NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of May 10, 2023 and May 11, 2023 9:00am., Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

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MEMBERS PRESENT: Commissioners Greeno, Mastrodonato, Duncan. Milman, McAteer

MEMBERS ABSENT:

STAFF PRESENT: Planning Director Brian Foss, Senior Planner, Matt Kelley, Administrative Assistant, Shelley Romriell

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PUBLIC HEARINGS:

1. **Idaho Maryland Mine Project**
   PLN19-0176; EIR19-0001; CUP19-0004; RZN19-0002; VAR19-0003; MGT19-0039; MGT19-0040; MGT20-0009; MGT20-0010; MGT20-0011; MGT20-0012; MGT20-0013; LLA20-0006; AAM21-0002; MIS22-0019

STANDING ORDERS: Salute to the Flag - Roll Call.

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

PUBLIC HEARING:

9:00 a.m. PLN19-0176; EIR19-0001; CUP19-0004; RZN19-0002; VAR19-0003; MGT19-0039; MGT19-0040; MGT20-0009; MGT20-0010; MGT20-0011; MGT20-0012; MGT20-0013; LLA20-0006; AAM21-0002; MIS22-0019
The proposed project would reinitiate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an eighty- (80)-year permit period with gold mineralization processing and underground exploration and mining proposed to operate 24 hours a day, 7 days a week during full operations. Following completion of mining and processing activities, the project sites would be reclaimed to open space and land suitable for future development of industrial uses. For the full Project Description, please see the Draft Environmental Impact Report Chapter 3.0.

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

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

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

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

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

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

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

See attached for transcription of the 2-day hearing

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

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

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

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Passed and accepted this day of , 2024.

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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

[START 2023-05-10 MINE PC audio.mp3]

CHAIRMAN WILLIAM GREENO: Good morning. Hello. Test. Am I on? Test. Test. Test. I don't know. It doesn't sound like I'm on. Test. Test. I can speak loud enough for this room, but not everybody else. There we go. Good morning. I'm Bill Greeno. I'm the chairman of the Planning Commission, and if you would all rise, please, and join me in the Pledge of Allegiance to the flag.

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Thank you. The purpose of the meeting here today is to, first, hear presentations both from staff and then from the Applicant for the Rise Grass Valley Idaho-Maryland Mine gold mine, and then to ultimately deliberate and bring a recommendation to the Board of Supervisors.

The schedule today will--I just laid some of it out. We'll hear first from staff. Then we'll hear from the Applicant. I'll

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you.

THE CLERK: Commissioner Millman?

COMMISSIONER DANNY MILLMAN: Here.

THE CLERK: Commissioner Duncan?

COMMISSIONER LAURA DUNCAN: Here.

THE CLERK: Commissioner McAteer?

COMMISSIONER TERENCE MCATEER: Present.

THE CLERK: Commissioner Mastrodonato?

COMMISSIONER MIKE MASTRODONATO: Here.

THE CLERK: And Chair Greeno?

CHAIRMAN GREENO: Here. With that, we will hear from Senior Planner Matt Kelley with the staff presentation.

MR. MATT KELLEY: Thank you, Mr. Chair, members of the Planning Commission. Matt Kelley, planner with the Nevada County Planning Department. I'm going to share my screen here briefly, so the rooms upstairs can see that.

Okay. Thank you. So seated to my left is Nick Pappani. He's with Raney Planning & Management, one of our consultants on the-- on the project. To my further left is Diane Kindermann of Abbott & Kindermann. She's with--also a consultant on the project. She is serving as counsel to staff for this project. And seated to her left is Cindy Gnos with Raney Planning & Management, a consultant on the proposed project.

So just a brief meeting overview. I'll

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And then we'll turn it over to Nick.

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

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

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

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

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

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

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

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

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

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

Water will be discharged to South Fork Wolf Creek at a maximum rate of 5.6 cfs during the approximately six-month initial dewatering of the mine. After initial dewatering, groundwater is anticipated to continue to infiltrate the underground workings, as I mentioned, at a rate of 1.9 cfs, so lesser than the initial dewatering. And so you have kind of a range of discharge--treated water discharge into South Fork Wolf Creek from an initial 5.6 cfs to 1.9 cfs on that ongoing time frame.

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

set by the state.

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

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

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

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

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

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

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

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

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

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

This is a map of the Brunswick Site,

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

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

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

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

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

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

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

Okay. Here's an elevation of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

open space on the Brunswick Site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

review by state agencies.

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

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

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

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

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

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

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

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

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

Report attachments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

rock that was based on on-site testing.

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

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

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

which is esthetics.

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

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

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

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

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

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

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

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

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

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

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

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

Okay. The EIR is required to evaluate alternatives to the proposed project. The EIR analyzed four alternatives, added at a full equal—well, considered fully, four alternatives, and dismissed another five alternatives. So a total of nine alternatives were considered, but four were evaluated.

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

The second alternative that was considered is the elimination of the

Centennial Industrial Site, and expansion of the Brunswick fill pile. So instead of the project proposal, to place engineered fill both on Centennial and Brunswick, this alternative would only place engineered fill on the Brunswick Site. Approximately 1.6 million tons of additional engineered fill would be placed on the Brunswick Site. That would render that potential future industrial use area on Brunswick, basically unbuildable, because of the increased height of that—the fill pad would be approximately 50 feet higher than the proposed project height.

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

given, again, that the site slopes.

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

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

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

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

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

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

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

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

not utilized for placement of fill.

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

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

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

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

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

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

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

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

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

unavoidable. And so, in order for an agency to approve a project that has unavoidable impacts, the agency must consider the specific economic, legal, technological, or other considerations, and basically put together a statement of overriding considerations, identifying the benefits of the project that the agency feels could outweigh the unavoidable effects. And therefore, if they consider them outweighed, then those unavoidable effects are, in a sense, considered acceptable. So a statement of overriding considerations has been prepared, and is a component of the Staff Report that identifies benefits for the decision-makers to consider with respect to the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District, due to the overall size and scale.

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

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

project certainly is not located with a residential zone, being zoned Light Industrial. However, all uses in the ME Combining District are subject to the approval of a use permit, with a reclamation plan, which this project is proposing. However, inclusion of this, and this is included in Nevada County Land Development Code, inclusion with this District shall not alter the ability of the county to deny any mining operation, where the county determines that such operation would be-- would have unacceptable impacts on the environment and surrounding land uses. So with the statement of overriding considerations, this is something we would need to look at. And so in looking at this, and evaluating the project is included in your Staff Report, staff feels that the rezone, given the overall intensity and use of the mining, the mining project, cannot be--cannot be made, and therefore would not be consistent with the General Plan and zoning code.

And then the other is that the

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

A variance can only be granted upon the demonstration of a hardship, based upon the peculiarity of the—peculiarity of the property, including the overall size, shape,

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

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

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

that the variance findings cannot be made.

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

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

So for recommendations, the project, as

we talked about, can be found to be consistent with several Nevada County General Plan goals and policies, and found to be inconsistent with other Nevada County General Plan goals and policies. Included is two recommendations are being presented to the Planning Commission, for consideration as recommendations to the Board of Supervisors. And the Planning Commission can choose to take one of these two recommendations if, if you so choose, or to consider other recommendations, or other options, at the pleasure of the Planning Commission.

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

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

So if Planning Commission chooses to consider Recommendation A, the Planning Commission, the actions would be to certify the Final Environmental Impact Report as adequate, and not adopt the findings of fact and statement of overriding considerations. This is so—this finding, or this action, would be to certify the Final EIR, but not adopt the findings of fact, statement of overrides. This is because the overall benefits of the project, and the overall statement of overriding considerations, cannot be made. However, the EIR itself could be certified. And so this is just—that's what this action would do.

The second would be to deny the rezone,

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

Recommendation B is included for Planning Commission to consider. This would--should the Planning Commission determine that the proposed project is consistent with the Nevada County General Plan and zoning ordinance, Planning Commission can take the actions included in Recommendation B. Additionally, should the Planning Commission recommend approval of the proposed project, staff would recommend that the Planning Commission adopt and make recommendations on the CEQA findings of fact and the statement of overriding considerations, and this would be under Recommendation B.

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

of the use permit with the reclamation plan, approval of the variance, approval of the separate management plans, approval of the parcel map amendment, the boundary line adjustment, and approval of the, the Development Agreement.

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

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

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

And then, lastly, is that this Planning Commission can consider a combination of recommendations from Recommendation A or B, would be to consider approval of some of the entitlements, or denial of some of the entitlements, certification of the EIR and denial of some of the entitlements, or approval of some of the entitlements. So these are all things that are within the Planning Commission's purview for consideration.

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

be happy to answer them.

CHAIRMAN GREENO: Thank you, Matt. I think I'd like to wait until after the Applicant presentation for questions. Thank you. Is the Applicant prepared?

[Crosstalk]

CHAIRMAN GREENO: Pardon, pardon me, we're going to--we're going to take five minutes for a quick break, and we'll be-- we'll reconvene here, we'll say 10:55. Ten minute. Thank you.

[Background conversation]

[Break]

CHAIRMAN GREENO: If folks can start finding their seats we're going to reconvene in one minute.

CHAIRMAN GREENO: Okay, let's bring it back. Thanks folks, we got to be efficient with time here. Two days goes fast, as the morning already has. Please find your seats. Please find your seats. Thank you. All right. With that, we would like to hear from the Applicant, with the Applicant presentation.

MR. BEN MOSSMAN: Morning,

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

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

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

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

double the production.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

After four years, millions of dollars,

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

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

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

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

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

Let me give you my view of a real

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

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

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

CHAIRMAN GREENO: Thank you, Ben.

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

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

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

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

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

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

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

technical reports.

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

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

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

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

the Centennial portion of the project.

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

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

So again, what Rise is asking this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

findings that the county requires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And Nevada County Code Section 424

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

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

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

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

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

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

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

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

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

color, and we've worked with staff to make that happen. So can we be consistent with, with General Plan Policy 142? Absolutely.

And finally, General Plan Policy 17.6. I--I almost--I--I had to smile when, when the Staff Report said that, that this project might be inconsistent with this one, because this one says that it, the county, encourages the extraction of mineral resources--encourages the extraction of mineral resources--in areas compatible, before intensified urbanization overruns them. Because, again, it's the same thing with the California Environmental Quality Act. When you're talking about areas in the county that are zoned MRZ-2, which this is, and is incorporated into your General Plan, that is reserved for mining opportunities.

And it's reserved that way because the state recognizes that when you have valuable mineral resources, they need to be protected until they can be exploited by this county. And your General Plan policy reflects that by saying they encourage the General Plan policy, the policy is to encourage the

extraction of mineral resources before you have significant urbanization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

focus on. This is an impact because there's only ten employees going through there at 3:30 p.m. ten, not hundreds, ten. And the only reason why this is significant and unavoidable is because any traffic at this intersection, any traffic, is considered an impact. But there's not tons of trucks and tons of cars going through here. It's ten employees going through there at 3:30 in the afternoon. The Sutton Way is even more pronounced, because there's only two employees going through at 3:30 in the afternoon. And, again, the reason why the EIR found it significant and unavoidable is because any traffic at that intersection, any at all, even one car, is considered an impact.

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

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

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

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

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

will look like.

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

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

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

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

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

Same thing here. And let's look at this. This is the entrance to the site on Brunswick Road. At this entrance to the site, you can see, you can see Caltrans vehicles there, you can see some staging that they were doing. And this is what the current view is. That was - - that, that Rise inherited. This is the engineered fill. And this is worst-case scenario, because there's the engineered fill and the vegetated berm, right there looks like just a hill, right? And these are trees that are just barely planted. Trees are going to be planted, but they're going to be filled to maturity long before this pile gets that high. And here's what it will look like with mature trees planted all along here. And, again, this--the trees take time to grow, but so does the fill pile. And so, it's anticipated, this is what the engineered fill is going to look like. It is a vegetated hill, is what it is. That's what the fill pile is. And there's going to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

mine and the bottoms of their wells.
There's 335 feet of difference for Greenhorn.
So, again, the wells aren't connected by any
significant feature or fracture to the mine
itself.
     So, again, here's a graphic that just--
it's a little bit busy, but it shows that--
and you can see right here, this is, this is
the Brunswick shaft, and that's where the
water is. And you can see the wells, and
these are just symbols of the well, but the
wells here, and these are real wells that
are depicted. Most don't even go down below
the, the water level there in the mine.
     So the Idaho-Maryland Mine is also
providing substantial mitigation. So
despite the fact that in 1995 there wasn't
anticipated to be a problem, and despite the
fact that in 2011 the, the EIR had the same
conclusions, and despite the fact that the
EIR for 2022 had the same conclusions, all
using different lead agencies, different
staffing, and, of course, different experts,
they all came to that conclusion. Basically,
what you have here is that, even with only

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

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

before they occur.

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

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

funding for the Ophir Hill Fire Department.

And when we're talking about taxation and tax revenue, taxation and mineral rights are of a squirrelly nature. Basically, by both statute and case law comes out the fact that the income approach is used, you have to use proven reserves in order for the county to tax what the value of that mineral estate is. Now, an independent economic study by RDN, and this is the county's economic study - - so there were two economic studies that were done and, just going along with the theme of redundancy, there were two economic studies done. One was done by, by a firm that was hired by Rise to assess the economic viability of this project, as well as what it's going to do, beneficially, to the county. And the second one was hired by the county itself, at county expense, to verify whether the economics of this actually were as Rise was saying.

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

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

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

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

top ten taxpayers of the county combined, right now.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Is that--

COMMISSIONER DUNCAN: [Interposing] That's great.

CHAIRMAN GREENO: --acceptable.

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

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

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

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

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

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

to clarify that for everyone. Thank you. Thank you for the time. Sorry about this, but it really help--will help everyone. Thank you.

So as you can see there by that chart, 55% according to this chart of school--of tax dollars will go to schools. So I need you to understand that those dollars are essentially sent to Sacramento because of a--important court case many years ago. So that schools are all equalized. So none of those tax dollars where you said Nevada Union may be getting 700,000 or so, I need you to understand that that's not how schools are funded. Schools are funded, that our dollars come in and, essentially, they're shipped to Sacramento, and Sacramento creates this big pool and then divides it up by the millions of kids in this state, and then sends it back to Nevada County.

So there will be no, and I want to make that clear, there are no tax benefits to schools in this county by this project. Okay? So I, I mean that not pro or con,

that's just the facts of the matter. Okay? Thank you.

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

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

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

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

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

MR. CHADWICK: Okay.

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

MR. CHADWICK: Yes.

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

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

COMMISSIONER MCATEER: Sure.

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

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

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

MR. CHADWICK: [Interposing] Is yes.

COMMISSIONER MCATEER: --yes?

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

COMMISSIONER MCATEER: Thank you very much.

MR. CHADWICK: Yes.

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

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

COMMISSIONER MCATEER: Sure.

MR. PAPPANI: I don't know if we can get that, that slide up, but the anticipation is 500 tons of barren rock per day.

COMMISSIONER MCATEER: Okay.

MR. PAPPANI: And then an equivalent amount of mineralized rock.

COMMISSIONER MCATEER: Okay.

MR. PAPPANI: So 1,000.

COMMISSIONER MCATEER: 1,000. It's not 1,500?

MR. PAPPANI: Correct.

COMMISSIONER MCATEER: Okay. That's different than--and what about the--I thought there was another 500 tons of sand, and other stuff that was coming out, to help make the paste that would go back in. Is that true?

MR. PAPPANI: Yes. That's going to be a byproduct of the, the process plant that will be--

COMMISSIONER MCATEER: [Interposing] Sure. So go on, excuse me.

MR. PAPPANI: Yeah, so that's a byproduct of the processing plant. And that

will be generated through that and combined with barren rock.

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

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

COMMISSIONER MCATEER: Sorry, I'm still--I'm a, I'm a slow learner. So how many tons are coming out of the mine on a daily basis, no matter what they're categorized as? How many tons are coming out on a daily basis?

MR. PAPPANI: 1,500.

COMMISSIONER MCATEER: It's all right. Are you as confused as I am?

MR. PAPPANI: Yep. I confused you, initially, my apologies.

COMMISSIONER MCATEER: So let's get this square. There's 500 tons of, of mineralized rock, and there's a thousand tons of other rock--

MR. PAPPANI: [Interposing] Mm-hm.

COMMISSIONER MCATEER: --correct?

MR. PAPPANI: Correct.

COMMISSIONER MCATEER: Thank you. I'm done with my questions.

COMMISSIONER MILLMAN: Can I follow up on that?

CHAIRMAN GREENO: Thank you, commissioner. Yes.

COMMISSIONER MILLMAN: Okay, so that

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

MR. PAPPANI: [Interposing] Correct.

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

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

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

MR. PAPPANI: Correct. Correct.

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

height in six years, you should reach that height in two or three years, correct? 'Cause you're putting more on Brunswick?

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

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

MR. PAPPANI: Correct.

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

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

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

MR. PAPPANI: That's correct.

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

state highway trucking?

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

COMMISSIONER MILLMAN: They don't come back?

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

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

COMMISSIONER MILLMAN: Okay. So--

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

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

MR. PAPPANI: Correct.

COMMISSIONER MILLMAN: Okay.

MR. PAPPANI: Correct.

COMMISSIONER MILLMAN: So, so then the

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

MR. PAPPANI: Yes. Yes.

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

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

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

MR. PAPPANI: Yeah, there's--

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

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

that they, in fact, do survive.

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

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

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

CHAIRMAN GREENO: Thanks, Commissioner Millman. Commissioner Mastrodonato.

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

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

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

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

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

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

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

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

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

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

COMMISSIONER MASTRODONATO: Thank you.

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

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

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

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

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

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

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

FEMALE VOICE: We were thinking we'd—we—after lunch, so.

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

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

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

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

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

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

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

CHAIRMAN GREENO: Yeah.

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

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

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

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

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

MS. OBERHOLTZER: Okay. Thanks.

CHAIRMAN GREENO: Thanks.

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

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

our community and the inadequacy of the FEIR.

These groups are, and I will read them. Community Environmental Advocates Foundation, the Sierra Fund, South Yuba River Citizens League, Wolf Creek Community Alliance, Wells Coalition, Patagonia, California Native Plant Society Redwood Chapter, Sierra Foothills, Audubon Society, Sierra Club Nevada Group, Sierra Club Center for Biological Diversity, Friends of Bear River, Sierra Streams Institute, Nevada County Climate Action Now, Elders Action Now, Friends of Banner Mountain, Brunswick Pine Road Association, Brunswick Manor HOA, San Juan Ridge Taxpayers Association, Earth Justice Ministries, Earthworks, Fly Fishing International and Northern California Council, American Rivers, Nevada County Sunrise, Sierra Watch, Mountain Area Preservation, Nevada County Rancheria, and our most recent coalition member, Truckee Mountain Area Preservation Foundation. Whew, that's a lot of names on that list. Twenty-seven of them. And behind all 27 of those organizations are thousands of concerned

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

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

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

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

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

CHAIRMAN GREENO: Thanks, Lauren.

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Greg.

Thank you.

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Mike.

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

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

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

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

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

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

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

greenhouse gas emissions for this proposed project.

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

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

CHAIRMAN GREENO: Thank you, Don.

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

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

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

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

county's Energy Action Plan.

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

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

CHAIRMAN GREENO: Thank you, Rob.

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

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

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

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

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

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

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

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

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

Finally, it's important to note that

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Barbara.

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

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

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

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

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

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

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

CHAIRMAN GREENO: Okay. Thank you.

MR. RANGE: This is my intro, okay?

CHAIRMAN GREENO: Thank you.

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

CHAIRMAN GREENO: I appreciate that.

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

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

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

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

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

In brief, there is a tremendous amount of electricity needed to operate the--this mine. Where is the tremendous amount of electricity needed to operate this mine going to come from, and the environmental impact…

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

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

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

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

The mine proposes to export a thousand tons a day of engineered fill, a euphemism for sand tailings and barren rock. The fine sand or silt has limited market value. Barren rock will be crushed to quote, "Approximately six inches." End quote. Those two products will fill only a small portion of the aggregate market.

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

Compounding this error, the FEIR

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

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

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

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

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

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

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

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

[Break]

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

THE CLERK: Check. Check.

[Background Noise]

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

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

out the door.

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

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

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

[Laughter]

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

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

provide some additional comments that are in addition to the comments we already provided on the Draft EIR. Those are probably better articulated in the letter that we had submitted to the county dated May 8th. And I will touch on three very quick topics.

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

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

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

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

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

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

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

And, with that, I'll thank you.

CHAIRMAN GREENO: Thanks, Jennifer.

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

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

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

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

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

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

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

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

Thank you very much for your time.

CHAIRMAN GREENO: Thanks, Jenny.

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thanks, Jillian.

[Applause]

MS. SYD BROWN: My name is Syd Brown

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Syd. Thank you.

[Applause]

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

MR. JIM BAIR: County staff and--

CHAIRMAN GREENO: [Interposing] Appearance.

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thanks, Jim.

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

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

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

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

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

Unless the EIR identifies current groundwater levels, it cannot establish

performance criteria and evaluate how dewatering may impact wells. There is no current data that could tell the impact-- what the impact would be to well and owners.

CEQA Law, county precedence, and common sense all say the same thing: collection of current data must be included in the Draft EIR to assess impacts and properly mitigate them. They cannot be deferred until after the CEQA decision has been made. Current domestic well monitoring data should have been collected and included in the Draft EIR. The deficient domestic well data is just one of many examples that show how this EIR is inadequate and should not be certified.

Please recommend not to approve the EIR. Thank you.

CHAIRMAN GREENO: Thanks, Ray.

[Applause]

CHAIRMAN GREENO: Good catch.

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

I retired to, to live in Nevada County

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Steve.

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

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

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

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

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

just too high to get this wrong.

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

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

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

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

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

CHAIRMAN GREENO: Thanks, Christy.

MS. HUBBARD: Thank you.

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Bob.

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Mike.

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

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

bus.

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

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

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

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

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

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

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

Final EIR compounds this uncertainty.

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

[Laughter]

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

MS. LANZONI: 20. Yes.

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

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

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

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

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

If the line were to reopen, a separate

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Jill.

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

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

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

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

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

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

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

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

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

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

CHAIRMAN GREENO: Yeah, thank you, Eric.

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Theresa.

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

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

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

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

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

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

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

Since the sawmills went away, I have

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

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

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

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

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

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

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

CHAIRMAN GREENO: Thank you, Cindi.

MR. ERIC FELDHEIM: I have ringing in my ears, so I might speak loud. Can everyone hear me?

CHAIRMAN GREENO: Yes.

MR. FELDHEIM: Yeah, my name is Eric Feldheim [phonetic]. I'm going to go with statistics of who I am. Eagle Scout. Father of two Eagle Scouts. I do a good turn daily, every single day. I work about a hundred hours a week. I have a ten-acre ranch on Greenhorn Road. Been there 34 years. If you look at my hands, they're all beat up. I worked on my well many, many times. We have gardens. We have trees. We

have a beautiful property. And so we are very, very concerned about this mine--this mine going in.

When I heard them--I'm going to choose different subjects than we've been talking about. Some of this data. I'm going to talk about their presentation. I'm going to talk about their integrity, because as a bartender, I've served 1.7 million drinks. I was a manager of--and I hired and fired so many people. I was supposed to read them in seconds, and also if I was going to serve someone a drink.

So when I hear them speak, I get ding, ding, ding, ding bells. And automatically one of them is going, there's something wrong here. I feel like they're used car salesmen. They're trying to sell us on this idea.

They're also another term when they had all the, the things that they were giveaways. I kind of called those bribes. That they're trying to bribe you looking at some of your special interests, giving money away to, to try to get you to give an affirmative for

this mine.

I could see that they gave the best scenario for the--doing the mine, but let's look at like, Lake Wildwood. They also wanted to have a great project there with Lake Wildwood, but look at what's happened? You smell. What do you smell? All sorts of things. And it doesn't work so well, does it?

One thing that's never been addressed, and it's the most important thing, the most valuable thing, that all the gold cannot buy. We have not talked very much about the trucking. Trucks going down Brunswick; 112. I don't care if it's one. Who's going to answer if one kid is killed? One kid is killed by those trucks. You heard--you saw what happened to PG&E when they did some negligence. They, they were up for manslaughter, some of those people. So the, the responsibility sits on your shoulders, and we thank you for being--and doing that.

Everyone is accountable at the chain, and we look to you for that accountability. The very first thing I would do is if I was

going to interview someone like you or, or look at where you're going to make a decision, is I would look at where you live. That's critical because you do have a personal interest in what's going to happen with this mine. If people that are making decisions don't live anywhere close, they may not be so interested in what happens. Thank you very much.

CHAIRMAN GREENO: Thank you, Eric.

MR. CHRIS SNYDER: Good afternoon, Planning Commission. My name is Chris Snyder, and I am with the Operating Engineers, Local 3. A lot of people think I'm with the company. I'm not with the company.

I've heard some interesting comments speak today. Yeah, but we have talked to the company. We've also worked with the-- with the county before, and what the Operating Engineers does, we're here for men and women. We fight for workers, workers' rights, we--their pensions, and a good quality of life. And I'm here to urge you to approve the EIR and to go to the next

level.

But I'm really here to ask the community and the company and the county to work with us, because we have over 300 members that work here. We have a training facility outside of Sacramento with 2,000 acres, where we train about three-year apprenticeship programs, three to four years, and those jobs are the kind of jobs we're looking at. Over $100,000 a year. These jobs, we take folks from the community a lot. We work with a Workforce Investment Board pre-apprenticeship programs, get them into our program to train them on this kind of stuff, mine equipment, excavation, drilling. All the things that make a safe and--a very safe mine.

We represent--my local represents in Nevada, this county--the city of--the, the state of Nevada, the Newmont Gold Mines. And on a global, global basis we have the safest work culture on the planet. Other mines actually go there to study the, the kind of work culture we have with the operating engineers there. So we know how

to do this. We're here to partner with, with the--with Rise. We're here to partner with the county, and we're here to partner with the community, and I believe with my whole heart that a--a good job with pension and benefits, here in this county, is of benefit to everybody. And I've been doing this a long time, and when folks--when we could do stuff locally, it's better for the environment instead of folks always having to travel into Sac and out of--out of area to work.

So we want to see these jobs here. I actually had about a dozen members reach out to our union to come and support this. And so a bunch of our folks are here today with the union. So when we fight, we win workers' rights, and safety, and good jobs, and good benefits. And that's what it's all about for me. Thank you.

CHAIRMAN GREENO: Thank you, Chris.

MR. CHRISTY BARDEN: My name is Christy Barden. I live in District 1 on land, that has a well, that I bought about 1980. I'm here to talk about the potential release of

mercury toxins.

This comment addresses potential mercury contamination and deficiencies in the FEIR, Master Response Form, The Department of, of Toxicity--of Toxic Substance Control, a T-, DTSC is planning a toxic waste cleanup at the Idaho-Maryland Centennial Site now owned by Rise Gold. The former Hap - - Lumber Mill location on this site. The land in which this mill sits is identified as a potential ecology concern, because it contains discernible amounts of mercury toxin which, which exceeds the DTSC standards for safety.

The DTSC is not planning to clean up this Hap - - area, however, because the area's currently sealed by a permanently layer of concrete and asphalt. This prevents the deteriorating mercury from being released into the environment. According to the DTSC, as long as a protective layer is not disturbed, but remains in place, that's all that needs to be done is a periodic soil sampling to assure that the mercury contains remain low.

However, unknown to the DTSC, Rise Gold does plan on developing a portion of the Hap - - area in dumping its mine waste rock. Included in the Rise's plan to develop the area is digging up substantial drainage ditch along the waste's perimeter. But in order to dig this ditch, Rise will have to ignore the DTSC's condition for the mill site cleanup. Instead, Rise will demolish the existing Hap - - lumber company structure, evacuate a portion, create a drainage ditch, and this may significantly disturb the mercury containment in the soil. Not only does it disturb and ignore the DTSC's conditions, but it also is a potential release of mercury toxins into the environment.

The EFIR fails to Identify the DTSC's condition for cleanup, and fails to address the potential mercury contamination of the Wolf Creek and groundwater. Here is a pictorial presentation which I'll put in the box. Thank you.

CHAIRMAN GREENO: Thank you, Christy.

MR. MICHAEL TAYLOR: Hello. My name is

Michael Taylor. I live in District 1.

I'll be straight. I have not read the environmental report to comment on it being either accurate or not accurate. However, I have a lot of--I question the ER--the EIR simply from just reading the Staff Report.

The Staff Report created a situation where you have an A choice and a B choice. There is a lot of room in between that for other ideas and other, other things to consider before considering adopting the, the ERI. One of the things that I think that needs to be considered, or what I would like you guys to do, is to do a motion of intent. I would think that Alternative 4, at a minimum, reducing it by 50%. I think that as part of the 50% being reduced, that, that there's no activity above ground from seven o'clock at night until seven in the morning. No visible activity.

The other thing I think needs to be considered: they're talking about this highway with, with it being for a truck route. The, the aggregate that's coming out of either Bear River, years ago, or

Greenhorn, currently, comes--that scale opens at 7 o'clock and turns off--closes at 3 o'clock. The trucks are not trucking after 3 p.m. I think that we should have trucking limited to 7 o'clock to 3 o'clock, Monday through Friday.

Also to consider: buses for school and people out for school. I think that having this heavy equipment on the road after 3 o'clock is not safe for the community.

Something else to consider is that there has been no mention of disposal of asbestos. Asbestos comes in veins. And it comes in veins between serpentine rock. I have been in construction. I've done rock--removing rock. Here locally in Brunswick, you come across big veins of asbestos. There is no--they haven't come up with a plan to remove piles of asbestos. We're talking huge veins of asbestos that will turn up.

The other thing that--to consider is that the, the quarry that was--the Hansen Brothers bought, and then now it's the RV place. That, that rock that came out of

there, was not certified by Caltrans to be used aboveground, because of its levels of asbestos.

The, the mine at Ridge Rock for years didn't have--I mean, it didn't have rock that was considered adequate, that met Caltrans' standards.

The other thing to consider, that we're going to be putting people out of business down the road, when this rock is going to be available for commercial use or for sale. No one's--the mountains coming out of there will not be able to be sold, it'll be given away. It'll shut down the local businesses, Hansen Brothers, or whatever, that actually make money selling aggregate. They'll have to give it away, with free trucking, because of the surplus.

CHAIRMAN GREENO: Thank you, Michael.

THE CLERK: Chair, can we do a number check, please?

CHAIRMAN GREENO: Sure. What number are we on? 29. Thank you.

MS. ALLISON NELSON: My name is Allison Nelson. I live in District 4. I am a

biologist and the Director of Gold Country Avian Studies. I run a bird-monitoring program at the Bennett Street Grasslands within Empire Mine State Historic Park.

The meadow where we band birds is bisected by South Fork Wolf Creek, and our bird-trapping locations are spread along the creek approximately 1.5 miles downstream from the Brunswick Site. Wastewater treated at the mine will ultimately flow through our research station.

I strongly advocate against certifying the Final EIR and recommend project rejection for a number of reasons.

One, the Final EIR did not adequately propose alternatives to discharging wastewater into South Fork Wolf Creek. Continually fluctuating water levels and temperature can adversely affect bird life and the invertebrates they feed upon.

Two, on Page 4-106 it states that, "The county will not require the flow data to be publicly available, but the data may be made publicly available at the Applicant's or NID's discretion." This should not be up to

the discretion of Rise Gold. When the right to clean water has the potential to be compromised, we should be able to educate ourselves for our own benefit, and for that of the land, and the wildlife that require our stewardship.

Three, the EIR, including Table 4.4-6, was revised to indicate that protected, protected-status bird species have a low potential for occurrence on the Brunswick Site. This is incorrect. The FEIR also states, "The willow flycatcher has, has not been mapped within the CNDDB within five miles of the Brunswick area, but unprocessed data regarding their potential occurrence downstream of the Brunswick area is included in the Grass Valley Quad CNDDB search."

To clarify, several listed species, special status species were detected or captured by our program 1.5 miles from the Brunswick Site. The CNDDB has this detection data, but simply hasn't processed it yet. The FEIR states that these species have a low probability of occurrence on the site, and that no potential impact is

expected, because of the lower quality of the habitat. However, no quantitative habitat studies have been performed or required. I have here, myself, a map that I made of a--of the Brunswick Site, and have starred habitat at the site where willow flycatchers could potentially breed for it to take cover. I also have photos of a willow flycatcher I took, in breeding condition, captured at our monitoring site. This endangered willow flycatcher could have bred at the Brunswick Site and easily dispersed to our location. Therefore, the indication that the--that there's a low probability of encountering willow flycatchers at the Brunswick Site is false.

CHAIRMAN GREENO: Thank you, Allison.

MR. CHRISTOPHER RING: Hello, and thank you, commissioners, for--hello, and thank you, commissioners for giving me the opportunity to speak.

My name is Christopher Ring. I live in District 2. I'm a local realtor, and I'm here on behalf of the Nevada County Association of Realtors. I have a letter to

read on our behalf. I also want to show-- this is our shirt showing the support for the letter we're about to read, and there's a significant number of other realtors representing us outside on the steps. You'll see our photo in the paper tomorrow morning.

"To the honorable Planning Commissioners, on behalf of the Nevada County Association of Realtors, we respectfully submit our comments relating to the Final Economic Impact Report for the Idaho-Maryland Mine project.

"Upon reviewing the final report, we see multiple deficiencies and unmitigated impacts on the surrounding residential properties, overall community, and market values of properties in Nevada County. While we recognize deficiencies in the Environmental Impact Report, as experts in our field, we wish to specifically address the results of the Economic Impact Report.

"A survey was previously completed by the Rise Gold consultant RDN and included in the Economic Impact Report. It had a total

of 65 completed surveys, of which 79% believed that property values would be negatively impacted. However, the findings of this Economic Impact Report dismisses the real estate industry survey completed, stating results were not robust enough to be considered.

"The Nevada County Association of Realtors re-sent that same survey, with all the questions, to our association memberships and are now presenting the results of that survey. A hundred and sixty-two of our active membership participated and completed the survey, representing a 27% sample size of the total, total group. The results are overwhelming. Eighty-seven percent of the survey participants believe that property values will be negatively impacted."

And now I quote from the EIR itself, Economic Impact Report itself. "Of the three types of research RDN performed for this analysis, a literature review, a real estate industry survey, and a case study analysis, the case study was selected, only,

and it totally dismisses the survey of the real estate experts."

"This quote clearly states the case study analysis was selected for the findings of this report, and dismisses the findings of the real estate survey completely. We believe as realtors that our expert opinion matters and should not be dismissed. Rise Gold consultant summarizes their Economic Impact Report findings, stating we do not estimate any anticipated average change in property values associated with the proposed project. As experts in our—"

CHAIRMAN GREENO: Thank you, sir.

FEMALE VOICE: - -.

CHAIRMAN GREENO: No, we're not doing that.

MR. KURT LORENZ: Planning Commissioners and audience. My name is Kurt Lorenz. I'm a 47-year resident of the San Juan Ridge. And, at one point, I was a Nevada County Planning Commissioner and the chair of the commission for two years. And, Laura, you deserve some kind of public service honor for serving as long as you

have.

A little bit of history, just for comparison. In 1996, a conditional use permit was granted by the supervisors for Emperor Gold to dewater the mine for exploration. It was not a permit for production, although ore sampling was allowed. The 1996 permit followed the normal steps and included the preparatory work to ensure property owners would be able to get potable water immediately if a well problem was detected. Emperor Gold was required to obtain all permits, identify all rights of way, easements, and agreements, to guarantee installation of water service from NID to any and all residents of the study area.

In addition to the area along East Bennett Road, the study area included a large portion of Cedar Ridge north of Colfax, Wells as far west as Union Hill, as far east as Bellevue Road, substantial areas of Greenhorn Road, neighborhoods beyond Anchor Lane, and the north end of Glen Pine Road. Emperor Gold was required to provide cash

bonds or securities to pay all construction costs, including replacement water service. Somehow all of this protection got missed in this process.

And, very quickly, I want you to know that when the Siskon Mine failed on San Juan Ridge, it was the F6 fault. Remember the fault that was mentioned here today, that's just going to be erased? That fault flooded the mines so fast that people had to run for their lives, abandoned all their equipment, and we lost 14 wells on the ridge in two weeks. Some of them were almost two miles from the well. Those of you that are worried about wells need to think about that.

I request that you not approve this project, or the environmental...

CHAIRMAN GREENO: Thank you, Kurt.

MR. LARRY ENGEL: Hello. My name is Larry Engel. I live on an area uphill from the Wolf Creek, on the surface around the mine, the underground mine that they never talk about much in the EIR, and that you didn't hear about from the, the Rise folks today. I am objecting to this EIR and

asking that it not be certified.

As a retired bankruptcy lawyer with lots of experience in failed mines, I know why there are 49,000 failed mines abandoned in California, because I liquidated the largest, at the time in America, Surety, that provided reclamation bonds for mines.

And I can tell you that this EIR misses the point, so does the DEIR. And I would ask for you to--for your consideration that I filed two objections to the DEIR, and I filed two more to the EIR. And I gave you my top 50 reasons why this should not happen, but let me give you just one to start with, because I raised it at our prior hearing, and that was that they are basically hiding the hexavalent chromium problem, CR-6. This is what killed Hinckley, California. You may remember the movie, Erin Brockovich. They're putting--they call it now, they've rebranded it, they call it now cement mine paste, but it contains hexavalent chromium.

You're putting into--they would put into the mine--this toxin. Look at the EPA studies. Look at the CalEPA studies. They

all show you it's a dangerous carcinogen, and they don't, you know, address it in the place in the DER, or in the EIR, that says hazardous--hazards and hazardous materials. There's a section, 4.7, where all this information is supposed to go. It's not there. What they do, the DEIR mentions it in two places regarding the mine paste use in shoring up the mine, but that's it.

In the EIR, after my objection, they added some new information, which we dispute. And in addition, they have tagged on to the back of the EIR, Appendix Q, O, and R, where they admit the use of hexavalent chromium. And they describe this system, but they do it in a really obscure way and an obscure place.

They also took on my objection in their EIR at IND 254, which is my--one of my two EIR objections, and I urge you to read it. Find out why.

CHAIRMAN GREENO: Thank you, Larry.

MR. PAUL SCHWARTZ: Paul Schwartz, 13812 Meadow Drive, District 1.

I am in agreement with the Nevada

County planning staff and ask you to adopt Recommendation A, and reject the Idaho-Maryland Mine reopening proposal. The proposal, as our planning director has said, is not consistent with the county General Plan, state and Nevada County policy, and the 2023 Board of Supervisors' objectives.

I disagree with the recommendation to certify the Final EIR. Third-party experts have submitted to the Planning Commission, and the Planning Department, and the Board of Supervisors, extensive analysis, detailed references to the errors, omissions, and the faulty analysis and conclusions in the document. As a capital planner at University of California, Davis, I reviewed Draft Environmental Impact Reports connected to over $1.5 billion in projects, so I wanted to give you my impressions of this EIR.

Preparation and presentation of material, analysis and the findings are poorly organized, and the document is difficult to navigate. In many cases, the data was old, incomplete, inadequate, and

not benchmarked against industry or other measurable standards.

Consultants involved spoke to budget constraints, and that confined their efforts. Some reports start with a vague disclaimer that the depth of the study was limited by defined scope and limited resources.

The Draft EIR fails to integrate the implications of an 80-year approval. Important outcomes incumbent to the Idaho-Maryland Mine project in regard to airborne pollution, dust, water quality, noise, traffic, energy use, greenhouse gas emissions, carbon footprint analysis, community health, worker safety, were not adequately addressed in the Draft EIR.

In the future, we can expect energy efficiency, carbon footprints, and community health impacts to be more thoroughly scrutinized, consider how the Draft EIR completely ignores our current Energy Action Plan.

There have been substantial third-party experts' scrutiny on the Draft EIR chapters, data analysis, and conclusions that

contradict and challenge the findings in the document. The experts found faulty science, misguided assumptions, and juvenile monitor--computer modeling.

We learned in the Niehaus economic report there are no comparable projects approved in the State of California within .5 miles of the residential neighborhood, as is the case here. The concept of incompatible uses in the Draft EIR, disregard of this issue alone ought to get your full attention.

Do not certify a badly-flawed Final EIR that the future Planning Departments, Planning Commissions, and Boards of Supervisors will have to defend. Reject the Final EIR. Do not certify it.

And if Rise wants to negotiate the scope of the--

CHAIRMAN GREENO: Thanks, Paul.

MR. MARK JOHNSON: Good afternoon. Mark Johnson, District 4.

Before you I stand experienced, experienced HAZMAT supervisor competent person. I worked hard. I directed the

removal of thousands of tons of asbestos and asbestos-containing materials, after Reagan signed the AHERA act in '86.

The FEIR stipulates Rise will submit an abatement plan after approval. A mitigation plan must be approved before any approval is granted. And I would be honored to be on the committee that approves or denies this stipulation. Will all employees be required to wear full Tyvek suits and Type A, B and C respirators? Would employees be required to shower each time he comes up from below ground?

The absolute necessity of asbestos is containment. To think you can truck it down the road with a tarp on it, you're breaking the law. All the things in the EIR, FEIR, you're going to have to vacuum those streets to get the asbestos off the street. It just doesn't wash away.

The stipulations, all the stuff that is taken out of—-all the asbestos that comes out of the mine will have to be shipped down to Kesterson. You can't throw it back in the, in the mine. It's all contaminated.

Removal, the disturbance, and transportation of asbestos on a large scale is completely unacceptable in areas surrounded by hundreds of homes valued in the hundreds of millions of dollars.

Compaction and storage of asbestos-laden serpentine is sheer lunacy. The task is an impossibility to perform without releasing fibers and unleashing pulmonary diseases upon an unknown amount of land every day, every time the wind blows. If even one person, a citizen, a tourist, or even a worker at the mine, contracts a fatal lung disorder after 20- or 30-year latency period, such as asbestosis, mesothelioma, scoliosis, et cetera, et cetera, due to your approval of Mr. Mossman's gamble with our lives, our wells, our property values, could you personally be held responsible that, that-- if you were to approve this health-destroying, killing, ecological disaster, wouldn't you, wouldn't you, in a very direct sense, have blood on your hands? Would you be able to face the fact that your decision cost somebody their life? Maybe two, five,

20, 30, a hundred lives? Could you look in the mirror? I couldn't.

Mr. Mossman's proposed venture would be to--have to be monitored around the clock, 24/7, each and every day, by a trained HAZMAT supervisor, with complete control and the ability to shut down any or all operations, at any time, for any violation that endangers any person, anywhere. Mr. Mossman must not be allowed to self-monitor any single aspect of this greed-fueled venture, including the water.

Mr. Mossman's proven total disdain for regulations at his last failed mining disaster has caused irreparable damage to not only salmonid-bearing streams and lakes in his native land, but Mr. Mossman's crimes also encompass - - slough and the Pacific Ocean.

CHAIRMAN GREENO: Mark, we're--we need to keep it on this project. Not the Applicant.

MR. JOHNSON: It's a good thing that Banks Island does not exhibit any asbestos-laden--

CHAIRMAN GREENO: Thank you. Mm-hm. Thank you, Mark. Are we on 35? 36?

[Laughter]

MR. DAVID WATKINSON: My name is David Watkinson. I represent the Sierrans for Responsible Resource Development. We're a nonprofit that was formed in 2015 exclusively for educating residents, businesses, and government agents in the community about the benefits of responsible and sustainable resource industries in the Sierra Nevada Mountains, including mining. Many of our members are mining engineers, geologists, environmental professionals that work in the mining industry. Some of them are here today, and others are at work and couldn't attend the meeting.

I'm a professional mining engineer by background, with over 40 years of worldwide experience in exploration, mine development, construction, and operation in Canada, the United States, and overseas. I've worked in Nevada County since 2006, and I'm president and CEO of two public exploration companies, one of which was Emgold Mining Corporation

that was taking the project through the permitting process in 2008 and 2009 and before the city of Grass Valley. We got to the planning commission there. And I've worked in underground mines exactly like the Idaho-Maryland project 5,000 feet deep. I worked as a miner, a supervisor, a general foreman, a mine superintendent, and a mine manager.

So the mines do hire, and try to develop local workforces. I will guarantee you that that will happen here with the mining project. People want to hire locally. They don't want to have to pay to relocate people to a site when they can develop a local workforce that's going to be there for the long term.

We were advancing the Idaho-Maryland project through the City of Grass Valley in 2008-2009 when the Great Recession hit. We couldn't raise additional money to advance the project, so the city eventually deemed the project applications as withdrawn, but the company still survives, and we still live and work here in Grass Valley.

We need to learn the lessons of the Great Recession, COVID-19, and things that can happen looking forward, like, we're going to run into a significant period of high inflation, and potentially another recession occurring. So your job, and the Board of Supervisors' job, is to look at the future.

I looked at the county's '21/2022 adopted budget and compared it with 2008 and 2009 when we were permitting the Idaho-Maryland project. In 2008-2009 the city's budget was 190 million--or the county's budget was 190.9 million, and now it's 299.9 million. It's gone up $109 million in 13 years and that's a 72.9% increase. So that represents an increase of about $8.3 million a year over that period.

So your job is to not only look at how this project will affect a certain number of special interest groups, but look at how--

CHAIRMAN GREENO: Thank you. Thank you.

MR. PETE PEREZ: My name is Pete Perez. I live in District 3 here in Nevada County.

I've lived here for over 22 years.

Married a fourth-generation local girl. Both of my kids were born here at Sierra Nevada Memorial Hospital. My wife's Great-Grandpa George was on the last crew to enter the Empire Mine.

I support reopening the Idaho-Maryland Mine because of the good-paying jobs that Nevada County needs. I hope to be able to work there one day.

I also hope it would be an option for both of my kids once they graduate Nevada Union, if they wanted to decide to stay in Nevada County and have a good-paying career.

I also believe that this state-of-the-art mine would be a way of little old Nevada County giving a world-class example on how to mine cleanly, ethically, and responsibly. Gold is the best conductor of electricity, and with the world's push for electric products like cell phones, laptops, TVs, electric cars, there needs to be competition from our country against other countries who are mining raw materials and don't do it cleanly, ethically, or responsibly.

Mining is not only our past, but the

future. So I ask you to please approve this project. Thank you.

CHAIRMAN GREENO: Thank you, Pete.

MR. MIKE GRIFFITH: Hello, my name is Mike Griffith. I am a lifelong Nevada County resident of 43 years.

I've come here to request the Planning Commission to recommend approval of this mine project as proposed. I believe that reopening this mine would be beneficial to Nevada County and its residents.

It is important to remember why we are all here today. We are here because of gold. These towns, this county, and this community were formed around the gold-mining industry. People came here from all over the world. Why here? Because there was an invaluable resource here. These people brought with them diversity and culture, which formed this community and its history. This history has left such a strong impact on the community that in Grass Valley, new buildings must be designed to fit the gold-mining esthetic of the town's history.

It has been said that if it's not grown,

it's mined. This is a statement which applies to every individual in this room and everywhere else in this world. The products we use every day must be produced from raw materials. These raw materials are called resources, and not all resources are found everywhere. We are fortunate to have a highly sought-after and valuable resource right here in our community. To ignore this fact, and turn a blind eye to those who would be willing to spend the time and effort to extract such valuable resource, would be similar to walking along the shore of the Yuba River with a rope, during a storm, and refusing to help save a drowning individual just because you don't want to get your rope wet. It would be completely asinine.

There are those who will argue against this project on the grounds of environmental impact. It is true that in the eighteen hundreds and early nineteen hundreds, operations of this nature have had an adverse environmental impact. This was due to a lack of knowledge, as well as oversight,

and inferior methods of extraction. Today, though, we have the knowledge, the oversight, and superior methods of extraction, which can guarantee that the environment and the community's way of life can be protected from any adverse impacts which may be a concern arising from this project.

I believe that this project, as proposed, will offer many great benefits to this county and community, such as local jobs and tax revenue. It will increase tourism by showing the world that the gold country mother lode is still alive and well in Northern California by producing vast sums of a resource, which today's technological world desperately needs.

It will bolster the community's reputation as hardworking, thoughtful individuals by producing that beautiful, shiny gold metal.

Again, I implore this committee to recommend approval of this project as proposed. Thank you.

CHAIRMAN GREENO: Thank you, Mike.

MR. JUSTIN SANDERS: Justin Sanders, 30

years here in Nevada County. I'd like to say thank you, guys, for taking the time to listen to everybody. Some louder than others, but thank you either way.

I am in support of the mine, and I'm asking you guys take everybody's word, but go with the side that makes the most sense is open the mine.

I had this great big long speech of, of, of why, but I'm—all this is going to go out the window to a conversation I had with a, a young lady in, in the front.

She asked me, "Why would you support a mine that's only for themselves?" And I asked, I said, "Well, what is it, what is it that you do?" And her response was, she's a local jeweler, and she's having a hard time surviving with COVID and, and the economy. And I said, well, with the opening of this mine and, and the people who are going to be working there, keeping the money local, rather than going to Target or these big chain stores, we're going to then spend the money with you, because it's, it's a good salary for Nevada County. And, and rather

than, than paying--excuse me, the go--the, the, the cheap route of, of buying the best deal, we're going to go with the, the more local, more sought-after gems that she's, she's selling. And, and she was, she was pretty thrilled about that.

So I'm saying open the mine. Let's get to mining and, hopefully, you take that to the, the supervisors. Thank you.

CHAIRMAN GREENO: Thank you, Justin.

MS. GIANNA SETOUDEH: Thank you, County Planning Commission, and County Planning Department staff, for the opportunity to provide comments today.

Gianna Setoudeh, I am the policy director at the South Yuba River Citizens League, or known as SYRCL. SYRCL is a community-based nonprofit organization founded by grassroots activists and has been the leading advocate for the protection of water quality, river health, and watershed restoration within the Yuba River Watershed for almost 40 years. Our work and mission is supported by 3,500 members and 1,300 active volunteers.

Keeping our grassroots legacy alive, this year, at our Wild and Scenic Film Festival, we brought a petition with a simple ask that the Nevada County Board of Supervisors reject the proposed Idaho-Maryland Mine. An astounding 1,167 individuals from the community and beyond signed our letter; that's included in your Board packet in the background materials, along with individual messages from community members, many of whom are in the room today. So I'd like to thank them for being here.

First and foremost, we'd like to thank county staff for giving this project the time and attention it deserves, and for providing a thoughtful Staff Report that reflects many of the sentiments you've heard from the community today and will continue to hear.

Today you've heard why the Planning Commission should recommend the rejection of the project, as outlined in Recommendation A, about the project's direct conflict with local goals, initiatives, and policies more

broadly. Recommendation A essentially deems the project dead, and rightfully calls attention to the project's inconsistency with several of the county's General Plan themes and policies, as you've heard earlier.

However, both recommendations before you still include the certification of the Final EIR, which we find deeply concerning.

Recommendation A is a step in the right direction, and we want to thank county staff for that. But we are here to urge the Planning Commission to go a step further and reject the EIR.

SYRCL is not antidevelopment or anti-jobs; however, we listen to the community, and when a project seeks to threaten the community and local watersheds we work so hard to protect and restore, it's our duty to speak up, and that's our job to do so.

So as you consider the recommendations before you, we must underscore that in addition to our--rejecting the project, you must recommend to the Board of Supervisors that they reject the Final EIR. And my colleagues following me will go into more in

detail.

Thank you again for your-, for allowing us to speak today.

CHAIRMAN GREENO: Thank you, Gianna.

MS. ALECIA WEISMAN: Good afternoon. My name is Alecia Weisman. I'm the Headwater Science Program Director at the South Yuba River Citizens League. I have a background in water quality and aquatic ecology. I hold a master's in hydrology from the University of Nevada, Reno, and I worked at a local water quality lab, Cranmer Engineering.

The Rise Gold project and the EIR, as presented, pose significant water quality risks and will put significant pressure on our already fragile groundwater resources. Legacy mining impacts still persist in our area and continue to cause health advisories throughout the Sierra Nevada. Many parts of the Yuba and Bear River watersheds are currently listed as impaired due to mercury contamination under the Clean Water Act. During existing rain events, these areas contribute to elevated levels of metals and

sediments in our local streams and rivers. This project will increase sedimentation and erosion and has the potential to disturb contaminated land, which would further contribute to this issue.

Also, the storage of mine waste that we heard about earlier, a hundred-foot pile, will certainly leach hazardous chemicals into our local waterways.

Rise Gold plans to pump out 3.6 million gallons of water every day for six months, and another 1.2 million for up to 80 years, which will be released every day into the South Fork of Wolf Creek. The potential water quality and environmental impacts associated with daily release of this water, that doesn't really happen seasonally like it naturally would, have not been fully evaluated by the limited surveys conducted.

Also, the associated groundwater impacts with this pumping plan are concerning. Here in the Sierra Nevada, we have seen early impacts of global warming, including prolonged periods of drought. These periods are expected to increase, and

the droughts alone are stressing our groundwater resources. If NID and its plan for water identifies water security as a top concern for our region, then how can we simultaneously allow a Canadian company to pump 1.2 million gallon--gallons a day for 80 years?

Further, the EIR sets the significance level for their impacts to groundwater levels at 10%, without acknowledging that local groundwater levels will go dry even at reductions of less than 10%. It's been set arbitrarily, as others have commented on.

I'll leave it there. There's been a lot of good information given thus far. I just want to reiterate that for these reasons, the FEIR and the Rise Gold project should be rejected. Thank you.

CHAIRMAN GREENO: Thank you, Alecia.

MR. AARON ZETTLER-MANN: Hello, my name is Aaron Zettler-Mann. I'm the interim executive director and watershed science director at SYRCL. I hold a PhD in fluvial-geomorphology.

As part of the proposed Idaho-Maryland

Mine project, Rise Gold suggests that their potentially toxic mine sand tailings in barren rock will be sold as engineered fill in the Sacramento region at the rate of excavation; about a thousand, or maybe it's 1,500, tons per day.

This market does not exist, as they suggest, and, therefore, this material will need to be stored, likely onsite. As the Water Resources Control Board points out, inadequate sampling means this material could leach toxins at unknown quantities into surface and groundwater.

The source they rely on for aggregate demand over the next 50 years focuses on currently-permitted aggregate. I know, from SYRCL's restoration work in the lower Yuba, that holding permits for aggregate mining is time-consuming and expensive. A reclamation plan must be created and approved. Bonds must be obtained to guarantee post-mine restoration, and there's state mines and geology board oversight. This means that an aggregate mine will not permit aggregate until it needs to. Just because it's not

permitted today, doesn't mean a ready supply doesn't exist.

In fact, Tygrid Aggregate [phonetic] has mineral rights to most of the 685 million cubic yards of gravel in the lower Yuba gold fields. Their 100-year business plan is aggregate mining of the gold fields to supply the Sacramento region with engineered fill. The Yuba gold fields' material is closer to Sacramento, already on the surface, easier to extract, requires significantly less trucking, is not contaminated at unknown toxins levels, and its removal has significantly positive ecosystem benefits for salmonids and other species.

The assumption that it is economically feasible to truck 1,500 tons of mine tailings, every day, to Sacramento to be sold is not supported. There are cheaper and better sources available. The Final EIR did not accurately account for the reality that potentially toxic mine sand tailings, and barren rock, will likely be stored onsite in excess of the fill pads. Nor did

it address how this onsite storage could contribute to the leaching of toxins and surface and groundwater, as requested by the Water Resources Control Board in the Draft EIR.

The Final EIR fails to accurately assess the known and likely impacts to the environment by hiding behind inadequate sampling and false assumptions. Because the Final EIR fails to accurately assess the true impact of the project on the environment, you must reject the EIR. For the health of the community and the environment, it is crucial you recommend the rejection of the EIR, and the project, to the Board of Supervisors. Let's continue to focus on repairing the damage of the last gold rush and restoring the health of our forests, rather than starting - -.

CHAIRMAN GREENO: Thanks, Aaron. What number are you? 41. Thanks.

MS. GAIL VAUGHAN: I'm Gail Johnson Vaughan, District 3. I've been a 40-year resident of Nevada County. I hold a doctoral degree in organizational psychology,

with a special interest in behavioral science.

Thank you for your time, your thoroughness, and your attention today. Amazing. The--all that you are putting into this critically important process.

You have been given the trust of your supervisor, who has been given our trust to put aside the special interests, and self-interest, so that you can make a decision that is in the best interest, not just of those of us who live here today, but our children, our grandchildren, our great-grandchildren, and their children.

Your decision bears even more weight given the countless decisions that have been previously made by others, from all part of the globe, that have put our planet and all inhabitants at risk. No matter what alternative is chosen, the negative environmental impacts remain.

Your first job is to decide if the Environmental Impact Report provides all the information you need to predict the environmental and health impacts of the

proposed mine on us and, yes, our children, grandchildren, great-grandchildren, and their children.

The consultants, paid by the Applicant, says it does. A myriad of impressive and qualified experts in relevant fields say it does not. These experts have no financial stake in this decision. Their passionate concern is driven by their love of this county, and of this planet, and a deep concern for those of us who live here now and the future generations.

How are you confident, without a doubt, that the Environmental Impact Report provides the thorough and accurate information that you need? And are you confident that the other experts who have highly educated and brought their expertise to the table, are wrong? All of them are wrong. If not, it is your responsibility to reject this Environmental Impact Report as inadequate. Thank you.

CHAIRMAN GREENO: Thank you, Gail.

MR. JEFF CAIN: Thank you, commissioners, for your supernatural

patience. My name is Jeff Cain. I've lived in Nevada County most of my life. Now I'm in, I'm in District 1. As a medical doctor especially concerned with air quality, I ask you not to certify the mine's EIR.

The Draft EIR fails to estimate total airborne emissions of known, known, toxins and carcinogens, including carbon monoxide, reactive organic gases, and, particularly, diesel exhaust. This is a very troubling omission.

According to the California Air Resources Board, 70% of our risk of getting cancer from what we inhale will come from diesel exhaust. The EIR also fails to mention the 2020 Dudek Corporation air quality study, which reported that the mine's diesel engines will idle 200,000 minutes every year. These emissions aren't simply ugly pollution, they're poisons, especially for our children and grandchildren, who will breathe them their entire lives.

On Page 366, the Draft EIR lists the already-mitigated emissions. That is, the

best-case scenario. It estimates they'll total 105 pounds daily during the first year of operation, and concludes that that amount is insignificant. But the EIR is inadequate in failing to calculate cumulative emissions, or to consider repetitive human exposure over decades.

If it had, if it had done the math, it would've found that during the mine's lifespan it would emit at least 3,600 tons of known airborne poisons. The Final EIR dismisses this inexcusable lapse by stating that there's no standard method for estimating the significance of these poisons in aggregate. That the EIR failed to recognize this virtual assault on our community is outrageous, but that's only one hole in this document.

The county is only--under no obligation to certify the EIR, even if the planning staff recommends it. It's incomplete and misleading. But there's another reason, too, which a number of people have mentioned: if the county declines the use permit and accepts the EIR, another company can come in

and take over without a new EIR being necessary. So, please, do what you can to protect our county. Thank you.

CHAIRMAN GREENO: Thank you, Jeff.

MS. SUSAN MCKINNEY: Good afternoon. My name is Susan McKinney [phonetic]. I live in District 1. I am a 40-year resident.

According to a Pacific Wild July 27th, 2015, report and a CBC October 20th, 2020, article, Ben Mossman, president, CEO, and manager of Banks Island Limited, and now CEO of Rise Gold, was ordered to cease operations at his Yellow Giant gold mine after only seven months of commercial production--

CHAIRMAN GREENO: [Interposing] Susan, we're, we're here to talk about the project, not about Ben.

MS. MCKINNEY: I hear you. This is part of my presentation.

CHAIRMAN GREENO: Okay.

MS. MCKINNEY: May I continue? Thank you. Due to "unauthorized effluent discharge--discharges and several permit violations," Banks Island Northwest, British

Columbia, mine had spilled slurry on land into surrounding creeks, lakes, and wetlands. The discharge then made its way to the ocean. Banks Island Gold Limited then--

CHAIRMAN GREENO: [Interposing] We really need to keep it on this project, not on the other project that you're referring to, Susan. Susan, we can't do that. We, we need to keep it on this EIR, this project.

[Background conversations]

CHAIRMAN GREENO: If, if you will, if you'll keep your comments to--I'll, I'll give you--your time over. If you'll keep your comments to this, if--this EIR.

MS. MCKINNEY: - - I mentioned the CEO of Rise Gold - - I have other things that I want to - -.

CHAIRMAN GREENO: I'd, I'd love to hear the other things.

[Background conversations]

CHAIRMAN GREENO: I don't know if you need to pick off where you left, if you'd start with the EIR.

MS. MCKINNEY: Okay. So where did I leave off. Now it says three minutes.

CHAIRMAN GREENO: I'm starting you over.

MS. MCKINNEY: Thank you.

CHAIRMAN GREENO: Yeah.

MS. MCKINNEY: Okay, so I'm ready to go now. All right.

Banks Island Gold Limited then conveniently went bankrupt letting taxpayers foot the bill for the $1.6 million cleanup. Ben Mossman is still currently on trial in Canada on charges related to the spills at the mine.

CHAIRMAN GREENO: We're, we're duplicating what--

MS. MCKINNEY: [Interposing] There is no such thing as a clean, safe gold mine, as demonstrated by another Canadian-owned mine in Nevada County, Siskon Gold mine. On Labor Day weekend, 1995, their miners hit an--

CHAIRMAN GREENO: [Interposing] Okay. Susan, that's - -. Thank you.

[Crosstalk]

CHAIRMAN GREENO: I'm not censoring, I'm asking you to address--this is not the supervisors' meeting where you, where you

can talk about other things. This is for specifically for the EIR today and, and the project.

MS. MCKINNEY: I don't know when I will get a chance to voice these things. I have recently relocated here. I have waited a long time to - - and [Unintelligible]

CHAIRMAN GREENO: [Interposing] You're continuing to--you're continuing to, to address a resume of somebody else.

MS. MCKINNEY: [Unintelligible] . . . concerns that--I can concern everyone here.

CHAIRMAN GREENO: Thank you.

MS. MCKINNEY: So I would appreciate if you would allow me to finish. May I, please?

CHAIRMAN GREENO: If, if, if the rest of what you're saying is slandering and, and--

MS. MCKINNEY: [Interposing] This is not slander, these are facts.

CHAIRMAN GREENO: --covering the resume of someone else, that is not--

MS. MCKINNEY: [Interposing] Thank you very much.

CHAIRMAN GREENO: --that is not, that is not what we're doing here today.

[Crosstalk]

CHAIRMAN GREENO: It's the--okay. We're done. Thank you. We, we tried. We tried. Will we have the next person, please.

[Crosstalk]

CHAIRMAN GREENO: We won't have any outbursts, either. Okay. Thank you.

[Crosstalk]

CHAIRMAN GREENO: We can get through two more minutes. We tried. You continued with the, with--

MS. MCKINNEY: [Interposing] All I was doing was listing what has happened in the past - - is really important that everyone here to base their decisions on.

CHAIRMAN GREENO: That's not what we're basing our decisions on.

MS. MCKINNEY: The environmental impact. I am dis--I'm telling people exactly what happened with the environmental impact--

CHAIRMAN GREENO: [Interposing] That's not what we're talking about here today.

MS. MCKINNEY: --was of a prior mine.

CHAIRMAN GREENO: If that's what your presentation is, that is more appropriately done with supervisors. Not at this time. Thank you. We'll take the next speaker, please.

MS. MCKINNEY: Wow. Thank you.

[Background conversations]

MR. RANDALL SNODGRASS: A hard act to follow. [Laughter]

I'm Randall Snodgrass. I live in supervised District 1.

I've spent--I'm in my 85th year. I've spent 40 years working on conservation for national organizations and land trusts in Northern California. I've studied the CEQA process. I've been involved in projects that threatened the community's culture and their values and watched what's happened. Thank God for CEQA; I really appreciate it. So I'm asking you to not certify the EIR, and I'm asking you to deny the permit.

CEQA calls for cumulative impacts analysis. Activities proposed build on one another and must be examined as to the total impact. CEQA requires the presentation of

alternatives to the permit requested by Rise Grass Valley.

Today the transparency of the Planning Department was disturbing to me when they mentioned there were five alternatives that weren't to be revealed today. And that question was raised. There's, there's alternatives that can be proposed under CEQA that would actually deny this project. That's an alternative. And I ask for that.

So the evidence is available that shows other subsurface mining in Nevada County has failed and resulted in large environmental damage.

This history can be a part of the cumulative impacts analysis required by CEQA. A glaring example is the fact that there's a stream that flows in Grass Valley that is off limits. And here I have photographed a sign that's in Memorial Park. Here it is. I added Memorial Park Grass Valley. But here's the sign. Warning, stream water may be hazardous. This is a creek that runs through Memorial Park right next to the children's playground.

It's fenced off by cyclone fences on both sides. No one's allowed. Do not wade. Do not drink. Do not eat fish from this stream. Do not handle sediment. This stream drains through the Empire Mine, California's largest gold mining operation for over 100 years. The water and sediment contain residual metals and chemicals that may be hazardous.

CHAIRMAN GREENO: Thank you, Ronald.

MR. RANDALL SNODGRASS: I'd like to submit this sign.

CHAIRMAN GREENO: You can. There's a box right outside.

MR. RANDALL SNODGRASS: Will it fit in that box? [Laughter]

CHAIRMAN GREENO: Next to it maybe. Not, not after Lori's stuff all goes in there.

MS. BEVERLY BLAKE: Good afternoon. My name is Beverly Blake. I've been a local realtor here for over 20 years.

I wanted to share with you the personal impact that the Idaho-Maryland Mine has already had on my husband and myself. I'm

76, my husband, a retired professional firefighter, is almost 80.

We purchased a home in District 3 off Greenhorn Road with one goal in mind. We planned to live in it for a number of years, improve the property with our own labor, and use the profit to fund our retirement. We have invested hundreds of hours of labor, ourselves, invested thousands of dollars, making the property attractive and fire safe. My husband has become disabled, and is no longer able to help me maintain our three acres.

We wanted to put our home on the market last summer, but we soon discovered that with the mine issue hanging over us, no one would even look at it. I have two neighbors who had their properties for sale all summer. As soon as potential buyers heard about the mine, they were no longer interested.

I know there are many other residents in our situation, and we have all been put in limbo by the mine. I personally have three clients who currently are waiting for your decision. If the mine is approved,

they will no longer be looking to buy in Grass Valley or Nevada City. They have no interest in moving to a mining community.

The county's economic report did not include local realtors' opinions, even though they surveyed us. The Nevada County Association of Realtors recently did their own survey. Over 90% of 150 realtors believe that local property values will drop, and the drop will be permanent. I believe that the probability of diminished property values, and, therefore, reduced property tax income, would impact the county revenues far more than Rise Gold's inflated promises.

Grass Valley and Nevada City are unique in the Sierra Foothills. No other towns have the vast extent of culture, art, music, and natural beauty. If you certify the flawed Environmental Impact Report, another mining group will step in, and we'll have to go through all of this again. Our future, and many others, entirely depend on the decision about the mine. Please do the right thing. Just say no to the mine and do not certify the EIR. Thank you.

CHAIRMAN GREENO: Thanks, Beverly. And are you number 46?

MS. BEVERLY BLAKE: Yes.

MR. GARY GRIFFITH: Hello, my name is Gary Griffith. I live at 110 Gold Hill Drive, Grass Valley, in District 3, less than a mile from both proposed mining sites.

And, yes, I'm concerned about my property values, but I'm here as President of Wolf Creek Community Alliance, and I've been 18 years monitoring the South Fork of Wolf Creek.

Commissioners, at Wolf Creek Community Alliance we speak for the watershed. We have a longer, more intimate knowledge of its hydrology and biological resources than the paid consultants, who've made their limited walkthroughs and argued, always, for impacts being minimal or easily mitigated.

Our view, unlike theirs, is that this watershed is a unique, irreplaceable resource for the county. Its area is open space, free-flowing water, and unique habitats, holding a great diversity of creatures. A resource that a densely

populated area next to a city truly needs for its public health and wellbeing.

To the EIR. We have read and commented on the NOP and the Draft EIR, spending countless hours doing so. We've also closely considered the new appendices, the master responses, the individual responses to our comments, and those from other agencies, or groups, who have raised similar concerns.

We find that the Final EIR has changed little and still ignores, discounts, or inadequately addresses impacts to the biological resources in the watershed, and offers little new data and answers concerns, not by seriously considering them, as many people have pointed out, but by dismissing them, often by resorting to its own speculative conclusions and appeals to technical justifications that dismiss or lead away from actually considering the potential impacts being raised. We find all this very disturbing. We find this is the case with our own comments and the comments of many others. Our concerns about impacts

remain largely unanswered.

Therefore, we ask that this project's Final EIR not be certified, and that the project be denied. Following will be more detailed comments from some of our Wolf Creek community members. Thank you for your time and consideration.

CHAIRMAN GREENO: Thanks, Gary.

And we're going to take a recess where everybody can use the bathroom. And, what do you think? Can we do ten minutes? Is that adequate? We'll be back at 4:05. Thank you.

[Break]

CHAIRMAN GREENO: All right. Hello. We're going to bring it back. Is my mic on? Shelley? I don't have a mic. Test. Test.

All right, we're going to bring it back, and we'll hear from our next speaker. Please take your seats. All right. And we're picking up after Gary. And your number, sir? We'll get that mic on. Here we go. I'm ready.

MR. JONATHAN KEEN: Feels like morning or evening, but I'm Jonathan Keen [phonetic].

I live in Grass Valley, District 3. I've been a resident of Nevada County for 53 years.

I'm a general contractor, and I'm also part of the Wolf Creek Community Alliance, and I've been monitoring almost monthly for the last 18 years, monitoring in our streams in our watershed, and I'm speaking for the creeks and the trout, and I wanted to--the ER--EIR you have before you does not adequately address the impacts to South Fork Wolf Creek.

South Fork is one of many tributaries in Wolf Creek itself. It runs directly through the heart of the proposed Brunswick Site. It is a federally protected perennial stream, and the upper half of South Fork Wolf Creek, as it goes through the Brunswick Site, was ignored in the EIR.

One stretch of this part of South Fork is currently encased in a culvert, but the stream is nonetheless healthy and vibrant, upstream, downstream, and through the culvert itself.

The term biological resource sounds

kind of dry and scientific. But please remember what we're talking about here: fish, the bugs that they eat, dragonfly larvae, damsel flies, worms, beetles, an interconnected web of aquatic life. And so, yes, this culvert is an important biological resource. But please remember, it allows for the passage of trout, and other aquatic species, from the headwaters above Brunswick Road to the downstream reaches, and back again. However, both the draft and the Final EIRs disregarded this healthy stream, along with its fish and aquatic food web. Despite concerns raised by our alliance and others, both EIRs refuse to discuss any impacts of the creek upstream of the spot where it leaves the culvert. Where do they suppose the water, the fish, and the bugs come from?

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

The California Department of Fish and Wildlife also responded to this EIR. On page 2-202 of your FEIR, you'll find the comment, "The EIR did not analyze all potential temporary, permanent, direct, indirect, and/or cumulative impacts to aquatic features and associated biological resources that may occur." So commissioners, we agree with the CDF--

CHAIRMAN GREENO: Thank you, Jonathan.

MS. WENDY THOMPSON: Good afternoon. I am here to speak for the Brunswick Pond and the beautiful wood ducks who nest in this pond. My name is Wendy Thompson. I live in Nevada City, in District 1. And I'm submitting these comments as a citizen who cares deeply for the Wolf Creek watershed, which this proposed project is situated. I'm also a volunteer water-quality monitor, and I'm a member of Wolf Creek Community Alliance.

We ask that this project's Final EIR not be certified, as it inadequately considers impacts to biological resources, nor is it consistent with the county General

Plan and our community values.

This draft EIR does not adequately address impacts to the Brunswick Pond, which, I think you saw earlier in the pictures, is quite large. It's over two acres. Instead, it dismisses, and does not study or consider, the biological resources or the diversity of the pond, simply because it is man-made feature. State and federal law, however, requires that any body of water connected in any way to the overall hydrology of a watershed be protected for its biological resources and diversity.

This pond, historically, was part of a larger wetlands area that exists today immediately downstream. South Fork Wolf Creek flows immediately next to this pond. Engineering studies in the EIR suggest uncertainty and possible connectivity between the ponds and the wetlands, thus the projected need to rebuild the pond berm. Study of how this pond is fed is lacking.

Most importantly, the pond is rich with life, supporting a riparian zone with habitat for migrant birds, potentially

including the special-status black rail, pairs of beautiful wood ducks, and certainly a whole ecosystem of aquatic species. None of this is studied or considered by the EIR, in spite of our previously expressed concerns. Please do not certify this flawed EIR, and I ask you please do not approve this project. Thank you very much.

CHAIRMAN GREENO: Thank you, Wendy.

MS. JOSIE CRAWFORD: Hello, thank you very much for your incredible listening skills today. I admire your patience.

My name is Josie Crawford. I'm a resident of Grass Valley. I live on Wolf Creek in District 2. I've been here since 2004. I'm a biologist. Am I speaking too close to this?

CHAIRMAN GREENO: You're good.

MS. CRAWFORD: Okay. I'm a biologist, a botanist. And I'm part of Wolf Creek Community Alliance. I've been as a volunteer and as staff. And today I speak for the Pine Hill flannelbush, an endangered species.

This EIR does not adequately consider

the impacts to the endangered Pine Hill flannelbush. The flannelbush species on the Centennial Site is unusual and rare. And scientists are still studying it, trying to determine its exact identity; DNA most likely showing that it's going to be the Pine Hill flannelbush, the endangered one, or perhaps a new species with only this location.

The EIR treats it as the endangered Pine Hill flannelbush, but in the interest of forwarding the most financially lucrative version of this project, it defends the creation of a mine waste zone that would require the removal of 18 of these mature shrubs. And the EIR does not consider an alternative; seems like it could be simple to do that, where the boundary for the mine waste could be moved a short distance back from the population of these shrubs so as to protect all the individuals.

Instead it promotes a complicated, untested habitat-management plan, which horticultural experts at CMPS see as dangerous and very unlikely to succeed.

CDFW, the Department of Fish and Wildlife, concurs, saying that transplanting endangered species is generally experimental and largely unsuccessful. And I might say that with this species, especially show these are, even the horticultural members of this genus once developed for the trade, are so, their root system is so sensitive, you have to cut off the pot before you put it in the ground. You can't touch the roots. Imagine trying to transplant a wild shrub. It's going to be ridiculous and unsuccessful. So these mature shrubs would be dug up and transplanted in this plan. Independent evidence suggests that this would have an extremely high rate of failure. And it would end up in killing the plants. Collecting seeds and transplanting the seedlings is also unproven to work and will have a very low success rate.

CHAIRMAN GREENO: Thanks, Josie.

MS. MARY ANN HART: Hello, I feel very privileged to be in this room with everybody, thank you so much for all your time and listening to us.

My name's Mary Ann Hart [phonetic], and I live in District 2, which is downstream of Wolf Creek. I am a monitor for Wolf Creek Community Alliance, and I'm here today to speak for the stream community and with its, and also its giant stoneflies, which are a very important part.

This EIR does not adequately address impacts due to dewatering. The EIR attempts to assure us that dumping mine water into the South Fork Wolf Creek will not, it'll be too small to have an impact, or fully mitigated by the water treatment. Yet a number of agencies and groups still express their concerns, including California State Parks, California Department of Fish and Wildlife, South Yuba River Citizens League, and CRS Streams Institute. They suggest that testing for turbidity impacts is too limited, that too little study was done downstream in the Bennett Street grasslands, that temperature regulation will be more difficult than suggested, and uncertain as it will require reducing operations underground.

We want to point out that the lack of study given to the benthic micro-invertebrates, BMI, those bottom-dwelling creatures essential to the aquatic food web species, such as the giant stonefly, an important food for trout, as any fisherman would know. Yet no BMI studies, a standard protocol for assessing stream health and essential for creating a monitoring baseline, were conducted for this EIR. As Dr. David Herbst, PhD of UC Santa Cruz said in his comment, significant biological impact assessment needs to consider benthic micro-invertebrates, and the organic matter algae that are the foundation of the food chain in this section of the creek, downstream of the project. The most, the post-project the National Pollution Discharge Elimination System permit, would require this BMI monitoring, but this does not satisfy the need to assess what the effects would be before the project is implemented. So I am also asking that the Final EIR does not include this kind of essential assessment.

So please do not certify the EIR, and

do not approve this thing, this project. Thank you.

CHAIRMAN GREENO: Thank you, Mary Ann.

MR. DANNY ROBERTSON: Hi, I'm Danny Robertson. I live in District 2, and I'm with Wolf Creek Community Alliance.

I speak for the spotted owl, the foothill yellow-legged frog, and the finger rush. This draft EIR does not adequately consider impacts to birds, amphibians, or plants.

Much of the biological surveying done in the EIR centers around the presence or absence of special-status species. The EIR does a minimal job of this, initially doing so few surveys that additional ones had to be fit in and completed after the draft EIR. Yet the problems with the surveys remain the same. Special-status species are not always easy to find due to their rarity, their movement, their blooming season, or year-to-year changes. So biologists look for suitable habitat as a sign of possible presence. Unfortunately, the surveyors for this draft EIR frequently minimize the

suitability of habitat almost always in the report without substantiation or suitability of, excuse me, without substantiation or specific evidence. This bias against finding suitable habitat is pointed out repeatedly by commentators such as CMPS and other qualified experts.

Further, CDFW protocols require that surveys should space botanical field survey visits throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the project site; for example, in early, mid, and late season, to capture the floristic diversity at a level necessary to determine if special-status plants are present. Surveys were not done in this manner. The EIR instead asserts that single surveys were conducted somewhere, usually at the end, as it turns out, within a blooming or breeding season. CDFW is clear that this is not enough.

Overall, whether it is in regard to the spotted owl, the monarch butterfly, which no survey at all was undertaken, willow

flycatcher, yellow-breasted chat, foothill yellow-legged frog, or the rare finger rush, the EIR does its best not to find these species, by minimizing the potential for their presence and not following survey protocols. And if these species are found during construction, they will simply be removed, and their habitat destroyed. And if the species is disturbed by noise, loss of habitat, or other disruption, they will simply be forced to leave, as the circumstances for their survival will no longer be present.

Please, do not certify this EIR, and do not approve this project. Thank you.

CHAIRMAN GREENO: Thank you, Danny.

MS. DIANA SUAREZ: Hi, thank you for listening to all our comments. My name is Diana Suarez. I live over on Bear River.

I'm a board member of Earth Justice Ministries and a representative of Friends of Bear River. I'm a 50-year resident of Placer and Nevada Counties.

This comment addresses current and potential water pollution from the Idaho-

Maryland Mine. The water code defines water pollution as quote, "Acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances," end quote. Currently, water draining from the mine into Wolf Creek, a tributary of Bear River, contains almost six times the regulatory limit of arsenic and exceeds the limit for iron, manganese, and zinc. The Final EIR fails to specify how long-term monitoring of these substances will be accomplished. It also fails to identify how polluted mine water will be treated after the mine ceases operation.

Although the Final EIR recognizes the need for long-term monitoring, it does not specify how this long-term monitoring will be accomplished, nor does it identify mitigation measures capable of ensuring that unanticipated contaminants will not adversely affect water quality. Because it lacks a specific long-term monitoring plan, and lacks any measures needed to mitigate contaminants, the Final EIR fails to address what may be, based on historical evidence,

significant and unavoidable impacts to the environment and to the Bear River.

As the Central Valley Regional Water Quality Control Board notes, the draft EIR should be revised to address anticipated post-mining water-quality issues, and whether the mine will require long-term oversight to ensure that water-quality conditions comply with applicable regulatory requirements. The mine project ignored this comment by the Water Board.

Should this EIR be certified, the county will be left with the responsibility of managing the pollution of these remnant mine waters. This, along with its failure to address the monitoring of water quality after the mine closes, is a substantial reason to reject this flawed EIR. And I'd like to say that our water is more valuable than gold. Thank you.

CHAIRMAN GREENO: Thanks, Diana.

MR. DANIEL LOKEN: Hello, my name is Daniel Loken, and I'm the communication and engagement director at the South Yuba River Citizens League. Prior to my role here at

SYRCL, I worked locally as a teacher for 20 years.

The proposed Idaho-Maryland Mine and the EIR should both be rejected based on the identified significant and unavoidable impacts to our community and its clear conflict with the county's goals. Nevada County's stated Recreation Board objective is to, quote, "Promote sustainable recreation in partnership with community providers in other jurisdictions to enhance recreational access, support public health and safety, realize economic opportunities, and preserve natural resource assets." The Recreation Board's website goes on to state, quote, "Nevada County recognizes the connection between the health of people and ecosystems, tourism and outdoor recreation, and community resilience. The county will work with our community to address challenges and opportunities for Nevada County's open space and organize recreation priorities, furthering solutions that promote community health, safety, economic development, environmental stewardship, and

resilience," end of quote.

The Recreation Board is currently working on developing a recreation and resilience master plan with the goal of identifying key goals and objectives to address challenges and opportunities for Nevada County's open space, trails, and other recreational interfaces. And, prioritizing solutions that promote community health and safety, economic development, creative place-making, landscape restoration, environmental sustainability, climate change adaptation, and resilience.

A working mine does not fit into this master plan. A project like this will not increase the tourism appeal of the area and does not align with the goals of promoting health and safety, landscape restoration, or environmental sustainability in the region. In fact, as identified in the EIR, the mine will have a significant and unavoidable detrimental impact on the esthetic values that makes this place attractive. The county should continue, continuing to invest

resources in advancing efforts that support the recreation and resilience master plan, including addressing current priorities in the Sierra, like watershed stewardship and management, and forest management. In addition, further support of the restoration economy, which is here and employing people today, is more in line with the county's goals and priorities.

The significant and unavoidable impacts listed in the Final EIR include impacts on esthetics, traffic, and noise. Our county prides itself on its rural and scenic character and is actively working to capitalize on those values. I strongly encour--

CHAIRMAN GREENO: Thank you, Daniel.

MS. SUZI KERSTON: Hi, good afternoon. My name is Suzi Kerston, and I work at RE/MAX Gold in Grass Valley and Nevada City.

And Greg Ward asked me to come present this letter, which I've read a thousand times, and I can't get it done in three minutes so I'm going to recap a little bit. But, anyway, we have signatures from 250

businesses, thriving businesses, within our community that are against moving forward with the mine. And at the, the bottom line is they're asking that you do not certify the EIR for several inconsistencies that are part of that.

I am a realtor. And if people think it won't affect your property, it absolutely will. We have people all the time that are--the first question is, how close is the property to the mine? You know, where--how far is that circle around the mine, and what will it do to my water table? It's one thing if you're in the city and you've got treated water, but it's entirely different if you're on a well.

I live on Lost Lake Road, so I'm very familiar with the--everybody on that lake there is a Superfund site. So for those of you that don't know, Superfund sites are the federal government saying that your water is toxic on some front. You have to disclose it for the life of the property, but you--doesn't mean you always maintain that water as Superfund. It needs to be checked

periodically like that M1 site. I know that the DTSC was out there, and I don't believe they tested it again. So although they're capping it on the top, those are open mine shafts where that water is shared between Idaho-Maryland and the M1 site, so it's certainly a concern that we have.

But from a real estate perspective, I would say that people come to our community because it's beautiful, because it's gorgeous, and I don't see people staying, or wanting that draw of people to come to our area, when you've got an active, toxic mine with an 80-year contract in that location, where you've got dynamite, arsenic, all the things that we have talked about today, I don't need to reiterate those. But it does have an impact, and our customers express concerns. We have people from the Bay that are, you know, it won't be as popular as it is. You have to understand that people will move away. I personally, am not going to live in a town that has an open mine, in the middle of town, with all the things. And I do think other people will be hesitant to live here as well.

And then, I want to just talk a little

bit about the jobs and I'm going to read a specific paragraph in here, from the letter, that basically says that, "The Economic Policy Institute brief cited by Rise Gold themselves actually shows that other industries can produce - - .

[Background conversation]

CHAIRMAN GREENO: Suzi, can you--can you submit that letter in the box out there?

MS. KERSTON: Okay.

CHAIRMAN GREENO: Yeah, that'd be great. If it hasn't been. Thanks.

MALE VOICE: Finally, we have some entertainment.

[Background conversation]

MR. JEFF IRWIN: I am Jeff Ato Irwin [phonetic], District 4.

It gives me great faith that you, who have dedicated so much of your lives in service to this community, to protect us, have already discovered two lies that this company has told. One, regarding where educational tax revenues will go. And two, regarding how much waste will be created on a daily basis by Rise Gold and their

endeavors.

Given the enormity of evidence presented here by the citizen--citizenry, I trust that you will vote, "no" on the FEIR and on this project.

Following is how the majority of Nevada County feels about this project:

[Music and singing] "You must say your mining claim is what everybody needs, beneath your lying promises is the heart of your greed. We won't let you slip it in to the ground beneath our feet. Rape our land of treasures that our people sorely need. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake.

"Won't you please do us the decency of not pretending like you care. For you fill our space with toxic waste and contaminate our air. Rivers have no memory of poison in

their veins. We will fight for every drop 'til you abandon all your claims. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake.

"Won't start to put the planet back to the place where it belongs. Sacred righteous architect, the beats in every song. Take dominion, exploitation, and greed without remorse. Bring harmony and dignity and honoring our songs. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake. Wells run dry and the people are thirsty, wells run dry and the people awake."

Thank you.

CHAIRMAN GREENO: Jeff, thank you for

presenting on key.

[Laughter]

MR. IRWIN: Cheers.

MS. ITERA O'CONNELL: Good afternoon. My name is Itera O'Connell [phonetic]. I live in Grass Valley and have been since 2020, I guess it is--no, since before that. I've been here 20 years. My math is not that good, but my speaking voice is better. You wanted entertainment, so here we are.

Okay. So this is in relationship to the Wolf Creek Community Alliance. This DEIR ignores cumulative impacts as speculative, when those impacts reasonably could be studied and considered. I guess the major thing that we're looking at right now is an 80-year project, which kind of blows my mind. Eighty years is just beyond any possibility of us imagining, during climate change, how this will affect our community.

We know that it will split up our community into a major industrial complex in an area that's zoned for Light Industry. So that's part of it, the EIR, that I object to.

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

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

Most egregious, however, is the dismissal of climate change as an impact to be considered. The EIR dismisses these concerns as speculative, whereas, the State of California and numerous agencies have clearly acknowledged the existence of trends

due to climate change: higher temperatures; increased drought, punctuated by extreme weather events; reduced water supply. Further, these entire--entities are modifying policy, programs, and goals to meet these challenges.

The DEIR attempts to look scientific--I'm sorry. Attempts to look scientific regarding all this by citing a single 2012 paper claiming that it shows wide uncertainty about the impacts of climate change concerning groundwater recharge. Yet the application--that the paper itself, and its content, and its conclusions argues that the groundwater age is in all the springs tested appears to be [laughter]--looking at the zero.

[Laughter]

CHAIRMAN GREENO: Thanks, Itera.

[Background Conversation]

MS. CARRIE MONAHAN: Good afternoon. Thank you so much for holding this space for all these comments and for the opportunity to be a part of this important process.

My name is Carrie Monahan, I'm the

Program Director at the Sierra Fund. I'm also faculty at CSU, Chico in the Environmental Sciences and Geology Department. My PhD is in hydrology, with an emphasis on water quality, and I've studied the impact of mining to the Sierra for the past decade and a half.

The Sierra Fund has submitted technical comments on the DEIR and the FEIR to the County. In short, we feel that the County did not address our comments on the DEIR. The responses to our comments were either to deflect the responsibility to another agency, specifically, the Water Board, or provide a technically inaccurate response. So I wanted to bring a few of these to your immediate attention verbally, and I have also submitted these as comments to staff.

The impacts to water quality are significant, long-lasting, and expensive. And the mine proponent has not done his due diligence to address these issues. We know that these water quality impacts are present, because of the current EPA cleanup on the Centennial Site. This site has the waste

rock from the Idaho-Maryland Mine workings on it in large piles. This material's been sitting out in the elements for some time, and water has been running off this material every time it rains.

There are elevated levels of known contaminants from this pile of waste rock including lead, arsenic, hexavalent chromium, iron, manganese, antimony, and copper. In addition, the water quality standards provided in the document are only sufficient for discharging to land. This might be sufficient for a construction site, but not appropriate for mine water going into the creek that can affect aquatic life. The County should demand a surface water monitoring plan from the mine proponent. It is not expensive to create a monitoring plan, and it is common practice for it to be included in an environmental analysis.

The second overarching point is that the mine proponent did a woefully inadequate job of testing the deposit. Which means that very little is known about the geochemistry of the rock. For example, four

million tons of waste will be placed at two sites near the mine during the first eleven years of the mining, and it was characterized by four tailing samples and by six samples of the waste rock. This level of sampling, and without any leach tests, does not meet the basic guidelines from the GARD Guide, which is the industry standard for reference testing.

The geotechnical engineering work was not included as an attachment to the EIR, which makes the descriptions of the waste rock tailings' facilities, described in the EIR, purely conceptual, with no technical assessment of their viability. Lacking this information should evoke a significant level of concern.

And, finally, the biggest problem with this entire approach to permitting a mine, is that there is inadequate financial assurances for the cost of reclamation, because it does not include the cost of ongoing water quality treatment.

Mine reclamation could easily run into the millions of dollars, and if the mine

proponent goes bankrupt, then there's supposed to be sufficient bonds to cover these costs. The County should demand that the mine proponent estimate the cost of ongoing water treatment, and reject this proposal.

Thank you.

CHAIRMAN GREENO: Thank you, Cara [sic]. And are these our last six, Jeff?

We can do these six, and then we'll be done for the day. Thank you.

MS. MARIAN BLAIR: I'm so glad, thank you. My name's Marian Blair, and--

CHAIRMAN GREENO: [Interposing] Mary Ann--

MS. BLAIR: --I live in District 3.

CHAIRMAN GREENO: Thank you. Hold on one second.

MS. BLAIR: Sure.

CHAIRMAN GREENO: Can you start her over? Jeff, can you make sure Tyler knows so he's not lining anybody up outside, please. Thanks. Sorry, Mary Ann.

MS. BLAIR: No problem. My name's Marian Blair, and I represent Earth Justice

Ministries.

Record drought and wildfires and a winter of a dozen atmospheric rivers in California make it clear that we have a climate crisis impacting California, our beloved community of Grass Valley and Nevada City, and beyond. Earth Justice Ministries' mission statement includes the following: We connect faith to actions that bring hope for the Earth, the human family, and the community of life, to further the cause of peace, justice, and healing of the Earth. We feel that it is Earth Justice Ministries' responsibility to protect our community and combat climate change, among other things.

The proposed reopening of the IMM, the Idaho-Maryland Mine, will not bring hope for the Earth, the human family, and the community of life. As a community, we need to be pushing for a just and equitable energy transition away from fossil fuels, which are the driving force behind the climate crisis.

In fact, California Senate Bill 350 aims to establish clean energy, clean air,

and greenhouse gas reductions, reducing its emissions significantly within the next decade. SB350 also requires the state to double statewide energy efficiency savings; yet, operations are projected to use as much electricity in one year as the entire town of Grass Valley uses in a year.

California's been working hard to reduce greenhouse gas emissions by switching to cleaner energy sources, and since 1990, energy—clean energy sources have been increased by 22%. Still over 40% of these emissions come from vehicles, a quarter of which are heavy trucks. The FEIR downplays the impacts of greenhouse gas emissions this project would create, along with many other environmental impacts that our attentive community questioned in the DEIR.

The repeated use of Master Responses whitewashes the significance of these impacts under a legal cloak of empty, and often conflicting, statements. Specifically, the following FEIR Master Response 25 states, "The actions within the energy action plan are voluntary, and do not require the County

or community to meet the reduction goals. Nevertheless, the project is found to be consistent with the EAP." This statement is followed by a chart of the assumptions regarding how the mine will voluntarily reduce its use of electricity. However, assumptions are not strategies.

Additionally, this land is heritage Nisenan Land, which was never ceded to immigrants. There's been little attempt made in the FEIR to consider the cultural resources of these indigenous people whose ancestral lands and livelihoods were virtually destroyed by gold mining. A recent personal conversation--oops--with Wanda Enos, of the Kelly Enos Homewok [phonetic] representing the local Nisenan community, confirms they were never consulted, contrary to the following statement in the FEIR, which states local tribes were notified, and invited to consult on the proposed project. This is another example of the whitewash to make it appear they are complying with CEQA. It is our responsibility, and honor, to provide the

ethics of care and guardianship to this land. Prioritizing profit over sustainability is an inequity in the rights and concern for indigenous peoples and all local communities. We - - .

[Background conversation]

CHAIRMAN GREENO: Marian, thanks for the fresh testimony.

MS. KATHERINE GURWAY: - - name. This is--I'm Katherine Gurway [phonetic], and I'm here to talk about your FEIR. I'm totally against the mine.

I've been--my family's been invested in mining for a long time, so I've visited mines in--all over Utah and Nevada. And they are not friendly. This gentleman just reminded me how unpopular they are when they're brought up in other cities. Yes, they are very unpopular, because they're very destructive. And, here, I think that I can't repeat all the great homework all these people have done. They've made such good presentations about things that are reasons not to have this FEIR accepted. And I fully agree with all of them, and I would

like to-- I want not to repeat them.

Listen to what they had to say. And I was understanding that they were cleaning up the Centennial Site, because there's arsenic there. Arsenic is still there, and it will continue, because these drugs have to be-- drugs--are they drugs? Cyanide and arsenic are needed to separate the gold from the rock. So they're there--one way or another. Mercury is there; it's still there. How are they going to take it out of the water? I don't know, but they're going to pile it up on the--excuse me--Centennial Site again. This is wrong. It's just really bad. Twenty-five words or less. I still have one minute and 43 minutes--seconds. I'm going to let the next person say it. But please listen to--pay attention to all those presentations. They did their homework. Thank you.

CHAIRMAN GREENO: Thanks, Katherine.

MS. MICHALYN LOGUE: Hello. My name is Michalyn Logue [phonetic]. I live in Grass Valley. And I work for the Nevada County Arts Council.

One thing that's been talked about a lot here is the vitriol and animosity, but I believe that we're all gathered, unified in purpose. We care about this community, and we want to make sure that it grows and thrives into the future.

It's been discussed how many jobs will be contributed, how much will be paid in taxes. I don't know if you guys know, but Grass Valley, Nevada City is a Cultural District, one of 14 in California, one of four rural such designations. We just recently re-received designation and that will come with some funding. That funding will go towards hiring an individual dedicated to the development of our Cultural District. I do believe that if we are turned into a one-industry town, the culture will disperse, and we will no longer have that valuable resource.

You mentioned the uniqueness of our community. The true gold--gold here, not to be extracted, but to be invested in, is the creative community that is in this room, that is in front of this building, that is

in their homes. In 2018, when we received Cultural District designation, Nevada County brought in $47 million in arts and arts ancillary spending. Five million of that was state and local taxes, 21 million was take-home pay, created nearly 1,000 full-time jobs. I do believe that is more jobs than what has been promised today.

I hope that you understand the value of the arts and culture when it comes to stewarding the future; not just for our town, or California, or the country, but the world, and we set an example here with what you decide, and what you tell your supervisors today.

Thank you.

CHAIRMAN GREENO: Thank you, Michalyn.

MR. GEORGE OLIVE: Hi. My name is George Olive. I live at 15356 Banner Lava Cap Road, up on Banner Mountain. My family and I moved to Nevada County in 1980. I worked in various county school districts for 25 years, and I'm currently the president of the governing board of the South Yuba River Citizens League, known as

SYRCL. You've heard from us before.

I address the Planning Commissioners this evening. I hope I'm going to offer a slightly different point of view than has been said before. SYRCL asked the commissioner--the commission to consider contrasting environmental impacts. What type of multiyear, multidecade project is best for our county? Because SYRCL's vision for our local watershed is one of restoration and protection. Because much of our work on the lower Yuba is cleaning up the impacts of mining, the prospect of a reactivated hard rock mine is hard to swallow. In fact, it makes me gag.

SYRCL is a 40-year-old, regionally influential, and locally effective, organization. We are all about planning. Planning for the future health of our water, our forests, and our communities. We are here today to urge that the Planning Commissioners to join us in our vision of a county that prioritizes health, that prioritizes improved water and air quality, that approves projects that are constructive,

progressive, and future-oriented.

Dewatering, extracting, piling toxic tailings for multiple decades is regressive planning. Hard rock mining takes our county backwards. Products that are forward-looking make life better. Restoration improves lives for our citizens. SYRCL's projects provide sustainable jobs for many contractors. Our grant programs bring in millions of dollars that are spent in our region on improving our rivers, our forests, habitats for wildlife, and recreation for our citizens.

The FEIR on which you must pass judgment calls for mitigations for controls, for protective measures in case of damage or disaster. A mining project, and all the negatives that go with it, can only move critical aspects of local life backwards. What might be improved that warrants a few jobs?

Nevada County's planning buck stops with you. You five people, SYRCL respectfully recommends that your decision-making and recommendations to the Board of

Supervisors on the Idaho-Maryland Mine turn us away from mitigation, extraction, and retrograde heavy industry, and towards progress in improved quality of life, healthier air, and waterways.

[Silence]

MR. JONAH: There's a start. Hello. Thank you for being here. It's been a really long day. You all did great. Thank you for still giving me your attention.

My name is Jonah. I work with Nevada County Sunrise. We work on mobilizing young people to address the climate emergency that we all find ourselves in. And I think that that is an important aspect that needs to be brought up.

You would have seen more young people from the get-go, but just getting those tickets, were a hard time. Getting students to leave school, or me to leave work, that's a lot of work. So it's not as accessible, but I want to let you know that there are a lot of young people that care deeply about this.

And it's more, a broader conversation

about the world that we want to live in, and the world that we want passed on to us. And that we already feel that there has been a tremendous amount of environmental degradation and social injustices that also are carried with those, that if, you know, they're countless. We can't count them all, we can try, but there's--there's just a lot, and it's really depressing and challenging to be a young person. Not to mention all the other stuff we have to deal with, and I'm sure you all are already in the loop with social media and all of the bombardment of media always hitting you.

But the fact that we don't have a world that we can take for granted anymore is huge. And this project is another step in that same direction. And I hope you deeply feel and acknowledge that, that it really to us you're passing, passing society and passing the earth over to us as we will if we have kids, and the generations that come after us.

This county was built on the gold rush. That has, you know, some wealth, and it also has a lot of injustice and environmental

degradation that went with it. And we're looking at that same choice again. I would love to see less miners. I would see more recognition of the indigenous folks that were out here. And just more acknowledgement of what's really happening versus looking at the money, whitewashing it to the colonialism that happened here.

And, so yeah, thank you for listening to me, for hearing us. I'm hoping that you're going to hear more young people tomorrow. We're going to do our best to get some of us in here, and we, as an organization, are actively working to talk to y'all more, so you can hear our student voices. Once again, thank you.

CHAIRMAN GREENO: Jonah, thank you for the fresh representation.

MS. SHARON GOLDEN: Hi there. Sharon Golden, labor researcher, Operating Engineers Local 3.

I'm sure you guys know this, but Nevada County has a median income of $62,000 a year. Average annual base wages at the mine are expected to be nearly double that, $112,000.

The lowest-paid positions are expected to be $76,000 a year, which is 14 thousand more than the average median income in the county, which is also 17% higher.

Two hundred and ninety-three of these jobs are expected to be union operating engineer jobs. Our workers are skilled and trained. Not only having an expert equipment operator create a safer work site, our training also teaches workers to identify and report potential problems. These local union workers also wouldn't want their water contaminated.

Due to the day and time of this meeting, a lot of people who want these careers were unable to attend. Instead, there's an overwhelming number of people who have had a successful career, and that were provided retirement, that were able to be here. Nevada County working-age folks deserve that same opportunity--a successful career and a chance for retirement.

I also would like to point out that gold isn't everything. Even this phone I'm talking on. We want to make sure gold is

mined by skilled and trained professionals in the state with the tightest environmental and OSHA standards in the county to ensure that things are done safely.

Rise Gold Corp has identified dozens of entry-level training positions to give locals an opportunity to learn the field and fill these available positions. When talking to us, this has been their main priority. We look forward to helping Rise get the working folks in this community high road careers with benefits and the opportunity for retirement like others that are here in this room.

Please approve the EIR and staff Recommendation B. Give locals a chance for a good-paying career and a chance for retirement. Thank you.

CHAIRMAN GREENO: Sharon, thank you for another great representation of something that hasn't been represented today.

MS. GOLDEN: Yes, thank you.

CHAIRMAN GREENO: All right. Look at that. Five o'clock.

FEMALE VOICE: We have to be out of

here.

CHAIRMAN GREENO: Yes, we do. Thank you everyone for coming. We will be reconvening here tomorrow morning at nine a.m. And we will take--we'll be taking public comment--continuing public comment at that time.

THE CLERK: And, Chair, if I may, we will start at Number 66 tomorrow.

CHAIRMAN GREENO: Sixty-six. Yes, do I have a motion to adjourn, if we need that?

FEMALE VOICE: - - adjourn the meeting until tomorrow at nine.

CHAIRMAN GREENO: Second?

FEMALE VOICE: I'll second that.

CHAIRMAN GREENO: All right. All in favor?

COMMISSIONERS: Aye.

CHAIRMAN GREENO: Aye. Motion carries.

[END 2023-05-10 MINE PC audio.mp3]

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

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

Date ____July 5, 2023____

----------x

Transcription of

Nevada County

Planning Commission Hearing

May 11, 2023

----------x

REPORTED BY: Brandi Chamberlain

[START 2023-05-11 MINE PC audio.mp3]

CHAIRMAN WILLIAM GREENO: Good morning. I'm calling this hearing to order at 9 a.m. Please rise and salute the flag.

MULTIPLE VOICES: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

CHAIRMAN GREENO: You're good. Good morning. Well, here we are day two. I just want to give kind of the lay of the land to, uh, how we're going to proceed today. We're going to continue with public testimony. And what I would--what I would like to do is it looks like a pretty consolidated group anyway. I'm going to call for a hard stop at 2:00, so that we can have time for deliberation, any final comments, and then actually to move on and make a recommendation.

As a reminder, this is a step in the process. We are making a recommendation. If we--if we are unable to make a recommendation, then we have to call for a

continuance, which could be three weeks, a month, or more, uh, which holds back the final part of the process, which is the Supervisor's hearing on this--on this topic.

So in an effort, I think both sides would really like, um--and if there's a third side, would, would like to see us move on, and get to the next step beyond the recommendation. So if you--if we can consolidate, I think some of--some of you already have kind of consolidated, and I appreciate that.

COMMISSIONER TERENCE MCATEER: Excuse me. I'd just like to also note how much we all appreciate the civility of yesterday. And that showed what Nevada County is like. And I know--knew it to come true that you look at other public hearings and how--on TV, and how nasty things can get. And I just wanted to say, and I know the rest of my commissioners feel the same way, thank you very much for showing what the greatness of Nevada County is.

CHAIRMAN GREENO: Thanks, Terry.

[Applause]

CHAIRMAN GREENO: All right. With that, we're ready.

THE CLERK: Chair, if we could go ahead and take roll call, real quick?

CHAIRMAN GREENO: Oh, thank you. Sorry. We'll do that first.

THE CLERK: Commissioner Milman?

COMMISSIONER DANNY MILMAN: Here.

THE CLERK: Commissioner Duncan?

COMMISSIONER LAURA DUNCAN: Here.

THE CLERK: Commissioner McAteer?

COMMISSIONER MCATEER: Present.

THE CLERK: Commissioner Mastrodonato?

COMMISSIONER MIKE MASTRODONATO: Here.

THE CLERK: And Chair Greeno?

CHAIRMAN GREENO: Here. All right. And do we have anyone ready to take the podium?

COMMISSIONER DUNCAN: Which number are we starting with?

THE CLERK: We'll be starting with 66 today.

CHAIRMAN GREENO: 66? We have a winner. I think--so folks that are here, uh, if you're here at this point, and you're after

66 somewhere, and you want to jump in line, that would be--that would be appropriate. Let's say--let's say the next ten.

MR. PATRICK BOILEAU: Hi, good morning. My name is Patrick Boileau. I'm the Deputy Political Director with the Operating Engineers Local 3. I'm here today on behalf of our members, especially the 300 members who live here in Nevada County. Many of them couldn't be here, but they're excited about the prospect of this mine because it gives them a chance to work right here in the community they live in.

While our union doesn't yet have an agreement with the company to represent the workers at the mine, we fully believe that we will by the time the mine opens. That's because the company has taken a high road approach to employment, offering good wages, good benefits, and good training to their workers. These are the kinds of companies that unions like ours find are good partners for us in representing the union workers.

I wanted to address something I heard pretty frequently in the comments yesterday.

Many of the opponents to this project refer to this mine as a few jobs. And while I don't think that 293 nonmanagement positions is just a few jobs, I guess that's a matter of opinion. I do want to talk, though, about the value of one job.

One job can mean that a family puts a down payment on a home. One job can mean--

FEMALE VOICE: [Interposing] - -.

MR. BOILEAU: One job can mean that a worker has healthcare benefits that prevent them from being one medical bill away from bankruptcy. One bill, one--

CHAIRMAN GREENO: [Interposing] Thank you. We won't have any outbursts. If you would like to stay here in the chambers, you'll need to be silent.

MR. BOILEAU: One job, after many, many years of work, can mean that a worker can retire with dignity. One job is a pathway for a blue-collar worker to a middle class life.

So when you think about it in those terms, 293 jobs add up to quite a lot. So I'm asking you to approve the EIR, recommend

approval of the project to the Board of Supervisors, so we can get to work.

CHAIRMAN GREENO: Thank you, Patrick.

MS. MARGARET IRKY: I'm number 70. I hope that's okay. If there is somebody that wants to go ahead of me that's got a lower number, just yell. Okay.

CHAIRMAN GREENO: Keep it rolling.

MS. IRKY: My name is Margaret Irky [phonetic]. My husband and I, and our two children, moved here to Nevada County from southern California in 1975. We had wanted to find a better place to raise our children and to start our own business. After visiting Grass Valley, we fell in love with the area, and we were drawn by the four distinct seasons and, of course, the gorgeous scenery.

We also enjoyed the fascinating gold country history. Whenever any family members would come visit, we would always take them to all the museums because we thought that was really cool.

I have lived here now for 48 years. There are four generations in our family now

in Nevada County. Less than half of our descendants were able to stay here because there has been a lack of jobs. Nevada County now has a golden opportunity to remedy that situation.

In the United States, many cities and counties, and even states, spend a lot of time and money trying to recruit new industries for their areas. Most of them don't have much to offer to attract new businesses, but Nevada County has a valuable resource, a valuable asset. We have treasure trove of underground gold, and Rise has the skill and the resources to develop it.

Thankfully, our gold can be mined with a minimum of surface disturbance, unlike the open pit mines that other places in the United States have. The EIR shows there will be minimal impact. Let's take advantage of the work Rise has done to prepare the way for this new enterprise.

New developments can often cause us to be fearful. I recall when the first roundabout was proposed for Grass Valley.

There was a lot of testimony in this room about how awful they would be. And now, years later, we all use them, and we're perfectly happy with them. I suspect the same thing will prove true concerning the mine. There are so many benefits like taxes and jobs that we will receive from this project. So I urge Nevada County to approve the Idaho-Maryland Mine. Thank you.

CHAIRMAN GREENO: Thank you, Margaret.

MS. CHRISTINE NEWSOM: Good morning. My name is Christine Newsom. I'm a retired physician, having been in practice in Nevada County for close to 30 years. We've been residents here, my family and I, for over 40 years. I'm most concerned about the reopening of the Idaho-Maryland Mine based on the health implications. There are a number of potential health implications which I believe are not nearly adequately mitigated.

You've heard a lot about these concerns. The one that concerns me the most is air quality, specifically not just particulate matter and ozone--pre-ozone chemicals that

will be produced, but in addition the asbestos issue which is, to me, clearly not well-mitigated.

A mine that is in, or right next to, a population center in northern California where the ore is so rich in serpentine and other sources of asbestos should not be opened. Rather going--rather than going into more scientific detail, I'm going to just read you section--a section of the California Health and Safety Code.

Section 41700 of the California Health and Safety Code states that a person must not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance, to any considerable number of persons or to the public; or that endanger the comfort, repose, health, or safety of any of those persons or the public; or that cause, or have a natural tendency to cause, injury or damage to business or property.

This section also applies to sources of objectionable odors.

So, in summary, I thank you for your patience in hearing us all and your time. And I hope you will put the health of Nevada County residents at the top of your list of considerations.

CHAIRMAN GREENO: Thank you, Christine.

MR. PAT BROWNING: Yeah. I'm Pat Browning. I was born here in Grass Valley, 1939. My dad worked in all the mines here, my uncles. This is what brought this county into a really nice place.

I just heard a lady talk about asbestos. One little speck, I think she said something like that, is against the law. Every one of us today has put a little asbestos out in the air just by driving here. All the brakes on all vehicles have asbestos brakes. That is not--you know, you're going to--but anyhow, I'm for the mine.

The Rears [phonetic], Fred Langdon [phonetic], the Milhous Boy Ranch [phonetic], is for the mine. And there's a lot of things I want to say. I can't remember them all, but we need to get these mines going again. So thank you.

CHAIRMAN GREENO: Thanks, Pat.

MS. PAM KISSLER: Hi. My name is Pam Kissler. I've taught in northern California for 50 years in public schools. As a concerned citizen, I'm asking you to just say no to reopening the mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life.

My family has owned property in Nevada County since 1967. My home is a 28-acre ranch on Auburn Road. It's covered with native California grasses, blackberries, and beautiful wildflowers. There are old growth black oak trees, ponderosa pine, white alder, incense cedar, black walnut, redwood, Colorado blue spruce, sequoia, manzanita, incense cedar, white leaf maple, Douglas fir, and willow trees.

Wolf Creek runs all along my property and is home to a diverse species of fish and birds. There are deer, foxes, opossum, raccoons, wild turkeys, Canadian geese, ducks, hawks, owls, bats, squirrels, snakes, coyotes, and the occasional mountain lion,

bobcat, and black bear. All these animals would be threatened and negatively impacted if Rise Gold were to be allowed to reopen the mine.

Based on its past record of mining operations in Canada, Rise Gold cannot be trusted to honor their word to carry out self-monitoring and clean up after themselves, even if it were possible to mitigate the horrendous impact mining would have on our environment. Reopening the mine would be devastating to plants, trees, and all wildlife in the area. It would destroy the quality of our water, impact our wells, pollute our air, and destroy the quality of our lives. Our groundwater would be further depleted and poisoned. All this, so that Rise Gold owners could get rich.

My family has enjoyed the beauty of this area, as well as the abundance of hiking and biking trails, campsites, and rivers. We have rafted on the Bear River, Yuba River, and the American River. Please do not allow the mine to reopen and destroy the beauty which God has given to us. He

charged us to be good custodians of the Earth and to protect the animals and their habitats. It's in your hands whether we will be allowed to do so. Thank you for your wise and compassionate consideration in this matter.

CHAIRMAN GREENO: Thank you, Pam.

MR. JOHN CURTIN: Good morning. Thanks for having us again on the second day. My name is John Curtin. I'm the Director of Organizing over at the Operating Engineers Local 3. And we support the gold mine 100%. Many of us have--many people have spoken here today, or yesterday, about how many jobs the mine will create, but what they're breezing over is how good-paying union jobs helps individuals, families, and the community. They say the impact is not worth it, but it is.

And I get it. Such--with such a low union density in the area, they don't realize how having a union job can help a person, their family, and which, in turn, impacts the entire community. And that hasn't been truly brought home here, and we

can tell by the public comments that we heard yesterday. Having 290-plus union families in the area isn't just a new job. It's a career.

I think also--but I also need to talk about the training and how we look out for our community. And our ability to train these future employees will provide them with a skill set for a lifetime, not just here, but out there if they choose not to work there anymore.

The EIR report is--the EIR report is done and all I hear about is how the mine is going to contaminate drinking water. Has everyone forgot where we live? We live here in California, the most regulated state in the nation. Do you really think that the mine is going to contaminate your water? And don't they have to drink it too?

I urge you--I urge the Planning Commission to accept the EIR report, and the recommendation be the community as a progressive--is progressive in having a, a union presence with a skilled and trained workforce at this mine, what this community

needs and deserves. Thank you.

CHAIRMAN GREENO: Thank you, John.

MS. SARAH PROCTOR: Good morning. I'm Sarah Proctor [phonetic] and I'm from Grass Valley, District 3. My concerns are for the environment. Number one is the air would be toxic because of the mining that comes in. So I'm, I'm "no" for the mining because of the air being toxic with the arsenic and the--I can't remember the other one. But I am not going to be for the mine because it's just--it's going to cause--the dust from the--sorry, I'm nervous. The dust is going to cause more cancer risk factors of the diesel trucks, for one.

Two, the other would be the toxic from the gases, the oils that are going to be used. And where is all that going to go if it's indoors? It's going to come out into the air, and it's going to pollute the waters.

And also for the animals, I'm very compassionate about animals. And I could see where the toxicity of the water would also be harmful to the animals that we

already have here in this beautiful county. I would hate to miss all the wildlife, the trees, the clear air that we have here.

If you go down to LA, for instance, it's polluted air. You can just see it, not very clear down there. And same with Yuba County.

So I'm going to say "no" to the mine. Please, you've heard a lot of compliments or complaints about the mine. So please don't let the mine go in. It's just not for the environment. I can see that it will pose a danger to our health. It could cause cancer. It could cause asbestos in our lungs which we don't want.

And I think if we have--it takes a community to build a village. And all of us here today, you've heard "yes" on the mine and "no" on the mine. And I just say "no." I'm sorry for that.

CHAIRMAN GREENO: Thanks, Sarah.

MR. MARIO CARDOZA: Good morning. My name is Mario Cardoza [phonetic]. I'm an Organizer for the Operating Engineers Local 3, and I cover this area for work. I was

here yesterday. And so many people say that there are tradeoffs with having a mine, and how there aren't enough workers to justify this mine being passed. But they don't know what it is to be in a union.

My wife had a--had a very extensive surgery just three weeks ago, but with our benefits, our copay and medical bills were affordable without putting my family in a financial hardship. And I was able to take the time off to take care of her while she healed.

I also have three kids, and they're also covered under our benefits. All their doctor visits, hospital visits—you know how kids are. We frequent those places. The mine will provide opportunity for the local community to have careers with a livable wage and benefits, to provide for their families like I have for mine.

I ask the Planning Commission to accept the EIR and the staff, staff recommendation be these aren't just jobs. These are careers that support working families. Thank you.

CHAIRMAN GREENO: Thank you, Mario.

MR. STEVEN KUBLAR: Good morning. My name is Steven Kublar [phonetic]. I'm here with the Operating Engineers Local 3, as well as these—that better? I'll squat down a little bit.

CHAIRMAN GREENO: Thanks Steven.

MR. KUBLAR: Yeah. So, like I said, you guys have heard from my coworkers at this point on how this would be a good thing for the local community. So I wanted to talk to you guys on a personal level. I am a member of the Colfax-Todds Valley Miwok Tribe.

CHAIRMAN GREENO: Can we—it does need to stay on the, the topic of the project, though. Yes?

MR. KUBLAR: Yeah.

CHAIRMAN GREENO: Okay.

MR. KUBLAR: It is. I'm just letting you know.

CHAIRMAN GREENO: Okay.

MR. KUBLAR: And I--and I heard yesterday several people talking about protecting the Native American heritage and

culture. I'm in favor of that myself. The Idaho-Maryland Mine location has been disturbed in the past and no longer holds the historical significance that it may have. I'd much rather see a mine in a location like this than a spot that has not been disturbed.

To put this into perspective, there was a construction project in Colfax last year to build a new ampm gas station. When the project was being constructed more than 500 Native American artifacts were unearthed. I didn't see the community out there protecting the Native American culture then.

Besides being a local tribe member, my father and grandfather were gold miners. This community, and the one I was raised in, were built on the mining industry. And the mines of today are not the same mines that my family worked in. The state of California has some of the most strict regulations for mining. This mine can operate at a level that will meet or exceed those regulations. So I'd like to see it move forward and ask that you support it as

well.

CHAIRMAN GREENO: Steven, thank you.

THE CLERK: Chair, if I may? Can we ask anybody with number up to 93 to go ahead and get in line?

CHAIRMAN GREENO: Yes, you may.

MS. GRETCHEN FLOOR: Good morning. My name is Gretchen Floor [phonetic]. Throughout this public comment period, you may have noticed there are numerous scientists among the residents of Nevada County. I am also a scientist. My PhD is in aquatic ecosystems and wildlife biology, specifically herpetology. That's the study of amphibians and reptiles.

I have over 40 peer-reviewed publications in national and international professional journals. And I have been an expert witness. In addition to being a research scientist, I have been an environmental consultant for 30 years and currently am the principal biologist of a company that specializes in CEQA and NEPA documents and permitting.

I reside in Grass Valley, in the Cedar

Ridge area, approximately two to three miles from the mine. Ours may be a rural community, but it is not economically stressed. There are no data to back up that statement, and it is easy to find other graphs to show that the area's population is fairly stable, as is its economy, post-COVID. It's very easy to cherry pick and choose what data one puts into an EIR.

Further, this is a highly educated public, who has taken apart the DEIR and FEIR, molecule by molecule, as CEQA intended the public to do. Yesterday the public dissected the massively flawed, and biased, CEQA document and pointed out dozens of errors and omissions. There are more, and I'm sure you will hear more about that today. I would like to address two.

I reviewed the biological and hydrological sections of the DEIR, as that's my main area of expertise. The biological resources section, as written, would not pass the first round of internal review at my company. Surveys meeting the standards of the state and federal agencies were never

conducted. Reconnaissance surveys were not conducted--were conducted.

Reconnaissance basically means, you know, took a walkabout. Typically, a junior level biologist does these for a few hours. These are not surveys. They're little more than just a meandering walk. It does not meet the standards to identify threatened or endangered species.

Further, the studies were conducted in December and January. As a herpetologist, I can tell you that turtles are buried in the mud and frogs are also buried in the mud in December and January. So you can make sure that you get a negative result if you conduct your surveys that way. Very easy to give a client the answer they want.

The impacts of waters discharged to Wolf Creek are not discussed. It is more related to turbidity, oxygen levels, and temperature changes for species whose natural history is tied to the ebb and flow of the natural seasons and flows of the creek.

Lastly, explosives are not addressed in

the wildfire section. Where are they going to be stored? I urge you to vote no.

CHAIRMAN GREENO: Thank you, Gretchen.

MS. CAROLINE TRAPANESE: Hi. I'm Caroline Trapanese [phonetic], a resident of Cedar Ridge. I love living there, been there seven years. I do have concerns in regards to this proposed project. The tailings from the mine in the park, of the Empire Park, they were so high with arsenic that the park was concerned about the visitors and the hikers. So they had to cover the tailings with topsoil in order to protect the visitors and hikers. Also, these tailings are going to be stored from this proposed project on the grounds of the--of the proposed project. And I could imagine what this will eventually do with the high levels of arsenic that will be coming from that.

You're going to be dewatering 367 miles of mines. And you will probably--most likely water--lower the water table so low that it will affect the neighbors' wells, which is very unfortunate.

I am concerned about the purification and the process to remove the heavy metals and toxins from the mine waters. Is that really, truly going to be pure enough in order to protect humans, animals, fish, birds, and fauna? I'm very concerned about that.

Sinkholes. We have--when you dewater 367 miles of mine tunnels, you're going to cause a vacuum. Now, that vacuum was already felt on Freeman Lane when a sinkhole seven stories deep happened. There also was an incident in 2017 on Brunswick Road. All across the road there was a 14-inch drop. That had to be repaired. Hansen's [phonetic] repaired that with the cost of $635,300. It took three weeks. Everyone was inconvenienced because of that sinkhole.

Earthquakes. I was flabbergasted. 200 feet away you're going to be blasting. That could actually cause a rupture in that fault. Also, aquifers can also have difficulties when they're being blasted. The noise, the machinery will be droning on for 24/7. When we had our electricity out for 12 days, and

last year 14 days, because of the snow difficulties, the generators droned on and on and on. And it was so annoying. By the time that we finally got our power back on, our neighbors were exhausted.

CHAIRMAN GREENO: Thank you, Caroline.

DR. PETE SABEY: I'm Dr. Pete Sabey. My doctorate is in counseling psychology, and I've retired after 33 years as a California-licensed marriage and family therapist in Davis, Claremont, and Grass Valley. With all the places in the country to choose from, we chose Grass Valley.

It seems clear to me that reopening the mine would damage public health both from a physical and mental health perspective. Both physical and mental health are impacted by noise. My predecessor just was trying to talk about that. To my knowledge, the Final Environmental Impact Report does not adequately, or honestly, address this important issue.

And Rise lawyer Braiden Chadwick [phonetic], very polished presentation, which suggests that everything will go

according to plan. I would submit Murphy's Law has not been repealed.

On the physical level, any ambient noise impacts the health of that exquisitely complex part of our anatomy, the ear. Like anything, overuse accelerates wear and breakdown of this vital part of human thriving in family and community.

And this disruption becomes a mental health problem since any increase in isolation caused by hearing loss increases depression and anxiety. Recent studies show loneliness shortens lifespan. Our surgeon general spoke movingly about that recently.

Regarding overall health, the arousal caused by excess intermittent noise--rock crushers, trucks rumbling on our roads, and who knows whether the sound of blasting really will be contained--causes release of cortisols by activating the hypothalamus, pituitary, adrenal axis. A little technical there, but it's real. Cortisols are inflammatory. And as it became clear to medical researchers that elevated inflammation is strongly implicated in

cancer, heart disease, and many other pathologies.

To open the mine, then, would be counter to sound public health policy. I would urge you to add this factor to the many other reasons that have already been stated for rejecting a very flawed EIR. Promises of mitigation coming from a CIO under indictment, or at least with a rather shady track record, should be regarded with the keenest of skepticism. Thank you.

COMMISSIONER MCATEER: Here comes 96-year-old Anita. There she is. Watch out.

[Laughter]

CHAIRMAN GREENO: I didn't think we were supposed to talk about a woman's age.

[Laughter]

COMMISSIONER MCATEER: Anita is exceedingly proud of her age.

MS. ANITA WALDTUTTLE: I'm amazed that I'm my age.

[Laughter]

MS. WALDTUTTLE: My name is Anita Waldtuttle and I live at 6 Rockwood Drive in Grass Valley, which is in District 3 with

Supervisor Lisa Swarthout and Planning Commissioner Terry McAteer.

I have appeared before you several times over the past years, commenting specifically on air pollution via asbestos particles, and noise, and vibration, all of which defy mitigation as required by CEQA.

This is my last formal comment to the Planning Commission regarding the Final EIR for the proposed reopening of the Idaho-Maryland Mine by Rise Gold Grass Valley. I am one of the many hard-working, and unpaid, people who have studied both the Draft EIR and massive Final EIR. I've looked closely at the mountain of comments that were submitted and have become part of the reports database.

I'm tremendously upset by the misinformation, lies, duplicates, triplicates being included, and I did note some erasures. Maximally disturbing are the 100--1,500 essentially blank sheets accompanying 1,500 copycat letters which are being counted as 3,000 legitimate requests for reopening the Idaho-Maryland Mine. How

dare the county allow falsified information, count it all, and include it in the report? We who are legitimate protestors are consistently asked to only give us facts that we can deal with. Yet, when they do give you the facts, they appear to be completely ignored while so-called letters saying only, "Yes on the mine," and other statements, are given priority and relevancy.

The fact that air pollution via submicroscopic asbestos particles, which defy measurement and cannot be mitigated, are simply not mentioned--this despite CEQA's insistence that mitigation is required or no mine can be allowed.

I can only hope that as our esteemed Nevada County Planning Commission, the inadequacy of this FEIR will be apparent to each of you. It is imperative that you do not approve the FEIR, and you recommend the Board of Supervisors to not approve this destructive project, and also not approve the FEIR. Thank you very much.

CHAIRMAN GREENO: Thank you, Anita.

MS. MARYANNE Z. MURPHY: Good morning.

I am Maryanne Z. Murphy [phonetic]. My home is on Banner Mountain. I am a lawyer and a real estate broker, locally. Today I represent the Sierra Nevada Group of the Sierra Club, which is a 1,000-plus-member strong community throughout Nevada County. We join others who say that you must deny the project based on the General Plan, county policies, and its EIR.

Gold mining is deadly. It's dangerous and it's deafening. The Planning Department has it right. Simply put, this project is in the wrong place. It sits in the middle of zoned residential communities, bordered very closely by light industrial businesses, Wolf Creek, and urbanized areas of the Brunswick Basin. It is part of a densely populated area where approximately one-third of the county resides.

The Applicant wants to do underground mining, 24/7, for 80 years. That exposes adjacent properties to daily toxic operations with unmitigated noise and traffic, air pollution, contamination of the Wolf Creek, and the high risk, extreme risk,

of fire from hazardous explosive activity.

In the EIR rights area, there is a big hole in the EIR. There is no analysis of land subsidence from using explosives under homes, services, and businesses. It does not cover the impact to water source for all properties. It does not mitigate the air pollution for landowners and homeowners. And it provides an inadequate review of asbestos-bearing arsenic mine waste. And yet, that is the whole purpose of the mine, but to mine the mineral rights area.

Property owners will face being underinsured and uninsured. And for them, and the surrounding communities, unavoidable health risk and damage will occur to decrease the quality of life.

From a real estate marketing standpoint, people don't buy homes on EIRs. They base it on lifestyle, clean air, clean water, and land stability, cost to support their homes. You increase the risk in any of these areas, you will reduce the buying pool.

A free--a few main, remaining points. While the economic report gives you an

expected revenue, it assumes uninterrupted mine operations over 80 years. When has that ever happened? The investigators also said that we don't know how much gold will be produced. So how can you reliably calculate the revenue stream? That's at page 55.

Seventy years of inactivity hasn't done much for the review process. We don't know what's down there. No historical perspective is reliable in this instance upon which to base economic gain, and the reliability of this project under the EIR.

And, finally, if this mine is approved, what kind of new commercial developments will happen in this area? What will then...

CHAIRMAN GREENO: Thank you, Maryanne.

MS. DEBBIE LIND: Good morning. Thank you for this opportunity to speak with you. My name is Debbie Lind [phonetic]. I've lived in the foothills for 37 years. I have had my career here, and I raised my children here. Last year, I came forward with a concern regarding the property that I had purchased in this area.

I've paid taxes for 37 years. I pay and buy from the county services and from the city services. I'm vested in this community. I serve as a trustee on a district school board. By the way, thank you, Mr. McAteer, for yesterday correcting the misinformation regarding the funding of schools.

When I came last year, I asked what is this impact going to have on our property? I'm very disappointed in the report that came out, because it seems to me they just kind of glossed over what will happen to us property owners, and the investment that we have made. They didn't really take into account what realtors, the people that deal with property, have to say.

We have two realtors in our neighborhood, I live on Partridge Road, that already are feeling the effects, negatively, regarding even the thought of having the mine. They also say that they are going to have to disclose any items that could potentially be hazardous to property, such as air pollution, water pollution, traffic,

noise.

I know that mining is in our history, but I ask that it stay there, that it be our past. I'm grateful for what it has brought us, but it is time for us to move on, to live in the area that we have, and appreciate the amenities that we have now.

I ask please that you take into consideration the residents of this area and the--and the property owners in this area. Say no, please, to this project. And do not certify the environmental report, because otherwise it will come to haunt us in the future.

Thank you for this time, and thank you for your patience in listening to all of us.

CHAIRMAN GREENO: Thank you, Debbie.

MS. GERI STOUT: Good morning. My name is Geri Stout. I live in District 3. I'm going to summarize comments from the Law Firm of Shute, Mihaly, and Weinberger in regard to the inadequacy of the FEIR. You have a copy of that response letter, which includes some of the following topics.

The FEIR fails to describe the project

accurately, or to use an accurate baseline, by refusing to admit that Centennial site remediation is part of this project. It also uses an inaccurate and shifting baseline, assuming for some impacts that Centennial cleanup is complete, and for others that it's not.

It does not correct the deficient alternative analysis. It defers testing to ensure waste rock and tailings will not result in harmful discharges, and does not have a plan for safely storing fill material on site, pending its sale and use offsite.

It does not address basic deficiencies in groundwater and water quality analysis. It uses an outdated groundwater baseline which deprives its impacts and mitigation analysis of any value. It does not adequately respond to commenters regards-- regarding its faulty groundwater modeling.

Its analysis and mitigation of impacts relating to air quality GHG emissions and energy use are flawed. It provides only one justification for refusing to mitigate the project's potentially significant

operational air quality impacts. And that justification is wrong.

The discussion of the project's Applicant-proposed measures for air quality is incoherent. The plan to test for, and manage, the asbestos content of mined rock is internally inconsistent, likely to fail, and improperly defers mitigation. It improperly relies on the ASUR plans, inadequate asbestos testing, and defers development of asbestos mitigation measures.

It contains inconsistent conclusions regarding the risk associated with asbestos exposure. It fails to support its use of an unjustifiably high threshold of significance for operational greenhouse gas emissions. It fails to address several concerns raised about the handling of air quality, GHG emissions, and energy use.

I respectfully request you just say no to the Final EIR. Thank you.

CHAIRMAN GREENO: Thank you, Geri.

MR. RANDALL NEWSOME: Good morning, ladies and gentlemen. My name--my name is Randall Newsome. I reside in District 1.

And I'm a retired US bankruptcy judge. And I wouldn't have your job for anything.

[Laughter]

MR. NEWSOME: My hat is off to you for how you've handled these hearings. It's very much appreciated.

I have two quick points to make and then a suggestion. My first point concerns an argument Mr. Mossman made yesterday. He seemed to say that because of an alleged reservation of mineral rights in neighboring property deeds, the residents who live near the Idaho-Maryland Mine were on notice that it might be turned into a mine again, and thus, shouldn't be complaining now.

This suggestion ignores the fact that any reservation of mineral rights in those deeds is probably dormant since the mine hasn't operated since 1956. Putting that aside, Mr. Mossman surely knew that the mine was not zoned for mineral extraction when he bought it. He bought it anyway. He has no room to complain if his bet doesn't pan out.

Secondly, Mr. Chadwick made much of the two economic reports that tout, among other

things, the number of jobs the mine will create. He neglected to mention that both Rise's economic report, and the county's, rely exclusively on Rise's numbers. For reasons I have never understood, the authors of those reports apparently were directed not to investigate the bona fides of Rise's claims, or of their operations.

Mr. Chadwick said that the economics of mining hinge on proven reserves, but fails to mention that Rise has no proven reserves. The company's own economic report emphasizes this point, stating that, quote, "Rise Grass Valley has not completed a feasibility study to establish mineral reserves and, therefore, has not demonstrated economic viability of the Idaho-Maryland Mine," end quote. Because both reports rely exclusively on Rise's fractural claims, they are both worthless.

Finally, a suggestion. The EIR is incomplete and inaccurate. It should have been sent back to the drawing board. It's moot anyway, because the project can't be approved under the General Plan. As the

court stated in Las Lomas Land Company versus City of Los Angeles, quote, "CEQA applies only to projects that a public agency proposes to carry out or approve, and does not apply to projects that the agency rejects or disapproves." Thank you very much.

CHAIRMAN GREENO: Thank you, Randall.

MR. MATT BOUCHARD: Hello. My name is Matt Bouchard. I live in Grass Valley. I'm here as a supporter of the Idaho-Maryland Mine and Rise Grass Valley. And I urge the Planning Commission to support the Idaho-Maryland Mine Project.

First, I ask you to think about the message you will send to any business that wants to come to Nevada County if you deny this project. You have the power to enhance our reputation as a business partner, or destroy it. Will you grow our base, tax base, or let it wither as it has been doing for decades?

We have all seen well-paying jobs leave this county. Has any company come into Nevada County in the last 30 years and hired

300 people with high-paying jobs? Approving the Idaho-Maryland Mine will bring high-paying jobs to this county. I believe it's a responsibility of the Planning Commission, and the Board of Supervisors, to bring economic growth to the county. These jobs will keep residents living in the county. Personally, I look forward to working for Rise Grass Valley.

The opposition does not want this county to grow in any way. I believe they believe mining today is the same as in the 1850's. Their opposition is based on feelings, not facts. The Idaho-Maryland Mine will be the most state-of-the-art mine in the United States. The Environmental Impact Report addresses all of these concerns, and the Planning Commission should support the mine.

The county has received the Environmental Impact Report, and these reports are not taken lightly. The county chooses the company to do the report. These companies are very professional and do a thorough and complete report. The report

for the mine project shows that all concerns the county has have been addressed, and the Planning Commission should support the Idaho-Maryland Mine.

Once again, I, I am here to support a state-of-the-art mining operation, high wages, increased property taxes, increased sales taxes, all things that are good for Nevada County. And I urge the Planning Commission to support and approve the Idaho-Maryland Mine Project. Thank you.

CHAIRMAN GREENO: Thank you, Matt.

MS. SHELLY COVERT: Good morning. I'm Shelly Covert. I'm the spokesperson for the Nevada City Rancheria Nisenan Tribe. I'm also the executive director of our supporting nonprofit CHIRP, the California Heritage Indigenous Research Project. I personally live in Grass Valley, on South Auburn Street, on top of Empire Mine.

Our organization, CHIRP, has 32 acres on Deer Creek, which is also the site of the old Champion Mine. I do a lot of work for the tribe in consultation around Environmental Impact Reports, cultural

resource preservation and protection. And I'm a total lay person as far as being a scientist or knowing anything about anything in the world most of the time.

But what I do have, and what I can offer is, I think, this perspective: Our tribe led by consensus. Which is--I try to apply that to a lot of things in life today and that's very…almost inconceivable. Like right now it's a majority vote. Hey, we win. And the other side is the losers. So I feel that very intensely in this, these types of conversation where our community can get divided.

So that being said, I know that when we look around outside it looks like a very pretty place. And that we all are--most of us--are living in a sense of privilege, and thriving, and we have lives. And I have cars, and my electricity, and my lights. And my grandma used to laugh and say, "You, you girls couldn't last one day back in the old days," because it was hard work.

And we are living in an environmental post-apocalyptic world. The grizzlies are

gone. The ancient trees, the groves that were thousands of years old, 400 feet high, almost 100 feet in circumference, the great herds, the salmon that were so plentiful you could walk across their backs, we can't see that. And so when we look out into the universe it looks nice to us. But if you drive down at Brunswick at noon and you're trying to go to McDonald's, you--there's so much traffic you can't get through right now.

So I just think this perspective of every click on the dial that we move forward with something that's going to change and impact the future for everyone else, we're not--if we were ruling by consensus here, I think this is something the environmental report would be rejected, flat out. So that was a bunch of random things. I hope that made some sense. And I think this is just something that really should be denied. Thank you very much.

CHAIRMAN GREENO: Thanks, Shelly.

MR. GRADY WILSON: Hello. Hi. My name is Grady Wilson. I own a home on Horizon Circle, Grass Valley. I grew up in Nevada

County. I went to Pleasant Ridge Elementary School. I graduated from Nevada Union High School and then I went to Sierra College and got an Associate of Science degree in geology. And then went to Utah where I studied geology at the University of Utah.

I currently work as a consultant for several different mineral exploration companies. These jobs are either in Nevada or New Mexico. And I really--I would really appreciate, you know, not having to drive two days to get to work. I would like to have--work, you know, on a project five minutes away from home. That would be amazing to me. I love Nevada County and I do not want--I do not wish to see it damaged in any way. My grandfather was a miner.

As I said, I work in the mineral exploration company. I travel through different districts that are mining-friendly. I travel through areas that have historically been little more than ghost towns, and mines have reopened and then recently, they have brand-new high schools. They have brand-new hospitals. They have

brand-new ambulance services. They have fire departments and elementary schools, all state-of-the-art, brand-new, provided, you know, the—from the taxes of mining.

So I, I ask that you accept this Environmental Impact Report as complete. And let's move forward with this project. I believe that Rise is going to follow the regulations as required. If not, it will be forced to close. So I have no fear that they're not--that they're not going to follow these regulations. And let's give them a chance. Let's let them do what they say they can do. Thank you.

CHAIRMAN GREENO: Thank you, Grady.

MS. SHERRI OAKLEY: Hi. I'm Sherri Oakley, and I live in Penn Valley. I don't do public speaking, so forgive me if my voice is shaking a little. I know my heart is sure pounding. Anyway, I want to thank the Planning Commission for listening the last couple of days. I was here for a lot of yesterday, and I came back today. And a lot of this is pretty dry stuff and repetitive.

You all have a tough job to do. Somehow you are going to have to separate facts from fiction and emotion. I implore you to see through the numbers and noise of those opposed to the mine. I'm sorry, but I think there is just often a knee-jerk reaction to any that--anything that seems remotely anti-environment, automatically dismissing the mitigations, and abundant upside, of the Idaho-Maryland Project.

I won't reiterate all the positives. I know when I sat here yesterday learning many of the details for the first time, it seemed like a no-brainer to me. It's obvious to me that Rise Grass Valley has bent over backwards to address and accommodate all the potential concerns, and will implement advanced mining techniques. Theirs is not the raised-earth mining of centuries past.

Face it. As it looks right now, that Brunswick Mine area is pretty ugly, seemingly wasting like fallow land. Most of the area is already zoned industrial and has been used that way for many decades. Rise

Valley--Rise Valley--Rise Grass Valley wants to improve it, beautify it, and actually create business that will give back to our greater community.

So getting back to your job, which I want to thank you for in advance, your job is to balance the impacts, the pros and the cons of this proposal, and how it may, or may not, be consistent with the General Plan, and make your recommendation to the Board of Supervisors. Your job is not to assess public reaction. That is the job of the supervisors who, as elected representatives, may have to be more responsive to their constituents.

I believe the Idaho-Maryland Mine Project is consistent with the General Plan. And I ask you, the Planning Commission, to recommend yes to our Board of Supervisors, so that they can do their job. Please advance this project to the next stage. I wish you well in the job that's before you. Thanks so much.

CHAIRMAN GREENO: Thanks, Sherri.

MR. DON DANIELS: You got me at 33

seconds and I haven't got anything.

CHAIRMAN GREENO: You'll get three.

MR. DANIELS: Okay.

CHAIRMAN GREENO: I promise.

MR. DANIELS: Hi there. I'm--my name is Don Daniels. I live in District 3, western Nevada County. I came here when I was three years old. Of course, I had some help. My, my dad, my, my grandpa, my uncle, myself, my brother have all been involved with some mining.

I graduated from Nevada Union and my first job--one of my first jobs--was working for the Brunswick Timber at this site. I later went on to the Highway Patrol and I was there for--in southern California for about ten years. When I got back, there were no more jobs in the lumber industry.

So, as I go on, Nevada County needs good-paying jobs. I was at a program last night, and I talked to a kid that was just graduating. He'd be graduating this year. And there's about seven or eight hundred seniors that will graduate.

Now, what do you do when you graduate?

I, of course, had a job to go to. My grandkids don't. They're in Sacramento. They're scattered all over. So this, this Rise Gold Mine will be an opportunity for local jobs for our kids. When you've got 800 students looking for someplace to go to work, they can either go to work at McDonald's, or one of the fast food places. They can go out and strip marijuana plants which is now legal, which I'd rather not have my grandkids go and do.

Rise Gold is offering us an opportunity here for our kids. They've spent a whole lot of time, over three years, putting their plan together with a lot of expert help. I've read a lot of the reports, and I'm kind of in agreement with their findings.

I think that we need to offer this opportunity to our kids. I, I think there's a lot of misguided people that have come tonight, and yesterday, to give their opinions. That's what it is. It's opinions. And I think a lot of it is just, "Not in my backyard."

And I understand that. But I think

putting a mine where a mine was is a good idea, and especially if it's done properly. This is a green operation. The grinding is underground. They've looked at almost everything that you could possibly think of to cover, to mitigate the problems that have come up for them.

I'm going to close because I've got eight seconds left. I just want you to take and accept alternate B, the alternative B...

CHAIRMAN GREENO: Thanks, Don. B, got it. Hey, Jeff, we're going to take a break at 10:15. So I think we can get through this gentleman here that's standing at the end of the line.

MR. PETER ALSING: Good morning. Thanks for your time here. My name is Peter Alsing. I live in District 3, in Grass Valley. And I was asked to read this on behalf of CEA and MineWatch.

"The Final EIR used the results of a study that was based on a computer simulation program that concluded that draining a well in a single drawdown by 20 to 40% could damage a well. Unfortunately,

the study is not relevant, relevant in the case of the mine. Wells will not be subjected to a single drawdown from pumping, but rather a permanent lowering of the groundwater.

"Using this inappropriate study, the mine Final EIR then concludes that the water in the well could be lowered by 10% from its average level and still provide the owner with 100% safety factor. Scientifically, this arbitrary 100% safety factor interpretation is nonsense. Think about it. What is 100% safety factor and where does it come from? What is it 100% of?

"But aside from the mine's questionable interpretation of some study's results, the bottom line is that any reduced amount of well water has a negative impact on the quality--quantity, sorry--of the water available to the well owner. Well owners whose wells are already marginal in meeting the owner's needs may be particularly at risk of suffering, suffering from reduced water capacity, and they may even completely lose the function of their well. The high

probability of future droughts will make the potential for a very negative impact from the mine's drawdown of groundwater, and its impact on private wells even worse.

"The Final EIR fails to provide a valid justification for allowing a mining project to reduce the quantity of a homeowner's well water by even 10%. To determine a valid justification for allowing this, the threshold for the amount of water a well could afford to be drawn down, while still providing the homeowner's needs, must be based on actual performance criteria of each well over at least three years of active monitoring.

"Basing the allowable drawdown of a person's water on a faulty interpretation of a computer simulation is wholly unacceptable."

Please do not allow this. Do not certify this EIR. Thank you.

CHAIRMAN GREENO: Thank you, Peter.

MR. PAUL KING: Good morning. I'm Paul King. I live in Grass Valley. I'm the CEO of King Wealth Planning. I have a degree in

material science and engineering and economics, was a senior engineer for two high-tech firms that launched, and then launched my wealth management business 35 years ago, with an emphasis on socially responsible investing, now known as ESG.

Here's a few reasons why I believe that the Rise Gold Project is a bad investment for our community. First, gold is not a stable value investment. In fact, gold prices are just as volatile as stocks. Last year, at one point, they dropped 25% and over 34% at one point in the last decade. Now, why is that important? Ask the people of Jamestown, California.

Back in 1987 there was a Canadian mining firm which transformed the economy by hiring 215 employees and good-paying jobs, and using high-tech extraction methods. Sound familiar? Seven years later, Sonora Mining Corporation was defunct. Why? The price of gold declined, and the mine was no longer profitable. The results: 215 unemployed, 180 private wells imperiled, county faced with possible fines and civil

penalties, and defaulted debts. It can happen again. Let's not let it happen here.

Now, consider the three factors of ESG investing, environmental, social, and governance, which can be equated not just to being good stewards of one's own finances, but also has been shown to lower corporate risks.

Environmental. Will this project improve the environment? Fifty dump trucks a day rumbling down our backroads, risking contamination of Wolf Creek, or breathing air polluted by tons of greenhouse gases, that's not why I moved here.

Social. Will this project create a better place to live? I suspect the negative impact on tourism and depressed home values to offset any gains in employment. And that is if the project is successful.

Social factors also consider the company's relationship with its stakeholders. Will workplace conditions reflect a high regard for employee's health and safety? Lou Douros' recent documentary film exposed

how safety concerns at Rise Gold's previous gold mining venture were utterly ignored.

Governance. Does this company have high diversity and ethical standards? The only female named in the corporate profile is the secretary; none on the board, and none as a shareholder. As far as ethical concerns, the toxic spill at Banks Islands went unreported until a whistleblower came forward. Then the board resigned and Mr. Mossman has been in litigation since, trying to escape responsibility. Spoiled land and lost jobs remain his legacy of irresponsible corporate governance.

I leave you with three points. Green gold isn't green. Mitigation is not elimination. And environmentally friendly mining is an oxymoron. Thank you.

MR. JOSH THEME: My name is Josh Theme [phonetic]. I'm 15 and a freshman at Ghidotti Early College High School. And I ask all of you is that we're not here for the people who are currently in this room. We're not here for the environmental impacts that will affect just the people here, or

the jobs that will come for just the people here, but for everyone who will come after that, my generation and all the generations after that who will be affected.

If all the wells run dry, then what water will the future generations have? These jobs, it might create a few hundred, but will those jobs stay for all the future generations and at the cost of our environment? Is it really worth it to create something that might mildly improve today but make drastic effects in the future that could leave terrible effects to everyone who comes after us?

This Earth, it doesn't belong to us. We are simply borrowing it from all those who come after us. So why should we take it for granted? Why should we go and extract literal wealth from the Earth and take it? That wealth will not be given to our future generations, not to my generation or any generation after that. It will be taken and given into the hands of the rich and the few, not into the workers which Rise Gold says it will be helping, not the blue-collar workers,

but those who are on the board members, or the CEO. And at such a cost that it will simply not be worth it.

At what cost do we have to deem worthy to mildly improve the conditions of a few hundred people if it costs our entire earth? The problems do not lie in the fact that we are missing a few hundred jobs but systemic problems. Systemic problems that if we do not fix will affect everyone after us. My generation, every other generation. And if all of you here in this room are dead when the day that happens, it doesn't matter, because those who come after you will still be alive.

It doesn't matter what happens to all these people in this room if it doesn't affect the people after us. They are the ones who matter most. Not us, not me, not anyone here, but the people after us, those generations, the ones who will truly be affected by this. And those are the ones who we should take into consideration. Not me, not them, but those who come after us, the next generations.

Should we go and give them a world where they have to deal with the environmental impacts of this mine? Should we?

CHAIRMAN GREENO: This is.

THE CLERK: Chair, if I may? We're currently at number 93. So after break we're going to announce 94 through 110 to line up in chambers.

CHAIRMAN GREENO: Great. Thanks, Shelley.

MR. NORY FUSSELL: My name is Nory Fussell. I live in Nevada City. I don't have a lot of facts or figures about the frightening devastations or the fairytale delights that will come from this proposed mining operation. What I want to talk about is beauty, just beauty.

Beauty is the reason we came here to live, many of us. When I first saw Nevada County 51 years ago, I was stunned by the natural beauty of the land, the river, and the skies. When I moved here in 1980, I was equally stunned by the beauty of the arts, and the artists who live here. This

community was, and is, a golden mecca for theater and music, for poets, painters, and sculptors, and artists of all kinds, creatives in all fields.

We're drawn here by beauty. We come to write, to paint, speak, and sing, to be inspired with and by each other, and by the beautiful land.

There is a pastoral beauty that can only be fully expressed by its presence. Once there was a meadow at the base of Brunswick Hill. It sparkled resplendent in the morning mist. A lone willow tree in its midst, a grazing cow, a thread of fog drifting over Wolf Creek as it flowed by. It was a bucolic beauty that is now forever gone. Gone to the bulldozers and to the machinery of developers.

How much more of nature's beauty do we have to lose before the golden people of our community begin to leave? We are the gold in these foothills. It's a fantasy to think that the impact of this mine will be any different than the operations that left us with bare naked hillsides and piles of stone,

Earth's innards scattered about the county, left for us as semitoxic parks to walk around in.

Fyodor Dostoevsky told us only beauty will save the world. And I think it's a thing of beauty to see all these people gathered here to stop this mine. I ask you to reject the EIR, and reject the mining project.

CHAIRMAN GREENO: Thank you, Nory. And, with that, we will take a break. Fifteen minutes, we'll--just before 10:30.

[Recess]

CHAIRMAN GREENO: All right. We're going to find a seat, bring it back together, and I'll call this meeting back to order.

And just an announcement. As you guys are sitting down, the fire marshal has asked that we squeeze in, fill in seats. So that folks that want to come in and sit down can. So they don't have to walk across you. So if you can fill those seats, if there's no one sitting in them, that would be great. Thank you.

And just a reminder, the, the comments

that we're hearing today should relate to the project, either the General Plan or the--or the EIR, please. We're starting to stray a little bit and it is the least favorite part of my job to identify and then call out the--any, any deviation from those things. So please, take it upon yourselves to keep it--keep it on topic.

And, with that, we will continue the public testimony. And what number are we on?

THE CLERK: We are at 94, Chair.

CHAIRMAN GREENO: Ninety-four.

MR. TONY LAURIA: Okay. Tony Lauria [phonetic], District 3. You've seen and heard hundreds of pages of factual and legal reasons to deny this overreaching project by experts, attorneys, citizens, and business owners. There's only one reason to approve it, a speculative promise for money. Our personal and emotional stress impact alone is not worth anyone's profit. Unfortunately, that's just the tip of the impacts iceberg.

We all know for certain gold mining is one of the top destructive industries in the

world. Does this fit with anything in the design plan for Nevada County? A destination that is now a mecca for tourism, nature, art, music, recreation, athletics, technology, and senior retirement? Why would we want to reopen an industry with a world reputation of environmental disaster?

Certainly not for dangerous mining jobs. We have a--we have--we don't have a pool of underground mining specialists here anyway. Those would go out-of-state and out of country. We certainly aren't hurting for good jobs here. Our low unemployment rate confirms that. The company I work for is always hiring, a high-tech company.

The water issue cannot be stressed enough. No one can guarantee that my, or the 400-plus other wells in the area, will not be drained or contaminated by the dewatering and drilling. Experts have described the inability to predict how water flows in our type of bedrock. Deep tunnels are not a problem for dependable gravity. And most of these wells are not even part of the inadequate baseline monitoring program,

an apparent FEIR underestimate. Please understand the severity of a loss to our only source of water. And when it happens, it won't just be one well.

Remember, the county set a precedent of way more protections during the M-Gold [phonetic] era. This company is asking thousands of people for a gift, to give up our clean air, abundant water, home values, beautiful wildlife and habitat, peace and quiet, and quality of life, for what benefit to us? Absolutely nothing.

This is a very invasive and life-altering project. There really must be no concessions with approvals of any kind. No certified FEIR that leaves the door wide open for other gold diggers, nor any options for partial permitting, nothing. We, this community and county, would bear the full extent of the horrible, expensive consequences.

Thousands of us did not purchase our property with the disclosure that an area could be rezoned into heavy industry. It's simply not right to give permission to risk

contamination and draining our wells, devaluating our property, or fouling the air and land. Please protect us.

CHAIRMAN GREENO: Thanks, Tony.

MR. VANCE GOSS: My name is Vance Goss. I live in Nevada City. I grew up here, and my children are sixth generation. And every one of them had been miners. I personally have had to commute for over ten years to Nevada, and other points, to do that job, meeting four or five times a month. I have lots--I could name 25, 30 men and women who would be happy to live here and take these jobs but can't, because mining is not significant enough in this town.

Mining continues, and has continued, for the last 200 years. One of the biggest employers in this county is a mine, mining company with a quarry. And I consider this site a historic site for mining and kept to preserve, preserve it. It was a logging company site for many years, and it should go back to being a mining site.

Most of the gold is still in the ground that was always there. The processes

nowadays are far more efficient. And if you think about the last gold bar being poured at the Empire in 1956, 13 years before we landed a person on the moon, technology has changed a little bit. Take that into consideration.

That's about all I've got, except for the idea that mining is inconsistent with the arts and culture of this area. It fed it. You know, the first pair of pants that Levi Strauss stitched was up on North Bloomfield Road, still called Blue Tint Road. The origins of PG&E, or Nevada City Gas and Electric Company, one of the first seven companies, I believe, that they formed PG&E from. Bank of America started in Nevada City to a large extent. And all the arts and culture stem from it.

I remember my great-grandmother telling me about how mining allowed the women of Grass Valley to form the first suffragette movement on the west coast in Grass Valley, where Chase Bank is today. And many other benefits to the community directly from the prosperity and time that the mining allowed.

And every single device you have in your pocket, every single--every single contact for airbags, gold-plated. Less than 10% of gold is used in jewelry or for cosmetic reasons. It's the rest is all industrial. That's how you're going to...

CHAIRMAN GREENO: Thank you, Vance.

MS. SHARON DELGADO: Hello. I'm Sharon Delgado. I live in District 1. My husband and I came here when we were young, and we raised our kids here. And we're here again in retirement. We love this community. And today I'm talking about jobs. Mining jobs are years away and are fewer than are advertised by Rise Gold.

First, the project will take at least a year to obtain permits to begin sitework. And, second, the Final EIR fails to provide a realistic construction schedule. And by not correctly addressing the scope or the schedule of the construction project, the true impacts remain unknown. And that, in itself, fails to meet CEQA requirements.

So I'm just going to mention the scope. Sitework will take about a year. That would

be clearing, grading, underground utilities, hazard cleanup, and re-enclosing South Fork Wolf Creek in a new culvert. Then it would also include extensive grading to form a 14-foot buildup pad. That would all take about a year.

Another year would be taken to construct the water treatment facility on top of that 14-foot pad. That would take at least a year. Then, after equipping the treatment plant, and other elements that are needed before dewatering, then dewatering can begin, and that would take about six months.

And then, when the water levels have gone down to about 1,200 feet, that's when the construction of a new access shaft can theoretically begin. And that would take about a year to build. So permits, and likely construction time, is over four and a half years. So mining jobs would be at least that far away.

The schedule in the Final EIR, pages 2 to 111, it's simplistic, and it misses the key critical path elements of a normal

construction schedule. For example, how would dewatering begin if they didn't have PG&E service? So none of that is addressed and a lot of other details.

So then, finally, the mining jobs could begin after the four and a half, probably plus, years. So who is going to get all the jobs and when? The Rise Gold technical report says there is no longer a large pool of resident underground mining specialists here. Another report says the core of the underground mining workforce requires skilled workers. So 99 employees and the experienced underground miners would be hired first in 2020...

CHAIRMAN GREENO: Thank you, Sharon.

MS. RICKI HECK: Good morning. My name is Ricki Heck. I've lived at 13641 Greenhorn Road for over 40 years, raised five kids there. I'm here today as a private citizen whose property and well lies directly above, and within, the mineral rights area, all less than one mile from the proposed project.

I'm here today to tell this Commission

that my well, and the wells of three of my immediate neighbors, have been excluded from the Draft EIR, the Final EIR, the Applicant study area, and the 11-page list of 378 properties eligible for domestic well monitoring.

And I brought this little visual here. You probably can't see it, but here is where my property is, my neighbors' properties. None of our wells appear in any of those documents that I just pointed out. Okay?

However, interestingly enough--what is it? What do they call it? Eligible for well monitoring is all around us, but we were excluded. I have reasons why I think they were excluded, but I think it's up to them to tell us why.

Let's see. I'm going on and I've got to really get going here. So if you could--so you have to ask yourself, right? If our wells were omitted, how many other omissions have there been? How can we certify an EIR as adequate with all this missing data--or a baseline of accurate, you know, flow and, and production data? Well, you can't. You

just can't do that.

If you--okay, you all know that a home without water has no value. I've been a real estate broker for over 30 years. Relying on NID and water trucks are simply not options, and, in fact, it's a joke. We cannot sell our homes under this cloud.

If you take an average value within about a mile, mile and a half, from the mining, central core mining area, and multiply that times the average home value of $600,000--mine is worth more, many are, some of them worth less--the value of that is $262,500,000. The loss of tax revenue is almost $3,000,000 based on that valuation.

Now, if the Applicant wants to offer full market price for all the homes within a two-mile radius, that might be a serious mitigation that could be considered. Nothing short of that.

We're a small town. Our businesses rely on tourism and an amenity economy, not mining. It only takes a second to Google what are our top economic, you know, drivers in this community. It is healthcare, retail,

technology, agriculture, government, and tourism. Mining doesn't even make the list.

For those of you that think we're NIMBY's, come and live out on Greenhorn.

CHAIRMAN GREENO: Thanks, Nikki.

MS. HECK: People do not - -.

CHAIRMAN GREENO: We won't.

MS. LAURA BECK: Hi. My name is Laura Beck [phonetic]. I live out in the—okay. My name is Laura Beck. I live out in the Peardale area, so the mine would affect me if there was traffic and everything, but that's okay.

As far as the beauty of Nevada County, I've been here for 23 years. I've seen this county change quite a bit. Right now, I'm watching all my neighbors clear-cutting their property for fire reasons. I've watched downtown change immensely, because there's nobody left buying down there because of the agricultural changes, we'll say. My--in my son's graduating class, there's about three of his--of his classmates left in town. They all had to leave for work.

I think that Nevada County was built on mining. The mine has been full of water, so maybe that's--if that water is what they're using to fill these wells, and it's so contaminated, then you would think they would want it drained.

I'm sure that these reports have met everything the county has asked of them, the state has asked for them. I believe that if we don't open it, somebody else is going to come in and open it, most likely the state, and we won't have any revenues from it.

I think the revenues from this is going to help the county with all of--all of our social, a lot of our social issues, if handled correctly. A lot of the beauty has gone to homelessness. You can't walk around anywhere around here. Revenues could be helping that also. I realize that's not part of the report.

Everything changes, it always changes. I don't see that this is going to affect that, that much. And I--other than in a positive way. Thank you.

CHAIRMAN GREENO: Thank you, Laura.

MR. FRED PULMAN: My name is Fred Pulman [phonetic]. I live in Grass Valley. I want to thank you for the opportunity to speak today, and I want to thank the Commission members for your diligence and extreme patience.

Eighty years, 80 years of risk and burden. Eighty years of IMM electric-- electricity use, the equivalent of over 5,000 homes. The county's energy action plan's goal is to reduce grid-supplied electricity, not increase it. Eighty years equals eight decades.

Asbestos measurement is an uncertain business. Quote, "Government agencies do not agree it's possible to measure airborne asbestos, let alone mitigate it," unquote. These quotes are phrasings borrowed from recent Union articles. What then, if we discover asbestos levels high enough to induce significant harm in decades hence?

Over such a long period of time, we increase the risk of a calamitous event. Say ammonium nitrate, say an explosion involving ammonium nitrate, a substance,

quote, "…so dangerous that it needs extremely high levels of security at all times," unquote. High-level security and risk for eight decades?

Eighty years equals 29,200 days. After six months of intense dewatering, the IMM will pump 1.2 million gallons daily. That is over 35 trillion gallons over 80 years. It's hard to imagine this will not affect subsurface water tables. Is anyone surprised local well owners fear for their wells?

Eighty years equals 40, two-year election cycles. Changing environmental circumstances will lead to more expansive protections, which likely mean greater regulation of mines. What will the political and legal climate demand 10, 20, or 30 election, election cycles in the future?

Eighty years, time to witness the birth of four generations. Children born now might not--might be grandparents are even great-grandparents in 80 years at the dawn of the next century. These generations have

no say today. As yesterday and today have demonstrated, attitudes toward mining in this community have changed dramatically since the IMM was operating 80 years ago. They will change dramatically again over the course of another 80 years. An 80-year permit period is a reckless permission and denies agency to future generations. Do not recommend for approval the FEIR and the IMM project. Thank you.

CHAIRMAN GREENO: Thank you, Fred.

THE CLERK: Chair, if I may interrupt quickly? If we can get anybody else with numbers 94 to 110 to line up in chambers? And anybody with numbers 111 to 120 to line up in the lobby, please.

CHAIRMAN GREENO: Thank you, Shelley.

THE CLERK: Thank you, Chair.

MS. CHRISTINE DAGGETT: Good morning, Planning Commissioners. You have a big decision to make, and the Planning Department has not made it easy by giving you multiple choices.

CHAIRMAN GREENO: Your name? Sorry.

MS. DAGGETT: I'm sorry. My name is

Christine Daggett.

CHAIRMAN GREENO: Thanks, Christine.

MS. DAGGETT: I've been in Nevada County since 1985. And you do have a big decision to make. The Planning Department has not made it easy by giving you multiple choices. The task here is to certify if the EIR is complete.

I'd like to thank you, Mr. McAteer. I'd like to commend the opponents, and the proponents, for being civil and kind to each other. It's a testament to our community. We can have conversations. We can smile. We are on opposite sides, but we have a great community of people here.

And glasses now. Certifying the EIR does not mean that the project goes directly to mining. They have the Board of Supervisors to go through. There are dewatering permits, conditional use permit, CEQA, State Water Quality Control Board, and SMARA, Surface Mining and Reclamation Act. And there is also hundreds of millions of dollars that Rise will need to have for financing.

It's very likely the project will not be able to afford what it will take to get the mine off and running for a state-of-the-art, eco-friendly mine. All the agencies above are not going to allow past mistakes to happen when it comes to mining in a rural community, especially California.

I ask that you certify the EIR is complete, if allowed, add stipulations, as there will be many with the other agencies involved. Earlier today, the first man who spoke said one job. I am that one job. I started with Empire Gold US Corporation in 1994. They closed in '99. I went to work for the county for 22 years and retired.

I also worked with the mining company, working a part-time job at night because I could not afford to live on a single salary with just the county. I have worked two and three jobs to stay in this community. I've bought a home. I've now retired. So this does prevent--it does help with jobs in this community. We're a service industry. We won't last very long especially if the economy continues to go the way it's going.

So I ask that you do one thing, and certify this EIR as being complete. There are several agencies that will be micromanaging this project, and they will not let what's happened in the past. Thank you.

CHAIRMAN GREENO: Thank you, Christine.

MR. JOSEPH HIBBERT: Good morning. My name is Joseph Hibbert [phonetic], and I live in the Second District. I own a home in the Second District. I'm new to this county, moved here in October with my wife and two-year-old daughter. Before moving here, I found out there was a gold mine possible--possibly reopening would create new jobs in the county. That sparked my interest.

From what I've heard and researched, I think the mine is a great opportunity for the county and workforce. I have not read the EIR in its entirety. What is it? Nine or ten binders? But I've paid attention to the presentations, to the Planning Committee. I feel most of my questions have been addressed, and I'm excited for the

community's opportunity that comes with this unique resource being extracted from the Idaho-Maryland Mine.

I was going to mind my own business and just see what happens, but I decided to come, listen, and give my two cents towards the project. Talking to many people my age currently in the workforce who could not make it yesterday or today, we want the mine. I support the mine. Certify this EIR. Let's get to work. Thank you.

CHAIRMAN GREENO: Thank you, Joseph.

MS. MARTHA TURNER: My name is Martha Turner, and I've lived in Nevada County since 1961. I presently live in Grass Valley, in District 3. I have three generations; my son and my grandchildren live here also. I'm a retired nurse practitioner and a nurse midwife.

I sat in these chambers through yesterday's marathon hearing and went home inspired and exhausted. I hope my words today will be fresh enough.

I have three subjects of concern. The first is how the FEIR addresses the impact

the mine would have on an emergency evacuation should a wildfire occur in the vicinity. Traffic has been determined to be an unmitigable, significant impact elsewhere in the EIR. Yet, chapter 4.13 on wildfires says there will be no significant impact with the traffic during an emergency evacuation of the populace, even with the additional 300 employees evacuating.

Second is the fraudulent use of my name, along with six others that we know of, by Rise Gold, which the county included in the Final EIR, naming us as supporters of the mine. I learned that fraud is defined as, quote, "wrongful or criminal deception intended to result in financial gain," end quote. Our names, used repeatedly, were submitted by Rise Gold to falsely increase the appearance of community support, ultimately for their financial gain.

The third matter has me questioning the intention of Rise Gold's purchasing of the mine, and initiating this permit process. The company's inexperience, limited funds, disastrous history, unethical leadership,

begs the question of whether the primary motive has actually been to obtain a certified EIR from Nevada County. The Planning Departments published the staff report. One recommends denying the project. The other recommends approving it. Both recommend approving a deeply flawed FEIR.

Why in the world would the county even consider certifying the FEIR? This would extend the risk of yet another entity to begin the permit process. Be it Rise Gold again or, should they sell the property, possibly to a more experienced mining company. This community must find an alternative use for that property and put this fight to rest. I can only hope our county leaders will put a stop to this insanity.

I ask this Planning Commission to advise our County Board of Supervisors to vote no on the project and no on the Final EIR. Thank you for your time.

CHAIRMAN GREENO: Thank you, Martha.

MR. JEFF LAUDER: Hello. My name is Jeff Lauder. I am the Executive Director of

Sierra Streams Institute, a community and science organization based in Nevada City, that has been monitoring multiple aspects of watershed health in Sierra waterways for more than two decades. Our staff and board include experts in aquatic ecology, water quality, heavy metals and their impacts on humans and the environment, mine waste remediation techniques, and general watershed health ranging from forest health to instream conditions.

We publish numerous peer-reviewed studies on stream health, heavy metal remediation, and heavy metal impacts on human health in gold country, and thus feel qualified to speak to the insufficient science presented thus far in support of the mine. Specifically, the waters to be released into South Fork Wolf Creek via dewatering have dissolved metals already exceeding thresholds for toxicity, according to numerous published field studies across a variety of mine sites in the western U.S.

The proponents claim that they will remove these through water treatment, but

present inadequate data to demonstrate feasibility at the scale needed. Any proof of this should be based on real-world applications, such as the Magenta Mine Project at Empire Mine, rather than bench scale tests, which demonstrate the proponents' significant underrepresentation of the scale of cleanup needed.

Further, aquatic organisms living on the stream bottom, known as benthic macroinvertebrates, which we at Sierra Streams have been monitoring locally for more than 20 years, and are great indicators of overall watershed health, could be adversely affected not only by dissolved metals and minerals from the mine, but also by the high flows introduced into the small channel of South Fork Wolf Creek.

Photos in the EIR itself show turbid waters in South Fork Wolf Creek at the range of proposed flow augmentation. And these are the suspended sediments that impair aquatic life, providing a simple visual indicator of water quality degradation with known quantifiable impacts on the stream

fauna.

When I say known, those impacts are known from both a rich scientific literature on the topic, as well as our own studies on local streams, many of which span flows and turbidity levels beyond what was sampled or examined in the EIR.

Simply put, there are known contaminate risks, but severely inadequate data to evaluate the extent of those risks. And the EIR disingenuously uses data representing only highly restricted portions of the possible degree of both spatial and temporal variation to draw sweeping conclusions, which themselves are misleading and misusing data.

As a regional, science-based nonprofit that rarely and, actually, never engages in advocacy in the past, but instead tries to support collection and use of environmental data, we urge the Planning Commission and Board of Supervisors to consider the mountains of evidence, both anecdotal and quantitative, from global mining studies and our own mining-rich history in our backyard.

The majority of evidence points to a significant and generational impact on human and environmental health from mining activities.

Further, lack of data doesn't mean no impact. It means it was insufficiently studied. Frankly, receiving mailers that said the science was clear was a frustratingly blatant misuse of science.

CHAIRMAN GREENO: Thank you, Jeff.

MS. TESSA MOSSMAN: Good morning, Commissioners. My name is Tessa [phonetic], and I live in District 4. Thank you for the opportunity to comment.

I'm a geological engineer and have worked in the mining sector, specifically underground mining, for over 12 years now. Throughout that time, I have worked in various underground mines. Some people in this room already know my husband is Ben Mossman, but I'm not here today to comment as the wife of Ben. I'm here today speaking for myself as a professional, and a woman. I am also here to represent the women in our community that are unaware of the

opportunities that will be available to them should the mine get approval to open.

Opening the Idaho-Maryland Mine in Nevada County is an opportunity to advance gender equality. Women are underrepresented in the mining industry. A typical statistic is that women make up around 10% of the workforce in mining. Out of university, I chose to seek work in this field, as I wanted the challenge and to do something that none of my female peers were doing. I have faced many challenges along the way. I have watched female coworkers who have quit their jobs at remote mines when they became pregnant and wanted to start a family.

Mining is a male-dominated industry, but the jobs at a mine are not limited to men only. In my opinion, it is the situation, location, and work environment that deter women from this field. Opening the mine in Nevada County, in our community, would allow women to pursue a career in mining and still go home to their family, their children, at night.

To be specific, women could fill almost

all roles at a mine, including engineer, geologist, surveyor, process plant operator, environmental technician, manager, and equipment operator, to name a few. The opportunity in front of us can greatly advance gender equality and diversity. I support the opening, reopening of the Idaho-Maryland Mine, and I request the Commissioners to certify the Final EIR and recommend the reopening of the mine. Thank you for your time.

CHAIRMAN GREENO: Thank you, Tessa.

MS. ELAINE BLAIR: Hi. Elaine Blair [phonetic], District 3, civil engineer. I worked for ten years in California Water Resources, and on Environmental Impact Reports for five of those years. There are serious deficiencies in the Draft and Final EIR. Dewatering the mine, and its effect on groundwater levels, puts the health of our local natural springs, local creeks, and ponds at risk. The groundwater analysis of dewatering the mine done by Itasca Denver determined there potentially could be impacts on local wells. Because of this,

they have put a monitoring and mitigation program in place for wells.

You have heard from others how the groundwater analysis done by Itasca Denver could be in question due to assumptions made in their study. And the actual impact on groundwater levels could be more far-reaching, and cover a larger area, than is addressed in the EIRs. Missing from the EIR is any analysis on how groundwater drawdown could affect the health of surrounding forests, local creeks, ponds, natural springs, and thus biological resources and wildlife.

This impact is not addressed at all in the Draft or Final EIR. Because of this, there is no monitoring plan, and no mitigation plan, for local, natural springs, creeks, or ponds affected by dewatering. And this does not hold Rise accountable.

For example, I live on Woodrose Way, which is just across from the Brunswick Industrial Site. We have a natural spring on our property that runs year-round and has for the 21 years that we have lived there.

Our natural spring is one of the tributaries that flows into a creek and then into a large pond. If the spring goes dry due to dewatering, it would adversely, in fact, impact the natural flora, migratory birds that use the pond, sensitive biological resources such as special-status plant and wildlife species.

Natural springs, local creeks, and ponds need to be protected. At the very least, there should be baseline monitoring, a good ongoing monitoring plan, and good mitigation measures added to the project to hold Rise accountable for impacts. The FEIR is not adequate and should not be certified. Thank you.

CHAIRMAN GREENO: Thank you, Elaine.

MR. BRIAN FRY: Good morning. My name is Brian Fry. I'm a resident of Grass Valley. Today I am going to reserve what my comments were planned to be for the Board of Supervisors, and instead read from Sol Henson, President of the North--the San Juan Ridge Taxpayers Association in District 4. The reason he wasn't able to do this himself

is COVID exposure, and he decided not to expose everyone here to that.

So this is from Sol Henson: "Based on the catastrophic failure of the Siskon Gold Mine, and the myriad concerns identified by community members, we ask that you deny certification of the FEIR for the Idaho-Maryland Mine Project.

"Statements about groundwater impacts in the IMM FEIR are eerily similar to those made in the Siskon FEIR 30 years ago. The Siskon EIR all but guaranteed there would be no significant environmental or community impacts, including to groundwater. In 1992, after decades of responding to mining applications in the North Columbia Diggins, the San Juan community decided it was best to negotiate a mine with safeguards than to continue fighting. Community members, the county, and the mine corporation hammered out the remedial water supply plan, which outlined monitoring and safeguards, to ensure rapid response to the unanticipated mine operation impacts.

"When the mining began, in quick

succession, issues began to spring up. A nearby well was lost. The infiltration pond clogged with clay and began dumping water from the mine directly into Spring Creek. Only then did it become clear that no one was enforcing the infractions, and community members, without any power to remedy the situation, were forced to monitor these very real public health and environmental consequences.

"Soon after, on Labor Day of 1995, the mine operation breeched a bedrock fault. Miners nearly lost their lives to the resulting flooding, and a dozen wells were drained, including those of Grizzly Hill School and our local cultural center. The mine corporation denied fault, but agreed to do--drill new wells for those who lost their water immediately following the fault breech.

"Then reports began to emerge of community members in the vicinity of the mine getting ill after drinking their well water. The postmortem on the dewatering event suggested that rapid dewatering of the groundwater, and the eventual recovery,

could lead to contaminants leeching into well water. Due to the lack of consistent premonitoring of community wells, we will never know the full extent of the water quality impacts of the bedrock breech. Therefore..."

CHAIRMAN GREENO: Thank you, Brian.

THE CLERK: Chair, if I may interrupt? If we can get numbers 121 to 130 to line up in the lobby, please?

CHAIRMAN GREENO: Ready.

MR. PETER VAN ZANT: Good morning. My name is Peter Van Zant. I live in District 1. My involvement with land use goes back to the General Plan development program where I represented neighborhoods on--as a citizen on that plan. Kind of fun to revisit it again, and see some of the words that we put in a long time ago.

I was also elected to the Board of Supervisors for two terms, representing District 1. And, by the way, thank you for your time and attention. This--we've all--anybody who sat there and listened to testimony deserves a medal, I believe.

Anyway, you have heard a lot of input on the many aspects. My testimony will be short. It's found on page 114 of your staff report, as a matter of fact. It lists various project issues, including hours of operation and truck trips. Your report declares that these operations, and I quote, "inconsistent with the rural character and quality of life of the supporting neighborhoods." As a member of the RQC, which was the Rural Quality Coalition, I like those words.

You also have input on lists proposed. Land use, rezoning, use permit, and the reclamation plan. Under the concept that these plans--these do not comport with the language in your plan, which is inconsistent with the rural character and quality of life of the surrounding neighborhoods, those also should be not certified.

So I didn't--I will leave out that part. Okay. Thank you for your hearing. I think you will do the right thing. My final word is please do not certify the EIR. That's not appropriate for this time and this place.

Thank you.

CHAIRMAN GREENO: Thank you, Peter.

MR. TOMMY JACOBSON: Good morning.

CHAIRMAN GREENO: Good morning.

MR. JACOBSON: My name is Tommy Jacobson, and I live in Grass Valley. And I've been in the area for 30 years. I'm a career California historian and author.

In 2019 or so, a drilling rig was set up on the first block of Bennett Street, which drilled exploratory core samples for more than a year. My family and neighbors feared that if a large-scale reopening of the mine were to take place, our area would be at risk for corporate invasion or major environmental impacts, including the potential loss of hundreds of water aquifers and severely decreased home values.

So, along with my myriad research books and local gold history, I produced--I purchased *Gold in Quartz* by Jack Clark, who was a renown, unchallenged knowledge of the mining industry and the Idaho-Maryland Mine's history, because he worked there his entire career, beginning in 1941, and passed

away in 2-17--2017, at 97 years of age. His self-written book is widely revered, and covered the mine's history, impact, and productivity from year to year on a basis, and from 1856 to February 27, 1925, when the available rich ore had been "gutted out."

Surprisingly, one year later, it reopened, but eventually the mining of gold there ceased in December 27th, 1955. And all operations turned to the production of tungsten. Face--facing devastating losses in 1955, the company had sold off all of its equipment in the mine, and sold its properties to the Oral Lumber Company [phonetic].

In the 1950s, gold was valued at $35 per ounce. But the only real change in local mining interest began when gold reached $400. And when it launched to $2,000 per ounce in the late 1990s. Around 1994, M-Gold arrived to consider the application for reopening the mine. The original mine was highly successful until mid-century. But after it failed completely financially, every trace of buildings and

infrastructure disappeared except the headframe. And, instead, the local population grew, as did towns, neighbors, and new industries.

The gold industry had been mostly buried and forgotten where the big mines were concerned. And we had remained, after decades of dereliction and deterioration as the mines were roughly filled with miles of shafts and tunnels where timbers had rotted away, metal had rusted, concrete and rock tunnels succumbed to cave-ins, and rot, and degradation. But in the past 20 years they have continued their focus on reopening the mine.

However, in 2015, their Banks Island Gold Mine in British Columbia began commercial production, but was ordered by the Canadian government to cease in July. And in January of 2-16, the company filed for bankruptcy...

MR. BOWMAN: Hello. My name is Bowman [phonetic]. I'm eight years old. I am here to do my presentation, my presentation. The mine is very, very close to my school. In

fact, it's--well, I wouldn't say it. No, no. Mines are dangerous operation on the environment. I would like adults to make choices on behalf of the environment, the plants, the animals, and the community, not money. Please vote to stop the mine. Thank you.

CHAIRMAN GREENO: Thank you.

[Applause]

COMMISSIONER MCATEER: And, and what school do you go? Whoops? And what school do you go to? Is that Union Hill? What school is that? Grass Valley Charter. Thank you. Nice to have you here.

CHAIRMAN GREENO: Thanks, mom.

MS. SUZANNE SMITH: Hi. My name is Suzanne Smith. I am a Grass Valley homeowner. From 2011 to 2015, I was a Nevada County Planning Commissioner. So glad I'm not one of you. Two thousand to 2007, I was a Senior Planner for Nevada County. And from 1988 to 2000, I was a resource planner for the County of Santa Cruz, implementing the Surface Mining and Reclamation Act, preparing quarry EIRs.

I'm here to address the adequacy of the Final EIR. The footnote on page 22 of your staff report addresses the quality of water samples submitted by the Applicant with his application. It was the only water analysis done. I took the sample sheets, which are over there in the Draft EIR, to circle, to verify what I saw, and was told it's out of hold time. They're all out of hold time. Meaning that you can't get realistic numbers from them.

Nonetheless, the--they were logged in regardless, and will be run for an analysis required is what the sheets say. And this was done per what the client requested. They say, "No ice, out of date," on the analysis sheets. So that says to me that, you know, that is not really good work. And water is our life.

Number two. Here is a letter, a copy of a letter from California Department, Fish and Wildlife. The agency is a trustee agency, and a responsible agency under CEQA for the proposed project. Fish and Wildlife gives detailed information as to what should

be in a revised Draft EIR. It would have required recirculation of the EIR, which did not happen. Central Valley Water Quality District also requested a recirculation, and that did not happen.

Number three. CEQA no longer requires trucks to be included in vehicle miles traveled. The mine piles, waste piles only last for 11 years. Then it's proposed to sell or to local markets. That's for 69 of the 80 years. We have no idea what the trucks are going to do. They analyze the, the gas emissions, but they don't impact-- they don't do the analysis for traffic impacts like they used to do. So we don't know what they're going to do. We just are going to have a lot of trucks for 70 years on our streets, and no analysis is being done.

I urge you not to certify this Final EIR, and to recommend denial of the project. Thank you.

CHAIRMAN GREENO: And I missed your name.

MS. SMITH: Suzanne Smith.

CHAIRMAN GREENO: Thanks, Suzanne.

MS. SMITH: Mm-hmm. Do you want any of these?

CHAIRMAN GREENO: If you turn them in, we've got the box outside for the clerk.

MS. JOY WADE: I'm Joy Wade [phonetic], and I live in District 1. It is essential that the proposed mining permit submitted by Rise Gold, a corporation headquartered in Canada, be denied. It is equally essential that the Final EIR be denied, as well as the whole subject of hard rock mining in Nevada County be denied in perpetuity.

Expert responses to the NOP and DEIR submitted by M-Gold, and now Rise Gold, have provided substantial documentation of all the reasons our community must not be subjected to the reopening of the Idaho-Maryland Mine. We have already suffered enough from the local legacy of toxic mining activity in Nevada County and beyond. The documentation of this truth has been provided to Nevada County officials many times and in great detail.

The unacceptable negative impacts of

hard rock mining, the negligible economic benefits to the community, and the potential economic benefits of alternative uses of the properties involved, all prove the necessity of putting the issue of future mineral extraction to rest once and for all. That's my main point.

Approving the FEIR escalates the danger of exploitation by hard rock mining in our community and throughout the region. Not just here, but throughout the foothills and all the way downstream. Directives from the state extremely prioritize housing. What a shame to locate housing on virgin land, exemplified as has previously mentioned what could have been the Getty-Meadow [phonetic] Preserve, but which is now being paved over and put housing there. But instead, impacted land should be used before virgin land. The economic benefit to the community from locating housing on the property in question is assured without the mess industrial exploitation creates and the impacts to local water security.

Once hard rock mining is denied in

perpetuity, Rise Gold can fulfill its legal responsibility, since they purchased the property, to deal with the toxicity of the sites they claim ownership of, and deal with water quality issues in the reservoir being held in the miles of mineshafts they claim mineral rights to. The property owners who have been paying property tax on the land affected by these mineral rights deserve protection from toxicity of land and water left behind by previous hard rock mining that they have been subjected to.

I also suggest the multiple benefits of creating a research facility, a research facility on the property, an educational facility charged with developing modern water and soil detoxification methodology so needed throughout the world, be an international research center. Housing and remediation research on this site have the potential to create priceless benefit to our local fiscal and environmental health. It is time our decision-making be an example to our future generations. Will they be able to stop asking, "What have you done?"

CHAIRMAN GREENO: Thank you, Joy.

THE CLERK: Chair Greeno, if we can get numbers 131 to 140 lined up in the lobby, please?

CHAIRMAN GREENO: Thank you.

THE CLERK: Thank you, Chair.

MS. LAURA GALIOSO: Hi. My name is Laura Galioso [phonetic]. I live on Diamond Court, which is off of Upper East Bennett. My well is one of the 30. So I am smack in the middle of that EIR and the project description. And it has left me with unanswered questions and concerns.

I have read that Rise will bring me an ID water. I have read that Rise will pay for that and my water bill. But, oops, I've also read that Rise will not pay for the water usage beyond 400 gallons per day, which I have no idea how many gallons per day I pull out of my well. I have two and a half acres and it's partially irrigated, plus the house.

No one has asked or offered to measure my average current usage. That is not completely or adequately--I'm beginning to

hate that word--addressed in the EIR. No one has come up Diamond Court from Bennett and up my driveway to my home.

And, yeah, anyway, I've also read that Rise will pay to cap my well. But, oops, I've also read if I choose not to cap my well, to use it--to like continue using it for outside irrigation--I will have to pay for something called a double check valve to prevent backflow into the NID system. That's a monthly fee.

I have also read that if I try and sell my property, these so-called perks from Rise disappear. What does that do to my property's value? This is not entirely addressed in the EIR or the project description as to my property value, my property taxes, and any future sale. Are any of you going to offer to buy my property, which is 1,300 feet away from the working mine surface property.

When the mine was closed 70 years ago, it was two plus miles outside of town. It was two plus miles away from where anyone lived. If the county—why? Why? If the

county ever thought to reopen that mine, why did they allow all of these homes around the surface boundaries to be built? Why did they do that? And for anyone that says, "Well, that was them doing that, not us." Well, unfortunately you've inherited this nightmare. Good luck.

I would like you to not certify the EIR and deny the project. Thank you.

CHAIRMAN GREENO: Thank you, Laura.

MS. CHRISSY FREEMAN: Good afternoon. My name is Chrissy Freeman. I live in District 1. I am speaking as an individual, although I'm a board member of the California Native Plant Society's local Redbud Chapter. My remarks are based, in part, on written comments already submitted by our Redbud Chapter.

I understand that the county could deny rezoning that would allow mineral extraction, but not reject the request for an 80 use, 80-year use permit. I object to the proposal that the board could certify the Final EIR. This FEIR has multiple imperfections. Any one of which should

cause the board, and the Planning Commission, to reject it.

I'll focus on the associated Centennial parcel designated as the place where the mine project would stockpile a great deal of the waste rock from their operations. First, Rise has posited that the FEIR need not consider the Centennial site. If they find some other way to get mineral of the wine--mine waste, they wouldn't--it wouldn't affect the Centennial site.

The board should not accept this. If the mine were ever to resume without Centennial, operations could accumulate all the waste on the surface of the Brunswick site. And that could be covered with landfill and converted to a hill.

Second, the Centennial today is a vernal pool, home to several plant species of concern. Site-specific plant surveys were inadequate. For instance, they surveyed after the fire in June 2022. Some designated endangered species such as the Stebbin's morning glory, are very tiny in their first year, easy to overlook. Surveys

were, therefore, not meaningful.

Another rare species, the pine hill flannel bush, likely would not survive transplanting and propagation is--of this plant--is quite difficult, even for professionals. These plants are found only in our county and one other location in California. When a species is removed from an ecosystem, a cascade of effects can occur that have negative effects on many other plant and animal species, hydrology, and more.

Another example of this, of course, is the benthic macroinvertebrates that the person from Sierra Streams mentioned. They are eaten by amphibians, and reptiles, and birds.

So we urge you not to certify this FEIR. Instead, reject it now. As a backup, please recommend only the option that removes the Centennial site from this project. If, in the future, some other operation wants to operate at this site, do not let them shortcut the environmental processes designated to safeguard us and our

environment. Instead, make them perform an FEIR that is adequate and realistic. Thank you.

CHAIRMAN GREENO: Thank you, Chrissy.

MR. BOB WHITE: Good morning. My name is Bob White, and I live in District 3. A few of the agencies who commented on the Draft EIR include Water Board, the Air Quality Management District, City of Grass Valley, NID, and Baseline Environmental Consulting, with 35 years' experience in environmental consulting.

Any--for any of the issues that were--the FEIR responses of these agencies ignore the comments with some form of, "We know better," or, "You don't understand CEQA." A few of the examples of the expert comments include the Water Board, the Draft EIR should be revised to address this comment. This occurs three times regarding separate issues each time. The Air Quality Management District, the project, this project--the project should be evaluated based on more samples. The City of Grass Valley, cursory alternatives, dismissal of

alternatives is based on economic assumptions which are--which there is absolutely no evidence of.

Now, NID Board of Directors expressed serious concerns that the number of impacted wells could far exceed the 30 that are estimated. And that a mitigation measure should be adopted that would require the Applicant to put forth bonds of 14 million dollars to cover the cost of such infrastructure.

Baseline Consulting, FEIR, the FEIR analysis of the project impacts the greenhouse gas emissions remains inadequate.

And a longer excerpt from the City of Grass Valley, the City of Grass Valley, we are dismissed--the failure of the EIR to adequately respond to these critical comments and inadequacy of the FEIR.

I respectfully request that you do not satisfy--certify the Final EIR. Thank you.

CHAIRMAN GREENO: Thank you, Bob.

MR. RICHARD CARTER: Good morning. My name is Richard Carter. I live in Grass Valley. Excuse me. During my working life,

I was a registered professional engineer in the state of California and several other states. And I'm a lifetime member of the Sierra Club.

I support the reopening of the Idaho-Maryland Mine because I don't think that it is an either/or proposition. We can have an active gold mining operation here without sacrificing the quality of life we enjoy. The EIR has stated as much.

I also support the project because I live in the now, but remember the past. Fifty years ago, there was no EPA, no California Environmental Quality Act, no Clean Air Act, no Clean Water Act, no Endangered Species Act, no vehicle emissions standards, no Toxic Substances Controlled Act, no Occupational Health and Safety Administration, no superfund legislation, no Safe Drinking Water Act, no Resource Conservation and Recovery Act, no Pollution Prevention Act.

Today, thanks in part to the conscientiousness, conscientiousness and activism of the groups mentioned by the

first speaker of yesterday's session, these laws, regulations, and agencies constitute the regulatory framework for evaluating the environmental impacts of proposed projects, regulating the operations over the life of the project, and ensuring that the site is left in a clean state after operations cease.

I trust you, Board of Supervisors, various state regulatory agencies, to enforce the law, and the management of Rise Gold Mine to follow the law. They have every incentive to do so. Let's reopen the mine.

CHAIRMAN GREENO: Thank you, Richard.

MR. COLE MILLER: Hi. I'm Cole Miller. I'm a local real estate broker. And although I think that the environmental impacts and the water decimation that takes place during a big mine operation like this are the most important factors, I'm here to talk about my expertise, and that's real estate.

In 2013, I bought eight lots in New Brunswick Court, which is directly across from the prospective site. This process of

them even trying to get the mine has decimated the real estate value in the area of the site. I built--I built one house on one of my eight lots and was able to sell it. Since then, I can't get the--I can't sell a lot. I can't build a lot. I can't sell a house in that area.

I really encourage anybody who is a property owner within ten miles of this site to join me in a coalition to fight this from a property owner's perspective. They are decimating the real estate value in that area. And my business is a very small business. I work with my mother, my wife, and my sister. And this is personally putting us through economic hell.

And I just really encourage everybody to fight as hard as they can to not approve this EIR and join together as citizens of this county, and fight as hard as we can to not let it happen. I appreciate your time.

CHAIRMAN GREENO: Thank you, Cole.

MR. STEVEN MEDINA: Good morning. My name is Steve Medina. I'm a father, I'm a husband, and I'm a realtor. I am—thank you

the previous speaker, Cole. I'm also the President of the Real Estate Association here in Nevada County. As one of our representatives—one of our representatives spoke yesterday, specifically about the economic impact report, and the dismissed decrease in home values if the mine were to reopen. I'm continuing that.

I'm here today to address two more critical impacts to the report. One on zoning. The General Plan 17-2 states that NE zone will be used to warn the public that the potential for surface mining operation exists, and thus, this zone will discourage the encroachment of incompatible uses. The surrounding borders of the Brunswick site are now currently zoned and built as residential.

General Plan Policy 17.14 states that already-existing development shall be protected from adverse environmental effects caused by mining through enforced use permit--through enforced use permit conditions and mitigation measures or denial of the project. Where is the buffer zone?

And property assessments, everyone is focused on increased tax revenues from the mine. However, no one, maybe except for Ricki earlier, has discussed the reduced tax assessments and income to the county due to reduced property values. When property values go down, Title 8 will be utilized to reassess homes at a lower value. Homes will also be marketed and sold at lower values, just as Cole described. Both scenarios result in a reduction of long-term tax revenue for the county.

Before any decision is made regarding the certification of these reports, we as the association--as the association and membership recommend the Planning Commissioners speak with the county assessor. Based on our own thorough analysis and surveys of the impact reports, both Draft and Finals, our association believes the Economic Impact Report results are incorrect, and recommend the Planning Commission not certify the report. Thank you.

CHAIRMAN GREENO: Thank you, Steve.

THE CLERK: Chair, we have two more

speakers. Do you want to line up more, or would you like to go lunch after these two?

CHAIRMAN GREENO: Let's--yeah, let's go ahead and we'll have lunch. We'll not line up the next group until after lunch.

THE CLERK: Okay. We'll start at number 141 after lunch.

CHAIRMAN GREENO: That sounds good.

THE CLERK: Okay. Thank you, Chair.

CHAIRMAN GREENO: Thank you. Until 2:00, so from, from--yeah, we can--we can do a half-hour lunch. Yeah, great idea.

MR. JARED NAIMARK: Okay.

CHAIRMAN GREENO: Proceed.

MR. NAIMARK: Good morning, Commissioners. My name is Jared Naimark and I'm the California Organizer with Earthworks. We're a national, nonprofit organization that's been working for more than 30 years around the world to protect communities, and the environment, from the adverse impacts of mining. I work to support communities throughout California who are impacted by both existing mines and mining proposals.

I came here today to say that

Earthworks stands in solidarity with the countless Nevada County residents who have made their voices heard. I urge the county to deny the Idaho-Maryland Mine and not to certify the Final EIR.

There are many deficiencies in the EIR that justify its denial you've already heard about. In particular, Earthworks is deeply disturbed by Rise Gold's plan for managing mine waste, and the shortcomings of the EIR in analyzing this impact.

The assumptions made that the Centennial site cleanup will be completed before new mine waste is dumped there are extremely concerning. Unfortunately, as many of us in this room know, those cleanups often drag on and on, taking decades. So using that as the baseline for analysis in the EIR is simply unacceptable.

Another major issue that you've heard experts testify about is the assumption that Rise Gold will be able to find a market to sell its mine waste for construction material. In our experience, many companies say this, and many are unable to find a

buyer for that material. It's foreseeable that the company will be stuck with storing even more waste than analyzed onsite, the impacts of which have not been properly addressed in the EIR.

You've also heard from experts about how this mine waste would contain hazardous elements with the potential to leach into waterways, causing long-term pollution. There hasn't been enough testing to analyze this risk.

We've studied mine waste facilities all over the world and can tell you that the only truly safe tailing facility is the one that's not built in the first place.

California is seeing a wave of new gold exploration projects. Some call it a new gold rush, but gold mining is one of the most destructive industries in the world. It displaces communities, contaminates drinking water, hurts workers, and destroys pristine environments. And we don't even need to mine for more gold because there's already enough above ground. It's highly recyclable. And, if we stopped all gold

mining today, recycling can meet demand for all technological uses and 45% of annual jewelry demand.

Nevada County can be a leader in California, and the world, setting an example in rejecting this toxic industry. It's vitally important that you do not certify the EIR, because otherwise another company will be back, and you'll be stuck fighting this fight again and again. Thank you.

CHAIRMAN GREENO: Thank you.

MS. JADE: My name is Jade [phonetic]. I'm 12 years old, and I live in Nevada County, District 1. I am against the mine because, first of all, I am distressed about the thought of millions of gallons of water being used every day for the mine. Yes, we just came out of a drought, but we could-- but using that much water could very quickly plunge us into an even worse drought.

Also, as people making the decisions about the mine, you are much older. You won't live to see all the consequences of the mine, but your children and

grandchildren, and the newest generations will. My children and I will see the effects of this mine even if you don't.

The mine will also be affecting the wildlife and the people in the area. The constant drilling will disrupt ecosystems. And the contamination of the water will poison the animals and plants. Even as people are saying the water will be use-- being used will be cleaned, it can't totally be returned to its original state. This contamination will affect the area, and its people, for generations to come. This brings panic to my heart, and makes me anxious for the future.

Now I ask you to vote no to this mine and forever protect the planet for my generation and generations to come. Thank you for listening.

CHAIRMAN GREENO: Thank you, Jade.

[Applause]

CHAIRMAN GREENO: Jeff, is this our last before lunch? Very good. Thank you.

MR. CHARLIE PRICE: I think you guys are tired of people just talking to you.

CHAIRMAN GREENO: What, what number are you?

MR. PRICE: I'm 139.

CHAIRMAN GREENO: 139? Thank you.

MR. PRICE: Charlie Price, retired from the Tahoe National Forest. I live on Deer Creek.

[Guitar Playing/Singing]

MR. PRICE: Taken years and years to recover from the terrible, terrible gold mining scars. Generations of good people working together, restoring this beautiful county of ours. Trees have grown back, now living here is fine. Folks even visit just to shop and to dine.

Don't let 'em commit environmental crime. Don't let 'em open Idaho-Maryland Mine.

Grass Valley started as a mining town. Stamp mills explosions shakin' the ground. Gold ran out and the miners did, too. Sawmills grew with their logging crews. Well, no one wants to visit an industrial town, where haul trucks and blasting is a common sound.

Big step backwards, it'd be a crime. Don't let 'em open Idaho-Maryland Mine.

Far-sighted leaders paved the way for the beautiful county we live in today. Well, I know they'd roll over in their grave if you were to throw all their hard work away.

Shops and restaurants, they don't want to see their customers and all the visitors leave. Big step backwards, it'd be a crime. Don't let 'em open Idaho-Maryland Mine.

[Applause]

CHAIRMAN GREENO: Thank you, Charlie.

MR. PRICE: Thanks you guys. I have--I have a comment left in my 57 seconds.

CHAIRMAN GREENO: Have at it.

MR. PRICE: There's a reason that the people who developed this environmental report could not find a comparable situation as we're in today. And that's that no county would let an industrial operation move in next to one of their major attractions. Would Santa Cruz County let an industrial operation move in next to Capitola? I mean they can't find an example, because nobody would do it. Thank you.

CHAIRMAN GREENO: Thank you, Charlie.

[Applause]

CHAIRMAN GREENO: And with, with that, we're going to refrain from applause, please. Thank you. We are going to take--we'll take a half-hour lunch.

COMMISSIONER MILMAN: Half-hour?

CHAIRMAN GREENO: Yeah, half-hour. So as to give as many need to speak as possible. We will--I would ask that if you can consolidate, if you feel like you've got a unique and new perspective that is pertinent and significant, and that we need to hear it, we want to hear from you.

We also--this is a step in the process. Again, as I said this morning, the Planning Commission is making a recommendation. We have to move to the Supervisors to make the decision. So that's why we're having a hard stop at 2:00. We could stop before that and get onto our discussions up here if everybody is done by--before 2. So that's it.

FEMALE VOICE: - -.

CHAIRMAN GREENO: We'll be back. We'll

be--we'll be back at 12:30.

[Lunch Recess]

CHAIRMAN GREENO: Test, test, test. All right. We'll call this meeting back to order at 12:32. And we will continue with public testimony. Ready. We're ready if you are.

MR. OLAF BLECK: Great. Good afternoon. My name is Olaf Bleck. I live near Cedar Ridge, inside the mineral boundary. I've been here 11 years. Much of that's been in mining-related projects. I've also spent 25 years walking the halls at MIT as a student and staff member. There I learned about fact, truth, how we arrive at it, and the ethics thereof.

We've heard many concerns here, some quite authentic and moving. On the flip side, I even got a death threat once while commenting on some issues here. But these concerns have all been acknowledged and addressed in the EIR, our elaborate system of arriving at the preponderance of fact and truth.

We have 20,000 pages of peer-reviewed

expert, objective analysis, informed by our elaborate CEQA process, designed specifically to guide us through these decisions. I'm delighted that staff recommends adoption thereof regardless, and I hope you concur.

But what about the use permit? Skipping over discussion of Option A, which seems like an afterthought when you read it, it seems like a constantly professional roadmap for approval of this project. What happened? It's puzzling. Politics? I don't know, but I can speculate.

We heard there are always conflicts in General Plan objectives, so we look for more guidance. Might I propose one source? California Public Resources Code 2762 gives us precisely nine words in Section (a)(3). The lead agency shall, quote, "emphasize the conservation and development of identified mineral deposits," period, full stop. That's it. It's food for thought.

But the real question is: can the mine and the rest of the county coexist? Or is the sky going to fall? The preponderance of

the facts, which is comprised of the EIR and the other studies the county has done, says things will be just fine.

So is this just going to be about "ruralness," if that's a word? It seems highly subjective, and the reasons expressed are contrary to the EIR. But what else should we consider? What about that the truth says one wouldn't notice the mine if you drove past it except for the sign in the driveway and a truck every 20 minutes.

What about the 50 to 60 million dollars a year predicted impact on our local economy? What about the jobs and the better standard of living which permeates through our entire community? What about the people that can't be here today and want better jobs? They're our working-class community. They have jobs, and family, and just can't be doing this. They don't even want to be here.

Gold is a huge hedge against economic downturn. History has proven this over and over again in our region. Don't we want to diversify our portfolio? After all, tourism

is the first thing to go when things go south. And we're kind of looking at the abyss right now.

So I imagine this is what planning is all about. I don't envy you. Please consider the preponderance of the fact and the truth. Thank you. And I encourage you...

CHAIRMAN GREENO: Thank you, Olaf.

MR. MATT NICHOLAS: Thanks for the hearing today. I'm Matt Nicholas [phonetic] and live on the other side of Banner Lava Cap. I started mining when I was 21 years old in 1977. The state of California actually sponsored me with equipment, and I made a living off of that for ten years, 365 days a year for ten years. And I didn't get rich, but I made a good living. It's a healthy living, and it's hard work. Anybody that mines knows that.

The seal of Nevada County has a gold miner on it. This town was built on gold. And all the buildings, all the streets, all the sidewalks wouldn't be here if it wasn't for the history of it. Nevada County lives

off the history of, of the mining heritage. And Nevada City is called the Queen of the Northern Mines. It brings in tourism. And that's great, but, but there is gold in the ground. I find it all the time.

The way the economics is going now in this time, it's like it's inflation, rising prices, banks are folding. Everybody knows like three or four banks have already folded. There's a good chance we're going to be in a hard recession in the next two years. The first thing to go, like Olaf said, was tourism, and the service industry suffers in recessions. And a thriving gold mine that is well-regulated, in fact, the most regulated probably in the world in California, has the strictest regulations, would be a solid economic and community employer for years to come that a recession would not affect it.

During the Great Depression, Grass Valley and Nevada City did not suffer like the rest of the country because of our gold. The mines kept Nevada County and other-- Placer County, and other gold-bearing

counties, working. So they did not feel the depression like, like so many other states in the--in the nation did.

All the concerns, there's a lot of valid concerns that I--that I hear people saying. But, like I said, the most-regulated industry in the--in the world is mining. So their, their feet will be held to the fire every step of the way. And a well-run mine can be an example and also a boon for the--for the county. I lost my...

CHAIRMAN GREENO: Thank you, Matt.

MS. SUSAN MCKINNEY: Good afternoon. Before my timer goes off, I just wanted to express that I Googled the question, "Is it slander if it's true?" And the answer was that if the statement has substantial truth, it is not slander or defamation.

While I would love for all of us to get along, I think it's very important that we have transparency right now. I did request before the timer was--excuse me.

THE CLERK: Your time is counting down.

MS. MCKINNEY: So because of the incident yesterday, I just wanted to clear

the air. Would you please stop my timer? I would--just wanted to make sure that I am not rudely interrupted during my speech yet again. Would someone please stop the timer, so that I can begin from the top as I had wanted to yesterday.

COMMISSIONER DUNCAN: Claire, stop the timer. Okay. Thank you for coming, agreeing to come again. We appreciate that. We follow certain rules of conduct here. We try to keep everything above board with kindness and compassion for everyone in the audience. So please, start your presentation.

MS. MCKINNEY: So I'm a member of the audience. I would appreciate some kindness and compassion on the part of the Planning Commission.

COMMISSIONER DUNCAN: And with kindness, it was described to you that that testimony was not appreciated.

MS. MCKINNEY: Sometimes—

COMMISSIONER DUNCAN: [Interposing] The audience members have kept everything above board, and we're trying to maintain that

conduct.

MS. MCKINNEY: Okay, so--

COMMISSIONER DUNCAN: [Interposing] So the most productive thing that you could do is to start your three-minute timer, and state your concerns for the project in consideration of the audience who is here.

MS. MCKINNEY: All right. So if you would be so kind, I will be--I will begin now.

COMMISSIONER DUNCAN: That would be great.

MS. MCKINNEY: And I will recite what I wrote, which is exactly what I was reciting yesterday.

COMMISSIONER DUNCAN: They have restarted the timer.

MS. MCKINNEY: Okay. I just wanted to make sure I can get through my three minutes without interruption. Thank you.

COMMISSIONER DUNCAN: Well, wasn't her--part of that test--that testimony is on the record. So does she need to repeat what is already on the record?

MS. KATHERINE ELLIOTT: I would just

start the clock now and have her say her piece.

COMMISSIONER DUNCAN: All right. On advice of counsel, we will proceed that way.

MS. MCKINNEY: I would love to get this over with, too. Trust me. Okay. So my name is Susan McKinney [phonetic]. District 1 is where I reside. And I'm a 40-year resident.

According to Pacific Wild, July 27, 2015, article, and a CVC October 20th, 2020, report, Ben Mossman, President, CEO, and Manager of Banks Island Limited, and now CEO of Rise Gold, was ordered to cease operations at his Yellow Giant Gold Mine after only seven months of commercial production due to an, quote-unquote, "unauthorized effluent discharges and several permit violations."

A Banks—the Banks Island Northwest British Columbia mine had spilled slurry on land into surrounding creeks, lakes, and wetlands. The discharge then made its way to the ocean. Banks Island Gold Limited then conveniently went bankrupt, letting

taxpayers foot the bill for the 1.6 million dollar cleanup. Ben Mossman is still, currently, on trial in Canada on charges related to the spills.

There is no such thing as a clean, safe gold mine, as demonstrated by another Canadian-owned mine in Nevada County, Siskon Gold Mine. On Labor Day weekend, 1995, Siskon's miners hit an unmapped bedrock fault, drained an entire aquifer, and ruined 12 water wells over two square miles, including Grizzly Hill School and the North Columbia Cultural Center. Allowing a reckless mine owner like Ben Mossman, who flouts environmental laws, and leaves the toxic mess for taxpayers to clean up because of financial insolvency, is asking for environmental and financial disaster that we, Nevada County residents, neither need nor want.

What would ideally be done with the land Ben Mossman wants to destroy along with the rest of Nevada County is to extend the Empire Mine State Park Trail System. Nevada County will sustainably create more jobs and

receive more tax revenue from ecotourism without destroying our environment and constantly threatening us with drained water wells, water shortages, soil, water, air, and noise pollution, fire hazards, and catastrophic truck-versus-car accidents.

Thank you for listening to reason, following your highest moral aspirations, and advising the Board of Supervisors to deny Ben Mossman the opportunity to wreak havoc upon our beautiful, sacred home. Thank you.

COMMISSIONER DUNCAN: Thank you, Susan.

MS. NANCY CUNNINGHAM: Hello. My name is Nancy Cunningham [phonetic]. I am a 43-year resident and well owner in District 4. I am here to urge the Planning Commission not to certify the Final Environmental Impact Report, or the use permit, for the reopening of the Idaho-Maryland Mine.

Although mining was a part of the past of Nevada County, it is not compatible with the retirement and residential community, and tourist attraction, that we have become. As shown in the Environmental Impact Report,

there is no way to mitigate several of the impacts this project would cause such as increased traffic and ground vibrations. Money to the local government does not mitigate these impacts for the community.

Groundwater is another grave concern to all of us who have wells. It is shortsighted to think that only 30 wells will be impacted. Water flows downhill, and what you remove downhill will be drained from the uphill wells.

The mines of yesteryear were part of our history, but it does not need to be part of our future. I urge you, say no to both the certification of the Final Environmental Impact Report, and the Rise Gold use permit. Thank you.

CHAIRMAN GREENO: Thank you, Nancy.

MR. DALE NEECE: Hi. I'm Dale Neece [phonetic]. And I was here all day yesterday and was listening pretty intently. As a precursor to my spiel, I feel the need to make a couple of comments that I'm hoping will be helpful to everybody in the audience.

First, loss of hearing. Going deaf is

a terrible and debilitating thing, but if you refuse to listen it puts you in the same predicament. Secondly, any two-sided exchange becomes not just frustrating, but basically impossible to navigate if either side insists on throwing out logic or facts. So I just had to get that off my chest.

I fully support the reopening of the Idaho-Maryland Mine and for all the right reasons that have been outlined by others. But today, instead of rehashing the obvious benefits, I'd like to share a big picture perspective. I recently retired from a 36-year career in the commercial explosives industry. And I had the opportunity to visit hundreds of mines, quarrying, heavy civil engineering projects, and operations all over the country and internationally. I strongly believe that most U.S. citizens are woefully ignorant of what modern mining does for humanity.

When discussing the benefits of an individual mining project, I believe it's helpful to look--also look at mining as a whole. Everyone should realize that

literally every tangible thing we use comes from mining or agriculture. Our current way of life would be impossible to sustain without mining. Do you use a cellphone? Do you drive a car or even a bicycle? Do you live in a house or a trailer? Everyone is touched by the benefits of mining.

And I would also like to point out that modern mining treats negative impacts far differently than when the mines that were under our feet here in Nevada County were last operating. Modern mining is highly regulated, as has been said many times. And coupled with responsible mining methods that are required, negative impacts, if not entirely eliminated, are brought down to a level on par with any productive other activity that we see around us every day.

I'd like to encourage everyone to get the facts, get educated. Emotional speculation and spreading factless or, worse yet, false statements should have no place in a decision to grant permitting to reopen a mine.

I have worked in many, many mining

operations in and around populated areas, much--oftentimes much closer than what these guys are attempting to do. I can attest that mines make good neighbors. Often the majority of the neighbors are actually unaware that there is even a working mining operation nearby. I'd love to have the time to share some site-specific examples with you of good neighbor mines, but you can find out for yourself.

These days are pretty simple. And however you feel about reopening the mine--I think I'm about to run out of time. So I'm not going to be able to get through this paragraph, but thank you.

CHAIRMAN GREENO: Thank you, Dale.

MS. LIMA CETES: My name is Lima Cetes [phonetic]. I'm in eighth grade, and I'm opposing the mine. I mean the opening of the mine is a scary topic to think about. Will I be safe when I go outside? Can I drink my own water? Will I even have water to drink? There are an endless amount of questions that I'm sure everyone is all wondering.

Seeing all the mines that have operated in this area previously, along with today, it's not a question of if there will be a spillage and environmental damage, but when. And when this happens, it will be us, the county and the citizens who will have to clean it up. But, to be honest, it won't just be the county and the citizens to clean it up. It will also be my generation and our future children.

From a report in 2016 for the Empire Mine in Downieville in Sierra County, the estimated cost for cleanup is around 2 million dollars. And that wasn't even from a spillage. That price is just from the tailings they left behind. They contain arsenic, cadmium, cobalt, lead, mercury, nickel, and silver.

If you guys do open up the mine, will I be able to walk my dog by the Wolf Creek Trail? Can I go swimming in the river? Or will I have to stop these activities that I love because one of us might get poisoning from those metals?

I'm still in my teenage years, and I'll

still be a young adult if this mine were to open. I want to be able to hang out wherever and be able to do what I want without being afraid of getting sick. I am out here, missing school, because I care about what happens to our community. I shouldn't have to be fighting for our town. I'm only 14 years old. Not to mention, I was 12 years old when I first voiced my concern about the mine reopening, too.

Like I said, what happens to the environment in our county means so much to me. Us humans have already been destroying the earth with deforestation, overpopulating, glacial melting, and so much more. So if you guys do open up the mine, you are letting people of all ages suffer from fear and from sickness.

We can't just allow corporations or special interest groups do whatever they want, in a way that affects us all. The solitude and peacefulness of this town is what attracts many retired people, young families, and tourists to our town. With mining, all of that could go away.

Mining is a bygone era. Let's leave it there. Thank you.

CHAIRMAN GREENO: I missed your name. I missed your name, young lady.

MS. CETES: Lima.

CHAIRMAN GREENO: Lima, thank you.

MR. BRADY TANNER: Hi. Brady Tanner [phonetic], District 4. Thank you for the time to speak. My wife and I are lifelong residents of Nevada County, born and raised here. I participated in meetings for and against the mine. And the one thing I've noticed is that a lot of people with two, three, four, five, even six generations of family that live here, locally, are for the mine to reopen. And, yes, my family and relatives have been here since the mid-1800's. Some of them worked in these mines.

As I listen--as I listen with an open mind, it's more of the positive outcomes reasoning for reopening the mine, not just jobs. The fact that the company will clean up any previous issues with the mine, and going forward will be--will be required to deal with any and all issues that fall under

the heavy scrutinization from the county, state, federal regulations, and that have been addressed in the EIR.

I would ask you to look at the truth, the true facts, and not the misguided opinion of opposition. Vote yes to reopen this mine. I believe this will be missed, a missed opportunity for our county because the tax revenue coming from this mine could be used towards cleanup of other mines in our--in our county that are true issues of hazmat, environmental, and water quality issues. This is not what the opposition wants. That is not what the--that is not what the opposition wants. That is not what we all want. I want to support that. Had funding been available, could have the Lost Lake incident been avoided? As a true local growing up here, I'm proud of my ancestors. I love the history and the county's deep mining, logging, and ranching history.

We've all been stewards of this land for a long time, taking care of it, protecting the land as it is taking care of us. This is our first and foremost priority.

I urge you to vote yes on this project because it's good for our county, our community, and can be good for our environment. Thank you.

CHAIRMAN GREENO: Thank you, Brady.

MS. KATE GAZZO: Hello. Good afternoon, Commissioners. First of all, thank you for hearing all of our comments yesterday and today. I know it's a lot of information. And thanks to everybody in the audience who is here as well.

My name is Kate Gazzo. I work as a conservation manager for Bear Yuba Land Trust, located in Grass Valley. We submitted comments on the Draft Environmental Impact Report for the Idaho-Maryland Mine Project regarding how it specifically impacts one of our conserved areas, which is Bennett Street Grasslands, which is contiguous with Empire Mine State Park.

We were disappointed to find that many of our comments were not adequately addressed in the FEIR. As we stated in our comments, the mission of the land trust is

to protect and defend the working and natural lands of the Bear and Yuba River Watersheds for public recreation and for wildlife values.

The lands under our care include the Bennett Street Conservation Easement, which is located just below the Brunswick site and south of the Centennial site. This valuable natural asset, which is owned by California State Parks, but protected by Bear Yuba Land Trust under a conservation easement, is bisected by South Fork Wolf Creek. The Brunswick site is located just upstream of this easement.

The project will alter the timing, quality, quantity, and flows of water released into South Fork Wolf Creek. This, in turn, influences the plant communities and wildlife, which co-occur with the creek. These include wetlands, forests, grasslands, riparian areas, as well as multiple wildlife species, including species protected by state law that directly depend on the water quality, flows, and quantity coming from South Fork Wolf Creek and the surrounding

habitats, which the project will alter.

For over 30 years, the land trust has safeguarded critical habitats and provided assurances to our community that we will protect the conservation values of the lands in our care. We are legally bound to protect the environmental health of this location, the Bennett Street Grassland Conservation Easement. The project puts our ability to accomplish the land trust mission in legal jeopardy.

Furthermore, without the constants of the mitigation plan purported to reduce impacts to a less-than-significant level included in the mitigation measures with performance standards, and consequences for noncompliance, mitigation is being deferred, and is in violation of CEQA.

For the aforementioned reasons, we find the Draft and Final EIR to be legally insufficient to support the Idaho-Maryland Mine Project. We respectfully request that you deny approval of the FEIR, as well as denying the use permit for the mine. Thank you for hearing all of our comments today

and yesterday.

CHAIRMAN GREENO: Thank you, Kate.

THE CLERK: Chair, if I can interrupt?

CHAIRMAN GREENO: Yes, thank you.

THE CLERK: We would like to get numbers 151 through 160 to line up in the lobby, please. Thank you, Chair.

CHAIRMAN GREENO: Thank you.

MR. BILL LAWRENCE: Good afternoon. My name is Bill Lawrence [phonetic] and I reside in District 3, Nevada County. And I am here to present to you information that will demonstrate that the FEIR does not address how Rise will generate, store, or manage any hazardous waste from the chemicals that are used in the mineral processing at the Brunswick site. The chemicals are briefly identified in the report, but very little other information is provided.

The consultants state that CEQA does not require the Applicant to provide detailed information on chemical storage or management. They cite a case that was a proposed expansion of the surface mining

operation by a ready-mix concrete company. The issues challenged in this case focused on surface water rights, no mention of any chemicals. It is therefore inappropriate to use this as a precedent.

The FEIR also states that no liquid hazardous waste will be generated during the gold recovery process and refers to it as a "closed loop." Tailings from the gold recovery process would be dewatered and used for either backfill underground or stockpiled for transportation onsite or offsite. What happens to the water? Stating that the gold processing is a "closed loop" does not seem credible.

The DEIR states that methyl isobutyl carbinol, MIBC, a flammable toxic liquid, would be one of the chemicals used to recover gold from ore. The FEIR further states that these reagents would be recovered in the process using filter presses. MIBC is a volatile liquid and cannot be recovered by a filter press. It does not seem like the definition of a "closed loop."

Rise also estimates that 500 to 1,000 tons of ore will be processed each day of operation. That equals to--that equals 180,000 to 365,000 tons per year. Chemicals such as MIBC are typically used as a--at a rate of up to one-tenth of a pound per ton of ore. Production would therefore--would require 18,000 to 36,000 pounds of MIBC every year. These quantities are not trivial. Up to 18 tons of MIBC would evaporate in the vicinity of the mine or neighboring communities, or remain in the wastewater. Neither of these outcomes would be desirable.

If Rise cannot, or will not, provide more information on processing chemicals, the Planning Commission needs to consider the FEIR incomplete, inadequate, and not worthy of certification.

And I just want to say, I want to thank you for your time, and patience, and service to Nevada County. Thank you.

CHAIRMAN GREENO: Thank you, Bill.

COMMISSIONER MCATEER: The esteemed Jim Weir.

MR. JIM WEIR: Indeed, Mr. McAteer. My name is Jim Weir. And since the division line between District 1 and District 3 runs down the center of the road I live on, I can never sure--be sure exactly what district I am in. It changes from year to year. As of this morning, I'm in District 3.

Ms. Duncan, I sat in that exact chair for eight years. At the end of a three-hour hearing, there was a little lump in the right side of that chair, and my rearend was so sore. I hope they fixed that for you. I really do hope that fixed that for you.

[Laughter]

MR. WEIR: Commissioner Milman, I see you're a Development Manager at Urban Development Corporation. One of your company tenets is to raise the bar for green building practices. That is a noble goal and a fine ideal. But once you raise that bar for building, it seems to me you need to raise the bar for keeping the neighborhoods that you create for those buildings to the same high standards. Shut this mine down.

Commissioner Duncan, you have no idea

how many "Laura Duncans" there are in the search engines. I could not find your name for all of the tea in China. So the only thing I can say is that you have an ideal development in - - and Lake of the Pines to protect. Shut this mine down.

Commissioner McAteer. Terry, I have known you, and worked with you, too long to expect you to not understand what's in your heart. I expect you to vote appropriately. Shut this mine down.

Commissioner Mastrodonato, we have a tenuous connection. You are the manager of Anheuser-Busch in Las Vegas. My mother was the executive, executive secretary of a little St. Louis brewer named Gussie Busch [phonetic] until she married my dad in 1940. So his boss, is your boss, is my boss.

Commissioner Greeno, I see you're an automobile mechanic. I'm an airplane mechanic. We both get our fingernails greasy. You in Truckee, and I in Nevada County. Nevada County airport was built to haul gold from the mines to the mint in San Francisco because the stagecoaches hauling

the gold down Highway 49 got robbed too often. Today the airport is a gold mine of commercial traffic building business into and out of the county. The economy of the county has changed tremendously from the 1850's to the 2020's. Shut this mine down.

Commissioners, thank you for your time. And, as I have asked all of you, please, shut this mine down. Thank you.

CHAIRMAN GREENO: Thank you, Jim.

MS. JENNIFER BURT: Hard act to follow. Hi, my name is Jennifer Burt. I live in Grass Valley, District 1. And my home relies on well water that is highly likely to be jeopardized by this project. And I'm a member of the local Wells Coalition and the CEA MineWatch Foundation. I'm giving this comment in part on their behalf.

I also hold master's and doctorate degrees in ecology. And I've worked as an environmental consultant for over 20 years. The EIR you're considering certifying and adopting today is the most flawed and inadequate EIR for a large project that I've ever seen.

The hundreds of commenters on the Draft EIR included a large number of people with PhDs in geology, hydrogeology, mining geologists, medical doctors, environmental lawyers, CEQA lawyers, and other PhDs, as well as consultants with decades of experience, environmental engineers, scientists, local and state agencies, the City of Grass Valley, NID, and hundreds of local people who read the details of the Draft EIR, and found the analysis contained therein to be flawed. I was one such commenter.

For any item of substance, the Final EIR consultants ignored all the issues raised by those commenters, claiming they were ill-informed, confused, or just wrong. One example I'd like to present today includes comments by Dr. June Oberdorfer, a professor of geology, professional geologist, and certified hydrogeologist. She has a broad range of experience with ground water resource and contamination issues, has advised public interest groups, and acted as an expert witness.

The Final EIR response to Dr. Oberdorfer's detailed Draft EIR responses starts with, "The commenter is confused on several main issues." As you might expect, Dr. Oberdorfer disagreed, stating, "Rather than addressing the substance of my comments, the responses by the mine's EIR preparer are to indicate that I am 'confused' about certain hydrogeologic concepts. I've been practicing hydrogeology since 1980 as both an academic researcher and consultant, have a PhD focused on hydrogeology, have taught hydrogeology, consulted on hydrogeology extensively."

Dr. Oberdorfer continues, quote, "The 'confusion' exists in the mine's modeling report, which has internal contradictions and is not forthcoming with important modeling results that would clarify the issues being contested. The report produced by the mine's modeling consultant would not have been an acceptedly thorough report in my graduate course."

She went on to identify 12 areas in the Itasca report that indicate internal

inconsistencies, and five other areas where the report is wrong, and details this in detail. This is just one example of hundreds of informed Draft EIR comments that demonstrated flaws which were then ignored and remain unaddressed in the final EIR.

Please do the right thing for your community and do not certify or adopt this EIR. And say no to this ill-advised project. Thank you.

CHAIRMAN GREENO: Thank you, Jennifer.

MS. JOANNE MCINTYRE: I'm a speaking virgin at one of these meetings, so highly nervous. So I apologize for all that are sitting here--sitting here.

So Joanne McIntyre [phonetic]. I'm here wearing two invisible hats. One is a 30-plus-year homeowner and resident along the area in Peardale, along 174, which will be impacted by increased truck use. And I want to--and I'm also here as a special ed teacher for children with special needs for over 35 plus years.

What I see is a failure of this EIR is our discussion on mitigation. There's a

lack of attention to the enormous issues that already exist along the 174 corridor. Over the years we've observed truck traffic has steadily increased, and it's degraded our travel and safety. This was brought to our attention more fully when Caltrans informed us that a section of 174 has too many car accidents, is unsafe, and improved a small section of it.

I want to remind everyone that what is labeled a truck route due to our access issues and mountainous terrain is actually a lovely two-lane, fairly narrow, and curly--curvy country road. What we now experience already is long lines of traffic, at times making it difficult and a wait to even pull out onto 174. We experience long lines and wait times at major intersections. For many frustrated drivers, they're performing unsafe maneuvers that are affecting our safety. We're having far more road rage incidents, dangerous tailgating, people passing on--over double lanes, double lines, and actually passing us on blind curves.

As someone who experiences these issues

almost daily, I know that having a large number of large, slow-moving trucks onto an already stressed road is going to affect my, and others', safety and wellbeing. The EIR seems to have missed that fact. It might cause me to leave a home that I hope to die in.

Lastly, as a special ed teacher, I want to reiterate what doctors pointed out. We already have an air pollution issue caused by our wind patterns and our location that drives urban air pollution right to our door. Our beautiful blue sky doesn't pass clean air standards already. We have days that are so bad that our schools cannot allow our kids out onto the playground. We have families that have left just because of this issue. And what we know for a fact is that our air pollution harms our children. And not just medically, but their brain development as well. We all know what the effect of these large, slow-moving, diesel-burning trucks will be on our air--will do to our air, as well as 174.

Please don't pass the severely lacking

EIR and allow a heavy industry here that will contribute to already large issues. Please remember what that wise Joni Mitchell said when she told us, "Don't"--I got to read this. Sorry. "Don't it always seem to go that we don't know what we got till it's gone?" We already have gold here in our beautiful environment.

CHAIRMAN GREENO: Thanks, Joanne.

MR. JEFF HALL: Good afternoon. My name is Jeff Hall [phonetic]. I live in District 3. And my wife, Michelle, and I raised two boys there. And my story is, is mainly about the boys and the lack of attention to the environmental which I would think would be the main subject of an Environmental Impact Report.

The--there was a time--both the boys went to Union Hill School at a time when they were building the gym. And they both ended up with Type 1 diabetes. The gym was built very close to 174 which, you know, when the Empire Mine was running, they were known to dump tailings on both sides of the road. And somebody brought this up to me

after I told them that both our boys ended up with Type 1 diabetes.

Nobody in our extended family, that includes cousins, my sister's kids, my-- their grandkids, my aunts and uncles, and as far back as we can go, people don't know anyone in our family who has had Type 1 diabetes. And most of the research that's going on, they're starting to lean to the fact that Type 2 has hereditary, strong hereditary components, but Type 1, they think, is more susceptible because of environmental causes. And arsenic is one of the things they're looking at as one of the causes.

My wife and I have given to the Juvenile Diabetes Research Foundation for a while. We stopped giving because they weren't--they were doing too much to try to cure the disease instead of preventing it.

Anyway, that's--I think it's--oh, the other thing is during this time when both the boys were going to school there, the nurse at my son--my oldest son was in ninth grade at Union Hill when he was diagnosed.

At the time he went to NU, they said there were--there has been quite a wave of kids coming out of Union Hill that have Type 1 diabetes. Anyway, that's something to think about. I think it's the tailings, but anyway.

CHAIRMAN GREENO: Thank you, Jeff.

THE CLERK: Chair, if I may?

CHAIRMAN GREENO: Mm-hmm.

THE CLERK: We would like to ask numbers 161 to 170 line up in the lobby, please.

CHAIRMAN GREENO: Thanks, Shelley.

THE CLERK: Thank you.

MR. WADE LAUGHTER: Good afternoon, Commissioners. My name is Wade Laughter. I live in District 1. I want to acknowledge your patience, and your willingness, to listen to all of this. And you've heard from both sides on this question.

I can't help but point out many of the folks who are speaking professionally about the mine are being paid to find the findings they're finding. Many of the folks who are speaking, like myself, who I'm clearly in

opposition to the idea of approving the EIR and reopening the mine, we're here because we care about this community. We're not here because we're going to make money from it.

This is petty of me, but I couldn't help but notice a couple of large, black Cadillac Limousines rolled into the parking lot yesterday. I'm pretty sure they were not from the Wells Coalition.

[Laughter]

MR. LAUGHTER: And there's nothing wrong with capitalism per se, but I think someone else already pointed out that, really, what you all are being asked to approve is the idea of giving an opportunity for a few investors, and a few employees, to make money. That's good. But you're asking all of the rest of the people that live in this community to forego what this community represents to them in terms of environmental quality and the beauty.

I mean I'm, I'm dealing with a number of health issues myself. I've listened to most of the hearings yesterday and today.

Again, thank you for your willingness to do that. I was home in bed listening to it and it was hard for me.

Coming down here today, this place is so beautiful. We've had an incredibly wet winter. It was hard for us. We had more than five feet of snow, where we live, for more than a week. We were snowed in. And all of that's relevant because in--after I got out of the Navy, I traveled the world. I traveled this country extensively, trying to figure out where did I want to make my home. This is where I landed. And I didn't land here because the chance to have gold coming out of the ground, or all of the things that are being mitigated, potentially, by the EIR.

And one last thing, and then I'll let you--let it go. I would point out that all of the mitigations that are suggested by the EIR are great--if Mr. Mossman and his company follow through. They've already shown a willingness to use the corporate veil to hide their activities.

And I don't think--I'm asking you, this

is a generational thing. Do you want the legacy of mining? And all--go out to Malakoff Diggins. Do you want that right here, next to Grass Valley, or some version of that? I think the answer is no. I think the answer is no.

I strongly and personally, I'm not an expert. It just feels so wrong. Please say no to the EIR and reopening this mine, for the children and the grandchildren. I'm a father and a grandfather.

CHAIRMAN GREENO: Thank you, Wade.

MR. WALT ROTH: Greetings. My name is Walt Roth [phonetic] and I'm District 3. I have experience in approving nuclear plant EIRs. So I'm not a novice at this. And I've looked at this EIR, all of them. I sent 50 pages, dismissed, all of them.

Back then, we only had to worry about half-lives, things that decayed. These chemicals we're talking about here, forever. They don't ever decay. They're forever chemicals.

So, so throughout this process--let's focus on the EIR. Throughout this process

there is argumentation, understandably and needed, which as an attorney I appreciate very much, and I even enjoy it. But there is deception here, so I'm going to concentrate on that a little bit. This EIR contains many intentional, material misrepresentations. And they were meant to deceive. And they're mostly at the technical level, so you don't see them. But all these people are making sure that you do. These errors are endemic in this EIR.

So I'm just going to identify some of the big lies that we're basing this EIR on. A big one is the Planning Department is a neutral party in all of this and, in good faith, adjudicating the costs and the benefits to the community. In my experience, and from talking to others, nothing could be farther from the truth. In reviewing this EIR, it's blatantly apparent that all important issues, significant impacts, were ignored, dismissed, handled in a shallow solution, or deemed insignificant. And that's not even the bad part.

The bad part is the error always goes

towards the mine, in favor of the mine, not against the mine. And, indeed, that's how you end up with two options, certify the EIR. They both have that. The Planning Department is acting as an agent, agency for Rise Gold. They are not a neutral party.

This is--this is not only troubling to a trustworthy EIR, but it can bring investigations and scrutiny, and legal liability to the county, eventually. This EIR is nothing more than an advertisement for Rise Gold. Some people have called it, nicely--oh, misuse of science, scams, disingenuous, and deceptive, but it's a misrepresentation that's meant to deceive.

Here is another thing, another lie, that we desperately need gold and the mining industry. We're not here to say we don't want a mining industry. Nobody is against the mining industry. We're against gold, specifically gold.

And--okay, so I've got a few things to tell you, parting words. From the mine itself, it's called arsenic, asbestos, cyanide, lead, mercury, and chromium.

CHAIRMAN GREENO: Thanks, Walt.

MS. JOAN STAFFEN: My name is Joan Staffen [phonetic]. I live in Grass Valley. I'm a writer. And the house I live in is an old miner's house. So I do feel connected to the old miners, but I am definitely against this EIR and the mine.

Because I'm a writer, I wrote a poem, very short.

Say no to the EIR certification, and no to the mine. We don't want a toxic mine depleting the water table, endangering wells, wasting our precious water. Water more valuable than gold. Imagine the spilling of millions of gallons, who knows, toxic or not, into Wolf Creek, freely flowing right through the heart of Grass Valley.

We don't want a toxic mine reopened, blasting night and day, shaking the earth, shaking our lives, destroying, again, Mother Earth. Gone is the peace.

We don't want growing, glowing, toxic pilings, dust and wind blowing asbestos, cyanide, and chromium-6, to name a few, creating hidden, but lurking, forever

chemicals in our land, air, and water. Gone is the peace.

We don't want roaring, rumbling, 30-ton diesel trucks every 20 minutes, tarps flapping, flying, brakes failing on Brunswick, accidents, and fatal accidents, at busy, bustling intersections. Gone is the peace.

But who wants the mine? Why the need for more gold? Gold is owned by corporations, countries, billionaires, not us. Five--5,000 tons of gold sits in bank vaults around the world. This glorified plan, gold, gold, there's gold in the mine, ripping and roaring from an underfunded corporation who's already destroyed native lands. Gone is the peace.

After 80 years of hard-rock mining, will our children, grandchildren, great-grandchildren in Nevada County bear the burden, do the cleanup, restore the land, the water? But will it be possible after forever chemicals are released? Will the owl, the woodcock, the red-legged frog still live? Gone is the peace. Honor the...

CHAIRMAN GREENO: Thank you, Joan.

MS. RIKKI COLBY: Hi. My name is Rikki Colby [phonetic]. And I live in District 3. I just found out I'm in the black area, with the black line around it. I heard yesterday about the ten-foot blast area, that every ten feet that there will be a blast to, to make it safe, until it's not.

I lived on the San Juan Ridge, and Siskon Gold Mine was doing blasts. We would feel them almost two miles away. And then there's a day that it wasn't. Just a blast, I noticed a huge blast. It, it was a hard blast, and it was a loud blast. And I felt it shaking the ground underneath me. And in a few days, I didn't have any water in my well. It was gone.

The fault that is considered not important in the EIR is the same fault that took my well when it opened up the aquifer. My well was monitored for two years before the mine was allowed to open, not one. My well was replaced with poor water quality that never recovered, that now has water treatment on it to make it usable. My

property value dropped in half and I moved from the San Juan Ridge. I now live in District 3, in the black area.

I heard testimony yesterday of someone who is right on the edge of Idaho-Maryland Mine, and their well—their well was not one of the ones monitored. All the wells within at least two miles, if not more, three or four, should be monitored for 80 years, not for one.

If the EIR, EIR is passed, as it will—as we will—we all will be stuck with it, and so will you. Please do not fall for the smoke and mirrors of another mining investment company. Learn from the past mistakes. Say no to the EIR and to Rise. Thank you.

CHAIRMAN GREENO: Thank you, Rikki.

MR. MARK CALHOUN: My name is Mark Calhoun [phonetic], and we live in Chicago Park. And I have three points that I want to make, and then a conclusion.

And I just want to let people know that on our property, and on a lot of your properties, too, we don't own the min--

mineral rights. The mineral rights, although it varies, but in our case it's 75 feet down, aren't our property. It's the property of Newmont Mining Corporation. And we are subject, at any time, to them being able to come onto our land and do anything they want, pretty much, and remove vegetation. And they are required afterwards to restore it all.

And my point here is, does this set a precedent? If they're able to get their permit to do this, is it going to start a precedent of other companies wanting to do the same thing? You're going to begin something that can't be stopped. And I don't think anybody wants to have a company come onto their land, and wreck their land for profit. That's my first point.

The second point is your primary charge is to do analysis of the EIR. And you also have a responsibility to consider what the long-term ramifications will be to this. Considering that we're not in the 1950s anymore, we are in a different world. We're slaughtering children in schools. We're

killing people in shopping malls. We're--
the weather is different. Everything is
changed, and we can't consider it to be the
same as it was. This is a new time we're
living in, and we can't live the way we were
previously.

In conclusion, I just--I think that the,
the analysis by the staff was flawed. I'm
disappointed that they didn't come up with a
alternative, even though they give you the
option to do it, to deny the EIR. I
encourage you, strongly, to not go with the
staff's recommendation and deny the EIR.
That's my statement. Thank you for your
time.

CHAIRMAN GREENO: Thank you, Mark.

THE CLERK: Chair, if I may interrupt?

CHAIRMAN GREENO: Yes, so--

THE CLERK: [Interposing] Can we go
ahead and load up 171 to 180 in the lobby?

CHAIRMAN GREENO: Can we--that will be-
-

THE CLERK: [Interposing] You want to
take a--

CHAIRMAN GREENO: [Interposing] I think

that will be reaching over 2:00. I think that we should look at--yeah, I was going to say, if we could line up say the next five.

THE CLERK: Well, do you want to do 171 to 180 and see how many people are here, still here?

CHAIRMAN GREENO: Yeah, if--Jeff, can you ask Tyler to, to line up, I'm just going to say, the next five within that 171 to 180? And we will continue. Thank you for your patience.

THE CLERK: Thank you, Chair.

MS. LANA LEVY: Hello, Commissioners. Thank you for the time. My name is Lana Levy [phonetic]. I live in District 3, which is also unseated Nisenan Territory. We are less than half a mile from the Brunswick site, and my husband and I are raising two Nevada City kids who daily go to school through the intersection of Brunswick and Bennett. I'm also a volunteer with the CEA Foundation and MineWatch.

The, the Draft EIR recognized that the project's operational impacts from emissions would be potentially significant based on

North Sierra Air Quality Management District thresholds. But the DEIR predicts there would be no difference between the project's unmitigated and mitigated operational emissions.

In other words, the DEIR identified a significant impact, and then did nothing to mitigate it. This violates CEQA's clear mandate that an EIR must either adopt all feasible mitigation measures to reduce impacts to less than significant levels, or explain why further mitigation is not feasible.

The Final EIR claims the project's potentially significant operational air quality impacts are automatically reduced to less than significant levels by adopting certain construction--sorry, construction phase measures listed in the NSAQMD's CEQA guidelines. The NSAQMD guidelines do not say a project can automatically reduce its significant operational air quality impacts simply by incorporating construction-related mitigation measures.

If mitigation measures are not at least

partially affected in--effective in reducing an otherwise significant impact, they do not qualify as mitigation measures at all. Construction phase measures that have literally zero impact on operational air quality emissions do not satisfy this requirement.

The FEIR claims CEQA materials from past projects in the region used the NSAQMD guidelines in the same way. Past practice does not supplant the clear directives in the NSAQMD guidelines and in the CEQA itself--and in CEQA itself. But, even if those previous studies were relevant, not a single one supports the Final EIR's position. Three of the four projects had no estimated operational emissions at all. The one project that did involve operational air quality emissions incorporated mitigation measures that substantially and quantifiably reduced those emissions, exactly what the EIR needed to do here.

The FEIR does not complain it--does not claim it is not feasible to adopt measures to lessen the project's operational air

quality impacts. That is wrong and the EIR is...

CHAIRMAN GREENO: Thank you, Lana.

MS. LORRAINE WEBB: Lorraine Webb, District 1. So I've been here since 1980. And so I'm a kind of a newcomer. That is enough history, though, to talk about what's happened with community. I do want to address one of the more specious aspects of Rise Gold's hydrology report, also.

But I just want to point out that this community has a history. And I think Rise Gold must have known about that when it proposed this wine--mine. We fought off mining that spot decades ago. An artist came up with the bumper sticker, "No Mine, No Shaft." We worked really hard.

You know, a lot of people came out for a long time to fight off ten dams on the South Yuba River before we realized we needed permanent protection. And, similarly, with hard-rock mining, we really do need to guarantee that this country who--this community, which is trying very hard to retain its rural character, not be sold to

the highest bidder, especially since there are so many specious Ponzi schemes coming out of Canada and all over the world. There are mining schemes coming out of Canada, and I'm not saying that this is one, I will point out that the day that the news came out that the Planning Commission had--would likely refuse, Rise Gold's stocks did tank. So I--Mr. Mossman's investors will have suffered. I don't think that he will, particularly. I hope.

I do feel that staff, in putting together this EIR, has very much bent backwards to be fair to this applicant. That's maybe glossing over the fact that this should not have been approved. This EIR is legally inadequate. There is a precedent out of Los Angeles where the county was sued for an inadequate EIR.

I'd like to point to--to point out that this, this, this community will not allow this to happen. It won't--I want to spare the Planning Department from having to go through this again. We do not need this EIR to keep things open. This community is not

going to let it happen. Whether it's approved or not, there will be enough monies found in the people of this--of this county to sue the, the county if we have to, to, to point out the fact that this is an illegally inadequate EIR.

So I'm running out of time. I'm not going to be able to get to the specious hydrology. I mean a shaft that goes down 800 feet and there's no water. That's just absurd. Let's talk about the law of gravity, just a little common...

CHAIRMAN GREENO: Thank you.

MS. AMY HADD: Hello. Thank you, truly, for every one of you being here. This is-- this is major. So for your time, so very appreciated. Gosh, I'm Amy Hadd [phonetic]. I reside in District 1. Twenty years in Nevada--no, 20--it's 2023. I moved here in June of 2000, to the fair city of Truckee, California. Bill, I've met you. Been in District 1 now for four years.

In any rate, we have a well. We are, of course, outside of the envelope of concern. However, our neighbors all have

wells. Some of which are over 850 feet deep. We have communicated with hydrologists. The water table at those depths is just--it's not clearly understood. So despite being that far away, we also are still concerned.

Beyond that, at any rate, I had created a spoof skit for everyone's entertainment on a young couple going house shopping in our fair city. And things are real cheap. And from, eh, eh, ga, ga, ga-ga. Hey, we can have dinner at 10:00 every night. But it's cheap, honey. I'll spare you all that.

It came with its own generator and they're going to need it because we know that power grid is already--it's not doing so good at my house, especially this winter. We had 14 days with no power, and this was pre-mine. Geez-ums, imagine that. What's going to--how, how--tell me how good it is now, let alone the future.

Okay. So let's dive in to points that were really gut-wrenching yesterday. The babbling brook of Wolf Creek, surely I was not the only one present who experienced gut-wrenching anguish to consider that fine,

lovely, quote-unquote, "babbling brook," as it was stated, to be touched by that mine. It's, it's real nice, as is. That is not something we touch.

Property values and schools, has a study been done of money lost due to depreciation versus the money in as shown? One only need to look to active mining towns. Let's go to Butte, Montana, to West Virginia. Check out some real estate listings. We're not looking at appreciation of values for the mine arriving.

So the--also, TTUSD. I've got 20 seconds. I was a teacher in the Truckee schools for a long time. They implied yesterday that the BOCA had the schools on the up-and-up. What hogwash. We all know it's Bay area tech remote workers, and that's what's got that school on the up-and-up. It's, it's real well-known. Okay. And BOCA uses I-80, not the center of town, so...

CHAIRMAN GREENO: Thanks, Amy.

MR. HARRY SCOTT-BLOGS: Hi, everybody. I'm Harry Scott-Blogs [phonetic]. Sue Hoek down in Penn Valley is a very nice woman. I

really like her. She's my County Commissioner. Penn Valley, I don't--I don't consider it a terror town like some places I've lived, Tampa or the maritime disasters, Orlando shooting. Some of these bay cities I've lived in, I don't want to live in any more terror towns.

Here's an example of another terror town where I used to live. I'm going to start from the inside and kind of work out. If you have a standard set of house keys in your pocket, reach in there and maybe jiggle it. And you might be thinking to yourself, this scenario that Mr. Blogs is talking about might apply to me. If I have to, like Mr. Blogs' sister had to, take out her keys, walk out to the curb in Loxahatchee, Florida, tell all the family, and put the keys in the mailbox, and walk away from her home because of three words, ray the on, otherwise known as Pratt and Whitney.

Pratt and Whitney did help us defeat the Axis in World War II. It was considered a patriotic industrial firm that put a lot of engines in a lot of airplanes. But they

also ended up in the Florida Everglades, well, laissez-faire. No Sierra Club, no ACLU. Just like Disney, they bought their 35,000 acres of land. Something went into the groundwater around my sister's neighborhood, so that they ended up going underwater because they couldn't sell their house. Put the keys in the mailbox, and walked away from their house. Erin Brockovich came in. She couldn't figure it out. That was around 2010.

Years later, and about 20 years after the first reported case of brain cancer in this cancer cluster, which you can find at PubMed Central at the National Library of Medicine, you can track the location of several children who were affected by what they think is Pratt and Whitney, but how? They don't really know because they haven't been able to track it.

A year ago, Pratt and Whitney was acquitted of these industrial crimes, but they think they might be able to track it to Pratt and Whitney's later use of backfill that came out of their dredging near their

plant that was sold to homeowners. Homeowners in that area have to use fill to put platforms under their houses, to elevate it above the Everglades. That might be the solution, but it's still all pending. God bless us all.

CHAIRMAN GREENO: Thank you, Harry.

MR. WAYNE COOLEY: Afternoon. My name is Wayne Cooley, and I want to thank the Board of Supervisors for giving me the opportunity to speak and submit written comments.

I've owned a home in Grass Valley for over 12 years. My professional work experience as a petroleum geologist, estimator, hydrogeologist, hydrologist, and water resource specialist, spans 23 years. I graduated from Hunter College in June of 1982 summa cum laude. My dual majors are environmental science and geology. My minor is chemistry, including organic and geochemistry.

I went to work for Gulf Oil first, drilling 550 oil and gas wells. I ran the economics, well logs, mapping, coring,

pressure-testing, and lithologic descriptions. I went to work for the Arizona Department of Water Resources in 1987. I was really hired as a modeler, but to build a model you have to have the data to build a model. You know, models are empty until you put the real data in them. So I used MODFLOW. It's a well-accepted groundwater model and I've run thousands of simulations. After doing contaminate transport and invective flow modeling, I went on and helped establish flood warning.

Anyway, to get on, so I have some qualifications. So here are my questions. I've only had a couple of hours to review the documents, but I'm concerned that there will be dewatering down to 3,450 feet. Shallow, domestic wells only go to 600 feet. I'm concerned about a fracture flow analysis, and whether the model is calibrated.

So I have some questions. Where are the well logs? Where are the cross sections, fence diagrams, water level maps, pre-mine conditions? How did you calibrate the model? Where are the aquifer tests,

drawdown, traversivity [phonetic], storativity [phonetic], fracture flow, water chemistry, water temperature?

So I'd like to, if possible--maybe it's too late to see the data that they calibrated the model with. I'm familiar with the model. They named it. It's decent, the model itself. It's just the problem is how you populate the model. Okay?

So is there an operational copy of the model? I'm willing to, for free, run it. I haven't done that in 15 years. It would be a great challenge. So, if you want me for free, you can buy me lunch, and I'll, I'll look at the real data. Thank you.

CHAIRMAN GREENO: Thank you, Wayne.

MS. ROBIN NICHOLS: Good afternoon. My name is Robin Nichols, and I'm a local realtor. I am speaking to you today as a mother, an independent broker, and a 45-year resident of Nevada County District 1. I need to start by saying that the woman who claimed to be speaking on behalf of all the women in Nevada County did not speak for me.

Please don't be deceived by her

suggestion that you can just pass on to other agencies the responsibility of determining whether or not this project is good for our county. If you certify this EIR, other mining--other mining companies can, and will, use it in the future, even if Rise Gold doesn't proceed.

Yes, mining is a part of our past. It's easy to romanticize the distant past of the gold rush, but we are still cleaning up the toxic mess created by the mining industry a century ago. Let's not repeat those mistakes.

I ask that you consider the health, welfare, and quality of life for us, for our children, and our children's children, over the profits of a Canadian corporation. As you've heard in expert testimony over these two days, both EIRs ignore several negative, and unavoidable impacts, of reopening the mine. Both are clearly flawed, insufficient, and used selective and misleading, misleading data.

The EIRs used mines in already industrialized areas as baselines for how

mines have affected neighborhoods, for example, rather than mines in rural neighborhoods, such as those surrounding the Idaho-Maryland and Centennial sites.

There's also the issue of traffic that everyone agrees cannot be mitigated. Just this morning, there was an accident at the corner of Idaho-Maryland and Centennial Drive. Imagine if that had involved a semi-truck hauling tons of sand and rock.

The mine rep cited traffic impacts at 3 p.m. instead of during commuting hours. This is another example of selective data use to support their agenda. And rather than addressing the negative traffic impacts within the city limits of Grass Valley, they say it's not their problem to deal with because the county has no jurisdiction within the city limits. I respectfully submit that it would make sense to include the city in this discussion and determination.

Regarding water, Rise Gold's representative compared the water used by a golf course to the water used at the

proposed mine. He chose a very low bar. He also mentioned the use of water by the mine, not the loss of groundwater due to dewatering the tunnels. Another example of tweaking the data for their cause.

And then there's the hazardous waste and mine tailings that Rise Gold proposes to dump onsite or encapsulate in concrete. Concrete is porous and degrades over time. Do we really want to sanction the creation of another superfund site in our county? I am also very concerned about the amount of fine asbestos powder that will be released into our air. As a mother, there is no level of acceptable health hazard risks.

The representative from Rise Gold said that homeowners in neighborhoods surrounding the mine knew of the possibility of the mine reopening when they purchased their properties. There are mining tunnels under most of Grass Valley, Nevada City, and the surrounding areas, and dormant mines throughout our county. If you own land in Grass Valley or Nevada City, you probably don't own the minerals 100 feet or more

below...

CHAIRMAN GREENO: Thank you.

MR. BEVIN IREDALE: Hi, my name is Bevin Iredale [phonetic], Grass Valley homeowner. The technology exists for us to create a mine that has minimal impact. That technology exists. And there are many qualified mining companies with at least a hundred years of reputation. And yet they're not willing to come and stand in front of you face to face and say, "I can open that mine, and I stake my 100-year reputation on this statement that I can do it with a minimal impact on the environment."

Why are they not knocking on the door? And what is unique about this company to be able to have the, the reason to come and look you in the eye and say, "I have the magic bullet that no one else possesses to open this mine with an acceptable impact." Thank you.

CHAIRMAN GREENO: Thank you.

MR. GARY POLAZI: Good afternoon, Commissioners. My name is Gary Polazi

[phonetic]. Hello? And, and I live in District 3. I'm also a member of the Wells Coalition. My house is located within the Idaho-Maryland Mine mineral rights area. I moved to Grass Valley in 1990, and six months later, Empire Gold began their attempt to reopen the Idaho-Maryland Mine. That process dragged out for almost nine years.

Then, in 2001, M-Gold began its attempt to reopen the mine. That process lasted seven years, ending in 2008. Around 2018, Rise Gold began its attempt to reopen the mine, a process that has taken about five years to get us to the point we're at today.

Over the last 30 years, I've spent 20 of them confronting a mine. With each proposal to reopen the mine, I've literally spent hundreds and hundreds of hours fighting to protect our wells, as have so many others in the community. We don't have to--we don't want to have to relive the constant burden of protecting our wells from the mine.

I'm here today to ask the Planning

Commission to vote no on the project and also reject the EIR. What purpose would it serve to deny the project, but certify the EIR? The bottom line for well owners is that this EIR does not afford us protection. NID has requested a bond to protect well owners from impacts due to dewatering of the mine, but this EIR dismisses their request as not needed. So we're not protected.

Certifying this EIR will come back to bite us, and we'll have to start this process all over again for a fourth time. Corporations with gold fever will undoubtedly come knocking on Nevada County's door again. And, when they do, a precedent will have been set, by the county, with this EIR that doesn't include a guarantee of NID water for impacted wells, leaving us yet again with the burden of pleading with the county to protect our wells.

To paraphrase Mark Twain, it's much easier to stay out of trouble than it is to get out of trouble. By certifying the EIR, the county is inviting more trouble for the community and itself. Certification of this

EIR is a validation that is in--that it is entirely accurate and thorough. How confident are you that this EIR is accurate and thorough? Because of the overwhelming evidence that this EIR ignores, and all its inadequacies, I ask again for the Planning Commission to vote no on the project and also reject the FEIR. Thank you.

CHAIRMAN GREENO: Thank you, Gary.

MR. RALPH SILBERSTEIN: Good afternoon. Ralph Silberstein, CEA Foundation President. First I'd like to thank you for your service on the Planning Commission, and for your patience.

A Final EIR is supposed to provide the decision makers with adequate information to make an informed decision. This EIR doesn't. The primary requirement of CEQA to establish current conditions, and a clear baseline to assess impacts, has not been met. Hundreds of residential wells will be potentially impacted, but there will be zero--there are zero current data on the groundwater levels at those wells, zero current data.

The Centennial cleanup site doesn't

even exist. Or the cleanup plan, I'm sorry. It's still in draft form. There are too many assumptions that should have been included in the EIR. Greenhouse gases, the state has set new standards. This EIR simply copied outdated standards from other districts. The new threshold needs to be net zero. We are in a climate crisis. Think of the next generation.

Then there's the mine waste problem. It is unrestricted. Group C waste? Unknown. The only credible data at the mine drains along Wolf Creek have high levels of arsenic. It is highly likely that the waste will not be Group C. And how much hazardous asbestos dust do we want blowing around? The plans for offsite sales of restricted materials are not credible. The entire project depends on offsite sales. This entire EIR is misleading, and has not adequately addressed the monumental problem of mine waste. These are just a few of the many problems that this EIR fails to address adequately.

In fact, there are so many problems,

it's hard to imagine a more preposterous final EIR. To certify it would be a black mark for the county, and it would show a general disregard for the health and safety of the community. And regarding the Applicant's last-minute switch to Alternative 2 in reducing building heights, the project still has all the major impacts and the same land use issues.

If this flawed EIR is certified, it will come back in a few years to haunt us yet a fourth time. A certified EIR can be used again. And as a quasi-judicial body, your certification of this EIR would lend credence to this flawed document and enable harm to well owners, and others, that may result. Please spare us the damage it portends to bring for 80 years. Please don't certify this EIR.

Gold mining is our past, not our future. Thank you very much.

CHAIRMAN GREENO: Thank you, Ralph. And thank you, Nevada County. We're--we are all Nevada County, and I really appreciate the cooperation and, and the robust and

informative hearing here today.

With that, I will be closing public testimony. We will take a short recess. We'll just call it 15 minutes, actually. And when we come back, I would like to hear a summary response from the Applicant, if they are prepared for that. And then we will--I'll entertain questions from my fellow Planning Commissioners. You're looking for a motion, and any discussion on that?

COMMISSIONER DUNCAN: Staff may have.

CHAIRMAN GREENO: Yes.

COMMISSIONER DUNCAN: Staff may have.

CHAIRMAN GREENO: Yes. Well, staff will be, yeah, involved in our questions. Oh, and you guys are--yes, we encourage you to stay. And we, we hope to be done today. So that's the plan.

FEMALE VOICE: - -.

CHAIRMAN GREENO: Thank you.

[Recess]

CHAIRMAN GREENO: Three minutes, three minutes, three minutes. My mic isn't working.

[Pause]

CHAIRMAN GREENO: Two minutes.

[Pause]

CHAIRMAN GREENO: Well, it looks like we're ready. So I'll call this hearing back to order. And, with that, we will begin with a summary response from the Applicant, please.

MR. BRAIDEN CHADWICK: Thank you, Commissioners. Good afternoon. Braiden Chadwick, again outside counsel to Rise. And I'll just wait until that gets pulled up.

First of all, I'd like to thank the Planning Commission for its attention. We're finally here at the end. That's, that's good for all of us, I think. I would also like to thank staff, Planning Staff for--and county counsel for all of their efforts here.

I object to any of the comments that, that even allude to the fact that they were anything other than professional. Staff has been spectacular through the last many years going through this process. And they have been professional every step of the way. I

thank them for their efforts and, and I think we all should as well.

I'd like to take this opportunity just to talk about a couple of things to clarify and elaborate on some of the answers that perhaps we could have done better explaining during our presentation, or that were questions that came up during public comment that we would like to make sure there's a clear understanding on.

So I'll start off, and then there are some more competent people who can explain things in a much more clearer fashion that, that I'll bring up to address specific topics only. But we'll try and keep this very short in our presentation.

First of all, one of the questions that came from the Planning Commission was the Centennial site. And just to clarify, Rise will remediate the Centennial Industrial Site regardless of which alternative is chosen. The Centennial cleanup is not a part of this project. It's not a part of this EIR, but the cleanup will happen separately with the cooperation and the

oversight of DTSC. But, to be clear, Rise will remediate the Centennial Industrial Site regardless of which alternative is chosen.

The second clarification is on the variance. Just to clarify, Rise can make all the variance findings, but it doesn't have to, because Rise has agreed to lower the height of its habitable buildings to the 45-foot maximum level as required by the zoning code. And, again, the county's code allows non-habitable structures to--there's an exception there if the project gets a use permit. And, again, that's the process that is--that we prefer to go under. But, to be clear, Rise can make all the findings for the variance regardless.

Clarification on the truck trips. Again, just to clarify, Alternative 2 means that there are no rock trucks on the road for 11 years. I know there's some confusion about that of how many trucks, and if they came back, in terms of one-way trips or not. I think that was clarified by Commissioner Milman, that do these trucks--do they really

come back or not. So the worst case scenario is that, during these 11 years, there would be 14 round trips for deliveries of fuel and concrete and things. And there's, of course, internal driving inside of the site, but there are no rock trucks on the road for 11 years.

After the 11 years, the Idaho-Maryland Mine Project would generate up to 112 one-way daily truck trips. And again, that's 56 round trips. And I appreciate the clarification there. Which is, of course, far less than the other mines that we were looking at, at the time. So, again, if there's any question on that, I'm trying to be as clear as I possibly can, but that is how Alternative 2 works.

So, again, the trucks on Brunswick Road are the same. Again, this is--there's only three equivalent vehicles there, but this is the traffic that mirrors precisely, again, or nearly precisely, the current traffic there.

There's questions by the public also as far as the aggregate economy. The

California Geological Survey Map Sheet 52, which measures aggregate availability in California and different regions, this is the Sacramento Production-Consumption Region here on the map that, of course, we are in. And, again, the quote from that report is that mining is often seen as a controversial land use during the permitting process, but there are many benefits to having local sources of construction aggregate, and increasingly as existing permitted aggregate supplies are depleted, local land use decisions regarding aggregate resources have regional impacts that go beyond jurisdictional boundaries.

That's a long way of saying that, that a mine that's producing aggregate can be supplying anywhere in the Production-Consumption Region, not just in the immediate area. That said, the engineered fill could be used--could be used for local offsite construction projects, including roads, commercial and industrial development, and of course, housing. And Rise has already been in discussions with several

regional producers who actually are interested in using this material.

So is there a market for it? Yes. Of course, there is. And, again, one can refer to the California Geological Survey Map Sheet 52 Report.

So I'm going to talk about the revegetation of the fill pile because this was another question that came up. And again, as we're trying to clarify, vegetation fill pile, the fill pile slopes will be hydroseeded with an erosion control native seed mix to reduce erosion and maintain slope stability. And, of course, that is similar to Caltrans and County Public Works uses on a daily basis for its projects. There is a success criteria that's implemented and imposed on the project as far as revegetation is concerned. And so there are performance standards.

There was a question as to topsoil. Topsoil will be salvaged from the site. It will be stockpiled, stockpiled onsite and used for revegetation for purposes on that Brunswick pile. And so there is vegetation

there. There is a success criteria. And topsoil will be salvaged and used for the purpose onsite.

So, with that, I'm going to address one more issue, and then I'll bring up Mr. Mossman, who is going to talk about some operational questions. So the last thing I'll say is that there have been a lot of comments about property values, and reasonably so. Then you had a lot of opinions that were expressed here, and you take—and, of course, we take them for what they are, and from some realtors as well.

This is--these concerns were taken seriously by the county. And the county's own consultant, which is RDN, as we've mentioned before, the county had tasked RDN with, amongst other things, analyzing property values--and would the mine affect property values. Because it was a question that was coming up from a lot of the public, and the real estate industry as well.

So this is the findings of the county's--or of the--of RDN, who is the county's consultant, tasked with answering

that question. And the answer there is that the impact to local property values is negligible. So RDN's already performed extensive research and analysis, and found no conclusive evidence to assert that the proposed project would have a significant impact on local property values.

A rigorous analysis of three mines determined to be viable case study locations did not find a statistically significant impact on nearby residential property values.

So, again, this was one of the questions the county itself asked its own consultant to answer. And, again, with all respect to the opinions expressed by the public and the, the realtors, this is an economic study that was looking at study areas and concluded in different mining areas, in different mines, in different situations, what were the impacts on property values. And found that there, there were none. So again that's, that's the county's consultant.

So now I'm going to invite Mr. Mossman up. And he's going to answer some questions

as far as the operational questions that were concerned and clarify that.

CHAIRMAN GREENO: Thank you, Braiden.

MR. BEN MOSSMAN: Good afternoon, Commissioners. I wanted to clarify some of the rock movement in the mine. So, so that's a cross section showing the, the New Brunswick shaft and headframe. And so 1,000 tons of mineralized rock is hoisted from the mine. And then it's, it's hoisted. It's pulled up in a skip and it--and it's put into that existing silo that you can see, which is enclosed in the headframe. And then transferred in the covered conveyer to the--to the process plant.

And in the process plant you remove the, the sulfite minerals. That's a concentrate that's sold. So 20 tons of that is sold to a smelter. You end up with 500 tons that's put into a truck and used on surface for engineered fill. And then the remainder of that material, the 480 tons, goes back into the underground mine as cemented paste backfill.

At the same time, there's, there's two

compartments in the silo. So the, the mineralized rock goes into one compartment. The barren rock in another. So they're not hoisted together. They're separate. And so you have 500 tons of barren rock coming out. 96% of that rock is andesite, which is the, the green stone in the core there.

And that's put into the two small compartments of the silo, and then loaded into a truck with a conveyer. So it's a chute on the bottom of that silo. It loads it into trucks that are in the little building beside the headframe. And then that's just hauled to it--to its location. So there's 1,500 tons that come up. Well, 500 goes back down. So that's where you end up with 1,000 tons of, of engineered fill, which is made of 500 tons of rock, 500 tons of sand.

Just to clarify some of these different regulations for the naturally occurring asbestos, there's essentially--there's two ATCMs. There's the ATCM for surfacing, and the ATCM for construction, grading, coring, and surface mining. So both of those are

regulated by the--by the Air District.

The first one, the ATCM for surfacing, is intended to sample the materials, determine if it contains asbestos or not. And if it--if it did contain asbestos, it has to be--it can't be used for surfacing. And so the state made these regulations so that if a road was made of rock, trucks driving over it couldn't create dust that would be harmful to the public. So that-- that's the purpose of it for surfacing, what material can be remained on surface and be used as something that you could drive on top of.

The ATCM for construction is--has a lot of dust control aspects to it. And this is a plan that would be approved by the Northern Sierra Air District. And part of that is the air sampling. So the sampling that--that's required for any activity, say you are grading the site. You have fence monitors sampling the actual air. So that's something that happens all the time. That's kind of the proof that the dust control is working, and there is not an exposure of the

public to asbestos.

And, like I mentioned before, 96% of the rock is, is andesite. So there's, there's serpentinite belt in part of the mineral claims, just on the northern part of the mineral claims. It's basically along Idaho-Maryland Road. And so the Brunswick mine itself is hosting andesite. So for almost all of the development tunneling that's going to be done, it would in the andesite. And the veins at depth are also hosting andesite.

So there's a very small amount of serpentinite but because it's on the mineral claim the way these ATCMs are written it, it pulls you into them. And so because there's serpentinite ultramafic rock on our property, you have to follow both these ATCMs, which are designed by the state and adopted by the Sierra--Northern Sierra Air District to protect the public from naturally occurring asbestos.

And then there's a third part of the plan, what we call the ASUR Plan. So this, this is not something that's part of the--of

the state law.

THE CLERK: Chair? I'm sorry, if I can interrupt? We're going to have to take a small break. We're having some technical issues.

CHAIRMAN GREENO: Okay.

THE CLERK: It's not displaying.

CHAIRMAN GREENO: Sorry, Ben. We're going to have to take a, a brief recess. How long are we going to need for this, do we think?

THE CLERK: Just maybe five minutes at most.

CHAIRMAN GREENO: Five minutes? Okay. Five minutes we'll be back.

THE CLERK: Thank you.

[Recess]

CHAIRMAN GREENO: All right. It sounds like we're back. We're ready.

MR. MOSSMAN: So I was just--I was just saying the ASUR Plan is something that we put together ourselves. And, and it essentially commits to exploration drilling before mining. And so exploration drilling is, is a part of the mining process. It's a

drill core that's seen there. You always have to drill in front of you to know where, where the gold-bearing rock is.

And so we basically committed through that plan that we would also sample for naturally occurring asbestos, so that you would know what's in the rock before it's mined, well before, probably years before it was mined. So that you have the, the rock core, the geologist's maps, the lithology of the rock, and then they sample it. So it would be sampled for gold, metals, and naturally occurring asbestos using this method they call TEM testing.

So it's done well before the mining is ever done. And then there's sampling after the mining--after it's coming out of the mine. But that's just to confirm that the, the process is working. The real thing that's protecting the public, you know, that's done to make sure that your air sampling is not detectable, there's non-detectable asbestos. So it's, it's a way to help comply with the two ATCMs.

So, as I mentioned, this is the drill

core. So that--the ASUR Plan tests the material, the TEM testing, before it's even mined. So during the exploration phase you have geologists logging it. You have the engineers doing the mine planning. And if there was material, naturally occurring asbestos in that, the mine planners would, would avoid it.

And so the, the ASUR Plan kind of goes through that process and explains how that would work. And the geologist does their job. They provide their--you know, their drill results to the engineers, who design the mine plan to ensure that there's negligible asbestos in the mine plan.

And there's a similar, a similar process we follow for the WDRs, which are required by the state, for metals content. Next slide.

This is a quick slide of the silo. Because of the ATCM for surfacing requires that all the--all the rock, even, even if it's just andesite, and not serpentinite, because it's captured in the ATCM for surfacing, every--all the rock that comes

out of the mine has to be tested before it's even loaded into a truck. And so you have some capacity, some search capacity in that silo. You have sampling ongoing. You actually have someone actually doing the PLM Test onsite. Knows exactly is there asbestos in it or not. He has to give that receipt to the truck driver, so the truck driver knows exactly where that material is supposed to go. Next slide.

MS. JENNIFER REED: Good afternoon Chair and members of the Planning Commission. My name is Jennifer Reed, and I lead Dudek's Air Quality and Climate Change Practice. I have over 15 years' experience. I've been responsible for the technical leadership of hundreds of air quality and greenhouse gas CEQA analyses. I teach a course on CEQA air quality and greenhouse gas analysis at UC Davis Continuing and Professional Education. And as an active member of the Association of Environmental Professionals Climate Change Committee, I work with agencies such as the California Air Resources Board, Office of Planning and Research, and Air

Districts throughout the state to implement best practices.

I appreciate all the public comment that I have heard. It takes a lot of guts to get up here and speak your thoughts. I heard some comments yesterday on the project's energy use and climate change, so I wanted to provide some clarity. Yes, the project will consume electricity. And, yes, that electricity will result in greenhouse gas emissions today. But electricity is the preferred power source. And, in fact, transition from fossil fuel to electricity is one of the key strategies in the state's 2022 scoping plan for carbon neutrality by 2045.

But I will note that the pathway to carbon neutrality does not mean that every project, and every source, needs to reduce to zero greenhouse gas emissions. Use of electricity over diesel and natural gas reduces localized criteria air pollution emissions and toxic air contaminants, including diesel particulate matter, which was extensively evaluated in the EIR's

health risk assessment. Electricity is high because diesel offroad equipment used is low.

Electricity is also a cleaner, less carbon-intensive power source because of the California Renewables Portfolio Standard regulations which includes Senate Bill 100. This requires utilities providers to increasingly incorporate renewables in their power source. And that's power that results in zero greenhouse gas emissions.

The ultimate requirement is that 100% of the state's electricity come from carbon-free resources in 2045. So we know that greenhouse gas reductions will reduce over time due to these regulations, including regulations that would reduce vehicle emissions when you have the increased electric vehicles over time. But conservatively, we did not include any of these in the greenhouse gas analysis in the EIR.

So, lastly, regarding comments on the county's Energy Action Plan, the project was determined to be consistent with the applicable strategies. That plan is focused

on energy efficiency for existing and new development, as well as water, fish, and sea, and increasing renewables. With many of the strategies aimed at the county to implement, the magnitude of electricity from any project is not the test of plan consistency. And the project will be built consistent with the Title 24 California Building Energy Standards and CALGreen, which ensures that new development implement stringent energy efficiency standards.

Nonetheless, to further support the energy action plan, the Applicant has committed to providing solar panels on top of the buildings, which would reduce the electricity demand, associated emissions, and further support the county—the county's Energy Action Plan, which you can include as a condition of approval today. Thank you.

CHAIRMAN GREENO: Thank you.

MR. JASON MUIR: Thank you, Commissioners and Chair Greeno. I'm Jason Muir. I'm a registered civil engineer and geotechnical engineer. And I have a master's degree in environmental engineering.

I've been characterizing and cleaning up mine sites for about 25 years.

I prepared the cleanup plan for the Centennial property on behalf of Rise Grass Valley. And the, the level of investigation for that property is, in my experience, commensurate with what we've done in the past for, for other sites in the last 25 years overseen by DTSC and the regional boards.

And we identified that, based on the site investigation and the statistical analysis, evaluation of the data, that the mine waste at the Centennial site does classify as Group C under Title 27, which means that it doesn't have significant soluble components. It--Group C is defined as mine waste that can be contained, as we have contained it, with a cover and erosion controls. And the primary focus of that containment is to prevent turbidity, to prevent erosion, because it doesn't have a lot of soluble constituents.

And we--the cleanup plan for the Centennial property went through technical

review and approval by the DTSC and the regional board, and both of those agencies concurred with our findings that it's Group C mine waste. Thank you.

CHAIRMAN GREENO: Thank you, Jeremy.

MR. ANDY COPANIA: Good afternoon, Chair, Commissioners. I'm Andy Copania [phonetic]. I prepared the hydrogeologic and water quality studies for the Applicant, and wanted to clarify a few points with respect to those studies.

You've heard a lot of talk about substantial evidence and that CEQA needs to be dependent on that. And I wanted to just summarize quickly some of the substantial evidence that was used in these analyses. That includes the historical mine information with respect to the depth and length of the tunnels underground and the amount of water that's been produced from the mine in the past for dewatering.

We looked at the well data on state-mandated well logs from over 1,200 groundwater wells within the project vicinity. We've looked at the past

monitoring data from 1995 to 2012 from about 50 wells in the project area. We have water level data for multiple mine shafts over several decades.

We've applied classical hydrogeologic methods, identified in numerous textbooks, not just the groundwater model, but just basic calculations using simple mathematical relationships that are taught in every introductory hydrogeologic class. And our work has also been third-party reviewed by the county's EIR team and their expert hydrogeologic consultants, West Yost.

One of the things I've been asked to clarify is that, in terms of the total metals and testing of rocks, that not--in addition to the six rock samples, and the four tailing samples that were tested for metals and leeching, we also did trace metal analysis on 48 rock samples from that. So there's a large number of analyses that have been done over the different rock types that will be used in the mine.

Go back. Yeah. What I want to address on this slide, is the impacts that would

occur to the flows in South Fork Wolf Creek due to the discharge from the mine during dewatering. During the initial six months, the discharge rate will be about 5.6 CFS, which is about 2,500 gallons per minute.

On this chart, this represents data that was measured in South Fork Wolf Creek at a gauge that was installed by another consultant, called Balance Hydrologic out of Truckee, at the Brunswick site area. And the blue line represents their 15-minute electronically measured data. The red triangles are ground truth measurements where someone would go out in the field and verify those. And you can see on the left side the measurements on there vary from zero to 100 cubic feet per second.

The orange line on the left side is the six-month--represents the six-month discharge period at 5.6 CFS. You can see how that's very low, near the bottom of the chart. The green line across the rest of it is the 1.9 CFS or 850 gallon per minute discharge that would occur subsequent to the initial dewatering as the mining moves

forward.

The blue line is the storms, the peak flows that have occurred from storms that have occurred over the past three years. And you can see, obviously, that beginning in October of 2021, and then in 2022, on the very right-hand side, we had much larger flows than the prior years, which were much drier years. But those flows went up as high as almost 100 cubic feet per second. And during significant periods of time during 2022, on the right-hand side of that graph, we had sustained flows of well above 5.9 CFS. They're in the range of 10 plus cubic feet per second.

In addition, as was pointed out on the right, based on the Nevada County Department of Transportation Hydrology Manual, a ten-year storm flow within South Fork Wolf Creek would be 658 cubic feet per second. That's actually over six times higher than the peak flows during this last wet winter. And a hundred-year storm would be over a thousand. That's over ten times the measurements we had here.

So the base flows that would be occurring from the mine dewatering, represented by those green and orange lines on there, are very low. They do not alter, or in any way substantially change, the pulses of high flows and low flows, because they are down near the base level and not affecting the large flows on top.

In addition, the mine--the discharge of the mine water would improve the water quality within South Fork Wolf Creek. As has been mentioned by many people today, from the sampling we've done, sampling that other groups have done, the water within the creek is impacted by iron and manganese, and other potential metal discharges from the historic mining due to old tailings that are in the valley, in the--in the watershed for South Fork Wolf--South Fork Wolf Creek. Excuse me.

The mine discharge itself must comply with both state and regional board, Water Board, discharge requirements. It cannot occur. The operator would be precluded from making any discharges if it exceeded the

state-mandated water quality standards. And they have to conduct monitoring, submit reports both to the county and to the state, verifying that they're meeting those standards.

So there isn't a potential that there would be long-term discharges of water that don't meet water quality standards. So the water that would be discharged would be better quality than the water that's currently in the creek itself. I think you've heard yesterday it would, basically, meet drinking water standards. You could go out to the outlet pipe coming out of the treatment system and drink that water directly.

And the standard, the treatment methods themselves, are standard water quality treatment methods that are applied all over the world daily. They're not a mystery like, "Gee, do we know it's going to work?" They're pretty much off-the-shelf type of treatment technologies.

I also want to address groundwater levels in wells. Historically, you've heard

questions about do we have an adequate baseline. Water levels have been measured in prior years at about 50 wells around the mine area. And we've taken that data and analyzed it on the next slide.

What this slide shows, the, the green bars show the annual rainfall. The average annual rainfall in this area is about 55 inches per year. Those numbers are on the right-hand side of the graph. So the line right across the middle sort of shows that. And you can see over this period of time, from 1995 to the end of 2012, we have a series of very wet years, a series of very dry years, cycling over time.

So we're looking at drought periods. We're looking at wet periods. The thicker blue line that's kind of wavy is the actual water level measurement in this well. And this is a well on the East Bennett Road area. And what that thicker blue line shows is that the water levels seasonally go up in the winter and they go down in the summer.

But if you look long-term over that approximately 13-year period, they don't

vary. There's no trend. They go up, down, up, down. It doesn't matter if it's wet years, dry years, multiple wet years, multiple dry years.

In addition, the dash blue line on this chart shows where the bottom of the well is. And then the gray line down to the 2,500 foot elevation shows the water level in the mine shaft itself. And I'll talk about that a little bit more, but so, for example, in this well, the bottom of the well is 50 feet above the water level in the mine today. And historically, the thick blue line shows the consistency of those water levels over time.

And you can just go through a bunch of these. They show the same thing over and over again. Keep going, Chris. There is-- this is in the Beaver Drive area. The water levels are even much, much higher above the water levels in the mine themselves. Go ahead.

So you can see the, the bottoms of the wells and the water levels are typically above where the water is today within the

mine shaft. Go ahead. Did we skip one? Go ahead.

Then we've talked about the 10% criterion for measuring impacts to wells. The 10% criterion was based on the application, as I mentioned, some of these standard hydrogeologic calculations. And within a well, within this type of fractured bedrock system, if you've got a well that will pump a certain amount of water, let's say 20 gallons per minute--and that's kind of a stable pumping rate on that well--if the water level in that well drops between 20 and 40%, typically it becomes unstable, and it will dewater the well. It will start pulling air because the water table--the water level in the well will drop quickly. And those are basic calculations you can do with standard hydrogeologic methodology.

So we took that 20 to 40% and said, okay, let's take 100% factor of safety, which means we're taking half that value. You know, a 10% factor of safety would, say it's 20%. And we take 2% factor of safety, it would be 18%. We're taking the whole,

you know, factor and saying--let's just say 10% would be our criterion for looking at impact. So that's where that number comes from.

It might be hard to see on these slides because they're kind of dark, but these are actual wells in the Greenhorn area, east of Brunswick Road. The blue represents the water column within the well. And you can see there's a simulated drawdown that we estimated near the top of the well and where that 10% drawdown would be. And the 10% is of the water column in the well.

So if over time there was a drought period, and that water column decreased, then our 10% would be 10% of that smaller column. So we would be responsive to changes over time with wet periods, dry periods, if those would occur.

This, this is the slide I thought I had next. So this is a drawing of the current conditions in the mine itself. On the left-hand side is Wolf Creek. You can see there a number of shafts that extend down to the--into the subsurface. The

shaded blue represents the current groundwater table, which is--ranges from anywhere from 30 feet to 100 feet below ground surface, depending on where you're located.

But the water--and so--and it also shows a number of wells there, well 125, well 90, well 250. Where we have the available information, their pumping rates, 13 GP and 30 GPM are posted. And the elevation of the bottom of those wells.

All of those wells except the one--and this is really typical in any area--almost all the wells are shallower than 2,500 feet above mean sea level. And the 2,500 foot level is critical, because that's the elevation where the historic mine workings discharge into Wolf Creek.

And so, we have water. The mine shafts are like wells themselves. Water is seeping into them. And if, if--when we go out there to measure them, you can hear the water cascading down the sides. And then it goes into the mine workings, and it's like a pipe that goes out to Wolf Creek. The pipe is

very permeable. The water moves very fast, discharges to the creek. And it basically drains those shafts, the water levels in the shafts, to the same level as the creek.

However, the fractures in the rock--and you can see the example of it there--there's not a lot of permeability in the rock itself. The water moves much slowly. The water table, overall, is still maintained several hundred feet higher than the water level in the shaft because it can only move so slowly into the mine itself.

And so, under existing conditions, there's already partial dewatering of the mine workings with a very minimal effect on the wells that are there. And that's part of the basis for the projections of what the future effects would be on the mine.

I think--oh, yeah. And the groundwater monitoring program, as proposed, would include 30 new wells, two wells at 15 different locations that are spread out around the mineral rights boundary. They will be designed to be an early warning system. And it would include up to 387

private wells, generally within the area that's projected to be affected, but specifically within the--also within the mining rights boundary.

Hydraulic testing would be conducted on each of those wells. Electronic monitoring will be conducted on each of those wells, mirroring water levels at frequencies of between one and four hours. So we would have very precise data. Rise is also committed to add telemetry to each of those wells. So the county, or individual well owners, could actually in real time access their well data and see what their water level is like.

There would also be water quality sampling from the 30 new wells that will be installed. And over two and a half years it would involve collection of 300 water quality samples. And that would all occur--not the water quality sampling--but all of this would be put in place at least a year prior to any dewatering occurring.

And the last one, as part of the groundwater monitoring program, on a

quarterly basis, there will be a water level impact assessment. The data from those 30 new wells would be evaluated, and the water table would be generated to look at, "This is what it should be like," and then we would compare the data from each of the 387 private wells to say, "Does it deviate from that?"

And if it deviates more than that 10%, then that's a potential impact. The mitigation plan says if that occurs there will be hotlines or websites where the well owner could contact the county and Rise. Rise would immediately mobilize a licensed well contractor to go out and evaluate the pump, evaluate the well.

And if that licensed well contractor determines there's an impact, within 24 hours they will be provided with a temporary supply, a tank, trucked water, until that issue can be mitigated. The well contractor would determine could that be mitigated by deepening the well or by drilling a new well. Or, if not, then the process would begin to connect that property to NID water. And

that will be part of the mitigation program. That's all I have.

CHAIRMAN GREENO: Thank you.

MR. CHADWICK: So thank you for that, Andy. The last--the last thing that I will say, I think, is this. Is that, you know, with the clarification, of course, that Jason provided that, you know, that the, the implication of Jason Muir's comment that the Centennial site tailings classified by, by the Regional Board as, as Group C, and that the Idaho-Maryland tailings, by implication, are also going to be Group C. And that's what the testing has proven so far, and we'll continue testing throughout the life of the mine.

That no surface operations are going to be taking place 24/7. They'll be inside buildings and down below the ground. And that there is that agreement that Rise has proposed, along with opting for, and asking this Commission to recommend, the environmentally superior alternative, as Alternative 2, that, that the trucking will be very, very minimal. There will be no

trucking for the first 11 years in terms of rock trucks going up and down the road at all.

And I think, in light of these clarifications, and with appreciation for the Planning Commission, Planning Staff, County Counsel, and of course the public, too. We might not always agree, but I do appreciate the, the comments and the questions that are raised, and the opportunity to address those comments and questions. We respectfully ask this Planning Commission to adopt the environmentally superior alternative, which is Alternative 2, and recommend that for consideration to the Board of Supervisors. Thank you very much for your time.

CHAIRMAN GREENO: Thank you, Braiden. All right. We will move forward now with discussion, questions, clarifications by Commissioners. We will begin with Commissioner McAteer. And he will begin with disclosures, followed by any questions.

COMMISSIONER MCATEER: Thank you, Chairman. Thank you, public. And thank you,

Planning Staff. I am first because the project happens to sit in District 3. And I was appointed by Supervisor Swarthout upon her election. I was her Planning Commissioner in the City of Grass Valley when she served there. And so I have a--I have sort of some disclosures that I have to make according to our attorneys.

As the newest Plan--member of the Planning Commission, I have had to make up for lost time as my fellow Commissioners have been immersed in the mine issue for the past couple of years. Therefore, I wish to publicly disclose that over the course of the last month, I have met with a number of people to get up to speed on the issue before us.

In specifics, I contacted Ben Mossman, CEO of Rise Gold, and was joined by Ted Harris with the firm of California Strategies from Sacramento. I was provided a two-hour, in-depth tour of the mine property.

Furthermore, in reading through the EIR, I sought discussions with the following

opponents to the mine who were organizationally based to enliven my understanding of their specific comments as they've provided in the EIR.

In specific, I met with Professor Carrie Monohan from the Sierra Fund, Ralph Silberstein from Community Environmental Advocates, Peter Burns from Circle, Barbara and Dawn Revenis [phonetic] from the Sierra Club, Gary Griffiths [phonetic] with the Wolf Creek Alliance, and Christy Hubbard from the Wells Coalition.

The aforementioned meetings, all of them, were exceedingly beneficial to helping me understand the 8,700 pages of the EIR, the myriad of complexities in the reopening of a mine, and the impacts upon this community which I've resided in for the past 41 years. I'll also note that for a number of summers my next door neighbor, Dave Southern [phonetic], who served on the NID Board for 16 years, was a quasi-gold miner who had a mine up in the Tahoe National Forest. And I used to go be his mucker in the gold mine. So I'm a gold mine mucker.

I should also note that as Superintendent of Schools I was--Siskon Gold's--problems up on the San Juan Ridge occurred under my tenure in 1995. And when Grizzly Hill School ran out of water at that point, we had to close the school. We had an emergency plan in place, that we had to put in place, in order to get water to that school.

So those are sort of my disclosures. I've asked Jennifer Hanson to come back and I appreciate her coming back. I really do. I know that your time is valuable as the General Manager for NID. I'd like your perspective on a couple of these items before us. So, if you don't mind, I'll ask--you and I will go into conversation here for a little bit, if you don't mind.

Since we have, you know, two utilities essentially in our community, our water and our electric and gas, and PG&E doesn't have a person like you sitting here before us.

MS. JENNIFER HANSON: Right.

COMMISSIONER MCATEER: So it's really nice to have the General Manager from NID

here. So Ms. Hanson, Mrs. Hanson, I'd like to talk about your letter that you just submitted that said, "We really wanted a 14-million-dollar surety for the property because of…" What? What is your concern that you're saying we need a 14-million-dollar security bond posted?

MS. HANSON: So the request for the surety bond, or a security deposit, was determined to be necessary by NID staff, as well as our board, based on just a fundamental concept that although I'm sure everybody is doing great work and I know you guys are all very talented professionals, you know, groundwater modeling is an imperfect science. And even in the surface water world it's extremely imperfect. And that is, in fact, one of the primary reasons why in our business we redo models on a five-year basis. Because what we think we know, or what we think is going to happen, often changes.

And we are in a time period right now of some very significant changes related to climate change that even the experts don't

fully understand. And within the last, I'd say, ten years, we have had an increase of customers or soon-to-be customers, or folks that would like to be customers, experience some reductions in their groundwater well capacities.

So in combination of not being comfortable with the stage that we are in understanding climate change, understanding also that all--any type of model, whether it's a sewer model, traffic model, drinking water model, groundwater model, that those results aren't always exactly perfect. And we would like a little bit more surety because, frankly, NID does not have a financial obligation to pay for folks to connect to our system and to construct new infrastructure. Nor do we have the funds to do so. It is extremely expensive.

NID is looking down the tunnel at some very large, significant capital improvements required just to serve our existing customers. And if there were to be additional wells that were impacted, we would not be able to fund, provide a loan,

or pay for the infrastructure needed to serve those individuals.

And, with that said, there is also a concern related to our board members receiving ongoing requests from multiple people within the district regarding groundwater wells. So from--for those reasons and based off of our review of the 1996 conditional use permit, we--that also included the requirement for some type of financial assurance to be provided, we have now requested that as well.

COMMISSIONER MCATEER: So, so let's, let's deal with the, the comment regarding surety for a second because in, in the--in the EIR of the past it--under M-Gold it said, "Due to uncertainties regarding the complex geology and groundwater in the exact area that we're dealing with, dewatering impacts domestic well water supplies cannot be accurately predicted. The geologic formation in which the mine is located is fractured bedrock, whose hydrogeology is difficult to predict."

So I guess you would sort of concur

with such a statement. Is that a fair statement?

MS. HANSON: Yeah, absolutely. I think that any modeling related to groundwater is in particularly difficult in an unconfined aquifer, in fractured rock.

COMMISSIONER MCATEER: Then tell me your, your interpretation and your thought on this. Because in this EIR it says all potentially impacted wells are, are located in the East Bennett Road area. Domestic wells outside of this area will not be affected. Is that a fair statement in your--in your--in your staff's understanding of this--of this project?

MS. HANSON: I can't speak to the modeling. I have not personally reviewed the modeling outputs, the calibration, or the assumptions that were made. What I can speak to is that all models are based off of things that you know, things that you think are going on, and assumptions that you are going to make for the future.

And, in my professional opinion and in my professional experience, I've never seen

a, any, model be completely accurate. So I would not--I would hesitate to make that statement with that much confidence.

COMMISSIONER MCATEER: Okay, thank you. A couple more questions. You've obviously--this has occupied some portion of your career these--since you've been here for the last few years, this whole project. Is that fair? That you've spent an--you and your staff have spent an--inordinate amount of time? I don't know how much time you've spent on this topic.

MS. HANSON: On the mine in particular?

COMMISSIONER MCATEER: On the mine in particular.

MS. HANSON: You know, we reviewed the project from the perspective of being required to adopt a water supply analysis, which essentially is an analysis that is completed, that, that determines whether or not there are significant water supplies to serve the proposed project, which we did make the determination that there are.

I would not say that I am by any means an expert in their technical studies that

were completed for this particular project but I can speak to NID's concerns and our perspective, and how we feel that we need to protect our district and constituents.

COMMISSIONER MCATEER: Two more questions for you. One is your comment regarding groundwater monitoring. You said it needs to be done more than a--more than the twelve months that they're--what--how do you--how do you come to that conclusion?

MS. HANSON: Groundwater levels are very sensitive to fluctuations and seasonal precipitation. And specifically, most snowmelt and surface water generated by rain water. It is my opinion that due to the volatile nature of the precipitation amounts that have occurred over the last decade in particular, that it would be more prudent to have a longer period for establishing the baseline, if you're utilizing that baseline to determine the threshold for impact.

One year baseline of data in anything in the world, water world, wouldn't really be something that I would recommend to base an impact threshold off of.

COMMISSIONER MCATEER: Okay. And finally--and other Commissioners you're welcome to ask questions while we have the general manager here. In a worst-case scenario, okay, I think--I think that's what the intent behind EIRs and all, is to say, you know, "Well, this could--this could happen or this could happen." In a worst-case scenario, we have--you know, they have committed to providing for the 30 wells on--and you're--you seem to be okay with that, that you can pull that one off.

So let's, let's just suppose that the dewatering begins and a number of wells are automatically affected. How long does it take for NID if, all of a sudden, a dramatic number of wells are affected, and they're having to bring in water tank trucks or trying to drill other wells? How long would it take to be able to deliver water to the 300 homes in that isopleth?

MS. HANSON: So I want to make a couple of clarifications. I did see that there was a Maranatha [phonetic] slide that was in the slide deck. So we have done a number of

what we refer to as district-funded waterline extension projects. And I have heard through comments, through the--in the Final EIR as well as it sounds like maybe the comment was going to be made again with the slide, that NID can deliver a treated water project and it can be constructed within four to six months. And that just simply is not the case. The project's Maranatha Place is not constructed yet.

Other district-funded waterline extension projects, they may have only taken four months for the actual construction, but that is not taking into consideration design, environmental permitting. And in this particular situation, we would likely not be designing the project. It would be designed by an outside entity. So it would have a higher level of review. They would design the project. We would then review the project. It would go back and forth. You would then bid the project.

So you're probably looking at--and this is weather-dependent that you--this all hits at the right weather time--a minimum of 12

months. It could be up to 24 months if you hit a bad weather cycle. You're not going to be building a water line with a lot of snow on the ground.

COMMISSIONER MCATEER: Thank you.

CHAIRMAN GREENO: Other Commissioners? I'll look to Commissioner Milman.

COMMISSIONER MILMAN: So in all of this my understanding is that the mine would need water itself. So is the--is the water that the mine needs for its own operations coming from NID? Or from, from water that you've treated?

MS. HANSON: The mine currently has two water service connections and they are able and connected right now. So their water use technically wouldn't go higher than their current capacity needed for the meter sizes. I'm not aware of any request at this point to upgrade their meter size. So that wouldn't be an additional water supply that we're concerned about.

COMMISSIONER MILMAN: So there's--they're already on your system?

MS. HANSON: Correct.

COMMISSIONER MILMAN: And they would just activate those meters?

MS. HANSON: Mm-hmm.

COMMISSIONER MILMAN: Okay.

MS. HANSON: I think it's a six and a-- yeah, it's a six and--six-inch and a smaller inch meter.

COMMISSIONER MILMAN: Thanks.

CHAIRMAN GREENO: Commissioner Mastrodonato, questions for Jennifer?

COMMISSIONER MASTRODONATO: Yeah, just real quick. So I'm to understand that you've requested a 14-million bond—14-million-dollar bond.

MS. HANSON: Mm-hmm.

COMMISSIONER MASTRODONATO: Has the Applicant agreed to that?

MS. HANSON: To my knowledge, the Applicant has not agreed to it. We made the request in our comments that were submitted in response to the Draft Environmental Document. And in the responses that were included in the Final EIR it was declined to be included as mitigation.

And one of the reasons why that we

either want it as mitigation, or within the Development Agreement, or even as a condition of the conditional use permit--and we are also open to it being some type of security deposit, is that, in my experience, things do go wrong with projects. I have a lot of experience with development. And if you don't have some type of requirement recorded against the property, it can be very difficult to get those issues resolved at a later date.

COMMISSIONER MASTRODONATO: Thank you.

CHAIRMAN GREENO: Commissioner Duncan?

COMMISSIONER DUNCAN: No questions.

CHAIRMAN GREENO: Jennifer, thank you so much for coming back. I do have one question for you that came up.

MS. HANSON: Oh, sure.

CHAIRMAN GREENO: As a--one of the members of the public was talking about water connections must front on an NID water main and may require new right-of-ways. Is that something you can speak to?

MS. HANSON: Sure. We actually made that comment in our responses to the Draft

Environmental Document. We do require easements within the roadway, as well as easements for the laterals that connect to the private properties, to not only handle laterals but also the meter boxes. So we would not be purchasing a right-of-way in fee title. We would be simply requesting an easement from the road owners, as well as the property owners. And those documents and agreements would need to be recorded and in place before any water service connection was made.

CHAIRMAN GREENO: And are there--will there be--mains adequate to service the areas that we're speaking of?

MS. HANSON: The Applicant has--part of the proposed project is to construct a new water main for that--for those 30 homes. Any new--any other homes that would need to be connected in those other areas of concern, those would also need infrastructure constructed at that time. And that's why we have requested the, the surety bond.

CHAIRMAN GREENO: Thank you so much for your time.

MS. HANSON: No problem.

CHAIRMAN GREENO: At this time we will go back to Commissioner McAteer to continue. And, Jennifer, thank you again. We won't have any more questions for you.

MS. HANSON: Okay, thank you.

COMMISSIONER MCATEER: So I'd like to turn back to staff because in Policy 1713, Mr. Foss, Mr. Kelley, it states that the county shall, shall, shall I note, require satisfactory forms of access--accessible security, including irrevocable letters of credit, cash deposits, escrowed negotiable securities or performance bonds, all--from all mining projects to cover such damages which may stem from the projects.

So I'm sort of--I, I--why didn't we do that?

MR. MATTHEW KELLEY: Mr. Chair, Members of the Commission, I would actually defer some of that question to Nick Popani [phonetic] in regards to the EIR and to discuss some of that as well in the responses to the Final EIR. And then also would also defer some of those questions to

the Applicant.

COMMISSIONER MCATEER: Well, I understand that but it's all--it's the County of Nevada's policy. So I'm trying to understand don't, don't you guys sort of say, "Well, this is the policy. So make the EIR fit to that policy?"

MR. BRIAN FOSS: Commissioner McAteer?

COMMISSIONER MCATEER: Yes?

MR. FOSS: So generally that policy is referring to the financial assurance that's required by SMARA for the impacts of, of mining and the reclamation of it. It's certainly within the Planning Commission purview if you feel that there are impacts that might be caused, that warrant another surety or bond, that you could add a condition of approval.

I think we would want to ensure that the amount requested and applied is accurate and covers the expected impacts, and the infrastructure that would be paid for by that bond. So I think there would be some analysis required, but you could certainly within your purview to recommend a condition

of approval to add a surety bond to cover additional NID infrastructure to those wells or properties that are impacted by the--by the project.

COMMISSIONER MCATEER: Okay. Well, I just--I just want to note that that 1713 is under the concept of Mine Development and Operation, not, not reclamation, but okay. Thank you very much.

MS. DIANE KINDERMANN: Excuse me. If I may add to that discussion?

COMMISSIONER MCATEER: Sure.

MS. KINDERMANN: With your permission? Thank you. At page 15 of the Development Agreement which is Attachment 19 of the Staff Report at Section 3.1.4.Q, there also is a financial assurances paragraph for the Applicant during the project, the implementation, and the existence of the project for the period of 80 years, to assure that their staff time, county time is covered.

So there are extra SMARA financial assurances in the DA. It doesn't deal with the specific issue that you're raising, but

we did cover it in terms of county costs to monitor, oversee, investigate, and everything else that would be necessary for this project in terms of county staff time during the, the 80-year period of the project.

COMMISSIONER MCATEER: I read that part and I thought it mainly dealt, specifically, with the closure of the mine, so that there was enough dollars in place to be able to close the mine. Is that a fair statement?

MS. KINDERMANN: No.

COMMISSIONER MCATEER: Okay.

MS. KINDERMANN: This is during the entire project implementation. And, if we need to clarify that language, we can do so.

COMMISSIONER MCATEER: Thank you.

MS. KINDERMANN: Thank you.

COMMISSIONER MCATEER: Okay. Now I'd like to close on that topic and I'd like to move to Mr. Mossman.

Mr. Mossman, I, I just listed a number of groups that I had spoken to that were opposed to the mine. And I was wondering, I was looking for groups that were in support

of the mine. And so I saw that there's no support letters, or people who have come here, from the Nevada County Contractors Association, who would supposedly benefit because they're going to get construction work.

And I'd also expect something from the Nevada County Economic Resource Council, whose entity is a mission to bring jobs and promote economic prosperity to this community. And I saw no one from Gil Matthews, nor any letters from them. And, finally, I found nothing from the Nevada County Chamber of Commerce, whose goal is to promote a business, business-friendly environment.

And so I'm wondering if you could explain to me why you have--why there are no--none of the business entities in this county that are standing up here or writing letters on support of this project.

MR. MOSSMAN: We met with all those groups. We met with the Chamber two or three times. We've met with the realtors I think twice, the Board--the Contractor

Association three times. And so they, they decided to take a neutral position. You know, it is a controversial project. Some of the opposition members, you know, are, are lobbying actively to have them oppose the project. And so they, they decided it's in their best interest to be neutral, I suppose. But, you know, I can't speak for them.

But there are many businesses that, that support the mine. You've seen the many working people here that support the mine. And I would say yesterday there was quite a few people here that didn't get tickets and weren't able to speak. So, so there--so there's that.

COMMISSIONER MCATEER: Okay, thank you. Moving on. Mr. Foss and, and Planning Staff, so I noticed in the Economic Report completed by Mr. Niehaus [phonetic] that the Planning Department nor any of the other county departments are asking for any more additional labor. Okay? So we're going to have this mine come in. They're going to do their business, but there's no more need for

staff.

And so that sort of troubled me because it says in Chapter 17 of the--of the County Plan, Section 14, that, quote, "The County shall be the enforcement agency." But if you start reading more into it, you start realizing that, really, after the approval, if it comes from us or the Board of Supervisors, and then the Building Department deals with the building, really much of your department's enforcement activity is ceded to state agencies.

Is that a fair assessment? That, that really the Planning Department, the Building Department, Environmental Health, etcetera, sort of says, "Well, Water Quality Board, you take over. Air Quality Board, you take over. Caltrans, yada, yada, yada." Is that a fair statement?

MR. FOSS: There are a number of entities that have permitting authority over various components of the project. So there are some components of the project that the Planning Department and the county would have permitting authority with building

permit issuance and electrical permits, and encroachment permits onto the county road right-of-ways and things like that. But there's a number of other state agencies that would be overseeing and permitting other aspects of it.

COMMISSIONER MCATEER: But once it's in--but once it's in operation--you talked about all these permits that are essentially with building. So I'm interested in--I'm worried that we lose local control over this project and we sort of cede it to the State of California.

So once this mine is in, in operation, tell me what, what controls do you as the--in the County of Nevada, have over this project?

MR. FOSS: It would be depending on what is the problem. If it's a problem that's regulated by a state agency, then the state agency would have control over it. If it's a conflict with a condition of approval that the county has control over, then the county has code enforcement to ensure that the project is complying with its conditions

of approval and its mitigation measures. There may be a combination of a state and a county enforcement action against the project to ensure compliance with the adopted mitigation measures or conditions of approval.

So it depends on the issue and what may be out of compliance, but anything in the Development Agreement, the conditions of approval, and the mitigation measures would be expected to be followed. And, if they're not, then the county and/or state agency would, would follow up.

COMMISSIONER MCATEER: So the major questions of the hundred people that spoke dealt with air quality but that wouldn't be within the County of Nevada's purview, correct?

MR. FOSS: It would most likely be regulated by the Air District.

COMMISSIONER MCATEER: Okay. And water quality would be ceded to the state?

MR. FOSS: Regional Water Quality Control Board, for the most part.

COMMISSIONER MCATEER: And

transportation of materials?

MR. FOSS: I mean there's a number of aspects with transportation of materials.

COMMISSIONER MCATEER: But the highway?

MR. FOSS: It could be hazardous.

COMMISSIONER MCATEER: Patrol?

MR. FOSS: It could be highway patrol. It could be if they're on county roads or damaging county roads, there could be some Department of Public Works involved.

COMMISSIONER MCATEER: And do we know that the--I mean this is a big project. I gather the State Water Board in our region that has a number of counties has eight employees. Are we confident that the State Water Board, which I just, you know, has a long name, that they have the capability to take on this oversight of this mine project?

MR. FOSS: I--that would be speculative. I have no say over the ability of the state to do that. I would, would say that it's not unlike any other project that has Water Board permitting requirements. From very small projects to very large projects, it's very common for state agencies to regulate

all sites--all sizes of projects within the county.

COMMISSIONER MCATEER: But that's not part of the EIR, to contact that State Water Board, to be able to say, "Hey, guys. You know, we've got this big mine project here. Are you capable of handling the, the amount of work that's coming?"

MALE VOICE: Commissioner, I did speak with the Regional Water Quality Control Board. And they're going to--contact for this area, Mr. Jeff Huggins [phonetic] I believe was his name, and there were no indications of staffing concerns.

COMMISSIONER MCATEER: Okay.

MALE VOICE: They provided a letter in the Final EIR and they didn't indicate any concerns.

COMMISSIONER MCATEER: Okay, thank you. Mr. Foss, I'll—Foss, I'll come back to you. Let's talk about the use—

COMMISSIONER DUNCAN: [Interposing] Terry?

COMMISSIONER MCATEER: Yes?

COMMISSIONER DUNCAN: Terry, could I

interject?

COMMISSIONER MCATEER: Sure.

COMMISSIONER DUNCAN: I recall in the Staff Report that if the use permit is issued that there would be hands-on involvement through the Planning Staff, that there would be a review set up, established. I can't recall if that was an annual or a five-year review. But so there isn't—I mean, there is involvement on the part of Planning Staff if this project is issued.

COMMISSIONER MCATEER: Well, that leads—Laura, that leads right into my question, if you don't mind. Which is under, under Policy 17, under the Mineral Management Plan, Policy 1770, it states, quote, "Each project shall have a periodic review for compliance with the use permit by the Planning agency. In no case shall such a review period exceed five years."

So we're, we're granting—we're being asked to grant an 80-year permit. Okay? Now, does—I didn't find anything in the use permit that said that every five years. So please help me out. Find that for me.

MR. KELLEY: Mr. McAteer, if I—a couple—a couple things. So Nevada County Land Use and Development Code and our Mineral Management Element, and then as the project is conditioned, the project is supposed to come back for review by the Planning Commission once a year for the Development Agreement.

And then, in addition, there are annual reviews that happen as part of SMARA, and annual inspections. I actually have Tom Nock [phonetic], he's our county SMARA mine inspector with me. And he can speak about the SMARA mine inspection process that shows that the project is compliant, would be compliant with SMARA. If we'd like to have—hear from him, he is here.

COMMISSIONER MCATEER: Well, I don't know yet. Let me just ask you this. So if, if we grant an 80-year permit, does the Planning Commission or the Board of Supervisors have the power within that use permit to revoke that use permit?

MR. KELLEY: Yes, sir. The Planning Commission or the Board of Supervisors would

have that ability under Nevada County Land Use and Development Code. And that's for any discretionary project, use permit, or development permit.

COMMISSIONER MCATEER: And would it happen—would the—would the denial or yanking it be dependent upon that we found that this SMARA thing or whatever it's called, we were out of compliance? Is that—do we have to have those types of findings to be able to do that?

MR. KELLEY: We would, and I would defer some of that to Tom Nock. And it might be good to, to chat with him on the process.

COMMISSIONER MCATEER: Not yet. Not yet, but thank you. Thank you for being here, Mr. Nock. I appreciate it, but I know time is limited, and I want to be able to get my, my questions in.

And so, Mr. Mossman, I'd like to turn back to you for a second to close the loop on why, why not assuage these--all these well owners and go take out a surety bond for 14-million-dollars? I think--I think

you manage the speaker. Okay.

MR. MOSSMAN: I'm sorry. So when we started looking at the project from the very beginning, we, we looked at what was connected to the NID water system and what was not. And so, the East Bennett area, which is above the mine, was something that was brought up in the past Environmental Impact Report. So we knew that that area would be connected to water from the very beginning to, to avoid an argument that had happened in the past where they essentially said, "Look, if you have a problem, we'll get you a water truck."

COMMISSIONER MCATEER: I got that.

MR. MOSSMAN: Right.

COMMISSIONER MCATEER: I got the 30.

MR. MOSSMAN: And so the other areas--

COMMISSIONER MCATEER: [Interposing] I'm talking about the 300.

MS. MOSSMAN: The Beaver Drive, outside areas, were determined to, to not be impacted. And so, if we have thought that they would be impacted, we would probably propose to hook those neighborhoods up as

well. Because if you--if you think about this process and how the--how the monitoring well program is set up, you'll start--first of all, have the monitoring wells going for 12 months. Now there's a notice period. So that domestic--people with domestic wells can participate as well. So that's, what, a 15-month period before we can actually start pumping the water out. And during that time the East Bennett area will be hooked up to NID water. So that's all in place before the dewatering even starts.

COMMISSIONER MCATEER: I got that.

MR. MOSSMAN: [Interposing] And so--

COMMISSIONER MCATEER: [Interposing] I'm all about the 300.

MR. MOSSMAN: Right. So, so now you've got the monitoring wells all outside these areas. Once you start dewatering the mine, from the measurements in the water--in the monitoring wells, they're going to be able to predict if an impact would happen. And so basically they're calibrating their model continuously. And the--and the most impact happens when you start pumping the mine out.

And so really it's designed to detect a problem before it could occur. And so the cost of that is borne by the company. But because we would have to basically essentially stop dewatering the mine because you're predicted an impact could occur in the future, and you'd have to go and mitigate that problem--they're not impacted yet because the whole purpose of the monitoring is to detect the impact before it could happen. And so if the mine stops dewatering, that's at--that's at a cost of just maintain your workforce and not continuing the project while you're going to mitigate that.

So if we--if we had thought that these other outside areas were at issue, we would mitigate them upfront. And I don't know where the 14-million-dollars bond comes from. That wasn't explained, but it's a very high number. I mean, if you look at that East Bennett area--

COMMISSIONER MCATEER: [Interposing] Well, not to put in a--not to put in 300 people water line, service water line.

That's--

MR. MOSSMAN: [Interposing] Well, I don't know. What--why would it be 300? Because if you look at the, the next neighboring areas, Beaver Drive. You have Anchor, Anchor Lane, I think it's Little Hill Lane, Liquid Amber, Glen Pines, those are the ones to the east and to the south of the mine. Those are in the kind of two-foot drawdown contour. Those are--those are-- that's 70 parcels. 300 is all, like a huge area around the mine that have--there's just no potential for them to be impacted.

COMMISSIONER MCATEER: Well, so, so I represent those people. Okay? Let's get this clear. Now, their concern is my concern, that's why I'm a representative.

[Applause]

COMMISSIONER MCATEER: So my, my comment is in a worst-case scenario, okay, you're dewatering the mine and all of a sudden 300 homes start getting affected. Okay? We can understand that. You may--the EIR and you may say, "Well, that's just never going to happen," but I'm sort of like

the guy that said Murphy's Law.

So, so these 300 homes all of a sudden get--starting to get affected and their mine--and their wells start decreasing in water. Where are they going to go? They're going to run to you and they're going to run to the county of Nevada saying, "Help." They're going to run to NID saying, "Help."

And the answer is, "We don't have the resources to do it." You didn't put a surety bond up. The EIR, I don't know how they can say that there's not going to be any effect.

And so the point I want to make is that the surety bond is there to insure the worst-case scenario. And the worst-case scenario is those wells start going dry, and you turn and say, "Oy-oy-oy, this is much bigger than I thought it was going to be." And you hightail it out of town. And we're left with 300 people without water. That's the reality.

[Applause]

MR. MOSSMAN: Well, I would just say there has to be--has to be a method to

determine if it's--if it's--if you're concerned about 300 or 70, so far we've put together we're concerned about 30 wells.

And we've committed to doing--so with the analysis that was put forth in the beginning, it said they're, they're not going to be impacted outside this area. And so the county asks, "Well, we're still concerned. We need some monitoring." So we agreed to put in the, the specific monitoring wells all throughout the site. Then, throughout the process, they requested, "I would like my well monitored as well," which we agreed to.

So the cost--the cost of those, you know, that program is something about three-quarter of a million dollars, you know. And so, so I would say that we're not open. We, we--our whole goal from the beginning was to mitigate this, so no problems could occur, and to be able to detect problems before they could occur. That's the goal of the project. The difficulty with you saying 300 wells, we have no idea how was that determined. It's just--it's just kind of a-

-just a number. Right? How, how--what radius matters? So, you know, that's, that's what matters to be able to say how much--and how much would that cost, and how much should this surety bond be. That-- those are all important things to know.

COMMISSIONER MCATEER: Those were important. In my view, those were important things you should have done beforehand because the reality is--the reality is you knew that all these 300 people, you knew this Wells Coalition, etcetera, etcetera. And you did nothing to assuage them and that's the problem. That's a huge problem here today. Thank you.

So I'd like to turn to the EIR folks.

[Applause]

COMMISSIONER DUNCAN: Bill, keep the --.

COMMISSIONER MCATEER: Thank you. We don't need any--

CHAIRMAN GREENO: [Interposing] Terry, we addressed that.

COMMISSIONER MCATEER: Okay.

CHAIRMAN GREENO: Thank you.

COMMISSIONER MCATEER: I, I, I'd like to turn to EIR. First of all, just sort of a--I just can't believe that you'd put a statement that says, "Hey, no problems are ever going to happen on these wells." That just--

[Applause]

COMMISSIONER MCATEER: Hang on, gang. You want to wave your signs, fine. But this is--this is--this is serious business right now. But I, I just don't get that. So I just want to make that perfectly clear. I, I think M-Gold had it right and you've got it wrong.

Now, let's move to I received an email. I mean Ricki Heck was up here today telling us that her mine--her well isn't even identified on any of the lists. And I got an email from, from a Francis and Nancy Hamilton on Ben--East Bennett Street.

And they say, "We own and reside at 12161 East Bennett Road on the creek side of the road. It has just come to our attention that we do not show on any of the lists of properties that would have potable water

coverage from NID were our wells to be adversely affected by the mining operation. We spent years having our wells monitored by Cranmer Engineering for the M-Gold mining proposed operation."

And, and so their question is, "We were considered very high-risk at the time, so we can't understand why we are completely excluded in this time." So could you explain to the Hamiltons why they're not even on the list?

MALE VOICE: Commissioner, the list of?

COMMISSIONER MCATEER: The list of property owners that were going--that have--are going to be monitored and that have a potential of having potable water coverage.

MALE VOICE: Okay. Yeah.

COMMISSIONER MCATEER: Well, I don't know if they're in the 30 but it's on East Bennett Street.

MALE VOICE: Yeah, I'm not--I don't precisely know if they're talking about the list of 378 properties that would be part of the domestic well monitoring program. I can only surmise that those properties are

within the one foot drawdown isopleth, and that they would be outside of that. But I'd have to ask the hydrologist to confirm that because I didn't do the analysis. But I'd be happy to bring them up and we can look at that location.

COMMISSIONER MCATEER: 12161 East Bennett, the Hamiltons. Moving on. I'd like to talk about why the--why the EIR was, was bifurcated. I always felt that an EIR is that you had to do the entire, entire project. And at that point until we've heard something about this change in Centennial, you know, it was sort of like the EIR is the Bible. Well, if the--if it's the Bible, then you would be having the Centennial and Brunswick site together.

And so I'm interested in--I don't want to rehash it. I'm interested in how the Planning Department or the EIR staff, or whoever, decided to bifurcate the Bible and have--just deal with the New Testament. And we left the Old Testament behind.

[Laughter]

COMMISSIONER MCATEER: So where--why

was that done and how was that done?

MS. ELLIOTT: Commissioner, I'd like to turn to our outside counsel, Diane Kindermann, to respond to that.

MS. KINDERMANN: Thank you. The reason that was done is because a Mitigated Negative Declaration had already been completed by DTSC. They had taken on lead agency status at that time. And they had already completed a Mitigated Negative Declaration in 2021 for that project. There were--there were also--Rise was also under a voluntary clean-up agreement. They'd entered, entered into a DTSC contract to clean up the site.

They had gone back and forth with DTSC, reviewing several remedial action work plans. And those remedial action work plans, they were just waiting for DTSC to provide information on the final work plan so they could proceed with work. In fact, they had hoped that the work plan would have been approved and it would have been under--clean-up underway.

So because there was an existing lead

agency at the time, that portion, there was a Mitigated Negative Declaration, and there was the remedial action work plan that was going back and forth, and there was a voluntary clean-up agreement that had been executed by both DTSC and the Applicant. That is why we proceeded in this fashion.

COMMISSIONER MCATEER: So could have both of those sites been put under this EIR? Yes?

MS. KINDERMANN: I beg your pardon? Would you--

COMMISSIONER MCATEER: [Interposing] Could it--

MS. KINDERMANN: [Interposing] They could have done that.

COMMISSIONER MCATEER: They could have been?

MS. KINDERMANN: Right.

COMMISSIONER MCATEER: So then if they could have been--

MS. KINDERMANN: [Interposing] But we didn't because there was a CEQA document.

COMMISSIONER MCATEER: Okay. I got you. Then who made that decision that they

weren't going to be?

MS. KINDERMANN: Because there was an existing lead agency in place for the clean-up--

COMMISSIONER MCATEER: [Interposing] No, that doesn't--somebody made a decision. Who was it that made that decision?

MS. KINDERMANN: I can't say.

COMMISSIONER MCATEER: Why wasn't the Planning Commission asked to rule on that decision?

MS. KINDERMANN: I don't have the answer to that question.

COMMISSIONER MCATEER: Well, then I'll turn to the staff and all. So why was the Planning Commission not asked--

MS. ELLIOTT: --So I, I think the

COMMISSIONER MCATEER: --relative to bifurcating the EIR and making it a one-fit--a uniformed EIR?

MS. ELLIOTT: Commissioner McAteer, I think the answer to that is the state made that decision. They--DTSC is--we can't just assume their role for them. They have very specific rules and they have other oversight

agencies as well. So they were already a lead agency before we even started this.

COMMISSIONER MCATEER: I--

MS. ELLIOTT: [Interposing] That's why--

COMMISSIONER MCATEER: [Interposing] I understand that. I understand that. But, but what's happening on the Brunswick site under the proposed plan affected the Centennial site. And so I don't understand why the--why the EIR couldn't have gone down this path and told the--that state agency, "Hey, listen. We're doing an EIR because it's a--it's a complete one project."

MS. KINDERMANN: Excuse me. We did analyze the impacts of the traffic going back and forth but the actual clean-up of that site was analyzed in the Mitigated Negative Declaration prepared by the lead agency at that time, DTSC.

So we didn't--no one decided that we should tell DTSC they should not be the lead agency on that clean-up project.

COMMISSIONER MCATEER: Well, I think that the Planning Commission should have had

some role relative to making that decision. Thank you.

MS. KINDERMANN: Understood. Thank you, Commissioner.

COMMISSIONER MCATEER: Mm-hmm. I'd like to move to asbestos for a second. The Northern Sierra Air Quality Management District, I'll just call them Air Quality, recommended--and I quote from their recent letter, "That the Applicant work with the Department of Toxic Substances Control, the U.S. Geological Survey, and/or the Office of Environmental Health Hazard Assessment to obtain concurrence that asbestos testing for the proposed mine is adequately addressed with regard to the number and locations of samples, and applicable analytical techniques." It does not appear that that was done, according to them.

Second paragraph. "The Air Quality District also has, has submitted additional comments and been involved in other ways with the environmental documentation process of the proposed project. Many of the Air Quality District's comments and observations

have been addressed but some important ones remain unaddressed. Notably, the DEIR includes a newly added, previously undiscussed method of converting asbestos in rocks to asbestos in the air, that is not backed by science."

And I quote, "Asbestos emissions are the primary concern of the Air Quality Management District, the DEIR's treatment of naturally occurring asbestos is scientifically unsound and therefore not adequate for CEQA purposes."

How do you respond, my friends from the EIR, to that statement from the Air Quality District?

MALE VOICE: Commissioner, would you be so kind as to identify which letter that was from?

COMMISSIONER MCATEER: The most--the most recent one we got. Just, just--

CHAIRMAN GREENO: [Interposing] I think it was on the 5th.

COMMISSIONER MCATEER: Yes.

MALE VOICE: Okay.

COMMISSIONER MCATEER: Okay? Just

you've received it. I'm sure you've seen it.

MALE VOICE: Okay. I was just confirming. Yeah.

COMMISSIONER MCATEER: Just within the last two weeks.

MALE VOICE: Yeah.

COMMISSIONER MCATEER: That's their statement. I mean that's pretty damning to me.

MALE VOICE: Well, under--

COMMISSIONER MCATEER: [Interposing] How do you feel about it?

MALE VOICE: Understood. And, and I would want to bring up those folks that believe that our approach is sound. We rely on experts. We--as an EIR consultant, we don't try to expert--be an expert in everything. So we assemble a team of technical experts, and we, we also recruit folks to technically peer review that information. And so I understand that the district has some disagreements with the approaches employed but, like I said, there can be disagreement amongst experts. But--

COMMISSIONER MCATEER: [Interposing]

Well, they're going to be the monitoring agency.

MALE VOICE: Right.

COMMISSIONER MCATEER: So if they're monitoring you, and you aren't--the mine isn't using--isn't using science, what are we using?

MALE VOICE: Well, I think we can provide a response as to the science behind it. I just would like to recruit help from one of our technical experts.

COMMISSIONER MCATEER: Sounds, sounds shoddy operation to me. Anyway, let's move on. Let's talk about seismic for a minute. Sorry, Mr. Chairman, if I'm taking too much time.

COMMISSIONER DUNCAN: No, you're getting all our questions asked.

CHAIRMAN GREENO: I'm checking mine off one by one here.

[Laughter]

COMMISSIONER MCATEER: It was said here by comments earlier that the same fault that caused the Siskon Mold--Gold Mine collapse is the same fault that we're trying to erase.

And I'd like some comment from people on that. We're about to erase an earth--a fault. We are being asked to approve to erase a fault that currently exists on maps.

And I quote, "According to the Nevada County Planning Department, property title records and inferred fault alignment, a 200-foot building setback zone on each side of the inferred alignment passes through the Brunswick Industrial Site. The fault lines are set back and recorded by Beeson [phonetic]," da, da-da, da-da, da. Okay?

So that's what it says. And then it goes on to according to the map, and this is the map that's in the County of Nevada. I think maybe all of you might have seen the map but being the academic that I am, there's a copy for you.

COMMISSIONER DUNCAN: He has handouts.

COMMISSIONER MCATEER: Pardon?

COMMISSIONER DUNCAN: I told him to pass the handout.

COMMISSIONER MCATEER: Thank you. So you will note the, the 200-foot setback that is recorded on maps in the County of Nevada

currently. This was on a project being done by Bett Acres [phonetic], by a bunch of people who are well-known in this community. They were going to subdivide that area for housing. And the middle line which you see, which I have yellowed, is actually the fault. The two lines next to it are the 200-foot setbacks that are currently recorded on the County of Nevada. Okay?

I move to my next point. According to the map prepared by Beeson, the recorded fault alignment is based on the Anderson Geotechnical Report. The report was, was likely prepared by Anderson Geotechnical Consultants, who performed other geotechnical investigations in the area during the time. The report was not located by public records review and was not available from the firm that substantially acquired the report.

Well, here is the report. Here is the report dated May 12th. That's what--if you live in this community long enough, you find these things from friends. There is the report. I make the report available to the

Commission and Staff.

From Mr. Anderson, I knew Mr. Anderson very well in this community. And Mr.--on page three it says that, "We recommend any construction be set back at least 200 feet from the fault." And they note in here that there were six borings that were done of, of the area to determine that there was a fault present in the location. But we're being asked to approve to get rid of this fault. I also--

[Laugher]

COMMISSIONER MCATEER: No, I'm not kidding. True. I also would like to submit to you the California Geology Magazine of August 1978. And in that report of 1978 it denotes the importance of--and you'll note that the center, the--I can show that up to everybody. The epicenter for the Sierra fault is where? Essentially right near Nevada City and Grass Valley. Is that a fair statement, Commissioners?

I'm just reporting what I--I'm not a geologist but I am saying that it says in here, in the first paragraph, "Damaging

earthquakes in the magnitude of five to six have occurred within the portion of the Foothill Fault System." Okay? And it goes on and on. And it explains the big earthquake of 1908 and others, and showing the earthquake magnitude in 1908.

I think it's absolutely reprehensible that we would be considering getting rid of a fault that, that is, is well denoted and that--and that the fault, amazingly, would run right through the housing of the mine, where the work is being done. And then that fault continues right through the pond.

Moving on. I have to get organized for a second. I get my Irish dander up and all hell breaks loose. Okay, five, six. Okay.

Okay. Let's deal with the--a little bit more, if you don't mind, on the--here we go. On the wells for a minute. I'd like to ask a couple of scenarios of you, sir. So I understand the drawdown. I understand all these kinds of things. I understand the 330--370 properties and the one down drawdown isopleth.

So I just want to put this in a

scenario. There is Mr. and Mrs. Smith. Okay? And the Smiths have lived there for a long time. They live four fields--football fields away. That's 1,200 feet. That's outside the isopleth. And the mine is operating and all of a sudden their well goes dry.

According to your report, if I'm--if I understand it, there is nothing that the Smiths are going to have done for them. Is that true?

MALE VOICE: Thank you for that scenario, Commissioner. My first response would be, however palatable it may, may or not seem, is that we have to focus our analysis on the best available data that we can put--that we can come forth with, and rely upon our expert teams.

We could come up with, of course, a myriad of scenarios that are significantly concerning scenarios that, you know, that we might identify. But, at the end of the day, what we have to do for the CEQA document is base our analysis and the predicted estimated well impacts on best available

modeling and science. We know that--we know that it is not perfect. It is a modeling exercise. Hence, the monitoring requirements that we've identified.

COMMISSIONER MCATEER: I'm not asking about half a mile.

MALE VOICE: But we don't enter into--

COMMISSIONER MCATEER: [Interesting] I'm asking 1,200 feet. That's--you know, that's from here to the Madelyn Helling Library. And, and so the answer is the Smith's get nothing. Isn't it?

MALE VOICE: If it's not within the area identified as impacted and within monitoring, then that would be--that would be correct as currently written.

COMMISSIONER MCATEER: Thank you. Okay. Now, let's talk about the Joneses.

[Laughter]

COMMISSIONER MCATEER: They live within the isopleth. Okay? So everything's been going on fine for the Joneses for all these years. And all of a sudden, six years in, and the Joneses' well goes dry. Is, is--as I understand it, reading it, after five

years nothing happens. So the sixth year the Joneses' well goes dry. Tough luck, Joneses?

MALE VOICE: Well, there's the two monitoring plans. Right? And so there's the--there's the groundwater monitoring plan that's going to establish a network of monitoring wells. And so, if they weren't going to be monitored through the domestic well monitoring program, we would have to look and determine that if that would be captured through the groundwater monitoring network that would be distributed throughout the East Bennett area.

And my, my understanding would be that would capture that. And we can bring up the experts to confirm that, but that's the intent of that network, is that it would capture that most affected area.

COMMISSIONER MCATEER: Well, everything's been fine for the first five years. And all of a sudden, it's the sixth year.

MALE VOICE: Yeah.

COMMISSIONER MCATEER: According to--

according to your writeup, since I don't have an "if then"--I mean, I think you should have had a monitoring plan. I think you should have had a well plan that we understand if this happens, then this happens. And that's not in there.

So my question is: after five years, do the Joneses, are they out of luck?

MALE VOICE: It's the five years is specified in the domestic well monitoring program, that at least five years of monitoring would be done.

COMMISSIONER MCATEER: Yeah.

MALE VOICE: That's something that we can consider in terms of whether that's something the Commission may wish to extend. The groundwater monitoring plan does not cease in five years. That network of monitoring wells, that continues on an ongoing basis.

COMMISSIONER MCATEER: Well, they-- they're on--their well isn't being monitored. It's just one of the 300 that are out there. So it really hasn't been monitored because you have all these other monitoring wells.

I'm talking about the Joneses that don't have a monitoring well and that on six--on the sixth year all hell breaks loose, and they get mud coming through their faucet. What happens to the Joneses?

MALE VOICE: Understood. I think the point I was trying to make was that the monitoring wells that will be located throughout the area, the intent is that that would be done in such a way, and located in such a way, that it would be able to capture and predict a potential issue.

COMMISSIONER MCATEER: It doesn't. Okay? It just doesn't. Okay? You know, like poop happens. Well, what happens? What happens if nothing is--the monitoring wells show nothing but six years into it the Joneses are dry?

MALE VOICE: I believe then, based on the way the mitigation is written, which could be potentially clarified, that if that water column in that well is impacted as a result of the mine and that can be demonstrated, then they would be on the hook to replace that.

COMMISSIONER MCATEER: Why didn't you put a--

MS. ELLIOTT: [Interposing] Okay. Commissioner?

COMMISSIONER MCATEER: Why didn't you put--

MS. ELLIOTT: [Interposing] Commissioner McAteer?

COMMISSIONER MCATEER: Yes.

MS. ELLIOTT: If I could?

COMMISSIONER MCATEER: Sure.

MS. ELLIOTT: One of the things that this Commission can do is recommend in their conditions of approval related to the CUP that those conditions be placed.

COMMISSIONER MCATEER: Good, thank you. I'm, I'm--let's deal with why there isn't a well plan. Okay? You have to read the document and sort of think, "Well, gee. What are they saying there?" Why isn't there sort of a, you know, if you have a well here, you're going to get this. And if this happens, you're going to get this. And if this happens, you're going to get this. And it's all sort of spelled out?

I, I mean that's, that's what I'd be teaching to kids in class of how to--how to come up, so that everyone understood what was going on. But I don't have that plan in this document. Why not?

MALE VOICE: Well, I guess my response would be that there are--there are the two plans and there's a proposal to assess wells within the predicted, as you mentioned, one foot isopleth drawdown. That is the plan. And if those wells are impacted, they would have to be replaced or provided NID water. So that is the plan.

COMMISSIONER MCATEER: Okay.

MALE VOICE: And that's a condition of approval that's required.

COMMISSIONER MCATEER: Okay.

COMMISSIONER DUNCAN: Whether the Final--the Final EIR is sufficient, is adequate.

COMMISSIONER MCATEER: You're absolutely right. You know what? You're seated--

COMMISSIONER DUNCAN: [Interposing] I'm just wondering--

COMMISSIONER MCATEER: [Interposing] You've been seated here for 20--how many years now? 22 years?

COMMISSIONER DUNCAN: Yes.

COMMISSIONER MCATEER: You--your, your expertise far surpasses us, Laura.

COMMISSIONER DUNCAN: Oh, Terry, you bring it to another level.

[Laughter]

COMMISSIONER DUNCAN: But if, if we're on that path, I think consultants have done a fine job of explaining what they have prepared for us, and what's in front of us, that we have had a chance to review and evaluate. And we can pepper him with more questions, but they may not lead to satisfaction for what's not there.

COMMISSIONER MCATEER: True.

COMMISSIONER DUNCAN: So we've got actions in front of us this afternoon. We have other Commissioners who may or may not have questions. I certainly—you have answered a lot of them, Terry.

COMMISSIONER MCATEER: Good. Well, thank you.

COMMISSIONER DUNCAN: I appreciate that.

COMMISSIONER MCATEER: I have one last.

COMMISSIONER DUNCAN: Okay.

COMMISSIONER MCATEER: Then I have one, and then I'll close up.

COMMISSIONER DUNCAN: All right.

COMMISSIONER MCATEER: Okay? So I was hoping in the Development Agreement that this community would see something more than three firemen and a firetruck. Honestly, honestly, I mean I feel like this was an important aspect of, you know, well, we have consequences from the mine but the mine owners are going to do something for us. So I started to put my head around this.

COMMISSIONER DUNCAN: They had an air quality expert, additional staff person also, I think.

COMMISSIONER MCATEER: Right, but that doesn't--that doesn't add to the--you know, add to it. There are some detractions that occur from this mine.

COMMISSIONER DUNCAN: Mm-hmm.

COMMISSIONER MCATEER: And so for all of us as citizens of Nevada County, that we

could get some more parks, that we could get some more trails, that something would happen. So it would be a tradeoff, which usually happens between developers and, and counties. It's always happened that way for years.

COMMISSIONER DUNCAN: Right. When, when preparing the Development Agreement, there are benefits to be had to the community in exchange for the development.

COMMISSIONER MCATEER: Right. So really the benefits in this Development Agreement are three firemen and a firetruck. And so I started to--I, I love--so you've got to bear with me because I'm, I'm sort of a--I don't know.

COMMISSIONER DUNCAN: A teacher.

COMMISSIONER MCATEER: A jerk, a jerk.

COMMISSIONER DUNCAN: A teacher.

COMMISSIONER MCATEER: A teacher. A teacher, thank you. So it says in this proposal that at, at its greatest extent, that 108,000 ounces of gold would be produced annually. I said, "What does 108,000 ounces of gold look like?" So that

happens to be 6,775 pounds of gold. Then I said to myself, "Well, what does 6,775 pounds of gold actually look like?"

Well, it actually totals, because there is 1,887 pounds of--to make a cubic foot of gold. And so what we have had, this whole discussion, and everybody has been all up in arms and whatever else for the last three years, is every year the mine will create, at its highest extent, six cubic blocks of gold. Okay? That's what this is all about.

But, interesting enough, if you--if you continue that out, my train of thought, well, then what does that value? Well, at $1,800 an ounce for 108,000 ounces of gold, that equates to 195 million dollars annually at its highest peak. Okay? This highest peak, it could be zero. But it's--what their--this is Mr. Mossman's numbers.

And for 75 years at 195 million a year, that equals 14.6 billion dollars of gross revenue potentially. And so I said to myself. Well, gee. Fourteen-point-six billion dollars a year, and this county who may be sacrificing increased noise, asbestos,

potential dewatering of wells, potential water contamination of our waterways, increased traffic, cement trucks coming up and down the road, and our return for our 16.6 billion dollars of gross revenue from Rise Gold is three firemen and a fire truck. Thank you.

[Applause]

CHAIRMAN GREENO: Commissioner Milman?

COMMISSIONER MILMAN: Okay. I promise to be significantly less entertaining. I have a couple of questions for--oh, yes. First, my disclosures. I have fewer disclosures. I did go on a supervised mine tour. When was that? A while back, ago. And I did receive a lot of emails. I had no idea that my personal email address would be released to the world. And I've passed all of those onto staff. So I haven't had any other meetings outside of that.

Okay. So questions. So going over to thinking about the storm detention system that was set up for a hundred-year storms. So does anybody know how many hundred-year storms we've had in the past 20 years?

MR. KELLEY: I do not know that. I don't know if any of our hydrologists do. We could check.

COMMISSIONER MILMAN: Okay. So that would be something I'd be interested in. The other thing, on the Development Agreement, and maybe I'm wrong, but it looked like it said that the Development Agreement was for 20 years, plus a 10-year extension, plus a 10-year extension. But I wondered how that got to 80 years?

MR. MATTHEW KELLEY: Commissioner Milman, I can help. I think I can answer some of that. So the Development Agreement is for 40 years. It's not for the full life of the project. The Commission at that time or later on, the Applicant could potentially reapply for another Development Agreement. The Development Agreement offers protections for the Applicant and also for the county, in that it assures that the zoning code and things like that will not change. That's kind of the idea of the Development Agreement. There are ways that the Applicant can amend that later on through a

Development Agreement amendment. But that the thought was to have the Development Agreement only be for 40 years, not the full life of the project.

COMMISSIONER DANNY MILMAN: So if the Development Agreement is renegotiated at 40 years, is the use permit also negotiated or the general permit? Like what's the regularity that the county is renewing the authorization to be going?

MR. KELLEY: So the use permit, so mining projects have a finite life. In this case it would be 80 years is what the Applicant has requested. So the use permit would run for that period of time, that 80 years.

If, during the course of that time, the Applicant chose to extend that, they would require a use permit amendment or to come back before the Planning Commission and for the Board to amend that or change the project and to extend that lifetime. But mining projects typically have a finite amount of time which the Applicants request 80 years for it.

COMMISSIONER MILMAN: And what's a typical amount of time for a use permit for a mine?

MR. KELLEY: It depends on the, the mine type. If it was an aggregate mine, it could be 20 years, 30 years. It depends on the mine, the mine type. But the mining, the--I guess the mineral types, I don't know if there's a set average. I'd have to look at some of our other aggregate mines or other gold mines that we've--that we have permits for, to see what their total lifetime is. But that--I don't know a full average.

COMMISSIONER MILMAN: Okay.

MS. DIANE KINDERMANN: Commissioner, if I can add something to what Matt just said with your permission? In the discussions about the length, the term of the Development Agreement, it was we wanted to give the county the opportunity to be able to modify various rules and regulations. With the Development Agreement, it gives the Applicant, the developer, the opportunity to operate under existing rules and regulations.

So we wanted to make sure that the county was not going to be bound to that for 80 years, which is why we made the Development Agreement a shorter timeframe.

In terms of the obligations of the developer here, the Applicant, to implement the project and the obligations to reimburse the county for various costs for monitoring, overseeing this project, this project, we made sure that that did not--this provision did not terminate upon termination of the Development Agreement. So it would continue through the life of the project, their obligation to reimburse the county for costs for anything related to the county's oversight of the project for 80 years.

COMMISSIONER MILMAN: Thank you.

MS. KINDERMANN: You're welcome.

COMMISSIONER MILMAN: Can we see the zoning map again? For not only the project but the surrounding neighborhood.

MR. KELLEY: Certainly. Give me just one moment.

COMMISSIONER MILMAN: So in-- immediately surrounding it, is it all

residential around this parcel at the Brunswick site?

MR. KELLEY: It, it is. So surrounding the, the Brunswick site, the parcels are zoned Residential Agricultural, or RA.

COMMISSIONER MILMAN: Okay. So I have a couple of questions for Applicant. First, in the, the sections that you guys gave us where it's showing the shaft and somebody is doing something underground, so the rock is being separated. Are you actually building a structure underground?

MR. MOSSMAN: Thanks, Commissioner. So the shaft itself is a--is a vertical shaft. It goes underground and there's various levels that come off it. So, it's typically on the upper levels about a hundred feet between levels. And at certain--at certain important levels, say like 1,300 foot level, 3,280 foot level, there is underground silos called pockets in the shaft. And so you can transfer the material to those pockets and it holds about 500 tons. And then it's loaded into the skip from those pockets.

So that--so you have kind of a storage

system at different important levels. And there's more passages that--from the less important levels that are directed to that. And then it's carried over by trains, put into those pockets. And then when it's--when it's appropriate time, it's skipped to surface.

And so, so there's--at level you have--you'd have a separate one, one for barren rock and one for mineralized rock.

COMMISSIONER MILMAN: So you're, you're basically just creating it out of the rock that's down there and then putting in whatever ventilation or lights to work under there?

MR. MOSSMAN: Yeah. And these--and these, these pockets are already, already constructed for the major levels. You may add some as you deepen the shaft. You probably have to replace the, the chutes that are in there. So you would have like metal, metal chutes that can open and close, to allow it to flow into the skip. And then you have on top, you'd have--it's a screen, a grizzly screen, so that bigger rocks don't

create, you know, jams in there.

And then also because we're doing our crushing underground the jaw crusher would be installed underground. And so you actually crush the rock to about six-inch size before it goes into the--into the pocket, and then into the skip.

COMMISSIONER MILMAN: And the safety plan that governs the people and materials or machinery down there, what agency regulates that?

MR. MOSSMAN: That's the federal MSHA. It's the Mine Safety and Health Administration. They're the main regulator for mines in the United States. There are also some, some rules where Cal OSHA would be involved but the main regulator is--main, main regulator is MSHA, which is a federal agency.

COMMISSIONER MILMAN: So is there a plan that's already drawn up for this particular mine?

MR. MOSSMAN: Before I--before we get our permit from MSHA, we--you give them the plan. There's--and there's quite a lot of

different regulations that cover everything to do with the design of the mine. For example, before you could do production mining you need two, two entrances to the mine. So you'd have to establish the service shaft before you could actually do any production mining, to ensure that you always have one way, one escape way out. Certain rules about ventilation flows, equipment that has to be installed, the type of cables. It's very specific to do all these different things.

So there, there will be detailed design depending on the stage of the project. And that would--that would be ongoing with the MSHA office. And they do routine inspections as well. And then there's other kinds of permits like, for example, asbestos storage underground would have its own set of permits.

COMMISSIONER MILMAN: So you've said a number of times that the rock isn't processed with the same chemicals that it used to be. That you're not using cyanide or--so what chemicals are you using to

process that?

MR. MOSSMAN: So there is--there is a frother [phonetic] agent which is the MIBC. And, and all these--all these reagents are, are incorporated into the Air Quality Analysis. So they--they're all non--they have no toxic air contaminants in them. They're all discussed in that report.

The MIBC adds--it's an alcohol that creates the bubbles that you need. So the floatation essentially you have--you have water tanks, a number of tanks in a row. And the water is flowing through them. So as you add the sand to the water and now you have a slurry. And it's ground down, so that the pyrite portions, the minerals in the pyrite can be separated from the sand. And so you have--you have to have a frother to make the bubbles. So that's why it's called floatation. So the, the bubbles float up.

And then you add another reagent called--it's called 3418A. It's a--it's a phosphonate. And that's the reagent that I mentioned that's 100% biodegradable, 100%

environmentally friendly. And, and it actually has no odor which was a concern with the Air District a few years ago. So that, that is a very environmentally friendly reagent. And that's something that we added into the Final EIR, to address some comments that had come out. So we did some additional testing. This reagent does work well to recover the minerals.

So, so what that--what that reagent does is it allows the, the sulfide minerals, they don't want to be in the water anymore. They want to stick to the bubbles. And so they float up. That's why they call it floatation. It comes over a launder. So you have paddles essentially pushing these bubbles to the launder. That's collected.

It goes to a thickener tank. The thickener just takes out some of the water. Then you have a filter press which presses out the rest of the water. And it's put-- gets put into one ton bags, and then later on to a flatbed truck. So that's the process that allows the concentrate to be made.

If this was other, other mines, and including this mine in the past, they would take it one step further and they would add cyanide to it which dissolves gold and allows you to make gold bricks. But by, by not doing that, you avoid the use of having to use cyanide.

COMMISSIONER MILMAN: So where are you storing the chemicals that you are using? Are those above ground?

MR. MOSSMAN: It would be above ground. And there's a few different areas. Some of them might be in the process plant itself. So you have, you know, enough for a few days of work to add that reagent into the process.

There is a warehouse there. I guess it's an eight-bay warehouse that has some capacity. You don't need the storage to store a huge amount because you can get good access here, of course, from manufacturers.

COMMISSIONER MILMAN: So that was my next question. Like are you storing sort of the equivalent of a single-family garage? Are you storing the equivalent of two bays of a warehouse? Like what kind of--

MR. MOSSMAN: [Interposing] Yeah. I would say more in--more in the range of a-- of a garage, a single-family garage. And there is a list in the application that has actual quantities for different reagents because there's some other reagents that are used for, for water treatment, for example.

And, and then as a requirement, as required by the county, you have to file--I think they call it a Hazardous Management Information System. It's a document that says, how much do we have here? Where is it? So that they can always access to know if the fire department needs to know where-- what's there, where is it. They have that access at all times. So that--that's something that would happen once you actually start using those, those reagents.

COMMISSIONER MILMAN: And then the explosives, the same way, those are stored in the same general area warehouse?

MR. MOSSMAN: No, all, all the explosives will be stored underground. So they would be brought in, loaded right directly into the cage. So the cage is just

an elevator that goes down to the mine. And taken to the underground, underground levels, and then transported to the magazines. A magazine underground is basically a new tunnel that's specifically made to store explosives. And so by having it underground you reduce any risk or the need for setbacks that you would need for a service magazine. So there's no, no surface storage of explosives at all. It's all stored underground.

COMMISSIONER MILMAN: And what kind of quantity are you talking about at any given time?

MR. MOSSMAN: I'd have to look at that but it's about 20--I think it's 20 tons.

COMMISSIONER MILMAN: So what is the-- what is the plan during a power outage? Like you've talked a lot about this all being electrical but we have a fair amount of power outages up here.

MR. MOSSMAN: Yeah. When we started designing, that was when we had this 14-day— 14-day power outages, which has been less so far. So in the plan you have backup power.

They're diesel generators. They're all Tier 4F, so the highest level of emission control that you can get.

COMMISSIONER MILMAN: What size generators?

MR. MOSSMAN: They are enough to power the plant, the entire operations. They're one--they're one and a half megawatts each --.

COMMISSIONER MILMAN: And how many of those backup the--

MR. MOSSMAN: [Interposing] Four, four.

COMMISSIONER MILMAN: Four? And where is the diesel tanks for those then?

MR. MOSSMAN: They are in front of the building.

COMMISSIONER MILMAN: Above ground or--

MR. MOSSMAN: [Interposing] Those are above ground.

COMMISSIONER MILMAN: So what's the plan during a wildfire?

MR. MOSSMAN: So that, that site, there is--there is potentially a draft plan for the vegetation management which meets all the requirements of the--of the county and

CAL FIRE, how much vegetation could be within certain distances of the buildings.

The site itself has 24-person mine rescue team which is required by MSHA. And so a mine rescue team is used in case--is needed in case there is a problem underground. Of course there rarely is ever a problem underground. And so, so typically a mine rescue team is trained for other types of response. And, in fact, in most mines that are more remote, they would do all the surface firefighting as well.

In this case we have the Ophir Hill Fire District which would respond to any incidents on, on surface, but we do have a fully trained mine rescue team. So, so really that site, in the event of a wildfire, is an asset where you have actually a staging ground, large leveled areas.

You have 44 acre-foot surface pond which holds a lot of water. You have water coming out of the mine. We talked about the NID water service. There's a four-inch water service. So you have a lot of water, a lot of trained personnel, open spaces, and

backup power. So even if the power gets cut, you have that. And then you have, of course, the whole facilities with the showers that are used for the employees. So, so it really is an asset.

And we, we have mentioned that to, to Ophir Hill, that if there is a wildfire in the area that it would actually be a very good spot to, to have a marching [phonetic] area. You know, for example, when they had the fire close to here, the route center was a marching area, became quickly full of vehicles and it was a very good asset that way.

But those types of things would be developed later on in the--in the mine's life. I know as things get built they'll start getting hired and trained. There is a lot of cooperation we can have with Ophir Hill.

COMMISSIONER MILMAN: So where are the tanks located then in relation to--

MR. MOSSMAN: [Interposing] If you look at the--if you have the drawing open--I don't know if you do or not. There is the

water treatment plan and the water treatment pond. It's just above the water treatment pond on the east side, between the process plant. You'll see that on the drawing there is four stacks shown on the building. And then right beside the diesel tank.

COMMISSIONER MILMAN: Good job, Matt.

MR. MOSSMAN: Yeah. So, so if you see...

COMMISSIONER MILMAN: I was just looking at the distance between the--

MR. MOSSMAN: [Interposing] They're right here. When we did the first design of this, the fire marshal commented on those tanks and how they're actually made smaller. Originally we had, I think, 20,000-gallon tank and he advised that we would be required to have two smaller tanks. So they have—-the fire marshal has reviewed the location of those tanks.

COMMISSIONER MILMAN: And what's the distance of those tanks to like the nearest property, the residential property?

MR. MOSSMAN: I don't--I don't have a scale on that but it's at least a thousand

feet. If you look at--if you look at the drawing, the closest homes are on Timber Lane, which is--they're here. This area above Brunswick Road is vacant at the moment. Then there's an NID canal. And then Timber Lane comes off - - Road.

COMMISSIONER MILMAN: Matt, the property across the street, is that potentially developed as residential then? Is that what that vacant land is?

MR. KELLEY: Commissioner Milman, yes. That would be zoned I believe, if I remember correctly, Residential Agricultural, which could be developed with the uses that are allowed within the RA zoning district.

COMMISSIONER MILMAN: I think that's all my questions. Thank you guys.

CHAIRMAN WILLIAM GREENO: Thank you, Commissioner Milman. Commissioner Mastrodonato, I turn to you.

COMMISSIONER MIKE MASTRODONATO: Thank you, Chair Greeno. I guess before I get started with some of my thoughts I will make my disclosures. I too attended a tour of the mine property. I believe it was back in

last April. I was on the same tour that Commissioner Milman was. And county counsel was with us, as well as some other people. And since then have received many emails, again to my personal email.

I have not responded to any of them and I did receive, I believe, one phone call message. I think it was from Laurie, from the MineWatch Group, requesting a meeting. And at the advice of counsel I declined the meeting, so that you could all hear what we talk about. So that's it as far as my disclosures. Yeah. Oh, yeah, me too. Okay.

The--I really don't wish to go into any more questions. I'm comfortable through this process not just these past two days but probably these past two or three months of thinking that I know something that's guiding me in a direction. I know a little--a little bit about a couple of things and I know a lot about nothing. But I think I am comfortable with the fact of where, where I'll end up going. And this is a very difficult, difficult one for me.

And I want to thank everyone, thank

everyone for coming out, thank everyone that came out who opposed the project, thank everyone that came out that supported the project. Thank Staff, thank the Applicant, thank everyone. But it's still a difficult one for me.

I spent eight years as the President of the Penn Valley Area Chamber of Commerce where I worked diligently to protect and promote business and commerce in our area. It's in my DNA. And I think that it's undeniable--and I'm looking at some notes that I jotted down here. I think that it's undeniable that we live in a community that suffers from a little bit of NIMBY-ism. I'm sure everyone knows what that is but to those that don't, NIMBY means Not in My Backyard.

So what happens with NIMBY-ism is, you know, folks have a propensity to think of their own lives and say--and think things like, you know, "I don't shop at Dollar General, so I don't want Dollar General." And it--and it leads your personal prejudice to dictate some of your thoughts and beliefs.

And I believe that all of us wish to sustain a healthy economic community, not just for the economy but our general health and well-being overall.

And then I sometimes think that are we letting, you know, not just with this project but with many projects--oh, that hurts. It's an earthquake.

[Voices Shouting]

COMMISSIONER MASTRODONATO: Timing is everything, Commissioner McAteer.

[Laughter]

COMMISSIONER TERENCE MCATEER: I just want to say I didn't order that.

COMMISSIONER LAURA DUNCAN: Yeah, Terry, right. You and God. Well, I think we're back.

COMMISSIONER MASTRODONATO: Do we have a--no? Do we--are we okay to proceed?

MALE VOICE 1: That was from the fault that doesn't exist.

COMMISSIONER MASTRODONATO: Hear me out.

CHAIRMAN GREENO: Let's get the doors closed if we're not going to evacuate.

COMMISSIONER DUNCAN: Look, they have

their choice.

CHAIRMAN GREENO: Yeah. If you'd like to evacuate...

COMMISSIONER MASTRODONATO: Okay. Are we good? Anyway, you know, being some of the things that I said despite the interruption, I sometimes think that not only with this project, but other projects in the past and probably some that are going to come before us in the future, that we sometimes let perfect become the enemy of good.

So and sometimes I think--please hear me out. I respected all of your comments. Sometimes I think that if not this, what? But I don't believe that any of that is the case with what I'm hearing from the folks here. What I am hearing is folks that want to comprehend the merits of the project and have weighed the risks and rewards.

You know, our community has a rich history of mining. We have a hotel called the Miners Inn. The, the mascot for our high school is the Miners. And it's been pointed out before that there is a miner in

the logo of the county. But things change, things change. It's 2023.

You may have heard a gentleman mentioned earlier during public comment that I spent some time in Las Vegas, 30 years to be exact. And Las Vegas was founded as a railroad settlement. They also used to explode atom bombs out in the desert for entertainment almost. And I don't think any of those folks in Las Vegas would want to go back to those days. But things change.

So based on what I've heard from everyone here, I, I truly believe in reading reports, emails, letters, studying the EIR as much as I possibly could, and, and the expert opinions I've heard from our community here today, that there are indeed some flaws and inadequacies in the EIR, in the FEIR. And I also believe that this plan strays a little too far from the General Plan. And with all due respect to the Applicant and the folks who are proponents of this project, I cannot support a recommendation to approve the project or the EIR.

[Applause]

COMMISSIONER MASTRODONATO: And won't. That's all for me.

CHAIRMAN GREENO: Thank you, Commissioner Mastrodonato. Commissioner Duncan?

COMMISSIONER DUNCAN: Thank you, Chair Greeno. I, I also attended a similar tour of the mine and met Mr. Mossman and his team. And, in fact, Supervisor Scofield was on there with me and as you were, Chair Greeno.

And I also--I did have a call from Laurie Oberholtzer, and I returned her call and declined to meet. Over the course of these last few months I've had several emails from both the Applicant and the opponents. So that's the extent of my meetings or interactions with the project.

I like to think that—well, and I want to—I also want to say the best part about the mine is no ponies, or mules, or donkeys will be sacrificed going forward. They were a terrible legacy from previous mining history. So it's all electric under there and that's great.

I do believe that the proposed intensity of the mining operations would exceed the standards that we find compatible with the rural character of the area that we live in. I, I agree with staff that it's inconsistent with our General Plan in several areas.

I appreciate all the work that everyone has put forward to bring this to the Planning Commission, so that we could give it our full attention. And I think many of the questions that I had have been addressed through this process of questions now. And I would turn it back to Chair Greeno.

CHAIRMAN GREENO: Thank you, Commissioner Duncan. I think, as I go through my questions here, I'm not sure that any of them are significant anymore at this point. And I would like to say it is an honor to sit here in front of you all and just—

COMMISSIONER DUNCAN: [Interposing] Sorry, Chair Greeno. Also your disclosure.

CHAIRMAN GREENO: Disclosure?

COMMISSIONER DUNCAN: Yeah.

CHAIRMAN GREENO: Thank you. Sort of. Yeah. I took a mine tour and I also got a call to meet with Laurie from MineWatch. And, and we did talk. And I took a couple of calls from Ted Harris from the Applicant's side of things. And emails upon emails from Jim Behr [phonetic], who I, I don't know who Jim is not with.

[Laughter]

CHAIRMAN GREENO: So and, and didn't, didn't engage in conversation really with anyone about it, just listened.

But, anyway, it is a pleasure and an honor to sit before you all and to hear public comment. And I appreciate you working with me, with the decorum. And there was a lot of this and I really appreciate that. It, it really helped us to be efficient with our—with our time.

Thank you, Commissioner McAteer, for your rookie introduction to the—to the Board here. And Commissioner Milman, and Mastrodonato, and Duncan, for your participation here today. With that, I would look for a motion.

MR. KELLEY: So the motion will come from - - .

CHAIRMAN GREENO: Thank you.

COMMISSIONER MCATEER: Motion will come from me being from—as we have a protocol that the motion comes from the person that represents the district that—the area that is going to be concerned. So I just have two little paragraphs because I think being the historian in me you're going to have to listen to me for two paragraphs.

It was 139 years ago, one of the most consequential court actions occurred which affected this county for generations. In 1884, Federal Judge Lorenzo Sawyer [phonetic] issued a sweeping ruling which set the stage for the advent of the California Environmental Quality Act, CEQA, of which is the topic of today's action.

Sawyer, who came to Nevada City in 1850 and worked as a miner, firsthand—saw firsthand the detrimental environmental impacts of mining. He left the profession and began a law practice in this town, which eventually brought him an appointment by

President Grant to be the first judge on the Ninth Circuit Court of Appeals in San Francisco.

In 1884, Judge Sawyer wrote that the environmental effects of mining must not be foisted upon neighboring property or community. Today, we are faced with a similar situation which has the potential to infect our air with asbestos and exhaust fumes, impact the wells of our neighbors, discharge harmful elements into the water, destroy many acres of wetlands, add significant amounts of greenhouse gases into our environment, and return to our legacy of mining.

Therefore, Mr. Chairman, I move that we recommend to the Board of Supervisors to decline to certify the Environmental Impact— the Final Environmental Impact Report. And, regarding the project actions, that they adopt—that we adopt Section A.

CHAIRMAN GREENO: Do I have a second?

COMMISSIONER MILMAN: I'll second that.

CHAIRMAN GREENO: Discussion?

COMMISSIONER MASTRODONATO: Chair

Greeno, just for clarification, A—the A option included approving the EIR and denying the project.

COMMISSIONER MCATEER: So yes. So, so I should say that I am—I am asking for approval—

CHAIRMAN GREENO: [Interposing] Matt, will you pull it up?

COMMISSIONER MCATEER: Hold on. Approval of the actions that are not the environmental actions, that are the project actions. That we approve Section A. The environmental impact, that we deny—that we recommend that they deny the Final Environmental Impact report. Does that make it clear?

COMMISSIONER MASTRODONATO: Is there a way that we—

CHAIRMAN GREENO: [Interposing] Stand by. We're going to pull it up, so we can—because I'm—

COMMISSIONER DUNCAN: [Interposing] There it is.

COMMISSIONER MASTRODONATO: Yeah. Is there a way that we could split that into

two?

COMMISSIONER MCATEER: I was just doing it as one after consultation with our attorney.

COMMISSIONER MASTRODONATO: Okay.

MR. BRIAN FOSS: Mr. Chairman, members of the Commission. The Commission or the motion could be a motion to approve recommendation A with the exception of not certifying the Environmental Impact Report.

COMMISSIONER MCATEER: How does that sound? That sounds like wording that an attorney would do for me. So that's what I propose. Okay, Mike? Does that help you?

CHAIRMAN GREENO: Are you clear?

COMMISSIONER MASTRODONATO: Yes. I think that clarifies. If that indeed is the motion for the record, yes.

CHAIRMAN GREENO: Clerk, will you please call the roll?

COMMISSIONER MILMAN: So wait, wait, wait. We are declining to certify the EIR, the motion on the—is to decline to certify the EIR and deny the rezone, deny the use permit, etcetera, the project?

COMMISSIONER MCATEER: Yes.

COMMISSIONER MILMAN: Okay.

CHAIRMAN GREENO: You'll second?

COMMISSIONER MILMAN: I second.

CHAIRMAN GREENO: And we'll have the roll.

THE CLERK: Commissioner McAteer?

COMMISSIONER MCATEER: Yes.

THE CLERK: Commissioner Milman?

COMMISSIONER MILMAN: Yes.

THE CLERK: Commissioner Duncan?

COMMISSIONER DUNCAN: Yes.

THE CLERK: Commissioner Mastrodonato?

COMMISSIONER MASTRODONATO: Yes.

THE CLERK: Chair Greeno?

CHAIRMAN GREENO: Yes.

[Applause]

CHAIRMAN GREENO: Thank you, folks. Thank you. Thank you. Kit, does that conclude our, our business here today?

MS. KATHERINE ELLIOTT: I, I think that concludes. And then the next step would be that this does go on to the Board of Supervisors. Certainly not before August, but that announcement will be coming.

Anything else, Brian? No.

CHAIRMAN GREENO: So, yeah, this is-- this is a recommendation. Again, the process, we are not the Board of Supervisors, for anybody that's still confused about that. We are their Commissioners and we are sending a recommendation. They will make a final decision on this at a time yet to be scheduled. Brian, anything else? If you guys would like to talk, just take it outside, please.

MALE VOICE 1: Unanimous, thank you.

MR. FOSS: Commissioners, we do have another meeting scheduled in two weeks from today, May 25th. We have one item scheduled. So our next regular meeting will be back at our regular time at 1:30 on May 25th, I believe.

COMMISSIONER DUNCAN: Is it a public hearing?

MR. FOSS: It is a public hearing for a TPZ rezone.

CHAIRMAN GREENO: Send me an email. All right? I'll close the meeting at 4:34.

[Applause]

[END 2023-05-11 MINE PC audio.mp3]

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