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Date: March 30, 2022

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**RE: COMMENTS ON THE IDAHO-MARYLAND MINE PROJECT DRAFT
ENVIRONMENTAL IMPACT REPORT (DECEMBER 2021) (SCH# 2020070378),
NEVADA COUNTY, CALIFORNIA**

Dear Mr. Kelley:

The City of Grass Valley has completed review of the Draft Environmental Impact Report (DEIR) for the Idaho-Maryland Mine Project (IMMP) and prepared the following comments. In summary, the DEIR is extraordinarily long (over 1,000 pages not including technical appendices), and much of its contents are very thorough. In addition to my review, the City was assisted in its review by Dr. Jeff Harvey, Ph.D., Principal & Senior Scientist with the Harvey Consulting Group for CEQA adequacy, Project Description, Hydrology and Alternatives topics. Paul Miller, Principal and Senior Air Quality and Noise Analyst, and Dan Jones, Senior Air Quality and Noise Analyst with The RCG Group for the Air Quality, Greenhouse Gas Emissions, Health Risks and Noise topics, and John Kain, AICP, Principal and Senior Transportation Planner, and Marlie Whiteman, P.E., Senior Transportation Engineer, with Urban Crossroads, Inc. for the Transportation and Vehicle Miles Travelled topics.

As detailed in our comments below, key aspects of this proposed 80-year mining and industrial development project – including air quality, greenhouse gases and traffic, and consideration of alternatives that may reduce or avoid potentially significant impacts to the City and surrounding County areas – are not accurately or adequately assessed. Corrections needed to these analyses are very likely to conclude with findings of greater impact levels than are now reported, and therefore a need for additional mitigation measures, and/or consideration of other project alternatives. This letter highlights technical inadequacies of the DEIR based on the CEQA statute, CEQA Guidelines and published court decisions interpreting CEQA.

CHAPTER 3: PROJECT DESCRIPTION

- PD-1) The applicant's request for an 80-year permit is extraordinary and makes this truly a multi-generational project. It is reasonable to expect that a lot is going to change in 80 years, possibly including mining methods, regulatory standards, market demand for gold, transportation methods and more. The County needs to consider a shorter permit time period, with an ability to renew the permit based upon an updated environmental review that reflects conditions and standards decades in the future. We suggest 30-years maximum permit period, which is still a major commitment to a single large industrial use. In addition, the County should consider a condition of approval requiring an Adaptive Management Process under which the project gets reviewed periodically (every 10 years), with additional environmental compliance and mitigation requirements added to the permit conditions as needed.
- PD-2) Likewise, the size of the project needs to be reconsidered. The 1,000 tons per day goal may be optimal for the applicant, but it is not optimal for the community as it requires off-site hauling through community areas and the City in 20 to 25 ton trucks from 6:00 AM to 10:00 PM seven days per week for 80 years. We recommend a cap of 500 tons per day or less, and no nighttime hauling activity. This would reduce truck traffic generation, noise, air quality and greenhouse gas emissions, energy and fuel use, and the volume of residual material to be disposed of by half – a very significant reduction in the impacts of this proposed industrial operation.
- PD-3) The proposed hauling operations need to clearly note that this part of the operation will include the loading, dumping, spreading, and compacting of waste materials. (See related comment in the Noise section below). Page 3-40 of the DEIR states "Hauling and dumping of engineered fill at the Centennial Industrial Site would occur between 6:00 AM – 10:00 PM." The hauling and dumping of engineered fill are construction activities that are intended to create industrial development pads rather than a mining activity, and as such, should be limited to the construction hours of the City's Noise Ordinance (prohibits construction noise between the hours of 7 pm and 7 am, or on Sundays) and should discuss how this proposed plan affects the goals of the Safety and Noise Elements of the County's General Plan, rather than just mentioning it on page 3-2.
- PD-4) The County may also consider splitting the Centennial Site operations off as a separate project and conduct environmental review and permitting independently. If the engineered fill can be used for deep mine backfill or transported to local and regional markets for use in construction projects (DEIR, page 3-26), the backfill at the Centennial Industrial Site does not need to be a component of the mining operation.

- PD-5) On page 3-18 in the discussion of the water treatment process and system it is noted that monitoring reports are required to be submitted quarterly. Please include the timing intervals for monitoring samples to be obtained. We suggest that at a minimum sampling should be done monthly for at least the first year, and quarterly thereafter if the first-year results demonstrate compliance with the maximum daily effluent limitations.
- PD-6) On page 3-19 in the third paragraph of the discussion of Mine Development (Tunneling) it is stated that the underground transport of barren rock will be done using electric or diesel-powered load/haul/dump vehicles. We suggest that the County should require all such vehicles to be electric-powered so that diesel exhaust emissions underground are eliminated.
- PD-7) On page 3-19 in the second paragraph of the discussion of Gold Mineralization Production, it is stated that 50 percent of mineralization would be returned to the underground mine as backfill, and the remainder would be used as engineered fill. This is not for the life of the project, as the engineered fill process only extends an estimated 5 to 12 years for the Centennial and Brunswick sites. Please describe what happens to the additional 50 percent (over 150,000 tons per year) for the tens of decades after the engineered fill is completed.
- PD-8) On page 3-21 in the second paragraph of the discussion of the ventilation exhaust system and underground support systems, please confirm that these include back-up generators and an alarm system in the event of a power outage.
- PD-9) Starting on page 3-26 in the discussion of Engineered Fill Transport, it is stated that engineered fill would be stored at the Brunswick site and/or transported to local and regional construction markets. Like gold, the market for engineered fill can fluctuate substantially over periods of years. There needs to some defined maximum volume that can be stored at the Brunswick site, the storage method described, and a discussion of what happens when “local and regional construction markets” have low demand for these fill materials for a prolonged period of time.
- PD-10) On page 3-28 in the first paragraph of the discussion of explosives, it is stated that the explosives supplier will have a “sufficient” insurance policy. Please define the term “sufficient” in this context and provide details regarding the events that will be covered so the sufficiency of the insurance may be accurately assessed.
- PD-11) On page 3-33 in the first paragraph of the discussion of the Potable Water Pipeline, please confirm that the pipeline construction and extensions to willing residents will occur prior to the commencement of dewatering of the mine.

- PD-12) On page 3-42 in the discussion of Mine Rescue and Emergency Response, please confirm that the mine-rescue team will be a part of the mining workforce on site.
- PD-13) On page 3-42 in the discussion of the Reclamation Plan, (and in Table 3-10 on page 3-46) the County should require that reclamation include demolition and removal of the above ground facilities and structures, subject to review if the buildings are inspected and determined to be of commercial value. These facilities and structures will be decades old at the time of reclamation and are unlikely to be in a condition that supports unknowable post-mining industrial uses of the property.
- PD-14) On page 3-52 in Table 3-11, a fact check: we believe that the RWQCB rather than the SWRCB Division of Water Rights has jurisdiction for all six of the permits listed for those agencies.

CHAPTER 4.3: AIR QUALITY AND GREENHOUSE GAS EMISSIONS

- AQ-1) The DEIR and Health Risk Assessment lack details of sensitive receptors that were considered for evaluating potential localized health impacts from the project. Page 4.3-11 of the DEIR states “At the Brunswick Industrial Site, rural residences are located to the north, west, east, and south. The nearest residence is north of East Bennett Road, approximately 100 feet from the Brunswick Industrial.” Page 4.3-79 of the DEIR states “The maximally exposed receptor was estimated to be the nearest existing residence, which is north of the Brunswick Industrial Site.” However, there is no map, figure, or other detailed information showing the sensitive receptors that were considered for evaluating potential localized health impacts from the Project in the DEIR or in the Air Quality and Greenhouse Gas Emissions Analysis Technical Report (Dudek, 2020). This information should be added in the Recirculated Draft EIR.
- AQ-2) The analysis of whether the project would result in wasteful, inefficient, or unnecessary use of energy is inadequate. CEQA Guidelines Section 15126.2, regarding the discussion of energy impacts, states: “*This analysis should include the project’s energy use for all project phases and components, including transportation-related energy, during construction and operation.*” The discussion of Impact 4.3-4 (beginning on page 4.3-86) of the DEIR does not disclose the estimated fuel usage (gasoline and diesel) from mobile sources (off-road equipment and on-road transportation sources) associated with construction and operation of the Project. This information should be included to disclose the scale of the Project’s usage of petroleum fuel sources. (See *Ukiah Citizens for Safety First v. City of Ukiah*, (2016) 248 Cal.App.4th 256). The discussion of Impact 4.3-4 should be enhanced to discuss whether this amount of energy usage would be considered wasteful, inefficient, or unnecessary.

- AQ-3) The analysis of whether the project would conflict with a State or local plan for renewable energy or energy efficiency is inadequate. Page 4.3-88 of the DEIR states that the Project would consume approximately 50,000 MWh annually during the 80-year operational life of the Project. Page 4.3-88 of the DEIR states that the Project would be served primarily by grid-supplied electricity, except under conditions when emergency power is required, and standby diesel generators would be used.

According to the Nevada County Energy Action Plan (EAP), Nevada County's total consumption in 2017 was approximately 344,000 MWh.¹ The Project's annual energy use would represent an increase of approximately 15 percent in County-wide electricity usage for a single industrial use. As noted on Page 4.3-40 of the DEIR, *"One of the central goals of the EAP is to reduce the projected annual grid supplied electricity use in 2035 by 51 percent...compared to a baseline from the year 2005."* The Project would result in a substantial long-term increase in grid supplied electricity consumption in the County which conflicts with the Nevada County EAP. This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact.

- AQ-4) The cumulative energy use impact discussed in 4.3-9 (Page 4.3-102) of the DEIR is difficult to differentiate from the project-level energy analyses (Impacts 4.3-4 and 4.3-5). The impact heading and significance determination statements are written as if they are discussing project-level impacts. The discussion needs to be enhanced to describe the potential cumulative energy use impacts of the Project when viewed together with the energy use of past, present, and reasonably foreseeable future projects.

- AQ-5) The DEIR lacks mitigation measures for project operations. Page 4.3-67 of the DEIR states *"According to the NSAQMD, unmitigated project generated emissions of ROG NO_x and PM₁₀ that are greater than zero are potentially significant and require mitigation."* Table 4.3-17 (Maximum Unmitigated Daily Project Emissions) notes that all operational phases of the Project would be potentially significant for ROG, NO_x and PM₁₀ and Page 4.3-70 of the DEIR states *"As shown in Table 4.3-17, daily unmitigated emissions of ROG, NO_x and PM₁₀ would be potentially significant (Level A or B) according to the NSAQMD significance criteria; therefore, mitigation is required."*

However, no mitigation measures were implemented for the operational phases of the Project. The NSAQMD states in their *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects (Guidelines)* that *"The lead agency should contact the District office to discuss the mitigations before the lead agency*

¹ Nevada County Energy Action Plan, Accepted by Board of Supervisors 5-0 February 12th, 2019, accessed at: <https://www.mynevadacounty.com/DocumentCenter/View/35183/Nevada-County-Energy-Action-Plan>

commits to a final mitigation plan for each project.” Since the Idaho-Mine Project is not a typical land use project for which the *Guidelines* are intended for and no mitigation measures from the *Guidelines* are applicable to the operational phases of the Project, the NSAQMD should have been (and should be) consulted to discuss mitigation measures that could be applicable to Project operation. The DEIR does not cite any correspondence with the NSAQMD. Thus, it is unclear if the Project will implement mitigation required to reduce potentially significant operational air quality impacts to less than a significant level or require a statement of overriding considerations.

- AQ-6) The issues addressed above need to be corrected in the Recirculated DEIR as the corrections will result in “Significant New Information” per Section 15088.5 of the CEQA Guidelines.

CHAPTER 4.8: HYDROLOGY AND STORMWATER

- HS-1) The City of Grass Valley is concerned about stormwater flows in the South Fork of Wolf Creek channel that extends through the City and has very limited capacity under baseline conditions. In the discussion of surface water runoff beginning on page 4.8-69, it states: *“The proposed detention basins would hold back the peak flows and release the water at a lower rate and at a later time than currently occurs from those site areas. As a result, the project would reduce peak storm flows in both Wolf Creek and South Fork Wolf Creek.”* This conclusion is based upon a preliminary hydrology assessment and a peer review of that assessment and appears to have been well done. The potential stormwater impact is recognized as significant, and the mitigation measure 4.8-3 (page 4.8-76) is formulated to reduce the potential to “less than significant”. The measure requires development of a “Final Drainage Report” which shall be submitted to the Nevada County Planning Department and “...shall demonstrate that the on-site storm drain systems are sized such that site runoff (in addition to treated mine discharge for the Brunswick Industrial Site) under the post-development condition will not exceed predevelopment levels in the downstream channel(s) during the design storm events.” Due to the importance of this issue to the City, and the significance of this potential impact, we request the County add a requirement for the Final Drainage Report to also be submitted to the City’s Engineer for review and comment.

CHAPTER 4.9 LAND USE

- LU -1) The DEIR fails to acknowledge the applicable City’s General Plan as required by Nevada County General Plan Land Use Policies 1.8.1, 1.8.3, 1.8.5, and 1.8.6., and needs to acknowledge that the proposed project is located within the City’s adopted Sphere of Influence. The DEIR, which mentions the County’s General Plan on page 3-2, should have discussed and analyzed the above-noted policies and the City’s General Plan to determine whether those County policies will conflict with, or result in significant land use impacts on, the City.

CHAPTER 4.10: NOISE AND VIBRATION

- NV-1) The noise and vibration mitigation measures lack timing. Mitigation Measure 4.10-4 lacks specific timing requirements for implementation. Mitigation Measure 4.10-4 should be revised to include timing for implementation and require the Ground Vibration Monitoring Program to be developed prior to operation of the mine. The Ground Vibration Monitoring Program should require seismographs to be placed in accordance with the recommendations of the Blasting Report prepared by Precision Blasting Services (i.e., different requirements for different blasting depths). Furthermore, the results of the Ground Vibration Monitoring Program should be required to be submitted to the Nevada County Planning Department for review in a timely manner, reasonable to the County and applicant, to allow for adjustments in project conditions of approval, if warranted by the monitoring data.
- NV-2) A Recirculated DEIR needs to acknowledge that the hauling operations will include loading and dumping of trucks, and the spreading and compacting of this material. Those are standard construction operations that are tied to the proposed development of pad sites for future industrial use and would occur well beyond standard construction operational hours in most communities and be in violation with the City's noise ordinance that prohibits construction activities that generate significant noise between the hours of 7 pm and 7 am, or on Sundays within 500 feet of a residential zone. Although there are no residential zones within 500 feet of the Centennial site, there are homes in the area and the loading and unloading of material will generate noise. A Recirculated DEIR needs to address any potential conflict with the County's General Plan Safety and Noise Element adopted in October 2014 and the City's Noise Ordinance to adequately address the noise levels to be generated by the full hauling operations. The DEIR needs to fully disclose that the Centennial site operations and site preparation will occur well beyond any typical construction operation and likewise the resulting long-term noise impacts.
- NV-3) A five or more years-long operation that is active seven days a week and 16+ hours a day cannot be reasonably dismissed as a "temporary noise impact" as it is in section 4.10-1 and on page 4.10-32. It is only short term relative to the requested 80-year mining permit. These noises will reverberate through the adjacent valleys and hills every day and for many years when other construction activities are not allowed or limited. The impacts must be articulated and mitigated
- NV-4) Table 4.10-6 is listing Leq values as Lmax and vice versa, for Baseline Ambient Conditions for the Nighttime Column.

CHAPTER 4.12 TRANSPORTATION

EIR TRAFFIC SECTION COMMENTS

- T-1) **Figure 4.12-4 and related LOS analysis / tables** incorporate stop signs on Idaho Maryland Road that don't exist (intersection 20) – these are also included in the LOS analysis. Please update the figures in the EIR and TIA, along with the LOS analysis and related tables.
- T-2) **Vehicle Miles Traveled Standard of Significance** (page 4.12-27) indicates that VMT impact may be considered less than significant if the Project total weekday VMT / Service Population is equal to or less than 14.3 percent below the subarea mean under baseline conditions and the Project is consistent with the jurisdiction's General Plan. Grass Valley was used as the subarea, which has a Home-Based VMT per worker of 18.6. The 18.6 Grass Valley VMT standard (Table 4.12-4) appears to be sourced from Table A-3 of the Senate Bill 743 Vehicle Miles Traveled Implementation (Fehr & Peers, July 6, 2020). However, the Home-Based Attraction VMT per Employee presented in Table A-4 of the same document which addresses "issues with trip lengths for trips with origins or destinations outside the model" and other known trip issues is 13.1 for Grass Valley. Because the 13.1 value addresses trip issues, please update the standard to reflect this value.
- T-3) **Table 4.12-8** presents Project Trip Generation which includes automobiles and trucks but does not reflect passenger car equivalents (PCEs). To represent the impact that large trucks, buses and recreational vehicles have on traffic flow; trucks should be converted into PCEs. By their size alone, these vehicles occupy the same space as two or more passenger cars. In addition, the time it takes for them to accelerate and decelerate is also much longer than for passenger cars and varies depending on the type of vehicle and number of axles, particularly when considering the topography of the roads proposed for the haul route. Typical PCE factors are 1.5 for 2-axle trucks, 2.0 for 3-axle trucks and 3.0 for 4+-axle trucks. Please update trip generation to reflect truck PCEs.
- T-4) The issues addressed above need to be corrected in the Recirculated DEIR as the corrections will result in "Significant New Information" and are very likely to identify "A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." per Section 15088.5 of the CEQA Guidelines.
- T-5) Page 4.12-35: The Existing Plus Approved Projects Conditions assumption fails to mention two approved projects in the City. The City approved Loma Rica Specific Plan amendments in 2019 and the Dorsey Marketplace project in 2020, well before

the release of the NOP. The City specifically noted these projects in its March 18, 2020, letter to Nevada County (copy attached), and again requests these projects to be included and taken into consideration.

- T-6) There is no mention within the Cumulative Impacts chapter or any traffic analysis of the City's General Plan Circulation Element's planned new road on the Centennial site that would connect Bennett and Idaho-Maryland Road. The City has requested this issue be addressed in multiple letters to the County (copies attached). This road connection is highly likely to change the impact conclusions in Impact 4.12-9.

TIA COMMENTS

- TIA-1) **Table 11** of the TIA references daily trips (maximum and average) but does not indicate any truck to automobile equivalency (passenger car equivalent) factors to represent the trucks heavy vehicle effect on the roadway system. Truck traffic should be adjusted to PCEs (or otherwise fully represented) for analysis purposes.
- TIA-2) Please convert trucks to PCEs for LOS analysis OR update heavy vehicle factors. Heavy vehicle percentages in the LOS worksheets indicate 2% to 5% heavy vehicles (most are 2%). The *appendix page labeled HCM 6th Signalized Intersection Summary MITIG8 Cumulative plus Project PM Peak 14: E. Bennett Rd/Brunswick Rd* includes 2% Heavy Vehicle factor. However, Section XI (Acceleration on Grade) states that along Brunswick Road:
- “Trucks currently account for about 6% of all traffic between SR 49 and SR 174, with the truck traffic increasing to about 9% between Whispering Pines Lane and E. Bennett Road. Trucks also account for about 8% of traffic along Whispering Pines Lane. “
- TIA-3) **Tables 14A, 14B, 17A, 17B, 20A, 20B, 23A, 23B, 26A, 26B** should be updated to reflect LOS analysis results with trucks fully represented.
- TIA-4) **Tables 15A, 15B, 18A, 18B, 21A, 21B, 24A, 24B, 27A, 27B**: should be updated to reflect queuing analysis once trucks are fully represented. The TIA indicates “It is assumed that one additional vehicle (25') can store in the available left or right turn taper and this occurs at six locations”. Overflow trucks may be significantly longer than 25' – please update to fully account for trucks.
- TIA-5) **Section II.4 Findings/Results of the TIA** indicates the Project generated VMT result is 14.7 for 2012 Base Year and 13.9 for 2035 Future Year. The TIA states that because 13.9 is less than the 18.6 average for Grass Valley, there is no VMT impact. However, VMT impacts are calculated on baseline conditions.

Interpolation between 14.7 for 2012 and 13.9 for 2035 indicates the Project generated VMT would be 14.4 in 2020. The Grass Valley VMT/SP is 13.1 (a reduction of 14.3% results in a threshold of 11.2). The interpolated 2020 VMT/SP of 14.4 is more than the threshold and an impact is found. Please update the VMT findings.

- TIA-6) *Maps such as Figure 4.12-1* of the EIR / Figure 3 of the TIA should be corrected/adjusted (ramps are missing). For example, the off ramp at intersection 9 is missing, as is the on-ramp at intersection 5. In addition, Bennett Street is misspelled.
- TIA-7) For the *intersection graphics such as Figure 4.12-2* which make up the bulk of the traffic figures, please clarify the orientation of street intersections. For example, at intersection 20, it appears that Idaho Maryland Road (the east/west street) is listed first, but at intersection 21, Sutton Way (the north/south street) is listed first.

CHAPTER 6: ALTERNATIVES ANALYSIS

- ALT-1) The City understands that the formulation of alternatives must consider the applicant's goals and objectives for the project, but that consideration is limited as explained in the CEQA Guidelines Section 15126.6[b]:

“Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. (Emphasis added.)

In this case, the applicant's objective that the project's production rate should be 1,000 tons per day is a speculatively large number chosen by the applicant based upon estimates of recoverable gold that could be extracted over an 80-year time period. The County has no obligation to maximize production, and particularly if it can only be accomplished by decades of significant effects on the local community related to truck traffic generation, noise, air quality and greenhouse gas emissions, energy and fuel use, and a huge volume of disposed residual material. Because of this, the obvious environmentally superior alternative is the Reduced Throughput alternative with a production rate of 500 tons per day, which is still a very significant mining project, and would substantially lessen the significant effects of the project. The assumption that this alternative would result in an extension of the project's operations timeframe to “between 130-160 years” is unsubstantiated and is based entirely upon an assumption the mine can only be financially feasible if it

allows full development of the underground resources – an assumption for which there is no evidence in the record.

- ALT-2) As noted in Project Description comments above, the applicant's objective that the project's permit term needs to be 80-years is extreme, and unprecedented in California. The County has no obligation to maximize the permit term due to the applicant's estimate of project feasibility recoverable gold to be extracted over 80-years. This is particularly so due to the nature and magnitude of significant effects on the local community related to truck traffic generation, noise, air quality and greenhouse gas emissions, energy and fuel use, and the volume of residual material to be generated and disposed. In this case, an obvious alternative to consider is a Reduced Throughput and Thirty-Year Permit alternative, which is still a very significant mining project, and would substantially lessen the long-term significant effects of the project.
- ALT-3) The assessment of alternatives 2 (Expansion of Brunswick Fill Pile) and 3 (Expansion of Centennial Fill Pile) is entirely predicated upon the assumption that the 1,000 tons per day objective needs to be attained, leading to conclusions that are inadequate and conclusory in nature. There is no support for the extraordinary expansion of fill piles. There is no need to expand the fill piles to the detriment of the benefits of the engineered fill if, as described elsewhere in the EIR, the materials can be used as backfill for the mine, and or transported "for use in local and regional construction markets" (DEIR, page 3-26).
- ALT-4) Page 6-3 aesthetics is listed as a less than significant impact, but on page 6-7, aesthetics is listed as a significant and unavoidable impact that cannot be fully mitigated, requiring the County to adopt a statement of overriding considerations if the project is to be approved.

CONCLUSIONS

- C-1) Collectively, the inadequacies identified in our review support our conclusion that rather than simply responding to comments, the County needs to substantially revise these analyses to repair the deficiencies, and prepare a Recirculated Draft EIR pursuant to CEQA Guidelines §15088.5, which states in part (applicable text in bold italics):

15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION

- (a) *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.*

As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) ***A new significant environmental impact would result from the project*** or from a new mitigation measure proposed to be implemented.
- (2) ***A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.***
- (3) ***A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.***
- (4) ***The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*** (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

[Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21092.1, Public Resources Code; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal. 4th 1112.]

The issues addressed above need to be corrected in the Recirculated DEIR as the corrections will result in significant new information” per Section 15088.5 of the CEQA Guidelines, are likely to findings of a substantial increase in the severity of an environmental impact. The Recirculated DEIR should give serious consideration to a much shorter permit timeframe, reduced throughput, and with a condition of approval requiring an Adaptive Management Process under which the project gets reviewed periodically (every 10 years), with additional environmental compliance and mitigation requirements added to the permit conditions as needed. It should also consider treating the Centennial site backfill as a distinct project independent of the mining project.

We appreciate your serious consideration of our comments. As I am sure you are aware, this a very significant project that has the potential to affect the City of Grass Valley and the surrounding community in Nevada County through the end of this century. Please don’t hesitate to call me if you have any questions or need additional information.

Sincerely.



Thomas Last

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City of Grass Valley

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Attachments:

- A. Referenced City letters sent to the County regarding the IMMP
- B. Technical Review Team Resumes