

1. INTRODUCTION

1.1 PURPOSE AND INTENDED USES OF THIS EIR

This Draft Environmental Impact Report (EIR) has been prepared for the proposed Idaho-Maryland Mine Project (referred to in this Draft EIR as the “proposed project” or “project”) in accordance with the California Environmental Quality Act (CEQA) of 1970, Public Resources Code (PRC) §§ 21000-21178, as amended, and the Guidelines for Implementation of the California Environmental Quality Act, California Code of Regulations (CCR) Title 14, §§ 15000-15387 (CEQA Guidelines). The County of Nevada (County) is the CEQA lead agency for the environmental review of the proposed project evaluated herein and has the principal responsibility for approving the project. The entity applying for entitlements from the County is Rise Grass Valley, Inc., referenced herein as the project applicant, applicant, Rise, and Rise Grass Valley.

This Draft EIR will be circulated for public and agency review and comment and the County will then prepare a Final EIR with responses to comments on the Draft EIR. County decisionmakers must certify the Final EIR complete and adequate prior to making project approval decisions. As required by Section 15121 of the CEQA Guidelines, this EIR will (a) inform public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identify possible ways to minimize the significant adverse environmental effects, and (c) describe reasonable and feasible project alternatives which reduce environmental effects. The public agency shall consider the information in the EIR along with other information that may be presented to the agency in deciding whether to approve the project.

As provided in the CEQA Guidelines Section 15021, public agencies are charged with the duty to avoid or minimize environmental damage where feasible. The public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social issues. CEQA requires the preparation of an EIR prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term project refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the proposed project, the Nevada County has determined that the proposed development is a project within the definition of CEQA, which has the potential for resulting in significant environmental effects. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, alternatives, growth-inducing impacts, and cumulative impacts.

1.2 PROJECT SUMMARY

This section provides a general overview of the project location and components. For additional project description details, please refer to Chapter 3, Project Description, of this EIR.

Project Location and Setting

The proposed project’s surface components would be located on approximately 175.64 acres consisting of the Brunswick Industrial Site, the Centennial Industrial Site, and a 0.30-acre portion of East Bennett Road for off-site improvements associated with a potable water pipeline easement. The project would also involve underground mining within an approximately 2,585-



acre mineral rights boundary owned by the applicant. The potable water pipeline easement would be located along East Bennett Road, and would be contained within the existing right-of-way.

Both the Brunswick Industrial Site and the Centennial Industrial Site are located within unincorporated western Nevada County and are owned by Rise Grass Valley. The approximately 119-acre Brunswick Industrial Site is located southwest of the intersection of East Bennett and Brunswick Roads, and is comprised of Assessor's Parcel Numbers (APNs): 006-441-003 (12503 Brunswick Road), 006-441-004 (12625 Brunswick Road), 006-441-005 (12791 Brunswick Road), 006-441-034 (12381 Brunswick Road), 009-630-037 (12369 East Bennett Road), and 009-630-039 (12301 Millsite Road). The approximately 56.41-acre Centennial Industrial Site is located southwest of the intersection of Idaho Maryland Road and Centennial Drive and is comprised of APNs: 009-550-032, 009-550-037 (10344 Centennial Drive), 009-550-038 (10350 Centennial Drive), 009-550-039 (10344 Centennial Drive), 009-550-040, and 009-560-036 (10350 Centennial Drive).

The much larger mineral rights boundary encompasses approximately 2,585 acres and generally contains properties surrounding the Brunswick and Centennial Industrial Sites, with the majority of additional land area located north of the Brunswick Industrial Site and east of the Centennial Industrial Site. This generally includes most of the Nevada County Airport and surrounding Air Park, as well as property along both sides of Brunswick Road, Greenhorn Road, and Idaho Maryland Road.

Project Components

The proposed project would reinitiate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an 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. Generally, the proposed project would include the following components:

- Dewatering the existing underground mine workings;
- Underground mining at a depth of 500 feet or more in areas underlying the mineral rights properties;
- 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 the Centennial and the Brunswick Industrial Sites;
- Installation of a potable water pipeline for residential potable water supply; and
- Reclamation of the project sites in accordance with a proposed Reclamation Plan.

The majority of the aboveground facilities, access to the underground mining, and a portion of the engineered fill would be located on the Brunswick Industrial Site. The aboveground facilities would be located within a 29-acre industrial area that would include but not be limited to, a headframe building around the existing concrete silo used to hoist rock from the Brunswick shaft; covered conveyor system used to transport a) barren rock to a truck hauling area within an adjacent enclosed building, and b) gold concentrate to the processing plant; a processing plant to grind rock and recover gold minerals through various processes; and other appurtenant structures such as office and warehouse space. An above-ground water treatment plant would also be built at the Brunswick Industrial Site to treat groundwater associated within initial and ongoing



(“maintenance”) dewatering of the underground mine workings. A new aboveground pipe would convey treated water from the water treatment plant along an existing dirt road to the planned discharge point at South Fork Wolf Creek. The pipe and discharge point are located entirely within the property boundaries.

Engineered fill generated by the proposed mining activities would be placed on approximately 31 acres of the Brunswick Industrial Site to create a level pad of approximately 21 acres for potential future industrial use. In total, up to approximately 60 acres of the 119-acre site could be subject to surface disturbance and/or development for the aboveground facilities and fill placement. The remaining 59 acres would remain undeveloped and would not be subject to surface disturbance or infrastructure improvements.

Engineered fill would also be placed on the Centennial Industrial Site, provided that the separate DTSC cleanup project has been approved and completed on the Centennial Industrial Site. In that case, engineered fill would be transported by truck from the Brunswick Industrial Site and placed on approximately 44 acres of the Centennial Industrial Site to create approximately 37 acres for potential future industrial use. The remaining approximately 12 acres would remain as a private driveway for site access and open space. The open space area would include Wolf Creek, a 100-foot setback for riparian area on Wolf Creek, and an undisturbed area providing protection for identified special-status plant species.

After full placement of fill at the Centennial and Brunswick Industrial Sites to the pad design elevations, the need for hauling of engineered fill would continue due to ongoing mining over the Use Permit term of 80 years, and thus, hauling would shift entirely to local and regional markets for sale as construction aggregate and fill. If the separate DTSC cleanup project is not approved by DTSC and completed within the term of the Idaho Maryland Mine Project use permit, engineered fill would be placed on the Brunswick site, but not the Centennial site, and the remainder would be hauled to local and regional markets.

A buried potable water pipeline would be constructed as part of the proposed project to provide water to residences along a portion of East Bennett Road. The pipeline would extend an existing NID potable water pipeline along an approximately 1.25-mile segment of East Bennett Road to provide potable water service to residential properties currently on wells that may be affected by the project’s dewatering of the mine. NID would be the water supplier for the potable water service.

1.3 APPROACH TO CENTENNIAL INDUSTRIAL SITE BASELINE

According to the CEQA Guidelines Section 15125(a), “An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” Notably, the purpose of this requirement, “...is to give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.”

The CEQA Guidelines, and the courts, have noted that in some situations, the physical conditions existing at the time the environmental analysis commences (e.g., for an EIR, the Guidelines describe this as publication of the Notice of Preparation [NOP]) do not always provide the most accurate and understandable picture practically possible of the project’s likely impacts. For example, Guidelines Section 15125(a)(1) states that, “...where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing



conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence.”

Similarly, in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439 (*Neighbors for Smart Rail*), the Supreme Court stated, “...we note that in appropriate circumstances an existing conditions analysis may take account of environmental conditions that will exist when the project begins operations; the agency is not strictly limited to those prevailing during the period of EIR preparation. An agency may, where appropriate, adjust its existing conditions baseline to account for a major change in environmental conditions that is expected to occur before project implementation.” This is different than use of a future baseline, a subject dealt with in both the CEQA Guidelines Section 15125(a)(2) and *Neighbors for Smart Rail*. A future baseline is understood to be a point in time beyond the date of project operations, as was the case in *Neighbors for Smart Rail*.

For the following reasons, the environmental baseline for the Centennial Industrial Site has been adjusted to be consistent with date-of-project implementation for several CEQA topics, as further discussed below. As noted by the court, “...such a date-of-implementation baseline does not share the principal problem presented by a baseline of conditions expected to prevail in the more distant future following years of project operation - it does not omit impacts expected to occur during the project’s early period of operation.”

- In 2005, the Environmental Protection Agency (“EPA”) identified the Centennial Industrial Site as potentially needing some level of environmental remediation due to historic mining operations that occurred prior to Rise’s ownership of the site, and in 2018, the EPA confirmed that environmental remediation was necessary.
- Rise Grass Valley Inc. entered into a Voluntary Cleanup Agreement (VCA; Docket No. HSA-FY18/19-014) with the Department of Toxic Substances Control (DTSC) for the voluntary cleanup of soil contamination on the Centennial Industrial Site.
- Generally, the contamination is a result of use of the Centennial Site for deposition of tailings and waste rock associated with the former Idaho-Maryland Mine, northeast of the site (across what is now Centennial Drive/Whispering Pines Lane). A 20-stamp mill was erected near the main Idaho Shaft (east of the Centennial Site) circa 1920. Crushed ore from the mill was treated with mercury for gold recovery. The resulting sand slurry (mercury-treated tailings) were deposited in an unlined gully along the eastern Centennial Site boundary and is referred to in the Remedial Action Plan (RAP) and associated documents as the Eastern Tailings Pond. A ball mill was constructed near the stamp mill in 1936, and cyanide was used to recover gold from the crushed ore. The cyanide was reportedly recovered in a “scrubber” system and reused. The resulting sand slurry (cyanide-treated tailings) were deposited in an unlined pond with mine waste rock berms in the northwestern portion of the site adjacent to Wolf Creek. The newer, cyanide-treated tailings pond is designated as the Western Tailings Pond within the RAP and associated documents.
- Extensive site investigation, overseen by DTSC, has identified mill tailings, waste rock and affected soil at the site that contain lead, arsenic, mercury and other metals at concentrations exceeding background soil metals concentrations and regulatory benchmark concentrations. Elevated soil metals concentrations present a potential human health risk resulting from routine, long-term exposures, as well as ecological concerns in terms of impacts to plant and animal species.



- A Centennial Industrial Site Remedial Action Plan has been prepared by NV5, on behalf of Rise, and describes the proposed procedures for conducting remedial activities needed to meet Remedial Action Objectives (RAO's).¹ The RAOs are intended to specify contaminants and media of concern, potential exposure pathways, and remediation goals for commercial/industrial land use. The remediation goals are acceptable exposure levels that are protective of human health and the environment and do not conflict with applicable, relevant and appropriate requirements (ARARs) under federal and state environmental law.
- The remedial action under environmental review by DTSC is known as "Stabilization and On-Site Placement Under Land Use Controls". Generally, the remedial action is intended to reduce the potential for routine contact with soil having elevated metals concentrations, and to reduce the potential for leaching and erosion, by excavation, consolidation on-site at a designated location, capping with clean engineered fill, and establishment of land use controls. Numerous health, safety, and environmental protection measures to limit the risk of exposure during excavation and placement of the contaminated soils will be a part of the remedial action effort. These measures are outlined in the RAP and will be finalized as part of the RDIP and include:
 - Health & Safety Plan;
 - Dust Monitoring Plan;
 - Verification Sampling and Analysis Plan;
 - Groundwater Monitoring and Reporting Plan; and
 - Operation and Maintenance Plan

Regarding the Verification Sampling and Analysis Plan, it is noted that at locations of remedial excavation, post-excavation sampling and analysis are required to verify that the underlying materials are acceptable for the intended land use (commercial and industrial).

- More specifically, the remedial action includes excavation of soils within the former eastern and western tailing ponds and on-site consolidation of contaminated materials, as well as stabilization of contaminated materials within a small hot spot area by cement treatment prior to on-site consolidation. Stabilization includes mixing Portland cement with hot spot contaminated soils in the designated consolidation area to prevent potential water quality impacts. Other contaminated soils from the former tailing ponds that do not pose potential water quality impacts will be placed within the consolidation area as engineered fill without cement treatment. The 5.6-acre consolidation area would be located along the eastern boundary of the Centennial Industrial Site and capped with four feet of clean engineered soil, with the end result being an engineered fill pad.
- The excavation areas would be backfilled and regraded with clean fill to promote drainage, and erosion controls would be installed. The engineered fill pad would be graded so that runoff would drain away from the fill slope into surface and subsurface drainage controls.
- Following completion excavation, stabilization, and placement activities disturbed areas will be hydroseeded or broadcast seeded with an erosion-control native seed mix to reduce erosion and maintain fill slope stability.
- Separate CEQA review of the RAP is being conducted with DTSC as the CEQA lead agency. DTSC released the CEQA document (Initial Study/Mitigated Negative Declaration [MND]) for the "Centennial M1 Property Clean-Up Project Remedial Action Plan" project, SCH# 2021070473) for public review on July 26, 2021. The IS/MND identifies mitigation

¹ NV5. *Draft Final Remedial Action Plan, Centennial M-1 Property*. January 25, 2021.



measures with which Rise, as the property owner responsible for implementing the Centennial M1 Property Clean-Up Project Remedial Action Plan (Centennial Clean-Up Project) would need to comply, prior to and during remedial activities associated with the RAP, that would ensure that physical impacts to the environment are mitigated to a less-than-significant level.

Thus, substantial evidence exists to support adjusting the environmental baseline for Centennial Industrial Site to use the above-described post-remediation condition instead of existing conditions at the Centennial Industrial Site. Such adjustments will give the public and decision makers the most accurate and understandable picture of the Idaho Maryland Mine project's impacts for certain resource topics affected by landform alteration/soil disturbance activities, as discussed in the bullets below. For evaluation of other resource topics, the environmental baseline is existing conditions at the Centennial Industrial Site as those resource evaluations are less dependent on landform/soil disturbance. The environmental baseline for all other project components, including construction and operations at the Brunswick Industrial Site use existing conditions as the environmental baseline. Thus, the use of a future post-remediation environmental baseline is limited to the Centennial Industrial Site and resources as discussed below.

- **Aesthetics:** The separate soil cleanup activity on the Centennial Industrial Site carried out pursuant to DTSC oversight (discussed in Section 1.4 below ["Centennial Clean-Up Project"]), would be completed before implementation of project-related activities at the Centennial Industrial Site, and would result in removing the contaminated surface soils, trees, and other vegetation on a large portion of the property and creating an elevated pad area where the consolidated soil would be collected and capped. Therefore, for the purposes of the aesthetics analysis, the environmental baseline for the Centennial Industrial Site has been adjusted to be consistent with reasonably anticipated conditions following completion of the DTSC cleanup project.
- **Agriculture and Forestry Resources:** The separate Centennial Clean-Up Project would be completed before implementation of project-related activities at the Centennial Industrial Site and would result in the loss of forestry resources. Therefore, for the purposes of the analysis of forestry resources, the environmental baseline for the Centennial Industrial Site has been adjusted to reflect the reasonably anticipated conditions of the site following the remediation activities (CEQA Guidelines Section 15125(a)).
- **Biological Resources:** The separate Centennial Clean-Up Project would be completed before implementation of project-related activities at the Centennial Industrial Site and would result in the alteration and/or removal of certain habitats capable of supporting special-status species. Therefore, for the purposes of the analysis of biological resources, the environmental baseline for the Centennial Industrial Site has been adjusted to reflect the reasonably anticipated conditions of the site following the remediation activities (CEQA Guidelines Section 15125(a)).
- **Hazards and Hazardous Materials:** The separate Centennial Clean-Up Project would be completed before implementation of project-related activities at the Centennial Industrial Site and would result in elimination of Recognized Environmental Conditions associated with the Centennial Industrial Site. Therefore, for the purposes of the analysis of hazards,



the environmental baseline for the Centennial Industrial Site has been adjusted to reflect the reasonably anticipated conditions of the site following the remediation activities (CEQA Guidelines Section 15125(a)).

- **Wildfire:** The separate Centennial Clean-Up Project would be completed before implementation of project-related activities at the Centennial Industrial Site and would reduce on-site vegetation fuel sources. Therefore, for the purposes of the analysis of wildfire, the existing conditions environmental baseline for the Centennial Industrial Site has been adjusted to reflect the reasonably anticipated conditions of the site following the remediation activities (CEQA Guidelines Section 15125(a)).

1.4 INDEPENDENT UTILITY

California courts have considered distinct activities as one CEQA project and required them to be reviewed together only in two situations: 1) When the purpose of the project under review is to provide the necessary first step toward a larger development; and 2) When development of the project under review requires or presumes completion of another activity. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 CA4th 1209, 1223).² In *Banning Ranch*, the court upheld an EIR for a park and access road project against a claim that a proposed residential development that would also use the access road should have been treated as part of the park project. The court concluded that, even though the residential project was foreseeable and the access road would benefit it, the residential project could not be viewed as a “consequence” of the access road. Although the park project in *Banning Ranch* would further the residential project in a limited way, (by providing access), it was not proposed to induce the residential project, and it did not include any steps, such as rezoning, that would amount to an approval for that project.

While the Centennial and Brunswick Industrial Site properties are owned by the same entity and related such that the Centennial Industrial Site is analyzed for the potential deposition of waste rock from the Idaho-Maryland Mine Project, the majority of project mining operations would occur at the Brunswick Industrial Site. Brunswick Industrial Site mining-related activities, such as initial mine dewatering and treatment, exploration, blasting, and waste rock stockpiling, could commence prior to completion of the separate Centennial Clean-Up Project. There is sufficient flexibility in the project design such that waste rock could first be deposited at the Brunswick Industrial Site, if necessary, until such time that the Centennial Clean-Up Project is complete and a No Further Action Letter is issued by DTSC. This EIR also anticipates that waste rock from the Brunswick Industrial Site could also be sold as engineered fill to local and regional markets to be used as aggregate in roadway and construction projects. Consequently, the Idaho-Maryland Mine Project can proceed independently from the Centennial Clean-Up Project, even if the Centennial Clean-Up Project is not completed within the term of the mining permit, in which case, material from the Idaho-Maryland Mine Project would not be placed on the Centennial Industrial Site.

The utility and purpose of the Centennial Clean-Up Project is to ensure timely and efficient cleanup of the Centennial Industrial Site due to existing site conditions, and is required under both California and federal environmental regulations—not because it would benefit the Idaho-Maryland Mine Project. Similar to the holding of *Banning Ranch*, the Centennial Clean-Up Project would happen whether or not an underground mine is approved by Nevada County for the Brunswick Industrial Site. As stated above, the Centennial Industrial Site was identified by the

² The reader may also refer to Stephen L. Kostka and Michael H. Zischke, *Practice Under the California Environmental Quality Act, Second Edition (Continuing Education of the Bar: California)*, March 2020, Section 12.10.



EPA for cleanup purposes long before Rise purchased either the Centennial or Brunswick properties, and long before the Idaho-Maryland Mine Project was proposed. Consequently, under the holding in *Banning Ranch*, the Centennial Clean-Up Project should be analyzed separately from the Idaho-Maryland Project under CEQA. (See *Banning Ranch*, at 1223-1224.)

The utility and purpose of the Idaho-Maryland Mine Project is to allow for exploration and development of underground natural resources, and does not help nor hinder the environmental cleanup of the Centennial Industrial Site. While it may be suggested that the Centennial Clean-Up Project, were it to be successfully completed, could benefit the Idaho-Maryland Mine Project in a limited way (i.e., serving only as a waste rock stockpile location), similar to the court's ruling in *Banning Ranch*, the Idaho-Maryland Mine Project would not be a "consequence" of the Centennial Clean-Up Project, as the Idaho-Maryland Mine Project can proceed without completion of the Clean-Up project.

Based on the above, the operation of the Idaho-Maryland Mine carried out at the Brunswick Industrial Site can be implemented independently from the completion of the Centennial Clean-Up Project. If the Centennial Industrial Site is successfully cleaned up, then it would be used for the limited purpose of engineered fill placement.

1.5 EIR PROCESS

The EIR process begins with the decision by the lead agency to prepare an EIR, either during a preliminary review of a project or at the conclusion of an Initial Study. Once the decision is made to prepare an EIR, the lead agency sends a NOP to appropriate government agencies and, when required, to the State Clearinghouse (SCH) in the Office of Planning and Research (OPR), which will ensure that responsible and trustee State agencies reply within the required time. The SCH assigns an identification number to the project, which then becomes the identification number for all subsequent environmental documents on the project. Commenting agencies have 30 days to respond to the NOP and provide information regarding alternatives and mitigation measures they wish to have explored in the Draft EIR and to provide notification regarding whether the agency will be a responsible agency or a trustee agency for the project. An NOP (see Appendix A) was prepared for the proposed project and circulated from July 17, 2020 through August 17, 2020. A public scoping meeting was held on July 27, 2020 for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the proposed project. See Section 1.8 below for a summary of comments received on the NOP.

As soon as the Draft EIR is completed, a Notice of Completion will be filed with the SCH and a public notice of availability will be published to inform interested parties that a Draft EIR is available for agency and public review. In addition, the notice provides information regarding the location of copies of the Draft EIR available for public review and any public meetings or hearings that are scheduled. The Draft EIR will be circulated in accordance with CEQA Guidelines, during which time reviewers may make comments. The lead agency must respond to comments in writing, describing the disposition of any significant environmental issues raised and explaining in detail the reasons for not accepting any specific comments concerning major environmental issues. During the Draft EIR public review period, a public meeting will be held before the Planning Commission in order to receive verbal comments on the Draft EIR.

Following the Draft EIR comment period and the County's consideration of comments, a Final EIR will be prepared, containing comments and responses to comments on the Draft EIR. The Final EIR will also include any changes to the Draft EIR text made as a result of public comment.



Before approving a project, the lead agency shall certify that the Final EIR has been completed in compliance with CEQA, and that the Final EIR has been presented to the decision-making body of the lead agency, which has reviewed and considered the EIR. The lead agency shall also certify that the Final EIR reflects the lead agency's independent judgment and analysis.

The findings prepared by the lead agency must be based on substantial evidence in the administrative record and must include an explanation that bridges the gap between evidence in the record and the conclusions required by CEQA. If the decision-making body elects to proceed with a project that would have significant unavoidable impacts, then a Statement of Overriding Considerations explaining the decision to balance the benefits of the project against unavoidable environmental impacts must also be adopted.

1.6 SCOPE OF THE EIR

An Initial Study has not been prepared for the proposed project, as the EIR addresses all CEQA-required environmental topics identified in Appendix G of the CEQA Guidelines. The following environmental issue areas are addressed in the EIR:

- Aesthetics;
- Agriculture and Forestry Resources;
- Air Quality, Greenhouse Gas Emissions, and Energy;
- Biological Resources;
- Cultural and Tribal Cultural Resources;
- Geology, Soils, and Mineral Resources;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Population and Housing;
- Noise and Vibration;
- Public Services and Utilities;
- Transportation; and
- Wildfire.

The evaluation of effects is presented on a resource-by-resource basis in Chapters 4.1 through 4.13 of the EIR. Each chapter is divided into the following four sections: Introduction, Existing Environmental Setting, Regulatory Context, and Impacts and Mitigation Measures. Impacts that are determined to be significant in Chapters 4.1 through 4.13, and for which feasible mitigation measures are not available to reduce those impacts to a less-than-significant level, are identified as *significant and unavoidable*. Chapter 5 presents a discussion of growth-inducing impacts, a summary of cumulative impacts, and significant irreversible environmental changes associated with the project, as well as any significant unavoidable environmental changes associated with the project. Alternatives to the proposed project are discussed in Chapter 6 of the EIR.

1.7 NOTICE OF PREPARATION AND SCOPING

In accordance with CEQA Guidelines Section 15082, an NOP was circulated to the public, local, State and federal agencies, and other known interested parties for a 30-day public and agency review period on July 17, 2020 (included as Appendix A). The purpose of the NOP was to provide notification that an EIR for the proposed project was being prepared and to solicit public input on the scope and content of the document.



The NOP was circulated to agencies and the public from July 17, 2020 to August 17, 2020. In addition, pursuant to CEQA Guidelines Section 15082, Nevada County held a virtual NOP scoping meeting, due to COVID-19, during the 30-day review period, on July 27, 2020, for the purpose of presenting an overview of the NOP content and to subsequently solicit comments on the scope of the environmental analysis to be prepared for the proposed project. Comment letters were received during the NOP public review period from over 750 interested public agencies, persons and groups, and five comment letters were received after the NOP public review period. The comment letters are provided as Appendix B to this EIR. All comments were taken into consideration during the preparation of this Draft EIR. A summary of the NOP comments received is provided in Section 1.8 below.

1.8 COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

During the NOP public review period from July 17, 2020 to August 17, 2020, Nevada County received comment letters from over 750 interested public agencies, individuals and groups. A copy of each letter, along with the name, and if applicable, agency/organization, of each commenter, is provided in Appendix B of this EIR. The comment letters received during the NOP public review period were authored by representatives of public agencies and groups, as well as individual members of the general public.

The following list below in Table 1-1, categorized by issue, generally summarizes the concerns brought forth in the comment letters received on the scope of the EIR:

Table 1-1 Comments Received on the NOP	
<u>Aesthetics</u> (Chapter 4.1)	Concerns related to: <ul style="list-style-type: none"> • Impacts from development of the project site with industrial buildings, pipelines, driveways, etc. • Nighttime lighting at the mining site/light pollution; • Impacts to scenic vista along Brunswick Road; • Concerns that the project is inconsistent with the local topography; • Would the project leave surface areas deplete of vegetation? • Potential for adverse visual impacts related to: <ul style="list-style-type: none"> ○ Using tailings for future building pads; ○ The 80- to 90-foot-tall barren rock site on the Brunswick site; ○ Enclosing the old silo; ○ Construction of the 165-foot tall/six-story building; ○ The size of tailings piles; ○ Removal of woodlands.
<u>Agriculture and Forestry Resources</u> (Chapter 4.2)	Concerns related to: <ul style="list-style-type: none"> • Decline in forest health from reduced groundwater; • Noise may stress dairy cows and lead to reduced milk production; • Potential insect infestations due to stress of local forests; • Adjacent use of chemical reagents and impacts to organic agriculture; • The status of CalFire Timber Harvest permits.
<u>Air Quality, Greenhouse Gas Emissions, and Energy</u> (Chapter 4.3)	Concerns related to: <ul style="list-style-type: none"> • Potential for adverse health effects related to: <ul style="list-style-type: none"> ○ Emissions of carbon dioxide, carbon monoxide, asbestos,



	<ul style="list-style-type: none"> ○ mercury fumes, arsenic fumes, and exhaust; ○ Potential for increased respiratory illnesses; ○ Potential for cancer; ○ Emissions of silica dust/potential for silicosis, especially in those with asthma, COPD, and cystic fibrosis; ○ Impacts from friable asbestos in serpentine rock; ○ The HRA should encompass the entire 80-year lifetime of the project; ○ Students at Union Hill Elementary School; ○ Methane on miners; ○ Visitors at the Empire Mine recreation area; ● Increased air pollution as a result of increased traffic and diesel trucks; ● Odors from the water treatment plant on the Brunswick Industrial Site; ● Extent of pollution plume in static conditions versus windy conditions; ● Ammonium nitrate explosions on NO_x emissions; ● Impacts from the four industrial sized backup diesel generators and daily use of trucks, bulldozers, graders, and compactors; ● Dust-related impacts from truckload of crushed tailings; ● Impacts of PM that will be driven out of the mine by fans; ● PM analysis should address cumulative impacts including local and regional wildfire smoke; ● How will fugitive dust be minimized during high wind events? ● Increased emissions from idling cars after the addition of traffic signals; ● Acid rain from NO_x emissions; ● Enforcement of California Health and Safety Code Section 41700; ● Monitoring data from the Litton Building and Yuba City monitors are not representative of the project location; ● Emissions of sulfate, lead, and hydrogen sulfide; ● Project-related electricity usage on local utility capacity; ● GHG impacts/carbon footprint of mining operations; ● Request for the use of electric haul trucks; ● Climate change-related impacts caused by an increase in vehicular emissions and increased demand for electricity; ● CO₂ emissions from cement productions for backfilling the mine; ● Additional GHG emissions due to employee commutes; ● Removal of forested land on carbon sequestration; ● How would potential flooding of the meadow affect carbon and methane sequestration? ● Impacts to the PG&E power grid; ● Increased likelihood of power outages; ● Consistency with the Nevada County Energy Action Plan; ● Requests for an analysis of GHG emissions other than CO₂.
<p>Biological Resources (Chapter 4.4)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> ● Potential adverse impacts to wildlife, including: <ul style="list-style-type: none"> ○ Birds; ○ Pine Hill flannelbush; ○ Yellow-breasted chat; ○ Olive-sided flycatcher;



	<ul style="list-style-type: none"> ○ Willow flycatcher; ○ Fish in Wolf Creek; ○ California red-legged frog; ○ Honeybee pollinators; ○ Benthic macroinvertebrates; ○ Black rail; ○ Yellow-legged frog; ○ Western pond turtle; ○ Cost-horned lizard; ○ Finger rush; ○ Townsend’s big-eared bat; ○ Stebbins’ morning glory; ○ Rainbow trout; ○ California horned lizard; ○ Western ridged mussel; ○ River otter; ○ Beaver; ○ Osprey; ● Potential adverse impacts to wildlife habitat, including: <ul style="list-style-type: none"> ○ Salmonoid spawning areas; ○ Mixed hardwood forest; ○ Wetland meadows; ○ South Fork Wolf Creek corridor; ○ McNab cypress woodlands; ○ Fremont cottonwood woodland; ○ Wolf Creek; ○ Bear River; ○ Yuba River; ○ Sacramento River; ○ Sacramento Delta; ○ San Francisco Bay; ○ NID canals; ○ Little Greenhorn Creek; ● Displacement of wildlife; ● Discharge of water on riparian habitat; ● Impacts to riparian trees; ● Potential changes to setbacks of streams and wetlands; ● Impacts to downstream aquatic resources; ● Destroying natural resources; ● Impacts related to an insufficient setback from Wolf Creek; ● Impacts of nitrate contamination on groundwater or surface water; ● Potential eutrophication of local watersheds; ● Acid mine drainage impacts on waterways; ● Dewatering impacts on water temperature, pH, nutrient concentrations, and turbidity; ● Development in open areas on animal vagility (ability to migrate); ● Impacts on community resilience; ● Changes in groundwater supply on Bennett Street Grasslands; ● Benthic macroinvertebrate uptake of heavy metals can lead to rapid contamination of the food web through biomagnification; ● Plants that uptake metals provide a pathway for contamination of the local food web.
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<p><u>Cultural and Tribal Cultural Resources</u> (Chapter 4.5)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Cultural, historical, or tribal cultural resources at the project site; • Project impact on the Round Hole Shaft; • Nevada County Historical Landmarks Commission designation of the mine as a Historic Landmark; • Engagement and involvement of local tribal leaders and community members; • Impacts to the cultural heritage and overall health of the local Nisenan Tribe.
<p><u>Geology, Soils, and Mineral Resources</u> (Chapter 4.6)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Effects of using seismic equipment within the project area; • The proximity to a known earthquake fault; • Seismic stability of underground tunnels; • Asbestos within serpentine rock; • Cumulative analysis of all associated earth tremors with other projects in the area; • Potential for sink holes; • Tailings storage on on-site soil health; • Structural stability of engineered fill made from mine tailings; • Potential for tailings piles to lead to landslides; • Potential settlement of structures; • Dewatering impacts on ground settlement; • Potential subsidence of surrounding residential and industrial areas; • Landfill/tailings piles must be designed to prevent seismically induced slope failure.
<p><u>Hazards and Hazardous Materials</u> (Chapter 4.7)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Potential for contamination resulting from: <ul style="list-style-type: none"> ○ Use of cyanide, lime, hydrochloric acid, mercury, methyl mercury; ○ Toxic chemical storage on-site; ○ Arsenic blooms and oil on Wolf Creek; ○ Chemical, oil, and engine cooling substance leaks; ○ Tailing storage on nearby properties; ○ Use of the reagents used as collectors, promoters, frothers, and flocculants; ○ The release of previously stable legacy toxicants; ○ Naturally-occurring contaminants released into the air and soil when mine rock is crushed; ○ Small drips and spills during fueling; ○ Potential hazards from mine tailings being left uncovered; • Impacts related to the storage of potentially harmful mine tailings; • Potential for contaminated soil; • The potential for an environmental accident; • Issues related to cleanup of the Centennial Site/Superfund Site; • Increase in hazards related to dangerous activities in underground mine shafts, including the use of explosives and rock crushers; • Potential hazards related to sink holes and abandoned mine shafts; • Potential hazards along school bus routes, particularly the Durham School Bus Transportation yard; • Impacts on Union Hill School;



	<ul style="list-style-type: none"> • Hazards related to the storage of a 30,000-gallon diesel tank on/near a known fault line; • Hazards related to transporting flammable substances in a fire-vulnerable community; • Details on on-site explosives storage and haul routes; • How will explosives be transported into Nevada County (i.e., trains, trucks, etc.)? • Would the 165-ft structure conflict with the Nevada County Airport approach area? • Impacts of particulate matter on aircraft engine filters; • Safety hazards to mine workers, including: underground gas leaks, black lung, etc. • Mine rescue teams and training will be required.
<p>Hydrology and Water Quality (Chapter 4.8)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Adverse impacts related to dewatering groundwater aquifer; • Lowering groundwater table/impacts to well water/concerns related to wells running dry; • Aquifer disruption and damage to the watershed; • Decrease in water quality; • Water pollution effects on both surface water (rivers and creeks) and groundwater; • Loss of hydraulic pressure that drives water flow throughout the project area; • Blasting may cause new breaks, which further drain away surface water and groundwater; • Potential violations of the Clean Water Act; • The extent of water consumption required for mining operations is not appropriate for the drought-prone project area; • Impacts of removing 815 million gallons of water; • Downstream erosion; • Potential spread of toxins in the case of a large flood; • Specific details of water treatment; • Potential for arsenic contamination in groundwater; • Efficacy of the filtration pond; • Will the pond be improved to meet modern standards? • Permeability of the clay-lined water treatment pond; • Will settling ponds lose efficacy during heavy rains? • Permeability of pond bottom; • Holding capacity and efficacy of the settling pond; • What is the backup plan for wastewater treatment during the wet season? • Redundant back-up energy generation must be in place to ensure that the water treatment remains fully operational during power outages; • What will happen to the residue from the pond? • Potential impacts to water reserves intended for fire protection? • The hydrology report and average rainfall estimates should consider climate change impacts; • Dewatering impacts on Banner Mountain and Greenhorn Area; • Erosion and siltation along Wolf Creek; • Compliance with the State Water Board agreement regarding Wolf Creek;



	<ul style="list-style-type: none"> • How would the project influence the 100-year floodplain adjacent to Wolf Creek? • How will runoff from on-site trucks and machinery be contained? • Potential contamination of groundwater; • Potential contamination of well water; • Mercury contamination; • Potential for radon to be emitted from sludge in the tailing pond; • Potential for ammonia nitrate fuel oil to pollute groundwater; • Levels of manganese, arsenic, lead, chromium, copper, aluminum, and zinc that would be in the effluent water; • Flooding risks for residents who live adjacent to Wolf Creek, downstream of the mine; • Water quality of the Upper Bear watershed; • Degradation of streambank stability; • Increased stormwater impacts to other surface water tributaries in the region; • Potential filter media plugging caused by the oxidation of iron and manganese; • Requests for inclusion of a water budget study; • Analysis of water use at the project site must include fire flow requirements and peak day demand for each metered connection; • Examine how long it would take to replenish groundwater depleted by the project over its 80-year lifespan, using different precipitation models and forecasts predicted by climate change.
<p>Land Use and Population and Planning (Chapter 4.9)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Changes in community character; • Many residences exist in the project area; • Project is inconsistent with the existing surrounding land use; • Mining is incompatible with the current residential land use; • Community displacement; • Would jobs be filled by non-local people? • Project consistency with the M1 zoning designation; • Cumulative impacts from the proposed rezone from M1-SP to M1-ME; • Abandonment of Ordinance 1853 regarding development of the Bohemia Mill site; • Potential loss of tourism; • Inconsistency with Grass Valley planning documents; • Subsurface mining is inconsistent with the surrounding urban environment; • Impacts related to housing availability for 200 outside workers; • Potential conflicts with the four central themes that articulate the vision for the development of the County pursuant to the General Plan; • Impacts to population and projected housing demand; • Changes to regional growth pattern; • Impacts to the airport; • Sierra Nevada Memorial Hospital, Nevada County Air Park, and parts of NID that have critical infrastructure located above the mineral rights boundary for Rise Gold might incidentally or accidentally be affected by blasting, tunneling, etc.?



	<ul style="list-style-type: none"> • Will the change of zoning to M1-ME cause reverse condemnation claims against the County? • Project generally inconsistent with the goals of the General Plan; • Impacts on open space within the Brunswick Basin;
<p>Noise and Vibration (Chapter 4.10)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Potential adverse effects from noise on: <ul style="list-style-type: none"> ○ Sleep quality; ○ Pets and wildlife; ○ Mental health; ○ Residences located above the mining tunnels; ○ People with seizure disorders; ○ Pregnant women; ○ Park visitors; ○ Nearby school; ○ Birds; • Increase in noise levels on surrounding residential areas; • Noise pollution from permitted underground blasting and operations of heavy equipment; • Noise impacts from crushing rock 24/7, including during nighttime hours; • Reduction of quiet enjoyment for residents; • Impacts of 200 to 400 truck trips per day on the ambient noise environment; • Back-up beepers; • Construction noise; • Vibration impacts on nearby residents; • Vibration impacts on high-tech companies; • Vibration impacts on nearby commercial businesses; • Requests for cumulative analysis of all operational noise in the area; • Requests for Cumulative noise analysis with other approved projects; • Noise impacts from noise reverberation off of freeway buffer walls; • Could blasting occur shallower than 500 feet? • Truck transport hours may conflict with typical City noise limits.
<p>Public Services and Utilities (Chapter 4.11)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Impact to local schools; • Potential increase in demand for police officers/police service; • Potential increase in demand for fire protection; • Potential increase in demand for emergency medical services; • Would the project provide funding to local schools, parks, or recreational facilities? • Infrastructure for purchased water is not yet in place for many homes that currently rely on well water; • How would new water infrastructure be provided to the homes that currently rely on well water? • Would improvements be provided to the potable water pipeline easement along East Bennett Road? • Increased risk of power disruption/power outages; • Current electricity infrastructure may not support energy demand from project;



	<ul style="list-style-type: none"> • Suggestions to install a new flow measuring station along Wolf Creek; • Is the existing road/trail suitable to hold the discharge pipeline?
<p>Transportation (Chapter 4.12)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Potential traffic-related impacts at/along: <ul style="list-style-type: none"> ○ E. Bennett Road and Brunswick Road intersection; ○ Brunswick Road and Loma Rica intersection; ○ Brunswick Road, East Bennett Road, and Whispering Pines Lane; ○ Idaho-Maryland Road and Brunswick Road intersection; ○ State Route 49/20 and Idaho-Maryland Road interchange; ○ State Route 49/20 and Brunswick Road interchange; ○ State Route 174 and Brunswick Road intersection; • General increased truck traffic; • The additional heavy traffic from commercial vehicles and mining employee commutes; • Increased wear/damage on rural roadways; • Transportation hazards related to the slope at the Brunswick and Whispering Pines Lane intersection; • Decrease in roadway safety; • How will local roadways be maintained? • Have plans been made for road maintenance and roadway improvements? • Increase in potholes; • Reduced efficacy of emergency evacuation routes; • Conflicts with emergency evacuation routes, particularly along East Main Street and Idaho Maryland Road; • Intersections along East Main Street and State Route 49/20 are currently overwhelmed/operate poorly; • Transportation impacts from moving engineered fill from the Brunswick Industrial Site to the Centennial Industrial Site; • Impacts of roadway closures; • Cumulative traffic impacts with buildout of the Loma Rica development; • Requests for analysis of cumulative traffic and traffic safety impacts over the 80-year lifetime of the project; • Would increased runoff in Wolf Creek influence the State Highway System, where Wolf Creek crosses State Route 20? • Increased roadway hazards from trucks carrying rocks, if rocks were to fly out and hit windshields; • Impacts to ingress and egress caused by truck traffic; • Potential conflict between the project and Grass Valley's plan to create a public trail along Wolf Creek/Idaho Maryland Road corridor; • Roadway safety during icy and/or snowy conditions; • Changes in bicycle safety from addition of heavy-duty trucks; • Pedestrian and cyclist safety impacts on E. Bennett, Greenhorn, and Brunswick roads.
<p>Wildfire (Chapter 4.13)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Increased risk of structure fire and wildfire; • Increased wildfire risk associated with on-site fuel storage; • Increased wildfire risk associated with increased electricity demand;



	<ul style="list-style-type: none">• Potential for dewatering to divert groundwater from surface vegetation, leading to dried vegetation and increased fire risk;• Installation of fire hydrants;• Impacts on FAIR Plan Fire Insurance for residents;• Fire hazards associated with tree removal.
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All of these issues, insofar as they are within the purview of CEQA (i.e., concerns related to physical impacts on the surrounding environment), are addressed in this EIR, in the relevant sections identified in the first column.

1.9 DRAFT EIR AND PUBLIC REVIEW

This Draft EIR is being circulated for public review and comment for a period of 60 days. During this period, the general public, organizations, and agencies can submit comments to the Lead Agency on the Draft EIR's accuracy and completeness. Release of the Draft EIR marks the beginning of a 60-day public review period pursuant to CEQA Guidelines Section 15105. The public can review the Draft EIR at the County's website at:

<https://www.mynevadacounty.com/3195/Idaho-Maryland-Mine---Rise-Grass-Valley>.

Comments may be submitted both in written form and/or orally at the public hearing on the Draft EIR. Notice of the time and location of the hearing will be published in local newspapers, mailed to property owners and residents surrounding the project, emailed to residents that have requested to be placed on the County's email notification list for the project, posted on the County's website, and posted at and adjacent to the site prior to the hearing. All comments or questions regarding the Draft EIR should be addressed to:

Matt Kelley, Senior Planner
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959-8617
Idaho.MMEIR@co.nevada.ca.us
(530) 265-1423

1.10 ORGANIZATION OF THE DRAFT EIR

The Idaho-Maryland Mine Project EIR is organized into the following sections:

Chapter 1 – Introduction

The Introduction chapter provides an introduction and overview describing the intended use of the Draft EIR and the review and certification process, as well as summaries of the chapters included in the Draft EIR and summaries of the issues and concerns received from the public and public agencies during the NOP review period.

Chapter 2 – Executive Summary

This chapter summarizes the elements of the project and the environmental impacts that would result from implementation of the proposed project, describes proposed mitigation measures, and indicates the level of significance of impacts after mitigation. In addition, the Executive Summary includes a summary of the project alternatives and areas of known controversy.



Chapter 3 – Project Description

The Project Description chapter provides a detailed description of the proposed project, including the project's location, background information, objectives, and technical characteristics.

Chapter 4 – Environmental Setting, Impacts, and Mitigation

This chapter contains a project-level and cumulative analysis of environmental issue areas associated with the proposed project. The section for each environmental issue contains an introduction and description of the setting of the project site, identifies impacts, and recommends appropriate mitigation measures.

Chapter 5 – Statutorily Required Sections

The Statutorily Required Sections chapter of the EIR provides discussions required by CEQA regarding impacts that would result from the proposed project, including a summary of cumulative impacts, potential growth-inducing impacts, summary of impacts related to energy in accordance with Appendix F and G of the CEQA Guidelines, significant and unavoidable impacts, and significant irreversible changes to the environment.

Chapter 6 – Alternatives Analysis

The Alternatives Analysis chapter of the EIR describes and evaluates the alternatives to the proposed project. It should be noted that the alternatives will be analyzed at a level of detail less than that of the proposed project; however, the analyses will include sufficient detail to allow for a meaningful comparison of impacts.

Chapter 7 – References

The References chapter of the EIR provides bibliographic information for all references and resources cited.

Chapter 8 – EIR Authors and Persons Consulted

The EIR Authors and Persons Consulted chapter of the EIR lists EIR and technical report authors who provided technical assistance in the preparation and review of the EIR.

Appendices

The Appendices include the NOP, list of NOP commenters and copies of comment letters received during the NOP comment period, and all technical reports prepared for the proposed project.

