICE: [Interposing] - -.

10 MR. BOILEAU: One job can mean that a  
11 worker has healthcare benefits that prevent  
12 them from being one medical bill away from  
13 bankruptcy. One bill, one--

14 CHAIRMAN GREENO: [Interposing] Thank  
15 you. We won't have any outbursts. If you  
16 would like to stay here in the chambers,  
17 you'll need to be silent.

18 MR. BOILEAU: One job, after many, many  
19 years of work, can mean that a worker can  
20 retire with dignity. One job is a pathway  
21 for a blue-collar worker to a middle class  
22 life.

23 So when you think about it in those  
24 terms, 293 jobs add up to quite a lot. So  
25 I'm asking you to approve the EIR, recommend

1 approval of the project to the Board of  
2 Supervisors, so we can get to work.

3 CHAIRMAN GREENO: Thank you, Patrick.

4 MS. MARGARET IRKY: I'm number 70. I  
5 hope that's okay. If there is somebody that  
6 wants to go ahead of me that's got a lower  
7 number, just yell. Okay.

8 CHAIRMAN GREENO: Keep it rolling.

9 MS. IRKY: My name is Margaret Irky  
10 [phonetic]. My husband and I, and our two  
11 children, moved here to Nevada County from  
12 southern California in 1975. We had wanted  
13 to find a better place to raise our children  
14 and to start our own business. After  
15 visiting Grass Valley, we fell in love with  
16 the area, and we were drawn by the four  
17 distinct seasons and, of course, the  
18 gorgeous scenery.

19 We also enjoyed the fascinating gold  
20 country history. Whenever any family  
21 members would come visit, we would always  
22 take them to all the museums because we  
23 thought that was really cool.

24 I have lived here now for 48 years.  
25 There are four generations in our family now

1 in Nevada County. Less than half of our  
2 descendants were able to stay here because  
3 there has been a lack of jobs. Nevada  
4 County now has a golden opportunity to  
5 remedy that situation.

6 In the United States, many cities and  
7 counties, and even states, spend a lot of  
8 time and money trying to recruit new  
9 industries for their areas. Most of them  
10 don't have much to offer to attract new  
11 businesses, but Nevada County has a valuable  
12 resource, a valuable asset. We have  
13 treasure trove of underground gold, and Rise  
14 has the skill and the resources to develop  
15 it.

16 Thankfully, our gold can be mined with  
17 a minimum of surface disturbance, unlike the  
18 open pit mines that other places in the  
19 United States have. The EIR shows there  
20 will be minimal impact. Let's take  
21 advantage of the work Rise has done to  
22 prepare the way for this new enterprise.

23 New developments can often cause us to  
24 be fearful. I recall when the first  
25 roundabout was proposed for Grass Valley.

1 There was a lot of testimony in this room  
2 about how awful they would be. And now,  
3 years later, we all use them, and we're  
4 perfectly happy with them. I suspect the  
5 same thing will prove true concerning the  
6 mine. There are so many benefits like taxes  
7 and jobs that we will receive from this  
8 project. So I urge Nevada County to approve  
9 the Idaho-Maryland Mine. Thank you.

10 CHAIRMAN GREENO: Thank you, Margaret.

11 MS. CHRISTINE NEWSOM: Good morning.

12 My name is Christine Newsom. I'm a retired  
13 physician, having been in practice in Nevada  
14 County for close to 30 years. We've been  
15 residents here, my family and I, for over 40  
16 years. I'm most concerned about the  
17 reopening of the Idaho-Maryland Mine based  
18 on the health implications. There are a  
19 number of potential health implications  
20 which I believe are not nearly adequately  
21 mitigated.

22 You've heard a lot about these concerns.

23 The one that concerns me the most is air  
24 quality, specifically not just particulate  
25 matter and ozone--pre-ozone chemicals that

1 will be produced, but in addition the  
2 asbestos issue which is, to me, clearly not  
3 well-mitigated.

4 A mine that is in, or right next to, a  
5 population center in northern California  
6 where the ore is so rich in serpentine and  
7 other sources of asbestos should not be  
8 opened. Rather going--rather than going  
9 into more scientific detail, I'm going to  
10 just read you section--a section of the  
11 California Health and Safety Code.

12 Section 41700 of the California Health  
13 and Safety Code states that a person must  
14 not discharge from any source whatsoever  
15 quantities of air contaminants or other  
16 material that cause injury, detriment,  
17 nuisance, or annoyance, to any considerable  
18 number of persons or to the public; or that  
19 endanger the comfort, repose, health, or  
20 safety of any of those persons or the  
21 public; or that cause, or have a natural  
22 tendency to cause, injury or damage to  
23 business or property.

24 This section also applies to sources of  
25 objectionable odors.

1           So, in summary, I thank you for your  
2 patience in hearing us all and your time.  
3 And I hope you will put the health of Nevada  
4 County residents at the top of your list of  
5 considerations.

6           CHAIRMAN GREENO: Thank you, Christine.

7           MR. PAT BROWNING: Yeah. I'm Pat  
8 Browning. I was born here in Grass Valley,  
9 1939. My dad worked in all the mines here,  
10 my uncles. This is what brought this county  
11 into a really nice place.

12           I just heard a lady talk about asbestos.  
13 One little speck, I think she said something  
14 like that, is against the law. Every one of  
15 us today has put a little asbestos out in  
16 the air just by driving here. All the  
17 brakes on all vehicles have asbestos brakes.  
18 That is not--you know, you're going to--but  
19 anyhow, I'm for the mine.

20           The Rears [phonetic], Fred Langdon  
21 [phonetic], the Milhous Boy Ranch [phonetic],  
22 is for the mine. And there's a lot of  
23 things I want to say. I can't remember them  
24 all, but we need to get these mines going  
25 again. So thank you.

1           CHAIRMAN GREENO: Thanks, Pat.

2           MS. PAM KISSLER: Hi. My name is Pam  
3 Kissler. I've taught in northern California  
4 for 50 years in public schools. As a  
5 concerned citizen, I'm asking you to just  
6 say no to reopening the mine. It has  
7 significant and unavoidable environmental  
8 impacts that endanger this community's  
9 health and quality of life.

10           My family has owned property in Nevada  
11 County since 1967. My home is a 28-acre  
12 ranch on Auburn Road. It's covered with  
13 native California grasses, blackberries, and  
14 beautiful wildflowers. There are old growth  
15 black oak trees, ponderosa pine, white alder,  
16 incense cedar, black walnut, redwood,  
17 Colorado blue spruce, sequoia, manzanita,  
18 incense cedar, white leaf maple, Douglas fir,  
19 and willow trees.

20           Wolf Creek runs all along my property  
21 and is home to a diverse species of fish and  
22 birds. There are deer, foxes, opossum,  
23 raccoons, wild turkeys, Canadian geese,  
24 ducks, hawks, owls, bats, squirrels, snakes,  
25 coyotes, and the occasional mountain lion,

1 bobcat, and black bear. All these animals  
2 would be threatened and negatively impacted  
3 if Rise Gold were to be allowed to reopen  
4 the mine.

5       Based on its past record of mining  
6 operations in Canada, Rise Gold cannot be  
7 trusted to honor their word to carry out  
8 self-monitoring and clean up after  
9 themselves, even if it were possible to  
10 mitigate the horrendous impact mining would  
11 have on our environment. Reopening the mine  
12 would be devastating to plants, trees, and  
13 all wildlife in the area. It would destroy  
14 the quality of our water, impact our wells,  
15 pollute our air, and destroy the quality of  
16 our lives. Our groundwater would be further  
17 depleted and poisoned. All this, so that  
18 Rise Gold owners could get rich.

19       My family has enjoyed the beauty of  
20 this area, as well as the abundance of  
21 hiking and biking trails, campsites, and  
22 rivers. We have rafted on the Bear River,  
23 Yuba River, and the American River. Please  
24 do not allow the mine to reopen and destroy  
25 the beauty which God has given to us. He

1 charged us to be good custodians of the  
2 Earth and to protect the animals and their  
3 habitats. It's in your hands whether we  
4 will be allowed to do so. Thank you for  
5 your wise and compassionate consideration in  
6 this matter.

7 CHAIRMAN GREENO: Thank you, Pam.

8 MR. JOHN CURTIN: Good morning. Thanks  
9 for having us again on the second day. My  
10 name is John Curtin. I'm the Director of  
11 Organizing over at the Operating Engineers  
12 Local 3. And we support the gold mine 100%.  
13 Many of us have--many people have spoken  
14 here today, or yesterday, about how many  
15 jobs the mine will create, but what they're  
16 breezing over is how good-paying union jobs  
17 helps individuals, families, and the  
18 community. They say the impact is not worth  
19 it, but it is.

20 And I get it. Such--with such a low  
21 union density in the area, they don't  
22 realize how having a union job can help a  
23 person, their family, and which, in turn,  
24 impacts the entire community. And that  
25 hasn't been truly brought home here, and we

1 can tell by the public comments that we  
2 heard yesterday. Having 290-plus union  
3 families in the area isn't just a new job.  
4 It's a career.

5 I think also--but I also need to talk  
6 about the training and how we look out for  
7 our community. And our ability to train  
8 these future employees will provide them  
9 with a skill set for a lifetime, not just  
10 here, but out there if they choose not to  
11 work there anymore.

12 The EIR report is--the EIR report is  
13 done and all I hear about is how the mine is  
14 going to contaminate drinking water. Has  
15 everyone forgot where we live? We live here  
16 in California, the most regulated state in  
17 the nation. Do you really think that the  
18 mine is going to contaminate your water?  
19 And don't they have to drink it too?

20 I urge you--I urge the Planning  
21 Commission to accept the EIR report, and the  
22 recommendation be the community as a  
23 progressive--is progressive in having a, a  
24 union presence with a skilled and trained  
25 workforce at this mine, what this community

1 needs and deserves. Thank you.

2 CHAIRMAN GREENO: Thank you, John.

3 MS. SARAH PROCTOR: Good morning. I'm  
4 Sarah Proctor [phonetic] and I'm from Grass  
5 Valley, District 3. My concerns are for the  
6 environment. Number one is the air would be  
7 toxic because of the mining that comes in.  
8 So I'm, I'm "no" for the mining because of  
9 the air being toxic with the arsenic and  
10 the--I can't remember the other one. But I  
11 am not going to be for the mine because it's  
12 just--it's going to cause--the dust from  
13 the--sorry, I'm nervous. The dust is going  
14 to cause more cancer risk factors of the  
15 diesel trucks, for one.

16 Two, the other would be the toxic from  
17 the gases, the oils that are going to be  
18 used. And where is all that going to go if  
19 it's indoors? It's going to come out into  
20 the air, and it's going to pollute the  
21 waters.

22 And also for the animals, I'm very  
23 compassionate about animals. And I could  
24 see where the toxicity of the water would  
25 also be harmful to the animals that we

1 already have here in this beautiful county.  
2 I would hate to miss all the wildlife, the  
3 trees, the clear air that we have here.

4         If you go down to LA, for instance,  
5 it's polluted air. You can just see it, not  
6 very clear down there. And same with Yuba  
7 County.

8         So I'm going to say "no" to the mine.  
9 Please, you've heard a lot of compliments or  
10 complaints about the mine. So please don't  
11 let the mine go in. It's just not for the  
12 environment. I can see that it will pose a  
13 danger to our health. It could cause cancer.  
14 It could cause asbestos in our lungs which  
15 we don't want.

16         And I think if we have--it takes a  
17 community to build a village. And all of us  
18 here today, you've heard "yes" on the mine  
19 and "no" on the mine. And I just say "no."  
20 I'm sorry for that.

21         CHAIRMAN GREENO: Thanks, Sarah.

22         MR. MARIO CARDOZA: Good morning. My  
23 name is Mario Cardoza [phonetic]. I'm an  
24 Organizer for the Operating Engineers Local  
25 3, and I cover this area for work. I was

1 here yesterday. And so many people say that  
2 there are tradeoffs with having a mine, and  
3 how there aren't enough workers to justify  
4 this mine being passed. But they don't know  
5 what it is to be in a union.

6 My wife had a--had a very extensive  
7 surgery just three weeks ago, but with our  
8 benefits, our copay and medical bills were  
9 affordable without putting my family in a  
10 financial hardship. And I was able to take  
11 the time off to take care of her while she  
12 healed.

13 I also have three kids, and they're  
14 also covered under our benefits. All their  
15 doctor visits, hospital visits--you know how  
16 kids are. We frequent those places. The  
17 mine will provide opportunity for the local  
18 community to have careers with a livable  
19 wage and benefits, to provide for their  
20 families like I have for mine.

21 I ask the Planning Commission to accept  
22 the EIR and the staff, staff recommendation  
23 be these aren't just jobs. These are  
24 careers that support working families.  
25 Thank you.

1           CHAIRMAN GREENO: Thank you, Mario.

2           MR. STEVEN KUBLAR: Good morning. My  
3 name is Steven Kublar [phonetic]. I'm here  
4 with the Operating Engineers Local 3, as  
5 well as these--that better? I'll squat down  
6 a little bit.

7           CHAIRMAN GREENO: Thanks Steven.

8           MR. KUBLAR: Yeah. So, like I said,  
9 you guys have heard from my coworkers at  
10 this point on how this would be a good thing  
11 for the local community. So I wanted to  
12 talk to you guys on a personal level. I am  
13 a member of the Colfax-Todds Valley Miwok  
14 Tribe.

15           CHAIRMAN GREENO: Can we--it does need  
16 to stay on the, the topic of the project,  
17 though. Yes?

18           MR. KUBLAR: Yeah.

19           CHAIRMAN GREENO: Okay.

20           MR. KUBLAR: It is. I'm just letting  
21 you know.

22           CHAIRMAN GREENO: Okay.

23           MR. KUBLAR: And I--and I heard  
24 yesterday several people talking about  
25 protecting the Native American heritage and

1 culture. I'm in favor of that myself. The  
2 Idaho-Maryland Mine location has been  
3 disturbed in the past and no longer holds  
4 the historical significance that it may have.  
5 I'd much rather see a mine in a location  
6 like this than a spot that has not been  
7 disturbed.

8       To put this into perspective, there was  
9 a construction project in Colfax last year  
10 to build a new ampm gas station. When the  
11 project was being constructed more than 500  
12 Native American artifacts were unearthed. I  
13 didn't see the community out there  
14 protecting the Native American culture then.

15       Besides being a local tribe member, my  
16 father and grandfather were gold miners.  
17 This community, and the one I was raised in,  
18 were built on the mining industry. And the  
19 mines of today are not the same mines that  
20 my family worked in. The state of  
21 California has some of the most strict  
22 regulations for mining. This mine can  
23 operate at a level that will meet or exceed  
24 those regulations. So I'd like to see it  
25 move forward and ask that you support it as

1 well.

2 CHAIRMAN GREENO: Steven, thank you.

3 THE CLERK: Chair, if I may? Can we  
4 ask anybody with number up to 93 to go ahead  
5 and get in line?

6 CHAIRMAN GREENO: Yes, you may.

7 MS. GRETCHEN FLOOR: Good morning. My  
8 name is Gretchen Floor [phonetic].  
9 Throughout this public comment period, you  
10 may have noticed there are numerous  
11 scientists among the residents of Nevada  
12 County. I am also a scientist. My PhD is  
13 in aquatic ecosystems and wildlife biology,  
14 specifically herpetology. That's the study  
15 of amphibians and reptiles.

16 I have over 40 peer-reviewed  
17 publications in national and international  
18 professional journals. And I have been an  
19 expert witness. In addition to being a  
20 research scientist, I have been an  
21 environmental consultant for 30 years and  
22 currently am the principal biologist of a  
23 company that specializes in CEQA and NEPA  
24 documents and permitting.

25 I reside in Grass Valley, in the Cedar

1 Ridge area, approximately two to three miles  
2 from the mine. Ours may be a rural  
3 community, but it is not economically  
4 stressed. There are no data to back up that  
5 statement, and it is easy to find other  
6 graphs to show that the area's population is  
7 fairly stable, as is its economy, post-COVID.  
8 It's very easy to cherry pick and choose  
9 what data one puts into an EIR.

10 Further, this is a highly educated  
11 public, who has taken apart the DEIR and  
12 FEIR, molecule by molecule, as CEQA intended  
13 the public to do. Yesterday the public  
14 dissected the massively flawed, and biased,  
15 CEQA document and pointed out dozens of  
16 errors and omissions. There are more, and  
17 I'm sure you will hear more about that today.  
18 I would like to address two.

19 I reviewed the biological and  
20 hydrological sections of the DEIR, as that's  
21 my main area of expertise. The biological  
22 resources section, as written, would not  
23 pass the first round of internal review at  
24 my company. Surveys meeting the standards  
25 of the state and federal agencies were never

1 conducted. Reconnaissance surveys were not  
2 conducted--were conducted.

3 Reconnaissance basically means, you  
4 know, took a walkabout. Typically, a junior  
5 level biologist does these for a few hours.  
6 These are not surveys. They're little more  
7 than just a meandering walk. It does not  
8 meet the standards to identify threatened or  
9 endangered species.

10 Further, the studies were conducted in  
11 December and January. As a herpetologist, I  
12 can tell you that turtles are buried in the  
13 mud and frogs are also buried in the mud in  
14 December and January. So you can make sure  
15 that you get a negative result if you  
16 conduct your surveys that way. Very easy to  
17 give a client the answer they want.

18 The impacts of waters discharged to  
19 Wolf Creek are not discussed. It is more  
20 related to turbidity, oxygen levels, and  
21 temperature changes for species whose  
22 natural history is tied to the ebb and flow  
23 of the natural seasons and flows of the  
24 creek.

25 Lastly, explosives are not addressed in

1 the wildfire section. Where are they going  
2 to be stored? I urge you to vote no.

3 CHAIRMAN GREENO: Thank you, Gretchen.

4 MS. CAROLINE TRAPANESE: Hi. I'm  
5 Caroline Trapanese [phonetic], a resident of  
6 Cedar Ridge. I love living there, been  
7 there seven years. I do have concerns in  
8 regards to this proposed project. The  
9 tailings from the mine in the park, of the  
10 Empire Park, they were so high with arsenic  
11 that the park was concerned about the  
12 visitors and the hikers. So they had to  
13 cover the tailings with topsoil in order to  
14 protect the visitors and hikers. Also,  
15 these tailings are going to be stored from  
16 this proposed project on the grounds of the-  
17 -of the proposed project. And I could  
18 imagine what this will eventually do with  
19 the high levels of arsenic that will be  
20 coming from that.

21 You're going to be dewatering 367 miles  
22 of mines. And you will probably--most  
23 likely water--lower the water table so low  
24 that it will affect the neighbors' wells,  
25 which is very unfortunate.

1 I am concerned about the purification  
2 and the process to remove the heavy metals  
3 and toxins from the mine waters. Is that  
4 really, truly going to be pure enough in  
5 order to protect humans, animals, fish,  
6 birds, and fauna? I'm very concerned about  
7 that.

8 Sinkholes. We have--when you dewater  
9 367 miles of mine tunnels, you're going to  
10 cause a vacuum. Now, that vacuum was  
11 already felt on Freeman Lane when a sinkhole  
12 seven stories deep happened. There also was  
13 an incident in 2017 on Brunswick Road. All  
14 across the road there was a 14-inch drop.  
15 That had to be repaired. Hansen's  
16 [phonetic] repaired that with the cost of  
17 \$635,300. It took three weeks. Everyone  
18 was inconvenienced because of that sinkhole.

19 Earthquakes. I was flabbergasted. 200  
20 feet away you're going to be blasting. That  
21 could actually cause a rupture in that fault.  
22 Also, aquifers can also have difficulties  
23 when they're being blasted. The noise, the  
24 machinery will be droning on for 24/7. When  
25 we had our electricity out for 12 days, and

1 last year 14 days, because of the snow  
2 difficulties, the generators droned on and  
3 on and on. And it was so annoying. By the  
4 time that we finally got our power back on,  
5 our neighbors were exhausted.

6 CHAIRMAN GREENO: Thank you, Caroline.

7 DR. PETE SABEY: I'm Dr. Pete Sabey.  
8 My doctorate is in counseling psychology,  
9 and I've retired after 33 years as a  
10 California-licensed marriage and family  
11 therapist in Davis, Claremont, and Grass  
12 Valley. With all the places in the country  
13 to choose from, we chose Grass Valley.

14 It seems clear to me that reopening the  
15 mine would damage public health both from a  
16 physical and mental health perspective.  
17 Both physical and mental health are impacted  
18 by noise. My predecessor just was trying to  
19 talk about that. To my knowledge, the Final  
20 Environmental Impact Report does not  
21 adequately, or honestly, address this  
22 important issue.

23 And Rise lawyer Braiden Chadwick  
24 [phonetic], very polished presentation,  
25 which suggests that everything will go

1 according to plan. I would submit Murphy's  
2 Law has not been repealed.

3       On the physical level, any ambient  
4 noise impacts the health of that exquisitely  
5 complex part of our anatomy, the ear. Like  
6 anything, overuse accelerates wear and  
7 breakdown of this vital part of human  
8 thriving in family and community.

9       And this disruption becomes a mental  
10 health problem since any increase in  
11 isolation caused by hearing loss increases  
12 depression and anxiety. Recent studies show  
13 loneliness shortens lifespan. Our surgeon  
14 general spoke movingly about that recently.

15       Regarding overall health, the arousal  
16 caused by excess intermittent noise--rock  
17 crushers, trucks rumbling on our roads, and  
18 who knows whether the sound of blasting  
19 really will be contained--causes release of  
20 cortisol by activating the hypothalamus,  
21 pituitary, adrenal axis. A little technical  
22 there, but it's real. Cortisol are  
23 inflammatory. And as it became clear to  
24 medical researchers that elevated  
25 inflammation is strongly implicated in

1 cancer, heart disease, and many other  
2 pathologies.

3 To open the mine, then, would be  
4 counter to sound public health policy. I  
5 would urge you to add this factor to the  
6 many other reasons that have already been  
7 stated for rejecting a very flawed EIR.  
8 Promises of mitigation coming from a CIO  
9 under indictment, or at least with a rather  
10 shady track record, should be regarded with  
11 the keenest of skepticism. Thank you.

12 COMMISSIONER MCATEER: Here comes 96-  
13 year-old Anita. There she is. Watch out.

14 [Laughter]

15 CHAIRMAN GREENO: I didn't think we  
16 were supposed to talk about a woman's age.

17 [Laughter]

18 COMMISSIONER MCATEER: Anita is  
19 exceedingly proud of her age.

20 MS. ANITA WALDTUTTLE: I'm amazed that  
21 I'm my age.

22 [Laughter]

23 MS. WALDTUTTLE: My name is Anita  
24 Waldtuttle and I live at 6 Rockwood Drive in  
25 Grass Valley, which is in District 3 with

1 Supervisor Lisa Swarthout and Planning  
2 Commissioner Terry McAteer.

3 I have appeared before you several  
4 times over the past years, commenting  
5 specifically on air pollution via asbestos  
6 particles, and noise, and vibration, all of  
7 which defy mitigation as required by CEQA.

8 This is my last formal comment to the  
9 Planning Commission regarding the Final EIR  
10 for the proposed reopening of the Idaho-  
11 Maryland Mine by Rise Gold Grass Valley. I  
12 am one of the many hard-working, and unpaid,  
13 people who have studied both the Draft EIR  
14 and massive Final EIR. I've looked closely  
15 at the mountain of comments that were  
16 submitted and have become part of the  
17 reports database.

18 I'm tremendously upset by the  
19 misinformation, lies, duplicates,  
20 triplicates being included, and I did note  
21 some erasures. Maximally disturbing are the  
22 100--1,500 essentially blank sheets  
23 accompanying 1,500 copycat letters which are  
24 being counted as 3,000 legitimate requests  
25 for reopening the Idaho-Maryland Mine. How

1 dare the county allow falsified information,  
2 count it all, and include it in the report?  
3 We who are legitimate protestors are  
4 consistently asked to only give us facts  
5 that we can deal with. Yet, when they do  
6 give you the facts, they appear to be  
7 completely ignored while so-called letters  
8 saying only, "Yes on the mine," and other  
9 statements, are given priority and relevancy.

10 The fact that air pollution via  
11 submicroscopic asbestos particles, which  
12 defy measurement and cannot be mitigated,  
13 are simply not mentioned--this despite  
14 CEQA's insistence that mitigation is  
15 required or no mine can be allowed.

16 I can only hope that as our esteemed  
17 Nevada County Planning Commission, the  
18 inadequacy of this FEIR will be apparent to  
19 each of you. It is imperative that you do  
20 not approve the FEIR, and you recommend the  
21 Board of Supervisors to not approve this  
22 destructive project, and also not approve  
23 the FEIR. Thank you very much.

24 CHAIRMAN GREENO: Thank you, Anita.

25 MS. MARYANNE Z. MURPHY: Good morning.

1 I am Maryanne Z. Murphy [phonetic]. My home  
2 is on Banner Mountain. I am a lawyer and a  
3 real estate broker, locally. Today I  
4 represent the Sierra Nevada Group of the  
5 Sierra Club, which is a 1,000-plus-member  
6 strong community throughout Nevada County.  
7 We join others who say that you must deny  
8 the project based on the General Plan,  
9 county policies, and its EIR.

10 Gold mining is deadly. It's dangerous  
11 and it's deafening. The Planning Department  
12 has it right. Simply put, this project is  
13 in the wrong place. It sits in the middle  
14 of zoned residential communities, bordered  
15 very closely by light industrial businesses,  
16 Wolf Creek, and urbanized areas of the  
17 Brunswick Basin. It is part of a densely  
18 populated area where approximately one-third  
19 of the county resides.

20 The Applicant wants to do underground  
21 mining, 24/7, for 80 years. That exposes  
22 adjacent properties to daily toxic  
23 operations with unmitigated noise and  
24 traffic, air pollution, contamination of the  
25 Wolf Creek, and the high risk, extreme risk,

1 of fire from hazardous explosive activity.

2 In the EIR rights area, there is a big  
3 hole in the EIR. There is no analysis of  
4 land subsidence from using explosives under  
5 homes, services, and businesses. It does  
6 not cover the impact to water source for all  
7 properties. It does not mitigate the air  
8 pollution for landowners and homeowners.  
9 And it provides an inadequate review of  
10 asbestos-bearing arsenic mine waste. And  
11 yet, that is the whole purpose of the mine,  
12 but to mine the mineral rights area.

13 Property owners will face being  
14 underinsured and uninsured. And for them,  
15 and the surrounding communities, unavoidable  
16 health risk and damage will occur to  
17 decrease the quality of life.

18 From a real estate marketing standpoint,  
19 people don't buy homes on EIRs. They base  
20 it on lifestyle, clean air, clean water, and  
21 land stability, cost to support their homes.  
22 You increase the risk in any of these areas,  
23 you will reduce the buying pool.

24 A free--a few main, remaining points.  
25 While the economic report gives you an

1 expected revenue, it assumes uninterrupted  
2 mine operations over 80 years. When has  
3 that ever happened? The investigators also  
4 said that we don't know how much gold will  
5 be produced. So how can you reliably  
6 calculate the revenue stream? That's at  
7 page 55.

8         Seventy years of inactivity hasn't done  
9 much for the review process. We don't know  
10 what's down there. No historical  
11 perspective is reliable in this instance  
12 upon which to base economic gain, and the  
13 reliability of this project under the EIR.

14         And, finally, if this mine is approved,  
15 what kind of new commercial developments  
16 will happen in this area? What will then...

17         CHAIRMAN GREENO: Thank you, Maryanne.

18         MS. DEBBIE LIND: Good morning. Thank  
19 you for this opportunity to speak with you.  
20 My name is Debbie Lind [phonetic]. I've  
21 lived in the foothills for 37 years. I have  
22 had my career here, and I raised my children  
23 here. Last year, I came forward with a  
24 concern regarding the property that I had  
25 purchased in this area.

1 I've paid taxes for 37 years. I pay  
2 and buy from the county services and from  
3 the city services. I'm vested in this  
4 community. I serve as a trustee on a  
5 district school board. By the way, thank  
6 you, Mr. McAteer, for yesterday correcting  
7 the misinformation regarding the funding of  
8 schools.

9 When I came last year, I asked what is  
10 this impact going to have on our property?  
11 I'm very disappointed in the report that  
12 came out, because it seems to me they just  
13 kind of glossed over what will happen to us  
14 property owners, and the investment that we  
15 have made. They didn't really take into  
16 account what realtors, the people that deal  
17 with property, have to say.

18 We have two realtors in our  
19 neighborhood, I live on Partridge Road, that  
20 already are feeling the effects, negatively,  
21 regarding even the thought of having the  
22 mine. They also say that they are going to  
23 have to disclose any items that could  
24 potentially be hazardous to property, such  
25 as air pollution, water pollution, traffic,

1 noise.

2 I know that mining is in our history,  
3 but I ask that it stay there, that it be our  
4 past. I'm grateful for what it has brought  
5 us, but it is time for us to move on, to  
6 live in the area that we have, and  
7 appreciate the amenities that we have now.

8 I ask please that you take into  
9 consideration the residents of this area and  
10 the--and the property owners in this area.  
11 Say no, please, to this project. And do not  
12 certify the environmental report, because  
13 otherwise it will come to haunt us in the  
14 future.

15 Thank you for this time, and thank you  
16 for your patience in listening to all of us.

17 CHAIRMAN GREENO: Thank you, Debbie.

18 MS. GERI STOUT: Good morning. My name  
19 is Geri Stout. I live in District 3. I'm  
20 going to summarize comments from the Law  
21 Firm of Shute, Mihaly, and Weinberger in  
22 regard to the inadequacy of the FEIR. You  
23 have a copy of that response letter, which  
24 includes some of the following topics.

25 The FEIR fails to describe the project

1 accurately, or to use an accurate baseline,  
2 by refusing to admit that Centennial site  
3 remediation is part of this project. It  
4 also uses an inaccurate and shifting  
5 baseline, assuming for some impacts that  
6 Centennial cleanup is complete, and for  
7 others that it's not.

8         It does not correct the deficient  
9 alternative analysis. It defers testing to  
10 ensure waste rock and tailings will not  
11 result in harmful discharges, and does not  
12 have a plan for safely storing fill material  
13 on site, pending its sale and use offsite.

14         It does not address basic deficiencies  
15 in groundwater and water quality analysis.  
16 It uses an outdated groundwater baseline  
17 which deprives its impacts and mitigation  
18 analysis of any value. It does not  
19 adequately respond to commenters regards--  
20 regarding its faulty groundwater modeling.

21         Its analysis and mitigation of impacts  
22 relating to air quality GHG emissions and  
23 energy use are flawed. It provides only one  
24 justification for refusing to mitigate the  
25 project's potentially significant

1 operational air quality impacts. And that  
2 justification is wrong.

3         The discussion of the project's  
4 Applicant-proposed measures for air quality  
5 is incoherent. The plan to test for, and  
6 manage, the asbestos content of mined rock  
7 is internally inconsistent, likely to fail,  
8 and improperly defers mitigation. It  
9 improperly relies on the ASUR plans,  
10 inadequate asbestos testing, and defers  
11 development of asbestos mitigation measures.

12         It contains inconsistent conclusions  
13 regarding the risk associated with asbestos  
14 exposure. It fails to support its use of an  
15 unjustifiably high threshold of significance  
16 for operational greenhouse gas emissions.  
17 It fails to address several concerns raised  
18 about the handling of air quality, GHG  
19 emissions, and energy use.

20         I respectfully request you just say no  
21 to the Final EIR. Thank you.

22             CHAIRMAN GREENO: Thank you, Geri.

23             MR. RANDALL NEWSOME: Good morning,  
24 ladies and gentlemen. My name--my name is  
25 Randall Newsome. I reside in District 1.

1 And I'm a retired US bankruptcy judge. And  
2 I wouldn't have your job for anything.

3 [Laughter]

4 MR. NEWSOME: My hat is off to you for  
5 how you've handled these hearings. It's  
6 very much appreciated.

7 I have two quick points to make and  
8 then a suggestion. My first point concerns  
9 an argument Mr. Mossman made yesterday. He  
10 seemed to say that because of an alleged  
11 reservation of mineral rights in neighboring  
12 property deeds, the residents who live near  
13 the Idaho-Maryland Mine were on notice that  
14 it might be turned into a mine again, and  
15 thus, shouldn't be complaining now.

16 This suggestion ignores the fact that  
17 any reservation of mineral rights in those  
18 deeds is probably dormant since the mine  
19 hasn't operated since 1956. Putting that  
20 aside, Mr. Mossman surely knew that the mine  
21 was not zoned for mineral extraction when he  
22 bought it. He bought it anyway. He has no  
23 room to complain if his bet doesn't pan out.

24 Secondly, Mr. Chadwick made much of the  
25 two economic reports that tout, among other

1 things, the number of jobs the mine will  
2 create. He neglected to mention that both  
3 Rise's economic report, and the county's,  
4 rely exclusively on Rise's numbers. For  
5 reasons I have never understood, the authors  
6 of those reports apparently were directed  
7 not to investigate the bona fides of Rise's  
8 claims, or of their operations.

9         Mr. Chadwick said that the economics of  
10 mining hinge on proven reserves, but fails  
11 to mention that Rise has no proven reserves.  
12 The company's own economic report emphasizes  
13 this point, stating that, quote, "Rise Grass  
14 Valley has not completed a feasibility study  
15 to establish mineral reserves and, therefore,  
16 has not demonstrated economic viability of  
17 the Idaho-Maryland Mine," end quote.  
18 Because both reports rely exclusively on  
19 Rise's fractural claims, they are both  
20 worthless.

21         Finally, a suggestion. The EIR is  
22 incomplete and inaccurate. It should have  
23 been sent back to the drawing board. It's  
24 moot anyway, because the project can't be  
25 approved under the General Plan. As the

1 court stated in Las Lomas Land Company  
2 versus City of Los Angeles, quote, "CEQA  
3 applies only to projects that a public  
4 agency proposes to carry out or approve, and  
5 does not apply to projects that the agency  
6 rejects or disapproves." Thank you very  
7 much.

8 CHAIRMAN GREENO: Thank you, Randall.

9 MR. MATT BOUCHARD: Hello. My name is  
10 Matt Bouchard. I live in Grass Valley. I'm  
11 here as a supporter of the Idaho-Maryland  
12 Mine and Rise Grass Valley. And I urge the  
13 Planning Commission to support the Idaho-  
14 Maryland Mine Project.

15 First, I ask you to think about the  
16 message you will send to any business that  
17 wants to come to Nevada County if you deny  
18 this project. You have the power to enhance  
19 our reputation as a business partner, or  
20 destroy it. Will you grow our base, tax  
21 base, or let it wither as it has been doing  
22 for decades?

23 We have all seen well-paying jobs leave  
24 this county. Has any company come into  
25 Nevada County in the last 30 years and hired

1 300 people with high-paying jobs? Approving  
2 the Idaho-Maryland Mine will bring high-  
3 paying jobs to this county. I believe it's  
4 a responsibility of the Planning Commission,  
5 and the Board of Supervisors, to bring  
6 economic growth to the county. These jobs  
7 will keep residents living in the county.  
8 Personally, I look forward to working for  
9 Rise Grass Valley.

10       The opposition does not want this  
11 county to grow in any way. I believe they  
12 believe mining today is the same as in the  
13 1850's. Their opposition is based on  
14 feelings, not facts. The Idaho-Maryland  
15 Mine will be the most state-of-the-art mine  
16 in the United States. The Environmental  
17 Impact Report addresses all of these  
18 concerns, and the Planning Commission should  
19 support the mine.

20       The county has received the  
21 Environmental Impact Report, and these  
22 reports are not taken lightly. The county  
23 chooses the company to do the report. These  
24 companies are very professional and do a  
25 thorough and complete report. The report

1 for the mine project shows that all concerns  
2 the county has have been addressed, and the  
3 Planning Commission should support the  
4 Idaho-Maryland Mine.

5       Once again, I, I am here to support a  
6 state-of-the-art mining operation, high  
7 wages, increased property taxes, increased  
8 sales taxes, all things that are good for  
9 Nevada County. And I urge the Planning  
10 Commission to support and approve the Idaho-  
11 Maryland Mine Project. Thank you.

12       CHAIRMAN GREENO: Thank you, Matt.

13       MS. SHELLY COVERT: Good morning. I'm  
14 Shelly Covert. I'm the spokesperson for the  
15 Nevada City Rancheria Nisenan Tribe. I'm  
16 also the executive director of our  
17 supporting nonprofit CHIRP, the California  
18 Heritage Indigenous Research Project. I  
19 personally live in Grass Valley, on South  
20 Auburn Street, on top of Empire Mine.

21       Our organization, CHIRP, has 32 acres  
22 on Deer Creek, which is also the site of the  
23 old Champion Mine. I do a lot of work for  
24 the tribe in consultation around  
25 Environmental Impact Reports, cultural

1 resource preservation and protection. And  
2 I'm a total lay person as far as being a  
3 scientist or knowing anything about anything  
4 in the world most of the time.

5 But what I do have, and what I can  
6 offer is, I think, this perspective: Our  
7 tribe led by consensus. Which is--I try to  
8 apply that to a lot of things in life today  
9 and that's very...almost inconceivable. Like  
10 right now it's a majority vote. Hey, we win.  
11 And the other side is the losers. So I feel  
12 that very intensely in this, these types of  
13 conversation where our community can get  
14 divided.

15 So that being said, I know that when we  
16 look around outside it looks like a very  
17 pretty place. And that we all are--most of  
18 us--are living in a sense of privilege, and  
19 thriving, and we have lives. And I have  
20 cars, and my electricity, and my lights.  
21 And my grandma used to laugh and say, "You,  
22 you girls couldn't last one day back in the  
23 old days," because it was hard work.

24 And we are living in an environmental  
25 post-apocalyptic world. The grizzlies are

1 gone. The ancient trees, the groves that  
2 were thousands of years old, 400 feet high,  
3 almost 100 feet in circumference, the great  
4 herds, the salmon that were so plentiful you  
5 could walk across their backs, we can't see  
6 that. And so when we look out into the  
7 universe it looks nice to us. But if you  
8 drive down at Brunswick at noon and you're  
9 trying to go to McDonald's, you--there's so  
10 much traffic you can't get through right now.

11       So I just think this perspective of  
12 every click on the dial that we move forward  
13 with something that's going to change and  
14 impact the future for everyone else, we're  
15 not--if we were ruling by consensus here, I  
16 think this is something the environmental  
17 report would be rejected, flat out. So that  
18 was a bunch of random things. I hope that  
19 made some sense. And I think this is just  
20 something that really should be denied.

21 Thank you very much.

22       CHAIRMAN GREENO: Thanks, Shelly.

23       MR. GRADY WILSON: Hello. Hi. My name  
24 is Grady Wilson. I own a home on Horizon  
25 Circle, Grass Valley. I grew up in Nevada

1 County. I went to Pleasant Ridge Elementary  
2 School. I graduated from Nevada Union High  
3 School and then I went to Sierra College and  
4 got an Associate of Science degree in  
5 geology. And then went to Utah where I  
6 studied geology at the University of Utah.

7 I currently work as a consultant for  
8 several different mineral exploration  
9 companies. These jobs are either in Nevada  
10 or New Mexico. And I really--I would really  
11 appreciate, you know, not having to drive  
12 two days to get to work. I would like to  
13 have--work, you know, on a project five  
14 minutes away from home. That would be  
15 amazing to me. I love Nevada County and I  
16 do not want--I do not wish to see it damaged  
17 in any way. My grandfather was a miner.

18 As I said, I work in the mineral  
19 exploration company. I travel through  
20 different districts that are mining-friendly.  
21 I travel through areas that have  
22 historically been little more than ghost  
23 towns, and mines have reopened and then  
24 recently, they have brand-new high schools.  
25 They have brand-new hospitals. They have

1 brand-new ambulance services. They have  
2 fire departments and elementary schools, all  
3 state-of-the-art, brand-new, provided, you  
4 know, the—from the taxes of mining.

5         So I, I ask that you accept this  
6 Environmental Impact Report as complete.  
7 And let's move forward with this project. I  
8 believe that Rise is going to follow the  
9 regulations as required. If not, it will be  
10 forced to close. So I have no fear that  
11 they're not--that they're not going to  
12 follow these regulations. And let's give  
13 them a chance. Let's let them do what they  
14 say they can do. Thank you.

15           CHAIRMAN GREENO: Thank you, Grady.

16           MS. SHERRI OAKLEY: Hi. I'm Sherri  
17 Oakley, and I live in Penn Valley. I don't  
18 do public speaking, so forgive me if my  
19 voice is shaking a little. I know my heart  
20 is sure pounding. Anyway, I want to thank  
21 the Planning Commission for listening the  
22 last couple of days. I was here for a lot  
23 of yesterday, and I came back today. And a  
24 lot of this is pretty dry stuff and  
25 repetitive.

1           You all have a tough job to do.  
2           Somehow you are going to have to separate  
3           facts from fiction and emotion. I implore  
4           you to see through the numbers and noise of  
5           those opposed to the mine. I'm sorry, but I  
6           think there is just often a knee-jerk  
7           reaction to any that--anything that seems  
8           remotely anti-environment, automatically  
9           dismissing the mitigations, and abundant  
10          upside, of the Idaho-Maryland Project.

11           I won't reiterate all the positives.  
12          I know when I sat here yesterday learning  
13          many of the details for the first time, it  
14          seemed like a no-brainer to me. It's  
15          obvious to me that Rise Grass Valley has  
16          bent over backwards to address and  
17          accommodate all the potential concerns, and  
18          will implement advanced mining techniques.  
19          Theirs is not the raised-earth mining of  
20          centuries past.

21           Face it. As it looks right now, that  
22          Brunswick Mine area is pretty ugly,  
23          seemingly wasting like fallow land. Most of  
24          the area is already zoned industrial and has  
25          been used that way for many decades. Rise

1 Valley--Rise Valley--Rise Grass Valley wants  
2 to improve it, beautify it, and actually  
3 create business that will give back to our  
4 greater community.

5       So getting back to your job, which I  
6 want to thank you for in advance, your job  
7 is to balance the impacts, the pros and the  
8 cons of this proposal, and how it may, or  
9 may not, be consistent with the General Plan,  
10 and make your recommendation to the Board of  
11 Supervisors. Your job is not to assess  
12 public reaction. That is the job of the  
13 supervisors who, as elected representatives,  
14 may have to be more responsive to their  
15 constituents.

16       I believe the Idaho-Maryland Mine  
17 Project is consistent with the General Plan.  
18 And I ask you, the Planning Commission, to  
19 recommend yes to our Board of Supervisors,  
20 so that they can do their job. Please  
21 advance this project to the next stage. I  
22 wish you well in the job that's before you.  
23 Thanks so much.

24       CHAIRMAN GREENO: Thanks, Sherri.

25       MR. DON DANIELS: You got me at 33

1 seconds and I haven't got anything.

2 CHAIRMAN GREENO: You'll get three.

3 MR. DANIELS: Okay.

4 CHAIRMAN GREENO: I promise.

5 MR. DANIELS: Hi there. I'm--my name  
6 is Don Daniels. I live in District 3,  
7 western Nevada County. I came here when I  
8 was three years old. Of course, I had some  
9 help. My, my dad, my, my grandpa, my uncle,  
10 myself, my brother have all been involved  
11 with some mining.

12 I graduated from Nevada Union and my  
13 first job--one of my first jobs--was working  
14 for the Brunswick Timber at this site. I  
15 later went on to the Highway Patrol and I  
16 was there for--in southern California for  
17 about ten years. When I got back, there  
18 were no more jobs in the lumber industry.

19 So, as I go on, Nevada County needs  
20 good-paying jobs. I was at a program last  
21 night, and I talked to a kid that was just  
22 graduating. He'd be graduating this year.  
23 And there's about seven or eight hundred  
24 seniors that will graduate.

25 Now, what do you do when you graduate?

1 I, of course, had a job to go to. My  
2 grandkids don't. They're in Sacramento.  
3 They're scattered all over. So this, this  
4 Rise Gold Mine will be an opportunity for  
5 local jobs for our kids. When you've got  
6 800 students looking for someplace to go to  
7 work, they can either go to work at  
8 McDonald's, or one of the fast food places.  
9 They can go out and strip marijuana plants  
10 which is now legal, which I'd rather not  
11 have my grandkids go and do.

12 Rise Gold is offering us an opportunity  
13 here for our kids. They've spent a whole  
14 lot of time, over three years, putting their  
15 plan together with a lot of expert help.  
16 I've read a lot of the reports, and I'm kind  
17 of in agreement with their findings.

18 I think that we need to offer this  
19 opportunity to our kids. I, I think there's  
20 a lot of misguided people that have come  
21 tonight, and yesterday, to give their  
22 opinions. That's what it is. It's opinions.  
23 And I think a lot of it is just, "Not in my  
24 backyard."

25 And I understand that. But I think

1 putting a mine where a mine was is a good  
2 idea, and especially if it's done properly.  
3 This is a green operation. The grinding is  
4 underground. They've looked at almost  
5 everything that you could possibly think of  
6 to cover, to mitigate the problems that have  
7 come up for them.

8 I'm going to close because I've got  
9 eight seconds left. I just want you to take  
10 and accept alternate B, the alternative B...

11 CHAIRMAN GREENO: Thanks, Don. B, got  
12 it. Hey, Jeff, we're going to take a break  
13 at 10:15. So I think we can get through  
14 this gentleman here that's standing at the  
15 end of the line.

16 MR. PETER ALSING: Good morning.  
17 Thanks for your time here. My name is Peter  
18 Alsing. I live in District 3, in Grass  
19 Valley. And I was asked to read this on  
20 behalf of CEA and MineWatch.

21 "The Final EIR used the results of a  
22 study that was based on a computer  
23 simulation program that concluded that  
24 draining a well in a single drawdown by 20  
25 to 40% could damage a well. Unfortunately,

1 the study is not relevant, relevant in the  
2 case of the mine. Wells will not be  
3 subjected to a single drawdown from pumping,  
4 but rather a permanent lowering of the  
5 groundwater.

6 "Using this inappropriate study, the  
7 mine Final EIR then concludes that the water  
8 in the well could be lowered by 10% from its  
9 average level and still provide the owner  
10 with 100% safety factor. Scientifically,  
11 this arbitrary 100% safety factor  
12 interpretation is nonsense. Think about it.  
13 What is 100% safety factor and where does it  
14 come from? What is it 100% of?

15 "But aside from the mine's questionable  
16 interpretation of some study's results, the  
17 bottom line is that any reduced amount of  
18 well water has a negative impact on the  
19 quality--quantity, sorry--of the water  
20 available to the well owner. Well owners  
21 whose wells are already marginal in meeting  
22 the owner's needs may be particularly at  
23 risk of suffering, suffering from reduced  
24 water capacity, and they may even completely  
25 lose the function of their well. The high

1 probability of future droughts will make the  
2 potential for a very negative impact from  
3 the mine's drawdown of groundwater, and its  
4 impact on private wells even worse.

5       "The Final EIR fails to provide a valid  
6 justification for allowing a mining project  
7 to reduce the quantity of a homeowner's well  
8 water by even 10%. To determine a valid  
9 justification for allowing this, the  
10 threshold for the amount of water a well  
11 could afford to be drawn down, while still  
12 providing the homeowner's needs, must be  
13 based on actual performance criteria of each  
14 well over at least three years of active  
15 monitoring.

16       "Basing the allowable drawdown of a  
17 person's water on a faulty interpretation of  
18 a computer simulation is wholly  
19 unacceptable."

20       Please do not allow this. Do not  
21 certify this EIR. Thank you.

22       CHAIRMAN GREENO: Thank you, Peter.

23       MR. PAUL KING: Good morning. I'm Paul  
24 King. I live in Grass Valley. I'm the CEO  
25 of King Wealth Planning. I have a degree in

1 material science and engineering and  
2 economics, was a senior engineer for two  
3 high-tech firms that launched, and then  
4 launched my wealth management business 35  
5 years ago, with an emphasis on socially  
6 responsible investing, now known as ESG.

7       Here's a few reasons why I believe that  
8 the Rise Gold Project is a bad investment  
9 for our community. First, gold is not a  
10 stable value investment. In fact, gold  
11 prices are just as volatile as stocks. Last  
12 year, at one point, they dropped 25% and  
13 over 34% at one point in the last decade.  
14 Now, why is that important? Ask the people  
15 of Jamestown, California.

16       Back in 1987 there was a Canadian  
17 mining firm which transformed the economy by  
18 hiring 215 employees and good-paying jobs,  
19 and using high-tech extraction methods.  
20 Sound familiar? Seven years later, Sonora  
21 Mining Corporation was defunct. Why? The  
22 price of gold declined, and the mine was no  
23 longer profitable. The results: 215  
24 unemployed, 180 private wells imperiled,  
25 county faced with possible fines and civil

1 penalties, and defaulted debts. It can  
2 happen again. Let's not let it happen here.

3 Now, consider the three factors of ESG  
4 investing, environmental, social, and  
5 governance, which can be equated not just to  
6 being good stewards of one's own finances,  
7 but also has been shown to lower corporate  
8 risks.

9 Environmental. Will this project  
10 improve the environment? Fifty dump trucks  
11 a day rumbling down our backroads, risking  
12 contamination of Wolf Creek, or breathing  
13 air polluted by tons of greenhouse gases,  
14 that's not why I moved here.

15 Social. Will this project create a  
16 better place to live? I suspect the  
17 negative impact on tourism and depressed  
18 home values to offset any gains in  
19 employment. And that is if the project is  
20 successful.

21 Social factors also consider the  
22 company's relationship with its stakeholders.  
23 Will workplace conditions reflect a high  
24 regard for employee's health and safety?  
25 Lou Douros' recent documentary film exposed

1 how safety concerns at Rise Gold's previous  
2 gold mining venture were utterly ignored.

3 Governance. Does this company have high  
4 diversity and ethical standards? The only  
5 female named in the corporate profile is the  
6 secretary; none on the board, and none as a  
7 shareholder. As far as ethical concerns,  
8 the toxic spill at Banks Islands went  
9 unreported until a whistleblower came  
10 forward. Then the board resigned and Mr.  
11 Mossman has been in litigation since, trying  
12 to escape responsibility. Spoiled land and  
13 lost jobs remain his legacy of irresponsible  
14 corporate governance.

15 I leave you with three points. Green  
16 gold isn't green. Mitigation is not  
17 elimination. And environmentally friendly  
18 mining is an oxymoron. Thank you.

19 MR. JOSH THEME: My name is Josh Theme  
20 [phonetic]. I'm 15 and a freshman at  
21 Ghidotti Early College High School. And I  
22 ask all of you is that we're not here for  
23 the people who are currently in this room.  
24 We're not here for the environmental impacts  
25 that will affect just the people here, or

1 the jobs that will come for just the people  
2 here, but for everyone who will come after  
3 that, my generation and all the generations  
4 after that who will be affected.

5       If all the wells run dry, then what  
6 water will the future generations have?  
7 These jobs, it might create a few hundred,  
8 but will those jobs stay for all the future  
9 generations and at the cost of our  
10 environment? Is it really worth it to  
11 create something that might mildly improve  
12 today but make drastic effects in the future  
13 that could leave terrible effects to  
14 everyone who comes after us?

15       This Earth, it doesn't belong to us.  
16 We are simply borrowing it from all those  
17 who come after us. So why should we take it  
18 for granted? Why should we go and extract  
19 literal wealth from the Earth and take it?  
20 That wealth will not be given to our future  
21 generations, not to my generation or any  
22 generation after that. It will be taken and  
23 given into the hands of the rich and the few,  
24 not into the workers which Rise Gold says it  
25 will be helping, not the blue-collar workers,

1 but those who are on the board members, or  
2 the CEO. And at such a cost that it will  
3 simply not be worth it.

4         At what cost do we have to deem worthy  
5 to mildly improve the conditions of a few  
6 hundred people if it costs our entire earth?  
7 The problems do not lie in the fact that we  
8 are missing a few hundred jobs but systemic  
9 problems. Systemic problems that if we do  
10 not fix will affect everyone after us. My  
11 generation, every other generation. And if  
12 all of you here in this room are dead when  
13 the day that happens, it doesn't matter,  
14 because those who come after you will still  
15 be alive.

16         It doesn't matter what happens to all  
17 these people in this room if it doesn't  
18 affect the people after us. They are the  
19 ones who matter most. Not us, not me, not  
20 anyone here, but the people after us, those  
21 generations, the ones who will truly be  
22 affected by this. And those are the ones  
23 who we should take into consideration. Not  
24 me, not them, but those who come after us,  
25 the next generations.

1           Should we go and give them a world  
2 where they have to deal with the  
3 environmental impacts of this mine? Should  
4 we?

5           CHAIRMAN GREENO: This is.

6           THE CLERK: Chair, if I may? We're  
7 currently at number 93. So after break  
8 we're going to announce 94 through 110 to  
9 line up in chambers.

10          CHAIRMAN GREENO: Great. Thanks,  
11 Shelley.

12          MR. NORRY FUSSELL: My name is Nory  
13 Fussell. I live in Nevada City. I don't  
14 have a lot of facts or figures about the  
15 frightening devastations or the fairytale  
16 delights that will come from this proposed  
17 mining operation. What I want to talk about  
18 is beauty, just beauty.

19           Beauty is the reason we came here to  
20 live, many of us. When I first saw Nevada  
21 County 51 years ago, I was stunned by the  
22 natural beauty of the land, the river, and  
23 the skies. When I moved here in 1980, I was  
24 equally stunned by the beauty of the arts,  
25 and the artists who live here. This

1 community was, and is, a golden mecca for  
2 theater and music, for poets, painters, and  
3 sculptors, and artists of all kinds,  
4 creatives in all fields.

5         We're drawn here by beauty. We come to  
6 write, to paint, speak, and sing, to be  
7 inspired with and by each other, and by the  
8 beautiful land.

9         There is a pastoral beauty that can  
10 only be fully expressed by its presence.  
11 Once there was a meadow at the base of  
12 Brunswick Hill. It sparkled resplendent in  
13 the morning mist. A lone willow tree in its  
14 midst, a grazing cow, a thread of fog  
15 drifting over Wolf Creek as it flowed by.  
16 It was a bucolic beauty that is now forever  
17 gone. Gone to the bulldozers and to the  
18 machinery of developers.

19         How much more of nature's beauty do we  
20 have to lose before the golden people of our  
21 community begin to leave? We are the gold  
22 in these foothills. It's a fantasy to think  
23 that the impact of this mine will be any  
24 different than the operations that left us  
25 with bare naked hillsides and piles of stone,

1 Earth's innards scattered about the county,  
2 left for us as semitoxic parks to walk  
3 around in.

4 Fyodor Dostoevsky told us only beauty  
5 will save the world. And I think it's a  
6 thing of beauty to see all these people  
7 gathered here to stop this mine. I ask you  
8 to reject the EIR, and reject the mining  
9 project.

10 CHAIRMAN GREENO: Thank you, Nory. And,  
11 with that, we will take a break. Fifteen  
12 minutes, we'll--just before 10:30.

13 [Recess]

14 CHAIRMAN GREENO: All right. We're  
15 going to find a seat, bring it back together,  
16 and I'll call this meeting back to order.

17 And just an announcement. As you guys  
18 are sitting down, the fire marshal has asked  
19 that we squeeze in, fill in seats. So that  
20 folks that want to come in and sit down can.  
21 So they don't have to walk across you. So  
22 if you can fill those seats, if there's no  
23 one sitting in them, that would be great.  
24 Thank you.

25 And just a reminder, the, the comments

1 that we're hearing today should relate to  
2 the project, either the General Plan or the-  
3 -or the EIR, please. We're starting to  
4 stray a little bit and it is the least  
5 favorite part of my job to identify and then  
6 call out the--any, any deviation from those  
7 things. So please, take it upon yourselves  
8 to keep it--keep it on topic.

9 And, with that, we will continue the  
10 public testimony. And what number are we  
11 on?

12 THE CLERK: We are at 94, Chair.

13 CHAIRMAN GREENO: Ninety-four.

14 MR. TONY LAURIA: Okay. Tony Lauria  
15 [phonetic], District 3. You've seen and  
16 heard hundreds of pages of factual and legal  
17 reasons to deny this overreaching project by  
18 experts, attorneys, citizens, and business  
19 owners. There's only one reason to approve  
20 it, a speculative promise for money. Our  
21 personal and emotional stress impact alone  
22 is not worth anyone's profit. Unfortunately,  
23 that's just the tip of the impacts iceberg.

24 We all know for certain gold mining is  
25 one of the top destructive industries in the

1 world. Does this fit with anything in the  
2 design plan for Nevada County? A  
3 destination that is now a mecca for tourism,  
4 nature, art, music, recreation, athletics,  
5 technology, and senior retirement? Why  
6 would we want to reopen an industry with a  
7 world reputation of environmental disaster?

8 Certainly not for dangerous mining jobs.  
9 We have a--we have--we don't have a pool of  
10 underground mining specialists here anyway.  
11 Those would go out-of-state and out of  
12 country. We certainly aren't hurting for  
13 good jobs here. Our low unemployment rate  
14 confirms that. The company I work for is  
15 always hiring, a high-tech company.

16 The water issue cannot be stressed  
17 enough. No one can guarantee that my, or  
18 the 400-plus other wells in the area, will  
19 not be drained or contaminated by the  
20 dewatering and drilling. Experts have  
21 described the inability to predict how water  
22 flows in our type of bedrock. Deep tunnels  
23 are not a problem for dependable gravity.  
24 And most of these wells are not even part of  
25 the inadequate baseline monitoring program,

1 an apparent FEIR underestimate. Please  
2 understand the severity of a loss to our  
3 only source of water. And when it happens,  
4 it won't just be one well.

5 Remember, the county set a precedent of  
6 way more protections during the M-Gold  
7 [phonetic] era. This company is asking  
8 thousands of people for a gift, to give up  
9 our clean air, abundant water, home values,  
10 beautiful wildlife and habitat, peace and  
11 quiet, and quality of life, for what benefit  
12 to us? Absolutely nothing.

13 This is a very invasive and life-  
14 altering project. There really must be no  
15 concessions with approvals of any kind. No  
16 certified FEIR that leaves the door wide  
17 open for other gold diggers, nor any options  
18 for partial permitting, nothing. We, this  
19 community and county, would bear the full  
20 extent of the horrible, expensive  
21 consequences.

22 Thousands of us did not purchase our  
23 property with the disclosure that an area  
24 could be rezoned into heavy industry. It's  
25 simply not right to give permission to risk

1 contamination and draining our wells,  
2 devaluating our property, or fouling the air  
3 and land. Please protect us.

4 CHAIRMAN GREENO: Thanks, Tony.

5 MR. VANCE GOSS: My name is Vance Goss.  
6 I live in Nevada City. I grew up here, and  
7 my children are sixth generation. And every  
8 one of them had been miners. I personally  
9 have had to commute for over ten years to  
10 Nevada, and other points, to do that job,  
11 meeting four or five times a month. I have  
12 lots--I could name 25, 30 men and women who  
13 would be happy to live here and take these  
14 jobs but can't, because mining is not  
15 significant enough in this town.

16 Mining continues, and has continued,  
17 for the last 200 years. One of the biggest  
18 employers in this county is a mine, mining  
19 company with a quarry. And I consider this  
20 site a historic site for mining and kept to  
21 preserve, preserve it. It was a logging  
22 company site for many years, and it should  
23 go back to being a mining site.

24 Most of the gold is still in the ground  
25 that was always there. The processes

1 nowadays are far more efficient. And if you  
2 think about the last gold bar being poured  
3 at the Empire in 1956, 13 years before we  
4 landed a person on the moon, technology has  
5 changed a little bit. Take that into  
6 consideration.

7         That's about all I've got, except for  
8 the idea that mining is inconsistent with  
9 the arts and culture of this area. It fed  
10 it. You know, the first pair of pants that  
11 Levi Strauss stitched was up on North  
12 Bloomfield Road, still called Blue Tint Road.  
13 The origins of PG&E, or Nevada City Gas and  
14 Electric Company, one of the first seven  
15 companies, I believe, that they formed PG&E  
16 from. Bank of America started in Nevada  
17 City to a large extent. And all the arts  
18 and culture stem from it.

19         I remember my great-grandmother telling  
20 me about how mining allowed the women of  
21 Grass Valley to form the first suffragette  
22 movement on the west coast in Grass Valley,  
23 where Chase Bank is today. And many other  
24 benefits to the community directly from the  
25 prosperity and time that the mining allowed.

1           And every single device you have in  
2 your pocket, every single--every single  
3 contact for airbags, gold-plated. Less than  
4 10% of gold is used in jewelry or for  
5 cosmetic reasons. It's the rest is all  
6 industrial. That's how you're going to...

7           CHAIRMAN GREENO: Thank you, Vance.

8           MS. SHARON DELGADO: Hello. I'm Sharon  
9 Delgado. I live in District 1. My husband  
10 and I came here when we were young, and we  
11 raised our kids here. And we're here again  
12 in retirement. We love this community. And  
13 today I'm talking about jobs. Mining jobs  
14 are years away and are fewer than are  
15 advertised by Rise Gold.

16           First, the project will take at least a  
17 year to obtain permits to begin sitework.  
18 And, second, the Final EIR fails to provide  
19 a realistic construction schedule. And by  
20 not correctly addressing the scope or the  
21 schedule of the construction project, the  
22 true impacts remain unknown. And that, in  
23 itself, fails to meet CEQA requirements.

24           So I'm just going to mention the scope.  
25 Sitework will take about a year. That would

1 be clearing, grading, underground utilities,  
2 hazard cleanup, and re-enclosing South Fork  
3 Wolf Creek in a new culvert. Then it would  
4 also include extensive grading to form a 14-  
5 foot buildup pad. That would all take about  
6 a year.

7 Another year would be taken to  
8 construct the water treatment facility on  
9 top of that 14-foot pad. That would take at  
10 least a year. Then, after equipping the  
11 treatment plant, and other elements that are  
12 needed before dewatering, then dewatering  
13 can begin, and that would take about six  
14 months.

15 And then, when the water levels have  
16 gone down to about 1,200 feet, that's when  
17 the construction of a new access shaft can  
18 theoretically begin. And that would take  
19 about a year to build. So permits, and  
20 likely construction time, is over four and a  
21 half years. So mining jobs would be at  
22 least that far away.

23 The schedule in the Final EIR, pages 2  
24 to 111, it's simplistic, and it misses the  
25 key critical path elements of a normal

1 construction schedule. For example, how  
2 would dewatering begin if they didn't have  
3 PG&E service? So none of that is addressed  
4 and a lot of other details.

5 So then, finally, the mining jobs could  
6 begin after the four and a half, probably  
7 plus, years. So who is going to get all the  
8 jobs and when? The Rise Gold technical  
9 report says there is no longer a large pool  
10 of resident underground mining specialists  
11 here. Another report says the core of the  
12 underground mining workforce requires  
13 skilled workers. So 99 employees and the  
14 experienced underground miners would be  
15 hired first in 2020...

16 CHAIRMAN GREENO: Thank you, Sharon.

17 MS. RICKI HECK: Good morning. My name  
18 is Ricki Heck. I've lived at 13641  
19 Greenhorn Road for over 40 years, raised  
20 five kids there. I'm here today as a  
21 private citizen whose property and well lies  
22 directly above, and within, the mineral  
23 rights area, all less than one mile from the  
24 proposed project.

25 I'm here today to tell this Commission

1 that my well, and the wells of three of my  
2 immediate neighbors, have been excluded from  
3 the Draft EIR, the Final EIR, the Applicant  
4 study area, and the 11-page list of 378  
5 properties eligible for domestic well  
6 monitoring.

7         And I brought this little visual here.  
8 You probably can't see it, but here is where  
9 my property is, my neighbors' properties.  
10 None of our wells appear in any of those  
11 documents that I just pointed out. Okay?

12         However, interestingly enough--what is  
13 it? What do they call it? Eligible for  
14 well monitoring is all around us, but we  
15 were excluded. I have reasons why I think  
16 they were excluded, but I think it's up to  
17 them to tell us why.

18         Let's see. I'm going on and I've got  
19 to really get going here. So if you could--  
20 so you have to ask yourself, right? If our  
21 wells were omitted, how many other omissions  
22 have there been? How can we certify an EIR  
23 as adequate with all this missing data--or a  
24 baseline of accurate, you know, flow and,  
25 and production data? Well, you can't. You

1 just can't do that.

2       If you--okay, you all know that a home  
3 without water has no value. I've been a  
4 real estate broker for over 30 years.  
5 Relying on NID and water trucks are simply  
6 not options, and, in fact, it's a joke. We  
7 cannot sell our homes under this cloud.

8       If you take an average value within  
9 about a mile, mile and a half, from the  
10 mining, central core mining area, and  
11 multiply that times the average home value  
12 of \$600,000--mine is worth more, many are,  
13 some of them worth less--the value of that  
14 is \$262,500,000. The loss of tax revenue is  
15 almost \$3,000,000 based on that valuation.

16       Now, if the Applicant wants to offer  
17 full market price for all the homes within a  
18 two-mile radius, that might be a serious  
19 mitigation that could be considered.  
20 Nothing short of that.

21       We're a small town. Our businesses  
22 rely on tourism and an amenity economy, not  
23 mining. It only takes a second to Google  
24 what are our top economic, you know, drivers  
25 in this community. It is healthcare, retail,

1 technology, agriculture, government, and  
2 tourism. Mining doesn't even make the list.

3 For those of you that think we're  
4 NIMBY's, come and live out on Greenhorn.

5 CHAIRMAN GREENO: Thanks, Nikki.

6 MS. HECK: People do not - -.

7 CHAIRMAN GREENO: We won't.

8 MS. LAURA BECK: Hi. My name is Laura  
9 Beck [phonetic]. I live out in the-okay.  
10 My name is Laura Beck. I live out in the  
11 Peardale area, so the mine would affect me  
12 if there was traffic and everything, but  
13 that's okay.

14 As far as the beauty of Nevada County,  
15 I've been here for 23 years. I've seen this  
16 county change quite a bit. Right now, I'm  
17 watching all my neighbors clear-cutting  
18 their property for fire reasons. I've  
19 watched downtown change immensely, because  
20 there's nobody left buying down there  
21 because of the agricultural changes, we'll  
22 say. My--in my son's graduating class,  
23 there's about three of his--of his  
24 classmates left in town. They all had to  
25 leave for work.

1 I think that Nevada County was built on  
2 mining. The mine has been full of water, so  
3 maybe that's--if that water is what they're  
4 using to fill these wells, and it's so  
5 contaminated, then you would think they  
6 would want it drained.

7 I'm sure that these reports have met  
8 everything the county has asked of them, the  
9 state has asked for them. I believe that if  
10 we don't open it, somebody else is going to  
11 come in and open it, most likely the state,  
12 and we won't have any revenues from it.

13 I think the revenues from this is going  
14 to help the county with all of--all of our  
15 social, a lot of our social issues, if  
16 handled correctly. A lot of the beauty has  
17 gone to homelessness. You can't walk around  
18 anywhere around here. Revenues could be  
19 helping that also. I realize that's not  
20 part of the report.

21 Everything changes, it always changes.  
22 I don't see that this is going to affect  
23 that, that much. And I--other than in a  
24 positive way. Thank you.

25 CHAIRMAN GREENO: Thank you, Laura.

1 MR. FRED PULMAN: My name is Fred  
2 Pulman [phonetic]. I live in Grass Valley.  
3 I want to thank you for the opportunity to  
4 speak today, and I want to thank the  
5 Commission members for your diligence and  
6 extreme patience.

7 Eighty years, 80 years of risk and  
8 burden. Eighty years of IMM electric--  
9 electricity use, the equivalent of over  
10 5,000 homes. The county's energy action  
11 plan's goal is to reduce grid-supplied  
12 electricity, not increase it. Eighty years  
13 equals eight decades.

14 Asbestos measurement is an uncertain  
15 business. Quote, "Government agencies do  
16 not agree it's possible to measure airborne  
17 asbestos, let alone mitigate it," unquote.  
18 These quotes are phrasings borrowed from  
19 recent Union articles. What then, if we  
20 discover asbestos levels high enough to  
21 induce significant harm in decades hence?

22 Over such a long period of time, we  
23 increase the risk of a calamitous event.  
24 Say ammonium nitrate, say an explosion  
25 involving ammonium nitrate, a substance,

1 quote, "...so dangerous that it needs  
2 extremely high levels of security at all  
3 times," unquote. High-level security and  
4 risk for eight decades?

5         Eighty years equals 29,200 days. After  
6 six months of intense dewatering, the IMM  
7 will pump 1.2 million gallons daily. That  
8 is over 35 trillion gallons over 80 years.  
9 It's hard to imagine this will not affect  
10 subsurface water tables. Is anyone  
11 surprised local well owners fear for their  
12 wells?

13         Eighty years equals 40, two-year  
14 election cycles. Changing environmental  
15 circumstances will lead to more expansive  
16 protections, which likely mean greater  
17 regulation of mines. What will the  
18 political and legal climate demand 10, 20,  
19 or 30 election, election cycles in the  
20 future?

21         Eighty years, time to witness the birth  
22 of four generations. Children born now  
23 might not--might be grandparents are even  
24 great-grandparents in 80 years at the dawn  
25 of the next century. These generations have

1 no say today. As yesterday and today have  
2 demonstrated, attitudes toward mining in  
3 this community have changed dramatically  
4 since the IMM was operating 80 years ago.  
5 They will change dramatically again over the  
6 course of another 80 years. An 80-year  
7 permit period is a reckless permission and  
8 denies agency to future generations. Do not  
9 recommend for approval the FEIR and the IMM  
10 project. Thank you.

11 CHAIRMAN GREENO: Thank you, Fred.

12 THE CLERK: Chair, if I may interrupt  
13 quickly? If we can get anybody else with  
14 numbers 94 to 110 to line up in chambers?  
15 And anybody with numbers 111 to 120 to line  
16 up in the lobby, please.

17 CHAIRMAN GREENO: Thank you, Shelley.

18 THE CLERK: Thank you, Chair.

19 MS. CHRISTINE DAGGETT: Good morning,  
20 Planning Commissioners. You have a big  
21 decision to make, and the Planning  
22 Department has not made it easy by giving  
23 you multiple choices.

24 CHAIRMAN GREENO: Your name? Sorry.

25 MS. DAGGETT: I'm sorry. My name is

1 Christine Daggett.

2 CHAIRMAN GREENO: Thanks, Christine.

3 MS. DAGGETT: I've been in Nevada  
4 County since 1985. And you do have a big  
5 decision to make. The Planning Department  
6 has not made it easy by giving you multiple  
7 choices. The task here is to certify if the  
8 EIR is complete.

9 I'd like to thank you, Mr. McAteer.  
10 I'd like to commend the opponents, and the  
11 proponents, for being civil and kind to each  
12 other. It's a testament to our community.  
13 We can have conversations. We can smile.  
14 We are on opposite sides, but we have a  
15 great community of people here.

16 And glasses now. Certifying the EIR  
17 does not mean that the project goes directly  
18 to mining. They have the Board of  
19 Supervisors to go through. There are  
20 dewatering permits, conditional use permit,  
21 CEQA, State Water Quality Control Board, and  
22 SMARA, Surface Mining and Reclamation Act.  
23 And there is also hundreds of millions of  
24 dollars that Rise will need to have for  
25 financing.

1           It's very likely the project will not  
2 be able to afford what it will take to get  
3 the mine off and running for a state-of-the-  
4 art, eco-friendly mine. All the agencies  
5 above are not going to allow past mistakes  
6 to happen when it comes to mining in a rural  
7 community, especially California.

8           I ask that you certify the EIR is  
9 complete, if allowed, add stipulations, as  
10 there will be many with the other agencies  
11 involved. Earlier today, the first man who  
12 spoke said one job. I am that one job. I  
13 started with Empire Gold US Corporation in  
14 1994. They closed in '99. I went to work  
15 for the county for 22 years and retired.

16           I also worked with the mining company,  
17 working a part-time job at night because I  
18 could not afford to live on a single salary  
19 with just the county. I have worked two and  
20 three jobs to stay in this community. I've  
21 bought a home. I've now retired. So this  
22 does prevent--it does help with jobs in this  
23 community. We're a service industry. We  
24 won't last very long especially if the  
25 economy continues to go the way it's going.

1           So I ask that you do one thing, and  
2 certify this EIR as being complete. There  
3 are several agencies that will be  
4 micromanaging this project, and they will  
5 not let what's happened in the past. Thank  
6 you.

7           CHAIRMAN GREENO: Thank you, Christine.

8           MR. JOSEPH HIBBERT: Good morning. My  
9 name is Joseph Hibbert [phonetic], and I  
10 live in the Second District. I own a home  
11 in the Second District. I'm new to this  
12 county, moved here in October with my wife  
13 and two-year-old daughter. Before moving  
14 here, I found out there was a gold mine  
15 possible--possibly reopening would create  
16 new jobs in the county. That sparked my  
17 interest.

18           From what I've heard and researched, I  
19 think the mine is a great opportunity for  
20 the county and workforce. I have not read  
21 the EIR in its entirety. What is it? Nine  
22 or ten binders? But I've paid attention to  
23 the presentations, to the Planning Committee.  
24 I feel most of my questions have been  
25 addressed, and I'm excited for the

1 community's opportunity that comes with this  
2 unique resource being extracted from the  
3 Idaho-Maryland Mine.

4 I was going to mind my own business and  
5 just see what happens, but I decided to come,  
6 listen, and give my two cents towards the  
7 project. Talking to many people my age  
8 currently in the workforce who could not  
9 make it yesterday or today, we want the mine.  
10 I support the mine. Certify this EIR.  
11 Let's get to work. Thank you.

12 CHAIRMAN GREENO: Thank you, Joseph.

13 MS. MARTHA TURNER: My name is Martha  
14 Turner, and I've lived in Nevada County  
15 since 1961. I presently live in Grass  
16 Valley, in District 3. I have three  
17 generations; my son and my grandchildren  
18 live here also. I'm a retired nurse  
19 practitioner and a nurse midwife.

20 I sat in these chambers through  
21 yesterday's marathon hearing and went home  
22 inspired and exhausted. I hope my words  
23 today will be fresh enough.

24 I have three subjects of concern. The  
25 first is how the FEIR addresses the impact

1 the mine would have on an emergency  
2 evacuation should a wildfire occur in the  
3 vicinity. Traffic has been determined to be  
4 an unmitigable, significant impact elsewhere  
5 in the EIR. Yet, chapter 4.13 on wildfires  
6 says there will be no significant impact  
7 with the traffic during an emergency  
8 evacuation of the populace, even with the  
9 additional 300 employees evacuating.

10       Second is the fraudulent use of my name,  
11 along with six others that we know of, by  
12 Rise Gold, which the county included in the  
13 Final EIR, naming us as supporters of the  
14 mine. I learned that fraud is defined as,  
15 quote, "wrongful or criminal deception  
16 intended to result in financial gain," end  
17 quote. Our names, used repeatedly, were  
18 submitted by Rise Gold to falsely increase  
19 the appearance of community support,  
20 ultimately for their financial gain.

21       The third matter has me questioning the  
22 intention of Rise Gold's purchasing of the  
23 mine, and initiating this permit process.  
24 The company's inexperience, limited funds,  
25 disastrous history, unethical leadership,

1 begs the question of whether the primary  
2 motive has actually been to obtain a  
3 certified EIR from Nevada County. The  
4 Planning Departments published the staff  
5 report. One recommends denying the project.  
6 The other recommends approving it. Both  
7 recommend approving a deeply flawed FEIR.

8       Why in the world would the county even  
9 consider certifying the FEIR? This would  
10 extend the risk of yet another entity to  
11 begin the permit process. Be it Rise Gold  
12 again or, should they sell the property,  
13 possibly to a more experienced mining  
14 company. This community must find an  
15 alternative use for that property and put  
16 this fight to rest. I can only hope our  
17 county leaders will put a stop to this  
18 insanity.

19       I ask this Planning Commission to  
20 advise our County Board of Supervisors to  
21 vote no on the project and no on the Final  
22 EIR. Thank you for your time.

23       CHAIRMAN GREENO: Thank you, Martha.

24       MR. JEFF LAUDER: Hello. My name is  
25 Jeff Lauder. I am the Executive Director of

1 Sierra Streams Institute, a community and  
2 science organization based in Nevada City,  
3 that has been monitoring multiple aspects of  
4 watershed health in Sierra waterways for  
5 more than two decades. Our staff and board  
6 include experts in aquatic ecology, water  
7 quality, heavy metals and their impacts on  
8 humans and the environment, mine waste  
9 remediation techniques, and general  
10 watershed health ranging from forest health  
11 to instream conditions.

12 We publish numerous peer-reviewed  
13 studies on stream health, heavy metal  
14 remediation, and heavy metal impacts on  
15 human health in gold country, and thus feel  
16 qualified to speak to the insufficient  
17 science presented thus far in support of the  
18 mine. Specifically, the waters to be  
19 released into South Fork Wolf Creek via  
20 dewatering have dissolved metals already  
21 exceeding thresholds for toxicity, according  
22 to numerous published field studies across a  
23 variety of mine sites in the western U.S.

24 The proponents claim that they will  
25 remove these through water treatment, but

1 present inadequate data to demonstrate  
2 feasibility at the scale needed. Any proof  
3 of this should be based on real-world  
4 applications, such as the Magenta Mine  
5 Project at Empire Mine, rather than bench  
6 scale tests, which demonstrate the  
7 proponents' significant underrepresentation  
8 of the scale of cleanup needed.

9       Further, aquatic organisms living on  
10 the stream bottom, known as benthic  
11 macroinvertebrates, which we at Sierra  
12 Streams have been monitoring locally for  
13 more than 20 years, and are great indicators  
14 of overall watershed health, could be  
15 adversely affected not only by dissolved  
16 metals and minerals from the mine, but also  
17 by the high flows introduced into the small  
18 channel of South Fork Wolf Creek.

19       Photos in the EIR itself show turbid  
20 waters in South Fork Wolf Creek at the range  
21 of proposed flow augmentation. And these  
22 are the suspended sediments that impair  
23 aquatic life, providing a simple visual  
24 indicator of water quality degradation with  
25 known quantifiable impacts on the stream

1 fauna.

2       When I say known, those impacts are  
3 known from both a rich scientific literature  
4 on the topic, as well as our own studies on  
5 local streams, many of which span flows and  
6 turbidity levels beyond what was sampled or  
7 examined in the EIR.

8       Simply put, there are known contaminate  
9 risks, but severely inadequate data to  
10 evaluate the extent of those risks. And the  
11 EIR disingenuously uses data representing  
12 only highly restricted portions of the  
13 possible degree of both spatial and temporal  
14 variation to draw sweeping conclusions,  
15 which themselves are misleading and misusing  
16 data.

17       As a regional, science-based nonprofit  
18 that rarely and, actually, never engages in  
19 advocacy in the past, but instead tries to  
20 support collection and use of environmental  
21 data, we urge the Planning Commission and  
22 Board of Supervisors to consider the  
23 mountains of evidence, both anecdotal and  
24 quantitative, from global mining studies and  
25 our own mining-rich history in our backyard.

1 The majority of evidence points to a  
2 significant and generational impact on human  
3 and environmental health from mining  
4 activities.

5 Further, lack of data doesn't mean no  
6 impact. It means it was insufficiently  
7 studied. Frankly, receiving mailers that  
8 said the science was clear was a  
9 frustratingly blatant misuse of science.

10 CHAIRMAN GREENO: Thank you, Jeff.

11 MS. TESSA MOSSMAN: Good morning,  
12 Commissioners. My name is Tessa [phonetic],  
13 and I live in District 4. Thank you for the  
14 opportunity to comment.

15 I'm a geological engineer and have  
16 worked in the mining sector, specifically  
17 underground mining, for over 12 years now.  
18 Throughout that time, I have worked in  
19 various underground mines. Some people in  
20 this room already know my husband is Ben  
21 Mossman, but I'm not here today to comment  
22 as the wife of Ben. I'm here today speaking  
23 for myself as a professional, and a woman.  
24 I am also here to represent the women in our  
25 community that are unaware of the

1 opportunities that will be available to them  
2 should the mine get approval to open.

3       Opening the Idaho-Maryland Mine in  
4 Nevada County is an opportunity to advance  
5 gender equality. Women are underrepresented  
6 in the mining industry. A typical statistic  
7 is that women make up around 10% of the  
8 workforce in mining. Out of university, I  
9 chose to seek work in this field, as I  
10 wanted the challenge and to do something  
11 that none of my female peers were doing. I  
12 have faced many challenges along the way. I  
13 have watched female coworkers who have quit  
14 their jobs at remote mines when they became  
15 pregnant and wanted to start a family.

16       Mining is a male-dominated industry,  
17 but the jobs at a mine are not limited to  
18 men only. In my opinion, it is the  
19 situation, location, and work environment  
20 that deter women from this field. Opening  
21 the mine in Nevada County, in our community,  
22 would allow women to pursue a career in  
23 mining and still go home to their family,  
24 their children, at night.

25       To be specific, women could fill almost

1 all roles at a mine, including engineer,  
2 geologist, surveyor, process plant operator,  
3 environmental technician, manager, and  
4 equipment operator, to name a few. The  
5 opportunity in front of us can greatly  
6 advance gender equality and diversity. I  
7 support the opening, reopening of the Idaho-  
8 Maryland Mine, and I request the  
9 Commissioners to certify the Final EIR and  
10 recommend the reopening of the mine. Thank  
11 you for your time.

12 CHAIRMAN GREENO: Thank you, Tessa.

13 MS. ELAINE BLAIR: Hi. Elaine Blair  
14 [phonetic], District 3, civil engineer. I  
15 worked for ten years in California Water  
16 Resources, and on Environmental Impact  
17 Reports for five of those years. There are  
18 serious deficiencies in the Draft and Final  
19 EIR. Dewatering the mine, and its effect on  
20 groundwater levels, puts the health of our  
21 local natural springs, local creeks, and  
22 ponds at risk. The groundwater analysis of  
23 dewatering the mine done by Itasca Denver  
24 determined there potentially could be  
25 impacts on local wells. Because of this,

1 they have put a monitoring and mitigation  
2 program in place for wells.

3         You have heard from others how the  
4 groundwater analysis done by Itasca Denver  
5 could be in question due to assumptions made  
6 in their study. And the actual impact on  
7 groundwater levels could be more far-  
8 reaching, and cover a larger area, than is  
9 addressed in the EIRs. Missing from the EIR  
10 is any analysis on how groundwater drawdown  
11 could affect the health of surrounding  
12 forests, local creeks, ponds, natural  
13 springs, and thus biological resources and  
14 wildlife.

15         This impact is not addressed at all in  
16 the Draft or Final EIR. Because of this,  
17 there is no monitoring plan, and no  
18 mitigation plan, for local, natural springs,  
19 creeks, or ponds affected by dewatering.  
20 And this does not hold Rise accountable.

21         For example, I live on Woodrose Way,  
22 which is just across from the Brunswick  
23 Industrial Site. We have a natural spring  
24 on our property that runs year-round and has  
25 for the 21 years that we have lived there.

1 Our natural spring is one of the tributaries  
2 that flows into a creek and then into a  
3 large pond. If the spring goes dry due to  
4 dewatering, it would adversely, in fact,  
5 impact the natural flora, migratory birds  
6 that use the pond, sensitive biological  
7 resources such as special-status plant and  
8 wildlife species.

9       Natural springs, local creeks, and  
10 ponds need to be protected. At the very  
11 least, there should be baseline monitoring,  
12 a good ongoing monitoring plan, and good  
13 mitigation measures added to the project to  
14 hold Rise accountable for impacts. The FEIR  
15 is not adequate and should not be certified.  
16 Thank you.

17       CHAIRMAN GREENO: Thank you, Elaine.

18       MR. BRIAN FRY: Good morning. My name  
19 is Brian Fry. I'm a resident of Grass  
20 Valley. Today I am going to reserve what my  
21 comments were planned to be for the Board of  
22 Supervisors, and instead read from Sol  
23 Henson, President of the North--the San Juan  
24 Ridge Taxpayers Association in District 4.  
25 The reason he wasn't able to do this himself

1 is COVID exposure, and he decided not to  
2 expose everyone here to that.

3         So this is from Sol Henson: "Based on  
4 the catastrophic failure of the Siskon Gold  
5 Mine, and the myriad concerns identified by  
6 community members, we ask that you deny  
7 certification of the FEIR for the Idaho-  
8 Maryland Mine Project.

9         "Statements about groundwater impacts  
10 in the IMM FEIR are eerily similar to those  
11 made in the Siskon FEIR 30 years ago. The  
12 Siskon EIR all but guaranteed there would be  
13 no significant environmental or community  
14 impacts, including to groundwater. In 1992,  
15 after decades of responding to mining  
16 applications in the North Columbia Diggins,  
17 the San Juan community decided it was best  
18 to negotiate a mine with safeguards than to  
19 continue fighting. Community members, the  
20 county, and the mine corporation hammered  
21 out the remedial water supply plan, which  
22 outlined monitoring and safeguards, to  
23 ensure rapid response to the unanticipated  
24 mine operation impacts.

25         "When the mining began, in quick

1 succession, issues began to spring up. A  
2 nearby well was lost. The infiltration pond  
3 clogged with clay and began dumping water  
4 from the mine directly into Spring Creek.  
5 Only then did it become clear that no one  
6 was enforcing the infractions, and community  
7 members, without any power to remedy the  
8 situation, were forced to monitor these very  
9 real public health and environmental  
10 consequences.

11 "Soon after, on Labor Day of 1995, the  
12 mine operation breeched a bedrock fault.  
13 Miners nearly lost their lives to the  
14 resulting flooding, and a dozen wells were  
15 drained, including those of Grizzly Hill  
16 School and our local cultural center. The  
17 mine corporation denied fault, but agreed to  
18 do--drill new wells for those who lost their  
19 water immediately following the fault breech.

20 "Then reports began to emerge of  
21 community members in the vicinity of the  
22 mine getting ill after drinking their well  
23 water. The postmortem on the dewatering  
24 event suggested that rapid dewatering of the  
25 groundwater, and the eventual recovery,

1 could lead to contaminants leeching into  
2 well water. Due to the lack of consistent  
3 premonitoring of community wells, we will  
4 never know the full extent of the water  
5 quality impacts of the bedrock breach.  
6 Therefore..."

7 CHAIRMAN GREENO: Thank you, Brian.

8 THE CLERK: Chair, if I may interrupt?  
9 If we can get numbers 121 to 130 to line up  
10 in the lobby, please?

11 CHAIRMAN GREENO: Ready.

12 MR. PETER VAN ZANT: Good morning. My  
13 name is Peter Van Zant. I live in District  
14 1. My involvement with land use goes back  
15 to the General Plan development program  
16 where I represented neighborhoods on--as a  
17 citizen on that plan. Kind of fun to  
18 revisit it again, and see some of the words  
19 that we put in a long time ago.

20 I was also elected to the Board of  
21 Supervisors for two terms, representing  
22 District 1. And, by the way, thank you for  
23 your time and attention. This--we've all--  
24 anybody who sat there and listened to  
25 testimony deserves a medal, I believe.

1           Anyway, you have heard a lot of input  
2 on the many aspects. My testimony will be  
3 short. It's found on page 114 of your staff  
4 report, as a matter of fact. It lists  
5 various project issues, including hours of  
6 operation and truck trips. Your report  
7 declares that these operations, and I quote,  
8 "inconsistent with the rural character and  
9 quality of life of the supporting  
10 neighborhoods." As a member of the RQC,  
11 which was the Rural Quality Coalition, I  
12 like those words.

13           You also have input on lists proposed.  
14 Land use, rezoning, use permit, and the  
15 reclamation plan. Under the concept that  
16 these plans--these do not comport with the  
17 language in your plan, which is inconsistent  
18 with the rural character and quality of life  
19 of the surrounding neighborhoods, those also  
20 should be not certified.

21           So I didn't--I will leave out that part.  
22 Okay. Thank you for your hearing. I think  
23 you will do the right thing. My final word  
24 is please do not certify the EIR. That's  
25 not appropriate for this time and this place.

1 Thank you.

2 CHAIRMAN GREENO: Thank you, Peter.

3 MR. TOMMY JACOBSON: Good morning.

4 CHAIRMAN GREENO: Good morning.

5 MR. JACOBSON: My name is Tommy  
6 Jacobson, and I live in Grass Valley. And  
7 I've been in the area for 30 years. I'm a  
8 career California historian and author.

9 In 2019 or so, a drilling rig was set  
10 up on the first block of Bennett Street,  
11 which drilled exploratory core samples for  
12 more than a year. My family and neighbors  
13 feared that if a large-scale reopening of  
14 the mine were to take place, our area would  
15 be at risk for corporate invasion or major  
16 environmental impacts, including the  
17 potential loss of hundreds of water aquifers  
18 and severely decreased home values.

19 So, along with my myriad research books  
20 and local gold history, I produced--I  
21 purchased *Gold in Quartz* by Jack Clark, who  
22 was a renown, unchallenged knowledge of the  
23 mining industry and the Idaho-Maryland  
24 Mine's history, because he worked there his  
25 entire career, beginning in 1941, and passed

1 away in 2-17--2017, at 97 years of age.  
2 His self-written book is widely revered, and  
3 covered the mine's history, impact, and  
4 productivity from year to year on a basis,  
5 and from 1856 to February 27, 1925, when the  
6 available rich ore had been "guttled out."

7 Surprisingly, one year later, it  
8 reopened, but eventually the mining of gold  
9 there ceased in December 27th, 1955. And  
10 all operations turned to the production of  
11 tungsten. Face--facing devastating losses  
12 in 1955, the company had sold off all of its  
13 equipment in the mine, and sold its  
14 properties to the Oral Lumber Company  
15 [phonetic].

16 In the 1950s, gold was valued at \$35  
17 per ounce. But the only real change in  
18 local mining interest began when gold  
19 reached \$400. And when it launched to  
20 \$2,000 per ounce in the late 1990s. Around  
21 1994, M-Gold arrived to consider the  
22 application for reopening the mine. The  
23 original mine was highly successful until  
24 mid-century. But after it failed completely  
25 financially, every trace of buildings and

1 infrastructure disappeared except the  
2 headframe. And, instead, the local  
3 population grew, as did towns, neighbors,  
4 and new industries.

5       The gold industry had been mostly  
6 buried and forgotten where the big mines  
7 were concerned. And we had remained, after  
8 decades of dereliction and deterioration as  
9 the mines were roughly filled with miles of  
10 shafts and tunnels where timbers had rotted  
11 away, metal had rusted, concrete and rock  
12 tunnels succumbed to cave-ins, and rot, and  
13 degradation. But in the past 20 years they  
14 have continued their focus on reopening the  
15 mine.

16       However, in 2015, their Banks Island  
17 Gold Mine in British Columbia began  
18 commercial production, but was ordered by  
19 the Canadian government to cease in July.  
20 And in January of 2-16, the company filed  
21 for bankruptcy...

22       MR. BOWMAN: Hello. My name is Bowman  
23 [phonetic]. I'm eight years old. I am here  
24 to do my presentation, my presentation. The  
25 mine is very, very close to my school. In

1 fact, it's--well, I wouldn't say it. No, no.  
2 Mines are dangerous operation on the  
3 environment. I would like adults to make  
4 choices on behalf of the environment, the  
5 plants, the animals, and the community, not  
6 money. Please vote to stop the mine. Thank  
7 you.

8 CHAIRMAN GREENO: Thank you.

9 [Applause]

10 COMMISSIONER MCATEER: And, and what  
11 school do you go? Whoops? And what school  
12 do you go to? Is that Union Hill? What  
13 school is that? Grass Valley Charter.  
14 Thank you. Nice to have you here.

15 CHAIRMAN GREENO: Thanks, mom.

16 MS. SUZANNE SMITH: Hi. My name is  
17 Suzanne Smith. I am a Grass Valley  
18 homeowner. From 2011 to 2015, I was a  
19 Nevada County Planning Commissioner. So  
20 glad I'm not one of you. Two thousand to  
21 2007, I was a Senior Planner for Nevada  
22 County. And from 1988 to 2000, I was a  
23 resource planner for the County of Santa  
24 Cruz, implementing the Surface Mining and  
25 Reclamation Act, preparing quarry EIRs.

1 I'm here to address the adequacy of the  
2 Final EIR. The footnote on page 22 of your  
3 staff report addresses the quality of water  
4 samples submitted by the Applicant with his  
5 application. It was the only water analysis  
6 done. I took the sample sheets, which are  
7 over there in the Draft EIR, to circle, to  
8 verify what I saw, and was told it's out of  
9 hold time. They're all out of hold time.  
10 Meaning that you can't get realistic numbers  
11 from them.

12 Nonetheless, the--they were logged in  
13 regardless, and will be run for an analysis  
14 required is what the sheets say. And this  
15 was done per what the client requested.  
16 They say, "No ice, out of date," on the  
17 analysis sheets. So that says to me that,  
18 you know, that is not really good work. And  
19 water is our life.

20 Number two. Here is a letter, a copy of  
21 a letter from California Department, Fish  
22 and Wildlife. The agency is a trustee  
23 agency, and a responsible agency under CEQA  
24 for the proposed project. Fish and Wildlife  
25 gives detailed information as to what should

1 be in a revised Draft EIR. It would have  
2 required recirculation of the EIR, which did  
3 not happen. Central Valley Water Quality  
4 District also requested a recirculation, and  
5 that did not happen.

6 Number three. CEQA no longer requires  
7 trucks to be included in vehicle miles  
8 traveled. The mine piles, waste piles only  
9 last for 11 years. Then it's proposed to  
10 sell or to local markets. That's for 69 of  
11 the 80 years. We have no idea what the  
12 trucks are going to do. They analyze the,  
13 the gas emissions, but they don't impact--  
14 they don't do the analysis for traffic  
15 impacts like they used to do. So we don't  
16 know what they're going to do. We just are  
17 going to have a lot of trucks for 70 years  
18 on our streets, and no analysis is being  
19 done.

20 I urge you not to certify this Final  
21 EIR, and to recommend denial of the project.  
22 Thank you.

23 CHAIRMAN GREENO: And I missed your  
24 name.

25 MS. SMITH: Suzanne Smith.

1           CHAIRMAN GREENO:  Thanks, Suzanne.

2           MS. SMITH:  Mm-hmm.  Do you want any of  
3 these?

4           CHAIRMAN GREENO:  If you turn them in,  
5 we've got the box outside for the clerk.

6           MS. JOY WADE:  I'm Joy Wade [phonetic],  
7 and I live in District 1.  It is essential  
8 that the proposed mining permit submitted by  
9 Rise Gold, a corporation headquartered in  
10 Canada, be denied.  It is equally essential  
11 that the Final EIR be denied, as well as the  
12 whole subject of hard rock mining in Nevada  
13 County be denied in perpetuity.

14           Expert responses to the NOP and DEIR  
15 submitted by M-Gold, and now Rise Gold, have  
16 provided substantial documentation of all  
17 the reasons our community must not be  
18 subjected to the reopening of the Idaho-  
19 Maryland Mine.  We have already suffered  
20 enough from the local legacy of toxic mining  
21 activity in Nevada County and beyond.  The  
22 documentation of this truth has been  
23 provided to Nevada County officials many  
24 times and in great detail.

25           The unacceptable negative impacts of

1 hard rock mining, the negligible economic  
2 benefits to the community, and the potential  
3 economic benefits of alternative uses of the  
4 properties involved, all prove the necessity  
5 of putting the issue of future mineral  
6 extraction to rest once and for all. That's  
7 my main point.

8         Approving the FEIR escalates the danger  
9 of exploitation by hard rock mining in our  
10 community and throughout the region. Not  
11 just here, but throughout the foothills and  
12 all the way downstream. Directives from the  
13 state extremely prioritize housing. What a  
14 shame to locate housing on virgin land,  
15 exemplified as has previously mentioned what  
16 could have been the Getty-Meadow [phonetic]  
17 Preserve, but which is now being paved over  
18 and put housing there. But instead,  
19 impacted land should be used before virgin  
20 land. The economic benefit to the community  
21 from locating housing on the property in  
22 question is assured without the mess  
23 industrial exploitation creates and the  
24 impacts to local water security.

25         Once hard rock mining is denied in

1 perpetuity, Rise Gold can fulfill its legal  
2 responsibility, since they purchased the  
3 property, to deal with the toxicity of the  
4 sites they claim ownership of, and deal with  
5 water quality issues in the reservoir being  
6 held in the miles of mineshafts they claim  
7 mineral rights to. The property owners who  
8 have been paying property tax on the land  
9 affected by these mineral rights deserve  
10 protection from toxicity of land and water  
11 left behind by previous hard rock mining  
12 that they have been subjected to.

13 I also suggest the multiple benefits of  
14 creating a research facility, a research  
15 facility on the property, an educational  
16 facility charged with developing modern  
17 water and soil detoxification methodology so  
18 needed throughout the world, be an  
19 international research center. Housing and  
20 remediation research on this site have the  
21 potential to create priceless benefit to our  
22 local fiscal and environmental health. It  
23 is time our decision-making be an example to  
24 our future generations. Will they be able  
25 to stop asking, "What have you done?"

1 CHAIRMAN GREENO: Thank you, Joy.

2 THE CLERK: Chair Greeno, if we can get  
3 numbers 131 to 140 lined up in the lobby,  
4 please?

5 CHAIRMAN GREENO: Thank you.

6 THE CLERK: Thank you, Chair.

7 MS. LAURA GALIOSO: Hi. My name is  
8 Laura Galioso [phonetic]. I live on Diamond  
9 Court, which is off of Upper East Bennett.  
10 My well is one of the 30. So I am smack in  
11 the middle of that EIR and the project  
12 description. And it has left me with  
13 unanswered questions and concerns.

14 I have read that Rise will bring me an  
15 ID water. I have read that Rise will pay  
16 for that and my water bill. But, oops, I've  
17 also read that Rise will not pay for the  
18 water usage beyond 400 gallons per day,  
19 which I have no idea how many gallons per  
20 day I pull out of my well. I have two and a  
21 half acres and it's partially irrigated,  
22 plus the house.

23 No one has asked or offered to measure  
24 my average current usage. That is not  
25 completely or adequately--I'm beginning to

1 hate that word--addressed in the EIR. No  
2 one has come up Diamond Court from Bennett  
3 and up my driveway to my home.

4 And, yeah, anyway, I've also read that  
5 Rise will pay to cap my well. But, oops,  
6 I've also read if I choose not to cap my  
7 well, to use it--to like continue using it  
8 for outside irrigation--I will have to pay  
9 for something called a double check valve to  
10 prevent backflow into the NID system.  
11 That's a monthly fee.

12 I have also read that if I try and sell  
13 my property, these so-called perks from Rise  
14 disappear. What does that do to my  
15 property's value? This is not entirely  
16 addressed in the EIR or the project  
17 description as to my property value, my  
18 property taxes, and any future sale. Are  
19 any of you going to offer to buy my property,  
20 which is 1,300 feet away from the working  
21 mine surface property.

22 When the mine was closed 70 years ago,  
23 it was two plus miles outside of town. It  
24 was two plus miles away from where anyone  
25 lived. If the county--why? Why? If the

1 county ever thought to reopen that mine, why  
2 did they allow all of these homes around the  
3 surface boundaries to be built? Why did  
4 they do that? And for anyone that says,  
5 "Well, that was them doing that, not us."  
6 Well, unfortunately you've inherited this  
7 nightmare. Good luck.

8 I would like you to not certify the EIR  
9 and deny the project. Thank you.

10 CHAIRMAN GREENO: Thank you, Laura.

11 MS. CHRISSEY FREEMAN: Good afternoon.

12 My name is Chrissy Freeman. I live in  
13 District 1. I am speaking as an individual,  
14 although I'm a board member of the  
15 California Native Plant Society's local  
16 Redbud Chapter. My remarks are based, in  
17 part, on written comments already submitted  
18 by our Redbud Chapter.

19 I understand that the county could deny  
20 rezoning that would allow mineral extraction,  
21 but not reject the request for an 80 use,  
22 80-year use permit. I object to the  
23 proposal that the board could certify the  
24 Final EIR. This FEIR has multiple  
25 imperfections. Any one of which should

1 cause the board, and the Planning Commission,  
2 to reject it.

3 I'll focus on the associated Centennial  
4 parcel designated as the place where the  
5 mine project would stockpile a great deal of  
6 the waste rock from their operations. First,  
7 Rise has posited that the FEIR need not  
8 consider the Centennial site. If they find  
9 some other way to get mineral of the wine--  
10 mine waste, they wouldn't--it wouldn't  
11 affect the Centennial site.

12 The board should not accept this. If  
13 the mine were ever to resume without  
14 Centennial, operations could accumulate all  
15 the waste on the surface of the Brunswick  
16 site. And that could be covered with  
17 landfill and converted to a hill.

18 Second, the Centennial today is a  
19 vernal pool, home to several plant species  
20 of concern. Site-specific plant surveys  
21 were inadequate. For instance, they  
22 surveyed after the fire in June 2022. Some  
23 designated endangered species such as the  
24 Stebbin's morning glory, are very tiny in  
25 their first year, easy to overlook. Surveys

1 were, therefore, not meaningful.

2           Another rare species, the pine hill  
3 flannel bush, likely would not survive  
4 transplanting and propagation is--of this  
5 plant--is quite difficult, even for  
6 professionals. These plants are found only  
7 in our county and one other location in  
8 California. When a species is removed from  
9 an ecosystem, a cascade of effects can occur  
10 that have negative effects on many other  
11 plant and animal species, hydrology, and  
12 more.

13           Another example of this, of course, is  
14 the benthic macroinvertebrates that the  
15 person from Sierra Streams mentioned. They  
16 are eaten by amphibians, and reptiles, and  
17 birds.

18           So we urge you not to certify this FEIR.  
19 Instead, reject it now. As a backup, please  
20 recommend only the option that removes the  
21 Centennial site from this project. If, in  
22 the future, some other operation wants to  
23 operate at this site, do not let them  
24 shortcut the environmental processes  
25 designated to safeguard us and our

1 environment. Instead, make them perform an  
2 FEIR that is adequate and realistic. Thank  
3 you.

4 CHAIRMAN GREENO: Thank you, Chrissy.

5 MR. BOB WHITE: Good morning. My name  
6 is Bob White, and I live in District 3. A  
7 few of the agencies who commented on the  
8 Draft EIR include Water Board, the Air  
9 Quality Management District, City of Grass  
10 Valley, NID, and Baseline Environmental  
11 Consulting, with 35 years' experience in  
12 environmental consulting.

13 Any--for any of the issues that were--  
14 the FEIR responses of these agencies ignore  
15 the comments with some form of, "We know  
16 better," or, "You don't understand CEQA." A  
17 few of the examples of the expert comments  
18 include the Water Board, the Draft EIR  
19 should be revised to address this comment.  
20 This occurs three times regarding separate  
21 issues each time. The Air Quality  
22 Management District, the project, this  
23 project--the project should be evaluated  
24 based on more samples. The City of Grass  
25 Valley, cursory alternatives, dismissal of

1 alternatives is based on economic  
2 assumptions which are--which there is  
3 absolutely no evidence of.

4 Now, NID Board of Directors expressed  
5 serious concerns that the number of impacted  
6 wells could far exceed the 30 that are  
7 estimated. And that a mitigation measure  
8 should be adopted that would require the  
9 Applicant to put forth bonds of 14 million  
10 dollars to cover the cost of such  
11 infrastructure.

12 Baseline Consulting, FEIR, the FEIR  
13 analysis of the project impacts the  
14 greenhouse gas emissions remains inadequate.

15 And a longer excerpt from the City of  
16 Grass Valley, the City of Grass Valley, we  
17 are dismissed--the failure of the EIR to  
18 adequately respond to these critical  
19 comments and inadequacy of the FEIR.

20 I respectfully request that you do not  
21 satisfy--certify the Final EIR. Thank you.

22 CHAIRMAN GREENO: Thank you, Bob.

23 MR. RICHARD CARTER: Good morning. My  
24 name is Richard Carter. I live in Grass  
25 Valley. Excuse me. During my working life,

1 I was a registered professional engineer in  
2 the state of California and several other  
3 states. And I'm a lifetime member of the  
4 Sierra Club.

5 I support the reopening of the Idaho-  
6 Maryland Mine because I don't think that it  
7 is an either/or proposition. We can have an  
8 active gold mining operation here without  
9 sacrificing the quality of life we enjoy.  
10 The EIR has stated as much.

11 I also support the project because I  
12 live in the now, but remember the past.  
13 Fifty years ago, there was no EPA, no  
14 California Environmental Quality Act, no  
15 Clean Air Act, no Clean Water Act, no  
16 Endangered Species Act, no vehicle emissions  
17 standards, no Toxic Substances Controlled  
18 Act, no Occupational Health and Safety  
19 Administration, no superfund legislation, no  
20 Safe Drinking Water Act, no Resource  
21 Conservation and Recovery Act, no Pollution  
22 Prevention Act.

23 Today, thanks in part to the  
24 conscientiousness, conscientiousness and  
25 activism of the groups mentioned by the

1 first speaker of yesterday's session, these  
2 laws, regulations, and agencies constitute  
3 the regulatory framework for evaluating the  
4 environmental impacts of proposed projects,  
5 regulating the operations over the life of  
6 the project, and ensuring that the site is  
7 left in a clean state after operations cease.

8 I trust you, Board of Supervisors,  
9 various state regulatory agencies, to  
10 enforce the law, and the management of Rise  
11 Gold Mine to follow the law. They have  
12 every incentive to do so. Let's reopen the  
13 mine.

14 CHAIRMAN GREENO: Thank you, Richard.

15 MR. COLE MILLER: Hi. I'm Cole Miller.  
16 I'm a local real estate broker. And  
17 although I think that the environmental  
18 impacts and the water decimation that takes  
19 place during a big mine operation like this  
20 are the most important factors, I'm here to  
21 talk about my expertise, and that's real  
22 estate.

23 In 2013, I bought eight lots in New  
24 Brunswick Court, which is directly across  
25 from the prospective site. This process of

1 them even trying to get the mine has  
2 decimated the real estate value in the area  
3 of the site. I built--I built one house on  
4 one of my eight lots and was able to sell it.  
5 Since then, I can't get the--I can't sell a  
6 lot. I can't build a lot. I can't sell a  
7 house in that area.

8 I really encourage anybody who is a  
9 property owner within ten miles of this site  
10 to join me in a coalition to fight this from  
11 a property owner's perspective. They are  
12 decimating the real estate value in that  
13 area. And my business is a very small  
14 business. I work with my mother, my wife,  
15 and my sister. And this is personally  
16 putting us through economic hell.

17 And I just really encourage everybody  
18 to fight as hard as they can to not approve  
19 this EIR and join together as citizens of  
20 this county, and fight as hard as we can to  
21 not let it happen. I appreciate your time.

22 CHAIRMAN GREENO: Thank you, Cole.

23 MR. STEVEN MEDINA: Good morning. My  
24 name is Steve Medina. I'm a father, I'm a  
25 husband, and I'm a realtor. I am--thank you

1 the previous speaker, Cole. I'm also the  
2 President of the Real Estate Association  
3 here in Nevada County. As one of our  
4 representatives—one of our representatives  
5 spoke yesterday, specifically about the  
6 economic impact report, and the dismissed  
7 decrease in home values if the mine were to  
8 reopen. I'm continuing that.

9 I'm here today to address two more  
10 critical impacts to the report. One on  
11 zoning. The General Plan 17-2 states that NE  
12 zone will be used to warn the public that  
13 the potential for surface mining operation  
14 exists, and thus, this zone will discourage  
15 the encroachment of incompatible uses. The  
16 surrounding borders of the Brunswick site  
17 are now currently zoned and built as  
18 residential.

19 General Plan Policy 17.14 states that  
20 already-existing development shall be  
21 protected from adverse environmental effects  
22 caused by mining through enforced use  
23 permit--through enforced use permit  
24 conditions and mitigation measures or denial  
25 of the project. Where is the buffer zone?

1           And property assessments, everyone is  
2 focused on increased tax revenues from the  
3 mine. However, no one, maybe except for  
4 Ricki earlier, has discussed the reduced tax  
5 assessments and income to the county due to  
6 reduced property values. When property  
7 values go down, Title 8 will be utilized to  
8 reassess homes at a lower value. Homes will  
9 also be marketed and sold at lower values,  
10 just as Cole described. Both scenarios  
11 result in a reduction of long-term tax  
12 revenue for the county.

13           Before any decision is made regarding  
14 the certification of these reports, we as  
15 the association--as the association and  
16 membership recommend the Planning  
17 Commissioners speak with the county assessor.  
18 Based on our own thorough analysis and  
19 surveys of the impact reports, both Draft  
20 and Finals, our association believes the  
21 Economic Impact Report results are incorrect,  
22 and recommend the Planning Commission not  
23 certify the report. Thank you.

24           CHAIRMAN GREENO: Thank you, Steve.

25           THE CLERK: Chair, we have two more

1 speakers. Do you want to line up more, or  
2 would you like to go lunch after these two?

3 CHAIRMAN GREENO: Let's--yeah, let's go  
4 ahead and we'll have lunch. We'll not line  
5 up the next group until after lunch.

6 THE CLERK: Okay. We'll start at  
7 number 141 after lunch.

8 CHAIRMAN GREENO: That sounds good.

9 THE CLERK: Okay. Thank you, Chair.

10 CHAIRMAN GREENO: Thank you. Until  
11 2:00, so from, from--yeah, we can--we can do  
12 a half-hour lunch. Yeah, great idea.

13 MR. JARED NAIMARK: Okay.

14 CHAIRMAN GREENO: Proceed.

15 MR. NAIMARK: Good morning,  
16 Commissioners. My name is Jared Naimark and  
17 I'm the California Organizer with Earthworks.  
18 We're a national, nonprofit organization  
19 that's been working for more than 30 years  
20 around the world to protect communities, and  
21 the environment, from the adverse impacts of  
22 mining. I work to support communities  
23 throughout California who are impacted by  
24 both existing mines and mining proposals.

25 I came here today to say that

1 Earthworks stands in solidarity with the  
2 countless Nevada County residents who have  
3 made their voices heard. I urge the county  
4 to deny the Idaho-Maryland Mine and not to  
5 certify the Final EIR.

6       There are many deficiencies in the EIR  
7 that justify its denial you've already heard  
8 about. In particular, Earthworks is deeply  
9 disturbed by Rise Gold's plan for managing  
10 mine waste, and the shortcomings of the EIR  
11 in analyzing this impact.

12       The assumptions made that the  
13 Centennial site cleanup will be completed  
14 before new mine waste is dumped there are  
15 extremely concerning. Unfortunately, as  
16 many of us in this room know, those cleanups  
17 often drag on and on, taking decades. So  
18 using that as the baseline for analysis in  
19 the EIR is simply unacceptable.

20       Another major issue that you've heard  
21 experts testify about is the assumption that  
22 Rise Gold will be able to find a market to  
23 sell its mine waste for construction  
24 material. In our experience, many companies  
25 say this, and many are unable to find a

1 buyer for that material. It's foreseeable  
2 that the company will be stuck with storing  
3 even more waste than analyzed onsite, the  
4 impacts of which have not been properly  
5 addressed in the EIR.

6       You've also heard from experts about  
7 how this mine waste would contain hazardous  
8 elements with the potential to leach into  
9 waterways, causing long-term pollution.  
10 There hasn't been enough testing to analyze  
11 this risk.

12       We've studied mine waste facilities all  
13 over the world and can tell you that the  
14 only truly safe tailing facility is the one  
15 that's not built in the first place.

16       California is seeing a wave of new gold  
17 exploration projects. Some call it a new  
18 gold rush, but gold mining is one of the  
19 most destructive industries in the world.  
20 It displaces communities, contaminates  
21 drinking water, hurts workers, and destroys  
22 pristine environments. And we don't even  
23 need to mine for more gold because there's  
24 already enough above ground. It's highly  
25 recyclable. And, if we stopped all gold

1 mining today, recycling can meet demand for  
2 all technological uses and 45% of annual  
3 jewelry demand.

4 Nevada County can be a leader in  
5 California, and the world, setting an  
6 example in rejecting this toxic industry.  
7 It's vitally important that you do not  
8 certify the EIR, because otherwise another  
9 company will be back, and you'll be stuck  
10 fighting this fight again and again. Thank  
11 you.

12 CHAIRMAN GREENO: Thank you.

13 MS. JADE: My name is Jade [phonetic].  
14 I'm 12 years old, and I live in Nevada  
15 County, District 1. I am against the mine  
16 because, first of all, I am distressed about  
17 the thought of millions of gallons of water  
18 being used every day for the mine. Yes, we  
19 just came out of a drought, but we could--  
20 but using that much water could very quickly  
21 plunge us into an even worse drought.

22 Also, as people making the decisions  
23 about the mine, you are much older. You  
24 won't live to see all the consequences of  
25 the mine, but your children and

1 grandchildren, and the newest generations  
2 will. My children and I will see the  
3 effects of this mine even if you don't.

4       The mine will also be affecting the  
5 wildlife and the people in the area. The  
6 constant drilling will disrupt ecosystems.  
7 And the contamination of the water will  
8 poison the animals and plants. Even as  
9 people are saying the water will be use--  
10 being used will be cleaned, it can't totally  
11 be returned to its original state. This  
12 contamination will affect the area, and its  
13 people, for generations to come. This  
14 brings panic to my heart, and makes me  
15 anxious for the future.

16       Now I ask you to vote no to this mine  
17 and forever protect the planet for my  
18 generation and generations to come. Thank  
19 you for listening.

20       CHAIRMAN GREENO: Thank you, Jade.

21       [Applause]

22       CHAIRMAN GREENO: Jeff, is this our  
23 last before lunch? Very good. Thank you.

24       MR. CHARLIE PRICE: I think you guys  
25 are tired of people just talking to you.

1           CHAIRMAN GREENO:  What, what number are  
2 you?

3           MR. PRICE:  I'm 139.

4           CHAIRMAN GREENO:  139?  Thank you.

5           MR. PRICE:  Charlie Price, retired from  
6 the Tahoe National Forest.  I live on Deer  
7 Creek.

8           [Guitar Playing/Singing]

9           MR. PRICE:  Taken years and years to  
10 recover from the terrible, terrible gold  
11 mining scars.  Generations of good people  
12 working together, restoring this beautiful  
13 county of ours.  Trees have grown back, now  
14 living here is fine.  Folks even visit just  
15 to shop and to dine.

16           Don't let 'em commit environmental  
17 crime.  Don't let 'em open Idaho-Maryland  
18 Mine.

19           Grass Valley started as a mining town.  
20 Stamp mills explosions shakin' the ground.  
21 Gold ran out and the miners did, too.  
22 Sawmills grew with their logging crews.  
23 Well, no one wants to visit an industrial  
24 town, where haul trucks and blasting is a  
25 common sound.

1           Big step backwards, it'd be a crime.

2 Don't let 'em open Idaho-Maryland Mine.

3           Far-sighted leaders paved the way for  
4 the beautiful county we live in today. Well,

5 I know they'd roll over in their grave if  
6 you were to throw all their hard work away.

7           Shops and restaurants, they don't want  
8 to see their customers and all the visitors  
9 leave. Big step backwards, it'd be a crime.  
10 Don't let 'em open Idaho-Maryland Mine.

11           [Applause]

12           CHAIRMAN GREENO: Thank you, Charlie.

13           MR. PRICE: Thanks you guys. I have--I  
14 have a comment left in my 57 seconds.

15           CHAIRMAN GREENO: Have at it.

16           MR. PRICE: There's a reason that the  
17 people who developed this environmental  
18 report could not find a comparable situation  
19 as we're in today. And that's that no  
20 county would let an industrial operation  
21 move in next to one of their major  
22 attractions. Would Santa Cruz County let an  
23 industrial operation move in next to  
24 Capitola? I mean they can't find an example,  
25 because nobody would do it. Thank you.

1 CHAIRMAN GREENO: Thank you, Charlie.

2 [Applause]

3 CHAIRMAN GREENO: And with, with that,  
4 we're going to refrain from applause, please.  
5 Thank you. We are going to take--we'll take  
6 a half-hour lunch.

7 COMMISSIONER MILMAN: Half-hour?

8 CHAIRMAN GREENO: Yeah, half-hour. So  
9 as to give as many need to speak as possible.  
10 We will--I would ask that if you can  
11 consolidate, if you feel like you've got a  
12 unique and new perspective that is pertinent  
13 and significant, and that we need to hear it,  
14 we want to hear from you.

15 We also--this is a step in the process.  
16 Again, as I said this morning, the Planning  
17 Commission is making a recommendation. We  
18 have to move to the Supervisors to make the  
19 decision. So that's why we're having a hard  
20 stop at 2:00. We could stop before that and  
21 get onto our discussions up here if  
22 everybody is done by--before 2. So that's  
23 it.

24 FEMALE VOICE: - -.

25 CHAIRMAN GREENO: We'll be back. We'll

1 be--we'll be back at 12:30.

2 [Lunch Recess]

3 CHAIRMAN GREENO: Test, test, test.

4 All right. We'll call this meeting back to  
5 order at 12:32. And we will continue with  
6 public testimony. Ready. We're ready if  
7 you are.

8 MR. OLAF BLECK: Great. Good afternoon.  
9 My name is Olaf Bleck. I live near Cedar  
10 Ridge, inside the mineral boundary. I've  
11 been here 11 years. Much of that's been in  
12 mining-related projects. I've also spent 25  
13 years walking the halls at MIT as a student  
14 and staff member. There I learned about  
15 fact, truth, how we arrive at it, and the  
16 ethics thereof.

17 We've heard many concerns here, some  
18 quite authentic and moving. On the flip  
19 side, I even got a death threat once while  
20 commenting on some issues here. But these  
21 concerns have all been acknowledged and  
22 addressed in the EIR, our elaborate system  
23 of arriving at the preponderance of fact and  
24 truth.

25 We have 20,000 pages of peer-reviewed

1 expert, objective analysis, informed by our  
2 elaborate CEQA process, designed  
3 specifically to guide us through these  
4 decisions. I'm delighted that staff  
5 recommends adoption thereof regardless, and  
6 I hope you concur.

7         But what about the use permit? Skipping  
8 over discussion of Option A, which seems  
9 like an afterthought when you read it, it  
10 seems like a constantly professional roadmap  
11 for approval of this project. What  
12 happened? It's puzzling. Politics? I  
13 don't know, but I can speculate.

14         We heard there are always conflicts in  
15 General Plan objectives, so we look for more  
16 guidance. Might I propose one source?  
17 California Public Resources Code 2762 gives  
18 us precisely nine words in Section (a)(3).  
19 The lead agency shall, quote, "emphasize the  
20 conservation and development of identified  
21 mineral deposits," period, full stop.  
22 That's it. It's food for thought.

23         But the real question is: can the mine  
24 and the rest of the county coexist? Or is  
25 the sky going to fall? The preponderance of

1 the facts, which is comprised of the EIR and  
2 the other studies the county has done, says  
3 things will be just fine.

4         So is this just going to be about  
5 "ruralness," if that's a word? It seems  
6 highly subjective, and the reasons expressed  
7 are contrary to the EIR. But what else  
8 should we consider? What about that the  
9 truth says one wouldn't notice the mine if  
10 you drove past it except for the sign in the  
11 driveway and a truck every 20 minutes.

12         What about the 50 to 60 million dollars  
13 a year predicted impact on our local  
14 economy? What about the jobs and the better  
15 standard of living which permeates through  
16 our entire community? What about the people  
17 that can't be here today and want better  
18 jobs? They're our working-class community.  
19 They have jobs, and family, and just can't  
20 be doing this. They don't even want to be  
21 here.

22         Gold is a huge hedge against economic  
23 downturn. History has proven this over and  
24 over again in our region. Don't we want to  
25 diversify our portfolio? After all, tourism

1 is the first thing to go when things go  
2 south. And we're kind of looking at the  
3 abyss right now.

4 So I imagine this is what planning is  
5 all about. I don't envy you. Please  
6 consider the preponderance of the fact and  
7 the truth. Thank you. And I encourage  
8 you...

9 CHAIRMAN GREENO: Thank you, Olaf.

10 MR. MATT NICHOLAS: Thanks for the  
11 hearing today. I'm Matt Nicholas [phonetic]  
12 and live on the other side of Banner Lava  
13 Cap. I started mining when I was 21 years  
14 old in 1977. The state of California  
15 actually sponsored me with equipment, and I  
16 made a living off of that for ten years, 365  
17 days a year for ten years. And I didn't get  
18 rich, but I made a good living. It's a  
19 healthy living, and it's hard work. Anybody  
20 that mines knows that.

21 The seal of Nevada County has a gold  
22 miner on it. This town was built on gold.  
23 And all the buildings, all the streets, all  
24 the sidewalks wouldn't be here if it wasn't  
25 for the history of it. Nevada County lives

1 off the history of, of the mining heritage.  
2 And Nevada City is called the Queen of the  
3 Northern Mines. It brings in tourism. And  
4 that's great, but, but there is gold in the  
5 ground. I find it all the time.

6       The way the economics is going now in  
7 this time, it's like it's inflation, rising  
8 prices, banks are folding. Everybody knows  
9 like three or four banks have already folded.  
10 There's a good chance we're going to be in a  
11 hard recession in the next two years. The  
12 first thing to go, like Olaf said, was  
13 tourism, and the service industry suffers in  
14 recessions. And a thriving gold mine that  
15 is well-regulated, in fact, the most  
16 regulated probably in the world in  
17 California, has the strictest regulations,  
18 would be a solid economic and community  
19 employer for years to come that a recession  
20 would not affect it.

21       During the Great Depression, Grass  
22 Valley and Nevada City did not suffer like  
23 the rest of the country because of our gold.  
24 The mines kept Nevada County and other--  
25 Placer County, and other gold-bearing

1 counties, working. So they did not feel the  
2 depression like, like so many other states  
3 in the--in the nation did.

4 All the concerns, there's a lot of  
5 valid concerns that I--that I hear people  
6 saying. But, like I said, the most-  
7 regulated industry in the--in the world is  
8 mining. So their, their feet will be held  
9 to the fire every step of the way. And a  
10 well-run mine can be an example and also a  
11 boon for the--for the county. I lost my...

12 CHAIRMAN GREENO: Thank you, Matt.

13 MS. SUSAN MCKINNEY: Good afternoon.  
14 Before my timer goes off, I just wanted to  
15 express that I Googled the question, "Is it  
16 slander if it's true?" And the answer was  
17 that if the statement has substantial truth,  
18 it is not slander or defamation.

19 While I would love for all of us to get  
20 along, I think it's very important that we  
21 have transparency right now. I did request  
22 before the timer was--excuse me.

23 THE CLERK: Your time is counting down.

24 MS. MCKINNEY: So because of the  
25 incident yesterday, I just wanted to clear

1 the air. Would you please stop my timer? I  
2 would--just wanted to make sure that I am  
3 not rudely interrupted during my speech yet  
4 again. Would someone please stop the timer,  
5 so that I can begin from the top as I had  
6 wanted to yesterday.

7 COMMISSIONER DUNCAN: Claire, stop the  
8 timer. Okay. Thank you for coming,  
9 agreeing to come again. We appreciate that.  
10 We follow certain rules of conduct here. We  
11 try to keep everything above board with  
12 kindness and compassion for everyone in the  
13 audience. So please, start your  
14 presentation.

15 MS. MCKINNEY: So I'm a member of the  
16 audience. I would appreciate some kindness  
17 and compassion on the part of the Planning  
18 Commission.

19 COMMISSIONER DUNCAN: And with kindness,  
20 it was described to you that that testimony  
21 was not appreciated.

22 MS. MCKINNEY: Sometimes--

23 COMMISSIONER DUNCAN: [Interposing] The  
24 audience members have kept everything above  
25 board, and we're trying to maintain that

1 conduct.

2 MS. MCKINNEY: Okay, so--

3 COMMISSIONER DUNCAN: [Interposing] So  
4 the most productive thing that you could do  
5 is to start your three-minute timer, and  
6 state your concerns for the project in  
7 consideration of the audience who is here.

8 MS. MCKINNEY: All right. So if you  
9 would be so kind, I will be--I will begin  
10 now.

11 COMMISSIONER DUNCAN: That would be  
12 great.

13 MS. MCKINNEY: And I will recite what I  
14 wrote, which is exactly what I was reciting  
15 yesterday.

16 COMMISSIONER DUNCAN: They have  
17 restarted the timer.

18 MS. MCKINNEY: Okay. I just wanted to  
19 make sure I can get through my three minutes  
20 without interruption. Thank you.

21 COMMISSIONER DUNCAN: Well, wasn't her-  
22 -part of that test--that testimony is on the  
23 record. So does she need to repeat what is  
24 already on the record?

25 MS. KATHERINE ELLIOTT: I would just

1 start the clock now and have her say her  
2 piece.

3 COMMISSIONER DUNCAN: All right. On  
4 advice of counsel, we will proceed that way.

5 MS. MCKINNEY: I would love to get this  
6 over with, too. Trust me. Okay. So my  
7 name is Susan McKinney [phonetic]. District  
8 1 is where I reside. And I'm a 40-year  
9 resident.

10 According to Pacific Wild, July 27,  
11 2015, article, and a CVC October 20<sup>th</sup>, 2020,  
12 report, Ben Mossman, President, CEO, and  
13 Manager of Banks Island Limited, and now CEO  
14 of Rise Gold, was ordered to cease  
15 operations at his Yellow Giant Gold Mine  
16 after only seven months of commercial  
17 production due to an, quote-unquote,  
18 "unauthorized effluent discharges and  
19 several permit violations."

20 A Banks—the Banks Island Northwest  
21 British Columbia mine had spilled slurry on  
22 land into surrounding creeks, lakes, and  
23 wetlands. The discharge then made its way  
24 to the ocean. Banks Island Gold Limited  
25 then conveniently went bankrupt, letting

1 taxpayers foot the bill for the 1.6 million  
2 dollar cleanup. Ben Mossman is still,  
3 currently, on trial in Canada on charges  
4 related to the spills.

5       There is no such thing as a clean, safe  
6 gold mine, as demonstrated by another  
7 Canadian-owned mine in Nevada County, Siskon  
8 Gold Mine. On Labor Day weekend, 1995,  
9 Siskon's miners hit an unmapped bedrock  
10 fault, drained an entire aquifer, and ruined  
11 12 water wells over two square miles,  
12 including Grizzly Hill School and the North  
13 Columbia Cultural Center. Allowing a  
14 reckless mine owner like Ben Mossman, who  
15 flouts environmental laws, and leaves the  
16 toxic mess for taxpayers to clean up because  
17 of financial insolvency, is asking for  
18 environmental and financial disaster that we,  
19 Nevada County residents, neither need nor  
20 want.

21       What would ideally be done with the  
22 land Ben Mossman wants to destroy along with  
23 the rest of Nevada County is to extend the  
24 Empire Mine State Park Trail System. Nevada  
25 County will sustainably create more jobs and

1 receive more tax revenue from ecotourism  
2 without destroying our environment and  
3 constantly threatening us with drained water  
4 wells, water shortages, soil, water, air,  
5 and noise pollution, fire hazards, and  
6 catastrophic truck-versus-car accidents.

7 Thank you for listening to reason,  
8 following your highest moral aspirations,  
9 and advising the Board of Supervisors to  
10 deny Ben Mossman the opportunity to wreak  
11 havoc upon our beautiful, sacred home.  
12 Thank you.

13 COMMISSIONER DUNCAN: Thank you, Susan.

14 MS. NANCY CUNNINGHAM: Hello. My name  
15 is Nancy Cunningham [phonetic]. I am a 43-  
16 year resident and well owner in District 4.  
17 I am here to urge the Planning Commission  
18 not to certify the Final Environmental  
19 Impact Report, or the use permit, for the  
20 reopening of the Idaho-Maryland Mine.

21 Although mining was a part of the past  
22 of Nevada County, it is not compatible with  
23 the retirement and residential community,  
24 and tourist attraction, that we have become.  
25 As shown in the Environmental Impact Report,

1 there is no way to mitigate several of the  
2 impacts this project would cause such as  
3 increased traffic and ground vibrations.  
4 Money to the local government does not  
5 mitigate these impacts for the community.

6 Groundwater is another grave concern to  
7 all of us who have wells. It is  
8 shortsighted to think that only 30 wells  
9 will be impacted. Water flows downhill, and  
10 what you remove downhill will be drained  
11 from the uphill wells.

12 The mines of yesteryear were part of  
13 our history, but it does not need to be part  
14 of our future. I urge you, say no to both  
15 the certification of the Final Environmental  
16 Impact Report, and the Rise Gold use permit.  
17 Thank you.

18 CHAIRMAN GREENO: Thank you, Nancy.

19 MR. DALE NEECE: Hi. I'm Dale Neece  
20 [phonetic]. And I was here all day  
21 yesterday and was listening pretty intently.  
22 As a precursor to my spiel, I feel the need  
23 to make a couple of comments that I'm hoping  
24 will be helpful to everybody in the audience.

25 First, loss of hearing. Going deaf is

1 a terrible and debilitating thing, but if  
2 you refuse to listen it puts you in the same  
3 predicament. Secondly, any two-sided  
4 exchange becomes not just frustrating, but  
5 basically impossible to navigate if either  
6 side insists on throwing out logic or facts.  
7 So I just had to get that off my chest.

8 I fully support the reopening of the  
9 Idaho-Maryland Mine and for all the right  
10 reasons that have been outlined by others.  
11 But today, instead of rehashing the obvious  
12 benefits, I'd like to share a big picture  
13 perspective. I recently retired from a 36-  
14 year career in the commercial explosives  
15 industry. And I had the opportunity to  
16 visit hundreds of mines, quarrying, heavy  
17 civil engineering projects, and operations  
18 all over the country and internationally. I  
19 strongly believe that most U.S. citizens are  
20 woefully ignorant of what modern mining does  
21 for humanity.

22 When discussing the benefits of an  
23 individual mining project, I believe it's  
24 helpful to look--also look at mining as a  
25 whole. Everyone should realize that

1 literally every tangible thing we use comes  
2 from mining or agriculture. Our current way  
3 of life would be impossible to sustain  
4 without mining. Do you use a cellphone? Do  
5 you drive a car or even a bicycle? Do you  
6 live in a house or a trailer? Everyone is  
7 touched by the benefits of mining.

8         And I would also like to point out that  
9 modern mining treats negative impacts far  
10 differently than when the mines that were  
11 under our feet here in Nevada County were  
12 last operating. Modern mining is highly  
13 regulated, as has been said many times. And  
14 coupled with responsible mining methods that  
15 are required, negative impacts, if not  
16 entirely eliminated, are brought down to a  
17 level on par with any productive other  
18 activity that we see around us every day.

19         I'd like to encourage everyone to get  
20 the facts, get educated. Emotional  
21 speculation and spreading factless or, worse  
22 yet, false statements should have no place  
23 in a decision to grant permitting to reopen  
24 a mine.

25         I have worked in many, many mining

1 operations in and around populated areas,  
2 much--oftentimes much closer than what these  
3 guys are attempting to do. I can attest  
4 that mines make good neighbors. Often the  
5 majority of the neighbors are actually  
6 unaware that there is even a working mining  
7 operation nearby. I'd love to have the time  
8 to share some site-specific examples with  
9 you of good neighbor mines, but you can find  
10 out for yourself.

11           These days are pretty simple. And  
12 however you feel about reopening the mine--I  
13 think I'm about to run out of time. So I'm  
14 not going to be able to get through this  
15 paragraph, but thank you.

16           CHAIRMAN GREENO: Thank you, Dale.

17           MS. LIMA CETES: My name is Lima Cetes  
18 [phonetic]. I'm in eighth grade, and I'm  
19 opposing the mine. I mean the opening of  
20 the mine is a scary topic to think about.  
21 Will I be safe when I go outside? Can I  
22 drink my own water? Will I even have water  
23 to drink? There are an endless amount of  
24 questions that I'm sure everyone is all  
25 wondering.

1           Seeing all the mines that have operated  
2 in this area previously, along with today,  
3 it's not a question of if there will be a  
4 spillage and environmental damage, but when.  
5 And when this happens, it will be us, the  
6 county and the citizens who will have to  
7 clean it up. But, to be honest, it won't  
8 just be the county and the citizens to clean  
9 it up. It will also be my generation and  
10 our future children.

11           From a report in 2016 for the Empire  
12 Mine in Downieville in Sierra County, the  
13 estimated cost for cleanup is around 2  
14 million dollars. And that wasn't even from  
15 a spillage. That price is just from the  
16 tailings they left behind. They contain  
17 arsenic, cadmium, cobalt, lead, mercury,  
18 nickel, and silver.

19           If you guys do open up the mine, will I  
20 be able to walk my dog by the Wolf Creek  
21 Trail? Can I go swimming in the river? Or  
22 will I have to stop these activities that I  
23 love because one of us might get poisoning  
24 from those metals?

25           I'm still in my teenage years, and I'll

1 still be a young adult if this mine were to  
2 open. I want to be able to hang out  
3 wherever and be able to do what I want  
4 without being afraid of getting sick. I am  
5 out here, missing school, because I care  
6 about what happens to our community. I  
7 shouldn't have to be fighting for our town.  
8 I'm only 14 years old. Not to mention, I  
9 was 12 years old when I first voiced my  
10 concern about the mine reopening, too.

11       Like I said, what happens to the  
12 environment in our county means so much to  
13 me. Us humans have already been destroying  
14 the earth with deforestation, overpopulating,  
15 glacial melting, and so much more. So if  
16 you guys do open up the mine, you are  
17 letting people of all ages suffer from fear  
18 and from sickness.

19       We can't just allow corporations or  
20 special interest groups do whatever they  
21 want, in a way that affects us all. The  
22 solitude and peacefulness of this town is  
23 what attracts many retired people, young  
24 families, and tourists to our town. With  
25 mining, all of that could go away.

1 Mining is a bygone era. Let's leave it  
2 there. Thank you.

3 CHAIRMAN GREENO: I missed your name.  
4 I missed your name, young lady.

5 MS. CETES: Lima.

6 CHAIRMAN GREENO: Lima, thank you.

7 MR. BRADY TANNER: Hi. Brady Tanner  
8 [phonetic], District 4. Thank you for the  
9 time to speak. My wife and I are lifelong  
10 residents of Nevada County, born and raised  
11 here. I participated in meetings for and  
12 against the mine. And the one thing I've  
13 noticed is that a lot of people with two,  
14 three, four, five, even six generations of  
15 family that live here, locally, are for the  
16 mine to reopen. And, yes, my family and  
17 relatives have been here since the mid-  
18 1800's. Some of them worked in these mines.

19 As I listen--as I listen with an open  
20 mind, it's more of the positive outcomes  
21 reasoning for reopening the mine, not just  
22 jobs. The fact that the company will clean  
23 up any previous issues with the mine, and  
24 going forward will be--will be required to  
25 deal with any and all issues that fall under

1 the heavy scrutinization from the county,  
2 state, federal regulations, and that have  
3 been addressed in the EIR.

4 I would ask you to look at the truth,  
5 the true facts, and not the misguided  
6 opinion of opposition. Vote yes to reopen  
7 this mine. I believe this will be missed, a  
8 missed opportunity for our county because  
9 the tax revenue coming from this mine could  
10 be used towards cleanup of other mines in  
11 our--in our county that are true issues of  
12 hazmat, environmental, and water quality  
13 issues. This is not what the opposition  
14 wants. That is not what the--that is not  
15 what the opposition wants. That is not what  
16 we all want. I want to support that. Had  
17 funding been available, could have the Lost  
18 Lake incident been avoided? As a true local  
19 growing up here, I'm proud of my ancestors.  
20 I love the history and the county's deep  
21 mining, logging, and ranching history.

22 We've all been stewards of this land  
23 for a long time, taking care of it,  
24 protecting the land as it is taking care of  
25 us. This is our first and foremost priority.

1 I urge you to vote yes on this project  
2 because it's good for our county, our  
3 community, and can be good for our  
4 environment. Thank you.

5 CHAIRMAN GREENO: Thank you, Brady.

6 MS. KATE GAZZO: Hello. Good afternoon,  
7 Commissioners. First of all, thank you for  
8 hearing all of our comments yesterday and  
9 today. I know it's a lot of information.  
10 And thanks to everybody in the audience who  
11 is here as well.

12 My name is Kate Gazzo. I work as a  
13 conservation manager for Bear Yuba Land  
14 Trust, located in Grass Valley. We  
15 submitted comments on the Draft  
16 Environmental Impact Report for the Idaho-  
17 Maryland Mine Project regarding how it  
18 specifically impacts one of our conserved  
19 areas, which is Bennett Street Grasslands,  
20 which is contiguous with Empire Mine State  
21 Park.

22 We were disappointed to find that many  
23 of our comments were not adequately  
24 addressed in the FEIR. As we stated in our  
25 comments, the mission of the land trust is

1 to protect and defend the working and  
2 natural lands of the Bear and Yuba River  
3 Watersheds for public recreation and for  
4 wildlife values.

5       The lands under our care include the  
6 Bennett Street Conservation Easement, which  
7 is located just below the Brunswick site and  
8 south of the Centennial site. This valuable  
9 natural asset, which is owned by California  
10 State Parks, but protected by Bear Yuba Land  
11 Trust under a conservation easement, is  
12 bisected by South Fork Wolf Creek. The  
13 Brunswick site is located just upstream of  
14 this easement.

15       The project will alter the timing,  
16 quality, quantity, and flows of water  
17 released into South Fork Wolf Creek. This,  
18 in turn, influences the plant communities  
19 and wildlife, which co-occur with the creek.  
20 These include wetlands, forests, grasslands,  
21 riparian areas, as well as multiple wildlife  
22 species, including species protected by  
23 state law that directly depend on the water  
24 quality, flows, and quantity coming from  
25 South Fork Wolf Creek and the surrounding

1 habitats, which the project will alter.

2 For over 30 years, the land trust has  
3 safeguarded critical habitats and provided  
4 assurances to our community that we will  
5 protect the conservation values of the lands  
6 in our care. We are legally bound to  
7 protect the environmental health of this  
8 location, the Bennett Street Grassland  
9 Conservation Easement. The project puts our  
10 ability to accomplish the land trust mission  
11 in legal jeopardy.

12 Furthermore, without the constants of  
13 the mitigation plan purported to reduce  
14 impacts to a less-than-significant level  
15 included in the mitigation measures with  
16 performance standards, and consequences for  
17 noncompliance, mitigation is being deferred,  
18 and is in violation of CEQA.

19 For the aforementioned reasons, we find  
20 the Draft and Final EIR to be legally  
21 insufficient to support the Idaho-Maryland  
22 Mine Project. We respectfully request that  
23 you deny approval of the FEIR, as well as  
24 denying the use permit for the mine. Thank  
25 you for hearing all of our comments today

1 and yesterday.

2 CHAIRMAN GREENO: Thank you, Kate.

3 THE CLERK: Chair, if I can interrupt?

4 CHAIRMAN GREENO: Yes, thank you.

5 THE CLERK: We would like to get  
6 numbers 151 through 160 to line up in the  
7 lobby, please. Thank you, Chair.

8 CHAIRMAN GREENO: Thank you.

9 MR. BILL LAWRENCE: Good afternoon. My  
10 name is Bill Lawrence [phonetic] and I  
11 reside in District 3, Nevada County. And I  
12 am here to present to you information that  
13 will demonstrate that the FEIR does not  
14 address how Rise will generate, store, or  
15 manage any hazardous waste from the  
16 chemicals that are used in the mineral  
17 processing at the Brunswick site. The  
18 chemicals are briefly identified in the  
19 report, but very little other information is  
20 provided.

21 The consultants state that CEQA does  
22 not require the Applicant to provide  
23 detailed information on chemical storage or  
24 management. They cite a case that was a  
25 proposed expansion of the surface mining

1 operation by a ready-mix concrete company.  
2 The issues challenged in this case focused  
3 on surface water rights, no mention of any  
4 chemicals. It is therefore inappropriate to  
5 use this as a precedent.

6         The FEIR also states that no liquid  
7 hazardous waste will be generated during the  
8 gold recovery process and refers to it as a  
9 "closed loop." Tailings from the gold  
10 recovery process would be dewatered and used  
11 for either backfill underground or  
12 stockpiled for transportation onsite or  
13 offsite. What happens to the water?  
14 Stating that the gold processing is a  
15 "closed loop" does not seem credible.

16         The DEIR states that methyl isobutyl  
17 carbinol, MIBC, a flammable toxic liquid,  
18 would be one of the chemicals used to  
19 recover gold from ore. The FEIR further  
20 states that these reagents would be  
21 recovered in the process using filter  
22 presses. MIBC is a volatile liquid and  
23 cannot be recovered by a filter press. It  
24 does not seem like the definition of a  
25 "closed loop."

1           Rise also estimates that 500 to 1,000  
2 tons of ore will be processed each day of  
3 operation. That equals to--that equals  
4 180,000 to 365,000 tons per year. Chemicals  
5 such as MIBC are typically used as a--at a  
6 rate of up to one-tenth of a pound per ton  
7 of ore. Production would therefore--would  
8 require 18,000 to 36,000 pounds of MIBC  
9 every year. These quantities are not  
10 trivial. Up to 18 tons of MIBC would  
11 evaporate in the vicinity of the mine or  
12 neighboring communities, or remain in the  
13 wastewater. Neither of these outcomes would  
14 be desirable.

15           If Rise cannot, or will not, provide  
16 more information on processing chemicals,  
17 the Planning Commission needs to consider  
18 the FEIR incomplete, inadequate, and not  
19 worthy of certification.

20           And I just want to say, I want to thank  
21 you for your time, and patience, and service  
22 to Nevada County. Thank you.

23           CHAIRMAN GREENO: Thank you, Bill.

24           COMMISSIONER MCATEER: The esteemed Jim  
25 Weir.

1           MR. JIM WEIR:  Indeed, Mr. McAteer.  My  
2 name is Jim Weir.  And since the division  
3 line between District 1 and District 3 runs  
4 down the center of the road I live on, I can  
5 never sure--be sure exactly what district I  
6 am in.  It changes from year to year.  As of  
7 this morning, I'm in District 3.

8           Ms. Duncan, I sat in that exact chair  
9 for eight years.  At the end of a three-hour  
10 hearing, there was a little lump in the  
11 right side of that chair, and my rearend was  
12 so sore.  I hope they fixed that for you.  I  
13 really do hope that fixed that for you.

14           [Laughter]

15           MR. WEIR:  Commissioner Milman, I see  
16 you're a Development Manager at Urban  
17 Development Corporation.  One of your  
18 company tenets is to raise the bar for green  
19 building practices.  That is a noble goal  
20 and a fine ideal.  But once you raise that  
21 bar for building, it seems to me you need to  
22 raise the bar for keeping the neighborhoods  
23 that you create for those buildings to the  
24 same high standards.  Shut this mine down.

25           Commissioner Duncan, you have no idea

1 how many "Laura Duncans" there are in the  
2 search engines. I could not find your name  
3 for all of the tea in China. So the only  
4 thing I can say is that you have an ideal  
5 development in - - and Lake of the Pines to  
6 protect. Shut this mine down.

7 Commissioner McAteer. Terry, I have  
8 known you, and worked with you, too long to  
9 expect you to not understand what's in your  
10 heart. I expect you to vote appropriately.  
11 Shut this mine down.

12 Commissioner Mastrodonato, we have a  
13 tenuous connection. You are the manager of  
14 Anheuser-Busch in Las Vegas. My mother was  
15 the executive, executive secretary of a  
16 little St. Louis brewer named Gussie Busch  
17 [phonetic] until she married my dad in 1940.  
18 So his boss, is your boss, is my boss.

19 Commissioner Greeno, I see you're an  
20 automobile mechanic. I'm an airplane  
21 mechanic. We both get our fingernails  
22 greasy. You in Truckee, and I in Nevada  
23 County. Nevada County airport was built to  
24 haul gold from the mines to the mint in San  
25 Francisco because the stagecoaches hauling

1 the gold down Highway 49 got robbed too  
2 often. Today the airport is a gold mine of  
3 commercial traffic building business into  
4 and out of the county. The economy of the  
5 county has changed tremendously from the  
6 1850's to the 2020's. Shut this mine down.

7       Commissioners, thank you for your time.  
8 And, as I have asked all of you, please,  
9 shut this mine down. Thank you.

10       CHAIRMAN GREENO: Thank you, Jim.

11       MS. JENNIFER BURT: Hard act to follow.  
12 Hi, my name is Jennifer Burt. I live in  
13 Grass Valley, District 1. And my home  
14 relies on well water that is highly likely  
15 to be jeopardized by this project. And I'm  
16 a member of the local Wells Coalition and  
17 the CEA MineWatch Foundation. I'm giving  
18 this comment in part on their behalf.

19       I also hold master's and doctorate  
20 degrees in ecology. And I've worked as an  
21 environmental consultant for over 20 years.  
22 The EIR you're considering certifying and  
23 adopting today is the most flawed and  
24 inadequate EIR for a large project that I've  
25 ever seen.

1           The hundreds of commenters on the Draft  
2 EIR included a large number of people with  
3 PhDs in geology, hydrogeology, mining  
4 geologists, medical doctors, environmental  
5 lawyers, CEQA lawyers, and other PhDs, as  
6 well as consultants with decades of  
7 experience, environmental engineers,  
8 scientists, local and state agencies, the  
9 City of Grass Valley, NID, and hundreds of  
10 local people who read the details of the  
11 Draft EIR, and found the analysis contained  
12 therein to be flawed. I was one such  
13 commenter.

14           For any item of substance, the Final  
15 EIR consultants ignored all the issues  
16 raised by those commenters, claiming they  
17 were ill-informed, confused, or just wrong.  
18 One example I'd like to present today  
19 includes comments by Dr. June Oberdorfer, a  
20 professor of geology, professional geologist,  
21 and certified hydrogeologist. She has a  
22 broad range of experience with ground water  
23 resource and contamination issues, has  
24 advised public interest groups, and acted as  
25 an expert witness.

1           The Final EIR response to Dr.  
2 Oberdorfer's detailed Draft EIR responses  
3 starts with, "The commenter is confused on  
4 several main issues." As you might expect,  
5 Dr. Oberdorfer disagreed, stating, "Rather  
6 than addressing the substance of my comments,  
7 the responses by the mine's EIR preparer are  
8 to indicate that I am 'confused' about  
9 certain hydrogeologic concepts. I've been  
10 practicing hydrogeology since 1980 as both  
11 an academic researcher and consultant, have  
12 a PhD focused on hydrogeology, have taught  
13 hydrogeology, consulted on hydrogeology  
14 extensively."

15           Dr. Oberdorfer continues, quote, "The  
16 'confusion' exists in the mine's modeling  
17 report, which has internal contradictions  
18 and is not forthcoming with important  
19 modeling results that would clarify the  
20 issues being contested. The report produced  
21 by the mine's modeling consultant would not  
22 have been an acceptedly thorough report in  
23 my graduate course."

24           She went on to identify 12 areas in the  
25 Itasca report that indicate internal

1 inconsistencies, and five other areas where  
2 the report is wrong, and details this in  
3 detail. This is just one example of hundreds  
4 of informed Draft EIR comments that  
5 demonstrated flaws which were then ignored  
6 and remain unaddressed in the final EIR.

7         Please do the right thing for your  
8 community and do not certify or adopt this  
9 EIR. And say no to this ill-advised project.  
10 Thank you.

11         CHAIRMAN GREENO: Thank you, Jennifer.

12         MS. JOANNE MCINTYRE: I'm a speaking  
13 virgin at one of these meetings, so highly  
14 nervous. So I apologize for all that are  
15 sitting here--sitting here.

16         So Joanne McIntyre [phonetic]. I'm  
17 here wearing two invisible hats. One is a  
18 30-plus-year homeowner and resident along  
19 the area in Peardale, along 174, which will  
20 be impacted by increased truck use. And I  
21 want to--and I'm also here as a special ed  
22 teacher for children with special needs for  
23 over 35 plus years.

24         What I see is a failure of this EIR is  
25 our discussion on mitigation. There's a

1 lack of attention to the enormous issues  
2 that already exist along the 174 corridor.  
3 Over the years we've observed truck traffic  
4 has steadily increased, and it's degraded  
5 our travel and safety. This was brought to  
6 our attention more fully when Caltrans  
7 informed us that a section of 174 has too  
8 many car accidents, is unsafe, and improved  
9 a small section of it.

10 I want to remind everyone that what is  
11 labeled a truck route due to our access  
12 issues and mountainous terrain is actually a  
13 lovely two-lane, fairly narrow, and curly--  
14 curvy country road. What we now experience  
15 already is long lines of traffic, at times  
16 making it difficult and a wait to even pull  
17 out onto 174. We experience long lines and  
18 wait times at major intersections. For many  
19 frustrated drivers, they're performing  
20 unsafe maneuvers that are affecting our  
21 safety. We're having far more road rage  
22 incidents, dangerous tailgating, people  
23 passing on--over double lanes, double lines,  
24 and actually passing us on blind curves.

25 As someone who experiences these issues

1 almost daily, I know that having a large  
2 number of large, slow-moving trucks onto an  
3 already stressed road is going to affect my,  
4 and others', safety and wellbeing. The EIR  
5 seems to have missed that fact. It might  
6 cause me to leave a home that I hope to die  
7 in.

8       Lastly, as a special ed teacher, I want  
9 to reiterate what doctors pointed out. We  
10 already have an air pollution issue caused  
11 by our wind patterns and our location that  
12 drives urban air pollution right to our door.  
13 Our beautiful blue sky doesn't pass clean  
14 air standards already. We have days that  
15 are so bad that our schools cannot allow our  
16 kids out onto the playground. We have  
17 families that have left just because of this  
18 issue. And what we know for a fact is that  
19 our air pollution harms our children. And  
20 not just medically, but their brain  
21 development as well. We all know what the  
22 effect of these large, slow-moving, diesel-  
23 burning trucks will be on our air--will do  
24 to our air, as well as 174.

25       Please don't pass the severely lacking

1 EIR and allow a heavy industry here that  
2 will contribute to already large issues.  
3 Please remember what that wise Joni Mitchell  
4 said when she told us, "Don't"--I got to  
5 read this. Sorry. "Don't it always seem to  
6 go that we don't know what we got till it's  
7 gone?" We already have gold here in our  
8 beautiful environment.

9 CHAIRMAN GREENO: Thanks, Joanne.

10 MR. JEFF HALL: Good afternoon. My  
11 name is Jeff Hall [phonetic]. I live in  
12 District 3. And my wife, Michelle, and I  
13 raised two boys there. And my story is, is  
14 mainly about the boys and the lack of  
15 attention to the environmental which I would  
16 think would be the main subject of an  
17 Environmental Impact Report.

18 The--there was a time--both the boys  
19 went to Union Hill School at a time when  
20 they were building the gym. And they both  
21 ended up with Type 1 diabetes. The gym was  
22 built very close to 174 which, you know,  
23 when the Empire Mine was running, they were  
24 known to dump tailings on both sides of the  
25 road. And somebody brought this up to me

1 after I told them that both our boys ended  
2 up with Type 1 diabetes.

3 Nobody in our extended family, that  
4 includes cousins, my sister's kids, my--  
5 their grandkids, my aunts and uncles, and as  
6 far back as we can go, people don't know  
7 anyone in our family who has had Type 1  
8 diabetes. And most of the research that's  
9 going on, they're starting to lean to the  
10 fact that Type 2 has hereditary, strong  
11 hereditary components, but Type 1, they  
12 think, is more susceptible because of  
13 environmental causes. And arsenic is one of  
14 the things they're looking at as one of the  
15 causes.

16 My wife and I have given to the  
17 Juvenile Diabetes Research Foundation for a  
18 while. We stopped giving because they  
19 weren't--they were doing too much to try to  
20 cure the disease instead of preventing it.

21 Anyway, that's--I think it's--oh, the  
22 other thing is during this time when both  
23 the boys were going to school there, the  
24 nurse at my son--my oldest son was in ninth  
25 grade at Union Hill when he was diagnosed.

1 At the time he went to NU, they said there  
2 were--there has been quite a wave of kids  
3 coming out of Union Hill that have Type 1  
4 diabetes. Anyway, that's something to think  
5 about. I think it's the tailings, but  
6 anyway.

7 CHAIRMAN GREENO: Thank you, Jeff.

8 THE CLERK: Chair, if I may?

9 CHAIRMAN GREENO: Mm-hmm.

10 THE CLERK: We would like to ask  
11 numbers 161 to 170 line up in the lobby,  
12 please.

13 CHAIRMAN GREENO: Thanks, Shelley.

14 THE CLERK: Thank you.

15 MR. WADE LAUGHTER: Good afternoon,  
16 Commissioners. My name is Wade Laughter. I  
17 live in District 1. I want to acknowledge  
18 your patience, and your willingness, to  
19 listen to all of this. And you've heard  
20 from both sides on this question.

21 I can't help but point out many of the  
22 folks who are speaking professionally about  
23 the mine are being paid to find the findings  
24 they're finding. Many of the folks who are  
25 speaking, like myself, who I'm clearly in

1 opposition to the idea of approving the EIR  
2 and reopening the mine, we're here because  
3 we care about this community. We're not  
4 here because we're going to make money from  
5 it.

6 This is petty of me, but I couldn't  
7 help but notice a couple of large, black  
8 Cadillac Limousines rolled into the parking  
9 lot yesterday. I'm pretty sure they were  
10 not from the Wells Coalition.

11 [Laughter]

12 MR. LAUGHTER: And there's nothing  
13 wrong with capitalism per se, but I think  
14 someone else already pointed out that,  
15 really, what you all are being asked to  
16 approve is the idea of giving an opportunity  
17 for a few investors, and a few employees, to  
18 make money. That's good. But you're asking  
19 all of the rest of the people that live in  
20 this community to forego what this community  
21 represents to them in terms of environmental  
22 quality and the beauty.

23 I mean I'm, I'm dealing with a number  
24 of health issues myself. I've listened to  
25 most of the hearings yesterday and today.

1 Again, thank you for your willingness to do  
2 that. I was home in bed listening to it and  
3 it was hard for me.

4 Coming down here today, this place is  
5 so beautiful. We've had an incredibly wet  
6 winter. It was hard for us. We had more  
7 than five feet of snow, where we live, for  
8 more than a week. We were snowed in. And  
9 all of that's relevant because in--after I  
10 got out of the Navy, I traveled the world.  
11 I traveled this country extensively, trying  
12 to figure out where did I want to make my  
13 home. This is where I landed. And I didn't  
14 land here because the chance to have gold  
15 coming out of the ground, or all of the  
16 things that are being mitigated, potentially,  
17 by the EIR.

18 And one last thing, and then I'll let  
19 you--let it go. I would point out that all  
20 of the mitigations that are suggested by the  
21 EIR are great--if Mr. Mossman and his  
22 company follow through. They've already  
23 shown a willingness to use the corporate  
24 veil to hide their activities.

25 And I don't think--I'm asking you, this

1 is a generational thing. Do you want the  
2 legacy of mining? And all--go out to  
3 Malakoff Diggins. Do you want that right  
4 here, next to Grass Valley, or some version  
5 of that? I think the answer is no. I think  
6 the answer is no.

7 I strongly and personally, I'm not an  
8 expert. It just feels so wrong. Please say  
9 no to the EIR and reopening this mine, for  
10 the children and the grandchildren. I'm a  
11 father and a grandfather.

12 CHAIRMAN GREENO: Thank you, Wade.

13 MR. WALT ROTH: Greetings. My name is  
14 Walt Roth [phonetic] and I'm District 3. I  
15 have experience in approving nuclear plant  
16 EIRs. So I'm not a novice at this. And  
17 I've looked at this EIR, all of them. I  
18 sent 50 pages, dismissed, all of them.

19 Back then, we only had to worry about  
20 half-lives, things that decayed. These  
21 chemicals we're talking about here, forever.  
22 They don't ever decay. They're forever  
23 chemicals.

24 So, so throughout this process--let's  
25 focus on the EIR. Throughout this process

1 there is argumentation, understandably and  
2 needed, which as an attorney I appreciate  
3 very much, and I even enjoy it. But there  
4 is deception here, so I'm going to  
5 concentrate on that a little bit. This EIR  
6 contains many intentional, material  
7 misrepresentations. And they were meant to  
8 deceive. And they're mostly at the  
9 technical level, so you don't see them. But  
10 all these people are making sure that you do.  
11 These errors are endemic in this EIR.

12       So I'm just going to identify some of  
13 the big lies that we're basing this EIR on.  
14 A big one is the Planning Department is a  
15 neutral party in all of this and, in good  
16 faith, adjudicating the costs and the  
17 benefits to the community. In my experience,  
18 and from talking to others, nothing could be  
19 farther from the truth. In reviewing this  
20 EIR, it's blatantly apparent that all  
21 important issues, significant impacts, were  
22 ignored, dismissed, handled in a shallow  
23 solution, or deemed insignificant. And  
24 that's not even the bad part.

25       The bad part is the error always goes

1 towards the mine, in favor of the mine, not  
2 against the mine. And, indeed, that's how  
3 you end up with two options, certify the EIR.  
4 They both have that. The Planning  
5 Department is acting as an agent, agency for  
6 Rise Gold. They are not a neutral party.

7       This is--this is not only troubling to  
8 a trustworthy EIR, but it can bring  
9 investigations and scrutiny, and legal  
10 liability to the county, eventually. This  
11 EIR is nothing more than an advertisement  
12 for Rise Gold. Some people have called it,  
13 nicely--oh, misuse of science, scams,  
14 disingenuous, and deceptive, but it's a  
15 misrepresentation that's meant to deceive.

16       Here is another thing, another lie,  
17 that we desperately need gold and the mining  
18 industry. We're not here to say we don't  
19 want a mining industry. Nobody is against  
20 the mining industry. We're against gold,  
21 specifically gold.

22       And--okay, so I've got a few things to  
23 tell you, parting words. From the mine  
24 itself, it's called arsenic, asbestos,  
25 cyanide, lead, mercury, and chromium.

1           CHAIRMAN GREENO: Thanks, Walt.

2           MS. JOAN STAFFEN: My name is Joan  
3 Staffen [phonetic]. I live in Grass Valley.  
4 I'm a writer. And the house I live in is an  
5 old miner's house. So I do feel connected  
6 to the old miners, but I am definitely  
7 against this EIR and the mine.

8           Because I'm a writer, I wrote a poem,  
9 very short.

10           Say no to the EIR certification, and no  
11 to the mine. We don't want a toxic mine  
12 depleting the water table, endangering wells,  
13 wasting our precious water. Water more  
14 valuable than gold. Imagine the spilling of  
15 millions of gallons, who knows, toxic or not,  
16 into Wolf Creek, freely flowing right  
17 through the heart of Grass Valley.

18           We don't want a toxic mine reopened,  
19 blasting night and day, shaking the earth,  
20 shaking our lives, destroying, again, Mother  
21 Earth. Gone is the peace.

22           We don't want growing, glowing, toxic  
23 pilings, dust and wind blowing asbestos,  
24 cyanide, and chromium-6, to name a few,  
25 creating hidden, but lurking, forever

1 chemicals in our land, air, and water. Gone  
2 is the peace.

3       We don't want roaring, rumbling, 30-ton  
4 diesel trucks every 20 minutes, tarps  
5 flapping, flying, brakes failing on  
6 Brunswick, accidents, and fatal accidents,  
7 at busy, bustling intersections. Gone is  
8 the peace.

9       But who wants the mine? Why the need  
10 for more gold? Gold is owned by  
11 corporations, countries, billionaires, not  
12 us. Five--5,000 tons of gold sits in bank  
13 vaults around the world. This glorified  
14 plan, gold, gold, there's gold in the mine,  
15 ripping and roaring from an underfunded  
16 corporation who's already destroyed native  
17 lands. Gone is the peace.

18       After 80 years of hard-rock mining,  
19 will our children, grandchildren, great-  
20 grandchildren in Nevada County bear the  
21 burden, do the cleanup, restore the land,  
22 the water? But will it be possible after  
23 forever chemicals are released? Will the  
24 owl, the woodcock, the red-legged frog still  
25 live? Gone is the peace. Honor the...

1           CHAIRMAN GREENO: Thank you, Joan.

2           MS. RIKKI COLBY: Hi. My name is Rikki  
3 Colby [phonetic]. And I live in District 3.  
4 I just found out I'm in the black area, with  
5 the black line around it. I heard yesterday  
6 about the ten-foot blast area, that every  
7 ten feet that there will be a blast to, to  
8 make it safe, until it's not.

9           I lived on the San Juan Ridge, and  
10 Siskon Gold Mine was doing blasts. We would  
11 feel them almost two miles away. And then  
12 there's a day that it wasn't. Just a blast,  
13 I noticed a huge blast. It, it was a hard  
14 blast, and it was a loud blast. And I felt  
15 it shaking the ground underneath me. And in  
16 a few days, I didn't have any water in my  
17 well. It was gone.

18           The fault that is considered not  
19 important in the EIR is the same fault that  
20 took my well when it opened up the aquifer.  
21 My well was monitored for two years before  
22 the mine was allowed to open, not one. My  
23 well was replaced with poor water quality  
24 that never recovered, that now has water  
25 treatment on it to make it usable. My

1 property value dropped in half and I moved  
2 from the San Juan Ridge. I now live in  
3 District 3, in the black area.

4 I heard testimony yesterday of someone  
5 who is right on the edge of Idaho-Maryland  
6 Mine, and their well—their well was not one  
7 of the ones monitored. All the wells within  
8 at least two miles, if not more, three or  
9 four, should be monitored for 80 years, not  
10 for one.

11 If the EIR, EIR is passed, as it will—  
12 as we will—we all will be stuck with it, and  
13 so will you. Please do not fall for the  
14 smoke and mirrors of another mining  
15 investment company. Learn from the past  
16 mistakes. Say no to the EIR and to Rise.  
17 Thank you.

18 CHAIRMAN GREENO: Thank you, Rikki.

19 MR. MARK CALHOUN: My name is Mark  
20 Calhoun [phonetic], and we live in Chicago  
21 Park. And I have three points that I want  
22 to make, and then a conclusion.

23 And I just want to let people know that  
24 on our property, and on a lot of your  
25 properties, too, we don't own the min--

1 mineral rights. The mineral rights,  
2 although it varies, but in our case it's 75  
3 feet down, aren't our property. It's the  
4 property of Newmont Mining Corporation. And  
5 we are subject, at any time, to them being  
6 able to come onto our land and do anything  
7 they want, pretty much, and remove  
8 vegetation. And they are required  
9 afterwards to restore it all.

10         And my point here is, does this set a  
11 precedent? If they're able to get their  
12 permit to do this, is it going to start a  
13 precedent of other companies wanting to do  
14 the same thing? You're going to begin  
15 something that can't be stopped. And I  
16 don't think anybody wants to have a company  
17 come onto their land, and wreck their land  
18 for profit. That's my first point.

19         The second point is your primary charge  
20 is to do analysis of the EIR. And you also  
21 have a responsibility to consider what the  
22 long-term ramifications will be to this.  
23 Considering that we're not in the 1950s  
24 anymore, we are in a different world. We're  
25 slaughtering children in schools. We're

1 killing people in shopping malls. We're--  
2 the weather is different. Everything is  
3 changed, and we can't consider it to be the  
4 same as it was. This is a new time we're  
5 living in, and we can't live the way we were  
6 previously.

7 In conclusion, I just--I think that the,  
8 the analysis by the staff was flawed. I'm  
9 disappointed that they didn't come up with a  
10 alternative, even though they give you the  
11 option to do it, to deny the EIR. I  
12 encourage you, strongly, to not go with the  
13 staff's recommendation and deny the EIR.  
14 That's my statement. Thank you for your  
15 time.

16 CHAIRMAN GREENO: Thank you, Mark.

17 THE CLERK: Chair, if I may interrupt?

18 CHAIRMAN GREENO: Yes, so--

19 THE CLERK: [Interposing] Can we go  
20 ahead and load up 171 to 180 in the lobby?

21 CHAIRMAN GREENO: Can we--that will be-

22 -

23 THE CLERK: [Interposing] You want to  
24 take a--

25 CHAIRMAN GREENO: [Interposing] I think

1 that will be reaching over 2:00. I think  
2 that we should look at--yeah, I was going to  
3 say, if we could line up say the next five.

4 THE CLERK: Well, do you want to do 171  
5 to 180 and see how many people are here,  
6 still here?

7 CHAIRMAN GREENO: Yeah, if--Jeff, can  
8 you ask Tyler to, to line up, I'm just going  
9 to say, the next five within that 171 to  
10 180? And we will continue. Thank you for  
11 your patience.

12 THE CLERK: Thank you, Chair.

13 MS. LANA LEVY: Hello, Commissioners.  
14 Thank you for the time. My name is Lana  
15 Levy [phonetic]. I live in District 3,  
16 which is also unseated Nisenan Territory.  
17 We are less than half a mile from the  
18 Brunswick site, and my husband and I are  
19 raising two Nevada City kids who daily go to  
20 school through the intersection of Brunswick  
21 and Bennett. I'm also a volunteer with the  
22 CEA Foundation and MineWatch.

23 The, the Draft EIR recognized that the  
24 project's operational impacts from emissions  
25 would be potentially significant based on

1 North Sierra Air Quality Management District  
2 thresholds. But the DEIR predicts there  
3 would be no difference between the project's  
4 unmitigated and mitigated operational  
5 emissions.

6 In other words, the DEIR identified a  
7 significant impact, and then did nothing to  
8 mitigate it. This violates CEQA's clear  
9 mandate that an EIR must either adopt all  
10 feasible mitigation measures to reduce  
11 impacts to less than significant levels, or  
12 explain why further mitigation is not  
13 feasible.

14 The Final EIR claims the project's  
15 potentially significant operational air  
16 quality impacts are automatically reduced to  
17 less than significant levels by adopting  
18 certain construction--sorry, construction  
19 phase measures listed in the NSAQMD's CEQA  
20 guidelines. The NSAQMD guidelines do not  
21 say a project can automatically reduce its  
22 significant operational air quality impacts  
23 simply by incorporating construction-related  
24 mitigation measures.

25 If mitigation measures are not at least

1 partially affected in--effective in reducing  
2 an otherwise significant impact, they do not  
3 qualify as mitigation measures at all.  
4 Construction phase measures that have  
5 literally zero impact on operational air  
6 quality emissions do not satisfy this  
7 requirement.

8         The FEIR claims CEQA materials from  
9 past projects in the region used the NSAQMD  
10 guidelines in the same way. Past practice  
11 does not supplant the clear directives in  
12 the NSAQMD guidelines and in the CEQA  
13 itself--and in CEQA itself. But, even if  
14 those previous studies were relevant, not a  
15 single one supports the Final EIR's position.  
16 Three of the four projects had no estimated  
17 operational emissions at all. The one  
18 project that did involve operational air  
19 quality emissions incorporated mitigation  
20 measures that substantially and quantifiably  
21 reduced those emissions, exactly what the  
22 EIR needed to do here.

23         The FEIR does not complain it--does not  
24 claim it is not feasible to adopt measures  
25 to lessen the project's operational air

1 quality impacts. That is wrong and the EIR  
2 is...

3 CHAIRMAN GREENO: Thank you, Lana.

4 MS. LORRAINE WEBB: Lorraine Webb,  
5 District 1. So I've been here since 1980.  
6 And so I'm a kind of a newcomer. That is  
7 enough history, though, to talk about what's  
8 happened with community. I do want to  
9 address one of the more specious aspects of  
10 Rise Gold's hydrology report, also.

11 But I just want to point out that this  
12 community has a history. And I think Rise  
13 Gold must have known about that when it  
14 proposed this wine--mine. We fought off  
15 mining that spot decades ago. An artist  
16 came up with the bumper sticker, "No Mine,  
17 No Shaft." We worked really hard.

18 You know, a lot of people came out for  
19 a long time to fight off ten dams on the  
20 South Yuba River before we realized we  
21 needed permanent protection. And, similarly,  
22 with hard-rock mining, we really do need to  
23 guarantee that this country who--this  
24 community, which is trying very hard to  
25 retain its rural character, not be sold to

1 the highest bidder, especially since there  
2 are so many specious Ponzi schemes coming  
3 out of Canada and all over the world. There  
4 are mining schemes coming out of Canada, and  
5 I'm not saying that this is one, I will  
6 point out that the day that the news came  
7 out that the Planning Commission had--would  
8 likely refuse, Rise Gold's stocks did tank.  
9 So I--Mr. Mossman's investors will have  
10 suffered. I don't think that he will,  
11 particularly. I hope.

12 I do feel that staff, in putting  
13 together this EIR, has very much bent  
14 backwards to be fair to this applicant.  
15 That's maybe glossing over the fact that  
16 this should not have been approved. This  
17 EIR is legally inadequate. There is a  
18 precedent out of Los Angeles where the  
19 county was sued for an inadequate EIR.

20 I'd like to point to--to point out that  
21 this, this, this community will not allow  
22 this to happen. It won't--I want to spare  
23 the Planning Department from having to go  
24 through this again. We do not need this EIR  
25 to keep things open. This community is not

1 going to let it happen. Whether it's  
2 approved or not, there will be enough monies  
3 found in the people of this--of this county  
4 to sue the, the county if we have to, to, to  
5 point out the fact that this is an illegally  
6 inadequate EIR.

7         So I'm running out of time. I'm not  
8 going to be able to get to the specious  
9 hydrology. I mean a shaft that goes down  
10 800 feet and there's no water. That's just  
11 absurd. Let's talk about the law of gravity,  
12 just a little common...

13         CHAIRMAN GREENO: Thank you.

14         MS. AMY HADD: Hello. Thank you, truly,  
15 for every one of you being here. This is--  
16 this is major. So for your time, so very  
17 appreciated. Gosh, I'm Amy Hadd [phonetic].  
18 I reside in District 1. Twenty years in  
19 Nevada--no, 20--it's 2023. I moved here in  
20 June of 2000, to the fair city of Truckee,  
21 California. Bill, I've met you. Been in  
22 District 1 now for four years.

23         In any rate, we have a well. We are,  
24 of course, outside of the envelope of  
25 concern. However, our neighbors all have

1 wells. Some of which are over 850 feet deep.  
2 We have communicated with hydrologists. The  
3 water table at those depths is just--it's  
4 not clearly understood. So despite being  
5 that far away, we also are still concerned.

6 Beyond that, at any rate, I had created  
7 a spoof skit for everyone's entertainment on  
8 a young couple going house shopping in our  
9 fair city. And things are real cheap. And  
10 from, eh, eh, ga, ga, ga-ga. Hey, we can  
11 have dinner at 10:00 every night. But it's  
12 cheap, honey. I'll spare you all that.

13 It came with its own generator and  
14 they're going to need it because we know  
15 that power grid is already--it's not doing  
16 so good at my house, especially this winter.  
17 We had 14 days with no power, and this was  
18 pre-mine. Geez-ums, imagine that. What's  
19 going to--how, how--tell me how good it is  
20 now, let alone the future.

21 Okay. So let's dive in to points that  
22 were really gut-wrenching yesterday. The  
23 babbling brook of Wolf Creek, surely I was  
24 not the only one present who experienced  
25 gut-wrenching anguish to consider that fine,

1 lovely, quote-unquote, "babbling brook," as  
2 it was stated, to be touched by that mine.  
3 It's, it's real nice, as is. That is not  
4 something we touch.

5 Property values and schools, has a  
6 study been done of money lost due to  
7 depreciation versus the money in as shown?  
8 One only need to look to active mining towns.  
9 Let's go to Butte, Montana, to West Virginia.  
10 Check out some real estate listings. We're  
11 not looking at appreciation of values for  
12 the mine arriving.

13 So the--also, TTUSD. I've got 20  
14 seconds. I was a teacher in the Truckee  
15 schools for a long time. They implied  
16 yesterday that the BOCA had the schools on  
17 the up-and-up. What hogwash. We all know  
18 it's Bay area tech remote workers, and  
19 that's what's got that school on the up-and-  
20 up. It's, it's real well-known. Okay. And  
21 BOCA uses I-80, not the center of town, so...

22 CHAIRMAN GREENO: Thanks, Amy.

23 MR. HARRY SCOTT-BLOGS: Hi, everybody.  
24 I'm Harry Scott-Blogs [phonetic]. Sue Hoek  
25 down in Penn Valley is a very nice woman. I

1 really like her. She's my County  
2 Commissioner. Penn Valley, I don't--I don't  
3 consider it a terror town like some places  
4 I've lived, Tampa or the maritime disasters,  
5 Orlando shooting. Some of these bay cities  
6 I've lived in, I don't want to live in any  
7 more terror towns.

8         Here's an example of another terror  
9 town where I used to live. I'm going to  
10 start from the inside and kind of work out.  
11 If you have a standard set of house keys in  
12 your pocket, reach in there and maybe jiggle  
13 it. And you might be thinking to yourself,  
14 this scenario that Mr. Blogs is talking  
15 about might apply to me. If I have to, like  
16 Mr. Blogs' sister had to, take out her keys,  
17 walk out to the curb in Loxahatchee, Florida,  
18 tell all the family, and put the keys in the  
19 mailbox, and walk away from her home because  
20 of three words, ray the on, otherwise known  
21 as Pratt and Whitney.

22         Pratt and Whitney did help us defeat  
23 the Axis in World War II. It was considered  
24 a patriotic industrial firm that put a lot  
25 of engines in a lot of airplanes. But they

1 also ended up in the Florida Everglades,  
2 well, laissez-faire. No Sierra Club, no  
3 ACLU. Just like Disney, they bought their  
4 35,000 acres of land. Something went into  
5 the groundwater around my sister's  
6 neighborhood, so that they ended up going  
7 underwater because they couldn't sell their  
8 house. Put the keys in the mailbox, and  
9 walked away from their house. Erin  
10 Brockovich came in. She couldn't figure it  
11 out. That was around 2010.

12       Years later, and about 20 years after  
13 the first reported case of brain cancer in  
14 this cancer cluster, which you can find at  
15 PubMed Central at the National Library of  
16 Medicine, you can track the location of  
17 several children who were affected by what  
18 they think is Pratt and Whitney, but how?  
19 They don't really know because they haven't  
20 been able to track it.

21       A year ago, Pratt and Whitney was  
22 acquitted of these industrial crimes, but  
23 they think they might be able to track it to  
24 Pratt and Whitney's later use of backfill  
25 that came out of their dredging near their

1 plant that was sold to homeowners.  
2 Homeowners in that area have to use fill to  
3 put platforms under their houses, to elevate  
4 it above the Everglades. That might be the  
5 solution, but it's still all pending. God  
6 bless us all.

7 CHAIRMAN GREENO: Thank you, Harry.

8 MR. WAYNE COOLEY: Afternoon. My name  
9 is Wayne Cooley, and I want to thank the  
10 Board of Supervisors for giving me the  
11 opportunity to speak and submit written  
12 comments.

13 I've owned a home in Grass Valley for  
14 over 12 years. My professional work  
15 experience as a petroleum geologist,  
16 estimator, hydrogeologist, hydrologist, and  
17 water resource specialist, spans 23 years.  
18 I graduated from Hunter College in June of  
19 1982 summa cum laude. My dual majors are  
20 environmental science and geology. My minor  
21 is chemistry, including organic and  
22 geochemistry.

23 I went to work for Gulf Oil first,  
24 drilling 550 oil and gas wells. I ran the  
25 economics, well logs, mapping, coring,

1 pressure-testing, and lithologic  
2 descriptions. I went to work for the  
3 Arizona Department of Water Resources in  
4 1987. I was really hired as a modeler, but  
5 to build a model you have to have the data  
6 to build a model. You know, models are  
7 empty until you put the real data in them.  
8 So I used MODFLOW. It's a well-accepted  
9 groundwater model and I've run thousands of  
10 simulations. After doing contaminate  
11 transport and invective flow modeling, I  
12 went on and helped establish flood warning.

13       Anyway, to get on, so I have some  
14 qualifications. So here are my questions.  
15 I've only had a couple of hours to review  
16 the documents, but I'm concerned that there  
17 will be dewatering down to 3,450 feet.  
18 Shallow, domestic wells only go to 600 feet.  
19 I'm concerned about a fracture flow analysis,  
20 and whether the model is calibrated.

21       So I have some questions. Where are  
22 the well logs? Where are the cross sections,  
23 fence diagrams, water level maps, pre-mine  
24 conditions? How did you calibrate the  
25 model? Where are the aquifer tests,

1 drawdown, traversivity [phonetic],  
2 storativity [phonetic], fracture flow, water  
3 chemistry, water temperature?

4       So I'd like to, if possible--maybe it's  
5 too late to see the data that they  
6 calibrated the model with. I'm familiar  
7 with the model. They named it. It's decent,  
8 the model itself. It's just the problem is  
9 how you populate the model. Okay?

10       So is there an operational copy of the  
11 model? I'm willing to, for free, run it. I  
12 haven't done that in 15 years. It would be  
13 a great challenge. So, if you want me for  
14 free, you can buy me lunch, and I'll, I'll  
15 look at the real data. Thank you.

16       CHAIRMAN GREENO: Thank you, Wayne.

17       MS. ROBIN NICHOLS: Good afternoon. My  
18 name is Robin Nichols, and I'm a local  
19 realtor. I am speaking to you today as a  
20 mother, an independent broker, and a 45-year  
21 resident of Nevada County District 1. I  
22 need to start by saying that the woman who  
23 claimed to be speaking on behalf of all the  
24 women in Nevada County did not speak for me.

25       Please don't be deceived by her

1 suggestion that you can just pass on to  
2 other agencies the responsibility of  
3 determining whether or not this project is  
4 good for our county. If you certify this  
5 EIR, other mining--other mining companies  
6 can, and will, use it in the future, even if  
7 Rise Gold doesn't proceed.

8 Yes, mining is a part of our past.  
9 It's easy to romanticize the distant past of  
10 the gold rush, but we are still cleaning up  
11 the toxic mess created by the mining  
12 industry a century ago. Let's not repeat  
13 those mistakes.

14 I ask that you consider the health,  
15 welfare, and quality of life for us, for our  
16 children, and our children's children, over  
17 the profits of a Canadian corporation. As  
18 you've heard in expert testimony over these  
19 two days, both EIRs ignore several negative,  
20 and unavoidable impacts, of reopening the  
21 mine. Both are clearly flawed, insufficient,  
22 and used selective and misleading,  
23 misleading data.

24 The EIRs used mines in already  
25 industrialized areas as baselines for how

1 mines have affected neighborhoods, for  
2 example, rather than mines in rural  
3 neighborhoods, such as those surrounding the  
4 Idaho-Maryland and Centennial sites.

5       There's also the issue of traffic that  
6 everyone agrees cannot be mitigated. Just  
7 this morning, there was an accident at the  
8 corner of Idaho-Maryland and Centennial  
9 Drive. Imagine if that had involved a semi-  
10 truck hauling tons of sand and rock.

11       The mine rep cited traffic impacts at 3  
12 p.m. instead of during commuting hours.  
13 This is another example of selective data  
14 use to support their agenda. And rather  
15 than addressing the negative traffic impacts  
16 within the city limits of Grass Valley, they  
17 say it's not their problem to deal with  
18 because the county has no jurisdiction  
19 within the city limits. I respectfully  
20 submit that it would make sense to include  
21 the city in this discussion and  
22 determination.

23       Regarding water, Rise Gold's  
24 representative compared the water used by a  
25 golf course to the water used at the

1 proposed mine. He chose a very low bar. He  
2 also mentioned the use of water by the mine,  
3 not the loss of groundwater due to  
4 dewatering the tunnels. Another example of  
5 tweaking the data for their cause.

6         And then there's the hazardous waste  
7 and mine tailings that Rise Gold proposes to  
8 dump onsite or encapsulate in concrete.  
9 Concrete is porous and degrades over time.  
10 Do we really want to sanction the creation  
11 of another superfund site in our county? I  
12 am also very concerned about the amount of  
13 fine asbestos powder that will be released  
14 into our air. As a mother, there is no  
15 level of acceptable health hazard risks.

16         The representative from Rise Gold said  
17 that homeowners in neighborhoods surrounding  
18 the mine knew of the possibility of the mine  
19 reopening when they purchased their  
20 properties. There are mining tunnels under  
21 most of Grass Valley, Nevada City, and the  
22 surrounding areas, and dormant mines  
23 throughout our county. If you own land in  
24 Grass Valley or Nevada City, you probably  
25 don't own the minerals 100 feet or more

1 below...

2 CHAIRMAN GREENO: Thank you.

3 MR. BEVIN IREDALE: Hi, my name is  
4 Bevin Iredale [phonetic], Grass Valley  
5 homeowner. The technology exists for us to  
6 create a mine that has minimal impact. That  
7 technology exists. And there are many  
8 qualified mining companies with at least a  
9 hundred years of reputation. And yet  
10 they're not willing to come and stand in  
11 front of you face to face and say, "I can  
12 open that mine, and I stake my 100-year  
13 reputation on this statement that I can do  
14 it with a minimal impact on the  
15 environment."

16 Why are they not knocking on the door?  
17 And what is unique about this company to be  
18 able to have the, the reason to come and  
19 look you in the eye and say, "I have the  
20 magic bullet that no one else possesses to  
21 open this mine with an acceptable impact."  
22 Thank you.

23 CHAIRMAN GREENO: Thank you.

24 MR. GARY POLAZI: Good afternoon,  
25 Commissioners. My name is Gary Polazi

1 [phonetic]. Hello? And, and I live in  
2 District 3. I'm also a member of the Wells  
3 Coalition. My house is located within the  
4 Idaho-Maryland Mine mineral rights area. I  
5 moved to Grass Valley in 1990, and six  
6 months later, Empire Gold began their  
7 attempt to reopen the Idaho-Maryland Mine.  
8 That process dragged out for almost nine  
9 years.

10         Then, in 2001, M-Gold began its attempt  
11 to reopen the mine. That process lasted  
12 seven years, ending in 2008. Around 2018,  
13 Rise Gold began its attempt to reopen the  
14 mine, a process that has taken about five  
15 years to get us to the point we're at today.

16         Over the last 30 years, I've spent 20  
17 of them confronting a mine. With each  
18 proposal to reopen the mine, I've literally  
19 spent hundreds and hundreds of hours  
20 fighting to protect our wells, as have so  
21 many others in the community. We don't have  
22 to--we don't want to have to relive the  
23 constant burden of protecting our wells from  
24 the mine.

25         I'm here today to ask the Planning

1 Commission to vote no on the project and  
2 also reject the EIR. What purpose would it  
3 serve to deny the project, but certify the  
4 EIR? The bottom line for well owners is  
5 that this EIR does not afford us protection.  
6 NID has requested a bond to protect well  
7 owners from impacts due to dewatering of the  
8 mine, but this EIR dismisses their request  
9 as not needed. So we're not protected.

10         Certifying this EIR will come back to  
11 bite us, and we'll have to start this  
12 process all over again for a fourth time.  
13 Corporations with gold fever will  
14 undoubtedly come knocking on Nevada County's  
15 door again. And, when they do, a precedent  
16 will have been set, by the county, with this  
17 EIR that doesn't include a guarantee of NID  
18 water for impacted wells, leaving us yet  
19 again with the burden of pleading with the  
20 county to protect our wells.

21         To paraphrase Mark Twain, it's much  
22 easier to stay out of trouble than it is to  
23 get out of trouble. By certifying the EIR,  
24 the county is inviting more trouble for the  
25 community and itself. Certification of this

1 EIR is a validation that is in--that it is  
2 entirely accurate and thorough. How  
3 confident are you that this EIR is accurate  
4 and thorough? Because of the overwhelming  
5 evidence that this EIR ignores, and all its  
6 inadequacies, I ask again for the Planning  
7 Commission to vote no on the project and  
8 also reject the FEIR. Thank you.

9 CHAIRMAN GREENO: Thank you, Gary.

10 MR. RALPH SILBERSTEIN: Good afternoon.  
11 Ralph Silberstein, CEA Foundation President.  
12 First I'd like to thank you for your service  
13 on the Planning Commission, and for your  
14 patience.

15 A Final EIR is supposed to provide the  
16 decision makers with adequate information to  
17 make an informed decision. This EIR doesn't.  
18 The primary requirement of CEQA to establish  
19 current conditions, and a clear baseline to  
20 assess impacts, has not been met. Hundreds  
21 of residential wells will be potentially  
22 impacted, but there will be zero--there are  
23 zero current data on the groundwater levels  
24 at those wells, zero current data.

25 The Centennial cleanup site doesn't

1 even exist. Or the cleanup plan, I'm sorry.  
2 It's still in draft form. There are too  
3 many assumptions that should have been  
4 included in the EIR. Greenhouse gases, the  
5 state has set new standards. This EIR  
6 simply copied outdated standards from other  
7 districts. The new threshold needs to be  
8 net zero. We are in a climate crisis.  
9 Think of the next generation.

10       Then there's the mine waste problem.  
11 It is unrestricted. Group C waste? Unknown.  
12 The only credible data at the mine drains  
13 along Wolf Creek have high levels of arsenic.  
14 It is highly likely that the waste will not  
15 be Group C. And how much hazardous asbestos  
16 dust do we want blowing around? The plans  
17 for offsite sales of restricted materials  
18 are not credible. The entire project  
19 depends on offsite sales. This entire EIR  
20 is misleading, and has not adequately  
21 addressed the monumental problem of mine  
22 waste. These are just a few of the many  
23 problems that this EIR fails to address  
24 adequately.

25       In fact, there are so many problems,

1 it's hard to imagine a more preposterous  
2 final EIR. To certify it would be a black  
3 mark for the county, and it would show a  
4 general disregard for the health and safety  
5 of the community. And regarding the  
6 Applicant's last-minute switch to  
7 Alternative 2 in reducing building heights,  
8 the project still has all the major impacts  
9 and the same land use issues.

10 If this flawed EIR is certified, it  
11 will come back in a few years to haunt us  
12 yet a fourth time. A certified EIR can be  
13 used again. And as a quasi-judicial body,  
14 your certification of this EIR would lend  
15 credence to this flawed document and enable  
16 harm to well owners, and others, that may  
17 result. Please spare us the damage it  
18 portends to bring for 80 years. Please  
19 don't certify this EIR.

20 Gold mining is our past, not our future.  
21 Thank you very much.

22 CHAIRMAN GREENO: Thank you, Ralph.  
23 And thank you, Nevada County. We're--we are  
24 all Nevada County, and I really appreciate  
25 the cooperation and, and the robust and

1 informative hearing here today.

2           With that, I will be closing public  
3 testimony. We will take a short recess.  
4 We'll just call it 15 minutes, actually.  
5 And when we come back, I would like to hear  
6 a summary response from the Applicant, if  
7 they are prepared for that. And then we  
8 will--I'll entertain questions from my  
9 fellow Planning Commissioners. You're  
10 looking for a motion, and any discussion on  
11 that?

12           COMMISSIONER DUNCAN: Staff may have.

13           CHAIRMAN GREENO: Yes.

14           COMMISSIONER DUNCAN: Staff may have.

15           CHAIRMAN GREENO: Yes. Well, staff  
16 will be, yeah, involved in our questions.  
17 Oh, and you guys are--yes, we encourage you  
18 to stay. And we, we hope to be done today.  
19 So that's the plan.

20           FEMALE VOICE: - -.

21           CHAIRMAN GREENO: Thank you.

22           [Recess]

23           CHAIRMAN GREENO: Three minutes, three  
24 minutes, three minutes. My mic isn't  
25 working.

1 [Pause]

2 CHAIRMAN GREENO: Two minutes.

3 [Pause]

4 CHAIRMAN GREENO: Well, it looks like  
5 we're ready. So I'll call this hearing back  
6 to order. And, with that, we will begin  
7 with a summary response from the Applicant,  
8 please.

9 MR. BRAIDEN CHADWICK: Thank you,  
10 Commissioners. Good afternoon. Braiden  
11 Chadwick, again outside counsel to Rise.  
12 And I'll just wait until that gets pulled up.

13 First of all, I'd like to thank the  
14 Planning Commission for its attention.  
15 We're finally here at the end. That's,  
16 that's good for all of us, I think. I would  
17 also like to thank staff, Planning Staff  
18 for--and county counsel for all of their  
19 efforts here.

20 I object to any of the comments that,  
21 that even allude to the fact that they were  
22 anything other than professional. Staff has  
23 been spectacular through the last many years  
24 going through this process. And they have  
25 been professional every step of the way. I

1 thank them for their efforts and, and I  
2 think we all should as well.

3 I'd like to take this opportunity just  
4 to talk about a couple of things to clarify  
5 and elaborate on some of the answers that  
6 perhaps we could have done better explaining  
7 during our presentation, or that were  
8 questions that came up during public comment  
9 that we would like to make sure there's a  
10 clear understanding on.

11 So I'll start off, and then there are  
12 some more competent people who can explain  
13 things in a much more clearer fashion that,  
14 that I'll bring up to address specific  
15 topics only. But we'll try and keep this  
16 very short in our presentation.

17 First of all, one of the questions that  
18 came from the Planning Commission was the  
19 Centennial site. And just to clarify, Rise  
20 will remediate the Centennial Industrial  
21 Site regardless of which alternative is  
22 chosen. The Centennial cleanup is not a  
23 part of this project. It's not a part of  
24 this EIR, but the cleanup will happen  
25 separately with the cooperation and the

1 oversight of DTSC. But, to be clear, Rise  
2 will remediate the Centennial Industrial  
3 Site regardless of which alternative is  
4 chosen.

5         The second clarification is on the  
6 variance. Just to clarify, Rise can make  
7 all the variance findings, but it doesn't  
8 have to, because Rise has agreed to lower  
9 the height of its habitable buildings to the  
10 45-foot maximum level as required by the  
11 zoning code. And, again, the county's code  
12 allows non-habitable structures to--there's  
13 an exception there if the project gets a use  
14 permit. And, again, that's the process that  
15 is--that we prefer to go under. But, to be  
16 clear, Rise can make all the findings for  
17 the variance regardless.

18         Clarification on the truck trips.  
19 Again, just to clarify, Alternative 2 means  
20 that there are no rock trucks on the road  
21 for 11 years. I know there's some confusion  
22 about that of how many trucks, and if they  
23 came back, in terms of one-way trips or not.  
24 I think that was clarified by Commissioner  
25 Milman, that do these trucks--do they really

1 come back or not. So the worst case  
2 scenario is that, during these 11 years,  
3 there would be 14 round trips for deliveries  
4 of fuel and concrete and things. And  
5 there's, of course, internal driving inside  
6 of the site, but there are no rock trucks on  
7 the road for 11 years.

8         After the 11 years, the Idaho-Maryland  
9 Mine Project would generate up to 112 one-  
10 way daily truck trips. And again, that's 56  
11 round trips. And I appreciate the  
12 clarification there. Which is, of course,  
13 far less than the other mines that we were  
14 looking at, at the time. So, again, if  
15 there's any question on that, I'm trying to  
16 be as clear as I possibly can, but that is  
17 how Alternative 2 works.

18         So, again, the trucks on Brunswick Road  
19 are the same. Again, this is--there's only  
20 three equivalent vehicles there, but this is  
21 the traffic that mirrors precisely, again,  
22 or nearly precisely, the current traffic  
23 there.

24         There's questions by the public also as  
25 far as the aggregate economy. The

1 California Geological Survey Map Sheet 52,  
2 which measures aggregate availability in  
3 California and different regions, this is  
4 the Sacramento Production-Consumption Region  
5 here on the map that, of course, we are in.  
6 And, again, the quote from that report is  
7 that mining is often seen as a controversial  
8 land use during the permitting process, but  
9 there are many benefits to having local  
10 sources of construction aggregate, and  
11 increasingly as existing permitted aggregate  
12 supplies are depleted, local land use  
13 decisions regarding aggregate resources have  
14 regional impacts that go beyond  
15 jurisdictional boundaries.

16       That's a long way of saying that, that  
17 a mine that's producing aggregate can be  
18 supplying anywhere in the Production-  
19 Consumption Region, not just in the  
20 immediate area. That said, the engineered  
21 fill could be used--could be used for local  
22 offsite construction projects, including  
23 roads, commercial and industrial development,  
24 and of course, housing. And Rise has  
25 already been in discussions with several

1 regional producers who actually are  
2 interested in using this material.

3       So is there a market for it? Yes. Of  
4 course, there is. And, again, one can refer  
5 to the California Geological Survey Map  
6 Sheet 52 Report.

7       So I'm going to talk about the  
8 revegetation of the fill pile because this  
9 was another question that came up. And  
10 again, as we're trying to clarify,  
11 vegetation fill pile, the fill pile slopes  
12 will be hydroseeded with an erosion control  
13 native seed mix to reduce erosion and  
14 maintain slope stability. And, of course,  
15 that is similar to Caltrans and County  
16 Public Works uses on a daily basis for its  
17 projects. There is a success criteria  
18 that's implemented and imposed on the  
19 project as far as revegetation is concerned.  
20 And so there are performance standards.

21       There was a question as to topsoil.  
22 Topsoil will be salvaged from the site. It  
23 will be stockpiled, stockpiled onsite and  
24 used for revegetation for purposes on that  
25 Brunswick pile. And so there is vegetation

1 there. There is a success criteria. And  
2 topsoil will be salvaged and used for the  
3 purpose onsite.

4         So, with that, I'm going to address one  
5 more issue, and then I'll bring up Mr.  
6 Mossman, who is going to talk about some  
7 operational questions. So the last thing  
8 I'll say is that there have been a lot of  
9 comments about property values, and  
10 reasonably so. Then you had a lot of  
11 opinions that were expressed here, and you  
12 take--and, of course, we take them for what  
13 they are, and from some realtors as well.

14         This is--these concerns were taken  
15 seriously by the county. And the county's  
16 own consultant, which is RDN, as we've  
17 mentioned before, the county had tasked RDN  
18 with, amongst other things, analyzing  
19 property values--and would the mine affect  
20 property values. Because it was a question  
21 that was coming up from a lot of the public,  
22 and the real estate industry as well.

23         So this is the findings of the  
24 county's--or of the--of RDN, who is the  
25 county's consultant, tasked with answering

1 that question. And the answer there is that  
2 the impact to local property values is  
3 negligible. So RDN's already performed  
4 extensive research and analysis, and found  
5 no conclusive evidence to assert that the  
6 proposed project would have a significant  
7 impact on local property values.

8 A rigorous analysis of three mines  
9 determined to be viable case study locations  
10 did not find a statistically significant  
11 impact on nearby residential property values.

12 So, again, this was one of the  
13 questions the county itself asked its own  
14 consultant to answer. And, again, with all  
15 respect to the opinions expressed by the  
16 public and the, the realtors, this is an  
17 economic study that was looking at study  
18 areas and concluded in different mining  
19 areas, in different mines, in different  
20 situations, what were the impacts on  
21 property values. And found that there,  
22 there were none. So again that's, that's  
23 the county's consultant.

24 So now I'm going to invite Mr. Mossman  
25 up. And he's going to answer some questions

1 as far as the operational questions that  
2 were concerned and clarify that.

3 CHAIRMAN GREENO: Thank you, Braiden.

4 MR. BEN MOSSMAN: Good afternoon,  
5 Commissioners. I wanted to clarify some of  
6 the rock movement in the mine. So, so  
7 that's a cross section showing the, the New  
8 Brunswick shaft and headframe. And so 1,000  
9 tons of mineralized rock is hoisted from the  
10 mine. And then it's, it's hoisted. It's  
11 pulled up in a skip and it--and it's put  
12 into that existing silo that you can see,  
13 which is enclosed in the headframe. And  
14 then transferred in the covered conveyer to  
15 the--to the process plant.

16 And in the process plant you remove the,  
17 the sulfite minerals. That's a concentrate  
18 that's sold. So 20 tons of that is sold to  
19 a smelter. You end up with 500 tons that's  
20 put into a truck and used on surface for  
21 engineered fill. And then the remainder of  
22 that material, the 480 tons, goes back into  
23 the underground mine as cemented paste  
24 backfill.

25 At the same time, there's, there's two

1 compartments in the silo. So the, the  
2 mineralized rock goes into one compartment.  
3 The barren rock in another. So they're not  
4 hoisted together. They're separate. And so  
5 you have 500 tons of barren rock coming out.  
6 96% of that rock is andesite, which is the,  
7 the green stone in the core there.

8         And that's put into the two small  
9 compartments of the silo, and then loaded  
10 into a truck with a conveyer. So it's a  
11 chute on the bottom of that silo. It loads  
12 it into trucks that are in the little  
13 building beside the headframe. And then  
14 that's just hauled to it--to its location.  
15 So there's 1,500 tons that come up. Well,  
16 500 goes back down. So that's where you end  
17 up with 1,000 tons of, of engineered fill,  
18 which is made of 500 tons of rock, 500 tons  
19 of sand.

20         Just to clarify some of these different  
21 regulations for the naturally occurring  
22 asbestos, there's essentially--there's two  
23 ATCMs. There's the ATCM for surfacing, and  
24 the ATCM for construction, grading, coring,  
25 and surface mining. So both of those are

1 regulated by the--by the Air District.

2       The first one, the ATCM for surfacing,  
3 is intended to sample the materials,  
4 determine if it contains asbestos or not.  
5 And if it--if it did contain asbestos, it  
6 has to be--it can't be used for surfacing.  
7 And so the state made these regulations so  
8 that if a road was made of rock, trucks  
9 driving over it couldn't create dust that  
10 would be harmful to the public. So that--  
11 that's the purpose of it for surfacing, what  
12 material can be remained on surface and be  
13 used as something that you could drive on  
14 top of.

15       The ATCM for construction is--has a lot  
16 of dust control aspects to it. And this is  
17 a plan that would be approved by the  
18 Northern Sierra Air District. And part of  
19 that is the air sampling. So the sampling  
20 that--that's required for any activity, say  
21 you are grading the site. You have fence  
22 monitors sampling the actual air. So that's  
23 something that happens all the time. That's  
24 kind of the proof that the dust control is  
25 working, and there is not an exposure of the

1 public to asbestos.

2       And, like I mentioned before, 96% of  
3 the rock is, is andesite. So there's,  
4 there's serpentinite belt in part of the  
5 mineral claims, just on the northern part of  
6 the mineral claims. It's basically along  
7 Idaho-Maryland Road. And so the Brunswick  
8 mine itself is hosting andesite. So for  
9 almost all of the development tunneling  
10 that's going to be done, it would in the  
11 andesite. And the veins at depth are also  
12 hosting andesite.

13       So there's a very small amount of  
14 serpentinite but because it's on the mineral  
15 claim the way these ATCMs are written it, it  
16 pulls you into them. And so because there's  
17 serpentinite ultramafic rock on our property,  
18 you have to follow both these ATCMs, which  
19 are designed by the state and adopted by the  
20 Sierra--Northern Sierra Air District to  
21 protect the public from naturally occurring  
22 asbestos.

23       And then there's a third part of the  
24 plan, what we call the ASUR Plan. So this,  
25 this is not something that's part of the--of

1 the state law.

2 THE CLERK: Chair? I'm sorry, if I can  
3 interrupt? We're going to have to take a  
4 small break. We're having some technical  
5 issues.

6 CHAIRMAN GREENO: Okay.

7 THE CLERK: It's not displaying.

8 CHAIRMAN GREENO: Sorry, Ben. We're  
9 going to have to take a, a brief recess.  
10 How long are we going to need for this, do  
11 we think?

12 THE CLERK: Just maybe five minutes at  
13 most.

14 CHAIRMAN GREENO: Five minutes? Okay.  
15 Five minutes we'll be back.

16 THE CLERK: Thank you.

17 [Recess]

18 CHAIRMAN GREENO: All right. It sounds  
19 like we're back. We're ready.

20 MR. MOSSMAN: So I was just--I was just  
21 saying the ASUR Plan is something that we  
22 put together ourselves. And, and it  
23 essentially commits to exploration drilling  
24 before mining. And so exploration drilling  
25 is, is a part of the mining process. It's a

1 drill core that's seen there. You always  
2 have to drill in front of you to know where,  
3 where the gold-bearing rock is.

4         And so we basically committed through  
5 that plan that we would also sample for  
6 naturally occurring asbestos, so that you  
7 would know what's in the rock before it's  
8 mined, well before, probably years before it  
9 was mined. So that you have the, the rock  
10 core, the geologist's maps, the lithology of  
11 the rock, and then they sample it. So it  
12 would be sampled for gold, metals, and  
13 naturally occurring asbestos using this  
14 method they call TEM testing.

15         So it's done well before the mining is  
16 ever done. And then there's sampling after  
17 the mining--after it's coming out of the  
18 mine. But that's just to confirm that the,  
19 the process is working. The real thing  
20 that's protecting the public, you know,  
21 that's done to make sure that your air  
22 sampling is not detectable, there's non-  
23 detectable asbestos. So it's, it's a way to  
24 help comply with the two ATCMs.

25         So, as I mentioned, this is the drill

1 core. So that--the ASUR Plan tests the  
2 material, the TEM testing, before it's even  
3 mined. So during the exploration phase you  
4 have geologists logging it. You have the  
5 engineers doing the mine planning. And if  
6 there was material, naturally occurring  
7 asbestos in that, the mine planners would,  
8 would avoid it.

9       And so the, the ASUR Plan kind of goes  
10 through that process and explains how that  
11 would work. And the geologist does their  
12 job. They provide their--you know, their  
13 drill results to the engineers, who design  
14 the mine plan to ensure that there's  
15 negligible asbestos in the mine plan.

16       And there's a similar, a similar  
17 process we follow for the WDRs, which are  
18 required by the state, for metals content.  
19 Next slide.

20       This is a quick slide of the silo.  
21 Because of the ATCM for surfacing requires  
22 that all the--all the rock, even, even if  
23 it's just andesite, and not serpentinite,  
24 because it's captured in the ATCM for  
25 surfacing, every--all the rock that comes

1 out of the mine has to be tested before it's  
2 even loaded into a truck. And so you have  
3 some capacity, some search capacity in that  
4 silo. You have sampling ongoing. You  
5 actually have someone actually doing the PLM  
6 Test onsite. Knows exactly is there  
7 asbestos in it or not. He has to give that  
8 receipt to the truck driver, so the truck  
9 driver knows exactly where that material is  
10 supposed to go. Next slide.

11 MS. JENNIFER REED: Good afternoon  
12 Chair and members of the Planning Commission.  
13 My name is Jennifer Reed, and I lead Dudek's  
14 Air Quality and Climate Change Practice. I  
15 have over 15 years' experience. I've been  
16 responsible for the technical leadership of  
17 hundreds of air quality and greenhouse gas  
18 CEQA analyses. I teach a course on CEQA air  
19 quality and greenhouse gas analysis at UC  
20 Davis Continuing and Professional Education.  
21 And as an active member of the Association  
22 of Environmental Professionals Climate  
23 Change Committee, I work with agencies such  
24 as the California Air Resources Board,  
25 Office of Planning and Research, and Air

1 Districts throughout the state to implement  
2 best practices.

3 I appreciate all the public comment  
4 that I have heard. It takes a lot of guts  
5 to get up here and speak your thoughts. I  
6 heard some comments yesterday on the  
7 project's energy use and climate change, so  
8 I wanted to provide some clarity. Yes, the  
9 project will consume electricity. And, yes,  
10 that electricity will result in greenhouse  
11 gas emissions today. But electricity is the  
12 preferred power source. And, in fact,  
13 transition from fossil fuel to electricity  
14 is one of the key strategies in the state's  
15 2022 scoping plan for carbon neutrality by  
16 2045.

17 But I will note that the pathway to  
18 carbon neutrality does not mean that every  
19 project, and every source, needs to reduce  
20 to zero greenhouse gas emissions. Use of  
21 electricity over diesel and natural gas  
22 reduces localized criteria air pollution  
23 emissions and toxic air contaminants,  
24 including diesel particulate matter, which  
25 was extensively evaluated in the EIR's

1 health risk assessment. Electricity is high  
2 because diesel offroad equipment used is low.

3       Electricity is also a cleaner, less  
4 carbon-intensive power source because of the  
5 California Renewables Portfolio Standard  
6 regulations which includes Senate Bill 100.  
7 This requires utilities providers to  
8 increasingly incorporate renewables in their  
9 power source. And that's power that results  
10 in zero greenhouse gas emissions.

11       The ultimate requirement is that 100%  
12 of the state's electricity come from carbon-  
13 free resources in 2045. So we know that  
14 greenhouse gas reductions will reduce over  
15 time due to these regulations, including  
16 regulations that would reduce vehicle  
17 emissions when you have the increased  
18 electric vehicles over time. But  
19 conservatively, we did not include any of  
20 these in the greenhouse gas analysis in the  
21 EIR.

22       So, lastly, regarding comments on the  
23 county's Energy Action Plan, the project was  
24 determined to be consistent with the  
25 applicable strategies. That plan is focused

1 on energy efficiency for existing and new  
2 development, as well as water, fish, and sea,  
3 and increasing renewables. With many of the  
4 strategies aimed at the county to implement,  
5 the magnitude of electricity from any  
6 project is not the test of plan consistency.  
7 And the project will be built consistent  
8 with the Title 24 California Building Energy  
9 Standards and CALGreen, which ensures that  
10 new development implement stringent energy  
11 efficiency standards.

12       Nonetheless, to further support the  
13 energy action plan, the Applicant has  
14 committed to providing solar panels on top  
15 of the buildings, which would reduce the  
16 electricity demand, associated emissions,  
17 and further support the county—the county's  
18 Energy Action Plan, which you can include as  
19 a condition of approval today. Thank you.

20       CHAIRMAN GREENO: Thank you.

21       MR. JASON MUIR: Thank you,  
22 Commissioners and Chair Greeno. I'm Jason  
23 Muir. I'm a registered civil engineer and  
24 geotechnical engineer. And I have a  
25 master's degree in environmental engineering.

1 I've been characterizing and cleaning up  
2 mine sites for about 25 years.

3 I prepared the cleanup plan for the  
4 Centennial property on behalf of Rise Grass  
5 Valley. And the, the level of investigation  
6 for that property is, in my experience,  
7 commensurate with what we've done in the  
8 past for, for other sites in the last 25  
9 years overseen by DTSC and the regional  
10 boards.

11 And we identified that, based on the  
12 site investigation and the statistical  
13 analysis, evaluation of the data, that the  
14 mine waste at the Centennial site does  
15 classify as Group C under Title 27, which  
16 means that it doesn't have significant  
17 soluble components. It--Group C is defined  
18 as mine waste that can be contained, as we  
19 have contained it, with a cover and erosion  
20 controls. And the primary focus of that  
21 containment is to prevent turbidity, to  
22 prevent erosion, because it doesn't have a  
23 lot of soluble constituents.

24 And we--the cleanup plan for the  
25 Centennial property went through technical

1 review and approval by the DTSC and the  
2 regional board, and both of those agencies  
3 concurred with our findings that it's Group  
4 C mine waste. Thank you.

5 CHAIRMAN GREENO: Thank you, Jeremy.

6 MR. ANDY COPANIA: Good afternoon,  
7 Chair, Commissioners. I'm Andy Copania  
8 [phonetic]. I prepared the hydrogeologic  
9 and water quality studies for the Applicant,  
10 and wanted to clarify a few points with  
11 respect to those studies.

12 You've heard a lot of talk about  
13 substantial evidence and that CEQA needs to  
14 be dependent on that. And I wanted to just  
15 summarize quickly some of the substantial  
16 evidence that was used in these analyses.  
17 That includes the historical mine  
18 information with respect to the depth and  
19 length of the tunnels underground and the  
20 amount of water that's been produced from  
21 the mine in the past for dewatering.

22 We looked at the well data on state-  
23 mandated well logs from over 1,200  
24 groundwater wells within the project  
25 vicinity. We've looked at the past

1 monitoring data from 1995 to 2012 from about  
2 50 wells in the project area. We have water  
3 level data for multiple mine shafts over  
4 several decades.

5         We've applied classical hydrogeologic  
6 methods, identified in numerous textbooks,  
7 not just the groundwater model, but just  
8 basic calculations using simple mathematical  
9 relationships that are taught in every  
10 introductory hydrogeologic class. And our  
11 work has also been third-party reviewed by  
12 the county's EIR team and their expert  
13 hydrogeologic consultants, West Yost.

14         One of the things I've been asked to  
15 clarify is that, in terms of the total  
16 metals and testing of rocks, that not--in  
17 addition to the six rock samples, and the  
18 four tailing samples that were tested for  
19 metals and leeching, we also did trace metal  
20 analysis on 48 rock samples from that. So  
21 there's a large number of analyses that have  
22 been done over the different rock types that  
23 will be used in the mine.

24         Go back. Yeah. What I want to address  
25 on this slide, is the impacts that would

1 occur to the flows in South Fork Wolf Creek  
2 due to the discharge from the mine during  
3 dewatering. During the initial six months,  
4 the discharge rate will be about 5.6 CFS,  
5 which is about 2,500 gallons per minute.

6 On this chart, this represents data  
7 that was measured in South Fork Wolf Creek  
8 at a gauge that was installed by another  
9 consultant, called Balance Hydrologic out of  
10 Truckee, at the Brunswick site area. And  
11 the blue line represents their 15-minute  
12 electronically measured data. The red  
13 triangles are ground truth measurements  
14 where someone would go out in the field and  
15 verify those. And you can see on the left  
16 side the measurements on there vary from  
17 zero to 100 cubic feet per second.

18 The orange line on the left side is the  
19 six-month--represents the six-month  
20 discharge period at 5.6 CFS. You can see  
21 how that's very low, near the bottom of the  
22 chart. The green line across the rest of it  
23 is the 1.9 CFS or 850 gallon per minute  
24 discharge that would occur subsequent to the  
25 initial dewatering as the mining moves

1 forward.

2           The blue line is the storms, the peak  
3 flows that have occurred from storms that  
4 have occurred over the past three years.  
5 And you can see, obviously, that beginning  
6 in October of 2021, and then in 2022, on the  
7 very right-hand side, we had much larger  
8 flows than the prior years, which were much  
9 drier years. But those flows went up as  
10 high as almost 100 cubic feet per second.  
11 And during significant periods of time  
12 during 2022, on the right-hand side of that  
13 graph, we had sustained flows of well above  
14 5.9 CFS. They're in the range of 10 plus  
15 cubic feet per second.

16           In addition, as was pointed out on the  
17 right, based on the Nevada County Department  
18 of Transportation Hydrology Manual, a ten-  
19 year storm flow within South Fork Wolf Creek  
20 would be 658 cubic feet per second. That's  
21 actually over six times higher than the peak  
22 flows during this last wet winter. And a  
23 hundred-year storm would be over a thousand.  
24 That's over ten times the measurements we  
25 had here.

1           So the base flows that would be  
2 occurring from the mine dewatering,  
3 represented by those green and orange lines  
4 on there, are very low. They do not alter,  
5 or in any way substantially change, the  
6 pulses of high flows and low flows, because  
7 they are down near the base level and not  
8 affecting the large flows on top.

9           In addition, the mine--the discharge of  
10 the mine water would improve the water  
11 quality within South Fork Wolf Creek. As  
12 has been mentioned by many people today,  
13 from the sampling we've done, sampling that  
14 other groups have done, the water within the  
15 creek is impacted by iron and manganese, and  
16 other potential metal discharges from the  
17 historic mining due to old tailings that are  
18 in the valley, in the--in the watershed for  
19 South Fork Wolf--South Fork Wolf Creek.

20 Excuse me.

21           The mine discharge itself must comply  
22 with both state and regional board, Water  
23 Board, discharge requirements. It cannot  
24 occur. The operator would be precluded from  
25 making any discharges if it exceeded the

1 state-mandated water quality standards. And  
2 they have to conduct monitoring, submit  
3 reports both to the county and to the state,  
4 verifying that they're meeting those  
5 standards.

6         So there isn't a potential that there  
7 would be long-term discharges of water that  
8 don't meet water quality standards. So the  
9 water that would be discharged would be  
10 better quality than the water that's  
11 currently in the creek itself. I think  
12 you've heard yesterday it would, basically,  
13 meet drinking water standards. You could go  
14 out to the outlet pipe coming out of the  
15 treatment system and drink that water  
16 directly.

17         And the standard, the treatment methods  
18 themselves, are standard water quality  
19 treatment methods that are applied all over  
20 the world daily. They're not a mystery like,  
21 "Gee, do we know it's going to work?"  
22 They're pretty much off-the-shelf type of  
23 treatment technologies.

24         I also want to address groundwater  
25 levels in wells. Historically, you've heard

1 questions about do we have an adequate  
2 baseline. Water levels have been measured  
3 in prior years at about 50 wells around the  
4 mine area. And we've taken that data and  
5 analyzed it on the next slide.

6         What this slide shows, the, the green  
7 bars show the annual rainfall. The average  
8 annual rainfall in this area is about 55  
9 inches per year. Those numbers are on the  
10 right-hand side of the graph. So the line  
11 right across the middle sort of shows that.  
12 And you can see over this period of time,  
13 from 1995 to the end of 2012, we have a  
14 series of very wet years, a series of very  
15 dry years, cycling over time.

16         So we're looking at drought periods.  
17 We're looking at wet periods. The thicker  
18 blue line that's kind of wavy is the actual  
19 water level measurement in this well. And  
20 this is a well on the East Bennett Road area.  
21 And what that thicker blue line shows is  
22 that the water levels seasonally go up in  
23 the winter and they go down in the summer.

24         But if you look long-term over that  
25 approximately 13-year period, they don't

1 vary. There's no trend. They go up, down,  
2 up, down. It doesn't matter if it's wet  
3 years, dry years, multiple wet years,  
4 multiple dry years.

5 In addition, the dash blue line on this  
6 chart shows where the bottom of the well is.  
7 And then the gray line down to the 2,500  
8 foot elevation shows the water level in the  
9 mine shaft itself. And I'll talk about that  
10 a little bit more, but so, for example, in  
11 this well, the bottom of the well is 50 feet  
12 above the water level in the mine today.  
13 And historically, the thick blue line shows  
14 the consistency of those water levels over  
15 time.

16 And you can just go through a bunch of  
17 these. They show the same thing over and  
18 over again. Keep going, Chris. There is--  
19 this is in the Beaver Drive area. The water  
20 levels are even much, much higher above the  
21 water levels in the mine themselves. Go  
22 ahead.

23 So you can see the, the bottoms of the  
24 wells and the water levels are typically  
25 above where the water is today within the

1 mine shaft. Go ahead. Did we skip one? Go  
2 ahead.

3           Then we've talked about the 10%  
4 criterion for measuring impacts to wells.  
5 The 10% criterion was based on the  
6 application, as I mentioned, some of these  
7 standard hydrogeologic calculations. And  
8 within a well, within this type of fractured  
9 bedrock system, if you've got a well that  
10 will pump a certain amount of water, let's  
11 say 20 gallons per minute--and that's kind  
12 of a stable pumping rate on that well--if  
13 the water level in that well drops between  
14 20 and 40%, typically it becomes unstable,  
15 and it will dewater the well. It will start  
16 pulling air because the water table--the  
17 water level in the well will drop quickly.  
18 And those are basic calculations you can do  
19 with standard hydrogeologic methodology.

20           So we took that 20 to 40% and said,  
21 okay, let's take 100% factor of safety,  
22 which means we're taking half that value.  
23 You know, a 10% factor of safety would, say  
24 it's 20%. And we take 2% factor of safety,  
25 it would be 18%. We're taking the whole,

1 you know, factor and saying--let's just say  
2 10% would be our criterion for looking at  
3 impact. So that's where that number comes  
4 from.

5       It might be hard to see on these slides  
6 because they're kind of dark, but these are  
7 actual wells in the Greenhorn area, east of  
8 Brunswick Road. The blue represents the  
9 water column within the well. And you can  
10 see there's a simulated drawdown that we  
11 estimated near the top of the well and where  
12 that 10% drawdown would be. And the 10% is  
13 of the water column in the well.

14       So if over time there was a drought  
15 period, and that water column decreased,  
16 then our 10% would be 10% of that smaller  
17 column. So we would be responsive to  
18 changes over time with wet periods, dry  
19 periods, if those would occur.

20       This, this is the slide I thought I  
21 had next. So this is a drawing of the  
22 current conditions in the mine itself. On  
23 the left-hand side is Wolf Creek. You can  
24 see there a number of shafts that extend  
25 down to the--into the subsurface. The

1 shaded blue represents the current  
2 groundwater table, which is--ranges from  
3 anywhere from 30 feet to 100 feet below  
4 ground surface, depending on where you're  
5 located.

6 But the water--and so--and it also  
7 shows a number of wells there, well 125,  
8 well 90, well 250. Where we have the  
9 available information, their pumping rates,  
10 13 GP and 30 GPM are posted. And the  
11 elevation of the bottom of those wells.

12 All of those wells except the one--and  
13 this is really typical in any area--almost  
14 all the wells are shallower than 2,500 feet  
15 above mean sea level. And the 2,500 foot  
16 level is critical, because that's the  
17 elevation where the historic mine workings  
18 discharge into Wolf Creek.

19 And so, we have water. The mine shafts  
20 are like wells themselves. Water is seeping  
21 into them. And if, if--when we go out there  
22 to measure them, you can hear the water  
23 cascading down the sides. And then it goes  
24 into the mine workings, and it's like a pipe  
25 that goes out to Wolf Creek. The pipe is

1 very permeable. The water moves very fast,  
2 discharges to the creek. And it basically  
3 drains those shafts, the water levels in the  
4 shafts, to the same level as the creek.

5       However, the fractures in the rock--and  
6 you can see the example of it there--there's  
7 not a lot of permeability in the rock itself.  
8 The water moves much slowly. The water  
9 table, overall, is still maintained several  
10 hundred feet higher than the water level in  
11 the shaft because it can only move so slowly  
12 into the mine itself.

13       And so, under existing conditions,  
14 there's already partial dewatering of the  
15 mine workings with a very minimal effect on  
16 the wells that are there. And that's part  
17 of the basis for the projections of what the  
18 future effects would be on the mine.

19       I think--oh, yeah. And the groundwater  
20 monitoring program, as proposed, would  
21 include 30 new wells, two wells at 15  
22 different locations that are spread out  
23 around the mineral rights boundary. They  
24 will be designed to be an early warning  
25 system. And it would include up to 387

1 private wells, generally within the area  
2 that's projected to be affected, but  
3 specifically within the--also within the  
4 mining rights boundary.

5       Hydraulic testing would be conducted on  
6 each of those wells. Electronic monitoring  
7 will be conducted on each of those wells,  
8 mirroring water levels at frequencies of  
9 between one and four hours. So we would  
10 have very precise data. Rise is also  
11 committed to add telemetry to each of those  
12 wells. So the county, or individual well  
13 owners, could actually in real time access  
14 their well data and see what their water  
15 level is like.

16       There would also be water quality  
17 sampling from the 30 new wells that will be  
18 installed. And over two and a half years it  
19 would involve collection of 300 water  
20 quality samples. And that would all occur--  
21 not the water quality sampling--but all of  
22 this would be put in place at least a year  
23 prior to any dewatering occurring.

24       And the last one, as part of the  
25 groundwater monitoring program, on a

1 quarterly basis, there will be a water level  
2 impact assessment. The data from those 30  
3 new wells would be evaluated, and the water  
4 table would be generated to look at, "This  
5 is what it should be like," and then we  
6 would compare the data from each of the 387  
7 private wells to say, "Does it deviate from  
8 that?"

9         And if it deviates more than that 10%,  
10 then that's a potential impact. The  
11 mitigation plan says if that occurs there  
12 will be hotlines or websites where the well  
13 owner could contact the county and Rise.  
14 Rise would immediately mobilize a licensed  
15 well contractor to go out and evaluate the  
16 pump, evaluate the well.

17         And if that licensed well contractor  
18 determines there's an impact, within 24  
19 hours they will be provided with a temporary  
20 supply, a tank, trucked water, until that  
21 issue can be mitigated. The well contractor  
22 would determine could that be mitigated by  
23 deepening the well or by drilling a new well.  
24 Or, if not, then the process would begin to  
25 connect that property to NID water. And

1 that will be part of the mitigation program.

2 That's all I have.

3 CHAIRMAN GREENO: Thank you.

4 MR. CHADWICK: So thank you for that,  
5 Andy. The last--the last thing that I will  
6 say, I think, is this. Is that, you know,  
7 with the clarification, of course, that  
8 Jason provided that, you know, that the, the  
9 implication of Jason Muir's comment that the  
10 Centennial site tailings classified by, by  
11 the Regional Board as, as Group C, and that  
12 the Idaho-Maryland tailings, by implication,  
13 are also going to be Group C. And that's  
14 what the testing has proven so far, and  
15 we'll continue testing throughout the life  
16 of the mine.

17 That no surface operations are going to  
18 be taking place 24/7. They'll be inside  
19 buildings and down below the ground. And  
20 that there is that agreement that Rise has  
21 proposed, along with opting for, and asking  
22 this Commission to recommend, the  
23 environmentally superior alternative, as  
24 Alternative 2, that, that the trucking will  
25 be very, very minimal. There will be no

1 trucking for the first 11 years in terms of  
2 rock trucks going up and down the road at  
3 all.

4           And I think, in light of these  
5 clarifications, and with appreciation for  
6 the Planning Commission, Planning Staff,  
7 County Counsel, and of course the public,  
8 too. We might not always agree, but I do  
9 appreciate the, the comments and the  
10 questions that are raised, and the  
11 opportunity to address those comments and  
12 questions. We respectfully ask this  
13 Planning Commission to adopt the  
14 environmentally superior alternative, which  
15 is Alternative 2, and recommend that for  
16 consideration to the Board of Supervisors.  
17 Thank you very much for your time.

18           CHAIRMAN GREENO: Thank you, Braiden.  
19 All right. We will move forward now with  
20 discussion, questions, clarifications by  
21 Commissioners. We will begin with  
22 Commissioner McAteer. And he will begin  
23 with disclosures, followed by any questions.

24           COMMISSIONER MCATEER: Thank you,  
25 Chairman. Thank you, public. And thank you,

1 Planning Staff. I am first because the  
2 project happens to sit in District 3. And I  
3 was appointed by Supervisor Swarthout upon  
4 her election. I was her Planning  
5 Commissioner in the City of Grass Valley  
6 when she served there. And so I have a--I  
7 have sort of some disclosures that I have to  
8 make according to our attorneys.

9       As the newest Plan--member of the  
10 Planning Commission, I have had to make up  
11 for lost time as my fellow Commissioners  
12 have been immersed in the mine issue for the  
13 past couple of years. Therefore, I wish to  
14 publicly disclose that over the course of  
15 the last month, I have met with a number of  
16 people to get up to speed on the issue  
17 before us.

18       In specifics, I contacted Ben Mossman,  
19 CEO of Rise Gold, and was joined by Ted  
20 Harris with the firm of California  
21 Strategies from Sacramento. I was provided  
22 a two-hour, in-depth tour of the mine  
23 property.

24       Furthermore, in reading through the EIR,  
25 I sought discussions with the following

1 opponents to the mine who were  
2 organizationally based to enliven my  
3 understanding of their specific comments as  
4 they've provided in the EIR.

5         In specific, I met with Professor  
6 Carrie Monohan from the Sierra Fund, Ralph  
7 Silberstein from Community Environmental  
8 Advocates, Peter Burns from Circle, Barbara  
9 and Dawn Revenis [phonetic] from the Sierra  
10 Club, Gary Griffiths [phonetic] with the  
11 Wolf Creek Alliance, and Christy Hubbard  
12 from the Wells Coalition.

13         The aforementioned meetings, all of  
14 them, were exceedingly beneficial to helping  
15 me understand the 8,700 pages of the EIR,  
16 the myriad of complexities in the reopening  
17 of a mine, and the impacts upon this  
18 community which I've resided in for the past  
19 41 years. I'll also note that for a number  
20 of summers my next door neighbor, Dave  
21 Southern [phonetic], who served on the NID  
22 Board for 16 years, was a quasi-gold miner  
23 who had a mine up in the Tahoe National  
24 Forest. And I used to go be his mucker in  
25 the gold mine. So I'm a gold mine mucker.

1 I should also note that as  
2 Superintendent of Schools I was--Siskon  
3 Gold's--problems up on the San Juan Ridge  
4 occurred under my tenure in 1995. And when  
5 Grizzly Hill School ran out of water at that  
6 point, we had to close the school. We had  
7 an emergency plan in place, that we had to  
8 put in place, in order to get water to that  
9 school.

10 So those are sort of my disclosures.  
11 I've asked Jennifer Hanson to come back and  
12 I appreciate her coming back. I really do.  
13 I know that your time is valuable as the  
14 General Manager for NID. I'd like your  
15 perspective on a couple of these items  
16 before us. So, if you don't mind, I'll ask-  
17 -you and I will go into conversation here  
18 for a little bit, if you don't mind.

19 Since we have, you know, two utilities  
20 essentially in our community, our water and  
21 our electric and gas, and PG&E doesn't have  
22 a person like you sitting here before us.

23 MS. JENNIFER HANSON: Right.

24 COMMISSIONER MCATEER: So it's really  
25 nice to have the General Manager from NID

1 here. So Ms. Hanson, Mrs. Hanson, I'd like  
2 to talk about your letter that you just  
3 submitted that said, "We really wanted a 14-  
4 million-dollar surety for the property  
5 because of..." What? What is your concern that  
6 you're saying we need a 14-million-dollar  
7 security bond posted?

8 MS. HANSON: So the request for the  
9 surety bond, or a security deposit, was  
10 determined to be necessary by NID staff, as  
11 well as our board, based on just a  
12 fundamental concept that although I'm sure  
13 everybody is doing great work and I know you  
14 guys are all very talented professionals,  
15 you know, groundwater modeling is an  
16 imperfect science. And even in the surface  
17 water world it's extremely imperfect. And  
18 that is, in fact, one of the primary reasons  
19 why in our business we redo models on a  
20 five-year basis. Because what we think we  
21 know, or what we think is going to happen,  
22 often changes.

23 And we are in a time period right now  
24 of some very significant changes related to  
25 climate change that even the experts don't

1 fully understand. And within the last, I'd  
2 say, ten years, we have had an increase of  
3 customers or soon-to-be customers, or folks  
4 that would like to be customers, experience  
5 some reductions in their groundwater well  
6 capacities.

7         So in combination of not being  
8 comfortable with the stage that we are in  
9 understanding climate change, understanding  
10 also that all--any type of model, whether  
11 it's a sewer model, traffic model, drinking  
12 water model, groundwater model, that those  
13 results aren't always exactly perfect. And  
14 we would like a little bit more surety  
15 because, frankly, NID does not have a  
16 financial obligation to pay for folks to  
17 connect to our system and to construct new  
18 infrastructure. Nor do we have the funds to  
19 do so. It is extremely expensive.

20         NID is looking down the tunnel at some  
21 very large, significant capital improvements  
22 required just to serve our existing  
23 customers. And if there were to be  
24 additional wells that were impacted, we  
25 would not be able to fund, provide a loan,

1 or pay for the infrastructure needed to  
2 serve those individuals.

3 And, with that said, there is also a  
4 concern related to our board members  
5 receiving ongoing requests from multiple  
6 people within the district regarding  
7 groundwater wells. So from--for those  
8 reasons and based off of our review of the  
9 1996 conditional use permit, we--that also  
10 included the requirement for some type of  
11 financial assurance to be provided, we have  
12 now requested that as well.

13 COMMISSIONER MCATEER: So, so let's,  
14 let's deal with the, the comment regarding  
15 surety for a second because in, in the--in  
16 the EIR of the past it--under M-Gold it said,  
17 "Due to uncertainties regarding the complex  
18 geology and groundwater in the exact area  
19 that we're dealing with, dewatering impacts  
20 domestic well water supplies cannot be  
21 accurately predicted. The geologic  
22 formation in which the mine is located is  
23 fractured bedrock, whose hydrogeology is  
24 difficult to predict."

25 So I guess you would sort of concur

1 with such a statement. Is that a fair  
2 statement?

3 MS. HANSON: Yeah, absolutely. I think  
4 that any modeling related to groundwater is  
5 in particularly difficult in an unconfined  
6 aquifer, in fractured rock.

7 COMMISSIONER MCATEER: Then tell me  
8 your, your interpretation and your thought  
9 on this. Because in this EIR it says all  
10 potentially impacted wells are, are located  
11 in the East Bennett Road area. Domestic  
12 wells outside of this area will not be  
13 affected. Is that a fair statement in your--  
14 --in your--in your staff's understanding of  
15 this--of this project?

16 MS. HANSON: I can't speak to the  
17 modeling. I have not personally reviewed  
18 the modeling outputs, the calibration, or  
19 the assumptions that were made. What I can  
20 speak to is that all models are based off of  
21 things that you know, things that you think  
22 are going on, and assumptions that you are  
23 going to make for the future.

24 And, in my professional opinion and in  
25 my professional experience, I've never seen

1 a, any, model be completely accurate. So I  
2 would not--I would hesitate to make that  
3 statement with that much confidence.

4 COMMISSIONER MCATEER: Okay, thank you.  
5 A couple more questions. You've obviously--  
6 this has occupied some portion of your  
7 career these--since you've been here for the  
8 last few years, this whole project. Is that  
9 fair? That you've spent an--you and your  
10 staff have spent an--inordinate amount of  
11 time? I don't know how much time you've  
12 spent on this topic.

13 MS. HANSON: On the mine in particular?

14 COMMISSIONER MCATEER: On the mine in  
15 particular.

16 MS. HANSON: You know, we reviewed the  
17 project from the perspective of being  
18 required to adopt a water supply analysis,  
19 which essentially is an analysis that is  
20 completed, that, that determines whether or  
21 not there are significant water supplies to  
22 serve the proposed project, which we did  
23 make the determination that there are.

24 I would not say that I am by any means  
25 an expert in their technical studies that

1 were completed for this particular project  
2 but I can speak to NID's concerns and our  
3 perspective, and how we feel that we need to  
4 protect our district and constituents.

5 COMMISSIONER MCATEER: Two more  
6 questions for you. One is your comment  
7 regarding groundwater monitoring. You said  
8 it needs to be done more than a--more than  
9 the twelve months that they're--what--how do  
10 you--how do you come to that conclusion?

11 MS. HANSON: Groundwater levels are  
12 very sensitive to fluctuations and seasonal  
13 precipitation. And specifically, most  
14 snowmelt and surface water generated by rain  
15 water. It is my opinion that due to the  
16 volatile nature of the precipitation amounts  
17 that have occurred over the last decade in  
18 particular, that it would be more prudent to  
19 have a longer period for establishing the  
20 baseline, if you're utilizing that baseline  
21 to determine the threshold for impact.

22 One year baseline of data in anything  
23 in the world, water world, wouldn't really  
24 be something that I would recommend to base  
25 an impact threshold off of.

1           COMMISSIONER MCATEER:  Okay.  And  
2  finally--and other Commissioners you're  
3  welcome to ask questions while we have the  
4  general manager here.  In a worst-case  
5  scenario, okay, I think--I think that's what  
6  the intent behind EIRs and all, is to say,  
7  you know, "Well, this could--this could  
8  happen or this could happen."  In a worst-  
9  case scenario, we have--you know, they have  
10 committed to providing for the 30 wells on--  
11 and you're--you seem to be okay with that,  
12 that you can pull that one off.

13           So let's, let's just suppose that the  
14 dewatering begins and a number of wells are  
15 automatically affected.  How long does it  
16 take for NID if, all of a sudden, a dramatic  
17 number of wells are affected, and they're  
18 having to bring in water tank trucks or  
19 trying to drill other wells?  How long would  
20 it take to be able to deliver water to the  
21 300 homes in that isopleth?

22           MS. HANSON:  So I want to make a couple  
23 of clarifications.  I did see that there was  
24 a Maranatha [phonetic] slide that was in the  
25 slide deck.  So we have done a number of

1 what we refer to as district-funded  
2 waterline extension projects. And I have  
3 heard through comments, through the--in the  
4 Final EIR as well as it sounds like maybe  
5 the comment was going to be made again with  
6 the slide, that NID can deliver a treated  
7 water project and it can be constructed  
8 within four to six months. And that just  
9 simply is not the case. The project's  
10 Maranatha Place is not constructed yet.

11 Other district-funded waterline  
12 extension projects, they may have only taken  
13 four months for the actual construction, but  
14 that is not taking into consideration design,  
15 environmental permitting. And in this  
16 particular situation, we would likely not be  
17 designing the project. It would be designed  
18 by an outside entity. So it would have a  
19 higher level of review. They would design  
20 the project. We would then review the  
21 project. It would go back and forth. You  
22 would then bid the project.

23 So you're probably looking at--and this  
24 is weather-dependent that you--this all hits  
25 at the right weather time--a minimum of 12

1 months. It could be up to 24 months if you  
2 hit a bad weather cycle. You're not going  
3 to be building a water line with a lot of  
4 snow on the ground.

5 COMMISSIONER MCATEER: Thank you.

6 CHAIRMAN GREENO: Other Commissioners?

7 I'll look to Commissioner Milman.

8 COMMISSIONER MILMAN: So in all of this  
9 my understanding is that the mine would need  
10 water itself. So is the--is the water that  
11 the mine needs for its own operations coming  
12 from NID? Or from, from water that you've  
13 treated?

14 MS. HANSON: The mine currently has two  
15 water service connections and they are able  
16 and connected right now. So their water use  
17 technically wouldn't go higher than their  
18 current capacity needed for the meter sizes.  
19 I'm not aware of any request at this point  
20 to upgrade their meter size. So that  
21 wouldn't be an additional water supply that  
22 we're concerned about.

23 COMMISSIONER MILMAN: So there's--  
24 they're already on your system?

25 MS. HANSON: Correct.

1           COMMISSIONER MILMAN: And they would  
2 just activate those meters?

3           MS. HANSON: Mm-hmm.

4           COMMISSIONER MILMAN: Okay.

5           MS. HANSON: I think it's a six and a--  
6 yeah, it's a six and--six-inch and a smaller  
7 inch meter.

8           COMMISSIONER MILMAN: Thanks.

9           CHAIRMAN GREENO: Commissioner  
10 Mastrodonato, questions for Jennifer?

11           COMMISSIONER MASTRODONATO: Yeah, just  
12 real quick. So I'm to understand that  
13 you've requested a 14-million bond-14-  
14 million-dollar bond.

15           MS. HANSON: Mm-hmm.

16           COMMISSIONER MASTRODONATO: Has the  
17 Applicant agreed to that?

18           MS. HANSON: To my knowledge, the  
19 Applicant has not agreed to it. We made the  
20 request in our comments that were submitted  
21 in response to the Draft Environmental  
22 Document. And in the responses that were  
23 included in the Final EIR it was declined to  
24 be included as mitigation.

25           And one of the reasons why that we

1 either want it as mitigation, or within the  
2 Development Agreement, or even as a  
3 condition of the conditional use permit--and  
4 we are also open to it being some type of  
5 security deposit, is that, in my experience,  
6 things do go wrong with projects. I have a  
7 lot of experience with development. And if  
8 you don't have some type of requirement  
9 recorded against the property, it can be  
10 very difficult to get those issues resolved  
11 at a later date.

12 COMMISSIONER MASTRODONATO: Thank you.

13 CHAIRMAN GREENO: Commissioner Duncan?

14 COMMISSIONER DUNCAN: No questions.

15 CHAIRMAN GREENO: Jennifer, thank you  
16 so much for coming back. I do have one  
17 question for you that came up.

18 MS. HANSON: Oh, sure.

19 CHAIRMAN GREENO: As a--one of the  
20 members of the public was talking about  
21 water connections must front on an NID water  
22 main and may require new right-of-ways. Is  
23 that something you can speak to?

24 MS. HANSON: Sure. We actually made  
25 that comment in our responses to the Draft

1 Environmental Document. We do require  
2 easements within the roadway, as well as  
3 easements for the laterals that connect to  
4 the private properties, to not only handle  
5 laterals but also the meter boxes. So we  
6 would not be purchasing a right-of-way in  
7 fee title. We would be simply requesting an  
8 easement from the road owners, as well as  
9 the property owners. And those documents  
10 and agreements would need to be recorded and  
11 in place before any water service connection  
12 was made.

13 CHAIRMAN GREENO: And are there--will  
14 there be--mains adequate to service the  
15 areas that we're speaking of?

16 MS. HANSON: The Applicant has--part of  
17 the proposed project is to construct a new  
18 water main for that--for those 30 homes.  
19 Any new--any other homes that would need to  
20 be connected in those other areas of concern,  
21 those would also need infrastructure  
22 constructed at that time. And that's why we  
23 have requested the, the surety bond.

24 CHAIRMAN GREENO: Thank you so much for  
25 your time.

1 MS. HANSON: No problem.

2 CHAIRMAN GREENO: At this time we will  
3 go back to Commissioner McAteer to continue.  
4 And, Jennifer, thank you again. We won't  
5 have any more questions for you.

6 MS. HANSON: Okay, thank you.

7 COMMISSIONER MCATEER: So I'd like to  
8 turn back to staff because in Policy 1713,  
9 Mr. Foss, Mr. Kelley, it states that the  
10 county shall, shall, shall I note, require  
11 satisfactory forms of access--accessible  
12 security, including irrevocable letters of  
13 credit, cash deposits, escrowed negotiable  
14 securities or performance bonds, all--from  
15 all mining projects to cover such damages  
16 which may stem from the projects.

17 So I'm sort of--I, I--why didn't we do  
18 that?

19 MR. MATTHEW KELLEY: Mr. Chair, Members  
20 of the Commission, I would actually defer  
21 some of that question to Nick Popani  
22 [phonetic] in regards to the EIR and to  
23 discuss some of that as well in the  
24 responses to the Final EIR. And then also  
25 would also defer some of those questions to

1 the Applicant.

2 COMMISSIONER MCATEER: Well, I  
3 understand that but it's all--it's the  
4 County of Nevada's policy. So I'm trying to  
5 understand don't, don't you guys sort of say,  
6 "Well, this is the policy. So make the EIR  
7 fit to that policy?"

8 MR. BRIAN FOSS: Commissioner McAteer?

9 COMMISSIONER MCATEER: Yes?

10 MR. FOSS: So generally that policy is  
11 referring to the financial assurance that's  
12 required by SMARA for the impacts of, of  
13 mining and the reclamation of it. It's  
14 certainly within the Planning Commission  
15 purview if you feel that there are impacts  
16 that might be caused, that warrant another  
17 surety or bond, that you could add a  
18 condition of approval.

19 I think we would want to ensure that  
20 the amount requested and applied is accurate  
21 and covers the expected impacts, and the  
22 infrastructure that would be paid for by  
23 that bond. So I think there would be some  
24 analysis required, but you could certainly  
25 within your purview to recommend a condition

1 of approval to add a surety bond to cover  
2 additional NID infrastructure to those wells  
3 or properties that are impacted by the--by  
4 the project.

5 COMMISSIONER MCATEER: Okay. Well, I  
6 just--I just want to note that that 1713 is  
7 under the concept of Mine Development and  
8 Operation, not, not reclamation, but okay.  
9 Thank you very much.

10 MS. DIANE KINDERMANN: Excuse me. If I  
11 may add to that discussion?

12 COMMISSIONER MCATEER: Sure.

13 MS. KINDERMANN: With your permission?  
14 Thank you. At page 15 of the Development  
15 Agreement which is Attachment 19 of the  
16 Staff Report at Section 3.1.4.Q, there also  
17 is a financial assurances paragraph for the  
18 Applicant during the project, the  
19 implementation, and the existence of the  
20 project for the period of 80 years, to  
21 assure that their staff time, county time is  
22 covered.

23 So there are extra SMARA financial  
24 assurances in the DA. It doesn't deal with  
25 the specific issue that you're raising, but

1 we did cover it in terms of county costs to  
2 monitor, oversee, investigate, and  
3 everything else that would be necessary for  
4 this project in terms of county staff time  
5 during the, the 80-year period of the  
6 project.

7 COMMISSIONER MCATEER: I read that part  
8 and I thought it mainly dealt, specifically,  
9 with the closure of the mine, so that there  
10 was enough dollars in place to be able to  
11 close the mine. Is that a fair statement?

12 MS. KINDERMANN: No.

13 COMMISSIONER MCATEER: Okay.

14 MS. KINDERMANN: This is during the  
15 entire project implementation. And, if we  
16 need to clarify that language, we can do so.

17 COMMISSIONER MCATEER: Thank you.

18 MS. KINDERMANN: Thank you.

19 COMMISSIONER MCATEER: Okay. Now I'd  
20 like to close on that topic and I'd like to  
21 move to Mr. Mossman.

22 Mr. Mossman, I, I just listed a number  
23 of groups that I had spoken to that were  
24 opposed to the mine. And I was wondering, I  
25 was looking for groups that were in support

1 of the mine. And so I saw that there's no  
2 support letters, or people who have come  
3 here, from the Nevada County Contractors  
4 Association, who would supposedly benefit  
5 because they're going to get construction  
6 work.

7 And I'd also expect something from the  
8 Nevada County Economic Resource Council,  
9 whose entity is a mission to bring jobs and  
10 promote economic prosperity to this  
11 community. And I saw no one from Gil  
12 Matthews, nor any letters from them. And,  
13 finally, I found nothing from the Nevada  
14 County Chamber of Commerce, whose goal is to  
15 promote a business, business-friendly  
16 environment.

17 And so I'm wondering if you could  
18 explain to me why you have--why there are  
19 no--none of the business entities in this  
20 county that are standing up here or writing  
21 letters on support of this project.

22 MR. MOSSMAN: We met with all those  
23 groups. We met with the Chamber two or  
24 three times. We've met with the realtors I  
25 think twice, the Board--the Contractor

1 Association three times. And so they, they  
2 decided to take a neutral position. You  
3 know, it is a controversial project. Some  
4 of the opposition members, you know, are,  
5 are lobbying actively to have them oppose  
6 the project. And so they, they decided it's  
7 in their best interest to be neutral, I  
8 suppose. But, you know, I can't speak for  
9 them.

10 But there are many businesses that,  
11 that support the mine. You've seen the many  
12 working people here that support the mine.  
13 And I would say yesterday there was quite a  
14 few people here that didn't get tickets and  
15 weren't able to speak. So, so there--so  
16 there's that.

17 COMMISSIONER MCATEER: Okay, thank you.  
18 Moving on. Mr. Foss and, and Planning Staff,  
19 so I noticed in the Economic Report  
20 completed by Mr. Niehaus [phonetic] that the  
21 Planning Department nor any of the other  
22 county departments are asking for any more  
23 additional labor. Okay? So we're going to  
24 have this mine come in. They're going to do  
25 their business, but there's no more need for

1 staff.

2 And so that sort of troubled me because  
3 it says in Chapter 17 of the--of the County  
4 Plan, Section 14, that, quote, "The County  
5 shall be the enforcement agency." But if  
6 you start reading more into it, you start  
7 realizing that, really, after the approval,  
8 if it comes from us or the Board of  
9 Supervisors, and then the Building  
10 Department deals with the building, really  
11 much of your department's enforcement  
12 activity is ceded to state agencies.

13 Is that a fair assessment? That, that  
14 really the Planning Department, the Building  
15 Department, Environmental Health, etcetera,  
16 sort of says, "Well, Water Quality Board,  
17 you take over. Air Quality Board, you take  
18 over. Caltrans, yada, yada, yada." Is that  
19 a fair statement?

20 MR. FOSS: There are a number of  
21 entities that have permitting authority over  
22 various components of the project. So there  
23 are some components of the project that the  
24 Planning Department and the county would  
25 have permitting authority with building

1 permit issuance and electrical permits, and  
2 encroachment permits onto the county road  
3 right-of-ways and things like that. But  
4 there's a number of other state agencies  
5 that would be overseeing and permitting  
6 other aspects of it.

7           COMMISSIONER MCATEER: But once it's  
8 in--but once it's in operation--you talked  
9 about all these permits that are essentially  
10 with building. So I'm interested in--I'm  
11 worried that we lose local control over this  
12 project and we sort of cede it to the State  
13 of California.

14           So once this mine is in, in operation,  
15 tell me what, what controls do you as the--  
16 in the County of Nevada, have over this  
17 project?

18           MR. FOSS: It would be depending on  
19 what is the problem. If it's a problem  
20 that's regulated by a state agency, then the  
21 state agency would have control over it. If  
22 it's a conflict with a condition of approval  
23 that the county has control over, then the  
24 county has code enforcement to ensure that  
25 the project is complying with its conditions

1 of approval and its mitigation measures.  
2 There may be a combination of a state and a  
3 county enforcement action against the  
4 project to ensure compliance with the  
5 adopted mitigation measures or conditions of  
6 approval.

7         So it depends on the issue and what may  
8 be out of compliance, but anything in the  
9 Development Agreement, the conditions of  
10 approval, and the mitigation measures would  
11 be expected to be followed. And, if they're  
12 not, then the county and/or state agency  
13 would, would follow up.

14         COMMISSIONER MCATEER: So the major  
15 questions of the hundred people that spoke  
16 dealt with air quality but that wouldn't be  
17 within the County of Nevada's purview,  
18 correct?

19         MR. FOSS: It would most likely be  
20 regulated by the Air District.

21         COMMISSIONER MCATEER: Okay. And water  
22 quality would be ceded to the state?

23         MR. FOSS: Regional Water Quality  
24 Control Board, for the most part.

25         COMMISSIONER MCATEER: And

1 transportation of materials?

2 MR. FOSS: I mean there's a number of  
3 aspects with transportation of materials.

4 COMMISSIONER MCATEER: But the highway?

5 MR. FOSS: It could be hazardous.

6 COMMISSIONER MCATEER: Patrol?

7 MR. FOSS: It could be highway patrol.  
8 It could be if they're on county roads or  
9 damaging county roads, there could be some  
10 Department of Public Works involved.

11 COMMISSIONER MCATEER: And do we know  
12 that the--I mean this is a big project. I  
13 gather the State Water Board in our region  
14 that has a number of counties has eight  
15 employees. Are we confident that the State  
16 Water Board, which I just, you know, has a  
17 long name, that they have the capability to  
18 take on this oversight of this mine project?

19 MR. FOSS: I--that would be speculative.  
20 I have no say over the ability of the state  
21 to do that. I would, would say that it's  
22 not unlike any other project that has Water  
23 Board permitting requirements. From very  
24 small projects to very large projects, it's  
25 very common for state agencies to regulate

1 all sites--all sizes of projects within the  
2 county.

3 COMMISSIONER MCATEER: But that's not  
4 part of the EIR, to contact that State Water  
5 Board, to be able to say, "Hey, guys. You  
6 know, we've got this big mine project here.  
7 Are you capable of handling the, the amount  
8 of work that's coming?"

9 MALE VOICE: Commissioner, I did speak  
10 with the Regional Water Quality Control  
11 Board. And they're going to--contact for  
12 this area, Mr. Jeff Huggins [phonetic] I  
13 believe was his name, and there were no  
14 indications of staffing concerns.

15 COMMISSIONER MCATEER: Okay.

16 MALE VOICE: They provided a letter in  
17 the Final EIR and they didn't indicate any  
18 concerns.

19 COMMISSIONER MCATEER: Okay, thank you.  
20 Mr. Foss, I'll--Foss, I'll come back to you.  
21 Let's talk about the use--

22 COMMISSIONER DUNCAN: [Interposing]  
23 Terry?

24 COMMISSIONER MCATEER: Yes?

25 COMMISSIONER DUNCAN: Terry, could I

1 interject?

2 COMMISSIONER MCATEER: Sure.

3 COMMISSIONER DUNCAN: I recall in the  
4 Staff Report that if the use permit is  
5 issued that there would be hands-on  
6 involvement through the Planning Staff, that  
7 there would be a review set up, established.  
8 I can't recall if that was an annual or a  
9 five-year review. But so there isn't—I mean,  
10 there is involvement on the part of Planning  
11 Staff if this project is issued.

12 COMMISSIONER MCATEER: Well, that  
13 leads—Laura, that leads right into my  
14 question, if you don't mind. Which is under,  
15 under Policy 17, under the Mineral  
16 Management Plan, Policy 1770, it states,  
17 quote, "Each project shall have a periodic  
18 review for compliance with the use permit by  
19 the Planning agency. In no case shall such  
20 a review period exceed five years."

21 So we're, we're granting—we're being  
22 asked to grant an 80-year permit. Okay?  
23 Now, does—I didn't find anything in the use  
24 permit that said that every five years. So  
25 please help me out. Find that for me.

1 MR. KELLEY: Mr. McAteer, if I—a  
2 couple—a couple things. So Nevada County  
3 Land Use and Development Code and our  
4 Mineral Management Element, and then as the  
5 project is conditioned, the project is  
6 supposed to come back for review by the  
7 Planning Commission once a year for the  
8 Development Agreement.

9 And then, in addition, there are annual  
10 reviews that happen as part of SMARA, and  
11 annual inspections. I actually have Tom  
12 Nock [phonetic], he's our county SMARA mine  
13 inspector with me. And he can speak about  
14 the SMARA mine inspection process that shows  
15 that the project is compliant, would be  
16 compliant with SMARA. If we'd like to have—  
17 hear from him, he is here.

18 COMMISSIONER MCATEER: Well, I don't  
19 know yet. Let me just ask you this. So if,  
20 if we grant an 80-year permit, does the  
21 Planning Commission or the Board of  
22 Supervisors have the power within that use  
23 permit to revoke that use permit?

24 MR. KELLEY: Yes, sir. The Planning  
25 Commission or the Board of Supervisors would

1 have that ability under Nevada County Land  
2 Use and Development Code. And that's for  
3 any discretionary project, use permit, or  
4 development permit.

5 COMMISSIONER MCATEER: And would it  
6 happen--would the--would the denial or yanking  
7 it be dependent upon that we found that this  
8 SMARA thing or whatever it's called, we were  
9 out of compliance? Is that--do we have to  
10 have those types of findings to be able to  
11 do that?

12 MR. KELLEY: We would, and I would  
13 defer some of that to Tom Nock. And it  
14 might be good to, to chat with him on the  
15 process.

16 COMMISSIONER MCATEER: Not yet. Not  
17 yet, but thank you. Thank you for being  
18 here, Mr. Nock. I appreciate it, but I know  
19 time is limited, and I want to be able to  
20 get my, my questions in.

21 And so, Mr. Mossman, I'd like to turn  
22 back to you for a second to close the loop  
23 on why, why not assuage these--all these  
24 well owners and go take out a surety bond  
25 for 14-million-dollars? I think--I think

1 you manage the speaker. Okay.

2 MR. MOSSMAN: I'm sorry. So when we  
3 started looking at the project from the very  
4 beginning, we, we looked at what was  
5 connected to the NID water system and what  
6 was not. And so, the East Bennett area,  
7 which is above the mine, was something that  
8 was brought up in the past Environmental  
9 Impact Report. So we knew that that area  
10 would be connected to water from the very  
11 beginning to, to avoid an argument that had  
12 happened in the past where they essentially  
13 said, "Look, if you have a problem, we'll  
14 get you a water truck."

15 COMMISSIONER MCATEER: I got that.

16 MR. MOSSMAN: Right.

17 COMMISSIONER MCATEER: I got the 30.

18 MR. MOSSMAN: And so the other areas--

19 COMMISSIONER MCATEER: [Interposing]

20 I'm talking about the 300.

21 MS. MOSSMAN: The Beaver Drive, outside  
22 areas, were determined to, to not be  
23 impacted. And so, if we have thought that  
24 they would be impacted, we would probably  
25 propose to hook those neighborhoods up as

1 well. Because if you--if you think about  
2 this process and how the--how the monitoring  
3 well program is set up, you'll start--first  
4 of all, have the monitoring wells going for  
5 12 months. Now there's a notice period. So  
6 that domestic--people with domestic wells  
7 can participate as well. So that's, what, a  
8 15-month period before we can actually start  
9 pumping the water out. And during that time  
10 the East Bennett area will be hooked up to  
11 NID water. So that's all in place before  
12 the dewatering even starts.

13 COMMISSIONER MCATEER: I got that.

14 MR. MOSSMAN: [Interposing] And so--

15 COMMISSIONER MCATEER: [Interposing]

16 I'm all about the 300.

17 MR. MOSSMAN: Right. So, so now you've  
18 got the monitoring wells all outside these  
19 areas. Once you start dewatering the mine,  
20 from the measurements in the water--in the  
21 monitoring wells, they're going to be able  
22 to predict if an impact would happen. And  
23 so basically they're calibrating their model  
24 continuously. And the--and the most impact  
25 happens when you start pumping the mine out.

1           And so really it's designed to detect a  
2 problem before it could occur. And so the  
3 cost of that is borne by the company. But  
4 because we would have to basically  
5 essentially stop dewatering the mine because  
6 you're predicted an impact could occur in  
7 the future, and you'd have to go and  
8 mitigate that problem--they're not impacted  
9 yet because the whole purpose of the  
10 monitoring is to detect the impact before it  
11 could happen. And so if the mine stops  
12 dewatering, that's at--that's at a cost of  
13 just maintain your workforce and not  
14 continuing the project while you're going to  
15 mitigate that.

16           So if we--if we had thought that these  
17 other outside areas were at issue, we would  
18 mitigate them upfront. And I don't know  
19 where the 14-million-dollars bond comes from.  
20 That wasn't explained, but it's a very high  
21 number. I mean, if you look at that East  
22 Bennett area--

23           COMMISSIONER MCATEER: [Interposing]  
24 Well, not to put in a--not to put in 300  
25 people water line, service water line.

1 That's--

2 MR. MOSSMAN: [Interposing] Well, I  
3 don't know. What--why would it be 300?  
4 Because if you look at the, the next  
5 neighboring areas, Beaver Drive. You have  
6 Anchor, Anchor Lane, I think it's Little  
7 Hill Lane, Liquid Amber, Glen Pines, those  
8 are the ones to the east and to the south of  
9 the mine. Those are in the kind of two-foot  
10 drawdown contour. Those are--those are--  
11 that's 70 parcels. 300 is all, like a huge  
12 area around the mine that have--there's just  
13 no potential for them to be impacted.

14 COMMISSIONER MCATEER: Well, so, so I  
15 represent those people. Okay? Let's get  
16 this clear. Now, their concern is my  
17 concern, that's why I'm a representative.

18 [Applause]

19 COMMISSIONER MCATEER: So my, my  
20 comment is in a worst-case scenario, okay,  
21 you're dewatering the mine and all of a  
22 sudden 300 homes start getting affected.  
23 Okay? We can understand that. You may--the  
24 EIR and you may say, "Well, that's just  
25 never going to happen," but I'm sort of like

1 the guy that said Murphy's Law.

2       So, so these 300 homes all of a sudden  
3 get--starting to get affected and their  
4 mine--and their wells start decreasing in  
5 water. Where are they going to go? They're  
6 going to run to you and they're going to run  
7 to the county of Nevada saying, "Help."  
8 They're going to run to NID saying, "Help."

9       And the answer is, "We don't have the  
10 resources to do it." You didn't put a  
11 surety bond up. The EIR, I don't know how  
12 they can say that there's not going to be  
13 any effect.

14       And so the point I want to make is that  
15 the surety bond is there to insure the  
16 worst-case scenario. And the worst-case  
17 scenario is those wells start going dry, and  
18 you turn and say, "Oy-oy-oy, this is much  
19 bigger than I thought it was going to be."  
20 And you hightail it out of town. And we're  
21 left with 300 people without water. That's  
22 the reality.

23       [Applause]

24       MR. MOSSMAN: Well, I would just say  
25 there has to be--has to be a method to

1 determine if it's--if it's--if you're  
2 concerned about 300 or 70, so far we've put  
3 together we're concerned about 30 wells.

4         And we've committed to doing--so with  
5 the analysis that was put forth in the  
6 beginning, it said they're, they're not  
7 going to be impacted outside this area. And  
8 so the county asks, "Well, we're still  
9 concerned. We need some monitoring." So we  
10 agreed to put in the, the specific  
11 monitoring wells all throughout the site.  
12 Then, throughout the process, they requested,  
13 "I would like my well monitored as well,"  
14 which we agreed to.

15         So the cost--the cost of those, you  
16 know, that program is something about three-  
17 quarter of a million dollars, you know. And  
18 so, so I would say that we're not open. We,  
19 we--our whole goal from the beginning was to  
20 mitigate this, so no problems could occur,  
21 and to be able to detect problems before  
22 they could occur. That's the goal of the  
23 project. The difficulty with you saying 300  
24 wells, we have no idea how was that  
25 determined. It's just--it's just kind of a-

1 -just a number. Right? How, how--what  
2 radius matters? So, you know, that's,  
3 that's what matters to be able to say how  
4 much--and how much would that cost, and how  
5 much should this surety bond be. That--  
6 those are all important things to know.

7 COMMISSIONER MCATEER: Those were  
8 important. In my view, those were important  
9 things you should have done beforehand  
10 because the reality is--the reality is you  
11 knew that all these 300 people, you knew  
12 this Wells Coalition, etcetera, etcetera.  
13 And you did nothing to assuage them and  
14 that's the problem. That's a huge problem  
15 here today. Thank you.

16 So I'd like to turn to the EIR folks.

17 [Applause]

18 COMMISSIONER DUNCAN: Bill, keep the -  
19 -.

20 COMMISSIONER MCATEER: Thank you. We  
21 don't need any--

22 CHAIRMAN GREENO: [Interposing] Terry,  
23 we addressed that.

24 COMMISSIONER MCATEER: Okay.

25 CHAIRMAN GREENO: Thank you.

1           COMMISSIONER MCATEER:  I, I, I'd like  
2 to turn to EIR.  First of all, just sort of  
3 a--I just can't believe that you'd put a  
4 statement that says, "Hey, no problems are  
5 ever going to happen on these wells."  That  
6 just--

7           [Applause]

8           COMMISSIONER MCATEER:  Hang on, gang.  
9 You want to wave your signs, fine.  But this  
10 is--this is--this is serious business right  
11 now.  But I, I just don't get that.  So I  
12 just want to make that perfectly clear.  I,  
13 I think M-Gold had it right and you've got  
14 it wrong.

15           Now, let's move to I received an email.  
16 I mean Ricki Heck was up here today telling  
17 us that her mine--her well isn't even  
18 identified on any of the lists.  And I got  
19 an email from, from a Francis and Nancy  
20 Hamilton on Ben--East Bennett Street.

21           And they say, "We own and reside at  
22 12161 East Bennett Road on the creek side of  
23 the road.  It has just come to our attention  
24 that we do not show on any of the lists of  
25 properties that would have potable water

1 coverage from NID were our wells to be  
2 adversely affected by the mining operation.  
3 We spent years having our wells monitored by  
4 Cranmer Engineering for the M-Gold mining  
5 proposed operation."

6 And, and so their question is, "We were  
7 considered very high-risk at the time, so we  
8 can't understand why we are completely  
9 excluded in this time." So could you  
10 explain to the Hamiltons why they're not  
11 even on the list?

12 MALE VOICE: Commissioner, the list of?

13 COMMISSIONER MCATEER: The list of  
14 property owners that were going--that have--  
15 are going to be monitored and that have a  
16 potential of having potable water coverage.

17 MALE VOICE: Okay. Yeah.

18 COMMISSIONER MCATEER: Well, I don't  
19 know if they're in the 30 but it's on East  
20 Bennett Street.

21 MALE VOICE: Yeah, I'm not--I don't  
22 precisely know if they're talking about the  
23 list of 378 properties that would be part of  
24 the domestic well monitoring program. I can  
25 only surmise that those properties are

1 within the one foot drawdown isopleth, and  
2 that they would be outside of that. But I'd  
3 have to ask the hydrologist to confirm that  
4 because I didn't do the analysis. But I'd  
5 be happy to bring them up and we can look at  
6 that location.

7 COMMISSIONER MCATEER: 12161 East  
8 Bennett, the Hamiltons. Moving on. I'd  
9 like to talk about why the--why the EIR was,  
10 was bifurcated. I always felt that an EIR  
11 is that you had to do the entire, entire  
12 project. And at that point until we've  
13 heard something about this change in  
14 Centennial, you know, it was sort of like  
15 the EIR is the Bible. Well, if the--if it's  
16 the Bible, then you would be having the  
17 Centennial and Brunswick site together.

18 And so I'm interested in--I don't want  
19 to rehash it. I'm interested in how the  
20 Planning Department or the EIR staff, or  
21 whoever, decided to bifurcate the Bible and  
22 have--just deal with the New Testament. And  
23 we left the Old Testament behind.

24 [Laughter]

25 COMMISSIONER MCATEER: So where--why

1 was that done and how was that done?

2 MS. ELLIOTT: Commissioner, I'd like to  
3 turn to our outside counsel, Diane  
4 Kindermann, to respond to that.

5 MS. KINDERMANN: Thank you. The reason  
6 that was done is because a Mitigated  
7 Negative Declaration had already been  
8 completed by DTSC. They had taken on lead  
9 agency status at that time. And they had  
10 already completed a Mitigated Negative  
11 Declaration in 2021 for that project. There  
12 were--there were also--Rise was also under a  
13 voluntary clean-up agreement. They'd  
14 entered, entered into a DTSC contract to  
15 clean up the site.

16 They had gone back and forth with DTSC,  
17 reviewing several remedial action work plans.  
18 And those remedial action work plans, they  
19 were just waiting for DTSC to provide  
20 information on the final work plan so they  
21 could proceed with work. In fact, they had  
22 hoped that the work plan would have been  
23 approved and it would have been under--  
24 clean-up underway.

25 So because there was an existing lead

1 agency at the time, that portion, there was  
2 a Mitigated Negative Declaration, and there  
3 was the remedial action work plan that was  
4 going back and forth, and there was a  
5 voluntary clean-up agreement that had been  
6 executed by both DTSC and the Applicant.  
7 That is why we proceeded in this fashion.

8 COMMISSIONER MCATEER: So could have  
9 both of those sites been put under this EIR?  
10 Yes?

11 MS. KINDERMANN: I beg your pardon?  
12 Would you--

13 COMMISSIONER MCATEER: [Interposing]  
14 Could it--

15 MS. KINDERMANN: [Interposing] They  
16 could have done that.

17 COMMISSIONER MCATEER: They could have  
18 been?

19 MS. KINDERMANN: Right.

20 COMMISSIONER MCATEER: So then if they  
21 could have been--

22 MS. KINDERMANN: [Interposing] But we  
23 didn't because there was a CEQA document.

24 COMMISSIONER MCATEER: Okay. I got you.  
25 Then who made that decision that they

1 weren't going to be?

2 MS. KINDERMANN: Because there was an  
3 existing lead agency in place for the clean-  
4 up--

5 COMMISSIONER MCATEER: [Interposing] No,  
6 that doesn't--somebody made a decision. Who  
7 was it that made that decision?

8 MS. KINDERMANN: I can't say.

9 COMMISSIONER MCATEER: Why wasn't the  
10 Planning Commission asked to rule on that  
11 decision?

12 MS. KINDERMANN: I don't have the  
13 answer to that question.

14 COMMISSIONER MCATEER: Well, then I'll  
15 turn to the staff and all. So why was the  
16 Planning Commission not asked--

17 MS. ELLIOTT: --So I, I think the

18 COMMISSIONER MCATEER: --relative to  
19 bifurcating the EIR and making it a one-fit-  
20 -a uniformed EIR?

21 MS. ELLIOTT: Commissioner McAteer, I  
22 think the answer to that is the state made  
23 that decision. They--DTSC is--we can't just  
24 assume their role for them. They have very  
25 specific rules and they have other oversight

1 agencies as well. So they were already a  
2 lead agency before we even started this.

3 COMMISSIONER MCATEER: I--

4 MS. ELLIOTT: [Interposing] That's why-  
5 -

6 COMMISSIONER MCATEER: [Interposing] I  
7 understand that. I understand that. But,  
8 but what's happening on the Brunswick site  
9 under the proposed plan affected the  
10 Centennial site. And so I don't understand  
11 why the--why the EIR couldn't have gone down  
12 this path and told the--that state agency,  
13 "Hey, listen. We're doing an EIR because  
14 it's a--it's a complete one project."

15 MS. KINDERMANN: Excuse me. We did  
16 analyze the impacts of the traffic going  
17 back and forth but the actual clean-up of  
18 that site was analyzed in the Mitigated  
19 Negative Declaration prepared by the lead  
20 agency at that time, DTSC.

21 So we didn't--no one decided that we  
22 should tell DTSC they should not be the lead  
23 agency on that clean-up project.

24 COMMISSIONER MCATEER: Well, I think  
25 that the Planning Commission should have had

1 some role relative to making that decision.

2 Thank you.

3 MS. KINDERMANN: Understood. Thank you,  
4 Commissioner.

5 COMMISSIONER MCATEER: Mm-hmm. I'd  
6 like to move to asbestos for a second. The  
7 Northern Sierra Air Quality Management  
8 District, I'll just call them Air Quality,  
9 recommended--and I quote from their recent  
10 letter, "That the Applicant work with the  
11 Department of Toxic Substances Control, the  
12 U.S. Geological Survey, and/or the Office of  
13 Environmental Health Hazard Assessment to  
14 obtain concurrence that asbestos testing for  
15 the proposed mine is adequately addressed  
16 with regard to the number and locations of  
17 samples, and applicable analytical  
18 techniques." It does not appear that that  
19 was done, according to them.

20 Second paragraph. "The Air Quality  
21 District also has, has submitted additional  
22 comments and been involved in other ways  
23 with the environmental documentation process  
24 of the proposed project. Many of the Air  
25 Quality District's comments and observations

1 have been addressed but some important ones  
2 remain unaddressed. Notably, the DEIR  
3 includes a newly added, previously  
4 undiscussed method of converting asbestos in  
5 rocks to asbestos in the air, that is not  
6 backed by science."

7       And I quote, "Asbestos emissions are  
8 the primary concern of the Air Quality  
9 Management District, the DEIR's treatment of  
10 naturally occurring asbestos is  
11 scientifically unsound and therefore not  
12 adequate for CEQA purposes."

13       How do you respond, my friends from the  
14 EIR, to that statement from the Air Quality  
15 District?

16       MALE VOICE: Commissioner, would you be  
17 so kind as to identify which letter that was  
18 from?

19       COMMISSIONER MCATEER: The most--the  
20 most recent one we got. Just, just--

21       CHAIRMAN GREENO: [Interposing] I think  
22 it was on the 5th.

23       COMMISSIONER MCATEER: Yes.

24       MALE VOICE: Okay.

25       COMMISSIONER MCATEER: Okay? Just

1 you've received it. I'm sure you've seen it.

2 MALE VOICE: Okay. I was just

3 confirming. Yeah.

4 COMMISSIONER MCATEER: Just within the

5 last two weeks.

6 MALE VOICE: Yeah.

7 COMMISSIONER MCATEER: That's their

8 statement. I mean that's pretty damning to

9 me.

10 MALE VOICE: Well, under--

11 COMMISSIONER MCATEER: [Interposing]

12 How do you feel about it?

13 MALE VOICE: Understood. And, and I

14 would want to bring up those folks that

15 believe that our approach is sound. We rely

16 on experts. We--as an EIR consultant, we

17 don't try to expert--be an expert in

18 everything. So we assemble a team of

19 technical experts, and we, we also recruit

20 folks to technically peer review that

21 information. And so I understand that the

22 district has some disagreements with the

23 approaches employed but, like I said, there

24 can be disagreement amongst experts. But--

25 COMMISSIONER MCATEER: [Interposing]

1 Well, they're going to be the monitoring  
2 agency.

3 MALE VOICE: Right.

4 COMMISSIONER MCATEER: So if they're  
5 monitoring you, and you aren't--the mine  
6 isn't using--isn't using science, what are  
7 we using?

8 MALE VOICE: Well, I think we can  
9 provide a response as to the science behind  
10 it. I just would like to recruit help from  
11 one of our technical experts.

12 COMMISSIONER MCATEER: Sounds, sounds  
13 shoddy operation to me. Anyway, let's move  
14 on. Let's talk about seismic for a minute.  
15 Sorry, Mr. Chairman, if I'm taking too much  
16 time.

17 COMMISSIONER DUNCAN: No, you're  
18 getting all our questions asked.

19 CHAIRMAN GREENO: I'm checking mine off  
20 one by one here.

21 [Laughter]

22 COMMISSIONER MCATEER: It was said here  
23 by comments earlier that the same fault that  
24 caused the Siskon Mold--Gold Mine collapse  
25 is the same fault that we're trying to erase.

1 And I'd like some comment from people on  
2 that. We're about to erase an earth--a  
3 fault. We are being asked to approve to  
4 erase a fault that currently exists on maps.

5 And I quote, "According to the Nevada  
6 County Planning Department, property title  
7 records and inferred fault alignment, a 200-  
8 foot building setback zone on each side of  
9 the inferred alignment passes through the  
10 Brunswick Industrial Site. The fault lines  
11 are set back and recorded by Beeson  
12 [phonetic]," da, da-da, da-da, da. Okay?

13 So that's what it says. And then it  
14 goes on to according to the map, and this is  
15 the map that's in the County of Nevada. I  
16 think maybe all of you might have seen the  
17 map but being the academic that I am,  
18 there's a copy for you.

19 COMMISSIONER DUNCAN: He has handouts.

20 COMMISSIONER MCATEER: Pardon?

21 COMMISSIONER DUNCAN: I told him to  
22 pass the handout.

23 COMMISSIONER MCATEER: Thank you. So  
24 you will note the, the 200-foot setback that  
25 is recorded on maps in the County of Nevada

1 currently. This was on a project being done  
2 by Bett Acres [phonetic], by a bunch of  
3 people who are well-known in this community.  
4 They were going to subdivide that area for  
5 housing. And the middle line which you see,  
6 which I have yellowed, is actually the fault.  
7 The two lines next to it are the 200-foot  
8 setbacks that are currently recorded on the  
9 County of Nevada. Okay?

10 I move to my next point. According to  
11 the map prepared by Beeson, the recorded  
12 fault alignment is based on the Anderson  
13 Geotechnical Report. The report was, was  
14 likely prepared by Anderson Geotechnical  
15 Consultants, who performed other  
16 geotechnical investigations in the area  
17 during the time. The report was not located  
18 by public records review and was not  
19 available from the firm that substantially  
20 acquired the report.

21 Well, here is the report. Here is the  
22 report dated May 12th. That's what--if you  
23 live in this community long enough, you find  
24 these things from friends. There is the  
25 report. I make the report available to the

1 Commission and Staff.

2           From Mr. Anderson, I knew Mr. Anderson  
3 very well in this community. And Mr.--on  
4 page three it says that, "We recommend any  
5 construction be set back at least 200 feet  
6 from the fault." And they note in here that  
7 there were six borings that were done of, of  
8 the area to determine that there was a fault  
9 present in the location. But we're being  
10 asked to approve to get rid of this fault.

11 I also--

12           [Laughter]

13           COMMISSIONER MCATEER: No, I'm not  
14 kidding. True. I also would like to submit  
15 to you the California Geology Magazine of  
16 August 1978. And in that report of 1978 it  
17 denotes the importance of--and you'll note  
18 that the center, the--I can show that up to  
19 everybody. The epicenter for the Sierra  
20 fault is where? Essentially right near  
21 Nevada City and Grass Valley. Is that a  
22 fair statement, Commissioners?

23           I'm just reporting what I--I'm not a  
24 geologist but I am saying that it says in  
25 here, in the first paragraph, "Damaging

1 earthquakes in the magnitude of five to six  
2 have occurred within the portion of the  
3 Foothill Fault System." Okay? And it goes  
4 on and on. And it explains the big  
5 earthquake of 1908 and others, and showing  
6 the earthquake magnitude in 1908.

7 I think it's absolutely reprehensible  
8 that we would be considering getting rid of  
9 a fault that, that is, is well denoted and  
10 that--and that the fault, amazingly, would  
11 run right through the housing of the mine,  
12 where the work is being done. And then that  
13 fault continues right through the pond.

14 Moving on. I have to get organized for  
15 a second. I get my Irish dander up and all  
16 hell breaks loose. Okay, five, six. Okay.

17 Okay. Let's deal with the--a little  
18 bit more, if you don't mind, on the--here we  
19 go. On the wells for a minute. I'd like to  
20 ask a couple of scenarios of you, sir. So I  
21 understand the drawdown. I understand all  
22 these kinds of things. I understand the  
23 330--370 properties and the one down  
24 drawdown isopleth.

25 So I just want to put this in a

1 scenario. There is Mr. and Mrs. Smith.  
2 Okay? And the Smiths have lived there for a  
3 long time. They live four fields--football  
4 fields away. That's 1,200 feet. That's  
5 outside the isopleth. And the mine is  
6 operating and all of a sudden their well  
7 goes dry.

8           According to your report, if I'm--if I  
9 understand it, there is nothing that the  
10 Smiths are going to have done for them. Is  
11 that true?

12           MALE VOICE: Thank you for that  
13 scenario, Commissioner. My first response  
14 would be, however palatable it may, may or  
15 not seem, is that we have to focus our  
16 analysis on the best available data that we  
17 can put--that we can come forth with, and  
18 rely upon our expert teams.

19           We could come up with, of course, a  
20 myriad of scenarios that are significantly  
21 concerning scenarios that, you know, that we  
22 might identify. But, at the end of the day,  
23 what we have to do for the CEQA document is  
24 base our analysis and the predicted  
25 estimated well impacts on best available

1 modeling and science. We know that--we know  
2 that it is not perfect. It is a modeling  
3 exercise. Hence, the monitoring  
4 requirements that we've identified.

5 COMMISSIONER MCATEER: I'm not asking  
6 about half a mile.

7 MALE VOICE: But we don't enter into--

8 COMMISSIONER MCATEER: [Interesting]  
9 I'm asking 1,200 feet. That's--you know,  
10 that's from here to the Madelyn Helling  
11 Library. And, and so the answer is the  
12 Smith's get nothing. Isn't it?

13 MALE VOICE: If it's not within the  
14 area identified as impacted and within  
15 monitoring, then that would be--that would  
16 be correct as currently written.

17 COMMISSIONER MCATEER: Thank you. Okay.  
18 Now, let's talk about the Joneses.

19 [Laughter]

20 COMMISSIONER MCATEER: They live within  
21 the isopleth. Okay? So everything's been  
22 going on fine for the Joneses for all these  
23 years. And all of a sudden, six years in,  
24 and the Joneses' well goes dry. Is, is--as  
25 I understand it, reading it, after five

1 years nothing happens. So the sixth year  
2 the Joneses' well goes dry. Tough luck,  
3 Joneses?

4 MALE VOICE: Well, there's the two  
5 monitoring plans. Right? And so there's  
6 the--there's the groundwater monitoring plan  
7 that's going to establish a network of  
8 monitoring wells. And so, if they weren't  
9 going to be monitored through the domestic  
10 well monitoring program, we would have to  
11 look and determine that if that would be  
12 captured through the groundwater monitoring  
13 network that would be distributed throughout  
14 the East Bennett area.

15 And my, my understanding would be that  
16 would capture that. And we can bring up the  
17 experts to confirm that, but that's the  
18 intent of that network, is that it would  
19 capture that most affected area.

20 COMMISSIONER MCATEER: Well,  
21 everything's been fine for the first five  
22 years. And all of a sudden, it's the sixth  
23 year.

24 MALE VOICE: Yeah.

25 COMMISSIONER MCATEER: According to--

1 according to your writeup, since I don't  
2 have an "if then"--I mean, I think you  
3 should have had a monitoring plan. I think  
4 you should have had a well plan that we  
5 understand if this happens, then this  
6 happens. And that's not in there.

7 So my question is: after five years, do  
8 the Joneses, are they out of luck?

9 MALE VOICE: It's the five years is  
10 specified in the domestic well monitoring  
11 program, that at least five years of  
12 monitoring would be done.

13 COMMISSIONER MCATEER: Yeah.

14 MALE VOICE: That's something that we  
15 can consider in terms of whether that's  
16 something the Commission may wish to extend.  
17 The groundwater monitoring plan does not  
18 cease in five years. That network of  
19 monitoring wells, that continues on an  
20 ongoing basis.

21 COMMISSIONER MCATEER: Well, they--  
22 they're on--their well isn't being monitored.  
23 It's just one of the 300 that are out there.  
24 So it really hasn't been monitored because  
25 you have all these other monitoring wells.

1 I'm talking about the Joneses that don't  
2 have a monitoring well and that on six--on  
3 the sixth year all hell breaks loose, and  
4 they get mud coming through their faucet.  
5 What happens to the Joneses?

6 MALE VOICE: Understood. I think the  
7 point I was trying to make was that the  
8 monitoring wells that will be located  
9 throughout the area, the intent is that that  
10 would be done in such a way, and located in  
11 such a way, that it would be able to capture  
12 and predict a potential issue.

13 COMMISSIONER MCATEER: It doesn't.  
14 Okay? It just doesn't. Okay? You know,  
15 like poop happens. Well, what happens?  
16 What happens if nothing is--the monitoring  
17 wells show nothing but six years into it the  
18 Joneses are dry?

19 MALE VOICE: I believe then, based on  
20 the way the mitigation is written, which  
21 could be potentially clarified, that if that  
22 water column in that well is impacted as a  
23 result of the mine and that can be  
24 demonstrated, then they would be on the hook  
25 to replace that.

1 COMMISSIONER MCATEER: Why didn't you  
2 put a--

3 MS. ELLIOTT: [Interposing] Okay.  
4 Commissioner?

5 COMMISSIONER MCATEER: Why didn't you  
6 put--

7 MS. ELLIOTT: [Interposing]  
8 Commissioner McAteer?

9 COMMISSIONER MCATEER: Yes.

10 MS. ELLIOTT: If I could?

11 COMMISSIONER MCATEER: Sure.

12 MS. ELLIOTT: One of the things that  
13 this Commission can do is recommend in their  
14 conditions of approval related to the CUP  
15 that those conditions be placed.

16 COMMISSIONER MCATEER: Good, thank you.  
17 I'm, I'm--let's deal with why there isn't a  
18 well plan. Okay? You have to read the  
19 document and sort of think, "Well, gee.  
20 What are they saying there?" Why isn't  
21 there sort of a, you know, if you have a  
22 well here, you're going to get this. And if  
23 this happens, you're going to get this. And  
24 if this happens, you're going to get this.  
25 And it's all sort of spelled out?

1 I, I mean that's, that's what I'd be  
2 teaching to kids in class of how to--how to  
3 come up, so that everyone understood what  
4 was going on. But I don't have that plan in  
5 this document. Why not?

6 MALE VOICE: Well, I guess my response  
7 would be that there are--there are the two  
8 plans and there's a proposal to assess wells  
9 within the predicted, as you mentioned, one  
10 foot isopleth drawdown. That is the plan.  
11 And if those wells are impacted, they would  
12 have to be replaced or provided NID water.  
13 So that is the plan.

14 COMMISSIONER MCATEER: Okay.

15 MALE VOICE: And that's a condition of  
16 approval that's required.

17 COMMISSIONER MCATEER: Okay.

18 COMMISSIONER DUNCAN: Whether the  
19 final--the final EIR is sufficient, is  
20 adequate.

21 COMMISSIONER MCATEER: You're  
22 absolutely right. You know what? You're  
23 seated--

24 COMMISSIONER DUNCAN: [Interposing] I'm  
25 just wondering--

1           COMMISSIONER MCATEER:  [Interposing]  
2  You've been seated here for 20--how many  
3  years now?  22 years?

4           COMMISSIONER DUNCAN:  Yes.

5           COMMISSIONER MCATEER:  You--your, your  
6  expertise far surpasses us, Laura.

7           COMMISSIONER DUNCAN:  Oh, Terry, you  
8  bring it to another level.

9           [Laughter]

10          COMMISSIONER DUNCAN:  But if, if we're  
11  on that path, I think consultants have done  
12  a fine job of explaining what they have  
13  prepared for us, and what's in front of us,  
14  that we have had a chance to review and  
15  evaluate.  And we can pepper him with more  
16  questions, but they may not lead to  
17  satisfaction for what's not there.

18          COMMISSIONER MCATEER:  True.

19          COMMISSIONER DUNCAN:  So we've got  
20  actions in front of us this afternoon.  We  
21  have other Commissioners who may or may not  
22  have questions.  I certainly--you have  
23  answered a lot of them, Terry.

24          COMMISSIONER MCATEER:  Good.  Well,  
25  thank you.

1 COMMISSIONER DUNCAN: I appreciate that.

2 COMMISSIONER MCATEER: I have one last.

3 COMMISSIONER DUNCAN: Okay.

4 COMMISSIONER MCATEER: Then I have one,  
5 and then I'll close up.

6 COMMISSIONER DUNCAN: All right.

7 COMMISSIONER MCATEER: Okay? So I was  
8 hoping in the Development Agreement that  
9 this community would see something more than  
10 three firemen and a firetruck. Honestly,  
11 honestly, I mean I feel like this was an  
12 important aspect of, you know, well, we have  
13 consequences from the mine but the mine  
14 owners are going to do something for us. So  
15 I started to put my head around this.

16 COMMISSIONER DUNCAN: They had an air  
17 quality expert, additional staff person also,  
18 I think.

19 COMMISSIONER MCATEER: Right, but that  
20 doesn't--that doesn't add to the--you know,  
21 add to it. There are some detractions that  
22 occur from this mine.

23 COMMISSIONER DUNCAN: Mm-hmm.

24 COMMISSIONER MCATEER: And so for all  
25 of us as citizens of Nevada County, that we

1 could get some more parks, that we could get  
2 some more trails, that something would  
3 happen. So it would be a tradeoff, which  
4 usually happens between developers and, and  
5 counties. It's always happened that way for  
6 years.

7 COMMISSIONER DUNCAN: Right. When,  
8 when preparing the Development Agreement,  
9 there are benefits to be had to the  
10 community in exchange for the development.

11 COMMISSIONER MCATEER: Right. So  
12 really the benefits in this Development  
13 Agreement are three firemen and a firetruck.  
14 And so I started to--I, I love--so you've  
15 got to bear with me because I'm, I'm sort of  
16 a--I don't know.

17 COMMISSIONER DUNCAN: A teacher.

18 COMMISSIONER MCATEER: A jerk, a jerk.

19 COMMISSIONER DUNCAN: A teacher.

20 COMMISSIONER MCATEER: A teacher. A  
21 teacher, thank you. So it says in this  
22 proposal that at, at its greatest extent,  
23 that 108,000 ounces of gold would be  
24 produced annually. I said, "What does  
25 108,000 ounces of gold look like?" So that

1 happens to be 6,775 pounds of gold. Then I  
2 said to myself, "Well, what does 6,775  
3 pounds of gold actually look like?"

4 Well, it actually totals, because there  
5 is 1,887 pounds of--to make a cubic foot of  
6 gold. And so what we have had, this whole  
7 discussion, and everybody has been all up in  
8 arms and whatever else for the last three  
9 years, is every year the mine will create,  
10 at its highest extent, six cubic blocks of  
11 gold. Okay? That's what this is all about.

12 But, interesting enough, if you--if you  
13 continue that out, my train of thought, well,  
14 then what does that value? Well, at \$1,800  
15 an ounce for 108,000 ounces of gold, that  
16 equates to 195 million dollars annually at  
17 its highest peak. Okay? This highest peak,  
18 it could be zero. But it's--what their--  
19 this is Mr. Mossman's numbers.

20 And for 75 years at 195 million a year,  
21 that equals 14.6 billion dollars of gross  
22 revenue potentially. And so I said to  
23 myself. Well, gee. Fourteen-point-six  
24 billion dollars a year, and this county who  
25 may be sacrificing increased noise, asbestos,

1 potential dewatering of wells, potential  
2 water contamination of our waterways,  
3 increased traffic, cement trucks coming up  
4 and down the road, and our return for our  
5 16.6 billion dollars of gross revenue from  
6 Rise Gold is three firemen and a fire truck.  
7 Thank you.

8 [Applause]

9 CHAIRMAN GREENO: Commissioner Milman?

10 COMMISSIONER MILMAN: Okay. I promise  
11 to be significantly less entertaining. I  
12 have a couple of questions for--oh, yes.  
13 First, my disclosures. I have fewer  
14 disclosures. I did go on a supervised mine  
15 tour. When was that? A while back, ago.  
16 And I did receive a lot of emails. I had no  
17 idea that my personal email address would be  
18 released to the world. And I've passed all  
19 of those onto staff. So I haven't had any  
20 other meetings outside of that.

21 Okay. So questions. So going over to  
22 thinking about the storm detention system  
23 that was set up for a hundred-year storms.  
24 So does anybody know how many hundred-year  
25 storms we've had in the past 20 years?

1           MR. KELLEY: I do not know that. I  
2 don't know if any of our hydrologists do.  
3 We could check.

4           COMMISSIONER MILMAN: Okay. So that  
5 would be something I'd be interested in.  
6 The other thing, on the Development  
7 Agreement, and maybe I'm wrong, but it  
8 looked like it said that the Development  
9 Agreement was for 20 years, plus a 10-year  
10 extension, plus a 10-year extension. But I  
11 wondered how that got to 80 years?

12           MR. MATTHEW KELLEY: Commissioner  
13 Milman, I can help. I think I can answer  
14 some of that. So the Development Agreement  
15 is for 40 years. It's not for the full life  
16 of the project. The Commission at that time  
17 or later on, the Applicant could potentially  
18 reapply for another Development Agreement.  
19 The Development Agreement offers protections  
20 for the Applicant and also for the county,  
21 in that it assures that the zoning code and  
22 things like that will not change. That's  
23 kind of the idea of the Development  
24 Agreement. There are ways that the  
25 Applicant can amend that later on through a

1 Development Agreement amendment. But that  
2 the thought was to have the Development  
3 Agreement only be for 40 years, not the full  
4 life of the project.

5 COMMISSIONER DANNY MILMAN: So if the  
6 Development Agreement is renegotiated at 40  
7 years, is the use permit also negotiated or  
8 the general permit? Like what's the  
9 regularity that the county is renewing the  
10 authorization to be going?

11 MR. KELLEY: So the use permit, so  
12 mining projects have a finite life. In this  
13 case it would be 80 years is what the  
14 Applicant has requested. So the use permit  
15 would run for that period of time, that 80  
16 years.

17 If, during the course of that time, the  
18 Applicant chose to extend that, they would  
19 require a use permit amendment or to come  
20 back before the Planning Commission and for  
21 the Board to amend that or change the  
22 project and to extend that lifetime. But  
23 mining projects typically have a finite  
24 amount of time which the Applicants request  
25 80 years for it.

1           COMMISSIONER MILMAN:   And what's a  
2 typical amount of time for a use permit for  
3 a mine?

4           MR. KELLEY:   It depends on the, the  
5 mine type.   If it was an aggregate mine, it  
6 could be 20 years, 30 years.   It depends on  
7 the mine, the mine type.   But the mining,  
8 the--I guess the mineral types, I don't know  
9 if there's a set average.   I'd have to look  
10 at some of our other aggregate mines or  
11 other gold mines that we've--that we have  
12 permits for, to see what their total  
13 lifetime is.   But that--I don't know a full  
14 average.

15          COMMISSIONER MILMAN:   Okay.

16          MS. DIANE KINDERMANN:   Commissioner, if  
17 I can add something to what Matt just said  
18 with your permission?   In the discussions  
19 about the length, the term of the  
20 Development Agreement, it was we wanted to  
21 give the county the opportunity to be able  
22 to modify various rules and regulations.  
23 With the Development Agreement, it gives the  
24 Applicant, the developer, the opportunity to  
25 operate under existing rules and regulations.

1 So we wanted to make sure that the county  
2 was not going to be bound to that for 80  
3 years, which is why we made the Development  
4 Agreement a shorter timeframe.

5 In terms of the obligations of the  
6 developer here, the Applicant, to implement  
7 the project and the obligations to reimburse  
8 the county for various costs for monitoring,  
9 overseeing this project, this project, we  
10 made sure that that did not--this provision  
11 did not terminate upon termination of the  
12 Development Agreement. So it would continue  
13 through the life of the project, their  
14 obligation to reimburse the county for costs  
15 for anything related to the county's  
16 oversight of the project for 80 years.

17 COMMISSIONER MILMAN: Thank you.

18 MS. KINDERMANN: You're welcome.

19 COMMISSIONER MILMAN: Can we see the  
20 zoning map again? For not only the project  
21 but the surrounding neighborhood.

22 MR. KELLEY: Certainly. Give me just  
23 one moment.

24 COMMISSIONER MILMAN: So in--  
25 immediately surrounding it, is it all

1 residential around this parcel at the  
2 Brunswick site?

3 MR. KELLEY: It, it is. So surrounding  
4 the, the Brunswick site, the parcels are  
5 zoned Residential Agricultural, or RA.

6 COMMISSIONER MILMAN: Okay. So I have  
7 a couple of questions for Applicant. First,  
8 in the, the sections that you guys gave us  
9 where it's showing the shaft and somebody is  
10 doing something underground, so the rock is  
11 being separated. Are you actually building  
12 a structure underground?

13 MR. MOSSMAN: Thanks, Commissioner. So  
14 the shaft itself is a--is a vertical shaft.  
15 It goes underground and there's various  
16 levels that come off it. So, it's typically  
17 on the upper levels about a hundred feet  
18 between levels. And at certain--at certain  
19 important levels, say like 1,300 foot level,  
20 3,280 foot level, there is underground silos  
21 called pockets in the shaft. And so you can  
22 transfer the material to those pockets and  
23 it holds about 500 tons. And then it's  
24 loaded into the skip from those pockets.

25 So that--so you have kind of a storage

1 system at different important levels. And  
2 there's more passages that--from the less  
3 important levels that are directed to that.  
4 And then it's carried over by trains, put  
5 into those pockets. And then when it's--  
6 when it's appropriate time, it's skipped to  
7 surface.

8           And so, so there's--at level you have--  
9 you'd have a separate one, one for barren  
10 rock and one for mineralized rock.

11           COMMISSIONER MILMAN: So you're, you're  
12 basically just creating it out of the rock  
13 that's down there and then putting in  
14 whatever ventilation or lights to work under  
15 there?

16           MR. MOSSMAN: Yeah. And these--and  
17 these, these pockets are already, already  
18 constructed for the major levels. You may  
19 add some as you deepen the shaft. You  
20 probably have to replace the, the chutes  
21 that are in there. So you would have like  
22 metal, metal chutes that can open and close,  
23 to allow it to flow into the skip. And then  
24 you have on top, you'd have--it's a screen,  
25 a grizzly screen, so that bigger rocks don't

1 create, you know, jams in there.

2 And then also because we're doing our  
3 crushing underground the jaw crusher would  
4 be installed underground. And so you  
5 actually crush the rock to about six-inch  
6 size before it goes into the--into the  
7 pocket, and then into the skip.

8 COMMISSIONER MILMAN: And the safety  
9 plan that governs the people and materials  
10 or machinery down there, what agency  
11 regulates that?

12 MR. MOSSMAN: That's the federal MSHA.  
13 It's the Mine Safety and Health  
14 Administration. They're the main regulator  
15 for mines in the United States. There are  
16 also some, some rules where Cal OSHA would  
17 be involved but the main regulator is--main,  
18 main regulator is MSHA, which is a federal  
19 agency.

20 COMMISSIONER MILMAN: So is there a  
21 plan that's already drawn up for this  
22 particular mine?

23 MR. MOSSMAN: Before I--before we get  
24 our permit from MSHA, we--you give them the  
25 plan. There's--and there's quite a lot of

1 different regulations that cover everything  
2 to do with the design of the mine. For  
3 example, before you could do production  
4 mining you need two, two entrances to the  
5 mine. So you'd have to establish the  
6 service shaft before you could actually do  
7 any production mining, to ensure that you  
8 always have one way, one escape way out.  
9 Certain rules about ventilation flows,  
10 equipment that has to be installed, the type  
11 of cables. It's very specific to do all  
12 these different things.

13         So there, there will be detailed design  
14 depending on the stage of the project. And  
15 that would--that would be ongoing with the  
16 MSHA office. And they do routine  
17 inspections as well. And then there's other  
18 kinds of permits like, for example, asbestos  
19 storage underground would have its own set  
20 of permits.

21         COMMISSIONER MILMAN: So you've said a  
22 number of times that the rock isn't  
23 processed with the same chemicals that it  
24 used to be. That you're not using cyanide  
25 or--so what chemicals are you using to

1 process that?

2 MR. MOSSMAN: So there is--there is a  
3 frother [phonetic] agent which is the MIBC.  
4 And, and all these--all these reagents are,  
5 are incorporated into the Air Quality  
6 Analysis. So they--they're all non--they  
7 have no toxic air contaminants in them.  
8 They're all discussed in that report.

9 The MIBC adds--it's an alcohol that  
10 creates the bubbles that you need. So the  
11 floatation essentially you have--you have  
12 water tanks, a number of tanks in a row.  
13 And the water is flowing through them. So  
14 as you add the sand to the water and now you  
15 have a slurry. And it's ground down, so  
16 that the pyrite portions, the minerals in  
17 the pyrite can be separated from the sand.  
18 And so you have--you have to have a frother  
19 to make the bubbles. So that's why it's  
20 called floatation. So the, the bubbles  
21 float up.

22 And then you add another reagent  
23 called--it's called 3418A. It's a--it's a  
24 phosphonate. And that's the reagent that I  
25 mentioned that's 100% biodegradable, 100%

1 environmentally friendly. And, and it  
2 actually has no odor which was a concern  
3 with the Air District a few years ago. So  
4 that, that is a very environmentally  
5 friendly reagent. And that's something that  
6 we added into the Final EIR, to address some  
7 comments that had come out. So we did some  
8 additional testing. This reagent does work  
9 well to recover the minerals.

10         So, so what that--what that reagent  
11 does is it allows the, the sulfide minerals,  
12 they don't want to be in the water anymore.  
13 They want to stick to the bubbles. And so  
14 they float up. That's why they call it  
15 floatation. It comes over a launder. So  
16 you have paddles essentially pushing these  
17 bubbles to the launder. That's collected.

18         It goes to a thickener tank. The  
19 thickener just takes out some of the water.  
20 Then you have a filter press which presses  
21 out the rest of the water. And it's put--  
22 gets put into one ton bags, and then later  
23 on to a flatbed truck. So that's the  
24 process that allows the concentrate to be  
25 made.

1           If this was other, other mines, and  
2 including this mine in the past, they would  
3 take it one step further and they would add  
4 cyanide to it which dissolves gold and  
5 allows you to make gold bricks. But by, by  
6 not doing that, you avoid the use of having  
7 to use cyanide.

8           COMMISSIONER MILMAN: So where are you  
9 storing the chemicals that you are using?  
10 Are those above ground?

11           MR. MOSSMAN: It would be above ground.  
12 And there's a few different areas. Some of  
13 them might be in the process plant itself.  
14 So you have, you know, enough for a few days  
15 of work to add that reagent into the process.

16           There is a warehouse there. I guess  
17 it's an eight-bay warehouse that has some  
18 capacity. You don't need the storage to  
19 store a huge amount because you can get good  
20 access here, of course, from manufacturers.

21           COMMISSIONER MILMAN: So that was my  
22 next question. Like are you storing sort of  
23 the equivalent of a single-family garage?  
24 Are you storing the equivalent of two bays  
25 of a warehouse? Like what kind of--

1           MR. MOSSMAN: [Interposing] Yeah. I  
2 would say more in--more in the range of a--  
3 of a garage, a single-family garage. And  
4 there is a list in the application that has  
5 actual quantities for different reagents  
6 because there's some other reagents that are  
7 used for, for water treatment, for example.

8           And, and then as a requirement, as  
9 required by the county, you have to file--I  
10 think they call it a Hazardous Management  
11 Information System. It's a document that  
12 says, how much do we have here? Where is  
13 it? So that they can always access to know  
14 if the fire department needs to know where--  
15 what's there, where is it. They have that  
16 access at all times. So that--that's  
17 something that would happen once you  
18 actually start using those, those reagents.

19           COMMISSIONER MILMAN: And then the  
20 explosives, the same way, those are stored  
21 in the same general area warehouse?

22           MR. MOSSMAN: No, all, all the  
23 explosives will be stored underground. So  
24 they would be brought in, loaded right  
25 directly into the cage. So the cage is just

1 an elevator that goes down to the mine. And  
2 taken to the underground, underground levels,  
3 and then transported to the magazines. A  
4 magazine underground is basically a new  
5 tunnel that's specifically made to store  
6 explosives. And so by having it underground  
7 you reduce any risk or the need for setbacks  
8 that you would need for a service magazine.  
9 So there's no, no surface storage of  
10 explosives at all. It's all stored  
11 underground.

12 COMMISSIONER MILMAN: And what kind of  
13 quantity are you talking about at any given  
14 time?

15 MR. MOSSMAN: I'd have to look at that  
16 but it's about 20--I think it's 20 tons.

17 COMMISSIONER MILMAN: So what is the--  
18 what is the plan during a power outage?  
19 Like you've talked a lot about this all  
20 being electrical but we have a fair amount  
21 of power outages up here.

22 MR. MOSSMAN: Yeah. When we started  
23 designing, that was when we had this 14-day-  
24 14-day power outages, which has been less so  
25 far. So in the plan you have backup power.

1 They're diesel generators. They're all Tier  
2 4F, so the highest level of emission control  
3 that you can get.

4 COMMISSIONER MILMAN: What size  
5 generators?

6 MR. MOSSMAN: They are enough to power  
7 the plant, the entire operations. They're  
8 one--they're one and a half megawatts each -  
9 -.

10 COMMISSIONER MILMAN: And how many of  
11 those backup the--

12 MR. MOSSMAN: [Interposing] Four, four.

13 COMMISSIONER MILMAN: Four? And where  
14 is the diesel tanks for those then?

15 MR. MOSSMAN: They are in front of the  
16 building.

17 COMMISSIONER MILMAN: Above ground or--

18 MR. MOSSMAN: [Interposing] Those are  
19 above ground.

20 COMMISSIONER MILMAN: So what's the  
21 plan during a wildfire?

22 MR. MOSSMAN: So that, that site, there  
23 is--there is potentially a draft plan for  
24 the vegetation management which meets all  
25 the requirements of the--of the county and

1 CAL FIRE, how much vegetation could be  
2 within certain distances of the buildings.

3         The site itself has 24-person mine  
4 rescue team which is required by MSHA. And  
5 so a mine rescue team is used in case--is  
6 needed in case there is a problem  
7 underground. Of course there rarely is ever  
8 a problem underground. And so, so typically  
9 a mine rescue team is trained for other  
10 types of response. And, in fact, in most  
11 mines that are more remote, they would do  
12 all the surface firefighting as well.

13         In this case we have the Ophir Hill  
14 Fire District which would respond to any  
15 incidents on, on surface, but we do have a  
16 fully trained mine rescue team. So, so  
17 really that site, in the event of a wildfire,  
18 is an asset where you have actually a  
19 staging ground, large leveled areas.

20         You have 44 acre-foot surface pond  
21 which holds a lot of water. You have water  
22 coming out of the mine. We talked about the  
23 NID water service. There's a four-inch  
24 water service. So you have a lot of water,  
25 a lot of trained personnel, open spaces, and

1 backup power. So even if the power gets cut,  
2 you have that. And then you have, of course,  
3 the whole facilities with the showers that  
4 are used for the employees. So, so it  
5 really is an asset.

6 And we, we have mentioned that to, to  
7 Ophir Hill, that if there is a wildfire in  
8 the area that it would actually be a very  
9 good spot to, to have a marching [phonetic]  
10 area. You know, for example, when they had  
11 the fire close to here, the route center was  
12 a marching area, became quickly full of  
13 vehicles and it was a very good asset that  
14 way.

15 But those types of things would be  
16 developed later on in the--in the mine's  
17 life. I know as things get built they'll  
18 start getting hired and trained. There is a  
19 lot of cooperation we can have with Ophir  
20 Hill.

21 COMMISSIONER MILMAN: So where are the  
22 tanks located then in relation to--

23 MR. MOSSMAN: [Interposing] If you look  
24 at the--if you have the drawing open--I  
25 don't know if you do or not. There is the

1 water treatment plan and the water treatment  
2 pond. It's just above the water treatment  
3 pond on the east side, between the process  
4 plant. You'll see that on the drawing there  
5 is four stacks shown on the building. And  
6 then right beside the diesel tank.

7 COMMISSIONER MILMAN: Good job, Matt.

8 MR. MOSSMAN: Yeah. So, so if you  
9 see...

10 COMMISSIONER MILMAN: I was just looking  
11 at the distance between the--

12 MR. MOSSMAN: [Interposing] They're  
13 right here. When we did the first design of  
14 this, the fire marshal commented on those  
15 tanks and how they're actually made smaller.  
16 Originally we had, I think, 20,000-gallon  
17 tank and he advised that we would be  
18 required to have two smaller tanks. So they  
19 have--the fire marshal has reviewed the  
20 location of those tanks.

21 COMMISSIONER MILMAN: And what's the  
22 distance of those tanks to like the nearest  
23 property, the residential property?

24 MR. MOSSMAN: I don't--I don't have a  
25 scale on that but it's at least a thousand

1 feet. If you look at--if you look at the  
2 drawing, the closest homes are on Timber  
3 Lane, which is--they're here. This area  
4 above Brunswick Road is vacant at the moment.  
5 Then there's an NID canal. And then Timber  
6 Lane comes off - - Road.

7 COMMISSIONER MILMAN: Matt, the  
8 property across the street, is that  
9 potentially developed as residential then?  
10 Is that what that vacant land is?

11 MR. KELLEY: Commissioner Milman, yes.  
12 That would be zoned I believe, if I remember  
13 correctly, Residential Agricultural, which  
14 could be developed with the uses that are  
15 allowed within the RA zoning district.

16 COMMISSIONER MILMAN: I think that's  
17 all my questions. Thank you guys.

18 CHAIRMAN WILLIAM GREENO: Thank you,  
19 Commissioner Milman. Commissioner  
20 Mastrodonato, I turn to you.

21 COMMISSIONER MIKE MASTRODONATO: Thank  
22 you, Chair Greeno. I guess before I get  
23 started with some of my thoughts I will make  
24 my disclosures. I too attended a tour of  
25 the mine property. I believe it was back in

1 last April. I was on the same tour that  
2 Commissioner Milman was. And county counsel  
3 was with us, as well as some other people.  
4 And since then have received many emails,  
5 again to my personal email.

6 I have not responded to any of them and  
7 I did receive, I believe, one phone call  
8 message. I think it was from Laurie, from  
9 the MineWatch Group, requesting a meeting.  
10 And at the advice of counsel I declined the  
11 meeting, so that you could all hear what we  
12 talk about. So that's it as far as my  
13 disclosures. Yeah. Oh, yeah, me too. Okay.

14 The--I really don't wish to go into any  
15 more questions. I'm comfortable through  
16 this process not just these past two days  
17 but probably these past two or three months  
18 of thinking that I know something that's  
19 guiding me in a direction. I know a little-  
20 -a little bit about a couple of things and I  
21 know a lot about nothing. But I think I am  
22 comfortable with the fact of where, where  
23 I'll end up going. And this is a very  
24 difficult, difficult one for me.

25 And I want to thank everyone, thank

1 everyone for coming out, thank everyone that  
2 came out who opposed the project, thank  
3 everyone that came out that supported the  
4 project. Thank Staff, thank the Applicant,  
5 thank everyone. But it's still a difficult  
6 one for me.

7 I spent eight years as the President of  
8 the Penn Valley Area Chamber of Commerce  
9 where I worked diligently to protect and  
10 promote business and commerce in our area.  
11 It's in my DNA. And I think that it's  
12 undeniable--and I'm looking at some notes  
13 that I jotted down here. I think that it's  
14 undeniable that we live in a community that  
15 suffers from a little bit of NIMBY-ism. I'm  
16 sure everyone knows what that is but to  
17 those that don't, NIMBY means Not in My  
18 Backyard.

19 So what happens with NIMBY-ism is, you  
20 know, folks have a propensity to think of  
21 their own lives and say--and think things  
22 like, you know, "I don't shop at Dollar  
23 General, so I don't want Dollar General."  
24 And it--and it leads your personal prejudice  
25 to dictate some of your thoughts and beliefs.

1 And I believe that all of us wish to sustain  
2 a healthy economic community, not just for  
3 the economy but our general health and well-  
4 being overall.

5 And then I sometimes think that are we  
6 letting, you know, not just with this  
7 project but with many projects--oh, that  
8 hurts. It's an earthquake.

9 [Voices Shouting]

10 COMMISSIONER MASTRODONATO: Timing is  
11 everything, Commissioner McAteer.

12 [Laughter]

13 COMMISSIONER TERENCE MCATEER: I just  
14 want to say I didn't order that.

15 COMMISSIONER LAURA DUNCAN: Yeah, Terry,  
16 right. You and God. Well, I think we're  
17 back.

18 COMMISSIONER MASTRODONATO: Do we have  
19 a--no? Do we--are we okay to proceed?

20 MALE VOICE 1: That was from the fault  
21 that doesn't exist.

22 COMMISSIONER MASTRODONATO: Hear me out.

23 CHAIRMAN GREENO: Let's get the doors  
24 closed if we're not going to evacuate.

25 COMMISSIONER DUNCAN: Look, they have

1 their choice.

2 CHAIRMAN GREENO: Yeah. If you'd like  
3 to evacuate...

4 COMMISSIONER MASTRODONATO: Okay. Are  
5 we good? Anyway, you know, being some of  
6 the things that I said despite the  
7 interruption, I sometimes think that not  
8 only with this project, but other projects  
9 in the past and probably some that are going  
10 to come before us in the future, that we  
11 sometimes let perfect become the enemy of  
12 good.

13 So and sometimes I think--please hear  
14 me out. I respected all of your comments.  
15 Sometimes I think that if not this, what?  
16 But I don't believe that any of that is the  
17 case with what I'm hearing from the folks  
18 here. What I am hearing is folks that want  
19 to comprehend the merits of the project and  
20 have weighed the risks and rewards.

21 You know, our community has a rich  
22 history of mining. We have a hotel called  
23 the Miners Inn. The, the mascot for our  
24 high school is the Miners. And it's been  
25 pointed out before that there is a miner in

1 the logo of the county. But things change,  
2 things change. It's 2023.

3       You may have heard a gentleman  
4 mentioned earlier during public comment that  
5 I spent some time in Las Vegas, 30 years to  
6 be exact. And Las Vegas was founded as a  
7 railroad settlement. They also used to  
8 explode atom bombs out in the desert for  
9 entertainment almost. And I don't think any  
10 of those folks in Las Vegas would want to go  
11 back to those days. But things change.

12       So based on what I've heard from  
13 everyone here, I, I truly believe in reading  
14 reports, emails, letters, studying the EIR  
15 as much as I possibly could, and, and the  
16 expert opinions I've heard from our  
17 community here today, that there are indeed  
18 some flaws and inadequacies in the EIR, in  
19 the FEIR. And I also believe that this plan  
20 strays a little too far from the General  
21 Plan. And with all due respect to the  
22 Applicant and the folks who are proponents  
23 of this project, I cannot support a  
24 recommendation to approve the project or the  
25 EIR.

1 [Applause]

2 COMMISSIONER MASTRODONATO: And won't.

3 That's all for me.

4 CHAIRMAN GREENO: Thank you,

5 Commissioner Mastrodonato. Commissioner

6 Duncan?

7 COMMISSIONER DUNCAN: Thank you, Chair

8 Greeno. I, I also attended a similar tour

9 of the mine and met Mr. Mossman and his team.

10 And, in fact, Supervisor Scofield was on

11 there with me and as you were, Chair Greeno.

12 And I also--I did have a call from

13 Laurie Oberholtzer, and I returned her call

14 and declined to meet. Over the course of

15 these last few months I've had several

16 emails from both the Applicant and the

17 opponents. So that's the extent of my

18 meetings or interactions with the project.

19 I like to think that--well, and I want

20 to--I also want to say the best part about

21 the mine is no ponies, or mules, or donkeys

22 will be sacrificed going forward. They were

23 a terrible legacy from previous mining

24 history. So it's all electric under there

25 and that's great.

1 I do believe that the proposed  
2 intensity of the mining operations would  
3 exceed the standards that we find compatible  
4 with the rural character of the area that we  
5 live in. I, I agree with staff that it's  
6 inconsistent with our General Plan in  
7 several areas.

8 I appreciate all the work that everyone  
9 has put forward to bring this to the  
10 Planning Commission, so that we could give  
11 it our full attention. And I think many of  
12 the questions that I had have been addressed  
13 through this process of questions now. And  
14 I would turn it back to Chair Greeno.

15 CHAIRMAN GREENO: Thank you,  
16 Commissioner Duncan. I think, as I go  
17 through my questions here, I'm not sure that  
18 any of them are significant anymore at this  
19 point. And I would like to say it is an  
20 honor to sit here in front of you all and  
21 just-

22 COMMISSIONER DUNCAN: [Interposing]  
23 Sorry, Chair Greeno. Also your disclosure.

24 CHAIRMAN GREENO: Disclosure?

25 COMMISSIONER DUNCAN: Yeah.

1           CHAIRMAN GREENO: Thank you. Sort of.  
2 Yeah. I took a mine tour and I also got a  
3 call to meet with Laurie from MineWatch.  
4 And, and we did talk. And I took a couple  
5 of calls from Ted Harris from the  
6 Applicant's side of things. And emails upon  
7 emails from Jim Behr [phonetic], who I, I  
8 don't know who Jim is not with.

9           [Laughter]

10          CHAIRMAN GREENO: So and, and didn't,  
11 didn't engage in conversation really with  
12 anyone about it, just listened.

13          But, anyway, it is a pleasure and an  
14 honor to sit before you all and to hear  
15 public comment. And I appreciate you  
16 working with me, with the decorum. And  
17 there was a lot of this and I really  
18 appreciate that. It, it really helped us to  
19 be efficient with our—with our time.

20          Thank you, Commissioner McAteer, for  
21 your rookie introduction to the—to the Board  
22 here. And Commissioner Milman, and  
23 Mastrodonato, and Duncan, for your  
24 participation here today. With that, I  
25 would look for a motion.

1 MR. KELLEY: So the motion will come  
2 from - - .

3 CHAIRMAN GREENO: Thank you.

4 COMMISSIONER MCATEER: Motion will come  
5 from me being from—as we have a protocol  
6 that the motion comes from the person that  
7 represents the district that—the area that  
8 is going to be concerned. So I just have  
9 two little paragraphs because I think being  
10 the historian in me you're going to have to  
11 listen to me for two paragraphs.

12 It was 139 years ago, one of the most  
13 consequential court actions occurred which  
14 affected this county for generations. In  
15 1884, Federal Judge Lorenzo Sawyer  
16 [phonetic] issued a sweeping ruling which  
17 set the stage for the advent of the  
18 California Environmental Quality Act, CEQA,  
19 of which is the topic of today's action.

20 Sawyer, who came to Nevada City in 1850  
21 and worked as a miner, firsthand—saw  
22 firsthand the detrimental environmental  
23 impacts of mining. He left the profession  
24 and began a law practice in this town, which  
25 eventually brought him an appointment by

1 President Grant to be the first judge on the  
2 Ninth Circuit Court of Appeals in San  
3 Francisco.

4 In 1884, Judge Sawyer wrote that the  
5 environmental effects of mining must not be  
6 foisted upon neighboring property or  
7 community. Today, we are faced with a  
8 similar situation which has the potential to  
9 infect our air with asbestos and exhaust  
10 fumes, impact the wells of our neighbors,  
11 discharge harmful elements into the water,  
12 destroy many acres of wetlands, add  
13 significant amounts of greenhouse gases into  
14 our environment, and return to our legacy of  
15 mining.

16 Therefore, Mr. Chairman, I move that we  
17 recommend to the Board of Supervisors to  
18 decline to certify the Environmental Impact—  
19 the Final Environmental Impact Report. And,  
20 regarding the project actions, that they  
21 adopt—that we adopt Section A.

22 CHAIRMAN GREENO: Do I have a second?

23 COMMISSIONER MILMAN: I'll second that.

24 CHAIRMAN GREENO: Discussion?

25 COMMISSIONER MASTRODONATO: Chair

1 Greeno, just for clarification, A—the A  
2 option included approving the EIR and  
3 denying the project.

4 COMMISSIONER MCATEER: So yes. So, so  
5 I should say that I am—I am asking for  
6 approval—

7 CHAIRMAN GREENO: [Interposing] Matt,  
8 will you pull it up?

9 COMMISSIONER MCATEER: Hold on.  
10 Approval of the actions that are not the  
11 environmental actions, that are the project  
12 actions. That we approve Section A. The  
13 environmental impact, that we deny—that we  
14 recommend that they deny the Final  
15 Environmental Impact report. Does that make  
16 it clear?

17 COMMISSIONER MASTRODONATO: Is there a  
18 way that we—

19 CHAIRMAN GREENO: [Interposing] Stand  
20 by. We're going to pull it up, so we can—  
21 because I'm—

22 COMMISSIONER DUNCAN: [Interposing]  
23 There it is.

24 COMMISSIONER MASTRODONATO: Yeah. Is  
25 there a way that we could split that into

1 two?

2 COMMISSIONER MCATEER: I was just doing  
3 it as one after consultation with our  
4 attorney.

5 COMMISSIONER MASTRODONATO: Okay.

6 MR. BRIAN FOSS: Mr. Chairman, members  
7 of the Commission. The Commission or the  
8 motion could be a motion to approve  
9 recommendation A with the exception of not  
10 certifying the Environmental Impact Report.

11 COMMISSIONER MCATEER: How does that  
12 sound? That sounds like wording that an  
13 attorney would do for me. So that's what I  
14 propose. Okay, Mike? Does that help you?

15 CHAIRMAN GREENO: Are you clear?

16 COMMISSIONER MASTRODONATO: Yes. I  
17 think that clarifies. If that indeed is the  
18 motion for the record, yes.

19 CHAIRMAN GREENO: Clerk, will you  
20 please call the roll?

21 COMMISSIONER MILMAN: So wait, wait,  
22 wait. We are declining to certify the EIR,  
23 the motion on the—is to decline to certify  
24 the EIR and deny the rezone, deny the use  
25 permit, etcetera, the project?

1 COMMISSIONER MCATEER: Yes.

2 COMMISSIONER MILMAN: Okay.

3 CHAIRMAN GREENO: You'll second?

4 COMMISSIONER MILMAN: I second.

5 CHAIRMAN GREENO: And we'll have the  
6 roll.

7 THE CLERK: Commissioner McAteer?

8 COMMISSIONER MCATEER: Yes.

9 THE CLERK: Commissioner Milman?

10 COMMISSIONER MILMAN: Yes.

11 THE CLERK: Commissioner Duncan?

12 COMMISSIONER DUNCAN: Yes.

13 THE CLERK: Commissioner Mastrodonato?

14 COMMISSIONER MASTRODONATO: Yes.

15 THE CLERK: Chair Greeno?

16 CHAIRMAN GREENO: Yes.

17 [Applause]

18 CHAIRMAN GREENO: Thank you, folks.

19 Thank you. Thank you. Kit, does that  
20 conclude our, our business here today?

21 MS. KATHERINE ELLIOTT: I, I think that  
22 concludes. And then the next step would be  
23 that this does go on to the Board of  
24 Supervisors. Certainly not before August,  
25 but that announcement will be coming.

1 Anything else, Brian? No.

2 CHAIRMAN GREENO: So, yeah, this is--  
3 this is a recommendation. Again, the  
4 process, we are not the Board of Supervisors,  
5 for anybody that's still confused about that.  
6 We are their Commissioners and we are  
7 sending a recommendation. They will make a  
8 final decision on this at a time yet to be  
9 scheduled. Brian, anything else? If you  
10 guys would like to talk, just take it  
11 outside, please.

12 MALE VOICE 1: Unanimous, thank you.

13 MR. FOSS: Commissioners, we do have  
14 another meeting scheduled in two weeks from  
15 today, May 25th. We have one item scheduled.  
16 So our next regular meeting will be back at  
17 our regular time at 1:30 on May 25th, I  
18 believe.

19 COMMISSIONER DUNCAN: Is it a public  
20 hearing?

21 MR. FOSS: It is a public hearing for a  
22 TPZ rezone.

23 CHAIRMAN GREENO: Send me an email.  
24 All right? I'll close the meeting at 4:34.

25 [Applause]

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C E R T I F I C A T E

I, Brandi Chamberlain, certify that the foregoing transcript is a true record of said proceedings, that I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.

Signature: 

Date: June 16, 2023