MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
29 APR 2023 PM 3 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

Since the mine is no longer a viable, relevant, safe, compatible or desirable activity for our increasingly populated area once the permit is denied this land could be purchased by the city and the Bear Yuba Land Trust and developed as a recreational public park for the whole community. We need recreational space for our youth. Let's invest our taxes in our future.

Sincerely,

Name YASHA AGINSKY

Email yashacine@yahoo.com

Address 541 N. Pine St Nevada City CA 95959

Phone (530) 863-9494

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

RECEIVED
MAY 05 2023
NEVADA COUNTY PLANNING DEPARTMENT

MINEWATCH

Community Environmental Advocates FOUNDATION

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

When has a mining company ever been a good steward or a good neighbor? The damage they do will be lasting in exchange for a small short term gain.

Sincerely,

Name Stephanie Hensey

Email

Address Rough & Ready resident/homeowner

Phone

SACRAMENTO CA 957
PM
2 MAY 2023

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

RECEIVED
MAY 05 2023
NEVADA COUNTY PLANNING DEPARTMENT

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
3 MAY 2023 PM 6 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

Just say 'No' -

NEVADA COUNTY PLANNING DEPARTMENT
RECEIVED
MAY 05 2023

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

Sincerely,

Name Richard T Thomas

Email randtthomas@sbcglobal.net

Address 214 Gethsemane, Nevada City

Phone (530) 264-[illegible]

MINEWATCH

Community Environmental Advocates FOUNDATION

01 MAY 2023 PM 3

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

RECEIVED
MAY 05 2023
NEVADA COUNTY
PLANNING DEPARTMENT

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

Sincerely,

Name Mary Nourse

Email mnourse44@gmail.com

Address 107 Clark St. Nevada City, CA 95959

Phone 530-414-5161

Idaho-Maryland Mine Committee
Nevada County Planning Commission
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

April 28, 2023

Mine Planning Commission Committee,

We are writing to express our conviction that allowing use of the Brunswick Industrial Site for gold mining is not appropriate, and not in the best interests of the people residing in the area. Since the Brunswick site was last used for industrial purposes over 20 years ago, a considerable amount of residential development has taken place in this area. A mining operation is not compatible with residential living, especially since the proposed mining operation is to be 24 hours a day, 7 days a week.

Our major areas of concern are:

1) Water Tables and Wells. The necessary draining of the mine could drain the aquifer(s) used by most of the homes in the area for water. The loss of well water will make the homes uninhabitable. Even if the mine owners offer to provider water there will not be sufficient construction resources available build the infrastructure needed to bring water in a timely manner to all the homes that will need it if the aquifer is drained. If the aquifer is compromised in any way, it will have a huge negative impact on the values of all the homes in the affected areas; not to mention the quality of life of the inhabitants.
2) Sound Pollution. Mining is an extremely noisy operation, especially stamping machines for crushing rocks. Since mining is to be a 24/7 operation, we feel this use conflicts greatly with residential use of the area, and would be detrimental to the physical and mental health and well-being of the local residents.
3) Ground Vibration and Air Pollution. Vibrations and air pollution from the mining operation, stamping machine(s), heavy equipment, including earth moving equipment, and huge tractor/trailer vehicles constantly traveling back and forth to and from the mine, would certainly create both ground vibrations and air pollution issues.
4) Traffic on Brunswick Road and Highway 174. There are already many large tractor/trailer trucks which haul gravel from the quarry on You Bet Road. The addition of many, many more huge trucks, heavy equipment, and other mine-related traffic, will worsen and increase traffic which is already heavy, and dangerous at times.
5) Reduction in Property Values for Properties Near the Mine. For many people their home is their biggest financial asset. A significant reduction in value or salability of their home would jeopardize their financial security. For all the reasons listed above it is likely the value homes near mine will be impacted. It is fair that people living near the mine should be financially damaged so the owners of the mine can get rich?

Mining was discontinued over 65 years ago! We feel the character of this Grass Valley area has hugely changed since then. Mining is no longer appropriate for this area. Re-opening the Idaho-Maryland Mine would create substantially more noise, ground vibration, air pollution, and traffic congestion; in addiuon to potentially terrifying, and irreversibly dangerous, water availability and water purity disasters along with decreasing property values of home near the mine.

Thank you for your consideration of these critically important issues.

SCOTT NANCE

Scott and Betty Nance
13404 Bass Trail
Grass Valley, CA 95945
(530) 271-7286

RECEIVED
MAY 05 2023
NEVADA COUNTY
PLANNING DEPARTMENT

~~MAY~~ April 30, 2023

To Who May Concern.

I am For The Idaho-Maryland mine-Rise Group.
I am Third Genration Gold miner.
I Grew up in Sierra County.
Alleghany, CA. That is what made These Counties Sierra County and Nevada County was mining
It will Give people more Jobs.

Sinerly
Yours
TRuly
David L. O'Donnell
P.O. Box 624
Downieville, CA 95936
PH # 530-289-3143

RECEIVED
MAY 05 2023
NEVADA COUNTY
PLANNING DEPARTMENT

From: Laurel Marks
To: Idaho MMEIR
Subject: Comment from a professional botanist
Date: Thursday, May 4, 2023 9:07:49 PM

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Hello,

I'm not sure what the status of the Idaho Maryland mine project is, but I am a professional botanist and I found some large discrepancies in the rare plant reports in the EIR (appendices F.4 and F.11). These are:

- Timing: the rare plant surveys were conducted in December and July, outside the blooming period of most rare and endangered plants. The surveys therefore did not meet the standard protocols outlined by the California Department of Fish and Wildlife and California Native Plant Society.
- Age of surveys: the rare plant surveys were conducted in 2019. Unless more were conducted this year, they over 3 years old and are out of date and no longer applicable. New surveys would need to be conducted for the EIR to be valid.
- Pine Hill flanelbush: the Pine Hill flannelbush habitat management plan (appendix F.4) found about 60 of these endangered plants in the project area. However, a recent fire may have burned in or near the project area. Since this is a fire adapted species, this may have produced thousands of new seedlings, making this plan obsolete. Also the surveys on which this plan is based are also over 3 years old and obsolete.
- Reference populations: the rare plant survey report states that "a nearby reference population of finger rush was visited on June 24th, prior to commencing field surveys to ensure this species was still detectable, which was confirmed. No other reference sites were required to be visited given the botanists local knowledge of the other target species as part of the survey effort". This does not adhere to rare plant survey protocols since the purpose of reference populations is primarily to confirm that surveys were conducted at the appropriate blooming time for species potentially present in the survey area. Learning what the plants look like is a secondary purpose.

I would be happy to discuss these points more if that would be helpful!

Thank you,
Joe Broberg

--
Laurel Marks, MSW
Associate Clinical Social Worker
Mentor with Wonder: A Confident Living Company
Phone: (530) 346-3949

From: ctrarcht@nccn.net
To: Idaho MMEIR
Subject: Comments on Planning Commission Staff Report on EIR for Idaho-Maryland Mine
Date: Thursday, May 4, 2023 5:12:30 PM

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Dear Nevada County Planning Commission Members,

First, I want to strongly recommend to the Nevada County Planning Commission that it choose Recommendation A from the EIR report of the Nevada County Planning Department staff on the proposed revival of the Idaho-Maryland Mine by Rise Gold, which provides both no (Recommendation A) and yes (Recommendation B) options for the Planning Commission to choose from starting on pages 5-8 – but then waits UNTIL PAGE 115 (!) to reveal the staff's actual position/conclusion, which is to choose Recommendation A. In either case I also strongly recommend for several reasons that the Planning Commission not accept this flawed Environmental Impact Report for this project proposal.

The arguments for not certifying the EIR are overwhelming. The EIR is legally deficient under CEQA. It fails to adequately disclose and evaluate the mine proposal's significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine.

If there is no project approved, then in any case there is absolutely no need for an EIR. Thus, the County is under no obligation to certify the EIR if the project is denied. Case law is clear on this topic e.g., Las Lomas Land Co., LLC v. City of Los Angeles (2009) 177 Cal.App.4th 83.

Yet even if the present EIR is certified, it could potentially be relied on in the future to fast-track the approval of another mining proposal by Rise Gold or another party.

Thank you for your consideration,

Dr.David Adams
Penn Valley, CA 95946

From: Michael & Heather Llewellyn
To: BOS Public Comment; Idaho MMEIR; bdofsupervisors
Subject: Gold Rise Public Hearing (5/10/23) Comments
Date: Thursday, May 4, 2023 5:03:09 PM

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May 4, 2023

Nevada County Board of Supervisors
950 Maidu Avenue
Suite 200
Nevada City, CA 95959

cc. Julie Patterson-Hunter
Clerk of the Board

Dear Nevada County Board of Supervisors and Nevada County Planning Commission,

We are writing to express our implacable objection to the proposed Gold Rise mining operation that is being considered by Nevada County in our neighborhood. We have read both versions of the EIR in addition to the Nevada County Planning Department's Staff Report. Not only is this project likely to negatively effect our property investment, disrupt our environment and the high quality of living in the region, I do not like what I have read about the company making the proposal and its long history of leaving communities like ours holding the environmental clean-up bag, both physically and financially. In addition, Gold Rise's proposals for dealing with the millions of tons of waste, toxic or not, are not economically feasible and their conclusions about toxicity were based on inadequate sampling as noted by SYRCL and the Air and Water Quality Boards:

"For a conclusion to be meaningful, the sample size must be appropriately representative. Of the core samples Rise Gold acquired from Emgold Mining, and the additional 67,500 linear feet of exploratory drilling Rise Gold conducted, they chose to test only 11 feet for potentially hazardous chemicals. Those 11 feet are supposed to accurately characterize more than 25 million tons of waste rock to be produced over the life of the mine. The testing for asbestos represents less than 2/10,000 of the total rock to be mined over the project lifespan. The Air Quality Board and Water Quality Board both state that the samples analyzed are inadequate to accurately characterize the potentially hazardous chemicals which could leach into our ground water, surface water, or be released into the air."

Given that the scars from the devastation of the mining from the not-so-distant past are still with us, we do not understand why the County is even considering this project or partnering with a company of this reputation.

This project will likely create a super-fund site in the middle of our beautiful town, not to mention the unavoidable day-to-day degradation of having a huge amounts of industrial waste impacting our air, roads and streams. I don't see any proven and practical plan for toxic clean up in the long term, I don't even see a mitigation plan (or who will foot the bill) for the day-to-day impacts on roads, air-quality and noise from the trucking required alone. I shudder to think about the impact on Wolf Creek and our watershed.

There is little demand for gold technologically, therefore the sole beneficiaries of this project are investors and jewelers, not the citizens of Nevada County. As for jobs, there are many other ways to invest in the local job market that will support our way of life, our property values and our environment. Forest restoration and climate transition projects leap to mind. Those are projects that will help the entire community into a better future.

Mining is the past. Grass Valley is no longer an industrial town. Let's not be the laughing stock that was duped into re-opening a site generating a massive amount of waste, both toxic and non, in the middle of our beautiful, bedroom community full of children and retirees. Our community doesn't need this project. It deserves much, much better.

Sincerely,

Michael and Heather Llewellyn
202 Lucas Lane
Grass Valley, CA 95945
info.mhllewellyn@gmail.com

From: Cheri M. Flanigan
To: Idaho MMEIR
Subject: Idaho Mine
Date: Friday, May 5, 2023 11:08:01 AM

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Dear planning commission:

I'm writing today to register my vote against the proposed Mine. I'm against this project due to the continuing development - in newspaper articles, research from locals in the area including the film work by Lou Douros. In all of these I see a thread showing the lack of responsibility and real damage caused by the group proposing the mine here in Grass Valley. In short I believe they are misleading the public and the locals. Their flyers and social media posts are exaggerated at best it seems.

Thank you for you thoughtful attention to this matter.

Cheri

Cheri M Flanigan
Cell: 530-798-3391
10437 Cement Hill Road
Nevada City, CA 95959

Good Morning. My name is John Vaughan. I live in District 3.

I'm going to revisit a topic from last week. I noted that the Rise Gold February 2023 Employment Details document has a number of math errors.

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APR 25 2023
NEVADA COUNTY
BOARD OF SUPERVISORS

A few examples include:

- The summary in Table 2 which displays 8 job categories at the mine, shows Underground Miners making $168,000/year while the detail table (Table 3) for Underground Miners shows them making $113,000/year. All job categories except one are higher in the summary table than in the detail tables.
- Additionally, Total Payroll in Table 2 is wrong in all categories except one.
- For example, if you divide Total Payroll for Underground Miners by the 156 miners shown in the table, then annual salaries for Underground Miners are about $25,000/year.
- The same process shows Geologists make $808,000/year
- All clearly incorrect.

I suppose you could write these things off to clerical errors. But given what I've seen in Rise documents, there appears to be a consistent lack of attention to detail and a willingness to spin data vs. publishing facts. If you were a manager doing performance reviews, you would rate their performance as "Needs Improvement".

Think about what that means for regulatory reporting. Most of the regulatory reporting is "self-reporting". Lack of attention to detail and publishing supportive numbers vs. facts is a huge problem for regulatory reporting, especially given the economic study shows no extra labor costs at the County for personnel to monitor the monitors.

Think about the size of this project, with hundreds, if not thousands, of controversial issues and a serious lack of information now vs. information that is promised later.

It defies common sense and basic logic that no environmental issues and none of the negative economic impacts for families, individuals and local businesses will ever occur at any time for 80 years.

I respectfully request you Just Say NO to the Final EIR and the Rise proposal.

Thank you.

John Vaughan, 11793 Lower Colfax Rd, GV, jvaughan1946@gmail.com, 916-807-0430 Cell

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APR 25 2023
NEVADA COUNTY
BOARD OF SUPERVISORS

Idaho Maryland Mine

Good Morning. My name is Beverly Blake and I have been a Grass Valley resident since 1997. I have been a 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 am 76 and my husband, who is a retired professional Firefighter is almost 80. We purchased a home on Little Hill Lane, off Anchor, off Greenhorn with several goals in mind. We planned to live in it for a number of years, improve the home and 3 acres with our own labor, and at the appropriate time, downsize and use the profit to fund our retirement. We have a beautiful home and property that we have worked hard to create our own little piece of Shangri La. We have invested hours of labor ourselves and also thousands of dollars making the property attractive and fire safe. My husband has become disabled and is no longer able to help me maintain the property. Three years ago our home insurance was cancelled and we now have to pay $7000 a year through the Fair (or what we call the Unfair Plan). We would have liked to put the property on the market last summer, but we 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. These are both very desirable properties and would normally have sold quickly. Now they are waiting for the decision on the mine to proceed. I know that 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 are waiting for your decision on the mine to decide if they are going to move to Grass Valley or Nevada City. If the mine is approved, they will move to a different foothill town. They have no interest in living in a mining community. Every Realtor I know believes that the mine will negatively affect property values in every part of Western Nevada County, not just the immediate area around the mine. The Economic Report did not include local Realtor's opinions, even though we were surveyed. I believe the probability of diminished property values and taxes 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 one else has the vast extent of culture, music and the Arts, as well as Sierra College for undergraduate as well as adult education. It seems that every month I read in the paper about a new venue that is being developed to further expand all these resources. I know that our future and many others entirely depends on your decision about the mine. Please do the right thing and just say NO!

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ndcoker.deb@gmail.com
Subject: Letter From Nancy Debra Mckitrick - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:43 AM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Debra Mckitrick at ndcoker.deb@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Debra Mckitrick. I live at 14934. Greenhorn Rd., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Greenhorn area of Grass Valley. I have lived here for 25 years.

The mine would be devastating to our community . Noise pollution ,environmental effects ,well water loss would be devastating for our community and communities for miles around. .

Let the mines in this community be a historical look into the future. We must head the mistakes of t he past .

I have read about the company that wants to open the mind and they have a very

poor reputation for leaving devastation to areas that they have mined .

Please do not allow this mine to be opened . Continue to encourage other businesses to come to our beautiful county that will not be destructive to our environment .

Thank-you ,

Sincerely,

Nancy Debra Mckitrick
ndcoker.deb@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tami.caileigh@gmail.com
Subject: Letter From Tami Shoot - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:42 AM

Dist 2

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tami Shoot at tami.caileigh@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tami Shoot. I live at 23895 Lakeview Ct, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Tami Shoot
tami.caileigh@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: chrissignin@gmail.com
Subject: Letter From Christine Catlin - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:40 AM

Dist 2

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Christine Catlin at chrissignin@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Christine Catlin. I live at 23850 Star Court, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 2 at Lake of the Pines. We moved here 8 years ago because of its rural nature and communal values that protect our natural resources. Don’t trash it, please! This industry proposal is shortsighted with a high likelihood of permanently ruining Grass Valley and adjacent cities. Do the right thing!

Sincerely,

Christine Catlin
chrissignin@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ccbsilver@yahoo.com
Subject: Letter From Charlotte Benner - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:39 AM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Charlotte Benner at ccbsilver@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Charlotte Benner. I live at 17071 Pine Peak Rd., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please let the people vote on approving the gold mine. You can create a ballot measure for next June.

Sincerely,

Charlotte Benner
ccbsilver@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: charliebenner@gmail.com
Subject: Letter From Charles Benner - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:37 AM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Charles Benner at charliebenner@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Charles Benner. I live at 17071 Pine Peak Rd., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

If you decide to approve this project the least you should do is create a ballot measure and have the citizens vote to approve your decision. Your decision will create a future for this county that will have tremendous impact for many years to come. As a board of supervisors you cannot take full control of such a important step that will impact the health and well-being of all our citizens.
You must get approval from the voters of this county for any action you take.
There is time to place a ballot measure on the election that is taking place in June of 2024.
In 2016 you created Measure W on the issue of growing cannabis to allow the voters to speak deciding the direction they want this county to go regarding that issue.
This gold mining will have a greater impacts on all of us than the effects of growing cannabis.

You must allow citizens of this county to have a vote and a voice.
And you must follow the will of the voters before you take any steps that will create such an impact on our environment.
Do your job.
You are representatives of the people. Give them a voice.
If you decide this without a ballot measure you will forever be responsible for this decision.
If you do this without getting approval from the voters and the decision creates a disaster for our county you will forever have it on your conscience for acting without guidance from the voters.
Don't take this action on your own. This decision well have a great impact for all of us. You must allow us to decide our own futures. You have no right to decide this on your own.

Sincerely,

Charles Benner
charliebenner@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kateannewallace@gmail.com
Subject: Letter From Katherine Wallace - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:33 AM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Katherine Wallace at kateannewallace@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Katherine Wallace. I live at 116 Lone Jack Pl, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hi! I live in district three, specifically in the Timberwood neighborhood. We bought our house one year ago, and it was never disclosed that there might be an active mine beneath our home.

Aside from the environmental impacts, which concern me greatly, I am concerned about quality of life issues, increased traffic on Brunswick (we already need a stoplight here even without the mine traffic) potential for sinkholes, property value, etc. We are a family with young children- not retirees who will never need to sell their house. This is our starter home that we worked hard for. We never thought we would be able to own a home. No one will want to purchase a home above a working mine- what happens when our family expands and we need to sell? Of course, declining property value is always a risk one assumes, but if I can prevent it, I will. Selfish,

perhaps, but I'll say "yes in my backyard" all day to housing and development that provides value to the community. The mine does not. Our community deserves clean water, clean creeks, good health, and high quality of life.

Furthermore the Loma Rica development is in full swing. From the map, it appears that this will also be located on top of the mine. Is it worth it to the city to compromise that development, which will provide much needed homes and businesses, over an unnecessary mining operation?

The high paying jobs the mine will provide are mining engineer jobs. This is no longer an area of expertise for our locals- mining engineers will come from outside the county to work the mine, so it's dishonest to say the mine will pay locals over 100k annually.

I urge the board of supervisors to think critically about the full impact of the mine vs. the benefits of allowing a mining company to operate in our community. There isn't a gold supply shortage, and if there were, it should be mined it in a place where people do NOT live. Rise Gold is historically untrustworthy and a poor partner for Nevada county.

Please consider the long term effects on the community and do not permit Rise Gold to open the mine.

Thank you for your consideration,

Katherine Wallace and Trevor Murphy

Sincerely,

Katherine Wallace
kateannewallace@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: indimenticabile1@yahoo.com
Subject: Letter From Domenica Mottarella - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:29 AM

Dist 4

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Domenica Mottarella at

indimenticabile1@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Domenica Mottarella. I live at 13307 Byron Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 4 North San Juan. I have lived in the area for 39 years. I urge you not to let mining happen in our county again. There are so many reasons this is a bad idea. Our community is still damaged from the original mining done here. Water is a precious resource which needs to be protected from toxins at every level. Air quality, noise, property values dropping. It’s just not an environmentally healthy choice for the land, the wildlife and the human population. Please consider other more environmentally sustainable options than mining.

Sincerely,

Domenica Mottarella

indimenticabile1@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jbretii@yahoo.com
Subject: Letter From John Brett - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:28 AM

Dist 2

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Brett at jbretii@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Brett. I live at 11460 Lower Circle Dr, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

John Brett
jbretii@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: je2niferk@att.net
Subject: Letter From Jennifer Kelly Kellty - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:25 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jennifer Kelly Kellty at je2niferk@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jennifer Kelly Kellty. I live at 10688 James Ln, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a resident of this area, living off Banner Lava Cap road, I am extremely concerned about the possible re-opening of this mine. I entreat you to put aside all thoughts of any profits to be made from this venture. Rise Gold & its predecessors have shown themselves to be untrustworthy and irresponsible, leaving in their wake a trail of mining failures , which the unfortunate residents of those areas are forced to clean up, as far as possible.
The risks attendant upon this ill advised proposal are enormous and irrevocable. We shall certainly suffer dangerously polluted air, increased smog caused by rock dust and diesel fumes from an endless stream of 18 wheelers, destroying our roads and disrupting traffic. Wildlife will lose habitat ,suffer, as the population for miles around will, from noise, loss of potable water and endless disruption. If, as is very likely , any small accident causes toxic pollutants to be released into the water table, not only

local residents but millions of people all over the United States will find their produce tainted or the supply cut off as the contagion flows down creeks into the Central Valley.
The amount of greenhouse gas certain to be released each year immediately destroys any hope of meeting California's goals for combating global warming and the huge quantity of electrical power required by mine operations is completely unsustainable.
The economy of Grass Valley & Nevada City will suffer hugely as home values plummet, visitor attendance at local events dwindles and costs rise.
PLEASE, just say NO

Sincerely,

Jennifer Kelly Kellty
je2niferk@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jeangi@sbbmail.com
Subject: Letter From Jean and Daniel Gilbert - Just Say No to the Mine
Date: Monday, April 24, 2023 10:50:25 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jean and Daniel Gilbert at jeangi@sbbmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jean and Daniel Gilbert. I live at 18545 Old Coach Way, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live in District 1 and we are extremely concerned, not just for our own area but for Grass Valley and envrions in general. This mine will NOT bring any kind of substantial jobs for local folks, and it endangers peoples' wells, traffic and the general atmosphere of the area.
The project is based on greed, not anything postive for our area. And we certainly do not want to be railroaded into an industry we do not want and certainly do NOT need.

NO MINE!

Sincerely,

Sincerely,

Jean and Daniel Gilbert
jeangi@sbbmail.com

From: Tom Phillips
To: webbysdad@gmail.com
Cc: bdofsupervisors; Idaho MMEIR
Subject: Re: Letter From Tom Phillips - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:16:03 AM

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I think it's perfect!

On Sun, Apr 23, 2023 at 10:11 AM <admin@minewatchnc.org> wrote:

> This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tom Phillips at webbysdad@gmail.com
>
> Nevada County Supervisors and Planning Department
> Eric Rood Administrative Center
> 950 Maidu Avenue
> Nevada City, CA 95959
>
> Dear Nevada County Supervisors and Planning Commissioners,
>
> My name is Tom Phillips. I live at 14118 Beitler Rd, Nevada City, CA 95959.
>
> As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.
>
> I live off of Bitney Springs near Lake Wildwood. We are exclusively on a well and are extremely concerned about well water quality near the mine. Greed is the driver of this project, with no consideration for the inevitable destruction of our town. Ther is no such thing as clean, low impact mining!
>
> Sincerely,
>
> Tom Phillips
> webbysdad@gmail.com

--

"...allowing the notion that the earth is 6,000 years old to be promulgated in schools is like teaching kids that the distance across the United States is 17 feet. That's how big an error it is." - Lawrence Krauss, Physicist

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lisadorman86@gmail.com
Subject: Letter From Lisa Dorman - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:13:11 AM

Dist 2

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lisa Dorman at lisadorman86@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lisa Dorman. I live at 12867 magnolia rd, Grass valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Lisa Dorman
lisadorman86@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Kindredspirits28@hotmail.com
Subject: Letter From Lyn Coring - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:13:10 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lyn Coring at Kindredspirits28@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lyn Coring. I live at 14131 Torrey Pines Dr, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The list of reasons why the proposed reopening of this mine would be thoughtless and irresponsible is almost too numerous to itemize. Suffice it to say that this community's continued physical health, air quality, water supplies, wellbeing, real estate, financial security and quality of life is being seriously threatened. The continued existence of Grass Valley and its environs as we know it, as a sought after place to live and vacation, will be severely compromised.

Sincerely,

Lyn Coring
Kindredspirits28@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: svscott123@gmail.com
Subject: Letter From Tim and Sandra Scott - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:13:10 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tim and Sandra Scott at svscott123@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tim and Sandra Scott. I live at 17077 Cruzon Grade Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have lived in Nevada County for the past 40 years, 35 in our current home on the San Juan Ridge. We own two homes and our adult children and their families also live here and have businesses in this county. We are adamantly opposed to the opening of this mine for several reasons, all based on experience. Siskon Gold tried to reopen an existing mine in our community 20+ years ago. The hype around it at the time was much the same as Rise puts out. It was a disaster for the investors and the community. Wells were dewatered, the local elementary school well system was destroyed, families were forced to move for health reasons, and the attorneys spent years trying to hold the mining company responsible. There is no mine, no jobs, no water on some parcels and the investors lost all of their money.
This will happen again if Rise is allowed to reopen the Idaho Maryland mine but on a

much larger scale. Please do not allow this disaster in the making to proceed any further. The past is about to repeat itself if you vote to approve this.

Sincerely,

Tim and Sandra Scott
svscott123@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: katherinekorsak@gmail.com
Subject: Letter From Katherine Korsak - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:13:05 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Katherine Korsak at katherinekorsak@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Katherine Korsak. I live at 11721 Inverness Way, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Lake of the Pines.

Sincerely,

Katherine Korsak
katherinekorsak@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: janandchuck@gmail.com
Subject: Letter From Janice and Charles Graff - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:13:02 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janice and Charles Graff at

janandchuck@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janice and Charles Graff. I live at 23792 Woodhaven Place, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live in District 2, Lake of the Pines.

Rise Gold plans to pump out 3.6 million gallons every day for 6 months and another 1.2 for up to 80 years. Mine dewatering risks depletion of our region’s groundwater. It puts the health of wells and creeks at risk. The Final EIR did not address serious deficiencies identified by expert reviewers. Its claim that impacts won’t be significant aren’t supported.

Sincerely,

Janice and Charles Graff
janandchuck@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: heidipi85@yahoo.com
Subject: Letter From Heidi Breuer - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:13:01 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Heidi Breuer at heidipi85@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Heidi Breuer. I live at 18354 Raccoon Trail, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

This is one of several letters I’ve submitted in opposition to the mine. I am heartened to see that there are many many dissenters in our community and truly hope that the Nevada County Board of Supervisors is able to focus on what our constituents as well as those outside the county, for whom negative impacts will also be felt, have to say.

Sincerely,

Heidi Breuer
heidipi85@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tlmadeira1@gmail.com
Subject: Letter From Kathleen Madeira - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:58 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kathleen Madeira at tlmadeira1@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kathleen Madeira. I live at 149 Park Ave, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Mining is our history and should not be our future. We have a large residential community and would do better to not turn our county into a dirty industrial area. The pollution from asbestos laden trucks on our small roads, the 24/7/365 noise and disruptions of electricity and water are not worth it. Our county already has one of the highest rates of particulate pollution and to add to it is madness. Who benefits? It's certainly not our community. This Canadian company has a horrible track record of leaving if there is a problem. Why did they make Rise Grass Valley as a subsidiary? Is it to make our town responsible if and when something untoward happens?
Since our representatives want to make Rise Grass Valley clean up the polluted mess from the Centennial Mine, maybe let the state take it and turn it into a historical monument like the Empire Mine. It would certainly be safer and let us learn from

these polluting industries instead of repeating the mistakes of the past.
As a personal note, I've lived here for 30 years.

Sincerely,

Kathleen Madeira
tlmadeira1@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kwinkmiller@comcast.net
Subject: Letter From Karen Baker - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:55 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Karen Baker at kwinkmiller@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Karen Baker. I live at 14000 Wheeler Acres Road, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Karen Baker
kwinkmiller@comcast.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Julesmona@att.net
Subject: Letter From Julianna Mona - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:53 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Julianna Mona at Julesmona@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Julianna Mona. I live at 12241 Lakeshore South, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Julianna Mona
Julesmona@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: edsonwoodturner@gmail.com
Subject: Letter From Edson Holmes - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:51 AM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Edson Holmes at edsonwoodturner@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Edson Holmes. I live at 13010 Mink Court, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Edson Holmes
edsonwoodturner@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stueyweills@gmail.com
Subject: Letter From Susan Weills - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:48 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Susan Weills at stueyweills@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Susan Weills. I live at 215 Nihell Street, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1
I have a business in District 1
I have lived here 50 years. My family came here in the 1860’s.
My Grandmother born here.

Nevada County is not like it once
was. This is 2023. Not; 1923.
Different needs for every body and everything.

The thought of going back over 100 years is just too difficult to even think about. I find this issue incomprehensible (that this is even on the table)

I have several family members here; and I hesitate to think that we may have to move, if this came to pass. There would be a mass exit to others areas. Myself & my business, included.

I see no pluses, in opening a mine.

I’n certainly hoping you turn this out of date, unnecessary, problematic venture down.

We want to live in a beautiful, quiet, progressive community

Thank you
,

Sincerely,

Susan Weills
stueyweills@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: peter@petermason.com
Subject: Letter From Peter Mason - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:46 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Peter Mason at peter@petermason.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Peter Mason. I live at 12023 Crystal Wells Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Increased heavy truck traffic 24/7 will not add to our quality of life, nor attract visitors to our area. The chance that this mine will produce in a safe manner has not been demonstrated by the applicant as the principals track record illustrates their intent to do whatever it takes to reap the rewards and leave the environmental damage for others (read our county, our tax payers) to clean-up is too great a gamble. Just say no thank you.

Sincerely,

Peter Mason
peter@petermason.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: feabee1@me.com
Subject: Letter From Janice Rosner - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:44 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janice Rosner at feabee1@me.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janice Rosner. I live at 11898 Crescent Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3, specifically off of Lower Colfax nearLaws Ranch Cross Road and have lived in Grass Valley for almost 30 years. My daughter and grandson are graduates of Nevada Union High School and my younger grandson is currently a student there. Approval of this mine means disapproval of me, my family and my property as my well is at risk of contamination and subsequently my property values will be severely threatened. In my opinion, allowing any business that is going to pump out 3.6 million gallons of water everyday for 6 months and another 1.2 million gallons of water for 80 years is unconscionable. Although this has been a good rain year, historically we have been in drought and allowing one company to deplete our water supplies is not a fair distribution of resources regardless of how many jobs they bring into the community.

Families living in the mine's area of influenced will further be impacted by worsening of air quality, exposure to mine waste particles, increase in traffic, underground blasting, and noise pollution. These issues also will have long term effects on health, quality of life and property values.

This company is young, has never turned a profit and has a CEO with a poor track record who is on trial in Canada on charges related to spills at another mine. His prior company went bankrupt and left Canadians with the bill for the cleanup of polluted waters. The mine is right in the middle of an established community which creates an even higher risk when mistakes happen. This is a risk Nevada County can't afford.

A vote for the mine is a vote against the citizens of Nevada County. Please support your constituents and vote NO on this mine.

Sincerely,

Janice Rosner
feabee1@me.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lindaja3244@gmail.com
Subject: Letter From Linda Aeschliman - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:40 AM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Linda Aeschliman at lindaja3244@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Linda Aeschliman. I live at 10971 Monte Vista Court, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have lived in district 1 for the past 30 years. We value being part of our thriving and caring community. We feel strongly that the IMM project would cause harm to our community and the environment now and for many generations to come. The impacts on air quality from so many large diesel truck trips; the noise caused by the truck traffic and the mine operations, the millions of gallons of water that will be pumped out of groundwater and thrown into Wolf Creek, the destruction of the natural environment where the mine is located - all of these are priceless, precious resources that can't be mitigated or replaced. It's time for us to approach these resources with restoration and regeneration in mind. Nature is essential for our humanity. Mining is not.

Sincerely,

Linda Aeschliman
lindaja3244@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: nancychesnutfinlay@gmail.com
Subject: Letter From Nancy Ruth Chesnut Finlay - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:39 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Ruth Chesnut Finlay at

nancychesnutfinlay@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Ruth Chesnut Finlay. I live at 17343 Starduster Drive, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I currently live in District 4, in the Starduster-Mountain Meadows neighborhood. I have lived in Nevada County off and on since 1963, continuously for the past forty years. I fell in love with the natural beauty at first sight. Amazingly, I am still discovering new natural places to explore and enjoy. As a retired pediatric RN my primary concerns are for the health of our precious children and future generations. Please do not gamble with our health!

Sincerely,

Nancy Ruth Chesnut Finlay

nancychesnutfinlay@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rebecca@rebeccafranks.com
Subject: Letter From Rebecca Franks - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:36 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Rebecca Franks at rebecca@rebeccafranks.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Rebecca Franks. I live at 15362 Beyers Lane, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Rebecca Franks
rebecca@rebeccafranks.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: karen@nevadacounty4rent.com
Subject: Letter From Karen Ahrns - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:35 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Karen Ahrns at karen@nevadacounty4rent.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Karen Ahrns. I live at 10285 Willow Valley Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1, just outside the city limits of Nevada City. I have lived here most of the last 45 years!
I am a Broker and own a property management co. locally. I am extremely concerned the mine will have a negative impact on our environment and will make Nevada City and Grass Valley far less desirable. Besides noise pollution and exhaust pollution from the trucks, I believe mining this close to our vibrant community will be devastating to the property values locally and quality of life. Please just say No to this uncertain and risky industry!

Sincerely,

Karen Ahrns

karen@nevadacounty4rent.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: markfollansbee@hotmail.com
Subject: Letter From Mark Follansbee - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:33 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mark Follansbee at markfollansbee@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mark Follansbee. I live at 14169 Rudd Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I don’t live within a he mine area but I have lived in the county for twenty years and am old enough to know a bad deal when I see it. It is no longer 1849. The area around the mine site is developed to the point where its immediate neighbor would be negatively affected. Whatever money is generated would mostly be leaving the county.
And,

Sincerely,

Mark Follansbee
markfollansbee@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stortiz1998@gmail.com
Subject: Letter From Stephanie and Larry Ortiz - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:32 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stephanie and Larry Ortiz at stortiz1998@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stephanie and Larry Ortiz. I live at 12226 Dogwood Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Stephanie and Larry Ortiz
stortiz1998@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jltagain@yahoo.com
Subject: Letter From Janet Lee-Thearle - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:28 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janet Lee-Thearle at jltagain@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janet Lee-Thearle. I live at 14400 Cherokee Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I object to the mine. Brunswick is a busy street taking us to the hospital, Dr. Appointments and shopping. The addition to 220 trucks and 174 employees will be a big impact on our roadways.
This company coming from Canada has a poor reputation of acting within the codes if safety. We can not anticipate how disturbing asbestos and possible dangerous gasses will have on our health and that of our environment.
My husband I are both California born and want to protect our state and county.
The threat of property value decline is a viable threat.
Please look at the big picture and vote no

Sincerely,

Janet Lee-Thearle
jltagain@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sandeesun@msn.com
Subject: Letter From Sandra Sanger - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:25 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sandra Sanger at sandeesun@msn.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sandra Sanger. I live at 13521 Idaho Maryland Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’m new to the area and have an organic garden that I plan to turn into a business. I live in district 1 and feel this will negatively affect the quality of our water and therefore be harmful not only to us but to the food we grow as well.

Pleas do not reopen this mine!

Sincerely,

Sandra Sanger
sandeesun@msn.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: keelankj03@gmail.com
Subject: Letter From Keelan Johnson - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:24 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Keelan Johnson at keelankj03@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Keelan Johnson. I live at 11792 Lower Colfax Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Dear Nevada County Supervisors,
My grandparents live about 5 miles away from the mine on a beautiful property. I am worried that it you say yes to the mine that the property will start dying and the water they drink will go bad. And their garden will die. So please don't say yes to the mine so me and my brother can keep having fun there.

Thanks, Keelan Johnson Age 8

Sincerely,

Keelan Johnson
keelankj03@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: hikerunscramble@gmail.com
Subject: Letter From David McCormick - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:20 AM

Dist 2

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of David McCormick at hikerunscramble@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is David McCormick. I live at 25970 Table Meadow Rd., Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

David McCormick
hikerunscramble@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: samyrna99@gmail.com
Subject: Letter From Myrna n Fulton - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:19 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Myrna n Fulton at samyrna99@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Myrna n Fulton. I live at 108 pintail pl, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’m 93 years old and am strongly opposed to the reopening of the mine. Truly WE DONT WANT OR NEED a gold mine. Let us concentrate our efforts towards the beauty of our area and the many projects which don’t spoil this beauty and the total wellbeing of our residents. Who ever on this world would employ someone with such a horrible track record??
Supervisors please listen to our voices.!thank you in advance.

Sincerely,

Myrna n Fulton
samyrna99@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: cedarosemusic@gmail.com
Subject: Letter From Stan & Erin Thomas-Rose - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:15 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stan & Erin Thomas-Rose at

cedarosemusic@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stan & Erin Thomas-Rose. I live at 16118 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello, I am a 36 year resident of Greenhorn Rd., living with my family on the property which my 65 yrs old husband, Stan, was born and raised. Greenhorn Rd. has become a rather densely packed suburban residential community. It is "landlocked," with no easy egress for the thousands of homes packed onto this road. For years I have feared the outcome of an emergency exodus as the road can poorly sustain that which has already been developed. If the county was considering reopening mining operations, it should have never allowed for the current residential development. Although there is a certain historical charm to the idea of resumed gold mining the toxic legacy of past decades of mining is undeniable. I fear for the added traffic burden of trucks removing gravel, the threat of dewatered mining

tunnels to local wells, the toxic effects of chemicals and the lights and noise pollution associated with an industrial operation so close to our homes. Most of us cherish the rural quality of Nevada county living. Please do not threaten us further by allowing this development.

Sincerely,

Stan & Erin Thomas-Rose
cedarosemusic@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dodgers221@yahoo.com
Subject: Letter From John Mincks - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:14 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Mincks at dodgers221@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Mincks. I live at 12894 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live at 12894 Greenhorn Road. Live her 12 years, I am totally against the mine
It will destroy our area
No mine.

Sincerely,

John Mincks
dodgers221@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: cinparker@comcast.net
Subject: Letter From Cindy Parker - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:11:58 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Cindy Parker at cinparker@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Cindy Parker. I live at 10102 HARD ROCK RD, Rough and Ready, CA 95975, USA, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Cindy Parker. I reside in District 4 near the intersection of Bitney Springs Road and Rough and Ready Highway. My husband and I moved here 28 years ago for quality of life and the beauty of the environment. I believe most Nevada County residents live here for the same reasons.

I have closely followed the County's process to consider reopening the mine and do not support changing the General Plan to allow for the reopening. It is unfathomable to me that the County would risk trading the quality of life of many residents for the speculative projections of jobs and tax revenues, particularly in light of the disastrous experience of the CEO in Canada with another mine which I understand did not pan out and was not cleaned up.

I am optimistic the County will weigh the potential merits and drawbacks of the project and find the drawbacks are much greater.

Sincerely,

Cindy Parker
cinparker@comcast.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: hoppynyk@aol.com
Subject: Letter From Nickolas Hopkins - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:00 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nickolas Hopkins at hoppynyk@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nickolas Hopkins. I live at 410 Madrone Way, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Brunswick area of Grass Valley and have lived here for several years. I work and pay taxes in the community and I am witnessing the current influx of growth to the region and we're growing much too fast already.
We need to look at the pattern currently developing, we don't have the infrastructure available to handle the amount of growth we are already experiencing. Already the roads are atrocious and are pot-marked throughout the city and county. And I shudder to think, that you are contemplating adding a working mine to this mix. Traffic is already horrible and now you are considering to further downgrade our quality of air (and life) with the activities and workings necessary to the running of this mine.
We rely on the you to look out for the well-being of this community, and that means looking at the big picture of what this means to the residents already here. We need

you to look at everything involved in this operation, including the track record of the company who is promising the abundance of jobs and tax revenues.
Let's take a closer look at their previous operation and figure out why they are leaving there trying to come here. (To duplicate the devastation they created there?)
And let's be sure to scrutinize the record of the CEO who is currently being prosecuted for his previous mining operation in Canada.
"If it sounds too good to be true, it usually isn't true at all."
And we can't afford a mistake like that here.
Let's not bring that dysfunction and destruction here to Nevada County and Grass Valley.
We beg of you to do the job you were elected to do and look out for all of us, every man, woman, and child of Nevada County.
Thank you in advance for doing the right thing.

Sincerely,

Nickolas Hopkins
hoppynyk@aol.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: webbysdad@gmail.com
Subject: Letter From Tom Phillips - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:01 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tom Phillips at webbysdad@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tom Phillips. I live at 14118 Beitler Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live off of Bitney Springs near Lake Wildwood. We are exclusively on a well and are extremely concerned about well water quality near the mine. Greed is the driver of this project, with no consideration for the inevitable destruction of our town. Ther is no such thing as clean, low impact mining!

Sincerely,

Tom Phillips
webbysdad@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jillmf11@gmail.com
Subject: Letter From Jill Francis - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:06 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jill Francis at jillmf11@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jill Francis. I live at 218 Rhode Island st, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’m a 17 yr resident in downtown area a lover of wolf creek aware of the hazardous legacy of empire mines and a believer that things are better realizing the natural beauty of the area is far more economical benefit to this area

Sincerely,

Jill Francis
jillmf11@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: amravati_ji@yahoo.com
Subject: Letter From Katherine Friedland - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:08 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Katherine Friedland at amravati_ji@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Katherine Friedland. I live at 18938 Saint Paul pl., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been living in Chicago Park for over 11 years now. I am totally against the opening of the Idaho Maryland Mine. After doing extensive research I feel it would be detrimental to our whole community.

Sincerely,

Katherine Friedland
amravati_ji@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: 10467cst@gmail.com
Subject: Letter From Eric Newland - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:12 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Eric Newland at 10467cst@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Eric Newland. I live at 10467 C Street, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Eric Newland
10467cst@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: robi120@comcast.net
Subject: Letter From Robi Holmen - Just Say No to the Mine
Date: Sunday, April 23, 2023 10:12:12 AM

Dist 3

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Robi Holmen at robi120@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Robi Holmen. I live at 744 Annex Avenue, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I moved here from Roseville because of the livability and the wonderful community that there is here. Do NOT approve the Rise Mine project. It would be an environmental disaster. It is not as much a money maker for Nevada County as it is for the developers of the proposed mine. NO on the Rise Mine Project.

Sincerely,

Robi Holmen
robi120@comcast.net

From: Ed Scofield
To: Julie Patterson-Hunter
Subject: FW: CEAF detailed comments on IMM Final EIR
Date: Monday, April 24, 2023 8:34:10 AM
Attachments: CEA_FEIR_Comments_4-17-23.pdf

Laurie Oberholtzer,
Community Environmental Advocates

-----Original Message-----
From: laurie@cea-nc.org <laurie@cea-nc.org>
Sent: Sunday, April 23, 2023 7:22 PM
To: Ed Scofield <Ed.Scofield@nevadacountyca.gov>
Subject: CEAF detailed comments on IMM Final EIR

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Dear Supervisor Scofield,

Attached please find the CEA Foundation's full comments for the record on the Idaho Maryland FEIR. They have been submitted to the County.
They expand on a number of key technical issues including those in the CEA/Minewatch Coalition (25 groups) summary letter that we sent to you recently.

The comments we are sending you today specifically respond to the often dismissive responses by the EIR consultants to our comments on the DEIR.

Our attorneys' legal comments on the FEIR, which also have been submitted to the County, were emailed by us to you previously.

We are asking that the FEIR not be certified, and that the Mine project be denied. There is ample case law to uphold the rejection of FEIR certification if a project is denied. (1) There is no reason to continue with the EIR. We believe that continuing the EIR will just cost the County in loss of time and energy as well as that of staff and the community. We can better spend this time on critical issues like wildfire safety and climate change. If the EIR is certified as it stands now, even if the project is denied, it will be a flawed EIR in county records that can be used under future applications.

We hope the attachments will assist in your review of the project.

Sincerely,
The Community Environmental Advocates Foundation Board

1.
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.minewatchnc.org%2fpost%2fnevada-county-general-plan-goals-and-policies-justify-denial-of-the-idaho-maryland-mine&c=E,1,5zDPohQFOllJvg7PluGwj2AolsXshs0kFuOg0JcilLBUApqE1UQaoZCVdZ1IiIKDU_OBCFkFD-5tBmppPSqRBke5unlc1yq-jTSLNFWltJ3EEFQ,&typo=1

From: David Rice
To: Idaho MMEIR
Subject: Idaho Maryland Mine Comment
Date: Wednesday, April 19, 2023 4:48:11 PM

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Dear Board Members,

I write to you today to share my strong support for the Idaho Maryland Mine development. As a resident of Nevada County and father of two students at Seven Hills Middle School it is my sincere wish that you will allow this proposed mine to move forward.

All human activity has an impact both on the environment and people living in it. As supervisors you are tasked with evaluating potential negative impacts against potential positives. I believe the benefits of this development far outweigh the risks. Indeed the potential positive impacts of this proposed development likely represent a generational opportunity to improve the lives of residents in this area. A stable well paying job for too many local residents has become not only more and more elusive but indeed nearly unknowable. This has a detrimental and generationally stressfully impact on both the residents and broader business community in Nevada County. Communities thrive when stability and diverse opportunities are present. In the same way the future residents of an apartment building are faceless and cannot attend a public meeting to advocate for its construction, the future benefits of this development are somewhat opaque and exist only as numbers. These numbers represent hope, optimism and opportunity for many local families and can with your approval help form the base of a diverse, stable, and vibrant local community. On the other side of this we have impacts, some knowable and some theoretical. The gating items on environmental risks and potential mitigation options involve significant science and I'm sure you are learning a great deal. As a community that treasures the outdoors and local environment we are in a unique and appropriate position to ensure that this mine operates in compliance with regulations that understand risks and have tools to make sure mitigation happens if and where it is needed.

I thank you for your consideration on this subject.

Sincerely,

David Rice
Ballantree Ln
Grass Valley, CA

From: arielwolansky
To: Idaho MMEIR
Subject: Idaho Maryland Mine
Date: Tuesday, April 25, 2023 6:02:41 PM

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This email is on behalf of myself and all our staff at Choquiero Cacao Cafe at 419 Broad Street.

We have been educating the public for many months now on how terrible this mine will be to our underground water systems, air pollution, noise pollution, chemical pollution. We hardcore disagree with this mine and belive it will be a complete sell out of our leaders if they allow such a atrocity to take place in or near our town; anywhere really.

The profits that could come from the mine (depending on how much it takes to repair the future ecological disasters that could affect underground systems for hundreds or thousands of years) are absolutely not worth it.

Hundreds of local people we have talked to are and will be willing to fight, risking going to jail, in several cases possibly leaving their children without fathers and mothers, because the future generations deserve a world they can live in.

The fact that this is even up for consideration is naive, selfish and a complete misrepresentation of what the local community desires. It is an abuse of power. An abuse of responsibility.

We beg that the people in charge of this project come to their senses and listen to the people and community they are supposed to represent.

Ariel Wolansky
Choquiero Team

From: Yasha Aginsky
To: bdofsupervisors; Idaho MMEIR
Cc: Carrie Aginsky
Subject: IMM E.I.R.
Date: Thursday, April 20, 2023 9:28:29 AM

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Dear Nevada County Supervisors and Planning Department,

I am a ten-year Nevada City home owner and resident with children and grandchildren living in Nevada County. I am concerned about their future, the future of all of us living here and maintaining our quality of life.

When I read the Rise Gold propaganda about the benefits of re-opening the mine in and under Grass Valley, I was curious enough to read the Environmental Impact Report and began researching their claims, as well as Rise Gold's history as a business. I found their claims shockingly inaccurate.

You are currently receiving detailed refutation of claims made in the E.I.R. which should convince you not to approve this permit. What a terrible waste of time, human energy and money this poor business scheme has already cost! Please consider the lives and well-being of your constituents over those who would take advantage of us for their own profit.

There are so many better uses of the Idaho-Maryland land that could benefit our growing population through healthy rather than harmful activities. Let's invest in developing recreation in our area rather than in destructive extraction of our resources. Let's clean-up our air and water rather than fouling both. For our present and future well-being, please say no to the mine.

Sincerely,
Yasha Aginsky
541 N. Pine St.
Nevada City CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is *[your name will be added here]*. I live at *[your address will be added here]*.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Yasha Aginsky
yashacine@yahoo.com
yashaaginsky.com

From: catalina davis
To: Idaho MMEIR
Subject: No mine
Date: Tuesday, April 25, 2023 6:05:28 PM

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I am a resident of Cedar Ridge for 27 years. I'm 81 and love the County of course and see not one good VALID reason for disturbing the Earth again as we have done in the past. A huge NO from this wise elder. "The benefits just don't even come close to the damages if you can even find a benefit, that is).

Sincerely,

Catalina Davis
PO Box 582,
Cedar Ridge, CA, 95924

From: Deborah Van Stone
To: Idaho MMEIR
Subject: Opposed to mine
Date: Tuesday, April 25, 2023 4:19:51 PM

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Since I am unable to physically attend meetings of the mine May 10th I hope that this letter will be added to those of us whom are opposed to this mine opening.
I fear that the repercussions to our community and downstream, since we all of us are connected, will be disastrous. For a few jobs and money to a few our air quality, water and infrastructure cannot handle this load. The Hansen and other trucks are already too much and as we've seen this winter Nevada county nor for that matter none of us are prepared for the climate change already affecting us.
Please, please vote no to this Idaho Maryland mine. Our previous environment needs us to take care.
Thanks for your time
Sincerely,
Deborah Van Stone-Stapleton

From: Holly Ahrens
To: Idaho MMEIR
Subject: Proposed Mine
Date: Thursday, April 20, 2023 10:12:49 AM

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I am, and always have been, against the mine for so many reasons. This proposed mine would change our towns in a very negative way FOREVER. Here are just a few reasons:

Air Pollution; carbon dioxide, diesel fuel, exhaust and other poisons and carcinogens in the air that will threaten our population and especially our young children.

Noise Pollution: Diesel trucks running 24 hours a day, explosions and equipment in the mine that threaten our peace and quiet.

Water Pollution: There is a major threat to both our water and our water tables. There is NO proof these will not be affected.

Traffic: Things have gotten bad enough around here and the neighbors of the mine and surrounding areas, plus our roads, would really suffer.

And then there's asbestos. Don't get me started. This just should have been a no go from the get go.

Sincerely,

Holly Ahrens
14974 Quartz Lane
Nevada City, CA. 95959

From: MARION BLAIR
To: Walt; bdofsupervisors; Idaho MMEIR
Cc: James Bair; Sharon Delgado; Joan Staffen
Subject: Re: Vote NO on the IMM FEIR
Date: Wednesday, April 19, 2023 8:09:39 AM

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Excellent, Walt !

I hope you will read this at the meeting!!
If you would rather not, I would happily read it as a spokesperson.

(Just my opinion:(delete the phrase at the end "the significant embarrassment"
The rest is PERFECT.)

Marion

> On 04/18/2023 12:46 PM Walt <walt@patentalchemy.com> wrote:
>
> Nevada County Supervisors and Planning Department
>
> Eric Rood Administrative Center
> 950 Maidu Avenue
> Nevada City, CA 95959
>
> bdofsupervisors@nevadacountyca.gov
>
> Idaho.MMEIR@nevadacountyca.gov
>
> Re: Vote NO on Rise Gold IMM FEIR
>
> Dear Nevada County Supervisors and Planning Commissioners,
>
> This is notice that the Nevada County Board of Supervisors has NO STATUTORY authority to license or permit the Rise Gold corporation for mining operations that will produce, distribute and store toxic waste in the county for several reasons.
>
> First, the Rise Gold funded economic study reveals the actual chemical processing, treatment, and disposal of and with toxic chemicals including toxic residue products will be processed outside of California, most likely in the state of Nevada. This means that toxic waste will be transported through the county, state, and into Nevada.

Second, it is abundantly clear and well settled by law that statutory authority for toxic waste regulating and permitting for the Rise Gold IMM proposal are as follows: In California and Nevada, each state's respective Department of Environmental Protection is responsible for regulating and permitting hazardous waste facilities.

In California, the California Department of Toxic Substances Control (DTSC) is the regulatory authority responsible for issuing permits for hazardous waste facilities. The law that governs the jurisdiction of the DTSC is the California Hazardous Waste Control Act (HWCA). This law gives the DTSC the authority to regulate the generation, transportation, storage, treatment, and disposal of hazardous waste in California. The HWCA is enforced by the DTSC through the **California** Code of Regulations, Title 22, Division 4.5 - Hazardous Waste Control. In **Nevada**, it is the Nevada Administrative Code (NAC) 444.686 et seq. that governs the jurisdiction and permitting of hazardous waste facilities.

The US Environmental Protection Agency (EPA) is the primary federal agency responsible for regulating hazardous waste management. However, under the Resource Conservation and Recovery Act (RCRA), Congress allowed states to develop their own programs for regulating hazardous waste management, as long as their regulations are at least as stringent as the federal requirements. Both California and Nevada have received authorization from the EPA to implement their own hazardous waste programs that are consistent with federal law. As a result, these states have primary jurisdiction over hazardous waste management within their borders, and the DTSC is the regulatory agency for California.

Third, it is clear that Nevada County BoS and NC Planning Department have overstepped their legal authority to permit the Rise Gold IMM for at least those reasons. The same applies to the usurpation of the authority from the California Riparian Courts, which have jurisdiction over all pumping or dumping of the surface and subsurface waters in the state where Nevada County resides.

Last, the IMM FEIR is derelict in analyzing the real hazards mining, having errors of fatal errors of omission as well as commission, as most comments submitted to the DEIR were ignored or waived in the FEIR. In the NC Planning Department's defense, they were never mandated nor have the expertise to provide an adequate EIR for a toxic substance processing, transporting and storing facility. Thus the NC BoS will be spared significant embarrassment and unyielding litigation if they **do not** certify the subject poor excuse for an environmental impact report.

Walt Froloff

District 3, Grass Valley, CA

From: Laina Levy
To: bdofsupervisors; Idaho MMEIR
Subject: Comment on Idaho-Maryland Mine reopening
Date: Tuesday, May 2, 2023 6:17:54 PM

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Laina and Matt Levy
14369 Anchor Ln.
Grass Valley, CA 95945
(415) 216-5797
lainalevy@gmail.com

May 1, 2023

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My family lives on Anchor Lane in District 3, about a quarter mile from the proposed Idaho-Maryland Mine and within the mineral rights boundary. We implore you to protect our health and quality of life by voting NO on reopening the mine, as well as voting against certifying the Final EIR.

Having read the FEIR, we do not think that the risks to our well and groundwater have been properly assessed. Spotty baseline data from 15 years ago does not provide a good foundation for a real monitoring system for those of us facing mining and blasting under our homes for the next 80 years. Our family depends on our well for drinking water and are terrified that the proposed mining activities in fractured geology will dewater or contaminate our only source of clean water. Furthermore Rise Gold has not offered any kind of mitigation, monitoring, or guarantee that we would be offered a swift resolution should their mining activities result in loss of our well. Our property, along with those of all our neighbors, would become nearly worthless without a functional water source.

We are raising two children in Nevada County and worry that their future health and safety will be placed at risk by this mine; including diesel exhaust and asbestos in the air, constant noise and traffic from mine operations, and increased risks of climate change. It is a risky project, made even worse by the fact that Rise Gold does not have a solid track record of mining or of compliance with relevant environmental regulations. Rather, their executives have a record of bankruptcy and failing to meet environmental and workplace safety

standards.

Previous generations in Nevada County learned the hard way that mining leaves a toxic legacy for us, their children and grandchildren, to clean up. It would be highly irresponsible for us to repeat that mistake. Please vote NO on the IMM project and the FEIR to protect us from these deadly risks.

Your constituents,

Laina and Matt Levy

From: Happy Om
To: Idaho MMEIR
Subject: Comment opposing mine
Date: Thursday, April 27, 2023 3:58:47 PM

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Two hugely important points for the council to consider:

One, the city and county have spent many decades trying to clean up the results of mining and remediate the water supply. While there is of course the concern about further pollution, there is also the risk of underground waterways being changed by mining activity and old pockets of toxicity contaminating so much more of our nature and home water. This is 100% unacceptable and the people of Nevada county will not allow a mine to risk their safety.

2, especially evident with the changes on Mill street, tourism is becoming more and more valuable here all the time. Tourism is based upon the natural beauty and tranquility of the area, compromising it would crush the town. There will be no large mining industry truck operations pushed through Grass valley, unacceptable.

Thank you,
Happy Om
Grass Valley resident
Nevada City business owner

From: David Chambers
To: Idaho MMEIR
Subject: Comments on FEIR Responses to CSP2 Idaho-Maryland DEIR Comments
Date: Monday, May 1, 2023 3:10:57 PM
Attachments: CSP2 Memorandum on FEIR Response to Comments - 12Apr23.pdf

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Matt Kelley
Senior Planner
Nevada County
Dear Mr. Kelley:
I submitted comments on the Idaho-Maryland DEIR. The Final EIR contained responses to those comments. I realize that Nevada County will not be revising the FEIR, or responding to any comments on the FEIR. However, I am concerned that several of the responses to my comments did not adequately address the issues that I raised, so I would like to submit my comments on FEIR Responses to my DEIR Idaho-Maryland DEIR comments. Those response comments are attached.
Sincerely;
David Chambers

David M. Chambers, Ph.D., P. Geop.
Center for Science in Public Participation
224 North Church Avenue
Bozeman, MT 59715-3706
Phone: 406-585-9854
E-mail: dchambers@csp2.org
Web: www.csp2.org

CENTER for SCIENCE in PUBLIC PARTICIPATION
224 North Church Avenue, Bozeman, MT 59715
Phone (406) 585-9854 / Fax (406) 585-2260 /web: www.csp2.org / e-mail: csp2@csp2.org
"Technical Support for Grassroots Public Interest Groups"

MEMORANDUM Date: April 12, 2023

Re: Comments on FEIR Responses to CSP2 Idaho-Maryland DEIR Comments

Fm: David M. Chambers, Ph.D., P. Geop.

The EIR Responses to my comments fall into two general categories: (1) they defer addressing the issue to a later date, or defer to another agency/permit; and, (2) they give a technically inaccurate answer.

Environmental Impact Reports/Statements are generally viewed legally as procedural documents. That is, their purpose is to provide information to decision makers and the public that will disclose the potential effects and impacts of a proposed project, but those decision makers are still free to make decisions that are not supported by the information in the EIR/EIS. What I attempted to do with my comments was to show areas where, in my experience reviewing EIRs/EISs, some of the information was either insufficient or absent.

Below are my responses to the EIR Response to my comments on the DEIR. Each has three parts. First, I list short summary of my original DEIR comment. Second, I list a short summary quote from the EIR Response. Third, I attempt to briefly summarize why I believe the EIR Response to be inadequate.

My Grp 7-175 & 176 comment:

This is a rather unusual mine project proposal, a request for an 80-year operating permit, in that most regulatory agencies would consider the level of information presented for this environmental review of the project sufficient only to consider this as a proposal for advanced exploration, not for mine development. This mine development proposal lacks the economic and environmental data necessary to evaluate a full mine development proposal.

EIR Response to Grp 7-175 & 176:

"*As described in Chapter 3 of the DEIR Underground exploration would take place after mine dewatering is complete and throughout the life of the mine and would be done primarily with diamond core drilling throughout the mine area. … The level of testing completed thus far is appropriate for analysis of impacts under CEQA, and additional testing will be required for approval of WDRs.* (Waste Discharge Requirements from the Central Valley Regional Water Control Board)"

Discussion:

It is recognized that Nevada County can decide to issue a permit to develop a mine based on criteria of its choice. In my comments on the DEIR, I am pointing to several widely used standards for evaluating mine proposals. In comparison to these standards, and in my personal experience, this EIR does not contain sufficient information to permit a mine operation for 80 years. This does not imply it is illegal to do so, but it is counter to prevailing practice. Making decisions based on inadequate data and analysis can, and has, led to untended results at mines.

My Grp 7-177 comment:

The water quality of the discharge that will be required by the discharge permit should be disclosed in the EIR so that the public is able to assess and comment on the potential impacts.

EIR Response to Grp 7-177:

"*The water quality discharge standards are disclosed in the EIR, in Table 4.8-2 on page 4.8-44*."

Discussion:

In the DEIR it is noted, "*The proposed project is likely to include* ***construction dewatering to be discharged to land****; thus, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults*." (DEIR, page 4.8-31, **emphasis added**)

The discharge standards in Table 4.8-2 may be reflective of a "*construction dewatering to be discharged to land*", but they are unlikely to reflect the water quality standards for the discharge of treated mine water, which will be too voluminous to discharge to land.

The water quality standards in Table 4.8-2 reflect EPA Technology-based discharge standards, which were not designed to be protective of aquatic life. If the standards in Table 4.8-2 were applied to a discharge of mine water into a stream, aquatic life would not be protected.

The water quality standards listed in Table 4.8-2 should not, and probably do not, reflect the discharge standards that would be applied to a discharge permit issued by the Central Valley Regional Water Control Board for treated mine water, and for water treated during mine operation.

My Grp 7-178 comment:

A Monitoring Plan should be included as a part of the EIR.

EIR Response to Grp 7-178:

"*With regard to water quality mitigation, Mitigation Measure 4.8-1(a) requires the applicant to submit a Notice of Intent (NOI) to the Central Valley Regional Water Quality Control Board (RWQCB) and the Notice of Applicability (NOA) shall be received before initial mine dewatering can begin*."

Discussion:

For mine development, and even for mine dewatering, a monitoring plan would be included in most environmental analyses. The monitoring plan discloses the fundamental parameters of; (1) what constituents will be monitored, (2) how often the monitoring will take place, and (3) where the monitoring will take place. These are simple, but essential, facts that should be disclosed in an EIR.

Developing a monitoring plan is not prohibitively difficult or expensive, but it does require a fundamental understanding of the constituents of concern, the aquatic and human health values at risk, and what can be done to mitigate and monitor any discharges into surface and ground waters.

My Grp 7-179 comment:

It is noted that approximately 500 tons/day of tailings will be backfilled into the mine as cemented paste. The technical details of the process are contained in "Desktop Study of Cemented Paste Backfill, ITASCA Denver, Inc. February 24, 2020." In this report, it is noted that no tests on the leaching characteristics of tailings have been performed, but that testing would be done when a cement had been selected. Even though the backfill is unlikely to turn acidic, the potential for neutral leaching of contaminants like arsenic need to be investigated.

EIR Response to Grp 7-179:

"The "Desktop Study of Cemented Paste Backfill, ITASCA Denver, Inc. February 24, 2020." discusses in detail the tests on leaching characteristics performed for the project and concludes: "Based on the testing results described herein, Idaho-Maryland Mine flotation tailings have low sulfide content, are net acid-neutralizing, have solid-phase metals contents that are comparable to the average crustal abundances, and have leachate concentrations from WET-DI tests that meet all California primary MCLs. Thus, it is likely that the CPB used in the Idaho-Maryland Mine will have very low solute release rates and will be generally environmentally benign.

Discussion:

Because no leach tests have been conducted, we do not know if neutral leaching metals, especially arsenic, or contaminants introduced during the processing of the ore, may leach from the backfill. The EIR Response only address acid drainage metals, which are not the only contaminants with the potential to leach from the backfill. (Note: the issue of testing the cemented backfill is addressed again in Grp 7-199)

My Grp 7-180 comment:

The mine waste that is not backfilled into the mine will consist of 50% tailings (rougher tailings from flotation separation in the mill), and 50% waste rock from the mine. Approximately 4 million tons of waste would be placed at two sites near the mine during the first 11-years of mining. The number of samples utilized in the leach tests of this waste is not sufficient to properly characterize the contaminants that may be leached from the waste. Comparing the number of samples cited in the EIR to the sampling guidelines of the GARD Guide demonstrates the insufficiency of the existing tests.

EIR Response to Grp 7-180:

"*… the DEIR requires that a report of waste discharge (RoWD) be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB), and approval of Waste Discharge Requirements (WDRs) prior to placement of any mine waste. Significant additional testing of rock material will be required as part of the process of obtaining WDRs from the CVRWQCB.*" (Master Response 8)

Discussion:

The present geochemical testing was conducted on 4 tailings samples, each of different grind size. So the results for 2 million tons of tailings, assuming one of the tested grind sizes is chosen as the final processing choice, is represented by one tailings sample. There are 6 waste rock samples. The waste rock samples should be categorized and collected by waste rock type, with the number of samples relative to the volume of each waste rock type, as recommended in the GARD Guide. The 6 waste rock samples are not sufficient to represent approximately 2 million tons of waste rock of differing types.

The EIR Response does not address using the recommendations from the GARD Guide, the industry standard reference for acid rock drainage testing.

My Grp 7-181 comment:

There is no technical report to provide the detail needed to evaluate the geotechnical viability and safety of the waste rock/tailings facilities described in the EIR.

EIR Response to Grp 7-181:

"*The commenter asserts that there is not sufficient engineering detail to ensure the engineered fill pads will be stable. However, engineering level detail is not required in an EIR. … The new mine waste will not be placed on old mine waste or other existing fill unless the existing mine waste and fill is first reworked as engineered fill pursuant to the* ***geotechnical engineering recommendations***." (**emphasis added**)

Discussion:

I must assume that some level of geotechnical design and engineering work has been done in order to provide the descriptions of the waste rock/tailings facilities described in the EIR. If not, then these facilities would be purely conceptual, with no actual technical assessment of their viability. Technical design reports are typically provided as supporting documentation to an environmental analysis.

As noted in the EIR Response, geotechnical engineering recommendations are necessary to judge the basic viability of the proposed facility design. Lacking this information, there should be a significant level of concern if questions about the facility design exist. If these reports exist, they should be attached to the EIR. If they do not exist, delaying this analysis to some later point in time does not meet the requirements for basic analysis in the EIR.

My Grp 7-182 comment:

Mine waste facilities must be designed to withstand much larger seismic events than required by typical seismic building codes because of the long expected life of the water facilities. The seismic reports discussed in the Geology section of the EIR are not up to date, and even if updated would not meet the requirements for a probabilistic seismic site analysis.

EIR Response to Grp 7-182:

"*Based on our site observations, the geology of the region and our experience in the area,* ***our opinion*** *is that the risk of seismically induced hazards such as slope instability, liquefaction, and surface rupture are remote at the subject site*." (**emphasis added**)

Discussion:

Having an "opinion" about the geotechnical stability of a waste rock/tailings facility that will contain millions of tons of material is not sufficient. Engineering analyses are conducted in order to base decisions on facts and analysis, and to avoid mistakes based on opinions.

My Grp 7-183 comment:

With an equal ratio of tailings to waste rock in the engineered fill, not only is a careful analysis of the geotechnical properties of the tailings important, and currently lacking, but how these two fill sources are mixed is also critical, since the tailings and waste rock have very different geotechnical properties.

EIR Response to Grp 7-183:

"*The commenter asserts that the DEIR does not explain how tailings and waste rock will be blended to create engineered fill pads. However, NV5 provides recommendations for blending of rock and tailings on page 14 of appendix H.1 to the DEIR.*"

Discussion:

Appendix H.1 to the DEIR provides the following guidance for blending of water rock and tailings: "*Onsite blending of blast rock and sand tailings may be performed by earthwork equipment (e.g., windrowing and spreading the rock and sand together in thin lifts). Specific procedures for onsite blending should be developed in conjunction with an NV5 representative during initial fill placement.*"

The EIR Response only confirms that blending guidance has yet to be developed.

My Grp 7-184 & 185 comment:

In the EIR, it is proposed that an alternative for placing the mine waste in the proposed facilities is selling the waste in the local marketplace as fill material. It is seldom possible to guarantee that all mine waste will be contaminant-free. If any of the waste sold as clean fill should cause a problem, the sellers of that material, and the company that produced that material, would likely be legally liable.

EIR Response to Grp 7-184 & 185:

"*As explained in Section 4.4.1 of Appendix K.2, Sample MAA-1, which is the sample cited by the commenter as having 1.78% sulfide, is altered meta-andesite and this type of rock is expected to be a minor component of all materials produced (12 tons per day). … most of the rock produced by the project would not have significant sulfide content and would be suitable for use as construction aggregate.*"

Discussion:

At a very minimum, a rigorous testing plan would need to be initiated to ensure any waste rock being sold does not contain sulfides that could cause contamination. Not doing this would put all parties involved at potential risk for cleaning up any potential contamination. It is for this reason that is highly unusual for a mine to dispose of its waste off-site, and why most potential end users avoid mines as sources of fill material.

Even if testing is required, if the mine cannot sell the waste because of market conditions or potential contamination, where will it put this waste? A contingency site for disposal of the waste must be identified should sale of the waste not be possible.

My Grp 7-186 comment:

Financial Assurances for mine closure runs tens to hundreds of millions of dollars. Because these sums are so substantial, the public should be informed about these costs, and how the costs were estimated.

EIR Response to Grp 7-186:

"*Mine water discharge is not part of the reclamation plan requirements of the California Surface Mining and Reclamation Act (SMARA); however, there will be water quality specific financial assurances for closure and post-closure maintenance of mining units as required by Title 27 section 22510. This may include the need for long-term water treatment of mine-related discharges. This issue will be addressed in the approval of the WDRs required by Mitigation Measure 4.8-1(d) and 4.8-1(e)).*"

Discussion:

Mining companies always calculate the amount of anticipated financial assurance as a part of their basic analysis because it is such a significant amount of money that it affects the fundamental investment decision for a mine.

Taxpayers are ultimately at risk for this amount if the company has not provided it, or if the amount required is not adequate to close and care for the mine should a bankruptcy occur. Financial assurance could have a significant impact on the public, and since the information is available at the planning stage for a mine, it should be included in the analysis of an EIR.

My Grp 7-187 comment:

The EIR notes that the Union Hill Mine will not be dewatered. There is no discussion in the EIR of the potential impacts for the Idaho-Maryland Mine, which includes the Brunswick Mine, if flooding were to occur during mine exploration and operation.

EIR Response to Grp 7-187:

"***The Union Hill mine workings are within 95 feet to 180 feet of workings of the Brunswick Mine at three to four different levels****. … A "conduit" has not formed between the mines in the previous 70 years, which included active mine operations, as evidenced by the different observed water levels. … Any necessary safety procedures or measures relating to flood risk would be regulated by the Mine Safety and Health and Administration (MSHA)." (**emphasis added**)*

Discussion:

It is likely that the Mine Safety and Health Administration will require the Union Hill mine workings to be dewatered along with the Idaho-Maryland/Brunswick mine workings. As noted above, the two mines are very close, and a sudden influx of water from the Union Hill mine to the Brunswick mine could be fatal to workers in the mine. Even if the possibility is remote, allowing the Union Hill Mine to remain flooded is not worth the risk of potential fatalities. Since dewatering of the Union Hill Mine is a reasonably foreseeable requirement, it should be analyzed in the EIR.

My Grp 7-188 & 189 comment:

Approximately 50% of the mine waste, also referred to as "engineered fill", disposed on the surface will be tailings. For the EIR, four samples of tailings are analyzed, and the four samples are of different grind sizes. The size of the tailings particles will have an effect on the rate of leaching.

EIR Response to Grp 7-188 & 189:

"*Engineering level detail is not required in an DEIR. … The mitigation measures identify the steps that must be taken to reduce the potential impacts to less than significant. The engineering details described in this comment would be developed through the mitigation measures.*"

Discussion:

The size of the tailings particles will have an effect on the rate of leaching. As a result, the geochemistry of the tailings is being represented by, at most, one tailings sample. The analysis of several tailings samples, of the appropriate grain size, are required to assess the potential of several million tons of tailings to produce contaminated leachate.

My Grp 7-190 through 7-193 comment:

The method selected for leach testing the tailings and waste rock used distilled water, which is the least aggressive of the various leach-testing methods. For mine waste rock and tailings, short-term tests typically use a weak acid solution for leach testing in order to simulate the generation of some acid in the waste due to sulfide decomposition. Long-term leach testing, which runs for months rather than hours or days, typically uses distilled water, because natural sulfide decomposition and the accumulation of oxidation products has sufficient time to stabilize.

EIR Response to Grp 7-190 through 7-193:

"*Mitigation measures require the applicant to submit a Report of Waste Discharge (RoWD) and received an approved Waste Discharge Requirement (WDR) from the Central Valley Regional Water Control Board (CVRQCB) …" … "… water quality would be thoroughly investigated during the RoWD/WDR process required by Mitigation Measures 4.8-1(d) and 4.8-1(e). Any monitoring requirements would be specified in the approved WDR.*"

Discussion:

The EIR Response defers to requirements of the Central Valley Regional Water Control Board. The results from CVRQCB testing are not available for review in the EIR.

The testing method used to predict contaminated seepage in the EIR would yield the lowest levels of contamination possible from the test material. This may provide the EIR with an overly optimistic view of what potential impacts to water quality may be, and this is the information that Nevada County is using to issue a permit for the long-term operation of the mine.

My Grp 7-194 comment:

Iron and manganese are both known to be present in existing mine water at levels that exceed water quality standards (DEIR Appendix K, Section 4.2), but they are not showing elevated levels in the test data. This strongly suggests that the oxidation-taking place in the mine itself, and in the mine waste on the surface, is more aggressive than that being simulated in the leach tests using distilled water.

EIR Response to Grp 7-194:

"*As discussed on page 116 of Appendix K.2, water currently within the flooded mine workings has low dissolved oxygen (DO) levels, creating reducing conditions (low or no dissolved oxygen present and negative oxygen reducing potential). The low oxygen levels and reducing conditions prevent the oxidation of sulfide minerals, such as pyrite, that are exposed within the surfaces of the underground workings.*"

Discussion:

The EIR Response does not explain why iron and manganese are present at high levels in existing mine water. According to the explanation given in the EIR Response, there should be no iron or manganese present.

As with the response for Grp 7-190 through 7-193, the EIR Response defers to requirements of the Central Valley Regional Water Control Board, which does not supply the EIR with the information necessary to assess the adequacy of the water quality predictions.

My Grp 7-195 comment:

Nitrate, a residual from blasting, will almost certainly be present at levels significantly higher than projected in these tests.

EIR Response to Grp 7-195:

"*… ammonia and nitrate, are very soluble and mobile in water. This means that any blasting residuals would be continually removed from the mine over time through the dewatering system. The proposed WTP is designed to treat ammonia and other blasting residuals that might occur due to incomplete detonation. Thus, when the mine is allowed to flood again following the completion of mining, there is no reasonable potential that residuals from former blasting activities would cause a violation of any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.*"

Discussion:

My comment addressed nitrate. The EIR Response almost exclusively addresses ammonia. In my experience, ammonia does dissipate relatively rapidly, but leaching nitrate can persist for decades. The EIR Response does not address the original comment.

My Grp 7-197 comment:

An important constituent, sulfide-sulfur, is not reported on a per-sample basis.

EIR Response to Grp 7-197:

"*… the presence of individual sulfur forms for each sample analyzed is shown in Table 4-8 of Appendix K.2.*"

Discussion:

In Table 4-8 there are 6 rock samples listed. 4 of the 6 samples have sulfide-sulfur levels of 0.1% or greater. Acid generation and/or neutral drainage has been documented in rocks containing 0.1% sulfide-sulfur, so these samples should be treated as suspect. Two samples have sulfide-sulfur contents of 1.0% or greater. The samples with 1% sulfide-sulfur warrant humidity cell testing to determine their potential to generate contaminants in the long-term.

6 samples is insufficient to characterize the millions of tons of waste rock to be produced at this mine.

My Grp 7-198 comment:

In the summary of the report (Appendix K.2), EMKO notes that Potential Contaminants of Concern include ammonia, arsenic, hexavalent chromium, iron, manganese, pH, total suspended solids, TDS, and cis-1,2-DCE. To this list, I recommend adding antimony, copper, and nitrate.

EIR Response to Grp 7-198:

"*The CVRWQCB will select the appropriate continents that require monitoring, which may include antimony, copper and nitrate as requested by the commenter.*"

Discussion:

Copper, which is deleterious to aquatic life at low levels, and antimony, which is toxic to humans as low levels, was detected in several of the samples rinsed with distilled water. The EIR Response does not explain why copper and antimony cannot be listed as Potential Contaminants of Concern.

Listing copper and antimony as Potential Contaminants of Concern would require the insertion of two words in a sentence in the EIR, and would provide an informed recommendation to the CVRWQCB.

My Grp 7-199 comment:

Leach tests for the paste backfill also need to be completed. It is not appropriate to grant a mining permit that allows the use of this backfill without evaluating the potential long-term effects on water quality.

EIR Response to Grp 7-199:

"*Mitigation Measure 4.8-1(d) requires the applicant to submit a Report of Waste Discharge (RoWD) and received an approved Waste Discharge Requirement (WDR) from the Central Valley Regional Water Control Board (CVRQCB) prior to the placement of cemented paste backfill, so additional testing will be done as requested by the commenter*."

Discussion:

The purpose of an EIR is to provide basic information to inform the decision making process. Nevada County will be using the information in the EIR to decide whether to issue a permit to mine for a significant period of time. By consistently deferring analysis of water quality issues to the CVRWQCB, the EIR fails to provide essential information to inform the Nevada County decision-making process.

My Grp 7-200 comment:

The mining project as proposed in this EIR has a fundamental lack of information on the economic viability of the mine, and potential environmental impacts related to geochemistry and water quality.

The EIR should analyze an Alternative that provides for dewatering and underground exploration. That is the only Alternative that the information provided in this EIR will support.

EIR Response to Grp 7-200:

"*The proposed alternative would be economically infeasible because all the above costs would be incurred without the ability to produce any valuable minerals to offset that cost. Additionally, the proposed alternative would not meet the first project objective, which is 'Construct a commercially viable, financeable, major underground gold mine operation that will produce 1,000 tons per day (365,000 tons per year) of gold mineralization'*."

Discussion:

The data submitted in support of this EIR is only sufficient to support an application for dewatering the mine, and for underground exploration drilling. This would provide not only the information that will be required to perform a preliminary economic analysis of the orebody, but would also supply the samples needed for geotechnical and geochemical testing, and for water quality modeling.

There is nothing that should preclude analyzing an EIR alternative for exploration only.

From: Env.Health
To: Planning
Subject: FW: An Environmental Complaint has been Referred to Your Agency (COMP-56957)
Date: Friday, April 28, 2023 10:27:36 AM
Attachments: COMP-56957 - 2023-04-28.pdf

Good morning Planning,

Please see the attached EPA complaint regarding the proposed Rise Gold Mine. Environmental Health is referring it to Planning, the links below will take you to the portal.

Thank you,

Sara Lyon, REHS

(she/her/hers)
County of Nevada
Environmental Health Specialist III
Office (530) 265-1469 (out of the office every other Monday)
Main Line (530) 265-1222 Option 3
sara.lyon@nevadacountyca.gov

Nevada County Environmental Health Department
950 Maidu Ave., Ste. 170
PO BOX 599002
Nevada City, CA 95959-7902

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From: CalEPA Complaints <complaints@calepa.ca.gov>
Sent: Friday, April 28, 2023 9:37 AM
To: Env.Health <Env.Health@nevadacountyca.gov>
Subject: An Environmental Complaint has been Referred to Your Agency (COMP-56957)

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

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CalEPA Logo

Gavin Newsom
Governor
Yana Garcia
Secretary for Environmental Protection

CalEPA Environmental Complaint Management System

Attached is information regarding an environmental concern submitted to CalEPA via the statewide Environmental Complaint System. Based on the complaint description entered by the Reporting Party, we are referring this complaint to your agency for response and/or further investigation.

Summary: The State Water Resources Control Board referred COMP-56957 to Nevada County Department of Environmental Health on April 28, 2023 .

When you have completed your investigation, please click here to submit your findings.

To access all complaints referred to your agency, please login to the External Partner Portal . If you do not currently have access to the portal, you may request access by following the instructions listed here: External Agency Users – Requesting Access to the External Partner Portal .

Complaint Number : COMP-56957

Complaint Id : a0g8z0000001moSAAQ

To submit findings without logging into the External Partner Portal, enter the **COMP Number** and **Complaint Id** under the section titled **"Provide Findings Without Logging In"** located on the right side of the External Partner Portal login page.

We appreciate your attention and response to this environmental concern. If you have any questions, please feel free to contact Guy Childs at guy.childs@waterboards.ca.gov . If you need to add new contacts to your agency's account, please contact Hasti Javid at Hasti.Javid@calepa.ca.gov .

Sincerely,

Guy Childs

Complaint Report

COMP-56957

Complaint Information

Complaint Number	COMP-56957		
Status	Open		
Source	Web	**Type**	Drinking Water Complaint
Date Received	04/28/2023 6:25 AM		
Date of Occurrence	04/28/2023 0:01 AM	**On-going Occurrence**	Yes
Spill	No	**Refinery**	No
EJ Complaint	No	**Tribal Complaint**	No

Complaint Categories

Air	No	**Pesticides**	No
Solid Waste	No	**Toxic Substances**	No
Water	Yes		

Complainant Information

First Name	Michael	**Last Name**	Waring
Street Address		**City**	
State	California	**Zip Code**	
Phone		**Mobile**	
Email	drmjwdo@gmail.com	**Email Opt Out**	No

Complaint Location

Address	12583 Pinewoods Rd	**City**	Nevada City
County	Nevada County	**State**	California
Zip Code	95959		
Latitude	39.243645522335946	**Longitude**	-121.0076396240234

CalEnviroScreen Information

Census Tract Number	6057000802		
CalEnviroScreen Score	16.1950457416334	**CalEnviroScreen Percentile Rank**	28%

Alleged Responsible Party

Company	Rise Gold		
Address			
City		**State**	California
Zip Code			
Phone	(530) 433-0188		

Complaint Description

Hello, the townspeople of Grass Valley and Nevada City are deeply concerned about this issue regarding Rise Gold Corp attempting to reopen the defunct Idaho-Maryland Mine. The project is predicted to consume 4 million gallons of water every single day, and risks poisioning the groundwater with disastrous effects. The mine's water consumption is predicted to force 40+ residential wells to become dry and unusable for those residents. We seek CalEPA's help opposing this mine. We treasure the local Yuba river for swimming, and we don't want to wait nervously for a disaster to occur and poison our region. We need to be proactive rather than reactive. Send help!!

Additonal Information

Watershed	Yuba River	**Name of Affected Water Source**	
Drinking Water	Yes	**Cannabis/Marijuana**	No
Water Quality	Yes	**Other Water Related Concern**	No
Water Rights	Yes		
Water Rights Number		**Water Rights Owner**	
Water Rights Description			

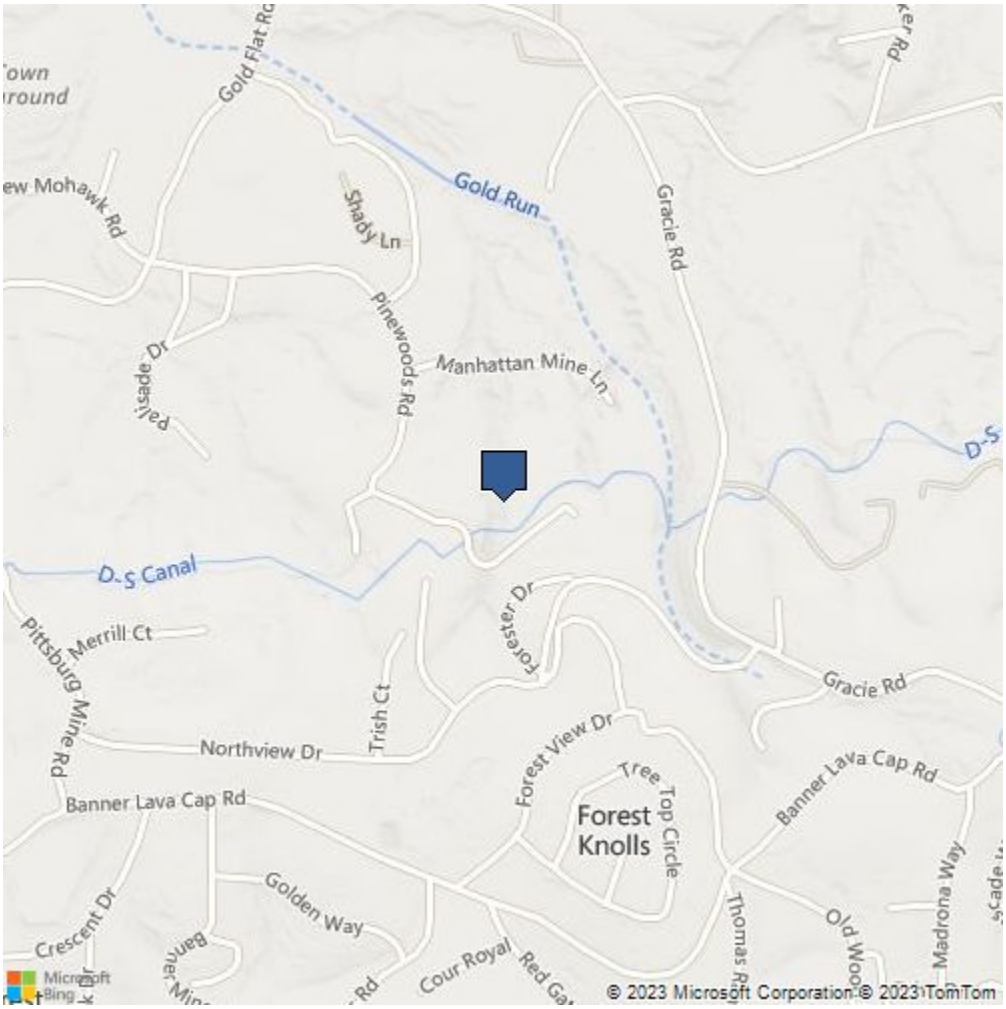
Jurisdictional Partners

Ag Commissioner	Nevada County Agricultural Commissioner	**Air District**	Northern Sierra AQMD
CUPA	Nevada County Department of Environmental Health	**LEA**	Nevada County Department of Environmental Health
Regional Water Board	Central Valley Region		

System Information

Created By	Complaint Site Guest User	**Last Modified By**	Complaint Site Guest User
Owner	Agency		

Complaint Location Map



Complaint Assignments

CA-26960

Type	Water		
Group	State Water Resources Control Board - Division of Water Rights		
Status	New		
Owner	Jeffrey Yeazell		
Created By	Complaint Site Guest User	**Last Modified By**	Complaint Site Guest User

CA-26961

Type	Water		
Group	State Water Resources Control Board - Division of Drinking Water		
Status	New		
Owner	Eric Miguelino		
Created By	Complaint Site Guest User	**Last Modified By**	Complaint Site Guest User

CA-26962

Type	Water		
Group	State of California Central Valley Regional Water Quality Control Board		
Status	Closed		
Closed Date	04/28/2023		
Closure Reason	Outside of Agency's Jurisdiction		
Owner	Guy Childs		
Created By	Complaint Site Guest User	**Last Modified By**	Guy Childs

Email Message

From	CalEPA Complaints <complaints@calepa.ca.gov>
Sent	Fri, April 28, 2023 6:25 AM
To	drmjwdo@gmail.com
Subject	Thank you for submitting an environmental complaint

DO NOT REPLY TO THIS MESSAGE. Thank you for submitting your environmental complaint to CalEPA. If this is an emergency, please dial 911 immediately. For hazardous material spill notification, call the State Warning Center at 1-800-852-7550. Dear Michael Waring, The California Environmental Protection Agency (CalEPA) received your complaint on 4/28/2023. Your complaint will be referred to the appropriate agency for investigation. Your complaint tracking number is COMP-56957. A summary of the information you provided is provided below. If you need to correct any information or have questions about your complaint, please send your request or questions to complaints@calepa.ca.gov. Thank you for taking the time to notify us of your concern. Description: Hello, the townspeople of Grass Valley and Nevada City are deeply concerned about this issue regarding Rise Gold Corp attempting to reopen the defunct Idaho-Maryland Mine. The project is predicted to consume 4 million gallons of water every single day, and risks poisioning the groundwater with disastrous effects. The mine's water consumption is predicted to force 40+ residential wells to become dry and unusable for those residents. We seek CalEPA's help opposing this mine. We treasure the local Yuba river for swimming, and we don't want to wait nervously for a disaster to occur and poison our region. We need to be proactive rather than reactive. Send help!! Date/Time of Occurrence: 4/28/2023 12:01 AM Location Address: 12583 Pinewoods Rd Nevada City, 95959 Location Description (if provided): Responsible Party Name: Responsible Party Company Name: Rise Gold Responsible Party Address: , California Your information: Email: Home Phone: Mobile Phone: Your Address: , California

Click here to view original message.

Documents

ComplaintOriginalSubmission - COMP-56957
04/28/2023 · 3.19 KB · pdf

From: Env.Health
To: All Code Compliance; All Planning
Subject: FW: An Environmental Complaint has been Referred to Your Agency (COMP-56987)
Date: Tuesday, May 2, 2023 2:17:48 PM
Attachments: COMP-56987 - 2023-05-01.pdf

Good Afternoon,
That attached complaint was forwarded to Environmental Health today from CalEPA. In reviewing the complaint it appears to be something that may be investigated/addressed by Planning and/or Code Compliance.

Kind Regards,
Maryann Bailey
Senior CDA Technician
County of Nevada
Environmental Health
Office 530-265-7134
Maryann.Bailey@nevadacountyca.gov

From: CalEPA Complaints <complaints@calepa.ca.gov>
Sent: Tuesday, May 2, 2023 1:44 PM
To: Env.Health <Env.Health@nevadacountyca.gov>
Subject: An Environmental Complaint has been Referred to Your Agency (COMP-56987)

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Gavin Newsom
Governor
Yana Garcia
Secretary for Environmental Protection

CalEPA Environmental Complaint Management System

Attached is information regarding an environmental concern submitted to CalEPA via the statewide Environmental Complaint System. Based on the complaint description entered by the Reporting Party, we are referring this complaint to your agency for response and/or further investigation.

Summary: The State Water Resources Control Board referred COMP-56987 to Nevada County Department of Environmental Health on May 2, 2023 .

When you have completed your investigation, please click here to submit your findings.

To access all complaints referred to your agency, please login to the External Partner Portal . If you do not currently have access to the portal, you may request access by following the instructions listed here: External Agency Users – Requesting Access to the External Partner Portal .

Complaint Number : COMP-56987

Complaint Id : a0g8z0000001nfQAAQ

To submit findings without logging into the External Partner Portal, enter the **COMP Number** and **Complaint Id** under the section titled **"Provide Findings Without Logging In"** located on the right side of the External Partner Portal login page.

We appreciate your attention and response to this environmental concern. If you have any questions, please feel free to contact Guy Childs at guy.childs@waterboards.ca.gov . If you need to add new contacts to your agency's account, please contact Hasti Javid at Hasti.Javid@calepa.ca.gov .

Sincerely,

Guy Childs

California Environmental Protection Agency

1001 I Street · Sacramento, CA 95814-2828 · USA

Complaint Report

COMP-56987

Complaint Information

Complaint Number	COMP-56987		
Status	Open		
Source	Web	**Type**	Water Complaint
Date Received	05/01/2023 1:51 PM		
Date of Occurrence	In the Last 30 Days	**On-going Occurrence**	Yes
Spill	No	**Refinery**	No
EJ Complaint	No	**Tribal Complaint**	No

The complainant previously contacted the following organization(s)

Hoping this does it for multiple agencies.

Complaint Categories

Air	No	**Pesticides**	No
Solid Waste	No	**Toxic Substances**	No
Water	Yes		

Complainant Information

First Name	Virginia	**Last Name**	Moran
Street Address	P.O. Box 2858	**City**	Grass Valley
State	California	**Zip Code**	95945
Phone	(530) 272-7132	**Mobile**	
Email	vsm@ecooutreachvsm.com	**Email Opt Out**	No

Complaint Location

Address	11613 Rough and Ready Hwy	**City**	Grass Valley
County	Nevada County	**State**	California
Zip Code	95945		
Latitude	39.22778901031111	**Longitude**	-121.0897156669999
Parcel Number	Multiple		

Location Description

https://chapters.cnps.org/redbud/2020/01/02/places-to-see-plants-episode-2-hells-half-acre/

CalEnviroScreen Information

Census Tract Number	6057000502		
CalEnviroScreen Score	26.4124034819303	**CalEnviroScreen Percentile Rank**	52%

Alleged Responsible Party

Name	Pacific Gas and Electric and Nevada County		
Company	PG&E/Nevada County		
Address	Pacific Gas and Electric Company P.O. Box 997300 Sacramento, CA 95899-7300		
City	Sacramento	**State**	California
Zip Code	95899		
Phone			

Complaint Description

https://chapters.cnps.org/redbud/2020/01/02/places-to-see-plants-episode-2-hells-half-acre/

https://chapters.cnps.org/redbud/wp-content/uploads/sites/10/2020/01/hellshalfacreedited.pdf

https://naturalhistorywanderings.com/2010/04/25/1519/

https://docslib.org/doc/2418142/hells-half-acre-lava-cap-wildflower-field

Nevada County that refuses to create the State General Plan Mandated COUNTY Open Space and Parks program, is still sitting by watching and approving utter land destruction in Western Nevada County. The destruction of (anything but) Hells Half Acre started decades ago with the approval of a mega-church and massive parking lot. It has only continued with the destruction of 14 more acres by PG&E. The site was covered in wetlands. Any other county would have seen this as a wonderful preservation opportunity but despite millions in tax dollars coming into the county, including rising property taxes, Nevada County provides no public amenities, parks, open space, trails, bike paths, recreation centers, to the residents. (Contrast with Placer County). This is in clear violation of the State Mandated General Plan Elements.

Another tragic loss. 14 acres by PG&E. Efforts to obtain their environmental compliance documents have been difficult including State/Fed ESA, 404, 401, Porter-Cologne, CEQA, 1600. HHA was once proposed as a NCCP but this plan was rebuffed and rejected by Nevada County that only see development and tax dollars that again, do not come back to the residents as public amenities or additional services. They have voted in multiple raises for themselves. The near destruction of a world-renowned biodiversity hot spot, the county DEFINITELY knew about (known for DECADES) is the latest abomination. They do not respond to the citizens so please help the citizens of this county. They are also planning even additional development at 49 and Higgins Corner, site of multiple fatal accidents including Bear River High School students and reopening A GOLD MINE that would possibly destroy an entire watershed. Now HHA is nearly gone. We can't stop this on our own. We need the State of CA to assist us hold OUR county accountable.

Additonal Information

Watershed	Squirrel Creek	**Name of Affected Water Source**	Wetlands likely completely destroyed at "Hell's Half Acre" known site of multiple rare plants, wetlands. County has quietly and deliberately approved projects that over time have destroyed this entire ecosystem.
Drinking Water	No	**Cannabis/Marijuana**	No
Water Quality	No	**Other Water Related Concern**	Yes
Water Rights	No		

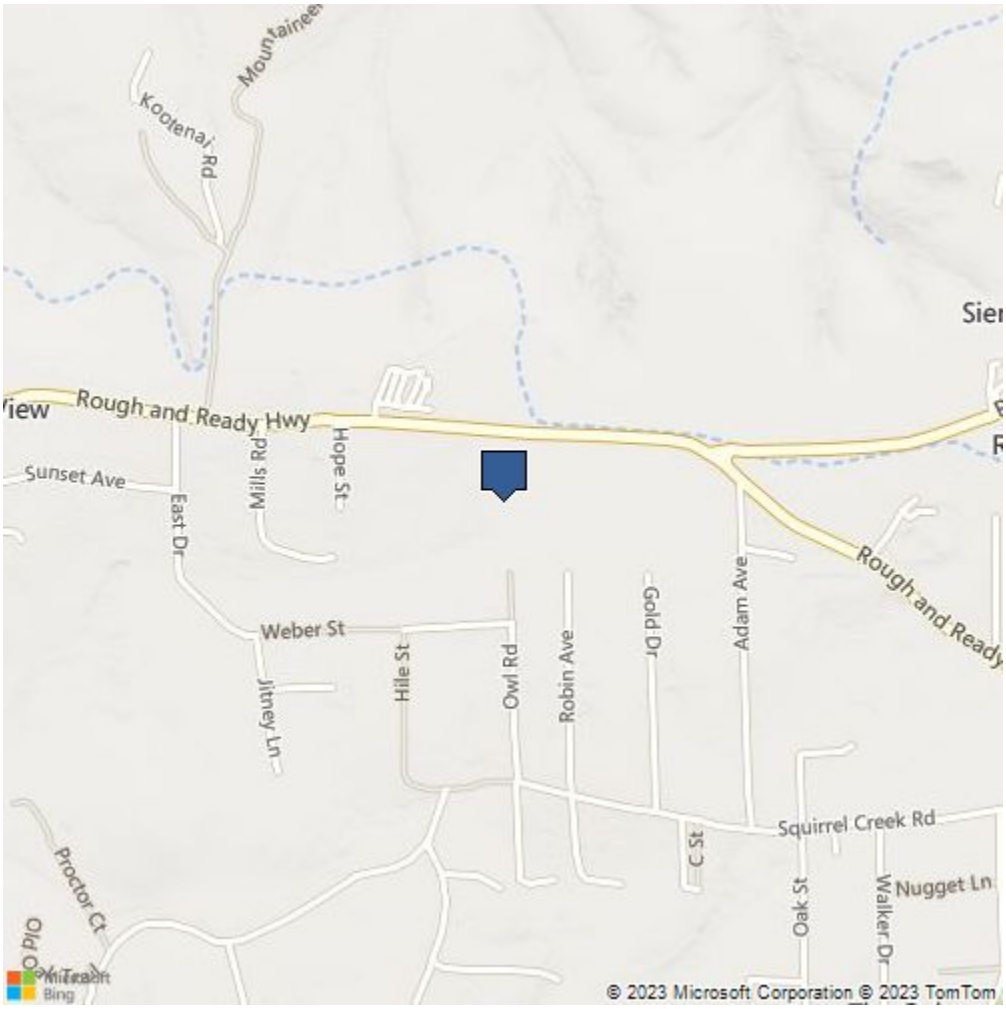
Jurisdictional Partners

Ag Commissioner	Nevada County Agricultural Commissioner	**Air District**	Northern Sierra AQMD
CUPA	Nevada County Department of Environmental Health	**LEA**	Nevada County Department of Environmental Health
Regional Water Board	Central Valley Region		

System Information

Created By	Complaint Site Guest User	**Last Modified By**	Complaint Site Guest User
Owner	Agency		

Complaint Location Map



Complaint Assignments

CA-26995

Type	Water		
Group	State Water Resources Control Board		
Status	Closed		
Closed Date	05/02/2023		
Closure Reason	Outside of Agency's Jurisdiction		
Closure Comments	Referred to the Central Valley Regional Board.		
Owner	Deler Ghazi		
Created By	Complaint Site Guest User	**Last Modified By**	Deler Ghazi

CA-27013

Type	Water		
Group	State of California Central Valley Regional Water Quality Control Board		
Status	New		
Owner	Guy Childs		
Created By	Deler Ghazi	**Last Modified By**	Deler Ghazi

Email Message

From	CalEPA Complaints <complaints@calepa.ca.gov>
Sent	Mon, May 1, 2023 1:51 PM
To	vsm@ecooutreachvsm.com
Subject	Thank you for submitting an environmental complaint

DO NOT REPLY TO THIS MESSAGE. Thank you for submitting your environmental complaint to CalEPA. If this is an emergency, please dial 911 immediately. For hazardous material spill notification, call the State Warning Center at 1-800-852-7550. Dear Virginia Moran, The California Environmental Protection Agency (CalEPA) received your complaint on 5/1/2023. Your complaint will be referred to the appropriate agency for investigation. Your complaint tracking number is COMP-56987. A summary of the information you provided is provided below. If you need to correct any information or have questions about your complaint, please send your request or questions to complaints@calepa.ca.gov. Thank you for taking the time to notify us of your concern. Description:
https://chapters.cnps.org/redbud/2020/01/02/places-to-see-plants-episode-2-hells-half-acre/
https://chapters.cnps.org/redbud/wp-content/uploads/sites/10/2020/01/hellshalfacreedited.pdf
https://naturalhistorywanderings.com/2010/04/25/1519/
https://docslib.org/doc/2418142/hells-half-acre-lava-cap-wildflower-field Nevada County that refuses to create the State General Plan Mandated COUNTY Open Space and Parks program, is still sitting by watching and approving utter land destruction in Western Nevada County. The destruction of (anything but) Hells Half Acre started decades ago with the approval of a mega-church and massive parking lot. It has only continued with the destruction of 14 more acres by PG&E. The site was covered in wetlands. Any other county would have seen this as a wonderful preservation opportunity but despite millions in tax dollars coming into the county, including rising property taxes, Nevada County provides no public amenities, parks, open space, trails, bike paths, recreation centers, to the residents. (Contrast with Placer County). This is in clear violation of the State Mandated General Plan Elements. Another tragic loss. 14 acres by PG&E. Efforts to obtain their environmental compliance documents have been difficult including State/Fed ESA, 404, 401, Porter-Cologne, CEQA, 1600. HHA was once proposed as a NCCP but this plan was rebuffed and rejected by Nevada County that only see development and tax dollars that again, do not come back to the residents as public amenities or additional services. They have voted in multiple raises for themselves. The near destruction of a world-renowned biodiversity hot spot, the county DEFINITELY knew about (known for DECADES) is the latest abomination. They do not respond to the citizens so please help the citizens of this county. They are also planning even additional development at 49 and Higgins Corner, site of multiple fatal accidents including Bear River High School students and reopening A GOLD MINE that would possibly destroy an entire watershed. Now HHA is nearly gone. We can't stop this on our own. We need the State of CA to assist us hold OUR county accountable. Date/Time of Occurrence: Location Address: 11613 Rough and Ready Hwy Grass Valley, 95945 Location Description (if provided):
https://chapters.cnps.org/redbud/2020/01/02/places-to-see-plants-episode-2-hells-half-acre/ Responsible Party Name: Pacific Gas and Electric and Nevada County Responsible Party Company Name: PG&E/Nevada County Responsible Party Address: Pacific Gas and Electric Company P.O. Box 997300 Sacramento, CA 95899-7300 Sacramento, California 95899 Your information: Email: Home Phone: Mobile Phone: Your Address: P.O. Box 2858 Grass Valley, California 95945

Click here to view original message.

Documents

ComplaintOriginalSubmission - COMP-56987
05/01/2023 · 5.33 KB · pdf

From: David Unterman
To: Idaho MMEIR
Subject: I urge not certifying the EIR or the project
Date: Tuesday, May 2, 2023 6:17:53 PM

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To: Nevada County Planning Commission
From: David Unterman, 10679 Bragg Ave., Grass Valley CA 95945
phone or text: 530 263 3297

First, let's look at the big picture. Rise Gold claims that this mine will provide jobs, and that all significant impacts can be mitigated. Job provision is not guaranteed, and yet impacts could be huge. This project risks destroying the quality of life in our County. The applicant has a history of getting stuck in litigation about pollution caused by its work. If that pattern repeats here, the County is stuck with expensive costs for monitoring and litigating while very few salaries get paid locally.

One specific problem with the EIR: It admits that impacts to traffic, noise, and aesthetics are unavoidable. Therefore, tourism will suffer, as our reputation for natural beauty and tranquility will be lost. Who in their right mind will come to Grass Valley to sit at an outdoor table on the Mill Street pedestrian mall while gravel and mine waste are constantly rumbling by on local streets and highways? There was no serious comparison of declining tourism income vs. possible new mining jobs. Those mining jobs aren't guaranteed, and could be very short lived.

Similarly, the EIR did not consider local real estate professionals' clear consensus that home values would drop up to 20%. In other words, local folks whose main resource is the equity in their homes suffer immediate financial damage if the project, or even the EIR itself is approved.

If the EIR itself is certified, but the current application is denied, that starts a ticking time bomb because a later applicant could buy the property and later overcome objections and get approved to start mining. Rise Gold's bad reputation might stop the current project, but not a future applicant's proposal.

Finally, the project, if approved, would strain local electric energy resources and would drastically increase greenhouse gases. It's likely that future years will bring more regulation and limits on energy production. Why should the County handcuff our future development by devoting all our energy producing capacity to benefit one project?

From: Andreas Groos
To: bdofsupervisors; Idaho MMEIR
Subject: Idaho Maryland Mine
Date: Sunday, April 30, 2023 6:23:20 PM

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Dear Nevada County Board of Supervisors,

I am writing to express my strong opposition to the proposed Idaho Maryland Mine project. As a concerned citizen, I urge you to carefully consider the potential negative impacts this mine could have on the environment, public health, and the economy of our community.

First and foremost, the Idaho Maryland Mine would pose significant risks to our environment. The mine would require extensive excavation and processing of ore, leading to the release of potentially harmful chemicals and pollutants into our air, water, and soil. This could have devastating effects on local ecosystems, wildlife, and natural resources. In addition, the proposed mine would also contribute to climate change by releasing large amounts of greenhouse gases into the atmosphere.

Furthermore, the Idaho Maryland Mine could have serious implications for public health. The release of toxic substances into the air and water could cause serious health problems for those living near the mine, including respiratory and cardiovascular issues, and an increased risk of cancer. This is particularly concerning given that the proposed mine is located in close proximity to residential areas, schools, and other public spaces.

Finally, the Idaho Maryland Mine would likely have negative economic impacts on our community. While the mining industry can provide some jobs and economic benefits, it is often accompanied by environmental degradation and health risks that can harm local economies in the long term. In addition, the proposed mine could discourage tourism and outdoor recreation, which are important drivers of our local economy.

In conclusion, I urge you to carefully consider the potential negative impacts of the Idaho Maryland Mine and to take action to prevent this project from moving forward. We must prioritize the health and well-being of our community and our environment, and ensure that any proposed development is sustainable, safe, and beneficial for all.

Thank you for your time and attention to this important matter.

Sincerely,
Andreas Groos

From: Melissa
To: Planning
Subject: Idaho mine
Date: Wednesday, April 26, 2023 9:40:00 PM

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To whom it may concern, We are so distraught that you are entertaining the idea of the mine reopening. It is clear that all of the residents that live anywhere near the proposed mine sites are against the reopening. We live on little Greenhorn rd. We moved here thinking we had found our perfect forever home, private, quiet, and beautiful. Now everything that we loved about this property will be destroyed if you okay this project. How can you even consider doing this to your community. Please say NO!!! Our happiness, our lives here should matter.
Melissa Kriegler & Wes Dick

Sent from my iPhone

From: Ofer Kolton
To: Idaho MMEIR
Subject: Idaho Mine-Say No!
Date: Wednesday, April 26, 2023 7:06:42 AM

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Hi,
My Name is Ofer Kolton,
I own a business in Nevada County, reside here as well as own several properties in the county.

It is travesty that this county will even consider allowing this mine. This entire region (the gold country) still has not recovered from the everlasting environmental damage from previous gold mining. It will take many generation, centuries actually and some of the damage will never be repaired.

Allowing this mine to pollute our waterways, create noise pollution is unethical and works directly against the people who live here. Leave the beautiful county we call home without damaging its present and its future for our children. DO YOUR CIVIL DUTY and DO NOT APPROVE THIS MINE.

On a personal note: If this mine is allowed, I will personally work at and donate money to recall any and all that approve it. Working against the people interest will have its consequences.
Sincerely
Ofer

Ofer Kolton, Owner
Expert Clean & Green
(415) 242-2428; (530) 955-1835
ofer@expertcleanandgreen.com
www.expertcleanandgreen.com

From: James Rubiales
To: Planning
Cc: Heidi Hall; Ed Scofield; Lisa Swarthout; Sue Hoek; Hardy Bullock
Subject: Idaho-Maryland Mine
Date: Monday, May 1, 2023 3:41:13 PM

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Ladies and Gentlemen~

Over the years I have visited Nevada City/Grass Valley many, many times. I have lived in Nevada City since 2014. I love the town as well as everything Nevada County has to offer. I would like to state that I vehemently object to the re-opening of the Idaho-Maryland Mine. I believe the re-opening of the Idaho-Maryland Mine would greatly affect the environment as well as the quality of life in Nevada City, Grass Valley and surrounding areas.

In addition, I am totally against the county approving the Final Environmental Impact Report, which has too many omissions and too much lack of evidence to support a decision to re-open the mine.

Please protect the people and environment. Please vote “NO” when considering the FEIR. Please vote AGAINST re-opening the Idaho-Maryland Mine.

Thank you for your consideration.

Victoria Rubiales
Nevada City, California

G. Larry Engel
Engel Law, PC
P.O. Box 2307
Nevada City, CA. 95959
530-205-9253
Larry@engeladvice.com

April 25, 2023

Matt Kelley, Senior Planner
Nevada County Planning Department
Nevada County Planning Commission
950 Maidu Ave, Suite 170
Nevada City, CA. 95959
Idaho.mmeir@nevadacountyca.gov
Attn: Brian Foss, Secretary
Shelley Romriell, Clerk

RE: Objection to the Final Environmental Impact Report SCH # 2020070378 December 2022 (the "EIR") for the Idaho-Maryland Mine Project (the "Project") Pursuant to the Notice from the Nevada County Planning Commission for the May 10, 2023, Special Meeting.

Ladies And Gentlemen:

I appreciate your Notice of this opportunity to continue my objections to the Idaho-Maryland Mine Project, and I attach my objection to the EIR and the Project. This Objection supplements and incorporates, among other things, my previous objections designated by your Department as my Individual Letter Comments Ind. 254 and 255. Since the EIR did not cure the errors, omissions, and noncompliance to which I objected as to the DEIR, this Objection continues those prior objections and advances new objections to address the new errors, omissions, and noncompliance in or from the EIR.

My goal in the attached Objection is to be comprehensive. Some may wonder why I present such an extensive Objection, considering the mass of my prior and continuing objections. Among the various reasons are that I read the more than 7000 pages of the EIR, and my 400 plus pages do not seem disproportionate to that massive, objectionable EIR content. Also, the EIR presented me with three different segments with overlapping and common content to which I had to counter: in the main EIR presentation, in its "Master Responses," and in its "Responses" to my prior Ind. 254 and 255 objections. I regret this burden on you, but my objections are comprehensive, because your Notice warns us that any following court process may only consider issues now raised in connection with this hearing.

One further thought for anyone who may be tempted by approve this objectionable EIR. Despite the many thoughtful and meritorious objections to the DEIR, this EIR still evaded too

many of them and otherwise failed to respond with what the courts instruct us that CEQA requires: a “good faith reasoned analysis” with “common sense.” Ask yourselves, if you were one of the us thousands living on the surface above and around the 2585-acre underground mine that this EIR would reopen and expand, what could you tell your buyer or your mortgage lender are their risks? The EIR is not a place to find those answers, both because we must state the reality, as we do in our objections, and the EIR offers only an “alternative reality” and reveals too little of what we all need and deserve to know.

Thank you for considering my view.

Sincerely,

G. Larry Engel

Further EIR Objections 254 to the Idaho-Maryland Mine Project Final Environmental Impact Report/SCH #2020070378 (12/2022) (the "EIR"), Plus My Disputes Against EIR "Master Responses" And "Responses To Comments Ind. 254-1 through 101" (my "EIR Objection 254").

April 24, 2023

G. Larry Engel
Engel Law, PC
P.O. Box 2307
Nevada City, CA 95959
larry@engeladvice.com

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I. Introductory Comments And Overview of My Many Objections To The EIR/DEIR.

A. Scope of My Objections And Incorporations, Exposing EIR/DEIR Format And Failures To Comply with Even Basic CEQA And Essential Information Requirements, Plus Infeasibility, Errors, Omissions, And Deficiencies Creating Credibility Problems With Thousands of Us Potential Local Victims Living On the Surface Above And Around the 2585-Acre Underground Mine.

A.

1. Some Introductory Comments Illustrating With Examples How the Disputed EIR Both (i) Fails To Reveal And Correct the Errors, Omissions, And Flaws In the DEIR, And (ii) Compounds Such Problems By EIR/DEIR Evasions, CEQA And Other Noncompliance, And Worse, Such As Deficient, Infeasible, Or Illusory Mitigations And Unacknowledged Risks.

a. This Objection's Organization And Approach To My (And The Ad Hoc Mine Opposition Group's) Comprehensive Disputes With the EIR/DEIR Throughout This Document.

(i). How The Various Parts Of This Objection Are Designed To Dispute The EIR/DEIR.

(A). An Overview of Some Coming Attractions.

This Objection and others that I incorporate (see my attached Table of Incorporated by Reference Objections and Exhibit D) demonstrate that the disputed EIR has adopted the DEIR without curing any of its material errors, omissions, and noncompliance to which I and others have objected. Indeed, the disputed EIR makes things worse, not better. I have illustrated herein, paragraph by paragraph, how in most cases the nonresponsive EIR is defending the disputed DEIR by evasions, omissions, and mischaracterizations, without meaningful responses to my such objections or others that I incorporate. Such objections (which I make for myself and my "Ad Hoc Mine Opposition Group" described in the next subsection #2) demonstrate how the disputed EIR adds or supports more errors, omissions, and flaws, including (i) by use of improper tactics, all of which fail to comply with the CEQA requirement for a "good faith reasoned analysis," as the courts require (e.g., *Banning, Vineyard, and Costa Mesa*), and (ii) by defying "common sense" (e.g., *Gray v. County of Madera*) and obvious noncompliance with CEQA, its Guidelines, and other applicable law, as I demonstrate below. Stated another way, I dispute the EIR/DEIR on each of the three battlefields chosen by the EIR, which (with exceptions where I am replying to something asserted, evaded, or omitted by the EIR in a different such place) means that I am disputing, questioning, or countering: (i) subject matter topics in objections to the EIR in my opening section I, (ii) errors, omissions, and noncompliance by the EIR in its disputed "Responses" to my DEIR Objection 254 in my section III item-by-item rebuttals, and (iii) errors, omissions, and noncompliance by the EIR in its disputed "Master Responses" which counter what the EIR so asserts, which is generally a mixture of debates on substance and exposing noncompliance and alternative reality claims. This is intended as a supplement, rather than a restatement, of my DEIR Objection 254, which is incorporated herein

for comprehensive objections to the both the disputed EIR and the disputed DEIR which it incorporates. Sometimes I use the term "EIR/DEIR" for emphasis (or "DEIR/EIR" where the main disputed data is in the DEIR that the EIR just ratifies), in which order I place first whichever EIR or DEIR seems most apt as the place to find my most significant objections. In any event, when I refer to the "EIR" by itself, I am still including the DEIR to the extent that the EIR does, so that my objections are equally comprehensive.

What this Objection demonstrates is that **this mining menace involves many cumulative and interactive risks, threats, and harmful impacts** on the thousands of us objectors living above and around the 2585-acre underground mine. Many incorporated and meritorious objections focus intensely on particular such issues (as do I in some cases where I have competence), like groundwater or NID supply or (in the case of NID what groundwater may not be adequately "treated" before its flushed down the Wolf Creek to unsuspecting NID customers downstream) quality, water and air toxins and other pollution, and many other potential hazards and impacts, all of which compounded by generally deficient mitigation both in theory and practice. (I mention practical impacts, since Rise admits in its SEC filings [Exhibit B] that it lacks the financial resources to achieve either its proposed mitigations results or those the EIR omits or evades that also will ultimately be required to comply with applicable laws.) What I try to present here is not just an evaluation of noncompliance as to such individual threat topics, but also to examine such topics from various different angles and how they interact with each other and cumulate to enhance the dangerous impacts. While EIR defenders may complain this objection is often redundant, because it states the same problem many times, that is what the EIR does I am trying comprehensively to counter; i.e., the EIR addresses topics as it chooses, then presents EIR Master Responses from another perspective, and then presents EIR "Responses" (in many cases better described as "nonresponsive" evasions) to the many objections, in my case here what it classified as Individual Comment 254. That means I must address each of the topics in dispute from those same three perspectives for comprehensive objections (as I dispute such EIR Master Responses and Responses item-by-item in sections II and III). The reality is that such inconvenient truths in my objections, which the disputed EIR/DEIR often attempt to "spin," evade, or mischaracterize, need to be examined as the interactive source or contributor to many different objectionable impacts, many cumulative with impactful side-effects. That results in many types of noncompliance that should defeat this EIR, such as such impacts violating many different provisions of CEQA or other applicable law, both directly and indirectly, as well as individually and cumulatively. To rebut such anticipated, incorrect EIR defense claims of redundancy, I offer this example in the next paragraph, which is explained for various such different applications throughout this Objection.

In this Objection, for example, I dispute (and prove noncompliance by the EIR/DEIR with) groundwater supply and quality issues, NID supply issues, and Wolf Creek pollution from groundwater impacting NID surface water customers, well impacts (both for undercounted existing wells and the many future wells that are totally ignored in the DEIR/EIR), air pollution, and many kind of toxic threats, some well-known and deficiently mitigated (e.g., asbestos) and some knowingly ignored/obscured or evaded (e.g., hexavalent chromium; yes, the same air and water toxin that killed Hinkley, CA, and inspired the movie *Erin Brockovich*, which the EIR admits is in the cement paste for underground backfill shoring). How some of those various impacts interact and cumulate is illustrated by one simple comment in the EIR Agency Letter 12 (at 12) of the Northern Sierra Air Quality Management District ("NSAQMD") (emphasis added):

> **The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements.** [i.e., my translation for context: DEIR mitigation had proposed frequent daily watering attempting to suppress toxic fugitive dust from the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less than their fair share of rationed water, contrary to the EIR/DEIR claims (quoted below) to bearing its share of the rationing, because of water wasted on this no net benefit mining.] **Since the dust contains asbestos, silica, and numerous toxic substances** [now, I note, adding hexavalent chromium] **adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest.**

What impacts that toxic dust problem causes are supposed to be mitigated (indefinitely? since cleanup/remediation is not certain or assured on schedule) by frequently daily NID water dosing of the dust piles. That creates multiple interactive and cumulative impacts and problems as to which the EIR/DEIR is noncompliant and worse, as I demonstrate in various ways and places throughout this Objection and others in my attached Table of Incorporated by Reference Objections. See the whole NSAQMD objections in Agency Letters 11 and 12, also addressing many related problems with the EIR proposals. For example, (although the disputed DIER/EIR incorrectly denies and ignores climate change as too speculative to consider its impact, but see, for example, my CEQA discussion at section I.C.2 of how the "2018 Guidelines Amendments Explanations" requires recognition of climate change) there will be increasing dry years threatening our community. **In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed above, including that quoted, regular demand *priority* for frequent daily NID watering of its toxic (asbestos and more) fugitive dust, "regardless of water use restrictions." This "pick your poison" dilemma should not be imposed on us objectors living on the surface above or around the mine, where our choices seem to be either breathing such toxic air or suffering with less than our fair share of drought rationed water, while we watch the EIR mine constantly watering such fugitive dust in the uncertain quest for speculator shareholder profits at our expense. Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best.**

The reality is that this is a "zero sum game," in which every gallon allocated to this "no net benefit mine" (see my DEIR Objection 254 #4 and Exhibit A hereto rebutting the County Economic Report benefit claim) is one less gallon available to us far more deserving locals. I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine. Almost all informed locals will support resisting any EIR approval, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal, law reform, and political disputes that will surely catch any mine supporting officials in such controversies. See DEIR Objection 255 and 254 (e.g., #4). As the NSAQMD and others correctly foresee with progressive climate change impacts, there will be many and increasing future NID water rationing limitations imposed on our community. New or better wells will be the only practical option (during those 80 years of

24/7/365 EIR dewatering and mining) to save what we can our homes, our forests, and our environment, as we watch this no net benefit mine waste watering its toxic dust with more than any share of water it should be allowed, because controlling the toxic fugitive dust menace is now the EIR mine caused local health hazard.

The County decisionmakers should put themselves in the position of us surface homeowners above and around the 2585-acre underground mine who are outraged at the idea that an EIR could approve creating such toxic dust piles that then must be "mitigated" by taking our shares of rationed water and creating more environmental impacts as to which the EIR ignores or evades our objections. See the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session, following up with the Wells Coalition Group Letter 27/28.

Also, there is no "good faith reasoned analysis" or proof that the disputed EIR "model" applies accurately, reliably, or completely (and with *Gray* "common sense") to the other areas often ignored by the disputed EIR. As demonstrated in that Union article on 12/15/22 Rise is gambling (and forcing us local potential victims to gamble involuntarily) on the unknown and unevaluated physical conditions of the mine that will not be known apparently until after the long flooded mine is dewatered (a huge separate environmental impact problem with noncompliant and objectionable deferrals), relying only on such deficient, pre-1956 mine closure and flooding documents, whose validity, reliability, completeness, and current relevance and accuracy are in dispute here, along with alleged and disputed "comparable" studies of other purported "similar" situations elsewhere that objectors contend are neither comparable nor similar. **The relevant comparable, however, is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line. Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk and proposing fewer and misplaced monitoring wells, which impacts and risks are now different and larger because of changes over time and climate change, not to mention the deficiently studies effects of new 24/7/365 blasting, tunneling, dewatering, and mining for 80 years. See also the Union discussion of comments by hydrology expert Sol Henson.**

Thus, this Objection addresses this EIR menace from all those and other perspectives, as water and air pollution, as a NID and groundwater supply problem, as an undercounted existing and new well issue, among other things, all with deficient or noncompliant mitigations. At the end of section I in F, I add some highlights for my such multidisciplinary objection comments, before rebutting each of the disputed EIR's both Master Responses in my section II and Responses to my DEIR Objection 254 in my section III. After some initial commentary this section I provides legal and factual examples to use as a foundation to illustrate what the reader should look for in my following more specific rebuttals and counters to the EIR, explaining why each individual EIR mining and related conflict is so irreconcilable and why such EIR

noncompliance is so inexcusable. **First**, I then rebut first each of the EIR's "Master Responses" in section II, and then I rebut each of the particular EIR "Responses To Comment Ind. 254-1 through -101" in section III. For that initial section I foundation, I focus on describing some basic CEQA and other laws and legal authorities and principles, then I follow in the next sections with examples that apply such law and CEQA Guidelines to facts and realities relating to particular impacts and disputes. What follows after that in section II are systematic, point by point summary rebuttals of each disputed EIR "Master Response," and then in section III to each dispute EIR "Response" to my specific DEIR Objection 254 topics. Thus, as a reader, decision-makers can begin with a broad overview, followed by the relevant legal precedents, laws, and guidance by principles, which are then applied to the relevant factual illustrations disputing the EIR/DEIR and supporting my four Objections, followed (based on that foundation) by a systematic rebuttal of the generally nonresponsive EIR "Reponses" and "Master Responses" that too often evade, dispute, or otherwise contest or ignore my still meritorious prior DEIR Objections 254 and 255, as proven with the correct use of the terms "clarifications" and "amplifications" misused by the disputed EIR to avoid having to revise and recirculate the DEIR/EIR. See, e.g., section I.A.1.c.

In this opening section I, after this broad opening overview in subsection I. A.1 that concludes in I.A.2 with my credentials that make my objections worthy of attention, my Table of Contents presents a range of bases and topics for my many defenses and counters against such next disputed EIR Responses and Master Responses. See also my Table of Incorporations by Reference Objections and Exhibit D. For example, I begin in section I.B more details of my disputes against the EIR's claims about the Centennial site that I introduce in subsection 1.A,(1)(d)(ii) below. Then I.C demonstrates some basic CEQA, Guideline, and other legal principles to frame my analysis that follows. I follow that with some detailed illustrations in section I.D of various particular EIR disputes, especially relevant to laying the foundation in section I.E for missing, deficient, or noncompliant mitigations of understated impacts that the EIR incorrectly considers insignificant before or after mitigation. Then, as the EIR attempted (but failed) to do with its disputed "Master Responses," I present in section I. F and following discussions some analyses of various, usually multidisciplinary "highlights" that I consider especially important to illustrate the depth and complexity of the EIR/DEIR's noncompliance before winding up with item-by-item detailed disputes over the EIR Responses and Master Responses.

(B). Some Introductory Alerts To Objections To EIR "Tactics" And My Counters.

Also, before my rebuttals of such EIR Responses and Master Responses, I also present even more substantive analyses in special commentaries on some of the selective topics on which the EIR is most evasive (and worse) and noncompliant exposing specific applications of objectionable EIR tactics that I identified in the foundation (e.g., I.A.1.d(viii) and I.F.5), such as what I call, for example, "hide the ball," "bait and switch," "deny, distract and evade," and "false equivalence." Note also that the disputed EIR "Responses To Comment Ind. 254-1 et seq." are often tactically disaggregated or "cut up" by the EIR for evasion into lesser fragments of my integrated comments. See also section I.F.5. (Fortunately, a reader of my DEIR Objection 254 sections can use my table of contents to track both my such disputes to DEIR errors, omissions, and noncompliance therein, as well as my additional objections herein to those disputed EIR

responses.) However, the disputed EIR Master Response topics are crafted as idiosyncratic issues chosen by the disputed EIR (I suspect for tactical purposes). Each of those illustrated EIR/DEIR tactics is noncompliant with the authorities I cite correctly to interpret and apply CEQA and its Guidelines (see I.C), such as, for example since it is among many key sources the disputed EIR ignores, the 2018 Guideline Amendments Explanation (at I.C.2), explaining why my interpretations are correct and the EIR's are wrong (e.g., confirming climate change impacts are to be addressed not disregarded as "speculative" as the disputed EIR incorrectly claims). See the applicable law discussed at I.A.1.a(viii) and elsewhere (e.g., section I.C and D) prohibiting the EIR's incorrect or worse excuses for evading my objections on the merits.

As a result, my four Objections still include and advance everything I said (or incorporated) in my such DEIR Objections 254 and 255, plus my rebuttals, impeachment, and counters to the disputed EIR in this EIR Objection 254 and my related EIR Objection 255. As acknowledged in the disputed EIR at 1-52, the required County recipients have received **my two lengthy objections to the DEIR that the EIR numbered "Individual Letters 254 and 255"** starting (with the EIR's disputed responses thereto) at EIR page 2-5843 et seq. (**collectively, together with my EIR Objections, called my four "Objections" and sometimes differentiated as "Objections 254" or "Objections 255," each Objection incorporating the others, as well as third party objections incorporated my such Objections, which are now identified in the attached Table of Incorporated by Reference Objections, Exhibit D, and my other incorporated and cross-referenced supporting authorities.).** My DEIR Objections 254 focused on the many substantive errors, omissions, and noncompliance in the DEIR, all of which continue to exist and apply against the disputed EIR, which concedes nothing against the DEIR and thereby fails to be responsive to any of the many objections by me and others regarding the DEIR. My EIR and DEIR Objections 255 are more legalistic disputes, including against the practical and economic feasibility of the disputed DEIR, which also continues to apply to the EIR, which also ignores or evades my such DEIR objections entirely. Therefore, the County decisionmakers should read my objections to those Master Responses after this foundational presentation and then to relate those back to my DEIR Objection 254 sections by considering my cross-references and incorporations in my such Objections that are constantly and improperly ignored in the EIR.

My section I also matches such correct Guidelines with the key court decisions ignored or misconstrued by the EIR/DEIR, such as the similar mining eir dispute in *Gray v. County of Madera* (2008), 167 Cal. App.4th 1099 [see I.F.2 and I.A.1.d](explaining the need for "common sense" and other CEQA principles and precedents it applies to reject a mine's eir similar mitigation for well water depletion), as well as precedents like *Banning, Vineyard, and Costa Mesa,* explaining that CEQA requires much more "good faith reasoned analysis" than usually appears in the disputed EIR/DEIR. Consider, for example, what the noncompliant EIR/DEIR either ignores without mention, disregards with meritless theories, or obviously fails even to attempt to present with such a common sense, good faith reasoned analysis (e.g., instead offering only dubious or worse speculation, unsubstantiated and incorrect opinions, or false assumptions): (i) the competing property rights, claims, and remedies of us surface owners above and around the 2585-acre underground mine (e.g., the Supreme Court's *Keystone* mining decision) that the EIR persists in ignoring, even though I demonstrate how that has environmental impacts also ignored by the disputed EIR (see I.F and the CA Supreme Court decision in *Varjabedian v. Madera* (1977), 20 Cal.3d 285); (ii) the hexavalent chromium threat for water and air pollution (the hazardous substance that killed Hinkley, CA, as dramatized in the movie, Erin Brockovich),

which the DEIR obscured and almost totally failed to discuss and which the EIR tries, and fails adequately, to address without adding the "significant new information" so as (it incorrectly imagines) to avoid more substantive CEQA required analysis that would require recirculation of a revised EIR (see I.G, and my DEIR Objection 255 and my section II and III defenses herein of such 255 authorities); (iii) the rights and remedies available under the Supreme Court's *Keystone* decision and other precedents helpful to surface owners above and around the 2585-acre underground mine that will have environmental impacts (see I.H) and legal consequences (see, e.g., I.D, my DEIR Objections 254 #'s 3.N, 4, and 14, and my DEIR and EIR Objections 255); (iv) some illustrations (explained further in Exhibit A) of the inconsistencies between the disputed County Economic Report and the EIR/DEIR, such as the County (and NID in its Agency Letter 10) agreeing with objectors that there are many more impacted wells than the EIR/DEIR acknowledge or can mitigate (see I.C.2, 1.F, and many incorporated objections, such as the Wells Coalition at Group 27/28); (v) my multidisciplinary analysis (see I.F, of how the asbestos, CR6, and other toxic fugitive dust mitigation by frequent daily watering (even NSAQMD insists be continued as a priority during NID drought rationing) that will inspire many more new wells by those of us living on the surface above or around the 2585-acre underground mine, further complicating the disputes over the 24/7/365 dewatering for 80 years to be flushed down the Wolf Creek to other unsuspecting NID customers and the noncompliance of EIR/DEIR proposed well mitigation that is defeated by the *Gray* decision and by the economic infeasibility of such project and mitigation as admitted in SEC filing discussed next and the DEIR admission at 6-14 that the whole project is infeasible if the miner cannot operate 24/7/365 for 80 years in accordance with its disputed EIR/DEIR proposals; and (vi) Rise's admissions in SEC filings and elsewhere that are contrary to or inconsistent with (and require more disclosures in) the disputed EIR/DEIR, together with the court decisions (e.g., what I call the "*Richmond v. Chevron"* case discussed at length in section I.D(5)) that allow my such rebuttals by such SEC and other admissions, such as to contest economic feasibility as to EIR/DEIR, even as to mitigation and other safety proposals (see I.D, I.A.1.d.(iv), and my DEIR and EIR Objections 255).

Whenever I cite a DEIR provision or topic the reader should automatically consider that I dispute them in my DEIR Objection 254 (and, when applicable there, in my DEIR Objection 255 as well) and incorporate my rebuttals and Objections thereto. Thus, whenever this EIR Objection 254 of mine cites to one of my DEIR Objection 254 section or topic cites, that automatically includes and incorporates a cite to my rebuttal in this EIR Objection 254 to my related cite in section III herein to the corresponding EIR "Response" to my such DEIR Objection 254 i.e., to such EIR Response numbered Ind. 1 to 101 that corresponds to my DEIR Objection 254 section (which can be confusing, as the disputed EIR apparently intended when it persisted in cutting up my integrated table of contents sections with heading titles into arbitrary fragments the EIR re-labeled Ind. 1 to 101 Responses, to which I have objected herein in section I.F.5 and I.A.1.d.(viii).) If I sometimes go to the trouble of matching my DEIR Objection 254 table of contents sections to the disputed EIR's renumbered "Response" fragments it so re-labels Ind. 1 to 101, that is only for emphasis for any reader, and the absence of any such Ind. 1 to 101 cite does not affect my automatic objection references in my system, as distinguished from the EIR's disputed renumbered system. The same automatic objection arrangement applies with respect to the disputed EIR's Master Responses, with even more importance, because such EIR Master Responses use labels that are not fully or even adequately informative about their often-mixed subject topics. It is often not feasible even to try to match those idiosyncratic Master Responses to my Objection topics, except by confirming my objections to such EIR content with my

general, automatic cite to my Objections (including from my Table of Incorporated by Reference Objections). Stated another way, my four Objections (including such incorporations) present the relevant realities, as contrasted with the many alternate realities created by EIR/DEIR errors, omissions, and noncompliance.

In any case, the EIR/DEIR disaggregation of topics in various places requires me to object (as I have) to each such disaggregated part. However, to avoid suffering/rewarding such evasions of EIR/DEIR compliance, I remind the reader of my internal automatic and other cross-referencing among my sections I, II, and III, so that every relevant objection, rebuttal, and counter that I assert (including incorporations) in any section of this or my other Objections also automatically applies everywhere it is relevant. That means I do not have to repeat or specifically cross reference each of my objections to the scores of places where it would be relevant to such scattered EIR/DEIR statements, omissions, and other noncompliance. Because it would be an unduly burdensome nightmare for me to have to link my objections that are disaggregated to match the EIR/DEIR scattered contents, this Objection (and my others) should be read as if the EIR/DEIR had consolidated each of its statements topic by topic in one convenient places so I could match that with my consolidated objections; e.g., each of my well related comments in sections I, II, or III should be read as if they were all consolidated together in one integrated commentary without my having to link specifically each sentence on that topic with every other relevant sentence that I have had to separate to match the EIR/DEIR's disaggregated content on that topic.

Therefore, I object automatically to whatever is contrary to or inconsistent with my such Objections with only one limited exception. As I note in many places DEIR 6-14 admits that the project is economically infeasible unless it can operate 24/7/365 for 80 years in the objectionable way proposed by the EIR/DEIR. I (and other incorporated objectors) agree that the project is economically infeasible, especially for someone with a financial condition like Rise admits its SEC filings (Exhibit A and DEIR Objection 254 #2), although the same would be true for even less prolonged and less intense operations. Apart from that, I consider that DEIR/EIR admission to be a comprehensive confession of economic infeasibility, since there are too many disputed proposals in the DEIR/EIR that must be defeated (or omitted impacts, or added or improved mitigations, that by that DEIR admission, the project cannot be feasible. While the disputed EIR/DEIR claims that CEQA doesn't care about such feasibility (and the County Economic Report mistakenly tolerates that erroneous claim, despite being refuted in Exhibit A and authorities in my Objections), section I.A.1.b and I.C, D, E, and F proving why we objectors must prevail because ultimately the courts will certainly allow our truths to rebut and impeach every false, misleading, and otherwise noncompliant statement and omission in the EIR/DEIR, whether or not within the incorrect boundaries that the EIR/DEIR tries to impose on CEQA objections. See, e.g., section I.C (and my DEIR Objection 255) where I more correctly address the CEQA compliance issues, including by reliance on the 2018 Guideline Amendments Explanation where the CEQA authors explain the meaning and effect of Guidelines that the DEIR/EIR misconstrue, misinterpret, or ignore in favor of their own disputed claims.

(C). Some Miscellaneous Information To Guide The Reader.

Please note that there are compelling reasons why this Objection is so long and complex, which include the disputed EIR tactic of evading my objections by incorrectly claiming that I failed to sufficiently explain or detail my objections and arguing that excused the EIR from

CEQA compliance in its disputed Responses and Master Responses. What I do in sections II and III below is combat that nonsense in item-by-item rebuttals that expose that nonresponsive tactic, thereby proving an independent ground for rejecting the noncompliant EIR. However, since I also wish to prevail on the merits against the EIR/DEIR, I begin with my subject matter rebuttals in this section I, which I incorporate automatically in each relevant objection in this section II to these EIR Master Responses and in section III below to those Responses. My objections here had to track the order of error, omission, and noncompliance in the disputed EIR Master Responses and Responses (like I also had to track those in the disputed DEIR, since the EIR basically adopts the whole DEIR with supplements with "significant new information," but without the badly needed corrections or reforms addressed in many objections by me and others). See Exhibit D and the Table of Incorporated by Reference Objections. That meant the introductory or earlier general sections of the disputed EIR/DEIR required my noting my corresponding objections as errors, omissions, and, worse, each time they occurred in the disputed EIR/DEIR before reaching the major substantive parts disputed later in the sprawling EIR/DEIR, where I then again matched their somewhat more detailed (but still insufficient, noncompliant, and disputed) comments with my more detailed objections. In other words, the EIR/DEIR is responsible for the redundancy and the less detailed "coming attraction" type objections early in the documents with cross-references to my more detailed objections to the major disputed substantive topics later in the document. To try and control that challenge, please note that each of my three sections contains some new objection data not contained in the other sections hereof, so that one needs to consider each of the three sections I, II, and III together for a comprehensive appreciation of the full scope of the impacts and noncompliance by the EIR/DEIR.

In summary, the following sections are some of the legal authorities, guidelines, and principles that both (i) create a foundation for my many, specific compliance, substantive, and technical objections, and (ii) should guide the analysis of decision-makers by revealing the patterns, practices, and tactics by which the disputed EIR/DEIR evades, ignores, and mistreats its disclosure and response obligations. Following that foundation, I thereafter dispute each of the EIR/DEIR "Responses" and "Master Responses" on a point-by-point basis. Please note that additional legal and factual authorities are also incorporated herein (rather than restated) from other objectors' objections listed in the attached Table of Incorporated by Reference Objections (or related document Appendix). However, I also object as I go to such improper tactics with which the disputed EIR attempts to avoid compliance with CEQA and other applicable laws, as well as me generally disputing the EIR's responses to my incorporated third-party objections and authorities, which I generally contend are sufficient in themselves to rebut the EIR and its nonresponsive content. Since the noncompliant EIR (like the DEIR) is full of errors, omissions, and flaws, including by evading or ignoring the key merits of many of my several Objections, I also focus below on rebutting the EIR's disputed excuses and meritless theories (e.g., complaints about objections as too speculative or general) for not responding appropriately to the merits of my and others' concerns, authorities, and evidence. Also, when I incorporate another objector's commentary about the DEIR from my Table of Incorporated by Reference Objections, that should be deemed to include whatever follow up commentary that objector makes to the EIR's Master Responses or Responses to such objector's DEIR commentaries, subject to the general rules governing my incorporations stated in my Table of Incorporated by Reference Objections.

(ii). The "Ad Hoc Mine Opposition Group" For Whom I May Also Act.

As explained in my DEIR Objection 254 #1, I am a bankruptcy lawyer with a half century of experience in representing creditors (aka victims) in bankruptcy cases that are relevant here, including not only bankrupt or abandoned mines (and sometimes the insurers in insurance insolvency proceedings on account of environmental claims), but also relevant environmental and product liability (e.g., asbestos) bankruptcies, as well as cross-border insolvency cases, such as where a foreign based mining company files a "foreign proceeding" and then seeks relief under Chapter 15 of the U.S. Bankruptcy Code to attempt to compel US creditors to defer to that foreign proceeding. In such cases, as well as similar situations where the miner just retreats across the border with its winnings and abandons the US mine (adding to the more than 49,000 abandoned or bankrupt California mines on the EPA list), it is common for victim creditors to form ad hoc groups under Bankruptcy Rule 2019 to protect their interest and enforce rights in such situations, including to share and protect privileged attorney-client work product within such a "joint defense/enforcement group." I have in formation an "Ad Hoc Mine Opposition Group" for which I also may act should that become necessary or useful, and I reserve the right for that group to act from time to time in relevant proceedings as it deems useful. Therefore, I include that group as an objector with respect to my Objections with and for me (in my individual capacity.) For simplicity, however, I will simply speak in my Objections with pronouns (e.g., "I," "we," "us," and "my" and the like) to include both me in my individual (and attorney) capacity and for that Ad Hoc Mine Opposition Group" in formation. What that will involve for that group will depend on the results of these EIR/DEIR and related disputes and the actions or omissions by the miner in the process to come.

(iii). Scope of Opposition And My Terminology, Such as "Noncompliance," And Illustrations With Wells And Other Key Topics.

In my four "Objections" I often refer to what I call "errors." "omissions." "noncompliance" and the like (e.g., flaws, deficiencies, objectionable conduct, incorrect or false claims, etc.) in the EIR/DEIR or with respect to the mine or its condition or activities. These terms overlap (and are intended to do so), to assure comprehensiveness while also reflecting the nature of the focus of such objection. The intent is to give such terms broad interpretations, among other things, because the disputed EIR/DEIR does not reveal everything it should to be compliant with CEQA and other applicable laws and regulations and that makes specific objections difficult, which may be the tactical goal of some omissions, evasions, and obscurities in the EIR/DEIR. In any case, I wish to emphasize that **"noncompliance"** (and related concepts with other phrases, like "failure to comply" etc.) is intended to be broad and comprehensive to apply not only as to "noncompliance" with CEQA and other applicable laws but with what conduct (whether acts or omissions) could create legal or equitable rights or claims for those opposing the EIR/DEIR and such mine or mining.

This expansion beyond CEQA is important for many reasons, including, for example, because the disputed EIR/DEIR has an incorrect interpretation of the scope of CEQA, such as, for instance, in attempting incorrectly to exclude issues and evidence of economic infeasibility into these objections, even when used to rebut false or misleading statements in the disputed EIR/DEIR. Also, as demonstrated herein (and to some extent even admitted in the Rise SEC 10K filings addressed in Exhibit B and elsewhere in my Objections), the environmental impacts arise not just from what the EIR/DEIR mining may do to Rise's property, but also how it may impact

the "surface" properties (including at least 200 feet down) owned by the thousands of us living above and around the 2585-acre underground mine at issue. (As court decisions confirm, CEQA applicable environmental impacts can be direct or indirect.) If and to the extent that the EIR/DEIR mining violates the competing property rights of us surface owners, that has both a direct impact on our surface environment, as well as CEQA applicable indirect impacts as a consequence of how us competing surface owners enforce our remedies and defense rights, such as our right to mitigate our damages from mining impacts, as explained herein and in more detail in my DEIR Objection 254 (e.g., #'s 3.N, 4, and 14) and 255. For example, when and if the mining violates our competing surface owner rights to groundwater, and, as climate change dryness impacts our lives and property, surface owners like me will drill new wells to use the groundwater we own that is being depleted and flushed away by 24/7/365 dewatering for 80 years by objectionable mining. Those new wells, which the disputed EIR incorrectly dismisses and ignores as "speculation," will have a major impact on both the mine and the environment that is not addressed in the EIR/DEIR as it must be. (Whether or not the decisionmakers apply the law of evidence, any court addressing these disputes will rule correctly that climate change dryness is not "speculation" and a surface owner may testify as to his or her right and intent to drill future wells for groundwater use at his home (and to protect his or her trees and vegetation from lethal dryness and the fire hazards from a dead forest.)

Also note how Grass Valley exposed this "hide the ball" terminology tactic as to noise impacts that are alleged by the disputed DEIR/EIR (see DEIR 4.10-1 and 32) to be a "temporary noise impact." Grass Valley explained at in its objection at Agency 8 at 24-27 that such operational noise from 7/16/365 for five years is not "temporary."

(iv). Incorporated Objections And Some Illustrations of The Failures of The EIR/DEIR to Apply the CEQA Required "Good Faith Reasoned Analysis" And "Common Sense" Needed To Avoid "Alternate Realities" Exposed By Objections, Especially As To Water Related Disputes.

This deficient, incorrect, and otherwise flawed EIR admits (e.g., at 2.2) that it is basically a ratification, supplement, and continuation of what I demonstrated were intolerable errors, omissions, and flaws in the disputed DEIR, subject to a few, key EIR exceptions identified herein incorrectly claiming to add just a few "minor" or "insignificant" edits and justifications for "clarification" or "amplification" (all still disputed by me) for ignoring or rejecting my and many other objections to the DEIR. Thus, like the many other objectors (none of whom is satisfied by the disputed EIR), my DEIR Objections 254 and 255 continue as objections now to the EIR/DEIR, and my EIR Objections 254 and 255 clarify, amplify, and supplement them. See both my attached "Table of Incorporated by Reference Objections" (aka referred to herein and, in my four Objections, as among "other objections.") and my Exhibit D hereto that illustrates some of the reasons why I incorporated such others' objections, although in the case of what I collectively call the **"CEA Objections**" (Community Environmental Advocates Foundation, Center for Science In Public Participation, and Shute Mihaly Law Firm for CEA Group Letters 6, 7, 8, 9, and 21), **"Wolf Creek Community Alliance Objections**" (Grp. Nos. 29, 30, 31, and 32), and certain others, I do not attempt to summarize such very comprehensive objections, because, like my four Objections, they are too extensive for any such summary or integration to do them justice, although all my incorporated Objections deserve to be considered fully on their

own excellent merits. The decisionmakers would be well advised to begin by reading the major detailed government and group commentaries, such as the very comprehensive, traditional environmental analyses by or for the CEA, the Wolf Creek Community Alliance, the Bear Yuba Land Trust, the Sierra Fund, The Wells Coalition, the State Dept. of Parks And Recreation, and Grass Valley. Next, the decisionmakers should read my four Objections for a less traditional, but also fairly comprehensive analysis, from my different perspective on the same problems and risks. What do I add to those governmental and group objections? I offer an experienced cynic's unique perspective as a bankruptcy lawyer with a half century disputing with bankrupt or abandoned mines and the insurers who sometimes failed with the mines (or, like my Lloyds of London—Equitas, were forced to restructure). Think of it this way. If one were going to design a safe plane, you would consult the best plane designers (e.g., the CEA and other such objector teams), but you could also consult a lawyer with as much experience as anyone in resolving the disputes about why all those other planes crashed, so as to expose the front-end mistakes and avoid history repeating itself. Because my family and property are being impacted by this mine menace, I have a personal interest in making certain that I am doing everything I can to protect us from this disputed EIR/DEIR mine.

As demonstrated herein, the disputed EIR fails to comply with CEQA and other applicable law for the same material reasons that are cited in my material DEIR Objections 254 and 255, plus additional reasons stated herein as to how the disputed EIR makes such disputed DEIR worse not better, and even fails to address, much less resolve, the harder questions I previously raised against the DEIR, such as in DEIR Objection 254 #15. As I demonstrate below (and in my DEIR Objection 254 at #'s 3.N, 4, and 14 defended herein from the disputed EIR's meritless nonresponsive "Responses," and in my DEIR Objection 255), the courts (see, e.g., ***Banning, Vineyard, and Costa Mesa)*** have interpreted CEQA to require both a **"good faith reasoned analysis" and what *Gray v. County of Madera* called "common sense,"** which is rarely even attempted in the EIR/DEIR. That EIR/DEIR failure is especially common with respect to disputed EIR/DEIR proposed "mitigation measures," which were rarely justified by any such "good faith reasoned analysis" and which is usually just asserted as an unsubstantiated and speculative opinion or assumption that I and others dispute as materially deficient or often even illusory or infeasible. Even when the disputed EIR purports to address a dispute on the merits, such lack of "common sense" and "good faith reasoned analysis" is common, as illustrated regarding both: (i) such groundwater depletion and recharge disputes, and (ii) the evasions, and worse, by the disputed EIR regarding the hexavalent chromium menace the DEIR/DEIR proposes to add to the mine cement paste for shoring (a threat almost entirely ignored or obscured in the disputed DEIR, with the EIR now trying to add some disputed data which it pretends was in the DEIR (it wasn't), so that the disputed EIR could incorrectly claim that it doesn't count as significant "new" information (which it is), thus requiring revision and recirculation of the DEIR, as demonstrated below.

As demonstrated in various places herein (and as proven in my four DEIR and EIR Objections 254 and 255 and partly admitted by Rise in its SEC 10K filing addressed in Exhibit B), the disputed EIR/DEIR entirely ignores the legal property rights and values of those thousands of us owners living above and around (and competing with) the 2585-acre underground mine. This is not just about what the mine does with its own property, but also about what the underground mine does to harm surface property owned by us objectors. Those concerns are especially applicable about our competing ownership of groundwater which we have the right to tap both now with our existing wells and later with future competing wells as

DEIR/EIR ignored climate change dries up our land and wasteful 24/7/365 mine dewatering for 80 years threatens to turn our precious forests into an even greater fire hazard. As my cited Supreme Court case quote demonstrates, depletion of the groundwater under our property is itself subsidence and harm to our legal rights of lateral and subjacent support. ***Keystone Bituminous Coal Association v. DeBeneditis,*** 480 U.S. 470, 475-75 and fn2 (1987) (*"Keystone")* **("Subsidence can also cause the loss of groundwater and surface ponds."**) Thus, unless the County wants to incur "taking"/eminent domain and inverse condemnation liability under the Fifth Amendment and the even more applicable California Constitution as discussed in DEIR Objection 254 #3.N, 4, and 14, no County EIR approval can deprive us of any of our such property rights (including as to our groundwater) as surface owners above and around the 2585-acre underground mine.

While the disputed EIR/DEIR continuously ignores that legal issue, that evasion also creates massive noncompliance by the EIR/DEIR with CEQA, which assumes unrestricted plunder of our such groundwater in its 24/7/365 dewatering for 80 years. See the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session, following up with the Wells Coalition Group Letter 27/28. Nowhere in the disputed DEIR/EIR is there any discussion of the environmental and other impacts of what happens when the courts protect such surface owner property rights with respect to our groundwater and otherwise. These evaded property rights issues are a much more profound dispute than merely what the EIR/DEIR claims are a small number of depleted wells along East Bennett Road, because, for example, us surface owners have the competing right to drill future wells during the 80 years to use our own groundwater property, which competition and conflict are never addressed in the DEIR/EIR. Stated another way, CEQA is about discussing what a miner does with its own property, but not any kind of right to use or harm anyone else's property, a legal reality commonly addressed in inverse condemnation claims, among various other remedies of competing property owners discussed briefly below, in my Exhibit A, and in my DEIR Objection 254 #'s 3.N, 4, and 14 and DEIR Objection 255 .

What I have attempted to do in this Objection (and in my DEIR Objections 254 and EIR and DEIR Objections 255) is to prove: (i) what I can of the adverse environmental impacts, recognizing that the miner (and those EIR/DEIR authors with whom Rise is collaborating) have exclusive control over much of the core, available data and evidence which only becomes available to us potential victims as discovery in any court challenges that become necessary if and after the disputed EIR is mistakenly approved. If necessary (as with the economic feasibility disputes wrongly excluded so far in the DEIR/EIR process –see Exhibit B and DEIR Objection 254 #2 and 255) in such future dispute process circumstances, we potential victims can then use discovery opportunities to further enhance our proofs of what should be obvious to any objective reader: there are massive errors, omissions, evasions, flaws, and worse in the disputed EIR/DEIR, which also fail to present "good faith reasoned analysis" with "common sense" and truth, thereby failing to satisfy CEQA and other applicable law. Thus, nothing in the disputed EIR/DEIR has overcome any of my four Objections, and too often its complaints about my

Objections are properly blamed on the disputed EIR/DEIR for itself creating the issues in its complaints.

For example, as explained below, the disputed EIR complains incorrectly that my Objections are too speculative, too unsubstantiated, or too unclear or unexplained to merit any response, thus failing to comply with CEQA. However, as demonstrated herein, each such disputed EIR and/or DEIR provision, omission, or flaw that my Objection addressed was usually itself either (i) too speculative, too unsubstantiated, too unclear or unexplained (e.g., based on mere implausible [or worse] opinions), (ii) based on false or unstated and incorrect or worse assumptions or guesses, (iii) the result of improperly ignoring my express cross-references or incorporations in my objections (or just willfully ignoring whatever other parts of my integrated objections the EIR/DEIR "chopped up" in its evasion), (iv) the result of the disputed EIR arbitrarily fragmenting and improperly addressing only in isolation what was my unified and integrated comment in a larger designated section of my Objection, or (v) other improper or evasive tactics. Also, note that, as other victim objections in my attached Table of Incorporated Objections (and the related Appendix of related documents) reveal, there are objectionable, common patterns and practices by the disputed EIR/DEIR to use "hide the ball," "bait and switch," and other objectionable excuses, evasions, and claims to dodge and disregard not merely my four meritorious Objections, but also those of many others that I incorporate. See, for example, my many objections below disputing errors, omissions, and flaws in the EIR Response to Comment Ind. 254-3 (addressing my Objection 254 #1.E starting at 2-5864, among others illustrating "hide the ball," "bait and switch," and other disputed tactics). The disputed EIR generally attempts to evade my such Objections by claiming they are insufficiently explained or detailed, but that disputed theory ignores in each case my many cross-references and my incorporated objections (as well as the rest of my integrated commentary that the EIR so tactically cuts up to have something to complain about being deficient.

If the reader has the patience and endurance to compare in detail my Objections to the disputed EIR/DEIR (and its responses to my corresponding objections) that pattern and practice of improper evasion, avoidance, and worse become unmistakable and irreconcilable with the CEQA requirements I explain herein (and in other my other Objections) with cited authorities applied to specific violations in the disputed EIR/DEIR, such as failing to provide a "good faith reasoned analysis" with "common sense" on every impact issue, every mitigation measure, and every objection either required by CEQA or other applicable law or permitted by applicable law as a rebuttal or impeachment of EIR/DEIR errors, omissions, or worse, regardless of what the disputed EIR/DEIR incorrectly contends to be the limited boundaries of CEQA. Stated another way, when the disputed EIR/DEIR makes a false or misleading statement (or assumption underlying incorrect or worse information presented) or omission, for example, one that "opens the door" for my rebuttal or impeachment thereof, CEQA doesn't shield the EIR/DEIR from any truth required to counter such false or misleading information or omissions.

(v). Some Hard, Risk Questions For Decisionmakers Not Addressed By The Disputed EIR/DEIR, And the Need For County Staff To Be More Skeptical of This EIR/DEIR.

Because of the massive omissions, evasions, and other nondisclosures by the disputed DEIR/EIR, I (like other objectors) have asked many hard questions in this and other Objections without any satisfactory responses from the EIR/DEIR. See my DEIR Objection 254 #'s 15 and

4, and Exhibit A. Indeed, the more I study the meritorious objections other experts filed against the DEIR and the disputed and generally nonresponsive EIR "Responses" thereto, the more commonly hard questions arise. Also, as Exhibit A demonstrates, even if the disputed EIR/DEIR were somehow ruled to be correct, overruling all these hundreds of meritorious objections like mine and those I incorporated, no purchaser or mortgage lender appraiser of any surface property above or around the 2585-acre underground mine, aka the stigma zone, will believe or trust their fate to this disputed EIR/DEIR. (That is the real message of the Nevada County Association of Realtors in its Group Letter No. 15, because who would be willing to assume the risk of buying a home above the 2585-acre underground mine under these circumstances at the same price they would have paid if the mine stayed "as is?") In other words, the only tolerable solution to this dispute is just to say "no" to the mine. This is about allocation of risk, and whatever you decisionmakers may conclude about the merits of these many EIR/DEIR and mining disputes, it is incontrovertible that approval of such EIR mining would impose on our local community, especially those of us living in homes on the surface above and around the 2585-acre underground mine, at least intolerable risks (plus certain losses of property rights and values at least from stigmas) for the profit of this Canadian miner's shareholders and no net benefit that any of us impacted locals can imagine to be real.]

[To be clear, my complaints, if any, with any EIR/DEIR participants not affiliated with Rise are about their incorrect approach to these disputes, which so far seems to be incorrectly assuming (rather than evaluating and screening) the accuracy, compliance, and sufficiency of the disputed EIR/DEIR (including as to the County Economic Report I rebut and correct in Exhibit A), as well as applying incorrect limits on required EIR/DEIR disclosures (e.g., ignoring economic infeasibility, even when admitted by Rise in SEC filings [Exhibit B] that *Richmond v. Chevron* prove must be considered as important evidence), thereby mistakenly and uncritically relying on, tolerating, or accepting, the disputed Rise errors, omissions, and misinformation in the EIR/DEIR. I hope that the County decisionmakers do not share that incorrect approach but follow instead the legally correct approach required the courts in the authorities cited herein and in other objections, including by allowing the use of Rise admissions in its SEC filings [see Exhibit B] and elsewhere to impeach the disputed EIR/DEIR claims and omissions, especially showing that Rise lacks sufficient financial resources to accomplish even what safety work and mitigations are proposed in the EIR/DEIR, much less what the courts will ultimately require in challenges if this disputed EIR were approved. See *Richmond v. Chevron* (where SEC filing rebuttals enabled the objectors to defeat that eir, among other things because CEQA does not override the rules of evidence) and sections I.C and D. That and other noncompliance make this disputed EIR/DEIR a dangerous example of what is politely called "alternative reality" to distinguish it from the "true reality" shared by thousands of us objectors living above and around the 2585-acre underground mine.]

We locals believe that this disputed EIR mine is certain to adversely impact our lives, property, and environment in many ways, both directly and indirectly, (e.g., harming our environment, our health and welfare, and our quality of life, while depressing our property values and economy in ways not properly appreciated by the County Economic Report disputed in Exhibit A). Decisionmakers, please ask yourselves this question, if you were one of us thousands owning homes above or around this 2585-acre underground mine and had to explain what the law requires you to disclose to a potential buyer or a mortgage lender's appraiser, what would you say? Stated another way, despite whatever feasibility or other legally important concerns our government may be incorrectly excluding from consideration in the disputed

EIR/DEIR, in the real world where us objectors live, people must consider all the relevant risks, especially those performance and mitigation achievement risks Rise admits in its SEC filings (or even in the DEIR) and those addressed in all these government agency and credible group objections. See, e.g., my objections in section II to the disputed EIR Master Response 1 which it describes in parts as relating to Quality of Life, Property Values, and Social And Economic Impacts.

(vi). Adverse Comments (Or Lack of Pro-EIR Findings) by CEQA "Responsible Agencies" Should Prevent Approval of the EIR.

The disputed EIR evades many meritorious objections with deferrals to future actions by regulators and other governmental agencies and other noncompliant shifts of permissions etc. See sections I.A.1.d, I.E.3, I.F.5 and 6; *Richmond v. Chevron.* CEQA requires any such "responsible agency" to make certain findings with respect to each significant effect and provide a rationale for each finding, especially regarding permits it issues, even if mitigation measures would reduce the effects to an insignificant level. See *We Advocate Through Environmental Review v. City of Mount Shasta* (2022), 76 Cal.App.5th 629. (Here, the disputed EIR's claims of such mitigation reductions to insignificance are incorrect or worse as explained in my objections and those of many others, especially objections proving noncompliant EIR standards and practices that make deficient or omitted or evaded mitigations unable to accomplish a reduction to insignificance. See Table of Incorporated by Reference Objections.) Based on the many Agency Letter objections I incorporate or explain in Exhibit D, it appears that such agencies' findings will not support the EIR and should persuade or block the County as lead agency from approving the EIR. While such conflicts between lead and responsible agencies my involve complex legal issues, the overwhelming objector support for any such adverse responsible agency findings and objections will enable such EIR collective opponents to defeat the EIR in any legal, law reform, and political remedies that may be required to achieve that result.

(vii). Some Introductory Rebuttals of the Noncompliant EIR/DEIR's Climate Change Denial And Evasion.

Throughout the noncompliant EIR/DEIR there is a disputed pattern and practice of evading and omitting climate impacts on various bogus excuses. While I address that issue in section I.C and D as to CEQA and other legal principles, as in I.E and F in applying those rules to the issues in dispute, I offer this reminder to the decisionmakers. Contrary to the wishful thinking of the EIR/DEIR, climate change is not so speculative or uncertain as to excuse the EIR/DEIR from having to subject it to the same "good faith reasoned analysis" with "common sense" as other impacts. See, e.g., *Richmond v. Chevron* and other cases addressed in I.C and D, such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75.Cal. App. 5th 63 ("**Save Lake Tahoe**") (finding the eir's greenhouse gas **[GHG]** mitigation measure was inadequate because it **deferred** determination to an unknown future time, requiring the applicant to mitigate impacts IF the project conflicted with relevant future emissions targets adopted by the state, relying on performance standards that do not yet exist and may never exist so that any determination of the impact's significance is deferred to an unknown time and where neither the county nor the applicant were committed to mitigating any such impact. Also, the eir **failed properly to consider whether renewables could be incorporated**

into the Project in the energy impact discussions, as noted below.) According to Save Lake Tahoe, to be compliant the CEQA analysis of energy impacts requires both whether renewables can be incorporated into the project, and (if significant impacts) whether renewables would reduce the impact. Also, for significant impacts, the EIR must consider all feasible mitigation measures. The EIR fails these tests, among other things, by such deferrals, by such lack of analysis and denials of such climate change matters, and by ignoring the renewables issues.

As to confirming the "significance" of these energy issues that Grass Valley calculated in its Agency Letter 8-18: "The [IMM] Project's annual energy use would represent an increase of approximately 15 percent in County-wide electric usage for a single industrial use." As Grass Valley said (at Id.): "This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact." That by itself not only defeats the Nevada County Energy Action Plan (EAP), but it depresses any willingness of mine opponents to sacrifice in their own energy usage, because our sacrifices would benefit this objectionable mine instead of our environment. Indeed, as I explain in detail with my rebuttal of the EIR/DEIR on its unrealistic and grossly understated generator use to cover PG&E PSPS, system failures, weather events, and other causes of blackouts increasing with progressive climate change impacts (see, e.g., sections I.E.7 and my objections to EIR Master Response 254-42), the EIR's projected energy use in incorrectly analyzed. See, e.g., my objections in section II to EIR Master Responses 16, 25, and 26-28 and my objections in section III to EIR Response to Ind. 254-84.

b. Some Basic Authorities And Principles That Can Be Applied To Support the Many Specific Objections That Follow, Including Some CEQA and Guideline Rules.

(i). Process Status between the Disputed EIR/DEIR And Objections, And the Failure of the EIR/DEIR To Satisfy Their Burden of Proof.

Acting to process a proposed EIR for the Lead Agency under **"CEQA"** (the California Environmental Quality Act, Pub. Res. Code #21000 et seq.) and its **"Guidelines"** (14 Cal. Regs. #15000 et seq.), the process participants so far have presented a noncompliant and worse draft environmental impact report ("DEIR") drawing hundreds of written objections, including my DEIR Objections 254 and 255. Then they mistakenly chose to "assume away," tolerate, or overlook those massive errors, omissions, and deficiencies in a disputed EIR that makes those problems even more objectionable. Besides mistakenly evading, disregarding, or tolerating what objectors cite as such substantive and procedural errors, omissions, and deficiencies, such process participants made an even worse mistake by incorrectly assuming the proposed EIR was, as it falsely claimed, only "clarifying" or "amplifying" the DEIR in ways that allegedly did not add significant "new information" or otherwise require DEIR revisions and recirculation. I demonstrate those EIR errors below requiring massive revisions and recirculation. See section I.A.1.c below. Moreover, as demonstrated in my attached or incorporated four "Objections" and by others' objections in my Table of Incorporated by Reference Objections, both the disputed EIR/DEIR fail to comply with CEQA requirements both to provide comprehensive "good faith reasoned analysis," applying truth and "common sense," and to lessen or avoid the many significant impacts, whether or not acknowledged by the EIR/DEI, by adopting feasible, timely

and sufficient mitigation measures or alternatives. See section I.C. and D, as to the correct interpretation of CEQA rules, sections I.E and F for examples of the applications of those rules and follow up authorities in my DEIR and EIR Objections 255.

Not only did the disputed DEIR/EIR fail to satisfy their burdens of proof and compliance, but the substantial record clearly now demonstrates that such improper DEIR/EIR approach undermined CEQA's goals of full and timely disclosure of environmental impacts and effects with timely, feasible, and sufficient mitigations and recognition of superior alternatives. Moreover, the disputed EIR accepted, added, and misapplied "significant" "new information" (and more deficient mitigations and disregarded superior alternatives) after public review and objections to the DEIR, especially by improperly deferring analysis and mitigation in key impact areas and with respect to delayed disclosures and factors contemplating future plans, mitigations, and studies only after public review of the DEIR closed and often after project approval, thereby depriving us objectors of our full rights to review, correct, and comment on the application of CEQA and other legal requirements to what the disputed EIR has mischaracterized, added, and changed with respect to the disputed DEIR. Unfortunately, even with this and other massive counters to the disputed EIR, I fear the decisionmakers and public will still be uninformed, puzzled, and dissapointed, because the EIR/DEIR does not adequately engage in the disputes on the merits, but prefers instead to evade, ignore, or mischaracterize them, leaving way too much in dispute about which we objectors had hoped to be able to rebut more specifically. It's as if someone decided on an improper defense strategy to avoid honest debate with facts and law in favor of just disputing our complaints as too speculative, unsubstantiated, or otherwise deficient to entitle our objectives even to be discussed. Even worse, my four Objections and others have demonstrated that the DEIR/EIR needed massive revisions and recirculation to reflect truth, "common sense," and reality, instead of what can only be described as the erroneous or worse "alternative reality" imagined by the EIR/DEIR. In particular, my four Objections demonstrate not just errors, omissions, and deficiencies in the disputed DEIR/EIR, but massive mischaracterizations, evasions, and ignoring of meritorious objections by me and others (see my Table of Incorporated by Reference Objections attached to this EIR Objection 254 and Exhibit D.)

Since the disputed EIR makes no comprehensive, adequate, or (often even) meaningful effort to fairly address any relevant objections on the merits, the EIR strategy seems to be, first, to hope the decisionmakers will mistakenly approve a deficient EIR that so evades, ignores, and mischaracterizes our objections, and then, second, to attempt to defend the inevitable court, law reform, and political challenges by those of us who have no choice but to continue defending our homes and the health, welfare, and environment of our community. Judicial review of CEQA compliance by mandamus action, whether by the Superior Court or at the appellate court, is a *de novo* review of whether the agency failed to proceed "in a manner required by law" (as with such failures here) or whether a determination is not "supported by substantial evidence" (as is also frequently the case since too much of the EIR/DEIR lacks the required "common sense of .) CEQA #21168.5. **The project proponent has the burden and responsibility for that result. *Sierra Club*, 6 Cal.5th at 513-14. As I keep protesting, the constant effort by the disputed EIR/DEIR to shift the burden of proof and demand more explanations and substantiation from me and other objectors, the CEQA burdens for analysis and reporting fall on the EIR applicant, not on the objectors. E.g., Kings County Farm Bureau v. City of Hanford (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the agency, not the public.**

Also, under **CEQA the EIR/DEIR has the "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.) Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyard* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at I.A.1.d.(v), I.C, and I.E.4.**

(ii). The Applicable Standards For CEQA Sufficiency Are Being Ignored by the EIR/DEIR.

That CEQA compliance requires a *de novo* determination of whether the EIR/DEIR discussion is "sufficient or insufficient" and "includes enough detail." E.g., *South of Market Community Action Network v. City and County of San Francisco* (2019), 33 Cal. App. 5th 321, 330-331, citing *Sierra Club v. County of Fresno* (2018), 6 Cal.5th 502, 515-516 ("**Sierra Club**"); *Chico Advocates for a Responsible Economy v. City of Chico* (2019), 40 Cal.App.5th 839, 846-47. In order to satisfy that "adequate discussion" of the required topics that is such proponent's burden and responsibility, ***Sierra Club*** (at Id.) **mandates that the agency must explain "in meaningful detail in the EIR," including its "analytic route" from "evidence to action," which my Objections translate to requiring "good faith reasoned analysis" (e.g., *Banning, Vineyards, and Costa Mesa*) and applying "common sense" (e.g., *Gray v. County of Madera)*.** When (as here) the disputed EIR/DEIR lacks such analysis or omits the magnitude of the environmental impact, such as constantly with a conclusory discussion (or worse, with mere unsubstantiated opinions or speculation) in this disputed EIR/DEIR, the EIR/DEIR is inadequate for CEQA purposes and lacks the required "substantial evidence." *Sierra Club* at Id.

Throughout the disputed DEIR/EIR it cites **CEQA # 21082(c)** to deny "substantial evidence" compliance to most of my and others' objections, wrongly claiming such objections to be merely "argument, speculation, unsubstantiated opinion or narrative" or "which is clearly inaccurate or erroneous," thereby wrongly asserting an EIR/DEIR excuse to ignore my objections (and those of others). CEQA #21082(c). [Note that complaint applies with greater force to the disputed EIR/DEIR than to our objections, many EIR/DEIR errors, omissions, and deficiencies also involve mistakes of law, rather than fact, which need to be corrected for the correct law and Guidelines to be applied to relevant facts, including damning Rise admissions (e.g., SEC filings discussed in Exhibit B) that the EIR/DEIR cannot ultimately evade as it incorrectly attempts to do.] In any event, as my objections demonstrate that same #21082

standard instead applies to defeat the EIR/DEIR (which are the worst and constant such offender), rather than my and other objections. See CEQA # 21100, 21002.1**, and Town of *Atherton v. Cal. High-Speed Rail Authority (*2014), 228 Cal. App.4th 314, 349, no judicial deference allowed for a "clearly inadequate or unsupported study,"** as my objections and others demonstrate frequently occurs in the disputed EIR/DEIR.

Also, I dispute that even any better EIR/DEIR monitoring and mitigation might be legally and practically sufficient and otherwise satisfactory, because it is not feasible for "implementation" and otherwise for many reasons. See, e.g., my attached Exhibit B and citations to my Objections 254 and 255 that use Rise SEC admissions to prove that none of what is promised or contemplated by the DEIR/EIR is affordable or economically feasible for Rise and, hence, is illusory or noncompliant. Indeed, as I have proven, even the insufficient, deficient, illusory, and otherwise unsatisfactory and disputed DEIR/EIR offered mitigation and monitoring is not feasible, as I explained herein and in that DEIR Objection 254 #3.E (VI), as well as its #1.E and F and 2.

Most importantly, the EIR/DEIR fails to perform its **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyard* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at I.A.1.d.(v), I.C, and I.E.4. When the EIR/DEIR fails to include the relevant information that precludes our objectors' informed decision making and public participation, as I demonstrate in my Objections commonly occurs in the disputed DEIR/EIR, such omissions defeat the disputed EIR/DEIR and thwart the goals of the EIR process. E.g., *Association of Irritated Residents v. County of Madera* (2003), 107 Cal.App.4th 1383, 1391. Again, **as explained in Kings County Farm Bureau v. City of Hanford (1990), 221 Cal. App. 3d 692, 724, the burden of providing the required EIR information is on the EIR applicant, not the objectors**. **Indeed, I keep protesting the constant, improper effort by the disputed EIR/DEIR to shift their burden of proof, such as by demanding more explanations and substantiation from me and other objectors, when the CEQA burdens for such analysis and reporting fall first and comprehensively on the EIR applicant, not on the objectors. E.g., Kings County Farm Bureau v. City of Hanford (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the EIR agency, not the public.**

While the EIR/DEIR seems to act as though it need not give serious attention to the future impacts of its 80 years of 24/7/365 disputed mining, **CEQA is clear that it is a comprehensive scheme designed to provide "long term protection to the environment" and must be interpreted to "afford the fullest possible protection to the environment within the reasonable scope of the statutory language." E.g.,** ***Mountain Lion Foundation v. Fish & Game Com.*** **(1997), 16 Cal.4th 105, 112. "Whether an EIR has omitted essential information is a procedural question subject to de novo review."** ***Banning*** **2 Cal. 5th at 935 (also requiring "scrupulously enforc[ing] all legislatively mandated CEQA requirements").** That is what I call a question of law, because it involves the interpretation and enforcement of CEQA. That is also the foundation of most of my Objections, making the EIR/DEIR's erroneous (and worse) attempts to insist on its disputed claims nonresponsive, wrong, and unsubstantiated.

c. The Ultimate Goal of This Objection Is To Require At Least Revisions And Recirculation of the Disputed EIR.

My focus in this comprehensive analysis of so many disputed EIR/DEIR objections is to compel revision and recirculation (if not rejection) of the EIR by demonstrating: (i) many errors, omissions, and other noncompliance with CEQA and applicable law, demanded by the EIR both (a) containing more "significant new information" as defined in Guideline 15088.5(a) and (b) failing to present better and more complaint mitigation; (ii) the failure sufficiently both (a) to address the impacts of such "significant new information" that the disputed and still deficient EIR has added to the disputed DEIR and (b) to respond to my and other objections about more than the disputed, incorrectly labeled "clarifications" or "amplifications" or other data incorrectly alleged by the EIR to be insignificant; (iii) new significant environmental impacts would result from new mitigation measures proposed or required to be better analyzed and implemented in the EIR or that are required but not properly proposed in the disputed EIR; (iv) substantial increases in the severity of many environmental impacts unless sufficient mitigation measures are adopted that truly reduce the impact to a level of CEQA insignificance, which standard the disputed EIR/DEIR never seems to gauge, discuss, or apply correctly; (v) at least two feasible mitigation and alternative measures sufficiently different from those the disputed EIR/DEIR analyzed would clearly lessen the environmental impacts, but the proponents decline to adopt any of them, as discussed below; and (vii) for those reasons and others demonstrated, the disputed EIR/DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. E.g., ***Mountain Lion Coalition v. Fish And Game Com.*** **(1989), 214 Cal. App. 3d 1043, a standard to which the EIR admits (at 1-3), although there are other formulations that apply and that I cite to in various other places in this Objection and others. See my final section on this topic near the end of this Objection, as well as my opening section II.A to my objections to the Master Responses.**

I prove those factors mandate EIR/DEIR revisions and recirculation by various cumulative approaches in this massive compilation of objections (including incorporations) that are designed to meet the ***Mountain Lion test*** **and those other court decisions I cite that are legally and factually similar to this mine, such as** ***Gray v. County of Madera*** **(2008), 167 Cal.App.4th 1099.** I do so by beginning in this section I with some general overviews that identify many principles and guidelines that the EIR/DEIR violates, applying some illustrations

of more detailed commentary to follow up on more specific impacts or violation topics on the basis of subject or legal precedent or authority. See section I.F.8. Then, relying on that foundation, I rebut the disputed EIR's Master Responses in the next section II, and then I rebut each of the disputed, nonresponsive, and deficient EIR's "Responses" to what it calls my "Comment Letters Ind. 254 and 255" (i.e., what I herein call my "DEIR Objections 254 and 255" in this "EIR Objection 254" and my companion "EIR Objection 255." See, e.g., my demonstration in section II.J regarding what the EIR calls "Location of Future Mining," where I demonstrate how EIR Master Response (2-43) [plus related other EIR additions and changes] adds such significant new information requiring revision and recirculation. As I demonstrate there and elsewhere in my four Objections (my prior DEIR Objections 254 and 255 are relevant to those disputed EIR responses because their merits still prevail and I incorporate and support them in my EIR Objections 254 and 255), the EIR Master Responses and Responses relevant to my Objections are all noncompliant in some way or on some issues, typically in one of two ways": either the noncompliant EIR (i) rewrites, recasts, misdirects, or otherwise mischaracterizes (including with strategic omissions) my actual objection with what the EIR preferred to address instead, and then the EIR added new significant data to fit that new story, or (ii) such new information is scattered/obscured by the disputed EIR among the main text, the Master Response, or the individual Responses to the hundreds of agency, group, and individual objections to the DEIR.

For example, Master Response 7 presents much significant new information under the misdirecting title of "Location of Future Mining," adding significant new information about, for example, about groundwater issues, blasting vibrations and noise, and other things. However, perhaps to reduce the obvious mass and significance of such data, one can find more on such topics disaggregated (what I describe as the "scramble" tactic to attempt to evade recirculation obligations) in other Master Responses, and, even more difficult to find, in "Responses" to individual Agency, Group, and Individual Letters. For example, the only place in the EIR to find an EIR Response to my hexavalent chromium objections (e.g., my DEIR Objection 254 #'s #.D, E, F, M, N, 4, 5, 6, and 15) is in the EIR's general opening Response to Individual Letter Ind. 254-1, which is not marked in any way that would help or inspire anyone else to find it (a classic example of "hide the ball" tactics in I.A.1.D.(viii)).

Another example of such "hide the ball" is adding Appendices Q, O, and R at the end of the more than 7000 pages of the EIR where (again missing clues to the location and content of such data) few will find them. See section I.E and F below. In order to judge the "significance" and extent of "new information" the decisionmakers, if they have the patience, or, if the EIR is mistakenly approved, otherwise the courts, will have to "reaggregate" the new information that the EIR disaggregates (aka scrambles), impact topic by topic from all such scattered places in order to judge the significance and newness of such information in one place. While I offer various examples of that tactic in play throughout this Objection, doing that systematically is too much effort, unless it's necessary for a court trial, because this disputed EIR should be rejected before that becomes necessary.

In some cases, the "significant new information" requiring revision and recirculation can also arise from the courts correcting on a challenge when the disputed EIR is mistakenly approved containing a fatal error. In this case one such example is the incorrect attempt by the DEIR/EIR to treat the Centennial site work as if it were a separate project. See section I.B, among other places where I rebut that EIR claim and demonstrate that such Centennial work is part of the unitary project at issue here. Whenever that reality is recognized, the DEIR/EIR

process must be redone, especially since I suspect the DEIR/EIR's tactical reason for trying to separate Centennial was to avoid having to address the hard questions it ultimately will not be able to evade.

Stated another way, ask yourself this initial question: "significant" or "new" information to whom? (Hint the answer for the application of that standard must be "new" or "significant" to the public and decisionmakers since the whole goal of CEQA is to enable us to make more informed decisions. Indeed, truths omitted from the DEIR are almost always known by the EIR/DEIR applicant, so not much is a new discovery between the DEIR and EIR releases, but rather "new" in terms of what is known by any of the public and decisionmakers who may wish to object. Only that interpretation makes common sense in advancing the CEQA full disclosure goals and discourages the EIR/DEIR applicant from "hiding the ball" by making sure that such applicants cannot benefit from such concealments that result in such alternative realities instead of the required truths.) Thus, as has occurred in these objectionable DEIR/EIRs, when the EIR crafts an "alternate reality" in response to objections (e.g., sections I.A.1.d and I.C and D), that also is adding "significant new information," because it is still evading the objections by withholding some of what we needed to know for additional possible objections. The issue is not judged by what the EIR claims to think as "new" or "significant" (a standard that would hardly ever result in adequate and compliant CEQA disclosures, as this disputed DEIR/EIR demonstrates), but rather as to "new" by whether the objector has been deprived by such changes of the opportunity to make the best objections at the DEIR level, and as to "significant" by whether the objection to that new data or changes could possibly cause a reasonable objector to wish to address them on the merits so as to expose any error, omission, or noncompliance that might make a difference in the evaluating any required disclosure by the CEQA standards, including for requiring "common sense" and "good faith reasoned analysis." Also, this EIR/DEIR is wrong to attempt to evade the disclosure of "new" or "significant" information based on its improper attempt to deny objections what we need for rebuttal and impeachment of statements in the DEIR/EIR when such EIR incorrectly claims those objections address matters outside the scope of CEQA, even though the statements in the EIR/DEIR were also by that disputed standard. See, e.g., section I.C and D.

In terms of the *Mountain Lion* test and others that apply to defeat this EIR/DEIR, my such objections demonstrate not just innocent errors and omissions, but a much more dangerous pattern and practice of objectionable tactics that present an "alternative reality" that cannot be deemed compliant with CEQA or other applicable law. For example, reading my disputes in section III of the 101 EIR "Responses To Individual Letter Ind. 254-1 to 101 makes that objectionable pattern and practice unmistakable, especially if one adds in the more subtle patterns and practices of the Master Responses to which I object in section II. However, even worse than such EIR/DEIR errors, omissions, and deficiencies are the admitted realities in Rise's SEC filings and elsewhere that this miner-applicant (and likely any successor which may be "hiding behind the curtain for a flip") cannot afford to accomplish for even the lesser and still deficient safety and mitigation aspirations imagined in the disputed EIR/DEIR (compared to what applicable law and justice require.) See, e.g., Exhibits B and A herein, section I.A.1.d.(viii) herein, and my DEIR Objections 254 (#2) and 255.

My Objections incorporate many other party objections, such as are listed in the attached Table of Incorporated by Reference Objections. See Grass Valley Agency 8 (e.g., at 21, 45. And elsewhere applying *Laurel Heights* (6 Cal.4th 1121) and #15088.5, 21083 and 21092.1. Despite the disputed EIR choosing to ignore both my external incorporations and my internal cross-

references in its non-responsive "Responses" rebutted in section III, I do that not only so that those objectors with other types of technical expertise than mine can enhance and expand my objections with details to illustrate or prove my concepts, as I commonly would do as a bankruptcy lawyer dealing with bankrupt or abandoned mines, by presenting a compilation of objections from many creditors and experts collaborating for common goals. I do that also to marshal the collective force of the objector community, each examining the disputed EIR/DEIR from such objector's unique experience to demonstrate that from any perspective this disputed EIR/DEIR cannot overcome its many errors, omissions, and deficiencies, especially as to missing and deficient mitigations.

One question in dispute is whether this disputed EIR added "significant new information" to the disputed DEIR. CEQA #21092.1, Guideline # 15088.5(a); *Laurel Heights Imp. Assn. v. Regents of the University of California* (1993), 6 Cal.4th 1112, 1124. Whether or not the County decides to recirculate the EIR, the required revisions to the EIR/DEIR may (and would) still be challenged. Not to require such revisions and recirculation in this case would be an abuse of discretion by the County, triggering legal, political, and law reform consequences. E.g., *Banning*, 2 Cal.5th at 942. My rebuttals below to the EIR demonstrate further reasons for revising and recirculating the EIR/DEIR besides those explained here or earlier in my DEIR Objections 254 and 255. **FOR EXAMPLE, SEE *WE ADVOCATE THROUGH ENVIRONMENTAL REVIEW V. COUNTY OF SISKIYOU* (2022), 78 CAL. APP. 5TH 683, WHERE THE EIR HAD TO RECIRCULATED BECAUSE ITS GHG/CLIMATE CHANGE ANALYSIS HAD "FATAL DEFECTS," SUCH AS INCONSISTENT DATA AND A FINAL EIR IDENTIFYING MORE SEVERE SIGNIFICANT IMPACTS THAN IDENTIFIED IN A DRAFT EIR. SINCE THE DEIR CONTAINED MORE ERRORS, OMISSIONS, AND NONCOMPLIANCE THAT MINIMIZED THE APPEARANCE OF SIGNIFICANCE OR EVADED SIGNIFICANT IMPACTS, EVEN THE MODEST ADDITIONS BY THE EIR INCREASED THAT SIGNIFICANCE AND THAT REQUIRES RECIRCULATION. Accord, *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2002), 75 Cal. App. 5th 63 (also addressing the stricter "Friant Ranch" standard where the eir did not function sufficiently as an informational document.) FOR INSTANCE, THE DEIR MADE LITTLE AND MASSIVELY DEFICIENT REFERENCE TO THE IMPACT OF TOXIC HEXAVALENT CHROMIUM IN THE MINE CEMENT PASTE FOR SHORING UP THE UNDERGROUND MINE (AND AIR POLLUTION WHEN IT IS MIXED ON THE SURFACE), SO THAT EVEN THE STILL DEFICIENT COMMENTS IN THE EIR EVIDENCE A MUCH MORE SIGNIFICANT IMPACT THAN THE DEIR, THEREBY SO REQUIRING RECIRCULATION. E.g., section I.F.1, Exhibit C, and my many objections to EIR Responses Ind. 254-1 and 36, as well as to what the EIR said in such disputed Responses to my DEIR Objections #'s 3.A, B, C, E, G, H, J, 7, and 10. See also EIR Appendices Q, O, and R, addressing (obscurely at the end of the EIR without linkage to any compliant analysis) admitted impact risks for air and water pollution by hexavalent chromium that are significant new information as demonstrated in section I.A.1.c and I.C and D. While the EIR incorrectly tried in its disputed Response Ind. 254-1 to claim mitigation to reduce the significance of the CR6+ impacts, there was no "good faith reasoned analysis" with "common sense" compliant with CEQA and its subjective standard of "significance" reminds me of how the culpable utility (like asbestos and cigarette companies with their lethal products) tried unsuccessfully to discount the**

significance of its hexavalent groundwater pollution that killed Hinkley, CA, and many of its residents, a problem so severe that decades later they are still trying to clean it up: see www.hinkleygroundwater.com. As demonstrated throughout my four Objections, this EIR cannot avoid the reality of "significant" impacts by incorrectly (or worse) proclaiming an artificial reality in which nothing is "significant" that would obstruct its ambitions.

Although it was not published by the court, for these purposes the County may consider the wisdom of *Protect Our Homes And Hills v. County of Orange*, Cal. App. G054185 filed 10/13/17, because it properly recognized the special circumstances for that subdivision project (as apply here) regarding fire and smoke risks in our local, high fire/smoke risk environment. As with our disputed EIR/DEIR, that deir claimed that all project impacts would be reduced to less than significant levels after implementation of mitigation. As here, there were thousands of objections to that deir, but Orange County nevertheless just approved the deir as the eir without recirculation, using the same incorrect theory alleged here that the changes were merely clarifications, amplifications, elaborations, or minor modifications to the deir. The court required revisions by mandate with respect to the disputed environmental settling, fire hazard mitigation, and water demand and supply. All such eir flaws and noncompliance apply here to this EIR as well. As here, that Orange County project setting description was deficient, such as by ignoring 2300 acres of adjacent CJSP lands and failing to correct the inaccurate and misleading maps so that readers could use them to identify locations at risk. [See here the same concerns and more expressed by the incorporated California Department of Parks And Recreation objection Group 1, regarding the Empire Mine and other State properties adjacent to this EIR mine.] The court also rejected the Orange County eir defense that some maps were "historical," noting that some false maps were created for the FEIR. The same is true here, despite my repeated objections and those of others (e.g., the State Department of Parks And Recreation protesting the map errors and omissions relating to its adjacent property like the Empire Mine Park) to the disputed EIR/DEIR not identifying surface streets and addresses so us surface owners would know where our properties are located in relation to the blasting, tunneling, digging, dewatering, and other mining in the underground mine beneath or near our homes.

d. The Disputed EIR/DEIR Ignores Or Dismisses Reality Without the CEQA Required "Good Faith Reasoned Analysis," Even Evading Addressing Its Own Inconsistencies And Rise Admissions, While Defying "Common Sense."

(i). The General EIR/DEIR Failure To Comply with CEQA With A "Good Faith Reasoned Analysis" Applying "To the Extent Possible, Scientific And Factual Data" (And What *Gray* calls "Common Sense.")

Readers should focus on this key reality to avoid being confused or misled by the disputed EIR/DEIR. As stated herein in cases like *Kings County Farm Bureau* and *Sierra Club*, supra, the burden of proof and persuasion must be on the disputed EIR/DEIR (not on potential, impacted neighbors like me). That compliance requires the EIR to provide such a "good faith reasoned analysis" in accordance with CEQA and other applicable law (e.g., *Banning, Vineyard, and Costa Mesa*) and also to comply with "common sense" (e.g., *Gray v. County of Madera*), which includes consistency with actual reality (i.e., climate change is real), rather than the

"alternate reality" too often presented by the disputed EIR/DEIR (e.g., groundwater dewatered 24/7/365 for 80 years will recharge from the "current" average rainfall between 1967 and 2017 continuing indefinitely). I demonstrate herein that the EIR repeatedly has failed to accomplish such analysis, just as my other DEIR Objections 254 and 255 have demonstrated (or incorporated such errors, omissions, and noncompliance from other authorities or objectors) with respect to the disputed DEIR. See, e.g., my attached Table of Incorporated by Reference Objections. Nothing in the disputed EIR or DEIR has defeated (or more accurately stated in many cases, has properly disregarded) any of my material objections (or those I have incorporated). Indeed, the disputed EIR/DEIR often does not even attempt a meaningful debate on the merits, but simply insists on its insufficient, unsubstantiated, or worse opinions or assumptions without any such "good faith reasoned analysis" that deserves serious consideration and often defying "common sense."

In other words, the disputed EIR cannot be approved while failing to comply with its adequate disclosure obligations, while disregarding and failing to overcome on the merits objections that don't provide and rebut the compliant data that the EIR was required to provide. For example, as demonstrated throughout this Objection where I expose forbidden EIR/DEIR tactics, deficiencies, and evasions (see, e.g., my objections to how the EIR "cut up" into less powerful fragments labeled as Comment Ind. 254- 14 to 33, corresponding to my integrated Objection 254 #3.E that exposed such objectionable tactics.) See also my DEIR Objection 254 #'s 3.M and N, 4, 14 and 15), as well as my section I.F.5 below. The controlling court decisions prohibit much what the disputed EIR/DEIR attempts to do to avoid proper, compliant, and sufficient responses to what I demonstrate herein and elsewhere are my valid objections. E.g., *Banning Ranch Conservancy v. City of Newport Beach* (2017), 2 Cal.5th 918, 940-41 ("***Banning***"); *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007), 40 Cal. 4th 412, 442 ("***Vineyard*"**); and *Concerned Citizens of Costa Mesa, Inc. v. 32d Dist. Ag. Ass'n* (1986), 42 Cal.3d 929 ("***Costa Mesa***"), **each insisting on "common sense" and "a good faith reasoned analysis," rather than referencing inapplicable, deficient, scattered, or otherwise obscured or buried data. I.e., objectors cannot be required to hunt through disputed masses of disputed DEIR/EIR exhibits looking for unspecified data or bases for the assumptions that would be necessary to resolve whether disputed EIR/DEIR cited studies somehow could be relevant and probative, instead of what they appear to objectors to be: deficient, irrelevant, or inapplicable on the merits.**

Especially when the EIR/DEIR fails or refuses to provide such a "good faith reasoned analysis," I am not required to prove any substantive contrary environmental impacts or the contrary truths rebutting the disputed EIR/DEIR claims. I should be entitled to defeat the EIR/DEIR merely by proving (as my Objections and others do) that the disputed and noncompliant EIR/DEIR has failed to satisfy such disclosure and analysis requirements of CEQA, without me or others needing to prove in technical detail the reverse of what the EIR/DEIR incorrectly alleges or evades or omits. I can also do that by demonstrating (as I do in my rebuttals and impeachment) either that the disputed EIR/DEIR is so noncompliant, such as where the EIR/DEIR lacks the required "good faith," reasoned analysis, or "common sense" in its statements, such as by showing how such EIR/DEIR claims are untrue, preposterous, evasive, misleading, deficient, or otherwise noncompliant. By analogy, when the EIR/DEIR claims (by analogy) that the Earth is flat or the sun orbits the Earth, it should be sufficient to prove that is wrong without having to prove what instead is correct.

Stated another way, the legal standards for judging the disputed EIR/DEIR allegations are wrongly defined or applied by the EIR/DEIR, such as for "significance," "reasoned analysis," "good faith," and "common sense." Even worse, the EIR rarely makes any meaningful attempt at a sufficient response to my Objections or those of others. For example, many disputed EIR/DEIR cited studies are based on disputed and false, inapplicable, or unsubstantiated assumptions, such as that: (i) dissimilar, inapplicable, and irrelevant situations or conditions are incorrectly claimed, without any substantiation or "good faith reasoned analysis," by the disputed EIR/DEIR to be similar, applicable, and relevant, or (ii) obsolete, superseded, or otherwise revised data is still incorrectly claimed to be current and correct (e.g., such as the DEIR/EIR incorrectly claiming that the groundwater dewatered 24/7/365 for 80 years [somehow without the required reasoned analysis or proof] will recharge from the imagined continuation of what is falsely labeled as the "current" average rainfall between 1967 and 2017, ignoring not just climate change drying, but also the dry years after 2017 required to be part of what is "current." Incidentally, that is an example of EIR/DEIR "tactics," lacking "good faith reasoned analysis" and "common sense," that I dispute elsewhere as "hiding the ball" and "bait and switch.")

In effect, the EIR/DEIR claims the right to say whatever it wants, while barring not just full disputes beyond such EIR alleged CEQA boundaries, but also my rebuttal and impeachment of EIR/DEIR errors, omissions, and falsehoods, even when they are admitted by Rise, such as in its SEC filings. For example, how can Rise spin one disputed story to the County, while reporting and admitting inconsistent and contrary facts, conditions, and circumstances to the SEC and investors, many making clear that such high risk, speculative investments in Rise are too risky for any but the most avid gamblers? How can Rise claim that it can omit to disclose to the County (and evade objections by potential victims like me), while Rise is revealing many of those high risks, threats, and flaws to the SEC to scare off unwary investors? How many times can such "hide the ball tactics" and noncompliance with applicable law occur in the EIR/DEIR before that becomes proof of willful noncompliance and intentional evasion? Considering the massive extent of the omissions and other objectionable commentary in the DEIR, this EIR non-responsiveness itself is grounds for rejecting the EIR/DEIR. See my illustrations of some of the many reasons (besides those in the next following paragraph) why credibility problems prevent any reasonable reliance on the EIR/DEIR, especially as to its many unsubstantiated claims that are just disputed and non-credible opinions.

The EIR/DEIR incorrectly complains about, and tries to hold us objectors to, a different and higher legal standard than it applies to itself, when the higher CEQA standard is only applicable for the EIR/DEIR. Such disputed EIR/DEIR tactics and evasions are doubly wrong, since both (i) the correct legal/CEQA etc. standard/burden of proof is much higher on the EIR/DEIR/miner than on us objectors, which makes sense because those EIR/DEIR parties have exclusive control over the sources of key information (e.g., the objectors have no access to the closed and flooded mine that Rise has not adequately evaluated, presumably because it doesn't want to risk the likely bad news about the condition of the mine and prefers to assume the correctness of its unsubstantiated speculations), and because the miner and its EIR authors have not yet been exposed to litigation discovery and cross-examination by us objectors, and, as demonstrated throughout this document, (ii) the disputed EIR/DEIR cannot argue an excuse under CEQA Guideline #15384 for not responding to our objections when it is itself frequently guilty of worse noncompliance by presenting such a deficient EIR/DEIR that so often lacks

"good faith reasoned analysis," "common sense," and other CEQA requirements compliance (e.g., irresponsibly speculating and otherwise asserting errors, omissions, and noncompliant data as the EIR/DEIR do with their own speculations, unsubstantiated opinions, incorrect or worse assumptions, and other prohibited tactics, such as "hide the ball," "bait and switch," reliance on unstated and false assumptions, false comparisons or equivalences, etc.).

Consider, for example, false EIR reliance on disputed studies that would be legally inadmissible or irrelevant as evidence because such EIR/DEIR's often cited Appendices relate to situations too dissimilar and inapplicable to the conditions and circumstances of this EIR mine, such as, for instance, the disputed "Itasca study" (note such "modeling" is based on disputed and unproven assumptions, disputed theories, and speculations, not on relevant facts and, in any event, allegedly "similar" conditions elsewhere are not sufficiently proven by substantial evidence to be comparable, relevant, and applicable to those in and around the 2585-acre underground mine. Likewise, objectionable EIR/DEIR tactics may defeat their attempts to rely on obscured or unexpected data in exhibits for which there is no proper foundation (e.g., the DEIR/EIR obscuring of the hexavalent chromium menace by not addressing it properly, or at all, in the DEIR's Hazards and Hazardous Materials section with little else revealed elsewhere in the main DEIR text.) Even worse, when caught by my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, H, 7, and 12) in that hexavalent chromium evasion, the disputed EIR attempted a more objectionable coverup attempt, falsely pretending its deficient responses were already properly disclosed in the DEIR.). Besides what I countered on that inappropriate conduct with in my such DEIR Objection 254 #3.E, I protested that kind of EIR/DEIR tactic both herein and in my other Objections, such as against "bait and switch," "hide the ball," false comparisons, hidden and incorrect or worse assumptions, etc. See the Table of Incorporated by Reference Objections, showing this to be part of an objectionable pattern and practice by the EIR/DEIR that is inconsistent with the good faith reasoned analysis compliance mandates.

Besides the courts (e.g., *Banning, Vineyard, and Costa Mesa*) requiring such a "good faith reasoned analysis" (consistent with what *Gray* calls "common sense") for the EIR/DEIR to satisfy and comply with CEQA and other laws (a test I demonstrate that EIR "Response" fails item by item in sections II and III below on most of my Objection issues), evaluating an impact's "significance" must be based "to the extent possible on scientific and factual data," which means truthful, relevant, and applicable data regarding the issue. E.g., CEQA section 15064(b). However, not only does the disputed EIR/DEIR often fail to comply with that requirement, on many issues the EIR/DEIR instead merely asserts disputed, speculative, and unsubstantiated opinions or claims (often based on flawed or erroneous assumptions, often unstated and only implied). Reading the incorrect EIR "Responses" to my DEIR Objection 254 that I rebut item by item in section II below, decisionmakers will note that the most common EIR "Response" is, in effect, to restate in a disputed way the nature of some of my objections, while disregarding others, and then simply citing it prior comment in its DEIR that I already disputed and defeated in my DEIR Objection 254 to which the EIR claimed to be responding.

Stated another way, each of my four Objections demonstrates that the disputed EIR/DEIR too often lacks "common sense" and fails to present the kind of "good faith reasoned analysis" required to comply with CEQA and other applicable law. To see the pattern and practice of evasions in the EIR/DEIR from such wrongful disaggregation (i.e.,

rebuttal evidence of falsehoods), please consider the way that I have responded below in Section III in succession to the disputed EIR Responses to its "cut up" segments labeled Comment Ind. 254 -1 et seq. See also section I.F.5 below. Each such EIR labeled part of my DEIR Objection 254 has an integrated relationship to exposing collectively the errors, omissions, and noncompliance that the disputed EIR inappropriately reaffirms and deficiently defends in such disputed DEIR. When one reads all my such rebuttals herein to those repeated artificial EIR "Response" fragment cuts of my such integrated objections, the disputed EIR tactical patterns of evasions and noncompliance become clearer. That is why, among other things, at the outset of many of my such successive segment objections herein, I remind the reader of my incorporation of my prior objections. In any event, as demonstrated at length herein and earlier in my anticipatory legal briefing in Objection 254 #'s 3.N, 4, 14, and 15), there will be more such objections against the EIR/DEIR to come, now that the disputed EIR has asserted bogus excuses for evading objections that should have been addressed by the EIR on the merits. That is especially important, because both the EIR's misinterpretation of such CEQA Guideline #15384 and other disputed EIR excuses are subject to the condition precedent that the EIR/DEIR first comply with CEQA and other applicable law, which it often fails to do.

Whatever else the courts may decide the applicable law to be as applied to the actual facts in this case if the decisionmakers mistakenly approve the EIR, the courts must (and the County decision-makers should) apply CEQA only as an obligation on the miner and County seeking to impose these EIR mining miseries on us potentially impacted objectors. EIR/DEIR complaints about the quality or sufficiency of objections to the EIR/DEIR can only be relevant for contesting our compliance with the requirements of the law of evidence for our rebuttals and impeachment counters and objections, not for having to satisfy the same burden of proof CEQA imposed on the EIR/DEIR miner and approving County. Thus, when the court considers such disputes and correctly decides that the disputed EIR/DEIR failed to respond appropriately to what the court determines to be my sufficient and proper objections to the EIR/DEIR's noncompliance with CEQA and other applicable law, the result of such disputed EIR/DEIR's noncompliance must be its rejection and defeat. That failure of the disputed EIR/DEIR satisfactorily to respond to objections must also consider the need for truth, "common sense," "good faith reasoned analysis," consistency, and a level playing field, which things rarely occur sufficiently in this disputed EIR/DEIR.

(ii). THE DISPUTED EIR/DEIR FREQUENTLY VIOLATES CEQA AND APPLICABLE LAW BY FAILING TO CREATE A COMPLIANT AND SUFFICIENT BASELINE FOR EACH OF THE ENVIRONMENTAL IMPACTS, INCLUDING THE CENTENNIAL SITE, WHICH INCORRECTLY CLAIMS TO BE SEPARATE FROM THIS PROJECT.

As explained in my more comprehensive discussion of CENTENNIAL disputes in section I.B below and by the requirements of Guideline #15125(a), an EIR is deficient and noncompliant when (as often here) it "completely fails to properly establish, analyze, and consider an environmental baseline. As explained in *Communities for a Better Environment v. City of Richmond (2010), 184 Cal. App.4th 70, 89,* "When an EIR omits relevant baseline environmental information, the agency cannot make an informed assessment of the

project's impacts." Accord, *Save Our Peninsula Com. v. Monterey County Bd. Of Supervisors* (2001), 87 Cal.App.4th 99, 119; *County of Amador v. El Dorado County Water Agency* (1999), 76 Cal.App. 4th 931, 953; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994), 27 Cal. App.4th 713, 729. Many other incorporated objections agree with my prior DEIR Objection 254 in demonstrating (as with the Centennial Project discussed below, which is not a separate CEQA "project," but instead is merely part of the one EIR/DEIR project) that disputed DEIR/EIR ignores, evades, or fails to comply for tactical reasons with the need for starting baselines in compliance with CEQA. See, e.g., CEA Objections (Grp Letters 21 and 6 to 9), the California Dept. of Parks and Recreation Agency Letter 1, the Grass Valley Agency Letter 8, the Bear Yuba Land Trust Group Letter 2, the California Native Plant Society Group Letter 5, the South Yuba River Citizens League Group Letter 25, the Sierra Fund Group Letter 27, the Wolf Creek Community Alliance Group Letters 29-32, as well as others in my Table of Incorporated by Reference Objections or in my Exhibit D hereto. The same applies, for example, to my many objections to the DEIR/EIR incorrectly ignoring climate change and falsely assuming that the average "current" rainfall between 1967 and 2017 can be a "current" baseline for future groundwater recharge for 80 years of 24/7/365 dewatering (noting that stopping that average in 2017 is not "current" and ignores the dry years thereafter that represent the "new normal" as climate change is beginning to have increasingly more impacts.)

Note, for example, how in Grp Letter 5 (at 5-3) this disputed EIR/DEIR fails to comply with such baseline needs when it asserts an "adjusted baseline" (another objectionable EIR/DEIR term that attempts to evade calling itself what it is: a noncompliant "future baseline" that to be considered at all would have to satisfy the strict CEQA limits thereon, which it cannot do). That disputed future baseline **(inappropriately trying to rebrand itself an** "**adjusted baseline")** "is speculative, improper, and hides from the public the true environmental impacts to the Centennial site" (e.g., burying a protected wetland without any compliant EIR good faith reasoned analysis" misusing the main EIR mine's waste rock it tries to rebrand as "engineered fill") or "obfuscat[ing] the actual impacts of both the cleanup and the IMM on plants and habitats at both sites" without assessment or management plans that satisfy applicable protocols and standards for such botanical and aquatic resources. The DEIR's disputed misuse (at 4.4.2) of such a future "adjusted baseline," set after the cleanup has theoretically been completed, is a clear CEQA violation (e.g., 15125, 1512) under the standard set in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal.4th 439, 452, because there can be no substantial evidence that using an existing baseline would be "misleading" or "uninformative," and, in any event, such a baseline must be set "before project implementation."

For many possible reasons even the DEIR admits that the Centennial cleanup may never be approved or, if approved, may still never occur. In that case deferral of the baseline becomes a disaster for the project if it were allowed to proceed without a proper baseline, leaving unresolved impacts such as what to do with such massive excess waste rock (inappropriately calling itself "engineered fill") that cannot be dumped at the Centennial site (and contrary to the DEIR/EIR's wishful thinking is unlikely to be attractive to buyers in a market properly cautious about the liability exposures in buying waste rock from a controversial mine with such a toxic history in such public debates. The disputed EIR/DEIR cannot assume what seems unlikely and to defy "common sense," i.e., that the Centennial is somehow approved and completed, especially since Rise has admitted in its SEC filings that it has insufficient resources to accomplish much of anything in its expensive EIR/DEIR plan that will become more expensive if this EIR is somehow approved and its disputes progress into court, law reform, and political

disputes demanding more meaningful and expensive protections and mitigations. See Exhibit B hereto and my DEIR Objection 254 #2. See also my objections in section II to EIR Master Response 4. The disputed EIR/DEIR here seems to wish to avoid such truths because they could be "inconvenient" for the miner's ambitions. Also, Grp Letter 5 (at 5-9), among others, exposes the disputed EIR/DEIR flaws in deferring plant surveys. For example, deferring such environmental assessments to a future time is contrary to CEQA, as held in *Sundstom v. County of Mendocino* (1988), 202 Cal. App. 3d 296, 307, because such environmental "problems should be considered at a point in the planning process 'where genuine flexibility remains…'"

There are many other examples throughout this Objection and others citing similar disputed EIR/DEIR noncompliance, errors, omissions, and deficiencies with respect to required baselines for various issues. I will not attempt to summarize them all here. See my Table of Incorporated by Reference Objections and Exhibit D. But I note that there are many in the disputed DEIR, and the disputed EIR at most purports (and then still fails) to correct few of them. Therefore, one can only assume this disputed EIR/DEIR illustrates a willful or reckless/uncaring disregard of the CEQA obligations for a "good faith reasoned analysis," which must begin with an honest and "common sense" baseline that is consistently lacking. See my item-by-item rebuttals in sections II and III below to the disputed EIR "Master Responses" and "Responses." Consider, for example, the Bear Yuba Land Trust Group Letter 2 (noncompliance with Guideline #'s 15125, 15124, and others) stating (at 2-7) that:

> No baseline surface water quality is included in the DEIR and therefore, the background concentrations of basic water quality parameters such as inorganic cations and ions, metals, total suspended solids, pH, dissolved oxygen (DO), and water temperature in South Fork Wolf Creek are currently unknowns. When the mine begins operation and begins pumping water into the creek to dewater the mine shafts, the change in water chemistry will be unknown because there is no baseline data to compare to the Project conditions [and no sufficient mitigation].

Also, that incorporated objection notes (at 2-8) that what samples were used for the disputed DEIR/EIR water treatment planning came from the long flooded [with, I wonder, condition altering or stagnant water?] Brunswick shaft, not the more relevant and appropriate drains for groundwater "off of Idaho Maryland Road." Again, it's as if the disputed EIR/DEIR may avoid CEQA expected evaluations because it may prefer not to know the most relevant and accurate information to avoid any "inconvenient truths." See also, Friends of Banner Mountain Group Letter 12 on those and related issues, such as noting (at 12-6 to 13) outflow data concerns and, worse, as to inflow data: ("Mine water inflow analysis is based on sparse mine water level data from the New Brunswick shaft and only 12 water level measurements were taken between 2003 and 2007, and three measurements in 2018-2019. Please note that these measurements could be incorrectly interpreted; the water level reaches a limit when it exceeds the level of the drains from which the mine water flows and doesn't reflect would [sic: what] could be substantial inflow. [And] Without a measurement of the outflow, the amount of inflow cannot be determined by the water level in the New Brunswick shaft.")

Note, all this, among other objections, makes the disputed DEIR/EIR's speculative and unsubstantiated claims (DEIR 3-18, rebutted in 2-8 of that objection, and disputed elsewhere in my Objections) that project groundwater will be "at least as good or better quality" as the existing creek water, not just misleading and false, but irresponsible. That is especially true on

account of the disputed DEIR/EIR's evasion of my many Objections as to the hexavalent chromium mine paste cement added to the mine shoring and potentially leaching into the water being flushed away downstream after whatever disputed treatment is given to such a toxin not properly evaluated or mitigated in the EIR/DEIR. (Again, the EIR/DEIR does not prove its wishful thinking about such mitigations and risks are correct, but rather just assumes [incorrectly] that its contested opinions and claims are correct and not in need of any justification or defense in a largely evaded and obscured EIR debate lacking "good faith reasoned analyses" with "common sense" compliance with applicable laws and relevant evidence.) Also, the disputed DEIR's insufficient discussion of the Centennial work never provides what CEQA requires to support the disputed and uncertain assumption that the Centennial site will be cleaned up at all or in any particular way, and it would be both inappropriate and reckless to guess the regulatory outcome in the pending environmental clean-up proposed process before it happens, if it ever does. See Guideline 15125(a)(2), prohibiting such future, speculative baselines, and there is no DEIR/DEIR evidence to qualify for any future baseline, even one less speculative and unsubstantiated having the required, substantial evidence and even if the regulatory outcome were not so comprehensively uncertain. Indeed, the disputed DEIR/EIR proposes a fallback Alternative 2, but also claims to assume the cleanup will be as it wishes when the project becomes operational, which is totally uncertain and admittedly may never happen.

Indeed, the DEIR/EIR constructs a hypothetical Centennial "house of cards" crafted based on a chain of incorrect, unreliable, or uncertain assumptions, speculations, and unsubstantiated opinions, all disputed by the potential victims living on the surface above or around the 2585-acre underground mine or the Centennial site who will suffer when unhappy reality exposes such DEIR/EIR errors and worse. For example, as demonstrated elsewhere herein, the disputed EIR/DEIR assumes insignificant biological impacts, because it assumes a timely and sufficient Centennial cleanup that is neither approved nor known in any detail, with impacts changing with design details yet to be determined, much less approved. See DEIR admissions on this at 4.4-3. As the Group Letter 20 details at Grp. 20-7 to 11, the DEIR/EIR is "riddled with inconsistencies," such as, for example, the geology analysis assumes away erosion concerns because everything supposedly will be revegetated after remediation in accordance with the assumed, but unapproved, final RAP. Also note that in the related biology analysis the disputed DEIR/EIR assumes the vegetated areas are gone in the process. It's no wonder so many objectors complain about undercounting of CEQA impacts.

Similarly, the disputed DEIR assumes all contamination at the Centennial site will somehow be cleaned up at the start of the mine project impacts (despite Rise admitting in its SEC filings that it lacks the resources that would be required to afford that work, see Exhibit B), thereby falsely concluding (DEIR at 4.7-3), without any basis in law or fact and without any regulatory approvals or designs, that the potential contaminants "do not exist under the adjusted baseline conditions." Among the more outrageous "hide the ball" and "bait and switch" tactics in the disputed DEIR/EIR is the failure then to include this highly toxic Centennial site as part of the cumulative impact analysis required by CEQA for the main mining Project. See Guideline #15355. How does the disputed EIR/DEIR dodge that duty to analyze the cumulative impact of the Project, when added to such other closely related past, present, and reasonably foreseeable probable future projects? It simply assumes away the (at least partly) admitted Centennial problems without any "good faith reasoned analysis" and defying "common sense" (e.g., *Gray, Banning, Vineyards, and Costa Mesa*) by assuming that its desired RAP design is somehow timely approved and accomplished, even though Rise has no such regulatory approval and

admits lacking resources sufficient to fund that work, all to avoid identifying potentially significant and unavoidable cumulative biological, air quality, hazards, and other impacts that threaten our community, as the many objections reveal in my Table of Incorporated by Reference Objections and Exhibit D.

(iii). The Disputed DEIR/EIR's Frequently False Claims, As Well As Erroneous And Misleading Omissions And Opinions Masquerading As Purported Facts, Often Present Mere Speculations, Unsubstantiated Opinions, Or Mere Assumptions, Each Lacking The CEQA Required "Common Sense" (G*ray*) And "Good Faith Reasoned Analysis" *(Banning, Vineyard, and Costa Mesa).*

My four Objections identify many such bases for disputing the DEIR/EIR, such as with respect to the water related issues I discuss as illustrations herein. As later demonstrated in my rebuttals below to the disputed EIR "Responses" (section III) and "Master Responses" (section II), the disputed EIR continually ignores my cross-references and incorporations of others' objections, then claiming incorrectly (and worse) that my objections lack sufficient details or explanations (which are often to be found in my such cross-referenced or incorporated objections improperly ignored by the EIR/DEIR.) Consider, for example, the following example of what I incorporated into my DEIR Objection 254 (as well as in this EIR Objection 254 and my two other DEIR and EIR Objections 255). The disputed EIR ignored my incorporated "#4. Hydrology and Water Quality/Water Supply/Well Impacts" section of my local collaborating Friends of Banner Mountain Group Letter 12 (at Grp 12-8 to 13.) See also my Exhibit D and Table of Incorporated by Reference Objections hereto for other such situations. For example, when I objected to the lack of reliable mine records with evidentiary admissibility and sufficient foundation and EIR/DEIR "cherry-picking" those which suit their agenda, I meant to include, as part of my such rebuttal proof, such Group Letter 12 evidence and data, such as these, for example (at 12-6 to 8):

> The groundwater model that predicted impact of the proposed long-term and sustained dewatering effort was calibrated based on pumping rates from the historical Idaho Brunswick Mine and only one 1956 water level measurement was collected from the flooded and inactive [i.e., closed] Union Hill shaft. We believe that using only one water level measurement from 64 years ago to calibrate the analysis for a complex bedrock aquifer system over a large region introduces a significant amount of uncertainty to the model, thereby making the model results inaccurate.
>
> Data for the wells analysis came from private wells within a limited area and the data are old and cover just a few years. No usage data is provided, and critical data such as reduction in groundwater recharge from precipitation fails to include the 75 acres of low-permeable mine waste on the two sites. The groundwater model does not include the new access shaft, which would create a local area of groundwater drawdown and based on our review it looks like the other existing mine features within a few hundred feet of the surface were also not evaluated in the groundwater model. These mine features would contribute to the downward transmission of ground water from the near surface fractured rock area. In addition, the groundwater model report

assumes the geology in the area to be mined is homogeneous. Modeling that relies upon uniform rock, which is consistent from place to place, behaves in a more predictable fashion than rock that in bedrock systems having multiple faults and irregularities.

***

The DEIR relies on fifteen monitoring wells to estimate impacts on water supply wells but does not explain how it arrived at this number of wells or their location, nor is an explanation provided as to why fifteen monitoring wells would be sufficient to estimate the impacts on all water supply wells around the mine area. In complex fractured rock spread out over thousands of acres, monitoring water levels at fifteen locations could not provide the needed data to ensure that groundwater impacts to hundreds of existing water supply wells in the project vicinity are identified and mitigated. Groundwater monitoring networks should be established in advance of the project, and the resulting monitoring information should be included in the FEIR.

***

The DEIR does not adequately characterize the current mine water chemistry. [As others have done, noting that the disputed DEIR Appendix K.2 Table 4-10, p.120 inappropriately relies on insufficient and less relevant data from the Brunswick shaft instead of the drains along Wolf Creek.

See also my discussion later where I apply some "common sense" against the disputed EIR/DEIR, such as by my challenging the EIR/DEIR's assumption of uniformity, where there would be new EIR mining into unevaluated areas along a new 72-mile tunnel in the mineral boundary below our surface homes and forests above and around the 2585-acre underground mine. As a matter of even just "common sense," I ask that decisionmakers drive 72 miles in every direction in that area and then ask themselves if they would assume uniformity of such underground conditions compared to those alleged (but not sufficiently proven or even analyzed) at the Brunswick site or the wells along East Bennett Road. The "common sense," reality assumption is for nonuniformity (or at least for material exceptions or variances), not ever for uniformity. Since there is no reliable evidence of such implausible uniformity for the disputed EIR/DEIR model, and because the applicant has the burden of proof to provide a "good faith reasoned analysis" with "common sense," the disputed EIR/DEIR cannot prevail based on such incorrect assumptions, speculations, and unsubstantiated opinions. The same applies for my many other objections to the DEIR/EIR, such as the EIR/DEIR incorrectly ignoring climate change and their false assumption that the average rainfall between 1967 and 2017 can be a "current" baseline for future groundwater recharge for 80 years of 24/7/365 dewatering (noting that their stopping that averaging at 2017 is not "current" and ignores the dry years thereafter that represent the "new normal.")

Thus, the EIR/DEIR fails to perform its **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must**

undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.) Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyard* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at I.A.1.d.(v), I.C, and I.E.4.

(iv). The Disputed EIR/DEIR Cannot Evade The Legal Consequences of Relevant Admissions, Which Should Doom Their Contrary and Inconsistent Claims, Such As Admissions In Rise's SEC Filings That Compare To Those That Prevailed in *Richmond v. Chevron* Illustrated Below And Admissions In DEIR at 6-14 That the Project Is Not Economically Feasible Unless the EIR Receives Permission To Do As It Wishes (e.g., Operate 24/7/365 for 80 Years in Ways Impacted Local Objectors Find Intolerable And Noncompliant.)

In my objections and those of others it is legally appropriate (and common evidentiary practice) to rebut or impeach the disputed EIR/DEIR by citing inconsistent and contrary Rise admissions. Such rebuttal evidence is addressed, for example, in Exhibit B to and elsewhere in this EIR Objection 254, as well as in my DEIR Objection 254 #2. However, the EIR/DEIR incorrectly rejects and ignores any of my such Rise admission rebuttal evidence as if it were somehow irrelevant, citing its incorrect interpretation of CEQA "boundaries" (which are regularly exceeded by the disputed EIR/DEIR in its own content]. If the County decisionmakers decline to consider such admission truths to rebut contrary claims in the disputed EIR/DEIR, it should be clear to them that the courts will nevertheless find such admissions key evidence admissible for defeating the EIR/DEIR. For example, in ***Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron"),*** there was a critical dispute over the issue of whether that project included any equipment changes that would facilitate the future processing of heavier crudes [oil] at the refinery. The court stated that "there was conflicting information developed during the EIR process [**including SEC filing admissions**] that cast serious doubt on these assertions [by Chevron's EIR] "in conclusory terms that the proposed Project will not result in an increased capacity to process lower quality, heavier crude, and that Chevron seeks only the ability to refine crude with higher sulfur content." That appellate court agreed with that trial court that **"the EIR is inadequate as a matter of law because it does not adequately address the [admitted] issue [in such rebuttal conflict] of whether there are any equipment changes that would facilitate the future processing of heavier crudes…" (emphasis added) The key to that ruling was the court's discussion of conflicting or contrary admissions "in Chevron's SEC form 10K," and (as here with Rise SEC filings Exhibit B and DEIR Objection 254 #2) the EIR applicant told its investors a different story in the SEC filings than it told the public in its EIR/DEIR.**

Such Chevron admissions then led to more from questioning at a public meeting (not yet part of this disputed EIR process). As that *Richmond v. Chevron* court noted from such impeachment data from such admissions: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" That *Richmond v. Chevron* court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].) That is also the situation here as my Objections demonstrate.

My Objections often also use quotes and other evidentiary admissions from the DEIR or EIR or from Rise SEC filings (eg, Exhibit B and A, and DEIR Objection 254 #2) to prove my points. Because I assume it's "awkward" for the EIR to openly contradict itself or the DEIR, the disputed EIR usually attempts incorrectly (or otherwise in noncompliance with CEQA and other applicable law) to evade those admissions by ignoring or mischaracterizing them where cited in my Objections and others, as if somehow (incorrectly) irrelevant or as insufficiently explained. However, as a legal matter (e.g., under the applicable law of evidence that this EIR applicant cannot ultimately avoid in any court challenges that become necessary), I don't have to provide (as the EIR incorrectly alleges) an "explanation" or other background support for using any such admission rebuttals. Such admissions (especially those in SEC filings) are always admissible as relevant and powerful evidence to rebut or impeach any conflicting or contradictory provisions of the disputed EIR/DEIR. As the *Richmond v. Chevron* court ruling confirms, truth does matter (at least in such court challenges), so that such material conflicting admissions can defeat the disputed EIR/DEIR by themselves. That is "common sense" since if the pressure from the threat of SEC law enforcement inspires Rise to admit to its investors how speculative, unevaluated, and risky this EIR/DEIR mine truly is, then the County decisionmakers would be irresponsible to approve for our community the inconsistent optimism and other noncompliant error, omissions, and deficiencies objectors cite in the EIR/DEIR.

While there are many "fatal flaws" in the EIR/DEIR demonstrated herein and in other objections, these Rise admissions cannot be evaded, ignored, or tolerated. Such admissions are among the most powerful arguments against these disputed EIR/DEIR's claims, assumptions, and opinions alleged to be factual. **AMONG THE MANY EXAMPLES HEREIN, THIS IS ONE OF THOSE I FIND MOST COMPELLING: THE DEIR AT 6-14 ADMITS THAT THE PROJECT IS NOT ECONOMICALLY FEASIBLE UNLESS THE MINE IS ALLOWED TO OPERATE AS DEMANDED BY THE DEIR 24/7/365 FOR 80 YEARS. STATED ANOTHER WAY, THE DEIR/EIR ADMITS THAT THE ONLY WAY THE EIR/DEIR CAN BE CORRECT IS IF THE MINER IS PERMITTED TO DO EVERY DISPUTED THING IT SEEKS TO ACCOMPLISH IN THE STILL NONCOMPLIANT EIR/DEIR, MOST OF WHICH IS INTOLERABLE TO US LOCAL OBJECTORS COMMITTED TO RESISTING THOSE MINING IMPACTS ON US, WHETHER ACKNOWLEDGED OR NOT IN THE EIR/DEIR. THAT ADMISSION ALSO**

CONFIRMS NEW RISKS FROM MINING IMPACTS (E.G., FROM VULNERABILITY WHEN THE MINE SHUTS DOWN PREMATURELY, SUCH AS BECAUSE THE MINER CANNOT AFFORD TO ACCOMPLISH REQUIRED MITIGATIONS AND OTHER EIR/DEIR PLANS, WITH SIGNIFICANT ADVERSE ENVIRONMENTAL CONSEQUENCES THE EIR/DEIR REFUSES TO REVEAL, MUCH LESS ANALYZE.

Please note that my objections herein and in (or incorporated in) my Objections 254 and 255 call attention to DEIR (and now EIR) admissions, which (while still deficient, insufficient, and disputed for various reasons) excuse me as a matter of law at having to prove what is stated in those admissions, thereby allowing me to expose greater and other EIR/DEIR errors, omissions, and flaws from that admitted foundation. Thus, when, for example, the EIR makes its common (and always disputed, incorrect, and noncompliant) complaints that my objections are too nonspecific, unexplained, unsubstantiated, speculative, or otherwise defective, the disputed EIR never addresses the admissions I quote that are, even if understated, a sufficient foundation for my uses of them, especially because I support them with further and other related objections. For example, in my DEIR Objection 254 #3.E (VI) at 61 (which the EIR marked as Comment Ind. 254-33 at its 2-5913) I quoted the DEIR concluding (at 4.8-66, capitalization emphasis added): WITHOUT IMPLEMENTATION OF A GROUNDWATER MONITORING PROGRAM AND WELL MITIGATION PLAN, THE PROJECT COULD RESULT IN A SIGNIFICANT IMPACT TO GROUNDWATER SUPPLIES." See also the rest of my DEIR Objection 254 #3.E, properly entitled: "'Hiding the Ball' in the DEIR Is Not Compliance With CEQA And Other Applicable Laws, And That Practice, Especially As To Water and Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DIER Tries To Obscure By Distracting Attempts To Limit the CEQA 'Project' And The Related Water Issues." [I quote this one example of many, because this section of the objection referenced other substantive sections of DEIR Objection 254 for many details besides examples that illustrate such objectionable evasions by the disputed DEIR, as my objections in section III herein illustrate to how my integrated objections were fragmented for individual debate by disputed EIR Responses to Comment Ind. 254-14 to 33.]

FOR EXAMPLE, THE EIR/DEIR OPERATES ON THE DISPUTED THEORY THAT SUCH EVENTS ADMITTED CAUSING ECONOMIC INFEASIBILITY ARE TOO "SPECULATIVE" TO HAVE TO DISCUSS SUCH RISKS IN THE EIR/DEIR FOR POTENTIAL VICTIMS, BUT SOMEHOW NEVERTHELESS ADMITTEDLY NOT TOO SPECULATIVE TO SHARE WITH THE SEC AND INVESTORS SEEKING TO PROFIT AT THE EXPENSE AND RISK TO US LOCAL NEIGHBORS.
NOTE THAT SUCH DISPUTED DEIR/EIR PERMISSIONS (E.G., DEWATERING AND MINING 24/7/365 FOR 80 YEARS) ARE NOT COMMONLY ALLOWED EVEN FOR BENEFICIAL AND DESIRABLE BUSINESSES BECAUSE OF THE MANY HARMS SUCH INTENSITY CAUSES. SEE THE GRASS VALLEY OBJECTION ON THIS TOPIC IN ITS AGENCY LETTER 8, REVEALING SUCH CONFLICTS WITH ITS ORDINANCES AND, THEREFORE, WITH THE COUNTY'S GENERAL PLAN. ALSO, THE EIR/DEIR REFUSES TO RESPOND TO MY ECONOMIC FEASIBILITY OBJECTIONS, EVEN WHEN I USE FATAL RISE ADMISSIONS IN ITS SEC FILINGS PROVING A LACK OF ESSENTIAL WORKING CAPITAL AND FINANCIAL

RESOURCES THAT, COMBINED WITH SUCH DEIR ADMISSIONS AT 6-14, DOOM THE PROJECT. SEE, E.G., EXHIBIT B HERETO AND MY OBJECTION 254 #2. That disputed EIR evasion by refusal to engage on the merits about this issue is noncompliant with the need for truth, is improper as a tactic, and is extraordinarily unprecedently in law, especially as rebuttal or impeachment (eg, such admissions prove that the mine is unlikely to afford to accomplish its asserted, but unpriced and expensive, safety measures and mitigations. See, e.g., Exhibit B and my DEIR Objection 254 #'s 3.N, 4, and 14, and my DEIR and EIR Objections 255.

Among other things, that preceding discussion and others herein about EIR/DEIR, Rise, or other admissions mean, for example, that all my complaints about groundwater supplies, monitoring, and mitigation must be addressed in EIR responses and cannot be evaded by the disputed EIR/DEIR as they now are. What remains to be debated is that, based on that admitted (and now beyond EIR dispute) foundation of the danger of groundwater supply impacts from the project, whether the groundwater monitoring and well mitigation plan is compliant, feasible, sufficient, and otherwise satisfactory (which it is not, for many reasons, including that it ignores all future wells and many existing wells [even those other 300 admitted by the County Economic Report to exist; see Exhibit A hereto], and many other areas in need of water monitoring. See also my incorporated objection of the Wells Coalition in Group Letters 27 and 28. While the EIR wrongly dismisses future wells as too speculative, that incorrectly ignores me and my neighbors as competent witnesses for many potential additional competing wells that will be drilled as needed above and around the 2585-acre underground mine by us surface owners and users to tap into the groundwater we own, for example, to save our homes as well as our forests from becoming a dead fire hazard for lack of water. See, e.g., the Supreme Court's *Keystone* decision cited above and my DEIR Objection 254 #'s 3.N, 4 and 14, including my legal authority counters herein to the disputed EIR Response To Comment Ind. 254-54 to 60, as well as many incorporated objections addressing the significant EIR/DEIR impacts on wells, groundwater depletion, and related noncompliant mitigation proposals.

While the EIR incorrectly disputes or ignores my and other claims about the undercount of existing impacted wells and such projections of future wells, that EIR ultimately cannot escape in court (if a challenge becomes necessary) my and other witnesses' offers of proof, as well as cited case studies of how groundwater is being tapped and used throughout the State to combat surface dryness from climate change that the disputed DEIR/EIR incorrectly refuses to address as "speculative" and on other disputed theories.] If any County decisionmaker thinks more wells in the future is speculative, just ask anyone living above or around the 2585-acre underground mine who can afford a well, whether they would abandon their homes and let their trees and other vegetation die for lack of water or whether they will create a well to reach the groundwater they own beneath them. Also ask them if they are willing to sacrifice their homes and forest for the 24/7/365 dewatering of this no net benefit to them mine for the profit of this Canadian miner's shareholders. You will find many more certain witnesses for those obvious answers than the court will need to confirm that reality. Also, I dispute that even any better EIR/DEIR monitoring and mitigation might be legally and practically sufficient and otherwise satisfactory, because it is not feasible for "implementation" and otherwise for many reasons. See, e.g., my attached Exhibit B and citations to my Objections 254 and 255 that use Rise SEC admissions to prove that none of what is promised or contemplated by the DEIR/EIR is affordable or economically feasible for Rise and, hence, is illusory or noncompliant. Indeed, as I have proven, even the insufficient, deficient, illusory, and otherwise unsatisfactory and disputed

DEIR/EIR offered mitigation and monitoring is not feasible, as I explained herein and in that DEIR Objection 254 #3.E (VI), as well as its #1.E and F and 2.

A similar EIR admission attempts to cover up the disputed DEIR omissions of the hexavalent chromium water and air pollution threats that I addressed in Objection 254 #'s 3.C, F, G, H, and M, 5 and 7. I continue so to object as to the new additions in the EIR Responses and its added Appendices at the end of that massive document without sufficient integration with the EIR text. E.g., **Town of *Atherton v. Cal. High-Speed Rail Authority* (2014), 228 Cal. App.4th 314, 349, no judicial deference allowed for a "clearly inadequate or unsupported study,"** The facts remain as I have stated them in my Objections, including as so admitted by the EIR/DEIR or Rise, despite EIR trying to evade such toxic threats without any "good faith reasoned analysis" or "common sense" in the DEIR. Indeed, the DEIR fails to address that impact at all in DEIR's "Hazards And Hazardous Materials" discussion and only vaguely mentioned that threat in passing in the DEIR's separate discussion of mining techniques, as I have demonstrated them both in my DEIR Objection 254 and my objections herein as to such noncompliant discussion of that hexavalent chromium menace made worse by what "significant" but still deficient "new information" the EIR added on the subject, as explained in my objections thereto herein (e.g., my objections to disputed EIR Master Comments and disputed EIR Responses To Comment Ind. 254-1 and others).

(v). Future Aspirations of Disputed EIR Mitigations (Which Are Insufficient, Deficient, And Noncompliant) Cannot Excuse Such EIR/DEIR Noncompliant Disclosures And Omissions of Impacts.

The EIR seems incorrectly to contend that somehow all the EIR has to do is announce any mitigation, however, unsubstantiated, illusory, infeasible, or otherwise noncompliant, to eliminate any need for compliance with CEQA and applicable law about required impacts. That is worse than wrong as a matter of law and public policy. See, e.g., my detailed discussion below of such mitigation disputes (e.g., sections I. D and E below) and my Exhibits A, B, C, and D. By that absurd, disputed EIR logic, all the EIR implicitly claims it needs to do to entirely evade CEQA and reality is to claim (incorrectly), in effect, (i) the impacts and other problems about which potential victims may complain are too speculative, unsubstantiated, or otherwise outside the alleged, narrow CEQA boundaries, but still, even if CEQA were recognized by the EIR to require a response from objections, (ii) those objections to such impacts may be ignored by the disputed EIR, because the EIR will somehow mitigate them in the future in ways to be determined to be not "significant" by future regulatory approvals, and (iii) that such future EIR/DEIR mitigation "aspirations" somehow cannot be disputed in the EIR approval process, even by the miner's own admissions in its SEC filings and elsewhere showing that the miner cannot afford much mitigation. See, e.g., As to admissions, see *Richmond v. Chevron* above, and my Exhibit B and my DEIR Objection 254 #2. (Note that Rise's accountants have qualified its financial statements by doubts as to whether the miner will even remain a "going concern." Id. (I use the term "aspirations," because the EIR rarely makes any legally enforceable such commitments, but instead simply expresses a willingness to engage in a future mitigation process in which it expects to achieve its approval goal. The objectionable EIR tactical trick in this disputed approach is that, once the EIR is approved without any current or meaningfully assured mitigation, the EIR then has, in effect, evaded CEQA public comment and created a situation where the miner can deal with governmental officials without the more effective public scrutiny

and opposition required by CEQA's EIR process.) See, e.g., section I.D.1 to 5, providing a comprehensive rebuttal of that disputed tactic in various EIR contexts.

Clearly, such disputed EIR evasions and noncompliance by its incorrect assumptions, speculations, and unsubstantiated opinions about future mitigation aspirations are not permitted by the applicable law. No approval of any such disputed, "blank check," "just trust me" disputed EIR/DEIR safety and mitigation measures is an option available to decisionmakers under applicable law. That is especially true since there are many demonstrated reasons in my and others' objections (including such Rise SEC and other admissions) not to trust such speculative, dubious, and unsubstantiated opinions, assumptions, and claims by the EIR lacking "common sense" and "good faith reasoned analysis." Indeed, authorities cited in my Objections and those of others should defeat, distinguish, and otherwise overcome the lesser, inapplicable, and otherwise flawed authorities cited by the disputed EIR/DEIR (e.g., based on an incorrect claim of dissimilar or inapplicable situations or conditions somehow being "similar" and applicable). However, in many cases the disputed EIR/DEIR does not even compete by citing judicial precedents or the most applicable statute or Guideline, but instead the EIR/DEIR attempts to evade compliance just based on their idiosyncratic and disputed interpretations of some Guideline that should not determine the outcome.

(vi). This Objection Has A Process For Advancing My Continuing Disputes With the Nonresponsive EIR's Objectionable Tactics And Process, Such As The EIR/DEIR Often Ignoring, Evading, Or Mischaracterizing My Meritorious Objections To Craft the Disputed EIR/DEIR "Alternate Reality" Addressed Throughout My Objections.

As demonstrated in my Objections, the disputed EIR (like the disputed DEIR) (i) fails to provide the CEQA required "good faith reasoned analysis" with "common sense" (discussed herein) about many environmental impacts and mitigations, and (ii) ignores my rebuttals that many EIR/DEIR safety promises and mitigation claims are illusory, deficient, or infeasible, including because Rise's SEC filings are damning admissions that it lacks the funding and resources needed to accomplish such "aspirations." I must be allowed to rebut and impeach such disputed DEIR/EIR claims, and the decisionmakers would make a serious mistake to continue their staff's incorrect exclusion of such important rebuttal evidence. See, e.g., Exhibit B herein and my Objection 255. While the DEIR/EIR incorrectly disputes my such objections, especially my DEIR and EIR Objections 255 about their need to prove economic feasibility, the disputed DEIR/EIR continuously misses the point of my legal objection that any such reality can be proven, especially on account of Rise's own admissions, such as in its SEC filings (see Exhibit B and DEIR Objection 254 at #2), to rebut such a false "alternate reality" in the EIR/DEIR. More problematic and devastating to any disputed EIR claim of compliance or credibility, is the EIR/DEIR's unsuccessful effort to resist my objections and others, whereby the disputed EIR both (i) adds therein new errors, omissions, and deficiencies, while claiming such EIR adds nothing to the disputed DEIR but a few "clarifications" or "amplifications," thereby claiming incorrectly to escape the need for revision and recirculation, and (ii) tries to coverup the DEIR flaws by improperly rewriting and minimizing my objections to which the disputed EIR purports to respond, while instead evading, minimizing, and misdirects the focus of the disputes (e.g., by the disputed EIR pretending it was not adding significant new information to the disputed DEIR

that had obscured or omitted discussion of the menace from the toxic hexavalent chromium it would add to the mine cement paste for shoring support in a replay of the "*Erin Brockovich"* movie dramatizing how that toxin killed Hinkley, CA, and many of its citizens). See Exhibit C, other objections herein (e.g., I.E.1 and 7 and G), and DEIR Objection 254 #'s 3.A, B, C, E, G, and H, 7, and 12.

Even worse, the disputed EIR ignores reasonable demands in my Objections for even basic CEQA disclosures, such as a street map or addresses identifying readily recognized surface boundaries to inform us surface owners and users where we are located in relation to both the 2585-acre underground mine and its new mining areas. The vague maps offered in the DEIR/EIR do not allow most of us to calculate the risks we confront at our individual locations above or around the mine. Why does the EIR/DEIR not accommodate us with that basic CEQA location disclosure, especially since I and others told them in our DEIR objections that we must have the answer to that question to share with any buyer of our property, any mortgage lender, or even for our peace of mind? The obvious reason for such EIR/DEIR concealment appears to be to avoid riling up those of us at risk, but ignorant, until after such victims miss their objection deadlines. Such disputed tactics (and much worse conduct exposed herein) do not comply with CEQA and cannot succeed in any court and political/law reform challenges that will inevitably follow any mistaken approval by the County decision-makers. Note also that this disputed DEIR/EIR practice is the subject of meritorious complaints by others as well, such as the State Dept. of Parks and Recreation in Agency Letter 1 and Grass Valley in Agency Letter 8.

Worse still, the disputed EIR often blatantly and improperly omits any meaningful response to my most serious complaints, apparently because it has no sufficient or credible response. Instead, the disputed EIR/DEIR evades with objectionable tactics, such as incorrectly claiming lack of CEQA relevance, and incorrectly arguing that my objections are too speculative or unsubstantiated or lack sufficient detail, or the like. See my complaints herein about such tactics (see, e.g., I.E.5, 6, and 7), which I also addressed in my DEIR Objection 254 #3.E. In most cases, the EIR/DEIR is even more guilty of what same flaws it alleges against me (e.g., substantiation, speculations, evasion, etc.), since, when (as is often the case) the disputed EIR/DEIR itself presents speculation or unsubstantiated or unexplained opinion (mislabeled as facts), those flaws limit my ability to do more than expose those flaws and reveal counter data that demonstrates their lack of compliance, credibility, or applicability. Controlling court cases cited in this and my prior DEIR objections (e.g., *Banning, Vineyards, and Costa Mesa*) require a **"good faith reasoned analysis"** in the EIR/DEIR and applying "common sense" (e.g., *Gray),* that never rarely occurs there. For one typical example, as illustrated in the disputed EIR Response To Comment Ind. 254-40 regarding air pollution (which objectionable tactic is repeated in many disputed responses throughout the EIR/DEIR), the disputed EIR's answer was: "The DEIR determined these impacts to be less than significant after mitigation." However, there was no "good faith reasoned analysis" as to how or why the DEIR made that such disputed "determination," contrary to "common sense." Also, such disputed, deficient, noncompliant, and often illusory mitigations are rarely proven or credible, and many are omitted entirely by the EIR/DEIR incorrectly alleging that an impact was not "significant" or omitting the impact entirely or (like hexavalent chromium threat, in substantial part). In such cases, I cannot be expected to rebut such unexplained, disputed, and deficient EIR theories or imagined infeasible, deficient, or noncompliant mitigations. Instead, I can only denounce them, in turn, casting them back at the EIR/DEIR, because they are the ones which are noncompliant, speculative, unsubstantiated, and contrary to my superior data on the issue.

Consistent with the applicable law I cite, I also dispute such inappropriate, evasive, or noncompliant attempts by the disputed EIR/DEIR to excuse itself from acquiring important and available knowledge that it does not wish to know regarding its impacts (i.e., "inconvenient truths" that would impair its quest for EIR approval that it should never receive on the merits). Such willful or reckless disregard of essential and available data by the EIR/DEIR is not tolerable, especially when it arises from a refusal to investigate and inform itself about mining conditions, groundwater depletion and insufficient recharge/balancing, climate change, hexavalent chromium hazards, and other impacts, particularly as to the risks Rise admits in its SEC filings to warn its investors, but those admitted facts should all be added to the EIR/DEIR, since they should be of even more concern to our public officials who are supposed to protect us impacted local objectors. See, e.g., *Richmond v. Chevron*, supra; Exhibit B hereto and my Objections 254 #2. Such bogus EIR/DEIR claims that ignore or evade such risks and impacts are often based on the disputed theory that the EIR/DEIR only has to do "what is reasonable feasible" for purposes of CEQA Guidelines #15364, but the DEIR/EIR still fails such tests, as shown in cases such as *Sierra Club v. County of Fresno* and others discussed in my Objection 254 #14. Stated another way, when the EIR/DEIR announces its often incorrect interpretations of CEQA or the Guidelines, as to what is reasonable feasible, it applies a false measurement standard without any adequate basis for doing so. For example, the disputed DEIR/EIR fails adequately to investigate or evaluate the conditions of this mine that has been closed and flooded since 1956, perhaps because either or both (a) it cannot afford to do so (which is its own fault and not an acceptable legal excuse, when someone like Rise irresponsibly undertakes such a massively expensive and speculative project with long delays in any possible returns (all uncertain) on insufficient working capital resources from the start), and (b) it prefers not to know the inconvenient realities before it obtains its approvals and, sooner or later, will be challenged on any inconsistencies between the realities of such mine conditions and its wishful thinking EIR/DEIR simply announcing its "best case" (but likely incorrect and, in any case, deficiently substantiated and speculative) assumptions.

Most importantly, the EIR/DEIR fails to perform its **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura* (1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)** These disputes are questions of law (or mixed question of law and fact) on which us objectors insist the disputed EIR/DEIR was wrongly resisting investigating what is reasonably feasible to avoid having to combat our objections on the merits. Rise knows the importance investigating of those risks, because it lists many such related risks for its investors in its SEC 10K and 10Q filings that it does not even attempt to address responsively in the DEIR/EIR. See Exhibit B and Objection 255. In any case notice that the disputed EIR/DEIR

constantly evades my Objections on the grounds that my concerns are speculative and unsubstantiated (see the EIR Master Responses rebutted by me in section II below and the Responses rebutted by me in section III below), but the reality is that the disputed EIR/DEIR to which I am objecting are even more speculative, unsubstantiated, and lacking in credibility and common sense, thereby handicapping any more extensive rebuttals.

Again, the disputed EIR (like the DEIR) is full of the same errors, omissions, and flaws, as well as new ones, including by evading or ignoring without meritorious excuses not only the key merits of many of my Objections, but ignoring some objections entirely, apparently because the EIR could not rebut them on the merits. **While I (and others) constantly disagree with the EIR/DEIR claims and contentions to the extent they are expressed to combat or conflict with my and other incorporated objections on the merits, too often the disputed EIR/DEIR evasions fail to be expressed or even addressed on the merits.** See my rebuttals to the EIR "Master Responses" in section II and "Responses" in section III. Instead, such EIR/DEIR evasions either (a) incorrectly recharacterize my and other such objections into something less difficult that they prefer to debate (eg, typically something lacking my core facts and logic [i.e., common sense and good faith reasoned analysis) and essential legal components for prevailing on the merits], (b) incorrectly claim that my objections are too speculative, unsubstantiated, or unexplained to deserve any reply (which is never true, as I demonstrate item by item in my sections II and III below, especially because when the disputed EIR/DEIR makes such allegations it always wrongly ignores my cross-references, integrated related objections, or incorporations by reference), or (c) even entirely omitting to respond to some of my issues, pretending they didn't exist. in hopes of their being overlooked. Typically, while the disputed EIR/DEIR attempts to distract the readers with such other objectionable responses, it simultaneously attempts to limit, fragment, or ignore the objections they apparently fear to confront.

Without repeating my incorporated Objections (rebutting the DEIR's disputed attempt to cite its incorrect interpretation of CEQA's scope as an excuse for ignoring my objections to the DEIR's flawed allegations that themselves exceed CEQA's scope), those same Objections apply with equal force to EIR attempts to prevent rebuttals of what the EIR incorrectly claims to be outside the scope of CEQA and its Guidelines. As explained herein, even as to CEQA and its Guidelines, not only does the admitted lack of sufficient current Rise financial resources (see Exhibit B and Objection 254 #2) enable rebuttal of the EIR/DEIR's illusory (eg, unaffordable and untimely) safety and mitigation assertions, but that inability to accomplish timely even such deficient and incomplete EIR mitigation entitles us locals to proactively mitigate our damages in our proactive self-defense among our remedies for nuisance, inverse condemnation, trespass, and other claims addressed herein. See, e.g., sections 1.E.5(d), F, and H herein, and my Objection 254 #'s 3.N, 4, and 14, as well as my legal authority counters herein to the disputed EIR Response To Comment Ind. 254-54 to 60. **Please remember that CEQA is an obligation of the miner and its approving authority, but not a burden, limit, or restriction on us objecting potential victims. I and the other objectors are entitled to expose errors, omissions, evasions, and other noncompliance applying any and all applicable law, including without limitation both as to CEQA and to other applicable laws requiring the truth and clarity from whatever the DEIR/EIR states, whether within or beyond the correct CEQA boundary or the disputed boundary alleged by the DEIR/EIR that it frequently exceeds in its own disputed commentaries. See generally my Objection 254 # 3.K (and my objections herein to corresponding EIR Responses To Comment Ind. 254-43 to 45), my such # 3.N**

(and my objections herein to corresponding EIR Responses To Comment Ind. 254-50 to 53), my such # 12 (and my objections herein to corresponding EIR Responses To Comment Ind. 254-81 to 86), my such # 14.C (and my objections herein to corresponding EIR Responses To Comment Ind. 254-92), and 15.E (and my objections herein to corresponding EIR Responses To Comment Ind. 254-101).

(vii). Some Illustrations of the Disputed "Alternate Reality" Illusions Created by EIR/DEIR Errors, Omissions, And Objectionable Tactics.

What the Final EIR improperly does is to create as to various environmental and other relevant issues an "alternative reality" in which serious and disqualifying environmental impacts and risks are being overlooked, incorrectly evaluated, or otherwise incorrectly handled or not complied with as required by applicable law, including but not limited to CEQA. That alternate reality of the disputed EIR/DEIR strays from fundamental truths because of material errors, omissions, and other noncompliance, not just because of what is stated or omitted to fail to present "truth" and "common sense" with "good faith reasoned analysis," but also because of a flawed EIR process in which disputed Rise provided, noncompliant information, opinions, speculations, and allegations are somehow incorrectly assumed by the EIR/DEIR reviewers (so far) to be correct, complete, and sufficient, often by creating rules that incorrectly limit the scope of meritorious, relevant, and dispositive objections that the EIR/DEIR reviewers (so far) allow to be considered. See, e.g., my DEIR Objection 254 #3.E and 255. Since (as explained in my such prior Objections to the DEIR and to my objections herein), in any challenge of any mistaken EIR approval the courts will allow my and other evidence and objections that so far incorrectly have been excluded from consideration by the County staff incorrectly applying the disputed Rise claim that CEQA excludes any consideration of economic feasibility and certain other realities. I urge that the County decision-makers at least be apprised of these realities in dispute for which they ultimately will be accountable if they mistakenly approve this flawed EIR without realizing the full and proper scope and extent of such realities rebutting the noncompliant and false EIR claims, especially when I use Rise and other admissions in such rebuttals. For example, CEQA seeks truth and compliance with applicable law, and my and others' objections demonstrate that the disputed EIR (and its incorporated DEIR) often fail to meet that standard. For instance, announcing mitigations that are unfeasible, as well as insufficient, deficient, or incomplete, is not simply a dispute over the standard for adequacy (and for admissibility of qualified, competent, and relevant evidence against the EIR/DEIR's many noncompliant, speculative, and unsubstantiated assertions that are incorrectly assumed to be correct or sufficient, but are not). That reality also applies to the question of whether disputed EIR/DEIR alleged mitigations are compliant, feasible, and achievable, which must include that they are affordable to this miner considering the insufficient financial resources admitted in its SEC filings that *Richmond v. Chevron,* supra, proves not only are admissible evidence but can prevail in such disputes. See also Exhibit B and my DEIR Objection 254 #2.

The incorrect position of the EIR is that any specific "aspiration" (usually less than a meaningful promise or condition, and commonly just a vague, anticipated concept or fantasy) for mitigation is sufficient, even if it is infeasible, unaffordable by Rise, or

otherwise illusory in the real world. By that false EIR/DEIR logic (contrary to CEQA, the Guidelines and applicable law as properly interpreted by the court precedent cited herein and in other Objections) all this miner (without sufficient financial or other capacity to achieve even such deficient, proposed EIR mitigation) must do is simply make an illusory EIR proposal with no credibility, and somehow that disputed and noncompliant approach is claimed to defeat our objections supporting the whole purpose of mitigation, which is, applying the comprehensive and sufficient truths to solve the many underappreciated environmental impact problems. This disputed EIR approach defies "common sense" required in *Gray,* because it would be the functional equivalent of allowing an admittedly, financially incapable miner a EIR authorized use permit for reopening a massive, long closed and flooded mine (likely full of unevaluated, hazardous conditions) based on a simple declaration of the miner's intent to do whatever some governmental agency later decides is necessary to mitigate any significant environmental impact that may be discovered as it proceeds, despite the continuous and meritorious objections of the impacted locals. In the real world where us surface owners live above and around the 2585-acre mine, no one would rely on such a miner's illusory "aspiration" because such an EIR approval and permissions would risk the health, welfare, property, and environment of that entire community which the County is supposed to protect. And us objectors will not rely on this disputed EIR.

What follows throughout this Objection demonstrates again (as I did in my prior DEIR Objections 254 and 255) how often those kinds of noncompliance, among many others, appears in the EIR/DEIR. See, e.g., for example, my Objection 254 # 's 3.N, 4, and 14, and as well as my rebuttals to the EIR Master Responses in section II below and my rebuttals to the EIR Responses in section III below), including my legal authority counters herein to the disputed EIR Response To Comment Ind. 254-54 to 60. Stated another way, this Objection (like my earlier DEIR Objections 254 and 255) constitutes a comprehensive rebuttal to every contested EIR/DEIR contention, not only the portions of my objections that EIR/DEIR choose to notice and confront. However, sooner or later, if necessary for court challenges, each such EIR/DEIR error, omission, and other flaw must be permitted to be considered comprehensively on the merits based on the law of evidence applying the full sets of such disputes, counters, and rebuttals, whether or not within the disputed scope of CEQA, whether as correctly interpreted or as incorrectly interpreted by the disputed EIR/DEIR. Otherwise, **both** such objectionable EIR/DEIR contentions or claims and my related objections must be excluded together, in which case the EIR must still be rejected, because it has the burden of proof. In any case, there is no possibility that a court applying the law of evidence would allow a disputed statement in the contested EIR/DEIR to be considered without also allowing such evidence, especially the EIR/DEIR itself "opened the door" for rebuttal, particularly as to Rise and EIR/DEIR admissions. If such courts will consider the full reality in dispute before them, if this matter proceeds on the customary course for such EIR disputes, so should the County decisionmakers now.

Stated another way, this and my other Objections dispute the EIR/DEIR's erroneous idea that somehow CEQA allows a one-sided, erroneous or worse claim or contention to be made in the disputed EIR/DEIR on its own chosen terms without full consideration of, or "good faith reasoned analysis" with "common sense" of such Objections like mine. The disputed EIR/DEIR incorrectly argues that CEQA bars my corrections or rebuttals to such EIR/DEIR's own errors, omissions, or noncompliance, because somehow only the EIR/DEIR authors can allege such

errors, risks, and threats beyond what they claim to be the scope of CEQA, thereby allegedly barring my meritorious objections beyond that mischaracterized "border." These dynamics are demonstrated in painful detail in my section II counters below to the disputed EIR "Master Responses" and my section III rebuttals to the disputed EIR "Responses" to my DEIR Objection 254. Even worse, the EIR's such purported "responses" are often evasive, incomplete, and address EIR rewritten versions of parts of my objections, so as to become misleading or worse (i.e., to miss the core point of my objections by recasting them as the EIR wished my objections were instead of what I actually said or incorporated.) Also, even when the EIR does state an objection as I intended it, the disputed EIR typically misjudges my objection as mere "speculation" or unsubstantiated opinions that it (incorrectly) claims to be entitled by CEQA to ignore.

In such cases, the EIR/DEIR fails to perform their **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

Moreover, as cited above, the burden of proof should be on the EIR, and it fails to meet that burden as my objections and others demonstrate. That means, among other things, that even if I did not present expert evidence at this pre-litigation stage to counter the EIR/DEIR noncompliance, errors, and omissions, the disputed EIR/DEIR must fail on the merits for their own noncompliance with that burden to prove their cases on the merits. Indeed, the disputed EIR/DEIR often present far worse speculations (eg, false assumptions, false equivalences, and worse) and unsubstantiated opinions (eg, citing to studies or data that are not comparable to the 2585-acre underground mine and new mining conditions to which the Objections apply), it is only fair and proper both to expose them as not meritorious and sufficient compliance and to illustrate with such counters why those EIR/DEIR errors and worse must be rejected. In summary, the foregoing illustrates how the disputed EIR/DEIR crafts such an alternative reality, so that, as I dispute below the individual errors, omissions, and noncompliance, the reader can see them as examples of a pattern and practice that obscures the true reality on which us potential victims insist in these disputes to save our health, welfare, and property from this mining menace. See generally, my DEIR Objection 254 #3.E (and my objections herein to corresponding EIR Responses To Comment Ind. 254-22 to 33**),** my such #13 (and my objections herein to corresponding EIR Responses To Comment Ind. 254-87 to 89), my such #14.D (and my objections herein to corresponding EIR Responses To Comment Ind. 254-93), and my such #15 (and my objections herein to corresponding EIR Responses To Comment Ind. 254-95-101).

(viii). Some Substantive Examples of Such Disputed EIR Efforts To Impose Such "Alternative Reality" With Objectionable Tactics, Like "Hide The Ball," "Bait And Switch," And Other Noncompliant Claims, As Well As Strategic "Rebranding," Such As Incorrectly Calling Waste Rock From Mining "Engineered Fill."

Even more shocking than the EIR process ignoring admissions and other such competent evidence is the way that the disputed EIR/DEIR here entirely **evades climate change** and related reality (e.g., calling it speculative, despite all the state and Federal programs and laws recognizing the need to battle climate change). See, e.g., 2018 Guidelines Amendments Explanation and section I.C; section I.A.1.a.(vii). See also section I.F.5 and 6, I.E.1-5, and DEIR Objection 254 #3.E. Too often in the disputes over consideration of climate change realities in the EIR/DEIR, us objectors encounter objectionable "bait and switch," "hide the ball," and similar tactics, resulting in many EIR/DEIR errors, omissions, deficiencies, and worse, as well as many deficient or even illusory claims for mitigation in the disputed EIR/DEIR. When **I objected to the DEIR's carbon offsets (DEIR at 4.3-96 plus) as claimed mitigation, the EIR response was: "climate change is a global issue, and unlike criteria pollutant effects, is not localized. Thus, offsetting GHG emissions elsewhere in California is an entirely appropriate an industry standard approach to mitigating GHG emissions."** See objections to EIR Master Responses 16, 25, 27, and 28. **FIRST,** mitigation is never based on "mining industry standards," which is not ever the legal standard, and, in my considerable relevant experiences, such mining standards are among the worst and least environmentally appropriate of all industries to allow to so self-regulate. If such mining "industry standards" were the legal standard for this or other compliance issues, most environmental laws would be ineffective. **SECOND**, **this kind of flawed policy is, in effect, asking permission to create a problem locally here (e.g., the climate change dryness and drought that make all the EIR/DEIR groundwater recharge and balancing theories illusory, like ignoring climate change as "speculative" and, instead, relying on average rain between 1967 and 2017 to set the "current" baseline for future "recharge/balancing" predictions, incorrectly ignoring the more current drought years after 2017, and assuming that such nonpredictive past will be replicated for the next 80 years of 24/7/365 dewatering abuses) because the miner (incorrectly) claims to improve someone else's problem in some other distant place down the Wolf Creek. As demonstrated in my discussions of court precedents herein like Varjabedian v. Madera (1977), 20 Cal.3d 285 (allowing nuisance and inverse condemnation claims by locals downwind of a new sewer plant approved to benefit the larger area. See, e.g., my DEIR Objection 254 # 3.N, 4, and 14), there are legal consequences and rights to compensation when locals are forced to suffer for what some officials consider the greater good in a larger area. THIRD**, the air pollution at this EIR mine is admitted to involving more than GHG omissions, such as asbestos and other toxins, even finally (although deficiently) with the EIR admitting the air pollution by hexavalent chromium it buried at the end in EIR Appendix R. See also the CR6 water pollution issues in EIR Appendices Q and O.

Many false, misleading, or otherwise noncompliant claims in the EIR/DEIR are not only unsubstantiated and themselves speculative, but they are also contrary to "common sense" (as applied in the similar *Gray* decision), such as the disputed claim that this EIR miner can blast new mine tunnels for more than 76 miles, plus the mining off of those tunnels, all without disturbing the "fractured rock" the EIR/DEIR incorrectly claims somehow will reliably preserve

our groundwater recharge/balancing without depletion, despite 24/7/365 dewatering for 80 years. See, e.g., the groundwater realities discussed in more detail herein and in many of the other objections cited in my Table of Incorporated by Reference Objections, such as Group Letters 2, 5, 6-9 and 21, 25, 26, 27 and 28, and 29-32, as well as Agency Letters 1, 3, 4-5, 8, and 10. As shown in my EIR objections here and in my DEIR Objection 254, the comprehensively disputed EIR/DEIR evades, mischaracterizes, or ignores many meritorious objections, especially dodging the hard questions pointing to inconvenient truths. E.g., Objection 254 #15. For example, the disputed EIR/DEIR attempts to distinguish depletion of groundwater from an "open basin" from what they contend is our allegedly more reliable for recharge "fractured rock." Of course, their disputed comparison ignores the difference in risk when one is just sinking a well versus when a miner is so blasting, tunneling, mining, dewatering and otherwise changing the uncertain underground conditions 24/7/365 for 80 years. However, whether a bucket is full of nothing but water or is mixed with fractured rock, the bucket still leaks when one punches a hole in the side or bottom. (Consider, for example, how this concentrated water depletion and pollution exhausts the margin of error for water use and pollution by more beneficial land uses locally, especially for those of us living on the surface above or around the 2585-acre underground mine, who all have competing property rights against the mine for groundwater, lateral and subjacent support to prevent subsidence, and etc., as well as to develop competing new wells to tap the groundwater that we own. See, e.g., my Table of Incorporated by Reference Objections, especially those of or for the CEA (including Group Letters 9 and 21), the Bear Yuba Land Trust (#2), the Friends of Banner Mountain (#11-12), the Rudder Law Group(#20), the South Yuba Citizens League (25), the Sierra Fund (#26), the Wells Coalition (#27-28), the Wolf Creek Community Alliance (#'s 29-32), the State Dept. of Parks And Recreation (Agency #1), the California Dept. of Fish And Wildlife (Agency #3), and Grass Valley Community Development Dept.(#8).

Therefore, I urge the County decisionmakers to notice which of my objections (and cross-references and incorporations therein) are most ignored, evaded, or mistreated by the disputed EIR that seems afraid to address them on the merits as required by CEQA, especially my objections discussed below and these "highlights" regarding (i) **groundwater impacts**, including, for example, by incorrectly using obsolete history (e.g., average rainfall between 1967 and 2017 to purport to set the "current" baseline for future projections, while both ignoring climate change and ignoring the dry years after 2017 in that "current" calculation) to assume/predict/speculate the future sufficient "recharge" of 24/7/365 dewatering for 80 years [see my Table of Incorporated by Reference Objections cited Id], (ii) **unreliable pre-1956 closure and flooding mining records** as well as disputed EIR cited **studies of dissimilar mine conditions,** instead of relevant and applicable investigations, (iii) all of the relevant wells and legal rights in peril (e.g., avoiding dealing with many **existing and future impacted wells and the property rights** of thousands of us owners of the surface down at least 200 feet above and around the 2585-acre underground mine) [Id. and noting even the County Economic Reports addressed in my Exhibit A, incorporated objection Group Letters 27-26 (the Wells Coalition), Group 6-9 and 21(CEA), Group 29-32 (Wolf Creek Community Alliance), and Agency 10 (NID)], and (iv) as illustrated, for example, in section I.F.1 and Exhibit C, and in section II.R below (rebutting the disputed EIR's Master Response 15 with exposure of such improper tactics), the EIR mine's dangerous **use of hexavalent chromium (an EPA proven human carcinogen you may remember from the movie, *Erin Brockovich,* mourning how it caused the death of Hinkley, CA, and many residents, yet which was not mentioned at all in the**

DEIR "Hazards And Hazardous Materials" section, but only mentioned obscurely in passing later in the DEIR, apparently inspiring the EIR to add a deficient and worse attempted cover up by pretending what the disputed EIR added to its disputed "Response" to my individual objection it labeled Response to Comment Ind. 254-1 was already in the DEIR [i.e., not the new, disputed data] so that the EIR did not have to correct, revised, and recirculate the DEIR. See my sections I.E.1 and 7, plus I.F.1 below, Exhibit C, my DEIR Objection 254 #'s 3.A, B, C, E, G, and H, 7, and 12 and my corresponding objections below to the disputed EIR's "Responses" thereto (especially EIR Response Ind. 254-1 and Ind. 254-36) and Master Responses, as well as various related legal issues in my DEIR and EIR Objections 255. See also my further objections to the other EIR "Responses" to such DEIR Objection 254 #'s 3.A [i.e., Ind. 254-6-10], B [i.e., Ind. 254-11-13], C [i.e., Ind. 254-14-15], E [i.e., Ind. 254-20-33], G [i.e., Ind. 254-36], H [i.e., Ind. 254-37], 7 [i.e., Ind. 254-75], and 12 [i.e., Ind. 254-81-86].

Many such examples are spread throughout my Objections, but consider this summation by the California Dept. of Parks And Recreation (Agency 1 at 1-2) after it addressed correctly a portion of such dangerous noncompliance: "Water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers are crucial issues for CSP, and we find the DEIR to be inadequate in mitigations … [C]umulatively and individually these potential significant issues could negatively affect the natural resources, recreational values, health and safety of [that adjacent] Park['s] visitors and employees and the general well-being of Empire State Historic Park…" See, for example, its expressed concerns about the DEIR/EIR's noncompliance with the California Water Code 13050(f) for failure to protect beneficial uses and the plans of the Central Valley Regional Water Quality Control Board and the Nevada County General Plan.

Consider for example, the NSAQMD Agency Letter 12-1 at 11-12, stating: "The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest." Again, we locals will be competing against a no net benefit mine for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution. **In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed below, where that regulator's demand *priority* for frequent daily NID watering of its toxic (asbestos and more) fugitive dust, and, rather than breathe such toxic air, us locals may have to suffer with less than our fair share of drought rationed water. Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best. The reality is that this is a "zero sum game," in which every gallon allocated to this no net**

benefit mine is one less gallon available to the far more deserving locals. I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine almost all informed locals oppose, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal disputes that will surely catch them in the cross-fire. See DEIR Objection 255 and 254 (e.g., #4), *Varjabedian, Keystone.*

I note these tactics are not just about what is so omitted or obscured, but also what is confused by misleading data. A prime example is the NSAQMD objection in Agency 11 (at 1) referring to the shared concern of the California Air Resources Board (CARB) where it concluded that "it is not appropriate to determine risk from rock samples … the PCM conversion factor was developed for air monitoring samples, not rocks. … Since there is no approved method for calculating risk from rock samples comparison with the NSDQMD's AB 2588 toxic significance threshold based on rock composition carries some uncertainty." This is classic "bait and switch," also known as "false equivalence."

My four Objections identify (including in the Table of Incorporated by Reference Objections) many such bases for disputing the DEIR/EIR objectionable tactics, such as "**hiding the ball," "bait and switch," and other misleading assumptions, speculation, unsubstantiated opinions**, and other noncompliance purporting (incorrectly) to present applicable facts, such as demonstrated in my rebuttals below to the disputed EIR "Responses" (my section III) and "Master Responses" (my section II). See more examples in my section I.E below. The disputed EIR continually ignores my cross-references and incorporations of others' objections, claiming incorrectly (and worse) that my objections somehow lack sufficient details or explanations to deserve any response (e.g., I rebut those EIR claims as explained below; sometimes that's just self-serving nonsense by the EIR, sometimes my objections are less detailed because the disputed EIR/DEIR statements I target are even more deficient, sometimes such EIR claims are just tactical and based on the arbitrary way the EIR cut up/fragmented my integrates Objections sections, and most commonly the EIR simply ignores my cross-referenced or incorporated objections that contain what the EIR incorrectly claims is missing or deficient.) See my Exhibit D and my Table of Incorporated by Reference Objections, as well as my point-by-point rebuttals in sections II and III below to the disputed EIR's "Master Responses" and "Responses." Consider also, for example, what I cited on this topic in my DEIR Objection 254 #3.E, among others to which the EIR offered no substantive and sufficient excuse or defense, instead generally evading by pretending that my explanations were insufficient or lacked enough detail to merit a response. As provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an objection as "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

All such things and more errors, omissions, and noncompliance are demonstrated in this Objection, which proves many ways in which the disputed EIR/DEIR fails (i) to overcome my 150-page Objection 254 and extensive (more legalistic) Objection 255 (not counting my many citations to EPA website validated studies and other incorporated objections and supporting materials), (ii) to comply with CEQA, its Guidelines, and applicable law, and (iii) to provide the required "good faith reasoned analysis" with "common sense" as required in *Banning, Vineyard, Costa Mesa, and Gray*. See generally, my DEIR Objection 254 #3.E (and my objections herein to corresponding EIR Responses To Comment Ind. 254-22 to 33**),** my such DEIR Objection #13 (and my objections herein to corresponding EIR Responses To Comment Ind. 254-87 to 89), my such DEIR Objection #14.D (and my objections herein to corresponding EIR Responses To Comment Ind. 254-93), and my such DEIR Objection #15 (and my objections herein to corresponding EIR Responses To Comment Ind. 254-95-101).

In this case, unless it's just an unfortunate coincidence that frustrates objecting victims, there is also another kind of "hide the ball" tactic that is about exploiting complexity by scrambling the data to confuse and obstruct systematic objections, as illustrated in the EIR Master Responses addressed in my section II objections below. The EIR Master Responses are divided up in ways that make the DEIR revisions and other responses appear as if they are less CEQA "significant" and less obviously not "new information" in hopes of evading CEQA mandated recirculation (see my discussions elsewhere on that CEQA topic of **"significant new information"** requiring revisions and recirculation, e.g., I.A.1.c.), than if all the new and significant groundwater matters were consolidated together in the EIR so their critical mass and combined importance was more visible. (This is a common trick of debaters, politicians, and litigators who attempt to minimize key, integrated issues on which they are vulnerable by fragmenting them in smaller parts so that each incorrectly seems separate and less important, thus forcing the adversary to reaggregate what was a consolidate issue that must be aggregated (e.g., groundwater is one such issue that must be addressed as one integrated whole. Impact.)

When such disputed environmental impact reports are litigated, many such tactics are defeated by objectors' procedural motions and other litigation techniques requiring clarification of the disputes in a more logical matter, where related issues are resolved together rather than by the way the miner **scrambled** them. That is, among other things, because courts have little patience for having, in effect, to relitigate the same overlapping and common labels many times (as would be the case regarding groundwater here) if the miner or governmental approval authority were allowed to split up the dispute in such a dysfunctional manner for its tactical advantage. Here that means, for example, reading together such "direct" Master Responses to my and other groundwater objections as well as such "indirect" related groundwater responses to my EIR/DEIR objections and those of others, as one consolidated and integrated environmental impact. **As *Vineyard* explained (at 443), "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an**

appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." [See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640.] This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections.

As the court noted in *Richmond v. Chevron* from similar impeachment data to what is at issue in my Objections: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].) After a considerable review of the flaws in the EIR process and admissions and rebuttals not addressed in the EIR, the court said: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added**

As other objectors and I have complained, for example, the disputed DEIR/EIR invents terms or assigns "unusual" (or misleading) meanings to terms (or "rebrands" less appealing terms) as if the EIR were communicating something scientific or factual when it's not. Consider, for example, the problem of the "waste rock" from the new (or corrective old) mining or tailings. See the CEA Objections. The disputed EIR/DEIR proposes to dump massive waste rock on the Centennial site it claims incorrectly to be a separate CEQA project and (when it needs more storage space) on the Brunswick site, while the miner cements into mine shoring underground other waste rock **with toxic hexavalent chromium cement paste.** The EIR also proposes its unlikely **fantasy to sell other waste rock as "engineered fill**," assuming gullible buyers will take the risk of the hazardous substances in waste rock from this already notorious project (which includes the already confirmed to be toxic Centennial site), As I explain, calling such "waste rock" "engineered fill," whether for governmental approvals or permits or for imagined sale is (as someone said) like trying to put "lipstick on a pig" and "rebrand" it a cozy pet. Under the circumstances, as many objectors have noted to be more challenging (or worse) than the DEIR/EIR admits, we all expect that the EIR/DEIR's imagined market for that suspect rock sales

is more selective and suspicious about the many risks of buying such "engineered fill." What we assume is that this is a disputed EIR/DEIR excuse and tactic both (i) to defend Rise's admitted lack of financial resources compared to the mining costs (see my Exhibit B discussion of Rise's SEC filing admissions and my DEIR Objection 254 #2) with imagined income from waste rock sale, as well as saving costs from having to pay to dump such waste, and (ii) to explain why that extra rock waste will not be dumped on the Brunswick or Centennial surface to compound related objections or leaving more waste in the mine as shoring requiring even greater use of toxic hexavalent chromium paste cement.

Speaking of the lack of good faith and "hiding the ball," my DEIR Objection 254 repeatedly also complained about the failure of the DEIR/EIR to reveal the visible commonly identifiable surface boundaries (i.e., at least street names and addresses) above the 2585-acre mine and especially the new mining areas. We need that data for many reasons, including so we can accurately describe to buyers of our properties (and others with a need to know) about the mining threats and problems they may encounter. Since the EIR ignored this obviously required data after I emphasized it in my DEIR Objection 254, I assume the EIR/DEIR is hiding the "bad news" from those less vigilant locals at risk so they do not realize the need to join in our opposition. **Note, for example, that the DEIR/EIR even is misusing its maps against the impacted governments. See, e.g., the objection of the California Dept. of Parks And Recreation complaining in Agency 1 (at 1-5) about the inaccurate and insufficient mapping of its adjacent state and park lands and the consequent errors on impacts on the Empire Mine Park and other State property. See also the Bear Yuba Land Trust concerns (Group 2) about map and other descriptions of its sensitive environmental areas, as well as Grass Valley's concerns in Agency 8.**

2. My Experience And Expertise In Mining Bankruptcies And Abandonments, As Well As In Related Insurance Insolvencies And Similar Situations (e.g., Asbestos, Environmental, and Mass Tort Product Liability Bankruptcies), Some of My Opinions Are Admissible Evidence, Not To Be Ignored By the EIR As Mere "Speculation" Or "Unsubstantiated" Objections. (I Am Also A Witness As A Surface Homeowner Above Or Around The 2585-Acre Mine With Competing Rights, Including To Groundwater, As Discussed Later.)

Why should the County give any special attention to my EIR/DEIR objections, as one of thousands impacted like my neighbors living on the surface above and around the 2585-acre underground mine? See some answers about me a competent witness to various disputed issues, as explained in sections I.F.8 and 9 and elsewhere throughout this Objection, as well as in my discussion of *Keystone, Varjabedian,* and other applicable cases that deal not merely with CEQA disputes but also with the potential disputes between surface owners and underground miners. See also DEIR Objections 254 #'s 3.N, 4, and 14 and my objections in section III below to those EIR "Responses" thereto. However, my focus in this subsection relates to my relevant knowledge and experience as a professional, as earlier described in my DEIR Objection 254 # 1. Before I retired from Morrison & Foerster, my national, and cross-border bankruptcy practice, as well as my insurance insolvency practice, (beginning in 1972) enables me to speak as an expert on failing and bankrupt mines and similar other relevant mass tort insolvencies (e.g., those resulting from environmental pollution, asbestos, and other product liability exposures, etc.). I mention insurance insolvency as well as mining bankruptcies because those environmental and

other disasters have resulted in the liquidation, whether in or out of court proceedings, of even leading insurers, such as Lloyds of London (e.g., the Equitas restructuring) and Industrial Indemnity (the AAA rated California insurer with most of the mine reclamation surety bond exposure in the US at that time during the savings and loan crisis). While I was involved such cases, among others, my mining lessons were expanded by my experiences as the former Chair of the ABA Insurance Insolvency Task Force that the Business Law Section created to reform the insurance insolvency laws and better reconcile them with our bankruptcy laws, as well as my dealing with leading players in the US and cross-border insolvency practices in cases and "club" events (e.g., the American College of Bankruptcy, the International Insolvency Institute, and the American College of Commercial Finance Lawyers.)

One debate among the players in such failing mining cases is whether (like many plaintiffs' tort lawyers advocate) it is better to focus on a few core complaints, or (like other committed victim lawyers who intend to press their claims until they prevail or exhaust their remedies) it is better comprehensively to identify many major claims and narrow them down over time in accordance with how the case plays out, such as when divisions of labor can be arranged in joint defense groups, like what may arise from the "Ad Hoc Mine Objection Group" discussed herein. As one can tell from the comprehensiveness of my objections, I find the latter approach preferrable because it allows for the either the "Al Capone" gambit (i.e., an analogy where that infamous mobster was finally jailed for tax fraud when too many witnesses were murdered to catch him on his more serious crimes) or the "serious chess game" approach, where you use all your pieces because in the end it could be your pawn, rather than your queen, that prevails at the end. Here I am most focused on three types of objections, without prejudice to my others: the many groundwater related impacts, the scandalous evasion of the hexavalent chromium and other toxic threats, and the objectionable maneuvers, errors, and omissions that are used in the EIR/DEIR to evade inconvenient truths, thus creating massive credibility problems for the disputed EIR/DEIR. That last type includes, for example, the many relevant and other risks and financial infeasibility of Rise's "mitigation" "aspirations" and other safety "assurances," such as those admitted by Rise (and its accountant's "going concern qualification" to Rise's financial statements) in its SEC filings (see Exhibit B hereto, as to the SEC, and Exhibit A as to the errors, omissions, and flaws in the County Economic Report incorrectly assuming that it could rely on the DEIR for its data without considering the many errors, omissions, noncompliance, and meritorious objections thereto.)

B. The Centennial Activity Is Not A Separate Project, As Previously Demonstrated in My DEIR Objections 254 and 255, But One Can Also Classify It As a Part Or Phase of One Project That Fails In Many Ways To Comply With the CERA Project Description Requirements.

As explained in my introductory comments on this Centennial dispute at section I.A.(1)(d)(ii) above, in my objections in section III below to EIR Master Response 4, and in various incorporated objections from my Table of Incorporated by Reference Objections, Guideline #15378(a) defined "project" broadly as "the whole of an action of an action" for the purposes of CEQA. That is a question of law to be reviewed de novo by the courts. E.g., *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007), 155 Cal. App. 4th 1214. In *Laurel Heights* (1976), 47 Cal.3d 376, the court set aside an EIR for failing to analyze the impacts of the reasonably foreseeable second phase of a multiphase project (here

filling up a new building over time). See also *Bozung v. Local Agency Formation Com*. (1975), 13 Cal.3d 263, 283-284 ("environmental considerations do not become submerged by chopping a large project into many little ones…") The *Laurel Heights* test (at 396) is: "An EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project, and (2) the future expansion or action will be significant in that it will likely change the scope of nature of the initial project or its environmental effects." Some courts have also concluded a proposed project is part of a larger project, such that, without it, the larger project could not proceed. E.g., *San Joaquin Raptor*, supra, (residential development project EIR was inadequate because it failed to include the expansion of the essential sewer system); *Tuolumne County*, supra (Lowe's home improvement center and planned and county required realignment of the adjacent road were improperly separated as two separate projects). See also my objections to EIR Master Responses 4 and 9.

Many other incorporated objections join my prior DEIR Objection 254 in demonstrating many errors, omissions, and flaws in the CEQA required project description, and I concur as described in various of my Objections. See, e.g., the discussion of the Conditional Use Permit issues and earlier expirations than the 80-year mining and the disputed EIR/DEIR limiting its "base case" mining discussion to 2045 instead of the full 80 years, plus unexplained additional potential future exploration, and mining in the 2585-acre underground mine below the surface owned by us objectors living above and around that mine. However, for various reasons, among the most strategic failures in the project description that creates the biggest credibility problem for the disputed EIR/DEIR is its bogus claim that the Centennial Project a separate project. Therefore, I will use this Centennial error as one example of many such tactical wrongs by the disputed EIR/DEIR to illustrate what is a part of a more comprehensive pattern and practice attempting to evade CEQA. For a broader sampling but merely part of the one project that the DEIR/EIR ignores for tactical reasons, such as the CEA Objections (Grp Letters 21 and 6 to 9) and the California Native Plant Society Group Letter 5. See my Table of Incorporated Objections and my Exhibit D hereto. The EIR cannot be approved if, as here, it does not contain a correct determination of the nature and scope of the whole project. E.g., *County of Inyo v. City of Los Angeles* (1977), 71 Cal. App. 3d 185.193. See also the State Dept. of Toxic Substance Control Agency Letter 7 expressing concern about obscured joint work regarding Centennial.

Various other objections do an effective job of revealing how the disputed DEIR/EIR is internally contradictory and inconsistent in many ways that seem designed to minimize project impacts, as if different impact descriptions and purported mitigations were written by different authors whose focus was not coordinating for consistent truth, but just asserting excuses and evasions to exposing noncompliance with CEQA obligations. E.g., *Preserve Wild Santee v. City of Santee* (2010), 210 Ca. App. 4th 260, 284. See, e.g., CEA Objections in generally and each other incorporated objection where a specialist commentary exposes particular impacts that were not correctly described in the DEIR/EIR, as illustrated in Exhibit D. What my Objections add are more such specifics as well as rebuttals using Rise admissions against its disputed EIR/DEIR claims. For example, such disputed EIR/DEIR errors, omissions, and evasions attempting to separate Centennial from the single project, but they also "open the door" for my counter rebuttal evidence using Rise's admissions in its SEC filings (e.g., Rise's 10Q's and 10K's) that treat all of its property as a single integrated project, as shown in this EIR Objection 254, my Exhibit B hereto, and my DEIR Objection 254 #2.) The EIR/DEIR tries to present one story to the County and public of a separate Centennial project, while the Rise SEC 10K and other filing present a unified project to the investors and SEC. The problem with that tactic for Rise is that, while it

has listed and warned its investors and the SEC of many serious risks relating to this single project (many of which are not included in the EIR/DEIR as they should be), Rise has not warned in the SEC 10K or other filings about the consequences of this splitting off of Centennial from the unified project presented in those SEC filings. If and when that becomes a securities law compliance issue and controversy, the County should consider how the courts will deal with that confusion during the continuing disputes over the EIR, if the County mistakenly approves the disputed EIR based on the incorrect separation of the Centennial work from the single, EIR "project."

Notice, for example, that, even though the EIR mining project (e.g., such as waste rock dumping as wannabe "engineered fill" on the Centennial with Brunswick as the overflow backup) adds to the noise and vibration at the Centennial site (and, if there is overflow, more noise and vibration at Brunswick), there is no analysis of noise impacts or what results from remediation of the Centennial site. How can it be possible that the EIR mining can have such an impact on adjacent land and then claim that Centennial is a separate project that has no EIR to address such impacts? Again, the incorporated Grp Letter 5 (at 5-1 to 2) makes the California Native Plant Society's Redbud Chapter CNPS a useful witness as well as advocate on this Centennial part of this one dispute with the EIR/DEIR. As that meritorious objection complained, "The DEIR has excluded the cleanup of the Centennial site and improperly defined the Idaho Maryland Mine 'project' as everything **but** cleanup plan that is currently under review by the Department of Toxic Substances Control (DISC). This is contrary to CEQA." Citing to 15378 and numerous cases, led by *Nelson v. County of Kern* (2010), 190 Cal.App.4th 252, 272 (where the BLM has conducted an environmental review and issued a surface mining permit, the CEQA project review by the County could not be limited to the reclamation plan for that mine, but had to include the mining operations as well, especially when the reviewed project legally compels or presumes completion of another action, like the sewer expansion for the residential subdivision in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994), 27 Cal.App.4th 713, 732.) As noted in Grp Letter 5 and in *McQueen v. Board of Directors* (1988) 202 Cal. App.3d 1136, 1144, the deir or eir cannot just focus on "isolated parts of the whole" of the project, overlooking and distorting it cumulative impacts and failing to inform the public and decision-makers of significant environmental impacts. See also, *Christward Ministry v. Superior Court (1986), 184 Cal. App.3d 180, 193; Sensible Development of Bishop Area v. County of Inyo* (1985), 172 Cal.App.3d 151, 165-66.

As so admitted in the DEIR and "Notice of Preparation" (NOP), the contaminated Centennial site (after cleanup) is expected to receive at least 1.6 million tons of additional mine waste (rebranded as "engineered fill") and, ultimately, to be reclaimed for use or sale after the mine closes, burying 44 acres of the 56-acre site and "conveniently wip[ing] the [Grp Letter 5] wetlands off the map [See DEIR 4.4. p. 4.4-12 Figure C showing a 28 acre blank area called "Clean-up Area—DTSC Project 'Attachment B.'] Likewise, as demonstrated by the CEA Objections (especially Grp Letter 21), the Centennial "RAP" itself proves that Centennial work is part of the integrated single project, as does the DEIR call for a "Reclamation Plan" for Centennial remediation, consistent with the Central Valley Regional Water Quality Control Board's reported plan for consolidating the Centennial RAP with the EIR on account of such interactions, including not just the mine dumping more waste on the Centennial site, but also the idea of imagining an eventual "pad" for future industrial use as a political cover story for the dumping.

This Centennial tactic is not presented as a "good faith reasoned analysis" by the disputed EIR/DEIR because, among other things, "if the DEIR and RAP are approved in their current forms, the protected Centennial aquatic resources will be destroyed without any evaluation of environmental impacts." [and a " piecemeal" review will occur that is prohibited by CEQA and *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007), 155 Cal.App. 4th 1214, 1222.] However, as explained in Grp Letter 5 this splitting of the EIR/DEIR with the DRSC's use of a Mitigated Negative Declaration (MND) for the clean-up plan is prohibited by CEQA. E.g., *Farmland Protection Alliance v. County of Yolo* (2021), 71 Cal. App.5th 300, and Pub. Res. Code #21064.5, as applied to the facts in Grp Letter 5. See also the Group Letter 2 for the Bear Yuba Land Trust and Gold Country Avian Studies Grp Letter 13. Why is this conduct so suspicious? Consider the intended effects of so isolating Centennial work: preventing a full environmental analysis of the combined impacts of the Centennial RAP and subsequent mine waste dumping, for example, impacting the Centennial wetlands discussed above.

In any event, **that Notice of Preparation (NOP) originally identified the Centennial cleanup (at p.7) as an essential "part of the proposed project." That admission remains evidence against the EIR/DEIR, especially since the NOP also confirmed that the cleanup would be reviewed as part of this CEQA document.** Indeed, the DEIR (at 3-11-12) still (without meaning to) admits the Centennial cleanup as at least two essential parts of the stated Project Objectives (increasing the future industrial land use site size; minimizing certain impacts "located on the Brunswick and Centennial Industrial sites.") While neither the EIR applicant nor the County explains why the NOP changed its position (a key question for discovery if a court challenge becomes necessary to resolve this legal question on which the County's approval is not determinative), the proper procedure would have been to revise the NOP for public comment. As noted elsewhere herein, the Rise SEC filings still treat the Centennial work as part of an integrated project. See Exhibit B hereto. See also Water Board Comment Letter to DTSC on the Centennial IS/MND, Sept. 25, 2021, at 5 (attached to various objections, including Rudder Law Group Letter 20 Attachment A ("the cumulative impacts to water quality [by the project] should be considered in a single environmental document. This seems particularly relevant considering the potential use of the Centennial Property for management and reuse of mine waste generated by the proposed Idaho-Maryland Mine-Rise Grass Valley project.")

C. Some CEQA Guidelines And Other Legal Precedents To Apply In Favor of My Objections And Against the Disputed EIR/DEIR

1. This Introductory Subsection Provides Some Basic Authorities And Principles That Can Be Applied To Support the Many Specific Objections That Follow.

a. How This Section Fits Into The Rest of the Objection.

What follows next from that prior overview and general foundation are some of the more specific legal authorities and principles that should guide the analysis of decisionmakers and support my many specific objections and defeat the disputed EIR/DEIR here and then in its "Responses" and "Master Responses" below on a point-by-point basis. Please note that additional authorities are also incorporated herein (rather than restated) from other objectors'

objections listed in the attached Table of Incorporated by Reference Objections. Also, see my legal authorities and principles cited in my DEIR Objection 254 #'s 3.N, 4, and 14 and in my DEIR and EIR Objections 255. As a general matter, my concept here is to describe such legal authorities and principles in this subsection, then to follow in the next sections with examples that apply them to particular facts and disputes. What follows after that are a systematic, point by point summary rebuttal in section II of each disputed EIR "Master Response" and then in section III to each dispute EIR "Response" to my specific DEIR Objection 254. Thus, as readers, decisionmakers can begin in this section I with a broad overview, followed by the relevant legal precedents, laws, and guidance by principles, which are then applied to the relevant facts disputing the EIR/DEIR and supporting my Objections, followed (based on that foundation) by a systematic rebuttal in sections II and III of each attempt by the EIR to evade, dispute, or otherwise contest or ignore my meritorious DEIR Objection 254 or 255 or what it may anticipate in these objections, as I counter what reactions I expect from the disputed EIR.

b. Illustrations of How CEQA And the Guidelines Apply Contrary To the Disputed EIR/DEIR

Acting as the Lead Agency under **"CEQA"** (The California Environmental Quality Act, Pub. Res. Code #21000 et seq.) and its **"Guidelines"** (14 Cal. Regs. #15000 et seq.), the County staff managed the production of a draft environmental impact report ("DEIR") and then mistakenly chose to "assume away," tolerate, or overlook massive errors, omissions, and deficiencies thereto documented by many objectors like me to allow the disputed "EIR" to proceed further in the approval process. See my discussion below of the **2018 Guideline Amendment Explanations** that correct misinterpretations and misapplications of the Guidelines by the disputed EIR/DEIR. Besides mistakenly tolerating objectors' such substantive and procedural errors, omissions, deficiencies, and noncompliance such EIR processor made a bigger mistake by incorrectly assuming the EIR was, as it falsely claimed, only "clarifying" or "embellishing" the DEIR in ways that allegedly did not add "significant" "new information" or otherwise require DEIR revisions and recirculation. *See Laurel Heights Imp. Assoc. v. Regents of the University of California* (1993), 6 Cal. 4th 1121 and the Grass Valley Agency Letter #8 and CEA Group Letter #21. However, as demonstrated in my attached or incorporated four "Objections" and others' objections in my Table of Incorporated by Reference Objections, the disputed EIR/DEIR failed to perform their CEQA requirements both to provide comprehensive "good faith reasoned analysis," applying truth and "common sense," and to lessen or avoid any significant impacts by adopting feasible mitigation measures or alternatives. Not only did the disputed DEIR/EIR fail to satisfy their burdens, but the record clearly demonstrates that such improper DEIR/EIR approach undermined CEQA's goals of full and timely disclosure of environmental impacts and effects and mitigations.

Moreover, contrary to its disputed denial and claims, the disputed EIR changed, accepted, and misapplied "significant" "new information" after public review and objections to the DEIR, especially by improperly deferring analysis and mitigation in key impact areas and factors contemplating future plans and studies only after public review of the DEIR had closed and after project approval, thereby depriving us objectors of our full rights to review and comment on the application of CEQA requirements to what the EIR has added to and changed in the DEIR. Even worse, my four Objections and others have demonstrated that the disputed DEIR/EIR needed massive revisions and recirculation to reflect truth, "common sense," and reality, instead of what

can only be described as an erroneous or noncompliant "alternative reality" imagined by the EIR/DEIR. In particular, my four Objections demonstrate not just errors, omissions, and deficiencies in the DEIR/EIR, but many mischaracterizations, evasions, and ignoring of meritorious objections by me and others. See section I.A.1.c regarding the need for EIR revisions and recirculation, section I.D, E, and F applying the CEQA law and Guidelines addressed herein to applicable EIR/DEIR disputes, and my Table of Incorporated by Reference Objections at the end of this EIR Objection 254 and Exhibit D.

Since the EIR makes no comprehensive (or often even adequate) effort to fairly address my objections on the merits, the EIR strategy seems to be to hope the decision-makers will mistakenly approve a deficient and noncompliant EIR and then try to defend the inevitable court challenges, law reform efforts, and political remedies. Judicial review of CEQA compliance by mandamus action, whether by the Superior Court or at an appellate court, is a *de novo* review of both whether the agency failed to proceed "in a manner required by law" (as here), or whether a determination is not "supported by substantial evidence" (as is also frequently the case.) CEQA #21168.5. **The project proponent has the burden and responsibility for that result. *Sierra Club,* 6 Cal.5th at 513-14.** That requires a *de novo* determination of whether the EIR/DEIR discussion is "sufficient or insufficient" and "includes enough detail." E.g., *South of Market Community Action Network v. City and County of San Francisco* (2019), 33 Cal. App. 5th 321, 330-331, citing *Sierra Club v. County of Fresno* (2018), 6 Cal.5th 502, 515-516 ("**Sierra Club**"); *Chico Advocates for a Responsible Economy v. City of Chico* (2019), 40 Cal.App.5th 839, 846-47. In order to satisfy that "adequate discussion" of the required topics that is such proponent's burden and responsibility, ***Sierra Club*** (at Id.) **mandates that the agency must explain "in meaningful detail in the EIR," including its "analytic route" from "evidence to action," which my Objections translate to requiring "good faith reasoned analysis" (e.g., *Banning, Vineyards, and Costa Mesa*) and applying "common sense" (e.g., *Gray v. County of Madera)*.** When (as here) the disputed EIR/DEIR lacks such analysis or omits the correct magnitude of the environmental impact, such as constantly with merely a "conclusory" discussion in this disputed EIR/DEIR, the EIR/DEIR is inadequate for CEQA purposes and lacks the required "substantial evidence." *Sierra Club* at Id.

Throughout the disputed DEIR/EIR it cites **CEQA # 21082(c)** to deny and evade "substantial evidence" compliance to most of my objections, wrongly claiming such objections to be merely "argument, speculation, unsubstantiated opinion or narrative" or "which is clearly inaccurate or erroneous," thereby wrongly asserting a disputed EIR/DEIR excuse to ignore my objections (and those of others). CEQA #21082(c). [Note that, while many EIR/DEIR errors, omissions, and deficiencies involve mistakes of law, rather than fact, which need to be corrected for the correct law and Guidelines to be applied to relevant facts, including applying damning Rise admissions that the EIR/DEIR cannot ultimately evade as it incorrectly attempts to do.] However, as my objections demonstrate that same standard instead applies more aptly to defeat the EIR/DEIR (which are the worst and constant such offenders), rather than my objections. CEQA #'s 21100, 21002.1. **See, Town of *Atherton v. Cal. High-Speed Rail Authority (*2014), 228 Cal. App.4th 314, 349, no judicial deference allowed for a "clearly inadequate or unsupported study,"** as my objections and others demonstrate frequently occurs in the disputed EIR/DEIR.

c. Illustrations of Noncompliance With CEQA And The Guidelines, Such As Regarding Required Investigations.

As demonstrated throughout this Objection and others incorporated herein, the EIR/DEIR fails to perform its CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation, especially mitigations, which are almost always deficient or worse. See section I.A.1.c regarding the need for EIR revisions and recirculation, section I.D, E, and F applying the CEQA law and Guidelines addressed herein to applicable EIR/DEIR disputes, and my Table of Incorporated by Reference Objections at the end of this EIR Objection 254 and Exhibit D. By admittedly failing to investigate the admittedly uncertain conditions in the mine closed and flooded since 1956, as well as failing to investigate the new areas to be mined, the disputed EIR/DEIR not only violates that basic duty, but it obstructs the information us objectors need for exposing the impacts hidden or obscured behind the dubious or worse assumptions, unsubstantiated opinions, and speculations by the EIR/DEIR, none of which are tolerable without compliant investigation and disclosure. What we do know is that Rise has warned its investors in its SEC filings (see Exhibit B and DEIR Objection 254 #2) of many material risks, uncertainties, and problems inconsistent with or contrary to the EIR/DEIR's inappropriate, speculative, unsubstantiated, and noncompliant optimism. Moreover, by so choosing ignorance to keep "hiding the ball" from impacted surface owners like me living above and around the 2585-acre mine, the disputed EIR/DEIR obstructs the data we wish for our objections and especially to assure mitigations can be improved too at least be more adequate. Even more provocative, the disputed EIR/DEIR misuses its own noncompliant lack of investigation and disclosure as a basis to challenge our objections as speculative, unsubstantiated, or otherwise deficient (when any deficiency can be blamed on the initial EIR/DEIR noncompliance and deficiencies.

Indeed, as provided in **Guidelines #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g.*, Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

Again, among the most common errors, omissions, deficiencies, and noncompliance in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyards* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. When the EIR/DEIR fails to include the relevant information that precludes our objectors' informed decision making, objections, and public participation, as I demonstrate in my Objections commonly occurs in the disputed DEIR/EIR, such omissions defeat the disputed EIR/DEIR and thwart the goals of the EIR process. E.g., *Association of Irritated Residents v. County of Madera* (2003), 107 Cal.App.4th 1383, 1391. Again, **as explained in *Kings County Farm Bureau v. City of Hanford* (1990), 221 Cal. App. 3d 692, 724, the burden of providing the EIR information is on the EIR applicant, not the objectors**. **Indeed, I keep protesting the constant, improper effort by the disputed EIR/DEIR to shift their burden of proof, such as by demanding more explanations, details, and substantiation from me and other objectors, when the CEQA**

burdens for such analysis and reporting fall first and comprehensively on the EIR applicant, not on the objectors. E.g., *Kings County Farm Bureau v. City of Hanford* (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the agency, not the public.

While the EIR/DEIR seem to act as though they can ignore climate change, science, and the need to give serious attention to the future impacts of its 80 years of 24/7/365 disputed dewatering and mining, **CEQA is clear that it is a comprehensive scheme designed to provide "long term protection to the environment" that must be interpreted to "afford the fullest possible protection to the environment within the reasonable scope of the statutory language." E.g., *Mountain Lion Foundation v. Fish & Game Com.* (1997), 16 Cal.4th 105, 112. "Whether an EIR has omitted essential information is a procedural question subject to de novo review [by the courts]." *Banning* 2 Cal. 5th at 935 (also requiring "scrupulously enforc[ing] all legislatively mandated CEQA requirements").** That is what I call a question of law, because it involves the interpretation of CEQA, the Guidelines, or other applicable law. That is also the foundation of most of my objections, making the EIR/DEIR's erroneous (and worse) attempts to insist on its disputed claims nonresponsive, noncompliant, wrong, and unsubstantiated.

2. Contrary To the Disputed EIR/DEIR Misuse of And Noncompliance with CEQA And Its Guidelines To Evade Or Obstruct Objections, Here Are Some EIR/DEIR Overlooked Or Misinterpreted Principles That Should Be Applied To Support My CLIMATE CHANGE And Related Objections To Defeat The EIR/DEIR, Including From the "2018 GUIDELINE AMENDMENT EXPLANATION."

a. Some General Guidance And Applications.

Among the many disputes that the courts may have to resolve, unless the County ceases to defer to incorrect positions by the EIR applicant, are the correct interpretation and application of CEQA and its Guidelines, as well as other laws when applicable and must determine the issues. See the applications of such rules in relevant context throughout the rest of this Objection, as well as in Exhibit D and other objections identified in my Table of Incorporated by Reference Objections. For example, the disputed EIR insists incorrectly on a narrow CEQA boundary to justify ignoring objections to the EIR/DEIR, even when (as here) the EIR/DEIR far exceeds its own such asserted boundaries, in effect, obstructing rebuttals, disputes, and impeachment of EIR/DEIR errors, omissions, and other false or misleading claims. Stated another way, we objectors always have the right to rebut and dispute whatever the disputed EIR/DEIR claims, even both are outside of any real or EIR/DEIR imagined CEQA boundary. Other examples of inconsistency include the disputed EIR/DEIR misapplying to objections certain Guidelines that are instead more applicable to the noncomplying EIR/DEIR itself. Also, many CEQA provisions and Guidelines that should be applied are misconstrued, ignored, or evaded by the EIR/DEIR, while they inconsistently misapply different standards and interpretations to the objections, when the courts will apply the same standards and interpretations in both cases for a level playing field. Some of such disputes exist in almost every EIR "Response" or "Master Response" to my DEIR Objections 254 and 255, as well as those of other party objections that I incorporate.

That said, consider this guidance about interpreting the CEQA Guidelines from the creators of the Guidelines in their most recent, comprehensive **"2018 Guideline Amendment Explanation"** in hopes of reducing the need for the courts to sort out such conflicts created on a massive scale by the disputed EIR/DEIR. That commentary is the guideline to those amended Guidelines. I especially focus on those Guidelines that the EIR/DEIR misuses to attempt to evade or overwhelm the "law of evidence" that will certain apply in any court challenges to defeat the EIR/DEIR, particularly the laws allowing me to rebut and impeach any false, incorrect, or misleading statement in the EIR/DEIR with contrary evidence, especially by using Rise or other admissions against contrary or inconsistent EIR/DEIR claims and by demonstrating a lack of good faith and other objectionable tactics in the EIR/DEIR. E.g., ***Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90, discussed herein as "Richmond v. Chevron" or the "Richmond case,"*** stating: **"Whether an EIR has omitted essential information is a procedural question subject to de novo review."** ***Banning*** **2 Cal. 5th at 935 (also requiring "scrupulously enforc[ing] all legislatively mandated CEQA requirements").** That is what I call a "question of law" because it involves the interpretation of CEQA, and that is the foundation of most of my objections, making the EIR/DEIR's erroneous (and worse) attempts *to insist on its disputed claims that are nonresponsive, noncompliant, wrong, and unsubstantiated. Communities for a Better Environment v. City of Richmond* (2010), 184 Cal.App.4th 70: "Abuse of discretion is established 'if the agency has not proceeded in a manner required by law or if the determination is not supported by substantial evidence. (CEQA #21168.5)' Substantial evidence in this context means 'enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.' (Guidelines #15384, subd. (a).)" Here there often is a lack of sufficient such evidence in the EIR/DEIR (as well as the lack of "good faith reasoned analysis" and "common sense"), and much of what is provided by the disputed EIR/DEIR is not correct, complete (e.g., free of material omissions), compliant, relevant (e.g., claiming incorrectly and without a good faith reasoned analysis consistent with common sense that some other mining situation is "similar" or applicable when its different and irrelevant), or otherwise applicable (e.g., false comparisons, obsolete data or studies, etc.) Moreover, such EIR/DEIR "inferences" are not "reasonable" and their related "argument" is not "fair" in supporting a conclusion that, usually, is speculative, unsubstantiated, or otherwise deficient or noncompliant.

b. CEQA Guidelines, Like Many Other Laws, Recognize Climate Change And Other Realities The Disputed EIR/DEIR Incorrectly Disregards As "Speculative."

Because the disputed EIR/DEIR consistently evades or ignores the impacts and inconvenient truths of climate change that contradict their optimism and worse false claims, I note that the **2018 CEQA Amendment Explanation stated (at 47-50) the following (among other things, at 47-48) in explaining the purpose of Guideline # 15155: "Even so, climate change is expected to increase long-term variability in California water supplies. (Esther Conrad, "Preparing for New Risks: Addressing Climate Change in California's Urban Water Management Plans" (June 2013)." That Guideline commentary added that the "Department of Water Resources has identified several climate change effects that could affect water supplies, including: * Water Demand—Hotter days and nights, as well as a**

longer irrigation season, will increase landscaping water needs, and power plants and industrial processes will have increased cooling water needs; * Water Supply and Quality—Reduced snowpacks, shifting spring runoff to earlier in the year..., increased potential for algae bloom, and increased potential for seawater intrusion—each has the potential to impact water supply and water quality; * Sea Level Rise …; * Disaster—Disasters are expected to become more frequent as climate change brings increased climate variability, resulting in more extreme droughts and floods. This will challenge water supplier operations in several ways as wildfires are expected to become larger and hotter, droughts will become deeper and longer, and floods can become larger and more frequent. (Department of Water Resources, "Guidebook to Assist Urban Water Suppliers To Prepare a 2010 Urban Water Management Plan," (March 2011) at G-3.) These risks are now being incorporated into long-term water supply planning." And, of course, as stated (at 48) "California Courts have long recognized CEQA's requirement to analyze the adequacy of water supplies needed to serve a proposed project," citing *Santiago County Water Dist. v. County of Orange* (1981), 118 Cal.App.3d 818, CEQA Guidelines, App. G, #XVII(d), and various other statutes adding water supply assessment and verification requirements.

As a consequence of such referenced and other **official recognition of climate change impacts on water supplies and quality,** and the State Supreme Court's decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007), 40 Cal.4th 412 ("***Vineyard***"), the CA Natural Resources Agency added **section 15155**, which the EIR/DEIR acts like it never read, considering how it continues wrongly to defy "common sense" contrary to *Gray* and incorrectly to refuse to consider climate change impacts as "too speculative" or "unsubstantiated." See, e.g., the frequent disputes between my four Objections and the EIR/DEIR over its bogus and worse attempts to evade the climate change and other mine harms and risks to groundwater supplies and quality being impacted by 24/7/365 dewatering for 80 years, clinging to the disputed EIR/DEIR illusion that our such depleted groundwater can be predicted to "recharge" by endless repetition of the "current" average rainfall between 1967 and 2017 (which the EIR/DEIR sets as the "current" baseline even though it obviously is not "current" and ignores the dry years after 2017 when the climate change impact began to be undeniable). See also discussion about the disputed DEIR/EIR cut off of water supply/recharge data in 2040, leaving us impacted neighbors to deal with uncertainties thereafter for the rest of the 80 years of 24/7/365 mine dewatering and other impacts and CEQA noncompliance.

As discussed in my climate discussion in section I.A.1.a(vii), this project has a significant adverse impact on energy use and GHG, and by itself obstructs the County's goals and plans. See, e.g., *Richmond v. Chevron* and other cases addressed in I.C and D, such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75.Cal. App. 5th 63 ("**Save Lake Tahoe**") (finding the eir's greenhouse gas **[GHG]** mitigation measure was inadequate because it **deferred** determination to an unknown future time, requiring the applicant to mitigate impacts IF the project conflicted with relevant future emissions targets adopted by the state, relying on performance standards that do not yet exist and may never exist so that any determination of the impact's significance is deferred to an unknown time and where neither the county nor the applicant were committed to mitigating any such impact. Also, the eir **failed properly to consider whether renewables could be incorporated into the Project in the energy impact discussions,** as noted below.) According to Save Lake Tahoe, to be compliant the CEQA analysis of energy impacts requires both whether renewables can be incorporated into

the project, and (if significant impacts) whether renewables would reduce the impact. Also, for significant impacts, the EIR must consider all feasible mitigation measures. The EIR fails these tests, among other things, by such deferrals, by such lack of analysis and denials of such climate change matters, and by ignoring the renewables issues.

As to confirming the "significance" of these energy issues that Grass Valley calculated in its Agency Letter 8-18: "The [IMM] Project's annual energy use would represent an increase of approximately 15 percent in County-wide electric usage for a single industrial use." As Grass Valley said (at Id.): "This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact." That by itself not only defeats the Nevada County Energy Action Plan (EAP), but it depresses any willingness of mine opponents to sacrifice in their own energy usage, because our sacrifices would benefit this objectionable mine instead of our environment. Indeed, as I explain in detail with my rebuttal of the EIR/DEIR on its unrealistic and grossly understated generator use to cover PG&E PSPS, system failures, weather events, and other causes of blackouts increasing with progressive climate change impacts, the EIR's projected energy use in incorrectly analyzed. See, e.g., my objections in section II to EIR Master Responses 16, 25, and 26-28 and my objections in section III to EIR Response to Ind. 254-84.

c. Correcting the Application of the Guidelines To Groundwater And Related Issues.

For our purposes here I focus on what the 2018 CEQA Guideline Amendment Explanations commentary states about why it added **subdivision (f) to 15155**, not as new requirements, but as Guideline clarifications and to be consistent with *Vineyard* and other court decisions. The opening # (f) sentences (at 48-50) of such 2018 CEQA Guideline Amendment Explanations emphasize that **"the level of certainty regarding water supplies will increase as the analysis moves from general to specific;" i.e., the burden and necessary degree of confidence of identifying water sources is for a project are higher at the permit stage than at the conceptual plan stage."** That is reconciled for consistency with Guideline forecasting rules to the court requirements (e.g., **#15144, "an agency must use its best efforts to find out and disclose all that it reasonably can;" 15146, the degree of specificality required in an EIR will correspond the degree of specificity involved in the underlying activity which is so described). (emphasis added)**

However, because the Guidelines do not address the current groundwater owner competition between (a) us objecting surface owners, versus (b) the 2585-acre underground mine, the decisionmakers should look to the court decisions cited in my four Objections and to the Rise admissions I cite from the Rise SEC filings (e.g., Exhibit B hereto and in my DEIR and EIR Objections 255 and 254 #2, some of which are addressed herein and none of which can be overcome by some inapplicable or misinterpreted Guidelines cited by the EIR/DEIR; i.e., *Gray* and *Sierra Club* are more important for this analysis than some vague quote from a Guideline designed for a housing project on applicant owned land. Consider, for example, the question of how #15155 is applied (i) here, where the question is taking groundwater from our community (including from us surface owners whose property rights include that depleted groundwater beneath our homes above or around the 2585-acee underground mine) to be exposed to hexavalent chromium cement paste added to the mine shoring and other hazards, purportedly

treated, and then flushed away somewhere else down the Wolf Creek to some unsuspecting NID customers, as distinct from (ii) the more common #15155(f)(2) problem about where homeowners in a new subdivision are going to find the water they need.

Fortunately, the 2018 CEQA Amended Guidelines Explanation adds: "the focus of this subdivision [(f)(2)] should be on the environmental impacts associated with a particular water supply," citing *Vineyard,* 40 Cal.4th at 434 (the "ultimate question under CEQA… is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project.") "For example, after establishing the amount of water a project will need [or, I believe any court addressing our challenge would say, will deplete], the analysis might examine whether supplying that amount from groundwater might lead to subsidence or unsafe yield, or whether diverting that amount from surface flows might adversely affect fish and wildlife." See the Supreme Court's *Keystone* decision and discussions herein of subsidence authorities in my DEIR Objection 254 #3.N, 4, and 14. That is what we risk here for no net benefit to our local community (Id. #2), and none of us impact victims will tolerate this disputed EIR/DEIR's approach to what it incorrectly calls "mitigation" for the harmful impacts of this disputed EIR mining and dewatering, forcing us surface owners above and around the 2585-acre mine to defend our health, welfare, property rights and values, our forests and environment, and our way of life, by enforcing our obvious, competing, legal, political, and law reform remedies.

The absurd EIR/DEIR answer to these problems it creates seems to be incorrectly to evade the whole problem by falsely calling our objections too "speculative" to merit any "common sense," "good faith reasoned analysis" required by CEQA as stated in *Gray, Banning, Vineyard, and Costa Mesa.* The right answer is to focus not just on what the mine does with our groundwater, but rather also to begin with the fact that it is massively and continuously depleting our groundwater 24/7/365 for 80 years, thus impacting us surface owners and our property and forests above and around the 2585-acre mine, as well as our whole community. Notice the different incentives. The real estate developer and its customers want the water for beneficial uses, whereas the exploitive miner just wants to drain and flush away somewhere else downstream all our precious groundwater to prevent it from flooding the mine, so (but for any enforceable and fully funded or secured well replacement obligations the miner cannot evade or ignore when it has finished its mining; i.e., assurance the mine won't follow the objectionable, but common, miner tradition and retreat to Canada with its accumulated gold and profits when the mine is no longer profitable) the disputed EIR/DEIR somehow imagines that more long term depletion is good for the mine by reducing its dewatering costs and risks and ultimately, later watering other downstream communities of no benefit to us owners losing our owned groundwater for miner shareholder profits also to be exported. See, e.g., Varjabedian v. Madera (1977), 20 Cal.3d 285 (the impacted locals downwind of the new sewer plant project had nuisance, inverse condemnation, and other claims because they could not be required to suffer disproportionately for what some official considered the common good for a community most of whom were not impacted but benefitted.) However, since the mine will be legally and politically accountable for its depletion of our groundwater one way or another (i.e., either by failing CEQA compliance and denied approval, or, if the project is approved, as such disproportionately impacted citizens with such claims), it is essential that the EIR/DEIR address where it gets the water to replace what it has depleted, because in that sense it is like the real estate developer in the Guidelines who needs a water supply for its project. As my objections note, but the disputed EIR/DEIR disregards as "speculative," climate change will inspire many more of us impacted

surface owners above and around the 2595-acre mine to develop new competing wells to use our groundwater to save our property, our forests, and our way of life, creating environmental impact issues not addressed as required by the EIR/DEIR.

b. The Guidelines Require CEQA Compliance For All Phases of the Project, Which the Disputed EIR/DEIR Refuses To Do, With Especially Dangerous Impacts on Groundwater And the Environment From 80 Years of 24/7/365 Dewatering And Mining And From the Centennial Activities.

More important, such 2018 Guideline Amendment Explanation's discussion of 15155 subdivision (f)(2) insists that the analysis of environmental effects of supplying water to the project "must account for all phases of the project", following the mandate of *Vineyards*, 40 Cal.4th at 431: "an adequate environmental impact analysis for a large project to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years." (emphasis added) Thus, for example, the disputed EIR/DEIR comments regarding the 24/7/365 dewatering and mining and related activities for **80 years** fail not only by various other noncompliance, but also because the disputed EIR/DEIR makes no attempt to provide the required "common sense", "good faith reasoned analysis" for the long term, especially after 2040. In effect, unlike the thousands of us potential victims living above and around the 2585-acre mine demanding scientific data with climate change factored into the analysis, the disputed EIR/DEIR demands instead that decisionmakers just assume/speculate/guess that the EIR/DEIR's incorrect, deficient, and noncompliant data and assumptions from the period before 2040 be someone treated as continuing without change for the rest of the 80-year project. **CEQA GUIDELINE #15155(F)(2) SPECIFICALLY REJECTS THE CLAIM ASSERTED BY THE DISPUTED EIR/SEIR THAT IT ONLY NEEDS TO CONSIDER 20 YEARS IN THE FUTURE, STATING IN THAT EXPLANATION OF THIS 2018 GUIDELINE AMENDMENT EXPLANATION UPDATE: "THIS [I.E., REQUIRING ANALYSIS FOR THE ENTIRE PROJECT PERIOD, I.E., HERE 80 YEARS] IS AN IMPORTANT CLARIFICATION BECAUSE THE WATER SUPPLY ASSESSMENT AND VERIFICATION STATUTES ONLY REQUIRE LOOKING TWENTY YEARS INTO THE FUTURE," WHEREAS "[S]OME [CEQA PROJECTS MAY HAVE A LIFESPAN OF FIFTY YEARS OR MORE. IN THAT CIRCUMSTANCE, SOME DEGREE OF FORECASTING MAY BE REQUIRED," CITING # 15144. (EMPHASIS ADDED) IN OTHER WORDS, THIS IS ANOTHER EXAMPLE OF A "BAIT AND SWITCH" TACTIC BY THE DISPUTED EIR/DEIR, WHERE INSTEAD OF COMPLYING WITH CEQA AND APPLICABLE LAW, THE EIR/DEIR DEMANDS THAT EVERYONE INCORRECTLY FOCUS ON THE INAPPLICABLE WATER CODE ISSUES DESIGNED FOR OTHER KINDS OF PROJECTS (NOT MINING) AND THAT DO NOT EXCUSE OR SUPERSEDE THE CEQA OBLIGATIONS THAT STILL APPLY HERE, AS THAT EXPLANATION EXPRESSLY STATES.**

The Centennial part of this project may also be properly considered a phase, because I correctly refute the incorrect attempt by the EIR/DEIR to treat Centennial work as a separate project. See section I.B.

In addressing the circumstances affecting the likelihood of water supplies, 15155 subdivision (f)(3) requires acknowledging "any circumstances that might affect the availability of water supplies identified for a project, citing *Vineyard.* 40 Cal. 4th at 432 requiring the eir to "address the impacts likely future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the waters availability" as well as "the magnitude of variability" and uncertainty. The similar *Gray* mining case adds "common sense" to that rule. While this Guideline suggests some examples of circumstances that might potentially affect water supplies, my four Objections illustrate how the disputed EIR/DEIR consistently and improperly evades, ignores, and fails to comply, including by refusing to consider climate change as too speculative or just by unjustified omissions and evasions. Note that, as my and other objections demonstrate and cases like *Gray* require, the issue is not just the disputed EIR/DEIR's failure correctly and sufficiently address the recharge of this mine's 24/7/365 dewatering depletion of our groundwater for 80 years, but also the question of how much water will be required by (or to replace) the **existing and future wells** above and around the underground mine when us surface owners above and around the 2585-acre mine develop our competing wells for our owned groundwater and/or insist on replacement supplies as required by County General Plan 17.12 (see section I.E.3 below). The ultimate fact finder here, whether county decisionmakers or the courts (or voters enacting law reforms and voting for better environmental and other enforcement), will ultimately follow *Gray* and insist on full water restoration on the same usage as before the mine depletion. See section I.E.3 below and other incorporated objections in my Table of Incorporated Objections, such as by the CEA (including Group Letters 9 and 21), the Bear Yuba Land Trust (#2), the Friends of Banner Mountain (#11-12), the Rudder Law Group(#20), the South Yuba Citizens League (25), the Sierra Fund (#26), the Wells Coalition (#27-28), the Wolf Creek Community Alliance (#'s 29-32), the State Dept. of Parks And Recreation (Agency #1), the California Dept. of Fish And Wildlife (Agency #3), and Grass Valley Community Development Dept.(#8).

As in the similar mining eir dispute in *Gray,* the only compliant and feasible solution in this case would be to create a new, compliant water system for replacing the depleted groundwater for everyone impacted now or in the future, including all of us living on the surface above and around the 2585-acre underground mine. However, as in *Gray*, that possible solution is not addressed in the disputed EIR/DEIR and would require another EIR/DEIR process. The absence of such a feasible, sufficient, and compliant mitigation solution must defeat the EIR for the same reasons the mine was defeated in *Gray*, especially since the Rise SEC filing admissions prove that it cannot afford any meaningful mitigation, much less something sufficient and compliant. See Exhibit A and my DEIR Objection 254 #2. **In any case, the more fundamental deficiency is that the disputed EIR/DEIR does not acknowledge or even propose any theoretically possible mitigation for all the existing wells, much less all the competing future wells climate change (not to mention the mine) will inspire from us surface owners above and around that underground mine. See Exhibit A, where the County Economic Report admits more than 300 existing wells at risk, still a lower number than actually exist. See also the Wells Coalition Group Letters 27-28, the CEA Group Letters 6-9 and 21, the South Yuba Citizens League Group Letter 25, and other incorporated objections addressing this issue.**

More importantly, consider this reality about the possible sources of replacement water to what precious groundwater is so depleted and flushed away by the disputed EIR/DEIR 24/7/365 dewatering for 80 years. (Note, as my Objections prove, contrary to the disputed EIR/DEIR, it is

irrelevant to our objecting community that some other community downstream along the Wolf Creek receives our diverted groundwater, since as stated in cases like **Varjabedian v. Madera** (1977), 20 Cal.3d 285, based on the US and California Constitutions, nuisance, inverse condemnation, and other claims arise for local victims downwind of sewer plant stench disproportionately impacted for the real or imagined benefit of the larger population not so impacted.) Nothing in the EIR/DEIR attempts to deal with the scale and timing of the environmental impacts of such dewatering and the mitigation replacements that the law will require one way or another. **First, the existing and future well impacts will be determined to be massively larger than the disputed DEIR/EIR claims, and us surface owners have property rights to that groundwater that cannot continue to be ignored by the EIR/DEIR; e.g., although the disputed EIR/DEIR continues wrongly to ignore such realities, "subsidence" is not just the depression or collapse of the surface caused by the mining support failing, but also by the depletion of the groundwater support, not to mention our competing surface owner rights to access our groundwater for our surface uses. See the Supreme Court's *Keystone* decision**. **Second,** the only two options to keep the mine project from flooding (besides such massive depletion that the water table drops below the deep mining, an environmental catastrophe which I cannot imagine the EIR/DEIR would wish to argue): (1) to build some disputed and non-feasible water system to recycle (i.e., treat and transport) the depleted groundwater the miner has just polluted by exposing it to the hexavalent chromium and other mine toxins, of which (as *in Gray*) there has been no CEQA compliant discussion in the EIR/DEIR (Indeed, even the disputed, lesser water treatment process insufficiently described in the EIR/DEIR is noncompliant.), or (2) access massively more NID water than contemplated by the EIR/DEIR without any practical or affordable way to deliver it to us thousands of mine victims. See these same issues dooming the mine in *Gray.* Would the miner, even if it could afford to do so, which Rise's SEC filings admit it lacks the resources to do (See Exhibit B), even try to propose to speculate overcoming the impossible? Could the miner even imagine, for example, attempting to arrange all the easements and other deals that would be needed regarding objectors' surface properties for any such disputed solutions from the very objectors who are committed to resisting the mine menace with all possible legal, political, and law reform remedies to save our properties and our communities' health, welfare, forests, and environment?

As so explained herein and in the similar *Gray mining case*, there can be no feasible mitigation alternative for this water issue once the reality is exposed and addressed as required by CEQA and other applicable laws with which the disputed EIR/DEIR is not compliant. See #15155(f)(4) addressing example alternatives and mitigation, with its fall back of modifying the project to require less water or reducing the duration of the mining, neither of which seems likely to be practical, feasible, or acceptable to the impacted local objectors in this case. As in *Gray*, this EIR/DEIR must be disapproved, when the objectors expose the realities either to decisionmakers who care about reality and the rights, welfare, and needs of our local community living on the surface above and around the 2585-acre underground mine or, if approved, to the courts who will care about the rights of us impacted victims. **While the EIR responses to DEIR noncompliance consistently evade, ignore or incorrectly dismiss the relevant objections, consider the relevant rebuttals with better comparables, for example as to groundwater disputes, the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater**

the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See also the Union discussion of comments by hydrology expert Sol Henson.

Even worse, consider our "pick your poison" dilemma addressed in sections I.A.1.d(viii), and throughout I.F (especially 5 and 6), discussing or illustrating objectionable tactics (e.g., "hide the ball" and "bait and switch") where we will either have to suffer either (i) the loss of precious water during our many coming climate change droughts, including both from NID water restrictions and from the depletion of our groundwater by 24/7/365 dewatering for 80 years, or (ii) health risks from toxic asbestos and other fugitive dust requiring frequent daily watering suppression as the NSAQMD demands be a priority in its Agency Letters 11 and 12:

> The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest.

As explained in many applications throughout these objections, if the County decisionmakers mistakenly approve the EIR, the only practical solution to this intolerable dilemma while we enforce our remaining judicial, law reform, and political remedies for us objectors living above and around the 2585-acre underground mine to enforce our groundwater rights (see, e.g., *Keystone* and *Varjabedian*) with better existing wells and new wells. That competition for water with the mine, which the EIR/DEIR dismisses as speculative, even though it causes the problems that require such competitive solutions and counters, cannot be ignored if there is to be any adequate compliance with CEQA and other applicable laws.

c. Some Improper Ways The Disputed EIR Evades Any Sufficient Response Or Compliance .

As shown in section III below, the EIR Responses To Comments Ind. 254 and 255 are usually nonresponsive, wrong, and evade of the duty to respond fairly and fully in accordance with the Guidelines, including 15088, and applicable law such as by objectionable tactics demonstrated throughout my Objections. See, e.g., section I.A.1(d) above and I.F. 5 and 6 below, my DEIR Objection 254 #3.E, and the many other places where the disputed EIR/DEIR fails to provide the "good faith reasoned analysis" and "common sense" required by *Gray, Banning, Vineyard, Costa Mesa,* and other authorities. See Exhibit D and my Table of Incorporated by Reference Objections. For example, while a response may be "general" to a "general comment," the disputed EIR cannot (as it has frequently done) chop up or fragment many of my integrated, and detailed section grouped comments and then declare them to be "general," so that the EIR can dismiss them without adequate responses. Likewise, the disputed EIR evades meaningful responses by incorrectly claiming that my comments (especially as chopped up into fragments) fail to

"explain" the "relevance" of information or to provide sufficient detail in my comments, often totally and wrongly ignoring not only adjacent comments in my text but also my cross-references and incorporations by reference.

That disputed EIR/DEIR tactic is another version of refusing to respond to objections that the disputed EIR/DEIR incorrectly brands as speculative or unsubstantiated. See, e.g., **Guidelines #15145**, discussing how **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

My objections typically have at least multiple consequences, especially when integrated with others that I incorporate. For example, when I demonstrate a significant impact that the disputed EIR/DEIR has failed to recognize and address with the required common sense (e.g., *Gray*) and a good faith reasoned analysis" (e.g., also *Banning, Vineyards, and Costa Mesa*), that triggers both a need for complaint EIR revisions on the issue, plus a need for compliant mitigations to address the evaded or overlooked significant impacts. Whenever there is a potentially significant impact, the lead agency "must propose feasible mitigation measures." CEQA #'s 21002, 21080(c)(2), 21100(b)(3). And that EIR formulation of mitigation measures cannot be deferred under any circumstances that are applicable in this EIR case. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 92; Richmond v. Chevron; Guidelines #15126.4(a)(1)(B), following case law and principles discussed in the 2018 Guideline Amendments Explanations at 43.

The 2018 Guideline Amendments Explanations (at 44) discuss how amended #15126.4, following some court decisions allowing in rare cases certain types of mitigation deferrals of "some of the **details** of mitigation measures" under certain circumstances, such as where "practical considerations preclude development of detailed mitigation plans at the time of project consideration," "provided that the **[lead] agency** commits itself to mitigation and analyzes the different mitigation alternatives that might ultimately be incorporated into the project." (emphasis added). [Note here **the County** (as distinguished from the miner) is not committing itself to any mining related mitigation, since this is a private benefit project **only for Rise** and for the profit of this Canadian miner's shareholders, although I would not consider the disputed EIR mitigations to be qualified commitments, and none of those noncompliant, purported mitigations are economically or other otherwise feasible or sufficient. This explains, for example, why NID's Agency Letter 10 properly insists that Rise must post surety bonds to assure performance, a credit risk topic on which I am a competent witness. See also the Grass Valley Agency Letter 8 and Nevada County Association of Realtors Group 15.]

Among the notable Guideline amendments (explained starting at p. 44) were (i) clarification in subdivision (a)(1)(B) follows stated cases ruling that "the **lead agency** [since deferral is **not a miner** option] '**shall'** not defer **identification** of mitigation measures" [which

has happened every time the disputed EIR/DEIR has failed to appreciate each of the many objected to matters requires compliant mitigation that the EIR/DEIR fails to provide] (emphasis added with "shall" replacing "should" to end any arguments that this is discretionary, because it's mandatory); (ii) the only thing deferred, if and when any deferral is permitted, are the "**specific details"** and only then when the **lead agency** demonstrates **why it is "impractical or infeasible to fully formulate the details of a mitigation measure at the time of project approval and the agency commits to mitigation**." (emphasis added), citing as authority followed, among others, Preserve Wild Santee (2012), 210 Cal.App.4th 260 (deferral of mitigation details was improper where performance standards were not specified and lead agency did not provide an explanation for why such standards were impractical or infeasible to provide at the time of certification of the EIR.); (iii) the "**lead agency** should **adopt specific performance standards** and **provide a list of the types of possible mitigation measures that would achieve the standard**," citing *Rialto Citizens for Responsible Growth v. City of Rialto* (2012), 131 Cal. App. 4th 777 (emphasis added) to remind us that **the required specific performance standards could not be "so open ended that they allowed potential impacts to remain significant"** (emphasis added, which, like the others, this requirement defeats those attempts by this EIR/DEIR to claim deferred mitigation in this case); and (iv) **when deferral is permitted on account of another regulatory agency issuing another permit with its own mitigation requirements, the eir lead agency must still itself commit to mitigation with such required performance criteria. Since I cannot imagine the County would be guaranteeing or substantively supporting any such private project, considering the legal and political consequences, including the laws against such gifts of public funds for such private projects, I do not foresee any way this EIR/DEIR could satisfy those requirements for such deferred mitigation. As to the effects of concerns by other CEQA "responsible agencies," see section I.A.1.a (vii) and *We Advocate Through Environmental Review v. City of Mount Shasta* (2022), 76 Cal.App.5th 629.**

d. Environmental Setting And CEQA Lessons from 2018 Guideline Amendments Explanation.

The 2018 Guideline Amendments Explanations to Guideline #15125 are often intended to accomplish or implement what the courts have also required, but which this EIR/DEIR insists on evading: to clarify that the purpose of defining the "environmental setting" is to give decisionmakers and the public an "accurate picture of the project's likely **impacts, both near-term and long-term**." (emphasis added) "Cal. Nat. Resources Agency Final Statement of Reasons For Regulatory Action Amendments To the State CEQA Guidelines" Nov. 2018 ***("2018 Guidelines Amendments Explanations"***) at 34-36. That commentary follows *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal. 4th 439, 455 (requiring "the most accurate information on the project impacts practically possible, and the choice of a baseline must reflect that goal.") Accord *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010), 48 Cal. 4th 310. The EIR/DEIR often flunks that test, for example, when it sets the groundwater recharge baseline rate based on average "current" rainfall from 1967 to 2017, disputed and ignoring the more current and dry years after 2017 as well as emerging climate change impacts that are beginning the new normal. See the climate change Guideline recognition and applications at my section I.C.2.

As such 2018 Guidelines Amendments Explanations said, "When in doubt, lead agencies should choose the baseline that most meaningfully informs decision-makers and the public of the project's possible impacts." And subject thereto, the new 15125 subdivision (a)(1) declares that the normal rule is that "normally, conditions existing at the time of the environmental review should be considered the baseline" and "the lead agency must expressly justify its decision not to use existing conditions as the baseline for environmental analysis…[supported by] substantial evidence in the record." Id. [That discussion reminds us that substantial evidence does not include 'speculation…or… evidence that is clearly inaccurate or erroneous," as the disputed EIR/DEIR often does.] The disputed EIR/DEIR does the opposite of both such normal and special rules in an obnoxious effort to avoid "significance" and reality about our drier, climate change future and the "common sense" harms from 24/7/365 dewatering for 80 years of groundwater owned by those of us on the surface above and around the 2585-acre underground mine. **Note also, that, consistent with the *Neighbors'* decision and the concerned that predictive modeling may not be readily understood by the public (at 455-456 and CEQA 21003(b)) documents must "be organized and written in a manner that will be meaningful and useful to decision-makers and the public."**

The EIR/DEIR also violates (a)(3), prohibiting using "hypothetical conditions as a baseline…As the Supreme Court explained in its CBE decision: '[a]n approach using hypothetical allowable conditions as the baseline results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,' a result at direct odds with CEQA's intent." Communities for a Better Environment, supra, 48 Cal. 4th 322 (quoting Environmental Planning & Information Council v. County of El Dorado (1982), 131 Cal.App. 3d 350, 358).)"

Also, that 2018 amendment commentary 9at 38-42) implements the Supreme Court's holding in the CBIA case, 62 Cal. 4th at 377 ('when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users').)" ["similar to an 'indirect' effect" in Guidelines #15064(d)(2).] Also, the amendments clarify that a project's direct and indirect and cumulative effects may affect the hazardous condition," requiring CEQA evaluation. That is illustrated by a coastline example, but it also applies here where it's appropriate to regard this ancient mine, closed and flooded since 1956, to be such a hazard, although the disputed EIR/DEIR inappropriately avoided that analysis to evade dealing with inconvenient truths that might be discovered.

MOST IMPORTANTLY, the Guideline's "final addition clarifies that a lead agency should consider not just existing hazards, but the potential for increasing severity of hazards over time. This change is necessary because certain types of hazards [citing "more intense wildfires" and "increased flooding"] are expected to be more severe in the future due to our changing climate" [which the EIR/DEIR incorrectly and worse refused to do on the incorrect theory that it was too "speculative" to worry that, for example, 24/7/365 dewatering of our groundwater for 80 years would be made worse by climate change's increasing dryness.] These types of climate change impacts may worsen a proposed project's direct, indirect, or cumulative environmental effects in the future…. Focus on both short-term and long-term effects is also necessary to implement express legislative policy," citing CEQA 21001(d) and (g) and 21083(b)(1.).

As to the Guideline amendments for mitigation measures, note (at 43-44) that when there is a "potentially significant environmental impact," the EIR must propose feasible mitigation

measures," citing CEQA #'s 21002, 21080(c)(2), 21100(b)(3). "The formulation of mitigation measures cannot be deferred until after project approval [as our dispute EIR/DEIR often does]. Communities for a Better Environment v. City of Richmond (2010), 184 Cal. App. 4th 70, 92 ('reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.')" Because of many cases on this subject, the Guidelines amended 15126.4.

The EIR/DEIR generally fails to provide an adequate and accurate baseline and environmental setting especially by deficiently addressing the 2585-acre underground mine and its impact on us surface owners above and around the mine. To accomplish the fundamental goal of any eir, it must inform decision makers and the public of any significant adverse effects a project is likely to have on the physical environment. To make that assessment the EIR must delineate the environmental conditions prevailing absent the project, defining a baseline against which predicted effects can be described and quantified. E.g., *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal. 4th 439, 447. This includes providing a description of the physical environmental conditions in the vicinity of the project at the time the notice of preparation is published or … the analysis is commenced…" Id. at 448; Guidelines #15125(a). "Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the development project." E.g., *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994), 27 Cal. App. 4th 713, 729. Indeed, "[w]ithout accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the …project." Id. at 729. Stated another way, there is no harmless error excuse that will save a deficient eir on this criterion. Assuming (especially incorrectly as it does) that the conditions for the limited areas described in the DEIR/EIR are the same for the rest of the mining area and surrounding areas is insufficient and worse and requires the rejection of the EIR/DEIR. (There is no area "surrounding" the mine more in need of honest, common sense, good faith reasoned analysis than the surface and at least 200 feet below it and our shared groundwater above and around the 2585-acre underground mine.) *Banning* at 942.

Here, many fear, Rise has not adequately evaluated either the 2585-acre underground mine (closed and flooded since 1956) because it seems not want to have to deal with inconvenient truths and realities or litigation exposures (and it may not be able to afford the required analysis, see Exhibit B SEC filing admissions by Rise). Also, it ignores threatened wells that exist now or are likely to exist in the future, as well as the competition between us surface owners and the underground mine. Furthermore, such disputed omissions tend to be tactical, such as the refusal of the EIR/DEIR to map the underground mine against the surface properties in a reasonably identifiable way, apparently to avoid awakening opposition by surface owners mistakenly imagining from the disputed and vague maps that they are beyond the impact zone of the mine. Instead, the disputed EIR/DEIR offers its unsubstantiated opinions, assumptions, and speculations about those mine conditions, which means there is no meaningful baseline as required. Therefore, the EIR/DEIR cannot comply with CEQA, since "the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete, or misleading." E.g., *Cadiz Land Co. v. Rail Cycle* (2000), 83 Cal. App. 4th 74, 87. As Guideline #15125 explains: Knowledge of the regional setting is critical to the assessment of environmental

impacts," which requires enough detail to allow analysis of a project's potential impacts, since the primary purpose of CEQA is to inform government decision-makers and the public about significant environmental effects of proposed projects before approving or denying them. *Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 Cal.3d 553, 564; *San Joaquin Raptor*, 27 Cal. App.4th at 729; *Cadiz*, 83 Cal. App. 4th at *87; Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997), 60 Cal. App.4th 1109, 1122. A stable and accurate description of the surrounding area is not less crucial than a correct description of the project. E.g., City of Irvine v. County of Orange (2015), 238 Cal. App. 4th 526, 542 fn. 8 (A "stable and accurate description of a project is the 'sine qua non' of an EIR").

e. The Disputed EIR Had Its Chance To Comply, And There Is No Redo Opportunity.

More importantly, the lead agency cannot, as the County is asked to do here by the EIR/DEIR, "make up for the lack of analysis in the EIR through post-EIR analysis," especially because the lead agency has the critical "burden to investigate" such potential environmental impacts. E.g., *League to Save Lake Tahoe Mountain v. County of Placer* (2022), 75 Cal. App.5th 63, 107. Notice, for example, that the disputed Centennial site is already a recognized toxic mess, and the disputed EIR mistakenly (or worse) treating it as a separate site seems to be designed to avoid discussing the risks of "mobilizing existing contaminants" and even adding to them. In any event, as Guideline # 15125 explains, the EIR/DEIR is required to provide the most accurate and understandable picture practically possible of the project's likely near-term and long-term impact. In any event, as Guideline # 15125 explains, the EIR/DEIR is required to provide the most accurate and understandable picture practically possible of the project's likely near-term and long-term impact. However, despite asking for the right to impose 80 years of risk and misery on those of us living above and around the 2585-acre mine, the DEIR/EIR cuts off its disputed NID data in 2040, well before the 80-year term ends offering nothing beyond that that deserves anything besides contempt.

As *Vineyard* explained (at 443), "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." [See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640.] This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections.

D. Some Key Court Decisions And Principles For Applying CEQA And Its Guidelines To Dispute The EIR/DEIR And Support My Objections, Including Those Already Discussed in DEIR Objections 254 And 255.

1. My Prior Legal Briefing In DEIR Objection 255 (as well as in DEIR Objection 254 #'s 3.N, 4, and 14) Apply with Even More Force To the Disputed EIR.

My DEIR Objection 255 (as well as my new EIR Objection 255 rebutting the disputed EIR "Responses" and "Master Responses thereto) contain ample legal precedent for defeating the EIR/DEIR on the merits both on the applicable law and on the true facts, circumstances, and conditions, including by using the Rise admissions to rebut, impeach, and defeat the EIR/DEIR claims about economic and other feasibility. Indeed, the similar quarry mining case of ***Gray v. County of Madera*** (2008), 167 Cal. App.4th 1099 ("***Gray,"***) by itself is sufficient to defeat the EIR/DEIR, especially as to the water depletion, quality, and mitigation issues. See also ***Sierra Club v. County of Fresno*** (2018), 6 Cal.5th 502 ("**Sierra Club**"), which interprets and applies CEQA and the Guidelines with clear rules that the dispute EIR/DEIR constantly violates, such as by failing to provide the required disclosures consistent with its standards for "adequacy, completeness, and a good faith effort at full disclosure." Rather than repeat my detailed analysis of those precedents and cited laws and Guidelines, I incorporate herein my such DEIR and EIR Objections 255, as well as my DEIR Objection 254 #'s 3.N, 4, and 14. Since I have already proven the various key disputes in my DEIR Objection 255, which is incorporated herein for issues such as, for example, demonstrating the economic infeasibility of this EIR/DEIR mine and why it is not legally possible for the EIR/DEIR to escape the Rise SEC filing and other admissions that rebut the disputed DEIR/EIR claims, I will focus here on other issues and approaches to defeating the DEIR/EIR.

As *Vineyard* explained (at 443), "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." [See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640.] This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections or incorporate herein from my Table of Incorporated Objections. See my Exhibit D hereto.

2. The Disputed EIR/DEIR Fails To Apply Any Compliant Threshold/Standards For Evaluating the Project's Impact on Groundwater Supplies.

Any CEQA compliant analysis of any environmental impact, such as groundwater supplies, begins with a satisfactory threshold of significance, since once a "significant" effect is identified, the agency must explore implementing feasible mitigation measures or alternatives to avoid or reduce that effect. See Guidelines #'s 15067.7, 15064, and 15002. E.g., **Berkeley Keep Jets Over the Bay Com. v. Bd of Port Comrs**. (2001), 91 Cal. App.4th 1344, 1373. This disputed DEIR/EIR fails to contain any such threshold, much less to support one as required with substantial evidence. Although not stated as a threshold, the disputed DEIR uses a 10% reduction in well water columns as a trigger, that is neither rational or appropriate, since, for example, if a struggling well loses 5% and goes dry, that is significant for that well. (Also, as my DEIR Objection 254 and others notes, consistent with the admissions in the Rise SEC 10K filings, us surface owners above and around the 2585-acre underground mine own that groundwater, with a right to its lateral and subjacent support, that the DEIR/EIR flushes away downstream in massive dewatering. Thus, any such give away of 10% of our groundwater is a Fifth Amendment taking, inverse condemnation, and nuisance, as described herein and in my DEIR Objection 254 #'s 3.N, 4 and 14.)

As discussed above and elsewhere (such as the Baseline expert report addressed in CEA Objection Grp. Letter 21 at Grp 21-30- 31), the disputed DEIR/EIR groundwater model is hopelessly flawed and invalid. See, e.g., ***Gray v. County of Madera.*** Without any rational basis, much less the common sense, "good faith reasoned analysis" required by *Gray, Banning, Vineyards, and Cost Mesa*, the disputed DEIR/EIR claims that only 30 wells will be impacted along East Bennett Road, ignoring the existing and future well rights of thousands of us objectors living above or around the 2585-acre underground mine based a bogus, theoretical water "model" and an even more deficient, unsubstantiated, and arbitrary Groundwater Monitoring Plan (GMP) that installs 15 monitoring wells in mostly incorrect or irrelevant locations to such threatened objectors. See my objections in section I.E and F on this topic as well as my related rebuttals to the disputed EIR's Master Responses in my section II and to the disputed EIR's Responses in my section III.

Furthermore, my four Objections each address major concerns with disputed DEIR/EIR impacts on water quality and supply not just for CEQA compliance, but also to protect the groundwater property ownership rights of those of us living on the surface above and around the 2585-acre underground mine. See section I.F.8 and 9, as well as DEIR Objection 254 #3.N, 4, and 14. Because it was ignored and evaded in the DEIR and then subject to a disputed coverup attempt in the EIR addressed in this objection, I have also suggested special focus on the hexavalent chromium being added to the cement paste for shoring up the mine. See, e.g., section I.F.1 and my objections in section III to EIR Response Ind.254-1. However, as I noted and the CEA Objections (especially Grp. Letter 21 supported by the David M. Chambers' Report), there are many other water quality threats that are not adequately described, much less mitigated. As noted in many cases, including as cited herein, and in other such incorporated objections, purported compliance with existing policies and regulations of relevant agencies is not an excuse for noncompliance with CEQA and other applicable law. **First**, those will change over 80 years, as illustrated by the pending upgrade on the limits of hexavalent chromium (see Exhibit C). **Second**, environmental effects may be significant despite compliance with such requirements, as

shown in *Gray* and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004), 116 Cal,App.4th1099, 1108-09.

1. Rebuttal/Impeachment Illustrations In "*Richmond vs Chevron*" And Other Key Counters To EIR Errors, Omissions, And Misleading Claims.

In my objections and those of others it is common to rebut or impeach the disputed EIR/DEIR by citing inconsistent and contrary Rise admissions to rebut and impeach such EIR/DEIR claims. Such rebuttal evidence is addressed, for example, in Exhibit B to the attached EIR Objection 254 and in my DEIR Objection 254 #2, but the EIR/DEIR incorrectly rejects any such Rise admission rebuttal evidence as somehow irrelevant, but, if the County declines to consider such truths, it should be clear that the courts will find such admissions key evidence for defeating the EIR/DEIR. For example, in ***Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron"),*** there was a critical dispute over the issue of whether the project includes any equipment changes that would facilitate the future processing of heavier crudes [oil] at the refinery. The court stated that "there was conflicting information developed during the EIR process [**including SEC filing admissions**] that cast serious doubt on these assertions [by Chevron's EIR "in conclusory terms that the proposed Project will not result in an increased capacity to process lower quality, heavier crude, and that Chevron seeks only the ability to refine crude with higher sulfur content." The appellate court agreed with the trial court that "the EIR is inadequate as a matter of law because it does not adequately address the issue of whether there are any equipment changes that would facilitate the future processing of heavier crudes…" **The key to that was the court's discussion of conflicting or contrary admissions "in Chevron's SEC form 10K," and (as here with Rise SEC filings Exhibit B) the EIR applicant told its investors a different story in the SEC filings than it told the public in its EIR. And such admissions then led to more from questioning at a public meeting. As the court noted from such impeachment data: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)**

After a considerable review of the flaws in the EIR process and admissions and rebuttals not addressed in the EIR, the court said: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the

briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added)**

Also, in *Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 89-96,* there was (as here) a critical dispute over the issue of whether (as the trial court ruled) the project improperly deferred greenhouse gas mitigation measures to a future, post-EIR process, creating both a failure to proceed as required by law and an abuse of discretion in approving the EIR and project, citing CEQA #21168.5 and fn6. "Instead [of addressing the significance of the project's "contribution to climate change"], the Final EIR state that making a significance determination for greenhouse gas impacts of the project would be too "**speculative."** However, even back then, there were too many **governmental confirmations of climate change** to ignore them, such as starting with the court citation of a 2010 CEQA "white paper" and the California Global Warming Solutions Act (Health & Saf. Code 38500 et seq. and later cited new Guidelines #15064.4, 15183.5). For more recent confirmation see section I.C.2 above and the 2018 Guideline Amendments Explanation explaining why climate change is now required by the Guidelines, like 15155. See also current Guideline 15064.4, 15155, 15183.5; CEQA 21083. Under pressure of reality the city revised the EIR to admit certain emissions with a significant effect prior to mitigation. That then triggered an obligation to mitigate (CEQA #21002.1, Guidelines 15126.4(a) and 15091), so the EIR proposed mitigation that the project "shall result in no net increase in GHG emissions over the baseline," and a requirement within one year after approval to submit for city approval a plan for achieving complete reduction of GHG emissions up to the maximum estimated increase over the baseline, validated by an independent expert and listing "a menu" of various possible mitigation measures. See generally section I.A.1.a(vii) above and my objections to EIR Master Responses 16, 25-28 and others.

However, the ***Richmond v. Chevron*** court (like the trial court) found: **"Formulation of mitigation measures should not be deferred until some future time. (Guidelines #15126.4(a)(1)(B).) An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.'** (*San Joaquin Raptor*, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The court also objected to such future studies even subject to administrative approval as "analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA" citing many cases including *Sundstrom v. County of Mendocino* (1988), 202 Cal.App. 3d 296, 307 (all incorporated herein and rejected or distinguished the various city arguments and cites. The court added: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)**

While the EIR/DEIR ignores, misinterprets, or misapplies Guidelines to suit its evasion tactics, the 2018 Guideline Amendment Explanation adds helpful support for my rebuttals, such as against EIR **Master Response D.15 at 89-91, by Guidelines insisting on the feasibility of mitigation even If deferred.** After discussing the court decisions limiting deferral of mitigation

details, that 2018 Guideline Amendments Explanation commentary [what I quoted before requiring that the agency commits and adopts specifics and identifies] explains the ***Rialto*** decision and the updated Guidelines: "In sum, 'it is sufficient to articulated specific performance criteria and make further [project] approvals on finding a way to meet them.' [citation] **Essentially the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the application a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels." (emphasis added)**

Furthermore, that Explanations' section further explains that **(1) "the agency [must] commit to implementing the measure," [which is "essential to support a finding that project impacts have, if fact, been mitigated," (2) the agency [must] identify performance standards" consistent with the rigorous requirements of the court decisions I have specified, without which there can be no "substantial evidence that impacts will in fact be reduced to less than significant level," and (3) "the measures must be feasible," which requires in turn that there must be identification of the types of measures that could achieve the standard," citing to follow the rulings in *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, rejecting a general "net zero standard" for eliminating greenhouse gas emissions because "there was no discussion of what measures could feasibly attain that net-zero standard." (emphasis added)**

E. Key Mitigation Disputes Also Doom the EIR/DEIR, And The Constant DEIR/EIR Attempts To Violate, Evade, Or Defer Mitigation Requirements Cannot Be Tolerated For More Reasons Than Just Those Explained Above in *Richmond v.Chevron.*

1. The Disputed EIR/DEIR Fails Even To Attempt To Comply With Applicable Mitigation Requirements, And More And Better Mitigations Are Needed Than Attempted, Partly Because the EIR/DEIR Often Either Understates the Significance Of Environmental Impacts Or Omits Impacts.

a. The General Applications of These Principles Expose Noncompliance By The Disputed EIR/DEIR.

The disputed EIR/DEIR must identify and focus on the significant environmental effects of the proposed project. E.g., Guideline #15126.2(a); *Laurel Heights Imp. Assn. v. Regents of U of Cal.* (1993), 6 Cal.4th 1112, 1123 ("Laurel Heights 2"); *Richmond v. Chevron* above. Also, the EIR must then identify feasible mitigation measures to mitigate such impacts. See Guideline # 15126.4 and CEQA # 21002, 21061, forbidding approval when there are feasible alternatives or feasible mitigation measures available that lessen such impacts and requiring enforceability as a condition of development that feasible mitigation measures cannot be adopted and ignored. *City of Marina v. Bd. of Trustees of the Cal. State Univ.* (2006), 39 Cal.4th 341, 359, 368-69, and *Federation of Hillside And Canyon Assns. v. City of Los Angeles* (2000), 83 Cal. App. 4th 1252, 1261.That requires facts and analysis (that means applying "common sense" to a "good faith

reasoned analysis," as demonstrated in my applications of *Gray, Banning, Vineyard, and Costa Mesa)*, not just an agency's bare conclusions, especially when (as is often the case here) they're just disputed speculation and unsubstantiated opinions that obscure extraordinary environmental harms. See my four Objections and others that I have incorporated to reveal such noncompliance by the disputed EIR/DEIR.

Whenever the EIR/DEIR does acknowledge the need to address a significant impact, it often repeatedly and improperly attempts (a) to evade its duty to apply "common sense" and "good faith reasoned analysis" and to report environmental impacts, by (b) simply proposing disputed mitigation measures, even if they were not (as they usually are here) deficient and infeasible and especially because they are often improperly deferred. See *Richmond v. Chevron*; *San Joaquin Raptor Center v. County of Merced* (2007), 149 Cal. App. 4th 645. 663-664, explaining how "a mitigation measure cannot be used as a device to avoid disclosing project impacts." As I have demonstrated and as illustrated herein (as with *Richmond v. Chevron* above and section I.C.2 discussing how the 2018 Guidelines Amendments Explanation tighten the rules against such problematic deferrals of analysis and mitigation), the EIR/DEIR cannot defer mitigation of impacts until after project approval, especially without committing to a specific performance standard. That means specific, not generalized, standards.

Also, by deferring the mitigation details until after the CEQA process has concluded, the EIR/DEIR precludes the essential, informed public participation and fact checking to improve decision-making, which is essential especially in this case because of the massive errors, omissions, and deficiencies in this EIR/DEIR can be expected to continue into deferred future processes where they may hope for less scrutiny. See *Cleveland Nat'l Forest Foundation v. San Diego Assn. of Governments* (2017), 17 Cal. App.5th 413, 443; *Richmond v. Chevron*. The disputed theory of the EIR/DEIR deferrals can by illustrated by the logical conclusion of its disputed reasoning: if the EIR/DEIR can get away with its disputed approach, CEQA could just be evaded or defeated by a project applicant simply claiming that the project involved no significant environmental impact, but, if there were any such impacts, applicant would do timely do in the future whatever the regulators might require in the future permit process as mitigation. However, that would not be compliance with CEQA, the Guidelines, or applicable law. **Moreover, "a mitigation measure cannot be used as a device to avoid disclosing project impacts." E.g., *San Joaquin Raptor Rescue,* Ctr. at 149 Cal. App. 4th at 663-664. That should eliminate many of the disputed EIR/DEIR excuses and evasions and leave the resulting EIR/DEIR noncompliant and full of "gaps" lacking any pretense of required disclosure of impacts.**

Even where the EIR/DEIR acknowledges significant impacts that would be unavoidable after mitigation, that does not end the need for a more detailed analysis of the magnitude of the adverse impacts. E.g., *Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997*), 60 Cal. App. 4th 1109, 1123. More importantly, CEQA requires (e.g., 21061, 21068) the EIR to analyze all significant or potentially significant environmental impacts, which means that this disputed DEIR/EIR has already failed to provide hydrological evidence for the whole geographic area where one might reasonably expect such impacts. E.g., *Kings County Farm Bureau v. City of Hanford* (1990), 221 Cal. App.3d 692, 721-23. That clearly includes, at a minimum, the groundwater owned by us surface owners above and around the 2585-acre underground mine, as to which we have not only CEQA rights, but also actual competing property rights of lateral and subjacent support by such groundwater. See the Supreme Court's Keystone decision about such

groundwater property rights. See also the DEIR's admission at 4.8-58 that "drawdowns of the water table are generally within the mineral rights boundary." However, since our surface owner groundwater depletion is likely being recharged, if at all, from other adjacent areas as well, the disputed EIR/DEIR cannot escape (as it has attempted to do) having to analyze where the drawdowns will come from in this complex hydrological environment of fractured bedrock systems. See section I.C.2 and my Table of Incorporated by Reference Objections, such as by the CEA (including Group Letters 9 and 21), the Bear Yuba Land Trust (#2), the Friends of Banner Mountain (#11-12), the Rudder Law Group(#20), the South Yuba Citizens League (25), the Sierra Fund (#26), the Wells Coalition (#27-28), the Wolf Creek Community Alliance (#'s 29-32), the State Dept. of Parks And Recreation (Agency #1), the California Dept. of Fish And Wildlife (Agency #3), and Grass Valley Community Development Dept.(#8).

This disputed EIR/DEIR repeatedly evades its obligations by stating its nonresponsive, infeasible, and worse "aspirations" for future developed permits or compliance with laws and regulations as a means to pretend its hazard and other related impacts will be less than "significant." This also is not compliance with CEQA. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 92 (even "if the study is subject to administrative approval, it is analogous to the sort of post-hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA"). Furthermore, the EIR/DEIR may not defer mitigation to an existing regulatory scheme to avoid fully analyzing environmental impacts. E.g., *Californians for Alternatives to Toxics v. Dept. of Food & Ag.* (2005), 136 Cal. App. 4th 1 (an agency's sole reliance on another agency's pesticide registration program for mitigation is inadequate without its own evaluation of the impacts of its proposed pesticide use.) My four Objections cite many of those improperly deferred mitigation measures. For example, e.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal.App.4th 70 (sometimes called the "*CBE*" or "*Richmond v. Chevron"* case), relying, among other things on the CEQA principle that: "Abuse of discretion is established "if the agency has not proceeded in a manner required by law or if the determination is not supported by substantial evidence. (#21168.5) Substantial evidence in this context means 'enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.' (Guidelines #15384, subd. (a).)" (emphasis added) **Here there is a lack of sufficient such evidence and much of what is provided is not relevant (e.g., claiming incorrectly and without a good faith reasoned analysis consistent with common sense erroneous things, such as that some other mining situation is "similar" or applicable when its different and irrelevant.) Moreover, such EIR/DEIR "inferences" are not "reasonable," and the related "argument" is not "fair" in supporting a conclusion that is usually speculative, unsubstantiated, or otherwise deficient.**

As explained in **Mission Bay Alliance v. Office of Community Investment & Infrastructure** (2016), 6 Cal. App.5th 160, 198 n.26, that *CBE* case rejected the sponsor's proposal to submit to the City Council within a year a plan for achieving a complete reduction of GHG emissions up to the estimated emissions over the baseline. Among other things, that *CBE* court found (at 93) **that improperly deferred formation of mitigation to be merely a "generalized goal" with a "handful of cursorily described mitigation measures for future consideration," all (at 95) without offering any "assurances that the plan…was feasible and**

efficacious" and without any "objective criteria for measuring success." (emphasis added) Accord *POET, LLC v. State Air Resources Board (2013), 218 Cal. App. 4th 736, 739-40; Golden Door Properties, LLC v. County of San Diego (2020), 50 Cal. App.5th 467, 520; King & Gardiner Farms LLC v. County of Kern (2020), 45 Cal. App.5th 814, 858.*

b. Illustrating the Application of These Guidelines To The Water Disputes, Including How The EIR/DEIR Fails To Comply With Not Just CEQA, But Also the County General Plan 17.12.

As to groundwater depletion disputes, the **disputed EIR/DEIR Mitigation Measure 4.8-2(b) purports to comply with Nevada County General Plan Policy 17.12 by providing a "comparable supply of water to such homes or businesses whose wells are significantly impacted" more than such 10% addressed in the prior subsection.** As demonstrated elsewhere and by cases like *Keystone* and *Varjabedian*, that first 10% depletion (as well as others) is a "taking" contrary to the Fifth Amendment and the CA Constitution, as well as creating inverse condemnation, nuisance, trespass, and other claims in favor of us surface owners above and around the 2585-acre underground mine. In addition, note **first**, the DEIR/EIR does not address many existing wells (or any new/future wells) or threatened locations as addressed in my and other objections (especially the existing and **future** wells of us living on the surface above or around the 2585-acre underground mine who own that depleted groundwater with rights to its lateral and subjacent support.) See Exhibit A (my rebuttal to the County Economic Report where the County counts over 300 hundred impacted wells but there are more than exist and more to come.) See also data incorporated from my Table of Incorporated by Reference Objections, such as objections by CEA (including Group Letters 9 and 21), the Bear Yuba Land Trust (#2), the Friends of Banner Mountain (#11-12), the Rudder Law Group(#20), the South Yuba Citizens League (25), the Sierra Fund (#26), the Wells Coalition (#27-28), the Wolf Creek Community Alliance (#'s 29-32), the State Dept. of Parks And Recreation (Agency #1), the California Dept. of Fish And Wildlife (Agency #3), and Grass Valley Community Development Dept.(#8). **Second**, as *Gray v. Madera County* demonstrated in rejecting such deficient mitigation for wells in that mining case, the announced EIR/DEIR mitigation is neither compliant, sufficient, nor feasible. **Third,** Rise admits that it lacks the financial resources to perform any such mitigation, as disclosed in its SEC filings addressed in Exhibit B hereto and my DEIR Objection 254 #2.

Moreover, as discussed above and elsewhere (such as the Baseline expert report addressed in CEA Objection Grp. Letter 21 at Grp 21-30- 31), the disputed DEIR/EIR groundwater model is hopelessly flawed and invalid. Again, as addressed in the next subsection, we locals will be competing against a no net benefit mine for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution.

c. Illustrating How The DEIR/EIR Makes Reassuring Statements That It Knows Or Should Know Are Not Feasible Or Are Contrary To What Regulators Will Require, Especially As To Water And Air Pollution.

In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed herein, where that regulator demands *priority* for frequent daily NID watering of EIR toxic (asbestos and more) fugitive dust, and, rather than breathe such toxic air, locals may have to suffer with less than their fair share of drought rationed water. See, for example, its expressed concerns about the DEIR/EIR's noncompliance with the California Water Code 13050(f) for failure to protect beneficial uses and the plans of the Central Valley Regional Water Quality Control Board and the Nevada County General Plan. Consider for example, the NSAQMD Agency Letter 12-1 at 11-12, stating:

> "The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest."

Consider that example of competing a "pick your poisons" dilemma between lethal asbestos and other toxic air pollution versus the waste of precious water to suppress toxic mine dust during NID water restrictions and other climate change drought situations. Begin with this summation by the California Dept. of Parks And Recreation (Agency 1 at 1-2) after it correctly addressed a portion of such dangerous noncompliance:

> Water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers are crucial issues for CSP, and we find the DEIR to be inadequate in mitigations … [C]umulatively and individually these potential significant issues could negatively affect the natural resources, recreational values, health and safety of [that adjacent] Park['s] visitors and employees and the general well-being of Empire State Historic Park…"

Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best. The reality is that this is a "zero sum game," in which every gallon allocated to this no net benefit mine is one less gallon available to the far more deserving locals. I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine that almost all informed locals oppose, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal disputes that will surely catch them in the cross-fire. See DEIR Objection 255 and 254 (e.g., #4). Consider the reactions of locals during increasingly common droughts and NID rationing having to suffer water losses while the mine they dislike for cause (and are still resisting) wastes their local residents share of limited water suppressing toxic fugitive dust frequently every day for the profit of the Canadian miner's speculator/shareholder. What

choice do we have but to drill new wells for adequate water supplies, because (i) the noncompliant and worse mine mitigation proposal ignores many existing wells and all future wells, and (ii) considering the Rise's admitted financial condition in its SEC filings, who would trust their future to the questionable feasibility and compliance of such EIR mitigations?

Again, we locals will be competing against a no net benefit mine for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution. See the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session, following up with the Wells Coalition Group Letter 27/28.

As to the air pollution dispute over operational emissions from generations, for example, the EIR/DEIR underestimates the amount of time that the generators would operate, including by forgetting that, unlike the other dissimilar businesses they seem to use for their modeling, this mine operates intensively 24/7/365 for 80 years, and this mine area is in the high fire risk area where PG&E will cut power to avoid starting fires with its outdated equipment from its "run it until it breaks" operating practices exposed in its latest chapter 11 case and probation Judge Alsup's proceedings in the San Francisco District Court. **The bogus analysis in the DEIR/EIR is also contrary to CEQA #21082.2(c) and defies "common sense" (e.g., *Gray*) and is not supported by any "good faith reasoned analysis" (e.g., *Banning, Vineyards, and Costa Mesa*). Accord, Town of Atherton v. California High Speed Rail Authority 2014, 228 Cal. App.4th 314, 349 (when the EIR conclusion is "clearly inadequate or unsupported" it is entitled to no deference.) See also *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70, 95, rejecting a "no net increase" standard, despite use of such short cuts in some streamlined approval statutes for particular special projects, as explained in Mission Bay Alliance v. Office of Community Investment & Infrastructure (2016), 6 Cal. App.5th 160, 198 n.26.** Accord POET, LLC v. State Air Resources Board (2013), 218 Cal. App. 4th 736, 739-40; Golden Door Properties, LLC v. County of San Diego (2020), 50 Cal. App.5th 467, 520; King & Gardiner Farms LLC v. County of Kern (2020), 45 Cal. App.5th 814, 858.

d. Instead of Using Complying Mitigations To Help Actually Reduce Impacts, Whether Acknowledged Or Not As Significant, the EIR/DEIR Seems to Prefer Using Noncomplying Mitigations To Evade Or Avoid Admitting Significant Impacts And Other Misuses of Purported Mitigations Or Omitted Mitigations

The EIR/DEIR repeatedly and improperly attempts to evade its duty to analyze and report environmental impacts by simply proposing disputed mitigation measures, even though they are

often deficient and infeasible and especially because they are often improperly deferred. See **Richmond v. Chevron**; *San Joaquin Raptor Center v. County of Merced* (2007), 149 Cal. App. 4th 645. 663-664, explaining how "a mitigation measure cannot be used as a device to avoid disclosing project impacts;" 2018 Guideline Amendments Explanations, as discussed in section I.C.2. As I have demonstrated and as illustrated herein, the EIR/DEIR cannot defer mitigation of impacts until after project approval, especially without the County committing to a specific performance standard. That means specific, not generalized, standards. Id. Also, by deferring the mitigation details the EIR/DEIR until after the CEQA process has concluded precludes the essential, informed public participation and fact checking to improve decision-making, which is essential especially in this case because of the massive errors, omissions, and deficiencies in this EIR/DEIR that can be expected to continue into deferred future processes where the applicant may hope for less scrutiny. See *Cleveland Nat'l Forest Foundation v. San Diego Assn. of Governments* (2017), 17 Cal. App.5th 413, 443. The disputed theory of the EIR/DEIR can by illustrated by the logical conclusion of its disputed reasoning: if the EIR/DEIR can get away with its disputed approach, CEQA could just be defeated by a project applicant simply claiming that the project involved no significant environmental impact, but, if there were any such impacts, applicant would do timely do in the future whatever the regulators might require as mitigation. However, that would not be compliance with CEQA, the Guidelines, or applicable law. **Moreover, "a mitigation measure cannot be used as a device to avoid disclosing project impacts." E.g., San Joaquin Raptor Rescue, Ctr. at 149 Cal. App. 4th at 663-664.**

Even where the EIR/DEIR acknowledges significant impacts that would be unavoidable after mitigation, that does not end the need for a more detailed analysis of the magnitude of the adverse impacts. E.g., Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997), 60 Cal. App. 4th 1109, 1123.

More importantly, the lead agency cannot, as the County is asked to do here by the EIR/DEIR, "make up for the lack of analysis in the EIR through post-EIR analysis," especially because the lead agency has the critical "burden to investigate []such potential environmental impacts. E.g., *League to Save Lake Tahoe Mountain v. County of Placer* (2022), 75 Cal. App.5th 63, 107. Notice, for example, that the disputed Centennial site is already a recognized toxic mess, and the disputed EIR mistakenly (or worse) treating it as a separate site seems to be designed to avoid discussing the risks of "mobilizing existing contaminants" and even adding to them. In any event, as Guideline # 15125 explains, the EIR/DEIR is required to provide the most accurate and understandable picture practically possible of the project's likely near-term and long-term impact.

In any event, as Guideline # 15125 explains, the EIR/DEIR is required to provide the most accurate and understandable picture practically possible of the project's likely near-term and long-term impact. However, despite asking for the right to impose 80 years of risk and misery on those of us living above and around the 2585-acre mine, the DEIR/EIR cuts off its disputed NID data in 2040, well before the 80-year term ends offering nothing beyond that that deserves anything besides contempt. See *Richmond v. Chevron*; sections I.C.2, including how the 2018 Guideline Amendment Explanations discussed limitations and prohibitions on deferral of analysis of impacts and mitigation, and D.

As *Vineyard* explained (at 443) "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and

circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." [See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640.] This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections.

2. Purported "Mitigations" Fail For Both Stated And Unstated Impacts.

This disputed EIR/DEIR repeatedly evades its obligations by stating its nonresponsive, infeasible, and worse "aspirations" for future developed compliance with laws and regulations as a means to pretend its hazard related impacts will be less than significant. This also is not compliance with CEQA. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 92 (even "if the study is subject to administrative approval, it is analogous to the sort of post-hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA"). Furthermore, the EIR/DEIR may not defer mitigation to an existing regulatory scheme to avoid fully analyzing environmental impacts. E.g., *Californians for Alternatives to Toxics v. Dept. of Food & Ag.* (2005), 136 Cal. App. 4th 1 (an agency's sole reliance on another agency's pesticide registration program for mitigation is inadequate without its own evaluation of the impacts of its proposed pesticide use.) My four Objections cite many of those improperly deferred mitigation measures. For example, e.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal.App.4th 70 (sometimes called the "*CBE*" case), relying, among other things on the CEQA principle that: "Abuse of discretion is established "if the agency has not proceeded in a manner required by law or if the determination is not supported by substantial evidence. (#21168.5) Substantial evidence in this context means 'enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.' (Guidelines #15384, subd. (a).)" Here there is a lack of sufficient such evidence and much of what is provided is not relevant (e.g., claiming incorrectly and without a good faith reasoned analysis consistent with common sense that some other mining situation is "similar" or applicable when its different and irrelevant.) Moreover, such EIR/DEIR "inferences" are not "reasonable" and the related "argument" is not "fair" in supporting a conclusion that is usually speculative, unsubstantiated, or otherwise deficient. (emphasis added)

As explained in **Mission Bay Alliance v. Office of Community Investment & Infrastructure** (2016), 6 Cal. App.5th 160, 198 n.26, that *CBE* case rejected the sponsor's proposal to submit to the City Council within a year a plan for achieving a complete reduction of GHG emissions up to the estimated emissions over the baseline. Among other things, that *CBE*

court found (at 93) **that improperly deferred formation of mitigation to be merely a "generalized goal" with a "handful of cursorily described mitigation measures for future consideration," all (at 95) without offering any "assurances that the plan…was feasible and efficacious" and without any "objective criteria for measuring success."** (emphasis added) Accord *POET, LLC v. State Air Resources Board (2013), 218 Cal. App. 4th 736, 739-40; Golden Door Properties, LLC v. County of San Diego (2020), 50 Cal. App.5th 467, 520; King & Gardiner Farms LLC v. County of Kern (2020), 45 Cal. App.5th 814, 858.*

As to the air pollution dispute over operational emissions from generations, for example, the EIR/DEIR underestimates the amount of time that the generators would operate, including by forgetting that, unlike the other dissimilar businesses they seem to use for their modeling, this mine operates intensively 24/7/365 for 80 years and this mine area is in the high fire risk area where PG&E will cut power to avoid starting fires with its outdated equipment from its "run it until it breaks" operating practices exposed in its latest chapter 11 case and probation Judge Alsup's proceedings in the San Francisco District Court. **The bogus analysis in the DEIR/EIR is also contrary to CEQA #21082.2(c) and defies "common sense" (e.g., *Gray*) and is not supported by any "good faith reasoned analysis" (e.g., *Banning, Vineyards, and Costa Mesa*). Accord, Town of Atherton v. California High Speed Rail Authority 2014, 228 Cal. App.4th 314, 349 (when the EIR conclusion is "clearly inadequate or unsupported" it is entitled to no deference.) See also *Communities for a Better Environment v. City of Richmond,* 184 Cal.App.4th 70, 95, rejecting a "no net increase" standard, despite use of such short cuts in some streamlined approval statutes for particular special projects, as explained in Mission Bay Alliance v. Office of Community Investment & Infrastructure (2016), 6 Cal. App.5th 160, 198 n.26.** Accord POET, LLC v. State Air Resources Board (2013), 218 Cal. App. 4th 736, 739-40; Golden Door Properties, LLC v. County of San Diego (2020), 50 Cal. App.5th 467, 520; King & Gardiner Farms LLC v. County of Kern (2020), 45 Cal. App.5th 814, 858.

3. The Disputed EIR/DEIR Evaded Its Disclosure Obligations By Improperly DEFERRED ANALYSIS AND MITIGATION Ideas To Which I And Others Properly Have Objected On The Merits.

Most of the EIR/DEIR mitigation claims violate the prohibition in Guidelines #15126.4(a)(1)(B), which prohibits "formulation of mitigation measures" until some "future time." See *Richmond v. Chevron*. The only circumstances where CEQA allows specific mitigation details to be developed after project approval is when it is impractical or infeasible to include such details in the EIR and only if the lead agency commits itself to the mitigation, adopts "specific performance standards that must be achieved, and identifies potential actions that can feasibly achieve compliance with that standard. Id. As the courts have confirmed that lead agency cannot simply require the project applicant to obtain a report and then comply with any of its recommendations. E.g., League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer (2022), 75 Cal. App. 5th 63; *Endangered Habitats League, Inc. v. County of Orange* (2005), 131 Cal.App.4th 777, 793. Also, the deferral is only permissible where mitigation is known to be feasible and the agency commits itself to measures that will satisfy specific performance criteria stated at the time of project approval. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 94 (a list of potential methods of mitigation for later

selection without "specific and mandatory performance standards" are improper.) Accord *Endangered Habitats League, Inc. v. County of Orange Habitats* (2005), 131 Cal. App. 4th 777, 794 (requiring a report without "specific and mandatory performance standards" is improper deferral); Defend the Bay v. City of Irvine (2004), 119 Cal. App.4th 1261, 1275 (requiring biological report and compliance with any recommendations is an impermissible mitigation).

My four Objections cite many of those improperly deferred mitigation measures. For example, DEIR Objection 254 #2, 3.E, 8, and 9, as well as EIR Objection 254 to EIR Response Ind. 254-12, fail under that standard to mitigate feasibly and effectively the breaking of our two lane road by 100 daily heavy trucks use 24/7/365 for 80 year where there will be constant repairs to our main roads (e.g., limiting traffic usage to one lane and with illusory aspirations for a mutual agreement with the County for reimbursement of the mine's share of expenses). See, e.g., Guidelines #15126.4(a) requiring that the EIR must identify and describe good faith, "feasible" mitigation measures that must be legally enforceable and at least partially effective to be deemed feasible. E.g., *Sierra Club* at 6 Cal.5th 524-525. Also, the project can fail to meet that standard when the project requires approvals from other agencies outside of the lead agency's control. E.g., *City of Maywood v. LA Unified School Dist.* (2012), 208 Cal. App. 4th 362, 371-72, 376-395.

As discussed in other places, for example, objecting to EIR energy policy harms (e.g., I.E.8) , climate change denials (e.g., I.C.2.b) , and other misuses of deferrals to evade admitting significant impacts, see also *League To Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75 Ca. App. 5th 63, where the court prohibited the EIR's determination of greenhouse gas mitigation measures and the significance of impacts until some unknown future date if the project conflicted with a relevant future emission target adopted by the state under performance standards that do not exist (and may never exist) and without any sufficient commitment by the county and the applicant to mitigating the impacts.

In any event, any circumstances where deferred mitigation might be tolerated are few, narrow, and not relevant to our disputed EIR/DEIR for the foregoing and other reasons. In any case, as *Banning* explained 2 Cal. 5th at 937) "Evaluation of project alternatives and mitigation measure is '[t]he core of an EIR.'" As described in the CEA Objections, particularly Grp. Letter 21 at 21-32 to 36 and the Baseline expert report, the disputed DEIR Mitigation Measures 4.8-2(a), 4.8-2(b), and 4.8-2(c) are fundamentally flawed and invalid. See, e.g., my Gray and other Objection cites, including *Cleveland Nat. Forest Foundation v. San Diego Assn. of Govs* (2017), 17 Cal.App.5th 413, 442-43.

4. More Examples of Deficient Impact Disclosure, Prohibited Mitigation Deferral, Or Other Noncompliance Are Illustrated by the Disputed EIR/DEIR Dealing with Hazardous Materials And Groundwater Quality Issues.

While the disputed EIR/DEIR at least offered a flawed model for water supply issues (e.g., falsely speculating/assuming the average rain fall from 1967-2017 was "current" [despite ignoring dry years after 2017] and would be sufficient, despite climate change, to recharge groundwater depleted 24/7/365 for 80 years, without any useful data after 2040 and disputed data before that), the EIR/DEIR does not even attempt a suitable

model for water quality impacts, hazards like hexavalent chromium, or convincing water treatment processes. More importantly, the lead agency cannot, as the County incorrectly is asked to do here by the EIR/DEIR, "make up for the lack of analysis in the EIR through post-EIR analysis," especially because the lead agency has the critical "burden to investigate" such potential environmental impacts. E.g., ***League to Save Lake Tahoe Mountain v. County of Placer*** **(2022), 75 Cal. App.5th 63, 107. Notice, for example, that the disputed Centennial site is already a recognized toxic mess (see sections I.A.1.d and I.B), and the disputed EIR mistakenly (or worse) treats it as a separate site. That disputed claim/tactic seems to be designed by the EIR/DEIR to avoid having to discuss the impact risks of "mobilizing existing contaminants" and even adding to them. In any event, as Guideline # 15125 explains, the EIR/DEIR is required to provide the most accurate and understandable picture practically possible of the project's likely near-term and long-term impact. See my CEQA and Guideline commentary and illustrations in sections I.A.1.a.(iv), b.(ii), d.(ii), and C.**

Furthermore, Guideline # 15125 requires the disputed EIR/DEIR to provide the most accurate and understandable picture practically possible of the project's likely near-term and long-term impact is critical for this 80-year project. Id. The disputed DEIR/EIR clearly cannot succeed in its bogus, but favorite, argument that it can win approval by ignoring long term impact as too uncertain or speculative to address, in effect making all of us neighbors suffer such future harms while the EIR miner profits at our expense and harm. Id. For example, despite asking for the right to impose 80 years of risk and misery on those of us living above and around the 2585-acre mine, the disputed DEIR/EIR cuts off its disputed NID data in 2040, well before the 80-year term ends offering nothing beyond that that deserves anything besides contempt. See *Gray* and other court decisions addressed herein and in my EIR and DEIR Objections 255 rebutting that claim, as well as my section II and III water related rebuttals to EIR "Responses" and "Master Responses."

Experts supporting the CEA Objections (e.g., Grp. Letters 6-9 and 21 and its exhibits, including the Baseline Environmental analysis) and others that I incorporate prove what I contend is also "common sense" and so profoundly obvious as to demand far more "good faith reasoned analysis" than is offered in the disputed DEIR/EIR. The DEIR admits substantially lowering the groundwater levels (DEIR at 4.5-55) beneath surface properties of objectors like me living above or around the 2585-acre underground mine, as well as dropping the surface water table. See the DEIR admissions at Mitigation Measure 4.8-2(a) at 4.8-67 as to future plans to being a projected, estimated, and seasonally adjusted water level for its deficiently identified wells and conditions for developing a future, deficient baseline. My Objections (see, e.g., my disputes over the related water baselines), for example, also apply that admission (and others) to the absurd attempt by the disputed DEIR/EIR to ignore climate change and reality, to omit the needed description of existing and future hydrological conditions, and to allege (at best, speculation and unsubstantiated opinion) that the "current" average rainfall from 1967 to 2017 [which ignores the more current dry years] will somehow "recharge" my local groundwater for 80 years, despite massive 24/7/365 dewatering, especially when the EIR/DEIR ignore many relevant existing wells and all the many new wells to come in the future in defense of our properties and vegetation from predictable lack of water. Note that the County Economic Report itself reported over 300 wells at risk, which is still a massive undercount and ignores future wells by surface owners drilling for their owned groundwater. See Exhibit A and sections I.C.2, D.2, E.1b., and E.2.

Also, the disputed EIR/DEIR incorrectly claims (at 2-78, 3-15 to -18, 4.8-28) that it will be allowed to operate under the State Water Board's General Permit for Limited Threat Discharge Permit R5-2016-0076; NPDES No. CAG995002, to claim that its hydrology impacts from discharges will be less than "significant." As usual the subjective standard of "significance" that the disputed EIR/DEIR applies to environmental impacts is consistently wrong, unrealistic, and noncompliant. That error defeats the existing false EIR/DEIR claim of mitigation, as is demonstrated by my four Objections and incorporated objections from Exhibit D and my Table of Incorporated by Reference Objections, such as Group Letters 6-9 and 21, Group Letter 29-32, Group Letters 27/28, Group Letters 26, Group Letter 25, Group Letter 20, Group Letter 2, and Agency Letters 1, 3, 8 and 10. The DEIR/EIR must better address the need for individual Waste Discharge Requirements (WDR) under the California Porter-Cologne Act for such discharges and mitigations thereunder. While my hexavalent chromium and other objections complain about the local impacts of the EIR mining on us surface residents above and around the 2585-acre underground mine, including our groundwater, I simply note that someone should warn those Wolf Creek water users downstream of what risks the mining related activities (and the uncertain and vaguely described water treatment) will cause them with the added dewatering groundwater, I incorporate the concerns of those downstream potential victims expressed by the Nevada County Food Policy Council (NCFPC) in their Group Letter 19.

As discussed elsewhere herein, the disputed DEIR/EIR does not provide any required description of the hazardous conditions or any satisfactory "baseline" for the hazards and hazardous materials impacting the mine, including the Centennial mine which adds a cumulative impact even if it were treated as separate from the EIR/DEIR CEQA project (which separation I and others contend dispute, leaving the courts to decide that separation as a question of law [i.e., the County decision is not determinative at all], as discussed herein.) As admitted (to some insufficient extent) in the DEIR/EIR (at 4.3-79/4.7-3-4 and -32/3-26) and proven in other objections and their expert reports (e.g., the Baseline report to CEA Objection Group Letter 21), existing rock waste/tailings from the historical mining before the mine closed and flooded in 1956 created massive hazardous conditions that cumulated on the surface at the Centennial site, including arsenic, beryllium, cadmium, copper, lead, manganese, mercury, selenium, and vanadium. Despite that result from historical experience, the disputed DEIR/EIR provides no "common sense," "good faith reasoned analysis" to justify its assumption that somehow the new waste rock and tailings (and whatever is done to restore the existing underground mine to functionality) will somehow be different and hazard free for treatment as what the EIR/DEIR incorrectly rebrands as "engineered fill." The only "common sense" and "good faith reasoned analysis" is to the contrary of that bogus EIR/DEIR theory, i.e., that the chemical composition of such future waste rock will repeat those historical toxic conditions and hazards. As demonstrated herein elsewhere, CEQA and applicable law forbids the disputed DEIR/EIR attempt improperly to claim mitigation by vaguely aspiring to comply with RWOCB regulatory requirements. See my CEQA and Guideline commentary and illustrations in sections I.A.1.a.(iv), b.(ii), d.(ii), and C.

Also, as analyzed elsewhere herein (e.g., sections I.A.d.(ii) and B) I dispute the improper Centennial baseline evasion of CEQA (and such "hide the ball"/"bait and switch" tactics; e.g., sections I.A.d.(viii) and E.5 and 6) falsely claiming the future imagined conditions of the theoretically remediated Centennial property (which the DEIR admits may not ever be approved or accomplished, e.g., 3-26), instead of applying a compliant baseline for the existing impacts and hazardous conditions as required by law and court decisions I have cited. See, *Richmond v.*

Chevron; sections I.A.1.d, C.2, and I.E.3 When the Centennial dump scheme fails, that same hazardous waste rock (masquerading as "engineered fill") will end up at the Brunswick site or another dump somewhere, creating toxic impacts there. As noted, the cumulative and dangerous impacts of such disputed transport, storage, and use of such hazardous materials from the Project, together with the Centennial RAP, especially if, as admitted even by the DEIR/EIR to be possible at 4.7-37, the Centennial cleanup is not accomplished before the mine reopens. After filling the Brunswick site, much more hazardous rock (1.6 million tons) will need to be trucked somewhere else. DEIR at 1-3, 3-32 to 33 and 36. While the EIR/DEIR imagines selling that waste as "engineered fill," most buyers will not be so gullible as to assume such significant liability and other risks. See sections I.A.d.(ii) and B.

Also, the CEA Objection Group Letters (especially at Grp 21-57; See Exhibit D) and supporting expert analyses better addressing such impacts than the evasive EIR provides about the project's supersaturated air creating a "continuous plume cloud" or fog at the airport. Since that airport is essential to our local and area wildfire protection, this is a more serious problem that also needs to be addressed as a fire risk impact.

Of course, the disputed DEIR/EIR adding toxic hexavalent chromium to the mine paste cement for shoring (another "hide the ball" objection I address elsewhere herein and in my other Objections) provides new hazard threats without adequate disclosure or mitigation.

3. Rebuttal/Impeachment using SEC FILINGS In "Richmond vs Chevron" And Other Key Counters To EIR Errors, Especially Regarding Mitigation Needed Even When The EIR Obscured The Significant Impacts.

My objections and those of others are entitled to apply the common and appropriate objector practice of rebutting or impeaching the disputed EIR/DEIR by citing inconsistent and contrary Rise admissions to rebut and impeach such EIR/DEIR claims. Accord *Richmond v. Chevron.* Such rebuttal evidence is addressed, for example, in Exhibit B to the attached EIR Objection 254 and in my DEIR Objection 254 #2, but the EIR/DEIR incorrectly rejects any such Rise admission rebuttal evidence as somehow irrelevant. Nevertheless, if the County declines to consider such truths, it should be clear that the courts will find such admissions to be key, admissible evidence for defeating the EIR/DEIR. For example, in ***Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron"),*** there was a critical dispute over the issue of whether the project includes any equipment changes that would facilitate the future processing of heavier crudes [oil] at the refinery. The court stated that "there was conflicting information developed during the EIR process [**including SEC filing admissions**] that cast serious doubt on these assertions [by Chevron's EIR "in conclusory terms that the proposed Project will not result in an increased capacity to process lower quality, heavier crude, and that Chevron seeks only the ability to refine crude with higher sulfur content." The appellate court agreed with the trial court that "the EIR is inadequate as a matter of law because it does not adequately address the issue of whether there are any equipment changes that would facilitate the future processing of heavier crudes…" **The key to that was the court's discussion of conflicting or contrary admissions "in Chevron's SEC form 10K," and (as here with Rise SEC filings in Exhibit B) the EIR applicant told its investors a different story in the SEC filings than it told the County and public in its EIR. And such Chevron admissions then led to more from questioning at a public meeting. As the *Richmond v. Chevron* court held from such impeachment data: "'By giving such**

conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)

After a considerable review of noncompliance in the EIR process and admissions and rebuttals not addressed in the EIR, the *Richmond v. Chevron* court ruled: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added)**

Also, in *Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 89-96,* there was a critical dispute over the issue of whether (as the trial court ruled) the project improperly deferred greenhouse gas mitigation measures to a future, post-EIR process, creating both a failure to proceed as required by law and an abuse of discretion in approving the EIR and project, citing CEQA #21168.5 and fn6. "Instead [of addressing the significance of the project's "contribution to climate change"], the Final EIR stated that making a significance determination for greenhouse gas impacts of the project would be too "**speculative."** However, even back then, there were too many governmental confirmations of climate change to ignore them, such as the court citation of a 2010 CEQA "white paper" and the California Global Warming Solutions Act (Health & Saf. Code 38500 et seq. and later cited new Guidelines #15064.4, 15183.5). See current Guideline 15155,15064.4,15183.5; CEQA 21083, as interpreted in the 2018 Guideline Amendment Explanation addressed herein at section I.C.2. Under pressure of reality the city revised the Chevron EIR to admit certain emissions with a significant effect prior to mitigation. That then triggered an obligation to mitigate (CEQA #21002.1, Guidelines 15126.4(a) and 15091), so the Chevron EIR proposed mitigation that the project "shall result in no net increase in GHG emissions over the baseline," and a requirement within one year after approval to submit for city approval a plan for achieving complete reduction of GHG emissions up to the maximum estimated increase over the baseline, validated by an independent expert and listing "a menu" of various possible mitigation measures. However, the court (like the trial court) found: **"Formulation of mitigation measures should**

not be deferred until some future time. (Guidelines #15126.4(a)(1)(B).) An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.' (*San Joaquin Raptor*, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The court also objected to such future studies even subject to administrative approval as "analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA" citing many cases including *Sundstrom v. County of Mendocino* (1988), 202 Cal.App. 3d 296, 307 (all incorporated herein and rejected or distinguished the various city arguments and cites. The court added: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)**

While the EIR/DEIR misinterprets or misapplies Guidelines to suit its evasion tactics, the 2018 Guideline Amendment Explanation adds helpful support for my rebuttals (at section I.C.2), such as from countering **Master Response D.15 at 89-91, and insisting on the feasibility of mitigation even If deferred.** After discussing the court decisions limiting deferral of mitigation details, that commentary [what I quoted before requiring that the agency commits and adopts specifics and identifies] explains the *Rialto* decision and the updated Guidelines: "In sum, 'it is sufficient to articulated specific performance criteria and make further [project] approvals on finding a way to meet them.' [citation] **Essentially, the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the application a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels." (emphasis added)**

Furthermore, that court further explains that **(1) "the agency [must] commit to implementing the measure," [which is "essential to support a finding that project impacts have, if fact, been mitigated," (2) the agency [must] identify performance standards" consistent with the rigorous requirements of the court decisions I have specified, without which there can be no "substantial evidence that impacts will in fact be reduced to less than significant level," and (3) "the measures must be feasible," which requires in turn that there must be identification of the types of measures that could achieve the standard," citing to follow the rulings in *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, rejecting a general "net zero standard" for eliminating greenhouse gas emissions because "there was no discussion of what measures could feasibly attain that net-zero standard." (emphasis added)**

4. Examples of Deficient EIR/DEIR Analysis And Mitigations, For Instance With Respect to the Project's Noise And Vibration Impacts.

This Objection and my other Objections, including incorporated objections, each expose noncompliance and many errors, omissions, and other deficiencies in the disputed EIR/DEIR, including in their "Responses" and "Master Responses" (especially 7 and 10) rebutted in sections

II and III below. See, e.g., the California Dept. of Parks And Recreation Agency Letter 1 (at 4-5); Grass Valley Agency Letter 8 (at 24-27), and Gold Country Avian Studies Group 13. See also as to traffic and noise the Nevada County Association of Realtors Group Letter 15, the Grass Valley Agency Letter 8 (24-33), including its reminder of its local noise ordinance barring such noisy operations between 7pm and 7am and on Sundays, despite the DEIR's admission at 6-14 that such operating limits would make its whole project economically infeasible (i.e., implying it's got to be 24/7/365 for 80 years or nothing, so please give us nothing.) Some highlight examples here are useful in illustrating the application of CEQA and case law to the actual facts and realities and exposing disputed attempts in the DEIR/EIR to craft a disputed "alternate reality." By any relevant legal standard, the noncompliant EIR/DEIR claims, "analysis" (too often just speculations, unsubstantiated and disputed opinion, and baseless or worse assumptions), and purported mitigation measures are each severely deficient.

Consider, for example, some of those arising from noise and vibration impacts from 24/7/365 mining for 80 years, especially underneath our surface community above and around the 2585-acre underground mine. [I choose that noise/vibration example, rather than the more harmful toxins, groundwater depletion and quality, and other menaces, because those others are already more thoroughly addresses in my and other objections, but potential home buyers and mortgage lender appraisers always want to know about noise and vibrations.] The disputed DEIR/EIR attempts to rely on the County's general noise standards, but those standards create no CEQA immunity or standard, especially since the real issue is not only the relative or absolute amount of noise from the project, but whether any additional amount of noise should be considered significant in light of existing conditions. It's both the increase in the noise level and the absolute noise level that must be considered. *Keep Our Mountain Quiet v. County of Santa Clara* (2015), 236 Cal. App. 4th 714, 733. See, e.g., *Los Angeles Unified School Dist. v. City of Los Angele*s (1997), 58 Cal. App. 4th 1019, 1025-26; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990), 225 Cal.App.3d 872, 881-82. As a matter of law, courts have resolved that significant noise impacts can occur even with conformity with the County general plan or ordinance. *King and Gardiner Farms*, 45 Cal.App.5th 814, 887. See the expert Salter Report with the CEA Objection Group Letter 21 that addresses such local conditions. See also section Vi below

More importantly, the disputed EIR/DEIR mostly focuses noise and vibration on the 175-acre Brunswick and Centennial sites, generally ignoring the old and proposed new tunneling, blasting, mining, and other activities in the 2585-acre underground mine below thousands of us surface objectors living above or around that 24/7/365 activity for 80 years. There are disputed speculation and unsubstantiated assumptions about how the depth of the mining in this fault impacted, fractured rock underground will somehow cushion the noise and vibrations. (That's what the less scrupulous realtors say when selling houses above faults or above fracking in Oklahoma, Pennsylvania, and elsewhere where such oil fracking activities are causing tremors that are for this purpose in terms of the impacts on surface owners the functional equivalent of earthquakes.) The EIR/DEIR's unsubstantiated opinions and speculations about what noise and vibration impacts will occur there cannot satisfy CEQA and in any event, do not provide immunity for the nuisances or worse we fear that we will suffer on the surface above that mine. See *Kings County Farm Bureau*, 221 Cal. App. 3d at 721-23.

Remember that, besides everything else producing noise or vibration, especially at night during 24/7/365 mining for 80 years, what can a seller of a home above or around the 2585-acre mine tell a buyer (or a mortgage lender's appraiser) about noise and vibration from below, not to

mention all the other and even more serious impacts revealed in my and other objections? Clearly, anyone will be concerned who is informed that there will be such continuous blasting, tunneling, mining, waste removal, dewatering, and other impactful activities underneath their homes. That concern is awareness of risk that creates a stigma and fear, all of which discourages buyers and lenders and depresses real estate values, thereby impacting all the local building trades, remodelers, home builders, hardware and building material suppliers, and other businesses that depend on a viable real estate market. See the discussion of the Salter report in a following paragraph. Whatever the answer, it cannot be to rely on the EIR approval because I don't know any responsible local who believes it or who will accept that decision, assuring that objectors' legal, law reform, and political remedies, unfortunately, will continue awareness of the risks. So, to answer my earlier question about what to tell a buyer, one possible answer is to predict (hope?) that the combination of legal, law reform, and political remedies will end the menace before too much harm can be done by the miner.

Another "hide the ball" or "bait and switch" tactic of the disputed EIR/DEIR seems to be at play by its incorrect attempt to rely on a County noise exception of "construction" work, as if 24/7/365 EIR mining activities for 80 years were constant "construction." **First,** even if that were true (which it is not since such mining is not the short-term home or building construction for which that county standard was intended) much more would still have to be provided about "construction" impacts in the DEIR/EIR. **Second,** that construction evasion based on the county standard cannot justify or excuse such noncompliance with CEQA, as discussed above and in Protect Amador Waterways, 116 Cal. App. 4th at 1110-11. **Third,** this desperate DEIR/EIR gamble on what it claims to be a loophole in CEQA suggests strong reasons for strict scrutiny of such impacts to evaluate what the DEIR/EIR seems trying to hide. See section I.A.1.d for other examples of such disputed tactics that make this Eir/DEIR pattern and practice even more suspicious, especially when combined with the tactics used by the EIR to evade meritorious objections, as discussed throughout this Objection, especially in my rebuttals to EIR "Master Responses" and "Responses" in sections II and III. For example, the EIR/DEIR ignored my objection about how the constant use of heavy trucks on our key two lane roads would break down those roads and require constant repairs that, in effect, would convert our key roads to single lanes while crews repaired the other lanes, that reality is confirmed by the State Dept. of Transportation at Agency Letter 2 (at 1 to 6, noting the EIR failure to analyze the impact on "the lifespan of the road structure"), which will add to the noise, including at night when the road repair crews tend to work to reduce traffic impacts of their repairs.

Another EIR/DEIR tactical evasion appears where the disputed DEIR/EIR assumes (without any enforceable or other commitment) that upgrades in equipment and improvements will moderate or mitigate the noise and vibration. See ***Richmond v. Chevron*** challenging such unsubstantiated assumptions about future mitigations by improved equipment. That upgrade solution seems doubtful because Rise admits in its SEC filings (e.g., Exhibit B and DEIR Objection 254 #2) that it lacks the financial resources to afford such things. See the CEA Objection Group Letter 21 Salter Report, explaining various technical issues and how the DEIR/EIR underestimates the noise and vibration, including from blasting beneath our surface homes above and around the 2585-acre underground mine. Likewise, as noted in my Centennial complaints (e.g., section I.A.1.d and B), the DEIR/EIR failed to address the remediation noises for the Centennial work or their mitigation. The same is true for the main part of the project operations.

That CEA Objection Group Letter 21 Salter Report also explains the errors, omissions, and deficiencies all of us living above and around the underground mine fear. While the DEIR cites a disputed USHM document that only 8% of us victims will complain about their disputed calculation of blasting as "clearly perceptible and borderline unpleasant," that is contradicted by a better Caltrans Manual, expecting the vibration to be "strongly perceptible" and "borderline unpleasant" impacts 24/7/365 for 80 years is significant misery. Also, what do you imagine the impact of that on our home sale values when the buyer (or mortgage lender appraiser) is told about that. What is the discount for such strongly perceptible misery or even lesser complaints? Won't any buyer or appraiser assume the worst case to protect themselves, in effect making us surface owners suffer from that stigma for years regardless of the ultimate reality. Again, this isn't just about CEQA reporting and mitigation, this is about the surface owners' competing legal remedies for such impacts and lose of property values. See, e.g., ***Varjabedian v. Madera*** (1977), 20 Cal.3d 285, and my DEIR Objection 254 #'s 3.N, 4, and 14.

Also, the disputed EIR/DEIR is unclear about the hours when such 24/7/365 mining noise and vibrations occur, which is obviously even more of an issue at night. Because there is no reason to trust timing assumptions in modeling in DEIR/EIR Appendices as any kind of effective protection limits on noise and vibration, we impacted neighbors must assume the general 24/7/365 operation will be creating constant noise and vibration, including both underground and from the Centennial and Brunswick sites. For the sake of civic responsibility and the need for our community to be unified in confronting threats to our health, welfare, and environment, consider the impacts reported in Group Letter 10 by the First Church of Christ Scientist, Grass Valley.

5. Additional Examples of Deficient Analysis And Mitigations With Respect to the Project's Impact on Air Quality.

This Objection and my other Objections, including incorporated objections, each expose noncompliance and many errors, omissions, and other deficiencies in the disputed EIR/DEIR, including in their "Responses" and "Master Responses" (especially 12, 15, 17,18, 19, 20, 21, and 22) rebutted in sections II and III below. Some highlight examples here are useful in illustrating the application of CEQA and case law to the actual facts and realities and exposing the disputed DEIR/EIR failure to comply with CEQA and applicable law with respect to the project's impact on air quality and the needed mitigation. [I choose that air pollution example, rather than the more harmful toxins, groundwater depletion and quality, and other menaces, because those others are already more thoroughly addresses in my and other objections, but potential home buyers and mortgage lender appraisers always want to know about noise and vibrations.]

Whether or not the EIR/DEIR proposed Centennial cleanup is ever approved, delayed, or accomplished (as discussed in sections I.A.1.d, I.B, and elsewhere), the air quality impacts are not (but must be) properly analyzed and mitigated as required, including with "common sense" *(Gray)* and "good faith reasoned analysis" (*Banning, Vineyard, Costa Mesa*). See, e.g., my earlier discussion of *Banning,* 2 Cal.5th at 941-42, *County of Inyo,* 172 Cal.App.3d at 165-66, and *Nelson,* 190 Cal.App. 4th at 271. The Centennial RAP describes many activities that should have been disclosed (instead of evaded) in the DEIR/EIR, but were not, whether or not the courts ultimately decide that Centennial is either (i) separate but used as a dump for the EIR mining, as the disputed EIR claims, or (ii) as part of the CEQA project, as many objectors and I contend in section I.A.1.d and I.B. In any event, there are many adversely impacts on air quality that require true mitigation (e.g., impacts such as mixing contaminated soil with massive cement, clearing

vegetation, excavating, and grading, and other activities all "mobilizing" the Centennial toxins, one reason for the EIR/DEIR's massive plan for constant watering to control the lethal "fugitive dust." The air impacts from the failure timely (or at all) to start or complete the Centennial cleanup (see sections I.A.1.d and I.B) are not adequately disclosed or mitigated, because the disputed DEIR/EIR for the present incorrectly and (undisputedly) prematurely assumes the timely future approval and completion of the Centennial RAP remediation, notwithstanding the miner 's admitted economic feasibility challenges in affording any such cleanup, as admitted in the Exhibit B SEC filings by Rise (so far, like my DEIR Objection 254 #2, ignored in this disputed EIR/DEIR process) and by the DEIR itself admitting (at 6-14) that the project is not feasible unless the mine can operate 24/7/365 for 80 years in accordance with the EIR (which means somehow defeating all the many objections not just with the County decisionmakers, but, if the EIR were mistakenly approved in the court, law reform, and political processes that would follow.) See disputed DEIR 4.3-50, -53 to -54, -67 to -68 and -93 versus the contrary objections herein and by the Baseline expert's analysis in CEA Objections like Group Letter 21 at Grp 21-61 and other incorporated objections. Even putting the Centennial issues aside, the disputed project construction assumptions vary from 18 to 12 months with air quality variable in confusion without any competent explanation of such discrepancies, another CEQA flaw as discussed earlier in applying authorities, such as *Preserve Wild Santee*, 210 Cal. App. 4th at 284.

Again, presumably for disputed tactical reasons, the disputed DEIR/EIR combines (at 4.3-65) into a deficient, aspirational discussion, **first,** of disputed "emission reduction measures" (not either (i) called mitigations, which, according to Guideline #15370, they are, or (ii) assured as conditions) contrary to CEQA requirements for first determining significant impacts, and then, **second,** failing to identify enforceable and CEQA compliant "mitigations" that address those impacts. E.g., *Lotus*, 223 Cal. App. 4th at 656. While one can speculate on many reasons why the disputed DEIR/EIR might attempt such disputed, "bait and switch" tactics, among the pattern of many disputed EIR/DEIR tactics discussed herein (e.g., I.A.1.d(viii)), one is that the disputed DEIR/EIR calculation of "unmitigated" air emissions assumes that such unlabeled "mitigation" reductions have been achieved, thereby obscuring, and making theoretical, the baseline impacts that CEA requires to be calculated before mitigation. See *Lotus,* supra at 656, 658. Also, similar problems arise with respect to operational emissions of ROB, NOx, and PM10 and other admitted toxic hazardous, as to which the disputed DEIR/EIR offers no mitigation, except for its deficient construction mitigation proposals that are not adequate or even relevant to operational emissions. See the CEA Objections and others incorporated herein. Also, such measures for reducing fugitive dust (DEIR 4.3-81) still ignore the hexavalent chromium menace when making the cement paste for the mine shoring on the surface, as partly admitted in the obscure (and still deficient) Appendix R added at the end of the EIR without adequate discussion in the EIR text, apparently to compromise between improper total omission of such known air pollution not discussed in the DEIR and admittedly adding significant new information to the EIR requiring recirculation after more revisions. See my many hexavalent chromium concerns discussed throughout this (e.g., section I.E.4) and other objections.

Rather than attempt to integrate my other air quality concerns with respect to noncompliant GHG emissions and omitted or deficient mitigations, I just incorporate CEA Objections in Group Letter 21 at Grp. 21- 68 to 92. I also incorporate the expert analysis in Group Letter 16 on behalf of the Nevada County Chapter of Citizens' Climate Lobby/Education (CCL), addressing various climate change and air quality issues, exposing many errors, omissions, and deficiencies in the DEIR/EIR. Another expert analysis of those issues, especially

including the cement which also involves my concerns about hexavalent chromium in cement paste, is incorporated from the Nevada County Climate Action Now Group Letter 17. See many incorporated others addressing air quality and related issues in my Table of Incorporated by Reference Objections and Exhibit D. Notice all the many unanswered questions on this subject posed by the NSAQMD at Agency Letters 11 and 12, as well as the California Department of Parks And Recreation Agency Letter 1 (e.g., at 18-20) and Grass Valley Agency Letter 8 (e.g., at 16-21).

For example, the disputed EIR complains that I do not explain why its speculative, 100 hour a year emergency generator use is a gross underestimate. See also my related objection in my DEIR Objection 254 #3.K (i.e., Ind. 254-43 to 45.) However, I explain in detail in that objection why I know that number to be at least 5 times higher, including by my own experience in tracking my own emergency gas generator in the same area plus my supporting citations to PG&E power losses from PSPS power cuts, from wildfire risks, from weather or falling trees, and from other predictable causes from experience. I support my detailed commentary with a specific offer of proof by citing to the specific record with which (as a bankruptcy lawyer) I am personally familiar of the relevant PG&E admissions, hearings, and events from the relevant (i) CPUC proceedings, (ii) the PG&E Chapter 11 case, and (iii) the PG&E criminal probation case, each of which informs blackout threats from my specified causes, including human error, ancient and defective equipment and infrastructure, defensive or dysfunctional PG&E practices to reduce exposure to liability for staring fires, and other things. As explained in that record, for example, PG&E's deficient compliance and worse with respect to vegetation practices in our high fire risk County has resulted in massive forest growth in our foothills near more than 10,000 miles of wires where no such vegetation is allowed by law within six feet, especially not the 50 foot plus trees that PG&E claimed to the probation judge will require a decade to remove. There is no possible good faith basis for the EIR to dismiss my such reasoned analysis without the "good faith reasoned response" and common sense required by CEQA under cases *like Gray, Banning, Vineyard, and Costa Mesa.* See also my objections to EIR Master Response 33.

As an attorney intensely involved in the PG&E bankruptcy case, I also offer to so proof that the EIR/DEIR underestimates use of air polluting mine generators that the EIR/DEIR claims must keep electricity on 24/7/365 for 80 years whenever power service ceases for any reason including the PSPS blackouts added to the increasing bad weather and old equipment failures which are an indisputably much bigger problem than the DEIR/EIR acknowledges. I can prove from the following relevant public records which I incorporate herein (and to which I can cite from my experiences in): the dockets in (i) the pending PG&E Chapter 11 Case No. 19-30088 (DM) bankruptcy commenced in 2019 in the Northern District of California, including what was cited in my PSPS related proof of claim disputes with PG&E, (ii) the various related CPUC proceedings dealing with the PG&E issues during that pending bankruptcy, including all PSPS related proceedings, and (iii) Judge Alsup's criminal probation proceedings, including what was cited to that docket in my PSPS related proof of claim disputes with PG&E. PG&E's service problems clearly will disrupt the mine more often than history would suggest both as a result of climate change, increasingly bad weather threats, illegal vegetation still growing in dangerous proximity to uninsulated PG&E gear and more than 10,000 miles of dangerous fire risk wires, the "run it until it breaks" PG&E use of dangerous gear, and other causes of greater blackouts than

in the past. What is speculative and false is the EIR/DEIR theory that the past predicts the future as to those risks and threats, which are progressive and cumulative, both because of increasing fire risks, worsening climate change impacts, and chronic and cumulative PG&E operating difficulties, such as ancient equipment that cannot be replaced, upgraded, and made safe quickly enough to counter such threats.

6. Examples of Deficient Analysis And Mitigations With Respect to the Project's Energy Use.

Whether or not the Centennial cleanup is approved and accomplished, there is unanalyzed and unmitigated energy use with impacts to be addressed in the disputed DEIR/EIR. See my objections to EIR Master Responses 25, 26, 27, and 28, as well as related climate change discussions in sections I.A.1.a(vii) and elsewhere. There are also other examples (like with air quality above) about confusion and noncompliance (i) between the EIR "construction" timelines, and (ii) regarding assumed impact "reduction measures" not admitted being the "mitigation measures" that they are. Again, see the application of *Preserve Wild Santee,* 210 Cal.App.4th at 284. The Centennial RAP energy use (or extra main EIR project use if the Centennial RAP is not approved or accomplished) must be included in the analysis, again as required by *County of Inyo,* 172 Cal. App.3d at 165-66, and *Nelson,* 190 Cal. App. 4th at 271. See my Table of Incorporated by Reference Objections and Exhibit D. Notice all the many unanswered questions on this subject posed by the NSAQMD at Agency Letters 11 and 12.

Everyone who cares about the environment, or who at least cares about their ability to use energy for useful/beneficial business (as contrasted with this "no benefit mine," as discussed in Exhibit A hereto and my DEIR Objection 254 at #4), must read the powerful and profound commentary in the Grass Valley objection on this topic at Agency Letter 8 at 18, where it's revealed that this one disputed and exploitive EIR mine would exhaust 15% of the whole County's electric usage goal, thereby defeating the County's energy conservation goals, since many will be discouraged from sacrificing on their energy use to empower such energy waste by this objectionable mine. See the Nevada County Association of Realtors objections in Group Letter 15. Stated another way, how can the County rally our citizens and businesses to conserve energy when its simultaneously allowing the no net benefit mine to waste such massive energy in this manner, not for any material benefit of our community, but for the profit of this Canadian miner and its shareholders?

As discussed in my climate discussion in section I.A.1.a(vii) and I.C.2.b, this project has a significant adverse impact on energy use and GHG, and by itself obstructs the County's goals and plans. See, e.g., *Richmond v. Chevron* and other cases addressed in I.C and D, such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75.Cal. App. 5th 63 ("**Save Lake Tahoe**") (finding the eir's greenhouse gas **[GHG]** mitigation measure was inadequate because it **deferred** determination to an unknown future time, requiring the applicant to mitigate impacts IF the project conflicted with relevant future emissions targets adopted by the state, relying on performance standards that do not yet exist and may never exist so that any determination of the impact's significance is deferred to an unknown time and where neither the county nor the applicant were committed to mitigating any such impact. Also, the eir **failed properly to consider whether renewables could be incorporated into the Project in the energy impact discussions,** as noted below.) According to Save Lake Tahoe, to be compliant the CEQA analysis of energy impacts requires both whether renewables can be

incorporated into the project, and (if significant impacts) whether renewables would reduce the impact. Also, for significant impacts, the EIR must consider all feasible mitigation measures. The EIR fails these tests, among other things, by such deferrals, by such lack of analysis and denials of such climate change matters, and by ignoring the renewables issues.

As to confirming the "significance" of these energy issues that Grass Valley calculated in its Agency Letter 8-18: "The [IMM] Project's annual energy use would represent an increase of approximately 15 percent in County-wide electric usage for a single industrial use." As Grass Valley said (at Id.): "This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact." That by itself not only defeats the Nevada County Energy Action Plan (EAP), but it depresses any willingness of mine opponents to sacrifice in their own energy usage, because our sacrifices would benefit this objectionable mine instead of our environment. Indeed, as I explain in detail with my rebuttal of the EIR/DEIR on its unrealistic and grossly understated generator use to cover PG&E PSPS, system failures, weather events, and other causes of blackouts increasing with progressive climate change impacts, the EIR's projected energy use in incorrectly analyzed. See, e.g., my objections in section II to EIR Master Responses 16, 25, and 26-28 and my objections in section III to EIR Response to Ind. 254-84.

7. Examples of Biological Impacts.

My incorporated objections explain well many of the bird, animal, fish, and other biological impacts of the disputed EIR/DEIR mining. See my Table of Incorporated Objections, including Agency Nos. 1, 3, and 8 and Group Nos. 2, 3, 5, 6-8 and 21, 11 and 12, 13, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, and 29-32. See also my objections in section II to the EIR's Master Responses 30, 33, 34, 37, and 38. I am especially impressed by the objections on this subject by the California Dept. of Parks And Recreation at Agency 1 (pp. 21-28), the California Dept. of Fish And Wildlife Agency 3 (see 3-13 and discussion of the impacts of EIR/DEIR ignored water temperature impacts and the 10 foot groundwater drawdown admission [which we all assume is underestimated] impacting vegetation and, therefore, the rest of us living things), as well as the Bear Yuba Land Trust Group 2, the California Native Plant Society-Redbud Chapter Group 5, the CEA Objections Group 6-9 and 21, Gold Country Avian Studies Group 13, and the Wolf Creek Community Alliance Group 29-32.

There is no need for me to restate these, except to say that, because of the particular errors, omissions, and non-compliance by the disputed DEIR/EIR exposed in such objections, likely impacts may be worse than many such objecting commentators may imagine. That is one risk in this CEQA process when impacts and mitigations are either inadequately discussed with the required "common sense" (*Gray*) and "good faith reasoned analysis" (*Banning, Vineyard, Costa Mesa)* or not even generally and adequately disclosed (e.g., like the hexavalent chromium exposed in the new mine shoring to the dewatered groundwater ultimately flushed into Wolf Creek).

8. Examples of Deficient Analysis With Respect to the Project's "Alternatives."

Besides my other objections stated in this Objection and elsewhere as to "alternatives," also consider the following, applying the CEQA requirements (e.g., #21002/Guideline #'s

15002(a), 15021(a)(2), and 15126(b),(d)) forbidding approval of such a disputed project if, as here, a feasible alternative exists that would meet the project's objectives and diminish or avoid its environmental impacts. [Note that the project's "objectives" must be properly and more broadly defined (i) to exclude its extraordinary profit goals that are not such a CEQA project "objective" [such profits are undisclosed but extrapolated from my profession experience with the returns expected by such speculators on such risky investments] and (ii) to include what the disputed EIR/DEIR attempts to apply to achieve a self-fulfilling prophecy.] E.g., *Kings County Farm Bureau*, 221 Cal.App.3d at 731; *Citizens for Quality Gro*wth, 198 Cal. App.3d at 443-45. **See, e.g., the Grass Valley objections in Agency 8 at 41-44 (which exposes many examples of EIR/DEIR noncompliance but suggests some compromises not acceptable to most of us objecting homeowners living above or around the 2585-acre underground mine.)** Because CEQA (e.g., Guideline #15126.6(b)) does not require such an alternative to meet all of the project's even legitimate objectives (which especially do not have to include such Rise profit ambitions for this speculative gamble and other disputed EIR "objectives" none of which are disclosed for common sense and good faith reasoned analysis and other compliance purposes), DEIR admits (at 6-42) that Alternative 2 (eliminating Centennial and expansion of the Brunswick fill pile, for which expansion the EIR/DEIR is woefully deficient, speculative, and noncompliant) is superior and thereby defeats this EIR. **[Note that the EIR mistakenly, or worse, by insisting that all alternatives must assume the remediation of the Centennial site, which is a per se admission that the EIR would have to consider the Centennial cleanup part of the main project, which would by itself require massive revisions and recirculation of the EIR/DEIR. In any event, the disputed EIR/DEIR cannot have this both ways, i.e., making Centennial essential for some purposes and then claiming it's not for other purposes.]**

Despite being prohibited by CEQA, which requires sufficiently broad project objectives to allow the evaluation of alternatives that are meaningly different, this noncompliant EIR eliminated the relevant and better alternatives, like the recent case involving Crystal Geyser reopening a water bottling plant involving wastewater discharge issues. *We Advocate Through Environmental Review v. County of Siskiyou* (2022), 78 Cal. App. 5th 683, explaining that, because the project objective mirrored the project proposal itself, that transformed the EIR's alternative section [the "core of the EIR"] "into an empty formality" and such impermissibly narrow project objective prevented the county for the same reasons for accepting the "no project alternative."

When the disputed EIR must be revised and recirculated, whether as required by the County or the courts, law reforms, or political changes, the County should eliminate the often protested DEIR/EIR claim that other industrial alternatives are too "INTENSE," since "common sense" and any "good faith reasoned analysis" (e.g., *Gray, Banning, Vineyards, and Costa Mesa*) must consider this EIR mining the most intense possible alternative, especially since it operates 24/7/365 for 80 years with continuing opposition from almost all of its neighbors, especially those thousands of us living on the surface above or around the 2585-acre underground mine whose misery intensity impacts are proven, among other things, by the extent of our objections in this record and the EIR mine's depression of property values merely by its stigmas even before the physical impacts begin. See Exhibit A, my DEIR Objection 254 #2, and the Nevada County Association of Realtors Group Letter #15. In any event, there is no EIR/DEIR good faith reasoned analysis of why industrial alternatives (e.g., the warehouse proposal) are more intense, and that

unsubstantiated and speculative EIR/DEIR claim about "intensity" defies "common sense" under the *Gray* standard. (The most objective test of "intensity" and worse for alternatives is that mining has the most horrific effect on buyers and mortgage lender appraisers, which is reflected by us potential sellers.) See, e.g., *Laurel Heights I,* 47 Cal.3d at 404 (requiring a "reasonable range" of alternatives, because courts will not "countenance a result [on alternatives] that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials."); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal. App.3d 433, 443-45.

F. Some "Headline" Example Issues That Demonstrate Wrongful Patterns And Practices by the EIR/DEIR that Should Both (i) Defeat Some EIR/DEIR Claims On the Merits Or For Noncompliance With CEQA Or Its Guidelines, And (ii) Expose EIR/DEIR Credibility Problems That Should Inspire At Least Strict Scrutiny And An Open Mind To All Objections, Especially In The Many Places Where The EIR/DEIR Fails To Present Any "Good Faith Reasoned Analysis" With "Common Sense," As Required By Courts Interpreting CEQA.

9. The DEIR FAILED TO COMPLY WITH CEQA AND ITS GUIDELINES AS TO ALMOST COVERT HEXAVALENT CHROMIUM USES, AND, INSTEAD OF The EIR PROPERLY RESPONDING TO MY OBJECTIONS BY CORRECTING THAT NONCOMPLIANCE, THE EIR MADE AN OBSCURE AND DEFICIENT COMMENTARY AND ATTEMPTED TO COVER UP THE NEED FOR SUBSTANTIAL REVISIONS AND RECIRCULATION, Including by obscuring the still disputed and deficient Appendix Q, O, and R.

a. As described throughout this Objection and detailed in Exhibit C (as well as my DEIR Objection 254), The Hexavalent Chromium Menace Requires Much More CEQA Compliance Than The EIR's Crafty Evasions So Far.

My four Objections each address various parts of the water and air pollution impacts and risks of hexavalent chromium (aka CR6, CR6+, or CR VI), none of which are properly addressed by the noncompliant EIR/DEIR, as my objections demonstrate. See section I.F.1, I.E.1-4, and Exhibit C, as well as my objections in section III to EIR's Response to my DEIR Objection 254 at what it calls Ind. 254-1 and 36. My focus in this subsection is a high-level alert to an objectionable EIR/DEIR tactic that should create a credibility problem for them and a reason to strictly enforce against the EIR/DEIR its burden of proof, as demonstrated in section I.A.1.b above and elsewhere herein. E.g., Exhibit C hereto and my DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, and 12, and my objections below to the disputed EIR's "Responses" thereto (especially EIR Response Ind. 254-1 and Ind. 254-36) and Master Responses, as well as various related legal issues in my DEIR and EIR Objections 255. See also my further objections to the other EIR "Responses" to such DEIR Objection 254 #'s 3.A [i.e., Ind. 254-6-10], B [i.e., Ind. 254-11-13], C [i.e., Ind. 254-14-15], E [i.e., Ind. 254-20-33], G [i.e., Ind. 254-36], H [i.e., Ind. 254-37], 7 [i.e., Ind. 254-75], and 12 [i.e., Ind. 254-81-86].

It is indisputable and well known that hexavalent chromium is a dangerous carcinogen, as proven in my such Objections and Exhibit C and all my cites to the EPA and California EPA websites. Perhaps because too many people saw and appreciated the movie, *Erin Brockovich*, about that toxin killing of the town of Hinkley, CA and many of its residents by hexavalent chromium groundwater pollution, the DEIR treated CR6 with even less mention than the other hazardous substances, not even mentioning the name hexavalent chromium in the DEIR "Hazards And Hazardous Materials" discussion when it mentioned asbestos or others (also subject to dispute as to noncompliance, but at least there was a deficient mention there). Instead, there were just a few passing DEIR references to hexavalent chromium elsewhere in other sections as an ingredient in the cement paste to be used to shore up the underground mine. This toxin causes both water pollution threats and (when the cement is being mixed on the surface for injections into the underground mine shoring) air pollution, much like and as dangerous as asbestos. See again my DEIR Objection 254 incorporating and discussing the threats revealed by many studies on the EPA website (like those in Exhibit C) and noted above and in my section III rebuttals to the EIR "Responses," especially my rebuttals to EIR Response 254-1.

There is no excuse for that "oversight" (i.e., evasion) and noncompliance with CEQA as to hexavalent chromium. Indeed, one wonders whether (if the disputed EIR were mistakenly approved) there would be Prop 65 notices posted about the hexavalent chromium threats as required (CR6 is on the Prop 65 cancer and reproductive harms lists), or whether the DEIR was just an "oversight" the miner will correct to avoid liability and other consequences under Prop 65. Failure to respond properly to such objections in the EIR suggests this is intentional evasion. In any case, there was no attempt at any "good faith reasoned analysis" at all anywhere in the DEIR, as if (we'll only know later from discovery in any court challenges to EIR approval, if required) someone doing those other non-hazard sections of the DEIR wasn't coordinated in others' attempts to evade DEIR discussion of CR6. But for my skeptical reading of every word of the DEIR, few might have realized we even had a CR6 threat. (That creates a Prop 65 Notice exposure for the miner and embarrassing questions for anyone who approves this EIR without the full CEQA data required for an informed decision to risk the health and welfare of our community for the benefit of a Canadian miner's shareholders' profits, since hexavalent chromium is on the Prop 65 cancer causing substances list for mandatory alerts. See Exhibit C.)

Once confronted with my DEIR Objections 254 and 255 on this CR6 threat, the EIR had a choice: either (i) the EIR could do the only right and proper thing and comply with the required "good faith reasoned analysis" of the hexavalent chromium threat, realizing that would require revisions and recirculation for "significant" "new information" under CEQA and its Guidelines (see discussion of the law on this in section I.A.1.c, I.E.4, and elsewhere), or (ii) (as it appears to have done) the EIR could try and evade its disclosure and analysis obligations and battle with objectors over whether somehow the EIR could escape the consequences of DEIR noncompliance. What the EIR reveals is that it refused to do the right thing and chose that last, wrong option. What the EIR did was just add some insufficient and disputed hexavalent chromium data in its Response To Comment Ind. 254-1 (i.e., to my specific DEIR Objection 254, rather than in some proper place where someone might actually discover and read it buried starting on page 2-6603). See my rebuttal below in section III to that EIR "Response 254-1." Is this hexavalent chromium threat so really so insignificant that no one but me needs to know they're adding a carcinogen (and reproductive harm agent) to our groundwater (requiring special remediation treatment after our such precious groundwater is drawn through the mine, past these

hexavalent chromium shoring columns, for flushing down the Wolf Creek to unsuspecting NID customers elsewhere)?

In any case, there is no "reasoned analysis" in the EIR (but see my surprise qualification at the end of this discussion), and, therefore, under these circumstances no "good faith" either on the subject. What little data exists is unsubstantiated disputed opinion that lacks credibility and "common sense," since this EIR's partial "cover up" (plus one more revealed below) cannot be considered CEQA compliance, especially since the EIR falsely claims it was mere "clarifying" and embellishing what it incorrectly claims was disclosed in the DEIR (that only mentioned CR6 in passing in obscure places single sentences in a list with other hazards.) See my DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, and 12. Obviously, if the EIR added any kind of substantiation for its claims, it would weaken that disputed claim that it was not adding "significant" "new information" requiring revision and recirculation. See section I.A.1.c. So, the EIR itself just offered no "substantial evidence" for its disputed opinions, just what I rebutted in section III below to the EIR's Response 254-1 and not even a cross reference to an innocuously labeled Appendix Q (as to CR6 water pollution) and Appendix R (as to CR6 air pollution) at the very end of the EIR, apparently as an endurance test for us readers.

Interestingly, however, and perhaps because different people edited different parts of the EIR/DEIR, the EIR added such "new information" with an Appendices Q and O (at the very end of the massive EIR with an air pollution comment at Appendix R) consisting of an Itasca "Technical Memorandum dated 2/24/2020, entitled "Desktop Study of Cemented Paste Backfill" [that means they didn't study the actual site or the EIR/DEIR details, but simply gave a general lecture on the cemented paste backfill subject in the abstract.]. See Exhibit C to support the obvious conclusion that adding to the mine groundwater this known carcinogen (also causing reproductive harms) is also "significant" for such :new information."

Note that the Appendix Q heading did not even identify hexavalent chromium, but used the term "cemented paste backfill" ("CPB") first used to identify the hexavalent chromium risks and threats on page 3 of 8, where it states that the presence of chromium in cement has been identified as a potential water-quality concern related to the use of CPB, because it leaches into the groundwater in variable, more or less dangerous amounts depending on various factors addressed in the report **and admitted to being studied by Rise**. Based on such Rise data, future expected studies, and other things, there is a qualified conclusion (at p. 7 of 8, emphasis added): "**Based on the available data,** the use at the IMM of the CPB composed of …[selected things] The CPB…is not **anticipated** to negatively affect groundwater as a result of solute leaching because of the low metals component, low sulfide content, and net neutralizing character of the IMM CPB materials." However, just before that Itasca conclusion it warned of many essential conditions that had to exist and things that had to go right or there could be serious problems. For example, after explaining how this use of cement and tailings is a desirable strategy for mine shoring to avoid having to remove and dispose of waste/tailings by hauling them to the surface and away, the Appendix Q "Conclusion" begins (on p. 6 of 8): "However, it is clear from case studies and theoretical behavior of CPB that there are a variety of site-specific factors that could affect the potential for water quality Impacts. Some important factors to consider in designing and using CPB include the following: [a list of variables and conditions that I'll address elsewhere that the EIR/DEIR did not address at all. but that the Appendix study carefully mentions as precautions before reaching it qualified conclusion.] As I read this Appendix Q, I kept thinking that the EIR was acting like some proponent of building nuclear plants for power saying, in effect, everything will be safe as long as everyone at the plant follows this instruction

book and nothing goes wrong. Even if that were true, which many will dispute, it is hard to imagine that someone would seek government approval of such a project without addressing the risk of the things "going wrong" at least by a "good faith reasoned analysis" in the main text of the "Hazards And Hazardous Materials" section of the EIR, rather than buried in an unheralded Appendix at the end of an almost 7000-page report that even a motivated reader like me struggled to endure.

As *Vineyard* explained (at 443) "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." [See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640.] This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections.

Here are some problematic things to consider. **First,** this may be about greed for profit for this Canadian miner's shareholders, i.e., not ever about a fondness for using hexavalent chromium, but rather about the means for avoiding the high cost of removing and disposing of the undesirable waste rock tailings from the mine in a way that "appears" (again there is no complaint "good faith reasoned analysis" of either the CR6 threats or even this proposed/unannounced mitigation of subsidence risks) to prefer leaving the mine waste cemented in place. If the miner can just cement the debris tailings into columns with hexavalent chromium where they were blasted, the miner improves its profit by lowering its cost. **Second,** this Appendix Q is dated 2/24/2020, so that all this (and probably more) data was known to Rise (and perhaps others in the DEIR process) well before preparing the DEIR in 2022. Why did Rise choose only to reveal Appendix Q (or other such data it might have) in connection with the EIR? Why did the EIR added that Appendix Q at the end of the EIR without any cross reference to that Appendix? Why bury the EIR Response to my hexavalent chromium related DEIR Objection 254 in an isolated Response to Comment Individual Letter 254-1? How could the EIR expect anyone to find this debate? [Again, as *Vineyards* explained (at 442): "The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision-makers, who may not be previously familiar with the details of the project. [I]nformation 'scattered her and there in EIR appendices or a report 'buried in an appendix' is not a substitute for a good faith reasoned analysis."]

For example, see my objections herein about how my Objection 254 highlighted the mine's hexavalent chromium water pollution threat in integrated explanations with ample details with table of contents headlines that the EIR divided into Comment Ind. 254 fragments thereof designed to scramble my analysis so the EIR could complain that within that fragment there was an insufficient description of inadequacy. E.g., compare my Objection 254 section headline at

#3.C at pages 38-40 (EIR at 5890 marked and split as Ind. 254-14 and 254-15), entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Of Analysis [see more detailed discussion in later subsections G and H below]" (see also my internal cite therein to my #7), which section 3.C the EIR split for no legitimate reason between its EIR Comment Ind. 254-14 versus 254-15, so in each paragraph it could (incorrectly) complain that my explanation of DEIR inadequacy was insufficient. Moreover, before my such #3.C discussion the EIR split up my introductory lead ins (e.g., 3.A and B) to that discussion so that it could complain about such insufficient discussion of such inadequacy at what the EIR labelled as Comment Ind. 254-6 to 254-13.

See also my details and quotes in the subsections below (as a preview of more details, for example, in my DEIR Objection 254 #3.G. and H rebutted in the following subsections of this introduction as well as in what the EIR labeled for its disputed Responses as my Comments Ind. 254-1, 36 and 37. For example, the disputed DEIR almost entirely obscured the hexavalent chromium menace (contradicting itself by calling the mine paste using it in shoring up the mine "environmentally benign," despite an obscure DEIR reference to the toxin in a list of future toxins to be addressed by the state water discharge regulator after dewatering the mine and our impacted groundwater there has supposedly been treated before being flushed away down the Wolf Creek. The EIR tries to redeem those DEIR omissions by pretending that the disputed, unsubstantiated, and speculative EIR additions on hexavalent chromium were already in the DEIR when they are not (presumably a cover up to avoid having to admit new data requiring correction and recirculation). But worse, the disputed EIR falsely a lack of supporting details and data (as I show, for example below and in its bogus complaints that my objections to its Responses to my Comments it marked Ind.254-1, 36, and 37 had no substantive basis), when my Objection 254 contains massive, incorporated evidence, such as from the EPA website validated studies and cited experts. Note, for example, the inconsistent discussion of DEIR dewatering at 4.8-42 to 52, especially at 46-49 (emphasis added), about the miner using "CEMENTED-PASTE BACKFILL" THAT IS INCORRECTLY DESCRIBED [without sufficient proof, analysis or rebuttal of my contrary cited EPA validated science] AS "ENVIRONMENTALLY BENIGN," BUT WHICH IS TOXIC HEXAVALENT CHROMIUM. CONTRARY TO THE DISPUTED EIR'S COMPLAINT ABOUT MY OBJECTIONS LACK OF SPECIFICS ANY READER WOULD LEAN FAR MORE FROM WHAT I STATE AND INCORPORATE THAN FROM THE DEIR/EIR, SUCH AS I CITE IN THIS PART OF MY OBJECTIONS THAT THE EIR LABELS IND. 254-37 AT 2-5920 TO 5922. See, e.g., the ERPA report I cited "Evaluation of the Potential Carcinogenicity of Chromium And Hexavalent Chromium Compounds" plus my citations to the other 29,368 such studies and reports on the EPA website denouncing hexavalent chromium when you type in those words, out of which I specifically recommended the work of experts such as Wendy Wagner (at the University of Texas Law School), Steve Gold (at Rutgers University), and Kyla Bennett (who shares my experienced opinion about industry influenced regulators who recognize the science but as with lead, asbestos, cigarettes, and many other obvious toxins are slow to ban them, assuming the chemicals to be innocent until proven guilty until so many successful civil suits overwhelm the companies and force them into bankruptcies, a subject on which my Objection 254 demonstrated my expertise to support my many offers of proof as a potential witness to rebut the EIR/DEIR.); provided that to save time my such Objection 254 suggested a focus on the EPA "TRI Program" by searching for the EPA's "toxic release inventory" which begins in relevant part" "hexavalent chromium compounds are human carcinogens, classified as weight-of-evidence Group A … under the EPA Guidelines for

Carcinogen Risk Assessment [EPA 1986a] … all the hexavalent chromium compounds are assigned a "High" hazard rating for the proposed RQ adjustment." Note that the DEIR buried an admission of the hexavalent chromium not by analysis in the DEIR "Hazards And Hazardous Substances" or other relevant threat discussions themselves, but obscured in DEIR Mitigation Measure 4.8-1(a) at 4.8-52, where it states: "The NOI [to the Central Valley Regional Water Quality Control Board under the Limited Threat Discharge permit] shall include evaluation of potential constituents of concern, including ammonia, arsenic, HEXAVALENT CHROMIUM [emphasis added by capitalization], iron, manganese, pH. total suspension solids, TDS and cis-1.2-DCE." Even if this is some innocent "mistake" (which I suppose is possible even though the EIR does not claim any excuse but instead enhanced the cover up after I exposed the problem by pretending the DEIR provided such a deficient, purported, and disputed partial analysis that was only added by the EIR).

To a cynic this appears as if someone intended to address hexavalent chromium as the problem it is and then someone else decided to cut out that analysis in hopes no one would notice, but either failed to delete all these references or decided to leave them in vaguely in obscure places in case someone like me actually read the fine print and recognized that obscured danger. However, pushing this off without any after EIR approval to the future regulator of water DISCHARGES does not comply with CEQA, especially since mine shoring with in the underground mine occurs BEFORE discharge, and the disputed EIR's new claim is unsubstantiated opinion, speculation, and worse that the toxic addition to the water only flows out of the mine to the treatment plant that it never proves is prepared to eliminate hexavalent chromium it didn't even analyze and report as a hazard in the DEIR (and which the EIR just claims will somehow be at a safe level without any good faith reasoned analysis or evidence at all, presumably because the EIR does not want to admit what it is doing: adding new data requiring correction and then recirculation of the DEIR. See my other objections to the way the DEIR/EIR deals with hexavalent chromium issues, especially in Objection 254 #3.G and H and 7 and to all EIR's disputed Responses thereto herein at, for example, what the EIR labeled as my Comments Ind. 254-1, 36, and 37.

There may be many explanations for that EIR's continuing refusal to do the right things, but was this some "fig leaf" the EIR could try and use later as an excuse if it were to "get caught" obscuring this threat in such a noncompliant and provocative way, especially if the mine is approved and then posts a Prop 65 notice? (Remember, someone like me would have to know of and find the couple of hexavalent chromium mine paste sentences in the DEIR, know to read the EIR "Response" "Ind. 254-1" to my DEIR Objection 254, notice and be curious about the title of this Appendix Q, and then add this to the bedtable reading to evaluate all this. Because the responsible person or persons might doubt that many people would read all this material and understand its significance (and he or she/they might be correct about that), did someone decide both gamble and to hedge that bet with this obscured Appendix Q in case they got caught?)
Third, as a legal matter the buried data in disputed EIR's disputed Appendix Q cannot save the EIR, nor can the disputed EIR's Response To Comment Ind. 254-1 on the subject. At worst, this is clearly at least "significant new information" requiring revision and recirculation. CEQA #21092.1, Guideline 15088.5(a), and *Laurel Heights Imp. Assn. v. Regents of the University of California* (1993), 6 Cal.4th 1112, 1124; my section I.A.1.c.

As to the EIR/DEIR's lack of good faith, I note that the DEIR buried an admission of the hexavalent chromium not by analysis in the DEIR "Hazards And Hazardous Substances" or other relevant threat discussions themselves, but obscured in DEIR Mitigation Measure 4.8-1(a)

at 4.8-52, where it states: "The NOI [to the Central Valley Regional Water Quality Control Board under the Limited Threat Discharge permit] shall include evaluation of potential constituents of concern, including ammonia, arsenic, HEXAVALENT CHROMIUM [emphasis added by capitalization], iron, manganese, pH. total suspension solids, TDS and cis-1.2-DCE." Even if this is some innocent "mistake" (which I suppose is possible even though the EIR does not claim any excuse but instead enhanced the cover up after I exposed the problem by pretending the DEIR provided such a deficient, purported, and disputed partial analysis that was only added by the EIR), to an cynic this appears as if someone intended to address hexavalent chromium as the problem it is and then someone else decided to cut out that analysis in hopes no one would notice, but either failed to delete all these references or decided to leave them in vaguely in obscure places in case someone like me actually read the fine print and recognized that obscured danger. However, pushing this off without any after EIR approval to the future regulator of water DISCHARGES does not comply with CEQA, especially since mine shoring with in the underground mine occurs BEFORE discharge, and the disputed EIR's new claim is unsubstantiated opinion, speculation, and worse that the toxic addition to the water only flows out of the mine to the treatment plant that it never proves is prepared to eliminate hexavalent chromium it didn't even analyze and report as a hazard in the DEIR (and which the EIR just claims will somehow be at a safe level without any good faith reasoned analysis or evidence at all, presumably because the EIR does not want to admit what it is doing: adding new data requiring correction and then recirculation of the DEIR. See my many other detailed objections to the way the DEIR/EIR deals with hexavalent chromium issues, especially in my objections to the EIR Response To Comment Ind. 254-1.

More importantly, I contend this issue is one of many grounds presented or incorporated for now rejecting the EIR/DEIR and so requiring them to start over. **Notice the same noncompliance and other objectionable issues exist for Appendix R as to the hexavalent chromium air pollution issues.** This is also ample reason to take seriously the other protested EIR/DEIR tactics and evasions in my Objections (I.A.1.d herein, and my rebuttals in sections II and III to the EIR Responses and Master Responses to my DEIR Objection 254 [e.g., #'s 3.A, B, C, E, G, H, 7, and 12]), especially when the EIR ignores my cross-references and claims I failed to explain sufficiently my objections (see section III below), or when the EIR incorrectly claims it can ignore my objections as "speculative" when it's the EIR I was rebutting that was first speculating (see section I.A.1.d. and C.2). While I deal with these issues more broadly elsewhere for general application, consider: Why would the EIR team take such risks about hexavalent chromium (creating more for objectors to complain about than even the asbestos and other toxins at issue) and then hedge their bets with uncited (e.g., Appendix Q), noncompliant, or misplaced or obscured, insufficient data? Since there are sufficient, aroused victims objecting to prevail in the legal, political, and law reform challenges that approval of the EIR would incite, the decisionmakers should not just consider the inappropriateness of such conduct, but also the questionable judgment evidenced by this EIR/DEIR.

b. My Hexavalent Chromium Objection Ignored Or Concealed By the DEIR Illustrates Not Only the EIR's Noncompliance with CEQA, But Also The Credibility Problems Created By the Disingenuous Or Worse Way That The EIR Evades Those Objections. See Exhibit C.

Among the many other reasons that the EIR/DEIR has fatal credibility problems is that it has omitted essential data or obscured data, as well as frequently misstating, understating, or otherwise diminishing objections and negative data to evade inconvenient truths or realities and then overgeneralizing about how it has broadly overcome all concerns, including those that it so omitted addressing. See Exhibit C. **One serious/lethal is my EIR rebuttal below (despite my DEIR Objection 254 revelations), exposing the EIR refusal to comply with CEQA and other applicable law as to the impact and risks on water quality of using toxic hexavalent chromium in the mine shoring cement paste, despite the many EPA website studies warning against that hazardous material (still not listed in the EIR Hazards And Hazardous Materials section as required by CEQA, which after being entirely ignored in the DEIR, it is but merely evaded in the disputed EIR air pollution discussion buried at Vol. IX at Appendix R.) and the infamous case study of how similar settling ponds with hexavalent chromium in Hinkley, CA, killed that town and many of its residents as exposed in the movie "Erin Brockovich.")** Simpler examples include the Maps in EIR Appendix A and other vague and insufficient descriptions of the locations of the underground mining and ground water depletion in relations to the surface properties owned and used by objecting locals, i.e., no street or other clear landmarks are shown for impacted and risk, even though the EIR adds addresses where it considered that to be to its advantage. Since the miner and County has focused on inappropriately dodging the objectionable impacts of the mining on such properties above and around the 2585-acre underground mine, which mining will depress our property values (see Exhibit A and other objections), it is essential that **every** affected potential victim know precisely by street address where their property is in relation to the underground mine boundaries and mining activities. Consider that the first question any buyer will ask any seller is where the property in relation to the mine and each type of operation. No buyer (or its mortgage lender) will be satisfied with the Maps or other evasive data provided in the EIR/DEIR, but the EIR/DEIR apparently prefers to keep potential impact victims ignorant until it is too late for them to act to protect themselves. But even those who are objecting and trying to figure out our risks cannot do so easily, like my neighbors and I on Banner Mountain above (and on one slope adjacent to) Idaho-Maryland Road and impacted by Evacuation Route and other mine traffic on our only main corridor of Banner Lava Cap Road. We all must have a clear idea where we are in relation to those risky or worse mining operations and impacts.

I demonstrated in my objection (see my Objection 254 marked Ind. 254-1 and -14) to the disputed EIR deficient, erroneous, and otherwise evasive attempt in its Response to Comment 254-1, 14, and -17 (and Appendix R) to cover up the inexcusable almost total omission of any mention of the hexavalent chromium problems in the disputed DEIR, much less the anything satisfying the "good faith reasoned analysis" standard of court decisions like Banning, Vineyards, and Costa Mesa I discuss in my Objection 254 #'s 4 and 14. See, e.g., my Objection 254 at #'s 3.A.II, entitled "Some Key Illustrations of Mining Disputes, Water Depletion, And Quality, Toxic Substances (e.g.,, Hexavalent Chromium, Asbestos, Arsenic, Etc., And Related Issues, Including Financial Feasibility;" 3.C, entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Or Analysis (see more detailed discussion later in subsections G. and H. below);" 3.H, entitled, "'Hiding the Ball' in the DEIR Is Not Compliance with CEQA And Other Applicable Law, And That Practice, Especially As To Water And Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk Of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DEIR Tries To

Obscure By Distracting Attempts To Limit the CEQA "Project" And The Related Water Issues;" 3.F entitled, "One Illustrative Dispute Over Ground Water Depletion By Mining;" 3.G entitled, "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie;" 3.H entitled, "The DEIR's Disputed Errors, Omissions, And Deficiencies Also Include Water Quality, Especially Relating to Hexavalent Chromium (Remember *Erin Brockovich*?);" 3.J entitled, "Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates." See what the EIR buried at the end of Appendix R regarding admitted but flawed discussion of air (as distinct from water) pollution by hexavalent chromium; 5 (at the place the EIR labeled at Ind. 254-72); 7 entitled, "The DEIR 'Hazards And Hazardous Materials" Discussion at its #4.7 And Elsewhere Is Deficient, Omitting Entirely At Least One Serious Hazardous Material (Hexavalent Chromium/CR+6 of Erin Brockovich Move Infamy For Turning Hinkley, CA Into a Ghost Town at Great Cost To Local Victims And Property As Explained In My #'s 3.C, G and H);" 10 entitled, "Some Air-Quality Errors And Omissions To Consider From DEIR #4.3 And Elsewhere." See what the EIR buried at the end of Appendix R regarding admitted but flawed discussion of air (as distinct from water) pollution by hexavalent chromium. See also my many rebuttals and objections on the subject of hexavalent chromium herein, beginning with my objections herein to EIR Response To Comment Ind. 254-1 and to each of the EIR Responses to my such cited DEIR Objections of mine of this topic. The only way that the EIR could claim all that data of mine was deficient under the applicable legal standard the EIR misconstrues, misstates, and misapplies, would be to ignore (as I illustrate the EIR frequently doing) my cross-references and incorporated authorities. For example, I incorporate the many EPA website studies detailing the hexavalent chromium hazards (as well as even more on Google), such as those explaining why the EU has banned that substance entirely as having no safe limit, contrary to the unsubstantiated EIR opinion about illusory safe limits with no foundation or evidence and failing (almost as badly as the DEIR it seeks to support without admitting that it is adding new material, which it does admit by so doing since there is nothing material discussed on this topic in the DEIR) to meet the standard the CEQA standard of "good faith reasoned analysis" in court decisions I cite in my Objection 254 #'s 4 and 14.

I also note the following examples about what details were stated even in that part of Ind. 254-37 by itself, even without consulting those cross-references and many other sections addressing this hexavalent chromium menace, although I do not intend these examples to be comprehensive since it should not be necessary to keep repeating myself about what the EIR chooses to ignore or worse of my DEIR objections. As so shown throughout my Objection 254 and confirmed in court decisions cited in #'s4 and 14 therein, the DEIR did not provide any "good faith reasoned analysis" of the hexavalent chromium menace at all, as required by CEQA and court decisions like *Banning, Vineyards, and Costa Mesa.* Note the inconsistent discussion of DEIR dewatering at 4.8-42 to 52, especially at 46-49 (emphasis added), about the miner using "CEMENTED-PASTE BACKFILL" THAT IS INCORRECTLY DESCRIBED [without sufficient proof, analysis or rebuttal of my contrary cited EPA validated science] AS "ENVIRONMENTALLY BENIGN," BUT WHICH IS TOXIC HEXAVALENT CHROMIUM. CONTRARY TO THE DISPUTED EIR'S COMPLAINT ABOUT MY OBJECTIONS LACK OF SPECIFICS ANY READER WOULD LEAN FAR MORE FROM WHAT I STATE AND

INCORPORATE THAN FROM THE DEIR/EIR, SUCH AS I CITE IN THIS PART OF MY OBJECTIONS THAT THE EIR LABELS IND. 254-37 AT 2-5920 TO 5922. See, e.g., the ERPA report I cited "Evaluation of the Potential Carcinogenicity of Chromium And Hexavalent Chromium Compounds" plus my citations to the other 29,368 such studies and reports on the EPA website denouncing hexavalent chromium when you type in those words, out of which I specifically recommended the work of experts such as Wendy Wagner (at the University of Texas Law School), Steve Gold (at Rutgers University), and Kyla Bennett (who shares my experienced opinion about industry influenced regulators who recognize the science but as with lead, asbestos, cigarettes, and many other obvious toxins are slow to ban them, assuming the chemicals to be innocent until proven guilty until so many successful civil suits overwhelm the companies and force them into bankruptcies, a subject on which my Objection 254 demonstrated my expertise to support my many offers of proof as a potential witness to rebut the EIR/DEIR.); provided that to save time my such Objection 254 suggested a focus on the EPA "TRI Program" by searching for the EPA's "toxic release inventory" which begins in relevant part" "hexavalent chromium compounds are human carcinogens, classified as weight-of-evidence Group A … under the EPA Guidelines for Carcinogen Risk Assessment [EPA 1986a] … all the hexavalent chromium compounds are assigned a "High" hazard rating for the proposed RQ adjustment."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR EVASION OF MY OBJECTIONS BY COMPARING: (1) MY TWO PAGE OBJECTION 254 #3.G (paired with my adjacent three page Objection 254 #3.H entitled there and in my Table of Contents as: "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie.") TO (2) HOW THE DISPUTED EIR (AT 2-5919) IGNORED THAT ADJACENT, RELATED OBJECTION 254 #3.H WHEN ADDRESSING #3.G AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR RESPONSE TO COMMENT IND. 254-36 PRESENTED A FLAWED SUMMARY OF MY COMMENTS, AND THEN, IGNORING MY RELATED OBJECTION 254 #3.H, THE EIR LABELED RESPONSE TO COMMENT TO IND. 254-36 IGNORED ALL MY CROSS-REFERENCES, INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE MY OBJECTIONS ARE SUFFICIENT AS IS, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE FURTHER DESCRIBED IN MY #3.H THAT THE EIR IGNORED IN THAT IND. 254-37, AGAIN INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." THUS, INSTEAD OF ADDRESSING MY THREE PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY SUCH RELATED OBJECTIONS IND. 254-36 AND -37 SO THAT THE EIR COULD MANUFACTURE AN OBJECTIONABLE EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH" HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS, MAKING THIS BAD FAITH TACTIC IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY TRUTH SEEKER SHOULD RUN A WORD SEARCH

IN SUCH EIR RESPONSES FOR THOSE WORDS (EG, "COMMENTER DOES NOT STATE"), BECAUSE EVERY SUCH EIR RESPONSE IS DISPUTED IN SECTION I, II, AND III HEREIN, BOTH FOR THE SAME REASONS AND ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THEY CHOSE TO SO GAMBLE ON EVADING ANY RESPONSE ON THE MERITS IN HOPES THE COUNTY DECISION-MAKERS WOULD NOT NOTICE THIS NONCOMPLIANCE WITH CEQA AND OTHER APPLICABLE LAW.

I demonstrated in my objection (see my Objection 254 marked Ind. 254-1 and -14) to the disputed EIR deficient, erroneous, and otherwise evasive attempt in its Response to Comment 254-1, 14, and -17 (and Appendix R) to cover up the inexcusable almost total omission of any mention of the hexavalent chromium problems in the disputed DEIR, much less the anything satisfying the "good faith reasoned analysis" standard of court decisions like Banning, Vineyards, and Costa Mesa I discuss in my Objection 254 #'s 4 and 14. See, e.g., my Objection 254 at #'s 3.A.II, entitled "Some Key Illustrations of Mining Disputes, Water Depletion, And Quality, Toxic Substances (e.g., Hexavalent Chromium, Asbestos, Arsenic, Etc., And Related Issues, Including Financial Feasibility;" 3.C, entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Or Analysis (see more detailed discussion later in subsections G. and H. below);" 3.H, entitled, "'Hiding the Ball' in the DEIR Is Not Compliance with CEQA And Other Applicable Law, And That Practice, Especially As To Water And Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk Of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DEIR Tries To Obscure By Distracting Attempts To Limit the CEQA "Project" And The Related Water Issues;" 3.F entitled, "One Illustrative Dispute Over Ground Water Depletion By Mining;" 3.G entitled, "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie;" 3.H entitled, "The DEIR's Disputed Errors, Omissions, And Deficiencies Also Include Water Quality, Especially Relating to Hexavalent Chromium (Remember *Erin Brockovich*?);" 3.J entitled, "Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates." See what the EIR buried at the end of Appendix R regarding admitted but flawed discussion of air (as distinct from water) pollution by hexavalent chromium; 5 (at the place the EIR labeled at Ind. 254-72); 7 entitled, "The DEIR 'Hazards And Hazardous Materials" Discussion at its #4.7 And Elsewhere Is Deficient, Omitting Entirely At Least One Serious Hazardous Material (Hexavalent Chromium/CR+6 of Erin Brockovich Move Infamy For Turning Hinkley, CA Into a Ghost Town at Great Cost To Local Victims And Property As Explained In My #'s 3.C, G and H);" 10 entitled, "Some Air-Quality Errors And Omissions To Consider From DEIR #4.3 And Elsewhere." See what the EIR buried at the end of Appendix R regarding admitted but flawed discussion of air (as distinct from water) pollution by hexavalent chromium. See also my many rebuttals and objections on the subject of hexavalent chromium herein, beginning with my objections herein to EIR Response To Comment Ind. 254-1 and to each of the EIR Responses to my such cited DEIR Objections of mine of this topic. The only way that the EIR could claim all that data of mine was deficient under the applicable legal standard the EIR misconstrues, misstates,

and misapplies, would be to ignore (as I illustrate the EIR frequently doing) my cross-references and incorporated authorities. For example, I incorporate the many EPA website studies detailing the hexavalent chromium hazards (as well as even more on Google), such as those explaining why the EU has banned that substance entirely as having no safe limit, contrary to the unsubstantiated EIR opinion about illusory safe limits with no foundation or evidence and failing (almost as badly as the DEIR it seeks to support without admitting that it is adding new material, which it does admit by so doing since there is nothing material discussed on this topic in the DEIR) to meet the standard the CEQA standard of "good faith reasoned analysis" in court decisions I cite in my Objection 254 #'s 4 and 14.

Consider my analysis of the DEIR admissions at 4.8-51 (emphasis added) that (in abbreviated part, so readers should study my whole such objection marked Ind.254-37): "The water … from the underground mine workings IS ANTICIPATED [by whom? on what basis?] to have similar quality to the water that currently discharges from the existing drains [why, when the mine has been fully flooded already since 1956 and there is no proof or analysis to show where the drain water comes from?]… Therefore, the condition after mining would be like the existing, or baseline, conditions, such that seeps … would not represent a potentially significant impact under CEQA…[this is unsubstantiated speculation that ignores the addition of hexavalent chromium and , for example, any analysis of the competing water flows and sources, especially from changes since 1956 and after the new and deeper mining start again now.]" Note the inconsistent discussion of DEIR dewatering at 4.8-42 to 52, especially at 46-49 (emphasis added), about the miner using "CEMENTED-PASTE BACKFILL" THAT IS INCORRECTLY DESCRIBED [without sufficient proof, analysis or rebuttal of my contrary cited EPA validated science] AS "ENVIRONMENTALLY BENIGN," BUT WHICH IS TOXIC HEXAVALENT CHROMIUM. CONTRARY TO THE DISPUTED EIR'S COMPLAINT ABOUT MY OBJECTIONS LACK OF SPECIFICS ANY READER WOULD LEAN FAR MORE FROM WHAT I STATE AND INCORPORATE THAN FROM THE DEIR/EIR, SUCH AS I CITE IN THIS PART OF MY OBJECTIONS THAT THE EIR LABELS IND. 254-37 AT 2-5920 TO 5922. See, e.g., the ERPA report I cited "Evaluation of the Potential Carcinogenicity of Chromium And Hexavalent Chromium Compounds" plus my citations to the other 29,368 such studies and reports on the EPA website denouncing hexavalent chromium when you type in those words, out of which I specifically recommended the work of experts such as Wendy Wagner (at the University of Texas Law School), Steve Gold (at Rutgers University), and Kyla Bennett (who shares my experienced opinion about industry influenced regulators who recognize the science but as with lead, asbestos, cigarettes, and many other obvious toxins are slow to ban them, assuming the chemicals to be innocent until proven guilty until so many successful civil suits overwhelm the companies and force them into bankruptcies, a subject on which my Objection 254 demonstrated my expertise to support my many offers of proof as a potential witness to rebut the EIR/DEIR.); provided that to save time my such Objection 254 suggested a focus on the EPA "TRI Program" by searching for the EPA's "toxic release inventory" which begins in relevant part" "hexavalent chromium compounds are human carcinogens, classified as weight-of-evidence Group A … under the EPA Guidelines for Carcinogen Risk Assessment [EPA 1986a] … all the hexavalent chromium compounds are assigned a "High" hazard rating for the proposed RQ adjustment."

10. The Disputed EIR/DEIR Groundwater Problems And Proposed Well Mitigation Are Not Only Noncompliant With CEQA, But The EIR/DEIR

also Present Weaker Cases Than What Has Been Rejected In Similar Situations, Such As *Gray v. County of Madera* (2008), 167 Cal. App.4th 1099 ("*Gray"),* Even Without Considering Rise's Infeasibility Admissions (Exhibit B) That Also Doom The EIR/DEIR's Deficient And Missing Mitigation Proposals.

As demonstrated throughout this Objections in the many places citing *Gray* or applying its rulings, as in my DEIR Objection 255 (e.g., #3), in order to have any chance of surviving the many legal challenges that would follow any mistaken approval of the EIR, the EIR must somehow prove either that *Gray v. County of Madera* doesn't mean what it says, or that somehow it can be overcome as a leading precedent on groundwater, wells, mitigations, and many other issues applicable here. That somewhat similar application of CEQA to the quarry mining project in *Gray* should by itself defeat this EIR/DEIR. For many reasons so explained herein (as well as detailed at length in my DEIR Objection 255 #3 and not overcome by EIR Responses and Master Responses that I rebut in sections III and II below) that *Gray* case illustrates and supports my objections to this *EIR*/DEIR. The EIR tries (and fails) to evade or distinguish or ignore or misconstrue the various damning parts of *Gray* in its Responses to Comment Ind. 255-19 to 28 (which I rebut in section III), but I defeat those EIR arguments and evasive tactics in my EIR Objection 255, as well in many less systematic applications herein supporting the use of *Gray* against this EIR/DEIR. See the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session, following up with the Wells Coalition Group Letter 27/28.

While the EIR responses to DEIR noncompliance consistently evade, ignore or incorrectly dismiss the relevant objections, consider the relevant rebuttals with better comparables, for example as to groundwater disputes, the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See also the Union discussion of comments by hydrology expert Sol Henson. See also my objections in section I.F.8 and 9, I.F.2, 3, 5 and 6, I.E.1-4, and in section II to EIR's Master Responses 13, 14, 15, 16, 32, 33, 35, and 36, as well as my objections in section III to the EIR's "Responses" to my DEIR Objections 254 #'s 3.D, E, F, M, N, 4, 5, 6, and 14.

I mention this now as a headline for coming attractions on this precedent, because the facts and disputes at issue for this EIR/DEIR are even more powerful for applying *Gray* rulings against them in this case than in the mine eir in the *Gray* case, as I illustrate in my EIR Objection 255. Those include similarities favoring the facts of this case over the Gray case itself, include, for example: (a) the smaller (86 acre) quarry in *Gray* was a proposed open surface mine, unlike

here where thousands of us objectors live as competing owners and user of the "surface" (down at least 200 feet) above and around the 2585-acre underground mine (e.g., that adds and enhances classic, competing property rights disputes, as well as CEQA disputes, which issues I have repeatedly raised in my Objections and to which this EIR/DEIR has not offered any coherent response); (b) the quarry in *Gray* was in a rural, "cattle country" area with few neighbors, rather than in the midst of a significant suburban community with literally thousands of people living above and around the 2585-acre underground mine (not to mention the town of Grass Valley hospital, airport, shopping centers and other business structures, churches, parks, and other suburban infrastructure), (c) the quarry in *Gray* was locally beneficial (i.e., for locally needed gravel ingredients for local roads), as distinguished from gold extracted for shareholder profits of a Canadian mining company with no net benefit locally (see my DEIR Objection 254 #4 and Exhibit A, countering the disputed County Economic Report's false assumption based incorrectly on the assumed merits of the disputed DEIR), (d) the *Gray* quarry was economically feasible and would certainly have produced needed gravel for public roads, but Rise's SEC filings (see Exhibit B to this EIR Objection 254) admit that this mine is a speculative and risky investment (e.g., no proven gold reserves or sufficient investigations of the mine's conditions) and that Rise does not have the present resources to afford to accomplish even the disputed EIR's insufficient aspirational safety work and mitigations (much less the much greater work and mitigations that would be required when all significant impacts are recognized and addressed om compliance with applicable law, including those which Rise and the EIR/DEIR so far evade as irrelevant, but which will be a key part of the feasibility and other rebuttals allowed at any trial challenging any approval of this EIR, as demonstrated in other sections herein and in my other Objections, and (e) the quarry in *Gray* was a new mine, supported with many current studies and ample information on which to rely, as compared to this largely speculative and significantly unsubstantiated EIR/DEIR for what even Rise's Exhibit B SEC filings describe as a speculative mining adventure with limited information and investigation, especially with uncertainties about many conditions in the massive underground mine closed and flooded since 1956 with only minor (and disputed) more recent studies of limited areas and issues and the never adequately explored new mining areas that the disputed EIR/DEIR largely assumes are the same as the largely assumed conditions in the old mine. [e.g., Consider that the new mining is off of more than 72 miles of new and deeper tunnels into unevaluated areas with uncertain conditions. Then consider a drive of 72 miles in any direction from the Brunswick site, and ask yourself: is everything you pass in that trip the same as what you see at the start? See, my important ruling for "common sense" required in the *Sierra Club v. County of Fresno* precedent also addressed at length in DEIR Objection 255 #2.C and herein.

Consider this example as one of the many possible bases on which my DEIR Objection 255 #3 (and EIR Objection 255, rebutting the disputed EIR Responses 19 to 28 to my DEIR Objection 255, as well as this Objection's rebutting in sections III and II below disputed EIR Responses and Master Responses to my DEIR Objection 254) demonstrated how ***Gray v. County of Madera*** and other authorities rejected proposed **well mitigation proposals** similar to the disputed, infeasible, and deficient well mitigation proposed in the EIR/DEIR. [I will address elsewhere the failures of the noncompliant DEIR/EIR to consider all of the impacted wells and all relevant locations for monitoring, as well as other monitoring and mitigation deficiencies, which are recognized [although insufficiently] even by NID's insufficient count and locations in its Agency Letter 10 and by the County Economic Report's 300 well undercount described in Exhibit A.] That *Gray* precedent by itself should doom this disputed EIR on that one issue alone.

While a smaller (86 acre) and more rural cattle grazing zone area mine (with only "dozens of residences and 55 domestic wells within one mile of the project), the *Gray* operation was also similar because it included the removal of 900,000 tons of aggregate (gravel) per year for 50 years, involving 320 round trips by truck per day and consuming 72,000 gallons of water per day and threatening the neighboring wells. As with this EIR, the *Gray* eir required mitigation for depleting neighboring water wells. Sound familiar? While the disputed EIR attempts to evade that well mitigation precedent, most of those efforts fail on their face as lacking what *Gray* calls "common sense" and what others (e.g., *Banning, Vineyard, Costa Mesa*) insist on for "good faith reasoned analysis." Also, like *Gray* and other authorities discussed above demonstrate is forbidden in such situations, the disputed EIR/DEIR is noncompliant with CEQA by trying improperly to defer required mitigation to the future (e.g., a vaguely imagined future water system). The only possible distinction about *Gray* that might be argued by the EIR (a dispute about nonpotable vs potable water) is both (i) not determinative by itself, even if the disputed EIR were correct, i.e., the EIR still fails, and (ii) disputed on the merits by Objections as to the "potability" of groundwater dewatered and purportedly treated by the EIR mine (e.g., such alleged "treatment" is not adequately described in a CEQA compliant way, including because of its insufficiently described "treatment" of pollution by mine shoring cement with hexavalent chromium).

Thus, as so discussed, *Gray* concluded: "We are rejecting the County's conclusion on the water issues because we have concluded that the mitigation measure that were proposed to address the potentially significant adverse impacts on the water levels of private wells of neighboring landowners are not viable or effective." That same conclusion, and the reasoning for it addressed below, apply even more forcefully to this disputed EIR/DEIR. Consider the application of the Gray "common sense" test, concluding (at 1117-1118): "We agree with RWQCB [California Regional Water Quality Control Board] that providing replacement water through bottled water is not a viable or effective mitigation measure. It defies common sense for the County to conclude that providing of bottled water is an effective mitigation measure. [continuing with an explanation of factors that also apply here but are addressed in detail elsewhere.] An EIR water truck type solution here suffers those same deficiencies and worse. After demonstrating that the quarry mitigation measures were (as here with this EIR/DEIR) not "feasible or effective in remedying the potentially significant problem of decline in water levels of neighboring wells," *Gray* announced (at 1116-1117) its "common sense" test for this issue:

> "In order to mitigate this problem …[the miner] must present a viable solution that can effectively replace the decline in the water available to neighboring residents….[W]e decline to …[defer to the Board's findings because they] are not supported by substantial evidence or defy common sense. LAW IF NOT REQUIRED TO ABANDON COMMON SENSE. HERE, OUR COMMON SENSE INFORMS US THAT THE MITIGATION MEASURES WILL NOT EFFECTIVELY REPLACE THE WATER THAT COULD BE LOST BY NEIGHBORING LANDOWNERS. IT IS TRUE THAT THE MITIGATION MEASURES WILL PROVIDE A REPLACEMENT FOR THE LOST AMOUNT OF WATER. HOWEVER, NEITHER MITIGATION MEASURE … WILL PROVIDE THE NEIGHBORING RESIDENTS WITH THE ABILITY TO USE WATER IN SUBSTANTIALLY THE SAME MANNER THAT THEY WERE ACCUSTOMED TO DOING IF THE PROJECT HAD NOT EXISTED

AND CAUSED A DECLINE IN THE WATER LEVELS OF THEIR WELLS. (emphasis added.)

For example, in rejecting the *Gray* eir proposed mitigation measure to "rehabilitate or deepen the neighboring wells to provide additional water, the court (at 1117): "But there is no substantial evidence to conclude that the neighboring wells would provide additional potable water… However, of more concern is that there is no substantial evidence to conclude that the aquifer that supplies water to the Project and neighboring wells, which is currently confined would remain confined for over the [50 year] operating life of the Project. Thus, the neighboring landowners could become subject to regulatory oversight in the future …Therefore, [that] Mitigation Measure … is not viable because it does not replace the lost water from private wells with a substantially similar quality of water." Thus, *Gray* also supports my arguments about the need for this EIR/DEIR's evasion of the future impacts of what is approved now during the 80-year future of massive 24/7/365 dewatering (e.g., the EIR/DEIR not providing even the prior, deficient kind of data after 2040). Gray also rejects the false reliance on the disputed EIR/DEIR argument, in effect, that it excused from "speculating" about the future, so that it is free to do as it wishes in the future.

As the disputed EIR/DEIR does here, the *Gray* eir attempted to defer certain mitigation measures (see my general dispute elsewhere above on that noncompliant deferral tactic by the EIR/DEIR), but the court refused (at 1119) to allow that evasion, because, among other things, of a lack of County "commitment" to "a specific performance target," stating that the County had instead only committed itself to the replacement of water lost because of the mining operations. "However, this [deficient] goal is not a specific performance standard, such as the creation of a water supply mechanism that would place the neighboring landowners in a situation substantially similar to their situation prior to the decline in the water levels of their private wells because of the mining operations, including allowing the landowners to use water in a substantially similar fashion to how they were previously using water. Moreover, the listed mitigation alternatives must be able to remedy the environmental problem [and the new water system was "never studied or examined"]. Thus, the County is improperly deferring the study of whether building such a system is feasible until the impact occurs." [i.e., when it's too late for effective and timely relief].

Among many of those objectionable errors, omissions, and noncompliance, is the disputed EIR/DEIR's self-serving insistence both on (i) over-generalizing and assuming uniformity where it does not exist throughout the Project, and (ii) failing/refusing to limit such disputed EIR/DEIR claims to the only parts of the Project to which they could possibly apply or for which some proof is cited in the EIR/DEIR. [Note because I and other objectors dispute that Centennial is a legally separate "Project," all reference in objections the Project should be interpreted to include Centennial.] Rarely does the disputed EIR/DEIR distinguish properly what should apply to only one part of this nonuniform Project, but instead confuses everyone by either incorrectly assuming or asserting that the EIR/DEIR claims apply uniformly to the whole, or making general statements as if they applied to the whole when there is no reliable, credible, or competent evidence to prove, for example, that what could be said (and disputed) about Brunswick or East Bennett areas somehow also applies equally (without sufficient proof) to the 2585-acre underground mine (with many different or uniquely objectionable conditions). Thus, for example, so called Master Responses often miss the point of the objections entirely, because the counter by us potential victims continues to be, for example, that whether or not the objection

is correct as to Brunswick, Centennial, or the East Bennett areas (generally downhill and distinguishable for CEQA compliance and other analysis), that the 2585-acre underground mine is different and subject to its own objections to which there is no sufficient EIR/DEIR responses that apply there. (The implicit and disputed EIR/DEIR claim that it's so called CEQA compliance as to those generally downhill areas with different conditions applies to the underground mine with different.)

Incidentally, (briefly shifting from water to traffic to illustrate reasons for disapproving EIR deferrals of mitigation), as discussed in more length in my objections herein to the disputed EIR "Response" to my DEIR Objection 254 on the traffic topic, I noted the 100 heavy trucks a day 24/7/365 for 80 years would continuously break down our key two lane roads, requiring constant, expensive, and extensive maintenance, and repair that in effect reduced traffic to one lane. (The California Dept. of Transportation Agency Letter 2 [at 1-6] agrees with my concerns, noting the failure to analyze the impact for "lifespan of the road structure," among other objectors' complaints incorporated herein.) After its usual evasion efforts, the disputed DEIR/EIR mitigation vaguely proposed without details the "aspiration" for a "fair" cost sharing arrangement to be negotiated in the future after approval of the EIR. Facing a similar impact, the *Gray* court ruled such mitigation measures relating to traffic impacts are inadequate" "generally agree[ing]" with objectors that: "such mitigation (1) … is not enforceable; (2) …illegally defers development of the details and performance standards; (3) no substantial evidence supports the conclusion that the "fair share fee" will actually be spent on mitigation…[various additional complaints and then:] Finally, the County made no finding regarding the limitation or feasibility of the county guaranteeing the funding for the roadway improvements."

11. Failure of the EIR/DEIR To Comply With Nevada County General Plan 17.12 And, Therefore, CEQA And Other Applicable Laws, Not Only As To the Well Risks And Needed Mitigations, But Also As To Security For Performance To Make Mitigations Feasible And Protect Surface Owners Property Rights.

In various other places in this and other incorporated objections, including the previous section applying *Gray* to this disputed EIR/DEIR and the incorporated Well Coalition Group Letter 27/28, I challenge many errors, omissions, and deficiencies in the disputed EIR/DEIR, including for many impacts on undercounted existing wells, any future wells, and failure even to adequately define the area of probable well impacts. **E.g., I.F.2, I.E.1.b and d, I.E. 3 and 4, I.D.2, I.C.2, etc. As the Wells Coalition explains, the prior May 1995 DEIR (at 4.3-5) admitted its conclusion (see Grp. 28-4): "Based upon the significance criteria established on page 4.3-4, the risk to all wells within the study area, regardless of risk category, represent a potentially significant impact." The disputed EIR/DEIR fails in many ways to comply with the County's General Plan 17.12, although the DEIR/EIR falsely claims compliance, as demonstrated by my Objections and those of others I incorporate, especially the Wells Coalition's Group Letter 28 (also 27, since they are the same) and the experts it cites. See also objections with various water related rebuttal to the EIR/DEIR by the California Dept. of Parks & Recreation in Agency 1, the California Department of Fish And Wildlife in Agency 2, Grass Valley in Agency 8, NID in Agency 10, the Bear Yuba Land Trust in Group 2, the California Native Plant Society-Redbud Chapter in Group 5, the CEA Objections in Group 6-9 and 21, Friends of Banner Mountain in Group 11 and 12, Gold**

Country Avian Studies in Group 13, the Nevada County Association of Realtors Group 15, the Rudder Law Group in Group 20, the Sierra Streams Institute in Group 24, the South Yuba River Citizens League in Group 25, and the Sierra Fund in Group 26, the Wells Coalition in Group 27/28, and the Wolf Creek Community Alliance in Group 29-32. Not only is that noncompliance itself a violation of CEQA, but it prevents the necessary mitigations to be properly judged. Even if somehow the EIR/DEIR were considered sufficient on those disputed grounds, **the disputed EIR/DEIR position is based on non-feasible illusions of assurances that Rise admits it lacks the financial resources to afford compliance as required by General Plan 17.12. See, e.g., my Exhibits B and A and my DEIR Objection 254 # 2. Moreover, independent of CEQA, the EIR/DEIR consistently ignores my objections that this is also a dispute between us competing surface owners above and around the 2585-acre mine versus the EIR mining beneath us with respect to our owned groundwater and property rights, including our surface owner rights of lateral and subjacent support, with such groundwater as demonstrated with court precedent herein (e.g., the Supreme Court's *Keystone* decision) and in DEIR Objection 254 #3.N, 4, and 14.**

Begin with the minimum to which us surface owners above and around the 2582-acre mine are entitled under General Plan 17.12, even if somehow the disputed EIR/DEIR were correct: "1) The County shall require the operator to guarantee a comparable supply of water to such homes or businesses through accessible forms of security or alternate sources of water." and "2) Where water quantity and quality problems occur, an immediate water supply shall be provided by the operator until the source of the problem is determined [in this case that includes the obvious, i.e., 24/7/365 dewatering for 80 years in defiance of climate change and dryness issues…]" The EIR fails to do that (and cannot demonstrate any nonspeculative and compliant possibility of affording or accomplishing that), and the vague and unsatisfactory comments in the EIR/DEIR on such issues (apart from a few wells along East Bennett Road that the disputed DEIR/EIR falsely pretends are the only wells at risk) provide no such compliant mitigation, as demonstrated by the fact that it misses or fails to appreciate many significant impacts that must be mitigated, as well as the rulings on this compliant mitigation topic in G*ray v. County of Madera* discussed herein, in my DEIR Objection 255 and 254, and such incorporated objections from my Table of Incorporated by Reference Objections. **FIRST, the number and location of affected existing AND POTENTIAL FUTURE WELLS are not correct or accurately subjected to "common sense" in accordance with *Gray* or "good faith reasoned analysis" in accordance with Banning, Vineyards, and Costa Mesa. See my objections herein (including Exhibit A) and in my DEIR Objections 254 #'s 3.D, G, E, F, M, and N, 5, 6, 14, and 15. SECOND, the General Plan applies not only to existing wells, but also to the future wells that us surface owners will enforce with our property rights to create new wells to deal with climate change and the actual harms of 24/7/365 dewatering for 80 years as ignored or evaded by the disputed DEIR/EIR on various bogus theories, such as the false and unsubstantiated theory that "current" average rainfall it uses as a disputed baseline from between 1967 and 2017 will continue to apply to accomplish such imagined recharge for the whole 80 years (ignoring the dry years after 2017, so that baseline is not "current" and is incorrect from the start). Id. THIRD, as Rise has admitted in its SEC filings (see my Exhibits B and A and my DEIR Objection 254 # 2) and in admitting (at 6-14) that the whole Project is economically infeasible unless it can operate 24/7/365 for 80 years in accordance with its disputed EIR/DEIR (which legal, law reform, and political remedies of impacted objectors will**

prevent, unless the mine shuts soon for lack of funding, disappointing gold or other conditions, or other causes), the EIR miner cannot afford that "security" or mitigation for all those wells, or even the undercounted 300 admitted to exist by the County Economic Report disputed in my Exhibit A. See the incorporated objections cited above.

Next, focus on the General Plan 17.12 requirement that "3) The burden of proof shall be on the operator to show that the mining operation did not create the water problem." The disputed EIR/DEIR incorrectly claims from purported "expert opinion" that there is "no threat to water quality" and "All potentially impacted wells are located in the E. Bennett Road area," while "wells outside this area will not be impacted." Relying inappropriately on the disputed (and here overstated) Appendix K.9 "Idaho Maryland Well Mitigation Plan" pp. 1 and 3 (Dec. 2021) and the EMKO Environmental Ind (2020) "Groundwater Hydrology and Water Quality Analysis Report for the Idaho-Maryland Mine Project…" **Among the grounds for rejecting such disputed EIR/DEIR claims and interpretations are contrary admissions in the DEIR Appendix K.7 West/Yost Peer Review (Aug. 27, 2020) at pp. 8-9, 18, reacting to the Itasca and EMKO reports with concerns, such as (See Grp. 28-2):**

> **"…[I]t is possible that mining activities, including blasting, backfilling with CPB [which I contend creates an obscured and unmitigated hexavalent chromium threat], and sealing of drains or areas of underground workings, could activate leaching and groundwater flow in new subsurface areas, potentially resulting in impacts to neighboring wells, and discharges to surface water of groundwater with water quality exceeding applicable standards. These impacts could potentially occur during the mining or post-mining periods. Because of the uncertainty inherent in the bedrock fracture flow system, monitoring will be needed, as mining activities progress, to assess potential impacts. These efforts should be addressed in monitoring and mitigation requirements for the mining and post-mining phases of the Proposed Project."**
>
> **"… A major assumption underlying the [EMKO] procedure is that flow contributions from the workings are distributed uniformly across the mining areas after correcting for depth. However, the subsurface distribution and orientation of bedrock fractures is not uniform and is subject to uncertainty. Discussion of uncertainty and the overall uncertainty of the analytical and numerical model predictions with respect to groundwater level impacts on individual wells should be provided, expanded to include an assessment of the uncertainty in the conclusions developed by Todd Engineers."**

Moreover, the location and number of existing and future impacted wells is also in massive dispute, requiring more and better placed monitoring sites. If (as now, see, e.g., Grp 28-3) the DEIR/EIR misplaces and evades the correct risk monitoring, it will be (as now) impossible to ever satisfy its burdens of proof under General Plan 17.12 or CEQA. Note, as the Wells Coalition demonstrates, the continued comments of the foregoing study and Todd Engineers (2007) "Final Report Hydrological Assessment Idaho-Maryland Mine" (prepared for Rise's predecessor) at pp. 22, 25, and 26.

…[S]everal complexities in the groundwater system could potentially result in a larger or smaller radius of influence. Although larger impacts seem unlikely, it is difficult to prove that aberrations in the system do not exist.

Uncertainties in the analysis indicate that monitoring should occur of a slightly larger area than where impacts are predicted. In addition, the monitoring program should consider adjustments specifically for geological faulting.

Monitoring locations should also include areas outside the predicted impact zone to account of uncertainties in the analysis. Id.

Also, as Itasca itself admits in disputed DEIR Appendix K.3 "Groundwater Model Report Nov. 2020 at 31: "It is expected that the actual mining areas will change from the modeled mining area due to vein geometry and discoveries, which will only be known after extensive underground exploration is completed in the future." As the Wells Coalition explains, the 2008 DEIR also admits (at 4.7-34): "Due to uncertainties regarding the complex geology, groundwater flow, flow dynamics in the mine, and the presence of faults, dewatering impacts to domestic water supply wells cannot be accurately predicted." Accord Revised Project Description (May 2021) Appendix N-T-3: "The geologic formation in which the mine is located is fractured bedrock whose hydrogeology is difficult to predict."

In other words, us potential surface victims living above and around the 2585-acre underground mine are not only at risk for unsubstantiated speculation and guessing by this self-interested miner with many credibility problems illustrated in my and others' objections, but the subject of those guesses can change in ways they cannot now even predict. As discussed elsewhere, risk management multiples risks, so that the more dubious assumptions/guesses the disputed EIR/DEIR makes the greater the cumulative risk. Ask yourself, decisionmakers, if you were trying to sell a house (or convince a mortgage lender's appraiser to support a loan) how would you expect this to affect your property value? See my rebuttal to the County Economic Report at Exhibit A and herein. E.g., I.F.2, I.E.1.b and d, I.E. 3 and 4, I.D.2, I.C.2, etc.

In any case, as the Well Coalition stated correctly at Grp. 28-8: "The DEIR's analysis of groundwater impacts is so fundamentally deficient that those of us who rely on groundwater wells [I would say now or in the future, as climate change dryness leaves us no other option to save our property and forests from becoming dead wildfire fuel] for our drinking supply [and I would add for our vegetation] do not have the fundamental information necessary to fully account for the severity and extent, including the geographic magnitude, of the Project's impacts. Until the EIR accurately discloses the Project's groundwater impacts, it is not possible to determine whether the mitigation the DEIR relies on would even be close to sufficient to protect our wells." Also, the DEIR acknowledges (at 4.8-67) that more groundwater level data is needed to assess the potential impacts on groundwater levels. (I would add, however, that Rise's lack of financial resources admitted in its SEC filings [Exhibit B and DEIR Objection #2] makes it clear that, even if Rise knew what was required and was willing to mitigate adequately, it does not seem able to afford to do so timely. See *Richmond v. Chevron,* rebutting the incorrect refusal of the EIR/DEIR to consider such admissions.**)**

As a result, and considering the many problems illustrated herein and in other objections, I agree with the Wells Coalition (Grp. 28-8) that: "The overwhelming consensus of the experts listed above is that the project '…may threaten the existing quality or quantity of surface or subsurface water which supply adjacent homes and businesses' per County Policy 17.12(1), and therefore the applicant is not in compliance with that policy. In light of the uncertainty present in the hydrology predictions, the DEIR Well Mitigation Plan is inadequate." [And I would say, worse] "because it does not satisfy the conditions of the County Policy, and it has no means of even determining whether those conditions will be met." (Of course, since Rise admitted its lack of resources to fund this highly speculative and risky project in its SEC filings [e.g., Exhibits B and A hereto], it has ample knowledge of how little it can afford of what its EIR/DEIR proposes to do, even given its evident attempts to evade knowledge that would require it to do even more, such as by not adequately investigating the conditions of the mine and proposed mining and groundwater depletion. See *Richmond v. Chevron,* rebutting the incorrect refusal of the EIR/DEIR to consider such admissions.**)**

Consider the following Wells Coalition evidence of uncertainty that rebuts and defeats the disputed EIR/DEIR claims for approval, such as (i) inconsistent or contrary admission by Houmau Liu, Itasca's hydrologist speaking to the NID board 2/9/2022: "With fractured rock there will always be uncertainty and during my career there won't be any 100% confidence in predictions;" and (ii) "The study area has not been monitored by an approved groundwater system designed to observe the dynamics associated with subsurface hydrology. Therefore, many of the initial unknown hydrological and geologic parameters located within the earth between the well and mine elevations still exit." This admission is even more damning (in the prior October 2008 DEIR #4.8 and 4.7-29 addressed at Grp. 28-5): "The groundwater in this particular area is contained in and flows through fractures in near surface bedrock and because of this fracture flow regime, the groundwater flow in quantity varies considerably with location and cannot be predicted with certainty. Furthermore, complete hydraulic separation between the deeper groundwater within the underground mine workings and the shallow groundwater within fractures and supplying the domestic wells cannot be assumed."

Other experts add to these uncertainties, as noted in Wells Coalition Grp. 28-5. Consider the comments of June Oberdorfer, PhD. to the Minewatch Virtual Community Meeting Video Presentation (Oct. 2021) addressing the disputed EMKO Groundwater Hydrology Report: "Even a well calibrated model has a large uncertainty to it, in its predictions. It turns out that this model is not well calibrated, so the uncertainties are almost certainly larger. It's not well calibrated because it tries to make predictions of what will happen in the shallow aquifer without historical shallow well water levels to calibrate to." Accord, Steve Baker (certified hydrogeologist) Response Comment Letter to 2008 Idaho Maryland Mine DEIR: "The fracture systems existing in buried bedrock beneath Grass Valley are not map-able within the resolution needed to predict specific dewatering effects. Technology and state-of-the-art hydrogeology have not developed to a level that fracture mapping is possible. Due to this limitation, hydrogeology modeling is attempted by making an assumption on fracture connectivity." Id.

What does all this and my other groundwater and surface water objections mean for the EIR decisionmakers? E.g., I.F.2, I.E.1.b and d, I.E. 3 and 4, I.D.2, I.C.2, etc.

FIRST, these commentaries and admissions are irreconcilable with many overstated and unjustified expressions or implications of optimism in the EIR/DEIR, whose purported commentaries and "responses" to meritorious objections are, at best, (if not ignored entirely) just disputed speculations, and unsubstantiated opinions, as well as errors, omissions, and other deficiencies often lacking in common sense (*Gra*y) and "good faith reasoned analysis" (*Banning, Vineyards, and Costa Mesa).* SECOND, these commentaries and admissions defeat any credible claim by the disputed DEIR/EIR for compliance with the General Plan, CEQA, or applicable law, and the miner's admitted lack of financial resources (e.g., SEC filings addressed in Exhibits B and A) make the EIR/DEIR plans illusory. THIRD, how is it possible under these circumstances for the EIR to accomplish its goals over the resolute and meritorious objections of those of us living on the surface above or around the 2585-acre underground mine not just under CEQA, but also as competing owners with property rights (e.g., the Supreme Court's *Keystone* decision) claims addressed elsewhere for inverse condemnation, nuisance, loss of lateral or subjacent support (including by groundwater), conversion of groundwater, etc.? See, e.g., Varjabedian v. Madera (1977), 30 Cal.3d 285 (confirming such claims by homeowners downwind of the new sewer plant.) Stated another way, how could any responsible official risk the welfare, health, and property of our community by imposing on us the downside of the EIR's speculative and risky gamble against uncertainties, dangerous mining history, and drying climate change future impacts for this "no net benefit mine" for the profit of this Canadian miner's shareholders? See my DEIR Objection 254 #4 and all the objectionable impacts explained by those objectors listed in my Table of Incorporated by Reference Objections.

As discussed elsewhere, there is another obscured competition for water during climate change dryness and drought that will inspire better and new wells to preserve our way of live, especially during NID water rationing. Consider the following "pick your poison" dilemma into which the disputed EIR/DEIR would force us. Begin with the California Dept. of Parks And Recreation (Agency 1 at 1-2) after it correctly addressed a portion of such dangerous noncompliance:

> Water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers are crucial issues for CSP, and we find the DEIR to be inadequate in mitigations … [C]umulatively and individually these potential significant issues could negatively affect the natural resources, recreational values, health and safety of [that adjacent] Park['s] visitors and employees and the general well-being of Empire State Historic Park…"

See, for example, its expressed concerns about the DEIR/EIR's noncompliance with the California Water Code 13050(f) for failure to protect beneficial uses and the plans of the Central Valley Regional Water Quality Control Board and the Nevada County General Plan. Consider for example, the NSAQMD Agency Letter 12-1 at 11-12, stating:

> "The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos,

silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest."

Again, we locals will be competing against a "no net benefit mine" (my DEIR Objection 254 #4) for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, if our NID water supply to be wasted on dust suppression to avoid lethal air pollution, wells are our last option. Stated another way, if we cannot stop the dust watering because we must save ourselves from such asbestos and other lethal mine air pollution, our competing wells at least will be safe for us, whatever their impact on the mine's dewatering scheme, a mystery ignored by the disputed DEIR/EIR because (to them) this can all be disregarded as "speculative." It's not.

12. **Specialty Mining Risks And Disputes Expose EIR/DEIR Errors, Omissions, And Other Deficiencies, And Those With Experience In Failing Mines Expose How Such Noncompliant EIR/DEIR's Defy "Common Sense" (See *Gray*) And Evade The "Good Faith Reasoned Analysis" Required By CEQA (See *Banning, Vineyards, And Costa Mesa).***

a. Some General Mining Rebuttal Data, Warning About Disputed EIR/DEIR Tactics, And Objection Principles/Topics.

I commend the Sierra Fund, among other technical commentators whose objections I incorporate, for its excellent analysis in Group Letter 26 and for its worthy mining reality comments. E.g., I.F.2, I.E.1.b and d, I.E. 3 and 4, I.D.2, I.C.2, etc. I also echo such concerns, because as a bankruptcy lawyer with significant failed mine experience I can ratify such application of the specialized knowledge one acquires dealing with abandoned mine and reclamation issues, especially regarding the hydrology and water quality and supply problems that will be made worse in this disputed EIR mining and may continue to haunt our community long after the mining stops for any of many possible reasons. The County decisionmakers should ponder the lesson of history illustrated by the reasons more than 40,000 abandoned or bankrupt California mines are on the EPA list. As my and other cited objections have demonstrated that this disputed EIR/DEIR generally ignores or evades its CEQA obligations regarding the end-game impacts, mitigation issues, and remediation whenever the mining stops for any reason, including if and when this miner exhausts what Rise admits in its SEC filings to be limited resources for this highly speculative gamble. See Exhibit B and DEIR Objection 254 #2 regarding Rise's SEC admissions evidencing feasibility rebuttals to the disputed EIR/DEIR. See *Richmond v. Chevron,* rebutting the incorrect refusal of the EIR/DEIR to consider such admissions. Such end game outcome risks will increase for everyone once this disputed EIR/DEIR mining begins, and that history proves how too few miners ever clean up their messes when they abandon their mines. See, e.g., my objections in section III to the EIR's Master Responses 3, 7, 8, 11, 24, and 29. That risk is especially worrisome in the cases of financially limited speculators who begin expensive projects without the resources required to accomplish

much of anything they proclaim in their EIR's in hopes that they find enough gold (or financing bases on some increased prospect of gold) before their deficient funds are exhausted.

Consider how this process began already with so many reasons for my and others' objections and concerns, such as disputed EIR/DEIR errors, omissions, and objectionable claims, speculations, and unsubstantiated opinions masquerading as "facts," especially as part of "hide the ball," "bait and switch," and other noncomplying tactics illustrated in my and others' objections. See section I.A.1.d, DEIR Objections 254 #3.E, and my section II and III rebuttals herein to the disputed EIR Responses and Master Responses to that latter objection. The County should give special attention to such technical objections of experts, like the CEA, the Sierra Fund, and others who I have identified in my Table of Incorporated by Reference Objections or Exhibit D. Decisionmakers should also give attention to those like me and Sierra Fund who have substantial experience in evaluating the reasons why so many mines predictably failed, leaving a legacy of misery for the communities they exploited with unremedied impacts. See, e.g., my incorporated objections from my such Table at Agency 1, 10, 11, 12, and 15, as well as my objections in section III to the disputed EIR's "Responses" to my DEIR Objections 254 #'s 3.D, E, F, M, N, 4, 5, and 6.

Those who manage risk properly by considering the odds (including insurers) multiply the likelihood of the harm by the magnitude of the harm if it happens. Here, my and other objections demonstrate that both of those numbers are large, resulting in a substantial risk factor calculation. What that history teaches, among other things, is that this is not just a battle of "experts," because experienced people like me and some other objectors can and do here support our objecting experts by demonstrating how such a proposed mine, especially a proposed restart of a previously abandoned and flooded mine like this one, whose underground conditions are uncertain and insufficiently evaluated, and the EIR/DEIR speculations and unsubstantiated assumptions or opinions defy "common sense" and evade its EIR obligation to provide a "good faith reasoned analysis" of even obvious risks and threats, as required by *Gray, Banning, Vineyards,* and other authorities.

Throughout these objections and such others, **the EIR/DEIR has failed to do sufficient current and relevant investigation and evaluation comprehensively, as distinct from using outdated data and irrelevant studies or opinions (e.g., incorrectly claimed to be "similar"), as if the DEIR/EIR preferred the mystery to (it claims) avoid what it calls "speculation," thereby attempting to force us locals to suffer the EIR/DEIR many repeated gambles on unknowns or uncertainties that should not, and need not, exist if the EIR/DEIR were on a reasonable search for the relevant truths, rather than maneuvering to create what it incorrectly considers a sufficient case for the mining. The EIR/DEIR repeatedly has refused to disclose CEQA and other necessary information that is readily available to it (and is essential to potential local victims), even to simple things, such as the street addresses or other identifying surface landmarks revealing where all the victims are in relation to the 2585-acre underground mine below and around us thousands of surface owners and users, as well as other particular operations, nuisances, risks, and threats.** Also, the EIR/DEIR acts as if this were a game where a "tie goes to the offensive player" (the newly reopened mine) instead of the defenders (the existing resident potential victims objecting and trying to preserve their existing rights, property values, and way of life.) That is backwards, wrong, and certain to be disputed by us victims until we prevail or all our remedies are legal and political exhausted, since these are our homes and fundamental rights and economic values we are defending in contrast to this Canadian miner's private gamble for its shareholders' profits at

our risk and expense. If the EIR/DEIR cannot convince those who live above or around the 2585-acre underground mine that this project is safe, not harmful, and of some benefit to them, then no responsible government should approve it over the massive and meritorious objections here in the record, few, if any of which, are persuasively overcome on their merits, as opposed to being ignored, evaded, or resisted with resolute uncertainties under disputed models or theories without sufficient evidence on the merits that would prevail in court or in the political arena.

The Sierra Fund correctly explained why the starting condition of the existing mine, closed and flooded since 1956, is grossly under-evaluated. Those technical objections reveal massive risks to the welfare, health, and safety of our community and our property (and values). Objections like mine apply to such risks the legal authorities, "common sense" (illustrated in *Gray)*, and "good faith reasoned analysis" (e.g., *Banning, Vineyards, and Costa Mesa*) that should defeat any attempt by this disputed EIR/DEIR to satisfy its burden of proof. **The project proponent has the burden and responsibility for that result. *Sierra Club,* 6 Cal.5th at 513-14. As I keep protesting about the constant effort by the disputed EIR/DEIR to shift the burden of proof and demand more explanations and substantiation from me and other objectors, the CEQA burdens for analysis and reporting fall on the EIR applicant, not on the objectors. E.g., *Kings County Farm Bureau v. City of Hanford* (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the agency, not the public.** While so far in this DEIR/EIR process the applicable law seems to have been overlooked by incorrectly giving Rise the benefit of massive doubts as expressed in many meritorious objections, that evasion cannot survive the legal, law reform, and political challenges that would follow any mistaken approval of this disputed EIR/DEIR. See my Table of Incorporated by Reference Objections. While I deal with many topics with more force in other comments in this Objection and others, my purpose now it to illustrate some examples of those coming attractions that reveal the kinds of errors, omissions, and deficiencies that discredit the noncompliant EIR/DEIR from any approval.

b. Some Sierra Fund Mining Lessons Exposing EIR/DEIR Noncompliance.

As to omissions, about which there should be no serious debate on merits as to the noncompliance by the disputed EIR/DEIR, consider the following examples on which there seems a broad consensus among objectors, as Sierra Fund summaries (Group Letter 26): (i) my and other objections demonstrate there is a general, inadequate evidentiary foundation on which the EIR/DEIR is based for the required environmental review and mitigation measures; (ii) in the ultimate illustration of false equivalence defying "common sense" and "good faith reasoned analysis," the critical for CEQA "geochemical characterization of the 2 million tons of waste rock produced during the 11 years of mining and nominally the waste rock production from the entire 80 year life of the proposed permit" (sometimes falsely rebranded in the DEIR/EIR as misleading "engineered fill" as many of us have protested) is represented for predictive analysis of "approximately 96% of … [such] waste rock by these two samples which come from a total of 11 feet of drill core" cited at Grp 26-4 as "one 10-foot interval drill core ['Sample MA-2 from 3959.7' to 3969.7'] and one 1-foot sample [MA-3 from 3265' to 3266']" selected by Benchmark Resources from six drill core samples. As such objecting experts correctly contend, and consistent with "common sense" and "good faith reasoned analysis," such drilling cores are not sufficient to provide such required geochemistry of the waste rock and tailings and, therefore, to adequately assess the EIR mining impacts. (The also fatal omissions in surface and groundwater

quality and quantity data, such as test data on the leachate from that waste, compound that problem and prevent modeling of potential impacts, as I explain elsewhere. Asbestos and hexavalent chromium menaces are among others not properly assessed, as demonstrated elsewhere herein.) Since there are many ways miners have learned to "game the system" in testing, any adequate, compliant, and revised EIR must "do this right," such as by requiring water sampling to be done during storm events and using EPA certified laboratories to do trace hazardous materials detection, including for the hexavalent chromium in the mine cement paste being added, although, as this Objection demonstrates, the DEIR/EIR has obscured and incorrectly assessed that threat; (iii) Another such example is that, while admitting some historical collapses (DEIR at 574-576), the applicant propounds (at Id. and 542) unsubstantiated and disputed claims (a) that the underground mine workings focused on "removal of quartz vein materials that are generally narrow," so "the collapse of a deep (e.g., 100 feet bgs) mine feature is not likely to be expressed at the ground surface" and (b) that "they believe in all areas where the separation equals or exceeds 100 feet there is no chance that ground water drawdown could affect surface structures." [Note, that is what frackers in Oklahoma and Pennsylvania said about before they caused huge numbers of earthquakes and problems where none previously occurred.] Why will history not repeat itself or worse, especially as the disputed EIR mining dewatering depletes the groundwater 24/7/365 for 80 years? What proof do they offer? Also note that, as my objections demonstrate elsewhere (e.g., herein below and in my DEIR Objection 254 #'s 3.N, 4, and 14 and *Keystone*), us surface owners above and around the 2585-acre underground mine own that groundwater that is providing us with lateral and subjacent support as a property right, not just an environmental right; (**iv) Under the applicable regulations (27 CCR 22510(h)) the Regional Water Board can require satisfactory financial assurances from the miner to cover closure and post-closure mining activities that continue until the Board is satisfied that reclamation is complete and the waste no longer threatens water quality;** (v) While my objections address elsewhere many other noncompliance examples relating to hazards and hazardous materials, including the hexavalent chromium menace the disputed DEIR omitted and obscured, and the EIR also tried to evade and obscure to a lesser but still noncompliant extent, the Sierra Fund at Grp/ 26-7 identified an interesting and generally overlooked example of DEIR omissions regarding the mining operation's **mineral assays**, with deficiently disclosed environmental impacts due to five days a week assaying (DEIR 199, Table 3-8), emitting lead fumes and disposal of lead-contaminated crucibles and cupets without disclosure or mitigation; and (vi) Besides my other objections to omissions, errors, and worse noncompliance involving hydrology and water quality, focus here on noncompliance with Title 27 of the California Code of Regulations # 22470 et seq. that the Central Valley Regional Water Quality Control Board applies in regulating "mining waste" discharges (# 22480) pursuant to its Land Disposal Program.

Here, the Sierra Fund explains how 350,000 tons of ore removal a year/28 million tons during the 80-year permit period will create under-evaluated impact problems. Not only does the disputed DEIR/EIR fail to prove its incorrect classification of waste rock as Group C (a classification not yet accepted by the CVRWQCB), but the Water Board tests (e.g., ASTMD 5744) over the required period (e.g., 40 weeks) may confirm objectors' classification of such waste as Group A or B, consistent with the historical waste findings at Centennial. (Again, the disputed EIR/DEIR never adequately proves that we must expect a better/safer result from this mining than was suffered from the Centennial mining.) The same problems occur with the tailings the disputed DEIR/EIR proposes to use for mine shoring (exposed to 24/7/365

dewatering for 80 years) incorporated into hexavalent chromium cement paste backfill. The Sierra Fund not only exposes key omissions, but also explains more reasons (besides those others I cite) for denouncing the 2/24/2020 Itasca Desktop Study of Cemented Past Backfill that misleads people into imaging that its acid base accounting is even relevant, much less determinative, of the unexplained Group A or B versus C classification issues.

c. Some Illustrative Centennial Disputes.

As to the many examples of improper tactics, such as "hide the ball" and "bait and switch" (see, e.g. I.A.1.d. and DEIR Objection 254 #3.E) that I address in this and my other Objections, **note that the Centennial site (which must be considered part of this integrated project as I demonstrate elsewhere; e.g., I.B, and I.A.1 d.(ii)) evades the admittedly toxic conditions existing at the Centennial site improperly instead by "adjusting the environmental baseline for Centennial Industrial Site to use the above described post-remediation condition instead of existing conditions at the Centennial Industrial Site (DEIR Page 1-4)." See my objections to EIR's Master Response 9 in section III below.** As demonstrated elsewhere, there is no approved such Centennial remediation plan, and such remediation may never occur for many reasons, including because Rise admits in its SEC filings that it lacks the financial resources to accomplish much of any such important things it claims to aspire to do in the disputed EIR/DEIR. See Exhibit B and my DEIR Objection 254 #2.

d. Misleading EIR/DEIR Terminology (e.g., "Engineered Fill" Rebranded From Mine Waste) And Related Concerns About Waste Dumping Options.

Another example, besides the misleading use of terminology (e.g., calling waste rock "engineered fill," despite occasionally admitting that it's the same at DEIR p.653, and other disputed tactics in section I.A.1.a (iii)), is the disputed, misleading, and unsubstantiated claim that the EIR doesn't have to disclose impacts of waste disposal when its local Centennial and Brunswick dumps fill up (assuming the miner even obtains the regulatory approval for that dumping, which threatens not only the Wolf Creek and related areas, but also our groundwater, see, e.g., California Dept. of Parks And Recreation in Agency 1, Bear Yuba Land Trust in Group 2, and many others in my Table of Incorporated by Reference Objections). See my objections to EIR's Master Responses 8 and 11 in section III below. The disputed EIR/DEIR imagines implausibly selling on some market that likely toxic waste as rebranded "engineered fill," assuming/speculating that buyers will be as gullible as whoever believes this disputed excuse for failing to address the impacts of the likely inability timely to sell this (at best) controversial waste. Note that the DEIR admits (at 534) the obvious (i.e., the tailings, waste rock, and soil at the Centennial site contain "lead, arsenic, mercury, and other metals at concentrations exceeding …regulatory benchmarks…"), thus creating a presumption that new waste rock piles will also contain such hazardous materials.

That problem of waste rock disposal is magnified when the hexavalent chromium cement mine paste toxins become a cause for stopping the cement paste backfill-shoring plan in the disputed DEIR/EIR under the aforementioned Title 27 regulations, as the dewatering washes past them 24/7/365 for 80 years for disputed treatment and flushing away downstream to unsuspecting NID customers. In any case, the biggest omission that makes everything else in the

EIR/DEIR misleading or worse is that any of the various permits the miner manages to get from the Water Board over objections all expire long before the 80 years of mining (e.g., NPDES permits for discharges to surface water expire unless renewed every five years under the Clean Water Act, after public comment), which means many replays of this current community opposition on at least the same basis plus every other noncompliance discovered in the interim.

e. Some Groundwater And Water Related Mining Risk Illustrations of EIR.DEIR Noncompliance.

By denying the "significant" groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for many such "significant," overlooked, understated, or noncompliant impacts. Besides my incorporated water related objections in section II. P, Q, R, S, T, AF, AJ, AL, and AM herein rebutting EIR Master Responses, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. My objections in the relevant sections rebutting EIR Master Responses to groundwater depletion, quality and other harms, and other adverse impacts (e.g., #'s 13-16, 29, 33, 35, and 36) are incorporated here to minimize duplication, although the disputed EIR's substantial duplication merits some responses here. See also objections to other Master Responses which mix groundwater and other issues, such as #'s 1-3, 6-11, 17, 20, 24, 29, and 35.

Also, despite my extensive discussion of such legal, environmental, and other issues in my DEIR Objection 254 from the perspective of potential victims with violated property rights to become at issue for us owners and users of surface lands (at least down to 200 feet) above and around the 2585-acre underground mine, the disputed EIR ignores those issues and rights entirely. See section I.F.9 and 8. As stated in various such objections, those objections cannot be limited by the disputed EIR/DEIR interpretations of CEQA (see my corrections in section I.C and D), and they must be considered compliantly, analyzed, and mitigated, because such EIR property rights violations will trigger many legal property disputes regarding surface owners' and users' competing and shared rights to the groundwater and other environmental impacts at issue, as well as to rights of lateral and subjacent support to prevent "subsidence," which as the Supreme Court explains in Keystone, includes support from our groundwater. As so described and as demonstrated herein, the disputed EIR/DEIR fails to overcome my objections and those of others in my Table of Incorporated by Reference Objections.

Remember this Project is not to start a new mine using modern analysis, tools, techniques, and other methods, but rather to reopen, expand (e.g., with 76 miles of new blasted tunnels and related mining and dewatering), and presumably shore up (using toxic hexavalent chromium cement paste without proper CEQA and Prop 65 warnings and analyses) a mine flooded and closed in 1956, which is in an unknown (e.g., what is imagined is based on unreliable, complete, and disputed historical records), uninvestigated, and untested condition, because (I suspect) the miner may not have wanted to know the inconvenient truths, but preferred the disputed EIR/DEIR's abstract theories, models, and comparisons to supposedly "similar" mines (which we dispute as false equivalence tactics.) Even if the EIR/DEIR wanted to claim some analysis of the existing mine that was closed and flooded in 1956, it did not analyze the actual conditions there to achieve useful knowledge, but instead sifted through incomplete, unreliable, and often erroneous historical records about the mine to support its chosen narrative.

As noted elsewhere, that house of cards would not long survive evidentiary motions in court where evidence must comply with rules to assure credibility, accuracy, and admissibility.

There is an extensive body of law that has been developed over many years as to the competing rights in disputes between surface owners and users versus underground miners beneath or near them. See, e.g., *Keystone*; *Gray*. While my DEIR Objection 254 addressed such issues (at #'s 3,N, 4, and 14) because they will also have impacts on the mine's environmental compliance, mitigation, and feasibility, the EIR erroneously (and apparently willfully) ignores that here by reducing our many disputes down to a different, but related, dispute where I begin, which is dewatering causing "subsidence," i.e., the use of groundwater to support the surface and protect the surface owners' and users' property there. See *Keystone*. This could be the scene in the old Clint Eastwood/Lee Marvin movie "Paint Your Wagon" about Nevada City (therein called No Name City), where the miners digging under the saloons and stores for gold dust falling between the cracks in the floorboards caused the whole town to collapse into the mining holes. However, one does not need to cause that kind of crisis or even earthquakes (e.g., like well depletion of groundwater in the Central Valley dropping the surface and breaking the surface infrastructure in the process, or like the fracking depletion of groundwater is doing to cause earthquakes in Oklahoma, Pennsylvania, and elsewhere where they never existed before) to trigger surface owner remedies. It is enough that surface infrastructure is so damaged, as one now sees throughout our central valley (e.g., Bakersfield) where, for example, tree farmers are pumping groundwater to save their trees, and dropping the surface level as much as six feet (so far), and thereby harming homes, roads, utility pipes, and other infrastructure by resulting, differential settlement of such surface areas. That threat was enough to inspire disputed EIR Mitigation Measure 4.6-3(c) "to close six near surface mine features," as if somehow that solved the problem, which it does not do. The deeper mining can still have adverse surface consequences, and no persuasive case is made in this EIR Master Response to the contrary with common sense and good faith reasoned analysis; the disputed EIR just asserts that this is a "near surface work" risk, because that is all they reportedly had NV5 study in its disputed "Geotech Review of Near Surface Features" (Table 1 of Appendix H.6 cited in the EIR at 2-122). (Again, the EIR is focused on the Brunswick shaft area, rather than our objectors' surface above and around the 2585-acre underground mine where thousands of us live.)

The US Supreme Court has addressed in objectors' favor such surface owner versus underground miner disputes in cases I address here and in my DEIR Objection 254 #3.N (as well as in my #'s 4 and 14), such as ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987)(rejecting "taking claims by miners against laws protecting surface owners' property rights to lateral and subjacent support, including by groundwater, to prevent "subsidence," including loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal to support the surface. *Accord*, ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner.) **As noted herein, the admitted lack of currently available financial resources by the miner to perform its EIR safety, mitigation and other obligations (see Exhibit B and Objection 255, addressing discussed Rise admissions in SEC filings, and in the DEIR, e.g., at 6-14 admitting to financial infeasibility**

unless the EIR is approved "as is") is not just a CEQA problem, but it also enables us victims to take proactive defensive mitigation actions on our own at the expense of the miner (and, depending on the facts, the County). See, e.g., my DEIR Objection 254 #' 4 and 14, including my legal authority counters herein to the disputed EIR Response To Comment Ind. 254-54 to 60

Instead of sufficient testing and analysis for the actual 2585-acre underground mining threat, both deep and shallow, the disputed EIR gambles (once again) us surface owners' fates on **the EIR's highly qualified and disputed general theories, usually qualified with subjective (therefore, vulnerable to misleading extreme interpretations) words like "generally" or "likely."** For example (with emphasis added), our surface owner and user property rights are vulnerable whenever we're an exception to the EIR/DEIR's general, unverified and disputed assumptions, such as (EIR at 2-122): (1) "near- surface features are **GENERALLY** more susceptible to subsidence and collapse than deeper mine workings, because the near-surface features **MAY BE l**ocated in weaker materials (soil and weathered rock); whereas the deeper mine workings are **COMMONY LOCATED** in competent bedrock; (2) "underground mine workings focused on removal of quartz vein materials that are **GENERALLY** narrow, so the collapse of a deep (100 feet bgs) mine feature is NOT LIKELY to be expressed at the ground surface;" and (3) being conservative and considering 100 feet below ground surface (bgs") to be "deep," [but the property rights of us surface owners to the "surface" is admitted in the Rise SEC 10K filing to be 200 feet down; see Exhibit B and DEIR Objection 254 #2] "NV5 believed that collapse of features even closer than 100 feet **ARE UNLIKLEY** to be expressed on the surface." [But, again, that surface is legally at least 200 feet down] Despite all those qualifications (with such disputed, subjective standards giving exaggerated effects) and our many objections somehow, despite lacking the data needed for more reliable data, the disputed EIR then incorrectly and misleadingly concludes that: "therefore underground working that have potential to cause subsidence at the surface have been thoroughly analyzed in the DEIR."

The County decision makers should ask how a surface owner can expect to sell a house or protect its property values with such disputed "general" qualifications, lack of sufficient study/investigation, and exaggerated, subjective "latitude" for dangerous exceptions. (Literally a surface seller would have to tell the buyer or its mortgage lender or appraiser, in effect: "don't worry, disputed experts have produced a widely disputed EIR full of demonstrated errors, omissions, and objectionable tactics that says you GENERALLY don't have to worry about 'subsidence and collapse' of the surface improvements and land as a LIKELY result of the 24/7/365 blasting, dewatering, tunneling, mining, and other protested activities beneath your house.") Also, one of many signs that this disputed overstatement (lacking any of those qualifications in the cited premises on which such conclusion is based) applies to the wholly owned Brunswick site, but not to the 2585-acre underground mine below our surface, is that our surface ownership above and around that underground mine goes down at least 200 feet, so there is no mining at all above that 200 feet of our "surface" property, or, if you believe the disputed EIR's self-restraint plan, 500 feet.

f. Illustrations of Disputed EIR Mining Practices Threats And Illusions.

When the EIR addresses the new underground mining activity in its section explaining the tunneling and mining methods (citing DEIR 3-19), consider the following examples of where the EIR chooses to miss the point of even the "subsidence" part of our many EIR ignored

objections. Here, for example, the EIR leaps incorrectly to the unproven, false, and disputed assumption that only "near surface" mining causes dangerous subsidence (in the only portion of the mining it chooses to discuss, whatever that is, because the EIR/DEIR is never clear about that location, consistently using false equivalence assumptions that everything is the same as whatever part it considered specifically). With some unsubstantiated, "aspirational," not enforceable (or affordable/feasible considering Rise's SEC filed financial distress admissions in Exhibit B and DEIR Objection 254 #2), everyone should be at least skeptical comments about future aspirations to use "best mining practices" which is a low bar standard, sort of like saying "best hockey practices" (an analogy chosen because rule breaking and penalty box time are accepted parts of that sport, sort of like tamer "best cage fighting practices.") Nothing in such disputed EIR/DEIR aspirations are reliable, compliantly described/analyzed, or proven, which recall involves new blasting, tunneling, dewatering, and mining into unknown and uninvestigated conditions underground that Rise has not explored or evaluated (i.e., this is the kind of "best mining practices" to be expected from such speculating gamblers at the risk of us surface owners above or around the mine.)

The result of this disputed EIR discussion is this additional, unsubstantiated, unproven, and disputed conclusion (at 2-122, emphasis added): **"Therefore, it is UNLIKELY that any new underground openings would produce a fall of ground or collapse that would affect the integrity of the mine." Notice that it only speaks to the "integrity of the mine," but not to subsidence or the safety of the thousands of us living on or using the surface (and the next at least 200 feet) above and around the 2585-acre mine (a clever "bait and switch" evasion/nonresponse too common in this disputed EIR/DEIR). And again, this qualified (i.e., UNLIKELY) subjective standard will never satisfy any buyer or its lender or appraiser, even if they trusted the source of the opinion and the basis for that conclusion, both of which are doubtful insufficient at this point, especially considering all the credibility issues with the widely EIR/DEIR.** See my Table of Incorporated by Reference Objections.

Likewise, the overall EIR "Conclusion" also does such a "bait and switch" by opining (at 2-123, emphasis added) with this even less reassuring and disputed opinion: "**The DEIR's evaluation of the potential for dewatering to result in collapse of surface materials is legally adequate" (a disputed reference to the EIR's disputed and incorrect CEQA standard (see, e.g., sections I.C and D), not the legal standard for protecting surface owner and user rights from such underground mining (see, e.g., *Keystone* and similar authorities.) Stated another way, the disputed EIR is NOT ASSURING US OF SAFETY, but rather claiming that the EIR miner claims it has a credible legal defense when the mine causes harm. First,** notice that dewatering is only one possible cause of loss of the required lateral and subjacent support resulting in subsidence, and blasting in the wrong place or conditions and others also can be causes for violations of surface rights to be free of subsidence, e.g., changing the course of underground water flows. **Second,** the subsidence violations can still exist from property/environmental harms much less severe and dramatic than "collapse," although mine cave-ins are not uncommon events. **Third,** the vague and ambiguous "legally adequate" standard is subject to dispute, because I am certain us surface owners and users above the 2585-acre mine will disagree with the miner about what is and is not "legally adequate." See my Supreme Court *Keystone* decision above and others.

13. The Disputed EIR Also Evades My Meritorious Objections In Various Incorrect Or Noncompliant Ways With Meritless Or Worse Excuses Or Unexcused Or Worse Omissions, Lacking Both "Good Faith" And "Reasoned Analysis, " Such As: (i) By Disaggregating/Chopping Up My Integrated DEIR Objections 254 and 255 So As Incorrectly To Claim Inadequate Detail Or Explanations In Such EIR Artificially Selected Fragments (Such As Because the EIR Ignores Cross-References And Incorporations In My Objections); (ii) By Incorrectly Or Worse Rejecting Objections As "Speculation," "Unsubstantiated Opinion, Etc. Contrary To Applicable Law, Whether Substantive, Procedural, Or Evidentiary; (iii) By "Legal Errors" (Including EIR Ignoring the Legal Component In "Mixed Questions of Law And Fact"); And (iv) By Other Improper Tactics/Techniques Creating More Objections By Exposing EIR Credibility Problems That I Cite In My Counter Impeachment And Rebuttals, Such As in Sections II and III Below.

a. How The Disputed EIR Often Evades Any Meaningful, CEQA Compliant "Response" By Frequently Chopping My Objections Into Fragments And Then Complaining About the Insufficiency of Each Fragment by Ignoring Both The Rest of My Actual Section And My Internal Cross-References And External Incorporations By Reference. See my protests in each such case in section II (my objections to EIR Master Responses) and in section III (my objections to EIR Responses to What It Calls My Individual Comment Ind. 254-1 et seq.)

My such EIR/DEIR objection format is often to state my objection with a few examples or background for clarity or context, with details provided both (i) in specific cross-references to other parts of my long, point by point and subject by subject objections, and (ii) in other cited support (e.g., incorporated EPA websites etc. or third-party objections, such as in my Table of Incorporated by Reference Objections). The disputed EIR constantly also chooses to create such defective and wrongful excuses to evade my such **integrated** section objections (with such cross-references and incorporations). CEQA and applicable law do not permit such continuous EIR **isolation in fragments by cutting up my organized sections and then judging the EIR's chosen fragments as if they were all that was stated, thus ignoring my cross-references and incorporations.** See sections I.A.1.d, I.C, I.D. and I.E. I cannot perceive any logical pattern besides evasion tactics for how some of my objections are fragmented and others are not, as anyone can confirm by reviewing my section III rebuttals below. For a quick survey of such evasions please compare the following sections of my DEIR Objection 254 to their EIR cuts and my corresponding objections in section III. E.g., my Objection 254 # 3.A (EIR cuts 254-6 to 10), my such #3.B (EIR cuts 254-11 to 13), my such #3.C (EIR cuts 254-14 to 15), my such #3.D (EIR cuts 254-16 to 19), my such #3.E (EIR cuts 254-20 to 31), my such #3.F (EIR cuts 254-34 to 35), my such #3.J (EIR cuts 254-39 to 42), my such #3.K (EIR cuts 254-43 to 45), my such #3.L and M (EIR cuts 254-46-49), my such #3.N (EIR cuts 254-50 to 53), my such #4.A (EIR cuts 254-54 to 60), my such #4.B (EIR cuts 254-61 to 63), my such #4.C (EIR cuts 254-64 to 65), my such #5.A (EIR cuts 66 to 70), my such #9 (EIR cuts 254-78 to 79), my such #13 (EIR cuts 254-87 to 88), and my such #15.B (EIR cuts 96 to 99).

For example, as repeatedly demonstrated in my rebuttals in sections II and III below to the disputed EIR's nonresponsive Responses to my Comments Ind. 254-1 et seq, the EIR wrongfully chops up my integrated arguments so that it can complain that its cherry picked parts lack sufficient details or examples that actually appear (or are incorporated by reference) elsewhere in my integrated objections (e.g., among the worse examples is the EIR's chopping up of my DEIR Objection #3.E, ironically focused on how the EIR/DEIR wrongfully "hides the ball," deploys "bait and switch" tactics, and otherwise evades objections to DEIR/EIR errors, omissions, and other flaws, such as, for example, regarding my water and hexavalent chromium issues in Objection 254 #3.E, into many artificially segregated parts in Comment Ind. 254- 20 to 22 to which the EIR responds as if each such disconnected/disaggregated segment were my entire objection and contained no cross-references or incorporations by reference and were not part of my integrated composite objection. See my rebuttal above at section I.F.5. My #3.E is only one of many such examples, illustrating (and cross-referencing and incorporating) places in my DEIR Objection 254 that expose water and hexavalent chromium related errors, omissions, and noncompliance in the DEIR. I use that simple #3.E (and I.A.1.d and I.F.5 above) example, because it was intended to expose some EIR credibility problems with illustrative examples of the many substantive rebuttals in my Objection 254 to such errors, omissions, and noncompliance spread out in the DEIR, since such water and hexavalent chromium issues are a common problem to many of the DEIR/EIR claims, bogus theories, speculations, unsubstantiated opinions, and worse.

Throughout my DEIR Objections 254 and 255 and my Objections to the EIR, I often expose EIR/DEIR errors, omissions, or noncompliance by using rebuttal or impeachment quotes and other **admissions** from the EIR/DEIR or from Rise SEC filing that are contrary to other disputed claims in the EIR or DEIR. See, e.g., my DEIR Objection 254 #'s 1.A. and 3.A (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-6), my such #2 (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-5 and -6), my such #'s 3.E (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-20 to 33), my such #3.F (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-34 to 35), my such #3.K (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-43 to 45), my such #3.M (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-46 to 49), my such #3.N (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-50 to 53), much such #5.B (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-74), and my such #13 (and my section III objections herein to counter the corresponding EIR Responses To Comment Ind. 254-87 to 89).

Among the other common, disputed EIR tactics (and CEQA noncompliance) that I demonstrate, is incorrectly claiming that the disputed EIR can ignore or dismiss (as it frequently does) my meritorious objections (even the evasive way the EIR has so divided my integrated analyses to seem less coherent) by incorrectly alleging they somehow have deficient explanations or lack sufficient detail. However, that bogus evasion by the disputed EIR is too obvious and by itself requires rejection of the EIR by the County decisionmakers, as also does the substance of my objections, which are all sufficient on their merits. Note that many of the disputed EIR's nonresponsive "responses" complain about my objections not providing sufficient details or explanations, but such disputed EIR claims entirely disregard my cross-

references and incorporations by reference in my such objections. Moreover, my objections have often been more detailed than the DEIR/EIR statement to which I was objecting, so that where the disputed EIR alleged my objections to be deficient (eg, lacking sufficient detail, clarity, or explanation), the DEIR/EIR comment which I was disputing always had even more such flaws. That demonstrated fact in section III excuses my such alleged deficiencies, because, as I have demonstrated above, (i) the primary CEQA burdens are on the miner, not the victims like me, and (ii) CEQA requires the EIR/DEIR to provide a "good faith reasoned analysis" applying "common sense" as in *Gray* (see my DEIR Objection 254 #'s 3.N, 4, and 14 and my objections herein defending against the disputed EIR responses thereto, citing to ***Banning, Vineyards, and Costa Mesa***). Impacted victims like me should be able to defeat the disputed EIR/DEIR merely by demonstrating that errors, omissions, and noncompliance therein fail to present the CEQA required such "common sense," "good faith reasoned analysis," since the burden of proof is on the miner and its approving authority. **The project proponent has the burden and responsibility for that result. *Sierra Club*, 6 Cal.5th at 513-14. As I keep protesting about the constant effort by the disputed EIR/DEIR to shift the burden of proof and demand more explanations and substantiation from me and other objectors, the CEQA burdens for analysis and reporting fall on the EIR applicant, not on the objectors. E.g., *Kings County Farm Bureau v. City of Hanford* (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the agency, not the public.**

I object to the disputed EIR so evading my Objections by treating each of its artificially selected cuts of my integrated arguments as if it was a self-contained argument that could be compressed and discarded without considering its connections to the rest of my long DEIR Objection 254 (and what it incorporates and offers to prove at trial (e.g., with witnesses, impeachment, and rebuttals), which was necessarily spread out in DEIR Objection 254 to match the many different sections of the long DEIR containing the same or related spread out errors, omissions, and other noncompliance.) By analogy, this wrongful DEIR/EIR technique is the equivalent of a EIR applicant chopping up an opposing movie documentary into still photos, so that it can then attempt to complain that each such individual photo does not reveal what the movie maker claimed in a summary of the movie, but which is actually in the movie elsewhere than in that one photo. A review of my unmolested DEIR Objection 254 #3.E example (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has not only rebutted this nonresponsive, disputed Response, but proven that this disputed EIR/DEIR cannot be approved as credible or compliant with CEQA or other applicable law. See section I.A.1.d and many others above.

I have highlighted examples of in EIR Responses To [my] Comments Ind. 254-1 et seq. of evasions by both omission of whole topics or issues or paragraphs in my Objection 254, as well as omissions of key reasons and bases of my such objections to something which the EIR/DEIR ignores. I have labeled some (not all) of my objections to the titles of disputed EIR Responses to My Comments Ind. 254, and other things to which I object. Those objection labels enable me to identify for readers certain illustrations of certain types of errors, omissions, and flaws. (I address separately similar evasions, omissions, and other flaws in the Master Responses, because such Master Response debates are more complicated to expose, since the EIR advocates may attempt to argue that they can choose whatever part of a disputed idea they wish in the Master Response, except that the same kind of evasions, omissions, and flaws appear in Master Responses when they are examined as applied to my Objection 254 by cross reference in EIR Responses to (my) Comments Ind. 254 to which I have objected. In effect, they too often

claim "1 plus 1 equal 3;" i.e., "1" in the EIR Master Response plus "1" in the EIR Response to (my) Comment Ind. 254-1 et seq. equals 3, which is wrong, whether whichever part of that disputed formula is wrong.) See, e.g., examples below of such disputed Master Responses with such evasions, omissions, and flaws exposed by my objections thereto. Consider, for example, the following illustrations how (without even any attempted excuse) **such disputed EIR/DEIR Responses To Ind. 254-1 et seq totally ignored certain of my objections,** as my corresponding objections below demonstrate. Also, consider the various other EIR/DEIR evasion tactics I expose herein, where in such disputed EIR Responses to my Comment Ind. 254-1 et seq. and Master Responses it either "hides the ball" or addresses too narrowly in an improper "rewrite" in what I addressed more broadly in my actual objection, often because of the way the EIR sliced up my integrated Objection 254 arguments into smaller parts that were less informative and persuasive, as I explained above and demonstrate below in such instances.

Thus, the disputed EIR frequently cuts up into artificial fragments my integrated objection comments in its selectively labelled fragments instead of my such sections that match my detailed Table of Contents, and then the EIR wrongly treats each such EIR designated fragment (called an EIR "Response To Comment Ind. 254- 1" et seq.) as if the EIR's such selected cuts each had to stand on its own without considering the cross-references and incorporations therein. For coherence my objections had to track the corresponding order of errors, omissions, and noncompliance in the disputed EIR (like also in the disputed DEIR, since the EIR basically adopts the whole, disputed DEIR without any of the badly needed corrections or reforms). That means that the introductory or general sections of the disputed EIR/DEIR required my noting my objections as errors, omissions, and worse occurred in the disputed EIR/DEIR before reaching the major substantive parts disputed later in the sprawling EIR/DEIR, where I matched their more detailed comments with my more detailed objections. In other words, such EIR/DEIR's artificial fragmentation of my Objection sections is responsible for the redundancy (and the less detailed "coming attraction" type objections) early in such document fragments, with cross-references to my more detailed objections to the major disputed substantive topics coming later in the document (eg, for example, my objection to the DEIR "Hazards And Hazardous Materials" section 4.7 [e.g., noting the total omission of hexavalent chromium analysis] is what the EIR here partly calls its "Response To Comment Ind. 254-1"). That cannot be avoided or blamed on me, since I am matching the disputed EIR/DEIR in sections II and III disputed sentence by sentence.

b. The EIR/DEIR Constantly Defies "Common Sense" And Fails And Refuses To Provide the Required "Good Faith Reasoned Analyses" To My Objections, Especially as To My Complaints That the Disputed EIR/DEIR Rarely Justified Their Disputed Mitigation Claims And Wrongly Failed To Reply To Many of My Objections, Incorrectly Claiming That My Objections Were Speculative, Unsubstantiated, Or Not Explained (Which Involved the Disputed EIR/DEIR Ignoring All The Many Cross-References, Incorporations of Other Objections, And Other Disputed And Improper Tactics.)

Like the disputed DEIR, the disputed EIR is noncompliant with CEQA and other applicable law, among other things addressed throughout this Objection document, because the EIR improperly disregarded meritorious objections based upon either the EIR's mistaken or

worse assumption that it can ignore or reject such objections on such incorrect grounds that such objections provide insufficient detail, are too speculative, contain unsubstantiated opinions or narratives, or are otherwise outside the alleged boundaries of CEQA (even though in many cases what I have objected to in the DEIR/EIR is itself contrary to its own standards for what is too speculative, unsubstantiated, or otherwise outside its disputed CEQA boundary claims.)

While my DEIR Objection 254 objected to many such tactics that failed to meet that "good faith reasoned analysis" standard (e.g., Objection 254 #3.E; *Banning, Vineyard, and Costa Mesa*) and the *Gray* "common sense standard in DEIR Objection 255, this disputed EIR did much worse in evading my meritorious objections time after time as I explain in section III protesting almost every one of the many disputed and nonresponsive EIR Responses, often so claiming that they are excused from any response where they incorrectly claim that my objections were speculative, unsubstantiated, or not sufficiently explained, even when those disputed EIR charges were even more applicable to the DEIR/EIR they were covering up or evading. See, e.g., DEIR Objection #3.D, E, G, and K, and 12. For example, when the DEIR/EIR makes an unsubstantiated speculation, it is not my burden to provide more than an exposure of that noncompliance with the CEQA "good faith reasoned analysis" and "common sense" required to satisfy the EIR/DEIR burden of proof, although my practice was to provide the best analysis I could. As provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

Note, however, how it was often challenging when the DEIR/EIR provided no substantiation or reasoning, but just asserted a disputed opinion, assumption, or speculation. Indeed, as I show in my section III rebuttals, the most common EIR response to my DEIR Objections 254 and 255 was to restate my objections incorrectly or insufficiently and then simply to repeat what the EIR or DEIR previously stated, rather than attempt a "good faith reasoned analysis." Since the DEIR was demonstrated to be noncompliant and worse by my DEIR Objections 254 and 255, the EIR accomplished nothing when it just repeated what they said before in the DEIR and ignored my meritorious disputes and issues with what the DEIR said (and did not say). Indeed, while I have asked many hard and important questions in my DEIR Objections 254 (e.g., #'s 15 and 1.F and G) and throughout 255, the EIR does not attempt any meaningful response. See my hard questions at section VI below.

c. Some Illustrations (e.g., Groundwater, Hexavalent Chromium, And Other Significant Impacts Which Are Not Truly Mitigated) of The Disputed EIR's Legal Mistakes And Such Tactics For So Evading Meritorious Objections Incorrectly As Too Speculative, Unsubstantiated, Or Otherwise Deficient.

In many cases these EIR/DEIR mistakes or worse are also the result of legal errors that cause this nonresponsive, disputed, and flawed EIR to fail to comply with CEQA and other applicable law, with the result that the disputed EIR cannot be approved. Such EIR/DEIR "legal errors" often include more than misinterpretations or misapplications of the applicable law to the applicable facts, such as, for example, incorrectly claiming that the Centennial site is separate and not part of this disputed "Project," (an issue that allows objectors to contest with discovery not only what the law is, but also what the real facts may be contrary to the EIR/DEIR's disputed allegations). See section I.B and I.A.1.d above.

Now that the foregoing subsections set the foundation for my such objection, please consider these specific examples applying those rules. **CONSIDER THIS TYPICAL EXAMPLE OF SUCH EIR BAD FAITH EVASION OF MY DEIR OBJECTIONS BY COMPARING (1) MY THREE PAGE OBJECTION 254 #3.F (entitled there and in my Table of Contents as: "One illustrative Dispute Over Groundwater Depletion by the Mining.") TO (2) HOW THE DISPUTED EIR (AT 2-5916) CHOPPED MY SUCH OBJECTION IN HALF AND THEN SUCCESSIVELY IGNORED EACH OTHER HALF WHEN ADDRESSING THE FIRST HALF AS ALLEGEDLY DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR RESPONSE TO COMMENT IND. 254-34 PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR QUOTES (INCLUDING DEIR ADMISSIONS EVIDENCING NONCOMPLIANCE), BUT THEN, IGNORING THE REST OF MY OBJECTION 254 #3.F, THE EIR's CUT LABELED RESPONSE TO COMMENT TO IND. 254-35 INCORRECTLY STATED: "HOWEVER, THE COMMENTATER DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR QUOTES ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE SECOND HALF OF MY #3.F THAT THE EIR CUT OFF AS RESPONSE TO COMMENTS IND. 254-35, AGAIN INCORRECTLY STATING: "HOWEVER, THE COMMENTATER DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." THUS, INSTEAD OF ADDRESSING MY THREE PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY ANNOTATED EIR QUOTES IN IND. 254-34 FROM MY DETAILED REBUTTALS OF THOSE QUOTES IN IND. 254-35, SO THAT THE EIR COULD CLAIM AN FALSE EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS. THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENED SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS, MAKING THIS DISPUTED TACTIC IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY TRUTH SEEKER SHOULD RUN A WORD SEARCH FOR SUCH EIR RESPONSES FOR THOSE WORDS (EG, "COMMENTER DOES NOT STATE"), BECAUSE EVERY SUCH EIR RESPONSE IS DISPUTED BOTH FOR THAT SAME REASON AND ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THEY CHOSE TO SO GAMBLE ON EVADING ANY RESPONSE ON THE MERITS IN HOPES THE COUNTY DECISION-**

MAKERS WOULD NOT NOTICE THIS NONCOMPLIANCE WITH CEQA AND OTHER APPLICABLE LAW.

ALSO, CONSIDER CLOSELY ANOTHER EXAMPLE OF SUCH DISPUTED EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY TWO PAGE OBJECTION 254 #3.G, ENTITLED "THE DEIR'S DISPUTED ERRORS, OMISSIONS, AND DEFICIENCIES ALSO INCLUDE WATER QUALITY, ESPECIALLY RELATING TO HEXAVALENT CHROMIUM (REMEMBER ERIN BROCKOVICH?) paired with (2) my adjacent three page Objection 254 #3.H entitled there and in my Table of Contents as: "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie.") THAT COMPARISON EXPOSES HOW THE DISPUTED EIR (AT 2-5919) IGNORED THAT ADJACENT, RELATED OBJECTION 254 #3.H WHEN ADDRESSING #3.G AS DEFICIENT, AND VICE VERSA. SPECIFICALLY, THAT DISPUTED EIR RESPONSE TO COMMENT IND. 254-36 PRESENTED A FLAWED REFERENCE TO MY COMMENTS, AND THEN, IGNORING MY RELATED OBJECTION 254 #3.H, THE EIR LABELED "RESPONSE TO COMMENT TO IND. 254-36" IGNORED MY ADJACENT OBJECTION LABELED BY THE EIR AS "IND. 254-37," PLUS ALL MY OTHER CROSS-REFERENCES, INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY INDIVIDUAL OBJECTIONS ARE SUFFICIENT, AS I HAVE EXPLAINED. SECOND, THOSE DETAILS ARE FURTHER DESCRIBED IN MY #3.H THAT THE EIR IGNORED IN THAT IND. 254-37, AGAIN INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." THUS, INSTEAD OF ADDRESSING MY INTEGRATED WHOLE OBJECTIONS, THE DISPUTED EIR SPLIT MY SUCH RELATED OBJECTIONS IND. 254-36 AND -37 SO THAT THE DISPUTED EIR COULD INCORRECTLY CLAIM AN EXCUSE TO EVADE BOTH OF MY MERITORIOUS OBJECTIONS. THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH." THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS, MAKING THIS DISPUTED TACTIC IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY TRUTH SEEKER SHOULD RUN A WORD SEARCH IN SUCH EIR RESPONSES FOR THOSE WORDS (EG, "COMMENTER DOES NOT STATE"), BECAUSE EVERY SUCH EIR RESPONSE IS DISPUTED BOTH FOR THE SAME REASONS AND ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THEY CHOSE TO SO GAMBLE ON EVADING ANY RESPONSE ON THE MERITS IN HOPES THE COUNTY DECISION-MAKERS WOULD NOT NOTICE THIS NONCOMPLIANCE WITH CEQA AND OTHER APPLICABLE LAW.

As discussed in my Objection 254 #'s 3.G and H (and rebutted below in my objections to EIR Responses Ind. 254-1, -36 and -37), I remind readers about the EIR/DEIR's lack of "good faith reasoned analysis" and "common sense" shown therein. I

repeat that the DEIR buried an admission of the hexavalent chromium not by such analysis in the DEIR "Hazards And Hazardous Substances" or other relevant threat discussions themselves, but obscured in a mere sentence in DEIR Mitigation Measure 4.8-1(a) at 4.8-52, where it states(emphasis added): "The NOI [to the Central Valley Regional Water Quality Control Board under the Limited Threat Discharge permit] shall include evaluation of potential constituents of concern, including ammonia, arsenic, HEXAVALENT CHROMIUM [emphasis added by capitalization], iron, manganese, pH. total suspension solids, TDS and cis-1.2-DCE." Under the circumstances I suspect this is not some innocent "mistake," since the EIR does not claim any such excuse, but instead enhanced the cover up after I exposed the problem in DEIR Objection 254 by the EIR pretending that the DEIR had already provided a compliant analysis (but which such EIR was "significant new information" and still a deficient, purported, and disputed partial analysis that was only added by the EIR). To a cynic this appears as if someone intended to address hexavalent chromium as the problem it is, and then someone else decided to cut out that analysis, perhaps in hopes no one would notice, but either failed to delete all these brief and noncompliant references or decided to leave them in vaguely in obscure places in case someone like me actually read the "fine print" and recognized that obscured hexavalent chromium danger. E.g., Exhibit C hereto and my DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, and 12, and my objections below to the disputed EIR's "Responses" thereto (especially EIR Response Ind. 254-1 and Ind. 254-36) and Master Responses, as well as various related legal issues in my DEIR and EIR Objections 255. See also my further objections to the other EIR "Responses" to such DEIR Objection 254 #'s 3.A [i.e., Ind. 254-6-10], B [i.e., Ind. 254-11-13], C [i.e., Ind. 254-14-15], E [i.e., Ind. 254-20-33], G [i.e., Ind. 254-36], H [i.e., Ind. 254-37], 7 [i.e., Ind. 254-75], and 12 [i.e., Ind. 254-81-86].

However, pushing this off without any after EIR approval to the future regulator of water DISCHARGES also does not comply with CEQA, especially since mine shoring within the underground mine occurs BEFORE the water's discharge. Also, the disputed EIR's "new information" claim is unsubstantiated opinion, speculation, and worse that the toxic addition to the water only flows out of the mine to the treatment plant that it never proves is prepared to eliminate hexavalent chromium it didn't even adequately analyze and report as a hazard in the DEIR (and which the EIR just claims will somehow be at a safe level without any "good faith reasoned analysis" or evidence at all (except buried at the end of the EIR in the unreferenced Appendix Q disputed herein), presumably because the EIR does not want to admit what it is doing: adding "significant new data" requiring correction and then recirculation of the DEIR. See section I.A. 1.c above. See also my other objections to the many ways in which the EIR/DEIR evades or violates its CEQA obligations to present a "good faith reasoned analysis" with "common sense" (applying court rulings I cite like *Banning, Vineyards, Costa Mesa, and Gray*) in response to my expressed concerns.

As to the EIR/DEIR's lack of "good faith," I note that the DEIR buried an admission of the hexavalent chromium not by analysis in the DEIR "Hazards And Hazardous Substances" or other relevant threat discussions themselves, but obscured in DEIR Mitigation Measure 4.8-1(a) at 4.8-52, where it states: "The NOI [to the Central Valley Regional Water Quality Control Board under the Limited Threat Discharge permit] shall include evaluation of potential constituents of concern, including ammonia, arsenic, HEXAVALENT CHROMIUM [emphasis added by capitalization], iron, manganese, pH. total suspension solids, TDS and cis-1.2-DCE." Even if this is some innocent "mistake" (which I suppose is possible even though the EIR does

not claim any excuse but instead enhanced the cover up after I exposed the problem by pretending the DEIR provided such a deficient, purported, and disputed partial analysis that was only added by the EIR), to an cynic this appears as if someone intended to address hexavalent chromium as the problem it is and then someone else decided to cut out that analysis in hopes no one would notice, but either failed to delete all these references or decided to leave them in vaguely in obscure places in case someone like me actually read the fine print and recognized that obscured danger. However, pushing this off without any after EIR approval to the future regulator of water DISCHARGES does not comply with CEQA, especially since mine shoring with in the underground mine occurs BEFORE discharge, and the disputed EIR's new claim is unsubstantiated opinion, speculation, and worse that the toxic addition to the water only flows out of the mine to the treatment plant that it never proves is prepared to eliminate hexavalent chromium it didn't even analyze and report as a hazard in the DEIR (and which the EIR just claims will somehow be at a safe level without any good faith reasoned analysis or evidence at all, presumably because the EIR does not want to admit what it is doing: adding new data requiring correction and then recirculation of the DEIR. See my many other detailed objections to the way the DEIR/EIR deals with hexavalent chromium issues, especially in my objections to the EIR Response To Comment Ind. 254-1.

In any case, the following example illustrates an even less debatable health and welfare menace from this mine that the DEIR/EIR refused adequately to address. Consider this summation by the California Dept. of Parks And Recreation (Agency 1 at 1-2) after it correctly addressed a portion of such dangerous noncompliance:

> Water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers are crucial issues for CSP, and we find the DEIR to be inadequate in mitigations … [C]umulatively and individually these potential significant issues could negatively affect the natural resources, recreational values, health and safety of [that adjacent] Park['s] visitors and employees and the general well-being of Empire State Historic Park…"

See, for example, its expressed concerns about the DEIR/EIR's noncompliance with the California Water Code 13050(f) for failure to protect beneficial uses and the plans of the Central Valley Regional Water Quality Control Board and the Nevada County General Plan. Consider for example, the NSAQMD Agency Letter 12-1 at 11-12, stating:

> "The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest."

Again, we locals will be competing against a no net benefit mine for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing

and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution.

Speaking of the lack of "good faith" and "hiding the ball," my Objection 254 repeatedly also complained about the failure of the DEIR/EIR to reveal the visible commonly identifiable surface boundaries (i.e., at least street names and addresses) above the 2585-acre mine and especially the new mining areas. We need that data for many reasons, including so we can accurately describe to buyers of our properties (and others with a need to know) about the mining threats and problems they may encounter. Since the EIR ignored this obviously required data after I emphasized it in my Objection 254, I assume the EIR/DEIR is hiding the "bad news" from those locals at risk so they do not realize the need to join in our opposition.

d. Some Additional Illustrations of Legal Errors Besides the Many Addressed In My Objection 254 #'s 3.N, 4, and 14, All of Which Still Apply.

Such disputed EIR/DEIR "legal errors" also include without limitation: **(a) refusal to address the legal component of issues that the law considers "mixed questions of law and fact,"** many examples of which are addressed throughout this Objection; **(b) evidentiary questions,** such as what objection is sufficient, especially when the problem is that the EIR/DEIR is failing to prove its CEQA case, since it has the burden of proof (with "common sense" and "good faith reasoned analysis" see, e.g., *Gray, Banning, Vineyard, Costa Mesa*). The DEIR/EIR cannot complain and refuse to respond as CEQA requires when the objector exposes errors, omissions, and flaws in the EIR/DEIR as appropriate or as best such objector can under the circumstances where the EIR/DEIR noncompliance obstructs the ability to be more specific or details, especially when impeaching and rebutting the EIR/DEIR speculations, unsubstantiated opinions, or assumptions which are no more (and often less) specific or detailed.

Indeed, such EIR/DEIR speculation, unsubstantiated opinions, assumptions, or other failures to comply with CEQA, refuse even to apply EIR's own disputed standards to itself for what is speculative, unsubstantiated, or otherwise subject to being disregarded. For example, my objections disputing as such false EIR/DEIR assumptions (i.e., unsubstantiated speculation) should be sufficient to require a CEQA response from the DEIR/EIR, such as where I contend that : the average "current" rainfall between 1967 and 2017 is either (i) the "current condition" now (more than five dry years after that cut off) that we're beginning to feel the harsh impacts of climate change, (ii) whatever the correct past average rainfall will be sufficient recharge the groundwater to maintain the status quo for 80 years during such dewatering and climate change, or (iii) any such obsolete history can predict the future impact of groundwater "recharge" from 24/7/365 dewatering for the next 80 years, especially when the DEIR/EIR cites no credible data beyond inapplicable NID's projections and only through 2040 (e.g., confusing NID's surface water focus with this EIR groundwater impact), i.e., only part of that 80 years (which I also do not accept as correct for such mining applications even before the end of 2040).

Thus, the EIR/DEIR fails to perform its **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of***

Supervisors **(2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g.,** ***Citizens to Preserve the Ojai v. County of Ventura (*****1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin** ***Raptor/Wildlife Rescue Ctr. V. County of Stanislaus*** **(1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.) Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future."** ***Vineyard*** **at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at I.A.1.d.(v), I.C, and I.E.4.**

Apart from noncompliance on the merits, the EIR/DEIR also fails to comply with CEQA as to all or most of my (and others') procedural/evidentiary objections to such EIR/DEIR evasions as are illustrated point-by-point in my section III specific counters to such noncompliant EIR "Responses" to my DEIR Objections 254 and 255. Whatever the County decision makers may decide, the courts have the last word on interpreting what are the CEQA and other legal standards (e.g., the law of evidence allowing my rebuttals and impeachment to any of the many challenged false or misleading statements in the DEIR, regardless of debates about the scope of CEQA or the disputed EIR's attempt to enforce one-sided boundaries against objectors that the EIR itself violates). As demonstrated on an item-by-item basis in section III and II below, I am confident the courts will find the amount and nature of detail or explanations in my Objections to be sufficient to compel proper CEQA responses in the EIR.

In any case, the EIR/DEIR will not be excused from having to respond to my and other objections on the merits consistent not just with CEQA, but also in accordance with the rules of evidence and civil procedure (e.g., the Cal. Code of Civil Procedure and Evidence Code). **E.g.,** ***Mountain Lion Foundation v. Fish & Game Com.*** **(1997), 16 Cal.4th 105, 112. "Whether an EIR has omitted essential information is a procedural question subject to de novo review [by the courts]."** ***Banning*** **2 Cal. 5th at 935 (also requiring "scrupulously enforc[ing] all legislatively mandated CEQA requirements"). The project proponent has the burden and responsibility for that result.** ***Sierra Club,*** **6 Cal.5th at 513-14.** That requires a *de novo* determination of whether the EIR/DEIR discussion is "sufficient or insufficient" and "includes enough detail." E.g., *South of Market Community Action Network v. City and County of San Francisco* (2019), 33 Cal. App. 5th 321, 330-331, citing *Sierra Club v. County of Fresno* (2018), 6 Cal.5th 502, 515-516 ("**Sierra Club**"); *Chico Advocates for a Responsible Economy v. City of Chico* (2019), 40 Cal.App.5th 839, 846-47. In order to satisfy that "adequate discussion" of the required topics that is such proponent's burden and responsibility, ***Sierra Club*** (at Id.) **mandates that the agency must explain "in meaningful detail in the EIR," including its "analytic route" from "evidence to action," which my Objections translate to requiring "good faith reasoned analysis" (e.g.,** ***Banning, Vineyards, and Costa Mesa*****) and applying "common sense" (e.g.,** ***Gray v. County of Madera)*****.** When (as here) the disputed EIR/DEIR lacks such analysis or omits the correct magnitude of the environmental impact, such as constantly with merely a "conclusory" discussion in this disputed EIR/DEIR, the EIR/DEIR is inadequate for CEQA purposes and lacks the required "substantial evidence." *Sierra Club* at Id. That is even

more true when the EIR/DEIR is responding to objections impeaching or rebutting the false, omitted, misleading, or noncomplying statements in the EIR/DEIR.

For example, whether it is sufficient (i.e., not so "inadequate" to excuse the EIR from responding on the merits as required) to consider anything stated or incorporated in my Objection 254 (as my Objection 254 has done with its detailed Table of Contents and express cross-references throughout its 150 pages of objections, not counting what I have properly incorporated by reference), such as (i) admissions in Rise SEC filings exposed in my Objections 254 and 255 and Exhibit B hereto [eg, admitting to many risks not properly or adequately addressed in the DEIR/EIR as required by CEQA and other law and to a Rise financial condition that reveals many DEIR/EIR safety assurances and mitigations to be unaffordable or otherwise illusory. See also DEIR admission at 6-14, conceding that the project is financially infeasible unless it can operate 24/7/365 for 80 years in accordance with the disputed DEIR.]; (ii) EPA website studies and data, as well as attached Exhibit C [e.g., demonstrating the toxic horrors of the hexavalent chromium inspiring the EU to ban it entirely and illustrated in how that water pollution killed the town of Hinkley, CA, and many of its residents as shown not just in the movie, "Erin Brockovich," but also in the related litigation merits resulting in a then massive settlement; (iii) rebuttals and impeachment, including credibility challenges to dubious or worse DEIR/EIR claims, especially those where the EIR/DEIR incorrectly claims that what I contend are dissimilar and noncomparable situations, conditions, or studies are somehow relevant and probative), to expose errors, omissions, and other noncompliance or to reveal why a dubious or worse contention by the EIR/DEIR will convince no one who is at risk, such as us residents living on the surface above and around the 2585-acre mine; and **(iv) "offers of proof" by me as to myself and other competent witnesses** who can substantiate objections to the disputed EIR/DEIR, so that both (a) the County decision makers will not be surprised by what they will become embarrassed to defend later, if they mistakenly approve this disputed EIR, and (b) the miner and other defenders of the EIR cannot later complain to the court that we should have raised such issues earlier in the dispute process.

Stated another way, how else will us objectors be able to achieve the due process to which we are entitled in such a deficient, pre-trial EIR dispute process that, according to the disputed EIR/DEIR, will not allow for our full witness testimony supporting objections (three or five minutes commentary to rebut 7000 pages is not due process), discovery to test the EIR/DEIR errors, omissions, and flaws, and other essentials to expose the truths, and proof of rebuttal or impeachment realities in our objections? Due process requires that I and other objectors be able to expose the disputed EIR/DEIR rhetorical or tactical tricks (e.g., the EIR's above illustrated chopping up my objections into fragmented segments it then incorrectly demands have to be independently complete in themselves without regard to that disaggregation of my integrated objections and even ignoring my cross-references and incorporations, all of which contain the evidence, details, and data that the EIR claims such objection fragments lack and, thereby, allow the EIR to disregard. In effect, the EIR seems to expect something absurdly impossible: that every sentence in my DEIR Objection 254 regarding any issue somehow must repeat in text everything I have said or incorporated anywhere in my Objection on that subject. I doubt the EIR would be satisfied (as they should be) even if I added words expressly to every sentence reminding the reader of what are already implied or expressed by cross-references and incorporations by reference (and by my detailed Table of Contents), such as "plus all the other details, evidence and data I have provided or incorporated into my Objections 254 and 255 or in my Table of Incorporated by Reference Objections." Indeed, to satisfy the disputed EIR's

incorrect demands for "sufficiency" of detail and explanations in my Objections, they seem to expect more than offers of proof and illustrations (which I already provide or incorporate in abundance, as I demonstrate in section II and III below in each such dispute), such as also what would later be expected in my detailed trial brief, supported by my witness affidavits and other evidence, including my expert reports, which is only required to come later during trial long after any disputed County approval of the EIR and after the benefit of prior discovery to expose the many more errors, omissions, and other noncompliance in the disputed EIR/DEIR.

14. Some General Rebuttals Of Improper EIR Tactics And Credibility Problems Demonstrated in Greater Detail in Later Commentary Below, As Well As My Use of Damning EIR/Rise Admissions Ignored Or Evaded In the EIR/DEIR, Such As the Disputed EIR Incorrectly Claiming That My Objections Are Too Speculative Or Unsubstantiated To Merit Any Sufficient Response, Even When It Is the EIR/DEIR That Is Speculating Or Unsubstantiated.

Besides other EIR Responses (and Master Responses) for reasons disputed on the merits in sections II and III below, the EIR often also tries (and fails) to rebut my Objections by incorrectly dismissing them as mere "speculation," incorrectly relying on CEQA Guideline 15384 (which the EIR erroneously claims ignores "argument [eg, bogus theories], speculation, unsubstantiated opinion or narrative," disqualified evidence (i.e., "clearly erroneous or inaccurate," or "of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment"). I have provided some rebuttal and counter authorities to that tactic above in various places, such as I.A.1.d and I.C. Among the many flaws in that EIR/DEIR argument exposed herein (and in the preceding subsection complaining about how the EIR chopped up my integrated objections, using my DEIR Objection 254 #3.E as an illustration versus the disputed EIR's disaggregation of that section in Ind. 254-20 to 33, by analogy like the EIR chopping a documentary objection movie into selected still photos, so that it can complain about each photo not containing data elsewhere in the movie) are that: (1) it ignores that the EIR/DEIR statements I am disputing are themselves worse such speculation, argument, bogus assumptions, "unsubstantiated opinion or narrative," and "clearly erroneous or inaccurate," which means that I can properly respond as I have by so exposing that flaw in the DEIR/EIR and by countering/rebutting/impeaching as best I can, whether it's with my wiser "speculation" and better opinions for contrast with rebuttals to explain those DEIR/EIR flaws [Stated another way, my rebuttals and disputes exposing such DEIR/EIR errors, omissions, and speculations etc. must be allowed, since it is absurd and worse for the EIR to claim, in effect, as it does here, that somehow objectors must use what the disputed EIR calls CEQA qualified evidence to counter what such objections show to be the EIR's worse such speculation, argument, bogus assumptions, unsubstantiated opinion or narrative, or clearly erroneous or inaccurate statements. (Besides as proven above in I.A.1.d and I.F.5, the EIR/DEIR cannot shift its burden of proof and disclosure from the EIR to objectors in any event); (2) what the EIR mislabels as speculation about its overlooked and potential, such as, for example, my predicting more new or deeper competing wells is not "speculation," since my objections (e.g., Exhibit A and incorporated Wells Coalition Group Letter 27/28) have exposed existing wells the EIR overlooked in my local area (eg, comparing what is stated in the EIR/DEIR to what I can see and what my neighbors with wells tell me) and I have proven above the need for new wells to deal with climate change, 24/7/365 dewatering for 80 years, and, even during water rationing during droughts, wasting

NID water on suppression frequently every day of fugitive asbestos/toxic fugitive dust to avoid health hazards. As provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g.,** ***Citizens to Preserve the Ojai v. County of Ventura (*****1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.)**

Also, I can produce myself and other local witnesses who are interested at the appropriate time (e.g., if the EIR is mistakenly approved, that is when and if we decide the well will be necessary, as we predict, before we can achieve our first to occur judicial, law reform, or political remedy thereafter to stop the mine) in competing for groundwater we own beneath our homes against the 2585-acre underground mine with new or deeper wells (either individually or collectively), and expecting to hold the miner accountable for any violation of our groundwater ownership rights. See the Supreme Court case *Keystone*, the California Supreme Court case *Varjabedian v. Madera, and other authorities* discussed above in I.F. 2, 3, and 5. [Stated another way for such example, the disputed EIR/DEIR incorrectly argues that it is "speculation" when my objections expose what vast case study experience and legislative studies reveal as to how surface owners compete for groundwater is used to save homes and crops (in our case, preserving our forests so that they do not become dead tree fire hazards), but it cannot be "speculation" when us potential victims of such dewatering depletion of our groundwater advise the County in DEIR/EIR objections that we will enforce our groundwater rights as necessary to prevent the harms we consider to be inevitable from 24/7/365 dewatering for 80 years]; and (3) much what the DEIR/EIR cites in support of its false, erroneous, or noncompliant (e.g., omitting essential data) claims will (if necessary) be challenged (eg, the subject of massive "motions in limine") in any court follow-up to exclude such disputed EIR/DEIR claims as inadmissible, rebutted, or noncredible (i.e., we will prove such EIR claims not to be supported by CEQA sufficient "substantial evidence," as discussed in case law above), and the County decision-makers must take that into account as they evaluate this situation. That evaluation must include the "pick your poison" dilemma created by the unevaluated in the DEIR/EIR dilemma (contrary to the DEIR's pretense claiming to suffer NID drought rationing just like the rest of us locals) that the DEIR/EIR claims fugitive toxic dust (e.g., asbestos, CR6, etc.) must be watered frequently to suppress such dangerous air pollution regardless of any NID water rationing. As discussed above in I.F.2 and 3, the NSAQMD explains (Agency Letters 11 and 12):

> The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised

because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest."

Again, we locals will be competing against a no net benefit mine for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution. See the Wells Coalition Group Letter 27/28, the CEA Group Letters 6-9 and 21, the South Yuba Rover Citizens League Letter at 25, the Sierra Fund Group Letter 26, the Wolf Creek Community Alliance Group Letters 29-32, the California Dept. of Parks And Recreation Agency Letter 1, and the Grass Valley Agency Letter 8. No one can possibly impose that kind of water sacrifice on our objecting community (e.g., our waterless misery and dying forests/vegetation while the EIR miner daily waters its land) to save us from the asbestos dust menace the Canadian EIR miner created for its shareholders/speculators' profit without creating claims in favor of us impacted locals. See, e.g., ***Varjabedian v. Madera*** (1977), 20 Cal.3d 285 (allowing nuisance, inverse condemnation, and other claims for homeowners suffering downwind of the new sewer plant.)

Since this County EIR process is not yet a court trial, but rather a limited process in which we objectors have unduly limited time to state our many objections to the thousands of pages of this EIR/DEIR that we dispute, what else can we do now but make our objections with admissions and as offers of proof for consideration by the County decision-makers? If the EIR/DEIR incorrectly ignores or fails to respond appropriately to our such meritorious objections, the noncompliant EIR will fail in that court process, as my cited authorities above demonstrate. What is the record to show for that process? The ultimate, objector evidence will prove both (i) the failure of the noncompliant EIR/DEIR to satisfy its burden of proof with sufficient admissible evidence, and (ii) the failure of the EIR/DEIR to somehow explain away its damning admissions that the courts will consider even if the County declines to do so. See my Exhibit B (Rise SEC filing admissions the County has so far refused to consider) and *Richmond v. Chevron*, where such SEC filing admissions won the EIR dispute for the objectors. Among many other things, such County decision-makers should see what we objectors are offering to prove, if necessary, in the post-approval court challenge process, and how much the disputed EIR/DEIR has failed to address properly with sufficient competent evidence, including by the EIR incorrectly refusing to address such things incorrectly dismissed by the EIR/DEIR as "speculation" (even when it rebuts the disputed EIR/DEIR's worse speculation etc.), as the court decisions above require by the EIR/DEIR.

My four Objections have revealed many errors, omissions, and inconsistencies in the DEIR/EIR that were revealed by Rise admissions in its SEC filings. See Richmond v. Chevron, where such SEC admissions enabled the EIR objectors to prevail. While those SEC filings have been updated since my DEIR Objections 254 and 255, the current ones, excerpted for this purpose in **Exhibit B**, continue that meritorious basis for my Objections that I illustrate herein with a few examples. It cannot be legally possible or permissible that Rise can say, in effect, "Don't worry, assume everything is fine" in the disputed EIR (as in the DEIR), while listing many risks, problems, and inconsistent facts in the SEC filings. See Exhibit B and DEIR Objection #2. If Rise admits that it must expose such risks and impacts to investors to comply with the SEC disclosure requirements, Rise cannot justify ignoring those risk and impacts in the EIR, where the risks and consequences to us local victims will be much worse and more likely

(e.g., since our misery is more enduring less possible to correct) than the Canadian miner's speculator investors losing their gambles.

15. At the Outset I Explained How I Would Conclude With Some Specific Illustrations Of Multidisciplinary EIR Evasions, Tactics And Credibility Problems, And This Example Demonstrates Such Integrated Impact Problems Combining Air And Water Quality/Pollution Threats, Groundwater And NID Supply Risks, Many Toxic Risks, Noncompliant Well And Other Mitigation Issues, Etc.

Throughout this Objection above I have provided evidence and legal authorities demonstrating much of my case against the EIR/DEIR, which the EIR/DEIR has often refused to address or evaded, usually without any of the CEQA (and cited court decisions') required "good faith reasoned analysis" applying "common sense" as interpreted by cases **like *Gray, Banning, Vineyard, and Costa Mesa***. I have also incorporated many other impacted party objections to add their evidence and details they know better than I do. See, e.g., my Table of Incorporation by Reference Objections. All of that supports the conclusion which the California Dept. of Parks And Recreation has reached in its Agency Letter 1(at 1-2):

> Water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers are crucial issues for CSP, and we find the DEIR to be inadequate in mitigations … [C]umulatively and individually these potential significant issues could negatively affect the natural resources, recreational values, health and safety of [that adjacent] Park['s] visitors and employees and the general well-being of Empire State Historic Park…"

See, for example, its expressed concerns about the DEIR/EIR's noncompliance with the California Water Code 13050(f) for failure to protect beneficial uses and the plans of the Central Valley Regional Water Quality Control Board and the Nevada County General Plan. Consider for example, the NSAQMD Agency Letter 12-1 at 11-12, stating:

> "The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest."

Again, we objecting locals will be competing against a no net benefit mine for both the groundwater and NID water we need during droughts, which is one of many reasons why I keep focused on full CEQA protections for all existing and future wells, because, if we local objectors have to suffer the loss of precious groundwater in the climate changed future for 80 years of

24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution.

In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed below, where that regulator's demand *priority* for frequent daily NID watering of its toxic (asbestos and more) fugitive dust, and rather than breathe such toxic air, us locals may have to suffer with less than our fair share of drought rationed water. Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best. The reality is that this is a "zero sum game," in which every gallon allocated to this no net benefit mine is one less gallon available to the far more deserving locals. I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine almost all informed locals oppose, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal disputes that will surely catch them in the cross-fire. See DEIR Objection 255 and 254 (e.g., #4), *Varjabedian, Keystone.*

I note these tactics are not just about what is so omitted or obscured, but also what is confused by misleading data. A prime example is the NSAQMD objection in Agency 11 (at 1) referring to the shared concern of the California Air Resources Board (CARB) where it concluded that "it is not appropriate to determine risk from rock samples … the PCM conversion factor was developed for air monitoring samples, not rocks. … Since there is no approved method for calculating risk from rock samples comparison with the NSDQMD's AB 2588 toxic significance threshold based on rock composition carries some uncertainty." This is classic "bait and switch," also known as "false equivalence."

There is already a sufficient such record to prove those conclusions and others stated in my four Objections and the others they incorporate from my Table of Incorporated by Reference Objections. See sections herein: I.F.6, 5, 4, 3, and 2, I.E.4, 3, 2, and 1, I.D, I.C.2, and I.A.1.d. I offer some more examples here before beginning my item-by-item rebuttal of the disputed EIR's Master Responses and Responses in section II and III below. As an objector/potential victim at risk from this EIR mine menace, I do not always need to prove with expert evidence what is the true comprehensive reality (although I provide or incorporate sufficient amounts), because the EIR has the burden of proof, and, therefore, I must be able to defeat the EIR merely by exposing as I have done in my four Objections (and others I have incorporated have done) such EIR/DEIR's own errors, omissions, and noncompliance. Moreover, because many disputed EIR/DEIR claims are themselves just worse examples of speculation, unsubstantiated opinion or narrative, argument, or other erroneous or inaccurate claims, I also have exposed that noncompliance by providing more credible competing theories, even if they were mere better speculation, opinions, arguments, etc. (which I do not concede).

For example, since the disputed DEIR/EIR is largely focused on its speculations, unsubstantiated opinions, and other bogus (e.g., inapplicable theories, false comparisons, selective exclusions of inconvenient truths, wishful thinking, especially about what the EIR would like the facts and law to be, instead of what is real, and other constituents of "alternative reality," etc.) thinking about the uncertain conditions in a mine closed and flooded since 1956, which the EIR parties have not properly or sufficiently investigated or evaluated directly in a competent manner. Thus, much of the disputed EIR/DEIR noncompliance with CEQA and other

applicable law is just that kind of unreliable speculation, unsubstantiated opinions, and false assumptions about which they incorrectly accuse us critics. But that too is a false equivalence, since the burden of proof is on the EIR, but the adverse consequences of the EIR's many mistakes, omissions, and noncompliance will harm to us locals, while the consequences to the Canadian EIR miner and its speculating investors is just the loss of their small gambling "ante" which they willingly put at risk. By contrast, none of us local objectors wanted the mine, and we victims are the ones with the most to lose and defend. In such circumstances those of us at risk are entitled to express our rational concerns about such flawed bases for imposing those risks on us and to remind those who harm us of our legal, law reform and political remedies. E.g., ***Varjabedian v. Madera*** (1977), 20 Cal.3d 285 (allowing nuisance, inverse condemnation, and other claims for homeowners suffering downwind of the new sewer plant.)

The disputed EIR/DEIR keeps asserting the inapplicable here CEQA Guideline 15384, but that does not prevent us from exposing errors, omissions (including evasions), and other flaws in the EIR/DEIR, such as by exercising our rights impeachment and rebuttal to defeat the errors, omissions, and noncompliance in the EIR/DEIR, especially using the Rise and other admissions that doom the EIR/DEIR. See Exhibit B and D; section I.A.1.d.(iv); ***Richmond v. Chevron (applying the applicant's SEC filing admissions to defeat the EIR.*** None of that is contrary to #15384 and is consistent with the more applicable CEQA laws and Guidelines, as explained in the 2018 Guideline Amendments Explanation in sections I.C.2 and elsewhere, especially if my objections were correctly (see section I.F.5) addressed as they were written in an integrated manner, rather than so improperly cut up by the EIR team into less comprehensive or convincing parts. See my item-by-item rebuttal of such disputed EIR Responses in my section II. That is especially true when the EIR mischaracterizes and evades my and other objections as to the consequences of mine dewatering and NID water misuse, as discussed above, even using the EIR's own words (and its cited NID water supply data) against it. See the Wells Coalition Group Letter 27/28, the CEA Group Letters 6-9 and 21, the South Yuba Rover Citizens League Letter at 25, the Sierra Fund Group Letter 26, the Wolf Creek Community Alliance Group Letters 29-32, the California Dept. of Parks And Recreation Agency Letter 1, and the Grass Valley Agency Letter 8. Also, as I keep reminding the EIR authors, evidence can be provided by my neighbors and I with ourselves and others as witnesses for what I have said, making this an offer of proof which has to be sufficient for now, since there is no other practical need or way now to provide my and others trial testimony in the EIR process before we challenge any approval in the usual court process that would follow. Instead of refusing to respond to or evading such objections as demonstrated in this and other objections, (if necessary) in that court challenge part of the process, the court will require disputed EIR to address the objections on the merits as required by applicable law with "common sense" and "good faith reasoned analysis," instead of ignoring or evading them, which such objections prove the disputed EIR/DEIR too often does. Again, the DEIR/EIR's own admissions (and Rise's SEC filing admissions in Exhibit B and DEIR Objection 254 #2) are sufficient to defeat the EIR, since, as *Richmond v. Chevron* demonstrated, such admissions are among the most lethal kinds of evidence against the EIR. See, e.g., DEIR 6-14, admitting that the project is not economically feasible unless the miner can operate 24/7/365 as proposed in its disputed DEIR/EIR, which is hard to imagine under the circumstances considering the merit of the many objections as to which the courts will apply de novo review with more concern about the legal and factual merits of objectors than has been shown so far in the disputed DEIR/EIR process.

16. The Groundwater Property Rights And Other Issues Illustrate Some of the Many Reasons for the EIR's Lack of Credible And Court Admissible Evidence To Support the Errors, Omissions, And Noncompliance In the EIR And Its Bogus Attempts To Evade The Need For Recirculation By Incorrectly Claiming EIR's Major Revisions To the DEIR Are Only Minor "Clarifications" Or "Amplifications."

Contrary to the EIR's Master Response 7—Location of Future Mining Areas and other EIR evasions disputed herein, the EIR is not ever completely, sufficiently, or properly responsive to my Objections or other objections to the DEIR. The EIR plays the old trick they used to teach in debate classes: when the doomed side cannot overcome the merits of the adversary's correct position, just convert his or her argument into a "straw man" mockery version that the doomed side can overcome without exposing the flaws in his or her argument to the meritorious side's truths that must otherwise prevail. That objectionable and worse technique is constantly misused by the EIR (and, in anticipation of some predictable counters by truths, in the DEIR). See, for example, my illustration in my objection below to the EIR's Master Response 7. See also, as some more examples of such unworthy evasion efforts in my objections below to other EIR Master Responses. See also the section below (just before my conclusion) where I illustrate examples of how the County is gambling with the health and welfare of us local potential victims, including us owners and users of the surface property (admitted by Rise to include the first 200 feet down) based on admitted and other uncertainties, including those which only exist at such high risk levels because Rise chose not to investigate adequately or claimed that it was not required to "speculate" on the potential risks, threats, and harms, especially as to us surface owners and users above and around the 2585-acre underground mine whose individual property rights may be violated (an issue that cannot be evaded by claims that is beyond CEQA's scope or evaded by incorrectly claiming that disputed uncertainty must be endured by us potential victims). In effect, for net benefit to the local community above and around the underground mine (and, we contend, the whole County, which will end up suffering for any approval when the mine causes violations and harms as we predict), the County is being asked by this financially risky miner (see Exhibits B and A, as well as Rise's admissions of financial incapacity in its SEC filings) to choose between the health and welfare of its residents (and consequently the financial wellbeing of the County) and the Canadian miner's shareholder profits plus some new jobs that are fewer than those that would be lost if the mine were approved, especially in businesses relating to the real estate impacts from depressed property values above and around the underground mine and the rest of its operations.

I note that the County's disputed economic study itself contains data in contradiction to the DEIR (and now the EIR) which has not been corrected in or by the EIR. See Exhibit A. For example, while (as my Objections complained) the DEIR (and now the EIR) generally ignores or incorrectly addresses us surface owners' problems above and around the 2585-acre underground mine (a clear example of noncompliance with the CEQA Guidelines for describing the Project), the County Economic Report addresses some useful facts evaded or ignored by the DEIR (and now EIR). Id. See, e.g., my Objection 254 demonstrating how the DEIR only worried about the few wells along East Bennett, while ignoring the many wells above or around the underground mine as if they somehow were not material, the County economic study understated those wells at 99. See also the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on

the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session.

That Union article illustrated another part of the common problem in the DEIR (and now EIR) that they have not addressed at all the actual condition of the long-flooded mine, but instead gamble from old or incomplete and unreliable documents before the mine shut down in 1956. In effect (and contrary to CEQA), Rise is gambling (and forcing local victims to gamble involuntarily) on the unknown physical conditions of the mine that will not be known apparently until after the flooded mine is dewatered (a huge separate problem), relying only on such deficient, old documents whose validity and current relevance and accuracy are in dispute and alleged and dispute "comparable" studies of other situations elsewhere. **The relevant comparable, however, is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See also the Union discussion of comments by hydrology expert Sol Henson.**

In any future litigation victims will argue that the burden of proof should be and remain on Rise (and the County if it sides against the local victims) on the many matters on which there is insufficient admissible and relevant evidence as a foundation to support approval of the EIR and DEIR allegations. See section I.A.1.b. Stated another way, if the County decides to rely on the EIR as is, with allegations and statements that are wrong either as a matter of law or not supported by sufficient competent evidence (see section I.C), the County will lack a sufficient legal basis to approve the EIR and ignore our meritorious objections. Id. As one of many examples, the EIR cannot claim allege as if it were a fact that there are no groundwater problems, when the EIR lacks sufficient credible and admissible evidence. If the County were to approve that erroneous and deficiently substantiated EIR claim, it would be making a reversible error in the litigation. By failing properly to evaluate the mine issues and objections, the EIR cannot transform its guesses and irrelevant "comparables" into facts and competent evidence or shift the burden of proof.

17. The Noncompliant EIR Cannot Evade (As It Does) The Competing Rights of Us Surface Owners Above And Around the 2585-Acre Underground Mine (eg, as Owners of the Groundwater Being Flushed Away Down the Wolf Creek in Mine 24/7/365 Dewatering for 80 Years), Which Include Not Only Our Rights To Defeat the EIR/DEIR With Such Objections To Noncompliance With CEQA, But Also With Interactive Claims As To Violations of Our Property Rights.

a. As Surface Owners With Competing Property Rights We Have More Rights To Object And Be Witnesses With Evidence Than Ordinary CEQA Objectors, Especially To Expose The Hoax of Uniformity of

Mining And Other Environmental Impacts From Different Parts of the Project (Which Must Include Centennial).

The disputed EIR (as did the noncompliant DEIR) continues to misdescribe conditions in the entire Project (including I and others contend must include Centennial) as if the parts were uniform when they are not. What EIR claims may apply to one part of the Project has never been proven by the EIR/DEIR with the required "common sense" (e.g., Gray) and "good faith reasoned analysis" (Banning, Vineyard, and Costa Mesa) to apply to the rest of the project; i.e., such parts are at least the Brunswick site, the Centennial site, the specially addressed area around East Bennett Road, and the 2585-acre underground mine are more likely to be different than (as the EIR/DEIR speculates and assumes) to be the same or uniform. Thus, while project EIR/DEIR (including I contend Centennial) suffer many common or similar errors, omissions, and other noncompliance, there are also differences for both significant impacts and essential mitigations. For example, as demonstrated elsewhere in this and other objections, the lower/downhill East Bennett Road areas where the EIR/DEIR focuses its water well mitigation gestures is different than other areas above and around the 2585-acre mine, so that the EIR/DEIR misplaced monitor wells and uncounted impacted wells fail to be addressed correctly in the EIR/DEIR. More importantly, whatever the actual condition of the Brunswick and Centennial mine sites, the EIR/DEIR flawed and noncompliant speculations and insufficiently substantiated evaluations of those wholly owned area do not necessarily determine the impacts of the 2585-acre underground mine on us objecting surface owners, especially as to such surface conditions and environment, groundwater, and other variables which lack compliant analysis by the disputed EIR/DEIR. For example, the disputed EIR/DEIR is backward, since those deficient commentaries of such wholly owned mine areas have many times greater evaluations than any analysis directly relevant to us thousands of surface owners above and around the 2585-acre mine, which is the reverse of what must be required for the protection of the health, welfare, and property in our such most impacted community.

Stated another way, many of my Objections, both herein and in my DEIR Objections 254 and 255, are focused on the 2585-acre mine below the surface on or around which thousands of us objectors live. However, the EIR incorrectly responds (often in ways we dispute) to my such objections and those of other potential victims by continually asserting their also noncompliant analysis that is mostly applicable only to the different situation and conditions that may apply at most to the Brunswick or Centennial site or the area along East Bennett Road, as distinguished from that underground mine, which most threatens many of us and our competing property rights where we are living above or around that underground mine. As admitted in Rise's SEC 10K filing (see Exhibit B and DEIR Objection 254 #2), our "surface" rights all comprehensive for at least the first 200 feet down plus forever deeper as to anything not permitted as part of "mineral" mining and even then, subject to many legal rights of us surface owners, such as for lateral and subjacent support, including by our owned groundwater that must support our surface legal estate. See, e.g., *Keystone Bituminous Coal Ass'n v. DeBeneditis*, 480 U.S. 470 (!987). As discussed above and below, when so threatened or impacted by such EIR/DEIR mining and related activities we surface owners have legal rights and remedies, including rights to mitigate our damages, which include, for example, rights to improve existing wells and create new wells, none of which competing activities are evaluated or discussed in the

noncompliant EIR/DEIR. While the EIR/DEIR incorrectly dismisses all these matters as too speculative to merit any response, I note that such surface property owners are competent witnesses to such matters and their evidence includes the rights to rebut and impeach every false assumption, erroneous speculation, unsubstantiated opinion, and other noncompliance in the EIR/DEIR, especially Rise of DEIR/EIR admissions. See, e.g., Richmond v. Chevron discussed in my section I.D. above and elsewhere as well as my item-by-item rebuttals in sections II and III to EIR allegations and omissions.
Especially consider that this EIR/DEIR dispute is not just over what the EIR miner does with its own property, it's also about how that 2585-acree underground mine (with different conditions and often uphill of those other sites) violates the rights of us surface owners and users (again, remember when the DEIR/EIR wrongly plans to lower our surface water table and confiscate 10% of our well water before mitigation, that our "surface" goes down at least 200 feet where Rise has no rights, but many duties). See Rise SEC admissions in Exhibit B and Objection 255, which the EIR/DEIR incorrectly dismisses without response as irrelevant, but which SEC and other admissions won the case for EIR objectors in *Richmond v. Chevron*. In any event, that is one of the many reasons that CEQA and applicable law require the EIR to be revised and recirculated to distinguish and separately address both (i) when it's disputed statements or "evidence" purports to apply only to one part of the Project, and (ii) when and how the EIR/DEIR purports to apply to the whole. See also, e.g., the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session. See the Wells Coalition DEIR objection at Group Letter 27/28. **The relevant comparable is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line. Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change.**

If the noncompliant EIR/DEIR wants to claim that a disputed study or opinion regarding the Brunswick, Centennial, or East Bennett areas regarding some disputed condition should also apply to the 2585-acre underground mine, it should say so expressly and present the required "common sense," "good faith reasoned analysis." If the disputed EIR/DEIR wants to assume that its disputed approval somehow overrides the surface owners' rights (down at least 200 feet and as to groundwater generally) above and around the 2585-acre underground mine, the EIR/DEIR mine must say so, especially since then the County would be liable for a "taking" of our property rights as well as for a forbidden public gift for this Canadian miner and its shareholders' profit. See *Varjabedian*, supra. Not just CEQA, but also other applicable laws, apply to the disputes between competing owners of the surface versus underground mines relying on deeper mineral rights, as well as regarding the management of the groundwater in which they share legal rights. See *Keystone*, supra. This should be important to the County, because of such consequences if it participates in violating such property rights of us surface owners and users, such as to take our

groundwater for abusive 24/7/365 dewatering for 80 years. See DEIR Objection 254 #'s 3.N, 4, and 14, and DEIR Objection 255, and my section II and III rebuttal below to the EIR's responses thereto. **The County should refrain both from forcing us surface owners to suffer (and resist) a dangerous EIR mining gamble on such environmental and other harms, and also from impacting our property rights above and around the 2585-acre underground mine, including as to groundwater and our rights of subjacent and lateral support. My DEIR Objections 254 and 255 explain in some detail with controlling case law the legal perils affecting both the miner and the County for such disputed EIR/DEIR underground mining, including disputes regarding Fifth Amendment takings or inverse condemnation, trespass, conversion of groundwater, violation of lateral or subjacent rights (eg, to prevent subsidence), and many other property rights related claims. See, e.g., *Varjabedian v Madera* (1977), 20 Cal.3d 285 (relying on the Fifth Amendment holding in *Richards v. Washington Terminal Co*., 233 U.S. 546 (1914), and the broader California Constitution to allow nuisance and inverse condemnation claims for victims downwind of the new sewer plant, who suffered a disproportionate, direct and peculiar burden for that public benefit [and here this is a private project with no net public benefit mine]).** Also, there are consequences to imposing a disproportionate burden on us locals for some imagined broader public benefit to those safely distant from the mining (which net benefit I dispute even exists) (**Consider, for example, how this concentrated pollution exhausts the margin of error for pollution by more beneficial land uses locally.)**

Stated another way, the disputed EIR/DEIR assumes that it will be permitted to do as it wishes once its EIR is approved by the County, but as to some things expected legal remedies will cause that aspiration not to be legally feasible, and, if the approval prevents such remedies against the mine, then the County Economic Report will be deficient (see Exhibit A hereto) for not anticipating such consequences. (See my DEIR Objections #255 and 254 #'s 3.N, 4, and 14). As to the miner, such problems also make its necessary (but ignored or deficient) mitigation infeasible, not just because Rise admits in its SEC filings that it lacks sufficient funds to afford to fully, timely, or properly mitigate its impacts (see *Richmond v. Chevron*, my DEIR Objection 254 #2, and Exhibits B and A hereto), but also because the noncompliant EIR/DEIR falsely assumes without any "common sense," "good faith reasoned analysis" that the EIR can treat the 2585-acre underground mine in too many disputed ways as if Rise owned more than the limited, deep mineral rights and somehow could become entitled to violate surface owner and user property rights as well. CEQA needs to address such competing property rights and disputes, but the EIR/DEIR entirely fails to do so.

b. Among the Remedies of Us Local Victims Is Our Right Proactively To Mitigate In Connection With Our Nuisance, Inverse Condemnation And Other Claims, Including By Drilling Competing Deeper And New Wells, Especially Since Rise's SEC Filings And Other Admissions Prove It Lacks The Current Financial Resources To Accomplish Even the Deficient EIR Required Safety And Mitigation Protections. See Exhibit B and Objection 255.

The US Supreme Court has addressed in objectors' favor such surface owner versus underground miner disputes in cases I address herein, as well as in my DEIR Objections 254

#3.N (as well as in my #'s 4 and 14) and 255, such as ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987)(rejecting "taking claims by miners as to laws protecting surface owners' property rights to lateral and subjacent support, including support by groundwater, to prevent "subsidence," which includes loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal to support the surface. *Accord*, ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner.) **As noted herein, the admitted lack of currently available financial resources by this miner to perform its EIR safety, mitigation, and other obligations is not just a CEQA problem (see Exhibit B and DEIR Objections 254 (#2) and 255, addressing Rise admissions in SEC filings and in the DEIR (e.g., admitting (at 6-14) the project is economically infeasible unless it can operate 24/7/365 for 80 years in accordance with its EIR proposal subject to mine and many other objections). It also enables us victims to take proactive defensive mitigation actions on our own at the expense of the miner (and, depending on the facts, the County).** See, e.g., my DEIR Objection 254 #'s 3.N, 4 and 14, including my legal authority counters herein to the disputed EIR Response To Comment Ind. 254-54 to 60.

The same principles apply to what "law reforms" locals here can achieve, which will be in conflict with the DEIR admission above at (6-14) that the mine's feasibility depends on 24/7/365 mining for 80 years on EIR terms subject to massive objections that will continue as voting remedies. Given the admitted fragile financial condition of the miner (eg, Exhibit B and Objection 254 #2 regarding SEC filings allowed to prevail in *Richmond v. Chevron)* and the environmental impacts of suspending safety and mitigation efforts (an issue incorrectly ignored by the EIR/DEIR as too "speculative"), that issue is essential for CEQA consideration, even if only as rebuttal to errors, omission, and worse noncompliance by the DEIR/EIR. While such new local victim legal protections could have significant impacts on the EIR mining (even at the overly generous level proposed by Grass Valley in its Agency Letter 8), it is essential to remember that this is more than about how the miner uses the property it owns. This is about us surface owners and users protecting our own property and groundwater rights we own at least down 200 feet above the underground mine that has been closed and flooded since 1956, as admitted by Rise in its SEC 10K. See Exhibit B. If the County approves anything that harms our surface owners' property rights for the benefit of this disputed mine, such as the disputed EIR/DEIR plan to deplete 10% of our owned well water before the (illusory/not economically feasible EIR well depletion mitigation replacement kicks in on the small portion of the total existing and future wells so impacted recognized by the EIR/DEIR for required mitigation; see County General Plan 17.12 discussed in I.F.3 above), that is certain to trigger law reforms and claims for Fifth Amendment and California Constitutional taking, inverse condemnation, nuisance, trespass, conversion, and other claims. See, e.g., *Varjarbedian*, supra; ***Vaquero Energy, Inc. v. County of Kern*** (2019), 42 Cal. App, 5th 312, allowing surface owner legal protections against underground oil and gas miners.

While the EIR/DEIR constantly misuses in deficient and disputed ways the concept of mitigation to purport to cure objectionable environmental impacts, typically without any

"common sense" "good faith reasoned analysis" of the adequacy/sufficiency, feasibility, or likelihood of being able timely to afford and accomplish such asserted mitigation. Not only do those disputed EIR/DEIR mitigation claims fail to comply with CEQA and other applicable law, but those failures trigger a right by us victims to undertake our own mitigation to minimize our damages for our such nuisance, inverse condemnation, and other claims. *Varjabedian*, supra. My such DEIR Objection 254 #4.A objections include an example of our such local victim mitigation (Comment to Ind. 254-58) that is ignored in the disputed EIR Response, which involves us surface owners competing for our owned groundwater with deeper and new wells and watering systems and charging the mine and County for that mitigation cost as allowed by many controlling court decisions. Eg, ***Ahlers v. County of LA*** (1965), 62 Cal.2d 250 (road construction caused landslides, entitling the threatened property owners to recover, among other things, the mitigation costs of constructing 25 shear pin caissons to hold back the landslide); ***Shefft v. County of LA*** (1970)(3 Cal. App.3d 720, 741-42 (when water diversion from subdivision and road construction caused damages, the victims were entitled to recover the costs of protecting their property with mitigation infrastructure.)

As to my DEIR Objection 254 #4.A (EIR labelled as Ind. 254-54 to 60) I note that I apply court precedents to the facts of this disputed EIR/DEIR in important ways that are totally ignored without any "common sense" "good faith reasoned analysis" in those disputed EIR Responses I refute in section III. While I suppose the EIR evaded my many such #4.A issues to avoid drawing the County decision makers' attention to such important legal problems for the mine and for the County, if it mistakenly approves the EIR, I urge those County decisionmakers to consider those legal objections and claims, because approval means legal, law reform, and political challenges on those same bases among many others. Among the many flaws in the County Economic Report (see my Exhibit A and my Objection 255 rebuttals) the County should consider its own exposure for enabling this harmful mine by approving this flawed EIR. E.g., ***Uniwill v. City of LA*** (2004), 124 Cal. App. 4th 537 (both the private party and the approving government can be jointly liable in inverse condemnation). See generally ***Varjabedian v. Madera*** (1977), 20 Cal. 3d 285 (explaining inverse condemnation and nuisance rights of homeowners downwind of the new sewer treatment plant). For example, please read my EIR ignored analysis of ***County of San Diego v Bressi*** (1986), 184 Cal. App. 3d 112, where an aviation easement was imposed on homes at the end of a runway with approved authority for hugely abusive (although unlikely) uses (eg, not only jumbo jets, but also "any other contrivance yet to be invented for flight in space"), the court rejected the defense claim to limit liability to the current use burden of small planes, ruling that "just compensation" for such taking is based on what the owner/victim has lost, rather than on what the taker gained, and that the jury must "once and for all fix the damages, present and prospective, [and the jury] must consider the most injurious us of the property reasonably possible … consider[ing] the entire range of used permitted…", which there included jumbo jets and space craft. See also ***Coachella Valley Water District v. Western Allied Properties*** (1987), 190 Cal. App. 3d 969 (refusing to limit the "before condition" valuation to the government' desired plan and allowing the jury to consider the value of the victim's property without being limited to the defendant's idea of solutions or consequences of doing things the defendant's way.) Consider the higher victim compensation the more abuse we surface owners and users could have to endure from the EIR on such a theoretical, "worst case" basis 24/7/365 for 80 years (eg, 24/7/365 dewatering, groundwater and [existing and future] well depletion, vegetation loss from dryness and lowered water tables, and fire risk from dryness killing our forests, hexavalent chromium and other toxic water and air

pollution, and all the other nuisances, risks, and harms to which I have objected (or incorporated from others' objections) that depress such victim property values (and inflict pain and suffering on us). In this case, if the EIR is approved it is not speculative to expect many victims not only drilling new wells, but also seeking to recover the "mineless" value of their homes plus other damages on such claims .

18. Contradictions of the EIR With the County Economic Report Illustrates General EIR Flaws And More, Illustrated by EIR Ignored Or Incorrectly Addressed Well Risks And Its Undercount. See Exhibit A.

Since the County's separate (and) disputed economic analysis by Robert D. Niehaus, Inc is addressed in the noncompliant EIR, this Objection notes that I also offered questions and comments on that disputed "Report on the Economic Impact of the Proposed Idaho-Maryland Mine Project" (the "County Economic Report") in my rebuttal attached hereto as **Exhibit A**. I do so, despite the EIR's (and DEIR's) incorrect claims that it can ignore (or not treat seriously on the merits) objections outside of its disputed description of the scope of the CEQA Guidelines, such as (EIR advocates incorrectly argue) SEC filing admissions allowed and prevailing in Richmond v. Chevron. **As my commentary in DEIR Objections 255 and 254 demonstrates with case authority, once the DEIR and now the EIR add their own disputed data and commentary that (by their own standard) is outside the scope of the CEQA Guidelines, that must allow my and other Objections to rebut those false, deficient, and worse extra statements, especially those labeled in such a heading calling them "Non-CEQA Related Analysis" (DEIR Objection 254 #3.K). As demonstrated in many such objections, not only has the disputed EIR/DEIR incorrectly ignored many wells at risk, but the EIR/DEIR entirely ignore the certain creation of new and deeper competing wells by us owners of surface property above and around the 2585-acre underground mine, as we battle both climate change and mine dewatering to save our homes and forests.**

In other words, in the litigation that will come if the disputed EIR is approved, whatever is stated in the DEIR or EIR must be subject to our objection and rebuttal. Otherwise, there would be no level playing field, and Rise (or the County, if it sides with Rise against its resident voting victims) could argue that the County could rely on what the EIR and DEIR stated. Since we would be challenging the entire EIR and DEIR, we must be allowed to respond and counter each error, omission, and noncompliance stated therein, as my four Objections attempt to do. The mine proponents cannot use the CEQA Guidelines to tell an incorrect, one-sided story in which they can address matters outside the Guidelines without us local victims being allowed to counter/rebut such errors, omissions, and noncompliance. See section I.C, including my use of the 2018 Guideline Amendment Explanation to rebut the many EIR/DEIR misinterpretations of the Guidelines.

II. Objections To EIR 2.2 Master Responses.

A. Introductory Comments And Principles To Apply In Sharing My Objections To the EIR Master Responses On An Item-By-Item Basis (#1-38).

1. An Alert To Noncompliant EIR Tactics, Such As For Evading My DEIR Objections By Incorrectly Dismissing My Such Objections Without Good

Faith Reasoned Analysis And Common Sense And Just Sending The Reader Back To the Same DEIR Statement To Which I Had Earlier Objected.

a. Some Introductory Guidance As to How To Read These Objections In Relation To Those In Other Sections And Some General Principles.

Consider the legal authorities, guidelines, and principles in that preceding section I as both (i) a foundation for my many, specific compliance, substantive, and technical objections, and (ii) a guide for analysis by decision-makers that reveals objectionable patterns, practices, and tactics by which the disputed EIR/DEIR evades, ignores, and mistreats its disclosure and response obligations. For reasons described below, I am not going to waste my time trying to clarify more than I have herein of the confusing scramble and tactical mess the disputed and noncompliant EIR/DEIR has made to evade meritorious objections. Stated another way, this Objection exposes the objectionable EIR/DEIR tactical patterns and practices, with sufficient item-by item rebuttals in both this section II (as to so-called "Master Responses") and the next section III (as to "Responses" to fragments it chopped up from my DEIR Objection 254 integrated sections, as shown in sections III, I.F.5, and I.A,1.d(iv)). For reasons shown herein, I suggest the best course for the reader is to focus on the substance of what is in dispute, while discounting the EIR/DEIR noncompliant tactical approach to evading my objections and those of others. However, the EIR must fail on both kinds of noncompliance: (i) errors, omission, and other deficiencies in what the EIR/DEIR attempts to present substantively, and (ii) its evasive, concealing, and nonresponsive tactics that fail to provide the required common sense and good faith reasoned analysis on everything required by CEQA, the Guidelines, and other applicable law.

Following my substantive and procedural foundation in section I, I now dispute below each of the EIR/DEIR "Responses" and "Master Responses" on a point-by-point basis. However, as demonstrated throughout this EIR Objection 254, the disputed EIR/DEIR generally just makes a deficient and evasive "Response" summarily denying my DEIR Objection 254 and just referring the reader back to the earlier disputed DEIR statements and omissions, which my DEIR Objection 254 had already correctly demonstrated were erroneous, deficient, or otherwise noncompliant. Please note that additional legal and factual authorities are also incorporated herein (rather than restated) from my and other objectors' objections listed in the attached Table of Incorporated by Reference Objections (or related document Appendix). While I may add herein some legal and factual rebuttals to the EIR/DEIR, please also see my more extensive legal authorities and principles discussed in more detail above and, on selected issues, in my DEIR Objection 254 #'s 3.N, 4, and 14 and in my DEIR and EIR Objections 255. Thus, as a reader, decisionmakers can apply the foregoing section I and other Objection citied legal precedents, laws, and guidance to disputing the EIR/DEIR (and supporting my Objections) by a systematic rebuttal of the following, generally nonresponsive, EIR "Reponses" and "Master Responses" that too often evade, dispute, or otherwise contest or ignore my meritorious DEIR Objections 254 and 255.

Whenever I cite a DEIR provision or topic the reader should automatically consider that I dispute them in my DEIR Objection 254 (and, when applicable there, in my DEIR Objection 255 as well) and incorporate my rebuttals and Objections thereto. Thus, whenever this EIR Objection 254 of mine cites to one of my DEIR Objection 254 section or topic cites, that automatically includes and incorporates a cite to my rebuttal in this EIR Objection 254 to my related cite in

section III herein to the corresponding EIR "Response" to my such DEIR Objection 254 i.e., to such EIR Response numbered Ind. 1 to 101 that corresponds to my DEIR Objection 254 section (which can be confusing, as the disputed EIR apparently intended when it persisted in cutting up my integrated table of contents sections with heading titles into arbitrary fragments the EIR re-labeled Ind. 1 to 101 Responses, to which I have objected herein in section I.F.5 and I.A.1.d.(viii).) If I sometimes go to the trouble of matching my DEIR Objection 254 table of contents sections to the disputed EIR's renumbered "Response" fragments it so re-labels Ind. 1 to 101, that is only for emphasis for any reader, and the absence of any such Ind. 1 to 101 cite does not affect my automatic objection references in my system, as distinguished from the EIR's disputed renumbered system. The same automatic objection arrangement applies with respect to the disputed EIR's Master Responses, with even more importance, because such EIR Master Responses use labels that are not fully or even adequately informative about their often-mixed subject topics. It is often not feasible even to try to match those idiosyncratic Master Responses to my Objection topics, except by confirming my objections to such EIR content with my general, automatic cite to my Objections (including from my Table of Incorporated by Reference Objections and Exhibit D). Stated another way, my four Objections (including such incorporations) present the relevant realities, as contrasted with the many alternate realities created by EIR/DEIR errors, omissions, and noncompliance.

Therefore, I object automatically to whatever is contrary to or inconsistent with my such Objections with only one limited exception. As I note in many places DEIR 6-14 admits that the project is economically infeasible unless it can operate 24/7/365 for 80 years in the objectionable way proposed by the EIR/DEIR. I (and other incorporated objectors) agree that the project is economically infeasible, especially for someone with a financial condition like Rise admits its SEC filings (Exhibit A and DEIR Objection 254 #2), although the same would be true for even less prolonged and less intense operations. Apart from that, I consider that DEIR/EIR admission to be a comprehensive confession of economic infeasibility, since there are too many disputed proposals in the DEIR/EIR that must be defeated (or omitted impacts, or added or improved mitigations, that by that DEIR admission, the project cannot be feasible. While the disputed EIR/DEIR claims that CEQA doesn't care about such feasibility (and the County Economic Report mistakenly tolerates that erroneous claim, despite being refuted in Exhibit A and authorities in my Objections), section I.A.1.b and I.C, D, E, and F proving why we objectors must prevail because ultimately the courts will certainly allow our truths to rebut and impeach every false, misleading, and otherwise noncompliant statement and omission in the EIR/DEIR, whether or not within the incorrect boundaries that the EIR/DEIR tries to impose on CEQA objections. See, e.g., section I.C (and my DEIR Objection 255) where I more correctly address the CEQA compliance issues, including by reliance on the 2018 Guideline Amendments Explanation where the CEQA authors explain the meaning and effect of Guidelines that the DEIR/EIR misconstrue, misinterpret, or ignore in favor of their own disputed claims.

Please note that there are compelling reasons why this Objection is so long and complex, which include the disputed EIR tactic of evading my objections by incorrectly claiming that I failed to sufficiently explain or detail my objections and arguing that excused the EIR from CEQA compliance in its disputed Responses. What I do here is combat that nonsense in item-by-item rebuttals that expose that nonresponsive tactic, thereby proving an independent ground for rejecting the noncompliant EIR. I do the same thing with the EIR's disputed Responses to which I objected below, since these disputed EIR Master Responses often cite to those section III disputed Responses (and vice versa). However, since I also wish to prevail on the merits against

the EIR/DEIR, I began with my subject matter rebuttals in section I, which I incorporate automatically in each relevant objection in this section II to these EIR Master Responses and in section III below to those Responses. My objections here had to track the order of error, omission, and noncompliance in the disputed EIR (like I also had to track those in the disputed DEIR, since the EIR basically adopts the whole DEIR with supplements with "significant new information," but without the badly needed corrections or reforms addressed in many objections by me and others). See Exhibit D and the Table of Incorporated by Reference Objections. That meant the introductory or earlier general sections of the disputed EIR/DEIR required my noting my corresponding objections as errors, omissions, and, worse, each time they occurred in the disputed EIR/DEIR before reaching the major substantive parts disputed later in the sprawling EIR/DEIR, where I then again matched their somewhat more detailed (but still insufficient, noncompliant, and disputed) comments with my more detailed objections. In other words, the EIR/DEIR is responsible for the redundancy and the less detailed "coming attraction" type objections early in the documents with cross-references to my more detailed objections to the major disputed substantive topics later in the document.

Since I have proven the need for EIR/DEIR revisions and recirculation both as a matter of law and fact above throughout section I (not only in section I.A.1.c,), I will not repeat my such proofs in these rebuttal sections II and III, which instead serve to illustrate further the specific errors, omissions, and noncompliance in the EIR's Master Responses in this section II and the EIR Responses in section III. This section (like section III) relies upon everything that I said in section I and that I incorporated from my Table of Incorporated by Reference Objections. Because among the objectionable tactics I expose herein is a wrongful refusal by the disputed EIR to consider such cross references within my Objections and my incorporations to other party objections, which I frequently must dispute herein, I flag this problem at the outset and note the EIR's hypocrisy because the EIR/DEIR is full of the same kinds of incorporations and cross references for its own use that it refuses (inconsistently) to accept from objectors (as the law requires). To be clear, everything I state in section I is a legal and factual foundation incorporated (with or without specific cross references, which when I use them are for emphasis, not because they are necessary) into everything I state in section II and III. The various reasons that I have section II and III rebuttals as well, since section I should be sufficient, include both (i) my desire to avoid more meritless and distracting arguments with the EIR/DEIR on such issues, and my use of these item-by-item rebuttals to expose in these sections II and III the wrongful patterns and practices used in the EIR's "Master Responses) and "Responses." That reality, combined with the many other objectionable tactics used by the EIR/DEIR, should be an independent basis both for rejecting the EIR/DEIR and for discrediting the alleged credibility of the EIR/DEIR as to the "good faith" half of the "reasoned analysis" and "common sense" that CEQA and other applicable law requires. See, e.g., *Gray, Banning, Vineyard, and Costa Mesa and section I.A,1,d(viii).*

b. A Reminder of the Correct Legal Interpretations That the Noncompliant EIR Ignores, Evades, Or Misconstrues, Including Some Continuing Protests to Inappropriate EIR Tactics And Excuses, Especially the EIR's Objectionable Effort to Shift the Burden of Proof From the EIR To Objectors.

In that analysis below it is essential to remember that **a project proponent has the burden and responsibility for proving its disputed DEIR/EIR claims. *Sierra Club*, 6 Cal.5th at 513-14. As I keep protesting, the constant effort by the disputed EIR/DEIR to shift the burden of proof and demand more explanations and substantiation from me and other objectors, the CEQA burdens for analysis and reporting fall on the EIR applicant, not on the objectors. E.g., Kings County Farm Bureau v. City of Hanford (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the EIR agency, not on the public.** There are many overlaps as to both (i) the disputed EIR Master Responses versus my objections to them, and (ii) the EIR Responses To Comment Ind. 254-1 et seq. versus my Objections to them. Rarely, if ever, do any such latter "Responses" correct any of the errors, omissions, and noncompliance in such "Master Responses." While I may cross cite in one section or subsection of my objections to another one of my objections or incorporate others' objections, that usually is not necessary, because each of my such objection commentaries is incorporated by reference into the others to reduce duplication and excessive and burdensome cross cites in this and the next rebuttal sections. While the disputed EIR objects to that, the EIR is even more guilty of constantly doing that same thing, making that EIR hypocrisy disqualifying either to both sides for "a level playing field" (which would leave the EIR defeated for an even more obvious failure of its burden of proof) or only to the disputed EIR/DEIR as the one with that burden of proof.

Also note, for example, how the EIR chooses to **"scramble"** its "Master Responses" relating to objections to groundwater errors, omissions, and abuses (and some others as well) without a unifying Table of Contents at the Master Response (or Responses in the next section) level, rather than consolidating them in a more coherent manner. See my discussions in section I (e.g., I.A.1.d(viii) and I.F) about "hide the ball" and other objectionable tactics, as well as in my DEIR Objection 254 #3.E. Such tactics are usually signs in eir disputes of a miner seeking to evade confronting serious problems for which the absence of a persuasive response is too obvious, so an exhausting, *scrambled* confusion is often the chosen tactic to obscure omissions, instead of consolidated clarity that better reveals those errors, omissions, and noncompliance. See, e.g., the common and overlapping groundwater issues addressed in scattered, disputed, **direct** Master Responses 13 (Historic Hydrologic Assessments (with deficient maps), 14 (Adequacy of Groundwater Model), 15 (Adequacy of Groundwater Monitoring Wells (with deficient maps and addresses), 16 (Drought and Climate Change), 29 (Near Surface Workings And Subsidence), 33 (Groundwater Dependent Vegetation), 35 (Discharge to South Fork Wolf Creek), and 36 (Flows in South Fork Wolf Creek) or disputed, indirect Master Responses where groundwater issues were mixed with other issues, such as Master Response 1 (Quality of Life), 2 (Social and Economic Impacts), 3 (Operator Responsibility), 6 (Wildfire Impacts), 7 (Location of Future Mining Areas, e.g., mixing "Potential Groundwater Effects From Underground Mining" with "Blasting, Vibrations, and Noise), 8 (Mine Waste Characterization, e.g., mixing Water Code and 80 year dewatering issues with various others), 9 (Historical Mine Waste at Centennial Site), 10 (Explosives, Reagents and Brunswick Fill, e.g., mixing toxic materials and mineral processing issues with others), 11 (Engineered Fill Utilized in Local And Regional Construction Markets, e.g., mixing mine waste arguments with erroneous discussions of Water Code compliance), 17 (Meteorological Data Used in HRA, e.g., diverting hexavalent chromium water pollution issues into air pollution issues, but with unintended useful admissions in Vol. IX, Appendix R, which buries or ignores what should have been disclosed in #'s 17—19 water pollution discussions), 20 (Conservatism of Metal Assumptions, e.g., "fugitive dust" not

consistent with #'s 17—19 and Appendix , which should deal with hexavalent chromium as a key water pollution issue), 24 (Project Construction Schedule (mixing dewatering with other issues), 29 (Temperature of Mine Water Discharges) and 39 (Discharge to South Fork Wolf Creek. See Exhibit D for data about incorporated objections.

In this case, unless it's just an unfortunate coincidence to frustrate objecting victims, I suspect the EIR Master Responses are divided up to make the DEIR revisions and other responses appear as if they are less CEQA "significant" and not "new information" in hopes of evading CEQA mandated recirculation (see my discussions elsewhere on that topic, including section I.A.1.c), than if all the new and significant groundwater matters were consolidated together in the EIR so their critical mass and combined importance was more visible. (This is a common trick of debaters, politicians, and litigators who attempt to minimize a key, integrated issue on which they are vulnerable by fragmenting and scattering the issue data in smaller parts, so that each part incorrectly seems separate and less important, thus forcing an adversary like me both to reaggregate (as I tried to do somewhat in section I) what should be a consolidated issue that is best aggregated (e.g., groundwater is one such issue that must be addressed as one integrated whole, even though it has multiple impacts, such as the EIR/DEIR scattering discussion of dewatering, wells, water pollution, climate change denial, biological impacts, vegetation impacts, quality of life impacts, etc.) When such disputed environmental impact reports are litigated in court, many such tactics are defeated by objectors' procedural and evidentiary motions and other litigation techniques requiring clarification of the disputes in a more logical matter, where related issues are resolved together rather than by the way the miner **scrambled** them for tactical confusion (as it also did when the EIR chopped up my integrated objections into less persuasive fragments in its Responses rebutted item-by-item in section III below and, for example, in section I.A.1.d (viii) and I.F.5 above.) That is, among other things, because courts have little patience for having, in effect, to relitigate the same overlapping and common core impact with different topic labels many times (as would be the case regarding, for example, such groundwater issues here) if the miner or governmental approval authority were allowed to split up the dispute in such a dysfunctional manner for its tactical advantage.

Throughout my objections to the noncompliant EIR "Master Responses" I complain that the EIR keeps evading my objections here and elsewhere by claiming incorrectly that they are too speculative, insufficiently explained or details, or otherwise unworthy of a response on the merits. My consistent rebuttals to such bogus excuses are based on legal principles articulated in section I, in my DEIR Objection 254, and in my EIR and DEIR Objections 255, such as, for example, the following. The EIR/DEIR fails to perform its **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the**

disputed raptor issues.) Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyard* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at I.A.1.d.(v), I.C, I.D, and I.E.4.

As *Vineyard* explained (at 443), "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." [See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640.] This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections.

As the court noted in *Richmond v. Chevron* from similar impeachment data to what is at issue in my Objections: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].) After a considerable review of the flaws in the EIR process and admissions and rebuttals not addressed in the EIR, the court said: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added**

Here that means, for example, reading together both such "direct" Master Responses to my and other groundwater objections, as well as such "indirect" related groundwater impact responses to my EIR/DEIR objections and those of others, as one consolidated and integrated environmental impact. What that means here is reading my section I topics for basic foundations and then applying that data to the item-by-item rebuttals of these Master Responses (and, even worse, Responses in the next section). Again, as to my complaint about the disputed EIR chopping up my integrated DEIR Objection 254 sections for its so-called separate "analysis," which is really just an unsubstantiated and incorrect opinion (lacking the CEQA required "good faith") that just refers the reader of the EIR "response" back to the same deficient, erroneous, omitted or otherwise noncompliant DEIR statements to which I was objecting. As the reader will see if he or she matches my DEIR Objection 254 (or 255) to the nonresponsive and noncompliant EIR "Responses" and my rebuttals in section III to those disputed Responses, those EIR Responses usually add no substance, but just refer back to the already rebutted DEIR statements to which my such DEIR Objection 254 had already objected (starting at 2-5843). While I rebut those inconsequential and noncompliant EIR recycled "Responses" in section III, item-by-item, if I were a reader seeking clarity, I would ignore those inconsequential and noncompliant EIR recycled "Responses," as well as most of the "Master Responses," so rebutted in this section (and in my legal, CEQA, Guideline, and procedural objections to these disputed EIR/DEIR tactics), in favor of just comparing the limited substance of the EIR/DEIR's purported CEQA comments to my many substantive objections to them.

Please note that there are compelling reasons why this Objection is so long and complex, which include the disputed EIR tactic of evading my objections by incorrectly claiming that I failed to sufficiently explain or detail my objections and arguing that excused the EIR from CEQA compliance in its disputed Responses. What I do here is combat that nonsense in item-by-item rebuttals that expose that nonresponsive tactic, thereby proving an independent ground for rejecting the noncompliant EIR. I do the same thing with the EIR's disputed Master Responses to which I objected above, since these disputed EIR Responses often cite to those disputed Master Responses. However, since I also wish to prevail on the merits against the EIR/DEIR, I began with my subject matter rebuttals in section I, which I incorporate automatically in each relevant objection in section II to those EIR Master Responses and in this section III to those Responses. My objections here had to track the order of error, omission, and noncompliance in the disputed EIR (like I also had to track those in the disputed DEIR, since the EIR basically adopts the whole DEIR with supplements with "significant new information," but without the badly needed corrections or reforms addressed in many objections by me and others). See Exhibit D and the Table of Incorporated by Reference Objections. That meant the introductory or earlier general sections of the disputed EIR/DEIR required my noting my corresponding objections as errors, omissions, and, worse, each time they occurred in the disputed EIR/DEIR before reaching the major substantive parts disputed later in the sprawling EIR/DEIR, where I then again matched their somewhat more detailed (but still insufficient, noncompliant, and disputed) comments with my more detailed objections. In other words, the EIR/DEIR is responsible for the redundancy and the less detailed "coming attraction" type objections early in the documents with cross-references to my more detailed objections to the major disputed substantive topics later in the document.

2. Objection To EIR's Bogus Claim Of Only "Minor Clarifications"/"Amplifications" To Evade Its Recirculation Obligation.

The disputed EIR attempts to evade the required revisions and recirculation (see section I.A.1.c above) with its erroneous (and worse) claim that the EIR involves "only minor clarifications/amplifications" that "do not constitute significant new information." EIR at 2.2 p. 2-1. That disputed EIR claim is both unsubstantiated and lacking the "good faith reasoned analysis" and "common sense" required by CEQA and courts cases discussed above. See *Gray, Banning, Vineyards, and Costa Mesa cited above.* My DEIR Objections 254 and 255, this Objection, and others' incorporated objections prove those DEIR/EIR flaws, errors, and omissions require revision, recirculation, and more, since the DEIR/EIR not only fails to comply with CEQA, but also fails to provide an opportunity to us potential local victims to rebut the entirety of the DEIR and EIR because of its nonresponses, omissions, evasions, and other noncompliance. See section I.C above, including many CEQA legal precedents supporting my position and revealing how the EIR/DEIR misapplies and exaggerates the applicable standards (e.g., what is legally "significant" for requiring revisions and recirculation is much less in real world practice than the monumental change that the EIR/DEIR incorrectly claims would have to occur before any revision and recirculation is required), as well as the 2018 Guidelines Amendment Explanation, where the Guideline authors expose and correct such EIR misinterpretations. See section I.C above. Likewise, "new information" does not mean what the EIR/DEIR's disputed standard claims by a practical translation where the information would have to be almost unimaginable, since according to the disputed EIR/DEIR standard in practice, almost everything is a "clarification" or "amplification," rather than what it really is: "new." Since the interpretation and application of the CEQA standards for what is "new" versus "clarifications" or "amplifications or what is "significant" or not are legal questions for the court de novo and on which the bare, incorrect, and unsubstantiated opinions of the EIR/DEIR carry no more weight than my objections thereto (and the disputed EIR/DEIR should carry less power because they have the burden of proof and offer no support for their erroneous opinions, while I offer significant substantiation, even though [contrary to the EIR/DEIR erroneous claim] all the law requires of me is to counter their opinion with my own.)

Thus, to illustrate one example of the many that occur with respect to most of my and others' objections to many types of noncompliance, when I objected that the (still incorrect, deficient, and noncompliant) hexavalent chromium data the EIR adds that was almost entirely ignored by the DEIR, I correctly called that "significant" "new" information in my DEIR Objections 254 and 255, thus requiring recirculation of a compliant document. Then the self-serving EIR incorrectly called its additional commentary and Appendices (e.g., Q and R added at the back of the EIR without compliant integration with the EIR itself) mere "clarification" or "amplification" and dismissed my objection as lacking sufficient clarity or detail to prove them wrong, all of which errors my Objections refute comprehensively. **Also, first**, I did provide clear and sufficient detail and cited correct authorities (e.g., sometimes by proper cross-references and incorporations) in my Objections in many places the EIR just refused to look. See, e.g., DEIR Objection 254 #'s 3.D. E, F, M, and N, and 4, 5, 6, and 15, as well as in sections I.D, E.4, F.1, and Exhibit C. **Second**, this standard dispute with the noncompliant EIR is backwards, because the disputed EIR has the burden of proving it's data is not "new" or "significant," but instead the noncompliant EIR merely pronounces its incorrect, deficient, and unsubstantiated opinion, falsely and improperly demanding without substantiation that I do more to prove its opinion was wrong (and mine was right, which I repeatedly do appropriately, but not ever it seems the way the EIR incorrectly insists my rebuttals must be presented.) **Third**, stated another way, because

the EIR does not attempt to justify its positions with any "common sense" or "good faith reasoned analysis" (as required by *Gray, Banning, Vineyard, and Costa Mesa*, among other authorities), the disputed EIR's constant complaints about the sufficiency, clarity, or relevance of my objections must also fail to prevent the EIR/DEIR from benefiting from their wrongful "hiding of the ball," "bait and switch," false equivalents, and other improper tactics. See my general "good faith" challenge against such disputed tactics above (e.g., I.A.1.d(viii) and I.E.1-5), DEIR Objection 254 #'s 3.E and N, 4, and 14, and EIR and DEIR Objections 255. See also my Table of Incorporated by Reference Objections and Exhibit D illustrations therefrom.

Again, since I have proven the need for EIR/DEIR revisions and recirculation both as a matter of law and fact above throughout section I (not only in section I.A.1.c, and other incorporated objections), I will not repeat my such proofs in these rebuttal sections II and III, which instead serve to illustrate further the specific errors, omissions, and noncompliance in the EIR's Master Responses in this section II and the EIR Responses in section III. This section (like section III) relies upon everything that I said in section I and that I incorporated from my Table of Incorporated by Reference Objections or Exhibit D. Because among the objectionable tactics I expose herein is a wrongful refusal by the disputed EIR to consider such cross references within my Objections and my incorporations to other party objections, which I frequently must dispute herein, I flag this problem at the outset and note the EIR's hypocrisy because the EIR/DEIR is full of the same kinds of incorporations and cross references for its own use that it refuses (inconsistently) to accept from objectors (as the law requires). To be clear, everything I state in section I is a legal and factual foundation incorporated (with or without specific cross references, which when I use them are for emphasis, not because they are necessary) into everything I state in section II and III. The various reasons that I have section II and III rebuttals as well, since section I should be sufficient, include both (i) my desire to avoid more meritless and distracting arguments with the EIR/DEIR on such issues, and my use of these item-by-item rebuttals to expose in these sections II and III the wrongful patterns and practices used in the EIR's "Master Responses) and "Responses." That reality, combined with the many other objectionable tactics used by the EIR/DEIR, should be an independent basis both for rejecting the EIR/DEIR and for discrediting the alleged credibility of the EIR/DEIR as to the "good faith" half of the "reasoned analysis" and "common sense" that CEQA and other applicable law requires. See, e.g., *Gray, Banning, Vineyard, and Costa Mesa and section I.A.1.d(viii).*

B. Objection To Master Response 1 (part 1): Non-EIR/Administrative Issues.

At present, the disputed EIR incorrectly claims that the EIR can say whatever it wants, whether within the scope of CEQA or not, while the EIR/DEIR incorrectly argue that such local victims like me can only complain about the portion of the disputed EIR/DEIR that is incorrectly claimed to be within their misinterpreted, narrow scope of CEQA. See my debates on this subject above at #I.A.1.b, noting, for example, in my DEIR Objection 254 #3.K how that disputed EIR approach would permit the disputed DEIR to present noncompliant and worse comments in its "Non-CEQA Related Analysis," but the EIR falsely claims the right refuse to respond to my objections thereto on the bogus theory that such objections (even using DEIR or Rise admissions) are irrelevant, because, they are somehow outside its misinterpretation of the scope of CEQA. (Legal hint: rebuttal and impeachment of such errors, omissions, and noncompliance are always relevant and admissible evidence.) Thus, if the EIR is approved, the County will be compelling the courts certainly to reverse them in my favor not just on the substantive merits, but

also on these many disputes over the scope of CEQA and our objector/victim rights to rebut/impeach the EIR/DEIR as I have done, whether or not within the true scope of CEQA. To oversimplify, CEQA requires truth, "common sense," and "good faith reasoned analysis" for every statement the EIR and every response to my and others' objections. E.g., *Gray, Banning, Vineyard, and Costa Mesa, as discussed in section I.A.1.d and as illustrated in each objection to which there was no responsive and compliant EIR response.* That means that us objectors must be able to counter all the falsehoods, errors, omissions, and other noncompliance in the EIR without being restrained by any incorrect "border limits" for CEQA compliance claimed by the EIR, but never applied to itself (i.e., hypocrisy, and worse tactics). As I explain elsewhere, including in my four Objections 254-255, when the EIR/DEIR propounds false or erroneous descriptions of the applicable law (or fails to apply correctly, or at all, applicable law), the EIR/DEIR must be corrected, as my and other objections do, despite such EIR/DEIR resistance or evasions.

Moreover, the generally nonresponsive EIR incorrectly claims that it is "responding" to all the objections, at comparable levels of detail to those objections, e.g., misreading CEQA Guideline #15088 about general responses to general objections. However, when, as often is the case in the flawed EIR/DEIR, our general objections are to their omissions, evasions, or noncompliance with respect a required CEQA or other disclosure, the only proper response is full disclosure; not the general evasion as the disputed EIR often does by failing to provide the required details. Note that the burden of proof and compliance is on the EIR/DEIR, not on us objectors. As explained in the prior subsection and elsewhere above, CEQA also demands such compliance by the EIR with respect its responses to our objections.

As its disputed Master Response 1 illustrates, for example, the EIR grossly and repeatedly fails to comply with the CEQA and other disclosure requirements, presumably for the improper tactical purposes explained herein. In this case that may occur for many reasons. One is that the EIR wrongly and consistently applies a double standard, including by refusing to perform and disclose themselves in the same way they insist that we comment. More importantly, the EIR misinterprets, misapplies, and wrongly argues the meaning and application of CEQA and other laws to this dispute. See, e.g., section I.C and D above. For example, the EIR miscites CEQA Guidelines (like #15204) by assuming (incorrectly) that the disputed EIR is complete, correct, and compliant when it is often none of those things. Therefore, (the EIR claims) that objectors are supposed to focus on "specific alternative or mitigation measures," a task that is impractical when the disputed EIR/DEIR is so full of errors, omissions, and other noncompliance. Similarly, the EIR (at 2-2) wrongly forbids (and, therefore, disregards) us potential victims from offering "opinions on whether the Project should be approved," but what we are doing is countering the contrary, unsubstantiated, speculative, and provoking DEIR/EIR "opinions" about the merits of the Project. Again, we objectors always must be allowed to counter every false, misleading, and otherwise incorrect or deficient statement in the EIR or DEIR, whether concerning an environmental impact or any other disputed claim or content. Either our rebuttals to the disputed EIR/DEIR "non-environmental factors" must be allowed, or else the County must disregard both "non-environmental" opinions from each side (in which case we objectors must prevail because the burden of proof is on the disputed EIR/DEIR). Stated another way, if the EIR/DEIR claims that all its statements qualify as within CEQA scope environmental impacts, then our rebuttals must also be treated the same way. Note that, however, as demonstrated in my objections, even the DEIR admits that it sometimes exceeds CEQA's

scope, such as for example the DEIR section labelled "Non-CEQA Related Analysis." See my DEIR Objection 254 #3.K.

Consider that this mine has been flooded and closed since 1956, and Rise admits in its SEC filings (eg, See Exhibit B hereto and my Objection 255) having no reliable and sufficient data regarding the current conditions of the project mine. For example, the DEIR/EIR seeks to profit from its ignorance as to various important matter about how its massive, 24/7/365 dewatering for 80 years will impact us competing and objecting surface owners of properties like me above or around the 2585-acre underground mine (with at least 300 existing wells by the County Economic Report count overlooked by the DEIR/EIR, but still undercounted as discussed in my Exhibit A hereto and elsewhere), plus many more future wells to come in response to climate change realities ignored by the EIR/DEIR as too speculative despite offers of proof by me and other objector/witnesses, as well as the "2018 Guidelines Amendments Explanation" affirming CEQA inclusion of climate change (see section I.C.2 above). See the Rise SEC admissions as to many such risks in Exhibit B and my DEIR Objection 254 #2, which the disputed EIR/DEIR (and, so far, the County) refuse to consider, despite such SEC admissions prevailing for objectors in ***Richmond v. Chevron,*** discussed at section I.D above. Therefore, there cannot be a burden on us neighboring mine victims to do what the EIR so fails to do, and, even if we wished to do so, it is impractical for anyone else to do EIR's compliance job without access to what information sources Rise and its EIR author have available but refuse adequately to investigate. The fact is that Rise prefers its such admitted ignorance on the mine realities, so that it can argue instead from disputed, irrelevant, incomplete, and otherwise unreliable supposedly historical mine records and allegedly (but not) comparable studies of other, unrelated properties the disputed EIR wishes to use instead of current facts; illustrating one of the many evidentiary disputed the courts may have to resolve if the County mistakenly accommodates the EIR mine.

To illustrate further just one of many such EIR flaws, assume that dangerous conditions exist below the long-flooded waters in the depths of the 2585-acre underground mine, contrary to the EIR's uninformed gamble, assuming/speculating, opining without substantiation that no uninvestigated problems exist. (Although the disputed EIR/DEIR refuses to reply to many of my objections because it incorrectly complains that they are too "speculative" or "unsubstantiated," it's instead the EIR/DEIR that is speculating etc. without substantiation about the conditions of the long flooded and closed mine Rise and the EIR/DEIR have refused adequately to investigate. Either both sides' positions must be considered or neither can be, so that there is a level playing field. There can be no such thing as "giving the benefit of the doubt" to the disputed EIR, especially because it has the burden of proof to apply common sense good faith reasoned analysis in compliance with the other CEQA requirements.) When those mine condition problems become known when they impact us local victims and such victims pursue their legal, law reform, and political remedies [i.e., when the harms become obvious to us locals (eg, dry or toxic wells, mine groundwater polluted by hexavalent chromium, etc.], it is already then too late to save us victims from harm. My extensive experience in such bankrupt mining situations discussed above (section I.A.2), and in my DEIR Objections #254-255, will prove that, when these kind of miner gambles harm people, such miners (especially foreign miners) often abandon the no longer profitable mines, leaving a mess for the impacted community to clean up. See the more than 49,000 abandoned California mines on the EPA list. When such foreign miners retreat across the border, with or without US bankruptcies to evade accountability (or they use US Chapter 15 cases to block US creditor remedies for the benefit of a foreign insolvency

proceeding), the US victims are invariably disappointed in their practical remedies. As here with Rise, usually the abandoning miner typically is a financially unresponsible entity (often foreign) whose only available material asset is the dangerous mine, which is not an asset, but rather a liability. See DEIR Objection 254 #1.

C. Objection To Master Response 1 (part 2)- "Quality of Life" (EIR at 2-3+).

As my four Objections and others demonstrate, including by cited EIR/DEIR rebuttal court decisions, the disputed EIR/DEIR often misreads Public Resources Code 21000—21002 as well as the Guidelines, as exposed, for example, in the 2018 Guideline Amendments Explanation at section I.C.2 above (e.g., where the authors themselves explain why the EIR/Deir is wrong, e.g., about climate change they dismiss as too speculative to have to address in response to my wells, water supply, and other objections) and elsewhere. The EIR incorrectly claims (at 2-3) that our "environmental needs" must be "secondary to economic and social needs" in this case, which is absurd for this "no net benefit mine" (DEIR Objection 254 #4) that will, if approved, become a liability by application of *Varjabedian v. Madera* and other authorities. However, the EIR/DEIR erroneously prohibits our economic and social rebuttals to those alleged miner needs (and the disputed County Economic Report incorrectly assumes without sufficient analysis the merit to the disputed mine claims, while ignoring the errors, omissions, and noncompliance of the disputed DEIR [see my Exhibit A] and even the lack of feasibility of the Rise's deficient mitigation and other performance of its DEIR promises [see Exhibit B and DEIR Objection 254 #2].)

Such EIR/DEIR mistakes or worse are especially serious, since, unlike public benefit projects where some are such casualties for general public good with Constitutional rights to compensation as in *Varjabedian,* this exploitive private mine for the profit of Canadian miner's shareholders has no net public benefit to us impacted local victims. See DEIR Objection 254 #4. There is no net "economic or social need" to justify this mine, as the disputed EIR/DEIR incorrectly claims, and, if the County gambles against the risks and problems that Rise itself admits in its SEC filings (eg, Exhibit B and my DEIR Objection 254 #2) and imposes this EIR menace us objecting locals to suffer the consequences over our meritorious objections, the paramount economic and social needs instead will become a much higher cost for the County to clean up the mine mess and try to remedy the wrongs done to us local victims. I use the "net" concept of weighing purported benefits minor jobs for shorter time, and less tax income than projected (see my Exhibit A and DEIR Objection 254 #4), against our objector proofs of harms to us and our whole community See, eg, Exhibit A, rebutting the disputed County Economic Report that incorrectly assumes the merit of the DEIR/EIR without considering our local victim objections. See also, besides my Objections the harms described by each of the other cited objections in my Table of Incorporated by Reference Objections or Exhibit D.

More importantly, the disputed DEIR/EIR incorrectly assumes that Rise is somehow entitled to dictate extraordinary and harmful operating rights 24/7/365 for 80 years (to which Grass Valley also joins me in objecting in its Agency Letter 8), but that claim is worse than wrong on the merits, i.e., Rise is wrong that it can choose how it wishes to operate, no matter how inappropriate, to set the standard for judging impact comparisons and illusory or deficient mitigations. For example, as my Objections (and Grass Valley Agency 8) demonstrate, not even beneficial public projects and useful businesses (as distinguished from this exploitive private project) are not allowed to so impose on the objecting public. The obvious, true mitigations,

include limiting the mining operations at most to normal businesses hours during a period when it can prove it does no harm (which is not 80 years but I say should end at the earliest of its expiring permits [no longer than 5 years as I understand the regulatory incorporated filing, or at worst ending in 2040 at the latest, when its last disputed DEIR/EIR water data (misapplied from NID) stops, making anything else a speculative and unsubstantiated miner bet [with our futures at stake] against, for example, climate change, such that the disputed "current" average rainfall between 1967 and 2017 [ignoring the dry years after 2017 so it's wrong to call it "current"] consistently recharges our groundwater for 80 years, despite massive 24/7/365 dewatering flushing our groundwater away down the Wolf Creek.) Nothing in CEQA favors Rise when it comes to such dueling speculations, especially since when we're proven correct by events us unwilling victims risk losing everything, while the mine speculator/investors just lose their modest "ante" in what they knew was a high-risk bet. See Exhibit B, where Rise SEC filings warn its investors of their high risks and lack of information and investigation to support that speculation. Any wise and careful government official should follow the first rule of medicine and "first, do no harm." Attempting to imposing any such involuntary mining gamble will incite a protracted resistance by us impacted locals living above or around the mine, who will be defending our health, welfare, and property against our risks about which we are warned by all those experts in my Table of Incorporated by Reference Objections (or Exhibit D) and by our own experiences and common sense. Where is the CEQA required "good faith reasoned analysis" that is required for the EIR/DEIR (and that is generally missing) to prove the case for the mine? Why is it in the best interest of the County to trigger such irreconcilable legal and political conflicts, especially when the EIR/DEIR fails even to make a good faith effort to convince those of us it impacts? Stated another way, who makes the better case: the disputed EIR/DEIR or the massive objections in my Table of Incorporated by Reference Objections and Exhibit D? In any case, why is it that the County would gamble for this speculator/miner against us objecting local voters who are convinced we in peril by our own good faith reasoned analysis and common sense that this can only end badly for us? The benefit of any doubt must favor us objectors, because the EIR/DEIR has made no convincing case why anyone should bet on their disputed and noncompliant EIR/DEIR and the burden of proof is on the miner.

Contrary to the incorrect DEIR/EIR arguments, Public Resources Code #21002 (and other laws and court decisions cited in objections) prohibits approval when there are "feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." The only reason the DEIR/EIR gives for not operating for a proven, safer times during normal business hours is that Rise claims/admits (DEIR at 6-14) the mine production is not economically feasible on that basis, because profitability requires that extraordinary 24/7/365 burden for 80 years. First, there is no proof submitted for that proposition, and that is contrary to what is stated in Rise's SEC filings (see Exhibits B and A) which admit the whole project is speculative, and that there is no evidence that it could ever be profitable even on that extraordinary DEIR/EIR 24/7/365 for 80 years basis. Thus, Rise and the DEIR/EIR themselves put the economic feasibility of the mine at issue/in dispute without any credible or competent evidence favoring the EIR/DEIR as pure speculation on the condition of a mine closed and flooded since 1956 without any sufficient updated exploration or investigation. See my Objections herein, in DEIR Objections 254 and 255, and in EIR Objection 255. Second, Rise's SEC filings admissions (Exhibit B, which Richmond v. Chevron and other cases confirm must be considered and, indeed, are what won that case for the objectors) demonstrate that it cannot afford to do what is required by the EIR even on its own

disputed terms, making the whole Project and its proposed mitigations illusory. See also my rebuttal at Exhibit A as to the absurd idea that it does not matter who does the mining and that if Rise fails someone else will replace it.

D. Master Response 1 (part 3)- Economic Effect on Property Values (EIR at 2-4). See Exhibit A.

While the disputed County Economic Report had many flaws, in part because of its untested and incorrect assumption as to the correctness, completeness, and sufficiency of the DEIR (see my questions and concerns in Exhibit A and B hereto), even that Report admitted facts supporting concerns about the impact of the DEIR/EIR mine on local property values. See also my Objections and Nevada County Association of Realtors Group Letter 15. Speaking of admissions, which Richmond v. Chevron and applicable law make irresistible (see section I.D above), despite the failure to consider or include them in the disputed EIR/DEIR or in the County Economic Report. See Exhibits B and A. Part of the problems are that many mine impacts ignored by the DEIR/EIR (and that Report) will depress property values, and even the threat of possible mining creates a value depressing stigma impact that will endure consistently while us homeowners above and around the 2585-acre underground mine, among others, resist with our legal, law reform, and political remedies. Id. For example, even the risk factors admitted by Rise in its SEC filings, but ignored in the DEIR, EIR, and County Economic Report (see Exhibit B hereto), will substantially harm property values, and thereby will both depress property and other taxes, as well as depressing our local economy, particularly businesses dependent on a vibrant real estate, such as local home construction, remodeling and repair, building supplies and hardware, among other things, as well as our tourist industry for which such chronic local conflicts about the mine menace are not helpful to our hard earned environmental image. Look what happened to Benicia when the refinery moved in, soon joined by other undesirable polluters looking for a tolerant place to exploit. Also consider the fate of Martinez and other adjacent towns who suffered from both the stigma and the fowl air and odors. As noted above and elsewhere in my Objections and those of other victims in my Table of Incorporated by Reference Objections or Exhibit D, we must be allowed to rebut all the errors, omissions, and other noncompliance in the DEIR/EIR, whether our issues are deemed (a matter in dispute, including because every single sentence in the EIR/DEIR must be subject to rebuttal and impeachment, regardless of any alleged CEQA boundary) neither direct nor indirect "significant effects on the environment" for purposes of CEQA Guidelines #15131(a). See, e.g., section I.A, C, D, E, and F. (This is also true of the County Economic Report, as rebutted in Exhibit A.)

My Objections and applicable law and court cases ignored or misdescribed by the EIR counter those alleged in the EIR, especially because the economic impacts will cause changes to the physical environment addressed even under the DIER/EIR's disputed interpretation of CEQA and its Guidelines. See my discussion in section I.C.2 of the 2018 Guidelines Amendment Explanation, where Guideline authors rebut the incorrect EIR/DEIR interpretations of CEQA and the Guidelines. Consider, among many examples in my Objections and others and elsewhere herein, the following counter application of CEQA Guidelines #15131(a) misapplied in the EIR at 2-4. There are thousands of people like me living above and around the 2585-acre underground mine whose property rights and reactions are generally and improperly ignored in the DEIR/EIR (and County Economic Report-see Exhibit A), in contrast to the DEIR/EIR attention concentrated on the small subset addressed downhill along East Bennett Road**. See, eg,**

the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session. See the Wells Coalition DEIR objection at Group Letter 27/28. The relevant comparable is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line. Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See NID Agency 10 as to its WSA and my objections to EIR "Responses Ind. 254-16 and 17.

Many of us owning surface properties above or around the mine and have a co-equal and competing right to the same ground water that the DEIRE/EIR plans to flush away down the Wolf Creek in their disputed mine dewatering plan for constant 24/7/365 depletion for 80 years, all without reliable proof that abuse is sustainable or tolerable. Not only does the EIR/DEIR underestimate the number of wells presently at risk, but it also ignores our surface owner rights to drill new and deeper wells to save our homes and forests from the climate change impacts made worse by such mine dewatering. When the mine makes such physical changes affecting such disputed ground water, it is not just misusing its own or public water, the mine is depriving those surface owners above and around the mine of their court confirmed rights to lateral and subjacent support that includes such shared ground water being essential to avoid the risk of *Keystone* "subsidence" and well as drying up and killing of surface trees and other vegetation and adding massively to wildfire risks. Such risks and harms to the surface owner's property rights and value is caused by physical impacts at the mine, eg, dewatering and changing in water flow and quality. Moreover, as demonstrated earlier the DEIR/EIR falsely assumes, without any CEQA compliant "common sense," "good faith reasoned analysis" as required by *Gray, Banning, Vineyard, and Costa Mesa and ignoring climate change as speculative contrary to the 2018 Guideline Amendments Explanation (at section I.C.2 above),* that our groundwater will somehow recharge from the "current" average rainfall between 1967 and 2017 being repeated for 80 years, despite 247//365 dewatering and despite the fact that such average ignores the more "current" dry years data after 2017.

Thus, the disputed EIR is wrong to claim (at 2-4) that: "There is no evidence that physical effects to other properties would occur that could result in reduction of property values." See Exhibit A. To the contrary see the Nevada County Association of Realtors Group Letter 15 and many others in the record, including my four. Worse, the burden of proof should be on the EIR/DEIR (not the potential victims) to prove there could be no harm to that local environment and such surface properties, but Rise admits having made no sufficient investigation of the underground condition of the long-flooded mine and ground water supplies for 80 years with such constant dewatering abuse. See my Objections and others and Exhibit A and B, including Rise admissions in its SEC filings which, contrary to their incorrect exclusion must be considered rebuttal evidence as shown in Richmond v. Chevron discussed in section I.D

above. As to mitigation, as discussed above and elsewhere, for example, cutting back the operations at the mine to normal business hours would help, and Rise claiming and admitting (DEIR at 6-14) that it needs 24/7/365 drainage for 80 years to maintain its desired profitability is not a tolerable reason to justify that abuse of the environment that depresses property values. Accord Grass Valley Agency Letter 8 and others I incorporate.

E. Objections To Master Response 2-Social And Economic Impacts (EIR at 2-4+).

As demonstrated above and elsewhere in this and other Objections by me and others, the EIR incorrectly cites Pub. Res. Code #21060.5 and Guideline #15360, 15064(e), 15131(a) and (b), and 15382 because it misapplies them. See my Table of Incorporations by Reference Objections, Exhibit D, and my CEQA and Guideline analysis in section I.C and elsewhere, including the 2018 Guidelines Amendments Explanations, where the Guideline authors rebut the kinds of misinterpretations in the EIR/DEIR. For example, the EIR claims (at 2-5) that "the scope of an EIR is limited to a local agency's evaluation of potentially significant environmental impacts of a project, which by definition are limited to physical conditions, rather than social and economic conditions" (including, the EIR claims harm to property values, which I address above in II.C and elsewhere) citing distinguishable, debatable, or otherwise rebuttable cases. That is the point. When their authors and approvers (or those for the County Economic Report) try so to limit, exclude, or evade objections which they claim are outside the scope of CEQA/Guidelines (or the arbitrary and dysfunctional limits of that economic report), they are ignoring the fact that I and other objector/victims are rebutting and impeaching what is also asserted in such disputed EIR/DEIR outside that same asserted scope (and that our rebuttals show is erroneous, deficient, noncompliant or worse, including by Rise and DEIR or EIR admissions we are entitled by law to use to counter and present the truth and reality).

Nothing in CEQA or other applicable law blocks objectors from exposing, rebutting, and countering such EIR/DEIR (and County Economic Report) errors, omissions, and other noncompliance. See my doing such rebuttals and impeachment herein (including Exhibit A) and in my Objections, including by using both Rise admissions in Exhibit B and my DEIR Objection 254 #2 as well as DEIR or EIR admissions such as DEIR at 6-14, where it admits the whole project is economically infeasible if it were not able to operate 24/7/365 for 80 years in accordance with its disputed EIR/DEIR plans, ignoring what I and others note that its operating permits will not last that long, with some expiring as soon as five years. That rebuttal right is especially applicable where such disputed data asserted by the EIR/DEIR is contrary to or fails to address contrary data in Rises SEC filings (see Exhibit B) and even in the County Economic Report (see Exhibit A). As noted above, for example, the EIR/DEIR and County Economic Report cannot incorrectly brag about the mine's cited economic benefits (i.e., minor tax revenue and several hundred jobs of uncertain duration while the resistance to any approval proceeds with legal, law reform, and political remedies) and not allow us objectors to counter those errors, omission, and noncompliance (eg, showing property value declines, which reduce property tax revenue, surface property related jobs [construction, remodeling, repair related work, hardware, building supplies, tourism, etc.] and other economic harms. See Exhibit A and DEIR Objections 254 #4 demonstrating the no net benefit from the mine.

As one of many examples of how the EIR (at 2-5) misapplies cited cases, while ignoring other precedents and distinguishing factors and creating legal errors, as discussed above at I.C and D and in my Objection 254 #'s 3.N, 4, and 14. Consider the EIR's disputed reliance on ***Gray***

v. County of Madera (2008) (167 Cal. App. 4th 1099, 1120-21, on which I also rely as supporting my Objections and not the DEIR/EIR (which attempted DEIR/EIR application I distinguish and can rebut with both using that case and others. See my DEIR Objection 255 #3 (and 254, see, e.g., #'s 3.N, 4, and 14) (i) where I address regarding the distinguishing *Gray* case factors even more favorable to us objecting surface owners above or around the 2585-acre mine (not present in the open quarry *Gray* mine) with our competing property rights to the same groundwater, as well as rights to lateral and subjacent support (including by such groundwater) as described in the US Supreme Court in ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987)(rejecting "taking claims by miners as to laws protecting surface owners' property rights to lateral and subjacent support, including by groundwater, to prevent "subsidence" [defined to include depletion of groundwater] and loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal in the mine to support the surface. *See also*, ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner) and other cases I discuss elsewhere above in detail, because the 24/7/365 dewatering for 80 years will not just devastate the local environment, but also violate our surface owners' property rights, triggering inverse condemnation, nuisance and other claims pursuant to *Varjabedian v. Madera*, supra, and other authorities, (ii) where I address the same issues but rebut the EIR/DEIR with more accurate quotes and correct "good faith reasoned analysis," as noted herein, and (iii) where I counter the incorrect EIR "Conclusion" (at 2-6) on its own terms by showing how such objections by me and others do show how "potential social or economic effects of the project" do "contribute to" or are "caused by a physical change to the environment." See generally, my objections herein to EIR Master Responses 13, 14 15, 16, 29, and for further background 7, 8, 33, 35, and 36. See also my section I.C above and the 2018 Guideline Amendments Explanations.

F. Objection To Master Response 3—Operator Responsibility (EIR at 2-6+).

This common objection is not just about Mr. Mossman, but it is more about the credibility problems of Rise (and those who blindly accept and support all those disputed EIR/DEIR and County Environmental Report errors, omissions, and worse without proper proof, "good faith reasoned analysis," or sufficient investigation) and the failure to properly address the objections to the many flaws in the EIR/DEIR and such Report. As this (including Exhibits A and B) and my other Objections demonstrate and expose, there are too many errors, omissions, and worse deficiencies too ignore, such as, for example, the fact that the EIR/DEIR doesn't even address inconsistencies with the Rise SEC filings or address the risks they admit to the SEC but ignore in the EIR/DEIR data. These concerns are magnified by the fact that the EIR/DEIR claims and mitigation promises are financially infeasible for Rise (or the kind of gambler to whom it may flip this project the Rise SEC filings admit being high risk), as I demonstrate in my four Objections and Exhibits A and B. And that is the key point these mine proponents and EIR/DEIR keep missing from the many objections in the record (see my Table of Incorporated by Reference Objections): this mine Project is a dangerous and speculative gamble without adequate proof and

information assuring us potential victims of environmental and other safety and feasible mitigation, and that at least puts the entire local community at risk (and more, we contend, since, for example, all that dangerous dewatered mine water goes somewhere else down the Wolf Creek with hexavalent chromium and anything else not eliminated by the questionable and insufficiently proven DEIR/EIR "treatment.")

Anyone who so admits such risks of the unknown to the SEC, but omits or misstates them in the DEIR/EIR, should not be trusted and approved for such hazardous and impactful mining in our suburban community, and, where (as here) the EIR/DEIR fails its burden of proof with common sense and good faith reasoned analysis, they especially should not be given the benefit of a massive doubt, particularly on top of the risks inherent for anyone reopening this long abandoned and flooded mine about which too little reliable data is known and lacking sufficient investigation and evaluation to avoid inconvenient truths that might obstruct their noncompliant speculations, false assumptions, and other wishful thinking. Stated another way, as admitted in the Rise SEC filings (see Exhibit B), this Project is a massive gamble with huge risks to the locals that are not identified or mitigated in the EIR/DEIR, and there is no reason for anyone to trust Rise or any other gambler who is waiting behind the curtain to replace Rise (or control Rise with the funding Rise lacks to do what it states in the DEIR/EIR data). That reality is one reason why so many local realtors join us locals is rejecting the DEIR/EIR and doubting Rise and its official approvers, not just because of disbelief or dispute of the environmental impacts, but as to the whole of the DEIR/EIR and its many omissions and lack of sufficient, reliable, or credible proof to counter the massive objections by us local potential victims and others. See Exhibit A and the Nevada County Association of Realtors Group Letter 15. We potential victims advocate the old saying that applies here: "better to be safe than sorry," especially on such a wild, uninformed gamble on an. at best, admittedly financially unreliable miner (e.g., SEC filings in Exhibit B) with such a credibility problem for not adequately both such admitted risks and our many unaddressed objections. See, e.g., my objections above to EIR/DEIR tactics like "hide the ball," "bait and switch," and false equivalences. See, e.g., section I.A.1, d(viii) and I.F above.

For example, at 2-6 the EIR asserts (and we dispute) that "the possibility of non-compliance with the conditions of approval or mitigation measures is not considered an environmental impact under CEQA. (But see my objections above and elsewhere that we must be allowed to counter and rebut errors, omissions, and noncompliance in the EIR/DEIR, not just because of CEQA but also because those incorrect and worse assertions and omissions cannot be allowed to stand unrebutted as a false basis for approval, especially under these circumstances and considering the failure by Rise to address in the DEIR/EIR what even it admits in its SEC filings, as noted in Exhibit B.) See, e.g., Richmond v. Chevron, directly countering that incorrect EIR/DEIR claim, as discussed in section I. D above. **First,** no local property owner at risk, and no neutral/reality based buyer, broker, appraiser, or mortgage lender, will accept the DEIR/EIR or County Economic Report as correct, complete, or credible against either the objections or "common sense" (see, eg, Exhibits A and B), since, for example, the surface owners cannot expect buyers to assume the risk of even admitted 24/7/365 blasting, tunneling, and other mining beneath the 2585-acre underground mine, toxic chemical use (e.g., hexavalent chromium) through constant dewatering to be flushed down the Wolf Creek with unproven and disputed cleaning process, ground water depletion 24/7/365 for 80 years, and many other objectionable activities, not to mention the risks admitted in the Rise SEC filings that are not addressed adequately (or often at all) in the DEIR/EIR, such as its inability to afford to accomplish

proposed mitigations, even its proposed well mitigation when applied to the actual number of existing wells and new wells at risk. That reality is certain to depress property values and market conditions, especially above or around the mine, as well as elsewhere (eg, wherever the polluted dewatering water goes to unsuspecting NID customers when it is flushed down the Wolf Creek), just as a matter of *Gray* case "common sense" (which is generally lacking in the DEIR/EIR and so far in its approval process.) **Second,** as described above and in many objections, there is no adequate legal or even equitable remedy for us local victims when the obvious predicted realities are exposed by the intolerable and uncorrectable harms we reasonably expect to suffer, as described in all the many objections. *Keystone and Varjabedian* recognize our rights and claims, but how could we expect to recover for actionable conduct by a Canadian miner with such admittedly uncertain (at best) financial resources revealed in its SEC filings (Exhibit B). **Third,** this is a private project for the profit of a foreign miner and its speculator/investors with no net local benefit to justify these risks and problems. See Exhibit A and DEIR Objection 254 #4. Stated another way, why would our local government risk gambling away our community health, welfare, property values, environment, and way of life without more reasonable assurances of safety and legal compliance with applicable law and more sufficient, reliable, and feasible mitigations?

Speaking of a lack of "common sense" (*Gray*), the disputed EIR/DEIR answer to such objections is even more absurd. The EIR claims (at 2-6) (without citing any authority) that we victims should tolerate noncompliance with "approval or mitigation measures," permits, or applicable law, then trusting the County to revoke the use or other permits for various reasons, including those which our many objections contend would exist at the start of the EIR's contemplated operations and mining. My long experience with bankrupt or failed underground mines (section I.A.2 and DEIR Objection 254 #1) demonstrates that such noncompliance and violations only become visible when there is a visible crisis (or a whistle blower) impact that expose them when it's too late for the local victims except to enforce legal claims for damages, which recovery prospect are likely disappointing for a miner with the Exhibit B financial condition and the ability, if it chooses to do so, to abandon the mine retreat to Canada, as many others have done before, which is why there are so many abandoned California mines on the EPA clean up list. In such other cases, history and my experience teach that, when and if the government finally does the right thing to stop what it should never have permitted in the first place, such other miners have either (i) used bankruptcy in the US or in its home country (e.g., seeking Chapter 15 in the US to require deference to that foreign insolvency proceeding) to disappoint its creditors and stall or evade its obligations, or (ii) abandoned mining and fled to its homeland to defend against victims on a more favorable basis than would be likely in the US. The naïve and disputed view of the EIR is that somehow stopping the mining solves the local victims' problems, which is absurd when the miner's only "valuable" asset is that doomed mine. The inevitable result of allowing financially irresponsible miners to gamble at the local victims' risk is to leave the victims and their community devastated without any meaningful remedy, adding another toxic mess to the more than 40,000 such abandoned California mines om the EPA cleanup list.

On page 2-6 the EIR lists six alternative grounds for revoking the mine's permits under County Code L-II 5.11, most of which the many meritorious objections demonstrate already will either exist at the start of the mining or which seem inevitable during the operations. Why approve a project that begins in violation? The least shameful of those six grounds for revoking a permit (#6: changing circumstances that would have prevented the permit from being granted at

the outset) is the one that the County should insert in the permits to protect serious predictable threats and impacts from becoming actual disasters. Wise officials gambling on reopening such dangerous, (at best) uncertain, and disputed mines approved without reliable data, investigation, and "good faith reasoned analysis" and "common sense," should require independent inspections and re-evaluations comprehensively as a condition to the commencement of mining after the flooded mine is dewatered and prepared for operation. If as the objections predict, that reality check proves the EIR/DEIR wrong and noncompliant and the mine too dangerous to "public health, safety, and welfare." Also, the official "monitoring" of the mine cannot just be for the few wells and property along East Bennett (as now) but must involve monitoring of the whole 2585-acre underground mine for the protection of the thousands of surface residents above and around that underground mine with either exiting wells or future wells, as is our property right. See sections I. C, D, E, and F and DEIR Objection 254 #'s 3.D, E, R, M, and N, 5 and 6. See NID Agency 10 as to the WSA and my objections to EIR Responses Ind.254-16 and 17.

G. Objections To Master Response 4—Cleanup Project (Centennial) Is A Separate Project Under CEQA (EIR at 2-7).

My four Objections cite contrary authority, evidence, and arguments that distinguish and dispute the arguments cited in this EIR Master Response. See, e.g., sections I.A.1.d and I.B, as well as my Table of Incorporations by Reference Objections and Exhibit D, also proving that Centennial is part of the project. Even though the Centennial site work may have been designed to be separable, it is part of the same CEQA project. Id. That is a legal argument, but apparently the EIR has only considered (as is too often the case) the disputed Rise side of that argument lacking sufficient authority. County approval of that EIR Centennial mistake would just means that a court will have to correct that incorrect EIR/DEIR position, leaving whatever happens in the meantime to be a mess that the County ultimately will have to correct. Also, as admitted by Rise in its SEC filings (see Exhibit B and DEIR Objection #2), it is not economically feasible for Rise to accomplish the Centennial site clean-up, and it is hard to imagine anyone else assuming that obligation. The disputed and noncompliant EIR does not even attempt to answer the key question: What happens to the environment when Rise begins the clean-up, makes a mess, and then abandons the clean-up when it has achieved what it can from the adjacent underground mine? According to the NSAQMD Agency Letters 11 and 12, once the disputed Centennial work begins not even NID water rationing in droughts can stop the frequent daily watering of fugitive dust full of asbestos and other dangerous air pollution toxins, as discussed in section I above, including as reasons for more new wells by us surface owners above and around the 2585-acre underground mine, since during NID water rationing the mine's wasteful water needs priority to save us from its asbestos and other air pollution. In my long experience, such failed clean-ups tend to make things worse for the neighbors, not better.

More importantly, it is irrefutable and admitted by Rise and the EIR (eg, at 2-7) that the Centennial mine toxins for clean-up include lead, arsenic, mercury, and other dangers. It is also irrefutable and admitted by Rise in its SEC filings (Exhibit B) that no one really knows the dangerous conditions that now exist in the long flooded underground mine or in the new proposed 76 miles of tunneling and mining. One of many key flaws in the DEIR/EIR is why do they assume and gamble (without proof) that the underground mine is not also contaminated with similar toxins as came from the Centennial site? Stated another way, what happens when Rise dewaters the mine, and it proves to have such toxins? If they cannot dump the mine waste on the

Centennial site (making that part of the single Project, if it wasn't already) or dump it on Brunswick (making it into another toxic mess like Centennial, or keep it in the mine as hexavalent chromium cemented shoring, so those toxins mix with the dewatered groundwater flushed down the Wolf Creek, who is going to accept that toxic debris and at what cost? Note, the DEIR/EIR incorrectly assumes that there is a third-party market for such massive debris (eg, 100 trucks daily for 24/7/365 for 80 years). However, no third party that is not a toxic waste dump in commercially viable locations which will accept that toxic debris, much less risk paying for it as so-called "engineered fill," and the EIR/DEIR falsely assumes that even such waste dumps could handle that volume. In any case, the disputed EIR/DEIR economic assumptions assume revenue from such mine waste debris rebranded as "engineered fill," but any such dumps will charge huge prices. See, e.g., section I. E and F above and my objections to EIR Master Responses 8 and 11. Since the DEIR/EIR admit that this Project is not financially viable or feasible if it cannot operate 24/7/365 for 80 years in accordance with its proposed EIR/DEIR manner (which objectors intend to resist), the poor EIR/DEIR admitted financial margins are also not likely to be able to afford toxic dump costs for all those 100 trucks a day 24/7/365 for 80 years and mining cannot continue without some permitted place to dump the mine waste. (Hint: the real reason for using Centennial as the dump part of this single unified Project is that only Centennial won't be charging Rise for dumping. Brunswick expects to absorb some overflow waste, but that is based on the unproven assumption that such waste is not toxic, which seems unlikely given the history and what already exists at the Centennial toxic dump.) See my objections to Master Responses 4 and 9.

As explained in my section I.C above and elsewhere, the EIR's Master Response 4 is not only incorrect, insufficient, and otherwise noncompliant on the merits, but it also is a classic example of the EIR falsely minimizing and misstating objections to evade their merit. However, even by dealing with part of such objections, the EIR makes "significant" major (not minor) additions and other changes (not mere clarifications or amplifications) from the DEIR, although many further changes and additions are still required by CEQA and other applicable law. My due process rights to counter all the false, erroneous, and otherwise deficient statements and omissions in the DEIR/EIR prohibit approval of the EIR without prior compliant revisions and recirculation. Some of the many applications of that reality are illustrated herein, although I do not attempt to restate here all such relevant objections, referring to others as well in my Objections or other objections I incorporate. See my Table of Incorporated by Reference Objections and Exhibit D that also address Centennial impacts, noncompliance, and its integration into the single project. See my objections to EIR Master Responses 4 and 9 and section I.B above.

H. Objections To Master Response 5—Evacuation Zones (EIR at 2-10).

Banner Lava Cap Road is a narrow road (lined with massive trees and with no shoulders) through a substantially populated suburb on Banner Mountain (more than 2500 residents) flagged on all the high fire risk maps. That is the only viable entrance and exit road for much of the Banner Mountain area. When heavy trucks break the road, shutting down constantly to one lane for repairs (for which there is no assured, adequate cost contribution by the mine), that means it becomes one narrow lane already lined with huge trees and dangerous/vulnerable PG&E wires, few through street exits, and no shoulders. Everyone living in those neighborhoods worries, as the fire authorities have confirmed, that we are already exposed to excessive risk of

another Paradise type fire disaster where the jammed single exit route traps us. One of those massive mine trucks stalled or broke down on that narrow single lane could kill hundreds. More trucks would make that worse. Also, fleeing mine workers would make that already bad situation worse. The EIR/DEIR analysis is just ignoring an obvious risk. I believe similar problems exist for many of the relevant roads, but I illustrate this problem with the road I use every day.

As is true for Banner Lava Cap Road, the massive abuse of the other relevant roads also not constructed for such heavy truck traffic 24/7/365 for 80-years will result in frequent closures for repairs. Should a fire or other problem also arise there during such repairs, the evacuations will be seriously impaired and, as in the similar Paradise fire tragedy, people will die. And for what? More profit for Rise shareholders from this private exploitive project that provide no net benefit to our community is not a tolerable justification. See Exhibit A and DEIR Objection 254 #4. I incorporate the many other objections above and in my Table of Incorporated by Reference Objections and Exhibit D dealing with this and related traffic issues, such as the Grass Valley Agency Letter 8, the California Dept. of Transportation Agency Letter 2, and the CEA Objections Group Letters 6-9 and 21.

I. Objections To Master Response 6—Wildfire Impacts (EIR at 2-37).

See my objection to Master Response 5 above and my incorporation of other related objections to counter and dispute this EIR Master Response, including DEIR Objection 254 #7. More importantly, my Objections deal with the risks and impacts from the 24/7/365 dewatering for 80-years, which include, besides subsidence, property value depression, and other threats (also not adequately addressed in the EIR/DEIR), the dangers of such dewatering lowering the ground water level needed for the surface trees and other vegetation owned by thousands of people living above and around the 2585-acre underground mine. See my objections to EIR Master Response 33, where such EIR analysis fails. When such problems happen, the local fire risk is increased substantially (see DEIR Objection 254 #11), and the surface owners and community need to deal somehow with all those dead trees and other vegetation, slain for wasteful 24/7/365 dewatering for 80 years for speculator mining profits. See DEIR Objection 254 #4, describing reasons why I describe this as a no net benefit mine, and further elaborate on that reality throughout section I above. As my Objections show, citing the *Keystone* Supreme Court and other cases (e.g., sections I.E and F; DEIR Objection 254 #'s 3.D, E, F, M, and N, 4, 5, 6 and 14), that depletion of the groundwater for our wells and our surface uses will create a massive liability for the mine in favor of those surface owner victims. See, e.g., Varjabedian v. Madera and other cited authorities. That liability and harm would stop the mine, creating not just another "I told you so mess" for which the approving government will be accountable and burdened for the clean-up, because, by its own admissions (see, e.g., Exhibit B), Rise does not appear to be able to afford to pay for the damages it causes or to remediate the mine when the day of reconning comes for it, especially before it is able to produce gold on a profitable basis, if ever. Indeed, the disputed EIR/DEIR consistently refuse to address objections about its refusal to address what impacts happen to the environment and our health, welfare, and property when the mining stops, as seems likely given the Rise SEC admissions of lacking financial resources (Exhibit B) and the DEIR/EIR's admission (see, e.g., DEIR at 6-12, explaining why the mine is infeasible if it cannot operate 24/7/365 for 80 years as it proposes in the EIR/DEIR, admitting to vulnerability to infeasibility whenever the EIR does not "get its way," which is the resistance

goal of objecting neighbors in protecting their health, welfare, environment, and property from this objectionable mine.

J. Objections To Master Response 7—Location of Future Mining Areas (EIR at 2-43.)

1. Introduction And General Rebuttals To Both the EIR/DEIR's Evasion of Objections And Flaws In the Responses To The Portion of the Objections The EIR Purports To Address (But Fails To Do So Correctly Or Sufficiently).

As explained in my section I.C and I.A.1.c and d. above and elsewhere, the EIR's Master Response 7 is not only incorrect, insufficient, and otherwise noncompliant on the merits, but it also is a classic example of the EIR falsely minimizing and misstating objections to evade their merit, including, **first,** by an incorrect, nonresponsive, and incomplete rewrite/recast/misdirection of my actual objections, leaving material omissions from my objections with no EIR response (and no meritorious excuse for not so responding), and, **second,** by a response still containing errors, omissions, and other noncompliance. However, even by dealing with part of such objections, the EIR makes "significant" major (not minor) "new" additions and other changes (not mere "clarifications" or "amplifications" as the EIR incorrectly claims) from the DEIR. (Many further changes and additions are still required by CEQA and other applicable law.) My due process rights to counter all the false, erroneous, and otherwise deficient statements and omissions in the DEIR/EIR prohibit approval of the EIR without prior compliant revisions and recirculation, which, among other things, requires reaggregation in one place of what the disputed EIR disaggregated and scattered through the main text, Master Responses in this section II (based on my foundation of law and facts in section I), and individual Responses (see my counters in section III below). Some of the many applications of that reality are illustrated herein, although I do not attempt to restate here all such relevant objections, referring to others as well throughout my four Objections or other objections I incorporate through my Table of Incorporated by Reference Objections.

At the most general level, my Objections (including Exhibits A and B) and those of others I incorporate complain correctly that the bulk of the DEIR is focused on the problems associated with Rise's wholly owned property (i.e., the Brunswick and Centennial sites) and the few wells downhill in the small, also impacted area along East Bennett Road. Those many DEIR objections (so improperly diminished by the EIR) largely omit any serious attempt to comply with CEQA as to the 2585-acre underground mine itself and, more importantly, the impact of the DEIR/EIR mining on the surface area owned by thousands of objecting potential victims like me living on or using the surface above and around that 2585-acre underground mine. (From the perspective of what is EIR "significant new information" requiring revision and recirculation of the DEIR, almost everything added by the EIR fits that standard (as properly interpreted), although such data is often scattered/disaggregated among text on different topics and in different Master Responses and Responses, where in isolation it may be less obvious as to its newness and significance. Instead of dealing with all of those ignored victim objections, the inadequate and worse EIR reduces those objections to being instead narrowed complaints about (i) the failure of the DEIR to "evaluate the project's proposed underground mining operations within the entire mineral rights area," (ii) the inadequate DEIR "groundwater modeling," and

(iii) the underestimated "vibrations" "associated with underground mining." But see my DEIR Objection 254 (e.g., 3.D, E, F, M, N, 4, 5, 6, 14 and 15), for example, which addresses, including with court case discussions ignored by the DEIR/EIR. Among such many other environmental impact objections and other DEIR rebuttals and objections are, for instance: (i) the violation of the surface owners' competing rights to that same dewatered groundwater flushed away down the Wolf Creek 24/7/365 for 80 years, such as by drying up and polluting undercounted existing wells (noting our expected new wells anticipate the same risks, threats, and impacts) and killing (with dryness) our trees and other surface vegetation (and magnifying local fire hazard and depressing property values), (ii) the violation of such surface owners' rights to "lateral and subjacent support," such as to avoid "subsidence," which requires maintenance of our supporting groundwater (a huge problem already seen in the Central Valley subsidence from groundwater depletion destroying public infrastructure by over-pumping of the groundwater for irrigation), and (iii) the pollution of the groundwater, such as by adding hexavalent chromium to the mine shoring (e.g., Exhibit C and other objections citing many EPA studies and the case study of the poisoning of Hinkley, CA, made infamous in the "Ellen Brockovich" movie). E.g., the Supreme Court's *Keystone* decision affirming our surface owner rights against the underground miner, and the California Supreme Court's decision in *Varjabedian v. Madera*, explaining the application of nuisance, inverse condemnation, and other rights to those like us who are compelled to suffer the kinds of misery which would result from the mistaken EIR approval. See DEIR Objections 254 (e.g., 3.N, 4, and 14) and 255, as well as Exhibit A and other section I authorities. Also see my Exhibit A and Objection 255 addressed how this EIR mining menace depressed surface property values, and explaining how this is not just about a miner's misuse of its own property, like the Brunswick and Centennial sites, but rather is a blatant violation of the surface owners' competing property rights, noting authorities confirming that such underground mining rights are for minerals, not the groundwater that the mine wastes in dewatering, even during unprecedented climate change droughts and chronic dryness ignored by the DEIR/EIR (still incorrectly denying climate change and drought threats as too speculative to merit any response, ignoring 2018 Guidelines Amendments Explanation and other authorities discussed in section I.C above. Indeed, as my four Objections note, it is worse than absurd for the DEIR/EIR to seek credit for objectionable dewatering on the theory that it is bringing such ground water to the surface, since that offers no local benefit because that water is flushed away somewhere else down the Wolf Creek. As the court explained in *Varjabedian*, such disproportionate impacts on victims like us for real or (as here) imagined general civic benefits creates inverse condemnation, nuisance, and other claims, even without considering our applicable surface property rights as acknowledged by *Keystone*.

2. The EIR/DEIR Erroneously Claims To Have Adequately Evaluated the Groundwater Effects from Underground Mining (EIR at 2-43).

To make major (but still deficient changes) without public scrutiny and debate before County approval hearings, the EIR cites what it claims to be "an enforceable condition of approval that will limit the area of permitted underground mining to a smaller area within the mineral rights area (shown on deficient maps A101, A201, and A202, which do not show the surface streets or other landmarks we need to locate our homes and businesses above and around the 2585-acre underground mine) and will also prohibit blasting closer than 500 feet below ground. [Note that the Rise SEC 10K filing admits our

exclusive surface property rights extend down 200 feet with other rights, such as to groundwater, going all the way down. See DEIR Objection 254 #2 and Exhibit B hereto.] The disputed EIR (at 2/44) also requires a deficient and noncompliant Project "Ground Water Monitoring Plan (GMP) from "project groundwater monitoring wells collected on a quarterly basis and reported to the Nevada County [but not to us surface owners and other potential victims!] in accordance with the hugely disputed Mitigation Measure 4.8-2(b) if and when there is a determination of a significant impact pursuant to Nevada County General Plan Policy 17.12 (again a trust and credibility debate). See massive objections in the record from many parties to such EIRDEIR provisions and deficient mitigation (e.g., undercounted existing wells, no mitigation for new wells, misplaced monitoring sites, etc.) See my Table of Incorporated by Reference Objections, such as for these impact disputes the California Dept. of Parks And Recreation, Agency 1, the California Dept. of Fish And Wildlife Agency 3, the Grass Valley Agency 8, NID Agency 10, Bear Yuba Land Trust Group 2, the California Native Plant Society-Redbud Chapter Group 5, the CEA Objections Group 6-9 and 21, Friends of Banner Mountain Group 11 and 12, the Rudder Law Group- Group 20, the South Yuba River Citizens League Group 25, the Sierra Fund Group 26, the Wells Coalition Group 27/28, and the Wolf Creek Community Alliance Group 29-32, as well as in other objections the record many impacted individual like me seeking to protect their health, welfare, property, environment, and way of life.

Even worse, even if Rise (or its successor in a flip transfer) admits to a problem, the EIR mitigation solution in Mitigation Measure 4.8-2(a) to is trust Rise (or its successor hiding behind the curtain) to do what its SEC filings admit that it does not have the financial capacity to do, even if it were willing and trusted to do so: provide replacement water to "significantly impacted" well users. For all the reasons cited in the controlling *Gray* mining decision rejecting a similar EIR for comparable, deficient mitigation of well groundwater impacts, this significant new mitigation is material, unclear, deficient, insufficient, and otherwise noncompliant. Therefore, at a minimum the disputed DEIR must be revised and recirculated and subject to debate, not just as usual about what Rise is doing wrong with its property to harm others (see *Varjabedain*), but what Rise is doing to what us surface owners and users themselves own. See *Keystone.* Also note that, besides being economically infeasible for Rise (and thus unreliable) and objectionable in many other ways as insufficient, unreliable, and a noncompliant mitigation, this disputed EIR only addresses a portion of the existing well problems, not the other environmental impacts, such as our surface owners' rights to drill new wells to compete for the groundwater that we own, hoping, for example, to avoid the death of our trees and vegetation by lowering the water table and depriving them of groundwater owned by those impacted surface users (and consequent fire hazards from killing our forest for the benefit of the shareholder profits of a Canadian miner whose SEC filings [e.g., Exhibit B] admit it cannot afford even the insufficient mitigation the EIR now proposes.) This is not just a factual dispute, this also is a legal dispute that the impacted surface owners have unique rights to enforce, since it is also their groundwater, rights, and property at issue and their rights to access their groundwater with new wells. See, e.g., section I.C, D, E, and F .

Besides the fact that such mitigation is deficient, unreliable, and legally impermissible (eg, a taking of surface owner groundwater and violation of other surface owner rights and property, depressing property values by inverse condemnation, nuisance, conversion, and worse), the proposed, objectionable, and deficient Groundwater Mitigation

Plan is unclear, uncertain, and not sufficient or adequately enforceable by us impacted surface victims. Does the County really want to force the thousands of impacted surface owners to exercise legal, law reform, and political remedies to protect their rights and create a better and more compliant mitigation plan (assuming, for the sake of argument, that somehow, we cannot stop the mining and compel remediation)? See the *Gray mining* case study for what to expect here. While some might argue about whether the County can lawfully "take" and give away to Rise (or its successor), as the EIR/DEIR well mitigation proposes, at least the first 10% of our relevant well groundwater owned by the public, a proposition we would dispute, there is no legal basis for the County to give away the groundwater owned by us surface owners and users above and around the 2585-acre underground mine, whether for existing wells the EIR recognizes, the many uncounted existing wells ignored by the EIR, or even more new wells that should be expected as a defense to the foreseeable climate change droughts and NID rationing, which the EIR mining makes worse by having to waste NID water frequently every day 24/7/365 to suppress lethal fugitive dust, according to the NSAQMD Agency 12 at 12, without regard to NID drought rationing, because it is more important to avoid breathing asbestos and other toxins than to have our fair share of NID water (therefore, assuring many victims will drill new wells to compensate for what the EIR mining is allowed to waste supposedly to save us from the menace the EIR mining created to threaten us. See my Objections and as to the property values Exhibit B, as well as the issues for nuisance, inverse condemnation, and other applicable causes of action that property owners may assert. See section I.E and F above, as well as my discussion of the County General Plan 17.12. Also, such realities are contrary to the County Economic Report's incorrectly assuming the correctness, completeness, and sufficiency of the DEIR (see Exhibit A), which assumption is contrary not only to this disputed EIR provision but also to the County's own adverse consequences.

The time and place for the full surface owner rights' battle over this undisclosed Groundwater Monitoring Plan (and noncompliant Mitigation Measure 4.8-2(a)) may best done when it is finalized, because no potential local victims can possible delegate that critical protection to the official who until now (despite massive objections to the DEIR) insisted on ignoring the relevant rights and interests of us surface owners and users above and around the 2585-acre underground mine. At present, for example, we do not know the number, location, depth, and other monitoring protections. Also, we do not know the consequences of concentrating the blasting, mining, and other operations 24/7/365 for 80 years in the smaller mapped area described above (i.e., A101, A201, and A202). It is not legally possible under these circumstances for the County not to insist on all the relevant terms and conditions of such a GWP in the EIR, especially since nothing about this vague mitigation is even affordable by Rise as admitted in its SEC filings (see Exhibit B and my Objection 254 #2). See generally, my objections herein to EIR Master Responses 13, 14 15, 16, 29, and for further background 7, 8, 33, 35, and 36 as well as to the disputed Responses to my relevant DEIR Objection 254 sections below.

3. **I Dispute Blasting Vibration And Noise Claims in the EIR/DEIR, Plus There Are More Objections That Are Not Addressed in the EIR/DEIR, Making the Disputed EIR's Grossly Overbroad Statement Into False Claims (EIR at 2-44-45) That DEIR 4.8 and 4.10 "adequately evaluates the potential environmental effects that could result from the project's reasonably**

anticipated underground mining operations, including effects to groundwater and noise and vibration" that with mitigation become "less than significant." (I also dispute the DEIR/EIR purported mitigations, as do my incorporated objections, and such mitigations are rarely substantiated or even attempted to be supported by any "good faith reasoned analysis" with "common sense" in the disputed EIR/DEIR.)

I incorporate the aforementioned objections and others which apply with at least equal force to these unsubstantiated and disputed claims of the EIR/DEIR, which again miss or evade many specific objections, while also unfairly misstating or minimizing broader and more fundamental objections. See I.E.6 above, my DEIR Objection 254 #9, my objections in section III below to EIR's Ind. 254-77-78 "Responses" thereto, and relevant Table of Incorporated by Reference Objections. Note, for example, that there are many noise and vibration issues not addressed by the EIR or DEIR. For example, they ignore that such blasting and mining is implicated in the groundwater depletion and subsidence arguments of the surface owners and users above the 2585-acre underground mine, not to mention adding to even the stigma creating property value depression when prospective buyers learn about the blasting, dewatering, tunneling, mining, and other mining activities underneath their homes. Here, as elsewhere, the EIR cannot credibly claim adequate mitigation of risks, threats, and harms that it does not even acknowledge or attempt to analyze in compliance with CEQA and other applicable law. For example, Rise admits in its SEC filings (Exhibit B and DEIR Objection 254 #2) many relevant uncertainties and lack of adequate study of the long flooded and closed mine (1956). See *Richmond v. Chevron* allowing such SEC admissions to enable objectors to defeat that eir. That means the disputed EIR/DEIR is just speculating (with unsubstantiated assumptions/opinions) and gambling at us surface owner neighbors' risk on the conditions that exist in and around the 2585-acre underground mine. It is not responsible for government to gamble on the adequacy of mitigation guesses about unknown conditions. Moreover, as demonstrated above in my DEIR Objection 254, the surface and surrounding surface properties have personal rights to subjacent and lateral support as well as to groundwater to prevent subsidence and other problems ignored by the EIR/DEIR. See the *Supreme Court's above discussed Keystone* decision, my Objections 254 #'s generally, my objections herein to EIR Master Responses 13, 14 15, 16, 29 (and for further background my objections to 7, 8, 33, 35, and 36.)

K. Objection To Master Response 8—Mine Waste Characterization (EIR at 2-45).

Once again as disputed herein (e.g., this section #'s 1(b), (c), (d), 2, 3, and 4, section I.A.1.d(viii) and I.F.5, and DEIR Objection #3.E and my section III objections to the EIR's "Responses" thereto, including at Ind. 254-20 to 33), the noncompliant EIR attempts to evade objections by mischaracterizing them and only dealing with parts of objections to attempt to leap to unsubstantiated and overbroad conclusions that are disputed and false. For example, the mine waste issues are not just about water quality, but include many other things, such as asbestos and other air pollution threats that require frequent daily watering of toxic fugitive dust (see NSAQMD Agency Letters 12 and 11 discussed above at section I.E.7 and elsewhere) and water sufficiency in the local community, including for us surface owners above and around the 2585-acre underground mine. Also, as disputed above, the EIR attempts to start the mine and test compliance afterwards, improperly deferring CEQA compliance when it will be too late to cure

any risks, threats, or harms already done in the process. See section I.C and D discussing the authorities preventing such deferrals. The goal of CEQA and the requirements of applicable law are not to force us potential victims to guess about such dangers, but to know them in advance of the commencement of the project. See many supporting authorities in my four Objections and others proving that point. For example, the EIR's disputed concept of mitigation is to dewater and otherwise prepare the mine in advance of such initial mitigation for the "engineered fill and cemented paste backfill" (see the disputed toxic hexavalent chromium menace discussed at e.g., Objection 254 #'s 3.B, C, E, G, H, 5, and 7), which itself creates objectionable problems, and then (when much harm is already done) to "submit RoWD and receive an approved Waste Discharge Requirement (WDR) from the CVRWQCB" prior to Mitigation Measure DEIR 4.8-1(d) and (e). **See disputed plan at DEIR 2-46 that "underground exploration would take place after the mine dewatering is complete."** But see section I.E,4 and authorities forbidding such deferred analysis, such as, e.g., *Richmond v. Chevron and Gray.*

Once again, the EIR (like the DEIR) ignores risks and objections to make the disputed claim (at 2-47) that "the DEIR demonstrates that the engineered fill and cement paste backfill will likely be considered Group C mining waste" (i.e., what complies with water quality plan standards, as distinguished from Group A hazardous waste posing a significant threat to water quality or Group B hazardous waste with lower risks). See such relevant objections to these disputed allegations, which are not proven and also ignore the hexavalent chromium issues, including my objections before to EIR Response to Comment Ind.254-1 below and others cited (e.g., DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, and 15, and above sections I.F.1 and E.4). Again, the DEIR/EIR credibility question arises again, since the admitted lack of sufficient investigation (e.g., Rise SEC filings in Exhibit A and DEIR Objection 2544 #2) could be a dodge or evasion to enable the EIR/DEIR to allow them to speculate without having to deal with the facts that would be shown by an adequate investigation. Also consider the discussion in section I.A,1.a(iii) above and elsewhere in objections demonstrating that such "engineered fill" is often just "mine waste" rebranded and that is problematic in many ways. Once again, the EIR/DEIR is forcing us potential victims to suffer what amounts to a self-interested gamble by the EIR miner (and whoever in government supports that impact) against us local resident voters who will suffer when the harmful reality becomes irrefutable as the harms become clearer. See DEIR Objection 254 #4 discussing the no benefit mine issues and my objections to the EIR Response thereto at Ind. 254-54 to 65. Instead of following the old wisdom of it being better to be safe than sorry, it seems the EIR/DEIR is forcing the risk of the unknown (or insufficiently proven) on the local victims so that this Canadian miner can reward its shareholders with profits at no net benefit to us local victims, who would suffer involuntarily for their undeserving benefit for any predicted impacts or mitigation failures.

As to the EIR subsection (at 2-47) addressing testing and reporting to CVRWQCB on a continuing basis for 80 years as mining causes changes, we again demonstrate another reason why the character and quality of the miner matters. See also the issues discussed above, but not in the DEIR/EIR, of key regulatory permits expiring long before the 80 years (e.g., some as soon as 5 years), as explained in incorporated objections from the Table of Incorporated Objections or Exhibit D. If, for example, to consider the most favorable possible case for the miner, the miner's testing and reporting is deficient as a matter of "human error" (or worse) that is just careless or negligent (and only coincidentally in favor of the miner's economic interest), not only will everyone locally suffer above and around the mine and along the Wolf Creek path of the flushed dewatering water, but so will the buyers of the toxic material sold by the miner (and their

customers or other victims). Again, mining history (as I can attest) shows that where there is a financial benefit from avoiding Grade A or B admissions, such "human error" (or worse) is too common, and it only is discovered when it is too late, because the victims realize their injuries and the cause. See, eg, the Hinkley, CA/"Erin Brockovich" example and my hexavalent chromium concerns. Since the EIR here cross references to Master Response 11, please also see my and other objections to that part of the EIR as well.

In any event, for many reasons and especially where so little serious investigation and sufficient and quality evaluation admittedly has been done on this long closed and flooded mine, the character and competence of the miner is crucial, and the EIR/DEIR is irresponsible to ignore that issue. Most dangerous occupations with the potential for mass harms like this mining require licenses and background checks (e.g., like the blasting). While that isn't happening here, at least the government decision makers can consider how much benefit of the doubt to allow this miner for what it chooses to refuse to evaluate and investigate properly to assure the safety of its operations and the accuracy and feasibility of its promises and claims. Again, better to be safe than sorry, especially as illustrated in the next subsection addressing some of the toxins present or suspected at the Centennial site, and, because they are present there, which are also expected by potential local victims at the underground mine project as well.

L. Objections To Master Response 9—Historical Mine Waste at Centennial Mine (EIR at 2-48).

As rebutted in my objections to Master Response 4 and elsewhere, Centennial in NOT A SEPARATE PROJECT. See also section I.B and I.A.1.d above. While the disputed EIR adds additional data to the DEIR Objections 254 and 255 on these points, creating again the need for recirculation and new rebuttals by objectors that the EIR seeks to evade (see section I.A.1.c above), the EIR does not cure the problems stated in my Objections and others. See Table of Incorporated by Reference Objections and Exhibit D that address these Centennial issues. I again rely on those objections as to this legal question as to which the EIR is just wrong. The disputed EIR's proposed mitigation also remains insufficient.

M. Objections To Master Response 10—Explosives, Reagents, and Brunswick Fill (EIR at 2-56).

While the EIR adds additional, "significant new information" to the DEIR on these points, creating again the need for revision and recirculation (and new rebuttals by objectors) that the EIR seeks to evade (see section I.A.1.c), the EIR does not cure the problems stated in my Objections and others I incorporate. I again rely on those objections. The proposed mitigations remains insufficient, including because, by omitting and misjudging impacts, the disputed ERI/DEIR cannot possibly mitigation what it ignores in whole (e.g., many feasibility rebuttals, and the right of us surface owners above and around the 2585-acre underground mine to drill and defend new wells that must be mitigated by the EIR) or in significant parts (e.g., hexavalent chromium water and air pollution; and the competing property rights of us surface owners above and around the 2585-acre underground mine.)

However, I note in particular that, instead of doing adequate testing (eg, as to arsenic: "the sampling of these areas of the Brunswick Site is not necessary"; query: says who? On what "good faith reasoned analysis?), the noncompliant DEIR/EIR makes unsubstantiated, self-

interested, and not credible assumptions/opinions about why there is "likely" not a problem with this mine like at the other adjacent mines. See, e.g., DEIR Objection 254 #'s 3.A, B, C, E, G, H, 3.N, 4, 7, and 14; sections I.D, E, and F above; and incorporated objections, such as, for example, the California Dept of Parks And Recreation Agency 1, the CEA Objections Group 6-9 and 21, and the Sierra Fund Group 26. Such disputed EIR/DEIR judgments are wrong (as many objectors contend), and it seems more likely that our community will suffer from arsenic and other toxins disregarded by the miner for the profit of its shareholders. Among the other disputed and insufficient bases for such noncompliant EIR/DEIR speculations, assumptions, and opinions are likely incomplete, unreliable, inaccurate, and unsubstantiated historical records from the period before the mine was closed and flooded in 1956. Should this be litigated, there should be no way that those records should be admissible evidence able to justify the risks the miner (and, if it approves this EIR, the County) can responsibly impose on our local community in such a reckless gamble for no net benefit to our impacted locals. As is usually true with regard to the disputed EIR/DEIR, the proposed mitigation is also insufficient, noncompliant, or worse (e.g., as noted one cannot imagine adequate mitigation for impacts the EIR/DEIR refused to address as required by applicable law.)

N. Objections To Master Response 11—Engineered Fill Utilized And Regional Construction Markets (EIR at 2-59).

Again, the disputed EIR needs to be revised and recirculated (section I.A.1.c) because of material changes (including significant new information, although still disputed, deficient and otherwise noncompliant) to address implicitly admitted flaws in the DEIR and noncompliance as to relevant, significant impacts, such as limiting the "engineered fill" (actually rebranded mine waste; see I.A.1.a(iii)) imagined to be sold as Group C waste (disputed above, such as in my objections to Master Response 8, and, when properly tested and evaluated, just as likely argued to be instead Group A or B, with toxins). See e.g., I.E, and F. While the noncompliant EIR/DEIR chooses to dismiss objections as speculative, unsubstantiated, or otherwise deficient, those standards are far more applicable to the disputed EIR/DEIR than to the objections, and the CEQA disclosure burdens are on the DEIR/EIR, not on the objections, as explained in I.C and D above, and as illustrated in I.E and F. **As explained above (see I.A.1.a(iii)) and in incorporated objections, calling this rebranded "engineered fill" anything but what it is – mine waste—is misleading or worse and not credible.** Again, there is insufficient "good faith reasoned analysis," "common sense," and proof in support of the EIR's disputed speculations, unsubstantiated opinions, assumptions and gambles, Worse, again the disputed EIR attempts to evade revision and recirculation for its material changes by its erroneous argument that they are not "significant new information," but only "clarifications" or "amplifications" (applying a flawed and misinterpreted standard so broad that no one using it would ever have to recirculate such an incorrect EIR again, because any such material change would be magically transformed incorrectly or worse into such a "clarification" or "amplification" just by the EIR asserting that false claim to be true.) See section I.A.1.c. Again, also the disputed EIR (at 2-61) pushed off/deferred to the future another plan (here a "Waste Characterization Plan") instead of dealing with those issues in the disputed EIR where they can be evaluated and disputed by objectors under circumstances forbidden by CEQA. See *Richmond v. Chevron* (discussed at I.D.3) and sections I.C, D, E, and F. The disputed EIR's approach is too often saying, in effect, "there're some objections, so in the future we'll do a plan to resolve those objections in ways that the

regulators will find sufficient (i.e., 'trust us' until later, as the saying goes, "when we're asking for forgiveness more than for permission"). Therefore, the EIR seeks approvals now based on our unsubstantiated its aspirations for disputed, noncompliant, and deficient mitigations that the EIR defers but expects to reduce impacts (many ignored or noncompliantly addressed) to be less than "significant" (by the disputed EIR interpretation). See *Richmond v. Chevron* (discussed at I.D.3) and sections I.C, D, E, and F. Also, note that even the admitted mitigations are often infeasible both on the merits and because of all the many reasons to doubt Rise could accomplish even its admitted mitigations (as distinct from others that should be required) based on its admitted lack of sufficient financial resources. See, e.g., Exhibit B and Objection 254 #2.)

As to the technical issues, I defer to the more expert objectors who have made persuasive arguments against the disputed claims in the DEIR/EIR on this topic. See, e.g., Table of Incorporated by Reference Objections and those specific ones cited throughout section I. However, I note that, just as the sellers of property impacted by the mine must disclose to potential buyers such risks, threats, and problems, mine customers offered such disputed "engineered fill" (aka mine waste) from the uncertain conditions in the mine may also have disclosure concerns, especially if they fear having to deal with their own customers and local governments more cautious and careful than the EIR and anyone mistakenly approving it. The EIR incorrectly just assumes the miner can sell such disputed fill, because the noncompliant EIR/DEIR imagines that it is "likely" to be "clean" and in compliance with all applicable laws and regulations. If there are unresolved questions being litigated on that subject and if the mine customers decline to assume such risks that any experts and credible objectors refuse to accept, where will the miner dump such suspect, toxic mine waste/debris rebranded as "engineered fill"?

If, as many (like me) may assume, the miner will ultimately have to dispose of waste in a toxic waste dump, then the EIR miner will be not paid for the waste, but instead will have to pay the dump, changing the mine's vulnerable economics, as admitted at DEIR 6-14, where the whole project becomes economically infeasible if the mine cannot operate as it wishes 24/7/365 for 80 years, which many objecting neighbors are committed to resisting. As discussed in Exhibit B and DEIR Objection 254 #2, Rise's SEC filings admit a financial conditions where such chronic payments for toxic waste dumping do not seem feasible. In the short term, Rise no doubt would continue to attempt to obtain permission it still lacks to add to the toxic burdens at the Centennial site, but that too may be challenged and that dependence undercuts its disputed claim for Centennial to be treated as a separate project. See section I.B. Stated another way, what the disputed EIR/DEIR incorrectly imagines in is a market for "clean" "engineered fill," but the EIR/DEIR does not address (or mitigate) the risks, impacts, and mitigations in a market that is not so receptive to such risks (like objectors' fear) that this may not be such "clean engineered fill." The EIR/DEIR's noncompliant answer to all such disputes is to dismiss the objections as "speculation" or otherwise deficient, but it's the EIR/DEIR that is far more guilty of speculation, unsubstantiated opinions, and false assumption, which must be a bigger problem for the EIR/DEIR, since they have the burden of proof (section I.A,1.b) with "common sense" "good faith reasoned analysis" (**e.g., Gray, Banning, Vineyard, and Costa Mesa**) generally lacking in the EIR/DEIR.

O. Objections To Master Response 12—Chemical Dust Stabilizers (EIR at 2-62).

As to the technical issues, I defer to the more expert objectors who have made persuasive arguments I incorporate against the disputed claims in the DEIR/EIR on this topic.

See my Table of Incorporated by Reference Objections and Exhibit D, such as NSAQMD Agency 12 and 11, and CEA Objections Group 6-9 and 21, section I.E.7 above, as well as DEIR Objection 254 #3.J and 10. I see no sufficient EIR "good faith reasoned analysis" or "common sense," and nothing as convincing in the EIR claims as in such more persuasive objections. See *Gray, Banning, Vineyard, and Costa Mesa.* Also, again it is better to be safe than sorry, especially since there is not net benefit from the mine to us local potential victims to justify imposing any such risks on us. Also, note how the toxic hexavalent chromium dust not addressed in the DEIR appears without an adequate explanation at the end of the disputed EIR in Appendix R.

P. Objection To Master Response 13—Historic Hydrogeologic Assessments (EIR at 2-63).

By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. As demonstrated in my Objections and others (as well as even the insufficient area addressed by the EIR/DEIR, which generally ignores the massive impacts and risks confronting us surface owners and users above and around the 2585-acre underground mine in favor of pretending this is just an East Bennett Road issue that the EIR can mitigate), these disputed EIR/DEIR "models" and other conflicting but still deficient "models" are unacceptable and insufficient. See my Table of Incorporated by Reference Objections and Exhibit D, such as California Dept. of Parks And Recreation Agency 1, California Dept. of Fish And Wildlife Agency 3, Grass Valley Agency 8, NID Agency 10, Bear Yuba Land Trust Group 2, CEA Objections Group 6-9 and 21, Friends of Banner Mountain Group 11 and 12, Sierra Steams Institute Group 24, South Yuba River Citizens League Group 25, the Sierra Fund Group 26, the Wells Coalition Group 27/28, And the Wolf Creek Community Alliance Group 29-32, section I.C, D, E and F above, as well as DEIR Objection 254 # 3.D, E, F, M, and N, 4, 5, and 6. especially when applied to the untested and unevaluated areas above or around the 2585-acre underground mine when thousands of us objectors and potential victims live. Also see my objections to the related EIR Master Response 14 below regarding such models. Note that the County Economic Report itself admits there are at least 300 such exiting well properties so at issue, but inadequately even considered by the EIR/DEIR. See Exhibit A, NID Agency 10, and the Wells Coalition Group at 27/28. Likewise, there will be more new and deeper wells drilled by us surface owners above and around the 2585-acre underground mine, which is not speculation or unsubstantiated because I and others are witnesses with evidence of ample motivations caused by this disputed EIR/DEIR.

As a result, the problems here are bigger than the EIR pretends, as such objections demonstrate (see, eg, Exhibit A and my Objections), even before we address elsewhere the many water quality (as distinct from water sufficiency) problems. Again, as a consistent flaw in the disputed DEIR/EIR, instead of properly testing in all the right places, the EIR/DEIR "cherry picks" fewer than necessary locations to study, does some insufficient, deficient, and otherwise flawed studies, produces a disputed and overbroadly applied "model" based on false and

unreliable "assumptions" about the underground conditions that are not directly analyzed, especially in the areas in and around the 2585-acre underground mine which cannot be assumed to be the same as the few areas actually studied and cannot even be assumed to be the same as in the unreliable and incomplete records before the mine closed and flooded in 1956. See what CEQA expects in my section I.C and D, as illustrated in I.E and F.

Recall also that such historical records are incomplete, unsophisticated, and unreliable. Even when the mine shut down and flooded in 1956, there was little concern or knowledge about the environmental impacts at issue and little accountability for those keeping the mining records for indulging their fantasies and wishful thinking instead of sufficient and honest reporting. Rise's SEC filings admit(Exhibit B and DEIR Objection 254 #2) that almost everything in the disputed EIR/DEIR, especially regarding groundwater dewatering, depletion, and quality issues in and around the 2585-acre underground mine, is a speculative gamble with little investigation and reliable data in which this Canadian miner is betting our local groundwater (including water owned by us objectors on the surface) against such unevaluated and unknown conditions and climate change for 24/7/365 dewatering for 80 years, even though the disputed EIR lacks even such flawed data after 2040. Consider, for example, the admissions by Rise in its SEC filings (see, eg, Exhibit B) about how little is known and how much is just a speculative guess by a miner who seems reluctant to investigate because it prefers not to know the inconvenient truths of our objections.

Even as to the smaller mine area addressed by the disputed EIR/DEIR, many disqualifying problems remain, and as to the technical issues on which there is actual data to debate (as distinct from the disputed EIR/DEIR's speculative "models," I also defer to the more expert objectors who have made persuasive arguments I incorporate against the disputed claims in the DEIR/EIR on this topic. I see none of the required "good faith reasoned analysis" or common sense, and nothing as convincing in the disputed EIR claims than in the more persuasive objections, especially since our objections are supported by Rise's own SEC filings. See Exhibit B. Also, again it is better to be safe than sorry, especially since there is no net benefit from the mine to us local potential victims to justify imposing any such risks on us. See also my Objection 254 #4.

As to all of these issues throughout both the inadequately analyzed mine property and 2585-acre underground mine largely ignored in the disputed DEIR/EIR, the deficient and worse mitigation solutions are unsatisfactory or inadequate for many reasons addressed in my and other objections. See disputed DEIR 4.8-2a-c and Appendix G. (Xb). Because the disputed DEIR/EIR fails to provide "good faith reasoned analysis" with "common sense" comprehensively, sufficiently, and correctly, the risks, threats, and harms for that whole relevant area (especially the generally ignored 2585-acre underground mine area), the disputed EIR mitigations must be inadequate and noncompliant with CEQA and other applicable law. i.e., How can the EIR credibly claim to mitigate a problem it chooses to ignore or even to attempt to investigate adequately? Even as to such deficient mitigation aspirations, there is no reason to expect Rise could afford even such flawed mitigation, not to mention the much greater mitigation required to protect the surface owners and users above and around the 2585-acre mine. See section I. C and E, Exhibit B, and Objection 254 #2.

Clearly, in these respects and many others addressed in my and other objections, the disputed DEIR/EIR creates massive credibility issues for itself by pretending this is just an East Bennett Road issue, **especially when even the disputed County Economic Report admits (see Exhibit A) there are at least 300 such other well properties not studied or addressed by the**

DEIR (or, as I and other contend, the EIR) and when it is certain that us surface owners will drill new and deeper wells to protect our homes and forests from climate change and dewatering impacts. The unreliable, deficient, and noncompliant mitigation EIR/DEIR aspirations to provide replacement water are meaningless or worse to a victim when it comes from someone in the financial condition admitted by Rise in its SEC filings (see, eg, Exhibits A and B and my earlier Objections and other incorporated objections). Also see my and other objections to all the many disputed EIR/DEIR groundwater claims, including without limitation Master Responses 14 and 33. See my Table of Incorporated by Reference Objections, such as for these impact disputes the California Dept. of Parks And Recreation, Agency 1, the California Dept. of Fish And Wildlife Agency 3, the Grass Valley Agency 8, NID Agency 10, Bear Yuba Land Trust Group 2, the California Native Plant Society-Redbud Chapter Group 5, the CEA Objections Group 6-9 and 21, Friends of Banner Mountain Group 11 and 12, the Rudder Law Group- Group 20, the South Yuba River Citizens League Group 25, the Sierra Fund Group 26, the Wells Coalition Group 27/28, and the Wolf Creek Community Alliance Group 29-32, as well as in other objections the record many impacted individual like me seeking to protect their health, welfare, property, environment, and way of life.

Among the many disqualifying risks, threats, and harms that would be triggered by the disputed EIR, such groundwater depletion and quality problems pose are among those that cause the worst harm to property values, not just from fear and stigma, but also from direct interference with the property rights of the surface owners above and around the 2585-acre underground mine, whose own groundwater is being flushed away down Wolf Creek 24/7/365 for 80 years of likely climate change dryness and drought. See, e.g., my DEIR Objection 254 (e.g., #'s 3.D, E, F, M, N, 4, 5 and 6) and those incorporated from my Table of Incorporations by Reference Objections, demonstrating how the DEIR only worried about the few wells along East Bennett, while ignoring the many wells above or around the underground mine as if they somehow were not material, the County Economic Report understated those wells at 99 as described in Exhibit A. See also the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session. See the Wells Coalition Group 27/28 objection.

That Union article illustrated another part of the common problem in the DEIR (and now EIR) that they have not addressed at all the actual condition of the long-flooded mine, but instead gamble from old or incomplete and unreliable documents before the mine shut down in 1956. In effect (and contrary to CEQA, see, e.g., section I.C and D, illustrated in I. E and F), Rise is gambling (and forcing us local potential victims to gamble involuntarily) on the unknown and uninvestigated physical conditions of the mine (see Exhibit B and DEIR Objection 254 #2) that will not be known apparently until after the flooded mine is dewatered (a huge, separate environmental impact problem), relying only on (i) such deficient, old documents whose validity, reliability, completeness, and current relevance and accuracy are in dispute, and (ii) alleged and disputed "comparable" studies of other "similar" situations elsewhere that are neither comparable nor similar. **The relevant comparable, however, is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon**

Gold operations ruined many wells by breaching a water bearing fault-line Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See also the Union news discussion of comments by hydrology expert Sol Henson.

As noted in my introduction the disputed EIR chooses to scramble its "Master Responses" relating to objections to groundwater errors, omissions, and abuses (and some others as well) without a unifying Table of Contents at the Master Response level, rather than consolidating them in a more coherent manner. That is usually a sign in eir disputes of a miner seeking to evade confronting serious problems for which the absence of a persuasive response is too obvious, so an exhausting, scrambled confusion is the chosen tactic, instead of consolidated clarity that better reveals those errors, omissions, and flaws and is the only way to attempt the required "good faith reasoned analysis." See, eg, the common and overlapping groundwater issues addressed in scattered, disputed, **direct** Master Responses 13 (Historic Hydrologic Assessments (with deficient maps), 14 (Adequacy of Groundwater Model), 15 (Adequacy of Groundwater Monitoring Wells (with deficient maps and addresses), 16 (Drought and Climate Change), 29 (Near Surface Workings And Subsidence), 33 (Groundwater Dependent Vegetation), 35 (Discharge to South Fork Wolf Creek), and 36 (Flows in South Fork Wolf Creek) or disputed, indirect Master Responses where groundwater issues were mixed with other issues, such as 1 (Quality of Life), 2 (Social and Economic Impacts), 3 (Operator Responsibility), 6 (Wildfire Impacts), 7 (Location of Future Mining Areas, eg, mixing "Potential Groundwater Effects From Underground Mining" with "Blasting, Vibrations, and Noise), 8 (Mine Waste Characterization, eg, mixing Water Code and 80 year dewatering issues with various others), 9 (Historical Mine Waste at Centennial Site), 10 (Explosives, Reagents and Brunswick Fill, eg, mixing toxic materials and mineral processing issues with others), 11 (Engineered Fill Utilized in Local And Regional Construction Markets, eg, mixing mine waste arguments with erroneous discussions of Water Code compliance), 17 (Meteorological Data Used in HRA, eg, diverting hexavalent chromium water pollution issues into air pollution issues, but with unintended useful admissions in Vol. IX, Appendix R, which buries or ignores what should have been disclosed in #'s 17—19 water pollution discussions), 20 (Conservatism of Metal Assumptions, eg, "fugitive dust" not consistent with #'s 17—19 and Appendix , which should deal with hexavalent chromium as a key water pollution issue), 24 (Project Construction Schedule (mixing dewatering with other issues), 29 (Temperature of Mine Water Discharges), 33 (Groundwater Dependent Vegetation), and 39 (Discharge to South Fork Wolf Creek.) See also my Objection 254 #'s 3.D, E, F, M, and N, 5, and 6.

Q. Objections To Master Response 14—Adequacy of Groundwater Model (EIR at 2-73).

By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute.

I begin here by incorporating sections I.F.2, 3, 4, 5, 7, and 8 and 9, I.E.1 and 4, I.C and D, and I.A.1.d, the foregoing objections to the EIR's Master Response 13, as well as other groundwater objections in this or my other three Objections, incorporated others from my Table of Incorporated by Reference Objections, such as the California Dept. of Parks And Recreation, Agency 1, the California Dept. of Fish And Wildlife Agency 3, the Grass Valley Agency 8, NID Agency 10, Bear Yuba Land Trust Group 2, the California Native Plant Society-Redbud Chapter Group 5, the CEA Objections Group 6-9 and 21, Friends of Banner Mountain Group 11 and 12, the Rudder Law Group- Group 20, the South Yuba River Citizens League Group 25, the Sierra Fund Group 26, the Wells Coalition Group 27/28, and the Wolf Creek Community Alliance Group 29-32, as well as in other objections the record many impacted individual like me seeking to protect their health, welfare, property, environment, and way of life. See also the Nevada Union story on December 15, 2022, "'Without water, my property is worthless:' Well owners want protection from Rise Gold Grass Valley," reporting on the testimony that there were "over 300 properties with wells within 1000 feet of the mines mineral right area" [i.e., including the 2585 acre surface owners above the underground mine], as to which the owners have rights to lateral and subjacent support, including to ground water as demonstrated in the case law cited in my Objections and Exhibit A, but as to which the DEIR and EIR fail to comply with CEQA and other applicable law, as the "Wells Coalition," Tony Lauria, and others complained at that session, following with the Wells Coalition Group 27/28 objection. These authorities and others defeat the EIR/DEIR's disputed, flawed, and misused MINEDW groundwater "model" (Appendix G. X(b)) incorrectly or worse purporting to "predict the projects potential impacts to groundwater" not actually or sufficiently studied.

As noted in the prior objection above and elsewhere, there is no "good faith reasoned analysis" or proof that this disputed EIR "model" applies accurately, reliably, or completely (and with *Gray* "common sense") to the other areas ignored by the disputed EIR. As stated in that Union article on 12/15/22 Rise is gambling (and forcing local victims to gamble involuntarily) on the unknown and unevaluated physical conditions of the mine that will not be known apparently until after the long flooded mine is dewatered (a huge separate environmental impact problem), relying only on such deficient, old documents whose validity, reliability, completeness, and current relevance and accuracy are in dispute and alleged and dispute "comparable" studies of other similar situations elsewhere that are neither comparable nor similar. **The relevant comparable, however, is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See also the Union discussion of comments by hydrology expert Sol Henson.**

While the disputed EIR looks to its disputed and unreliable version of history, what matters is the drier and climate changed future and reality, as addressed in many objections, and recognized not just by applicable California laws but by almost everyone in our community who matters in these disputes. See the importance of climate change explained in the 2018 Guideline Amendments Explanation in section I.C.2. The disputed EIR does not prove that its disputed model is still reliable, valid, and accurate (if it ever was for this area and situation) or will remain valid, reliable, and accurate for 80 years under such 24/7/365 dewatering abuse of the whole

mining operation, especially in new locations around 76 miles of new tunnels in the 2585-acre underground mine competing with thousands of surface owners and users with rights to lateral and subjacent support that include groundwater to prevent subsidence and other environmental impacts. See *Keystone* and *Varjabedian and section I.F.7.* Again, "model" recharge guesses at its East Bennett Road token wells have little, if any, relevance for us surface owners and users whose groundwater is being depleted 24/7/365 for 80 years by the dewatering abuses. Again, such disputed EIR claiming that the model applies accurately in this situation is not proof or "good faith reasoned analysis" with "common sense," and, since EIR/DEIR proposed mitigation is both illusory, unreliable, and unsatisfactory in any event in this case, the County should study closely the inverse condemnation, nuisance and other precedents cited in my Objections. See *Varjabedian* and Objection 254 #'s 3.N, 4, and 14

The fact that the EIR claims its noncompliant and outdated MINEDW and other models (whether from 1998 or 2012 or in use for 30 years, at 2-73) are used by 100 mines around the world (assumed irrelevant for dissimilarities until proven relevant) is much less important than the case study reasons why there are more than 49,000 abandoned and failed California mines in the EPA list that demonstrate how **"mining industry practices"** are no basis for assuming reliability or safety. The horrible mining industry environmental record is never to be considered a standard for environmental compliance. See e.g., # I.D above. "Industry practice" generally in such cases is basically whatever the applicable government allows them "to get away with." This is like making decisions based on the safety claims made by asbestos and tobacco industries, all of which were proven wrong, including in civil damage suits that bankrupted such industries even before they lost their grip on the politicians who finally enacted better safety laws, as what I mean when I mention "law reform." Remember the County is being asked to impose this disputed mine on a massively objecting and resisting local community of potential victims, because their health, welfare, homes, and way of life (not just their property values) could be foolishly gambled away (if approved) by such Canadian miners exploiting our groundwater and other resources and rights for a goal no more beneficial or worthy than speculator/shareholder profits. See Exhibit B and Objection 254 #2 SEC filing excerpts.

Consider the legal and political conflicts that such a flawed model will cause when the abusive dewatering 24/7/365 for 80 years depletes the groundwater in the first 200 feet below the surface above the 2585-acre mine that Rise admits is owned by the surface owners. See section I.F.9. What happens when the defending surface owners sink deeper competing new wells (or join in their neighborhood collective well drilling deeper)? When the surface versus mine owner competition becomes fully engaged, does the County really want the model flaws tested against reality with all those victims saying, "I told you so?" More importantly, does the County want to consider its exposure for its role in giving away the surface owner and users' groundwater to be flushed away down the Wolf Creek (eg, inverse condemnation claims etc.) and leaving massive environmental impacts behind, none of which are addressed in the disputed County Economic Report? See Exhibit A and my other Objections. In any event, the applicable objections are not overcome by the EIR responses to Letter 232, including because that cited history is not proven to be (and is not for climate change and other reasons, including the unreliability of the historical data) predictive of the next 80 years, especially as I demonstrate elsewhere how the disputed ERI/DEIR (ignoring climate change as speculative and the dry years after 2017 in what the dispute EIR/DEIR calls "current") incorrectly alleged groundwater "recharge" for 80 years from that same "current" average rainfall between 1967 and 2017. Moreover, what the EIR cites at 2-74 as its methodology for comparing water levels at the Union Hill Mine, the Brunswick Shaft,

token and nonrepresentative wells, and Wolf Creek flows doesn't prove what the surface owners and users above the 2585-acre underground mine may suffer, especially given the massive 24/7/365 dewatering abuse for 80 years. For example, there is an assumption of groundwater recharge rates based on what happens downhill at those cherrypicked sites, which is not predictive of what happens where I and others live uphill above or around the 2585-acre underground mine, since those downhill test sites may be recharged from many different sources. Because of insufficient investigation as required by CEQA, the EIR/DEIR unsubstantiated assumptions and opinions are just incorrect speculation. Again, the EIR is not offering any credible, "common sense" reason why those of us above or around the 2585-acre mine should feel comforted by anything in the EIR/DEIR considering the patterns and practices of tactical noncompliance (see section I.A.1.d (viii) and I.F.6), especially as to the effect of future and deeper mining. Again, nothing in the history on which the disputed EIR and its models rely addresses the new and different risks created by new and deeper and broader mining in another 76 miles of uncertain conditions into which new tunneling occurs, not to mention the climate change impacts on drier impacts reducing recharge because of less rain in the future. In any event, the tendencies DEIR cited 1984 US Geological Survey study of a small watershed area of "southwestern Nevada County" is not similar or even relevant to this mine dispute here. It's like the EIR/DEIR propounds studies about oranges as if they were similar to apples, i.e., the disputed tactic called "false equivalence." They may both be fruit grown on trees, but little that matters is "similar" or a basis for making predictions for judging the future of an apple from studies of oranges.

Again, at 2-74 the EIR admits it only has old data from 79 wells before 2007 and 30 East Bennett Road properties, none of which matter now and in the next 80 years for predicting the fate of the still undercounted 300 wells the County Economic Report admits (Exhibit A) to exist above or around the 2585-acre underground mine where thousands of us live and have competing groundwater owner rights at least down 200 feet (and we contend further under the circumstances). See Rise SEC 10K admissions in Exhibit B and DEIR Objection 254 #2. Adding a disputed DEIR/EIR "100% margin of error" is pure speculation and not proven to be sufficient for addressing our risks uphill in other places by any "common sense" "good faith reasoned analysis" as required, especially considering the deficient data and many ignored exiting wells, plus all new wells to come, that make the low, starting number a misleading and noncompliant guide when it's doubled. Also remember, as my and other objections demonstrate, all of us surface owners above and around the 2585-acre mine have rights to drill more wells (and vote to change any laws and NID rules) needed to survive in our homes and keep our climate change and drying stress forests from dying and increasing our indisputable fire risks.

What the EIR/DEIR presents is not even a consensus of true and credible/neutral experts addressing comprehensively the risks as to the unique, uncertain, and largely uninvestigated conditions of this particular IM mine, especially the generally ignored 2585-acre underground mine and the new mining along 76 miles of new tunnels into preciously unexplored and deeper area. In a battle of experts, or even when the EIR/DEIR cited experts' reports are read in full (and especially if and when they are cross examined in court) instead of just interpreted with cherrypicked parts of their reports by the EIR/DEIR, the question is not certainty or even (as the EIR prefers to say "likely"), but the level of risk to be legally tolerated or not impacts. Generalizations from what the disputed EIR/DEIR incorrectly calls "similar" (and we objectors consider distinguishable) conditions leave us local potential victims at undue risk. If the County is going to attempt to involuntarily impose on thousands of us locals defending our homes,

property values, and groundwater for no sufficient net public local benefits, the ultimate question becomes what level of risk is tolerable and when *Varjabedian v. Madera* type claims arise for us surface owners with *Keystone* type property rights. What my and other objections demonstrate is that the risk being imposed on us locals is intolerable. Even if the disputed EIR were "probably" or "likely" right (which we dispute and would argue instead that they're too wrong, misguided, and speculative to even be considered "possibly" right, much less "likely"), that would be imposing excessive risk on our locally impacted community, especially compared to the lack of local public benefits. As my and other objections prove with controlling court decisions and other authorities, even if there were somehow sufficient benefits to those living at a safe distance from the mine (which we locals also dispute), approval of this EIR mine would impose on the County the same kind of liability to us disproportionately impacted locals as the California Supreme Court in *Varjabedian* considered necessary for compensating those downwind from a public sewer plant whose suffering was likewise intolerable, as well as other nuisance, inverse condemnation, and other claims discussed in my Objections. See, eg, ***Varjabedian v. Madera*** (1977), 20 Cal. 3d 285 (explaining inverse condemnation and nuisance rights of homeowners downwind of the new sewer treatment plant), and other cases cited in my DEIR Objection 254 at #'s 3.N, 4, and 14.

Remember what everyone's shared experience teaches. Climate change dryness is progressive (even with occasional heavy atmospheric river expectations), which is one of many reasons why the disputed DEIR/EIR focus on disputed history (even if they had the unreliable history correct, which we dispute) does not predict the future even in the short term, much less for 80 years of unprecedented 24/7/365 dewatering and new mining along 76 miles of new and deeper tunnels into unknown conditions. I don't recognize the weather anymore, and it's not only wise, but essential, to listen to the science that teaches us that such dry fate will only get worse progressively during the next 80 years while this mine is so flushing away our precious community groundwater down the Wolf Creek somewhere else and gambling foolishly on outdated and worse recharge and other disputed "model" assumptions. As discussed above and in my and incorporated objections, the purported EIR/DEIR mitigations (eg, Mitigation Measure 4.8-2(b)) are all disputed and either grossly flawed, illusory, or insufficient, especially regarding outdated and disputed groundwater recharge and quality assumptions, particularly as applied to the surface impacts above and around the 2585-acre underground mine. (If the EIR is mistakenly approved, I suspect discovery may prove was one of the reasons why the DEIR/EIR only seriously (but still deficiently) analyzed its wholly owned sites and the adjacent East Bennett Road properties.

There is no sufficient substantiation for disputed claims throughout the DEIR/EIR as if what applied to that nonrepresentative fraction of the mining operation somehow also applied to the 2585-acre underground mining deficiently addressed (or worse) and threatening and impacting the thousands living on the surface above and around that operation with massive depletion and quality impacts of our owned groundwater. Again, as addressed in Exhibits A and B and my Objection 255 and 254, mitigation is not credible if the miner cannot afford it, since it is not then feasible. While the EIR/DEIR incorrectly argue that CEQA does not allow consideration of financial feasibility or miner financial condition (see, e.g., section I.C, Exhibit B and DEIR Objection #2), that miner argument does not apply to such proposed and noncompliant EIR/DEIOR mitigation (much less the other EIR mitigations required for incorrectly ignored significant impacts). See section I.E and I.F. To make a point with less exaggeration for effect than one might imagine compared to the nonsense some project proposals imagine as mitigation,

if a development has a water depletion or quality impact problems under CEQA, the project developer cannot just say, as here, in effect, "don't worry, if necessary the project will build a desalinization plant and solve the problem with ocean water, ignoring [besides legal/regulatory issues] that the developer could not afford to do so and that it would not be economically feasible by its own admitted project financial data.) See section I.C, D, E, and F.

Also, as so demonstrated, consider what small part, if any, of those EIR/DEIR cited studies (and vaguely cited Appendices) dealt with this situation and our conditions, where the underground mining is so impacting so many uniformly objecting surface owners and users. See section I.F.9. In any event, all these disputed EIR/DEIR cited experts and reports are basing their disputed opinions on many erroneous assumptions or disputed information from Rise or about imagined similarity of our mining conditions and circumstances to those in studies of what are distinguishable different mines or even new places in this 2585-acre underground area (e.g., the false equivalence tactic that: (i) the same disputed results/impacts/studies should apply to such underground mining below thousands of competing surface owners and users that apply to mining wholly owned miner Brunswick land; (ii) disputed history predicts recharge and other groundwater issues the future for 80 years despite unprecedented and progressive climate change dryness; and (iii) the studied other mining places are "similar," despite lack of proof by "good faith reasoned analysis" and many common sense" key differences.)

As noted in my introduction, the EIR chooses to scramble it "Master Responses" relating to objections to groundwater errors, omissions, and abuses (and some others as well) without a unifying and informative Table of Contents at the Master Response level, rather than consolidating them in a more coherent manner. That is usually a sign in eir disputes of a miner seeking to evade confronting serious problems for which the absence of a persuasive response is too obvious, so that the miner instead chooses an exhausting, scrambled confusion tactic (section I.A.1.d (viii) and I.F.5) , instead of consolidated clarity that better reveals those errors, omissions, and noncompliance. See, eg, the common and overlapping groundwater issues addressed in scattered, disputed, **direct** Master Responses 13 (Historic Hydrologic Assessments (with deficient maps), 14 (Adequacy of Groundwater Model), 15 (Adequacy of Groundwater Monitoring Wells (with deficient maps and addresses), 16 (Drought and Climate Change), 29 (Near Surface Workings And Subsidence), 33 (Groundwater Dependent Vegetation), 35 (Discharge to South Fork Wolf Creek), and 36 (Flows in South Fork Wolf Creek) or disputed, indirect Master Responses where groundwater issues were mixed with other issues, such as 1 (Quality of Life), 2 (Social and Economic Impacts), 3 (Operator Responsibility), 6 (Wildfire Impacts), 7 (Location of Future Mining Areas, eg, mixing "Potential Groundwater Effects From Underground Mining" with "Blasting, Vibrations, and Noise), 8 (Mine Waste Characterization, eg, mixing Water Code and 80 year dewatering issues with various others), 9 (Historical Mine Waste at Centennial Site), 10 (Explosives, Reagents and Brunswick Fill, eg, mixing toxic materials and mineral processing issues with others), 11 (Engineered Fill Utilized in Local And Regional Construction Markets, eg, mixing mine waste arguments with erroneous discussions of Water Code compliance), 17 (Meteorological Data Used in HRA, eg, diverting hexavalent chromium water pollution issues into air pollution issues, but with unintended useful admissions in Vol. IX, Appendix R, which buries or ignores what should have been disclosed in #'s 17—19 water pollution discussions), 20 (Conservatism of Metal Assumptions, eg, "fugitive dust" not consistent with #'s 17—19 and Appendix , which should deal with hexavalent chromium as a key water pollution issue), 24 (Project Construction Schedule (mixing dewatering with other

issues), 29 (Temperature of Mine Water Discharges) and 39 (Discharge to South Fork Wolf Creek.

R. Objection to Master Response 15 (part 1) –Adequacy of Groundwater Monitoring Wells Comments (at 2-76): New Additions For EIR Health Risk Assessments for Previously Ignored Hexavalent Chromium As An Air Quality Issue (Like The Newly Added Nitrogen Dioxide Impact) But Still Ignoring The More Serious Water Impacts Raised In My Objection 254 As A Water Impact (Remind Rise To Go See Erin Brockovich Again, Following the Court Case About That Water Pollution Killing The Town of Hinkley, CA. And Many of Its Residents.)

1. General Situation Is Not Presented Accurately.

By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. My objections in these sections rebutting EIR Master Responses to groundwater depletion, quality impacts, and hazardous risks, and other adverse impacts are incorporated here to minimize duplication, although the EIR's substantial duplication incites some illustrative responses here. As so described and as demonstrated in my four Objections and others in my Table of Incorporated by Reference Objections and Exhibit D, the noncompliant EIR/DEIR fails and must be revised and recirculated. See sections I.F as to impacts, I.E as to mitigations, and I.D, C, and A as to CEQA and other authorities.

Thus, for example, the EIR continued to hide its hexavalent chromium menace in obscure places with nonresponsive errors, omissions, and noncompliance, as described herein (see, e.g., section I.F.1), refusing even to address those rationally indisputable threats in the DEIR section 4.7 Hazards And Hazardous Materials' EIR revisions (at 3-69), apparently to attempt to evade the need to revise and recirculate the EIR (see section I.C. Instead, the EIR continues only to mentions hexavalent chromium in discussions of mining techniques (addressed below) with an obscure and outrageous effort to brush off concerns by characterizing the only issue as a non-significant **air quality issue**, **without acknowledging my toxic water pollution/human health threat Objections, supported by massive EPA web posted studies and my cited case study of how hexavalent chromium water pollution killed the town of Hinkley, CA, and many of its residents, as depicted in the movie, "Erin Brockovich." See also below my objections to the two disputed Itasca commentaries attached to the EIR as Volume IX Appendix Q and O [and in Appendix R as to air pollution from CR6 dust], which reveal not only more useful exposures of errors, omissions, and noncompliance in the EIR they are supporting, but they also create inconsistencies with the EIR itself. See section I.F.1 and Exhibit C.**

As noted in my introduction the EIR chooses to scramble it "Master Responses" relating to objections to groundwater errors, omissions, and abuses (and some others as well) without a unifying Table of Contents at the Master Response level, rather than consolidating them in a more coherent manner. That is usually a sign in eir disputes of a miner seeking to evade

confronting serious problems for which the absence of a persuasive response is too obvious, so an exhausting, scrambled confusion is the chosen tactic, instead of consolidate clarity that better reveals those errors, omissions, and flaws. See, eg, the common and overlapping groundwater issues addressed in scattered, disputed, **direct** Master Responses 13 (Historic Hydrologic Assessments (with deficient maps), 14 (Adequacy of Groundwater Model), 15 (Adequacy of Groundwater Monitoring Wells (with deficient maps and addresses), 16 (Drought and Climate Change), 29 (Near Surface Workings And Subsidence), 33 (Groundwater Dependent Vegetation), 35 (Discharge to South Fork Wolf Creek), and 36 (Flows in South Fork Wolf Creek) or disputed, indirect Master Responses where groundwater issues were mixed with other issues, such as 1 (Quality of Life), 2 (Social and Economic Impacts), 3 (Operator Responsibility), 6 (Wildfire Impacts), 7 (Location of Future Mining Areas, eg, mixing "Potential Groundwater Effects From Underground Mining" with "Blasting, Vibrations, and Noise), 8 (Mine Waste Characterization, eg, mixing Water Code and 80 year dewatering issues with various others), 9 (Historical Mine Waste at Centennial Site), 10 (Explosives, Reagents and Brunswick Fill, eg, mixing toxic materials and mineral processing issues with others), 11 (Engineered Fill Utilized in Local And Regional Construction Markets, eg, mixing mine waste arguments with erroneous discussions of Water Code compliance), 17 (Meteorological Data Used in HRA, eg, diverting hexavalent chromium water pollution issues into air pollution issues, but with unintended useful admissions in Vol. IX, Appendix R, which buries or ignores what should have been disclosed in #'s 17—19 water pollution discussions), 20 (Conservatism of Metal Assumptions, eg, "fugitive dust" not consistent with #'s 17—19 and Appendix , which should deal with hexavalent chromium as a key water pollution issue), 24 (Project Construction Schedule (mixing dewatering with other issues), 29 (Temperature of Mine Water Discharges) and 39 (Discharge to South Fork Wolf Creek.

2. The New Air Pollution Dispute Triggered by New Data In the EIR, Still Evading the Bigger Toxic Water Pollution Threat.

Instead of engaging in any reasoned debate and disclosure with the required "common sense" and "good faith reasoned analysis," the disputed EIR attempts evasion by what it admits being new air quality data on this topic (again requiring recirculation for material changes and glaring omissions, as discussed in I.A.1.c). T**he EIR/DEIR continues to ignore my DEIR Objection 254 almost entirely about the adverse water impacts of using hexavalent chromium in the mine. (The EIR also added a new reference to nitrogen dioxide (NO-2), which will be addressed elsewhere in the air quality dispute discussion and unintegrated Appendix R.) See CEQA Guidelines 15088.5. The EIR's disputed, new Health Risk Assessment (the "HRA") is buried at the back of the document in vol. IX Appendix R (a disputed one page memo from DUDEK), which states that the purpose of such memo is "to address the potential health risk associated with exposure to two additional toxic air contaminants (TACs) that were not included in the original analysis of the proposed Idaho-Maryland Project (project), namely hexavalent chromium in cement [for mine shoring in the 2585-acre underground mine below or near thousands of impacted surface residents] and nitrogen dioxide (NO-2) from the combustion of ammonium nitrate fuel oil (ANFO)."**

FIRST, note that this omission was not because the DEIR did not know of the mine's use of that highly toxic hexavalent chromium, because its use in the mine paste was described in a buried back DEIR section discussing the disputed mine shoring process

intended (and grossly failing) to reassure the thousands of surface residents above and around the underground mine about shoring against subsidence and other mining risks. As my DEIR Objection 254 (which this EIR significantly ignores) explained and Exhibit C hereto illustrates, there are many EPA website documents and concerns demonstrating water pollution health impacts requiring this to be a featured headline Hazardous Materials discussion (where it has been wrongly ignored entirely in the DEIR/EIR). SECOND, because this toxin is in the groundwater below objecting surface residents and at least 300 wells (by the still undercount in the County Economic Report—see Exhibit A), this not only poisons humans and their property, but even its stigma depresses property values, and therefore property taxes, among other economic impacts ignored in the County Economic Report, which seems unaware of this hazard popularized in the movie Erin Brockovich about how such hexavalent chromium in the groundwater killed Hinkley, CA, and many of its residents. See Exhibit C. (I suggest that the County's economic analyst do study what happened to property values and taxes in Hinkley.) THIRD, the disputed new EIR air pollution cancer risk discussion is mysterious, about the accuracy and correctness of how it was determined to be below the safety thresholds set by the Northern Sierra Air Quality Management District, but no analysis or mention is made of the water pollution threat. Compare unintegrated Appendices Q and R. Therefore, because none of these material/significant impacts/issues are properly addressed in the noncompliant EIR/DEIR, the EIR must be redone and recirculated for this and other reasons stated in my and other objections. See section I.A.1.c.

This example also illustrates another credibility problem with the EIR/DEIR, and another reason in Exhibit A why it was a mistake for the County Economic Report to accept the EIR/DEIR as if it were true when any cursory reading of my Objections or any of hundreds of other objections to the DEIR would have revealed that the data was materially incorrect, incomplete, and worse. (As the computer people say, garbage in creates garbage out.) Previously in the DEIR, this serious issue was not identified as a hazardous substance problem with lethal human consequences in water (as well as air, which the EIR now incorrectly attempts to address), but instead an unrevealing mention buried in the back where this new Appendix Q cites to it in DEIR page 4.8-47. See Appendix R. That credibility problem is now compounded by a new one, where the EIR evasion is by a technique that is known as the bait and switch, i.e., the EIR briefly adds an insufficient and incorrect discussion (a single short paragraph) about air pollution from hexavalent chromium to distract from the much more serious water pollution, health hazards, and related impacts. See section I.F.1. For example, and this is a key example of another bait and switch in the DEIR/EIR, a discussion of mitigation (eg, Appendix R cites to Mitigation Measure 4.8-2(a)) of the air pollution by hexavalent chromium is not at all satisfactory mitigation of the lethal water pollution by hexavalent chromium that is entirely ignored by the EIR (apart from unheralded Appendix Q, despite my not only discussing that lethal risk in my DEIR Objection 254 (e.g., #'s 3.D, E, F, M and N, 4, 5, 6 and 14), but also by my three minute comment at the public County Planning Department hearing on the DEIR which earned a line in the related "Nevada Union" story.

And what is the environmental comfort to be taken even with the briefly addressed air pollution EIR "reassurance?" Consider what Appendix R says on the hexavalent chromium cancer threat after giving unsubstantiated and disputed air pollution dust estimates: "Hexavalent chromium has inhalation cancer risk and chronic reference

exposure levels, but no acute non-cancer effects are associated with exposure. … Hexavalent chromium and NO-2 were evaluated in the HRA consistent with the methodologies presented in the DEIR. In summary, there would be no change in the cancer impacts with and without mitigation as shown in the DEIR [which ignores the subject and makes this disputed statement incomprehensible, wrong, and worse.]" As to the air pollution impacts remember our experience with asbestos, which had a similar history of prolonged evasion until it became clear through many bankruptcies (in which I was frequently a significant bankruptcy lawyer player) that there were no safe thresholds. See DEIR Objection 254 #'s 3.J and 10.

As to the unaddressed water pollution, again watch the movie again, read the court files on the Hinkley, CA, suits, and then read section I.F.1, Exhibit C hereto, and the many EPA website study horror stories. [The EIR at 2-77 describes how the dewatering process interacts with the blasting and mining underground and states: "Thus, any water that contacts those [underground] components would be present only withing the [2585-acre underground] mine workings and would then be pumped out of the mine workings by the dewatering system and into the clay-lined pond for further water treatment." Note that even if the locals aren't poisoned by the hexavalent chromium in that process, other people downstream by the Wolf Creek may become victims. Note that the hexavalent chromium that killed Hinkley, CA, and many of its people was also held for such processing in clay lined ponds, which didn't work out well for the victims.]

Then read the disputed EIR dismiss my and other objections as nonmaterial or irrelevant to CEQA concerns. The result is not just that revisions and recirculation are essential (section I.A.1.c), but also that the County should begin to share the community doubts about the credibility of the mine's whole EIR process. See Exhibit A and B. When the County Economic Report notes (see Exhibit A hereto) that most real estate brokers believe the environmental impacts are seriously understated and causing depressed property value predictions, this is an example of a rational and informed reason for such opinions; i.e., unlike the EIR/DEIR advocates, anyone at risk of harm from the mine has considered the hundreds of objections like mine that are filled with such objections about the errors, omissions, and insufficiencies in the DEIR/EIR and worse things politely described as credibility problems with the DEIR/EIR. See Nevada County Association of Realtors Group Letter 15.

I mention such credibility concerns because without transparent independent regulatory oversight of all aspects of the mining operation and proposed (and hopefully upgraded and more complete) mitigations, nothing in the disputed EIR/DEIR will be credible to the potential victims like me (much less potential buyers and their mortgage lenders and appraisers. For example, the EIR incorrectly asserts a speculation (at 2-76) without substantiation that: "Mitigation measures are achievable, enforceable, and capable of reducing the Project's impacts." Not only is that EIR noncompliant claim repeatedly proven wrong, but that EIR sentence must be allowed to be rebutted by the admitted facts in its own SEC filings (see Exhibit B and my Objection 254 #2) that Rise cannot afford even the insufficient mitigation it proposes (eg, here at Mitigation Measure 4.8-2, replacement water for depleted or contaminated existing wells, but nothing for new wells), thereby making its statement false that its mitigation is "achievable," "enforceable [by the County, not the victims who then must turn to legal remedies]," or "capable of reducing the Project's impacts." See *Keystone, Varjabedian*, and other cited authorities. This Master

Response incorrectly argues this is just an East Bennett Road problem with at most 30 wells, when the County Economic Report admits there are at least 300 existing wells at risk above and around the 2585-acre underground mine (still an undercount as explained at Exhibit A), totally ignoring the issue of the new wells those of us impacted surface owners above and around the 2585-acre underground mine will be compelled to drill to save our health, welfare, forests, environment, and properties. See section I.F.2, 3, 4, 5, 6, 7, 8, and 9, and (as to mitigation issues) I. D and E. To quote the disputed EIR (at 2-77): "As discussed in the GMP 30 groundwater monitoring wells will be installed at 15 locations. The locations of the monitoring wells are strategically placed between the mining and domestic wells to monitor the potential drawdown extent as the result of mining and assess the potential impact on domestic wells. … Qualified hydrologists [notice they don't say independent and trustworthy] would evaluate the data from groundwater monitoring." There is nothing in the noncompliant EIR/DEIR or the process so far that inspires any confidence by us potential victims that any of this EIR aspirations will be timely achieved as promised by a miner which admits in its SEC filings (Exhibit B and DEIR Objection 254 #2) it lacks the financial resources needed for even such proposed accomplishments, as distinguished from what will ultimately be required by CEQA and applicable law in any future compliant EIR. We local potential victims would insist, among other things, on knowing the plans in detail in advance, not later, plus having on total transparency, data collection and analysis by reliable experts, many more monitoring wells where they matter most (eg, above the 2585-acre underground mine where currently thousands of surface resident objectors and at least 300 wells exist and in the next 80 years many more will follow in reaction to climate change dryness), and much more discussed in this and my other Objections and those of many others. See applicable CEQA prohibitions on deferrals of impact analysis or mitigations, e.g., *Richmond v. Chevron* and section I.C and E.

One last example of credibility problems for the disputed EIR/DEIR (at 2-76) is the delay in planning, disclosure, and mitigation until after approval, as distinguished from after approval and "at least 12 months in advance per Mitigation Measure 4.8-2(a)." Id. Why the delay to set the base level for future decisions? Perhaps (besides the fact that Rise cannot afford to do much of anything on time as admitted in its SEC filings—see Exhibit B and my Objection 254 #2), they are stalling because the EIR admits that: "No groundwater level measurements have been completed since 2007." But the sooner they start investigating/measuring (as CEQA requires), the sooner that they will have to confront the inconvenient truths that their historical models are wrong and noncompliant, preventing the miner and its advocates from ignoring key facts and climate change do not work already, and promise to become more incorrect progressively for the next 80 years of 24/7/365 dewatering and mining, as explained in this and other objections.

3. **The Disputed EIR Also Evades The Hexavalent Chromium Threat by Revealing Discussions of Its Mining Techniques in Volume IX, Appendix Q, That Is Damning Not Only By Its Errors, But Also By Its Material Omissions That Should Have Been Addressed In Its DEIR Section 4.7 The Hazards And Hazardous Materials And EIR Revisions (at 3-69).**

    a. **Illustrating An Example of How the Noncompliant EIR "Hides The Ball" For Hexavalent Chromium Impacts on Groundwater Compounded by**

Deferred Analysis And Mitigation Prohibited by CEQA (see section I.C and E above).

In this and other related Objections I have questioned the credibility of the EIR/DEIR for its continued errors, omission, and other noncompliance in dealing with the foregoing known (and I believe irrefutable at least to require CEQA common sense and good faith reasoned analysis about) hexavalent chromium water pollution impact issues. See, e.g., section I.F.1, I.C and D, and (as to mitigation) I.E), plus Exhibit C; DEIR Objection 254 #'s 3.A, B,C, E, G, H and 7. This portion of my objections attempts to use what "significant new information" the (still noncompliant) EIR has added further to expose those problems and to insist on EIR revisions and recirculation (#I.A.1.c). Before getting into the more technical matters, I direct attention to certain "tactical" EIR additions and revisions to the disputed EIR section 4.8 Hydrology And Water Quality (at 3-70-73) and the addition of the Itasca "Desktop Study of Cemented Paste Backfill" in Volume IX, Appendix Q. While the EIR/DEIR's greatest sins are of omission, I also focus here on what the EIR does say, because in that context it makes the EIR not only grossly deficient but misleading or worse. See section I.A.1.d(viii) addressing improper EIR tactics, such as illustrated herein.

Begin by studying the purportedly insignificant EIR revisions (at 3-72) to DEIR Chapter 4.8 [Hydrology and Water Quality]in the final paragraph of Section 4.8.4 and in the related Mitigation Measure 4.8-2(a), which adds that the miner "shall implement the Groundwater Monitoring Plan (GMP) prepared by Itasca Denver, Inc (February 2021), as approved by the /county. Implementation of the GMP shall be initiated prior to the dewatering of the mine and on an ongoing basis…" That GMP involves "a network of monitoring wells [that] shall be installed to the satisfaction of the Nevada County Environmental Health Department," with "Groundwater level and groundwater quality information ... obtained from the project ground watering monitoring wells and collected on a quarterly basis" and submitted to that Department etc. The revised text of 4.8-1(e) states that: "The applicant shall submit a RoWD and obtain WDRs from the Central Valley RWQCB for construction of the engineered fill areas… prior to initiating any engineered fill placement activities … [with] [p]roof of coverage …provided to the Nevada County Public Works Department." That revision adds that RWQCB "will determine the appropriate mining waste classification" for the engineered fill. "The RoWD must also include a report on the physical and chemical characteristics of the waste, in compliance with Water Code section 13260(k), that could affect its potential to cause pollution or contamination as well as a report that evaluates the potential of the discharged of the mining waste to produce over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances." [That should require disclosure of the hexavalent chromium threat as a hazardous substance, as many EPA website posted studies confirm and Exhibit C illustrates, but there is no such warning in the noncompliant EIR.] "The applicant will prepare and implement a Waste Characterization Plan (Characterization Plan) which will be incorporated into the approved WDR." [However, since the EIR is already hiding the hexavalent chromium threat and, ignoring that harm, has incorrectly classified the pasted mine material as nontoxic Group C benign mine waste, it is essential that such a plan be addressed now in advance of approval.]

Why is that timing so important? See section I.C and E above discussing deferred analysis and mitigation prohibited by CEQA, such as interpreted in *Richmond v. Chevron* and other authorities. It is not just that CEQA requires such impact and mitigation matters to be disclosed and analyzed fully before EIR approval, i.e., prohibiting such deferrals, but also because, if these many serious mine disputes have to be litigated, that should occur in one consolidated process, not in many successive dispute processes as Rise (or its successor behind the curtain in a "flip" about which many speculate after any EIR approval (which would be an unjust mistake). Slowly unveiling various future operation impacts and action/mitigation plans deferred until after further governmental decisions is not appropriate or compliant, all of which should be done before EIR approval. Note also that, as addressed elsewhere, the insufficient and mislocated monitor wells and other mitigations (including those added in EIR revised Mitigation Measure 4.8-2(c)) are focused on the East Bennett Road and wholly owned Centennial and Brunswick sites, as if hoping that will distract everyone from the bigger legal and environmental problems in the mine risks, threats, and harms to the thousands of us surface owners and users above and around the 2585-acre mine, since (as admitted in Rise's SEC filings—see Exhibit B and DEIR Objection 254 #2) the miner cannot hope to afford to mitigate the harms disputed EIR mining will do to those surface owners like me, much less cure the impacts and problems the mine is creating for others.

Before addressing **the Itasca Appendix Q issues** in detail, please note the following among the many disputes and flaws with what the EIR/DEIR is doing in its described provisions in the previous paragraph. **First,** to evade dealing with (or even properly mentioning) substantive risks, threats, and harms **now** when required by CEQA and other applicable law (e.g., *Richmond v. Chevron*), the disputed EIR defers the substance to a **future process after the EIR is mistakenly approved (assuming the worst case)**, when it is too late for many purposes except to attempt to clean up the mess that will exist from starting the mining and then having the courts, law reform, or political remedies stop it. Also, these disputes should be consolidated for cost-efficiency and speed of final resolution. Otherwise, there may be multiple litigations occurring at different times as current and deferred disputes become "ripe" for adjudication. **Second,** such delayed, essential planning and decisions (to which I and others object with such ample authorities, including *Richmond v. Chevron*) make it impractical to have a factual debate on the detailed merits, since the EIR miner could just claim that (after EIR approval and commencement of harmful impacts) the mining will adapt to some such future governmental or court requirements, denying us potentially impacted victims the opportunity most effectively to rebut and contest such EIR, such as to feasibility and other challenges the disputed EIR is attempting to evade. Trying to litigate standards theoretically or in the abstract before such governmental approval process results creates many extra costs and problems for us victims as well as the risk of irreparable harm and illusory of deficient mitigations, which may be why what the EIR attempting to do in delaying key significant information until after approval of the insufficient EIR (still full of many errors, omissions, and other noncompliance) is forbidden by CEQA and other applicable laws. See e.g., *Richmond v. Chevron*; section I.C and D, and (as to mitigation and illustrations I. E. and F. ***Third,*** while government is supposed to do certain such prescribed things in the future to protect us local victims (eg, monitor test well results, classify waste, etc.), nothing in the EIR/DEIR fairly warns those governmental authorities of noncompliantly disclosed risks and menaces, such as, for example, (i) the toxic hexavalent chromium water and air pollution, so they can specifically watch out for such water pollution

problems that killed Hinkley, CA, and many of its residents (see "Erin Brockovich"), and (ii) correct the EIR's misclassification of the mine waste (aka rebranded as misleading "engineered fill"), and (iii) more importantly for the thousands living on the surface above the 2585-acre underground mine being dewatered 24/7/365 for 80 years (past such toxic hexavalent chromium cement paste in the shoring) why the insufficient test wells are misplaced and not predictive of the risk to us objectors and our undercounted existing wells and our ignored new future wells. See, e.g., sections I.D, E, and F. (Also, the County should examine closely for the undisclosed hexavalent chromium and other threats the supposedly treated water flushed down the Wolf Creek elsewhere that may spread that pollution [NID customers there beware].)

Many other issues are addressed throughout these and other objections, but this illustrates some of the problems. See, e.g., applicable objections incorporated from my Table of Incorporated by Reference Objections, such as the California Dept. of Parks And Recreation Agency Letter 1, California Dept. of Fish And Wildlife Agency Letter 3, Grass Valley Agency Letter 8, Wells Coalition Group Letter 27/28, CEA Objections Group Letters 6-9 and 21, Friends of Banner Mountain Group Letter 11 and12, Bear Yuba Land Trust Group Letter 2, Sierra Fund Group Letter 25, South Yuba River Citizens League Group Letter 25, and Wolf Creek Community Alliance Group Letters 29-32.

To purport to provide some of what (though insufficient, incorrect, and otherwise noncompliant) is significant new information on these disputed subjects, the disputed EIR attaches (in an unheralded and unintegrated way at the end of the EIR) in **Volume IX, Appendix Q, a disputed, short "Technical Memorandum" dated 2/24/2020, entitled, "Desktop Study of Cemented Paste Backfill." See also Appendix R with the same issues as to air pollution.** Note that I address the Appendix O update of this disputed study in the next subsection below. This is apparently designed as backup data in case someone like me notices that the relevant data in the EIR is not adequately described in compliance with CEQA and other applicable law (see, e.g., Exhibit C), not to mention containing other errors, omissions, and noncompliance. Itasca describes at the start of the Technical Memo that it is a "desktop study of cemented paste backfills (CPB) use and its potential impacts on water quality and site-specific considerations for IMM." Note that there is no effort to reconcile the inconsistencies between that disputed memo (and therefore the EIR) and the DEIR (which almost totally ignored, and never provides any "good faith reasoned analysis" of hexavalent chromium), which the EIR leaves unresolved as if they did not exist. See Exhibit C and section I.F.1. However, I note that those noncompliant conflicts are material and in need of clarification with a revised and recirculated EIR. See section I.A.1.c. For example, among others that are apparent from contrasting the DEIR and my Objection 254 (e.g., #'s 3.A, B, C, E, G, H, 7, and 15) thereto versus the disputed EIR (and especially that Technical Memo Appendix Q) versus this Objection, the DEIR only deals with hexavalent chromium vaguely as added in the cement paste for shoring (as CR6+) and one obscure and unexplained reference in a long list of hazardous materials versus the EIR/Technical Memo dealing with hexavalent chromium in the Portland cement (Cr(VI)). Although both may exist as hazards, the CR6+ in the cement as a water polluter and the CR(VI) as also an air polluter in Appendix R (e.g., as dust from delivery and use on the surface before being injected into the mine), as described in the DEIR versus the EIR.

To begin for context and to clarify variance from the noncompliant DEIR description, the Technical Memorandum describes the "cemented paste backfills (CPB)" as a means of improving "geotechnical stability by backfilling mined stopes (voids) and allow[ing] the recovery of the ore body to be maximized." In essence, CPB is "formulated on the surface" by

mixing tailings "with cement and water, although other additives or mined materials are sometimes included" (apparently, if the disputed DEIR were correct, like hexavalent chromium), and that mixture is then pumped into the underground mine to shore up places that are deemed to need it. **Throughout the Technical Memo discussion are qualifications and warnings about the proper preparation and "curing" of the CPB before exposed to dewatering, which is another way of saying that the homes, property values, and groundwater of us potential victims above and around the 2585-acre underground mine are at risk of at least human error by those preparing this toxic brew for shoring beneath us where there is no EIR proposed monitoring until it is too late and the harmful impacts begin before surface owner or governmental discovery "the hard way," especially considering that the insufficient monitor system is not designed to be applicable or effective to detect such CR6 problems timely. See Exhibit C. Under a heading called "Potential Water Quality Issues With CPS" (which like all the rest of this Technical Memorandum should be inserted in the related EIR "Hazards And Hazardous Materials" discussion and should be recirculated for proper debate as required by CEQA and other applicable law) the following data is revealed, beginning with the admission that: "There are some potential water quality related issues with CPB if it is not implemented correctly." Part of that admitted hazard is inherent in the "specific composition of the tailings materials used in the CPB," and another admitted part is that the "CPB does not set properly or is not strong enough to remain intact in the mine environment."**

Thus, the Technical Memorandum (unlike the main EIR itself which incorrectly ignores or dismisses all such concerns without sufficient identification of the issues or proof) admits (at 2 and 3 of 8, EMPHASIS ADDED):

> **A VARIETY OF SITE-SPECIFIC FACTORS CAN AFFECT THE ABILITY OF CPB TO SET AND ITS LONG-TERM STRENGTH. FOR EXAMPLE, INSUFFICIENT BINDER CONTENT, EXCESSIVE WATER CONTENT, OR WATER WITH HIGH SULFATE CONCENTRATIONS (EG, FROM HIGH-SULFIDE TAILINGS) CAN DECREASE CPB STRENGTH OR INHIBIT PROPER SETTING. IF CPB DOES NOT SET PROPERLY, IT MAY BE LESS EFFECTIVE AT REDUCING THE MOBILITY OF CHEMICAL CONSTITUENTS [IE, ADMITTED, TOXIC HEXAVALENT CHROMIUM], AND THERE IS THE POTENTIAL FOR THE BINDER MATERIAL TO BE LEACHED FROM THE CPB MIXTURE [IE, SUCH HEXAVALENT CHROMIUM POLLUTES OUR GROUNDWATER AND ULTIMATELY THE WOLF CREEK]. ADDITIONALLY, HIGH SULFIDE-CONTENT TAILINGS THAT ARE ACID GENERATING AND HAVE ELEVATED METALS CONCENTRATIONS CAN RESULT IN METALS LEACHING FROM CPB AND CAN DEGRADE CPB STRENGTH.**
>
> **BECAUSE CEMENTS AND GROUTS ARE ALKALINE IN NATURE, SOME STUDIES HAVE NOTED THAT THE POTENTIAL EXISTS FOR THESE MATERIALS TO PREFERENTIALLY LEACH FROM CPB AND CAUSE ELEVATED PH VALUES IN GROUNDWATER AND/OR RELEASE CONSTITUENTS FROM THE CEMENT OR OTHER ADDITIVES [EG, HEXAVALENT CHROMIUM].**

THUS, THE EFFECT OF NONCOMPLIANT EIR IS TO FORCE US LOCAL VICTIMS TO GAMBLE ABOUT LETHAL HEXAVALENT CHROMIUM HAZARDS THAT ARE ADMITTEDLY DEPENDENT ON MINE WORKERS' SKILL, DILIGENCE, AND CARE IN DEALING WITH THESE UNACKNOWLEDGED RISKS AND ON UNANALYZED MINE MATERIAL CONDITIONS, WITH NO RELEVANT MONITORING OR MITIGATIONS SUFFICIENT TO PROTECT THOSE OF US ABOVE OR AROUND THE 2585-ACRE MINE AND OTHERS WHEREVER THE THEN POLLUTED WOLF CREEK FLOWS. SEE EXHIBIT C. YET, THE EIR DARES TO CLAIM THERE ARE NO SIGNIFICANT ISSUES OF CONCERN WITH THE DEIR, SO THE EIR DOES NOT NEED TO BE REVISED OR RECIRCULATED. THAT IS OUTRAGEOUS AND NONCOMPLIANT, ESPECIALLY CONSIDERING WHAT CANCER THREAT THE EIR NOW ADMITS FROM HEXAVALENT CHROMIUM AIR POLLUTION IN APPENDIX R. (ALTHOUGH THAT WAS IN THE CONTEXT OF AIR POLLUTION, RATHER THAN WATER POLLUTION, THE MANY EPA WEBSITE STUDIES OF THIS CANCER-CAUSING TOXIC SHOULD BE SPECIFIC ENOUGH TO BE TAKEN SERIOUSLY. SEE EXHIBIT C. NO ONE CAN DOUBT THAT ANY PURCHASER OF IMPACTED SURFACE PROPERTY WILL TAKE THIS SERIOUSLY AND LIKELY WILL ASSUME THE WORST CASE, AS EXPLAINED IN EXHIBIT A HERETO.

The Technical Memorandum (at 5 of 8) also addresses a dispute study by ACZ Laboratories involving tests on four flotation tailing samples for "acid digestion" that us objectors consider not CEQA compliant or representative or predictive of the problems of us local victims above and around the 2585-acre underground mine. For those and other reasons the disputed study from cherry-picked purported expert and EIR chosen locations do not persuade anyone at risk. Indeed, the study's conclusion is full of noncompliant qualifiers that invite our dispute, such as (again based on what the EIR selected for its own benefit in a tiny sample) this contractor said (emphasis added) that "it is LIKELY that the CPB used in the IMM will have very low solute release rates and will be GENERALLY environmentally benign." However, consider the following "Conclusion" (at 6 of 8), stating that: "However, it is clear from case studies and theoretical behavior of CPB that there are a variety of site specific factors that could affect the potential for water-quality impacts…" for which the memo suggests specific suggested protective actions and cautions, none of which are appropriately added to the EIR, presumably because it prefers not to call attention to these risks which CEQA and other applicable laws require the EIR to address now with "common sense," "good faith reasoned analysis," in accordance with applicable law, such as *Gray, Banning, Vineyard, and Costa Mesa.*

Again, there is the debate as to what exposure levels of such cancer causing toxic hexavalent chromium are safe, but, rather than have that debate on the merits, the EIR dares to ignore the risks, threats, and harms in the EIR/DEIR and seek advance approval for its nondetailed concept, with the details hiding their Devil to be revealed in some future time after EIR approval when much harm has already been done. See Exhibit C and the EPA website commentaries and studies. Incidentally, since Rise arranged all this testing that is referenced in the Technical Memorandum and EIR/DEIR, where is it? Why not include the foundational source material with more balanced commentary? Why has Rise not attached that data in the EIR Appendices instead of irrelevant studies of purportedly "similar" situations that we dispute and contend are not similar at all (false equivalence tactics), and, in any event, contain errors, omissions, or other noncompliance.

If the EIR advocates attempt to continue to evade and dismiss these risks, threats, and impacts, they cannot be allowed to do so without adequate CEQA and other disclosures and recirculation of their disclosed position so that it can be fully disputed on the merits. See section I.A.1.c. The EIR cannot rely on the Technical Memorandum to save itself from reforms and recirculation (i.e., the EIR cannot ignore these identified and admitted risks, threats, and impacts), since this is a "desktop study" where these purported, cherry-picked experts simply relied on what Rise told them, admittedly without any investigation of the facts on the ground. Given the Rise credibility problems (see section I.A.1.d(viii) and DEIR Objection 254 #3.E) and other issues raised in my and other objections and the lack of compliant documentation and disclosure of what Rise told Itasca, there is no reason for disregarding the worst-case assumptions from these admitted risks, threats, and impacts. Consider another admission in the Technical Memorandum (at 3 of 8):

> **The presence of chromium in cement has been identified as a potential water-quality concern related to the use of CPB (Hamberg et al 2018). Hexavalent chromium (Cr(VI)) is an oxidized form of chromium that is more soluble and mobile in the environment than reduced forms of chromium. … Thus, selecting a supplier with low Cr(VI) content cement and ensuring the CPB is not inundated [eg, confronting dewatering] before it sets can minimize the potential for issues with Cr(VI) leaching.**

None of this is addressed in the DEIR, so this new data should require full and compliant disclosure and opportunity for debate in the context of a recirculated and revised EIR, especially since failure to prevent a repeat of the Hinkley, CA, horrors will leave all those accountable here, even worse than the Michigan Governor's team who allowed lead leaching in water pipes to devastate Flint, Michigan, because this would be an "I told you so" crisis. I mention that analogy not as a gratuitous provocation, but as a real-life, well-known example of how even supposedly well-meaning officials can create atrocities (not to mention foreign miners in admittedly distressed financial circumstances and from an industry with a history of chronic environmental violations, because its primarily focused on maximizing profits for speculative shareholders, rather than the local community they expect to leave as soon as the mine ceases to promise exploitive riches). See, e.g., Exhibit B and DEIR Objection 254 #2 admitting in Rise SEC filings the speculative and risky nature of this project, in effect warning investors about things the noncompliant EIR/DEIR failed to warn the County and us potential victims. See also Richmond v. Chevron and section I.D.3 confirming that such SEC admissions cannot be dismissed by the EIR/DEIR as irrelevant rebuttal or impeachment, since objectors in that key court eir decision prevailed on the basis of such SEC admissions.

4. Some Further EIR Flaws Exposed By the Updated Itasca Admissions in Vol. IX, Appendix O, Following Up on Its Earlier Appendix Q Report Disputed In the Previous Subsection Above.

EIR Appendix O, the Itasca update dated 6/17/2022 to the "Technical Memorandum" (App. Q) disputed in the prior subsection above, describes itself as a "clarification" in response to various objections. None of those updates or "clarifications"

addresses my four Objections or rescues the disputed EIR from the errors, omissions, or noncompliance addressed in this Objection. See my relevant rebuttals above and elsewhere in sections I, II, and III herein, including to my rebuttals in section III to the disputed EIR "Responses" to my DEIR Objection 254 #'s 3.D, E, F, M, and N, 5, 6, and 15. Therefore, I will just briefly expose some errors, omissions, and flaws in that noncompliant update. By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute.

However, it should be of great concern to the County that, rather than confront such key objections on the merits with "common sense" and "good faith reasoned analysis" as required by CEQA and other laws, that update (like the disputed EIR generally) improperly ignores the issues, impacts, and problems or incorrectly dismisses them as speculative, irrelevant, or premature because the EIR wishes to evade debate by claiming disputed, deferred, and uncertain mitigations after approval of the EIR or fails to provide any mitigations for the many significant impacts it has ignored, dismissed, or evaded. See my objections to deferral of disclosures and mitigations in section I.C and *Richmond v. Chevron.*

Admitting that the EIR ignores in its erroneous "groundwater flow model" for dewatering what Itasca calls "[c]consumptive water uses from individual wells, Itasca dismisses the concern without compliant "common sense," "good faith reasoned analysis," competent proof, or sufficient investigation as too "small, relative to regional groundwater flow," relying on what it claims to be the "low permeability of the rock mass" and "generally low pumping rate," which without such compliant analysis, investigation, or proof seems to be an unsubstantiated opinion based on incorrect speculation and false assumptions. **First,** it is again not clear whether these comments purport to cover the whole 2585-acre underground mine below thousands of us surface owners and users, or only the East Bennett Road area on which the DEIR/EIR was almost wholly focused on this issue. Indisputably, the EIR/DEIR never addresses our surface competing property rights down at least 200 feet or other issues Rise admits in its SEC filings (Exhibit B and DEIR Objection 254 #2) to warn its investors without inclusion in the EIR/DEIR as required disclosure for the County and us impacted surface neighbors. See my DEIR Objection 254 and my comments above, such as, for example, on the obvious fallacy of lacking "common sense" of just assuming our higher ground areas (people call my "Banner Mountain" high ground's main road Banner Lava Cap Road for a reason that does not apply downhill to the Brunswick flat lands; i.e., another example of false equivalence tactics) are subject to the same relevant underground conditions, risks, and issues as those downhill East Bennett Road conditions where Rise concentrates its monitoring systems. Also, this disputed updated EIR commentary assumes that, despite climate change, science, and reason, whatever conditions exist now will continue for the next 80 years, despite climate change, 24/7/365 dewatering, and massive underground mining in new, uninvestigated, and deeper areas along 76 miles of new blasted tunnels, that no greater surface owner use demands will apply. The reality is that consistent with objector offers of proof and as has proven true everywhere else in California where surface owners are confronting drought conditions by tapping more groundwater, is surface owners and users will exercise our legal rights to increase new wells and groundwater

usage, especially since that groundwater belongs to us, not just to the mine. See *Keystone, Gray,* and section I.F as to impacts, I.E and D as to mitigations, and I.C as to CEQA compliance and the 2018 Guidelines Amendments Explanations confirming the relevance and importance of climate change.

Indeed, during the next 80 years, when NID cuts back water supplies in the future, before local surface owners abandon their homes and suffer their drying forest to die from lack of the groundwater flushed away down the Wolf Creek by mine dewatering, us surface owners and users individually (or likely banding together in well collectives) will compete and battle in the courts and political arena against the mine's water wastes and the taking of our owned groundwater. See *Keystone* and *Gray*. That reality dooms such incorrect, unsubstantiated, and flawed assumptions on which the disputed EIR/DEIR (including those disputed Appendix O opinions) rely. Also, note that many of us do have sewers, countering the (in effect) "don't worry, just recharge using your septic tank water comments here," as well as "landscape irrigation" (which ignores NID's likely rationing rules imposed on us, while the mine flushes away our owned groundwater down the Wolf Creek.) See also my discussions above of the EIR's waste of NID water on frequent daily watering of toxic fugitive dust which the NSAQMD Agency Letters 12 (at 12) and 11 insist continue despite NID drought rationing to save us from the lethal assault of asbestos and other toxins (including I would add CR6).

I defer to the more expert groundwater objectors to deal with the **flawed Itasca attempts to rehabilitate its model's simulations addressed in that Appendix O**. See Exhibit D. But again, we confront the issue of when these commentaries purport to address the whole area above and around the 2585-acre underground mine or only the East Bennett Road area downhill, a flaw that by itself should require revision and recirculation (see section I.A.1.d(viii) and I.F.5), especially since there is no sufficient proof that the disputed EIR/DEIR comments on the downhill, wholly owned mine and East Bennett Road area apply equally to the surface area above and around the 2585-acre mine where thousands of us objectors live; i.e., the EIR/DEIR false equivalence tactic. See, e.g., applicable objections incorporated from my Table of Incorporated by Reference Objections and Exhibit D, such as the California Dept. of Parks And Recreation Agency Letter 1, California Dept. of Fish And Wildlife Agency Letter 3, Grass Valley Agency Letter 8, Wells Coalition Group Letter 27/28, CEA Objections Group Letters 6-9 and 21, Friends of Banner Mountain Group Letter 11 and12, Bear Yuba Land Trust Group Letter 2, Sierra Fund Group Letter 25, South Yuba River Citizens League Group Letter 25, and Wolf Creek Community Alliance Group Letters 29-32.

Once again, **the attempts of Itasca to justify exclusion of comparisons to other local mines (eg, Empire) for the disputed Itasca model must fail on the merits. But also see another relevant comparable discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line. Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk, now different and larger because of changes over time and climate change. See also the Union discussion of comments by hydrology expert Sol Henson.** Among the many flaws in such disputed EIR/DEIR reasoning are that the conditions in this long flooded and closed mine have not been adequately investigated subject to "good faith reasoned analysis" with "common sense," and there is no merit to the incorrect EIR/DEIR speculation either that those disputed assumptions will continue to apply for 80 years, despite 24/7/365 dewatering and

mining and new competing wells by us surface owners, or that such assumptions will apply to the new and deeper mining contemplated in the EIR/DEIR along 76 miles of blasted new tunnels. Guesswork and speculation, such as when such experts accept disputed and unreliable miner data as if such disputed miner hypotheticals were true, should not be permitted to risk the future health, welfare, environment, forests, and property in our local community. For example, one such flawed Itasca argument for excluding Empire Mine comparisons is that "[t]here is no direct flow from these historical mines to the future Rise Mine working" and that there is a block by low permeability rock masses between the historical mines and the future Rise Mine. Besides disputing any reliable basis for that insufficiently substantiated opinion (e.g., noting the lack of reliable historical documents and data, with the foundation of such disputed opinions being excluded by objector evidentiary motions in any court disputes), I object because the disputed EIR/DEIR has not adequately investigated this long flooded and closed mine and its new mining areas for that issue during the next 80 years, to some extent so admitted in the Rise SEC filings addressed at Exhibit B and DEIR Objection 254 #2. See *Richmond v. Chevron* and section I.D above. Also, please note that my and other objections complain about the EIR/DEIR cherry-picking favorable (but irrelevant) studies and opinions involving false support claims based on much less comparable and distant places are alleged to "similar;" i.e., the false equivalence tactic. In fact, those EIR/DEIR false comparables are much similar and relevant than the Empire and other mines cited in objections and incorrectly dismissed without fair consideration on the merits by Itasca. See my Table of Incorporated by Reference Objections and Exhibit D.

I also defer to more expert objections as to the seismic errors and omissions regarding the "simulations" in the disputed "groundwater flow model" relating to the "Idaho Fault system." However, this Itasca update admits that it ignored "the modeling of these minor faults" [22, 20, 11, and 20C of the Idaho Fault Zone) because "most of this area is already modelled as mining voids," another disputed contention on various bases. For example, those "minor faults" can be a material menace to those living around the 2585-acre underground mine, even if they don't damage distant towns. The merit of objections does not depend on a massive horror (e.g., No Name City, aka Nevada City, falling into the mine pit from lack of lateral or subjacent support in the "Paint Your Wagon" movie), since a smaller number of impacted wells in *Gray* than are at risk here was enough to defeat the mine's eir in *Gray*. How many of us locals must be sacrificed before it matters "materially" that the miner triggers a "minor fault" and damages our properties (also another reason for depressing property values)? Why dismiss "minor faults," when there is ample data on the local harms they can cause when triggered? Note also that groundwater depletion, reallocation, and dewatering for fracking has caused devastating earthquakes causing material local harm in Oklahoma or Pennsylvania, where no one could ever remember any earthquakes before. Similar problems are alleged in other fracking sites where groundwater is similarly manipulated. See my prior references to the Supreme Court's *Keystone* case and other authorities were us surface owners' rights of lateral and subjacent support includes groundwater to avoid subsidence and, we contend, also induced earthquakes on even "minor faults." See section I.F above.

S. Objections To Further Respond to Master Response 15 (part 2)—Adequacy of Groundwater Monitoring Wells (EIR at 2-76): Additional Comments.

By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations

insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. I have generally identified objections to such groundwater issues, well issues, and monitoring in various other places herein and in my Objections 254 and 255, and I will not repeat them all here, because I incorporate them by reference, including everything in the prior paragraphs P, Q R, S, and T, including **incorporations from my Table of Incorporations by Reference Objections and Exhibit D. See, e.g., applicable objections incorporated from my Table of Incorporated by Reference Objections, such as the California Dept. of Parks And Recreation Agency Letter 1, California Dept. of Fish And Wildlife Agency Letter 3, Grass Valley Agency Letter 8, Wells Coalition Group Letter 27/28, CEA Objections Group Letters 6-9 and 21, Friends of Banner Mountain Group Letter 11 and12, Bear Yuba Land Trust Group Letter 2, Sierra Fund Group Letter 25, South Yuba River Citizens League Group Letter 25, and Wolf Creek Community Alliance Group Letters 29-32.**

Incorrectly claiming (at 2-76) that massive, 24/7/365 dewatering of our groundwater for the mine to flush it away down the Wolf Creek is only of concern to a few wells downhill in the East Bennett Road area qualifies as one of the worst, most dangerous, and outrageous falsehoods in the EIR/DEIR (next to the concealment of the toxic hexavalent chromium hazards, which risks our health and lives as well as our forests, environment, and property). Also note that, once again as in most "Master Responses," the disputed EIR only addresses (usually unsatisfactorily) part of the identified objections and ignores the rest, as if somehow CEQA could be interpreted to only require the EIR to address what here is called "the majority of concerns." See section I.C discussing CERA obligations and section I.A.1.d (viii) discussing objectionable EIR/DEIR tactics, as illustrated in I.F and (as to mitigations) I.E. Because many objections are interactive and support each other, such attempts to fragment and separate objections are noncompliant (see, e.g., section I.F.5 and I.A.1.d(viii), even if (which is not always the case in this EIR/DEIR) the disputed EIR responds somewhere else to the evaded portions of the related objections, and they usually contain errors, omissions, and other noncompliance.

Among my personal annoyances with the EIR/DEIR's noncompliance with CEQA and other applicable law (see the principles in section I.C illustrated in I.D, E, and F) are that (except for the East Bennett Road and the 337 properties listed as eligible for "domestic well monitoring" in Table 3 starting at 2-83) most of us potential victims living above or around the 2585-acre underground mine cannot find our individual properties in relation to that mine by our street addresses or other recognizable landmarks. This is true on Banner Mountain above the mine, such as where I live one property above the Wolf Creek and two properties and a ridge away from Idaho Maryland Road that does appear on EIR maps. Among the many reasons for that to matter is that we each need to be able to plan our own mitigations and defenses/counters and to tell any buyer (or mortgage lender or appraiser) where each of our surface properties is relative to the 2585-acre underground mine, the old, mined area, and the planned new mining area. That application here includes the right to new, future wells and monitoring wells for our properties, whether individually or in a neighborhood collective. Remember that, as proven in my DEIR Objection 254 and consistent with admissions about the underground mining in the SEC 10K filings by Rise as to mining rights not beginning until 200 feet below the surface (see Id. at #2 and also Exhibit B hereto), we surface objectors own the groundwater beneath us that is being flushed away by mine dewatering down the Wolf Creek, and our legal rights to lateral and

subjacent support, including by groundwater, must be able to prevent subsidence, as defined in the Supreme Court's *Keystone* mine ruling.

Therefore, this is not just a matter of replacing water supplies at those 335 properties with monitoring wells, but rather this is a matter of protecting (for 80 years of progressing drying from climate change) sufficient groundwater for everyone who owns it, which includes thousands of surface owners on Banner Mountain. Also, since Rise's SEC filings admit and prove that it cannot afford adequately to accomplish any such mitigations (see my Objection 254 #2 and Exhibit B hereto), the admitted EIR problems (not to mention the much larger ignored problems) are infeasible for Rise to mitigate and, thus, unreliable, and noncompliant. As stated above by analogy, this is like a real estate developer claiming a future mitigation plan for destalinization water supplies that are not legally or economically feasible. Such unreliable and worse mitigation promises are not mitigation for CEQA purposes or otherwise, especially as here where the mitigation plans are to be improperly deferred into to the future after approval of the EIR (e.g., section I.C, I.E.3, 4, and 5) assuring not only unnecessarily complex and expensive litigation, but creating a mess for the County when it must ultimately deal with the realities of a miner who cannot feasibly perform the EIR and seeks rights opposed by all of us now objecting to the mine, plus more who will discover their perils if the noncompliant EIR is approved and some impacts and harms begin.

As noted in my introduction to this section the disputed EIR chooses to "scramble" its "Master Responses" relating to objections to groundwater errors, omissions, and abuses (and some others as well) without a useful and unifying Table of Contents at the Master Response/Exhibit D level, rather than consolidating them in a more coherent manner. That is usually a sign in eir disputes of a miner seeking to evade confronting serious problems for which the absence of a persuasive response is too obvious, so an exhausting, scrambled confusion is the chosen tactic, instead of consolidate clarity that better reveals those errors, omissions, and flaws. See, eg, the common and overlapping groundwater issues addressed in scattered, disputed, **direct** Master Responses 13 (Historic Hydrologic Assessments (with deficient maps), 14 (Adequacy of Groundwater Model), 15 (Adequacy of Groundwater Monitoring Wells (with deficient maps and addresses), 16 (Drought and Climate Change), 29 (Near Surface Workings And Subsidence), 33 (Groundwater Dependent Vegetation), 35 (Discharge to South Fork Wolf Creek), and 36 (Flows in South Fork Wolf Creek) or disputed, indirect Master Responses where groundwater issues were mixed with other issues, such as 1 (Quality of Life), 2 (Social and Economic Impacts), 3 (Operator Responsibility), 6 (Wildfire Impacts), 7 (Location of Future Mining Areas, eg, mixing "Potential Groundwater Effects From Underground Mining" with "Blasting, Vibrations, and Noise), 8 (Mine Waste Characterization, eg, mixing Water Code and 80 year dewatering issues with various others), 9 (Historical Mine Waste at Centennial Site), 10 (Explosives, Reagents and Brunswick Fill, eg, mixing toxic materials and mineral processing issues with others), 11 (Engineered Fill Utilized in Local And Regional Construction Markets, eg, mixing mine waste arguments with erroneous discussions of Water Code compliance), 17 (Meteorological Data Used in HRA, eg, diverting hexavalent chromium water pollution issues into air pollution issues, but with unintended useful admissions in Vol. IX, Appendix Q, O, and R, which buries or ignores what should have been disclosed in #'s 17—19 water pollution discussions), 20 (Conservatism of Metal Assumptions, eg, "fugitive dust" not consistent with #'s 17—19 and Appendix , which should deal with hexavalent chromium as a key water pollution issue), 24 (Project Construction Schedule (mixing dewatering with other issues), 29 (Temperature of Mine Water Discharges) and 39 (Discharge to South Fork Wolf Creek.

T. Objections to Master Response 16: Drought And Climate Change (EIR at 2-92).

1. The Disputed EIR Is Incorrectly Ignoring Drought And Climate Change Impacts That Increase The Significance of Environmental Impacts Of Its Mining Related Activities, As Demonstrated By Many Objections. (Well And Other Consequences Are Discussed in Later Subsections Below.)

It should be indisputable that climate change created dryness and drought is a progressive menace to our community during the next 80 years and beyond, since trees are already dying in our local forests from lack of water (or related maladies, such as insect pets attacking drought weakened trees.) Rather than repeat lessons on climate change, I will stand on my and other objections, and focus primarily here (and in Master Response #33) on the only slightly less preposterous of the disputed EIR arguments (eg, the EIR's erroneous recharge and surface water interactions, e.g., DEIR Objections 254 #'s 3.D, E, F, M and N, 5 and 6 and sections I.D, E, and F), rather than the EIR's disputed and preposterous claim that climate change is too speculative to be an issue for CEQA. **See, e.g., the 2018 Guidelines Amendments Explanations and section I.C explaining how climate change is an important part of CEQA.** Since the EIR/DEIR continues failing to respond comprehensively to my such DEIR Objection 254 and others and the EIR/DEIR again separates their partial Master Response statements into the prior #'s 13, 14, and 15, as well as several other Master Responses more distant from in the EIR (eg, #'s 29 and #33, 35, and 36), this objection deals with both related, uncured errors and omissions. See, e.g., and incorporate, the common and overlapping groundwater issues addressed in scattered, disputed, **direct** Master Responses 13 (Historic Hydrologic Assessments (with deficient maps), 14 (Adequacy of Groundwater Model), 15 (Adequacy of Groundwater Monitoring Wells (with deficient maps and addresses), 16 (Drought and Climate Change), 29 (Near Surface Workings And Subsidence), 33 (Groundwater Dependent Vegetation), 35 (Discharge to South Fork Wolf Creek), and 36 (Flows in South Fork Wolf Creek) or disputed, indirect Master Responses where groundwater issues were mixed with other issues, such as 1 (Quality of Life), 2 (Social and Economic Impacts), 3 (Operator Responsibility), 6 (Wildfire Impacts), 7 (Location of Future Mining Areas, eg, mixing "Potential Groundwater Effects From Underground Mining" with "Blasting, Vibrations, and Noise), 8 (Mine Waste Characterization, eg, mixing Water Code and 80 year dewatering issues with various others), 9 (Historical Mine Waste at Centennial Site), 10 (Explosives, Reagents and Brunswick Fill, eg, mixing toxic materials and mineral processing issues with others), 11 (Engineered Fill Utilized in Local And Regional Construction Markets, eg, mixing mine waste arguments with erroneous discussions of Water Code compliance), 17 (Meteorological Data Used in HRA, eg, diverting hexavalent chromium water pollution issues into air pollution issues, but with unintended useful admissions in Vol. IX, Appendix R, which buries or ignores what should have been disclosed in #'s 17—19 water pollution discussions), 20 (Conservatism of Metal Assumptions, eg, "fugitive dust" not consistent with #'s 17—19 and Appendix , which should deal with hexavalent chromium as a key water pollution issue), 24 (Project Construction Schedule (mixing dewatering with other issues), 29 (Temperature of Mine Water Discharges), and 39 (Discharge to South Fork Wolf Creek.

This disputed EIR response (including the DEIR and its Appendix K.3 and related mitigation measures) begins with irrelevant history that ignores the progressive effects of

climate change in favor of incorrectly (or worse) relying on prior water history assumed to continue indefinitely, such as assuming the average "current" rainfall between 1967 and 2017 [which is not "current" because it excludes the most current dry years after 2017] ignores climate change drying out our lands with added 24/7/365 dewatering for 80 years and more well competition; e.g.; (at 2-93) "However, it is also possible that mountain recharge rates will remain unchanged or increase in response to climate change (citing various "possible" theories by Earman written in 2012 and now superseded by more than a decade of contrary experience and data.) … As such, an assumption that climate change will result in reduced recharge and groundwater availability in the Project area is speculative and need not be analyzed in an EIR." Note the misleading language in the EIR compared to its cited (and disputed) authority (emphasis added): "However, CURRENT understanding of groundwater recharge and storage in mountain watersheds is insufficient to predict with reasonable confidence the manner and rate at which discharge from mountain aquifers will respond to changes in climate (EARMAN 2012)." Likewise, the Itasca recharge theories based on irrelevant and misleading historical data have no proven application to conditions in the next 80 years for the area above and around the 2585-acre mine and there is no sufficient basis for claiming its 50% margin (or the 100% margin in DEIR Appendix K.3 and 4.8) is sufficient for that future. By comparison, for example, the EIR/DEIR admits (eg, EIR at 2-92-930 that by comparison "the private wells have seasonal fluctuations that may range from 10 to 50 feet between wet and dry times of the year," which is a variance of 500% (not just 50 or 100%), and over the progressively drier 80 years that 500% could be much more as the mine dewatering lowers the surface and water table with disastrous consequences, as everyone has already seen by groundwater depletion from fracking or from wells in the central valley draining groundwater for agriculture.

2. **The Disputed EIR Again Tries to Evade Objections By Ignoring Whatever The Incorrectly Interprets To Be Outside The Unprecedented CEQA Environmental Impact Boundary the EIR Invents, Even When Objections Are Rebutting False, Misleading, Or Other Noncompliant EIR Claims Outside That Same Disputed CEQA Boundary, And Other Objectionable Tactics To Evade Inconvenient Truths That Expose EIR/DEIR Errors, Omissions, Noncompliance, And Worse.**

As explained herein and in various other places (e.g., section III, I.A.1, C, D, E, and F) and in my DEIR Objections 254 and 255, and other incorporated objections, the EIR falsely claims in these Master Responses (as in even worse offending EIR "Responses" addressed in section III) that the EIR can assert any disputed positions (whether inside or outside of its unprecedented CEQA border), but us local objectors cannot respond, even by rebuttals or impeachment to what the disputed EIR incorrectly claims (or even admits in Rise SEC filings, such as exposed in Exhibit B), because (it incorrectly claims) the EIR can ignore whatever objections, replies, or comments the EIR interprets to be excluded by it imaginary narrow CEQA environmental impact limits. See my complaints about such improper tactics especially in section III, where these noncompliant EIR violations of objector rights are most extreme and obvious, as well as in sections I.A.1.d(viii) and I.F.5. Incredibly, that means the disputed EIR is claiming, in effect, that somehow (i) it is allowed to assert (or even admit in SEC filings or even in the DEIR/EIR, such as at DEIR 6-14)

whatever the EIR wants, but then somehow (ii) the EIR has immunity from disputes, criticisms, or any need to reply, because the EIR claims it can ignore, dismiss, or evade us objectors' rebuttals, impeachment, and counters whenever the disputed EIR incorrectly alleges us to be communicating outside what the EIR claims is the permitted scope boundaries of CEQA (which rules, if that were correct, which we dispute, would have to be equally true of the EIR claims we are rebutting, impeaching or countering). Such EIR claims are not the correct interpretation of CEQA (even Guideline #15384, which is both misinterpreted by the EIR, and, if not, is contrary to CEQA itself) and is contrary to other applicable law, including the law of evidence that the courts will certainly apply even if the County mistakenly does not.

Even worse, as explained elsewhere in this Objection (e.g., section I.A.1.b and I.C) and incorporated others, in another incorrect, unprecedented, and disputed claim the noncompliant EIR incorrectly reallocates the burden of proof and persuasion (e.g., section I.A.1.b) on us potential victims. Again, in effect, the disputed EIR is arguing that it can force potential victims to suffer whatever risks the EIR incorrectly claims are "speculative," "unsubstantiated," or false assumptions, even when it admits (as here as to climate change) that its position is equally (or usually worse) as "speculative," unsubstantiated, or wrongly assuming something we must dispute for truth, accuracy, completeness, and reality. Applicable law does not grant such mining gamblers who violate their CEQA duty of investigation and hide their eyes from facts or information in their control any benefit of the doubt on these disputed issues, especially when any such doubt is because they declined to investigate adequately or chose alternate reality over actual reality, and especially when it's not just CEQA at issue for the public, but also all laws applicable to the personal legal and political rights of us surface owners and users living above and around the 2585-acre underground mine. Such evasive, disputed, and one-sided EIR tactics are not proper or compliant, and our rebuttals, impeachment, and counters must prevail. All this presents legal question which, if necessary, the courts must resolve de novo, which means the certain defeat of these EIR tactics, regardless of what mistaken "accommodations" the County may mistakenly tolerate for such disputed EIR/DEIR theories. See section I.A.1.d, I.C, and I.F.5.

1. **Examples of How Climate Change/Drought Impact Wells And Expose Noncompliant, Omitted, And Illusory EIR Mitigations, Which Include Unconstitutional "Takings" (e.g., Allowing the Miner To Ignore Mitigation of the First 10% of the Impacted Wells' Water.)**

By denying the significant groundwater impacts that are demonstrated by my and other objections, not only are the disputed EIR's alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my above incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. Consider the alleged fallback Mitigation Measure in #4.8-2(a) and (b), which I and others dispute as a wild, unsubstantiated guess by the EIR (note that what little and disputed/inapplicable data the EIR/DEIR has cuts off at 2040) that is clearly noncompliant. Even worse, Rise has shown no proof it can afford to replace the depleted water, even under its own disputed standards and even as to undercounted

existing well (as distinct from all relevant existing and future wells as the courts will ultimately require, if the EIR were mistakenly approved), considering its distressed financial condition admitted in its SEC filings. See, eg, Exhibit B and my Objection 254 #2. Also see *Richmond v. Chevron* (where objectors used the EIR applicants SEC filings to prevail) and section I.C.

Even worse than that, this EIR mitigation asserts the right to "take" (in the sense of condemnation or inverse condemnation and "takings" prohibited by the Fifth Amendment and the California Constitution) at least **10% of the well water owned by us surface owners above and around the 2585-acre mine, since we have groundwater ownership rights at least down 200 feet (the EIR and SEC 10K filings admit such legal "surface" above any Rise mineral rights, and we claim more, since groundwater is not a "mineral" owned by Rise, and since we also have legal rights to lateral and subjacent support that include groundwater support [which is prohibited as a type of "subsidence"], as the Supreme Court ruled in *Keystone*.) See, eg, sections I. my DEIR Objection 254 #'s 3.N, 4, and 14, my counters to Master Responses P, Q, R, S, T, AF, AJ, AL, and AM, and others' incorporated similar objections from my Table of Incorporated by Reference Objections. See also the EIR admission (at 2-95) discussed below that the Wolf Creek water level will drop by at least "724-acre feet per year" (the EIR number which we suspect understates the problem) as evidence of such depletion of my Banner Mountain community just uphill from that creek. What the mine proposes to do is deplete our precious groundwater to flush it away down the Wolf Creek as "dewatering" waste, and the EIR disputed recharge theory is wrong and worse, as will be proven, if necessary, at trial as property rights violations and torts (see, e.g., wherever I discuss *Varjabedian* and in section I.F, especially I.F.9), even if the disputed EIR incorrectly refuses to address climate change as too "speculative" for CEQA reporting, which we dispute. (Ask yourself what would happen if the mine drilled a tunnel into my surface owned 200 feet for gold or anything else, as to which the mine has no property rights there. Those same trespass, conversion, inverse condemnation, and other claims should equally apply to taking my groundwater there.)**

The EIR admits (at 2-95) that "The Project is expected to be a "net producer of water through its discharge of approximately 1,371 acre-feet per year of treated mine water to the South Fork of Wolf Creek" [i.e., exceeding the admitted mine "building" "demand" of "approximately 121-feet per year"], none of which is of any benefit to us locals. See, e.g., Varjabedian (forbidding such inverse condemnation and nuisances where locals sacrifice disproportionately for the benefit of the less impacted public). Considering the many objections and disputes about such water quality in my Table of Incorporated by Reference Objections, it is hard to imagine any benefit to anyone else down the Wolf Creek. If us informed locals wouldn't trust that water quality, why should others once they study the risks? See also what dangerous levels of [unreported by the DEIR and only now deficiently addressed in the disputed EIR as an air pollution issue and in unheralded, unintegrated, and disputed Appendices Q, O, and R] hexavalent chromium [plus other toxins] could be added to the list of toxins included in that dewatered groundwater for purported "treatment" with such deficient and noncompliant descriptions of such treatment process). See section I.F.1-4 above and Exhibit C.

Note that the EIR also admits that its mining and dewatering will reduce the local water by, for example: "base flows in South Fork Wolf Creek and Wolf Creek would be reduced from mine dewatering b approximately 1 cfs, which is approximately 724-acre feet per year" (again part of what is flushed downstream in the 1,371-acre feet total.) Lacking

the data, the disputed and noncompliant EIR chose not to disclose, we can estimate that much of that 724-acre feet is from our local owned groundwater that the mine is depleting and to which we object. As my four Objections demonstrate the EIR/DEIR have not proven our groundwater will be recharged as they claim for 80 years by supposedly "current" average rain from 1967 to 2017 recurring despite climate change and drought, especially considering 24/7/365 dewatering abusive depletion (and violations of our property rights as discussed herein.) Note also that such average rainfall is not "current" because it ignores the dry years after 2017.

Likewise, as demonstrated in I.F.9 and elsewhere (including DEIR Objection 254 #'s 3.A, D, E, F, M and N, 4, 5, 6, 8, and 14 and many such incorporated objections from my Table of Incorporated by Reference Objections), impacted surface owners like me personally all have competing property rights to use BOTH EXISTING AND FUTURE WELLS to use our owned groundwater before the mine depletes it, which is especially critical to save our forests even if the disputed EIR were correct in its disputed Master Response 33 about "most" trees' having shallow roots and other purported evasions of responsibility for the dropping water table, which I rebut in my counter thereto. See, e.g., my mining cases like *Keystone and Gray* and my Constitutional property right cases like *Varjabedian.* AS EXPLAINED IN MY OBJECTION TO THE DISPUTED EIR'S MASTER RESPONSE #33 (AT 2-130) BELOW (EG, "MOST VEGETATION IN THE PROJECT ARE [SIC]NOT GROUNDWATER DEPENDENT."), ALL VEGETATION IS WATER DEPENDENT in ways the disputed EIR/DEIR wishes to disregard. (In any case as *Keystone* explains, surface owners personally have groundwater property rights that cannot be evaded by miners as they seek to do with the general public focused too narrowly on CEQA issues. Just as the nut tree and fruit farmers in valley drill wells to save their trees, we will eventually have to do the same, or else we will all end up living in a dead forest just waiting for the next fire to ruin us. Also, while different vegetation roots have different depths (eg, the trees the EIR cherry picks to name with shallow roots are not all the trees on my property, and many have deep roots that need my owned groundwater.) What the EIR fails to address (and that we surface owners dispute) here or in Master Response #33 is that new wells for our owned groundwater become the only solution to preserve our vegetation as the ground dries up from climate change (and cited EIR causes) making an outrageous mockery of both the EIR's disputed groundwater recharge claims and its disputed claims that it can take all our groundwater it wants because the resulting adverse consequences are too "speculative" to require any response.

Note that the EIR (at 2-95) ignores much of the most important and relevant parts of its "selected" [i.e., selfish and flawed] citations from "the NID 2020 Urban Water Management Plan," addressing water restrictions in "stages 1 through 5 of the NID Drought Plan only impose restrictions to outdoor irrigation on treated water customers and stage 6 of the NID Drought Plan maintains health and safety use of water for treated water customers." But see NSAQMD's Agency Letters 12 (e.g., at 12) and 11, demanding that the frequent daily NID watering of its toxic (e.g., asbestos and, I worry, hexavalent chromium) fugitive dust must continue without regard to drought rationing. Consider both the legal and political consequences of the County making us watch the miner so watering such toxic dust 24/7/365 (especially in the summer, says the NSAQMD) during NID rationing, further reducing the water we need. That is another reason why all of us impacted locals who can afford to do so will drill defensive wells while we continue to resist

the mine with our legal, law reform, and political remedies. As to the NID WSA see its Agency 10.

EIR Master Response 16 also adds a disputed subsection called "Groundwater and Surface Water Interaction" (at 2-94), and I rely upon the more expert objectors I incorporated on the subject. Nevertheless, among other errors, that response focuses on EIR Appendix K.3/Figure 4-5 contention (at 2-94-95) that (i) "the regional groundwater flows westerly past the Project site" and into the mine workings origin[ating] from the entirety of the approximately 4000 ft vertical thickness of the rock mass," and (ii) other contentions about "the groundwater flow from the deeper rock units to the mine workings will not impact the shallow groundwater level." HOWVER, THAT EIR ADMITS THAT THE "GROUNDWATER FLOW FROM THE SHALLOWER ROCK UNIT TO THE MINE WORKINGS COULD LOWER THE WATER LEVEL OF THE SHALLOW GROUNDWATER SYSTEM IN THE VICINITY OF THE MINING ZONE." (Emphasis added) FIRST, this ignores our many local issues (i.e., above and around the 2585-acre underground mine where we live and own such groundwater, as distinct from the mine site DOWNHILL where they pump out the water) about which we complain in our objections. SECOND, the alleged, misleading, and incorrect justification for this depletion of our local groundwater is that this somehow produces a "BENEFICIAL USE AT SURFACE (RATHER THAT FLOWING UNDERGROUND)" [emphasis added]. Stated another way, this disputed EIR erroneously claims that we LOCAL OBJECTORS SHOULD BE GRATEFUL BECAUSE OUR LOCAL GROUNDWATER BECOMES SURFACE WATER FLOWING DOWNSTREAM IN THE WOLF CREEK TO SOME OTHER COMMUNITY. See my dispute of that bogus claim above and elsewhere, including where I demonstrate that we locals own that groundwater (e.g., *Keystone*) and so gifting our property away to some distant community creates both inverse condemnation and other claims (e.g., *Varjabedian)* in favor of us locals and predictable increases in future competing wells for reaching our now harder to access local groundwater. So, when the EIR claims dewatering as a benefit, the question is benefit to whom? Clearly, not to us locals, but also, I argue not to those at a safe distance because ultimately us locals are entitled by the State and Federal Constitutions to such compensation for our losses. Because the EIR miner cannot flush away our local groundwater downriver from the mine pump out on the surface somewhere else CEQA requires (e.g., section I.C) full disclosure of all the impacts, which the EIR not only fails to do, but in ignoring our loss it brags in a misleading way about the benefit of the gifts the miner made elsewhere with our local groundwater. Again, this constant, noncompliant EIR "bait and switch tactics," manipulation, and confusion is outrageous. Regardless of the disputed EIR's misdirection, keep focused regarding the unexplained differences between (i) the Rise wholly owned mining project land downhill (i.e., the Brunswick and Centennial sites), and (ii) the surface land and groundwater in, above, and around the 2585-acre underground mine where thousands of us live uphill, including on Banner Mountain. THIRD, even if the source of the EIR's disputed Appendix K.3 were qualified, credible, current, and relying on relevant data, that is not only (a) inconsistent with some of the other disputed EIR analyses (eg, talking about the fractured rock paths of the water, as contrasted here with a description that makes it sound like there are solid rock dams that totally prevent water flows), but also (b) not a substitute for the actual data from the relevant areas that the EIR has declined to investigate, analyze, and study directly in the right places (including the new, uncertain, and deeper mining areas

along 76 miles of new blasted tunnels). Apparently, the disputed EIR prefers to exploit often incorrect, outdated, or irrelevant theoretical models and inapplicable studies, instead of considering the more relevant realities that would be available to any such investigator whose goal was discovering such actual realities without fear of discovering the "inconvenient truths" that the EIR should be revealing in compliance with its neglected duties of investigation and disclosure. See I.C, I.A.1.d(viii), and I.F.5.

Thus, the disputed Mitigation Measures in #4.8 fail to address such core issues, which is that all of us potential mine victims have groundwater rights (e.g., I.F.9 and *Keystone*), including the rights of all of us to drill new wells (NID and other governmental permit issues can be debated elsewhere and, in any event, have legal, law reform, and political solutions that our local resident voters can solve.), as well as the rights to lateral and subjacent support that includes such groundwater. See Id. and EIR at 2-95, stating by citation to Appendix K.9 that "property owners may also choose to retain and continue using their water well in addition to NID potable water if they desire." All of us local objectors who need to save our forests around our homes can be expected to dig new wells that, at least until the relevant decisionmakers realize that the mine is the problem, not our local objecting community. As my objections and others keep saying, the issue is not just the East Bennett Road and some other undercounted existing wells, but also all the existing wells above and around the 2585-acre mine (part of what the County Economic Report also undercounts but as 300 wells; see Exhibit A hereto), plus all the new added well that will become necessary to save our trees and vegetation from becoming dead firetraps. See section I.F, including discussion of County General Plan 17.12 (section I.F.3) and the above water related objection incorporated from my Table of Incorporated by Reference Objections or Exhibit D.

There are thousands of us residents and users just on Banner Mountain alone above and around the 2585-acre mine. Whether we use existing or new individual wells or share community wells, the ultimate choice is that gamble the EIR proposes to force on us without compliant, "good faith reasoned analysis" (e.g., *Banning, Vineyard, and Costa Mesa*) and "common sense" (e.g., *Gray*), because the disputed EIR incorrectly claims our objections are too "speculative" for CEQA, ignoring our rights to complain about violation of our property rights (e.g., I.F.9) and to rebut, impeach, and counter EIR errors, omissions, and noncompliance (when those EIR charges apply much more to the EIR/DEIR itself, which have the burden of proof (I.A.1.b) and the CEQA duty of investigations and disclosure (e.g., I.C). Consider this from our victim perspective: either (i) the disputed EIR recharge works for 80 years despite 24/7/365 abusive dewatering to flush our groundwater away down the Wolf Creek, or (ii) the only thing that will save us from living in a dead forest firetrap the mine helped create will be our existing and new competing wells that mitigation or litigation will impose on the mine and which Rise admits in its SEC filings and elsewhere that it could not afford. See Exhibits B and A, as well as my DEIR Objection 254 #3.D, E, F, M, and N, 4, 5, 6, and 14, noting, for example, that the DEIR (at 6-14) admits that the mine would not be economically feasible even if approval conditions or later law reform or political remedies cut its hours from 24/7/365 to normal hours (as voters can be expected to do if the mine is approved.) See also Grass Valley Agency Letter 8, CEA Objections Group Letters 6-9 and 21, and Wells Coalition Group Letter 27/28. To anyone who may oppose our following the new well drilling survival defense example of the desperate tree farmers in the valley (or from NID drought rationing

made worse by the daily fugitive dust watering that the NSAQMD Agency Letters 12 (at 12) and 11 insist have priority), I ask what is our alternative? It is certain (not "speculative") that the forest in which our Nevada County lives needs water to survive, that climate change means dry stresses for us, and that to avoid becoming a massive firetrap, a problem that is not "speculative," because we can see the first phase already happening with dry trees dying in our forests here, we need wells for the groundwater we objectors own. If climate change dryness is worsened by 80 years of abusive 24/7/365 dewatering, and not saved by illusory "recharge" theories from the EIR/DEIR, what is our alternative? Clearly, nothing the disputed EIR compliantly contemplates, analyzes, or mitigates such obvious risks, threats, or impacts, and us potential victims all contend the EIR mining increases such risk, threats, and impacts as described in our such objections, without any net benefit to anyone besides this Canadian miner's shareholders. How then can any responsible government dare force such risks, threats, or impacts on us resident property/groundwater/existing or new well uses, voters, and potential victims with remedies to tolerate that gamble?

2. Some Other Climate Change Impacts.

As discussed in my climate discussion in section I.A.1.a(vii), this project has a significant adverse impact on energy use and GHG, and by itself obstructs the County's goals and plans. See, e.g., *Richmond v. Chevron* and other cases addressed in I.C and D, such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75.Cal. App. 5th 63 ("**Save Lake Tahoe**") (finding the eir's greenhouse gas **[GHG]** mitigation measure was inadequate because it **deferred** determination to an unknown future time, requiring the applicant to mitigate impacts IF the project conflicted with relevant future emissions targets adopted by the state, relying on performance standards that do not yet exist and may never exist so that any determination of the impact's significance is deferred to an unknown time and where neither the county nor the applicant were committed to mitigating any such impact. Also, the eir **failed properly to consider whether renewables could be incorporated into the Project in the energy impact discussions,** as noted below.) According to Save Lake Tahoe, to be compliant the CEQA analysis of energy impacts requires both whether renewables can be incorporated into the project, and (if significant impacts) whether renewables would reduce the impact. Also, for significant impacts, the EIR must consider all feasible mitigation measures. The EIR fails these tests, among other things, by such deferrals, by such lack of analysis and denials of such climate change matters, and by ignoring the renewables issues.

As to confirming the "significance" of these energy issues that Grass Valley calculated in its Agency Letter 8-18: "The [IMM] Project's annual energy use would represent an increase of approximately 15 percent in County-wide electric usage for a single industrial use." As Grass Valley said (at Id.): "This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact." That by itself not only defeats the Nevada County Energy Action Plan (EAP), but it depresses any willingness of mine opponents to sacrifice in their own energy usage, because our sacrifices would benefit this objectionable mine instead of our environment. Indeed, as I explain in detail with my rebuttal of the EIR/DEIR on its unrealistic and grossly understated generator use to cover PG&E PSPS, system failures, weather events, and other causes of blackouts increasing with progressive climate change

impacts, the EIR's projected energy use in incorrectly analyzed. See, e.g., my objections in section II to EIR Master Responses 16, 25, and 26-28 and my objections in section III to EIR Response to Ind. 254-84.

U. Objection to Master Response #17—Meterologial Data Used in HRA [Health Risk Assessment for air pollution] (EIR at 2-96).

My DEIR Objection 254 addressed various such EIR/DEIR issues, including their key fallacy that the mine can pollute the air as much as it wants as long as it is far enough away from the closest applicable "weather station for AERMOD" "pre-processed met data" to avoid detection. Why is the burden on us local victims to prove local air pollution by AERMOD, rather than the burden of the EIR to prove there is no local cause for concern about air pollution. See section I.A1.b confirming the burden of proof is on the disputed DEIR/EIR. In other words, rather than trust unreliable and irrelevant data from distant AERMOD sites that are not relevant (i.e., Blue Canyon, Auburn, or Beale Air Force Base 17-22 miles away), why not compel the EIR to find some reliable alternative means of addressing the threat, especially where, as here, there are compelling concerns about dangerous conditions? Even it if the case (which we dispute) that we victims had to suffer the unknown risk for lack of a nearby AERMOD weather station, that should not eliminate such obvious concerns when there are other solutions to improve relevant data and expose inconvenient truths that they EIR wishes away (once again) as too "speculative" for CEQA consideration. Stated another way, no responsible government should force its potential victim residents to gamble on such suspected but not AERMOD proven health risks for a no net benefit (to them) private mine or to suffer the consequences of unknown dangers that should be the miner's burden to prove it has eliminated. Here the EIR (at 2-96-97) celebrates the alleged nonresponse of NSAQMD (as distinct from a reasoned approval) as permission to pollute without sufficient monitoring in unauthorized reliance (by nonresponse) on the irrelevant and inapplicable Blue Canyon site data no one should tolerate as sufficient.

For example, as discussed above in my objections to hexavalent chromium as a water pollutant (Exhibit C hereto, and sections I.F.1 and I.E.1-4), unheralded and not integrated in the EIR air pollution discussion Vol. IX, Appendix R admits that hexavalent chromium is an air pollutant from the fugitive dust released in the process to create that toxic cement pastes to shore up the underground mine and possibly pollute the dewatered water flushed into the Wolf Creek, s debated with respect to Appendix Q and O. (Note that nowhere in the main DEIR/EIR text does it even analyze the toxic hexavalent chromium water pollution as a threat (or sufficiently as an air pollution threat) except buried at the end of this long EIR in Vol. IX, Appendix Q, O, and R, a fatal omission for the EIR that is supposed to clearly address all this (and fails to do so) in its Hazards and Hazardous Materials section with "good faith reasoned analysis" and "common sense" (e.g., *Banning, Vineyard, Costa Mesa, and Gray*), as I demonstrated in DEIR Objection 254 #'s 3.A, B, C, E, G, H, and 7 as to water, and 3.J and 10 as to air, citing many damning studies in Exhibit C hereto and on the EPA website and illustrated by that hexavalent chromium killing the town of Hinkley, CA, and many of its residents, as shown in the movie "*Erin Brockovich*.") Will Rise warn its workers that handling the containers of toxic hexavalent chromium is like handing bags of asbestos? Will they wear respirators? If ask because, in my considerable experience, often when a foreign mine employer does not even protect its employees from such risks, history shows that such employers often abandoned the mine or filed bankruptcy to cover their retreat to avoid paying their liabilities to their victims. See also the

exposures discussed in *Varjabedian* and other cited cases regarding any violation of the property rights of us surface owners above and around the 2585-acre underground mine. Even if Rise were willing to pay them, its admitted SEC filings (Exhibit C and DEIR Objection 254 #2) shows that it has insufficient financial capacity to satisfy its mine related obligations, much less any additional liabilities, especially as they aggregate over 80 years. Also, hexavalent chromium is just one of the dangerous chemicals at issue, and I defer to other objecting experts as to the others, which I suspect follow the same objectionable patterns. See my incorporation of related comments in the Master Responses, including 18, 19, and 20 below.

Also see my earlier objections to the frequent daily watering 24/7/365 of the toxic fugitive dust to suppress such air pollution of concern to the NSAQMD Agency Letters 12 (e.g., at 12) and 11, among other incorporated objections from my Table of Incorporated by Reference Objections or Exhibit D. While the EIR/DEIR purports to claim that it will suffer the same NID drought rationing as the rest of us neighbors, that NSAQMD objection 12 (at 12) makes it clear that such dust suppression of asbestos and other toxins must have priority. As to NID WSA see NID Agency 10. However, in such cases us local victims can fashion some other court remedies that do not empower the EIR miner to take our share of the rationed water to suppress its deadly dust. This is also another reason why it is not speculative to expect us surface owning locals impacted by the EIR dewatering and mining to drill new wells to compete for the groundwater we own. None of this is sufficiently investigated, analyzed, or mitigated by the disputed EIR/DEIR.

V. Objection to Master Response 18—Air Quality Thresholds (EIR at 2-97).

I incorporate here what was just stated in my objection to Master Response 17 above and to 19 and 20 below, and sections I.E.1.c and 7, and as well as my Objection 254 #'s 3.J and 10. More importantly, I have detailed my objections to the EIR's addition of "significant new information" at it Appendix R on hexavalent chromium air pollution (and water pollution) in my objections below to the EIR's Response to Comments Ind. 254-1 and elsewhere, including as to the many studies on the EPA website warning about that carcinogen. See also my Exhibit C hereto. Because the EIR is trying (and failing) to cover up that hexavalent chromium threat I raised in my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, and J, 7, and 10), the EIR fails to substantiate the disputed opinions it cites on the topic in its Response To Comments Ind. 254-1 and elsewhere.

I defer again to the more expert objectors on this technical subject which I have incorporated by reference. See my Table of Incorporated by Reference Objections, including NSAQMD Agency Letter 12 and 11, where we all face a toxic air pollution calamity unless the mine's toxic (e.g., asbestos and CR6) dust is suppressed by frequent daily NID watering, even during droughts. Also, as Rise has admitted in its SEC filings (see Exhibit A hereto and DEIR Objection 254 #2), this miner has insufficient resources to achieve its EIR aspirations, causing me and others reasonably to ask the same question raised by the going concern qualifications to its financial statements: what is the impact if the miner is unable to function because of inadequate working capital?

Also, what I know and offer to prove is this: no one will buy any home at any fair price that is located above or around the 2585-acre underground mine based on this EIR/DEIR, especially where it says, in effect as here, don't worry your cancer or other health risk is below the threshold that they consider dangerous for a 30 year exposure period, which they claim (and

we dispute) is the average residency for 90 to 95% of exposed victims. See Exhibits A and C and even the otherwise disputed County Economic Report survey of many local real estate brokers who predicted loss of property values, as well as Nevada County Association of Realtors Group Letter 15. (Apparently, the rest of those victims here longer, whether 10% or more, will just have to suffer the longer cancer and other risks without even disputed reassurance for the benefit of the miner's shareholder profits.) The problem, of course, is that within the next 80 years we will discover the hard way, as was true of asbestos and many other such toxins, that such thresholds and time periods are wrong, and, like many miners in my experience, when the victims claims (typically uninsured) become too many and burdensome to stall or payoff, the foreign miners take their profits and retreat across the border, either with or without a bankruptcy filing here (or with a Canadian CCAA insolvency filing and a US Chapter 15 proceeding to force US creditors to defer to the foreign insolvency proceeding.) See my DEIR Objection 254 (e.g., #1 and 2).

W. Objection to Master Response 19—NSAQMD Criteria Pollution Thresholds During Operations (EIR at 2-102).

Again, I incorporate my objections and others to this Master Response which overlaps with the foregoing Master Responses 17, 18, and 20, my objections in sections I.E.1.c and 7, as well as my Objection 254 #'s 3.J and 10. Again, I defer to the more expert objectors for the technical issues that I so incorporated by reference. However, I note that the EIR "Conclusion" here states: "The Project requires the mandatory NSAQMD mitigations," although I and others dispute the claim that such impacts of "emissions of criteria pollutants [are] … less than significant after mitigation after implementation of mitigation." (at 2-104). See section I.D. Also, as discussed throughout these objections I object to the EIR mitigations claims (see section I.E), including about disputed EIR claims far more speculative and unsubstantiated than my objections on which the EIR objects on that basis. See section I.F. 5 and 6.

X. Objection to Master Response 20—Conservativism of Metals Assumptions [in the HRA for Air Pollution] (EIR at 2-104).

Again, I incorporate my objections and others to this Master Response which overlaps with the foregoing Master Responses 17, 18, and 19, and sections I.E.1.c and 7, as well as my Objection 254 #'s 3.J and 10. Again, I defer to the more expert objectors for the technical issues that I incorporated by reference. **However, once again this Master Response 20, like the DEIR Hazards and Hazardous Materials section, fails even to mention hexavalent chromium in its listing of relevant toxic substances, much less to address my DEIR Objection 254 thereto, including #'s 3. A, B, C, G, and H, and 7. See Exhibit C hereto. Even worse, hidden away (i.e., noncompliant with CEQA disclosure requirements I addressed above and in DEIR Objection 254 #3.E [and section I.A.1.d(viii)] that forbid such "hiding the ball" tactics) EIR Vol. IX, Appendix R addresses hexavalent chromium (with asbestos and others) as one of the air pollutant in "fugitive dust" (although incorrectly, as we dispute its threshold analysis), requiring frequent daily watering to suppress such toxic dust, as discussed in NSAQMD Agency Letters 12 and 11. However, the disputed EIR fails to address such impacts here or elsewhere in the main body of the EIR, even as to hexavalent chromium water pollution risks on which I especially focused in my public hearing comments and DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, and H, and 7.) See also my**

objections to EIR Response To Comment Ind. 254-1 below and Exhibit C hereto. Under the circumstances, this EIR omission and concealment of such "significant new information" in Appendix R can now only raise more serious credibility challenges for the whole EIR, especially when added to all the other credibility issues I address. See CEQA requirements for revision and recirculation in section I.A.1.c herein. Insisting (e.g., in its conclusion at 2-105) that the EIR/DEIR analysis is "conservative" is incorrect and misleading at best.

Of course, as explained in the previous air pollution discussions, I continue to object to the disputed EIR's response to the continuing issues regarding "Arsenic, beryllium, cadmium, copper, lead, manganese, mercury, nickel, selenium, and vanadium." As discussed above the EIR/DEIR "selective" (perhaps cherry-picking) sampling is insufficient to prove its safety, even with a 100% "bioavailable" margin. Also, throughout the disappointing and worse relevant history of environmental noncompliance by the exploiting mining industry, there is also a parallel hazard of "human error" causing many disasters for their local communities. From what I have seen and learned from my long experience in the resulting bankruptcies and mine abandonments (eg, leading to the more then 49,000 CA abandoned mines on the EPA list, as discussed in my DEIR Objection 254), the County should add in a larger margin for error just on account of that contributing risk factor alone.

Y. Objection to Master Response #21—Conservatism of Silica Assumptions (at 2-105).

Again, I incorporate my objections and others into this Master Response, which overlaps with the foregoing Master Responses 17, 18, 19, and 20. Again, I defer to the more expert objectors for the technical issues that I incorporated by reference. Many of my concerns about asbestos in #22 apply here as well to silica and are also incorporated herein.

Z. Objection to Master Response #22—Conservatism of Asbestos Assumptions (at 2-107).

Again, I incorporate my objections and others to this Master Response, which overlaps with the foregoing Master Responses 17, 18, 19, 20, and 21Again, I defer to the more expert objectors for the technical issues that I incorporated by reference. See my Table of Incorporated by Reference Objections. Many of my concerns about silica in #21 apply here as well to asbestos, although what is unique about my objections to the disputed EIR/DEIR discussion of asbestos is that I know from intimate, extensive, first-hand bankruptcy experience the horrors of asbestos and how and why it has bankrupted not only the asbestos mining industry, but many in every industry including asbestos as a material portion of its products. Indeed, even minor (below EIR threshold amounts) have bankrupted or broken companies selling products or services with even minor amounts of asbestos, such as, for example, including asbestos in car brakes, on painter tape, etc. Massive buildings have been gutted and reconstructed in their interiors because of the presence of even asbestos on beams or other materials inside sealed walls. The point is that this extremely lethal, although slow acting, cancer causer is by its presence in any amount perceived by most people and almost all businesses and insurers as unsafe at any level and, in any event, also as lethal as a factor in valuing property where it is (or even may be, such as by blowing fugitive dust) present. Indeed, my extensive experience in insurance insolvencies has enabled me also to address how asbestos has forced many insurers

(even the once formidable Lloyds of London, restructured as Equitas) into rehabilitations, insolvency proceedings or liquidations.

Not only did the mass of injured plaintiffs find experts to prove their asbestos cases to juries, but those victims won enough cases at such huge defense costs to cause not only all those corporate bankruptcies, but also to put many casualty insurers out of business and force even Lloyds of London to restructure as Equitas. Meanwhile, as was the case with cigarettes, asbestos continued to be sold without being banned by regulators long past the time when juries were uniformly awarding massive damages to victims and causing such bankruptcies.

Also, as discussed above and elsewhere in many objections, the 42 samples from 19 gold exploration drill holes from "various lithologies" "at the Idaho-Maryland Mine Project" (not clear where, but apparently not where it matters most for us in the 2585-acre underground mine) reportedly were tested by PLM and TEM to produce results that cannot be reliable predictors of future asbestos impacts. Samples mentioned in this Master Response are also insufficient to support the EIR/DEIR predictions, especially since their sources and relevance are not clear or relevant, since the biggest impact threat is from the new mining areas that (apparently) were not tested and cannot be assumed to be uniform with those tests, since according to the EIR there are to be more than 72 miles of tunnels to such new mining areas, as one indication of the probability of change from the old mine.

As I mentioned in my introduction, and as illustrated with such asbestos, it is wrong and worse for the disputed EIR/DEIR to assume that such samples reveal the threats, threats, and impacts we face. Without acknowledging that reality, but apparently appreciating the EIR/DEIR's faulty analysis, AFTER APPROVAL and before underground gold mining (apparently, as distinguished from commencement of 76 miles of tunneling to reach the new mining areas, which seems to be a dangerous and objectionable safety loophole), the EIR promises (at 2-110) "intensive PLANNING EFFORTS will be conducted as required by the ASUR Plan and as required to meet state and federal requirements and achieve safety, environmental, and economic goals," citing ASUR Plan 6.0 at DEIR Appendix E.2. I and other objectors dispute the adequacy of the ASUR Plan and protest delaying such testing **UNTIL AFTER SUCH APPROVAL. That deferral is not compliant with CEQA (see section I.C above) as well as the authorities that I cite like Richmond v. Chevron in section I.D, I.E.3, and throughout illustrations in I.F.**

Please consider what happens then, even NSAQMD catches onto the asbestos impacts, if Rise **"or any potential successor in interest to the mine" (see the objections to Rise's possible "flip" plans to "someone behind the curtain," because Rise's SEC filings admit an insufficient financial ability to accomplish any of its material promises or mitigations; see Exhibit C and DEIR Objection 254 #2) has to stop or redirect the mining when it finds the prohibited asbestos. See my DEIR Objection #'s 255, 254, and Exhibit A, B, and C hereto. The health, welfare, and property values of our community, and especially those living on the surface above and around the 2585-acre underground mine, would already be forever changed and harmed by what the disputed EIR activities occur before the predictable asbestos (and other toxic) discoveries (assuming the laws are obeyed and enforced) stop or change the mining plans. Consider what happens if this mining creates another Centennial toxic mess. See, e.g., NSAQMD Agency Letters 12 and 11 describing the air risk of asbestos and other fugitive dust that needs to be suppressed by frequent daily watering, besides the bigger water pollution risks addressed by many objectors in my Table of Incorporated by Reference Objections and Exhibit D.**

How could this Canadian miner's greed for shareholder profits justify allowing them to gamble, despite all our objections, on such noncompliant, deferred, and dangerous post-approval planning and testing maneuvers? Remember that by the time the asbestos or other compliance or mitigations begin, all the hazardous and impactful initial work will have begun (eg, massive dewatering, reshoring the mine with toxic hexavalent chromium cement paste, and earlier preparation admittedly in EIR Vol. IX Appendix R, creating such fugitive dust that we also consider a menace), and other objectionable activities, risks, and impacts. By the time such deferred, "good faith reasoned analysis," impacts, and insufficient mitigations expose the need to stop this mining, many risks, threats, and harms will have already trashed our property values with stigmas and worse, and negatively impacted the lives of everyone in our community, especially those of us living on our surface properties above and around the 2585-acre underground mine. If the mining stops, how will Rise afford to remediate the harms it has caused, even if it was willing to do so? This is one reason why there are more than 49,000 abandoned California mines on the EPA list and so many historical mining bankruptcies to evade those victims who pursue political and legal remedies. See my other complaints herein and in my DEIR Objections 254 and 255, where the EIR/DEIR seeks to defer planning, testing, mitigation, and other promised actions until after approval, basically "hiding the ball" (section I.A.1.d(viii)) on "significant new information" that should defeat the disputed EIR, unless it were substantially revised and recirculated (section I.A.1.c and I.C), and then, after full and proper testing, somehow tolerable, a result no one seems to expect, but which may explain all these deferral delaying maneuvers in the disputed EIR/DEIR. E.g., *Richmond v. Chevron* and section I.D.

AA. Objection to Master Response 24—Project Construction Schedule (EIR at 2-111).

I object to any schedule that requires disputed EIR approval BEFORE presenting to objectors the information, plans, and evidence that should be provided in the disputed EIR BEFORE such approval, not after. As explained in the prior objections to Master Responses 22 and 23, for example, delaying/deferring the testing, analysis, mitigation, and monitoring of asbestos and similar delays in revealing toxic or hazard information, risks, and threats is intolerable, as well as "hiding the ball" (section I.A.1.d(viii)) on "significant new information" that should defeat the disputed EIR, unless it were substantially revised and recirculated (section I.A.1.c and I.C). E.g., *Richmond v. Chevron* and section I.D, as well as other objections herein or in my Objections 254 and 255 and those of other potential victims I incorporate herein or in my Objections 254 and 255 and those of other potential victims I incorporate. Such EIR deferrals are an inappropriate or worse means of avoiding such meritorious EIR objections. How can there be a "good faith reasoned analysis" with "common sense," as required by CERA (section I.C. and D and DEIR Objection 255) and the courts (e.g., *Gray, Banning, Vineyards, and Costa Mesa),* if the disputed EIR can evade accountability by such delays until after approval? This disputed EIR tactical misuse (section I.A.1.d(viii)) of delay/deferral appears designed to obstruct our opportunity to make informed objections BEFORE APPROVALS that could impact our self-defense rights from this dangerous mine, both as CEQA citizens and as surface property owners above and around the 2585-acre underground mining. Considering the many disputed EIR errors, omissions, noncompliance, and objectionable tactics, it is essential that we have a

full opportunity to explain to the County what they need to know before they mistakenly approve the disputed EIR and trigger all the resulting challenges that we should all wish to avoid.

Consider the following illustration, only slightly exaggerated to make the point. Assume that this EIR had said, in effect, "(1) We believe the DEIR is sufficient, correct, and compliant with CEQA and that all objections thereto will be solved by this great plan and related mitigations we'll get approved by the applicable authorities AFTER the County approves the EIR, (2) those deferred plans and mitigations must satisfy the legal requirements, and, as such, future governmental decisions will eventually confirm what needs to be done as a condition to the implementation of the relevant future mining actions and mitigations, and (3) we'll do whatever we are required to do in the future in accordance with those future governmental approvals." That improper deferral is how this noncompliant EIR is often improperly handling the difficult compliance issues raised in our many EIR/DEIR objections. See, e.g., section I.C and D (e.g., Richmond v. Chevron), I.E.1-5, and illustrations in I.F and from my Table of Incorporations by Reference Objections, such as noted in Exhibit D. The EIR deals with some issues in disputed EIR responses to DEIR objections, and then they defer other matters to some future process after EIR approval, apparently, whenever the EIR has no even plausible response, mitigation, or excuse, such as by falsely claiming that our objections or issues are too speculative, unsubstantiated, or uncertain or too far outside the scope of CEQA to require (in their erroneous opinion) an EIR response (which we constantly dispute in each specific case in section III as indicated, based on our legal foundation set, for example, in sections I.A.1.b and d, I.C. I.D, and I.E3 and 4, I.F.5.). Deferral cannot satisfy the EIR's burden of proof now. See section I.A.1.b. Revision and recirculation is essential. See, e.g., section I.A.1.c and I.C.

Why are such deferrals of required EIR analyses, data, mitigation and other plans, and actions noncompliant and such a problem? One of the many reasons, besides that it is not compliant with CEQA (see section I.C and D) and other applicable law, is that such deferrals prevent us potential victims from alerting the County about all the reasons it should deny such approval to the mine and EIR/DEIR as written. See Richmond v. Chevron. In effect, in defiance of CEQA, which is supposed to allow us potential victims to make FULLY informed environmental evaluations of a proposed mine plan and mitigations, this disputed EIR deferral scheme would disable us potential victims from being able to make FULLY informed objections and, thereby, would eliminate us victims from the process. That shift from public rights to object at the core of CEQA is not satisfied by deferrals in favor of governmental officials, who often won't share our pain and see the issues the same way, forcing us potential victims to legal, law reform, and political exercise remedies to prevent this evasion and violation of our rights, a divisive path best avoided and highly inefficient, slow, and expensive. Another reason to resist deferrals is that this EIR miner knows (as admitted in Rise's SEC filings, see Exhibit A and B and my DEIR Objection 254 #2) that it cannot afford to accomplish any of the material things and mitigations to which it aspires in the EIR/DEIR. Therefore, if Rise wishes to get an approval now, subject to later governmental conditions, so that it can "flip" the approved Project to someone else (i.e., presumably, consistent with selfish, industry risk management practices, another financially irresponsible, "shell" company, such as a subsidiary of a major foreign mining company perhaps already "hiding behind the

curtain;" perhaps one that has reasons to play behind the scenes.) One such industry practice that creates such practical risks for communities like ours includes the following strategy: (i) the shell subsidiary (often a Nevada corporation for strategic miner defense reasons) only owns the disputed mine and whatever investment funds the parent company (often foreign again for strategic defense reasons) gradually doles out to cover current expenses until the parent decides to stop, (ii) when the mine is no longer attractive, whether because it's not sufficiently profitable, it's subject to burdensome litigation claims, government investigations, or other "complications," the parent stops funding and the mining stops, (iii) depending on their risk assessment the parent (and, if under attack, the subsidiary) retreats and deploys the usual bankruptcy and cross-border insolvency tactics as needed, such as use of Chapter 15 to make US courts defer to the "home court" foreign insolvency proceeding, and (iv) the mine is abandoned as a liability, leaving local mine victims and their community much worse off than when the project started. Maybe Rise is an exception, but they have done nothing to reassure any critics. See, e.g., objections like section I.A.1.d(viii) raising credibility questions about disputed EIR/DEIR tactics.

Besides the already mentioned example of asbestos in the previous objections to Master Response 22 and 23, consider how this works in practice. One example is addressed in my objections above to Master Responses 13-16, 29, 33, and 35 (and in my Objections 254 and 255 and those of other potential victims and surface owners and users above and around the 2585-acre underground mine), such as regarding groundwater depletion/supply concerns, deficient and financially infeasible mitigations, and water and air quality and hexavalent chromium (which the EIR/DEIR generally ignores and obscures, except to a limited and insufficient extent as an lethal air [not water except in disputed and deficient Appendices Q and O] pollutant in unheralded Appendix R). The disputed EIR/DEIR has ignored the needed additional monitoring wells in more places, plus more feasible replacement well water offers for everyone like me living above or around the 2585-acre underground mine, including those who will want to tap the groundwater they own with future wells in competition with the mine when climate change droughts combined with massive 24/7/365 dewatering for 80 years, and wasting of NID water on toxic dust suppression during droughts, all making such new wells necessary to save our forests from dying and becoming a firetrap (as the tree farmers have been doing in the central valley). Reality will make the already economically infeasible mine become more infeasible, thereby making all the "aspirational" safety accomplishments and mitigations illusory, not to mention those additional ones that will be required by the courts if this EIR were approved.

However, if those disputed EIR/DEIR issues are so deferred until after EIR approval, by the time those issues are resolved as resistance continues, the mine will have been dewatered and flushed somewhere else down the Wolf Creek and the impacts will have already begun. For example, the toxic hexavalent chromium paste in the mine shoring will already be in the mine as our dewatered groundwater passes by. See my Exhibit C (and other DEIR Objection 254 #'s 3.A, B, C, E, G, H, 4, 7, and 14) discussions of the hexavalent chromium water pollution that killed Hinkley, CA and many of its residents, as illustrated in the movie, "*Erin Brockovich,*" a sad lesson that this EIR mine seems determined not only to repeat, but not even timely to debate as part of the EIR approval process, incorrectly neglecting and dismissing the topic in disputed EIR Response Ind. 254-1 and obscured Appendices Q, O and R. Indeed, because the DEIR insisted on ignoring

such hexavalent chromium water pollution entirely, and the noncompliant EIR evades without "common sense" "good faith reasoned analysis," even after my detailed DEIR Objection 254 complaints about its errors, omissions, and noncompliance in the DEIR, it seems that the EIR prefers evasion to attempted compliance (like many other disputed EIR/DEIR flaws), thus, if the EIR is approved, forcing that issue (and many others) to be addressed with legal, law reform, and political remedies, without even being properly debated before the County decision-makers.

BB. Objection to Master Response 25—Nevada County Energy Action Plan (EIR at 2-112).

I defer to other incorporated objections on this subject, including by more informed and expert objectors in my Table of Incorporated by Reference Objections. See also *Richmond v. Chevron a*nd section I.C and D for the standards that should apply to require more and better impact and other disclosure and mitigation than exist in the disputed EIR/DEIR. For example, rather than debate on the merits the EIR/DEIR's incorrect dismissal of climate change and other impacts for which it has no credible, appropriate, or compliant answer, the EIR/DEIR asserts incorrect legal excuses, such as that no such EI/DEIR response is required on such "speculative" or unknowable matters. To counter such legal errors, I focused at length in section I.C (see also my DEIR and EIR Objections 255) on the 2018 Guideline Amendments Explanation, where the Guideline authors explain how and why climate change and other such EIR noncompliant issues cannot be excused from such full CEQA required analysis under applicable law. However, here, as in many other places in the disputed EIR/DEIR, the EIR incorrectly asserts its unsubstantiated and disputed opinions (typically just EIR/DEIR speculations or assumptions with no sufficient foundation) that it is entitled just to dismiss such issue in dispute, which the noncompliant EIR/DEIR announces without the "good faith reasoned analysis" and "common sense" required by the applicable authorities, such as *Gray, Banning, Vineyard, and Costa Mesa*. Besides such errors, omissions, and other noncompliance in this Master Response, there are also failures to respond not just to my relevant objections, questions, and concerns throughout my four Objections, but also to respond to those of others' objections which I have so incorporated.

Consider the disputed "Conclusion" of this EIR Master Response, for example, that: "the compliance of the Project with EA strategies has been analyzed [by whom with what qualifications and evidence?] and the Project found to be consistent with the EAP [says who? and why?]; therefore, the Project complies with Section VI(b) of the Appendix of the CEQA Guidelines." Saying that doesn't make it so, especially when that is all rebutted by meritorious objections and there was no such "common sense," "good faith reasoned analysis" and other compliance. See the many applications on this subject in my section I, including examples applying ***Gray, Banning, Vineyards, and Costa Mesa, and*** section I.C, and D, as well as my illustrations throughout my sections II and III of how these legal principles rebut such claims, often combatting quotes and admissions from the disputed EIR/DEIR with meritorious counters from my such incorporations from others with relevant subject matter expertise.

As discussed in my climate discussion in section I.A.1.a(vii), this project has a significant adverse impact on energy use and GHG, and by itself obstructs the County's goals and plans. See, e.g., *Richmond v. Chevron* and other cases addressed in I.C and D, such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75.Cal. App. 5th 63 ("**Save Lake Tahoe**") (finding the eir's greenhouse gas **[GHG]** mitigation measure was

inadequate because it **deferred** determination to an unknown future time, requiring the applicant to mitigate impacts IF the project conflicted with relevant future emissions targets adopted by the state, relying on performance standards that do not yet exist and may never exist so that any determination of the impact's significance is deferred to an unknown time and where neither the county nor the applicant were committed to mitigating any such impact. Also, the eir **failed properly to consider whether renewables could be incorporated into the Project in the energy impact discussions,** as noted below.) According to Save Lake Tahoe, to be compliant the CEQA analysis of energy impacts requires both whether renewables can be incorporated into the project, and (if significant impacts) whether renewables would reduce the impact. Also, for significant impacts, the EIR must consider all feasible mitigation measures. The EIR fails these tests, among other things, by such deferrals, by such lack of analysis and denials of such climate change matters, and by ignoring the renewables issues.

As to confirming the "significance" of these energy issues that Grass Valley calculated in its Agency Letter 8-18: "The [IMM] Project's annual energy use would represent an increase of approximately 15 percent in County-wide electric usage for a single industrial use." As Grass Valley said (at Id.): "This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact." That by itself not only defeats the Nevada County Energy Action Plan (EAP), but it depresses any willingness of mine opponents to sacrifice in their own energy usage, because our sacrifices would benefit this objectionable mine instead of our environment. Indeed, as I explain in detail with my rebuttal of the EIR/DEIR on its unrealistic and grossly understated generator use to cover PG&E PSPS, system failures, weather events, and other causes of blackouts increasing with progressive climate change impacts, the EIR's projected energy use in incorrectly analyzed. See, e.g., my objections in section II to EIR Master Responses 16, 25, and 26-28 and my objections in section III to EIR Response to Ind. 254-84.

CC. Objection to Master Response 26—Life Cycle GHG Emissions (EIR at 2-114).

This objection is the same as to the precious Master Response 25 incorporated herein.

DD. Objection to Master Response 27—Greenhouse Gas Thresholds (EIR at 2-115).

This objection is the same as to the precious Master Response 25 incorporated herein.

EE. Objection to Master Response 28—Greenhouse Gas Credits (EIR at 2-116).

This objection is the same as to the precious Master Response 25 incorporated herein.

FF. Objection to Master Response 29—Near Surface Workings and Subsidence (EIR at 2-121).

By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for many such "significant," overlooked, understated, or noncompliant impacts. Besides my incorporated water related comments in sections P, Q, R, S, T, AF, AJ, AL, and AM above, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. My objections in the relevant sections rebutting EIR Master Responses to groundwater depletion, quality and other harms, and other adverse impacts (eg, #'s 13-16, 29, 33, 35, and 36) are incorporated here to minimize duplication, although the disputed EIR's substantial duplication merits some responses here. See also objections to other Master Responses which mix groundwater and other issues, such as #'s 1-3, 6-11, 17, 20, 24, 29, and 35.

Also, despite my extensive discussion of such legal, environmental, and other issues in my DEIR Objection 254 from the perspective of potential victims with violated property rights to become at issue for us owners and users of surface lands (at least down to 200 feet) above and around the 2585-acre underground mine, the disputed EIR ignores those issues and rights entirely. See section I.F.9 and 8. As stated in various such objections, those objections cannot be limited by the disputed EIR/DEIR interpretations of CEQA (see my corrections in section I.C and D), and they must be considered compliantly, analyzed, and mitigated, because such EIR property rights violations will trigger many legal property disputes regarding surface owners' and users' competing and shared rights to the groundwater and other environmental impacts at issue, as well as to rights of lateral and subjacent support to prevent "subsidence," which as the Supreme Court explains in Keystone, includes support from our groundwater. As so described and as demonstrated herein, the disputed EIR/DEIR fails to overcome my objections and those of others in my Table of Incorporated by Reference Objections.

Remember this Project is not to start a new mine using modern analysis, tools, techniques, and other methods, but rather to reopen, expand (e.g., with 76 miles of new blasted tunnels and related mining and dewatering), and presumably shore up (using toxic hexavalent chromium cement paste without proper CEQA and Prop 65 warnings and analyses) a mine flooded and closed in 1956, which is in an unknown (e.g., what is imagined is based on unreliable, complete, and disputed historical records), uninvestigated, and untested condition, because (I suspect) the miner may not have wanted to know the inconvenient truths, but preferred the disputed EIR/DEIR's abstract theories, models, and comparisons to supposedly "similar" mines (which we dispute as false equivalence tactics.) Even if the EIR/DEIR wanted to claim some analysis of the existing mine that was closed and flooded in 1956, it did not analyze the actual conditions there to achieve useful knowledge, but instead sifted through incomplete, unreliable, and often erroneous historical records about the mine to support its chosen narrative. As noted elsewhere, that house of cards would not long survive evidentiary motions in court where evidence must comply with rules to assure credibility, accuracy, and admissibility.

There is an extensive body of law that has been developed over many years as to the competing rights in disputes between surface owners and users versus underground miners beneath or near them. See, e.g., *Keystone*; *Gray*. While my DEIR Objection 254 addressed such issues (at #'s 3,N, 4, and 14) because they will also have impacts on the mine's environmental compliance, mitigation, and feasibility, the EIR erroneously (and apparently willfully) ignores that here by reducing our many disputes down to a different, but related, dispute where I begin, which is dewatering causing "subsidence," i.e., the use of groundwater to support the surface and protect the surface owners' and users' property there. See *Keystone*. This could be the scene in

the old Clint Eastwood/Lee Marvin movie "Paint Your Wagon" about Nevada City (therein called No Name City), where the miners digging under the saloons and stores for gold dust falling between the cracks in the floorboards caused the whole town to collapse into the mining holes. However, one does not need to cause that kind of crisis or even earthquakes (e.g., like well depletion of groundwater in the Central Valley dropping the surface and breaking the surface infrastructure in the process, or like the fracking depletion of groundwater is doing to cause earthquakes in Oklahoma, Pennsylvania, and elsewhere where they never existed before) to trigger surface owner remedies. It is enough that surface infrastructure is so damaged, as one now sees throughout our central valley (eg, Bakersfield) where, for example, tree farmers are pumping groundwater to save their trees, and dropping the surface level as much as six feet (so far), and thereby harming homes, roads, utility pipes, and other infrastructure by resulting, differential settlement of such surface areas. That threat was enough to inspire disputed EIR Mitigation Measure 4.6-3(c) "to close six near surface mine features," as if somehow that solved the problem, which it does not do. The deeper mining can still have adverse surface consequences, and no persuasive case is made in this EIR Master Response to the contrary with common sense and good faith reasoned analysis; the disputed EIR just asserts that this is a "near surface work" risk, because that is all they reportedly had NV5 study in its disputed "Geotech Review of Near Surface Features" (Table 1 of Appendix H.6 cited in the EIR at 2-122). (Again, the EIR is focused on the Brunswick shaft area, rather than our objectors' surface above and around the 2585-acre underground mine where thousands of us live.)

The US Supreme Court has addressed in objectors' favor such surface owner versus underground miner disputes in cases I address here and in my DEIR Objection 254 #3.N (as well as in my #'s 4 and 14), such as ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987)(rejecting "taking claims by miners against laws protecting surface owners' property rights to lateral and subjacent support, including by groundwater, to prevent "subsidence," including loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal to support the surface. *Accord*, ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner.) **As noted herein, the admitted lack of currently available financial resources by the miner to perform its EIR safety, mitigation and other obligations (see Exhibit B and Objection 255, addressing discussed Rise admissions in SEC filings, and in the DEIR, e.g., at 6-14 admitting to financial infeasibility unless the EIR is approved "as is") is not just a CEQA problem, but it also enables us victims to take proactive defensive mitigation actions on our own at the expense of the miner (and, depending on the facts, the County).** See, e.g., my DEIR Objection 254 #' 4 and 14, including my legal authority counters herein to the disputed EIR Response To Comment Ind. 254-54 to 60

Instead of sufficient testing and analysis for the actual 2585-acre underground mining threat, both deep and shallow, the disputed EIR gambles (once again) us surface owners' fates on its highly qualified and disputed general theories, usually qualified with subjective (therefore, vulnerable to misleading extreme interpretations) words like "generally" or "likely." For example (with emphasis added), our surface owner and user property rights are vulnerable

whenever we're an exception to the EIR/DEIR's general, unverified and disputed assumptions, such as (at 2-122): (1) "near- surface features are **GENERALLY** more susceptible to subsidence and collapse than deeper mine workings, because the near-surface features **MAY BE l**ocated in weaker materials (soil and weathered rock); whereas the deeper mine workings are **COMMONY LOCATED** in competent bedrock; (2) "underground mine workings focused on removal of quartz vein materials that are **GENERALLY** narrow, so the collapse of a deep (100 feet bgs) mine feature is NOT LIKELY to be expressed at the ground surface;" and (3) being conservative and considering 100 feet below ground surface (bgs") to be "deep," [but the property rights of us surface owners to the "surface" is admitted in the Rise SEC 10K filing to be 200 feet down; see Exhibit B and DEIR Objection 254 #2] "NV5 believed that collapse of features even closer than 100 feet **ARE UNLIKLEY** to be expressed on the surface." [But, again, that surface is legally at least 200 feet down] Despite all those qualifications (with such disputed, subjective standards giving exaggerated effects) and our many objections somehow, despite lacking the data needed for more reliable data, the disputed EIR then incorrectly and misleadingly concludes that: "therefore underground working that have potential to cause subsidence at the surface have been thoroughly analyzed in the DEIR."

The County decision makers should ask how a surface owner can expect to sell a house or protect its property values with such disputed "general" qualifications, lack of sufficient study/investigation, and exaggerated, subjective "latitude" for dangerous exceptions. (Literally a surface seller would have to tell the buyer or its mortgage lender or appraiser, in effect: "don't worry, disputed experts have produced a widely disputed EIR full of demonstrated errors, omissions, and objectionable tactics that says you GENERALLY don't have to worry about 'subsidence and collapse' of the surface improvements and land as a LIKELY result of the 24/7/365 blasting, dewatering, tunneling, mining, and other protested activities beneath your house.") Also, one of many signs that this disputed overstatement (lacking any of those qualifications in the cited premises on which such conclusion is based) applies to the wholly owned Brunswick site, but not to the 2585-acre underground mine below our surface, is that our surface ownership above and around that underground mine goes down at least 200 feet, so there is no mining at all above that 200 feet of our "surface" property, or, if you believe the disputed EIR's self-restraint plan, 500 feet.

When the EIR addresses the new underground mining activity in its section explaining the tunneling and mining methods (citing DEIR 3-19), consider the following examples of where the EIR chooses to miss the point of even the "subsidence" part of our many EIR ignored objections. Here, for example, the EIR leaps incorrectly to the unproven, false, and disputed assumption that only "near surface" mining causes dangerous subsidence (in the only portion of the mining it chooses to discuss, whatever that is, because the EIR/DEIR is never clear about that location, consistently using false equivalence assumptions that everything is the same as whatever part it considered specifically). With some unsubstantiated, "aspirational," not enforceable (or affordable/feasible considering Rise's SEC filed financial distress admissions in Exhibit B and DEIR Objection 254 #2), everyone should be at least skeptical comments about future aspirations to use "best mining practices" which is a low bar standard, sort of like saying "best hockey practices" (an analogy chosen because rule breaking and penalty box time are accepted parts of that sport, sort of like tamer "best cage fighting practices.") Nothing in such disputed EIR/DEIR aspirations are reliable, compliantly described/analyzed, or proven, which recall involves new blasting, tunneling, dewatering, and mining into unknown and uninvestigated conditions underground that Rise has not explored or evaluated (i.e., this is the kind of "best

mining practices" to be expected from such speculating gamblers at the risk of us surface owners above or around the mine.)

The result of this disputed EIR discussion is this additional, unsubstantiated, unproven, and disputed conclusion (at 2-122, emphasis added): **"Therefore, it is UNLIKELY that any new underground openings would produce a fall of ground or collapse that would affect the integrity of the mine." Notice that it only speaks to the "integrity of the mine," but not to subsidence or the safety of the thousands of us living on or using the surface (and the next at least 200 feet) above and around the 2585-acre mine (a clever "bait and switch" evasion/nonresponse too common in this disputed EIR/DEIR). And again, this qualified (i.e., UNLIKELY) subjective standard will never satisfy any buyer or its lender or appraiser, even if they trusted the source of the opinion and the basis for that conclusion, both of which are doubtful insufficient at this point, especially considering all the credibility issues with the widely EIR/DEIR.** See my Table of Incorporated by Reference Objections.

Likewise, the overall EIR "Conclusion" also does such a "bait and switch" by opining (at 2-123, emphasis added) with this even less reassuring and disputed opinion: "**The DEIR's evaluation of the potential for dewatering to result in collapse of surface materials is legally adequate" (a disputed reference to the EIR's disputed and incorrect CEQA standard (see, e.g., sections I.C and D), not the legal standard for protecting surface owner and user rights from such underground mining (see, e.g., *Keystone* and similar authorities.) Stated another way, the disputed EIR is NOT ASSURING US OF SAFETY, but rather claiming that the EIR miner claims it has a credible legal defense when the mine causes harm. First,** notice that dewatering is only one possible cause of loss of the required lateral and subjacent support resulting in subsidence, and blasting in the wrong place or conditions and others also can be causes for violations of surface rights to be free of subsidence, e.g., changing the course of underground water flows. **Second,** the subsidence violations can still exist from property/environmental harms much less severe and dramatic than "collapse," although mine cave-ins are not uncommon events. **Third,** the vague and ambiguous "legally adequate" standard is subject to dispute, because I am certain us surface owners and users above the 2585-acre mine will disagree with the miner about what is and is not "legally adequate." See my Supreme Court *Keystone* decision above and others.

GG. Objections to Master Response 30—Biological Study Technical Adequacy (at EIR 2-123).

This objection is the same as to the precious Master Response 25 incorporated herein.

HH. Objections to Master Response 31—Rare Plants (EIR at 2-124).

This objection is the same as to the precious Master Response 25 incorporated herein.

II. Objections To Master Response 32—Temperature of Mine Water Discharges (EIR at 2-126).

This objection is the same as to the precious Master Response 25 incorporated herein.

JJ. Objections to Master Response #33—Groundwater Dependent Vegetation (EIR at 2-129).

By the disputed EIR/DEIR denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such "significant," overlooked, understated, or noncompliant impacts. See, e.g., besides my incorporated water related objections in section II. P, Q, R, S, T, AF, AJ, AL, and AM to EIR Master Responses, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. **I also addressed many of these issues in my objection to the EIR's overlapping Master Response #16 (which incorporates many groundwater related objections, including to direct Master Responses 13, 14, 15, 16, 29, 33, 35, and 36, as well as more mixed topics including groundwater disputes in 1, 2, 3. 6, 7, 8, 9, 10, 11, 17, 20, 24, 29, and 35.) My DEIR Objection 254 #'s 3.D, E, F, M, and N, 4, 5, 6, and 14 still apply. If a reader finds it difficult to track all such separate or disaggregated objections, blame the EIR for its fragmentation of the topics, presumably to try and escape the realities and needs for more EIR revisions and recirculation (see section I.A.1.c), because such disputed EIR "significant new information" and changes compared to the disputed DEIR are not just minor, "amplifications" or "clarifications" (terms whose meaning the EIR exaggerates to excess of tolerable standards), but are material, "significant," and "new," especially when considering the related errors, omission, and other continuing noncompliance by the EIR/DEIR.**

As an alleged fallback Mitigation Measure in #4.8-2(a) and (b), which I and others dispute as a wild, unsubstantiated guess by the noncompliant EIR (note that what little and disputed data the EIR/DEIR presents cuts off at 2040), without adequate "good faith reasoned analysis" and "common sense" as required by CEQA and controlling court decisions like Gray, *Banning, Vineyards, and Costa Mesa.* Even worse, Rise has shown no proof that it can afford to replace the depleted water even under its own disputed standards and undercounted and overlooked existing wells, not to mention the coming new wells by us local surface residents above and around the 2585-acre underground mine, considering Rise's admittedly distressed financial condition admitted in its SEC filings. See, eg, Exhibit B and my Objection 254 #2. Even worse than that, that purported EIR mitigation asserts the right to "take" at least (in the sense of condemnation or inverse condemnation and the Fifth Amendment/CA Constitution equivalent) the top **10% of the well water owned by us surface owners above and around the 2585-acre mine, since we have personal groundwater ownership rights at least down 200 feet (the EIR and SEC 10K filings admit what is so defined as the legal "surface" above any Rise mineral rights, and we claim more, since groundwater is not a "mineral" owned by Rise, and we also have legal rights to lateral and subjacent support that include groundwater support.) See, e.g., *Keystone* and my objection herein to Master Responses 7, 13, 14, 15, 16, 17, 29, 33 and 35, my DEIR Objection 254 sections noted above (plus #'s 3.N, 4, and 14 legal decisions and hard questions in #'s 15, 3.L, and 1.G and H), and others' similar objections that I incorporate from my Table of Incorporated by Reference Objections.**

Also see, the EIR admission (at 2-95) discussed above that the Wolf Creek water level will drop by at least "724-acre feet per year" (the EIR number which we suspect

understates the problem) as evidence of such depletion of my Banner Mountain community just uphill from that creek. What the mine proposes to do is deplete our precious groundwater to flush it away down the Wolf Creek as "dewatering" waste. The EIR's disputed recharge/balancing theory is wrong and worse, as will also be proven at trial as property rights violations and torts (e.g., *Keystone* plus *Varjabedian*), even if the disputed EIR refuses to address my climate change and other objections as too "speculative" for CEQA reporting, which erroneous interpretation I and others not only dispute, but I counter (e.g., section I.C and D.) by proving that the EIR/DEIR statements we are opposing are even more speculative, unsubstantiated, and worse than its complaints about mine. See my objections to direct groundwater disputes with Master Responses 13-16 and 19, as well as indirect disputes with Master Responses 1-3, 6-11, 17, 20, 24. 29, 33, 35, and 36. Note that this dispute is not just over what the EIR/DEIR does with its groundwater, but also what it proposes to do with the groundwater owned by us surface owners above and around the 2585-acre mine. (Ask yourself what would happen if the mine drilled a tunnel into my surface owned 200 feet for gold or anything else, as to which the mine has no property rights there. Those same trespass, conversion, and other claims should equally apply to taking away my groundwater there.)

Likewise, objectors like me living above and around the 2585-acre underground mine all have competing property rights to use new and deeper wells to tap our own groundwater before the mine dewatering depletes it, which is especially critical to save our forests even if the EIR were correct about "most" trees' shallow roots. See my objection to EIR Master Response 33. AS EXPLAINED IN MY OBJECTION TO THE DISPUTED EIR'S MASTER RESPONSE #33 (AT 2-130) (E.G., "MOST VEGETATION IN THE PROJECT ARE [SIC]NOT GROUNDWATER DEPENDENT."), ALL VEGETATION IS WATER DEPENDENT. Just as the nut tree and fruit farmers in the Central Valley drill wells to save their trees, we will eventually have to do the same here or we will all end up unable to live in our homes that will then be vulnerable in a dead forest just waiting for the next fire to take us. Also, while different vegetation roots have different depths (e.g., the trees the EIR cherry picks to name with shallow roots are not all the trees on my property, and many have deep roots that need my owned ground water. What the EIR fails to address (and that we dispute) here or in Master Response #33 is that new wells for using our owned groundwater become the only solutions to preserve our vegetation as the ground dries up from climate change and mining abuses, making an outrageous mockery of both the EIR's disputed groundwater "recharge" and "balance" claims and the EIR's disputed claims that it can take all our groundwater it wants because the EIR/DEIR wrongly claims that the resulting adverse consequences are too "speculative" for it to have to address. Even if the disputed EIR were correct in its interpretation of CEQA(which it is not, see I.C and D), the EIR's cited CEQA excuse does not provide any immunity or excuse in this competing property rights conflict over groundwater between us surface owners and the underground mine. See *Keystone* and *Varjabedian*.

Thus, the disputed Mitigation Measures in #4.8 fail to address the core issues, which include that all of us potential mine victims have personal groundwater property rights, including the rights of all of us to drill new and deeper wells. See the Wells Coalition Group Letter 27/28 and the CEA Objections Group Letters 6-9 and 21. (NID and other governmental permission issues can be debated elsewhere and, in any event, we have political/law reform solutions that our local resident votes can solve), as well as the rights to

lateral and subjacent support that *Keystone* defines to include such groundwater. See disputed EIR at 2-95 stating by citation to Appendix K.9 that "property owners may also choose to retain and continue using their water well in addition to NID potable water if they desire." All of us who need to save our forests around our homes can be expected to do that, at least until decisionmakers realizes that, as my objections and others keep saying, the issue is not just the East Bennett Road and some other existing wells (grossly undercounted by the EIR/DEIR), but also all the existing wells above and around the 2585-acre mine (e.g., part of what the County Economic Report calls 300 wells ignored by the EIR and still undercounts; see Exhibit A hereto), plus all the new added wells that will become necessary to save our trees and vegetation from becoming dead firetraps.

There are thousands of us residents and users just on Banner Mountain alone above and around the 2585-acre mine. Whether we use existing or new individual wells or we share community wells, the ultimate choice is that gamble the EIR proposes to force on us without any required "good faith reasoned analysis" or "common sense" (e.g., *Gray, Banning, Vineyards, and Costa Mesa*), because the disputed EIR claims it is too "speculative" for CEQA, ignoring our surface owner rights to complain about inverse condemnation, trespasses, and other violations of our property rights. See the many places herein and elsewhere where I (and others) rebut disputed EIR errors, omissions, and noncompliance: either (i) the disputed EIR recharge works for 80 years of 24/7/365 abusive dewatering to flush our groundwater away down the Wolf Creek (which recharge is speculation and unsubstantiated by the EIR/DEIR or worse, incorrectly ignoring climate change and the dry years after 2017 that should be included in that "current" averaging, and betting on the disputed average rainfall between 1967 and 2017 continuing for 80 years to recharge what is depleted by dewatering 24/7/365 during climate change drying out of our environment), or (ii) the only thing that will save us from trying to live without sufficient water in a dying from drought forest firetrap that the mine helped create, will be our competing existing and new competing wells that mitigation or litigation will impose on the miner and which such mitigation Rise admits in its SEC filings and elsewhere that it could not afford. See Exhibits B and A, as well as my DEIR Objection 254 (#'s 2, 4, 3.N, 4, 5, and 14) citing, for example, that the DEIR admits (6-14) that the mine project would not be economically feasible if objectors or decisionmakers cut its hours from 24/7/365 to normal hours or the years to less than 80 (as us objecting neighbor voters can be expected to seek to do if the mine is approved with political and law reform solutions.)

To NID and others who may oppose our well drilling, survival defense example of the desperate tree farmers in the Central Valley, I ask what is the alternative? It is certain (not "speculative") that the forest in which our community (and most of the County) lives needs groundwater to survive and avoid becoming a massive firetrap, a problem that is not "speculative" because we can see the first phase already happening with dry-stressed trees dying in our forests here. If such emerging climate change dryness, worsens by 80 years of abusive 24/7/365 dewatering, and is not saved by such illusory "recharge" or balancing theories from the EIR/DEIR's disputed historical averages, what is the alternative? Clearly, none of us surface owners above or around the 2585-acre mine intend to sacrifice our homes and forests for the greater glory of this Canadian miner's shareholder profits; not without exhausting all of our legal, law reform, and political remedies. Nothing the disputed EIR contemplates or helps that obvious risk. All of us objecting, potential victims contend the disputed EIR mining increases that risk, without any net benefit to us locals or

anyone else besides this Canadian miner's speculator/shareholders. How then can any responsible government dare force that risk on us resident voters and potential victims to tolerate that doomed gamble?

KK. Objections to Master Response 34—Resident Fish (EIR at 2-131).

This objection is the same as to the precious Master Response 25 incorporated herein.

LL. Objection to Master Response 35—Discharge to South Fork Wolf Creek (EIR at 2-132).

By denying the significant groundwater and water related impacts that are demonstrated by my and other objections, not only are the disputed EIR's purported analyses and alleged mitigations insufficient, noncompliant, and worse, but there are often no mitigations proposed at all for such overlooked, understated, or noncompliant impacts. Besides my incorporated water related section II objections to EIR Master Responses P, Q, R, S, T, AF, AJ, AL, and AM, also see section I.E as to mitigations, section I.F as to illustrations, and I.A, C, and D as to applicable law and requirements in dispute. **I expect to prevail by addressing as I already have done regarding many of these issues in my objection to the EIR's overlapping Master Response #16 (which incorporates many groundwater related objections, including to my opposition directly to Master Responses #'s 13, 14, 15, 16, 17, 29, 33, 35, and 36, as well as more mixed topics including groundwater disputes in 1, 2, 3. 6, 7, 8, 9, 10, 11, 17, 20, 24, 29, and 35.) I dispute this EIR response claiming that the EIR's proposed water treatment is not only compliant, but also will "exceed the existing water quality levels of the surface water" in the creek. The idea of the described water treatment method meeting "drinking water quality standards" seems preposterous, especially considering the undisclosed hexavalent chromium toxin threats. See my section I.F.1 above, DEIR Objection 254 #'s 3.A, B, C, E, G, H, and 7, as well as my objections herein to EIR's Response To Comment Ind. 254-1 and others. As I demonstrated herein (Exhibit C) and in my DEIR Objection 254, for example, the DEIR ignored almost entirely the toxic hexavalent chromium in the mine cement paste for shoring up the underground mine, where dewatering will expose that toxic substance to water passing through the mine to be flushed away down the Wolf Creek. The EIR tried and failed to cover up that toxic problem as described in Exhibit C hereto and my objection herein to EIR Response to Comment Ind. 254-1 and others. Since the EIR/DEIR fails to address that threat with the required "good faith reasoned analysis" with "common sense" (e.g., *Gray, Banning, Vineyards, and Costa Mesa*), the EIR can hardly claim that its deficiently analyzed water treatment process is sufficient to save our community (and those downstream along the Wolf Creek) from that same water pollution that is savaged in Exhibit C, in many EPA website studies, and in the case example of Hinkley, CA, illustrated in the movie, "*Erin Brockovich."* It should not be necessary to allow the miner to poison the creek before CVRWQCB catches the problem and revokes the mines permits, if it ever grants them. See also Exhibit C hereto.**

MM. Objections To Master Response 36—Flows in South Fork Wolf Creek (EIR at 2-137).

My objections in the prior objection #35 also apply to this Master Response incorporated herein.

NN. Objections To Master Response 37—Birds and Raptors (EIR at 2-138).

This objection is the same as to the precious Master Response 25 incorporated herein.

OO. Objection To Master Response 38—Foothill Yellow Legged Frog and California Red Legged Frog (EIR at 2-143).

This objection is the same as to the precious Master Response 25 incorporated herein.

III. My Objections to Disputed EIR "Responses To Comments Ind. 254-1 through 101" (starting at 2-6003) To My Individual Letter 254 (marked at 2-5843) (my "DEIR Objection 254" to the DEIR).

I incorporate by reference here my opening section II.A to my objections above to the EIR's Master Response, because the same objectionable tactics, patterns, and practices in play there are even more applicable in these more obscure "Responses" which (as I demonstrate below and elsewhere) are all noncompliant, as well as often evasive, deficient, and otherwise nonresponsive. Indeed, the organization of the EIR often seems to be part of the disaggregation/scattering of "significant new information" (some in the EIR text, some in the Master Responses, and some in these "Response," as if perhaps attempting to evade the EIR's neglected duty to revise and recirculate the DEIR as so explained above in that Master Response introduction and in section I.A.1.c above. See section I.A.1.d(viii) discussing various objectionable EIR tactics. In any case, that EIR/DEIR disaggregation requires me to object as I have to each such disaggregated part, as I do here.

However, to avoid suffering/rewarding such evasions of EIR/DEIR compliance, I remind the reader of my internal automatic and other cross-referencing among my sections I, II, and III, so that every relevant objection, rebuttal, and counter that I assert (including incorporations) in any section of this or my other Objections also automatically applies everywhere it is relevant. That means I do not have to repeat or specifically cross reference each of my objections to the scores of places where it would be relevant to such scattered EIR/DEIR statements, omissions, and other noncompliance. Because it would be an unduly burdensome nightmare for me to have to link my objections that are disaggregated to match the EIR/DEIR scattered contents, this Objection (and my others) should be read as if the EIR/DEIR had consolidated each of its statements topic by topic in one convenient places so I could match that with my consolidated objections; e.g., each of my well related comments in sections I, II, or III should be read as if they were all consolidated together in one integrated commentary without my having to link specifically each sentence on that topic with every other relevant sentence that I have had to separate to match the EIR/DEIR's disaggregated content on that topic.

Whenever I cite a DEIR provision or topic, the reader should automatically consider that I dispute them in my DEIR Objection 254 (and, when applicable there, in my DEIR Objection 255 as well) and incorporate my rebuttals and Objections thereto. Thus, whenever this EIR Objection 254 of mine cites to one of my DEIR Objection 254 section or topic cites, that automatically includes and incorporates a cite to my rebuttal in this EIR Objection 254 to my

related cite in section III herein to the corresponding EIR "Response" to my such DEIR Objection 254 i.e., to such EIR Response numbered Ind. 1 to 101 that corresponds to my DEIR Objection 254 section. (That can be confusing, as the disputed EIR apparently intended when it persisted in cutting up my integrated table of contents sections with heading titles into arbitrary fragments the EIR re-labeled Ind. 254-1 to 101 Responses, to which I have objected herein in section I.F.5 and I.A.1.d.(viii).) Stated another way, since the EIR incorrectly objects to each of my DEIR Objections 254 with a tracking EIR "Response" thereto, and since I object here to each such EIR Response and reassert by such objections, whenever I refer to a section of my DEIR Objection 254, that automatically should be understand to include from this section III both my supplemental defense of that DEIR Objections 254 section plus whatever else I add in this section III on that topic to counter, rebut, or contest that particular EIR Response on an item-by-item basis.

If I sometimes go to the trouble of matching my DEIR Objection 254 table of contents sections to the disputed EIR's renumbered "Response" fragments it so re-labels Ind. 1 to 101, that is only for emphasis for any reader, and the absence of any such Ind. 254-1 to 101 cite does not affect my automatic objection references in my system, as distinguished from the EIR's disputed renumbered system. The same automatic objection arrangement applies with respect to the disputed EIR's Master Responses, with even more importance, because such EIR Master Responses use labels that are not fully or even adequately informative about their often-mixed subject topics. It is often not feasible even to try to match those idiosyncratic Master Responses to my Objection topics, except by confirming my objections to such EIR content with my general, automatic cite to my Objections (including from my Table of Incorporated by Reference Objections). Stated another way, my four Objections (including such incorporations) present the relevant realities, as contrasted with the many alternate realities created by EIR/DEIR errors, omissions, and noncompliance.

Therefore, I object automatically to whatever is contrary to or inconsistent with my such Objections with only one limited exception. As I note in many places DEIR 6-14 admits that the project is economically infeasible unless it can operate 24/7/365 for 80 years in the objectionable way proposed by the EIR/DEIR. I (and other incorporated objectors) agree that the project is economically infeasible, especially for someone with a financial condition like Rise admits its SEC filings (Exhibit A and DEIR Objection 254 #2), although the same would be true for even less prolonged and less intense operations. Apart from that, I consider that DEIR/EIR admission to be a comprehensive confession of economic infeasibility, since there are too many disputed proposals in the DEIR/EIR that must be defeated (or omitted impacts, or added or improved mitigations, that by that DEIR admission, the project cannot be feasible. While the disputed EIR/DEIR claims that CEQA doesn't care about such feasibility (and the County Economic Report mistakenly tolerates that erroneous claim, despite being refuted in Exhibit A and authorities in my Objections), section I.A.1.b and I.C, D, E, and F proving why we objectors must prevail because ultimately the courts will certainly allow our truths to rebut and impeach every false, misleading, and otherwise noncompliant statement and omission in the EIR/DEIR, whether or not within the incorrect boundaries that the EIR/DEIR tries to impose on CEQA objections. See, e.g., section I.C (and my DEIR Objection 255) where I more correctly address the CEQA compliance issues, including by reliance on the 2018 Guideline Amendments Explanation where the CEQA authors explain the meaning and effect of Guidelines that the DEIR/EIR misconstrue, misinterpret, or ignore in favor of their own disputed claims.

Throughout my objections to the noncompliant EIR "Responses" I complain that the EIR keeps evading my objections here and elsewhere by claiming incorrectly that they are too speculative, insufficiently explained or details, or otherwise unworthy of a response on the merits. My consistent rebuttals to such bogus excuses are based on legal principles articulated in section I, in my DEIR Objection 254, and in my EIR and DEIR Objections 255, such as, for example, the following. The EIR/DEIR fails to perform its **CEQA "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.) Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyard* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at I.A.1.d.(v), I.C, I.D, and I.E.4.**

A. My Objection to EIR "Response [at 6003] to Comment Ind. 254-1 (i.e., to my meritorious introductory comments in my DEIR Objection 254) at EIR 2-5843, Including To The Disputed EIR's Repeated False And Misleading EIR Attempts, For Example, Both (1) To Evade Disclosures About Groundwater Impacts/Problems, And (2) To Pretend That the DEIR Presented A "Good Faith Reasoned Analysis" With "Common Sense," When Instead the DEIR Evaded Hexavalent Chromium Threats In Water And Air Pollution As To Which the Disputed EIR Repeatedly Added "Significant" "New" Errors, Omissions, And Other Noncompliance That I Further Rebut.

1. Beware Objectionable EIR Tactics, Such As Disaggregating, Fragmenting, Or Scrambling An Integrated Section of My Table of Contents Commentary Into Isolated Fragments Mistreated By the EIR Responses, Such As By Each Fragment Ignoring the Others As A Bogus Basis for EIR Complaints.

This disputed EIR Response contains "significant" errors, omissions, and noncompliance as explained in my Objections and those of others in my Table of Incorporated by Reference Objections. The EIR is sometimes also noncompliant, nonresponsive, and objectionable in various other ways, none of which are cured by the EIR's citation to the also disputed EIR Master Responses exposed as objectionable in the previous section II in a tactic I called "scrambling" or "disaggregating." For example, this and such other disputed EIR Responses do not fully or correctly provide any "good faith reasoned analysis" with "common sense" as

required by CEQA and other applicable laws regarding the relevant sections of my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, and 7). See *Gray, Banning, Vineyard, and Costa Mesa.* Instead, such noncompliant EIR "Response" is not only incorrect, deficient, or objectionable on the merits it purports to address, but such Response also improperly ignores or dismisses some of my positions and data without the CEQA required response, often by rewriting or recasting some objections in a way that does not fairly express my concerns and applicable realities the same way I did or would. See, e.g., such corresponding objections herein or in DEIR Objection 254. Rarely, is any such Response comprehensive, and, therefore, I contend (as would be the case with an EIR answer to my complaint in approval challenge litigation) what the EIR does not properly deny in my objections should be deemed admitted. Also, as explained below and in section #I.A.1.d and I.F.5 above, I protest the way that the disputed EIR has fragmented, chopped up, and isolated my integrated objection comments in its nonresponsive "Responses" (each ignoring my comments in such other fragments and then complaining my objection was deficient); for example, separating for different numbered Responses, what was one entitled commentary listed in my Table of Contents for my DEIR Objection 254. See also my EIR Objection 255 where the EIR deployed the same objectionable practice.

In each of my objections to each such EIR fragmented "Response" (i.e., Ind. 254-1 to 101), I incorporate my similar objections to such other related "Response" fragments, including about the disputed EIR's such tactics in which the EIR arbitrarily fragmented my integrated objection comments in my designated Table of Contents sections into the disputed EIR's less coherent "Response" Ind. 254-1 to 101 divisions. In short, it is the EIR's fault from such "fragmenting" (aka scrambling), if my replies, counters, and citations objecting to each fragment also seem both fragmented and less persuasive and (the disputed EIR seems to think) may be more vulnerable to the EIR's incorrect claims that my explanations are too unclear, unexplained, or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, my DEIR Objection 254 #3.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into Ind. 254-6, -7, -8, -9, and -10, and those isolated fragments (within my original, larger, integrated comment section) are less coherent or effective by themselves. So, each of my objections herein to each such EIR cut fragment must be read together (with all my cross-referenced and incorporated objections) for the full/comprehensive coherence, effects, and completeness as I originally wrote for that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections or (as so sabotaged) are otherwise deficient. For a quick survey of such disputed EIR evasions by disaggregation, please compare the following sections of this EIR Objection 254 to their EIR fragment/cuts and my corresponding objections thereto. E.g., my Objection 254 # 3.A (EIR cuts 254-6 to 10), my such #3.B (EIR cuts 254-11 to 13), my such #3.C (EIR cuts 254-14 to 15), my such #3.D (EIR cuts 254-16 to 19), my such #3.E (EIR cuts 254-20 to 31), my such #3.F (EIR cuts 254-34 to 35), my such #3.J (EIR cuts 254-39 to 42), my such #3.K (EIR cuts 254-43 to 45), my such #3.L and M (EIR cuts 254-46-49), my such #3.N (EIR cuts 254-50 to 53), my such #4.A (EIR cuts 254-54 to 60), my such #4.B (EIR cuts 254-61 to 63), my such #4.C (EIR cuts 254-64 to 65), my such #5.A (EIR cuts 66 to 70), my such #9 (EIR cuts 254-78 to 79), my such #13 (EIR cuts 254-87 to 88), and my such #15.B (EIR cuts 96 to 99).

Because the disputed EIR has divided/cut up my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254, these EIR "Responses" make my such fragmented objection appear more vulnerable to dispute than was the whole, original objection. That is especially true when (as that tactic consistently and improperly does) the EIR ignores the other related fragments and the whole original objections. For example, if such disputed EIR Responses had followed my presentation of the topics (which objections were replying to match the disputed DEIR), my more comprehensive objections would have provided more detail, explained more, and seemed less redundant. However, it seems that the disputed EIR prefers such confusion and worse it is creating tactically by how it chose to split up my chosen and cross-referenced topic sections in my original document, in which, again, my objections were replying to match the disputed DEIR.

2. How These Objections Counter Such Disputed EIR Tactics.

In any event, because this particular, disputed EIR Response Ind. 254-1 addresses my "coming attractions" in this Objection's introduction, I will generally defer most of my initial comments to my more substantive objections in the body of this document. However, since the disputed EIR chooses this least detailed, introductory segment for its principal rebuttal effort (which I dispute and refute in detail throughout these 101 objections countering such nonresponsive EIR "Responses" Ind. 254-1 to 101), I begin my counters here as to what such EIR has incorrectly claimed herein, especially regarding its noncompliance with respect to hexavalent chromium (see Exhibit C) and certain other matters requiring rebuttal here at the outset.

Since I have objected herein both to every Master Responses in section II and to every EIR Response in this section III, I will reduce duplication by countering Responses here with express objections to EIR Master Responses (as distinct from all incorporated objections) only in some cases when the EIR cites those Master Responses herein. Otherwise, my objections to Master Responses, like my DEIR Objections 254 and 255 and my Exhibit A rebuttal to the often incorrect County Economic Report (which erred, among other things, by assuming without sufficient independent analysis or investigation that the DEIR was correct and that its exclusion of feasibility and other objections could be excluded, when my objections demonstrates many errors, omissions, and other noncompliance throughout the DEIR and now throughout the EIR, as well as by the devastating admissions by Rise in its SEC filings, including those excerpts attached hereto as Exhibit B. See *Richmond v. Chevron,* discussed in I.D above, where such SEC admission evidence won the eir dispute for objectors.) I include objections here to each substantive Response, ignoring only those (like Response 254-2) that present only non-substantive comments of no material consequence. In other words, like the DEIR, this noncompliant EIR makes no "good faith reasoned analysis" with "common sense" and fails to even attempt to resolve any of my or others' objections. Apparently, the EIR is not trying to convince its many objectors (including us surface owners living above or around the 2585-acre underground mine, whose objections the noncompliant DEIR/EIR generally attempt to evade in their discussions by trying [and failing] to imply/assume/speculate that what the EIR/DEIR claims to apply to the Rise owned property (e.g., the Brunswick and Centennial sites) somehow also applies to that 2585-acre underground mine, always ignoring the property rights of us surface owner/objectors, such as those discussed in I.F,9, in section II objections to EIR Master

Responses 1.2.7,13,14,15,16,17,29, 30 and 33, and DEIR Objection 254 #3.N, 4, and 14. See also *Keystone* below.

What the disputed EIR Response 254-1 (like others of the 100 Responses that follow) basically does is offer its erroneous translation of my concerns (often garbled and fragmented by it cutting my integrated presentation into fragments) and then cites me back to the DEIR or EIR sections that I have already disputed on the merits and to which I continue to object. In this nonresponsive Response the disputed EIR generally does not really debate the merits of my disputes, but instead it just states what it selectively chooses to say about some its claims and some (not all) of my counters. Therefore, as with the EIR Master Responses above, we have a comprehensive deadlock. The disputed EIR announces its continuing positions, and I stand on all my continuing objections, because I find the EIR's disputed Responses wrong, deficient, and unconvincing at best, often as just a repeat of the disputed DEIR speculations, unsubstantiated opinions, and false assumptions that are far less than any required "good faith reasoned analysis" with "common sense" on the merits with relevant, credible, and responsive evidence. *See Gray, Banning, Vineyard, and Costa Mesa*. What follows illustrates that deadlock with (in some cases for illustration) my useful additions for guidance to my details in my other objections and those of other objector experts on particular subjects also rejected by the disputed EIR, following the same pattern as my objections to the disputed EIR Master Responses above.

Any County decision maker who is attempting to understand this continuing deadlock should consider the following examples of irreconcilable positions that will have to be litigated if the EIR is mistakenly approved. The disputed EIR seems to contend that the miner somehow has the right to do whatever it claims that CEQA will tolerate, as long as the disputed EIR provides what it incorrectly considers sufficient (sometimes with proforma, deficient, and noncompliant documentation, such as with irrelevant, disputed, and worse models and theories to cover what is not known about this mine or is based on purportedly similar or comparable situations, conditions, or circumstances that are not either similar or comparable). Even worse, the EIR/DEIR incorrectly claims sufficient CERA compliance for approval now, even though many purported mitigations and other essential performances are improperly deferred until after EIR approval, often not just as to implementation, but also as to the planning details and future imagined governmental permits or approvals that may never occur or may be more conditional or less feasible than the EIR/DEIR imagined. See, e.g., *Richmond v. Chevron* and section I.C and D, as well as sections I.E.1-4 and I.F. This is functionally like the EIR declaring that it intends to solve in the future all the mining environmental impact issues consistent with CEQA in a ways that will be later resolved with the applicable governmental authorities, leaving us objectors having less to complain about now (besides that general deferral/evasion) so that (as it repeatedly does in such disputed Responses) the disputed EIR can complain that our objections lack sufficient detail or explanations to merit a detailed response, when the fault for that is on the disputed EIR, which is the one with the burden of proof to provide the "good faith reasoned analysis" now, up front, and in compliant detail; i.e., with required "good faith reasoned analysis" with "common sense" on the merits with relevant, credible, and responsive evidence. *See Gray, Banning, Vineyard, and Costa Mesa*. **The project proponent has the burden and responsibility for that result. *Sierra Club*, 6 Cal.5th at 513-14. As I keep protesting about the constant effort by the disputed EIR/DEIR to shift the burden of proof to objectors and to demand more explanations and substantiation from me and other objectors, the CEQA burdens for analysis and reporting fall on the EIR applicant, not on the objectors. E.g.,**

Kings County Farm Bureau v. City of Hanford **(1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the agency, not the public.**

3. Some Judicial Precedents And Other Authorities Ignored By the Disputed EIR/DEIR.

As among the thousands of potential victims already residing on the surface above or around the 2585-acre underground mine, other objectors and I refuse to allow the disputed EIR mine to violate not only our rights under CEQA, but also our competing property rights as owners of such "surface" down at least 200 feet and groundwater deeper. See Rise admissions in its SEC 10K filing referenced in Exhibit B and DEIR Objections 254 #2. While the disputed and evasive EIR/DEIR purports to make a partial, but deficient or worse, attempt at CEQA compliance, it makes no attempt at all to deal with our surface owner property rights, including as to our owned groundwater. The EIR/DEIR also ignores our proof of significant impacts, inconvenient truths, and risks, because the EIR incorrectly either asserts to the right to evade them as "too speculative," too unsubstantiated or unexplained, or too unknown and otherwise somehow outside its duty to investigate or disclose anything. In effect, the disputed EIR asserts a right to gamble with us potential victims and other property owners as the involuntary losers when the disputed EIR/DEIR is proven wrong, such as when we suffer the harms we predicted and it's too late but for our remedies that will then be inadequate.

That intolerable result is especially prohibited by applicable law, because Rise admits in its SEC filings and financial statements (subject to its own accountant's "going concern" doubts) [see Exhibit B and my Objection 255] that it lacks the resources to afford to accomplish even its deficient EIR safety and other promises and mitigations, much less the greater obligations required by applicable law under the realities of the situation, especially as the underground miner owing us competing surface property owners legal duties far beyond CEQA disclosures. E.g., ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987) ("*Keystone*") (rejecting "taking" claims by miners as to laws protecting surface owners' property rights to lateral and subjacent support, including by groundwater, to prevent subsidence and loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal to support the surface. *Accord,* ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner.) See DEIR Objection 254 #'s 3.N, 4, and 14.

Disputing each of the various impact issues in the disputed EIR's "Response" order as to my continuing (and deficiently addressed in the EIR) groundwater example related disputes, I note that the EIR's many related errors, omissions, and noncompliance, especially as to disputed, often deferred, and infeasible mitigations and future plans (improperly deferred or delegated to regulators or governmental authorities for future approvals contrary to CEQA (e.g. I.C, D, and F. and other applicable law, e.g., *Richmond v. Chevron*), are demonstrated in my DEIR Objections 254 and 255 (which should all still prevail) as well as in my and others' incorporated objections herein to the EIR's relevant section II Master Responses. E.g., **my direct groundwater related objections to Master Responses 13, 14, 15, 16, 29, 33, 35, and 36, as well as indirect**

objections to more mixed topics, including groundwater disputes in 1, 2, 3. 6, 7, 8, 9, 10, 11, 17, 20, 24, 29, and 35.); my following Objection to EIR's Response to Comments Ind. 254-1 et seq. The noncompliant EIR/DEIR has made a comprehensively deficient presentation, which I then rebutted on the merits in my Objections 254 and 255, which then the disputed EIR purported to oppose, dismiss, or ignore in its above Master Responses and specific section III Responses, and which I have comprehensively rebutted herein and in my similar objections to such disputed EIR responses to my DEIR and EIR Objections 255. That pattern has been continued as to all the contested impacts, disputes, and issues between me and the noncompliant EIR/DEIR.

Among the worst examples of affirmative misleading or worse statements in the EIR (a failure of CEQA requirements for "common sense," "good faith," and "reasoned analysis") are those in the third, fourth, and fifth paragraphs of EIR Response Ind. 254-1 at 2-6003-6004 (as well as in EIR Response Ind. 254-14 and elsewhere). See Exhibit C. There, the noncompliant EIR pretended that it had responsively already sufficiently addressed earlier in the disputed DEIR my hexavalent chromium objections in my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, and 7), but DEIR did not ever do so, as demonstrated herein (e.g., I.F.1, I.E.1-4, and I.A.1.d). Even worse, those (still deficient) disputed EIR objectionable water pollution "significant new information" additions are in conflict with the disputed EIR's own additions in Vol IX, Appendices Q, O, and R addressed above in respect of EIR's flawed Master Responses admitting hexavalent chromium toxic issues for air and water pollution purposes, although wrongly claiming without sufficient, credible evidence (or factual or legal foundation with "good faith reasoned analysis" with "common sense") that the threshold for danger has not been met for CEQA purposes in the case of this mine. See Exhibit C. This disputed and obscured EIR data do not appear as an amendment to the EIR/DEIR's main "Hazards and Hazardous Materials" discussion, where CEQA required it to be disclosed (and where hexavalent chromium was never properly mentioned there in the DEIR or even in sufficient warnings elsewhere in the obscure and seemingly innocuous DEIR previous descriptions of that toxin's use in cement paste for shoring up the underground mine. [Compare what is stated in the disputed EIR to what is stated in the wrong section of the disputed DEIR (at 4.8-47—48) and treated not as the dangerous toxin they knew or should have known it to be, but instead just treated it as if it were an innocuous ingredient in the cement shoring. See Exhibit C.]

4. Obscuring the EIR's Belated And Noncompliant Attempt To Address Hexavalent Chromium Air And Water Impacts Without Admitting the Need For Revision And Recirculation For The Necessary "Significant New Information."

In other words, the disputed DEIR failed to comply with its CEQA and other significant impact disclosure obligations, and now the disputed EIR is trying to add that essential missing (and still disputed) "significant new information" for the first time, again in the wrong and noncompliant places (buried here on page 2-6003-04 or obscured in the last Appendices without sufficient introductions). Instead, the DEIR/EIR evades properly debating this toxic water/air pollution threat about which many EPA website and Exhibit C studies warn and that killed the town of Hinkley, CA, and many of its residents, as

illustrated in the movie, "*Erin Brockovich.*" (Also consider the reasons hexavalent chromium is banned for various uses in the EU.) Why would the EIR gamble on being caught in this coverup of such DEIR omissions and evasions? Apparently, it seems as if the EIR preparers figured that they could not dare risk continuing to pretend such ignorance of the hexavalent chromium threat (as they had done in the DEIR). However, the disputed EIR still could not admit that the noncompliant DEIR had knowingly omitted the threat discussion, since (i) that would be admitting "new information" of "significance" being added to the disputed EIR, and (ii) that would require more adequate debate and evidence that (iii) in turn, would require recirculation of a revised EIR (e.g., I.A.1.c). Perhaps to avoid so complying with CEQA and other applicable law and then having to admit to "significant new information," I assume instead that the disputed EIR attempted to provide some lesser and more obscure addition. However, such insufficient, disputed, and incorrect new information cannot be considered compliant, especially here in this obscure and unheralded Ind 254-1 Response, particularly as it ignores many important parts of my objections and others, and even the EIR's own added and inconsistent (a) air pollution admissions obscured in Vol. IX, Appendix R, and (b) water pollution admissions in Appendix Q and O, all at the end of the very long EIR document without any practical way to find them without reading more than 7000 pages as I did looking for such evasions.

Now that the disputed EIR finally begins (although noncompliantly) to discuss the hexavalent chromium impact threats for the first time, I note that EIR comments here are unsupported by any competent authority, legal or evidentiary foundation, or credible data; i.e., there is insufficient "good faith reasoned analysis" with "common sense" as required by cases like *Gray, Banning, Vineyards, and Costa Mesa. As to their* such foundation for the incorrectly claiming the EIR to have a competent basis for those disputed, incorrect, and unsubstantiated opinions, I have demonstrate such EIR to contain many errors, omissions, and other flaws. See Exhibit C and section I.F.1 herein and DEIR Objection 254 #'s 3., B, C, E, G, H, and N, 4, 7 and 14. Also, I cited EPA and other water pollution threats (supported by compelling authorities) that the EIR/DEIR has ignored or evaded, adding its disputed EIR hexavalent theory for the first time (it was never sufficiently presented before in the DEIR.) See Id. Those failings are lethal to the disputed EIR under these circumstances, where such DEIR's noncompliance with CEQA on these lethal issues now seems more than a mistake, because what seems to be a disputed DEIR coverup still continues to a large extent in the noncompliant EIR. Why else now attach unreferenced Appendices Q, O, and R at the end of the EIR and purport to address CR6 impacts in this obscure EIR Response Ind. 254-1 that no one who matters to me will probably have an adequate chance fully to read and consider, unless and until this is all litigated or addressed in political and law reforms. If, as the EIR now seems to claim in its rewrite of its history of such purported CEQA compliance attempts, these theoretical EIR excuse claims had any merit and were intended to be properly revealed in the DEIR/EIR, why was such "significant new information" not properly analyzed on the merits in the DEIR's "Hazards And Hazardous Materials" section or even in a compliant EIR amendment thereto? If more were revealed in the DEIR as required, I could have been more detailed in my EIR objections.

For example, because of all those objectionable errors, omission, and flaws, the EIR compounds those errors, omissions, and noncompliance as to related topics, such as the disputed EIR/DEIR's purported water treatment/cleaning system that is supposed to

remove all water pollutants in the water flushed into the Wolf Creek. [The disputed EIR at 2-6003 argues, without sufficient evidence or support, that there is nothing to worry about, because the dewatering supposedly will flush these toxins out of the mine to be cleaned and then dumped into the Wolf Creek, apparently to become the risk and problem for NID and others downstream (as if somehow that didn't matter here). However, my main, personal concern is to the threat of the groundwater quality underneath the surface above and around the 2582-acre mine, despite my broader objections, considering both the Wolf Creek flowing by a half mile below my property and the adverse consequences to my community which affect all of us and our property values and the taxes supporting our government services. What happens when the mining stops and the mine floods again with all that water confronting such toxic hexavalent chromium cement paste in the underground shoring?]

What is the insufficient and disputed EIR mitigation-excuse theory (which is not labelled as mitigation, because, again, the EIR does not want these new and significant [but obscured and worse] comments to be recognizable as a reason for further revisions and recirculation of the EIR? See section I.A.1.c and Exhibit C.) It seems to be, in effect, "don't worry because 'in obtaining the Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board, the Project Applicant would ensure that the leaching of hexavalent chromium would not cause any impact and would meet regulatory standards' (DEIR, p. 4.8-47-48)." (Emphasis added). However, since (as explained in my objections, including Exhibit C) the disputed EIR overstates and incorrectly and deficiently states in such obscure places what was not so disclosed in the DEIR (see my Objection 254 #'s 3.A, B, C, E, G, H, and N, 4, 7, and 14), how would that regulator even know to evaluate the CR6 threats, unless they did what I did since my bankruptcy experience with miners has made me cynical, i.e., read all the thousands of pages of evasive "fine print" (including Appendices Q, O, and R at the end of the EIR) looking for hints of such errors, omissions, and noncompliance? If the disputed EIR is intended to warn the government as CEQA requires, why not properly amend the DEIR/EIR in the right places for CEQA purposes to make sure everyone focused on the right issues for evaluation and then have a "good faith, common sense, reasoned" debate on the merits?

B. My Objection To Response (at 2-6004) to Comment Ind. 254-3 (EIR at 2-5853).

1. This Disputed EIR Response Not Only Suffers From Many Errors, Omission, And Noncompliance, But It Ignores Or Omits To Address Key Objections, Sometimes Citing Erroneous Excuses, But Sometimes Offering No Excuses, Just Evasions Or Nonresponses.

The disputed, brief, and deficient EIR Response contains only partial responses to my 22 pages of related data from my 150 pages of DEIR Objection 254 presentation (plus more data and objections incorporated by reference). Those disputed EIR Responses are countered here (and elsewhere when incorporated herein by reference.) Note that the EIR reaffirms, and, therefore, shares, the errors, omissions, and noncompliance of the DEIR, as well as adding more errors, omissions, and flaws in the EIR's disputed attempts to supplement the inadequate DEIR with "significant new information" that the EIR incorrectly labels as mere and insignificant "embellishments" and "clarifications." Notice that this Response incorrectly assumes that its

DEIR was correct and sufficient, when I have demonstrated that it was neither and worse. Thus, when here (as frequently is the case throughout the disputed Responses to my DEIR Objection 254) the EIR merely restates or refers back to its DEIR section to which I already objected without any meaningful EIR response or even clarification on the merits of our disputes, the EIR Response adds nothing at all (but for the isolated times when the disputed EIR realizes it needs to add some new and significant information, such as regarding hexavalent chromium in the previous section , to which I have objected with counters). Why not be candid to spared us all the burden of such useless repetitions by just saying that the EIR disagrees for good faith stated reasons and stands on the disputed DEIR.

The disputed EIR also continuously claims that somehow my 150 pages in Objection 254 [and the lengthy Objection 255] often fails to "explain how the DEIR is inadequate," which is ironic since the EIR continuously not only ignores many of my objections, but, even when it purports to address them, typically fails to provide any reasoned or substantiated debate on the merits of such subjects; in effect, incorrectly arguing that the DEIR/EIR has sufficiently done what it was required to do by CEQA (but actually ignoring other applicable laws and its own disputed allegations beyond its own (disputed) CEQA "boundaries," erroneously claiming that my lengthy and detailed rebuttals are insufficient to counter such deficient DEIR/EIR presentations.) As to the EIR's many omissions, evasions, and other failures to respond to my such objections, I contend they are deemed admissions by the EIR, just as would be the case if the EIR omissions were failures to respond to a complaint disputing the EIR/DEIR. That pattern here and elsewhere should entitle us to EIR revisions consistent with my unrebutted claims and EIR recirculation in accordance with my sections I.A.1.c and I.C. The EIR Response also incorrectly claims that I do not "specify how the DEIR is inadequate" in my 22 pages of detailed illustrations introducing my concerns in that Ind. 254 section 1.A—H, which served the preliminary roles I specify in my such rebuttals to the DEIR in my following 128 of 150 pages (plus others incorporated by reference), which carry over into the EIR that continues generally repeats and relies on the same errors, omissions, and noncompliance, while adding more of its own for me to object to herein.

My DEIR Objection 254 #3.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into Ind. 254-6, -7, -8, -9, and -10, and those isolated fragments (within my larger integrated comment section) are less coherent by themselves. So, each of my objections herein to each such EIR cut fragment comments must be read together for the full coherence and completeness that I originally wrote in that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections. Because the EIR has divided my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary divisions within a section or subsection of my DEIR Objection 254, these EIR Responses make my Objection appear less impressive, whereas if the EIR Responses followed my ordering of the topics, my original section objections would make more sense and be less vulnerable. However, the EIR seems to prefer the confusion it is creating by how it fragments/splits up my document. (Each of these disputed Response issues is addressed repeatedly in these objections, because of the EIR's arbitrary divisions of my DEIR Objection 254, but I try to avoid repetition as I go deeper into my document, having sufficiently illustrated the EIR's objectionable such tactic.) Also, note that throughout my introductory objections I specify cross-references to specific discussions in the rest of my DEIR Objection 254, thus revealing how I incorporated the details that the EIR incorrectly claims are missing.

(The EIR cannot complain about that practice of my providing a general discussion with cross-references to more specific following details, because the EIR/DEIR does the same thing, including with the disputed Master Responses cited by these EIR Comment Ind. 254 Responses.) If my such objections are too general, it is because they address DEIR/EIR that are themselves unsubstantiated or general claims that are mere unsubstantiated opinions/speculations/assumptions or otherwise were sufficiently answered proportionately in kind; e.g., when the DEIR/EIR states an incorrect opinion without a admissible, relevant, and competent supporting foundation in facts, as it often does, the burden cannot be on me as a potential victims to invest in hiring the experts to provide the correct foundation for my counters, since the burden of proof must be on the EIR/DEIR and not on us potential objections. See section I.A.1.b above.

Moreover, as explained and demonstrated elsewhere in my objections, the disputed EIR/DEIR tries incorrectly to exclude anything in objections it considers outside the allegedly narrow scope of CEQA or somehow "too speculative" or uncertain to address (typically where the EIR chose not to investigate and possibly expose inconvenient and damning truths). For example, consider the EIR/DEIR's outrageous demand for the right to deplete groundwater 24/7/365 for 80 years based on disputed "recharge" theories, while only offering its such disputed and flawed guesses about the future consequences of dewatering versus "recharge" with objectionable data only through 2040, incorrectly arguing that somehow CEQA excuses them from considering climate change and providing such future data for the whole 80 years because that is too uncertain or speculative; i.e., the EIR wrongly contends that somehow CEQA forces us potential victims (and the government that is supposed to protect us) to guess about the future, but excuses the EIR from even attempting to address those future impacts of its mining and groundwater depletion. My section I.C and D exposes that fallacy with a more correct analysis of CEQA and the Guidelines, such as with the 2018 Guideline Amendments Explanations revealing the importance of climate change in eir analysis. See also my DEIR Objection 254 (at 2-5857) discussing laws and regulations requiring businesses to address future climate change impacts, such as in their SEC filings. (That is one of many reasons why I stress the importance of our competing surface owner rights to groundwater (see *Keystone*), since such "speculation" arguments won't save the miner from any violations of our groundwater property rights, whether called Fifth Amendment takings, inverse condemnation, nuisance, trespass, conversion, or many other kinds of tort claims, as discussed in *Varjabedian* and other authorities.) In any case, my Objections must be allowed to rebut errors, omissions, and noncompliance in what the EIR/DEIR itself states, whether or not within the scope of CEQA under its disputed standard it fails to apply to itself. See, e.g., section I.F.5 and I.A.1.d(viii).

The disputed EIR Response somehow incorrectly both (a) dismisses or ignores many of my such objections as insufficiently identifying EIR/DEIR "inadequacies," and (b) incorrectly reduces my such objections to mere (and badly summarized) complaints (detailed later in my Objection or its incorporations) about either : (i) the scope of the Project (i.e., the DEIR's failure sufficiently to address the issues regarding the 2585-acre mine in contrast to the DEIR primarily only seriously addressing the East Bennett Road and Brunswick areas) and the Centennial remediation [which I insist is an integrated part of the single CEQA project, as I demonstrated with my DEIR Objection 254 legal counters and section I.B above], (ii) the undercounted, under analyzed, and insufficiently mitigated existing wells impacted by the project, plus disregarding all future wells that us surface owners above and around the 2585-acre underground mine have property rights (e.g. I.F.8 and 9) to drill (see, e.g., I.F); (iii) outdated, incorrect, or dissimilar

hydrological data in view of "drought" and climate change harming the area vegetation (see my objection above to Master Response 33 and others cited therein) by dewatering [actually, my comments concerned both dryness and drought from climate change effects ignored by the DEIR/EIR, as well as dewatering depletion, plus the DEIR ignored rights of us surface owners above and around the 2585-acre mine to lateral and subjacent support to avoid subsidence (see *Keystone*), which the EIR partly begins insufficiently to address with errors, omissions, and noncompliance exposed throughout this Objection, including my objections to EIR Master Responses 13, 14, 15, 16, and 33. See Wells Coalition Group Letters 27/28, CEA Objections Group Letters 6-9 and 21, Bear Yuba Land Trust Group Letter 2, California Dept. of Parks And Recreation Agency Letter 1, and Grass Valley Agency Letter 8, among many others. Note that this introductory disputed Response summary of my objection just referred to "drought," while the sixth paragraph adds "climate change," in effect trying to diminish interest in the introductory "index" to reading my comment, but also adding in a disputed reference to climate change in the buried and flawed, cross-referenced detail that follow near the end. See I.C and D, including the 2018 Guidelines Amendments Explanation requiring climate change.]; (iv) "hazardous constituents such as hexavalent chromium, asbestos, and arsenic," (see I.F.1 and my objections to EIR Master Response 22); and (v) noise and vibration impacts (I.E.6, objections to EIR Master Response 7, DEIR Objection 254 #9), and traffic/road structural impacts (my objections to EIR Master Response 5).

2. The EIR Cannot Hide Behind An Erroneous Claim That Objectors' Inconvenient Truths Are Outside the Scope of CEQA Or Otherwise Can Be Ignored As Speculative, Insufficiently Explained, Or Otherwise Excused From Any Duty By the EIR/DEIR To Comment

The erroneous EIR characterizations of my DEIR Objection 254 at what the EIR labels as Ind. 254-3 does not just evade, diminish, understate, or misstate my such objections, as I show, but it also ignores or dismisses many of my objections either entirely or in relevant part without meritorious cause. Before dealing further below with the lesser omissions, I begin here with one of the most annoying and revealing EIR total omissions: my DEIR Objection 254 #1.E (at EIR 2-5864), where I challenge for legal and practical cause the EIR's (and County staff's) refusal to consider the legal and economic infeasibility of the DEIR/EIR project and even proposed mitigations, both as a whole and as to many of its safety or mitigation assurances that are illusory for such reasons. See also Exhibits A and B hereto, which likewise disputes the County Economic Report, which wrongly assumes the accuracy, sufficiency, and correct scope of the DEIR and ignores Rise's contrary and inconsistent admissions (including in SEC filings that the EIR incorrectly dismisses as inapplicable, despite *Richmond v. Chevron* and my sections I.C and D above to the contrary, thereby joining in that "alternative reality" of the DEIR adopted and enhanced by the EIR, covering up those infeasibility flaws and worse. Whether or not Rise or EIR authors could create a narrow and CEQA compliant EIR that would preclude rebuttals and impeachment beyond what they claim to be the scope of CEQA (which I and others dispute would be possible), this EIR is not so narrow, and it has forfeited any ability to make such an argument. **For example, the DEIR (at 4.3-103-104) contains what it labels its "NON- CEQA RELATED ANALYSIS" (emphasis added), making rebuttals and impeachment essential.** Moreover, even when not so labeled as such "Non-CEQA" comments, the DEIR/EIR is full of statements that fail to comply with the kind of narrow CEQA standard that they try to enforce on

objectors like me. This dispute must have a level playing field with the same rules for each side, including my right to rebut and impeach such errors, omissions, flaws, and worse. See, e.g., section I.C above, my Objection 254 #14, and my Objection 255.

Impeachment and rebuttal to expose falsehoods (and misleading omissions and evasions that render included EIR/DEIR statements false or misleading) must always be permitted for objections, especially where, as here, the disputed EIR "opens the door" with its own false, misleading, or objectionable statements, evasions, and omissions. Without repeating all those Objections, in part because I will address these disputes in more detail in my related rebuttal to the EIR's Response To Comment Ind. 255, where I defend my DEIR Objection 255 on this topic. But I note here to expose such meritless omissions that the DEIR "opened the door" to this feasibility dispute in various ways that not only allow, but require, me to challenge the DEIR/EIR on these grounds. For example, as discussed in the previous paragraph (e.g., such as regarding the DEIR's admitted label of its "Non-CEQA Related Analysis"), I must be allowed to rebut inconsistent DEIR/EIR claims (and expose the importance of EIR cover up omissions and evasions) because the DEIR (and EIR confirming the DEIR without revisions to conform to realities) admits facts inconsistent with any such feasibility being possible, such as, for example: (1) the SEC filings (see Exhibit B hereto and DEIR Objection 254 #2) reveal more, different, and often inconsistent or contrary relevant information than did the DEIR/EIR, such as to the applicable mining risks (eg, mostly unresolved or even unrevealed in the DEIR/EIR), unknowns (e.g., uncertain mine and other conditions, gold reserves, or evidence and other data contrasting with the EIR/DEIR's disputed illusions of safety, thorough study, careful planning, and value), some competing property rights of us surface owners and users above and around the 2585-acre underground mine (which I repeatedly detail in my objections), and economic infeasibility (e.g., limited admitted financial resources, constant losses with huge expenses, and no income expected for many years to come, causing total dependence on new funding for which no commitments were reported, causing the accountant to impose the lack of "going concern" warning qualification on the financial statements, revealing no material assets besides the mine, which is could become a massive liability and, at best, is worth little or nothing unless and until it finds gold on a profitable basis after massive investments for which no source is reported) [see also, eg, Exhibit B and A hereto, DEIR Objection 254].

In essence, those Rise SEC 10K and 10Q filings and other such admitted facts and circumstances would discourage anyone besides a "long shot," speculative gambler from investing in the mine for the high risk, speculative chance of gold profits in future years. Yet, the disputed DEIR/EIR is designed to reassure the County that it is reasonable to assume it can and will accomplish everything it proposes, plus more things to imagine being worked out and approved in the future, purportedly safely and with sufficient mitigation, but without the EIR/DEIR ever revealing the applicable risks, threats, and harms, which it dismisses as "speculation" or uncertainties (that the DEIR/EIR incorrectly contends CEQA allows it to ignore), despite the many legal and political grounds for rebuttal and impeachment of such errors, omission, and worse in the EIR/DEIR. **In effect, the EIR asks the County to gamble the well-being, health, and property values of our community under circumstances that the Rise SEC filings (eg, 10K and 10Q) warn are not appropriate for anyone who is not a "long shot" speculator/gambler. The problem here is that the County would be not just gambling on the EIR with public trust funds and assets, but also gambling (despite admitted high risks in such SEC filings) with the health, welfare, and property values of the impacted citizens, most of all of whom are objecting and will resist with all appropriate legal, law**

reform, and political remedies. See Exhibit B and DEIR Objection 254 #2. Speaking of political or law reform remedies, the DEIR also admits (DEIR at 6-14) that, if it were only allowed to operate normal business hours for a reasonable term, instead of the disputed 24/7/365 for 80 years (for which future predictions are ignored on the disputed theory that CEQA does not require such speculation about even predictable future risks, threats, and harms), the mine would not be economically feasible. See I.C and D.

Thus, the DEIR itself puts the feasibility dispute at issue (i.e., opens the door), both because relevant local voters will use their legal, law reform, and political powers to counter such 24/7/365 operations for 80 years, and because that DEIR admission shows how fragile the economics must be for this mine, if it's only profitable in such extreme conditions certain to be challenged and resisted by us potential victims. As my objections and others note, one problem here for us all, is that, when this mine stops prematurely, whether because the miner recognizes that it ceases to be feasible or economic for any reason (eg, lack of funding or profitable gold, successful opposition legal, law reform, and/or political strategies, recognition that objectors were correct about risks, or etc.), we will all find ourselves in a mess that this Canadian miner has no apparent financial capacity (or, if it is like the many other failed miners causing more than 49,000 abandoned mines in CA to appear on the EPA list, no willingness) to clean up its mess at the mine when it decides to end its gamble.

3. Case Law Confirms My Right to Rebut and Impeach the EIR/DEIR And To Debate the "Common Sense," "Good Faith," And "Reasoned Analysis" of the Disputed EIR/DEIR Under These Circumstances, Especially Regarding the DEIR/EIR Cover Up of the Hexavalent Chromium Menace And Other "Hide The Ball," "Bait And Switch," "False Equivalence," And Other Such Tactics (I.A.1.d(viii).

I have politely described elsewhere the disputed various EIR/DEIR's **credibility problems** and objectionable tactics, but here I am addressing the EIR coverups with regard to the **hexavalent chromium menace,** which was almost entirely ignored in the DEIR (mentioning that lethal toxin only in passing as a benign ingredient in the cement paste for shoring up the underground mine, except for one obscure reference in a long list of toxins not where they needed to be addressed in the "Hazards And Hazardous Materials" section of the DEIR). However, the EIR now attempts disputed (and still deficient) additions of "significant new information" which it tries to pretend were not new additions of significant information and which it concealed in obscure places, such as buried in this disputed EIR Response to Comment Ind. 254-1 (starting at 2-6003), as to water pollution and EIR Vol. IX, Appendix R at the end of the long EIR as to air pollution and Appendices Q and O as to water pollution. **CEQA court decisions are clear that such "hide the ball" EIR tactics and strategic omissions/evasions are prohibited.** E.g., sections I.A.1.d(viii), C and D, F.5 and E.1-5; *Banning Ranch Conservancy v. City of Newport Beach* (2017), 2 Cal. 5th 918-940-41; *Vineyard Area Citizens for Responsible Growth vs. City of Rancho Cordova* (2007), 40 Cal.4th 412.442; each insisting on a "good faith reasonable analysis," and *Gray v. County of Madera,* insisting on "common sense.*"* Rather than such suffer such scattered or buried or unexplained data in such Appendices, as I proved in DEIR Objection 254 #14 and elsewhere, the EIR/DEIR was required to clearly discharge it burden of proof. See, e.g., sections I.A.1.b and d, I.F.5, and I.C and D. Thus, another reason that disputed feasibility must be allowed are the CEQA exceptions that I prove in my DEIR Objections 255

and 254, where the EIR especially demonstrates the basis for a lack of "good faith" in responding to meritorious challenges, among other incorporated objections. Besides what I cite in my objections as what the EIR authors and advocates know or should know are material errors, omissions, noncompliance, and worse, consider this feasibility challenge (a protest to the "emperor has no clothes" analogy) in what the EIR designates as my Ind. 254 at 5866: "If Rise were to say, "Don't worry about any environmental health or safety rules, because I'll just pay any victims to make them whole (an exaggerated versions of the disputed DEIR claim to cover anyone whose well dries up, which my Exhibit B [and DEIR Objection 254 #2] proves is equally illusory or speculative), that implies that Rise had the financial ability to accomplish that false claim of satisfactory mitigation" **CEQA cannot be read to tolerate such "bait and switch" promises that the miner should know cannot be performed with good faith confidence**. See my DEIR Objections 254 and 255, explaining the applications to the DEIR (and equally now to the EIR) in many controlling court decisions, such as, eg, *Sierra Club v. County of Fresno* (2018), 6 Cal. 5th 502; *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Ag Ass'n* (1986), 42 Cal. 3d 929; *POET, LLC v. State Air Resources Bd.* (2013), 218 Cal. App. 4th 681; *Gray v. County of Madera* (2008), 167 Cal. App. 4th 1099.

The most serious errors, omission, noncompliance, and worse concern the disputed Responses fourth paragraph concerning "the DEIR's treatment of hexavalent chromium, asbestos, and arsenic" citing disputed DEIR dealing unsatisfactorily with asbestos in its #'s 4.3-61 and 4.3-80 (see my objections to EIR Master Response 22), and the EIR's catastrophic error, omissions, noncompliance, and worse dealing with hexavalent chromium in air and water as I detail above in many places as one of the worst and most provocative health, water and air quality, property value, and other threats requiring revision and recirculation of the EIR. The EIR covers up this most serious and neglected hexavalent chromium problem by pretending that it was already sufficiently addressed in the DEIR, when it was omitted from any toxic and hazardous materials discussion and simply mentioned in passing as if it were just an innocuous ingredient in the cement paste shoring up the mine and new workings. Not only does this disputed EIR add new and significant information requiring further revision and recirculation of the EIR, but it adds its buried/obscured new commentary in here in Response Ind. 254-1 to my long DEIR Objection 254, where it is less likely to be read, without identifying this new and significant information in the main EIR/DEIR "Hazards And Hazardous Materials" discussion, where CEQA requires it to be disclosed and more thoroughly and correctly analyzed in the toxic materials discussion. Apparently, it's as if the EIR preparers felt guilty about their "hide the ball tactic," so the disputed main EIR did address hexavalent chromium as perhaps less dangerous air (not water) pollution in a buried commentary at the end of the EIR at Vol IX, Appendix R, (with noncompliant and unheralded Appendices Q and O added for water pollution). It is unclear how, if it were even possible, the EIR could reconcile its treatment of hexavalent chromium here in this disputed Ind. Response to my DEIR Objection 254 to water pollution to its disputed Appendix R as to air pollution.

In any event, as I demonstrate above, there is no sufficient and compliant proof at all cited to back up the EIR's disputed opinions regarding hexavalent chromium water pollution (the disputed Appendices Q and O are disqualified and rebutted as described elsewhere. See I.F.1.) in contrast to my DEIR Objection 254 and other objections (including EIR credibility problems) citing Exhibit C and many EPA website studies the EIR ignores, plus the famous case study of how hexavalent chromium killed the town of Hinkley, CA, and many of its residents as illustrated in the movie, "*Erin Brockovich."* Why does this EIR Response to my DEIR Objection

254 not cite any sufficient evidence for its disputed and incorrect opinions on this subject? Perhaps, as I assume, the EIR is trying to bluff that it is not adding "new" or "significant" information, so as to evade revision and recirculation demands like mine (section I.A.1c.), and fears that whatever it cites as authority would seem new, significant, and important, because none of it was contained in the DEIR. Whatever the reason, this issue must be resolved in a meaningful legal dispute on the merits, because otherwise many of the proposed mitigations as to water and air impact issues will be flawed. Notice, for example, how none of the water treatment/cleaning discussion deals with this threat or assures us that any hexavalent chromium in the groundwater will be removed by such promised, but insufficiently described, and disputed treatment process before it is flushed down the Wolf Creek. Instead, as explained above, the Response to me was, in effect, don't worry because it's not your uphill groundwater that is at risk, because the groundwater dewatering will push your groundwater away down the Wolf Creek to make it someone else's problem (who probably would not be able to discover their peril from the kind of narrow focused reading most potential victims will likely give to this massive, yet woefully insufficient, EIR.)

4. Brief Summary of Miscellaneous Other Rebuttals And My Other Ind. 254-3 Issues Ignored/Evaded by the Disputed EIR.

This paragraph #4 addresses what else is ignored or evaded (not specifically debated in other paragraphs above) by that inadequate, incomplete, and disputed EIR summary of my such DEIR Objection 254 #1 introductory comments. Note that my such introduction was intended to address many things in the rest of the 150-page Objection 254 and its incorporations by reference after these 22 pages, as well as to provide foundational guidance and data for readers. What the disputed EIR has chosen to omit, evade, and ignore include the following:

(1) parts of my DEIR Objection 254 **section 1.A** (starting at EIR 5853) that: (a) describe my standing, experiences, and qualifications/expertise for my objections, including by particularizing some of the risks, threats, and harms that this disputed EIR "Response" somehow incorrectly considers not to be sufficient or permissible to identify, explain, or rebut EIR/DEIR what I have so exposed in my DEIR Objection 254. **(That is relevant because I am announcing my qualifications as a witness offering to prove with testimonial and other evidence many things I assert in my objections, a circumstance the disputed EIR ignores without any analysis)**; (b) better, more accurately, and compliantly describe the "surface" areas above and around the 2585-acre underground mine where I live and that is generally ignored or misdescribed in the disputed EIR (or incorrectly assumed to be the same as the downhill East Bennett Road area or the Brunswick or Centennial sites), as well as introducing my competing legal and property rights, plus uncounted wells of neighbors on that surface area above the underground mine, noting the prospect of more to come [e.g., contrary to the applicable facts to be confirmed by me and other witnesses and contrary to CEQA requirements, such as addressed in section I.C and D above, the disputed EIR/DEIR misdescribes the mine Project area as "rural," whereas in reality, for example, thousands of people own and live in traditional suburban homes above and around the 2585-acre underground mine, many of which are neighborhoods [e.g., on Banner Mountain] with high value property with much to lose by such mining and who have the capacity to hold any miner accountable for potential wrongs and damages addressed in objections on the record and in precedents like *Varjabedian];* (c) demonstrate that the deficient

DEIR/EIR maps (which ignore my consistent demands for sufficient surface street detail to identify my property in relation to the mine below me somewhere) fail, for example, to identify such underground mine's surface boundaries by street addresses or other surface landmarks that would enable surface victims to know where their property was located in relation to the 24/7/365 blasting, tunneling, dewatering, and other mining activities that not only cause adverse environmental impacts, but that may violate their surface property rights (issues still never addressed sufficiently by the DEIR/EIR, despite the fact that even the Rise SEC 10K filing has more CEQA compliant information than does its DEIR/EIR) **[Note that this need for compliant mapping is essential for anyone ever trying to sell or refinance a home above or around the underground mine for the next 80 plus years, since that will be every buyer or lender's concern: what is the real mine risk at this home, as distinguished from the EIR/DEIR so many have disputed and distrusted?]**; and (d) (as noted in the prior discussions above) **dispute the EIR's incorrect theory that it can avoid/evade future impact disclosures and consequent mitigations of its future mining on the theory that CEQA excuses it from such "speculations" or uncertainties, but see, e.g. sections I.C and D above) (e.g., the mine's disputed depletion of groundwater owned by us surface residents and users above and around the 2585-are underground mine whether by dewatering 24/7/365 for 80 years or by climate change dryness when the DEIR/EIR's speculation/unsubstantiated opinion claiming to be fact, but just assuming that the purported "current" average rainfall between 1967 and 2017 [which is not "current," because it ignores the current dry years after 2017] will somehow sufficiently recharge the groundwater for the next 80 years.)**;

(2) parts of my **section 1.B** (starting at EIR 2-5857) that: (a) provide more details and discussion on the same issues the EIR overlooked in the previous clause (1) in this sentence, with **special attention to the hexavalent chromium threats** addressed in Exhibit C and my DEIR Objection 254 #'s 3.A, B, C, E, G, H, 4, 7, and 14, as well as section I.F.1 above and elsewhere in this Objection to the relevant Master Responses and these Responses, such as Ind. 254-1. **[Note that, contrary to the disputed EIR incorrectly speculating that its level of hexavalent chromium is tolerable (without the required "good faith reasoned analysis" and "common sense" applied even to its own obscured Appendices Q, O, and R I rebut herein), this objection notes that the EU totally bans hexavalent chromium wisely at any level for various uses and our industry influenced regulators are still studying what level, if any, to tolerate, as described in Exhibit C and section I.F.1, which reminds the reader that juries were regularly awarding massive judgments that bankrupted asbestos and cigarette industry defendants long before government regulation helped];** and (b) addressing the practical rebuttals to what the EIR/DEIR ignore about how the predictable local legal, law reform, and political remedies to resist and counter their mining impacts, especially in holding the miner accountable for its promised safety actions and illusory mitigations, which mitigations (like depleted well replacement) Rise admits facts in the SEC filings (see Exhibits A and B) and elsewhere that prove economically infeasibility and which objecting victims' remedies will make even more infeasible, such as, for example, where the DEIR admits (6-14) that its project is economically infeasible if it cannot operate 24/7/365 for 80 years as proposed in the DEIR, which should be legally impossible to achieve (see many objections herein and in my DEIR Objection 254 at #'s 2, 3.N, 4, 13,14, and 15), but which can be politically prevented in any event, if necessary, such as by us voters by enacting laws limiting such operations to a normal 12 hour day. See Grass Valley Agency Letter 8 discussing its local ordinances already conflicting with the DEIR/EIR. [Note that this is one of those issues on which the EIR incorrectly and

inconsistently insists that our objections cannot expose even its miner's admitted financial problems (as I do in Exhibit B and A, by Rise SEC admissions [see *Richmond v. Chevron* and I.C and D, defeating the EIR/DEIR's incorrect effort to exclude such rebuttal evidence], and in DEIR Objections 254 and 255), even though the DEIR/EIR itself uses economic feasibility allegations to advance its disputed agenda.];

(3) parts of my section 1.C (starting at EIR 2-6862) that provide further details consistent with the matters addressed in the two foregoing #'s 1. A and B to counter this disputed EIR Response, particularly focused on my qualifications to provide the qualified opinions on why my objections correctly predict the infeasibility of such DEIR/EIR mining to accomplish what they propose, including the unaffordable mitigations which (even as to those they admit needing) seem illusory on such matters at issue.

(4) parts of my section 1.D (starting at EIR 2-5862) that provide more details so addressed in my foregoing #'s 1. A, B, and C, including (a) more about our "surface" [at least 200 feet down] property right as surface owners and users above and around the 2585-acre underground mine deficiently addressed and worse in the EIR/DEIR (see, e.g., section I.F.8 and 9, my DEIR Objection 254 #'s 3 [especially 3.N], 4 and 5), as well as (b) the disputed DEIR/EIR's evasion of the duty to respond properly to objections, rather than evading on account of its disputed "speculation" theory that, in effect, "what we don't know won't hurt us," when we all believe it will and that, in any event, it is "better to be safe than sorry;" and (c) explaining, for example, why there can be no net benefit to the mine (e.g., Exhibit A hereto and DEIR Objection 254 #4), because, for example, its undisclosed harms will erase any disproportionately small and disputed tax or jobs benefits, such as by the costs and consequences of starting and stopping the mine or of 50 to 100 heavy trucks abusing our key roads 24/7/365 for 80 years without any existing, enforceable reimbursement agreement (just a vague concept for deferred mitigation, not in compliance with CEQA [see I.C, D, and *Richmond v. Chevron*] of doing something sometime about that in the future), in each case while Rise's SEC filings and other admissions prove it lacks sufficient resources to afford pay for the massive impacts such mine causes and mitigations the law requires. See, e.g., Exhibits B and A, my DEIR Objection #'s 3.N, 8, 12, 13, 14, and 15).

(5) my 1.E (starting at EIR 5864), largely ignored in the disputed EIR, is validated in the previous paragraphs as to EIR infeasibility, wrongful attempts to narrow the scope of permit CEQA objections (e.g., I.C and D), especially to obstruct rebuttals and impeachment of EIR/DEIR comments also outside that disputed scope standard the EIR tries to enforce on others, but not itself (eg, ignoring what the disputed EIR/DEIR labels incorrectly as "speculations," uncertainties, out of bounds feasibility issues, etc.). See section I.A.1.d. and I.F.5.

(6) parts of my section 1.F (starting at EIR 2-5867) that provide more details (beyond that previous #1.E) about my feasibility and related concerns and how my bankruptcy experience and CA mining history (eg, more than 49,000 abandoned CA mines on the EPA list) shows the risks of the County allowing such mining by financially vulnerable miners (e.g., Exhibits B and A, and my DEIR Objection 254 #'s 2, 3.N, 13, 14, and 15), especially relying for mitigation and remediation (see, e.g., section I.E and my DEIR Objection 254 #'s 2, 3.N, 4, 13-15) on those who can retreat across foreign borders, where recovery actions are difficult and expensive for victims, explaining the bankruptcy and other evasive tactics, in this case with special attention to the disputed DEIR claiming our depleted groundwater being "recharged," despite even its disputed data (e.g., gambles that purported, "current" average rainfall history [between 1967 and 2017; improperly excluding more "current" dry years since 2017] before climate change impacts

will continue to be accurate indefinitely) with even purported DEIR data running out in 2040, with no substantiation for the rest of the 80 years of 24/7/365 dewatering abuse. See, e.g., sections I.E and F, and DEIR Objection 254 #'s 3.E, M, and N, 4 and 14.

(7) most parts of my section 1.G posing the hard questions (see DEIR Objection 254 #15 and questions asked herein) and needs for due diligence by the County to adequately appreciate the magnitude, scope, and consequences of the DEIR/EIR's errors, omissions, and noncompliance of the kind that have caused more than 40,000 abandoned CA mines to haunt the EPA list (see, e.g., my DEIR Objection 254 #'s 2. 3.N, 14, and 15), including my concern (I.F.1 and Exhibit C, A, and B) about the mine becoming "another Hinkley, CA" on account of the hexavalent chromium impact threats, because they were ignored in the disputed DEIR, and erroneously, deficiently, and noncompliantly addressed in the disputed EIR with obscured, new, significant and disputed data on hexavalent chromium water and air pollution addressed herein (and as air pollution addressed in EIR Vol. IX, Appendices Q, O, and R); and

(8) parts of my section 1.H follow up on my such hard questions for County due diligence mentioned in previous section 1.G (see also sections I.A.1.d and I.F.5 above), addressing further in my four Objections my "I told you so warnings" on at least the "top 50" concerns against the DEIR/EIR's (a) illogical and disputed methodology (e.g., false assumptions, false equivalences, unsubstantiated opinions or speculations, without credible foundations [applying studies of allegedly similar situations that are not similar or applicable]), (b) applicable speculating, worse than the EIR/DEIR attempts to forbid to us objectors [e.g., that such groundwater recharge and other history will continue to apply indefinitely, despite material changes like climate change and massive dewatering and new mining, and disputing climate change itself as speculative], (c) baseless and implausible wishful thinking [eg, what we don't know about conditions in the closed and flooded mine since 1956 won't hurt us], etc., insisting in boldly stated errors, omissions, and noncompliance that its EIR/DEIR statements must be accepted as if they were true and controlling just because they say so and occasionally cite some disputed and rebuttable studies, and as if somehow they could shift the burden of proof and persuasion from the EIR to us objecting potential victims (but see section I.A.1.b). See, e.g., DEIR Objection 254 #'s 2, 3.D, E, F, M and N, 4-8, 14, and 15, Exhibit A and B hereto,

As to other rebuttal issues, in its first substantive EIR Response (the second) paragraph, insufficiently addressing its such disputed characterization of my groundwater issues, the disputed Response simply cites to its disputed DEIR #4.8 (in which my DEIR Objection 254 exposed in detail many errors, omissions, and noncompliance ignored in this EIR "Response" and the EIR's Master Responses 13, 14, and 15 to which I have objected in detail in each such case above. Likewise, in the second substantive EIR Response (the third) paragraph insufficiently addressing its disputed characterization of my Centennial and 2585-acre underground mine issues, the disputed Response adds nothing useful, simply citing to its disputed above EIR Master Responses 4 and 7, whose errors, omissions, and flaws I expose and counter in detail above. Likewise, in the fourth substantive EIR Response (the fifth) paragraph insufficiently addressing its disputed characterization of my noise and vibration issues, the disputed Response adds nothing useful, simply citing to its disputed DEIR #'s 4.10 and 4.12 (and thereby again ignoring my DEIR Objection 254 and the issues raised herein, such as in section I.E.6 above), and then, as to the subsidence issues generally ignored in the DEIR, the disputed EIR cites to its Master Response 29, whose errors, omissions, and noncompliance I expose and counter in detail above. See, e.g., *Keystone* and DEIR Objection 254 #3.N, 4 and 14. Likewise, in the fifth substantive EIR Response (the sixth) paragraph insufficiently addressing its disputed

characterization of my climate change and drought/depletion, and other groundwater issues, the disputed Response adds nothing useful, simply citing to its disputed DEIR #'s 4.10 and 4.12 (and thereby again ignoring my DEIR Objection 254), and then, as to the subsidence issues generally ignored in the DEIR, the disputed EIR cites to its Master Response 29, whose errors, omissions, and noncompliance I expose and counter in detail above, as well as all the other direct and indirect groundwater issues mentioned above. See, e.g., sections I.C.2, D, E.1-5, and F.1-4 and 7-9, my direct groundwater related objections to Master Responses 13, 14, 15, 16, 29, 33, 35, and 36, as well as indirect objections to more mixed topics, including groundwater disputes in 1, 2, 3. 6, 7, 8, 9, 10, 11, 17, 20, 24, 29, and 35.) Finally, in the last paragraph of that disputed EIR Response, regarding what in incorrectly minimizes as objections merely as to Rise's "financial status" and the mine's "potential adverse impacts to real estate values," the EIR merely refers to its disputed Master Response 2, whose errors, omissions, and noncompliance I have not only countered above with Rise SEC filing admissions (Exhibit B) and in both my DEIR Objections 254 and 255 (as well as my Exhibit A hereto objection to the disputed County Economic Report). In my Exhibit B hereto, which addresses Rise admissions in its SEC filings that are inconsistent with its DEIR/EIR, I demonstrated (I.E.,5) that such DEIR/EIR mitigation and other promises are illusory, among other things because they are not affordable.

C. Objection to EIR Response (at 2-6005) to My Comment Ind. 254-4 (marked at EIR 2-5874).

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III. My DEIR Objection 254 incorporated the DEIR objections filed by various objecting persons, entities, and groups by name or other designation, because until the EIR filing I did not have a EIR designated label for cross-reference. I attach the Table of Incorporated by Reference Objections identifying some of those third-party objections still incorporated by reference to their EIR number designations. I incorporate as well as any follow up objections those objectors that are filed against or regarding the EIR to defend or advance such incorporated DEIR Objections (or to defend them from the EIR), as I am doing here. I find the EIR Responses to those objections subject the same kinds of errors, omissions, and noncompliance as I have asserted in this Objection to EIR Responses to my DEIR Objections 254 and 255, as well as incorporating other objections that such objectors may assert for themselves.

In each case all such incorporations are subject to my rules stated in my Table of Incorporations by Reference Objections, such as how to prioritize my personal objections so as to avoid or reconcile conflicts with other objections. For example, while I generally agree with Grass Valley Agency Letter 8, it is more generous than I would be in suggesting compromise mitigations. My such rules would avoid my such incorporations from implying my tolerance for any such compromises with the EIR/DEIR.

D. Objection to EIR Response (at 6005) to Comment Ind. 254-5 (marked at 2-5874).

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III, especially as to how the disputed EIR has

divided/scrambled/disaggregated my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254. See, e.g., section I.F.5 and 6, I.A.1.d(viii), and I.C and D. As demonstrated above in this objection (eg, in my introduction and #'s 1. A, B, C, D, E, F,G), elsewhere herein (e.g., Exhibit A), in my DEIR and EIR Objections 255, and in my DEIR Objection 254 (e.g., my #'s 2, 3.E, M, and N, 4, 13, 14 and 15), this disputed EIR "Response" is wrong, noncompliant, and worse on many bases, including the following three of many examples, plus my incontrovertible right to explain why the EIR/DEIR is itself not in compliance, whether (a) by failing to identify mandatory CEQA disclosure impacts and problems, or (b) by claiming infeasible, incomplete, or insufficient mitigations, or (c) by claiming legally improper excuses for omissions, errors, or noncompliance (eg, failing to reveal data needed to prevent its EIR/DEIR statements from being false, misleading, incomplete, or worse).

For example, the EIR often improperly evades responses by claiming truths in objections are too speculative or uncertain or deficiently explained (while then itself insisting on speculating and gambling on uncertainties or evasive or insufficient explanations in the DEIR/EIR), such as generally omitting critical data about the impacts on us. See section I.F.5, 8, and 9 above. Us surface owners and users above and around the 2585-acre mine and our property rights are correct in our meritorious objections (including about the EIR/DEIR ignoring the fact that, unlike the usual battle where the mine dispute is only about operations on its wholly owned property impacting surrounding/outside properties generally, this is also a legal property rights conflict between us competing surface owners above and around the 2585-acre underground mine versus that mine. That conflict includes competition over groundwater owned by our surface properties (see, e.g., section I.F.2, 3, 4, 5, DEIR Objection 254), and that is one indisputable reason why property values are relevant (see *Varjabedian*), since that is how the court decisions cited in my DEIR Objections 254 (e.g., at #14, 4, and 3.N) and 255 calculate or award damages and other relief for such property right violations (eg, whether as Fifth Amendment takings, inverse condemnation, nuisance, trespass, conversion, or other such torts addressed in *Varjabedian*).

Consider the following applications of those principles. **First**, we disagree as to the legal and factual scope/application of CEQA and its Guidelines to these circumstances (e.g., I.C and D), such as by assertions so infeasible and worse as to violate the good faith reasoned analysis with common sense requirements (e.*g., Gray, Banning, Vineyard, and Costa Mesa*) the courts impose on CEQA impacts (eg, my introductions, and DEIR Objection #'s 1.A, E, F above), including the "hiding the ball" tactics (e.g., section I.A.1.d(viii) and I.F.5 above), as well as gross errors, omissions, and worse regarding toxic hexavalent chromium impact threats in water and air (e.g., #I.C and D, I.F.1 and 5 above, addressing, among other things, my DEIR Objection 254 at #'s 3.C, E, G, and H, and 7). **Second**, because the EIR/DEIR itself does what it claims I cannot do (eg, both violating its own alleged CEQA "boundaries" [even with a DEIR section labeled "NON-CEQA Related Analysis" below) and asserting disputed contentions and data which I must be allowed to rebut and impeach), including, among other such noncompliance with its own disputed standards, in such extremes that the DEIR (at 4.3-103-104, rebutted in DEIR Objection 254 #3.K and N and elsewhere) labelled them **"NON-CEQA RELATED ANALYSIS"** (emphasis added) and the DEIR's argument (at 6-14) that its DEIR/EIR mine is not economically feasible unless it is allowed to operate on that abusively extreme (my words) 24/7/365 basis for 80 years. **Third,** Rise cannot be allowed, whether by CEQA or otherwise, to make admissions in SEC filings (eg, 10K's and !0Q's; see Exhibit B hereto; and DEIR Objection

254 #2) that contradict or are inconsistent with its disputed claims in the EIR/DEIR (eg, #I.F above and DEIR Objection 254 #3), which conflict and occur both at a specific fact level (eg, disputes as to groundwater and hexavalent chromium) and at the general dispute level (see, e.g., my DEIR Objection 254 #'s 3 and 4, where, among other things, I argue that there is no "net benefit" to the mine (DEIR Objection 254 #4) in rebuttal to the errors, omissions, and noncompliance in the "promotional commentary" of the disputed DEIR/EIR about alleged benefits and illusory mitigations.)

Note that, if the County approves this disputed EIR and that is litigated as is customary in such cases, all my such objection data and evidence (which the EIR is keeping from consideration by the County) will indisputably be allowed at trial to rebut and impeach the errors, omissions, and noncompliance in the EIR. See, e.g., section I.C and D above, and DEIR Objection 254 #'s 5 and 12, as to CEQA. **Remember CEQA is not the law of evidence that will apply in any court challenge to approval. Why, therefore, would the law excuse the EIR now from having to confront evidence of these "inconvenient truths" before the County decisionmakers that the EIR will then have to confront at trial, if the County mistakenly approves the EIR?**

As to the disputed EIR Master Responses 15 and 16 about dewatering and drought/climate change, I counter with my many specific objections thereto herein, both in those sections and above.

E. Objection to EIR Response (at 6005) to Comment Ind. 254-6 (marked in EIR at 5882)

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III, especially as to how the disputed EIR has divided/scrambled/disaggregated my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254. See, e.g., section I.F.5 and 6, I.A.1.d(viii), and I.C and D. I refer to and incorporate my objections to the other improper ways many such disputed EIR "Responses" evade my rebuttals in this section III. See section I.F.5 and my introductory objections in section II and III. As is the situation discussed above and throughout my objection to these disputed EIR Responses, such Response, without adding anything new or useful (which is ironic, because the EIR falsely keeps claiming that my lengthy and detailed objections do "not explain how the DEIR is inadequate"): (1) merely cites back to its disputed EIR and/or DEIR and its disputed Master Responses above. This not doing anything to advance the disputes, which therefore continue as before as described in my comprehensive DEIR Objections 245, 255, and herein; (2) ignores many of my stated issues and concerns, while recharacterizing and diminishing their full scope and content, and I dispute those nonresponsive approaches; and (3) fails on the merits even as far as it overlaps with my actual objections, thus leaving us deadlocked as to our original positions, without the EIR accomplishing anything. To the extent that such EIR Response is partly responsive to my objections, it is also wrong on the merits. Thus, for example, while ignoring the legal property rights of us surface owners above and around the 2585-acre underground mine (see, eg, my section 1.B and D above and my DEIR Objection 254 #'s 1.A and D, 3.A, D, E, F, M, and N, 4, 5, 6, 14, and 15), the EIR/DEIR both (a) cites to its disputed Master Response 7 that I have rebutted above, and (b) incorrectly assumes facts not in evidence

without any such sufficient foundation or analysis, such as assuming that the uphill well, groundwater, and other conditions above the underground mine uphill are the same as those it addresses on EIR/DEIR downhill, wholly owned mine sites and the East Bennett Road area.

Likewise, the disputed EIR stands on its Master Response 4 incorrectly dealing with the Centennial site as a separate CEQA site, while declining to debate my related legal and other objection details and my rebuttals above to that Master Response. See my section I.B Centennial rebuttal above. However, that nonresponse is important to illustrate a general flaw in the EIR/DEIR, because it shows an example of my explaining the problem (with legal authority and reasoned arguments), applying various interactive flaws and errors in the DEIR/EIR. For example, without restating my incorporated DEIR Objection 254 #1.D, 3.A-E, and H, 7, and 14) and my EIR Master Response 4 rebuttal, the Centennial site is indispensable to the feasibility of the mine Project (and, thereby, both practically and economically integrated with it). For example, the disputed DEIR/EIR incorrectly claims/speculates/assumes that others will pay for that mine material (rebranded by the EIR as "engineered fill," but really just waste rock) that the EIR otherwise plans to dump on Centennial (or, if necessary, Brunswick). However, many of us objectors dispute that EIR/DEIR speculation, expecting instead that imagined buyers will suspect that rock waste to be hazardous material, in which case the EIR miner will ultimately have to pay a hazardous waste cite to accept it, especially when the buyers imagined by the EIR/DEIR realize the controversies and attention that such a dumping alliance will focus on their uses and sources. (While there is more to that hazardous material problem addressed in my such objections than the hexavalent chromium menace, that CR6 toxin adds a new element not sufficiently addressed in the DEIR/EIR as explained herein, since no place, even a dump or gravel buyer, should want to be associated with the risk of becoming or causing another Hinkley, CA, or being featured in the next *Erin Brockovich* remake.)

As to the disputed EIR Master Responses 14 and 15 about its flawed and worse groundwater model and groundwater adequacy, I counter with my objections thereto and throughout this Objection (e.g., sections I.E.1-5, I.F.2-4 and 6-9) and DEIR Objection 254 #'s 3.D, E, F, M, N, 5 and 6.

F. Objection to EIR Response (at 6006) to Comment Ind. 254-7 (EIR marked at 2-5882).

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III, especially as to how the disputed EIR has divided/scrambled/disaggregated my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254. See, e.g., section I.F.5, I.A.1.d(viii), and I.C and D. I refer to and incorporate my objections to the other improper ways many such disputed EIR "Responses" evade my rebuttals in this section III. See section I.F.5 and my introductory objections in section II and III. Thus, for example, while ignoring the legal property rights of us surface owners above and around the 2585-acre underground mine (see, eg, my section 1.B and D above and my DEIR Objection 254 #'s 1.A and D, 3.A, D, E, F, M, and N, 4, 5, 6, 14, and 15), the EIR/DEIR both (a) cites to its disputed Master Response 7 that I rebutted above, and (b) incorrectly assumes facts not in evidence without any such sufficient foundation or analysis, such as assuming that the uphill

well, groundwater, and other conditions above the underground mine are the same as those it addresses on its downhill wholly owned mine sites and the East Bennett Road area.

As to the disputed EIR Master Responses 14, 15, and 33 about their noncompliant and worse groundwater model, groundwater adequacy/depletion, and adverse impacts on trees and other vegetation, I counter with my objections thereto and in section I.F.2-4 and 7-9, and I.E.1-4 herein.

G. Objection to EIR Response (at 2-6006) to My Comment Ind. 254-8 (marked by EIR at 2-5883).

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III, especially as to how the disputed EIR has divided/scrambled/disaggregated my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254. See, e.g., section I.F.5 and 6, I.A.1.d(viii), and I.C and D. I refer to and incorporate my objections to the other improper ways many such disputed EIR "Responses" evade my rebuttals in this section III. See section I.F.5 and 6 and my introductory objections in section II and III. As to the disputed EIR Master Responses 1, 2, 7, 4, and 29 about its noncompliant and worse characterizations of its selected parts of my objections the EIR/DEIR describe as mineral rights boundaries, the Project description, SEC filings, the Centennial site exclusion and cleanup, destabilizing the surface above the underground mine, and property value depressions, I counter with my objections thereto and herein.

As noted above, as merely one example, of EIR omissions and misconstructions of my objections, my property rights analysis of EIR violations describes (including with court decisions) our surface owners' rights of lateral and subjacent support (see *Keystone*), which includes our ownership of the groundwater the mine proposes to convert and flush away somewhere else down the Wolf Creek (creating the recognized risk of "subsidence" like what I report is being suffered throughout the Central Valley) after purported EIR treatment of hazards whose menace the EIR/DEIR underestimates (and, even in the case of the DEIR, refused to report in the case of the toxic threats of hexavalent chromium, as described herein).

H. Objections to EIR Response (at 2-6006) to My Comment Ind. 254-9 (marked by EIR at 2-5885).

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III, especially as to how the disputed EIR has divided/scrambled/disaggregated my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254. See, e.g., section I.F.5 and 6, I.A.1.d(viii), and I.C and D. I refer to and incorporate my objections to the other improper ways many such disputed EIR "Responses" evade my rebuttals in this section III. See section I.F.5 and 6 and my introductory objections in section II and III. As to the disputed EIR Master Responses 1, 7, 14, 15, and 29 about its flawed and worse characterizations of its selected parts of my objections the EIR/DEIR describes as groundwater and well problems above or around mineral rights boundaries, SEC filings, subsidence/destabilizing the surface above the underground mine, and property rights violations,

I counter with my objections thereto and herein. As noted above, as merely one example of EIR omissions and misconstructions of my objections, my property rights analysis of EIR violations describes (including with court decisions) our surface owners' rights of lateral and subjacent support (see *Keystone*), which includes our ownership of the groundwater the mine proposes to convert and flush away somewhere else down the Wolf Creek, creating the recognized risk of "subsidence" like what I report is being suffered throughout the Central Valley, after purported treatment of hazards whose menace the EIR/DEIR underestimates (and which the DEIR refused to report in the case of the toxic impact threats of hexavalent chromium as described herein).

To illustrate how absurd are these evasions of the facts and issues that I raise in my related objections, consider that this Response notes that surface ownership goes down 200 feet as admitted in the Rise SEC filings, but that this Response claims that, because the EIR/DEIR will only deplete the groundwater by mining (and presumably) dewatering below 500 feet, that depletion cannot be a problem. Wrong and defying" common sense" required by *Gray*, as illustrated by the fact that when you punch a hole in the bottom or lower side of a bucket of water, the surface water at the top vanishes out the bottom or side, as will happen here.

As I demonstrated with *Keystone* and other case law regarding subsidence in objections cited herein (and case studies about how the surface of the Bakersfield nut farms areas drop 5 or 6 feet when the groundwater is pumped out to water the trees and other crops), the subsidence does not need to be a collapse. Any differential settlement will break the surface improvements and infrastructure, creating impacts and problems ignored in the DEIR/EIR. Also, to make these Responses even more absurd, this Response claims that it does not matter what Rise says in its SEC filings because the only thing that matters for CEQA is what the EIR/DEIR says. *Richmond v. Chevron* and other authorities (see section I.C and D above and as discussed in my DEIR Objections 254 and 255 and similar objections herein), the EIR/DEIR cannot ignore or evade the fact that those Rise SEC filings are admissions that can be used to impeach, rebut, and counter such errors, omissions, and flaws in the EIR/DEIR (even including inconsistencies and better SEC filing descriptions of risks, CEQA required data, and other things omitted from the DEIR/EIR). See Exhibit B and DEIR Objection 254 #2.

I. Objections to EIR Response (at 2-6006) To My Comment Ind. 254-10 (marked at EIR 2-5886).

I incorporate as my introduction here my section III. A and B introductory comments above to reduce repetition of a continuing objection to the EIR "Responses" to my DEIR Objection 254 that continue throughout this section III, especially as to how the disputed EIR has divided/scrambled/disaggregated my integrated commentary of related issues and facts in my DEIR Objection 254 in somewhat arbitrary fragments within a section or subsection of my DEIR Objection 254. See, e.g., section I.F.5 and 6, I.A.1.d(viii), and I.C and D. I refer to and incorporate my objections to the other improper ways many such disputed EIR "Responses" evade my rebuttals in this section III. See section I.F.5 and 6 and my introductory objections in section II and III. As to the disputed EIR Master Responses 1, 2, 29, and 33, as well as Response to Comment Ind. 254-1 above, about SEC admitted financial incapacity to perform the EIR/DEIR (see *Richmond v. Chevron* and section I.C and D above), the EIR/DEIR's noncompliant and worse characterizations of their selected parts of my objections they describe as groundwater and wells problems above or around mineral rights boundaries (including impacts to vegetation and fire risks enhanced by dewatering depletion), subsidence/destabilizing

the surface above the underground mine *(Keystone)*, and property rights violations depressing values (*Varjabedian*), and the hexavalent chromium menace (section I.F.1 and Exhibit C), I counter with my many stated objections thereto and herein.

J. Objection to EIR Response (at 2-6007) to My Comment Ind. 254-11 (marked in EIR at 2-5888), Including Omissions To Rebut My New Mining/Tunneling Objections.

My objection above to EIR Responses to my Comment Ind. 254-10 and earlier Ind. 254 disputes to the DEIR/EIR also apply and are incorporated here, including answering only my second EIR selected paragraph 254-11 as to "daily" rock "production amounts" as to what the EIR calls mining objections within the 2585-acre underground mine it calls its "mineral rights boundary." Now we know for sure that the DEIR at 3-19 reports 500 tons of "barren rock" plus the SEC 10K filing report of 1000 tons of "mineralized material" to be "produced" "daily." That creates a sense of scale for all the other related and objectionable mining impacts cited in my Objections and not addressed here, including, for example, the impacts 50 to 100 heavy truck loads daily exporting such rock and materials and breaking down the two lane public roads not meant for such abuse and disruption, resulting massive cost, chronic one land operation during one lane alternating repairs with risk of lacking reimbursement from the miner admittedly lacking sufficient financial resources according to its SEC filings. See *Richmond v. Chevron* and I.C and D above confirming that the EIR/DEIR is wrong to attempt to exclude such SEC filings from evidence. Notice, as I have complained repeatedly above and elsewhere, the EIR continues to ignore the entirety of more important portions of my Objections that the EIR has fragmented, such as here the opening paragraph on a different topic I address in my following, restated complaint about this as another "bait and switch" evasion. See section I.A.1.d(viii) and I.F.5.

My broader and more critical mining objection the EIR labeled 254-11, to which there was no EIR Response, focused on the massive tunneling "system" data at DEIR 4.7-2 in what is an "estimated 72.8 miles" of 7.5 x 8.5 feet tunnels. Drive that many miles in every direction from the Brunswick site center and you will discover massive changes in above and underground conditions. Yet, the DEIR/EIR not only refused to examine seriously and report on the conditions of the existing underground mine that was in abandoned and flooded in 1956, but the EIR now compounds that chosen, self-serving, and dangerous uncertainty by not sufficiently analyzing that new 24/7/365 underground mining for 72.8 miles not previously explored for CEQA problems objected to by me and others, something that is especially important because of the serious concerns I and others have raised about the accuracy, relevance, or completeness of the suspect "historical" documentation on which the DEIR/EIR has selected to rely from a period when mining data was even less accurate, scientific, and credible than now (which in my experience with failed and bankrupt mines is still unreliable or worse). As my incorporated and unanswered DEIR Objection 254 explains (see my cited #'s 3.D, E, F, M, N and S therein), the DEIR/EIR does not comply with CEQA or other applicable law in addressing the impacts of that new mining and needed mitigations, especially impacts on those of us living on and using the surface above and around the 2585-acre underground mine where that new mining occurs, especially as to disputed groundwater "recharge" and "balancing" from expanded dewatering risks, threats, and harms. See sections I.E and F above and DEIR Objection 254 #'s 3.D, E, F, M, N, 4, 5, 6 and 7. How many times can such noncompliance occur in the EIR before it becomes proof of willful noncompliance and intentional evasion? Considering the massive extent of the

omissions and other objectionable commentary in the disputed DEIR, this EIR non-responsiveness itself is grounds for rejecting the EIR/DEIR.

K. Objection to EIR Response (at 2-6007) to My Comment Ind. 254-12 (marked in EIR at 2-5888), Including Issue Evasions.

The EIR evasions on important issues here are not answered by reference to its disputed Master Response 1 or its disputed DEIR Mitigation Measure 4.12-6(b), with my objections thereto continuing to have unrebutted merit. For example, a vague assurance of some nonspecific, uncommitted, future road "maintenance" agreement that this miner cannot afford (eg, as demonstrated by Rise's own SEC admissions, see Exhibit B and DEIR Objection 254 #2) does not assure anyone of actual or sufficient mitigation, especially as improperly deferred. See *Richmond v. Chevron* and section 1.C and D above. Moreover, contrary to my objections, this EIR Response entirely ignores the fact that, even if there were full "maintenance" cost reimbursement by the mine not (just for abuse of the main road, but also to the evacuation or alternative routes the 100 heavy trucks a day would abuse and the EIR evades by totally ignoring that harm), the disputed EIR (at DEIR 6-13 and 14, instead of where those comments should be found) fails to respond to my objection to the constant repair of that critical two lane highway would make chronic one lane traffic a serious problem 24/7/365 for 80 years. See my Objection 254 #'s 8, 9, 2, and 13.

L. Objection to EIR Response (at 2-6007) to My Comment Ind. 254-13 (marked in EIR at 2-5888), Including Issue Evasions.

The EIR evasions on important issues here are not answered by reference to its disputed Master Response 15, 16, or 29, or its disputed DEIR App. K.3 p.24, Fig.5-4, with my objections (here and citing to Objection 254 #3.M, 3.D, 3.F, 4, 5, 6, and 14) continuing to have unrebutted merit. Among such noncompliance is that the EIR/DEIR speaks vaguely to that disputed Itasca **THEORY as if it were a STUDY from investigating the actual mine, which has been abandoned and flooded since 1956 without any sufficient, reliable studies by the EIR team or any satisfactory reason to even assume that what disputed mysteries applied to the old mine could predict accurately the conditions and risks associated with the new, deeper, and different area mining, even without taking into account (as would be required for accuracy) the changes caused by time, climate change, drought, climate change, and 24/7/365 blasting for 80 years.**

Also, the miner may be willing to gamble on disputed, incomplete, and unreliable historical records and other unknowns based on such disputed theories, qualified for admitted possible exceptions with EIR words like "primarily," "typically" "little or no potential" and the like. However, none of us potential victims above or around the 2585-acre underground mine (or any buyer or lender) can be expected to tolerate any such risks and burdens for such a dangerous mine with no net benefit to them (see DEIR Objection 254 #4), especially such a mine that trashes their property values and quiet enjoyment of their property 24/7/365 for 80 years, with massive dewatering to deplete our groundwater during progressively greater climate change. Rather than further debate the merits of such disputed Itasca theories here, I note that their stated and disputed (the actual DEIR 4.8-51) "logic" fails on its face, i.e., lacks "common sense" under the *Gray* standard, such as where

it would force us involuntarily to join in its gambles on alleged safety margins "due primarily to the lack of open fractures because of the large pressures exerted by the overlying rock mass (i.e., the lithostatic pressure.)" FIRST, Itasca did not sufficiently investigate those conditions to determine what effect all that new 24/7/365 blasting, tunneling, dewatering, and other mining would have on opening fractures there or expanding fractures already open. SECOND, that Itasca/EIR guess lacks any sufficient foundation to reassure us living above and around that underground mining that our property rights to lateral and subjacent support (including being supported by our owned groundwater) were respected as expected by *Keystone* and other authorities. THIRD, no feasible and sufficient mitigation is proposed, economically feasible, or sufficient to protect us surface owners and users from such risks. See sections I.E and F above.

M. Objection To EIR Response (at 2-6008) To Comment Ind. 254-14 (marked at EIR 2-5890), Including False And Misleading Claims And Omissions About HEXAVALENT CHROMIUM I Rebutted Herein (e.g., I.F.1 and Exhibit C), Including in My Objections to EIR Master Responses 15 and 35, and to EIR Response To Comment Ind. 254-1 on Which This EIR Response 254-14 Wrongly Relies.

As I demonstrated above (at #III.A) in my Objections to the EIR's disputed Response To My Comment Ind. 254-1, Master Responses 15 and 35, and other various places herein and in my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, 4-7 and 14), this disputed EIR repeatedly tries and fails to cover up (and retroactively correct) the DEIR's failure to address hexavalent chromium in any compliant way as any kind of air or water risk, threat, or hazardous substance, treating it only in passing as just an innocuous ingredient in the cement paste used to shore up the underground mine. See sections I.E and I.F.1 and 8, plus my objections above to EIR Master Responses 15 and 29. Why? Presumably, the EIR makes these false and misleading claims and omissions/evasions to avoid the reality that, contrary to its false assurances, there is material, "significant new information" added by the EIR to the DEIR requiring revision and recirculation. See section I.A.1.c, I.C and D, and I.F.8. This creates a damning credibility problem for the EIR, as explained in many of these objections in addition to the DEIR Objection 254. Also, as so explained that disputed new information added by the EIR itself contains material errors, omissions, and noncompliance.

For example, compare my Objection 254 section headline at #3.C at pages 38-40 (EIR at 5890 marked and split as Response to DEIR Objection Ind. 254-14 and 254-15), entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Of Analysis [see more detailed discussion in later subsections G and H below]" (see also my internal cite therein to my #7), which section 3.C the EIR split for no legitimate reason between its EIR Comment Ind. 254-14 versus 254-15, so in each paragraph it could (incorrectly) complain that my explanation of DEIR inadequacy was insufficient. See my objections to those tactics and contents in section I.A.1.d (viii) and I.F.1 and Exhibit C. Moreover, before my such DEIR Objection 254 #3.C discussion the EIR split up my introductory lead comments (eg, 3.A and B) to that discussion, so that it could complain about such insufficient discussion of such inadequacy at what the EIR labelled as Comment Ind. 254-6 to 254-13.

I consider these various disputed EIR statements regarding hexavalent chromium among the worst examples of affirmative misleading or worse statements in the disputed

EIR (such as at the third, fourth, and fifth paragraphs of EIR Response to Comment Ind. 254-1 at 2-6003-6004). There the EIR incorrectly pretends that it had already responsively addressed my hexavalent chromium objections in my DEIR Objection 254 when it did not do so. See section I.F.1, Exhibit C, and elsewhere. Even worse, those disputed EIR objectionable, noncompliant, and nonintegrated water pollution "significant new information" (Appendix Q and O) are in conflict with its own air pollution additions in Vol IX, Appendix R addressed above. Such EIR's flawed Master Responses admit for the first time (i.e., never analyzed as any kind of hazard in the DEIR) hexavalent chromium toxic issues for air pollution purposes (at Vol. IX, Appendix R), although (also as here) wrongly claiming without sufficient credible evidence that the threshold for such toxic danger has not been met in the case of this mine. Why does this objection not appear as an amendment to the EIR/DEIR's main "Hazards and Hazardous Materials" discussion, where CEQA required it to be disclosed? See sections I. C and D and Exhibit C. (Hexavalent chromium was never properly mentioned in the DEIR or even in adequate warnings elsewhere, such as in the obscure and seemingly innocuous brief descriptions of that toxin's use in cement paste for shoring up the underground mine. Ask the EIR team if the mine is going to post Prop 65 warning notices, as discussed in Exhibit C, and, if so, why not say that in the EIR now?) [Compare what is stated in the disputed EIR to what is stated in the wrong section of the DEIR (at 4.8-47-48) and treated not as the dangerous toxin they knew or should have known it to be, but instead just treated it as if it were an innocuous ingredient in the cement. See Exhibit C.]

In other words, the DEIR totally failed so to comply with its CEQA disclosure obligations in the DEIR regarding hexavalent chromium. See section I.C and D, I.F.1 and Exhibit C. Therefore, now the EIR is improperly trying to add that essential missing (and still disputed) significant new data for the first time by the EIR, again in the wrong and noncompliant place here (buried on page 2-6003-04 and in disconnected Appendices Q, O, and R), instead of properly debating this toxin impact threat (with "good faith reasoned analysis" and "common sense" required in *Gray, Banning, Vineyard, and Costa Mesa*) to warn against in many EPA website/Exhibit C studies and that killed the town of Hinkley, CA, and many of its residents as illustrated in the movie, "*Erin Brockovich."* Why gamble on being caught in this wrongdoing? Apparently, it seems as if the EIR preparers figured from DEIR objections that they should not dare risk continuing so to ignore the hexavalent chromium hazard risks, threats, and harms entirely (as my DEIR Objection 254 demonstrated they had done in the DEIR), but they nevertheless could not bring themselves to admit that they had knowingly omitted that threat discussion in the DEIR, since that would be admitting "new information" of "significance" being added to the EIR (Appendices Q and O, as to water, R as to air) about which CEQA would require more adequate debate and evidence and would require recirculation of the EIR in accordance with sections I.A.1.c and I.F.1. To avoid so complying with CEQA and other applicable law (see I.C and D), the EIR here attempts to provide some insufficient, disputed, and incorrect information in obscure places, ignoring many important parts of my objections and those of others, and even the EIR's own added and inconsistent air pollution admissions hidden in Vol. IX, Appendix R at the end of this very long document.

Now that the disputed EIR finally for the first time begun somewhat (noncompliantly) to address the hexavalent chromium impact threat, I note that EIR Response comments here are unsupported by any competent good faith reasoned analysis

based on common sense, authority, or evidence. Thus, there is no sufficient legal or factual foundation for the EIR having a competent foundation for those disputed EIR opinions/speculations/assumptions. Also, I cited EPA and other water pollution threats (Exhibit C), that the EIR/DEIR has entirely ignored, even though adding its disputed CR+3 air pollution theory for the first time (i.e., it was never mentioned before in the DEIR hazards and hazardous materials discussions.) Those failings and significant new information are lethal to the EIR under these circumstances, especially where the DEIR's noncompliance with CEQA (section I.C and D, I.F.1, and Exhibit C herein) on these lethal issues now seems possibly more than an innocent mistake, because what seems to be a coverup continuing in the EIR.

If, as the disputed EIR now seems to claim in its rewrite of DEIR history, these theoretical excuse claims had any merit and such toxic impacts were intended to be exposed and debated on the merits, why were they not properly disclosed in the DEIR (or even properly now in the EIR)? If such disclosures were provided with good faith reasoned analysis and common sense, then there could have been some reasoned debate on the merits, and so I and others could have been more detailed in DEIR/EIR objections. Now, we have many challenges besides the EIR/DEIR lack of merits and failure to satisfy their burden of proof (I.A.1.b), such as noncompliance with CEQA in presenting significant impacts and proper mitigations (I.C, D, E and F), lack of good faith discussions and tactics I.A,1.d.(viii) and I.F.5), and massive omissions of essential information on significant impacts and the required mitigations that must be provided therefor. As to the lack of good faith reasoned analysis, also consider where the information that should be revealed as significant impacts is obscurely placed, such as in these individual obscure EIR Responses to individual DEIR objections that no one who matters to objectors will probably read and consider, unless and until this is all litigated, and, when justice then prevails, such EIR/DEIR evasions must cease under the force of the rules of evidence and civil procedure that then govern and prevent misuse of misinterpretations of CEQA. See section I.C and D.

For example, besides all those general objectionable errors, omission, and noncompliance, the EIR/DEIR has compounded more topic specific errors, omissions, and noncompliance, such as the disputed EIR/DEIR's deficient analysis and description of the purported water treatment/cleaning system that must remove all water pollutants in the groundwater flushed into the Wolf Creek, even those like hexavalent chromium they incorrectly assume away. [The EIR at 2-6003 argues without compliant evidence or support that, in effect, there is nothing to worry about, because the EIR/DEIR dewatering will flush these toxins out of the mine to be cleaned and then dumped into the Wolf Creek, apparently to become the risk and problem for NID and others downstream (as if somehow claiming that didn't matter to the EIR/DEIR, because my main concern was to the threat of the groundwater quality and supply underneath the surface above and around the 2582-acre mine, despite my broader objections and the Wolf Creek flowing past a half mile past my property and the consequences to my community, which affects all of us and our property values (and the related taxes supporting our government services.)]

The insufficient and disputed EIR mitigation theory (but not labelled as mitigation, because, again, the EIR does not seem to want these new and significant [but obscured, deficient, and worse] comments to be recognized as a CEQA reason for further revisions and recirculation of the EIR, as discussed in section I.A.1.c and I.F.1 and 8 and Exhibit C), seems to be, in effect, don't worry because "in obtaining the Waste Discharge

Requirements (WDRs) from the Regional Water Quality Control Board, the Project Applicant would ensure that the leaching of hexavalent chromium would not cause any impact and would meet regulatory standards (DEIR, p. 4.8-47-48)." (Emphasis added). However, since (as explained herein and in my other Objections) the EIR overstates and incorrectly and deficiently states in this obscure place what was so disclosed in the DEIR (see my DEIR Objection 254), how would that regulator even know to evaluate the threatened impacts, unless they did what I did, i.e., read all the more than 7000 pages of "fine print" looking for hints of such errors, omissions, and flaws, because my bankruptcy experience with miners has made me cynical? If the EIR intended to warn the government, why not properly amend the DEIR/EIR in the right places for CEQA compliance to make sure everyone focused on the right issues for investigation, analysis, and evaluation?

Also, the EIR cross-reference to disputed Master Response 16 evades and ignores my objections regarding what the EIR over-simplifies to "drought and climate change," as my objections to that Master Response demonstrate. See sections I.C and D, including the 2018 Guideline Amendments Explanation in which the Guideline authors explain the importance of climate change for CEQA analysis and presentation. A review of my unmolested DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR into its Ind. 254- 20 to 33) comprehensively already has rebutted this nonresponsive, noncompliant, and disputed EIR "Response."

N. Objection To EIR Response (at 2-6008) To My Comment Ind. 254-15 (marked by the EIR at 5890), Which EIR Response Duplicates the Disputed EIR Response To My Comment Ind. 14 Above And ,Therefore, Which Is Subject To The Same Objections.

Besides incorporating my Objection in paragraphs III. L, A and B above, which should dispose the EIR's erroneous, noncompliant, and worse EIR Response here, I demonstrate more errors, omissions, and flaws. For example, as so explained the only pretext the EIR has to complain about my alleged "failure to explain the details of the EIR's inadequacy on this topic" is because the EIR again first cheats by chopping my Objection 254 into this fragment of my integrated commentary, so that it states the problem, but omits the rest of my originally integrated commentary for a separate EIR Response (which each read as if the other did not exist). And, of course, because I have objected sufficiently to Response To Comment Ind. 254-1 above, there is no need to repeat all that incorporated objection again here. A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has rebutted this nonresponsive, disputed Response.

However, for example, see my objections herein (e.g., I.F.1) about how my DEIR Objection 254 (e.g., #3.C, G, and H, and 7) highlighted the mine's hexavalent chromium water pollution threat in integrated explanations with ample details, including with table of contents headlines that the EIR divided/disaggregated into Comment Ind. 254 fragments thereof designed to scramble my analysis, so the EIR could attempt to complain that within that fragment there was an insufficient description of inadequacy. E.g., compare my Objection 254 section headline at #3.C at pages 38-40 (EIR at 5890 marked and split as Ind. 254-14 and 254-15), entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Of Analysis [see more detailed discussion in later subsections G and H below]" (see also my internal cite therein to my #7), which section 3.C the EIR split for no legitimate reason between its EIR Comment

Ind. 254-14 versus Ind. 254-15, so that in each paragraph the disputed EIR could (incorrectly) complain that my explanation of DEIR inadequacy was insufficient. Moreover, before my such #3.C discussion the EIR split up my introductory lead ins (e.g., 3.A and B) to that discussion, so that, again, the EIR could try to complain about such allegedly insufficient discussion of such inadequacy at what the EIR labelled as Comment Ind. #'s 254-6 to 254-13.

Nevertheless, even without regard to that disputed EIR fragmentation of my such #3.C, my fragment designated Comment Ind. 254-15 by itself was ample to defeat the EIR and expose errors, omissions, and noncompliance regarding hexavalent chromium, especially since it also cited to my Objection 254 #'s 3.G and H and to 7. I demonstrated in how in the EIR's disaggregation/cut in its Response to Comment Ind. 254-14 for DEIR at 4.3-58 entitled "Earthwork And Materials Handling," the EIR ignored the hexavalent chromium menace, while such DEIR at 4.3-61 entitled "Health Risk Assessment" also ignored hexavalent chromium entirely, containing instead only an inadequate discussion of asbestos impacts, despite the DEIR at 4.3-62 admitting that "Blasting and crushing would also result in emissions of heavy metal, TAC's including arsenic, beryllium, cadmium, copper, lead, manganese, mercury, nickel, selenium, and vanadium," but ignoring hexavalent chromium in Ind. 254-14. However, in disputed EIR Response To Comment Ind. 254-15 the EIR editor appeared to have revealed an insufficient hint of the menace by adding a reference to DEIR EIR Mitigation Measure 4.8-1(a) at 4.8-52 in repeating that toxic list that admits that it would have to add hexavalent chromium to that long list of toxins "of potential [water pollution] concern." Query, how does the EIR reconcile this obscured admission that it must at some future time after mine approval warn the Central Valley Regional Water Quality Control Board of this hexavalent chromium threat which the EIR dismisses as trivial? What about future Prop 65 notices at the mine? See Exhibit C and section I.F.1 above. Since everywhere else in obscure places in the DEIR that even bother to include a rare passing reference to hexavalent chromium treat it as if it were "environmentally benign," I assume that some DEIR editor may have overlooked this one admission while someone scrubbed away or chose to omit the other required references that CEQA demands be "good faith reasoned analysis" with "common sense." *See Gray*, *Banning*, *Vineyard*, *and Costa Mesa.* In any case, whatever the DEIR process, the fact is that there is no analysis whatsoever in the DEIR of the hexavalent chromium impact threats in air or water, especially where required by CEQA in the "Hazards And Hazardous Materials" discussion where it would be noticed by readers (who otherwise would be unlikely to even spot the issue), which the disputed EIR adds as "new," "significant" (and disputed and still deficient) information, while incorrectly claiming the EIR was just repeating for "clarification" something from the DEIR (but that was not ever there.) See also DEIR 4.11, which I note discusses cemented paste backfills where "water is needed to transport and bind the cemented paste backfill underground" (at 4.11.-7 at 4.11-36-37) without revealing the hexavalent chromium in that cement paste for impact threats. See Exhibit C and section I.F.1 above.

Notice all the important details of hexavalent chromium threats I reveal in this Ind. 254-15 disaggregated cut that the EIR continues to ignore and not even debate in its insufficient, erroneous, and noncompliant "new" "significant" information. See section I.A.1.c above. For example, at Ind. 254-15 at what EIR marked at 2-5891 (my Objection 254 at 39) I explained that the EU totally banned hexavalent chromium for some uses, and the EPA website details the menace in many cited studies (as in Exhibit C) rebutting EIR/DEIR's errors, omissions, and noncompliance on this topic. Indeed, buyers of local real estate will be terrified by following my suggestion of a simple Google search of hexavalent chromium or again watching the "*Erin*

Brockovich" movie (now on Netflix), illustrating my Exhibit C referenced case study of how that water pollution killed Hinkley, CA and many of its people. See the Hinkley website that discussed how they are still trying to remediate that groundwater menace after all these years. Moreover, as demonstrated here in N and S in my Objection 254 at #3.M, the EIR/DEIR cannot assume/speculate that the future will duplicate the past. For example, the DEIR admits it's (dangerously mistaken) reasoning at 4.8-51 that (emphasis and comments added): "The water… from the underground workings IS ANTICIPATED [by whom? why? based on what?] to have SIMILAR QUALITY [says who/ by what standard?] to the water that currently discharges from existing drains … Therefore, THE CONDITION AFTER MINING is completed would be like the existing, or baseline, conditions, such that seeps … WOULD NOT REPRESENT A POTENTIALLY SIGNIFICANT IMPACT UNDER CEQA …[says who? based on what?]" But that again ignores the addition of hexavalent chromium (as well as the impact of new mining and many other changes, not to mention the EIR errors at the start). Besides the ongoing menaces from the mining operations, whenever the mining is abandoned, the County should expect a mess, since one cannot expect this miner to remediate problems it wrongly refuses to admit or mitigate and works so hard to obscure and evade, assuming that, unlike the miners abandoning the other 40,000 CA mines on the EPA list, this miner is even willing to try to perform remediation work that its SEC filings (Exhibit B and DEIR Objection 254 #2) show the miner seems unlikely to afford now or under many foreseeable circumstances.

O. Objection To EIR Response (at 2-6008) To My Comment Ind. 254-16 (marked by the EIR at 2-5892), Which EIR Response Duplicates Overlapping EIR Responses To My Comment Ind. 1 and 15 And, Therefore, Which Is Subject To The Same Objections.

Besides incorporating my applicable objections above to the EIR Response to Ind. 254-15 and in DEIR Objection 254 to disputed DEIR 4.8 and the errors, omission, and noncompliance regarding such hydrology and water quality claims (e.g., DEIR Objection 254 #'s 3 and 7), I especially focus on my objection above to the disputed EIR Master Response 1 on which this disputed EIR Response attempts to rely. Also, as so explained, the only pretext the EIR has to complain about my alleged "failure to explain the details of the EIR's inadequacy" on this topic is because the EIR again cheats by disaggregating/chopping my DEIR Objection 254 into this fragment of my integrated original commentary, so that that cut part states the problem but omits the rest of my related commentary; i.e., the wrongful tactics and problems discussed in my introduction of these Responses and illustrated by these disputed EIR Responses **splitting my integrated DEIR Objection 254 section 3.D. into the EIR's Responses to Comment Ind. 254-16, 254-17, 254-18, and 254-16** (just as in my previous complaint about the EIR splitting in Responses To Comments Ind. 254-13, 14, and 15 what is integrated in my preceding 3.C in my DEIR Objection 254.) A review of my unmolested original DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has rebutted this nonresponsive, disputed EIR Response. Nevertheless, even without regard to that EIR fragmentation of my such #3.D, my fragment designated Comment Ind. 254-16 by itself was ample to defeat the EIR and expose errors, omissions, and flaws regarding hexavalent chromium, especially since it also cited to my prior Objection 254 #'s 3.A, B, C, D, E, F, G, H, and M and to 5, 6, 7, 13, and 14. See Exhibit C and section I.F and E above.

However, for example, see my objections herein about how my DEIR Objection 254 highlighted the errors, omissions, and flaws regarding the water supply and quality and related mine threats in integrated explanations with ample details with table of contents headlines that the EIR divided into Response Comment Ind. 254 fragments thereof designed to scramble my analysis, so the EIR could complain that within that fragment there was an insufficient description of inadequacy. E.g., compare my DEIR Objection 254 section headline at #3.D at pages 40- 45 (EIR at 5892 marked and split as Ind. 254-16 to 254-19), entitled "An Introduction To DEIR Admitted Water Data, While Also Concealing Massive Unaddressed Issues, Errors, And Artificial Limitations On Which the DEIR Bases Many Flawed Conclusions, Contentions, And Assumptions We Dispute." (See also my internal cite therein to other DEIR Objection 254 sections), which section 3.D the EIR split for no legitimate reason between its EIR Comment Ind. 254-16 versus 254-17--19, so in each paragraph it could (incorrectly) complain that my explanation of DEIR inadequacy was insufficient.

This Ind. 254-16 fragment of my #3.D addresses one example of a "bait and switch" tactics (see section I.A.1.d(viii) and I.F.5) regarding water shortage threats in the disputed EIR #4.11 "Public Services And Utilities," where I bracketed key credibility issues in the DEIR quoted subsection called "Projected Water Supplies." As that demonstrated, there must be a reconciliation between DEIR admissions that support my concerns and other disputed DEIR claims that are inconsistent with, or contrary to, those admissions. See my DEIR Objection 254 #3.D citing its #14 and court precedents therein like *Gray*, *Banning*, *Vineyard*, *and Concerned Citizens*, but the applicable "punch lines"/conclusions for those objections are in the rest of my #3.D that the EIR cut into Ind. 254-17,18, and 19.

P. Objection To EIR Response (at 2-6008) To My Comment Ind. 254-17 (marked by the EIR at 2-5893).

Since these EIR comments cite back to the EIR Response in the previous paragraph marked Ind. 254-16, I refer equally to and incorporate my objections above to that EIR Response. Likewise, this is another example of how the EIR's complaint about my objections' "lack of explanation" is a function of how the EIR cut up my integrated, original discussion of the topic. E.g., compare my DEIR Objection 254 section headline at #3.D at pages 40- 45 (EIR at 5892 marked and split as Ind. 254-16 to 254-19), entitled "An Introduction To DEIR Admitted Water Data, While Also Concealing Massive Unaddressed Issues, Errors, And Artificial Limitations On Which the DEIR Bases Many Flawed Conclusions, Contentions, And Assumptions We Dispute." (See also my internal cite therein to other DEIR Objection 254 sections), which section 3.D the EIR split for no legitimate reason between its EIR Comment Ind. 254-16 versus 254-17--19, so in each paragraph it could (incorrectly) complain that my explanation of DEIR inadequacy was "insufficient." That disputed EIR tactic is particularly offensive here, where I analyze in detail a disputed DEIR quote full of false DEIR/EIR comparisons and other errors, omission, and bait and switch tactics, and other noncompliance, as well as the disputed DEIR/EIR's chronic attempt to impose its disputed CEQA interpretation limits on me when it is the DEIR/EIR making errors, omissions, and other noncompliance beyond its own alleged limits and without regard to my right to rebut and impeach those errors, omissions, and noncompliance. See section I.A.1.b, regarding the EIR/DEIR burden of proof discussion and their wrongful attempt to shift those burdens to me and other objectors

Without repeating everything in my prior DEIR Objection 254 (all of which remains applicable and meritorious) the disputed EIR/DEIR attempts to justify its projected water supply issues REGARDING **GROUNDWATER** RECHARGE FOR 80 YEARS by a false, incorrect, and worse comparison to the NID study of **SURFACE** WATER SUPPLIES THROUGH ONLY 2040. See my protest of such "bait and switch," false equivalence and other tactics in sections I.A.1.d(viii) and I.F.5 above. (The EIR at 2-6008 attempts to rely on the NID climate change supply models are an even worse error, misrepresentation, and noncompliance when the disputed EIR tries to apply them to this groundwater depletion/recharge situation, especially because the disputed EIR then tries to bootstrap to a future cited NID planning process for future climate water deficiencies at 2-6008, which also only has data until 2040—not 80 years.) As my DEIR Objection 254 (and those of others I incorporate—see Exhibit D) demonstrate, the EIR/DEIR recharge, balancing, and climate change claims for dewatering depletion of our **groundwater** cannot be justified by this disputed "bait and switch" false comparison to the **surface** water issues. That is especially true when the whole disputed DEIR/EIR theory is based on predicting future rainfall effects by false comparison to average "current" rainfall between 1967 and 2017 (in a different and broader area with different dynamics than our 2585-acre underground mine groundwater sources, and ignoring the more current, dry years after 2017). The NID Water Supply Assessment is not determinative, material, or even applicable or relevant to our groundwater depletion impact from mine dewatering, and, even if it were, the disputed EIR/DEIR attempts to extrapolate not only from obsolete historical (1967-2017) "current" average rainfall data, which (because of climate change and other factors) is no longer applicable and, in any event, such disputed rainfall projections cut off in the NID analysis in 2040. Therefore, such disputed EIR/DEIR assumptions for the rest of the 80 years thereafter for groundwater supplies and recharge a compounding of misinformation that is not in compliance with CEQA and fails the essential requirements for such evidence to be admissible. See section I.C above, including the 2018 Guidelines Amendments Explanations confirming the need for climate change considerations. (Note also that the disputed EIR's bogus attempted excuse for its absence of data after 2040 is that it blames NID for choosing that cut off, as if the EIR had any right to misuse that nonmaterial/irrelevant NID surface water data for its groundwater projection in the first place, which it does not have.) Even worse, the disputed EIR (at 2-6009) tries to further confuse the situation by citing vaguely to disputed DEIR Appendix K, which it claims (and us objectors dispute) **"SUGGESTS"** (emphasis added) that mine dewatering somehow "will not lead to significant incremental drawdowns as the mining progresses because the mining activities occur in deep, low hydraulic conductivity rocks" citing to the disputed EIR's Master Response 14 that this objection rebuts above. See also Exhibit D and my Table of Incorporated by Reference Objections on this topic, such as from the Wells Coalition Group Letter at 27/28, the CEA Objections at Group Letters 6-9 and 21, the Bear Yuba Land Trust Group Letter 2, and the Wolf Creek Community Alliance Group Letters 29-32.

Moreover, while the disputed DEIR/EIR purports to address "legal limitations" regarding NID water supplies for comparison, the EIR/DEIR ignores the legal limits applicable to the legal and property rights of us surface owners above and around the 2585-acre underground mine. See *Keystone* and sections I.F.8 and 9, and I.E. In any event, NID has many options for water protections (eg, massive water storage, water purchases from other water agencies, etc.), none of which are available to those of us on the surface when our groundwater is depleted. This is another bait and switch/false comparison by the disputed EIR/DEIR. An illusory (e.g., unaffordable by Rise based on its admitted lack of financial resources in its SEC filings; Exhibit

B), vague, (as to many of us not included in the Rise water supply proposal for some existing wells, as distinct from future wells we surface owners each have a right to drill to compete for our own groundwater) nonexistent, and always insufficient EIR/DEIR mitigation gesture does not comply with CEQA or justify approval of the mining. See section I.E and I.C and D.

A review of my unmolested, original DEIR Objection 254 #3.D (i.e., what is not so improperly disaggregated by the EIR) has already comprehensively rebutted this nonresponsive, disputed EIR Response. Indeed, all my groundwater related objections in this EIR Objection 254 and in my previous DEIR Objection 254 rebut and impeach the many erroneous, insufficient, and noncompliant DEIR/EIR attempts to justify groundwater depletion or imagine recharges, always ignoring the fact that this is not just a CEQA dispute about environmental impacts, but this is also a property law dispute about the property rights (e.g., for lateral and subjacent support, including by groundwater, and to the groundwater itself) of us surface owners above and around the 2585-acre underground mine. See, e.g., *Keystone* and sections I.F. 8 and 9 and I.E above.

Q. Objection To EIR Response (at 2-6009) To My Comment Ind. 254-18 (marked by the EIR at 2-5894).

This EIR Response is subject to the same objections I made in the previous sections above where the disputed EIR cut up/disaggregated my integrated objections into fragmented parts it disconnected to support meritless claims. What the disputed EIR calls a "Response" to Ind. 254-18 is just part of the same objectionable DEIR quote I disputed in what the EIR calls a "Response" to Ind. 254-17 and to its disputed Appendix K (and in my other water related objections). Everything I have said in rebutting that EIR Response to Ind. 254-17 in the previous section applies equally here, which I incorporate that here, rather than repeating it. **However, I note that the EIR denies my "bait and switch" charge by compounding that wrong by mischaracterizing my objection (eg, making it sound like I was only complaining about competition for NID potable water) and further mixing up the NID/surface water versus our groundwater issues. As explained above, NID STUDIES DEAL WITH SURFACE WATER SUPPLIES, never our groundwater recharge and supply. Although my objections include a concern about NID drought cut backs on potable water to worthy customers that would be made worse by competition from this mine my and other objections show to have no net benefit (see Exhibit A and DEIR Objection 254 #4), (with one exception in the next sentence) my strongest objections concern the waste of groundwater by dewatering in accordance with the EIR, especially considering its disputed, illusory, or worse mitigation theories**. See my prior discussions about the EIR's frequent daily watering with NID water to suppress toxic (asbestos and others) fugitive dust of such great concern to the NSAQMD in its Agency Letters 12 (see p.12) and 11 that it insists that NID water be prioritized in that use during droughts to save us from otherwise lethal air pollution, as I discuss elsewhere. (I understand that the EIR claims here it will be using both our depleted groundwater for nonpotable uses, and NID water for potable uses, but, in this zero-sum climate drying threat, any mine use should have less priority than our residential and beneficial commercial uses, whether potable or non-potable. And the mine EIR approval should be denied so us locals do not have to suffer more than necessary in the many climate change droughts to come because the mine needs to use our share of water to suppress its toxic dust with NID water.)

A review of my unmolested, original DEIR Objection 254 #3.D (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has rebutted this nonresponsive,

disputed Response. The previous subsection addresses flaws in the disputed EIR trying (and failing) to justify its such groundwater depletion by reliance on NID surface water data (which also only exists for a fraction of the 80 years of 24/7/365 mining.) Now, **this disputed EIR Response to Ind. 254-18 dismisses my objections by making the following irrelevant pronouncement, as if it were responsive and dispositive (but it entirely misses my point) with this quote (citing "DEIR p.4.11-9"): "NID does not utilize groundwater as an existing or planned source of water due to limited groundwater availability." First,** that DEIR quote (reaffirmed here in the EIR) **admits** there is already a "limited groundwater availability" problem even before considering the coming mine dewatering depletion 24/7/365 for 80 years (and the above discussed such constant daily waste of NID water to suppress toxic fugitive dust of concern to the NSAQMD in its Agency Letters 12 [see p.12] and 11). NID's such well-informed groundwater concern by itself is sufficient reason to reject the mine EIR. **Second,** the NID surface water adequacy forecast data through 2040 (far short of the 80 years of mine dewatering) is irrelevant to prove groundwater adequacy/recharge even until 2040, because the EIR makes the unproven and disputed assumption, defying "common sense" required in *Gray,* that what is true for NID surface water is true of our groundwater. (Clearly, since NID does not depend on groundwater, NID's water supply analysis was not intended to support the disputed EIR groundwater claims.) ***Third,*** while NID may choose to use other sources of water than groundwater to deal with drought and climate change (and NID has more alternative supply options/choices than us mine victims), those of us surface owners living above and around the 2585-acre underground mine have competing ownership rights (see *Keystone*) to the groundwater being flushed away 24/7/365 for 80 years by the EIR dewatering plans, and we will all need that groundwater as climate change impacts worsen progressively. Thus, the issue is not just mine conflicts with **existing wells** (including the many wrongly ignored in the EIR mitigation), but also the **new wells us surface owners have the right to drill in the future compete to save our homes and forests. See, e.g., sections I.F.1-5, 8, and 9, and I.E.**

R. Objection To EIR Response (at 2-6009) To My Comment Ind. 254-19 (marked by the EIR at 2-5895).

Again, like the previous disputed EIR Responses to my water related objections (e.g., to my Comments Ind. 254-17 and 18), this disputed Response is another EIR disaggregated/cut up of my rebuttal objections to long quotes from the DEIR on this subject. My previous objections in those two prior subsections are incorporated and applicable herein as well. Those objections rebut the DEIR/EIR incorrect and worse rewrite of my objections as to various water issues. Although the disputed EIR mistranslates all that into my alleged failure to "provide any evidence that groundwater wells may be impacted besides those identified in the EIR" (in the context of my undivided, original objections, I complained both about the negative impacts of 24/7/365 dewatering for 80 years on existing and future wells above and around the 2585-acre underground mine, including wells that will be drilled by us surface owners having ownership interests in those groundwater rights. See Keystone and sections I.F.1-5, 8, and 9 and I.E). A review of my unmolested, original Objection 254 #3.D (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has rebutted this nonresponsive, disputed EIR Response.

Unlike those other disputed EIR Responses, this time the EIR also tries (and fails) to rebut my objections by incorrectly dismissing them as mere "speculation," incorrectly relying

CEQA Guideline 15384 (which the disputed EIR erroneously claims empowers it to ignore my and other objections as "argument, speculation, unsubstantiated opinion or narrative" and which here applies to the EIR applicant, not my such objections) for disqualified evidence (i.e., "clearly erroneous or inaccurate," or "of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.") Among the many flaws in that incorrect EIR argument are: (1) it ignores the fact that such EIR/DEIR statements (which I often quote for rebuttals) are themselves much worse such speculation, argument, bogus assumptions, "unsubstantiated opinion or narrative," and "clearly erroneous or inaccurate" than those of mine. That means my objections can properly respond as I have by so exposing such errors, flaws, and noncompliance in the DEIR/EIR and by countering as best I can, whether it's with my wiser "speculation" and better "opinions" or, as I contend, fully compliant objections, for contrast and rebuttal to explain those EIR flaws. [Stated another way, my rebuttals and disputes exposing such DEIR/EIR errors, omissions, and speculations, etc. must be allowed, since it is absurd and worse for the EIR to claim, in effect, as it does here, that somehow objectors must use what the disputed EIR calls CEQA qualified evidence to counter what such objections show to be the EIR's worse, noncompliant such speculation, argument, bogus assumptions, unsubstantiated opinion or narrative, or clearly erroneous or inaccurate statements]; (2) what the EIR mislabels as "speculation" about its overlooked and potential new wells is not "speculation," since, among other things, I have exposed existing and future wells the EIR has overlooked in my local area (eg, comparing what is stated in the EIR/DEIR to what I can see and what my neighbors with wells tell me and are contingency planning). Therefore, if the EIR were mistakenly approved, at trial I can produce myself and other local witnesses who are interested at the appropriate time (eg, when necessary as we predict) in competing against the mine with new or deeper wells (either individually or collectively) and holding the miner accountable for any violation of our groundwater ownership rights. See *Varjabedian*. [Stated another way, the disputed EIR/DEIR incorrectly argues that it is "speculation" when my objections expose what vast case study experience and legislative studies reveal in other (already impacted by drought and climate change) groundwater depleted places as to how surface owners compete for groundwater to save their crops and homes. However, it cannot be "speculation" when us potential victims of such dewatering depletion of our groundwater advise the County in DEIR/EIR objections that we will enforce our groundwater rights as necessary to prevent the harmful impacts we consider to be inevitable from 24/7/365 dewatering for 80 years during progressive climate change]; and (3) much what the disputed DEIR/EIR cites in support of its false, erroneous, or noncompliant (e.g., omitting or misconstruing essential data) claims will (if necessary) be the subject (e.g., in massive "motions in limine") in any court challenge to exclude those EIR claims as inadmissible, rebutted, or noncredible (i.e., we will prove such EIR claims not to be supported by CEQA sufficient "substantial evidence," and the County decisionmakers should take that into account as they evaluate this situation.) [Since the County process is not a court trial, but rather a limited process in we objectors have unduly limited time [three minutes] to state our many objections to the more than 7000 pages of EIR/DEIR we dispute, what else can we do now but make our objections as an offer of proof for consideration by the County decision-makers and any revieing courts?]

What is the record to show for that disputed EIR process? Among other things, such County decision-makers should see both: (i) what we objectors are offering to prove, if necessary, in the court challenge process, where the law of evidence will both (a) allow our rebuttal and impeachment evidence ignored so far in the EIR process, especially Rise/EIR/DEIR

admissions (e.g., section I.C, D and I.A.1.b and d; *Richmond v. Chevron, allowing SEC admissions by EIR applicant to enable the objectors to prevail*); and (ii) how much the disputed EIR/DEIR has omitted, evaded, or failed properly present with "good faith reasoned analysis" and "common sense" as required by CEQA and authorities like *Gray, Banning, Vineyard, and Costa Mesa,* including for example where the EIR incorrectly refused to address meritorious objections incorrectly dismissed by the EIR/DEIR as "speculation" or lacking sufficient "explanations, or other bogus claims, especially where the EIR/DEIR incorrectly attempts to shift the burden of proof (section I.A.1.b) from themselves to the objectors, or where the issue begins with noncompliance by the EIR/DEIR which I dispute with rebuttals, impeachments, or other counters.

When those legal/evidentiary flaws and inadequacies in the EIR/DEIR are confirmed in any relevant court process, at least we can say that "we told you so" in whatever happens next, if the ultimately defeated EIR attempts another try. What the DEIR/EIR incorrectly assumes (and they refuse to consider any other possibility) is that approval means the miner can do whatever the EIR would allow without consequences, when the reality is that us local victims will resist, challenge such mistakes, and defend our property and other rights with legal, law reform, and political remedies, especially as to the groundwater in which we surface owners above or around the 2585-acre underground mine each personally own property interests. See *Keystone, Varjabedian,* and similar authorities. See sections I.F.8 and 9, and I.E. For example, taking such property rights of us surface owners (e.g., such as allowing the mine to deplete the first 10% of exiting well water before mitigation, or ignoring impacts on future wells of us surface owners) creates Fifth Amendment (and CA Constitutional equivalents), inverse condemnation, and other claims, as illustrated in *Varjabedian, Gray,* and sections I.F.1-5, 8, and 9, including the applications of County General Plan 17.12. No one I know will forbear to drill individual or collective wells to maintain sufficient water to preserve our homes and forests during the progressive climate change dryness (recognized by the 2018 Guidelines Amendments Explanation discussed in section I.C) made worse by 24/7/365 dewatering depletion without the bogus EIR recharge claim falsely assuming/speculating that the average "current" rainfall between 1967 and 2017 (which is not "current," because it ignores dry years after 2017) will continue for 80 years (for which false assumption it relies on inapplicable NID data that ceases in 2040, leaving everyone to guess thereafter).

While the disputed EIR resists some of my challenges to the disputed EIR's **"bait and switch"** or "false equivalence" tactics (sections I.A.1.d(viii) and I.F.5), the EIR generally ignores many objections entirely. For example, the disputed DEIR (and, therefore, the EIR, which ratifies and does not correct the erroneous DEIR) asserts that the **DEIR admitted (although understated) NID shortfalls (eg, at Table 4.11.5 and 4.11-40-43] I address in my Ind. 254-19 (at 5895) [eg, "Water demand within NID's service area is expected to exceed the District's supplies by mor than 45% from 2025 to 2040 {when NID projections stop, but the EIR continues erroneously to assume continuation of that pattern with blatant and erroneous speculation} in Single Dry Years and by less than 10% from 2025 to 2040 during the first and second years of a Multiple Dry year period."] Then the DEIR incorrectly argues that no one should worry about the (underestimated) mine uses making that admitted shortage worse by the false and worse "switch"/speculation, where the disputed DEIR states (and disputed EIR ratifies):**

"However, this project is not expected to exacerbate NID's water supply shortages during dry years and the project will supply water [i.e., the groundwater taken by dewatering from beneath surface owners above and around the 2585-acre underground mine with competing ownership interests in such groundwater] into the South Fork Wolf Creek and into the NID conveyance system, at volumes exceeding the project demand for potable water from NID."

In effect, the EIR claims that us local NID existing and future residential and beneficial commercial customers above and around the 2585-acre mine should suffer well depletion and NID cut backs for the benefit of the mine providing no net benefits to us locals, because some other, distant customers in the NID system (supposedly safe from mine impacts) will get the alleged benefit our local groundwater depleted by dewatering the mine and (after purported and deficiently described EIR treatment we dispute, and many will doubt as to quality) flushed away in the Wolf Creek. As I demonstrated in my objections that the EIR/DEIR fails to rebut, nowhere does the EIR demonstrate that us local surface owners and users above and around the 2585-acre mine will not be worse off in that de facto trade of our owned groundwater for whatever extra, if anything, we may somehow get in exchange from NID. That theory exposes the EIR miner and County to inverse condemnation and other claims under *Varjabedian, Gray, and Keystone*. See also DEIR Objection 254 #'s 3, 4, 5, 7, and 14.

Also, once they realize what my and other objections demonstrate on the subject (see my comments in this document on the subject and in my DEIR Objection 254, citing, for example, to the massive studies on the EPA website and Exhibit C about the toxic dangers of hexavalent chromium that caused it to be banned entirely for various uses in the EU, as illustrated by the case study of such water pollution killing the town of Hinkley, CA, and many residents, as illustrated in the movie, "*Erin Brockovich*" and, according to www.hinkleygroundwater.com, which what's left is still struggling to remediate), NID customers may revolt at getting Wolf Creek water containing such hazardous hexavalent chromium from the mine dewatering process where the miner adds that toxin into the mine shoring cement paste, and many will be skeptical or more cynical about water quality from this mine's vague and disputed "treatment process." The disputed EIR can try (erroneously or worse) to claim that its toxin will be at a safe level, relying on regulators to deal with any "issues," but what NID customer downstream is going to feel comfortable knowingly drinking that water in reliance on the EIR treatment claim and some after the fact future regulator timely detecting problems. (This is among the reasons the EU banned various hexavalent chromium uses, and this is like the state government officials trying to tell the people of Flint, Michigan, not to worry about the "safe" levels of lead in their water pipes, when the science demonstrates that there is no safe level.

In any case, who will want to take any such risk or suffer any harm or water scarcity for the benefit of such a disputed mine they correctly see as providing them no net benefit. See above discussions and Exhibit A, as well as my prior Objection 254 #4. Remember, even if the County were willing to give the EIR or miner the benefit of the doubt, which would be worse than a mistake (see section I.A.1.b confirming the burden of proof on the EIR applicant) few of us at risk of mine impacts can afford to do so. Even if the disputed EIR were somehow correct about its disputed such assumptions/speculations/safety claims, us potential victims would still rightly be

concerned about the risk of human error in the proper and diligent handling of this toxin and in the water treatment process, especially whenever the mining (or mitigations) stops, such as when funding is exhausted. See Rise SEC filings admitting a financial condition that does not appear to enable it to afford to achieve the EIR aspirations, much less compensate its victims or to cure any problem, even if it were willing to do so, when and if found guilty of causing such harms. See, eg, Rise's SEC filing admissions in Exhibit B and in my DEIR Objections 254 (#2) and 255.) This is not, as the EIR claims, a "less than significant impact."

In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed above, where that regulator demands *priority* for frequent daily NID watering of its toxic (asbestos and more) fugitive dust, and rather than breathe such toxic air, locals may have to suffer with less than their fair share of drought rationed water. Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best. The reality is that this is a "zero sum game," in which every gallon allocated to this no net benefit mine is one less gallon available to the far more deserving locals. I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine. Almost all informed locals oppose the EIR mine, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal disputes that will surely catch them in the cross-fire. See DEIR Objection 255 and 254 (eg, #4).

Moreover, the EIR ignores and fails to rebut my detailed presentation on water use (and misuse) in the last long fragment paragraph the EIR disaggregated/cut up and marked at Ind. 254-19 (at EIR 2-5896), which again uses the DEIR/EIR admissions to refute their disputed speculations, opinions, and claims. See the last paragraph in this disputed EIR Response To Comment Ind. 254-19, where any fair comparison would cause any objective reader to conclude that the EIR "Response" was nonresponsive at best and (considering the nature of those EIR errors, omissions, and noncompliance) worse. For example, the EIR attempts (at 2-6009-10) to minimize the water uses for "dust control" as "temporary" during "initial construction" (eg, wrongly claiming that as an excuse for why "those water demands (42,000 gpd) were not included in the buildout water demand projections for the project"), but that is inconsistent with the DEIR admissions addressed in my DEIR Objection 254 and my related objections. See also the previous paragraph here and NSAQMD Agency Letters 12 and 11.

How many more such inexcusable omissions were slipped into the DEIR/EIR and never reported, because it is hard to read these thousands of pages full of errors, omissions, and noncompliance and catch all of such imaged excuses for omissions/evasions/noncompliance. See sections I.C and D, I.F.5. This is important because the purpose of the EIR is to respond to our valid complaints about the DEIR, so the EIR/DEIR can be correctly and sufficiently revised for recirculation. When the EIR attempts to correct the DEIR errors, omissions, and noncompliance, we objectors dispute that attempt by the EIR to claim such "significant new information" was just "clarifications" or "amplifications." See section I.A.1.c. As explained above (e.g., section I.A.1.c and I.F.8), those EIR excuses fail to comply with CEQA (see sections I.C and D) and create more credibility problems that should defeat the EIR approval even without waiting

for a comprehensive rewrite and recirculation. Id. If there is any doubt about the applicable risks of this EIR mining being what such objections state, consider what I recite as EIR/DEIR (or Rise) admissions and, more importantly because they are more revealing, as Rise SEC filing admissions addressed in Exhibit B hereto and my Objections 254 (#2) and 255.

S. Objection To EIR Response (at 2-6010) To My Comment Ind. 254-20 (marked by the EIR at 2-5897).

Again, like the previous disputed EIR Responses to my water related objections (eg, to my Comments Ind. 254-17, 18, and 19), this disputed Response is another EIR disaggregation/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my Objection 254 #3.E is cut up into EIR fragmented "Responses To Comments Ind. 254-20, 21, and 22" as to subpart I, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which is treated as if such EIR selected fragment had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR refused to consider together as presented.) My such objections in all those subsections (i.e., my objections in Ind. 254-17 to 22 and to disputed EIR citing disputed Master Responses 13, 14, 15, and 16) are incorporated and applicable herein, because they are parts of my integrated objection. See generally, my DEIR Objection 254 #'s 3, 5, 6, 14, and 15. Those objections rebut the DEIR/EIR incorrect and worse rewrite of my objections as to such various water related errors, omission, noncompliance, and issues, although the disputed EIR mistranslates all that into my alleged failure to provide sufficiently specific information as to my complaints, such as that the DEIR (and now the EIR) underestimated the number of impacted private groundwater wells, ignored future wells of us surface owners above and around the 2585-acre underground mine, failed to propose sufficient monitoring wells and in all the right places for more effective mitigation, and failed to address the water supply problems beyond 2040, i.e., for the whole 80 years of 24/7/365 dewatering. (When I refer to such objections, I am not just disputing affirmative errors, but also omissions that are clarified by my DEIR Objection 254 #15, which asks the hard questions never sufficiently answered in the DEIR/EIR with good faith reasoned analysis and common sense as CEQA and other applicable law expects (e.g., *Gray*, *Banning*, *Vineyard, and Costa Mesa*), such as trying to justify what I expose as errors, omissions, and noncompliance in the DEIR/EIR, whether or not within the disputed, limited scope the DEIR/EIR incorrectly claims to apply in CEQA for such rebuttals (see section I.C and D), as if somehow the DEIR/EIR can say whatever wrong, false, or misleading things they wish without us objectors being entitled to rebut them with truths, because those truths are incorrectly considered by the disputed EIR/DEIR to be outside that limited CEQA boundary they would incorrectly impose on objections, even on rebuttals using Rise or EIR/DEIR admissions.) A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed Response.

Among the more obnoxious evasions and CEQA violations is the "bait and switch" way that the EIR/DEIR attempts to evade CEQA and other applicable laws by limiting their *groundwater* supply analysis by comparison to NID surface water data and only for the period ending in 2040, rather than for the whole 80 years of abusive 24/7/365 mining and dewatering (plus with deficiently analyzed hazardous hexavalent chromium cement in the underground shoring). Again, the noncompliant DEIR/EIR speculate/assume/imagine

that what they call the "current" average rainfall between 1967 and 2107 [not really current, because they ignore the dry years after 2017] will continue to recharge the groundwater for 80 years on that same basis without regard to 24/7/365 dewatering and climate change. And despite all that, the EIR/DEIR dare to complain about us objectors speculating!

For example, although it has no right to rely upon the disputed and largely inapplicable NID surface water data even through 2040, the EID/DEIR tries to excuse its omissions of proof of safety for the balance of the 80 years by blaming NID for stopping its analysis at 2040, incorrectly arguing that it somehow should be excused from comments beyond 2040, because the "planning horizons" were "not chosen by the Project Applicant," a wholly irrelevant fact (even if true), especially when as discussed herein (eg, my objections to EIR Responses to Comments Ind. 254-17 to 20) the EIR/DEIR fail to prove that the NID surface-only water supply data until 2040 complies with CEQA for the 80 years of EIR dewatering of objectors' groundwater 24/7/365. That irresponsible and worse EIR demand for permission for such 80 years of such dewatering of surface owners' owned groundwater cannot be compliant with CEQA (section I.C and D) and other applicable law (*Keystone)* when the EIR offers no evidence as to the harmful impacts the EIR causes beyond 2040. Indeed, it is worse than ironic that the EIR blames me for "speculation" in my objection, when the real noncompliance is the EIR demanding that we all must guess as to our water supply fate after 2040 under these circumstances, such as there being no competent evidence even as to the starting condition of this mine abandoned and flooded since 1956 and admittedly not adequately investigated by Rise for these purposes (see Exhibit B and DEIR Objection 254 #2), as if it preferred not to have to deal with reality, but rather allows itself alone to speculate/assume/imagine that what it chooses to believe about the past before the climate change impacts became serious will continue to apply progressively for the next 80 years, despite all the evidence to the contrary.

As I noted in such objections and in Exhibit A hereto (which addresses the insufficiency of the County Economic Report), that County Economic Report described at least **300 applicable wells** at risk above or around the mine, compared to the DEIR/EIR's lesser number along East Bennett Road and perhaps several other places, although it's hard to tell from those vague and insufficient DEIR/EIR descriptions. Whereas I and others contend there are many more impacted existing wells now, plus many more future wells to come as the mine dewatering depletion, drought, and climate change force us surface owners to drill new, competing wells to tap the groundwater in which we personally own an interest).

I have proven (and will continue to prove) how the DEIR/EIR underestimates the competing wells at issue and misjudges impact locations. Our objector proof will demonstrate the insufficiency of the miner's illusory mitigation (e.g., that Rise's SEC filing admissions [Exhibit B] and data addressed in Exhibit A and in my Objections 254 and 255 prove the miner cannot afford even if it were willing to do what is required to admit and cure all the harms it causes.) While the EIR/DEIR claims that this is not a "significant" CEQA problem, what the EIR/DEIR really are saying is that the EIR miner can handle the small, acknowledged portion of the relevant water shortages as the EIR incorrectly defines such problems to be in the EIR's disputed "alternative reality," rather than what we objectors reveal such impact problems really are. However, the EIR mitigations are insufficient, even if the EIR were only required just to justify the effects of its own admissions, as distinguished from full compliance with CEQA and the other applicable law which disallows the EIR/DEIR's disputed evasion tactics. If there is any

doubt about the applicable risks of this EIR mining being what such objections state, consider what I recite in my objections as EIR/DEIR admissions, and, more importantly because they are more revealing, as Rise's SEC filing admissions addressed in Exhibit B hereto and my Objections 254 and 255.

T. Objection To EIR Response (at 2-6010) To My Comment Ind. 254-21 (marked by the EIR at 2-5898).

Again, like the previous disputed EIR Responses to my water related objections (eg, to my Comments Ind. 254-17, 18, 19, and 20), this disputed Response is another EIR disaggregated cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my DEIR Objection 254 #3.E is cut up into EIR Responses To Comments Ind. 254-20, 21, and 22 fragments as to subpart I, as well as to fragments Ind. 254-20 to 33, as to all of my such #3.E), each of which fragments is treated as if such EIR selected portion had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR improperly refused to consider together as I wrote them.) My such objections in all those subsection fragments (i.e., my objections in Ind. 254-17 to 33 and to disputed EIR citing disputed Master Responses 13, 14, 15, and 16) are incorporated and applicable herein, because they are parts of my indivisible, integrated DEIR Objection 254 #3.E. See generally, section I.F.5 above, my DEIR Objection 254 #'s 3, 4, 5, 6, 7, 14, and 15, and my introductions to sections II and III. Those objections rebut the DEIR/EIR's incorrect and worse rewrite of my objections as to such various water related errors, omission, noncompliance, and multidisciplinary issues. If there is any doubt about the applicable risks of this EIR mining being what such objections state, consider what I recite as EIR/DEIR admissions (which cannot be denied by them) and, more importantly because they are more revealing, as Rise's SEC filing admissions addressed in Exhibit B hereto and my DEIR Objections 254 and 255. My unmolested, original DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed EIR Response.

As in the similar, disputed EIR Response to Comment Ind. 254-19 and 20 (as well as 22-33), all incorporated herein, the disputed EIR again tries (and fails) to rebut my objections by incorrectly dismissing them as mere "speculation" or otherwise deficient, incorrectly relying on CEQA Guideline 15384 (which the disputed EIR erroneously claims empowers the EIR/DEIR to ignore in my and other objections as "argument, speculation, unsubstantiated opinion or narrative," i.e., disqualified evidence (i.e., "clearly erroneous or inaccurate," or "of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment"). That Guideline and other applies to the EIR/DEIR, which has the burden of proof and fails to satisfy it, blaming me instead for such EIR/DEIR failures when the reverse is the case. If the EIR presentation is deficient and otherwise noncompliant, that must excuse the objections from having to cure those flaws before rebutting them. Here, the EIR incorrectly claims that I assert, "without evidence, that it is a certainty that additional property owners with groundwater wells will be impacted by the project," which again misstates my objections and my evidence, including as more accurately what was recited in my objections to EIR Responses Ind. 254-17 to 33 and in Objection 254 #3.E, which the EIR attempts to disaggregate.

As so demonstrated by me there and elsewhere, I have provided both evidence (including, for example, from the County Economic Report counting more impacted wells to be mitigated than the EIR/DEIR—see Exhibit A) and EIR and Rise SEC admissions in Exhibit B

and DEIR Objection 254 #2 (which admissions are the best kind of fatal evidence against such EIR, because, unless the EIR can escape objectors' notice as it continues to attempt to do, the EIR cannot deny such admissions without serious adverse consequences, especially from the Rise SEC filings, which I assume is why Rise is more revealing and accurate in the SEC filings than in the EIR/DEIR. See *Richmond v. Chevron*, where the objectors used such SEC admissions to prevail in defeating that eir. In any case, as demonstrated, the EIR's claims at issue are often themselves even worse speculation, argument, unsubstantiated opinion or narrative, or clearly erroneous or inaccurate or lacking in the required "common sense" and "good faith reasoned analysis" E.g., *Gray, Banning, Vineyard, and Costa Mesa*. In any event, besides the overlooked relevant existing wells, my objection includes evidence in the form of witness testimony by me and others impacted by the EIR mining that we contemplate protecting our homes and property from climate change and mine impacts by drilling new wells to tap the groundwater in which we each have property ownership interests that the EIR/DEIR entirely ignores. See *Keystone.* (There is a difference between (i) the rights of a Nevada County resident generally, and (ii) someone like me owning the surface above or around the 2585-acre underground mine, who personally has additional property rights, such as for lateral and subjacent support, including by and from groundwater, as demonstrated in *Keystone* and other court cases cited in my DEIR Objection 254 #'s 3.N, 4, and 14 and in my 255.) What I (and others) do to defend my home and forest from the mine impacts is not "speculative," especially when it is in mitigation of my damages from *Varjabedian* type claims as explained elsewhere herein. What is speculative is the illusory mitigation offered by the EIR for even the wells it acknowledges, considering the fact that the SEC filing admissions show Rise cannot afford such mitigation (Exhibit B and DEIR Objection 254 #2), much less the many uncounted existing wells and all the future new wells to come above and around the 2585-acre mine.

Among the many additional flaws in that EIR "speculation" argument are: (1) it ignores that **the EIR/DEIR statements I am disputing are themselves worse such speculation, argument, false assumptions, "unsubstantiated opinion or narrative," and "clearly erroneous or inaccurate," as well as so lacking in the required "common sense" and "good faith reasoned analysis" E.g., *Gray, Banning, Vineyard, and Costa Mesa*. That means my objections can properly respond as I have by so exposing such flaws and noncompliance in the DEIR/EIR and by countering what is stated or omitted or evaded as best I can, even if it's just with more "common sense" and "good faith reasoned analysis," with my wiser "speculation," and with better "opinions" for counters and rebuttals to explain those EIR/DEIR errors, omissions, and noncompliance.** [Stated another way, my rebuttals and disputes exposing such DEIR/EIR errors, omissions, and speculations, etc. must be allowed, since it is absurd and worse for the EIR to claim, in effect, as it does here, that somehow objectors may only use what the disputed EIR incorrectly calls limited CEQA-qualified evidence to counter what our such objections show to be the EIR's worse such speculations, arguments, bogus assumptions, unsubstantiated opinions or narratives, or clearly erroneous or inaccurate statements]; (2) what the EIR mislabels as speculation about its overlooked and contested rights for potential new wells is not "speculation," since, among other things, I have exposed existing and future wells the EIR has overlooked in my local area (eg, comparing what is stated in the EIR/DEIR to what I can see and what my neighbors with wells tell me), so at trial I can produce myself and other local witnesses, including me and others who are interested at the appropriate time (eg, when necessary as we predict) in competing against the mine with new or deeper wells (either individually or collectively) and holding the miner accountable for any violation of our

groundwater ownership rights. [Stated another way, the disputed EIR/DEIR incorrectly argues that it is "speculation" when my objections expose what vast case study experience and legislative studies reveal in other (already impacted by drought and climate change) groundwater depleted places as to how surface owners compete for groundwater to save their crops and homes. However, it cannot be "speculation" when us potential victims of such dewatering depletion of our groundwater advise the County in DEIR/EIR objections that we will enforce our groundwater rights as necessary to prevent the harmful impacts we consider to be inevitable from 24/7/365 dewatering for 80 years]; and (3) much what the disputed DEIR/EIR cites in support of its false, erroneous, or flawed (eg, omitting essential data) claims will (if necessary) be the subject (eg, in massive "motions in limine") in any court challenge to exclude those claims as inadmissible, rebutted, or noncredible (i.e., we will prove such EIR claims not to be supported by CEQA sufficient "substantial evidence," and the County decision-makers must take that into account as they evaluate this situation.) [Since the County process is not a court trial, but rather a limited process in which we objectors have unduly limited time [three minutes] to state our many objections to the thousands of pages of EIR/DEIR we dispute, what else can we do now but make our objections as an offer of proof for consideration by the County decision-makers? What is the record to show for that process?)

U. Objection To EIR Response (at 2-6010) To My Comment Ind. 254-22 (marked by the EIR at 2-5899).

Again, like the previous, disputed EIR Responses to my water related objections (eg, to my Comments Ind. 254-17, 18, 19, 20 and 21), this disputed EIR Response is another EIR disaggregated cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my Objection 254 #3.E is cut up into fragments the EIR calls "Responses To Comments Ind. 254-20, 21, and 22" as to subpart I, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which is treated as if such EIR selected portion had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR refused to consider together as written by me.) Because of that disputed EIR failure to address my whole #3.E objection, the EIR improperly cited to its disputed Master Response #1 (and which I refute above), and the EIR incorrectly concludes: "Because the commentator [me] does not articulate a clear criticism of identify and inadequacy with the DEIR, no further response is necessary." This is worse than wrong, especially given the fact that my objection set up those allegedly missing, detailed objections with admitted facts for context. **For example, my objection quoted the following from DEIR at 4.11-37 for a reason: "Once the initial dewatering is completed approximately 1,224 million gpd (850 gpm) are estimated to be pumped to the surface and treated at the on-site WTP on an on-going basis to maintain the dewatered mine." Among the reasons for citing that admission of such a massive, constant depletion of our local groundwater flushed away down the Wolf Creek 24/7/365 for 80 years is that it both (i) rebuts the speculations and omissions of proof by the EIR/DEIR that there is nothing to be concerned about, and (ii) also confirms my concerns as rational and worthy of investigation, even under the CEQA Guidelines I explain in section I.C and D and my DEIR Objection 255. See my objections preceding these concluding paragraphs in what the EIR has disaggregated/cut up and labeled Ind. 254-20 to 22.** A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed Response.

My such objections in all those subsections (i.e., my objections in Ind. 254-17 to 33 and to disputed EIR citing disputed Master Responses 13, 14, 15, and 16) are incorporated and applicable herein, because they are parts of my integrated Objection 254 #3.E. See generally, my Objection 254 #'s 3, 4, 5, 6, 7, 14, and 15. Those objections rebut the DEIR/EIR's incorrect and worse rewrite of my objections as to such various water related errors, omission, noncompliance, and issues. If there is any doubt about the applicable risks of this EIR mining being what such objections state, consider what I recite as Rise/EIR/DEIR admissions and, more importantly because they are more revealing, as Rise SEC filing admissions addressed in Exhibit B hereto and my DEIR Objections 254 and 255.

V. Objection To EIR Response (at 2-6010) To My Comment Ind. 254-23 (marked by the EIR at 2-5900).

Again, like the previous disputed EIR Responses to my water related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, and 22) and to the EIR's rebutted above Master Comments 13, 14, 15, 16, and 35, this disputed EIR Response is another EIR disaggregated/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my DEIR Objection 254 #3.E which is cut up into EIR fragments for Responses To Comments Ind. 254-23, 24, 25, and 26 as to subpart II, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which is treated as if such EIR selected portion had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR refused to consider together as I wrote it.) Since this disputed EIR Response concludes with a cross-reference to it Response to Comment Ind. 254-17, I emphasize my incorporated objection above to that disputed Response. As this Response again incorrectly complains about my alleged failure to provide evidence and examples, I also repeat my complaint that it cannot get away again with that bogus claim by cutting off my integrated evidence and examples in my whole Objection 254 #3.E, which provides ample evidence and examples. For example, as I keep reminding the EIR authors, evidence can be provided by my neighbors and I with ourselves and others as witnesses for what I have said, making this an offer of proof which has to be sufficient for now, since there is no other practical need or way now to provide my and others trial testimony in the EIR process before we challenge any mistaken EIR approval in the usual court process that would follow. Instead of refusing to respond to such objections, the EIR is expected by CEQA (see section I.C and D) to address them instead of ignoring or evading them, which the EIR too often does, especially when I am using the Rise/DEIR/EIR's own admissions against the EIR, since such admissions are among the most lethal kinds of evidence against the EIR. See Exhibit B and DEIR Objection 254 #2. A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed Response.

Also, (again) the disputed EIR chooses to misconstrue my objection as the mine "pitting the local residents against each other," which misses the point. As demonstrated above in debating the water supply and quality issues in my objections to disputed EIR's Responses to Comments Ind. 254-17 to 21, the water shortage supply situation is a "zero sum game" in which us local potential mine victims are united in refusing to suffer losses of our groundwater to this disputed mine providing no net benefits to any of us (DEIR Objection 254 # 4) and causing all the impacts about which we complain. Furthermore, as an objector/potential victim at risk from the EIR mine, I do not always need to prove with evidence what is the true basic reality, i.e., what *Gray* calls "common sense," because I must be able to defeat the EIR merely by exposing

its errors, omissions, and noncompliance. Moreover, because many disputed EIR claims are themselves just worse examples of speculation, unsubstantiated opinion or narrative, argument, or other erroneous or inaccurate claims, I must be entitled not only to expose that, but also to provide more credible competing theories, even if they were also only better speculation, opinions, arguments, etc. For example, since the disputed DEIR/EIR is largely focused on its speculations, unsubstantiated opinions, and other bogus (eg, inapplicable theories, false comparisons, etc.) thinking about conditions in a mine closed and flooded since 1956 which Rise has not properly or sufficiently investigated or evaluated directly (see Exhibit B admissions from the Rise SEC filings), much of the disputed EIR/DEIR is just that kind of unreliable speculation which risks harm to us locals from resulting errors, omissions, and noncompliance. In such circumstances those of us at risk are entitled to express our rational concerns about such flawed bases for the EIR imposing those impacts and risks on us. Even worse, the disputed EIR/DEIR ignores/denies escalating climate change impacts (see section I.C and D above for my rebuttal) and recklessly speculates that the average "current" rainfall data between 1967 and 2017 will continue to recharge the groundwater for the next 80 years, despite the fact that such average is not "current" when it ignores the dry years after 2017 and the EIR disputes any impact of such 24/7/365 dewatering. That EIR puts all us local surface owners above and around the 2585-acte underground mine at risk of dangerous and disputed EIR groundwater theories, demanding that our County government irresponsibly gamble away for this no net benefit mine our local surface property rights (*Keystone)* and welfare betting that nothing will change for the worse during climate change while they deplete our groundwater 24/7/365 for 80 years (when even their inapplicable and disputed interpretations of NID data projections cease in 2040, eliminating any purported, rational basis for EIR/DEIR projections thereafter.) [Again, the disputed EIR mitigations are illusory and not feasible because, for example, as the miner's SEC filings show (see Exhibit B) Rise could not afford timely and compliantly to supply adequate mitigation replacement water as required by applicable case law (see *Gray*, sections I.E and F, and my DEIR Objection 254 #'s 3.N, 4, and 14). That means, for us surface owners living above or around the 2585-acre underground mine, that our government's approval over our objections forces us either to suffer that reckless gamble against such objections and concerns of man in the Table of Incorporated by Reference Objections and Exhibit D or to enforce our legal, law reform, and political rights to resist, including by mitigating our damages (e.g., *Varjabedian, and Smith v. LA,* supra) with new wells. That is an easy, but sad, choice for us impact victims.]

The inapplicable to objectors here CEQA Guideline 15384 argued by the EIR does not prevent us from exposing such errors, omissions (including evasions), and other noncompliance by the EIR, which includes impeachment and rebuttal, none of which is contrary to #15384, especially if my objections addressed admissions and if they were evaluated as written in their original, integrated manner, rather than so improperly cut up by the EIR team into less comprehensive or convincing fragments. That is especially true when the EIR mischaracterizes and evades my and other objections as to the consequences of mine dewatering, as discussed above, even using the EIR's own words (and its cited NID water supply data) against it. See, e.g., my DEIR Objection 254 #'s 3.N, 4, 14 and 15, and DEIR Objection 255.

W. Objection To EIR Response (at 2-6011) To My Comment Ind. 254-24 (marked by the EIR at 2-5901).

This disputed EIR Response asserts an incorrect legal theory (see, e.g., DEIR Objection 254 #14 and more to come), and its proposed mitigation is not only deficient, insufficient, and noncompliant, but also is directly contrary to *Gray*. The EIR/DEIR have exposed their flawed theory for demanding that everyone must gamble on the absence of even disputed water supply data after 2040, in effect compelling us local potential victims to assume the risk of the impacts on us of both climate change and 24/7/365 dewatering for the full 80 years without any credible proof by the EIR of sufficient recharge or mitigation, especially after 2040. **This is another obvious "bait and switch," on top of the earlier bait and switch addressed in the preceding sections explaining why the disputed EIR's incorrect theory that NID SURFACE water supply data satisfies the CEQA requirements for depletion of our GROUNDWATER supplies by such dewatering. See, eg, my objections to disputed EIR Responses Ind. 254-17 to 23, and my related DEIR Objection 254 groundwater discussions and judicial precedents in #3,N, 4, and 14, as well as in DEIR Objections 255.**

However, even if the NID data until 2040 were material to this debate, the EIR is worse than wrong here to claim that the disputed NID data (and a disputed future "Idaho-Maryland Mine WSA") excuse the EIR conduct, whether pursuant to Water Code #'s 10912 or 10910 or otherwise, and especially from having to address its groundwater depletion impacts after 2040. See NID WSA discussion in its Agency 10. This is not the place for fully briefing that legal dispute, but here are some examples. FIRST, THE NID AND WATER CODE CITES APPLY TO SURFACE WATER—NOT TO GROUNDWATER UNDER THESE CIRCUMSTANCES. AS FAR AS I KNOW AND CERTAINLY THE DEIR/EIR DOES NOT PROVIDE THAT DATA AS IT CLAIMS; IE, I DISPUTE IN MANY WAYS HEREIN AND IN DEIR OBJECTION 254 THAT THIS 20 YEAR ANALYSIS LIMIT APPLIES AT ALL HERE, AND, EVEN IF IT DID SOMEHOW APPLY, I DISPUTE THE UNSUBSTANTIATED EIR CLAIM THAT "THE IDAHO-MARYLAND MINE WSA ADDRESSES THESE THREE HYDROLOGIC CONDITIONS THROUGH THE YEAR 2040" SUFFICIENTLY. SECOND, THE DEWATERING OF THE MINE WITH OBJECTOR GROUNDWATER HAS NOTHING TO DO WITH NID SUPPLYING POTABLE WATER TO THE PROJECT, WHICH IS THE FOCUS OF THE WATER CODE AND NID DATA. THIS IS ANOTHER "BAIT AND SWITCH" EXPOSED ABOVE, WHERE THE EIR ITSELF ADMITS THAT NID ONLY SUPPLIES POTABLE WATER TO THE MINE FOR LIMITED PURPOSES (E.G., SUPPRESSING TOXIC FUGITIVE DUST), AND GROUNDWATER DEWATERING IS NOT WATER BEING SUPPLIED BY NID IN ANY EVENT (SEE, EG, EIR ADMISSION AT DEIR 4.11-9). INSTEAD, SUCH GROUNDWATER IS BEING TAKEN FROM US SURFACE OWNERS ABOVE AND AROUND THE 2585-ACRE MINE OVER OUR OBJECTIONS AND, WE CONTEND, IN VIOLATION OF OUR PROPERTY RIGHTS. THIRD, UNDER SUCH CIRCUMSTANCES THE WATER CODE PROVIDES NO EXCUSE FOR THE CEQA AND OTHER LEGAL REQUIREMENTS FOR EIR DATA FOR THE ENTIRE 80 YEARS, WHICH DOES NOT EXIST IN THE EIR/DEIR AND IS ANOTHER FATAL NONCOMPLIANCE. SEE DEIR OBJECTION 254 #'S 3.N, 4, AND 14 (RELEVANT LEGAL AUTHORITIES) AND #15 (SOME OF THE MANY HARD QUESTIONS THAT THE DEIR/EIR EVADES OR IGNORES, BUT STILL MUST ANSWER IF THEY WISH AN EIR TO COMPLY WITH CEQA AND OTHER LAW. SEE SECTION I.C AND D.)

A review of my unmolested, original DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed Response. As demonstrated above my objections herein thereto defeat the EIR's excuses for ignoring both climate change in the EIR's Master Response 16 (and elsewhere)[see section I.C and D], and the hexavalent chromium menace in my objections above to EIR Response To Comment Ind. 254-1 and elsewhere herein (e.g., section I.F.1) and in my DEIR Objection 254 #'s 3. A, B, C, E, G, H, 4, 7, and 14. Among the many reasons that I discuss water supplies and hexavalent chromium together is that the disputed DEIR/EIR incorrectly cites the flushing of our objector groundwater into Wolf Creek as somehow a positive contribution to the surface water supply for NID. **First,** for example, that does not help us local groundwater owners to ship such groundwater off to other surface users somewhere else. See *Varjabedian.* **Second,** that incorrectly assumes NID or its customers will trust the either the disputed EIR's analysis of safety levels or its water treatment of such a hazardous substance totally banned in the EU for some uses and denounced in many studies in Exhibit C or posted on the EPA website, for reasons also illustrated in the death of Hinkley, CA, and many of its residents (remember the movie, "*Erin Brockovich").* ***Third***, as described elsewhere, the disputed EIR mitigations are illusory, insufficient, and noncompliant. Speaking of EIR speculations, unsubstantiated opinions, and bogus thinking, after admitting (less than it should have admitted) some water supply problems, the disputed DEIR incorrectly claims (at DEIR 4.11-51), ratified by the EIR, but ignored in this Response to my quoting it in Ind. 254-24): "This [water] supply deficit can be addressed through NID's previously discussed Water Shortage Contingency Plan …" See NID's WSA discussion in Agency 10. See also my discussions above about how NID water is to be used pursuant to the EIR to suppress toxic fugitive dust, even during droughts with the NSAQMD at Agency Letter 12 (at 12) insisting that be a priority water use frequently every day, while the disputed EIR/DEIR incorrectly claims that it will suffer drought rationing like the rest of us.

X. Objection To EIR Response (at 2-6011) To My Comment Ind. 254-25 (marked by the EIR at 2-5904).

Again, like my previous disputes to EIR's Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23 and 24) and to the EIR's rebutted above Master Comments, this disputed Response is another EIR disaggregated/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my Objection 254 #3.E is cut up into EIR Responses To Comments Ind. 254-23, 24, 25, and 26 as to subpart II, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which is treated by the EIR/ as if such EIR selected fragment had to be self-contained and sufficient, when all were part of an integrated whole that the EIR refused to consider together as I wrote the objection.) As this Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies, I also repeat my complaint that the EIR cannot get away with again with that bogus claim by cutting off my integrated evidence and examples in my whole Objection 254 #3.E into such fragments. My original objection provides ample evidence and examples. In any event, I restate by incorporation by reference my various objections to the noncompliant EIR argument misapplying CEQA Guideline #15384, since they all apply here as well.

A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has rebutted this nonresponsive, disputed Response. As it so often does, the disputed EIR misstates my arguments to make them easier to attempt (and fail) to evade them, claiming that I just complained that "the water treatment system could fail" (as such systems often do, although we have more at risk here because of the hexavalent chromium [among other hazardous substances], which is what killed Hinkley, CA and many of its citizens when similar clay lined ponds failed to contain the menace.) I actually also made a broader charge that this Response entirely evades. (Recall that my DEIR Objection 254 not only proved how the DEIR concealed, evaded, and almost totally ignored the hexavalent chromium menace I demonstrated in detail (and I add more in these objections because the EIR tries to cover up those omissions, noncompliance, and misdirection with an insufficient, noncompliant, and disputed commentary to which I have objected herein.) I contend that the water treatment system was not reported to be designed for hexavalent chromium, which the DEIR did not disclose as a menace in its "Hazards And Hazardous Materials" section, and the EIR still has not proven with any substantiation that its uncertain and insufficiently described water treatment system eliminates hexavalent chromium (note the EU has totally banned it for some uses as having no safe level and which EPA website and Exhibit C studies denounce as vigorously as the movie illustrating the Hinkley, CA, impacts which they are still struggling to clean up as shown on www.hinkleygroundwater.com.) In any case, what this EIR Response cites (i.e., DEIR Impact 4.8-3. -73 and Appendix K.5) are all disputed in my DEIR Objection 254, and the EIR does not overcome those objections, which included case studies of such failed systems. Since the DEIR/EIR wrongly deny/ignore climate change and CR6 effects (see section I.C and D), there is no reason to assume the EIR/DEIR designed their treatment system to deal with such impacts adequately. (As our record winter rain in the midst of record drought just demonstrated, we can have the worst of both impacts, with less rain coming all at once.)

Y. Objection To EIR Response (at 2-6012) To My Comment Ind. 254-26 (marked by the EIR at 2-5904).

Again, like my previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (e.g., to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, and 25) and my objections to the EIR's rebutted above Master Comments (especially #16 as to climate change and drought), this disputed EIR Response is another EIR disaggregation/cut up of my detailed rebuttal objections to the DEIR/EIR on this subject (i.e., my Objection 254 #3.E is cut up into EIR's fragment Responses To Comments Ind. 254-23, 24, 25, and 26 as to subpart II, as well as fragments to Ind. 254-20 to 33 as to all of #3.E), each of which is treated as if such EIR selected fragment had to be self-contained and sufficient, when all were part of an integrated whole the EIR refused to consider together as I wrote the objection.) As this Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies in my objections, I also repeat my complaint that the EIR/DEIR cannot get away again with that bogus claim by cutting off my integrated evidence and examples in my whole Objection 254 #3.E, which provides ample evidence and examples.

A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed Response. As it so often does, the disputed EIR misstates/minimizes my arguments (omitting key arguments and data cross-references to other sections) to make them easier to attempt (and fail)

to evade them, claiming that I had only complained that dust suppression was wasting water. In this case I asserted another "bait and switch" by my describing, including with DEIR admissions, why either (i) "our precious water will be wasted for such mine 'dust control' [citing at DEIR 4.3-49, an admitted 11 million gallon such waste—see NSAQMD Agency Letters 12 and 11 on this issue] or (ii) our particulate air pollution [again think asbestos] will be 55% worse than projected from the mine, leaving the obvious solution to that dilemma of simply shutting the mine that never should have been reopened in the first place" (citing that same DEIR page admissions regarding "Surface Fugitive Dust Controls" that "active work sites would be watered at least two times daily, resulting in an approximately 55 percent reduction of particulate matter," thus increasing the air pollution by that amount whenever they don't water. However, as explained in the NSAQMD Agency Letters 12 and 11, either our community suffers from less water or more asbestos and other toxins in our air, a "pick your poison" dilemma addressed earlier in this Objection.)

Z. Objection To EIR Response (at 2-6012) To My Comment Ind. 254-27 (marked by the EIR at 2-5904).

Again, like my previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26) and my rebuttals to the EIR's above Master Comments (especially my rebuttals to the EIR Master Comments #'s14, 15, and 16 emphasized here as to groundwater depletion, climate change, and drought), this disputed EIR Response is another EIR disaggregated/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my Objection 254 #3.E is cut up into EIR's Responses To Comments Ind. 254-27, 28, and 29 as to subpart III, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which is treated by the EIR as if such EIR had selected fragments to be self-contained and sufficient, when all were part of an integrated whole that the EIR wrongly refused to consider together as I wrote it.) As this EIR Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies, I also repeat my complaint that the EIR/DEIR cannot get away with again with that bogus claim by cutting off my integrated evidence and examples in my whole Objection 254 #3.E (see also #3.M for this particular dispute), which objections collectively provide ample evidence and examples.

A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, noncompliant, and disputed Response. For example, as so demonstrated in my detailed objections, the disputed EIR/DEIR's entire, unsubstantiated, and irrational "less than significant impact" claim depends on their unproven "assumption" that their disputed, cherry picked, selected past model of average "current" rainfall from 1967 to 2017 (i.e., from a high in fall 1967 of 52.81 inches to a low of 18.48 in 1977, but never including the actual and dry "current" years after 2017). What the DEIR/EIR incorrectly call the "current conditions" (i.e., ignoring the many dry years after 2107, when the climate change drought began to have its continuing and current impacts that will increase for 80 years), are imagined in to noncompliant EIR/DEIR to "recharge" and "balance" for the next 80 years despite the significant, harmful impacts of such 24/7/365 EIR dewatering, especially when tunneling, blasting, and mining into new and deeper areas with no sufficient investigations or data about the conditions or results there. (Indeed, the

cherry picking of unreliable, incomplete, and worse historical records before the mine closed and flooded in 1956, don't even allow reliable analysis of the old mine.)

What resident living on the surface above or around the 2585-acre underground mine would bet his or her future welfare and home on that misleading DEIR/EIR claim that such disputed past predicts the future 80 years? No one I know here, and certainly not me and the others who have filed objections to this abuse of our groundwater rights. What this EIR cut up of my #3.E integrated objection fails to address is that its "Simulated Drawdown of Groundwater Levels Under Current Conditions" at DEIR Figure 4.8-8 are not just grossly erroneous and worse, such as by assuming that past predicts the future for such groundwater recharge etc., but such DEIR/EIR theories are also misleading (i.e., another "bait and switch") by mislabeling as "current conditions" what is irrelevant history, especially ignoring the new normal of climate change and **assuming disputed surface water predictions by NID only through 2040 will continue to apply for 80 years of 24/7/365 dewatering. By analogy, that is even worse than falsely assuming (contrary to every insurance company) one could predict the wildfires for the next 80 years by assuming what fires occurred during 1967-2017, which (not coincidently) would ignore the record, "new normal" wildfires that began in 2018 and show little sign of abating.**

AA. Objection To EIR Response (at 2-6012) To My Comment Ind. 254-28 (marked by the EIR at 2-5906).

Again, like my previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27) and to the EIR's rebutted above Master Comments (especially my rebuttals to the EIR Master Comments #'s14, 15, and 16 emphasized here as to groundwater depletion, climate change, and drought), this disputed EIR Response is another EIR disaggregated/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my Objection 254 #3.E is cut up into EIR fragment Responses To Comments Ind. 254-27, 28, and 29 as to subpart III, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which fragments is incorrectly treated as if such EIR selected fragment had to be self-contained and sufficient, when all were part of an integrated whole the wrongly EIR refused to consider together as I wrote the objection.) As this EIR Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies, I also repeat my complaint that the EIR cannot get away again with that bogus claim by cutting off my integrated evidence and examples in my whole DEIR Objection 254, including #3.E (see also #3.M for this particular dispute), which provides ample objection evidence and examples. A review of my unmolested, original Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed EIR Response.

Again, the disputed EIR misstates and erroneous minimizes (including by omissions) my objections as a mere complaint about water "waste." However, my many actual complaints are both (i) as to noncompliance with CEQA regarding water issues, and (ii) about violations of us surface owners' property rights to our groundwater (e.g., *Keystone*). As to EIR water "waste" Responses, my comments were about competing uses that make this "no net benefit mine" (e.g., DEIR Objection 254 #4) a waste compared to the more important priority uses by us local residents, especially since this is a massive, 24/7/365 depletion and relocation of our groundwater to be flushed away down the Wolf Creek for 80 years. See also the "fugitive dust"

waste that wouldn't be needed but for the toxins disturbed in the mining dirt, as I previously addressed, for example, in my Ind. 254-22 and 26. See also the NSAQMD Agency Letters 12 (e.g., at 12) and 11. In any event, besides my objections herein, my DEIR Objection 254 also disproves for many reasons the disputed DEIR/EIR mitigation theories, claims, and speculations. Those EIR claims/proposals also fail because Rise admits (e.g., see Exhibit B and DEIR Objection 254 #2) in its SEC filings facts proving that it lacks the financial capability to mitigate even the insufficient portion of the existing wells addressed in the DEIR/EIR (as distinct from the full number of impacted wells plus any future wells, which is even worse noncompliance by the DEIR/EIR). As demonstrated elsewhere in my objections, the DEIR/EIR only even attempt to offer the required (but disputed) water data for the portion of their 80-year mining period through 2040 (and the noncompliant EIR/DEIR doesn't even do that correctly or sufficiently, as my objections demonstrate).

BB. Objection To EIR Response (at 2-6012) To My Comment Ind. 254-29 (marked by the EIR at 2-5906).

Again, like the previous disputed EIR Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29) and to the EIR's rebutted above Master Comments (especially my rebuttals to the EIR Master Comments #'s 14, 15, 16 and 35 emphasized here as to groundwater depletion, climate change, and drought), this disputed Response is another EIR disaggregation/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my DEIR Objection 254 #3.E is cut up into EIR fragment Responses To Comments Ind. 254-27 to 29 as to subpart III, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which fragments is incorrectly treated as if such EIR selected portion had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR wrongly refused to consider together as I wrote them.) As this EIR Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies, I also repeat my complaint that it cannot get away again with that bogus claim by cutting off my integrated evidence and examples in my whole DEIR Objection 254, including #3.E (see also #3.M for this particular dispute), which objections provide ample evidence and examples.

A review of my unmolested, original DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed EIR Response. Again, the disputed EIR misstates and erroneous minimizes (including by omissions) my objections, including my concerns (i) about the admitted (at DEIR 4.8-42) dewatering that initially requires 160 days to remove 385 million gallons, and (ii) about what happens when the mining stops for any of various possible reasons, including as described in my rebuttals to the DEIR's "Non-CEQA Related Analysis" at 4.3-101 to 104. See my DEIR Objection 254 #'s 3.D, E, F, and M, 4, 5, and 14.

CC. Objection To EIR Response (at 2-6013) To My Comment Ind. 254-30 (marked by the EIR at 2-5907).

Again, like the previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28) and the EIR's rebutted above Master Comments (especially my rebuttals to the

EIR Master Responses #'s 7, 14, 15, and 16, and 17 emphasized here as to groundwater depletion, climate change, and drought), this disputed EIR Response is another EIR disaggregated/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my DEIR Objection 254 #3.E is cut up into EIR fragment Responses To Comments Ind. 254-30 and 31 as to subpart IV, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which objections is incorrectly treated as if each such EIR selected fragment had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR wrongly refused to consider together as I wrote them.) As this EIR Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies, I also repeat my complaint that the EIR cannot get away again with that bogus claim by cutting off my integrated evidence and examples in my whole DEIR Objection 254, including #3.E (see also #3.M for this particular dispute), which objections provide ample evidence and examples.

A review of my unmolested, original DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) comprehensively already has rebutted this nonresponsive, disputed EIR Response. Again, the disputed EIR misstates and erroneous minimizes (including by omissions) my objections, and incorrectly claims mitigation will reduce the impacts to insignificance (eg, at DEIR 4.8-54). Again, as I have demonstrated in my objections, the disputed EIR/DEIR misleads and confuses by referring to "the project site," without being clear whether that ambiguous reference applied to (a) the Brunswick site, in which case the DEIR/EIR was fatally deficient (as is frequently the case in the DEIR/EIR) for not addressing the full situation at and from the 2585-acre underground mine or affecting surface wells now or in the future other than those few along East Bennett Road, or (b) the whole Project, including that underground mine and (see section I.B) Centennial, in which case my asserted objections to errors, omissions, and other noncompliance still apply. See section I.A.1.a(v) and my DEIR Objection 254 #'s 3.N, 4, 14, and 15, addressing the legal flaws I have exposed and hard questions the DEIR/EIR fails to address correctly, especially regarding disputed DEIR insufficiently citing "groundwater basins," versus water in "fractured bedrock" or "fractured bedrock aquifer." See, e.g., my DEIR Objection 254 #'s 3.D, E, F, and M, 4, 5, and 14.

DD. Objection To EIR Response (at 2-6013) To My Comment Ind. 254-31 (marked by the EIR at 2-5908).

Again, like the previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (e.g., to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28) and the EIR's rebutted above Master Comments (especially my rebuttals to the EIR Master Responses #'s 14, 15, and 16, and 17 emphasized here as to groundwater depletion, climate change, and drought), this disputed EIR Response is another EIR disaggregation/cut up of my detailed rebuttal objections to the DEIR on this subject (i.e., my DEIR Objection 254 #3.E is cut up into EIR fragment Responses To Comments Ind. 254-30 and 31 as to subpart IV, as well as to Ind. 254-20 to 33 as to all of #3.E), each of which is incorrectly treated as if such EIR selected fragment had to be self-contained and sufficient, when all were part of an integrated, original whole the EIR wrongly refused to consider together as I wrote them.) As this EIR Response again incorrectly complains about an alleged failure to provide evidence and examples of EIR/DEIR inadequacies, I also repeat my complaint that the EIR cannot get away again with that bogus claim by cutting off my integrated evidence and examples

in my whole DEIR Objection 254, including #3.E (see also #3.M for this particular dispute), which provides ample evidence and examples.

A review of my unmolested, original DEIR Objection 254 #3.E (i.e., what is not so improperly disaggregated by the EIR) already has comprehensively rebutted this nonresponsive, disputed EIR Response. Again, the disputed EIR misstates and erroneous minimizes (including by omissions) my objections, and incorrectly claims "recharge" and mitigation to reduce the impacts to insignificance (eg, at DEIR 4.8-54). See my DEIR Objection 254 #'s 14 and 15, addressing the legal noncompliance I have exposed and hard questions the DEIR/EIR fails to address correctly. Also, my unrebutted objections are especially important about (a) the deficiencies in the DEIR/EIR data regarding the 2585-acre underground mine and especially the regarding the new mining areas, and (b) the extra property rights of us surface owners and users above and around the underground mine, including for lateral and subjacent support, including groundwater. See *Keystone, Varjabedian,* and also my DEIR Objection 254 #'s 3.D, E, F, and M, 4, 5, 8. and 14.

EE. Objection To EIR Response (at 2-6013) To My Comment Ind. 254-32 (marked by the EIR at 2-5909).

Again, like the previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31) and the EIR's rebutted Master Comments 14, 15, and 33, this disputed EIR Response is nonresponsive to my concerns and my data, as illustrated in my opening objection summary in #1 above. Besides this extensive and comprehensive Objection, my 150 page DEIR Objection 254 (not counting cross-referenced and incorporated data) contains ample authorities and specifics to require a fair response (see also my DEIR Objection 254 #'s 15, asking hard questions and exposing issues evaded by the DEIR/EIR, and #'s 3.N, 4, and 14, exposing legal noncompliance in the DEIR/EIR, as well as my DEIR Objection 255 demonstrating errors, omissions, and noncompliance in mitigations and other illusory assurances of the DEIR/EIR, often admitted in Rise's SEC filings as demonstrated in Exhibit B hereto and DEIR Objection 254 #2). However, somehow the disputed EIR nevertheless incorrectly refuses to consider such objections as insufficient to merit a serious and compliant response, apparently because somehow the EIR does not wish to consider the integrated whole of my objection, but somehow instead expects my objection data to be disaggregated/chopped up in some EIR chosen fragments improperly demanded by the EIR. See my general rebuttal to this disputed EIR tactic in the beginning introduction to these objections and in sections I.A.1.d(viii) and I.F.5 and 5. (In effect, the disputed EIR seems to expect every sentence in my Objection regarding any issue somehow to repeat everything I have said or incorporated anywhere in my Objection. I doubt the EIR would be satisfied (as they should be) even if I added expressly words to every sentence about what is already implied (and already expressed in many cross-references and my detailed Table of Contents), such as "plus all the other details I have provided or incorporated into my Objections 254 and 255." Indeed, to satisfy the disputed EIR's incorrect demands for "sufficiency" of detail in objections, the EIR/DEIR seem to expect more than offers of proof and illustrations (which I already provide or incorporate in abundance throughout my DEIR Objection 254 and herein), but also (and prematurely) my detailed trial brief supported by my trial brief and evidence, including my expert reports, which is only required to come later during trial after any disputed approval of the EIR.

For example, the disputed EIR misstates and erroneous minimizes (including by omissions) my objections, and incorrectly claims "recharge" and mitigation to reduce the impacts to insignificance (eg, at DEIR 4.8-54). See my DEIR Objection 254 #'s 3.N, 4, 14 and 15, addressing the legal flaws I have exposed and hard questions the DEIR/EIR fails to address correctly. Also, my unrebutted objections are especially about (a) the deficiencies and worse in the DEIR/EIR data regarding the 2585-acre underground mine and especially the regarding the new mining areas, and (b) the extra property rights of us surface owners and users above and around the underground mine, including for lateral and subjacent support, including groundwater. See *Keystone.* See also my DEIR Objection 254 #'s 3.D, E, F, M and N, 4, 5, 8, 14 and 15. Of course, as usual, the EIR omitted to address various of the issues in that section #3.E(V), such as "balancing," the compelling logic (which I and others can confirm as witnesses and with my cited case studies about others responding to water shortages with existing and future wells) for combating shortages and other consequences of the mine (eg, NID connection and other costs and volume limitations) with deeper or new wells (whether individually or on a community basis) to compete for our owned groundwater. Id.

I mention "balancing" as one of many examples, because among the many things in the EIR/DEIR that are not just wrong, but also offensive and legally a problem for the EIR parties (e.g., *Varjabedian* and other such precedents for claims under the Fifth Amendment, the CA Constitution, and others, such as inverse condemnation, nuisance, and other wrongs, especially for us surface owners above and around the 2585-acre mine, as addressed in my DEIR Objection 254 at #'s 3.N, 4 and 14). Also, I have elsewhere rebutted the disputed EIR/DEIR claims that taking our local groundwater through dewatering is somehow excused or beneficial, because it's flushed into the Wolf Creek to end up somewhere else in the NID system. Not only does that false logic on "balancing" confuse "recharge" needed locally for our surface owner owned (free) groundwater with replacement surface NID water (e.g., for which customers have to pay NID and also suffer NID drought and other restrictions), but whenever us local suffer disproportionally for what some government considers the broader area "common good" that "taking" will cost both the mine and the County. Eg, ***Varjabedian v. Madera*** (1977), 20 Cal. 3d 285, recognizing both inverse condemnation and nuisance claims, relying on both the Fifth Amendment taking cases, like **Richards v Washington Terminal Co** (1914), 233 U.S. 546, and the broader California Constitution, for local, "downwind" homeowners who suffered disproportionate harms (e.g., smells) from a public sewer plant benefitting the broader community. (I note here the EIR/DEIR has even less right, since this no net benefit mine is not a public project. See DEIR Objection 254 #'s 4 and 14.)

As more examples of the DEIR/EIR's failure to present the "good faith reasoned analysis" with "common sense" required (e.g., by cases like *Gray, Banning, Vineyard, Costa Mesa,* etc. and discussed many times in section I above) under CEQA and applicable law, this part of my DEIR Objection 254 (also with many cross-references for more support elsewhere) disputes DEIR 4.8-58 and its Figures 4.8-11 vs 4.8-8 drawdown of groundwater and related problems lacking sufficient (accessible) credible evidence. See also DEIR Objection 254 #'s 3.D, F, M, and N, 4, 5, 14 and 15. For example, the DEIR/EIR never proves that the average rainfall predictor it uses between 1967 and 2017 is applicable and probative either as the "current condition" (eg, it wrongly ignores the drought years after 2017, as well as the impacts of climate change and greater dryness, which the EIR/DEIR cannot in "good faith" ignore or dispute—see section I.C and D) or as predicting the "recharge" (see, e.g., my DEIR Objection 254 #3.M) and other impacts of 24/7/365 EIR dewatering and new mining for 80 years (most of which period is

after the misused NID data ceasing in 2040 on which the DEIR/EIR incorrectly relies, and, worse, attempts as a false comparison/bait and switch tactic, confusing the NID's surface only water with this groundwater depletion issue). While the EIR/DEIR wrongly dismisses my objections as "speculation" or "unsubstantiated opinion," the EIR/DEIR continually does far worse in its own speculations, unsubstantiated opinions and worse.

Besides those mentioned here and many others exposed throughout my DEIR Objection 254, I also note that how many flaws result from the DEIR/EIR guessing about the conditions in this uninvestigated mine flooded and closed since 1956, and irresponsible reliance on its unreliable and cherry-picked historical mine records from a time when applicable sciences were not well advanced and miner owners had little incentive to report accurately. DEIR/EIR talking about their such "models" or "simulations" is like discussing the old computer data truism that "garbage in produces garbage out." None of that satisfies the need for CEQA compliance (see I.C and D) with actual, current evaluation of the current, real conditions both at the existing 2585-acre underground mine and at where the new mining would occur, which cannot be excused by the DEIR/EIR claiming that we don't need to worry because of what they claim (and we dispute) to be the general controlling dynamics of what they imagine to be our uniform "fractured bedrock system," which to them is all about imagined underground bedrock "dams" and which to me and the others at risk is all about the admitted "fractures" in the "bedrock system," which can escape those dams and cause massive depletion, especially during the new and deeper blasting, tunneling, dewatering, and other mining related activities.

Nowhere does the EIR/DEIR prove there are no (and will not ever suffer any) such existing or future "fracture" leaks that threaten us with the loss of our groundwater like an actual hole in the bottom of a bucket that their model blindly assumes with no sufficient proof has no such holes. **First,** note that the DEIR admits (at 4.8-65) that its disputed model supposedly shows some groundwater level reduction, even using its flawed, unreliable, and disputed historical data and excessively favorable "modeling" of the past and future (emphasis added): "**Numerical modeling also indicates that dewatering could lower groundwater levels sufficiently to reduce the base flow in the South Fork Wolf Creek by as much as 0.1 cfs."** Of course, that is another "bait and switch" illusion, which the disputed EIR/DEIR outrageously claims are fine, because our local groundwater ends up somewhere else downstream in the NID system anyway, which is not solace to those of us suffering the groundwater depletion where we live above and around the 2585-acre underground mine. See *Varjabedian.* How do they reassure us potential victims? They speculate with unsubstantiated, meaningless, and unreliable generalities, such as that their "simulations of [predicting that] rate of groundwater inflow into the **mine generally stabilize over the last 10 to 15 years of the 65 year model analysis**" (emphasis added, DEIR at 4.8-62 regarding the disputed Itasca Report model in its disputed "Potential Future Exploration and Mining" discussion), which by their own admission exposes us local surface owners to being deprived of our groundwater for many years before the situation "stabilizes" in accordance with the DEIR/EIR disputed model. **No where do they reveal what harmful impacts we will suffer when exceptions to that "GENERAL" model projected result occur**. **Second,** in another "bait and switch" (in **disputed DEIR/EIR claim at 4.8-65 "Groundwater Recharge") the disputed model produced this unsubstantiated, misleading, and speculative conclusion we dispute (emphasis added): "Thus, the project would not result in any APPRECIABLE new areas of compacted soils or impermeable surfaces that could SUBSTANTIALLY restrict or otherwise interfere with groundwater recharge."** That incorrectly assumes that such an underground blockage is the only cause at issue, when, to the contrary, there are many potential

threats for groundwater depletion in excess of the disputed recharge model, including 24/7/365 dewatering and new and deeper mining off 72 more miles of blasted tunneling for 8o years. **Third,** as every judge and most lawyers know from experience in other such CEQA and similar battles, project advocates can always find pro mining "experts" who make a living adapting their pro-project "models," reports, and data to suit the needs of their miner clients (or that general constituency), but there are many other and better studies, reports, and data to the contrary. [I make no such accusation in this case, because the clear facts and evidence that should defeat the EIR do not require the inquiry into such matters unless the EIR were mistakenly approved, in which case that question will be resolved in litigation discovery in that case.]

In this case, however, such disputed DEIR/EIR models are exposed to many credibility problems on the merits, because they are applying (extrapolating/generalizing/analogizing) data from dissimilar situations to this mine (while ignoring climate change and depending on irrelevant, incorrect, or unreliable history) without really knowing the actual conditions at and around the mine in the level of detail that makes the difference between crisis in a smaller local environment (eg, above and around the 2585-acre mine) as distinguished from the larger "groundwater basin" area on which the disputed EIR/DEIR prefers to focus and then incorrectly assume uniformity. Moreover, the disputed EIR/DEIR historical mine records (e.g., what they choose to consider from whatever they could still find of paper records from before 1956 when the mine flooded and closed) are not reliable, complete, or consistent with modern science or knowledge, and, like the disputed EIR/DEIR Appendices and Exhibits, they are vulnerable to challenge under the applicable law of evidence. Many of such studies cited by the EIR/DEIR are older and based on obsolete, outdated, or superseded science, especially regarding climate change and current weather prediction models used by every business and government which wants to be more accurate than the "flat earth" people who prefer those now superseded, older studies to support the "alternate reality" pitched to win government approvals for their exploitive ambitions.

FF. Objection To EIR Response (at 2-6013) To My Comment Ind. 254-33 (marked by the EIR at 2-5913) And Correctly Entitled: "DEIR Water Depletion Mitigation Ideas Ignore DEIR Errors, Omissions, And Deficiencies And Fail Even Under Their Own Disputed Terms."

Again, like the previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (e.g., to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32) and to the EIR's rebutted Master Comments 2, 14, 15, and 16, this disputed EIR Response is nonresponsive to my objections, concerns, and data, as illustrated in my opening objection summary in DEIR Objection 254 #'s 1, 3.N, 4, and 14 herein and my related objections in section I above and to such disputed EIR Master Responses and disputed Responses to Comments Ind. 254-1 and 14 to 33 on this subject. This disputed EIR Response (like many others herein) misstates, evades, or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits some other objections entirely. Besides this massive Objection and my EIR Objection 255, my 150 page DEIR Objection 254 (not counting cross-referenced and incorporated data) contains ample authorities and specifics to require a fair, "good faith reasoned analysis" with "common sense" EIR response (see also my DEIR Objection 254 # 15, asking hard questions and exposing issues evaded by the DEIR/EIR, and #'s 3.N, 4, and 14, exposing legal noncompliance in the

DEIR/EIR, as well as my DEIR and EIR Objections 255, demonstrating errors, omissions, and noncompliance in mitigations and other illusory assurances of the DEIR/EIR, often admitted in the Rise SEC filings shown in Exhibit B hereto and DEIR Objection 254 #2.)

Without repeating all my still valid and meritorious four Objections, I rebut some of the disputed EIR Response's complaints to illustrate why such Response (and the EIR as a whole) must be rejected. I explain some reasons why in my counter to such Response #1 at the start of these section III objections, relying on court decisions cited therein like *Gray, Banning, Vineyards, and Costa Mesa,* which require a "good faith reasoned analysis" with "common sense" in the EIR and which prohibit the kind of "hide the ball," *"*bait and switch," false equivalence, and other such prohibited tactics (see section I.A.1.d. (viii). As I also explain in my counter to such Response #1 above and in my rebuttal to the disputed EIR's Master Response 16 regarding the DEIR's refusal to properly address climate change realities (e.g., incorrectly relying on historical "current" average rainfall between 1967 and 2017 as the "current" baseline, which ignores all the dry years after 2017 and which incorrectly assumes those old days before the impact of climate change will reliably predict groundwater recharge and balancing for the next 80 years, despite 24/7/365 dewatering and new and deeper mining around 72 miles of new, blasted tunnels deeper into unknown areas of the underground mine.) See my section I.C and D, including the 2018 Guidelines Amendments Explanation confirming the importance of climate change analysis in eirs. Also, as demonstrated in my objections to disputed EIR Response to Comments Ind. 254-20-33, the disputed DEIR first admits that there may be significant depletion, but then incorrectly insists that it can be mitigated. However, I then demonstrated why that mitigation is illusory, deficient, and worse, and why the EIR/DEIR well monitoring system fails to include many of the existing wells and all of the future competing wells which each of us surface owners above and around the 2585-acre underground mine have a legal right to tap for our owned groundwater as needed to preserve our homes, forests, environment, and welfare, including from keeping our forests from drying out, dying and becoming fire traps.

In summary, somehow the disputed EIR incorrectly refuses to consider my four interactive and collective Objections as sufficient to merit a serious EIR response, apparently because somehow the disputed EIR does not wish to consider the integrated whole of my objections, but somehow instead expects my objection data to be sufficient in each chopped up EIR chosen fragment improperly demanded by the noncompliant EIR. See my general rebuttals to this disputed EIR tactic, such as at the beginning introduction to these objections. Also, everything in my previous Comment Ind. 254-31 and 32 (and 20-33) applies here as well, plus more, e.g., both (i) as to the issues vaguely recognized (but inadequately described, minimized, or mischaracterized for EIR complaints in this disputed Response for insufficient specifications) as "groundwater supplies," "inconsistent DEIR discussions of groundwater," "negative impacts on tourism and economic values in the community," and "failing to acknowledge climate change and drought," and (ii) as to the other issues I addressed in this part of my four Objections as to which there was no EIR Response, such as, for example, the legal disputes over our surface owner property rights down 200 feet (and related *Varjabedian* type inverse condemnation, takings, nuisance, trespass, and other claims, including on account of the noncompliant DEIR/EIR's inadequate, infeasible, and illusory mitigation and monitoring proposal exposed in Rise's SEC filings admitting facts demonstrating that Rise cannot afford such EIR performance anyway, and much more as explained in section I and II at a more general level.

Please note that my objections herein and in (or incorporated in) my DEIR Objections 254 and 255 call attention to DEIR (and now EIR) admissions, which (while still deficient,

insufficient, and disputed for various reasons) excuse me as a matter of law at having to prove what is stated in those admissions, allowing me to expose greater and other errors, omissions, and flaws from that admitted foundation. Thus, when, for example, the EIR makes its common (and always disputed, incorrect, and worse) complaints that my objections are too nonspecific, unsubstantiated, speculative, or otherwise defective, the EIR never addresses the admissions I quote that are, although always understated, a sufficient foundation for my uses of them in those and further related objections. For example, in my Objection 254 #3.E (VI) at 61 (which the EIR marked as Comment Ind. 254-33 at its 2-5913) I quoted the EIR concluding (at 4.8-66, capitalization emphasis added): **WITHOUT IMPLEMENTATION OF A GROUNDWATER MONITORING PROGRAM AND WELL MITIGATION PLAN, THE PROJECT COULD RESULT IN A SIGNIFICANT IMPACT TO GROUNDWATER SUPPLIES.**" See also the rest of my DEIR Objection 254 #3.E, properly entitled "'Hiding the Ball' in the DEIR Is Not Compliance With CEQA And Other Applicable Laws, And That Practice, Especially As To Water and Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DIER Tries To Obscure By Distracting Attempts To Limit the CEQA 'Project' And The Related Water Issues." [I quote this because this section of the objection referenced other substantive sections of DEIR Objection 254 for many details besides examples that illustrate such objectionable evasions by the DEIR, as my objections herein illustrate to the disputed EIR Responses to Comment Ind. 254-14 to 33.]

Among other things, that preceding paragraph discussion in this subsection means all my complaints about relating groundwater supplies and quality, monitoring, and mitigation must be fully addressed in EIR responses, and not evaded as they now are. What remains to be debated is that, based on that admitted (and now beyond EIR dispute) foundation of the danger of groundwater supply impacts from the project, whether the groundwater monitoring and well mitigation plan is compliant, feasible, sufficient, and otherwise satisfactory (which it is not, for many reasons, including that it ignores many existing mines [even those admitted by the County Economic Report to exist; see Exhibit A hereto], many more areas in need of monitoring, and many potential additional competing wells that will be drilled as needed above and around the 2585-acre underground mine by us surface owners and users to tap into the groundwater we own. For example, we are rightly concerns to about reliable access to groundwater not just for our homes, but for our local environment, such as to save our forest from being a dead fire hazard for lack of water. See my rebuttal to disputed EIR Master Response 33.

While the EIR incorrectly disputes and refuses to respond to that projection of future wells as speculative, that EIR evasion ignores my offer of proof from myself and other witnesses, as well as cited case studies and incorporated objections (see Exhibit D) of how groundwater is being used throughout the State to combat surface dryness from climate change the disputed DEIR/EIR incorrectly refuses to address as speculative and for other disputed theories. See section I.C and D, confirming that CEQA requires climate change to be considered.] Also, I dispute that even any better monitoring and mitigation that might be legally and practically sufficient and otherwise satisfactory is not feasible for "implementation" and otherwise for many reasons. See, eg, my attached Exhibit B and citations to my Objections 254 and 255 that use Rise SEC admissions to prove that none of what is promised or contemplated by the DEIR/EIR is affordable or economically feasible and, hence, is illusory or worse. See *Richmond v. Chevron*, confirming the importance of SEC filings and other admissions to defeat such EIR's. Indeed, as I have proven, even what the disputed DEIR/EIR offers as mitigation and

monitoring is insufficient, deficient, illusory, and otherwise unsatisfactory not feasible, as I explained in that DEIR Objection 254 #3.E (VI), as well as illustrated in #I.E and F above.

A similar EIR admission attempts to cover up the disputed DEIR omissions of the hexavalent chromium water and air pollution threats I addressed in DEIR Objection 254 #'s 3.C, F, G, H, M and N, 4, 5, and 7, and continue to object as to the significant new additions in the EIR Responses to which I still object herein. The facts remain, despite EIR trying to evade that toxic threat that the DEIR failed to mention at all in its "Hazards And Hazardous Materials" discussion and only vaguely mentioned in passing in its back discussion of mining techniques, as I have demonstrated both in those DEIR objections and my objections herein as to such noncompliant discussions of that hexavalent chromium menace made worse by what the EIR added on the subject as explained in my objections thereto (section I.F.1 and I.E) herein (e.g., also my objections to disputed EIR Master Comment 1 and 15, and disputed EIR Responses To Comment Ind. 254-1).

Please also note that my objections herein and in (or incorporated in) my DEIR Objections 254 and 255 call attention to DEIR (and now EIR) admissions, which (while still deficient, insufficient, and disputed for various reasons) excuse me as a matter of law at having to prove what is stated in those admissions, allowing me to expose greater and other errors, omissions, and noncompliance from that admitted foundation. Thus, when, for example, the EIR makes its common (and always disputed, incorrect, and worse) complaints that my objections are too nonspecific, unsubstantiated, speculative, or otherwise defective, the EIR never addresses the admissions I quote that are, although always disputed as still noncompliant, a sufficient foundation for my uses of them and further related objections. For example, in my DEIR Objection 254 #3.E (VI) at 61 (which the EIR marked as Comment Ind. 254-33 at its 2-5913) I quoted the EIR concluding (at 4.8-66, capitalization emphasis added): WITHOUT IMPLEMENTATION OF A GROUNDWATER MONITORING PROGRAM AND WELL MITIGATION PLAN, THE PROJECT COULD RESULT IN A SIGNIFICANT IMPACT TO GROUNDWATER SUPPLIES." See also the rest of my DEIR Objection 254 #3.E (EIR labeled Response to Comment Ind. 254-20 to 33), properly entitled "'Hiding the Ball' in the DEIR Is Not Compliance With CEQA And Other Applicable Laws, And That Practice, Especially As To Water and Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DIER Tries To Obscure By Distracting Attempts To Limit the CEQA 'Project' And The Related Water Issues." [I quote this because this section of the objection references other substantive sections of DEIR Objection 254 for many details, besides examples that illustrate such objectionable evasions by the DEIR, as my objections herein illustrate with respect to the disputed EIR Responses to Comment Ind. 254-14 to 33, including by disputed "bait and switch" EIR/DEIR tactics (e.g., I.A.1.d(viii) and I.F.5 and 6), such as pretending that the only such issues relate to existing wells around East Bennett Road, not even including additional 300 wells addressed in the County Economic Report to which I object in Exhibit A hereto, while many more wells exist or will exist as I offer to prove. See, eg, DEIR 4.8-83 claims to mitigate the water supply problem with NID water to those few wells among the many at risk. Among other things, that evasion of many existing and all future wells makes the DEIR/EIR monitoring and mitigation noncompliant illusory, which is especially serious considering what the DEIR so admits, and the EIR reaffirms, as discussed herein.]

Among other things, that preceding paragraph discussion means all of my complaints about relating groundwater supplies, monitoring, and mitigation must be addressed in EIR

responses and not evaded as they now are. What remains to be debated is that, based on that admitted (and now beyond EIR dispute) foundation of the danger of groundwater supply impacts from the project, even if the groundwater monitoring and well mitigation plan were compliant, feasible, sufficient, and otherwise satisfactory (which it is not, for many reasons, including that it ignores or evades many existing mines [even those admitted by the County Economic Report to exist; see Exhibit A hereto], many areas in need of monitoring (and more often than "quarterly"), and many potential additional competing wells that will be drilled as needed in the future above and around the 2585-acre underground mine by us surface owners and users to tap into the groundwater we own, for example, to save our forests from being a dead fire hazard for lack of water.

While the EIR incorrectly disputes that projection of future wells, that evasion ignores my offer of proof from myself and other witnesses as well as cited case studies of how groundwater is being used throughout the State to combat surface dryness from climate change the disputed DEIR/EIR incorrectly refuses to address as speculative and for other disputed theories, despite evaded CEQA requirements explained in section I.C. and D. Whatever else can be said, that reality matters under the applicable court decisions (see DEIR Objection 254 #'s 3.N, 4 and 14 and section I.F. and E above. Also, I dispute that even any theoretically better monitoring and mitigation that might be legally and practically sufficient and otherwise satisfactory because they are not feasible for "implementation" and otherwise for many reasons. See, eg, my attached Exhibit B and citations to my DEIR Objections 254 and 255 that use Rise SEC admissions to prove that none of what is proposed or contemplated by the disputed DEIR/EIR is affordable or economically feasible and, hence, is illusory or worse. Indeed, as I have proven, even the insufficient, deficient, illusory, and otherwise unsatisfactory and disputed DEIR/EIR's offered mitigation and monitoring is not feasible, as I explained in that Objection 254 #3.E (VI), as well as section I.E and F above.

Another example of a damning DEIR admission was its alleged mitigation for supplying replacement water for wells it dried up, which satisfied neither the requirements in the applicable court decisions cited in my DEIR Objections 254 # 's 3.N, 4, and 14 and 255 (e.g., *Gray* mandating full practical equivalence to what water service was lost). For example, when the DEIR proposes to replace the well water capacity it depletes by more than "10%" (eg, an illusory mitigation that Rise's SEC admissions reveal facts showing it cannot afford, as demonstrated in Exhibit B hereto and my DEIR Objection 254 #2), the DEIR is admitting that that required mitigation will be insufficient. Remember that (as Rise admits in its SEC 10K filings I so quoted) us surface owners above and around the 2585-acre mine own everything down 200 feet, and more as to groundwater (because water is not a mining right "mineral," and we have the property rights to lateral and subjacent support by groundwater as the Supreme Court has confirmed in *Keystone* and as explained in my Objection 254 #'s 4 and 14.) If the County allows the mine to take that 10% of our groundwater, that invites *Varjabedian* type Fifth Amendment (and the CA Constitutional equivalent) taking claims, inverse condemnation claims, nuisance claims, trespass, and conversion claims, and much more. Id.

A similar EIR admission attempts to cover up the disputed DEIR omissions of the hexavalent chromium water and air pollution threats I addressed in DEIR Objection 254 #'s 3.C, F, G, H, and M, 5 and 7 and continue to object as to the new additions in the EIR Responses to which I object herein. See section I.F.1 above. The facts remain, despite EIR trying to evade that toxic threat, which the DEIR failed to mention at all in its "Hazards And Hazardous Materials" discussion and only vaguely mentioned in passing in its back discussion of mining techniques, as

I have demonstrated both in those DEIR objections and my objections herein as to such noncompliant discussion of that hexavalent chromium menace made worse by what significant new information the EIR (e.g., Appendices Q, O, and R) added on the subject as explained in my objections thereto herein.

GG. Objection To EIR Response (at 2-6014) To My Comment Ind. 254-34 (marked by the EIR at 2-5916) And Correctly Entitled: "3. F. One Illustrative Dispute Over Groundwater Depletion by the Mining."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR EVASION OF MY OBJECTIONS WITHOUT "GOOD FAITH REASONED ANALYSIS" AND "COMMON SENSE" BY COMPARING (1) MY THREE PAGE DEIR OBJECTION 254 #3.F (entitled there and in my Table of Contents as: "One illustrative Dispute Over Groundwater Depletion by the Mining.") TO (2) HOW THE DISPUTED EIR (AT 2-5916) CHOPPED/DISAGGREGATED THAT OBJECTION IN HALF AND THEN SUCCESSIVELY IGNORED EACH HALF WHEN ADDRESSING THE OTHER HALF AS ALLEGEDLY DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR RESPONSE TO COMMENT IND. 254-34 PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR QUOTES (INCLUDING DEFICIENT DEIR AND RISE ADMISSIONS) BUT THEN, IGNORING THE REST OF MY DEIR OBJECTION 254 #3.F, THE EIR CUT FRAGMENT'S LABELED RESPONSE TO COMMENT TO IND. 254-35, INCORRECTLY STATED: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR QUOTES ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE SECOND HALF FRAGMENT OF MY #3.F THAT THE EIR CUT OFF AS ITS RESPONSE TO COMMENTS IND. 254-35, AGAIN INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE."

THUS, INSTEAD OF ADDRESSING MY THREE-PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY ANNOTATED EIR QUOTES FROM MY DETAILED REBUTTALS OF THOSE QUOTES, SO THAT THE EIR COULD MANUFACTURE A BOGUS EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS. THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH" (SECTION I.A.1.D(VIII) AND I.F.5 AND 6). THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR/DEIR, DEPENDING ON HOW YOU COUNT THEIR FRAGMENT REPETITIONS, MAKING THIS OBJECTIONABLE TACTIC IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY TRUTH SEEKER SHOULD RUN A WORD SEARCH IN SUCH EIR RESPONSES FOR THOSE AND SIMILAR WORDS (E.G., "COMMENTER DOES NOT STATE"), BECAUSE EVERY SUCH RESPONSE IS DISPUTED BOTH FOR THE SAME REASON AND LACKING ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THEY CHOSE TO SO GAMBLE ON EVADING ANY RESPONSE ON THE MERITS IN HOPES THE

COUNTY DECISION-MAKERS WOULD NOT NOTICE OR WRONGLY FORGIVE SUCH NONCOMPLIANCE.

Again, like the previous, disputed EIR Responses to my water (and hexavalent chromium) related objections (e.g., to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33) and the EIR's rebutted Master Comments 2, 14, 15, and 16, this disputed EIR Response is nonresponsive to my objections, concerns, and data, as illustrated in my opening objection summary to Response #1 herein, DEIR Objection 254 #'s 3.N, 4, and 14, and in my related objections to such disputed EIR Master Responses and Responses to Comments Ind. 254-1 and 14 to 33 on this subject. That disputed EIR Response (like many others disputed herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits or evades some other objections entirely. This Objection is to a disputed EIR Response where I illustrate my detailed objections by reference to rebutting long quotes from the DEIR at 4.8-62 and -54 (reaffirmed by the EIR Response) that reveal many errors, omissions, and noncompliance that cannot properly be evaded and are not defeated by the EIR/DEIR. Like my sections I and II above, my 150 page DEIR Objection 254 (not counting cross-referenced and incorporated data) and the related 255 each contains ample authorities and specifics to require a fair EIR response (see also my DEIR Objection 254 # 15, asking hard questions and exposing issues evaded by the DEIR/EIR, and #'s3.N, 4 and 14, exposing legal flaws in the DEIR/EIR, as well as my Objection 255 demonstrating errors, omissions, and flaws in mitigations and other illusory assurances of the DEIR/EIR, often admitted in the Rise SEC filings and in Exhibit B hereto).

Also, as noted in earlier objections to such disputed EIR Responses to my Comments Ind. 254-1 et seq (especially as illustrated in the Ind. 254-14 to 33), this EIR Response artificially cuts up my Objection 254 #3.F into segments and wrongly treats each of them as if they had to be sufficient as so wrongly treated as self-contained, rather than as integrated parts of the whole objection that I wrote. In addition, as demonstrated in prior objections, that DEIR Objection 254 section 3.F objection uses the DEIR's own quoted admissions against it to prove parts of the foundation for such objections, which admissions (especially because they are used in rebuttal or impeachment) require no further proof and cannot be so dismissed by the EIR as speculative or unsubstantiated or otherwise contrary to CEQA Guideline 15384. See section I.C and D correcting the EIR's erroneous CEQA analysis.

Without repeating all my still valid and meritorious objections, I rebut some of the disputed EIR Response's complaints to illustrate why they (and the EIR as a whole) must be rejected. The first disputed challenge minimizes my objection by limiting it to just a part of my longer integrated objection (including cross-references and incorporations). For example, they characterize my objection as insisting that "the Appendix must be in the DEIR itself." That is not my point, as I explain in my objections to EIR Response #1 at the start of these objections relying on court decisions cited therein like *Gray, Banning, Vineyard, and Costa Mesa,* which require a "good faith reasoned analysis" with "common sense" in the EIR and which prohibit the kind of "hide the ball," *"*bait and switch," and other such prohibited tactics. One of which examples is where the EIR states a speculative, unsubstantiated, or otherwise bogus opinion and then cites vaguely to a massive disputed exhibit (here the DEIR Appendices) for support, in effect telling us objectors that we are supposed to hunt around in a massive technical document to imagine which of its disputed statements they will claim we should rebut as irrelevant, obsolete, or otherwise defective for any of a score of possible reasons. CEQA court interpretations cited in section I above have prohibited that tactic. As I also explain in my

objection to EIR Response #1 above and in my rebuttal to the disputed EIR's Master Response 16 regarding the DEIR's refusal to properly address climate change realities (e.g., relying on historical "current" average rainfall between 1967 and 2017 as the "current" baseline, which ignores all the dry years after 2017 and which incorrectly assumes those old days before the impact of progressing climate change predict future groundwater recharge and balancing for the next 80 years of 24/7/365 dewatering and mining.) Also, as demonstrated in my objection to disputed EIR Response to Comment Ind. 254-33 above, the disputed DEIR first admits that there may be significant depletion, but then incorrectly insists that it can be mitigated. As I then demonstrated that mitigation is illusory, deficient, and worse. Likewise, the disputed and deficient monitoring system fails to include many of the existing wells and all of the future competing wells which each of us surface owners above and around the 2585-acre underground mine have a legal right to tap for our owned groundwater, as needed to preserve our homes, environment, and welfare, including from keeping our forests from drying out, dying, and becoming fire traps.

Just a few other overlooked objections to this disputed EIR Response deserve special mention here. The EIR Response cites the disputed EMK Environmental, Inc study (without referencing adequately any specific data or cites therein, contrary to my cited case law above in section I.C and D and in my objections to EIR Response #1 above). That disputed EIR announces the addition of a "safety factor of 100 percent in calculations the project would not have any significant impact on groundwater supplies" without any proof at all that 100 percent is safe or sufficient, making the DEIR/EIR's whole disputed theory into the kind of speculation and unsubstantiated theory its claims admit is barred by CEQA Guidelines I counter with in section I.C and D above. That EIR guesswork is especially dangerous when it is combined with a deficient analysis that seem focused on places other than where us surface owners live above and around the 2585-acre underground mine (like the small East Bennett Road area below us or some larger area basin.)

In summary, somehow the disputed EIR incorrectly refuses to consider my collective objections as sufficient to merit a serious response, apparently because somehow the EIR does not wish to consider the integrated whole of my objections as written, but somehow instead expects my objection data in such EIR chosen segments improperly demanded by the EIR to be independently sufficient. See my general rebuttal to this disputed EIR tactic, such as at the beginning introduction to these sections II and III objections and section I.F.5 and 6 above. Also, everything in my previous Comment Ind. 254-32 and 33 applies here as well, plus more, both (i) as to the issues vaguely recognized (but inadequately described, minimized, or mischaracterized in EIR complaints for this disputed Response incorrectly alleging insufficient explanations or specifications) as "groundwater supplies," "inconsistent DEIR discussions of groundwater," "negative impacts on tourism and economic values in the community," and "failing to acknowledge climate change and drought," and (ii) as to the other issues I addressed in this part of my Objections as to which there was no EIR Response, such as, for example, the legal disputes over our surface owner property rights down 200 feet (and related inverse condemnation, takings, nuisance, trespass, and other claims [e.g., *Varjabedian*], including on account of the disputed DEIR/EIR giving the first 10% of our locals' well groundwater capacity free to the miner, and other inadequate, infeasible, and illusory mitigation and monitoring proposals as to which Rise admits facts showing Rise could not afford such mitigation anyway, and much more.)

Please note that my objections herein and in (or incorporated in) my DEIR Objections 254 and 255 call attention to DEIR (and now EIR) admissions, which (while still deficient, insufficient, and disputed for various reasons) excuse me as a matter of law at having to prove what is stated in those admissions, allowing me to expose greater and other errors, omissions, and noncompliance from that admitted foundation. Thus, when, for example, the EIR makes its common (and always disputed, incorrect, and worse) complaints that my objections are too nonspecific, unsubstantiated, speculative, or otherwise defective, the EIR never addresses the admissions I quote that are, although still always deficient, a sufficient foundation for my uses of them and further related objections. For example, in my DEIR Objection 254 #3.E (VI) at 61 (which the EIR marked as Comment Ind. 254-33 at its 2-5913) I quoted the EIR concluding (at 4.8-66, capitalization emphasis added): WITHOUT IMPLEMENTATION OF A GROUNDWATER MONITORING PROGRAM AND WELL MITIGATION PLAN, THE PROJECT COULD RESULT IN A SIGNIFICANT IMPACT TO GROUNDWATER SUPPLIES." See also the rest of my DEIR Objection 254 #3.E, properly entitled "'Hiding the Ball' in the DEIR Is Not Compliance With CEQA And Other Applicable Laws, And That Practice, Especially As To Water and Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DIER Tries To Obscure By Distracting Attempts To Limit the CEQA 'Project' And The Related Water Issues." [I quote this because this section of the objection referenced other substantive sections of DEIR Objection 254 for many details besides examples that illustrate such objectionable evasions by the DEIR, as my objections herein illustrate to the disputed EIR Responses to Comment Ind. 254-14 to 33.]

Among other things, that preceding paragraph discussion in this subsection means all my complaints about relating groundwater supplies and quality, monitoring, and mitigation must be addressed in EIR responses in compliance with CEQA (see section I.C and D) and my such objections not evaded or ignored as they now are. What remains to be debated here is that, based on that admitted (and now beyond EIR dispute) foundation of the danger of groundwater supply impacts from the project, even if the groundwater monitoring and well mitigation plan were compliant, feasible, sufficient, and otherwise satisfactory (which it is not, for many reasons, including that it ignores many existing wells [even those admitted by the County Economic Report to exist; see Exhibit A hereto], many areas in need of monitoring, and many potential additional competing wells that will be drilled in the future as needed above and around the 2585-acre underground mine by us surface owners and users to tap into the groundwater we own, for example, to save our forest from becoming a dead fire hazard for lack of water. While the EIR incorrectly disputes that projection of future wells, that evasion ignores my offer of proof from myself and other witnesses as well as cited case studies of how groundwater is being used throughout the State to combat surface dryness from climate change that the disputed DEIR/EIR incorrectly refuses to address, incorrectly claiming it to be speculative and on other disputed theories. See section I.C and D.] Also, I dispute that even any better monitoring and mitigation that might be legally and practically sufficient and otherwise satisfactory is not feasible for "implementation" and otherwise for many reasons. See, eg, my attached Exhibit B and citations to my DEIR Objections 254 and 255 that use Rise's SEC admissions to prove that none of what is promised or contemplated by the DEIR/EIR is affordable or economically feasible and, hence, is illusory or worse. Indeed, as I have proven by four Objections, even the insufficient, deficient, illusory, and otherwise unsatisfactory and disputed DEIR/EIR's offered mitigation and

monitoring is not feasible, as I explained in that DEIR Objection 254 #3.E (VI), as well as its #1.E and F.

HH. Objection To EIR Response (at 2-6014) To My Comment Ind. 254-35 (marked by the EIR at 2-5917) And Correctly Entitled: "3. F. One Illustrative Dispute Over Groundwater Depletion by the Mining."

Because this EIR's disputed Response To my Comment Ind. 254-35 is the second half fragment of my integrated DEIR Objection 254 #3.F to the DEIR that the disputed EIR cut up and disaggregated from my integrated fragment the EIR labeled Ind. 254-34, I incorporate (and will not repeat) what I just said in the preceding subsection objecting to that Ind. 254-34 disputed EIR Response, all of which applies equally to this half of that objection cut and marked by the EIR as fragment Ind. 254-35. Read my first half of my #3.F objection first in the previous objection to what the disputed EIR labelled Response to Ind. 254-34, because that is the annotated quotes (including deficient admissions) from the disputed DEIR that I intended to set up my detailed rebuttals in this second half of the EIR's disputed split of my objection #3.F. Nothing in that EIR Response fragment or in this EIR Response fragment should survive my objections. What the disputed EIR added extra in this Response Ind. 254-35 is also objectionable, and I note the following.

This objection is to a disputed response where I illustrate my detailed objections by reference to rebutting long quotes from the DEIR at 4.8-62 and -54 (reaffirmed by the EIR Response) that reveals many errors, omissions, and noncompliance that cannot be evaded or ignored and that are not defeated by the EIR/DEIR. Besides my section I above, my 150 page Objection 254 (not counting cross-referenced and incorporated data) contains ample authorities and specifics to require a fair and compliant EIR response (see also my DEIR Objection 254 #'s 15, asking hard questions and exposing issues evaded or ignored by the DEIR/EIR, and DEIR Objection 254 #'s 3.N, 4 and 14, exposing legal flaws in the DEIR/EIR, as well as my DIR Objection 255 demonstrating errors, omissions, and flaws in mitigations and other illusory assurances of the DEIR/EIR, often admitted in Rise's SEC filings and in Exhibit B hereto). Also, as noted in the previous objection marked Ind.254-34 and other earlier objections to such disputed EIR Responses to my Comments Ind. 254-1 et seq. (especially as illustrated in the previous subsection Ind. 254-34 and Ind. 254-14 to 33), this disputed EIR Response artificially cuts up my Objection 254 #3.F into fragments and wrongly treats each of them as if they had to be independently sufficient as so wrongly treated as self-contained, rather than as integrated parts of a whole objection. In this case, the first fragment the EIR marked Ind. 254-34 involved my annotated quotes from the DEIR to which I object, and this second part here that the EIR marked Ind. 254-35 presents additional objections.

Also, as demonstrated in prior objections, that DEIR Objection 254 section 3.F objection used the DEIR's own quoted admissions against it to prove parts of the foundation for such objections in both Ind. 254-34 and -35, which admissions (because they are admissions used in rebuttal or impeachment) require no further proof and cannot be dismissed as speculative or unsubstantiated or otherwise contrary to CEQA Guideline 15384. See section I.C and D above. Without repeating all my still valid and meritorious objections, I rebut some of the disputed Response's complaints to illustrate why they (and the EIR as a whole) must be rejected. The first disputed challenge minimizes my objection by limiting it to just a part of my longer integrated objection (including cross-references and incorporations). That is not my point, as I explain in

my objections to EIR Response #1 at the start of these objections relying on court decisions cited therein like *Gray, Banning, Vineyard, and Costa Mesa,* which require a "good faith reasoned analysis" with "common sense" in the EIR and which prohibit that kind of "hide the ball," "bait and switch," and other such prohibited tactics, one of which is where the EIR states a speculative, unsubstantiated, or otherwise bogus opinion and then cites vaguely to a massive exhibit (here the DEIR Appendices) for support, in effect telling us objectors that we are supposed to hunt around in a massive technical document to imagine which of its disputed statements they will claim we should rebut as irrelevant, obsolete, or otherwise defective for any of a score of possible reasons.

Again, like the previous disputed EIR Responses to my water (and hexavalent chromium) related objections (eg, to my Comments Ind. 254-1, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34) and the EIR's rebutted Master Comments 2, 14, 15, 16, and 33, this disputed EIR Response is nonresponsive to my objections, concerns, and data, as illustrated in my opening objection summary in #1 herein, DEIR Objection 254 at #'s 3.N, 4 and 14, and my related objections to such disputed EIR Master Responses and Responses to Comments Ind. 254-1 and 14 to 33 on this subject. That disputed EIR Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits some other objections entirely. This objection is to a disputed EIR response where I illustrate my detailed objections by reference to rebutting long quotes from the DEIR at 4.8-62 and -54 (reaffirmed by the EIR Response) that reveal many errors, omissions, and flaws that cannot be evaded and are not defeated by the EIR/DEIR. Besides my cited authorities in sections I and II above, my 150 page DEIR Objection 254 (not counting cross-referenced and incorporated data) contains ample authorities and specifics to require a fair and compliant response (see also my DEIR Objection 254 #'s 15, asking hard questions and exposing issues evaded by the DEIR/EIR, and Objection 254 #'s 3.N, 4 and 14, exposing legal flaws in the DEIR/EIR, as well as my DEIR Objection 255, demonstrating errors, omissions, and flaws in mitigations and other illusory assurances of the DEIR/EIR, often admitted in Rise's SEC filings and in Exhibit B hereto).

As I also explain in my objections to Response #1 above and in my rebuttal to the disputed EIR's Master Response 16 regarding the DEIR's refusal to properly address climate change realities (eg, relying on historical "current" average rainfall between 1967 and 2017 as the current baseline, which ignores all the dry years after 2017 and which incorrectly assumes those old days before the progressive impact of climate change may be used to predict groundwater recharge and balancing for the next 80 years of 24/7/365 dewatering.) Also, as demonstrated in my objection to disputed Response to Comment Ind. 254-33 above, the disputed DEIR first admits that there may be significant depletion, but then incorrectly insists that it can be mitigated. I then demonstrated why that mitigation is illusory, deficient, and worse, and why the monitoring system fails to include most of the existing wells and all of the future competing wells which each of us surface owners above and around the 2585-acre underground mine have a legal right to tap for our owned groundwater as needed to preserve our homes, environment, and welfare, including from keeping our forests from drying out, dying and becoming fire traps. As one of many examples of objection details the disputed EIR falsely claims to be missing, I demonstrated in my objection (#III at 2-5918) I exposed the flaws inherent in the DEIR's cherry picked downhill, small 30 well sample from an area along East Bennett Road that it does not (and I contend cannot) prove is comparable to (or probative for predicting) what to expect in the future in the more important risk "surface" areas (down at least 200 feet) above and around the

2585-acre underground mine where thousands of us mine objectors live. I also explained why the proposed mitigation and monitoring is insufficient not just in fact, but also as a matter of law, as demonstrated in my DEIR Objection 254 #'s 3.N, 4 and 14 court precedents, besides the *Gray, Banning, Vineyards, and Costa Mesa* precedents discussed above refuting the inapplicable and worse EIR arguments for misapplying CEQA Guideline 15384. See also sections I.C and D above.

II. Objection To EIR Response (at 2-6015) To My Comment Ind. 254-36 (marked by the EIR at 2-5918) And Correctly Entitled: "#3.G The DEIR's Disputed Errors, Omissions, And Deficiencies Also Include Water Quality, Especially Relating to Hexavalent Chromium (Remember *Erin Brockovich*?)"

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR LACK OF GOOD FAITH REASONED ANALYSIS AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY TWO PAGE DEIR OBJECTION 254 #3.G (paired with my adjacent three page DEIR Objection 254 #3.H entitled there and in my Table of Contents as: "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie.") TO (2) HOW THE DISPUTED EIR (AT 2-5919) IGNORED/EVADED THAT ADJACENT, RELATED DEIR OBJECTION 254 #3.H WHEN INCORRECTLY CLAIMING MY #3.G TO BE DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-36" PRESENTED A FLAWED SUMMARY OF MY COMMENTS, AND THEN, IGNORING MY RELATED DEIR OBJECTION 254 #3.H, THE EIR'S "RESPONSE TO COMMENT TO IND. 254-36" IGNORED ALL MY CROSS-REFERENCES, INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE."

FIRST, THAT EIR CLAIM IS INCORRECT, BECAUSE EVEN MY OBJECTIONS THAT THE EIR INCORRECTLY ISOLATED ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE FURTHER DESCRIBED IN MY DEIR OBJECTION 254 #3.H THAT THE EIR IGNORED IN THAT EIR RESPONSE TO IND. 254-37, AGAIN INCORRECTLY STATING: "HOWEVER, THE COMMENTATOR DOES NOT STATE HOW THE DEIR'S DISCUSSION OF IMPACTS TO GROUNDWATER IS INADEQUATE." THUS, INSTEAD OF ADDRESSING MY THREE-PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT/DISAGGREGATED MY SUCH RELATED OBJECTIONS IND. 254-36 AND -37 SO THAT THE EIR COULD MANUFACTURE A MERITLESS EXCUSE TO EVADE MY SUCH MERITORIOUS OBJECTIONS.

THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH." SEE SECTIONS I.A.1.D(VIII) AND I.F.5. THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS, MAKING THIS OBJECTIONABLE TACTIC IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY

TRUTH SEEKER SHOULD RUN A WORD SEARCH IN SUCH EIR RESPONSES FOR THOSE AND SIMILAR WORDS (E.G., "COMMENTER DOES NOT STATE"), BECAUSE EVERY SUCH EIR RESPONSE IS DISPUTED BY ME BOTH FOR THE SAME REASONS IN REVERSE (E.G., LACK OF "GOOD FAITH REASONED ANALYSIS" AND ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THEY CHOSE TO SO GAMBLE ON EVADING ANY RESPONSE ON THE MERITS IN HOPES THE COUNTY DECISION-MAKERS WOULD NOT NOTICE OR MISTAKENLY FORGIVE THIS NONCOMPLIANCE WITH CEQA AND OTHER APPLICABLE LAW.

I demonstrated in my objection (see my DEIR Objection 254 marked Ind. 254-1 and -14) to the disputed EIR deficient, erroneous, and otherwise evasive attempt in EIR's Response to Comment 254-1, 14, and -17 (and Appendices Q, O, and R) to cover up the inexcusable, almost total omission of any mention of the hexavalent chromium problems in the disputed DEIR, much less the anything satisfying the "good faith reasoned analysis" with common sense standard of court decisions like *Gray, Banning, Vineyard, and Costa Mesa* I discuss herein (e.g., I.F.1) and in my DEIR Objection 254 #'s 3.N, 4 and 14 and DEIR Objection 255. See, e.g., my DEIR Objection 254 at #'s 3.A.II, entitled "Some Key Illustrations of Mining Disputes, Water Depletion, And Quality, Toxic Substances (eg, Hexavalent Chromium, Asbestos, Arsenic, Etc., And Related Issues, Including Financial Feasibility;" 3.C, entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Or Analysis (see more detailed discussion later in subsections G. and H. below);" 3.E, entitled, "'Hiding the Ball' in the DEIR Is Not Compliance with CEQA And Other Applicable Law, And That Practice, Especially As To Water And Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk Of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DEIR Tries To Obscure By Distracting Attempts To Limit the CEQA "Project" And The Related Water Issues;" 3.F entitled, "One Illustrative Dispute Over Ground Water Depletion By Mining;" 3.H entitled, "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie;" 3.G entitled, "The DEIR's Disputed Errors, Omissions, And Deficiencies Also Include Water Quality, Especially Relating to Hexavalent Chromium (Remember *Erin Brockovich*?);" 3.J entitled, "Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates." See what the EIR buried at the end of Appendix R regarding admitted but flawed discussion of air (as distinct from Appendices Q and O regarding water) pollution by hexavalent chromium; #5 (at the place the EIR labeled at Ind. 254-72); #7 entitled, "The DEIR 'Hazards And Hazardous Materials" Discussion at its #4.7 And Elsewhere Is Deficient, Omitting Entirely At Least One Serious Hazardous Material (Hexavalent Chromium/CR+6 of Erin Brockovich Move Infamy For Turning Hinkley, CA Into a Ghost Town at Great Cost To Local Victims And Property As Explained In My #'s 3.C, G and H);" #10 entitled, "Some Air-Quality Errors And Omissions To Consider From DEIR #4.3 And Elsewhere." See also my many rebuttals and objections on the subject of hexavalent chromium throughout this Objection, such as section I.F.1 and my objections

herein to EIR Response To Comment Ind. 254-1 and to each of the EIR Responses to my such cited objections on this topic.

The only way that the EIR could claim all that data of mine was deficient under the applicable legal standard the EIR misconstrues, misstates, and misapplies, would be to ignore (as I illustrate the EIR frequently doing) my cross-references and incorporated authorities and incorrectly shifting the burden of proof from the EIR/DEIR to me as well as incorrectly imposing CEQA applicant disclosure duties (see section I.C and D) on objectors like me. For example, besides my analysis in section I.F.1 above, I incorporate the many Exhibit C and EPA website studies detailing the hexavalent chromium hazards (as well as even more on Google), such as those explaining why the EU has banned that substance entirely for some applications as having no safe limit, contrary to the unsubstantiated EIR opinion about illusory safe limits with no foundation or evidence, and the EIR ailing (almost as badly as the DEIR it seeks to support without admitting that it is adding significant new material, which it does because there is nothing material discussed on this CR6 topic in the DEIR) to meet the standard the CEQA standard of "good faith reasoned analysis" "with common sense" in court decisions I cite in my DEIR Objection 254 #'s 3.N, 4 and 14 and in DEIR Objection 255, such as *Gray, Banning, Vineyard, and Costa Mesa.*

I also note the following examples of detail to illustrate what was stated even in that part of Ind. 254-36 by itself, even without consulting those cross-references, although I do not intend these examples to be comprehensive, since it should not be necessary to keep repeating myself about what the EIR chooses to ignore or evade of my DEIR objections or others herein. As so shown throughout my DEIR Objection 254 and confirmed in such cited court decisions, the DEIR did not provide any "good faith reasoned analysis" with common sense about the hexavalent chromium menace at all, as required by CEQA and court decisions like *Gray, Banning, Vineyards, and Costa Mesa.* My DEIR Objection *254 #3*.G specifically cited to a variety of facts, all of which are ignored by the EIR, which has a CEQA duty to provide a "reasoned analysis" in "good faith" or to accept my position. For example, there is no EIR rebuttal to my such citations and offers of proof there and in cross-referenced and incorporated proof that: (i) the EU has totally banned hexavalent chromium for some uses, and the EPA website and Exhibit C contain many damning studies about the dangers of hexavalent chromium, and (ii) there was no sufficient analysis in the DEIR at all (and only a deficient, speculative, entirely unsubstantiated, and otherwise disputed opinions in the EIR with no such good faith reasoned analysis or common sense, because the EIR makes no attempt to rebut my analysis and authorities, but just blindly denies any danger level in the mine and obscurely attaches some disputed Appendices (Q, O, and R) at the end without connecting them to any such required EIR analyses. See Exhibit C and section I.F.1.

Consider, for example, my annotated analysis of the DEIR admissions at 4.8-51 (emphasis added) that (in abbreviated part, so readers should study my whole such objection to what the EIR Response marked as my DEIR Objection Ind.254-37): "The water … from the underground mine workings IS ANTICIPATED [by whom? on what basis?] to have similar quality to the water that currently discharges from the existing drains [why, when the mine has been fully flooded already since 1956 and there is no proof or analysis to show where the drain water comes from?]… Therefore, the condition after mining would be like the existing, or baseline, conditions, such that seeps … would not represent a potentially significant impact under CEQA…[says who and why? This is

unsubstantiated speculation, and it ignores my addition of hexavalent chromium impacts and, for example, any analysis of the competing water flows and sources, especially from changes since 1956 and compounded after the new and deeper mining start again now.]" Note also the inconsistent discussion of DEIR dewatering at 4.8-42 to 52, especially at 46-49 (emphasis added), about the miner using "CEMENTED-PASTE BACKFILL" THAT IS INCORRECTLY DESCRIBED AS "ENVIRONMENTALLY BENIGN" [i.e., without sufficient proof, analysis or rebuttal of my contrary cited EPA and Exhibit C validated science], BUT WHICH IS TOXIC HEXAVALENT CHROMIUM. CONTRARY TO THE DISPUTED EIR'S COMPLAINT ABOUT MY OBJECTIONS LACK OF SPECIFICS, ANY READER WOULD LEARN FAR MORE FROM WHAT I STATE AND INCORPORATE THAN FROM THE DEIR/EIR, SUCH AS WHAT I CITE IN THIS PART OF MY OBJECTIONS THAT THE EIR LABELS IND. 254-37 AT 2-5920 TO 5922. See, e.g., my Exhibit C, section I.F.1 above, and the ERPA report I cited in my DEIR Objection 254, "Evaluation of the Potential Carcinogenicity of Chromium And Hexavalent Chromium Compounds" plus my citations to selected others among 29,368 such studies and reports on the EPA website for "hexavalent chromium" when you type in those words, out of which I specifically recommended the work of experts such as Wendy Wagner (at the University of Texas Law School), Steve Gold (at Rutgers University), and Kyla Bennett (who shares my experienced opinion about industry influenced regulators, who recognize the science but, as with lead, asbestos, cigarettes, and many other obvious toxins, have been slow to ban them because of industry pressures, assuming the chemicals to be innocent until proven guilty. However, as I explained, regulators complaining about such toxins from studies without effective action never stopped the science backed tidal waves of successful civil suits from overwhelming the defendant companies and forcing them into bankruptcies, a subject on which my DEIR Objection 254 demonstrated my expertise to support my many offers of proof as a potential witness.) **In any case, to save time my such DEIR Objection 254 suggested a FOCUS ON THE EPA "TRI PROGRAM" BY RELEVANT SEARCHING IN THE EPA'S "TOXIC RELEASE INVENTORY," WHICH BEGINS IN RELEVANT PART (emphasis added): "HEXAVALENT CHROMIUM COMPOUNDS ARE HUMAN CARCINOGENS, CLASSIFIED AS WEIGHT-OF-EVIDENCE GROUP A … UNDER THE EPA GUIDELINES FOR CARCINOGEN RISK ASSESSMENT [EPA 1986A] … ALL THE HEXAVALENT CHROMIUM COMPOUNDS ARE ASSIGNED A "HIGH" HAZARD RATING FOR THE PROPOSED RQ ADJUSTMENT." Perhaps that is one reason the disputed DEIR evaded addressing hexavalent chromium (and why the EIR's commentary is so deficient, incorrect, and noncompliant in its pretense that its significant new information [including the obscured, deficient, and disputed Appendices Q, O, and R buried at the end of the EIR without compliant connections to the Hazards And Hazardous Materials discussion]: the whole EIR/DEIR approval strategy depends on its erroneous Group C classification, which that EPA Group A classification seems to defeat. See, e.g., section I.F.1 and Exhibit C, as well as my DEIR Objection 254 #'s 3.A, B, C, E, G, H, and J, 4, 7, and 10, including what I cited herein. See also www.hinkleygroundwater.com, which explains that after all these years they are still struggling to remediate that dead town's groundwater.**

As to the EIR/DEIR's lack of "good faith reasoned analysis" and "common sense," I note that the DEIR buried a few obscure, passing admissions of the hexavalent chromium not by analysis in the DEIR "Hazards And Hazardous Materials" or other relevant toxic threat discussions themselves, but rather obscured them, such as in DEIR Mitigation Measure 4.8-1(a)

at 4.8-52, where it states: "The NOI [to the Central Valley Regional Water Quality Control Board under the Limited Threat Discharge permit] shall include evaluation of potential constituents of concern, including ammonia, arsenic, HEXAVALENT CHROMIUM [emphasis added by me by capitalization], iron, manganese, pH. total suspension solids, TDS and cis-1.2-DCE." Even if this is some innocent "mistake" (which I suppose is possible even though the EIR does not claim any such excuse. However, instead the EIR enhanced what looks like a cover up after I exposed the CR6 problem by pretending the DEIR already contained what the EIR newly added as still noncompliant "significant new information," such as its still deficient, noncompliant, and disputed partial EIR comments my objections above expose in the EIR's disputed Response To Comment Ind. 254-1 and like the EIR's buried Appendices at its end).

To a cynic, this may appear as if someone on the EIR team intended to address hexavalent chromium as the problem it is, and then someone else editing decided to cut out such CR6 disclosure and analysis, but either failed to delete all these references or decided to leave them in vaguely in obscure places in case someone like me actually read the fine print and recognized that obscured danger. (Such suspicions will be resolved in discovery should court challenges be required to overturn any mistaken EIR approval.) However, pushing this off with deferred disclosure, analysis, and mitigation after EIR approval to the future regulator of water DISCHARGES does not comply with CEQA, especially since mine shoring within the underground mine occurs BEFORE DISCHARGE. See. e.g., *Richmond v. Chevron* and sections I.C and D (as to CEQA prohibiting such deferrals), I.E.1-4, and I.F as to deferral examples. For example, the disputed EIR's new claim is just expressing its unsubstantiated opinion, speculation, and worse that the toxic addition to the water only flows out of the mine to the treatment plant (which it never adequately describes or proves is prepared to eliminate hexavalent chromium). They didn't even analyze and report CR6 as a hazard in the DEIR Hazards And Hazardous Materials section (but now the EIR just claims its clarifying that hexavalent chromium will somehow be at a safe level without any compliant good faith reasoned analysis, common sense, or adequate evidence at all, presumably because the EIR does not want to admit what it is doing: adding "significant" "new" data requiring correction and then recirculation of the DEIR. See section I.A.1.c, I.C and D, and I.F.1 above, and my DEIR Objection 255.

JJ. Objection To EIR Response (at 2-6015) To My Comment Ind. 254-37 (marked by the EIR at 2-5919) And Correctly Entitled: "#3.H The DEIR's Disputed Errors, Omissions, And Deficiencies Also Include Water Quality, Especially Relating to Hexavalent Chromium (Remember *Erin Brockovich*?)"

Because this EIR's disputed "Response To my Comment Ind. 254-36" is the second part of my integrated DEIR Objections 254 #3.G. and H. to the DEIR that the disputed EIR disaggregated from my integrated parts the EIR labeled Ind. 254-36 and -37, I incorporate (and will not repeat most of) what I just said in the preceding subsection objecting to that disputed EIR Response to Comment Ind. 254-36, all of which applies equally to this part of that objection division and marked by the EIR as Response To Comment Ind. 254-37. Read (and incorporate herein) my #3.G objection first in connection with my previous objection to what the disputed EIR labelled Response to Ind. 254-36, because that is the introduction (including use of deficient omissions deemed admissions from the disputed DEIR) in which I intended to set up my detailed rebuttals in this second part of my objection #3.H to the disputed DEIR/EIR evasion of my

hexavalent chromium objections. Nothing in that EIR Response to Comment Ind, 254-36 or Response to Comment Ind. 254-37 should survive either my separate or my combined objections. What is added extra in this objection to EIR Response to Comment Ind. 254-37 is also indefensible, as I prove also in the many sections cross-referenced herein.

For example, **I have demonstrated in my objection (see my DEIR Objection 254 marked Ind. 254-1 and -14) to the disputed EIR's deficient, erroneous, and otherwise evasive attempt in its Response to Comment Ind. 254-1, 14, and -17 (and Appendices Q, O, and R) to cover up the inexcusable, almost total omission of any useful mention of the hexavalent chromium problems in the disputed DEIR, much less the anything satisfying the "good faith reasoned analysis" with "common sense" standard of court decisions like *Gray, Banning, Vineyards, and Costa Mesa* I discuss in my DEIR Objection 254 #'s 3.N, 4 and 14. See, eg, my Objection 254 at #'s 3.A.II, entitled "Some Key Illustrations of Mining Disputes, Water Depletion, And Quality, Toxic Substances (eg, Hexavalent Chromium, Asbestos, Arsenic, Etc., And Related Issues, Including Financial Feasibility;" 3.C, entitled "Admitted (But Obscured) Use of Hazardous Chromium Without Warning Or Analysis (see more detailed discussion later in subsections G. and H. below);" 3.E, entitled, "'Hiding the Ball' in the DEIR Is Not Compliance with CEQA And Other Applicable Law, And That Practice, Especially As To Water And Hexavalent Chromium Issues, Destroys Any Hope of Credibility For the DEIR Or Mine With Us Thousands At Risk Of Water Impacts Living Above Or Around the 2585-Acre Underground Mine That the DEIR Tries To Obscure By Distracting Attempts To Limit the CEQA "Project" And The Related Water Issues;" 3.F entitled, "One Illustrative Dispute Over Ground Water Depletion By Mining;" 3.H entitled, "Some Technical Comments About Hexavalent Chromium, Since the Disputed DEIR Fails to Even Discuss the Existence of Controversy, Much Less the Ugly Realities And Toxic Risks And Stigmas To Thousands of Neighbors (Like me) Who Fear Us Becoming Another 'Hinkley' As Mourned By The *Erin Brockovich* Movie;" 3.G entitled, "The DEIR's Disputed Errors, Omissions, And Deficiencies Also Include Water Quality, Especially Relating to Hexavalent Chromium (Remember *Erin Brockovich*?);" 3.J entitled, "Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates." See what the EIR buried at the end of Appendices Q, O, and R regarding admitted but flawed discussion of air and water pollution by hexavalent chromium; #5 (at the place the EIR labeled at Ind. 254-72); #7 entitled, "The DEIR 'Hazards And Hazardous Materials" Discussion at its #4.7 And Elsewhere Is Deficient, Omitting Entirely At Least One Serious Hazardous Material (Hexavalent Chromium/CR+6 of Erin Brockovich Move Infamy For Turning Hinkley, CA Into a Ghost Town at Great Cost To Local Victims And Property As Explained In My #'s 3.C, G and H);" and #10 entitled, "Some Air-Quality Errors And Omissions To Consider From DEIR #4.3 And Elsewhere." See also my many rebuttals and objections on the subject of hexavalent chromium herein, beginning with my objections herein to EIR Response To Comment Ind. 254-1 and to each of the EIR Responses to my such cited DEIR Objection 254 about this topic.**

The only way that the EIR could hope to claim all that data of mine was deficient under the applicable legal standard the EIR misconstrues, misstates, and misapplies, would be to ignore (as I illustrate the EIR frequently doing) my cross-references and incorporated authorities. For example, I incorporate the many EPA website and my Exhibit C studies detailing the hexavalent chromium hazards (as well as even more on Google), such as those explaining why the EU has banned that substance entirely as having no safe limit for

various uses, contrary to the unsubstantiated EIR opinion about disputed safe limits with no foundation or evidence and failing (almost as badly as the DEIR it seeks to support without admitting that the EIR is adding "significant" "new information," which it does because there is nothing material discussed on this topic in the DEIR) to meet the standard the CEQA standard of "good faith reasoned analysis" with common sense in court decisions I cite in my DEIR Objection 254 #'s 3.N, 4 and 14 and DEIR Objection 255.

KK. Objection To EIR Response (at 2-6015) To My Comment Ind. 254-38 (marked by the EIR at 2-5919) And Correctly Entitled: "#3.I A Brief Plea For Responsible Government And For Environmental Security And Peace For Our Community."

Again, like the previous, disputed EIR Responses to my water (and hexavalent chromium) related objections and others (eg, to my Comments Ind. 254-1 to 37) and all of the EIR's rebutted Master Comments, this disputed EIR Response is nonresponsive to my objections, concerns, and data, as illustrated in section I.F.1, in my opening objection summary herein, in court decisions and law cited in Objection 254 #'s 3.N, 4 and 14, and my related objections to such disputed EIR Master Responses and Responses to Comments Ind. 254-1 on this subject. This disputed Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits and evades some other objections entirely, especially by again ignoring my cross-references (e.g., to DEIR Objection 254 #'s 3.N, 4 and 14) and my incorporations by reference. I won't repeat what has already been said sufficiently about my other groundwater related and hexavalent chromium objections, because my DEIR Objections 254 and 255 also address scores of other errors, omissions, and flaws in almost every part of the DEIR (and by the EIR failing to correct hardly anything in the disputed, noncompliant, and deficient DEIR, the EIR as well, which EIR also adds more errors, omissions, and flaws on its own.)

Here, for example, the EIR ignores most of my objections (including again my cross-references [e.g., to Objection DEIR 254 #'s 3.N, 4, and 14] and my incorporations by reference) by mistreating this section as only a "general objection" to this "no net benefit" project, citing to disputed EIR Master Response 1 which I have already refuted. What the noncompliant EIR never addresses includes fundamentals, for example, such as the mischaracterization of the mine area as "rural" and implying a small number of affected residents, apparently thinking only of the Brunswick and Centennial owned sites, while ignoring what I pointed out are thousands of us surface residents in the areas above and around the 2585-acre underground mine, as well as various commercial areas and an airport.

My such objections also ask the hard questions that the DEIR/EIR evades from what I incorporated from my DEIR Objection 254 #15 and section I.A.1.a(v), as well as the obvious policy questions I ask here, such as about: (i) the EIR's folly of trying to predict the new normal future by ignoring climate change (contrary to CEQA as discussed in section I.C above, especially the 2018 Guideline Amendments Explanation) and assuming the EIR's cherry picked past (e.g., misusing for groundwater recharge claims purported "current" average rainfall between 1967 and 2017 as the "current" base for predicting the impacts of the next 80 years of 24/7/365 dewatering, which "current" data ignores the drought years after 2017 and any compliant analysis of the impact of such 24/7/365 dewatering and mining for 80 years during progressive climate change drying); (ii) the opportunity cost created by this "no net benefit

mine" (DEIR Objection 254 #4) that exhausts our competing environmental stress (e.g., pollution tolerance) margins for businesses and other uses, and thereby prevents more beneficial business and residential uses of our community land and resources for another 80-years; and (iii) the folly in suffering the "no net benefit mine" to operate 24/7/365 for 80 years (which the disputed DEIR claims at 6-14 is essential to the mine's financial feasibility, thereby admitting its financial condition is too vulnerable to make its expensive mitigation and safety claims feasible), thus maximizing the harms to our community when few if any, beneficial businesses are allowed to operate 24/7/365. See, e.g., incorporated Grass Valley Agency Letter 8. I also ask again, why would the County government want to pick this legal and political battle for the benefit of this Canadian miner's shareholders' profits against the thousands of local voting residents who will resist to protect their homes and way of life from such an obvious environmental and economic menace? Certainly, nothing in the EIR/DEIR reassures or satisfies the concerns of any objectors I know. Indeed, the EIR/DEIR record is full of meritorious objections to such disputed and noncompliant EIR/DEIR's approval, especially because the EIR so repeatedly evades meritorious objections to the DEIR and continues to fail to provide the CEQA required "good faith reasoned analysis" with "common sense"? For example, again, the EIR does not even properly address objections that relate to serious risks and problems admitted in Rise's SEC filings (see, eg, Exhibit B) but improperly evaded in the DEIR/EIR, as well as the admitted financial problems of Rise that make its mitigation and other safety promises illusory. While so far, the County process has accommodated the disputed EIR/DEIR and incorrectly refused to consider such SEC admissions of economic infeasibility, *Richmond v. Chevron* and other authorities cited at section I.C and D above will certainly prevail in any court that considers this disputed EIR, just as the objectors used such SEC filing admissions to defeat the eir in that case.

LL. Objection To EIR Response (at 2-6015) To My Comment Ind. 254-39 (marked by the EIR at 2-5923) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "#3.J Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR'S LACK OF GOOD FAITH REASONED ANALYSIS WITH COMMON SENSE AND THE EIR'S EVASION OF MY OBJECTIONS BY COMPARING (1) MY Four PAGE OBJECTION 254 #3.J TO (2) HOW THE DISPUTED EIR (AT 2-5923) DISAGGREGATED/CHOPPED THAT OBJECTION IN FOURTHS AND THEN SUCCESSIVELY IGNORED EACH FRAGMENT WHEN ADDRESSING THE OTHER FRAGMENTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR'S RESPONSE TO COMMENT IND. 254-39 to 42 PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR QUOTES (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254 #3.J, THE EIR FRAGMENT LABELED "RESPONSE TO COMMENTS TO IND. 254-39 to 42," INCORRECTLY COMPLAINED THAT I DO "NOT EXPLAIN HOW THE DEIR IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR QUOTES ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER THREE PARTS OF MY #3.J THAT THE EIR CUT OFF AND IGNORED. THUS,

INSTEAD OF ADDRESSING MY FOUR-PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY ANNOTATED EIR QUOTES AND COMMENTS FROM MY DETAILED REBUTTALS OF THOSE OTHER FRAGMENTS SO THAT THE EIR COULD MANUFACTURE A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS. THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS DISPUTED TACTIC HAPPENS SCORES OF TIMES THROUGHOUT THE NONCOMPLIANT EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS, MAKING THIS INTOLERABLE TACTIC IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY TRUTH SEEKER SHOULD RUN A WORD SEARCH IN SUCH EIR "RESPONSES" FOR THOSE AND SIMILAR WORDS (E.G., "COMMENTER DOES NOT STATE/EXPLAIN"), BECAUSE EVERY SUCH NONRESPONSIVE EIR "RESPONSE" IS DISPUTED BOTH FOR THAT SAME REASON AND ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THE EIR CHOSE TO SO GAMBLE ON EVADING MY OBJECTIONS WITHOUT ANY COMPLIANT "RESPONSE" ON THE MERITS IN HOPES THAT I OR THE COUNTY DECISION-MAKERS WOULD NOT NOTICE.

Again, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR Response incorrectly so claims that I have failed to explain how the DEIR is inadequate and how the EIR Response is also nonresponsive in various other ways to my objections, concerns, and data, as illustrated in my opening objection summary in #1 herein and court decisions and law cited in DEIR Objection 254 #'s 3.N, 4 and 14, and my related objections to disputed EIR Master Responses and Responses to Comments Ind. 254-1 et seq. with similar evasions. This disputed Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits or evades some other objections entirely, especially by again falsely accusing me of not being sufficiently specific, both by ignoring my cross-references (e.g., to DEIR Objection 254 #'s 3.N, 4, and 14) and my incorporations by reference and by ignoring even what is stated in my objection. I won't repeat what has already been said sufficiently in my related objections, because the EIR cannot ignore my cross-reference and incorporations (on which techniques the EIR/DEIR itself extensively relies), and my DEIR Objection 254 also addresses scores of other errors, omissions, and noncompliance in almost every material part of the DEIR (and by the EIR failing to correct hardly anything in the disputed DEIR, the EIR as well, which EIR also adds more errors, omissions, and noncompliance on its own.)

The EIR seeks to evade my use of its admissions (even though understated), especially for rebuttal or impeachment, because the disputed EIR erroneously claims that they will be mitigated or resolved in some (improper) future deferred regulatory process. See sections I.C and D, I.A.1.d(iv), I.E.1-5, and I.F. (Among the evasive tactics common in the disputed EIR, besides ignoring my cross-references and incorporations by reference, is that the disputed EIR claims illusory, infeasible, and insufficient mitigations, as if the EIR does not need to defend them from my such objections to such disputed mitigations.) See section I.E, I.A.1d(v), and I.C and D. There is also nothing "speculative" (as the EIR incorrectly claims) about impacts from asbestos, toxic fugitive dust, wildfire smoke, air pollution, and water shortages and pollution (many even admitted in other parts of the DEIR/EIR), and my objections to the EIR's disputed Response To Comment 254-17 should prevail. Besides considering the EPA website's many cites to asbestos

studies, **as to wildfire smoke I also cited a Princeton/NOAA study publicized in the San Francisco Chronicle 3/29/22, which stated, "California wildfire smoke may rise to practically unendurable levels in next decades" (eg, increasing by 50% by 2050) and that does not even include the addition to the fires from the trees in our surface owner forests above and around the 2585-acre underground mine at risk of death on account of the 24/7/365 dewatering depletion of our groundwater about which I complain in my DEIR Objection 254 and herein.** Also, I note that (as discussed also in the previous objection) approval of the mine air pollution will exhaust the capacity for more beneficial businesses and uses, especially as regulations become stricter in the future. See NSAQMD Agency Letters 12 and 11. (The trend for tighter pollution regulations cannot be ignored as "speculative," but corresponds to better science, progressive climate change, and other factors that are indisputable and consistent with CEQA as confirmed section I.C and D and the 2018 Guidelines Amendments Explanations.) See the hard questions in my DEIR Objection 254 #15 and section I.A.1.a(v) that the DEIR/EIR ignores or evades because I believe they lead to what for the mine/EIR would be "inconvenient truths." Also, as my objections repeat from what was noted in the objections filed by those who also spoke at the March 24, 2022, public hearing Nevada County already ranks poorly (an "F" grade) in air quality, which means that there is already little margin for more such pollution, regardless of purported good deeds in distant places that the EIR claims below as an excuse for disregarding climate changes. See also my discussions in this Objection of the toxic fugitive dust watering suppression concerns of the NSAQMD Agency Letters 12 (at 12) and 11.

MM. Objection To EIR Response (at 2-6015) To My Comment Ind. 254-40 (marked by the EIR at 2-5924) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "#3.J Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR LACK OF GOOD FAITH REASONED ANALYSIS AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY Four PAGE DEIR OBJECTION 254 #3.J, TO (2) HOW THE DISPUTED EIR (AT 2-5924) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN fourths AND THEN SUCCESSIVELY IGNORED EACH FRAGMENT WHEN ADDRESSING THE OTHER PARTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-39 to 42" PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR QUOTES (INCLUDING EIR/RISE ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254 #3.J, THE EIR "RESPONSE TO COMMENT TO IND. 254-39 to 42 INCORRECTLY COMPLAINED THAT I DO "NOT EXPLAIN HOW THE EIR IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR QUOTES ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER THREE PARTS OF MY #3.J THAT THE EIR CUT OFF. THUS, INSTEAD OF ADDRESSING MY FOUR PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY ANNOTATED EIR QUOTES AND COMMENTS FROM MY DETAILED REBUTTALS OF THOSE OTHER FRAGMENTS SO THAT THE NONCOMPLIANT EIR COULD WRONGLY ARGUE FOR AN EXCUSE TO EVADE MY MERITORIOUS

OBJECTIONS. THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. THIS TACTIC IS IMPOSSIBLE TO EXCUSE AS AN ACCIDENT OR OVERSIGHT. IN FACT, ANY TRUTH SEEKER SHOULD RUN A WORD SEARCH IN SUCH EIR RESPONSES FOR THOSE AND SIMILAR WORDS (E.G., "COMMENTER DOES NOT STATE/EXPLAIN"), BECAUSE EVERY SUCH NONRESPONSIVE EIR "RESPONSE" IS DISPUTED BOTH FOR THOSE SAME REASON AND ON THE MERITS. IT IS REVEALING WHICH OF MY OBJECTIONS THE DISPUTED EIR/DEIR CONSIDERED SO DANGEROUS THAT THE EIR CHOSE TO SO GAMBLE ON EVADING ANY RESPONSE ON THE MERITS IN HOPES THAT I OR THE COUNTY DECISION-MAKERS WOULD NOT NOTICE OR THAT THE DECISION MAKERS WOULD FORGIVE THAT NONCOMPLIANCE (WHICH NO CHALLENGE COURT COULD OR WOULD DO.)

Again, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR Response incorrectly claims that I have failed to explain how the DEIR is inadequate. That EIR Response is also nonresponsive in various other ways to my objections, concerns, and data, as illustrated in my opening objection summary in #1 herein and in court decisions and law cited in DEIR Objection 254 #'s 3.N, 4, and 14, and my related objections to disputed EIR Master Responses and Responses to Comments Ind. 254-1 containing similar evasions. This disputed EIR Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits or evades some other objections entirely, especially by again falsely accusing me of not being sufficiently specific, both by ignoring my cross-references (e.g., to DEIR Objection 254 #'s 3.N, 4, and 14 and DEIR Objection 255) and my incorporations by reference and by ignoring even what is stated in my objection. I won't repeat what has already been said sufficiently in my related objections, because the EIR cannot ignore my cross-references and incorporations (on which techniques the EIR/DEIR itself extensively relies). My Objection 254 also addresses scores of other errors, omissions, and noncompliance in many parts of the DEIR (and by the EIR failing to correct hardly anything in the disputed DEIR, the EIR as well, which EIR also adds more errors, omissions, and noncompliance on its own.)

Some of the disputed EIR evasions of its CEQA and other disclosure obligations are both constantly repeated throughout the EIR/DEIR and are shocking in their incorrect interpretations of applicable law. See sections I.C and D addressing such rules and I.E and F applying the correct interpretations. See also DEIR Objection 254 at #'s 3.N, 4, 14, and 15 and DEIR Objection 255. **For example, as illustrated in the disputed EIR Response To Comment Ind. 254-40 regarding air pollution (which is typical for many disputed responses throughout the EIR), the disputed EIR's answer was: "The DEIR determined these impacts to be less than significant after mitigation." But see, e.g., NSAQMD Agency Letters 11 and 12 among many others incorporated in my Table of Incorporated by Reference Objections. However, there was no "good faith reasoned analysis" with "common sense" as to how or why the DEIR made that such disputed "determination," so I cannot be expected to rebut such unexplained EIR theory, but can rebut and denounce it as noncompliant, speculative, unsubstantiated, and contrary to my and incorporated contrary data on the issue.** That bogus concluding EIR declaration seems to contend that somehow all the EIR has to do is announce another unsubstantiated, even unspecified, opinion about illusory mitigation to

eliminate any need for compliance with CEQA and applicable law, which is worse than wrong as a matter of law and public policy. See Id, and sections I.C and D above. See also Exhibits A and B. By that absurd EIR logic, all it needs to do to entirely evade CEQA is to say, in effect, there may be environmental impacts and other problems about which potential victims may complain, but ignore them, because the EIR will somehow mitigate them to be not "significant," and that purported mitigation cannot be disputed, even by the miner's admissions in Rise's SEC filings showing that it cannot afford much mitigation and by its accountants' qualifying Rise's financial statements by doubts as to whether the miner will even remain a "going concern." Id.

Even more shocking is the way that the disputed EIR here evades climate change, which is a massive "bait and switch" and "hide the ball," causing both many EIR/DEIR errors and worse in its purported analyses and should defeat the disputed EIR/DEIR's illusory claims for mitigation. **See sections I.C and D, including the confirmation of the importance of climate change in 2018 Guideline Amendments Explanation and *Richmond v. Chevron.* When I objected to the DEIR's carbon offsets (DEIR at 4.3-96 plus) in other places as claimed mitigation, the EIR's noncompliant response was: "climate change is a global issue, and unlike criteria pollutant effects, is not localized. Thus, offsetting GHG emissions elsewhere in California is an entirely appropriate an industry standard approach to mitigating GHG emissions." First,** mitigation is never based on "mining industry standards," which in my considerable experience are among the worst and least environmentally appropriate of all industries and are not the legal standard for this or other compliance issues. **Second**, this kind of flawed policy is in effect asking permission to create a problem locally here (e.g., the climate change dryness and drought that make all the disputed EIR/DEIR groundwater recharge and balancing theories illusory, like relying on "current" average rain between 1967 and 2017 to set the "current" baseline and to assume will be replicated for the next 80 years of 24/7/365 dewatering abuses, also not even being "current' because that average ignores the dry years after 2017.) There is also no basis for claiming such dewatering is beneficial because they'll improve someone else's surface water needs somewhere else with our local owned groundwater. See, e.g., *Varjabedian v Madera* (1977), 20 Cal.3d 285 (relying on the Fifth Amendment holding in *Richards v. Washington Terminal Co*., 233 U.S. 546 (1914), and the broader California Constitution to allow nuisance and inverse condemnation claims for victims downwind of the new city sewer plant who suffered a disproportionate, direct and peculiar burden for that public benefit [and here this is a private project with no net public benefit mine]). **Third**, the air pollution at this EIR mine is admitted involving more than GHG omissions, such as asbestos and other toxins, even finally (although deficiently) with the EIR admitting the air pollution by hexavalent chromium in it buried at the end in Appendix R. (Consider, for example, how this concentrated pollution exhausts the margin of error for pollution by more beneficial land uses locally.)

NN. Objection To EIR Response (at 2-6015) To My Comment Ind. 254-41 (marked by the EIR at 2-5924) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "#3.J Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR LACK OF GOOD FAITH REASONED ANALYSIS AND EIR'S EVASION OF MY OBJECTIONS BY COMPARING (1) MY Four PAGE OBJECTION 254 #3.J, TO (2) HOW THE

DISPUTED EIR (AT 2-5924) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN fourths AND THEN SUCCESSIVELY IGNORED EACH FRAGMENT (as well as cross-references and incorporations) WHEN ADDRESSING THE OTHER PARTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-39 to 42" PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR QUOTES (INCLUDING EIR/RISE ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254 #3.J, THE EIR CUTS ITS "RESPONSE TO COMMENT TO IND. 254-39 to 42," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW THE EIR IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR QUOTES ARE SUFFICIENT, AS I HAVE EXPLAINED IN THIS DOCUMENT. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER THREE PARTS OF MY #3.J THAT THE EIR CUT OFF (as WELL AS IN CROSS-REFERENCES AND INCORPORATIONS THE EIR IGNORES). THUS, INSTEAD OF ADDRESSING MY FOUR PAGE EXAMPLE AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY ANNOTATED EIR REBUTTALS AND COMMENTS SO THAT THE EIR COULD MANUFACTURE A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS. THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS.

IN ANY CASE, AS ELSEWHERE ILLUSTRATED, THE DISPUTED EIR/DEIR CANNOT EVADE MY OBJECTIONS BY SUCH DISPUTED EIR CLAIMS THAT THEY ARE "SPECULATIVE" OR "UNSUBSTANTIATED" UNDER CEQA GUIDELINE 15384 WHEN THERE IS NO "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE" COMPLYING WITH CEQA. In this case the EIR claims that **"human error"** is such speculation or unsubstantiated risk which can be safely ignored as a worry, but wherever there are dangerous conditions supposedly being mitigated, such as asbestos (and now, per EIR Appendix R, hexavalent chromium) air pollution, **avoiding human error is an essential part of any mitigation plan**. And, since watering is essential to prevent the toxic dust from harming local victims, responsible operations should require contingency plans. See section I.E.7, NSAQMD Agency Letters 12 and 11, and my other related objections above. Remember that, when the progressive climate change droughts become serious and NID limits water use, and when local objections or EIR noncompliance result in stopping or regulating the dewatering (both of which separate events are likely to occur concurrently), the EIR creates a "pick your poison" choice between toxic air or deficient groundwater and NID water, which dilemma is foreseeable and wrong for government to impose on local victims. Id. Deeper new mining into unknown conditions never adequately investigated by the EIR/DEIR may create various significant impacts and problems, but without the required CEQA compliance by the EIR/DEIR, my concerns would just again be incorrectly dismissed by the EIR as speculation, when the real speculation is by the EIR/DEIR's unsubstantiated assumption that no impacts or problems exist, because they chose not to look for or consider any. (Among the problems of victims' legal remedies and nuisance, inverse condemnation, and other claims is that Rise admits in its SEC filings a financial condition where collecting a judgment seems challenging. See Exhibit B and DEIR Objection 254 #2.)

Again, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR Response incorrectly claims that I have failed to explain how the DEIR is inadequate and that EIR Response is also nonresponsive in various other ways to my objections, concerns, and data. The disputed DEIR "Asbestos Dust Mitigation Plan" is not adequate or sufficient mitigation, for many reasons as illustrated in my opening objection summary in #1 herein and court decisions and law cited in Objection 254 #'s 2, 3.N, 4, 10, and 14, in section I.E.7, and in my related objections to disputed EIR Master Responses and Responses to Comments Ind. 254-1 with similar evasions. This disputed Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits or evades some other objections entirely, especially by again ignoring falsely accusing me of not being sufficiently specific, both by ignoring my cross-references (e.g., to DEIR Objection 254 #'s 3.J and N, 4, 10, and 14) and my incorporations by reference and by ignoring even what is stated in my objection. I won't repeat what has already been said sufficiently in my related objections, because the EIR cannot ignore my cross-reference and incorporations (on which techniques the EIR/DEIR itself extensively relies). My DEIR Objection 254 also addresses scores of other errors, omissions, and noncompliance in many parts of the DEIR (and by the EIR failing to correct hardly anything in the disputed DEIR, the EIR as well, which EIR also adds more errors, omissions, and noncompliance on its own.)

OO. Objection To EIR Response (at 2-6016) To My Comment Ind. 254-42 (marked by the EIR at 2-5924) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "#3.J Illustrative Air Quality Concerns That the DEIR Ignores Or Underestimates."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR LACK OF GOOD FAITH REASONED ANALYSIS AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY Four PAGE OBJECTION 254 #3.J, TO (2) HOW THE DISPUTED EIR (AT 2-5924) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN fourths AND THEN SUCCESSIVELY IGNORED EACH PART (as well as cross-references and incorporations) WHEN ADDRESSING THE OTHER FRAGMENTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-39 to 42" PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254 #3.J, THE EIR CITES ITS "RESPONSE TO COMMENT TO IND. 254-39 to 42," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW THE IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR QUOTES ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER THREE PARTS OF MY #3.J THAT THE EIR SPLIT OFF (and in cross-references and incorporations it ignores.) THUS, INSTEAD OF ADDRESSING MY FOUR PAGE EXAMPLE (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLIT MY ANNOTATED EIR QUOTES AND COMMENTS FROM MY DETAILED REBUTTALS

OF THOSE OTHER PARTS (and cross-reference and incorporations) SO THAT THE EIR COULD ARGUE A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS. See the same issues affecting the following, related objection in my DEIR Objection 254 #3.K (i.e., Ind. 254-43 to 45.) THIS IS AN EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS.

In this specific situation, for example, the disputed EIR complains that I do not explain why its speculative, 100 hour a year emergency generator use is a gross underestimate. See also my related objection in my DEIR Objection 254 #3.K (i.e., Ind. 254-43 to 45.) However, I explain in detail in that objection why I know that number to be at least 5 times higher, including by my own experience in tracking my own emergency gas generator in the same area plus my supporting citations to PG&E power losses from PSPS power cuts, from wildfire risks, from weather or falling trees, and from other predictable causes from experience. I support my detailed commentary with a specific offer of proof by citing to the specific record with which (as a bankruptcy lawyer) I am personally familiar of the relevant PG&E admissions, hearings, and events from the relevant (i) CPUC proceedings, (ii) the PG&E Chapter 11 case, and (iii) the PG&E criminal probation case, each of which informs blackout threats from my specified causes, including human error, ancient and defective equipment and infrastructure, defensive or dysfunctional PG&E practices to reduce exposure to liability for staring fires, and other things. As explained in that record, for example, PG&E's deficient compliance and worse with respect to vegetation practices in our high fire risk County has resulted in massive forest growth in our foothills near more than 10,000 miles of wires where no such vegetation is allowed by law within six feet, especially not the 50 foot plus trees that PG&E claimed to the probation judge will require a decade to remove. There is no possible good faith basis for the EIR to dismiss my such reasoned analysis without the "good faith reasoned response" and common sense required by CEQA under cases *like Gray, Banning, Vineyard, and Costa Mesa.* See also my objections to EIR Master Response 33.

As an attorney intensely involved in the PG&E bankruptcy case, I also offer to so proof that the EIR/DEIR underestimates use of air polluting mine generators that the EIR/DEIR claims must keep electricity on 24/7/365 for 80 years whenever power service ceases for any reason including the PSPS blackouts added to the increasing bad weather and old equipment failures which are an indisputably much bigger problem than the DEIR/EIR acknowledges. I can prove from the following relevant public records which I incorporate herein (and to which I can cite from my experiences in): the dockets in (i) the pending PG&E Chapter 11 Case No. 19-30088 (DM) bankruptcy commenced in 2019 in the Northern District of California, including what was cited in my PSPS related proof of claim disputes with PG&E, (ii) the various related CPUC proceedings dealing with the PG&E issues during that pending bankruptcy, including all PSPS related proceedings, and (iii) Judge Alsup's criminal probation proceedings, including what was cited to that docket in my PSPS related proof of claim disputes with PG&E. PG&E's service problems clearly will disrupt the mine more often than history would suggest both as a result of climate change, increasingly bad weather threats, illegal vegetation still growing in dangerous proximity to uninsulated PG&E gear and more than 10,000 miles of dangerous fire risk wires, the "run it until it breaks" PG&E use of dangerous gear, and other causes of greater blackouts than

in the past. What is speculative and false is the EIR/DEIR theory that the past predicts the future as to those risks and threats, which are progressive and cumulative, both because of increasing fire risks, worsening climate change impacts, and chronic and cumulative PG&E operating difficulties, such as ancient equipment that cannot be replaced, upgraded, and made safe quickly enough to counter such threats.

Even worse, as discussed throughout my four Objections, the DEIR has admitted (at DEIR 6-14) that its entire mining project is not economically feasible if it were limited to working less than a 24-hour day every day like much more beneficial businesses are required to do, instead of 24/7/365 as it demands. See Grass Valley Agency Letters 12 and 11. I point out that the thousands of mine objectors have the right, power, and motivation to cause law reforms or initiatives to impose a normal, 12-hour five day a week plus holidays limit on such disruptive/exploitive businesses. Such local victim, property defense-political protections against the mine are not speculative on the basis of the many serious objections on the record in this disputed DEIR/EIR matter. Thus, it is also not speculative to ask what happens when the mine's dust control ceases when its admittedly no longer economically feasible mining plan stops, especially since there is no adequate mitigation for any such remediation or safety needs.

IN ANY CASE, AS ELSEWHERE ILLUSTRATED, THE DISPUTED EIR/DEIR CANNOT EVADE MY OBJECTIONS BY SUCH DISPUTED EIR CLAIMS THAT THEY ARE "SPECULATIVE" OR "UNSUBTANTIATED" UNDER CEQA GUIDELINE 15384, WHEN THERE IS NO "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE" AS THE EIR/DEIR FAILS TO COMPLY WITH CEQA. See section I.C and D, as well as *Gray, Banning, Vineyard, Costa Mesa* and other authorities in section I.A.1.b and d, I.E. and I.F.5 and 6. In this case the EIR claims that human error is such speculation or unsubstantiated risk which it can ignored, but wherever there are dangerous conditions supposedly being mitigated, such as asbestos/toxic dust that must be frequently watered during every day to satisfy the NSAQMD Agency Letter 12 (at 12) (and now, per EIR Appendix R, hexavalent chromium) human error contingency planning is an essential part of any mitigation plan. And, since watering is essential to prevent the toxic dust from harming local victims, responsible operations should require such contingency plans. Id. Remember that, when the drought becomes serious and NID limits water use, and when local objections or EIR noncompliance result in stopping or regulating the dewatering (both of which events are likely to occur concurrently), the EIR creates a "pick your poison" choice for us locals between toxic air or deficient groundwater and NID water, which dilemma is foreseeable and wrong for government to impose on us local victims. See *Varjabedian* and *Keystone*. Deeper mining into new areas with unknown conditions never adequately investigated by the EIR/DEIR may create various impact problems without the required CEQA compliance by the EIR/DEIR. My such concerns cannot be dismissed by the EIR as speculation, when the real speculation is by the EIR/DEIR's unsubstantiated assumption that no impacts or problems exist, because they did not investigate for any. (Among the problems of victims' legal remedies and nuisance, inverse condemnation and other claims is that Rise admits in its SEC filings a financial condition where collecting a judgment seems challenging. See Exhibit B.)

Again, like many other disputed EIR "Responses" and EIR's rebutted "Master Responses," this disputed EIR "Response" incorrectly claims that I have failed to explain how the DEIR is inadequate. However, my four Objections amply prove that EIR Response is nonresponsive in various ways to my objections, concerns, and data, as illustrated in my opening

objection summary in #1 above and court decisions and law cited in DEIR Objection 254 #'s 3.N, 4, and 14, in DEIR Objection 255, and in my related objections to disputed EIR Master Responses (eg, #'s 1 and 14-16) and Responses to Comments Ind. 254-1 with similar evasions. This disputed EIR Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious, and (without any meritorious excuse) the EIR evades or omits some other objections entirely, especially by again falsely accusing me of not being sufficiently specific or explanatory, a bogus claim that ignores my cross-references (e.g., to DEIR Objection 254 #'s 2, 4 and 14) and my incorporations by reference and by ignoring even what is stated in my objection. Id.

PP. Objection To EIR Response (at 2-6016) To My Comment Ind. 254-43, -44 and -45 (marked by the EIR starting at 2-5926) And FRAGMENTED PARTS OF MY INTEGRATED OBJECTION Correctly Entitled: "3.K Because the DEIR Fails To Comply in Many Ways (see, eg, my #14) The Strange DEIR "Non-CEQA Related Analysis" (#4.3-103*) Is A Reveling Admission About Some of What the DEIR Should Have Disclosed About What Happens When The Mine Starts And Then Stops, Whether From Lack of Funding Or Gold, From Our Local Legal Or Political Resistance And Law Reforms, Or Otherwise."

CONSIDER CLOSELY THIS TYPICAL EXAMPLE OF SUCH EIR LACK OF "GOOD FAITH REASONED ANALYSIS: WITH "COMMON SENSE," AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY Four PAGE DEIR OBJECTION 254 #3.K, TO (2) HOW THE DISPUTED EIR (AT 2-5926) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN thirds AND THEN SUCCESSIVELY IGNORED EACH PART (as well as cross-references and incorporations, especially to my overlapping previous subsection #3.J) WHEN ADDRESSING THE OTHER PARTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR RESPONSE TO COMMENT IND. 254-43 to 45 (and its cross-referenced Ind. 254-39 to 42 in my #3.J) PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY OBJECTION 254-3.K (and my cross-referenced #3.J), THE EIR CUTS ITS "RESPONSE TO COMMENT TO IND. 254-43 to 45" (and as to related Ind. 254 39 to 42), INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW THE IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS IN SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER THREE PARTS OF MY #3.K (and related #3.J) THAT THE EIR IMPROPERLY CUT OFF (and in other cross-references and incorporations the EIR ignores.) THUS, INSTEAD OF ADDRESSING MY FOUR PAGEs OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLITS MY ANNOTATED EIR OBJECTIONS AND COMMENTS FROM MY DETAILED REBUTTALS OF THOSE OTHER FRGMENTED PARTS (and cross-reference and incorporations), SO THAT THE EIR COULD MANUFACTURE A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

WHILE IN RESPONDING TO EACH SUCH EIR "CUT" FRAGMENT OF MY DEIR OBJECTION 254 SECTIONS ABOVE TO REBUT THOSE PREVIOUS, DISPUTED EIR/DEIR PARTIAL "RESPONSES," I AM NOW SHIFTING TO A COMBINED OBJECTION FROM MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION TO SUCH EIR "RESPONSES," I SHOULD HAVE PROVEN MY POINT SUFFICIENTLY ABOUT THIS IMPROPER EIR TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL SEPARATIONS OF MY INTEGRATED OBJECTIONS AND TREAT SUCH EIR "RESPONSES" ON THE UNIFIED BASIS THAT SHOULD HAVE BEEN USED BY THE DISPUTED EIR. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS TO ANYTHING IT INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE EIR/DEIR ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS"), WHILE DENYING ME THE RIGHT TO REBUT ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS? SEE SECTION I.C AND D ABOVE.

In this specific situation, for example, the disputed EIR complains that I do not explain why my objections based on PG&E PSPS is too speculative, ignoring these electric supply issues I cross-referenced in a detailed analysis in the previous subsection rebutting EIR Responses To Comments Ind. 39-42 (i.e., my DEIR Objection 254 #3.J). However, I explain in detail in both this and that objection, including from my own experience in tracking PSPS requiring use of my own emergency gas generator in the same area. As an attorney intensely involved in the PG&E bankruptcy case, I also offer to so proof that the EIR/DEIR underestimates use of air polluting mine generators that the EIR/DEIR claims must keep electricity on 24/7/365 for 80 years whenever power service ceases for any reason including the PSPS blackouts added to the increasing bad weather and old equipment failures which are an indisputably much bigger problem than the DEIR/EIR acknowledges. I can prove from the following relevant public records which I incorporate herein (and to which I can cite from my experiences in): the dockets in (i) the pending PG&E Chapter 11 Case No. 19-30088 (DM) bankruptcy commenced in 2019 in the Northern District of California, including what was cited in my PSPS related proof of claim disputes with PG&E, (ii) the various related CPUC proceedings dealing with the PG&E issues during that pending bankruptcy, including all PSPS related proceedings, and (iii) Judge Alsup's criminal probation proceedings, including what was cited to that docket in my PSPS related proof of claim disputes with PG&E. PG&E's service problems clearly will disrupt the mine more often than history would suggest both as a result of climate change, increasingly bad weather threats, illegal vegetation still growing in dangerous proximity to uninsulated PG&E gear and more than 10,000 miles of dangerous fire risk wires, the "run it until it breaks" PG&E use of dangerous gear, and other causes of greater blackouts than in the past. What is speculative and false is the EIR/DEIR theory that the past predicts the future as to those risks and threats, which are progressive and cumulative, both because of increasing fire risks, worsening climate change impacts, and chronic and cumulative

PG&E operating difficulties, such as ancient equipment that cannot be replaced, upgraded, and made safe quickly enough to counter such threats.

Even worse, as discussed throughout my four Objections, the DEIR has admitted (at DEIR 6-14) that its entire mining project is not economically feasible if it were limited to working less than a 24-hour day every day like much more beneficial businesses are required to do, instead of 24/7/365 as it demands. See Grass Valley Agency Letters 12 and 11. I point out that the thousands of mine objectors have the right, power, and motivation to cause law reforms or initiatives to impose a normal, 12-hour five day a week plus holidays limit on such disruptive/exploitive businesses. Such local victim, property defense-political protections against the mine are not speculative on the basis of the many serious objections on the record in this disputed DEIR/EIR matter. Thus, it is also not speculative to ask what happens when the mine's dust control ceases when its admittedly no longer economically feasible mining plan stops, especially since there is no adequate mitigation for any such remediation or safety needs.

Likewise, what is speculative in this dispute is the EIR/DEIR's disputed assumptions that the new mine conditions are the same as the old mine conditions when it flooded and closed in 1956. What is speculative and unsubstantiated by the EIR/DEIR are the current conditions of that closed and flooded mine after all these years and impactful events, as well as the uninvestigated mysteries of the new and deeper mining the EIR projects in the future, not just including climate change, but also direct physical and environmental impacts. See Exhibit B admissions by Rise in its SEC filings, which can be determinative here as they were in *Richmond v. Chevron*, see section I.C and D above. Indeed, since I dispute for good cause the alleged starting base case for the conditions of that long closed and flooded mine based on the EIR's unreliable, incomplete, and otherwise disputable historical "records" (see Id.), especially those created before modern science and serious regulatory compliance in a predatory mining industry where the old saying generally applied that 'it's better to ask for forgiveness [if you get caught] than for permission." In any event, the disputed EIR/DEIR approach seems to be that it can do whatever it wants as long as it complains that the foreseeable problems to which us locals object are "speculative" or that our potential victim objections to the disputed EIR/DEIR's unsubstantiated claims and opinions are unsubstantiated (although our objections include a better and "good faith reasoned analysis" generally lacking in the EIR/DEIR, which has the burden of proof. See section I.A,1.b).

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR Response incorrectly keeps claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and flaws based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the disputed EIR/DEIR ignores or evades. EIR Response is also nonresponsive in various other ways to my objections, concerns, and data, as illustrated in my opening objection summary in #1 herein and court decisions and law cited in DEIR Objection 254 #'s 2, 4 and 14, and my related objections to every one of the EIR's Master Responses and Responses to Comments Ind. 254-1 with similar evasions. For example, this disputed Response (like many others herein) misstates or mischaracterizes some of my objections to make them seem less meritorious and (without any meritorious excuse) omits some

other objections entirely, especially by again ignoring falsely accusing me of not being sufficiently specific, both by ignoring my cross-references (e.g., to DEIR Objection 254 #'s 2, 3,N, 4, and 14) and my incorporations by reference (eg, to specific court case records and SEC filings, like addressed in Exhibit's B and A hereto) and by ignoring even details that are clearly stated in my objection.

QQ. Objection To EIR Response (at 2-6017) To My Comment Ind. 254-46 (marked by the EIR starting at 2-5929) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "3.L [and the first part of #3.M] Consider What The DEIR Is Not Disclosing (eg, my #3.E and M and 14) And The Questions That The DEIR Is Not Answering, Because Those Of Us impacted Or At Risk Will Assume Nondisclosures And Answers Require Continuous Resistance To the Mine (See my #'s 3.N, 4, and 14).

As demonstrated in relevant objections above, I repeat my many hexavalent chromium related objections above (and in Exhibit C and section I.F.1) and in my DEIR Objection 254 (especially #'s 3.A, B, C, E, F, G, H, J, M, and N, 4, 5, 7, 10, 19, and 14), none of which are overcome by the disputed EIR/DEIR, which lacks "good faith reasoned analysis" and "common sense" on this subject, especially in the disputed EIR's Response to Comment Ind. 254-1 to which I have objected above. What the disputed EIR dismisses as my "legacy contaminant concerns," citing to EIR's Response to another's Comment Grp 25-30, I reject for the reasons in my objections and Comment Grp 25-30 and its follow up rebuttal to such disputed Response. (Since the EIR chooses not to be specific in its objection, I see no compulsion to be more specific in my rebuttal.) Likewise, without identifying any specific issue against the three pages that the EIR labeled as Response to Comment Ind. 254-46, I stand generally on my objections to the EIR's abstract cite to its disputed Response to Comment Ind.-254-17 and Master Response 16.

In particular, I open my DEIR Objection 254 #3.L (EIR marked Ind. 254-46) with cross-references to my #'s 3.E., I, J, M and N, 4, 14, and 15, all of which I have defended on the merits herein against the EIR's disputed Responses (and Master Responses) thereto on grounds that apply here as well. My such objections should prevail. While EIR's disputed Response To Comment Ind. 254-46 includes the first part of my Objection 254 #3.M, I will address that in the next subsection, where I rebut in one place the whole of the EIR's disaggregation/cut up of my such integrated objection # 3.M into disputed EIR "Response" fragments To Comment Ind. 254-46 to -49.

RR. Objection To EIR Response (at 2-6017) To My Comment Ind. 254-46 to 49 (marked by the EIR starting at 2-5930) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: 3.M "Among the Biggest DEIR Disputes Is About the Timing of Facts When Making This Decision About And 80 Year Plus Future Impact, Risk, And Burden, When We Know That The Past Is A Faulty And Largely Irrelevant Guide To Predicting The "New Normal," Which the Disputed DEIR Fails To Do So Either (i) By Its Almost Exclusive Focus On That Unhelpful Past Data, Or (ii) Its Limitation To (At Most) Occasional And Deficient Looks At The Fantasy The DEIR Imagines In The Next 20 Years (Or Until 2040), Ignoring That the EIR/DEIR is demanding the right without CEQA

compliance and evidence for an adequate "good faith reasoned analysis" with "common sense."

CONSIDER CLOSELY THIS ADDITIONAL EXAMPLE OF SUCH EIR LACK OF "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE" AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY seven PAGE OBJECTION 254 #3.M TO (2) HOW THE DISPUTED EIR (AT 2-5930) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN fourths AND THEN SUCCESSIVELY IGNORED EACH FRAGMENTSED PART (as well as cross-references and incorporations, especially to my overlapping previous subsection #3.L) WHEN ADDRESSING THE OTHER FRAGMENTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-46 to 49" (and my other cross-referenced or incorporated objections) PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254-3.M (and my other cross-references), THE EIR CUTS UP ITS "RESPONSE TO COMMENT TO IND. 254-46 to 49," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW [THE DEIR] IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE REPEATEDLY EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER FOUR FRAGMENTS OF MY #3.M (and related #3.L) THAT THE EIR CUT OFF (and in other cross-references and incorporations the EIR ignores.) THUS, INSTEAD OF ADDRESSING MY SEVEN PAGEs OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT THEYARE, THE DISPUTED EIR SPLITS MY ANNOTATED EIR OBJECTIONS AND COMMENTS FROM MY DETAILED REBUTTALS OF THOSE OTHER PARTS (and cross-reference and incorporations) SO THAT THE EIR COULD ASSERT A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

IN RESPONDING TO EACH SUCH EIR "CUT" OF MY DEIR OBJECTION 254 SECTIONS ABOVE TO REBUT THOSE PREVIOUS, DISPUTED EIR/DEIR PARTIAL "RESPONSES," I AM NOW SHIFTING TO A COMBINED OBJECTION FROM MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION, I SHOULD HAVE PROVEN MY POINT ABOUT THIS IMPROPER EIR TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL SEPARATIONS OF MY INTEGRATED OBJECTIONS INTO FRAGMENTS. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE DISPUTED EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS TO ANYTHING (I.E., WITH A COMPLIANT "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE") THAT THE EIR INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE

EIR/DEIR ITSELF ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., SUCH AS IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS), WHILE DENYING ME THE RIGHT TO REBUT ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS?

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR Response incorrectly keeps claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since the EIR is now becoming even vaguer than before about what it is disputing, my general rejections now need only match the disputed EIR's generality. Thus, as to my DEIR Objection 254 #3.M (i.e., what the EIR labelled as fragment Ind. 254-46) I cite to my objection herein to what the EIR cited as its Response to Comment Ind. 254-17 and 254-1, to its Master Response 16, and to its Response to Grp 25-30. As to my Objection 254 #3.M (EIR labelled as Ind. 254-47) I also cite to my objection herein to what the EIR cited as its "Response to Comment Ind. 254-17." As to my DEIR Objection 254 #3.M (i.e., what the EIR labelled as fragment Ind. 254-48) I cite to my objection herein to what the EIR cited as its "Response to Comment Ind. 254-18 and -19." As to my DEIR Objection 254 #3.M (i.e., what the EIR labelled as fragment Ind. 254-49) I cite to my objection herein to what the EIR cited as its "Response to Comment Ind. 254-19" and its Master Responses 13 and 16. In other words, I have learned nothing in the disputed EIR that inspires me to abandon or concede any of my material objections to the EIR/DEIR.

Note also that, while the EIR complains that some of my objections here overlap with prior my objections, that occurs for several good reasons, including (depending on which objection is at issue) my adding more detail here for an enhancement of an objection previewed earlier, or my use of the same DEIR quote or admission and my related concern stated earlier again here for a different point or objection, or others reasons, such as for context or support for a new point or objection. As my quoted DEIR Objection #3.M title indicates, the primary thrust of this objection is to expose (often with examples of my substantive objections on objectionable impacts) how the flawed DEIR/EIR analysis fails to meet the "good faith reasoned analysis" with "common sense" standard and otherwise to comply with CEQA and other applicable laws. For instance, elsewhere I have demonstrated the errors, omissions, and other noncompliance in the DEIR/EIR cherry picking the purported "current" average rainfall between 1967 and 2017 to set the "current" base line for predicting future "recharge" and "balancing" of groundwater, clearly ignoring the more "current" drought years after 2017 and then for the EIR to assume the "current" number used for predicting the average rain still applies during the next 80 years, as if that disputed data and ignoring of climate change and 24/7/365 dewatering allowed that obsolete past to predict that future for the next 80 years with unreliable, incomplete, and disputed mine data. Worse, as I have demonstrated, the disputed EIR/DEIR doesn't even try to provide a "good faith reasoned analysis" with "common sense" and compliance with CEQA and other applicable laws, trying instead inappropriately or worse to brand such objections about the future 24/7/365 mine dewatering impacts for the rest of the 80 years after 2040 as "too speculative" to require a prediction or to justify an objection.

In effect, once again, and often when they refuse to investigate adequately or at all, the EIR/DEIR incorrectly brands my and other objections as "speculation" and as an alleged excuse to do whatever they want and for attempting to shift the impact of such pretended unknowns (and, in effect, the burden of proof) to us local victims. But that EIR/DEIR tactic cannot transfer the burden of proof from the mine to us victims. See section I.A.1.b. The consequences of the noncompliant EIR/DEIR not being able to predict impacts on our environment, including our groundwater, especially as to those impacts on us objectors living on the surface above and around the 2585-acre underground mine (and owning the groundwater being dewatered and flushed away somewhere else down the Wolf Creek 24/7/365 for 80 years), is not to shift the risk of such unknowns to the victims, but to deny the EIR as too risky and noncompliant. Trying to say that depletion of our local groundwater can be justified as improving surface NID water supplies somewhere else is not mitigation or permissible "balancing," but instead is a cause for the kinds of claims by us surface owner victims addressed in my DEIR Objection 254 #'s 3.N, 4, and 14 (e.g., trespass, conversion, nuisance, inverse condemnation etc.) See, eg, *Varjabedian v. Madera (*1977), 20 Cal.3d 285 (inverse condemnation and nuisance claims allowed for residents downwind of a new sewer plant suffering a disproportionate impact for the public benefits in other places) and Keystone. Consider the earlier objections to the DEIR admissions (e.g., the EIR mine taking 10% of each well's depleted water before they have to begin their illusory mitigation the miner's SEC filings admit facts showing that it cannot afford, even before considering all the undisclosed, existing and future wells the EIR mining and dewatering will impact. Indeed, if Rise also tries to achieve any of its announced project objectives which also seem unaffordable, I don't know how Rise could afford to mitigate even the smaller number of wells the EIR/DEIR acknowledges as if this EIR impact were just an issue for the East Bennett Road area, rather than the much greater problem involving all of the thousands of us surface owners and users living above and around the 2585 acre underground mine.

SS. Objection To EIR Response (at 2-6017) To My Comment Ind. 254-50 to 53 (marked by the EIR starting at 2-5937) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: 3.N "Political Dynamics, Law Reforms To Protect the Community, And Consequences From Starting the Mine Before We Stop It And More Risks, Impacts, And Harms Occur, Even Some Admitted By The DEIR, Although, As Usual, In An Obscure Place at 4.3-103-04 Called the Non-CEQA Related Analysis."

CONSIDER CLOSELY THIS ADDITIONAL EXAMPLE OF SUCH EIR LACK OF GOOD FAITH REASONED ANALYSIS AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY five PAGE DEIR OBJECTION 254 #3.N, TO (2) HOW THE DISPUTED EIR (AT 2-5937) DISAGGREGAGTED/CHOPPED THAT UNIFIED OBJECTION IN fourths AND THEN SUCCESSIVELY IGNORED EACH FRAGMENTED PART (as well as cross-references and incorporations, especially to my overlapping previous subsections) WHEN ADDRESSING THE OTHER PARTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-50 to 53" (and my other cross-referenced objections) PRESENTED A FLAWED EIR SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING

THE REST OF MY DEIR OBJECTION 254-3.N (and my other cross-references), THE EIR CUTS ITS "RESPONSE TO COMMENT TO IND. 254-50 to 53," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW [THE DEIR] IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO MY SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE REPEATEDLY EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER FOUR PARTS OF MY #3.N (and my related objections) THAT THE EIR CUT OFF (and in other cross-references and incorporations the EIR ignores or evades.) THUS, INSTEAD OF ADDRESSING MY five PAGES OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLITS MY ANNOTATED EIR OBJECTIONS AND COMMENTS FROM MY DETAILED REBUTTALS IN THOSE OTHER FAGMENTS (and cross-reference and incorporations) SO THAT THE EIR COULD ASSERT A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

IN RESPONDING TO EACH SUCH EIR "CUT" FRAGMENT OF MY DEIR OBJECTION 254 SECTIONS ABOVE TO REBUT THOSE PREVIOUS, DISPUTED EIR/DEIR PARTIAL "RESPONSES," I AM NOW SHIFTING TO A COMBINED OBJECTION FROM MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION, I SHOULD HAVE PROVEN MY POINT ABOUT THIS IMPROPER EIR FRAGMENTATION TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL SEPARATIONS OF MY INTEGRATED OBJECTIONS. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS TO HARDLY ANYTHING (I.E., WITH A "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE") THAT THE EIR INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE EIR/DEIR ITSELF ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., SUCH AS IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS"), WHILE DENYING ME THE RIGHT TO REBUT EVEN ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS?

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, these disputed EIR "Responses" incorrectly keep claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR fragments are now becoming even vaguer than before about what they are disputing, my general rejections now can match the disputed EIR in generality. Thus, as to my DEIR Objection 254 #3.N (i.e., the fragment the EIR labelled as Ind. 254-50), I cite to my objection herein to what the EIR cited as its Master Response 1. As to my DEIR Objection 254 #3.N (the fragment the EIR labelled as Ind. 254-51), I cite to my objection herein to what the EIR cited as its Master Response 1. As to my DEIR Objection 254 #3.N (i.e., what the EIR

labelled as Ind. 254-52), I cite to my objection herein to what the EIR cited as its Master Response 1. As to my DEIR Objection 254 #3.N (i.e., what the EIR labelled as Ind. 254-53), I cite to my objection herein to what the EIR cited as its Master Responses 1. In other words, I have learned nothing in the disputed EIR that inspires me to abandon or concede any of my material objections to the EIR/DEIR.

More importantly, nothing in the EIR cited in its "Responses" addresses my key objections in DEIR Objection 254 #3.N with the required "good faith reasoned analysis" with "common sense," and my key legal and political disputes have witness (like me) offering to prove our such issues are not "speculative." For example, the DEIR admits (at 6-14) that the project is not feasible if it must operate less than daily 24/7/365 for 80 years, which is probable since the Rise SEC filings demonstrate the precarious financial condition of the miner that render it unable to afford many of its DEIR/EIR safety and mitigation assertions, much less also the project objectives, as demonstrated in Exhibit B hereto and Objections 254 #2 and the whole of 255. However, the disputed EIR/DEIR fails to address the consequences of that or other economic feasibility issues. For example, because the County should expect approval of the EIR will inspire some defensive initiative/law reforms, such as limiting (in suburban communities like ours) such exploitive businesses (i.e., those not serving the public but depleting local resources) to 12 hours a day and to business days, the EIR/DEIR must deal with the safety and other consequences, impacts, and problems resulting from starting the mining and then shutting down for lack of sufficient operating cash flow.

Indeed, there are a whole series of law reforms that will be needed to protect us locals, if the EIR were approved, so as to mitigate for the benefit of us victims as many of the objectionable impacts of the mine as possible. For example, if the EIR is approved, there will be locals enforcing legal, law reform, and political remedies, especially over the 24/7/365 dewatering for 80 years that depletes groundwater owned by us surface owners above and around the 2585 acre mine and flushes it away down the Wolf Creek. Such law reform initiatives will be designed to protect those property rights as well as the environment. See *Keystone* and *Varjabedian.* What happens to the EIR mine economics and safety/mitigation assertions then? The EIR/DEIR argument is that this is too speculative, but the indisputable fact is that that we objectors would have no choice but to enforce our legal, law reform, and political rights, unless us potential victims are willing to sacrifice passively for this no net benefit (and worse) mine (DEIR Objection 254 #4) our home values, our water and other property rights, and our way of life.

The US Supreme Court has addressed in objectors' favor us surface owners versus underground miner disputes in cases I address here in my DEIR Objection 254 #3.N (as well as in my #'s 4 and 14), such as ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987)(rejecting "taking claims by miners as to laws protecting surface owners' property rights), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support [and protect against subsidence, which includes leaving groundwater support] by leaving 50% of the coal to support the surface. The same principles apply to what law reforms locals here can require. Given the admitted fragile financial condition of the miner (eg, Exhibit B) and the environmental impacts of suspending safety and mitigation efforts (another issue ignored by the EIR/DEIR as too "speculative"), that issue is essential for CEQA consideration, even if only as rebuttal to errors, omission, and worse in the DEIR/EIR. See section I.C and D above. While such new local victim legal protections would have impacts on the EIR mining, it is essential to remember that this is more than about how the miner uses the

property it owns. This is about us surface owners and users protecting our own property and groundwater rights we own at least down 200 feet above and around the underground mine that has been closed and flooded since 1956, as admitted by Rise in its SEC 10K. See Exhibit B addressing risks Rise admits to the SEC and its investors but not to the County or public in the EIR/DEIR. If the County approves anything that harms our surface owners' property rights for the benefit of this disputed mine, such as the EIR/DEIR plan to deplete 10% of our owned well water before the (illusory) mitigation replacement kicks in on the small portion of the total existing and future wells so impacted and recognized by the EIR/DEIR for mitigation), that is certain to trigger law reforms and claims under the Fifth Amendment and California Constitutional for taking, inverse condemnation, nuisance, trespass, conversion, and other claims. See, e.g., *Varjabedian*; ***Vaquero Energy, Inc. v. County of Kern*** (2019), 42 Cal. App, 5th 312, allowing surface owner legal protections against underground oil and gas miners. The commonsense analysis is this: This speculator, Canadian miner is seeking EIR approvals that will harm our local surface owners' property values and rights (and more) for the benefit of their distant shareholders. Any incidental net benefits for County residents (which net benefits I and others dispute as nonexistent, as demonstrated in Exhibit A hereto and my DEIR Objection 255) do not extend to us impacted local surface owners, who are certain to defend themselves and our property rights by appropriate legal, law reform, and political means as so described.

TT. Objection To EIR Response (at 2-6018) To My Comment Ind. 254-54 to 60 (marked by the EIR starting at 2-5941) And FRAGMENTED PARTS OF AN INTEGRATED OBJECTION Correctly Entitled: # "4. There Is No Net Benefit To Justify Approving This Mine Or Its DEIR, Especially Where One Gives Appropriate Weight To the Objections Of The Burdened And Harmed Locals At Risk Of Worse;" And "4 A. A General Discussion of Some of the Many Negatives Decreasing Any Imagined Benefits From the Mine, Applying Some Legal And Political Self-Defense Rights And Counters Expected From Those Of Us At Risk Living Above Or Around the 2585-Acre Underground Mine."

CONSIDER CLOSELY THIS ADDITIONAL EXAMPLE OF SUCH EIR LACK OF GOOD FAITH REASONED ANALYSIS AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY eight PAGE DEIR OBJECTION 254 #4.A, TO (2) HOW THE DISPUTED EIR (AT 2-5941) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN sevenths AND THEN SUCCESSIVELY IGNORED EACH FRACTIONAL PART (as well as cross-references and incorporations, especially to my overlapping previous subsections) WHEN ADDRESSING THE OTHER PARTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-54 to 60" (and my other cross-referenced objections) PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254-4.A (and my other cross-references and incorporations), THE EIR CUTS ITS "RESPONSE TO COMMENT TO IND. 254-54 to 60" INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW [THE DEIR] IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE

REPEATEDLY EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER FRAGMENTED PARTS OF MY #4.A (and my related objections) THAT THE EIR CUT OFF (and in other cross-references and incorporations the EIR ignores.) THUS, INSTEAD OF ADDRESSING MY eight PAGES OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLITS MY ANNOTATED EIR OBJECTIONS AND COMMENTS FROM MY DETAILED REBUTTALS IN THOSE OTHER PARTS (and cross-reference and incorporations) SO THAT THE EIR COULD ASSERT A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

IN RESPONDING TO EACH SUCH EIR DISAGGREGATED "CUT" OF MY DEIR OBJECTION 254 #4.A SECTIONS ABOVE TO REBUT THOSE PREVIOUS, DISPUTED EIR/DEIR PARTIAL "RESPONSES," I AM NOW SHIFTING TO A COMBINED OBJECTION FROM MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION, I SHOULD HAVE PROVEN MY POINT ABOUT THIS IMPROPER EIR TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL SEPARATIONS OF MY INTEGRATED OBJECTIONS. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS (IE, WITH A "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE") TO ANYTHING THAT THE EIR INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE EIR/DEIR ITSELF ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., SUCH AS IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS"), WHILE DENYING ME THE RIGHT In My Cross-Referenced Objection 254 #3.N TO REBUT ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS?

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, these disputed EIR Responses incorrectly keep claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR fragment parts at issue are becoming even vaguer than before about what they are disputing, my general rejections now can match the disputed EIR in generality. Thus, as to my DEIR Objection 254 #4.A (what the EIR labelled as Ind. 254-54), I cite to my objection herein to what the EIR cited as its Master Response 4, noting that this separate Centennial site dispute is a question of law for the courts on which the EIR is in error. See my section I.B above. As to my DEIR Objection 254 #4.A (what the EIR labelled as Ind. 254-55, 56, 57,58, 59, and 60), I cite to my objection herein to what the EIR cited as its Master Responses 29, 33, 35 and 36, as well as to EIR "Responses To Ind. 254-1 and 17," noting my extensive analysis of many aspects of the (i) hexavalent chromium threats (see, eg, Exhibit C and my DEIR Objection 254 #'s 3.A, B, C, E, F, G, H, J, M, and N, 4, 5, 7, 19, and 14 and my

counters herein to the disputed EIR's "Responses" and "Master Responses" thereto) ignored herein by only a disputed and limited Master Response 35, (ii) the groundwater depletion drying out of vegetation creating bigger fire hazards, among many other groundwater related objections ignored herein only a disputed and limited Master Response 33 (see, e.g., my DEIR Objection 254 #'s 3.A, B, D, E, F, K, M, and N, 4, 5, 11, 14, and 1514 and my counters herein to the disputed EIR's "Responses" and "Master Responses" thereto), (iii) climate change impacts (see section I.C and D above), and (iii) nuisance and inverse condemnation, as well as what the EIR "Response" to my Ind. 254- 59 inadequately summarizes as "subsidence, liquefaction, or landslides" and which ignores all of my other discussion of other victim claims in my DEIR Objection 254 #'s 2, 3.N, 4, and 14 and my counters herein to the disputed EIR's "Responses" and "Master Responses" thereto. See, eg, how the US Supreme Court has addressed in objectors' favor these surface owner versus underground miner disputes in cases I address here in my DEIR Objection 254 #3.N (as well as in my #'s 4 and 14), such as ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987)(rejecting "taking claims by miners as to laws protecting surface owners' property rights to lateral and subjacent support, including by groundwater, to prevent subsidence and loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal to support the surface. *Accord*, ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner.) **As noted herein, the admitted lack of currently available financial resources by the miner to perform its EIR safety, mitigation, and other obligations (see Exhibit B and DEIR Objection 255, addressing discussed Rise admissions in SEC filings and in the DEIR (e.g., at 6-14) is not just a CEQA impact problem, but it enables us victims to take proactive defensive mitigation actions on our own at the expense of the miner (and, depending on the facts, the County).**

The same principles apply to what law reforms locals here can require. Given the admitted, fragile financial condition of the miner (eg, Exhibit B) and the environmental impacts of suspending safety and mitigation efforts (an issues ignored by the EIR/DEIR as too "speculative"), that issue is essential for CEQA consideration, even if only as rebuttal to errors, omission, and worse in the DEIR/EIR. While such new local victim legal protections would have impacts on the EIR mining, it is essential to remember that this is more than about how the miner uses the property it owns. This is about us surface owners and users protecting our own property and groundwater rights we own at least down 200 feet above the underground mine that has been closed and flooded since 1956, as admitted by Rise in its SEC 10K. See Exhibit B and DEIR Objections 254 #2. If the County approves anything that harms our surface owners' property rights for the benefit of this disputed mine, such as the EIR/DEIR plan to deplete 10% of our owned well water before the (illusory) mitigation replacement kicks in on the small portion of the total existing and future wells so impacted recognized by the EIR/DEIR for mitigation), that is certain to trigger law reforms and claims for Fifth Amendment and California Constitutional taking, inverse condemnation, nuisance, trespass, conversion, and other claims. See, e.g., *Varjabedian*; ***Vaquero Energy, Inc. v. County of Kern*** (2019), 42 Cal. App, 5th 312, allowing surface owner legal protections against underground oil and gas miners.

While the EIR/DEIR constantly misuses in disputed ways the concept of mitigation to purport to cure objectionable environmental impacts, typically without any "good faith reasoned analysis" with "common sense" about the adequacy/sufficiency, feasibility, or likelihood of being able timely to accomplish such asserted mitigation. See Exhibit B evidencing admissions from the Rise SEC filings to question feasibility. Not only do those disputed EIR/DEIR mitigation claims fail to comply with CEQA and other applicable law (see sections I.C, D and E), but those failures trigger a right by us victims to undertake our own mitigations to minimize our damages for our such nuisance, inverse condemnation, and other claims as discussed in *Varjabedian.* My such DEIR Objection #4.A include an example of our such local victim mitigation (Comment to Ind. 254-58) that is ignored in the disputed EIR Response, which involves us surface owners competing for our owned groundwater with deeper and new wells and watering systems and charging the mine and County for that mitigation cost as allowed by many controlling court decisions. See, e.g., ***Ahlers v. County of LA*** (1965), 62 Cal.2d 250 (road construction caused landslides, entitling the threatened property owners to recover, among other things, the mitigation costs of constructing 25 shear pin caissons to hold back the landslide); ***Shefft v. County of LA*** (1970)(3 Cal. App.3d 720, 741-42 (when water diversion from subdivision and road construction caused damages the victims were entitled to recover the costs of protecting their property with mitigation infrastructure.)

As to my DEIR Objection 254 #4.A (what the EIR labelled as Ind. 254-54 to 60) I note that I apply court precedents to the facts of this disputed EIR/DEIR in important ways that are totally ignored without any "good faith reasoned analysis" or "common sense" in those disputed EIR Response. While I suppose the EIR evaded my many #4.A issues to avoid drawing the County decisionmakers' attention to such important legal problems for the mine and for the County, if it approves the EIR, I urge those County decision makers to consider those legal objections and claims now, because approval means challenges on those same bases among many others. Among the many flaws in the County Economic Report (see my Exhibit A and my DEIR Objection 255 rebuttals), the County should consider its own exposures for enabling this mine by approving this flawed EIR. E.g., ***Uniwill v. City of LA*** (2004), 124 Cal. App. 4th 537 (both the private party and the approving government can be jointly liable in inverse condemnation). See generally ***Varjabedian v. Madera*** (1977), 20 Cal. 3d 285 (explaining inverse condemnation and nuisance rights of homeowners downwind of the new sewer treatment plant).

For example, please read my EIR ignored analysis of ***County of San Diego v Bressi*** (1986), 184 Cal. App. 3d 112, where an aviation easement was imposed on homes at the end of a runway with approved authority for hugely abusive (although unlikely) uses (eg, not only jumbo jets but also "any other contrivance yet to be invented for flight in space"), the court rejected the defense claim to limit liability to the current use burden of small planes. The Court ruled that "just compensation" for such taking is based on what the owner/victim has lost, rather than on what the taker gained, and that the jury must "once and for all fix the damages, present and prospective, [and the jury] must consider the most injurious us of the property reasonably possible … consider[ing] the entire range of used permitted…", which there included jumbo jets and space craft. See also ***Coachella Valley Water District v. Western Allied Properties*** (1987), 190 Cal. App. 3d 969 (refusing to limit the "before condition" valuation to the government' desired plan and allowing the jury to consider the value of the victim's property without being limited to the defendant's idea of solutions or consequences of doing things the defendant's way.) The more abusive impacts we surface owners and users have to endure from the EIR on such a theoretical, "worst case" basis for 80 years (e.g., 24/7/365 dewatering, groundwater and

[existing and future] well depletion, vegetation loss and fire risk from dryness, hexavalent chromium and other toxic water and air pollution, and all the other nuisances, risks, and harms to which I have objected (or incorporated from others' objections) that depress victim property values (and inflict pain and suffering on us), the higher the victim compensation must be. In this case, many victims could be seeking to recover the pre-mine value of their homes plus other damages.

UU. Objection To EIR Response (at 2-6018) To My Comment Ind. 254-61 to 63 (marked by the EIR starting at 2-5949) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "#4.There Is No Net Benefit To Justify Approving This Mine Or Its DEIR, Especially Where One Gives Appropriate Weight To the Objections Of The Burdened And Harmed Locals At Risk Of Worse;" And "B. Some Other Ways To Illustrate And Calculate Examples Of The Many Risks, Burdens, And Detriments That Reduce Any Alleged Mine Benefits."

CONSIDER CLOSELY THIS ADDITIONAL EXAMPLE OF SUCH EIR LACK OF "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE" AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY three PAGE DEIR OBJECTION 254 #4.B, TO (2) HOW THE DISPUTED EIR (AT 2-5949) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN thirds AND THEN SUCCESSIVELY IGNORED EACH FRAGMENTED PART (as well as cross-references and incorporations, especially to my overlapping previous subsections) WHEN ADDRESSING THE OTHER PARTS AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-61 to 63" (and my other cross-referenced and incorporated objections) PRESENTED A FLAWED SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254-4.B (and my other cross-references), THE EIR FRAGMENTS/CUTS ITS "RESPONSE TO COMMENT TO IND. 254-61 to 63," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW [THE DEIR] IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE REPEATEDLY EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER PARTS OF MY DEIR OBJECTION 254 #4.B (and my related objections) THAT THE EIR CUT OFF (and in other cross-references and incorporations the EIR ignores.) THUS, INSTEAD OF ADDRESSING MY three PAGES OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLITS MY ANNOTATED EIR OBJECTIONS AND COMMENTS FROM MY DETAILED REBUTTALS OF THOSE OTHER PARTS (and cross-reference and incorporations), SO THAT THE EIR COULD ASSERT A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

IN RESPONDING TO EACH SUCH EIR FRAGMENT/"CUT" OF MY DEIR OBJECTION 254 #4.B SECTION ABOVE TO REBUT THOSE PREVIOUS, DISPUTED

EIR/DEIR PARTIAL "RESPONSES," I AM NOW SHIFTING TO A COMBINED OBJECTION TO MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION, I SHOULD HAVE PROVEN MY POINT ABOUT THIS IMPROPER EIR TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL FRAGMENT SEPARATIONS OF MY INTEGRATED OBJECTIONS. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS (I.E., WITH A "GOOD FAITH REASONED ANALYSIS" AND "COMMON SENSE") TO ANYTHING THAT THE EIR INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE EIR/DEIR ITSELF ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., SUCH AS IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS"), WHILE DENYING ME THE RIGHT In My Cross-Referenced DEIR Objection 254 #3.N TO REBUT ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS.

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, these disputed EIR Responses incorrectly keep claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and NONCOMPLIANCE based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR parts at issue are becoming even vaguer than before about what they are disputing, my general rejections now can match the disputed EIR in generality. Thus, as to the part of my DEIR Objection 254 #4.B (what the EIR labelled as Ind. 254-61), I cite to my objection herein to what the disputed EIR cited as its disputed EIR "Response" as to what it simply labels as property value trashing, air quality, traffic, noise, vibration, subsidence, hexavalent chromium, climate change, and water supply. Then the disputed EIR just refers to its disputed Master Responses 1, 14, 15, 16, and 29, none of which is either a "good faith reasoned analysis" with "common sense," or fully responsive or compliant. As to the part of my DEIR Objection 254 #4.B (what the EIR labelled as Ind. 254-62), I cite to my objection herein to what the disputed EIR cited as its disputed EIR response as to what it simply labels as my desire for more desirable land use and the need to consider a broader groundwater impact zone. Then the disputed EIR just refers to its disputed Master Responses 2 and its unsubstantiated and erroneous claim that my objections can be ignored as "speculative" under CEQA Guideline 15384, none of which presents a good faith reasoned analysis with common sense or is fully responsive or compliant. As to the part of my DEIR Objection 254 #4.B (what the EIR labelled as Ind. 254-63), I cite to my objection herein to what the disputed EIR cited as its disputed EIR Response as to what it simply labels as my concerns regarding air quality and impacts on tourism and business. Then the EIR just refers to its disputed Master Responses 2 and its unsubstantiated and erroneous claim that my objections can be ignored as "speculative" under CEQA Guideline 15384, none of which is a good faith reasoned analysis with common sense or fully responsive or compliant.

For an example of such EIR "bait and switch" and "hide the ball tactics," my traffic complaint was not just about congestion, but rather upon the fact that 50 to 100 heavy mine trucks using Brunswick and other main routes 24/7/365 for 80 years (which were not designed or constructed for that kind of abuse) will constantly break down those key road arteries and will require constant maintenance. However, there is no assurance on any reimbursement from the mine for that extraordinary road expense (not to mention the delays when one lane is constantly closed for repairs) as to which the DEIR/EIR merely proposes vaguely to discuss future compensation knowing from its lack of current resources admitted in Rise's SEC filings and elsewhere that the miner cannot afford fair reimbursement in any case. See Exhibit B and DEIR Objection 254 #2. Even worse, the EIR ignores my detailed objection to the EIR refusing to address the environmental impacts of the most likely case "bad ending" for the mine whenever (after approval and initial work) it ceases operation for any reason, whether because its already insufficient current working capital is exhausted, or because objectors' law reforms (eg, restricting such exploitive business operations to 12 hour normal five day schedules, which the DEIR (at 6-14) admits would make the mine economically infeasible) or defensive litigation stops the EIR mining project, or they don't find sufficient gold compared to their costs, or other reasons why the EIR and related obligations cannot be performed or their objectives achieved (and objectors prevent any waivers or evasions by appropriate political and litigation means.) As I pointed out in DEIR Objection 254 #4.B, there are many reasons why there are more than 40,000 closed and abandoned mines in California on the EPA list. In my substantial experience this EIR mine is at such risk and admittedly has little margin to survive any mine error, Act of God, or other negative event.

Also, misstated and understated in the EIR on this subject is my focus on the zero sum game where our fragile local environment has a limit to how much negative environmental impacts can be tolerated in the aggregate (for simple math, call that aggregate limit on harm to be 100 (e.g., for air pollution, water pollution, etc.) Call the existing business and residential impacts are already 70. Then if the EIR additions are allowed to add to that misery burden (call it 20 for compromise illustration, although we contend the actual mine burdens/harms are much more than that), leaving only 10 for growth from existing people and businesses and for new additions. Does our community want this no net benefit, exploitive mine to crowd out our opportunities for beneficial growth from existing sources and more desirable new people and businesses? No, but that is inevitable if this mine is approved. Moreover, once this undesirable, polluting and exploitive mining is allowed, that will be a magnet to attract dirtier, polluting and otherwise undesirable businesses here, as my DEIR Objection 254 #4 offered to prove happened when Chevron was allowed to operate in Richmond and Valero was allowed to operate in Benicia. Also, on bad air days created by such polluters, residents lose their right to burn leaves or use wood stoves, because the polluters exhausted the local capacity to endure total pollution. Also, any comparison will also reveal what topics this response ignores, including much of what I objected to in the previous subsection dealing with my DEIR Objection 254 #4.A, as well my cross reference to almost all the100 other substantive objections stated by local potential victims at the March 24, 2022, hearing.

VV. Objection To EIR Response (at 2-6019) To My Comment Ind. 254-64 to 65 (marked by the EIR starting at 2-5951) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "4. There Is No Net Benefit To Justify Approving This Mine Or Its DEIR, Especially Where One Gives Appropriate

Weight To the Objections Of The Burdened And Harmed Locals At Risk Of Worse;" And 4.C "Why Imagined Mine Benefits Are Less Than Alleged In The Disputed DEIR Or Illusory."

CONSIDER CLOSELY THIS ADDITIONAL EXAMPLE OF SUCH EIR LACK OF "GOOD FAITH REASONED ANALYSIS" AND "COMMON SENSE" AND EIR EVASION OF MY OBJECTIONS BY COMPARING (1) MY three PAGE OBJECTION 254 #4.C TO (2) HOW THE DISPUTED EIR (AT 2-5951) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN half AND THEN SUCCESSIVELY IGNORED EACH FRAGMENT PART (as well as cross-references and incorporations, especially to my overlapping previous subsections) WHEN ADDRESSING THE OTHER PART AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-64 to 65" (and my other cross-referenced and incorporated objections) PRESENTED A NONCOMPLIANT, DISPUTED, AND INSUFFICIENT SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING ADMISSIONS AND DEFICIENT MITIGATIONS). BUT THEN, IGNORING THE REST OF MY OBJECTION 254-4.C (and my other cross-references), THE EIR CUTS ITS "RESPONSE TO COMMENT TO IND. 254-64 to 65," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW [THE DEIR] IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE REPEATEDLY EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER PARTS OF MY DEIR OBJECTION 254 #4 (and my related objections) THAT THE EIR SEGREGATED/CUT OFF (and in other cross-references and incorporations the EIR ignores.) THUS, INSTEAD OF ADDRESSING MY three PAGES OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTIONS THAT THEY ARE, THE DISPUTED EIR SPLITS MY ANNOTATED EIR OBJECTIONS AND COMMENTS FROM MY DETAILED REBUTTALS OF THOSE OTHER FRAGMENTED PARTS (and cross-reference and incorporations), SO THAT THE EIR COULD ASSERT A NONCOMPIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

IN RESPONDING TO EACH SUCH EIR "CUT" OF MY OBJECTION 254 #4.C SECTIONS ABOVE TO REBUT THOSE PREVIOUS, DISPUTED EIR/DEIR PARTIAL "RESPONSES," I AM NOW SHIFTING TO A COMBINED OBJECTION TO MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION, I SHOULD HAVE PROVEN MY POINT ABOUT THIS IMPROPER EIR TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL SEPARATIONS OF MY INTEGRATED OBJECTIONS. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS (IE, WITH A "GOOD FAITH REASONED ANALYSIS" WITH COMMON SENSE) TO ANYTHING THAT THE EIR INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE

EIR/DEIR ITSELF ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., SUCH AS IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS," WHILE DENYING ME THE RIGHT In My Cross-Referenced DEIR Objection 254 #3.N, FOR EXAMPLE, TO REBUT ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS?

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Responses, these disputed EIR "Responses" incorrectly keep claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR (or Rise's SEC filings-Exhibit B) that, like most inconvenient truths, the EIR/DEIR wrongly ignores or evades. See my section I.C and D and *Richmond v. Chevron* (in which the objectors prevailed using applicant's SEC filing and other admissions). For the record, since these EIR fragmented parts at issue are becoming even vaguer than before about what they are disputing, my general rejections now can match the disputed EIR in generality.

Thus, as to the fragmented part of my DEIR Objection 254 #4.C (what the EIR labelled as Ind. 254-64), I cite to my objection herein to what the disputed EIR cited as its Master Response 2 about depressing property values and negative impacts outweighing local mine employment. (Note my actual objection was that the comprehensive impacts of the mine would cost us more local jobs than we would gain and have a net negative economic effect, as discussed in Exhibit A [rebutting the County Economic Report for accepting the DEIR/EIR without independent analysis of key errors and worse] and elsewhere.) The disputed EIR also resisted with a cite to disputed Master Response 4 my objection to treating the Centennial site as a separate project, which EIR's legally incorrect claim I have rebutted again (e.g., section I.B above). Likewise, the disputed EIR "Response" labelled as Ind. 254-65 misstates my concern that "the County will not enforce the Mitigation and Monitoring Plan" and citing to the disputed EIR Master Response–Operator Responsibility, which I have sufficiently rebutted in my objections herein and in DEIR Objection 254. However, my actual objection was more sophisticated in defense of my local community above and around the 2585-acre underground mine, because law reform and legal enforcement remedies by victims (and political counters advocated by victims) will occur until the mining menace stops. See DEIR Objection 254 #'s 4 and 2.

The EIR mining is irreconcilable with our present quality of life that we insist be maintained (or regained, if the mining starts). The government enforcement question includes the need for maximum enforcement, including comprehensive and full transparency as to the evidence from enhanced monitoring and expanded public records access (a key law reform that would be added to objectors' agenda). We hope to avoid political embarrassment of any official mine supporter for "I told you so" situations, but, since there can be no tolerance for this menace to continue a day longer than necessary, my hope is that comprehensive objection rebuttals will persuade decisionmakers to protect us locals at risk from the EIR miner being allowed any unmonitored dangerous activities, excuses, or evasions while the court challenges are processed. Because the courts move slowly and elections are periodic (even with recalls), the key enforcement issues are about speedy accountability for strict enforcement of the law (now and as reformed) versus tolerance or forgiveness of mining noncompliance, which no objector can afford to tolerate or forgive. In my experience with the mining industry, miners too often have an

unfortunate preference for the old saying about "it is smarter to ask for forgiveness than for permission," but us victims need, as soon as possible, to stop such negative EIR impacts on our environment, our homes and property values, and our community way of life as soon as practical.

WW. Objection To EIR Response (at 2-6019) To My Comment Ind. 254-66 to 70 (marked by the EIR starting at 2-5954) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "5. Even the Disputed DEIR's Own 'Hydrology And Water Quality' Admissions (eg, #4.8, and other scattered DEIR data analyzed by my #'s 3.D, E, F, and M, and D, G, and H as to the CR+6 Threats) Illustrate the DEIR's Comprehensive Errors, Omissions, And Deficiencies Regarding Supply, Depletion, 'Drawdown,' 'Recharge,' And Other Water Problems Much More Widespread And Serious That the 30 East Bennett Road Dy Wells: Some Inconvenient Truths The DEIR Ignores About the Dangerous Future 'New Normal' Of Drought And Climate Change Worsened By Underground Blasting, Tunneling, Rock Removal, And Other Mining, And Also By NID Water Waste for 24/7/365 For 80-Years." And As to "5.A An Introductory Overview Illustrating Some of the Many Water Related Objections To the DEIR That Evade The Real Burdens, Risks, And Harms In Our 'New Normal' By Pretending the Past Is A Reliable Guide To the Future (See my #3.M)"

CONSIDER CLOSELY THIS ADDITIONAL EXAMPLE OF SUCH EIR LACK OF "GOOD FAITH REASONED ANALYSIS" WITH "COMMON SENSE" AND EIR'S EVASION OF MY OBJECTIONS BY COMPARING (1) MY seven PAGE DEIR OBJECTION 254 #5.A, TO (2) HOW THE DISPUTED EIR (AT 2-5954) DISAGGREGATED/CHOPPED THAT UNIFIED OBJECTION IN fifths AND THEN SUCCESSIVELY IGNORED EACH PART (as well as cross-references and incorporations, especially to my overlapping previous subsections) WHEN ADDRESSING THE OTHER FRAGMENTED PART AS DEFICIENT. SPECIFICALLY, THAT DISPUTED EIR "RESPONSE TO COMMENT IND. 254-66 to 70" (and my other cross-referenced and incorporated objections) PRESENTED A FLAWED, INCOMPLETE, AND NONCOMPLIANT SUMMARY OF MY ANNOTATED COMMENTS TO SEVERAL DISPUTED DEIR OPINIONS THAT OFTEN DO NOT QUALIFY AS FACTS COMPLIANT WITH CEQA (INCLUDING DEFICIENT ADMISSIONS AND MITIGATIONS). THEN, IGNORING THE REST OF MY DEIR OBJECTION 254-5.A (and my other cross-references), THE EIR DISAGGREGATES/CUTS ITS "RESPONSE TO COMMENT TO IND. 254-66 to 70," INCORRECTLY COMPLAINING THAT I DO "NOT EXPLAIN HOW [THE DEIR] IS INADEQUATE." FIRST, THAT IS INCORRECT, BECAUSE EVEN MY ANNOTATIONS TO SUCH DEIR OBJECTIONS ARE SUFFICIENT, AS I HAVE REPEATEDLY EXPLAINED HEREIN. SECOND, THOSE DETAILS ARE LISTED IN THE OTHER FRAGMENTED PARTS OF MY #5 (and my related objections) THAT THE EIR CUT OFF (and in other cross-references and incorporations the EIR ignores.) THUS, INSTEAD OF ADDRESSING MY seven PAGES OF EXAMPLES (with my specified cross-reference and incorporations) AS THE INTEGRATED WHOLE OBJECTION THAT IT IS, THE DISPUTED EIR SPLITS MY

ANNOTATED EIR OBJECTIONS INTO FRAGMENTS AND COMMENTS FROM MY DETAILED REBUTTALS FROM ALL THOSE OTHER PARTS (and cross-reference and incorporations), SO THAT THE EIR COULD ASSERT A NONCOMPLIANT EXCUSE TO EVADE MY MERITORIOUS OBJECTIONS.

IN RESPONDING TO EACH SUCH EIR "CUT" OF MY DEIR OBJECTION 254 #5.A SECTIONS ABOVE TO REBUT THOSE PREVIOUS, DISPUTED EIR/DEIR PARTIAL "RESPONSES" TO SUCH FRAGMENTS, I AM NOW SHIFTING TO A COMBINED OBJECTION TO MY WHOLE INTEGRATED SECTION THE WAY I WROTE THE OBJECTION. AT THIS STAGE IN MY OBJECTION, I SHOULD HAVE PROVEN MY POINT ABOUT THIS IMPROPER EIR TACTIC. IT IS MORE EFFICIENT NOW TO IGNORE THE EIR'S ARTIFICIAL SEPARATIONS OF MY INTEGRATED OBJECTIONS. HOWEVER, ANYONE CAN STILL SEE THAT THIS IS ANOTHER EXAMPLE OF WHAT I CALL BOTH "HIDING THE BALL" AND "BAIT AND SWITCH," AND THIS HAPPENS SCORES OF TIMES THROUGHOUT THE DISPUTED EIR, DEPENDING ON HOW YOU COUNT THEIR REPETITIONS. EVEN WORSE, SINCE THE EIR REFUSES TO RESPOND MEANINGFULLY ON THE MERITS (IE, WITH A "GOOD FAITH REASONED ANALYSIS" WITH COMMON SENSE) TO ANYTHING THAT THE EIR INCORRECTLY CONSIDERS OUTSIDE OF THE SCOPE OF CEQA, HOW CAN THE EIR/DEIR ITSELF ADMITTEDLY COMMENT OUTSIDE CEQA (I.E., SUCH AS IN A DISPUTED EIR SECTION CALLED "NON-CEQA RELATED ANALYSIS," WHILE DENYING ME THE RIGHT In My Cross-Referenced DEIR Objection 254 #3.N, FOR EXAMPLE, TO REBUT ITS "NON-CEQA RELATED ANALYSIS" ON THE MERITS?

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Responses, these disputed EIR "Responses" incorrectly keep claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR fragmented parts now at issue are becoming even vaguer than before about what they are disputing, my general rejections now can match the disputed EIR in generality. Thus, as to the part of my DEIR Objection 254 #5.A (EIR labelled as Ind. 254-66), I cite to my objection herein to what the disputed EIR cited as to groundwater "recharge" problems suffered throughout the entire mineral rights boundary, which is addressed in my objections to its cited (and disputed by me) Master Responses 14, 15, 16, and 17, and as to my hexavalent chromium objection as to EIR Response to Comment Ind. 254-1. As to the part of my DEIR Objection 254 #5.A (what the EIR labelled as Ind. 254-67, 68, 69, and 70), I cite to my objection herein to what the disputed EIR cited as to disputed Master Responses 2, 7, and 29, which I have rebutted, as well to my rebuttals regarding subsidence and recharge issues and the infeasibility and worse of disputed EIR mitigation claims (e.g., Keystone, sections I.F.8 and 9 as well as other examples in I.E. and F). [While the EIR also tries to defend against my citing to the Sustainable Groundwater Management Act by noting that it currently applies only to recognized groundwater "basins" which are not present here, as usual the EIR chooses to miss the point. I contest the application of disputed EIR/DEIR studies as likewise inapplicable, but some principles apply with useful analogies to "SGMA."

In any case, to oversimplify for this moment, when you put a hole in the bottom or side of a bucket of water, it will drain out whether there are rocks in the bucket like the EIR/DEIR's referenced "fractured bedrock" {note the word "fractured"} or if it is simply containing water or water in mud. See *Gray* on "common sense." In any case, as my DEIR Objection 254 repeatedly demonstrated (and I have also shown herein), the whole disputed EIR/DEIR "recharge" theory depends on the bogus setting of the "current" baseline from "current" average rainfall between 1967 and 2017 before the impacts of climate change and dryness/drought created a "new normal" that makes that history obsolete in predicting the future. (Note the lack of "good faith reasoned analysis" and "common sense" on these issues is irrefutably evidenced by the EIR cherry picking that **noncurrent** period that cuts off before the drought years after 2017 until now and mislabeling that earlier pre-climate change time as "current" for that baseline.] See section I.C and D above, including the climate change impact inclusions in the 2018 Guidelines Amendments Explanation. Likewise, my other objections above and in corresponding cross-referenced to my DEIR Objection 254 should overcome the disputed EIR/DEIR's allegations about what it briefly and vaguely lists as to subsidence, recharge, hydrology, property values, etc.

I will not repeat all the things I said in my #5.A objection that are improperly so ignored, misstated, or evaded by the EIR. However, I reaffirm my earlier objections herein and to earlier section of my DEIR Objection 254 cross-referenced this section 5 for more comprehensive details and more intensive analysis. Therefore, that section is where a serious reader may wish to begin to address my many groundwater concerns, which also point the way to more intense and comprehensive related concerns. See, e.g., sections I.C.2 and D, E and F; DEIR Objections #3.D, E, F, M, N, 5, 6, and 7.

XX. Objection To EIR Response (at 2-6019) To My Comment Ind. 254-71 (marked by the EIR starting at 2-5960) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "5. Even the Disputed DEIR's Own 'Hydrology And Water Quality' Admissions (eg, #4.8, and other scattered DEIR data analyzed by my #'s 3.D, E, F, and M, and D, G, and H as to the CR+6 Threats) Illustrate the DEIR's Comprehensive Errors, Omissions, And Deficiencies Regarding Supply, Depletion, 'Drawdown,' 'Recharge,' And Other Water Problems Much More Widespread And Serious That the 30 East Bennett Road Dy Wells: Some Inconvenient Truths The DEIR Ignores About the Dangerous Future 'New Normal' Of Drought And Climate Change Worsened By Underground Blasting, Tunneling, Rock Removal, And Other Mining, And Also By NID Water Waste for 24/7/365 For 80-Years." And As to "5.B Admitted DEIR Water Data Conceals Massive Unaddressed Issues, Errors, And Omissions, And the DEIR Fails To Reveal The Underlying Assumptions And Artificial Limitations On Which the DEIR Bases Many Flawed Conclusions, Contentions, And Assumptions We Locals Dispute."

This nonresponsive and disputed "Response" complains (i) that I am just repeating objections the EIR claims were disposed of in the EIR's disputed "Responses To comments Ind. 254-17, 18, and 19," and (ii) about my meritorious complaints that the EIR has mischaracterized (i.e., as about the DEIR being "deliberately organized to be difficult to comprehend"). These section 5 objections of mine were ignored by the EIR because such objections allegedly were not

adequately explained. Without expending too much energy or space on that erroneous EIR claim, allow me to use an example from this dispute as another illustration of why the EIR/DEIR fails to provide the "good faith reasoned analysis" with "common sense" as required by CEQA (see my DEIR Objection 254 #'s 3.N, 4, and 14, as well as my objections herein defending against such disputed EIR "responses" thereto, by my so citing to controlling CEQA interpretations in *Gray, Banning, Vineyards, and Costa Mesa and in sections I.C and D above*). Note also that my such objections were often more detailed, explanatory, and compliant, than the disputed DEIR/EIR statement to which I was objecting, so that, if my objection was deficient, it was because the DEIR/EIR comment which I was disputing was even more insufficient. The primary CEQA burdens of proof and compliance are on the miner, not the victims like me, to provide a "good faith reasoned analysis" with "common sense." See sections I.C and D, *Gray, Banning, Vineyard, and Costa Mesa,* and my DEIR Objection 254 #'s 3.N, 4, and 14. Victims like me can defeat the disputed EIR/DEIR merely by demonstrating that such errors, omissions, and noncompliance therein.

Therefore, consider this brief and oversimplified example of the disputes to illustrate one of the various problems I cited (including as appropriate [and as the EIR/DEIR does] what I cite in my cross-references and incorporations the disputed EIR incorrectly chooses to ignore in is endless and meritless complaints about the sufficiency of my explanations of my objections. The disputed EIR's "Response To Comment Ind. 254-71" (my DEIR Objection 254 #5.B) again chooses to evade the point of both: (i) my DEIR Objection 254 #3.D that the EIR disaggregated/chopped up arbitrarily into its designated fragments Ind. 254-16, 17, 18, and 19 for its disputed "Responses" thereto, and (ii) my DEIR Objection 254 #5.B (for what I assume are disputed EIR tactical games), which the EIR only addresses its nonresponsive "Response" by reference to its disputed fragments Ind. 254-17, 18, and 19; i.e., omitting the introductory fragment the EIR labelled as Ind. 254-16. That follows many such tactical objections illustrated in so many of the aforementioned similar objections that such evasive maneuvers have to be deliberate. Consider my such DEIR Objection #3.D, entitled: "D. An Introduction To DEIR Admitted Water Data, While Also Concealing Massive Unaddressed Issues, Errors, And Omissions, and Failing To Reveal The Underlying Assumptions And Artificial Limitations On Which The DEIR Bases Many Flawed Conclusions, Contentions, And Assumptions We Dispute" (i.e., what the EIR fragments thereof call such Comment Ind.'s 16 plus 17, 18, and 19, but here this EIR Response ignores my Ind. 254-16). Even worse, when the disputed EIR fragments/cuts up my integrated objections in my unitary labelled sections matching my detailed Table of Contents into such artificial EIR fragments, the EIR then wrongly treated each such EIR designated fragment (called an EIR "Response To Comment Ind. 254- 1" et seq) as if the disputed EIR's selected cuts each had to stand on its own. In other words, somehow the EIR wrongly was refusing to consider any of my cross-references or incorporations therein which added more details to what the EIR incorrectly claimed were deficient explanations.

Please note that my objections here had to track the order of error, omission, and noncompliance in the disputed EIR (like I also had to track those in the disputed DEIR, since the EIR basically adopts the whole DEIR with supplements with significant new information, but without the badly needed corrections or reforms addressed in many objections by me and others). See Exhibit D and the Table of Incorporated by Reference Objections. That meant the introductory or earlier general sections of the disputed EIR/DEIR required my noting my corresponding objections as errors, omissions, and, worse, each time they occurred in the disputed EIR/DEIR before reaching the major substantive parts disputed later in the sprawling

EIR/DEIR, where I then again matched their somewhat more detailed (but still insufficient, noncompliant, and disputed) comments with my more detailed objections. In other words, the EIR/DEIR is responsible for the redundancy and the less detailed "coming attraction" type objections early in the documents with cross-references to my more detailed objections to the major disputed substantive topics later in the document.

Thus, my DEIR Objection 254 #3.D addressed such scattered water related errors, omission, and flaws that were apparent at that stage, even before they later cumulated in the disputed DEIR's more composite, substantive discussion that I rebutted comprehensively in my DEIR Objection 254 #5 on the collective water issues and now address again, such as in sections I.C.2 and D and I.E and F. (Likewise, the disputed EIR used the same disputed tactics as to my objections correcting many errors, omissions, and noncompliance regarding toxic hexavalent chromium earlier in the disputed DEIR before such disputes cumulated in the total omission of any discussion of the toxic [remember the movie, *Erin Brockovich*?] hexavalent chromium menace in the "Hazards And Hazardous Materials" section 7 of the DEIR [but see here what the EIR calls its "Response To Comment Ind. 254-1," where the EIR added (as significant new information which it incorrectly denies) a disputed, unsubstantiated, and insufficient addition {see also EIR Appendix Q, O, and R} regarding that hexavalent chromium menace pretending (incorrectly) that discussion was in that DEIR section 7, when there were only passing references to hexavalent chromium later, buried in other scattered sections of the DEIR). See section I.F.1 and I.E.1 above. That EIR tactic cannot excuse the EIR flaws or be blamed on me, since I was matching the disputed EIR/DEIR disputed sentence by sentence.

Also consider what the EIR designated as my Comments Ind. 254-17, 18, and 19, which are largely (but not totally) my annotated quotes from the DEIR that I used in my objections (with adequate explanations) either as damning admissions or as illustrating specific errors, omissions, and noncompliance. Here the disputed EIR just does its usual, incorrect assertion that "commenter does not explain how the DEIR's organization is inadequate (which I do sufficiently both there in #5.B and further at length in my introduction and many other cross-referenced places in this objection document). Then the EIR incorrectly claims to have disposed of my such objections by repeating by incorporation its disputed "Responses To Comments Ind. 254-17, 18, and 19," each of which I have rebutted and countered above (as well as in my Ind. 254-16 ignored by the EIR). Specifically, my applicable criticism of the disputed DEIR/EIR for this objection is explained in the opening paragraph of #5.B with cross-references that the disputed EIR wrongly ignores.

By contrast, my whole DEIR Objection #5 (not just #5.B) demonstrates how the DEIR claims and data are not just wrong (eg, errors, omissions, and other defects), but inconsistent with other DEIR claims and data, i.e., what I called comparing "apples" versus "oranges." See, eg, the first paragraph of #5.B overlooked by the disputed EIR explaining such inconsistencies and worse, which demonstrations include, for example, **contrasting the quoted data from NID (which doesn't use groundwater and only uses surface water data) with disputed DEIR quotes that focus on groundwater. Also, as to water supplies NID focuses on surface water sources and different laws than CEQA (e.g., the Water Code), while the DEIR focuses with disputed data on groundwater "recharge" and CEQA legal issues. For example, the NID data was limited to projected surface water until 2040, but CEQA requires (despite the DEIR/EIR's contrary claims) groundwater data for the full 80 years of EIR mining. For instance, groundwater deficiencies have prolonged effects and slow recharge opportunities,**

while NID surface water deficiencies can be addressed from new surface sources, different surface storage, and cutbacks on supplies to customers.

YY. Objection To EIR Response (at 2-6021) To My Comment Ind. 254-72 (marked by the EIR starting at 2-5964) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "5. Even the Disputed DEIR's Own 'Hydrology And Water Quality' Admissions (eg, #4.8, and other scattered DEIR data analyzed by my #'s 3.D, E, F, and M, and D, G, and H as to the CR+6 Threats) Illustrate the DEIR's Comprehensive Errors, Omissions, And Deficiencies Regarding Supply, Depletion, 'Drawdown,' 'Recharge,' And Other Water Problems Much More Widespread And Serious That the 30 East Bennett Road Dy Wells: Some Inconvenient Truths The DEIR Ignores About the Dangerous Future 'New Normal' Of Drought And Climate Change Worsened By Underground Blasting, Tunneling, Rock Removal, And Other Mining, And Also By NID Water Waste for 24/7/365 For 80-Years." And As to "5.C" entitled: "Nondisclosures, Errors, and Disputes Regarding Future Risks And Problems From New, Expanded, And Deeper Underground Mining Operations in the 2585-Acre Mine Beneath Our Local Surface Objectors."

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR "Response" incorrectly keeps claiming either that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR fragmented parts now at issue are becoming even vaguer than before about what they are disputing, my general objections now can match the disputed EIR in generality. Thus, as to the part of my DEIR Objection 254 #5.C (what the EIR labelled as Ind. 254-72), I rebut the disputed EIR's attempt to defeat my such objection by citing to EIR's Master Responses 7, 16, and 14, Response To Comment 254-1, and DEIR p. 4.8-54, each of which has been disputed effectively by my corresponding objections herein and in my DEIR Objection 254, including the cross-references and incorporations the disputed EIR wrongly ignores. For example, I cite to my objections herein as to what the disputed EIR cited as its disputed EIR response as to groundwater "recharge" problems suffered throughout the entire mineral rights boundary, which is repeatedly addressed, for example, above and in my objections to EIR's cited (and disputed by me) Master Responses 14, 15, 16, and 17, and as to my hexavalent chromium objections (see also Exhibit C) as to EIR Response to Comment Ind. 254-1.

At last, in this disputed EIR Response, unlike all the others that preceded this one, this EIR "Response to Comment Ind. 254-72" at least attempts (in its second/last paragraph) an explanation, although insufficiently substantiated, disputed, and noncompliant, to explain how new mining explosives supposedly do not "open cracks and fissures [outward in the rock factures] beyond the immediate vicinity of the blast itself," citing to blasting techniques in Appendix M at 4.2 that supposedly "cannot create the extensive cracks or fissures ostensibly envisioned by the commenter." **For example disputes, first,** note that this EIR claim is disputed on the merits, including because without any competent proof it "assumes away the problem" by

incorrectly assuming the unexamined condition of this particular fractured rock, by pure disputed speculation based on disputed assumptions, such as, for example, based on disputed extrapolations from insufficient, incomplete, unreliable, and worse assumptions and inapplicable data either from dissimilar situations incorrectly asserted to be "similar" or from disputed, incomplete/fragmented, and unreliable or worse historical mine records from before this mine closed and flooded in 1956. If this EIR expect any of us surface owners above or around the 2585-acre underground mine to tolerate this waste/depletion of our groundwater, it first needs some proof (absent in the EIR) that overcomes our "common sense" concerns that such fractured rock will leak worse when there is 24/7/365 blasting, 72 miles of new tunneling, dewatering, and mining all around it for 89 years. **Second,** my incorporations from other objectors' objections, data, and case studies, such as from Siskon Gold's North Columbia Diggins mine on the nearby San Juan Ridge (discussed below), rebut this disputed Response claim. **Third,** the insufficiently substantiated EIR theory is contrary to "common sense," such as for instance, oversimplifying for this moment, when you blast a hole in the bottom or side of a bucket of water (from either side), water will drain out, whether there are rocks in the bucket like fractured bedrock {note the key word "fractured" the EIR keeps ignoring} or whether it is simply containing water.

Also, there is no "good faith reasoned analysis" or proof that the disputed EIR "model" applies accurately, reliably, or completely (and with *Gray* "common sense") to the other areas often ignored by the disputed EIR. As demonstrated in that Union article on 12/15/22 Rise is gambling (and forcing us local potential victims to gamble involuntarily) on the unknown and unevaluated physical conditions of the mine that will not be known apparently until after the long flooded mine is dewatered (a huge separate environmental impact problem with noncompliant and objectionable deferrals), relying only on such deficient, pre-1956 mine closure and flooding documents, whose validity, reliability, completeness, and current relevance and accuracy are in dispute here, along with alleged and disputed "comparable" studies of other purported "similar" situations elsewhere that objectors contend are neither comparable nor similar. **The relevant comparable, however, is the example discussed in the Union story in 1995 at the North Columbia Diggins on the San Juan Ridge when Siskon Gold operations ruined many wells by breaching a water bearing fault-line. Furthermore, as the Union article also stated, over 100 well monitoring sites were required in 1996 by the County conditional use permit "to dewater the mine for exploration," in contrast to the EIR and DEIR ignoring that same risk and proposing fewer and misplaced monitoring wells, which impacts and risks are now different and larger because of changes over time and climate change, not to mention the deficiently studies effects of new 24/7/365 blasting, tunneling, dewatering, and mining for 80 years. See also the Union discussion of comments by hydrology expert Sol Henson.**

In any case, as my DEIR Objection 254 repeatedly demonstrated (and I have also shown above herein) the whole disputed EIR recharge theory depends on the bogus setting of the "current" baseline from "current" average rainfall between 1967 and 2017 before the impacts of climate change and dryness/drought created a "new normal" that makes such history obsolete in predicting the future (and the **lack of "good faith reasoned analysis"** with "common sense" on these issues is irrefutably evidenced by the EIR cherry picking that **noncurrent** period that cuts off before the actual, current drought years after 2017 and mislabeling that earlier time as "current" for that baseline.) For example, the disputed EIR/DEIR evades as "speculative" what I assert with sufficient substantiation my rebuttals to the disputed EIR/DEIR claims that are themselves less credible self-serving speculation or unsubstantiated opinions that fail to

discharge the EIR's burden of proof under CEQA (as distinct from what law of evidence applies to my rebuttals thereto or impeachment thereof).

Likewise, my other objections above and in corresponding cross-referenced to my Objection 254 overcome the disputed EIR/DEIR allegations about what it briefly and vaguely lists as objections as to subsidence, recharge, hydrology, property values, etc., by adding useful EIR/DEIR admitted facts such as, for example, where I note DEIR admissions (and also cite case studies from my personal experience as a competent witness) about what happens when climate change and drought cut back on NID water supplies (as has happened before in many places under such circumstances), in which case everyone who can afford to digs new or deeper wells for their groundwater, a reality that is not speculative when it's the intention of those of us living above and around the 2585-acre underground mine and likely the only long term solution to the menace of such 24/7/365 dewatering during progressive climate change dryness. See, e.g., my rebuttal to EIR Master Response 33 about the impacts on surface vegetation and sections I.C.2, E, and F above. (What is more speculative [and far less likely] is the disputed EIR/DEIR's contrary, unsubstantiated, and far less likely assumption that, unlike virtually everyone else in California facing that water shortage, our locals would abandon their property instead of drilling wells to compete with the mine for the groundwater we own.) The EIR/DEIR thus fails entirely to address the environmental impact issues created by such competing local wells that the disputed EIR/DEIR incorrectly assumes will not exist here, which does not seem to be a mistake, since the disputed EIR/DEIR also already improperly ignores many existing wells of us surface owners above and around the 2585-acre underground mine. Even the County Economic Report identifies more existing impacted wells (see Exhibit A) than does the disputed EIR/DEIR.

I will not repeat all the other things I said in the various parts of my DEIR Objection 254 #5 and in my corresponding objections herein with respect to the disputed EIR "Responses" that are improperly so ignored, misstated, or evaded. However, I note that many of my earlier objections herein and to earlier sections of my DEIR Objection 254 cross-referenced this section 5 provide more comprehensive details and more intensive analysis than the DEIR/EIR. Therefore, this section is where a serious reader may wish to begin to address my groundwater, hexavalent chromium, climate change, and other stated concerns, which also point the way to more intense and comprehensive related concerns, especially as to the EIR/DEIR's disputed claims of "mitigation." See section I.E and F, as well as I.C and D. As almost everywhere else, my DEIR Objections 254 and 255 battle the DEIR, and my EIR objections herein battle the EIR and (at least where they overlap because it erroneously assumes without analysis the compliance, correctness, and sufficiency of the DEIR/EIR) the County Economic Report—See Exhibit A). The disputed EIR/DEIR also ignores or evades entirely many of my inconvenient truths, including almost in every case by improperly failing to provide any "good faith reasoned analysis" with "common sense" as required by CEQA court authorities as to situations where it asserts noncompliant and deficient mitigation (almost always without any substantiation) or incorrectly claims my objections are too speculative or unsubstantiated, even when (as is often the case) I quote admissions by the EIR/DEIR or Rise SEC filings (see Exhibit B and *Richmond v. Chevron*, where the objectors prevailed to defeat the EIR based on such SEC filing admissions.) Likewise, in another "bait and switch" the disputed EIR/DEIR continues to insist incorrectly on predicting the future from the obsolete or nonpredictive past or what the EIR/DEIR falsely calls "current" conditions (eg, judging "current" average rain fall from the period between 1967 and 2017, excluding climate change drought years after 2017.) For instance, my DEIR Objection 254 #5.C here disputes DEIR Figure 4.8-8 "Simulated Drawdown

of Groundwater Levels Under Current Conditions," noting, among other things, that besides the new normal of climate change making the EIR/DEIR's disputed history lesson nonpredictive (see my DEIR Objection 254 # 3.M, D, E, and F) there is no proof by the EIR/DEIR that such alleged "current" conditions will remain the same for the next 80 years of 24/7/365 blasting, tunneling, mining, dewatering, etc. in new, expanded, and deeper places, whether it's 500 or 1000 tons a day that is removed.

Moreover, since there is no reliable DEIR/EIR data on how even those existing mining conditions have changed since 1956 when the mine closed and flooded, the disputed DEIR/EIR is just guessing about the current conditions of the mine at the start. That makes the EIR/DEIR's guesses about the impacts of the new mining around 72 miles of new tunneling, blasting, dewatering, and mining even more objectionable, because there is no compliant way to extrapolate from that uncertain and worse data, and to assume that such guesswork about the existing mine conditions applies equally to the new mining conditions. For example, consider the DEIR admission that there will be about 72 miles of new such tunnels, about which logic and common sense supports my disputes and this question: why can the disputed DEIR/EIR be allowed to assume that the relevant underground conditions both are uniform for such 72 miles and are consistent with what the DEIR/EIR imagines to be the disputed conditions of the existing mine (none of which have been adequately investigated, examined, or analyzed by this miner)? I presume because the EIR/DEIR prefer to preserve a mystery they can argue about than have to explain away inconvenient truths that I suspect a meaningful investigation would reveal.

I have considered and rejected the DEIR's assumptions (made by the DEIR/EIR without sufficient investigation of the actual existing and future conditions). No County decisionmakers should expect any of us surface owners above or around the 2585-acre underground mine to bet their homes, property values, health, welfare, way of community life, and more (as the DEIR/EIR, in effect, insists we do) on its such disputed assumptions, speculations, and unsubstantiated opinions, assumptions, and speculations. That would be, as the old saying goes, "heads you win, tails I lose" in the coin flip. For example, no one at risk will bet on such general "lithostatic pressure" principles cited in DEIR 4.8-51 to save us from disaster, especially where the miners will big if they get lucky and us locals (who receive no net benefit from the mine) stand to lose everything if the miners are as wrong as we contend. (Note, however, that such disputed DEIR/EIR theories are based and depend on existing, residential wells being what they call "shallow," which ignores my reasonable prediction (consistent with my own planning and experience everywhere else in California where wells go dry from climate change and drought) that the future means more and deeper wells above and around the mine, as is the right of us local surface owners to tap our own groundwater in competition with the 2585-acre underground mine below or affecting us. See also my DEIR Objection 254 #'s 3.N, 4, and 14 dealing with subsidence, which my cited, controlling court cases (e.g., *Keystone*) hold includes preserving the groundwater we need to support our surface as is without it sinking 4 or 5 feet or more as is happening elsewhere, like in Bakersfield and throughout the valley, breaking the infrastructure in the process.)

I stand on my previously stated hexavalent chromium objections and data, as well as the DEIR's failure to address this *Erin Brockovich*/ Exhibit C, EPA, and EU validated menace that is entirely ignored in DEIR chapter 4.7 where it belongs for comprehensive CEQA good faith reasoned analysis with common sense (and, which CR6 is only mentioned obscurely a few times in passing in easy to overlook places I the DEIR). See sections I.F.1 and 5 above. Note that I have applied that my data about that menace to the dewatering details I dispute at 4.8-42 to 51

and in the disputed EIR Response To Comment Ind. 254-1 (versus my objections to that and other EIR insufficient and disputed excuses to my Objections on this subject, such as to disputed and substantiated EIR claims that this indisputable carcinogen menace levels are too low to be significant, as to which EIR's disputed and unproven opinion data falsely pretends was in the DEIR when there was nothing in DEIR 4.7 and no "good faith reasoned analysis" anywhere else in the DEIR, thus exposing the EIR's "significant new information" on the subject as an attempt to evade the CEQA requirement that such new data requires the revision and recirculation of the DEIR. See section I.A,1.c. and I.C, D, and I.F.1. Such noncompliant and worse attempts by the disputed EIR to claim this significant new data is a mere "clarification" or "embellishment" of the DEIR that barely addresses hexavalent chromium at all is a legal question on which the disputed EIR position deserves no respect whatsoever.

ZZ. Objection To EIR Response (at 2-6021) To My Comment Ind. 254-73 (marked by the EIR starting at 2-5967) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "5. Even the Disputed DEIR's Own 'Hydrology And Water Quality' Admissions (eg, #4.8, and other scattered DEIR data analyzed by my #'s 3.D, E, F, and M, and D, G, and H as to the CR+6 Threats) Illustrate the DEIR's Comprehensive Errors, Omissions, And Deficiencies Regarding Supply, Depletion, 'Drawdown,' 'Recharge,' And Other Water Problems Much More Widespread And Serious That the 30 East Bennett Road Dy Wells: Some Inconvenient Truths The DEIR Ignores About the Dangerous Future 'New Normal' Of Drought And Climate Change Worsened By Underground Blasting, Tunneling, Rock Removal, And Other Mining, And Also By NID Water Waste for 24/7/365 For 80-Years." And As to "5.D" entitled: "Opportunity Costs If the Mine Is Approved And Prevents More Beneficial Community Uses of the Land, Water, And Other Resources, Including New Competing Wells And Air Quality Capacity."

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR "Response" incorrectly keeps claiming either that I have failed to explain how the DEIR is inadequate, or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR fragmented parts now at issue are becoming even vaguer than before about what they are disputing, my general rejections now can match the disputed EIR in generality. Thus, as to the part of my DEIR Objection 254 #5.D (what the EIR labelled as Ind. 254-73), I rebut the disputed EIR's attempt to defeat my such DEIR objections by citing to EIR's Master Responses 2, 14, and 16, each of which has been disputed effectively by my corresponding objections herein and in my DEIR Objection 254, including the cross-references and incorporations the disputed EIR wrongly ignores. For example, I cite to my objections herein as to what the disputed EIR cited as its disputed EIR response as to climate change (eg, groundwater "recharge") problems suffered throughout "the entire mineral rights boundary," which is repeatedly addressed, for example, above and in my objections to EIR's cited (and disputed by me) Master Responses 2, 14, 15, 16, and 17 and the whole of the parts of my DEIR

Objection 254 #5 (and cross-references and incorporations therein), which must prevail on the merits over the noncompliant EIR/DEIR's contrary positions. Id. at #'s 3.D, E, F, M, N, 5, 6, 7, and 14. Likewise, my air pollution objections (e.g., DEIR Objection 254 #3.J and 10, and my objections herein to such noncompliant EIR/DEIR's errors, omissions, and evasions such air quality impacts; e.g., section I.E.7) illustrate my general concerns that the no net benefit EIR/DEIR mining (DEIR Objection 254 #4) is exhausting our communities capacity for tolerance of water, air, and other types of pollution, in effect preventing more beneficial uses of the land and even competing with the rights of us local residents to burn logs, leaves, and debris, because such additions to local pollution now crowded out by the mine air pollution. (This is like people in the Bay Area [where I lived before I retired here] not being able to use their home fireplaces when the Chevron air pollution in Richmond or the Valero pollution in Benicia made the air too dangerous for any more added abuse.)

Without expending too much energy or space on that erroneous claim, allow me to use an example from this dispute as another illustration of why the EIR/DEIR fails to provide the "good faith reasoned analysis" with "common sense" as required by CEQA (see my DEIR Objection 254 #'s 3.N, 4, and 14, as well as my objections herein defending against such disputed EIR "responses" thereto [e.g., I.C and D, and E and F], by my so citing to controlling CEQA interpretations in ***Gray, Banning, Vineyards, and Costa Mesa***). Note also that my such objections were often more detailed than the DEIR/EIR statement to which I was objecting, so that, if my objection was deficient, it was because the DEIR/EIR comment which I was disputed was even more insufficient and noncompliant. The primary CEQA burdens of proof and compliance are on the miner, not the victims like me, to provide such a "good faith reasoned analysis" with "common sense." See my DEIR Objection 254 #'s 3.N, 4, and 14. Victims like me can defeat the disputed EIR/DEIR merely by demonstrating that such EIR/DEIR errors, omissions, and noncompliance, since the burden of proof is on the miner and its approving authority. See section I.A.1.b.

AAA. Objection To EIR Response (at 2-6021) To My Comment Ind. 254-74 (marked by the EIR starting at 2-5968) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "6. Geology, Soils, And Mineral Resources at DEIR #4.6 Again Ignores the Critical 2585-Acre Underground Mining Issues Over Which Locals Like Me Will Continue to Object."

Again, in summary, like many other disputed EIR Responses and EIR's rebutted Master Comments, this disputed EIR "Response" incorrectly keeps claiming that I have failed to explain how the DEIR is inadequate or that my objections are too speculative or unsubstantiated. My objections in this document (and in my DEIR Objections 254 and 255 and everything incorporated from other supporting evidence and legal authorities) rebut those disputed EIR/DEIR claims, often by citing the errors, omissions, and noncompliance based on specific admissions in the EIR/DEIR that, like most inconvenient truths, the EIR/DEIR ignores or evades. For the record, since these EIR fragmented parts now at issue are becoming even vaguer than before about what they are disputing, my general objections now can match the disputed EIR in generality. Thus, as to the parts of my DEIR Objection 254 #6 (what the EIR labelled as Ind. 254-74), I rebut the disputed EIR's attempt to defeat my such DEIR objections by citing to disputed EIR's Master Responses 4 (incorrectly claiming that Centennial is a separate CEQA project—See, e.g., my DEIR Objection 254 #1.D and 6), 7 (regarding what it calls the mineral

rights area, which I address as the 2585-underground mine to emphasize how it is subject to our surface owner rights down 200 feet, and, even as to those of us around that area, rights to lateral and subjacent support, including by groundwater, as explained herein and in *Keystone*), and 29 (incorrectly claiming those of us above and around the 2585-acre underground mine are safe from subsidence, as I explained in rebuttals herein and in *Keystone).* Each of those EIR/DEIR claims has been disputed effectively by my corresponding objections herein and in my DEIR Objection 254, including the cross-references and incorporations the disputed EIR wrongly ignores. Likewise, my hexavalent chromium objections (e.g., I.F.1 and Exhibit C) overcome the EIR here cited Response to Comment Ind. 254-1, as also do my DEIR Objection 254 #'s 3.A II and (a), B, C, D, E, F, G, H, J, and N, 4, 5, 6, 7, 10, and 14 to which the disputed EIR has no "good faith reasoned analysis" with "common sense" to the contrary (nor does the disputed DEIR which ignores the toxic issues with its hexavalent chromium mine shoring and air pollution except for a couple of vague passing references in the wrong places (eg, with nothing at all mentioned where required in the DEIR "Hazards And Hazardous Materials" section). See generally also my hard questions that the DEIR/EIR never answers in my DEIR Objection 254 #'s 15 and 3.E or herein, including Exhibit B regarding Rise's admissions in SEC filings (which admissions allowed objectors to defeat the eir in *Richmond v. Chevron*) and Exhibit A regarding the objections to the County Economic Report (which incorrectly assumed the truth, accuracy, and sufficiency of the incorrect data supplied by Rise, none of which considered our objections.)

For example, I cite to my objections herein as to what the disputed EIR cited as its disputed EIR response as to climate change (eg, groundwater "recharge") problems suffered throughout "the entire mineral rights boundary," which is repeatedly addressed, for example, above and in my objections to its cited (and disputed by me) EIR Master Responses 2, 4, 7, 14, 15, 16, and 17 and the whole of the parts of my such DEIR Objection 254 #3, 4, 5, 6, 7, and 14 (and cross-references and incorporations therein), which must prevail on the merits over the EIR/DEIR contrary positions. See, e.g., what I said in this #6: "for example, my [DEIR Objection 254] #'s 4, 2, 14 3.A, B, C, D, E, F, G, H, I, J, and L, such as focusing on depleting the NID and groundwater supplies, hexavalent chromium toxic cement in mine shoring, air quality concerns, financial feasibility questions, and the no net benefit nature of the mine." **Also, for example, my #6 quotes the disputed DEIR's "Conclusion" admission at 4.6-47: "Therefore, a significant impact could occur with respect to being located on a geological unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the UBC." My #6 then reacted by saying: "Since the disputed DEIR does not evaluate the current condition of this mine flooded since 1956 or the underground conditions where the DEIR expects new, expanded, and deeper mining work 24/7/365 for 80 years, the DEIR cannot credibly assure any of us on the surface above or around that 2585-acre underground mine of CEQA or other legal compliance." As my previous objections explained, for example, the 72 miles of new blasted tunnels, dewatering, and mining will venture into areas in which the conditions are unknown and about which the disputed EIR/DEIR only speculates by assuming that they are consistent with what the disputed EIR/DEIR likewise just assumed is the current condition of the old, flooded mine, based on partial, unreliable, and worse, historical documents before that 1956 closure.**

As repeatedly explained in my DEIR Objections 254 (eg, #2) and 255 and again herein in this #6 (what the EIR calls Comment Ind. 254-74), as admitted by Rise in its SEC filings

addressed therein and herein, including in Exhibit B hereto (validated as a type of prevailing evidence in *Richmond v. Chevron*), the disputed EIR/DEIR is too fragile and underfunded to make its mitigation and safety claims either, feasible, compliant, or credible. Not only does the DEIR fail to provide a credible and "good faith reasoned analysis" with "common sense," especially as to imagined, infeasible, and insufficient mitigations, such as in its "Impacts and Mitigation Measures" at 4.6-26 et seq, such as by ignoring climate change and other realities it ignores or dismisses as "speculation" or "unsubstantiated opinion" (which labels often apply instead to the EIR/DEIR). See sections I.C, D, and E. Even the disputed DEIR (and the ratifying EIR) admits the economic fragility of the project, not just in Rise's SEC filings (see Exhibit B) but also in DEIR 6-14, which admits that the whole project ceases to be economically feasible if it cannot operate 24/7/365 for 80 years as provided in the DEIR (now adopted in the EIR). See, e.g., Grass Valley's Agency Letter 8, disputing that timing and other noncompliance. As I explain herein (including Exhibit B), in DEIR Objection 255 (devoted to this issue) and in DEIR Objection 254 #2, objectors will exercise their political, law reform, and legal rights (e.g., by initiative) to restrict the EIR mining operations to less than 24/7/365 on the same basis as limit much more beneficial businesses (e.g., normal business hours.).

BBB. Objection To EIR Response (at 2-6022) To My Comment Ind. 254-75 (marked by the EIR starting at 2-5970) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "7. The DEIR "Hazards And Hazardous Materials" Discussion at its # 4.7 And Elsewhere Is Deficient, Omitting Entirely At Lease One Serious Hazardous Material (Hexavalent Chromium/CR+6 of *Erin Brockovich* Movie Infamy For Turning Hinkley, CA Into a Ghost Town at Great Cost to Local Victims And Property As Explained In My #'s 3.C. G, and H." See Exhibit C.

1. Introduction To the Objections to Hexavalent Chromium Air And Water Pollution Issues (see also Exhibit C).

Throughout this objection (e.g., my rebuttals to disputed EIR Response To Comment Ind. 254-1) and my DEIR Objection 254 #'s e.g., 3.A, B, C, D, E, F, G, H, J, L, and N, 5, 7, and 14 (and my objections here in section I.F.1-5 and to the disputed EIR Responses corresponding thereto) I expose both the failure of the disputed DEIR to provide any "good faith reasoned analysis" with "common sense" to the hexavalent chromium menace and the disputed EIR cover up of that reality by adding "significant new information"(although disputed, erroneous, unsubstantiated and insufficient) claiming without any credible evidence or authority that the amount of such toxin is tolerable (when it's not.) I cited to Exhibit C, EPA, and other scientific and case studies and EU and other regulations and reasons to doubt there is any safe amount, and I illustrate that in Exhibit C.

I consider these various disputed EIR statements regarding hexavalent chromium among the worst examples of many false, misleading, or worse statements in the disputed EIR (such as at the third, fourth, and fifth paragraphs of EIR Response to Comment Ind. 254-1 at 2-6003-6004), where the EIR incorrectly pretends that the DEIR had already responsively addressed my hexavalent chromium objections in my DEIR Objection 254 when it had not do so, as demonstrated herein in multiple ways. See, e.g., section I.F.1 and Exhibit C. As explained herein, the DEIR only mentioned hexavalent chromium briefly in casual passing in a few obscure places without even any attempt at a "good faith reasoned

analysis," "common sense" analysis, or anything compliant that responds to any of my objections. Even worse, those disputed EIR objectionable water pollution additions to cover what is missing from the DEIR are in conflict with EIR's own air pollution additions. See what significant new information is added, but never adequately explained or analyzed in Vol IX, Appendices Q, O, and R buried at the end of the EIR Appendices and each rebutted by me in this Objection. Such EIR's flawed Master Responses admit for the first time (i.e., never before analyzed, explained, or justified as any kind of toxin or even hazard in the DEIR, so all the [still disputed, deficient, and noncompliant EIR additions are significant new information requiring revisions and recirculation] hexavalent chromium toxic issues for air pollution purposes (at Vol. IX, Appendix R—see Q and O for water pollution), although (also as here) the EIR wrongly claims without compliant substantiation or sufficient credible evidence that the threshold for such toxic danger has not been exceeded in the case of this mine, but certainly not refuting any of my meritorious concerns. Why does this objection not trigger an amendment to the EIR/DEIR's main Hazards and Hazardous Materials section discussion, where CEQA required it to be disclosed? (Hexavalent chromium was never properly mentioned there in the DEIR 4.7 or even in good faith warnings and reasoned analysis elsewhere, such as in the obscure and seemingly innocuous brief descriptions of that toxin's use in cement paste for shoring up the underground mine.) [Compare what is stated in the disputed EIR (e.g., Response To Comment Ind. 254-1) to what is stated in the wrong section of the DEIR (at 4.8-47—48) and treated not as the dangerous toxin they knew or should have known it to be (see section I.F.1, Exhibit C, and the EPA website), but instead just treated hexavalent chromium as if it were an innocuous ingredient in the cement paste.]

In other words, the disputed DEIR failed so to comply with its CEQA disclosure obligations regarding hexavalent chromium, and rather than provide that required "good faith reasoned analysis" with "common sense" in response to my meritorious objections, the disputed EIR just tried to evade its CEQA obligations, attempting to revise and recirculate the DEIR. See section I.A.1.c above. Instead of full disclosure, now the EIR is improperly trying to add that essential missing (and still disputed and noncompliant) unsubstantiated, significant new data for the first time by the EIR, again in the wrong and noncompliant places like here (or buried on page 2-6003-04 or obscurely without linkage in Appendices Q, O, and R at the end of the EIR), instead of properly debating this toxin threat that is warned against in many EPA website studies and that killed the town of Hinkley, CA, and many of its residents as illustrated in the movie, "Erin Brockovich." See Exhibit C.

Why would the disputed EIR/DEIR gamble on being caught in this noncompliant "tactical" conduct? Apparently, it seems as if the EIR preparers figured from my DEIR objections that they should not dare risk continuing almost totally to ignore the hexavalent chromium hazard risks, threats, and harms (as my DEIR Objection 254 demonstrated they had done in the DEIR), but they nevertheless could not bring themselves to admit that they had so thoroughly omitted such CR6 threat discussions in the DEIR, since that would be admitting "new information" of "significance" being added to the EIR, about which CEQA would require both more adequate debate and evidence as well as recirculation of the EIR. See section I.A.1.c above. To so evade such compliance with CEQA and other applicable law, the disputed EIR here attempts to provide some insufficient, unsubstantiated, disputed, and incorrect information in this obscure place (Responses to Comment Ind. 254-

1 et seq; i.e., not even in a Master Response other objectors might notice), ignoring many important parts of my objections and those of others, and even the EIR's own added and inconsistent air pollution admissions obscured in Vol. IX, Appendices Q and O, as to water, and R, as to air, at the end of this very long EIR document.

Now that the disputed EIR finally for the first time deficiently begins to address the hexavalent chromium threat, although still failing to respond to my objections and cited authorities, I note that such disputed EIR comments here are unsupported by any legal or factual foundation for the EIR's disputed opinions. See Exhibit C. Also, I cited EPA and other water pollution threats that the EIR/DEIR has almost entirely ignored (except in the still deficient and unlinked Appendices Q, O, and R), even though adding its disputed CR+3 air pollution theory for the first time (i.e., such air pollution was never mentioned before in the DEIR Hazards And Hazardous Materials discussions.) Those failings are lethal to the EIR under these circumstances, especially where the DEIR's almost total noncompliance with CEQA on these lethal issues now seems more than an innocent mistake.

If, as the disputed EIR now seems to claim in its rewrite of history, these theoretical excuse claims about hexavalent chromium had any merit and were intended to be responsive, why were they not properly disclosed adequately in the DEIR (or even properly now in the EIR), so that I could have been more detailed in my DEIR objections, rather than having to reply now with my such objections to the EIR that no one who matters to me will probably have an adequate chance find, fully to read, and consider, unless and until all these disputes are litigated in court where they cannot be evaded. For example, because of all those objectionable errors, omission, and noncompliance, the disputed EIR/DEIR compounded those errors, omissions, and noncompliance as to related topics, such as the disputed EIR/DEIR's purported water cleaning treatment system that is supposed to remove all water pollutants in the dewatered groundwater flushed into the Wolf Creek. [The disputed EIR at 2-6003 argues without proper evidence or support that, in effect, there is nothing to worry about, because the EIR/DEIR dewatering will flush these toxins out of the mine to be cleaned and dumped into the Wolf Creek, apparently to become the risk and problem for NID and others downstream (as if somehow claiming that didn't matter to my EIR/DEIR objections, because my main concern was to the threat of the groundwater quality underneath the surface where I and other objectors live above and around the 2582-acre mine, despite my broader scope objections and both the Wolf Creek flowing by a half mile below my property and the consequences to my community which affect all of us and our property values (and also affected the taxes supporting our government services.]

The insufficient and disputed EIR mitigation theory (but not labelled as mitigation, because, again, the EIR does not seem to want these new and significant [but obscured and worse] hexavalent chromium comments to be recognized as a CEQA reason for further revisions and recirculation of the DEIR/EIR). See section I.A.1.c and I.F.1-5. The EIR message seems to be, in effect, don't worry because "in obtaining the Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board, the Project Applicant would ensure that the leaching of hexavalent chromium would not cause any impact and would meet regulatory standards (DEIR, p. 4.8-47-48)." (Emphasis added). However, since (as explained herein and in my four Objections) the disputed EIR overstates and incorrectly and deficiently states in this obscure place what was so disclosed

in the DEIR (see my DEIR Objection 254 #'s 3.A, B, C, E, G, H, J, 7, and 10, section I.A.1.c and I.F.1-5, above, and Exhibit C hereto), how would that regulator even know to evaluate the threat, unless they did what I did, i.e., read all the 7000 plus pages of "fine print" looking for hints of such errors, omissions, and noncompliance, because my bankruptcy experience with such miners has made me cynical? If the EIR intended to warn the government and impacted local residents, why not properly amend the DEIR/EIR in the required places for CEQA compliance (i.e., the DEIR Hazards And Hazardous Materials section 4.7) so as to ensure everyone focused on the right issues for evaluation? Why not explain the meaning and effect of Appendices Q, O, and R, rather than just burying them at the back of the EIR.

2. A New Air Pollution Dispute Is Triggered by "Significant New Information" In the Still Noncompliant EIR, But the Disputed EIR Is Still Evading the Toxic Water Pollution Threat Evaded in the DEIR.

Instead of engaging in any "good faith reasoned analysis" with "common sense" debate of my objections and others on the merits and with compliant disclosure, the disputed EIR attempts further evasion by what it admits being new air quality data on this topic (again requiring DEIR revision and recirculation for such material changes and glaring omissions, as described above in section I.A.1.c and I.F.1). T**he EIR/DEIR continues to ignore my DEIR Objection 254 almost entirely about the adverse groundwater impacts of using hexavalent chromium in the mine shoring cement paste, as well as the lack of reliable assurances that it will not pollute the Wolf Creek after being removed from the mine. See section I.F.1-6 and I.E.1-4.**

The disputed EIR also added a new reference to nitrogen dioxide (NO-2), which will be addressed elsewhere in the air quality dispute discussion. See CEQA Guidelines 15088.5. The EIR's disputed, new Health Risk Assessment (the "HRA") is buried at the back of the document in vol. IX Appendix R (e.g., a disputed one page memo from DUDEK), which states that the purpose of such memo is "to address the potential health risk associated with exposure to two additional toxic air contaminants (TACs) that were not included in the original analysis of the proposed Idaho-Maryland Project (project), namely hexavalent chromium in cement [for mine shoring in the 2585-acre underground mine below or near thousands of impacted surface residents] and nitrogen dioxide (NO-2) from the combustion of ammonium nitrate fuel oil (ANFO)." First, note that this omission was not because the DEIR did not know of the mine's use of that highly toxic hexavalent chromium, because it attached (as obscured Appendices Q and O) earlier studies Rise ordered before the DEIR, as well as discussing the use in the mine cement paste in passing in a buried back DEIR section discussing the disputed mine shoring process intended (and grossly failing) to reassure the thousands of surface residents above and around the underground mine against subsidence and other mining risks and about what groundwater treatment would accomplish for what was flushed away downstream in the Wolf Creek.

As my DEIR Objection 254 (which this disputed EIR significantly fails to debate on the merits of this topic) explained (see also section I.F.1-6 and I.E.1-4 and Exhibit C above), there are thousands of EPA website documents and concerns demonstrating water pollution health impacts requiring this to be a featured, headline "Hazards And Hazardous Materials" discussion (where it has been wrongly ignored entirely in the DEIR/EIR).

Second, because this toxin is being introduced into the groundwater below us objecting surface residents and risking at least 300 admitted existing wells (by the still insufficient count in the County Economic Report—see Exhibit A) and many more overlooked existing wells plus future wells to come as the climate change drought impacts inspire us to tap our own groundwater beneath our surface properties, this not only poisons humans and their property, but it depresses property values and, therefore, property taxes, among other economic impacts ignored in the County Economic Report (see Exhibit A hereto), which seems unaware of this hazard popularized in the movie *Erin Brockovich* about how such hexavalent chromium in the groundwater killed Hinkley, CA, and many of its residents. See www.hinkleygroundwater.com, describing their continuing struggle to remediate that groundwater after all these years. (I suggest that the County's economic analyst study what happened to property values and taxes in Hinkley, despite PG&E trying unsuccessfully, like the disputed EIR here, to convince people the levels of the toxin were tolerable and the deaths and health problems were just coincidences. However, rather than risk a jury's judgment on that issue, the polluter settled for a record amount.) Third, the disputed, new EIR air pollution cancer risk discussion is mysterious about the accuracy and correctness of how it was determined to be below the safety thresholds set by the Northern Sierra Air Quality Management District, but no analysis or mention is made of the water pollution threat (apart from the disconnected Appendices Q and O this Objection rebuts elsewhere). Therefore, because none of these material issues are properly addressed in the disputed EIR/DEIR, the EIR must be redone and recirculated for this and other reasons stated in my and other objections. See I.A.1.c, I.F.1-6, and I.E.1-4.

This example also illustrates the general credibility problem with the EIR/DEIR (and another reason why my Exhibit A exposed the County Economic Report's mistake to accept the EIR/DEIR as if it were true without proper analysis of the many meritorious objections). Any even cursory reading of my Objections or any of hundreds of other objections to the DEIR would have revealed that the EIR/DEIR data (on which that Report mistakenly relied) was materially incorrect, incomplete, insufficient, unsubstantiated, noncompliant and worse. (As the computer people say, garbage in creates garbage out.) Previously, this serious issue was not identified as a hazardous substance problem with lethal human consequences in water (as well as air, which the EIR now incorrectly and insufficiently attempts to address), but instead an unrevealing mention buried in the back where this new Appendix R cites to it in DEIR page 4.8-47. That credibility problem is now compounded by a new one, where the disputed evasion is by a technique (common in the DEIR/EIR) that is known as the "bait and switch;" i.e., the EIR briefly adds an insufficient and incorrect discussion (a single short unsubstantiated paragraph) about air pollution from hexavalent chromium to distract from the much more serious water pollution, health hazards, and related impacts. For example, and this is a key example of another "bait and switch" in the DEIR/EIR, a discussion of mitigation (eg, Appendix R cites to Mitigation Measure 4.8-2(a)) of the air pollution by hexavalent chromium is not at all satisfactory mitigation, especially as to the lethal water pollution by hexavalent chromium that is almost entirely ignored by the EIR, despite my not only discussing that lethal risk in my Objection 254, but also by my three minute comment at the public County Planning Department hearing on the DEIR in March which earned a line in the related "Nevada Union" story. See also the problem discussed above from the NSAQMD Agency Letters 12

(at 12) and 11, describing the frequent daily need for NID watering to suppress fugitive dust that is already admittedly full of asbestos and other toxins and now may add CR6.

And what is the environmental comfort to be taken even with the briefly addressed air pollution "reassurance in the disputed EIR?" Consider what EIR Appendix R says on the hexavalent chromium cancer threat after giving unsubstantiated and disputed air pollution dust estimates: "Hexavalent chromium has inhalation cancer risk and chronic reference exposure levels, but no acute non-cancer effects are associated with exposure. … Hexavalent chromium and NO-2 were evaluated in the HRA consistent with the methodologies presented in the DEIR. In summary, there would be no change in the cancer impacts with and without mitigation as shown in the disputed DEIR [which generally ignores the subject and makes this disputed statement incomprehensible, wrong, and worse.]" As to such air pollution impacts, remember our experience with asbestos, which (as I can testify as an experienced bankruptcy lawyer witness to such cases) had a similar history of prolonged evasion and bogus claims of tolerance levels until it became clear through many bankruptcies (in which I was frequently a significant bankruptcy lawyer) that there were no safe thresholds.

As to the unaddressed water pollution, watch the *Erin Brockovich* movie again, read the court files on the Hinkley, CA, suits, visit the www.hinkleygroundwater.com website, and then read the most relevant Exhibit C and EPA website study horror stories. [The disputed EIR at 2-77 describes how the dewatering process interacts with the blasting and mining underground and states: "Thus, any water that contacts those [underground] components would be present only within the [2585-acre underground] mine workings and would then be pumped out of the mine workings by the dewatering system and into the clay-lined pond for further water treatment." This ignores, for example, the problem when the mine stops operating again for many possible reasons, some not only likely, but the goal of the objections by the whole community above and around the 2585-acre underground mine. If continuous dewatering forever is essential to save us locals from the miner adding such toxic hexavalent chromium, CEQA requires such a warning, especially because as Exhibit B and Objection 255 show from Rise's admissions in its SEC filings, the mine mitigation/remediation is not economically feasible and the dewatering is vulnerable to such cessation.

Note that even if the locals aren't poisoned by the hexavalent chromium in that process, other people down the Wolf Creek may become unsuspecting victims. Recall that the hexavalent chromium that killed Hinkley, CA, and many of its people was also held for such processing in such clay lined ponds, which didn't work out well for the victims. Then read the disputed EIR's noncompliant dismissals of my and other objections as nonmaterial or irrelevant to CEQA concerns or too speculative to deserve a response. The result is not just that DEIR/EIR revisions and recirculation are essential (see section I.A.1.c), but also that the County should begin to share the community doubts about the credibility of the mine's whole EIR process. When the County Economic Report admits (see Exhibit A hereto) what most real estate brokers believe, i.e., the environmental impacts are seriously understated and causing depressed property value predictions, this (and Exhibit C) is an example of a rational and informed reason for such opinions; i.e., unlike the EIR/DEIR advocates, anyone at risk of harm from the mine has considered the hundreds of objections like mine that are filled with such objections about the errors,

omissions, and insufficiencies in the DEIR/EIR and worse things politely described as credibility problems.

I mention such credibility concerns because without timely (i.e., not improperly deferred), transparent, independent regulatory oversight of all aspects of the mining operation and disputed, proposed (and, hopefully, massively upgraded by someone with financial feasibility) mitigation, nothing in the EIR/DEIR will be credible to the potential victims like me. For example, the EIR incorrectly asserts (at 2-76) without substantiation that: "Mitigation measures are achievable, enforceable, and capable of reducing the Project's impacts." Says who? On what evidence? Not only is that disputed conclusion repeatedly proven wrong on the merits by objections, but that disputed EIR sentence must be allowed to be rebutted by the admitted facts in Rise's own SEC filings (see Exhibit B and my DEIR Objection 254 #2) that Rise lacks the financial resources to afford even the insufficient mitigation it proposes (eg, here at Mitigation Measure 4.8-2, replacement water for depleted or contaminated existing wells it undercounts and ignoring all future wells), thereby making its statement false that its mitigation is "achievable," "enforceable [by the County, not the victims who then must turn to their legal remedies, e.g., *Varjabedian*]," or "capable of reducing the Project's impacts." Note that the EIR's Master Response argues the problem is just about 30 wells around East Bennett Road, when the County Economic Report admits [see Exhibit A] there are at least 300 existing wells at risk above and around the 2585-acre underground mine, plus (other objectors contend and I contend) more impacted existing wells plus many new ones to come in reaction to climate change droughts. See, e.g., the Wells Coalition Group Letters 27/28, the CEA Objections Group Letters 6-9 and 21, the Wolf Creek Community Alliance Group Letters 29-12 and many others in my Table of Incorporated by Reference Objections.

To quote the EIR (at 2-77): "As discussed in the GMP 30 groundwater monitoring wells will be installed at 15 locations. The locations of the monitoring wells are strategically placed between the mining and domestic wells to monitor the potential drawdown extent as the result of mining and assess the potential impact on domestic wells. … Qualified hydrologists [notice they don't say independent and trustworthy, and, like most EIR/DEIR so called experts, they and their disputed evidence will be challenged in any court process that may become necessary] would evaluate the data from groundwater monitoring." There is nothing in the disputed EIR/DEIR or their process so far that inspires any confidence by us potential victims that any of this will be feasible or timely achieved as promised. See *Gray*, defeating a mine eir with similar such deficient groundwater mitigation. We local potential victims would insist, among other things, on knowing the plans in detail in advance, not later, plus having on total transparency, data collection, and analysis by reliable, independent experts, plus many more monitoring wells where they matter most now and in the future (e.g., above and around the 2585-acre underground mine where currently thousands of us surface resident objectors and (according to the County Economic Report addressed in Exhibit A) at least 300 wells exist and in the next 80 years many more wells will follow in reaction to climate change dryness), and much more discussed in this and my other Objections and those of many others. See Table of Incorporated by Reference Objections.

ONE LAST EXAMPLE OF CREDIBILITY PROBLEMS FOR THE EIR/DEIR IS THAT (AT 2-76) THEIR DELAY IN PLANNING, DISCLOSURE, AND MITIGATION UNTIL AFTER APPROVAL, AS DISTINGUISHED FROM AFTER APPROVAL AND

"AT LEAST 12 MONTHS IN ADVANCE PER MITIGATION MEASURE 4.8-2(A)." WHY THE DELAY TO SET THE BASE LEVEL FOR FUTURE DECISIONS? PERHAPS (BESIDES THE FACT THAT RISE CANNOT AFFORD TO DO MUCH OF ANYTHING ON TIME AS ADMITTED IN ITS SEC FILINGS—SEE EXHIBIT B AND MY OBJECTION 255), THEY ARE STALLING BECAUSE THE EIR ADMITS THAT: "NO GROUNDWATER LEVEL MEASUREMENTS HAVE BEEN COMPLETED SINCE 2007." But the sooner they start measuring, the sooner that they will have to confront the inconvenient truths about their historical models, preventing the miner and its advocates from ignoring key facts and climate change do not work already, and promise to become more incorrect progressively for the next 80 years, as explained in this and other objections. See section I.C and D, including the 2018 Guidelines Amendment Explanations confirming the importance of climate change for CEQA, contrary to the insistence of the disputed EIR/DEIR that denies that reality.

3. **The EIR Also Evades The Hexavalent Chromium Threat by Revealing Discussions of Its Mining Techniques in Volume IX, Appendix Q/O, That Is Damning Not Only By Its Errors, But Also By Its Material Omissions That Should Have Been Addressed In Its Section 4.7 The Hazards And Hazardous Materials Revisions (at 3-69).**

In this and other related Objections I have questioned the credibility of the EIR/DEIR for its continued errors, omission, and other noncompliance in dealing with the foregoing known, and I believe significant and irrefutable, hexavalent chromium water pollution issues. See section I.F.1-6, 8 and 9, I.E.1-6, and I.C and D above, as well as Exhibit C. This portion of my objections attempts to use what the EIR now has added further to expose those problems and to insist on EIR revisions and recirculation. See section I.A.1.c. Before getting into the more technical matters, I direct attention to certain "significant new information" additions and revisions to disputed EIR section 4.8 Hydrology And Water Quality (at 3-70-73) and the addition of the Itasca "Desktop Study of Cemented Paste Backfill" in Volume IX, Appendix Q (see also O and R). While the EIR/DEIR's greatest sins are of omission and evasion, I also focus here on what the EIR does say, because in that context it makes the EIR not only grossly deficient but also misleading or worse.

Begin by studying the purportedly insignificant EIR revisions (at 3-72) to DEIR Chapter 4.8 [Hydrology and Water Quality]in the final paragraph of Section 4.8.4 and in the related Mitigation Measure 4.8-2(a), which adds that the miner "shall implement the Groundwater Monitoring Plan (GMP) prepared by Itasca Denver, Inc (February 2021), as approved by the county. Implementation of the GMP shall be initiated prior to the dewatering of the mine and on an ongoing basis…" That GMP involves "a network of monitoring wells [that] shall be installed to the satisfaction of the Nevada County Environmental Health Department," [a deferral forbidden by CEQA] with "Groundwater level and groundwater quality information ... obtained from the project ground watering monitoring wells and collected on a quarterly basis" and submitted to that Department etc. The revised text of 4.8-1(e) states [in another deferral forbidden by CEQA] that: "The applicant shall submit a RoWD and obtain WDRs from the Central Valley RWQCB for construction of the engineered fill areas… prior to initiating any engineered fill placement activities … [with] [p]roof of coverage …provided to the Nevada County Public Works

Department." That revision adds [in another deferral forbidden by CEQA] that RWQCB "will determine the appropriate mining waste classification" for the engineered fill." "The RoWD must also include a report [in another deferral forbidden by CEQA] on the physical and chemical characteristics of the waste, in compliance with Water Code section 13260(k), that could affect its potential to cause pollution or contamination as well as a report that evaluates the potential of the discharge of the mining waste to produce over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances." [That should require disclosure of the hexavalent chromium threat as a hazardous substance, as many EPA website posted studies confirm, but there is no such warning in the EIR.] As to such prohibited deferrals and noncompliance with CERA, see section I.C and D generally, including *Richmond v. Chevron,* and section I.E.1-6 and I.F.

Continuing, that EIR states: "The applicant will prepare and implement a Waste Characterization Plan (Characterization Plan) [in another deferral forbidden by CEQA] which will be incorporated into the approved WDR." However, since the EIR is already obscuring the hexavalent chromium threat and, ignoring that impact harms, has incorrectly classified the pasted mine material as nontoxic "Group C" "benign mine waste," it is essential that such a plan be addressed now in advance of approval. See section I.C and D generally, including *Richmond v. Chevron,* and section I.E.1-6 and I.F. Why is that timing so important to us victims above and around the 2585-acre mine? It is not just that CEQA requires such matters to be disclosed and analyzed fully before EIR approval, but also because, anyone trying to sell or finance a home mortgage needs to know what he or she must disclose in that process, since we cannot refer them to the disputed EIR no one directly at risk I know trusts or believes. See my four Objections and all those in the Table of Incorporated by Reference Objections. If these many serious mine disputes have to be litigated, that should occur in one consolidated process, not in many successive dispute processes as Rise (or, if any, its successor behind the curtain in the expected "flip" on approval, considering the Rise financial condition admitted in the SEC filings addressed in Exhibit B) slowly unveils its various future operation and action plans and further governmental decisions, all of which must be done before EIR approval. See section I.C and D generally, including *Richmond v. Chevron,* and section I.E.1-6 and I.F.

Note also that, as addressed elsewhere, the proposed monitor wells and other noncompliant mitigations (including those added in EIR revised Mitigation Measure 4.8-2(c)) are focused on the East Bennett Road and wholly owned Centennial and Brunswick sites, as if hoping that will distract everyone from the bigger legal and environmental impact problems in the mine risks, threats, and harms to the thousands of us surface owners and users above and around the 2585-acre mine, since (as admitted in Rise's SEC filings—see Exhibit B and DEIR Objection 254 #2) the mine cannot hope to afford to mitigate the harms it seems to be planning to do to those surface owners like me, much less cure the problems the mine is creating for others.

Before addressing **the Itasca Appendix Q issues** in detail, please note the following among the many disputes and flaws with what the disputed EIR/DEIR is doing in its described provisions in the previous paragraph. **First,** to evade dealing with (or even properly mentioning) substantive risks, threats, and harms **now (**when required by CEQA and other applicable law), the noncompliant EIR improperly defers the substance to a **future process after the EIR is approved**, when it is too late for many purposes except to attempt to clean up the mess that will exist from starting the mining and then having the courts stop it, if the miner's

financial infeasibility, reality economics, law reforms, and political actions don't stop the mining first. See section I.C and D generally, including *Richmond v. Chevron,* and section I.E.1-6 and I.F. Also, these disputes should be consolidated for cost-efficiency and speed of final resolution, otherwise there will be multiple litigations occurring at different times as disputes become "ripe" for adjudication. **Second**, such delayed essential planning and decisions (to which I and others object) make it impractical to have a factual debate on the detailed merits, since Rise will just claim that (after disputed EIR approval and commencement of harms) they will adapt to some such future governmental or court requirements, which considering Rise's admitted lack of working capital seems unaffordable and, therefore, an empty assurance. See Id., Exhibit A and B, and DEIR Objection 254 #2. Trying to litigate standards in the abstract before such governmental actions creates many extra costs and problems, which may be why the disputed EIR is attempting to delay key details until after approval of the insufficient EIR (still full of many errors, omissions, and other noncompliance) is forbidden by CEQA and other applicable laws. See, e.g., *Richmond v. Chevron*, section I.A.1.d, I.E.1-4, and I.F. **Third,** while government is supposed to do certain such prescribed things in the future to protect us local victims (eg, monitor test well results, classify waste, etc.), nothing in the disputed EIR/DEIR fairly warns those governmental authorities of the toxic hexavalent chromium water, so they can specifically watch out for such water pollution problems that killed Hinkley, CA, and many of its residents (see "*Erin Brockovich*") and they can correct the EIR's misclassification of the mine waste, and, more importantly for the thousands living on the surface above the 2585-acre underground mine being filled with toxic hexavalent chromium cement paste (to be discussed herein), why the insufficient test wells are misplaced and not predictive of the risk to us locals. (Also relevant to the County, the supposedly treated water flushed down the Wolf Creek elsewhere, spreading any such pollution [NID customers there should be warned to investigate and beware] should be examined closely for such insufficiently disclosed hexavalent chromium impact threats.) Id.

To purport to provide some (though insufficient, incorrect, and otherwise noncompliant) significant new information on these disputed subjects (requiring revisions and recirculation, as explained in section I.A.1.c), **the disputed EIR attaches (at the end of the EIR) in Volume IX, Appendix Q, a disputed, short "Technical Memorandum" dated 2/24/2020, entitled, "Desktop Study of Cemented Paste Backfill."** This is apparently designed as backup data in case someone like me notices that sufficient, compliant, and relevant data in the disputed EIR is not adequately described in compliance with CEQA and other applicable law, not to mention other errors, omissions, and flaws. Itasca describes at the start of the Technical Memo that it is a "desktop study of cemented paste backfills (CPB) use and its potential impacts on water quality and site-specific considerations for IMM." Note that there is no effort to reconcile the inconsistencies between that memo (and, therefore, the disputed EIR) and the disputed DEIR, which the disputed EIR leaves impact issues unresolved as if they did not exist. However, I note that those conflicts are material and in need of clarification with a revised and recirculated EIR (see section I.A.1.c). For example, among others that are apparent from contrasting (i) the DEIR and my Objection 254 thereto versus (ii) the EIR (and especially this Technical Memo) and this objection, the disputed DEIR deals with hexavalent chromium added in the cement paste (as CR6+) versus the disputed EIR/Technical Memo dealing with hexavalent chromium in the Portland cement (Cr(VI)). Although both may exist as hazards, the CR6+ in the cement is a water polluter, and the CR(VI) as also an air polluter (eg, as dust from delivery and use on the surface before being injected into the mine), as described in the disputed DEIR versus the disputed EIR. See also NSAQMD Agency Letters 12 (at 12) and 11 requiring frequent daily NID

watering to suppress toxic fugitive dust admittedly containing asbestos and now apparently adding the risk of CR6.

To begin for context and to clarify variance from the disputed DEIR description, the Technical Memorandum describes the "cemented paste backfills (CPB)" as a means of improving "geotechnical stability by backfilling mined stopes (voids) and allow[ing] the recovery of the ore body to be maximized." In essence, CPB is "formulated on the surface" by mixing tailings "with cement and water, although other additives or mined materials are sometimes included" (apparently, if the disputed DEIR were correct, like hexavalent chromium), and that mixture is then pumped into the underground mine to shore up places that are deemed to need it. **Throughout the Technical Memo discussion are qualifications and warnings about the proper preparation and "curing" of the CPB before exposed to dewatering, which is another way of saying that the homes, property values, and groundwater of us potential victims above and around the 2585-acre underground mine are at risk of human error by those preparing this toxic brew for shoring beneath us where there is no disputed EIR proposed monitoring until it is too late and the harms begin before surface owners or governmental discovery, especially considering that the insufficient monitor system is not applicable or effective to detect such problems timely. Under a heading called "Potential Water Quality Issues With CPS" (which, like all the rest of this Technical Memorandum, should be inserted in the related EIR hazardous materials discussion for "good faith reasoned analysis: with "common sense" and should be revised and recirculated for proper debate as required by CEQA and other applicable law, as provided in section I.A.1.c above) the following data is revealed, beginning with THE ADMISSION THAT (emphasis added): "THERE ARE SOME POTENTIAL WATER QUALITY RELATED ISSUES WITH CPB IF IT IS NOT IMPLEMENTED CORRECTLY." Part of that admitted hazard is inherent in the "specific composition of the tailings materials used in the CPB," and another admitted part is that the "CPB does not set properly or is not strong enough to remain intact in the mine environment."**

Thus, the disputed Technical Memorandum (unlike the disputed EIR itself which incorrectly ignores or dismisses all such concerns without sufficient identification of the issues or proof or links to these Appendices Q, O, or R) admits (at 2 and 3 of 8, emphasis added):

> **A VARIETY OF SITE-SPECIFIC FACTORS CAN AFFECT THE ABILITY OF CPB TO SET AND ITS LONG-TERM STRENGTH. FOR EXAMPLE, INSUFFICIENT BINDER CONTENT, EXCESSIVE WATER CONTENT, OR WATER WITH HIGH SULFATE CONCENTRATIONS (EG, FROM HIGH-SULFIDE TAILINGS) CAN DECREASE CPB STRENGTH OR INHIBIT PROPER SETTING. IF CPB DOES NOT SET PROPERLY, IT MAY BE LESS EFFECTIVE AT REDUCING THE MOBILITY OF CHEMICAL CONSTITUENTS [I.E., ADMITTED, TOXIC HEXAVALENT CHROMIUM], AND THERE IS THE POTENTIAL FOR THE BINDER MATERIAL TO BE LEACHED FROM THE CPB MIXTURE [IE, SUCH HEXAVALENT CHROMIUM POLLUTES OUR GROUNDWATER AND ULTIMATELY THE WOLF CREEK]. ADDITIONALLY, HIGH SULFIDE-CONTENT TAILINGS THAT ARE ACID GENERATING AND HAVE ELEVATED METALS**

CONCENTRATIONS CAN RESULT IN METALS LEACHING FROM CPB AND CAN DEGRADE CPB STRENGTH.

BECAUSE CEMENTS AND GROUTS ARE ALKALINE IN NATURE, SOME STUDIES HAVE NOTED THAT THE POTENTIAL EXISTS FOR THESE MATERIALS TO PREFERENTIALLY LEACH FROM CPB AND CAUSE ELEVATED PH VALUES IN GROUNDWATER AND/OR RELEASE CONSTITUENTS FROM THE CEMENT OR OTHER ADDITIVES [EG, HEXAVALENT CHROMIUM].

THUS**,** THE EFFECT OF THE DISPUTED EIR IS TO FORCE US LOCAL VICTIMS TO GAMBLE ABOUT LETHAL HEXAVALENT CHROMIUM HAZARDS THAT ARE ADMITTEDLY DEPENDENT ON MINE WORKERS' SKILL, DILIGENCE, AND CARE IN DEALING WITH THESE UNACKNOWLEDGED RISKS AND ON UNANALYZED MINE MATERIAL CONDITIONS, WITH NO RELEVANT, SUFFICIENT, OR TIMELY MONITORING OR MITIGATIONS SUFFICIENT TO PROTECT THOSE OF US ABOVE OR AROUND THE 2585-ACRE MINE AND OTHERS WHEREVER THE THEN POLLUTED WOLF CREEK FLOWS. AND THE DISPUTED EIR DARES TO CLAIM THERE ARE NO SIGNIFICANT ISSUES OF CONCERN WITH THE DEIR, SO (THE DISPUTED EIR CLAIMS) THE EIR DOES NOT NEED TO BE REVISED OR RECIRCULATED. THAT IS OUTRAGEOUS, ESPECIALLY CONSIDERING WHAT CANCER THREAT THE DISPUTED EIR NOW ADMITS FROM HEXAVALENT CHROMIUM IN APPRENDIX R. SEE ALSO APPENDICES Q AND O. (ALTHOUGH THAT WAS IN THE CONTEXT OF AIR POLLUTION, RATHER THAN WATER POLLUTION, THE MANY EXHIBIT C AND EPA WEBSITE STUDIES OF THIS CANCER-CAUSING TOXIN SHOULD BE SPECIFIC ENOUGH TO BE TAKEN SERIOUSLY. SEE SECTION I.F. AND I.E.1-5, AND EXHIBIT C. NO ONE CAN DOUBT THAT ANY PURCHASER OF IMPACTED SURFACE PROPERTY WILL TAKE THIS SERIOUSLY AND ASSUME THE WORST CASE, AS EXPLAINED IN EXHIBIT A HERETO.)

The Technical Memorandum (at 5 of 8) also addresses a disputed study by ACZ Laboratories involving tests on four flotation tailing samples for "acid digestion" that us objectors consider not representative or predictive of the problems impacting us local victims above and around the 2585-acre underground mine. For those and other reasons the disputed study from cherry-picked purported expert and Rise chosen locations do not persuade anyone at risk. Indeed, the study's conclusion is full of subtle qualifiers that invite our dispute, such as (again based on what Rise selected did for its own benefit in a tiny sample) this contractor said (emphasis added) that "it is LIKELY that the CPB used in the IMM will have very low solute release rates and will be GENERALLY environmentally benign." However, consider the **"Conclusion" (at 6 of 8), stating that: "However, it is clear from case studies and theoretical behavior of CPB that there are a variety of site specific factors that could affect the potential for water-quality impacts…" for which the memo suggests specific suggested protective actions and cautions, none of which are appropriately added to the disputed EIR, presumably because it prefers not to call attention to these risks which CEQA and other applicable laws require the EIR to address now—not later in some future negotiation with some regular over mitigations that Rise cannot afford.** See Exhibit B and DEIR Objection 254 #2.

Again, there is the debate as to what levels of such cancer causing toxic hexavalent chromium are safe (see Exhibit C), but, rather than have that debate on the merits, the disputed EIR dares to ignore the risks, threats, and harms in the EIR/DEIR, and instead seeks advance approval for its nondetailed concept, with "the details hiding their Devil" (as the saying goes) to be **revealed in some future time after EIR approval** when much harm has already been done. Incidentally, since Rise would arrange all this testing that is referenced in the Technical Memorandum and EIR/DEIR, where is the "good faith reasoned analysis" with common sense of disclosed data? Why has Rise not attached that data in the EIR Appendix instead of irrelevant studies of purportedly "similar" situations that we dispute and contend are not similar at all, and, in any event, contain errors, omissions, or other noncompliance.

If the disputed EIR advocates attempt to continue to evade these environmental impact threats, they cannot be allowed to do so without a "good faith reasoned analysis" with "common sense" and without adequate CEQA and other disclosures and recirculation of their disclosed position, so that it can be fully disputed on the merits. As proven by the court case cited in section I on this topic, the EIR cannot rely on that buried Technical Memorandum to save it (i.e., the EIR cannot ignore these identified and admitted risks), since this is only a "desktop study" where these purported, cherry-picked experts simply relied on what Rise told them without any investigation of the real facts on the ground. Given Rise's many credibility problems and other issues raised in my and other objections and the lack of adequate documentation and disclosure of what Rise told Itasca (i.e., what litigation discovery will reveal, if the EIR is mistakenly approved), there is no reason for disregarding us objectors' worst-case assumptions from these admitted risks. Consider another admission in the Technical Memorandum (at 3 of 8):

> **The presence of chromium in cement has been identified as a potential water-quality concern related to the use of CPB (Hamberg et al 2018). Hexavalent chromium (Cr(VI)) is an oxidized form of chromium that is more soluble and mobile in the environment than reduced forms of chromium. … Thus, selecting a supplier with low Cr(VI) content cement and ensuring the CPB is not inundated [eg, confronting dewatering] before it sets can minimize the potential for issues with Cr(VI) leaching.**

None of this information is addressed in the disputed DEIR, and little of it is properly disclosed in the disputed EIR (beyond what is quoted herein), so this significant new EIR information requires full disclosure and opportunity for debate in the context of a recirculated and revised EIR that contains a "good faith reasoned analysis" with "common sense." That is especially important, since failure to prevent a repeat here of the Hinkley, CA, horrors will leave all those accountable here with even worse accountability challenges than the Michigan Governor Snyder's team who allowed lead leaching in water pipes to devastate Flint, Michigan, because this would be an "I told you so" crisis. I mention that analogy not as a gratuitous provocation or insult, but as a real-life, well-known example of how even supposedly well-meaning officials can create atrocities (not to mention foreign miners in admittedly distressed financial circumstances and from an industry with a history of environmental violations, because too many miners are focused only on maximizing profits for speculative shareholders, rather than the safety, health, and welfare of the local community they expect to leave as soon as the mine ceases to promise exploitive riches).

4. Some EIR Flaws Are Exposed By the Updated Itasca Admissions in Vol. IX, Appendix O.

Disputed EIR Appendix O, the Itasca update dated 6/17/2022 to the Technical Memorandum (App. Q) disputed above, describes itself as a "clarification" in response to various objections. It is not the "good faith reasoned analysis" with "common sense," because, among other things, it ignores the meritorious objections by me and others. None of those "significant new information" updates (or incorrectly EIR so-called "clarifications") addresses my Objections or rescues the disputed EIR from the errors, omissions, or noncompliance addressed herein. Therefore, I will just briefly expose some flaws in that update as illustrations. However, it should be of great concern to the County that, rather than confront the key objections on the merits with "good faith reasoned analysis" with "common sense" as required by CEQA and other law, that update (like the disputed EIR generally) ignores the necessary issues or wrongly dismisses them as irrelevant, speculative, unsubstantiated, or premature, because the EIR evades debate by claiming disputed, improperly deferred, and uncertain at best mitigations AFTER APPROVAL OF THE EIR, almost always without any good faith reasoned analysis with common sense.

Admitting that the EIR ignores in its "groundwater flow model" for dewatering what Itasca calls "[c]consumptive water uses from individual wells," Itasca dismisses the concern without proof as too "small, relative to regional groundwater flow," relying on what it claims (as disputed speculation or assumptions without investigation or considering our local objections) to be the "low permeability of the rock mass" and "generally low pumping rate." **First,** it is again not clear whether these comments purport to cover the whole 2585-acre underground mine below thousands of us surface owners and users or only the few in the East Bennett Road area on which the disputed DEIR was almost wholly focused on these issues. See my Objection 254 and my comments above, such as, for example, on the disputed, obvious fallacy of assuming the higher ground areas are subject to the same conditions and issues as those East Bennett Road conditions where Rise incorrectly concentrates its monitoring systems. Also, this disputed update commentary assumes that, despite climate change, science, and "common sense" reason, (a) whatever conditions exist now will continue for the next 80 years, despite 24/7/365 blasting, tunneling, dewatering, and mining, and (b) that no new wells or greater surface owner use demands will apply. The reality is that, as has proven true everywhere else in California where surface owners are confronting drought conditions by tapping more of their owned groundwater, surface owners and users will exercise their legal rights to increase new wells and groundwater usage, especially since that groundwater belongs to them, not just the mine. See *Keystone*, section I.F.8 and 9, and DEIR Objection 254 #2. Indeed, during the next 80 years, when NID drought rationing cuts back water supplies in the future, before local surface owners abandon their homes and suffer their forest to die from lack of the groundwater flushed away down the Wolf Creek by mine dewatering, us surface owners and users will likely band together in new well collectives or individually to compete and battle in the courts and political arena against the mine's water wastes. See *Varjabedian.* That reality dooms the flawed assumptions on which the disputed EIR/DEIR (including these disputed EIR opinions) rely. Also, note that many of us do have sewers, countering the (in effect) "don't worry, just recharge using your septic tank water comments here" and "landscape irrigation" (which ignores NID's

likely rationing rules imposed on us while the mine flushes away our owned groundwater down the Wolf Creek.) See my objections to EIR's disputed Master Response 33.

I defer to the more expert groundwater objectors to deal with the **flawed Itasca attempts to rehabilitate its model's simulations addressed in that disputed Appendix O**. See my Table of Incorporated by Reference Objections. But again, we confront the issue of when and if these commentaries purport to address the whole area above and around the 2585-acre underground mine or only the small East Bennett Road area downhill, a flaw that by itself should require massive new "good faith reasoned analysis" with "common sense" and DEIR/EIR revision and recirculation, especially since there is no sufficient proof that the disputed EIR/DEIR comments on the downhill, wholly owned mine and East Bennett Road area apply equally to the surface area above and around the 2585-acre mine, where thousands of us objectors live and intend to defend our homes from such EIR mine menaces.

Once again, **the attempts of Itasca to justify exclusion of comparisons to other local mines (e.g., Empire or on San Juan Ridge) for the disputed Itasca model must fail on the merits.** Among the many flaws in such reasoning are that the conditions in this long flooded and closed mine (since 1956) have not been adequately investigated, and there is no merit to the disputed EIR/DEIR assumption that either that those disputed assumed conditions will continue to apply for 80 years, despite climate change and 24/7/365 dewatering and mining, or that such disputed conditions will apply to the new and deeper mining contemplated in the disputed EIR/DEIR. Guesswork, false assumptions, false equivalences, and speculation, such as when such experts accept disputed and unreliable miner data as if it were true, especially incomplete unreliable historical data from reliable people, should not be permitted to risk the future of our local community. For example, one such flawed Itasca argument for excluding Empire Mine comparisons is that "[t]here is no direct flow from these historical mines to the future Rise Mine working" and that there is a "block" by "low permeability rock masses" between the historical mines and "the future Rise Mine." Besides disputing any reliable and substantiated basis for that opinion (eg, noting the lack of reliable, complete, and accurate historical documents and data) the EIR/DEIR has not adequately investigated this long flooded and closed mine and its new mining areas for such issues arising during the next 80 years. Also, please note that my and other objections complain about the disputed EIR/DEIR cherry-picking favorable (but irrelevant) studies and opinions involving false support claims based on much less comparable and distant places are incorrectly alleged to "similar." In fact, those disputed EIR/DEIR false comparable (the false equivalence tactic) are less similar and relevant than the more similar and relevant Empire and other mines cited in objections and incorrectly dismissed without fair consideration on the merits by Itasca and the EIR without a "good faith reasoned analysis" with "common sense."

I also defer to more expert objections as to the seismic errors and omissions regarding the "simulations" in the disputed "groundwater flow model" relating to the "Idaho Fault system." However, this Itasca update admits that it ignored "the modeling of these minor faults" [22, 20, 11, and 20C of the Idaho Fault Zone), because "most of this area is already modelled as mining voids," another disputed contention on various bases. For example, those "minor faults" can be a material menace to those of us living above or around the 2585-acre underground mine, even if they don't damage more distant towns. How many of us locals can be sacrificed before it matters "materially" that the miner triggers a "minor fault" and damages our properties (also another reason for depressing property values) or drains our exiting or future wells? See Gray, rejecting similar mine mitigations in a similar eir. Why dismiss allegedly "minor" faults, when there is

ample data on the local harms they cause when triggered? Note also that groundwater depletion, reallocation, and dewatering for fracking has caused earthquakes causing material local harm in Oklahoma and Pennsylvania, where no one could ever remember any earthquakes before, and similar problems are alleged in other fracking sites where groundwater is similarly manipulated. See my prior references to the *Keystone* Supreme Court case and other authorities were us surface owners' rights of lateral and subjacent support includes groundwater to avoid subsidence and, we contend, also induced earthquakes on even "minor faults." E.g., *Keystone Bituminous Coal Ass'n v. DeBeneditis*, 480 U. S. 470 (1987) ("*Keystone*").

5. Some Other Issues Mentioned in This Disputed EIR Response.

As explained in my applicable objections herein and in my DEIR Objection 254 #'s 3.A, D, E, F, K, M, N, 4, 5, 6, 7, and 14, the EIR Response To comment Grp 25-30 regarding deep mining is wrong (as explained therein and in their objections to that disputed EIR Response.) Among other things, the disputed and speculating DEIR and EIR have not adequately studied the actual relevant conditions, but instead speculate and rely on incorrect assumptions and ignore the unknowns in their broader and deeper mining that includes 72 miles of new tunnels and adjacent new mining and dewatering areas, which distance prevents any credibility to the EIR/DEIR guessing as it does over such distances. That defies "common sense" required for such mining by *Gray***. Besides the courts (e.g., *Gray, Banning, Vineyards, and Costa Mesa*) requiring a "good faith reasoned analysis" with "common sense" to satisfy CEQA (a test the DEIR/EIR miserably fails on many objection issues), evaluating the impact's "significance" must be based "to the extent possible on scientific and factual data," which means relevant and applicable data to the issue. CEQA section 15064(b).** However, not only does the disputed EIR/DEIR often fail to comply with that requirement on some impacts, mitigations, and issues, merely asserting disputed, speculative, and unsubstantiated opinions (often based on flawed and unstated assumptions), but many disputed EIR/DEIR cited studies are based on disputed and false assumptions, such as that (i) dissimilar, inapplicable, and irrelevant situations are somehow claimed to be similar, applicable, and relevant, or (ii) obsolete, superseded, or otherwise revised science or data is still somehow current and correct. (Recall that industry "science" once claimed that asbestos and cigarettes were healthy.)

We also dispute the attempt by the disputed EIR/DEIR to excuse itself from important and available knowledge that it does not wish to know or have (i.e., inconvenient truths that would impair their quest for EIR approval it should never receive on the merits) on the disputed theory that the EIR/DEIR only has to do "what is reasonable feasible" for purposes of CEQA Guidelines #15364. But see the tests in cases such as *Sierra Club v. County of Fresno* and others discussed in my DEIR Objection 254 #14. That is a question of law (or mixed question of law and fact) on which us objectors insist the disputed EIR/DEIR was wrongly resisting doing what reasonably feasible to avoid having to combat our objections on the merits. For example, many kinds of assessments of the actual condition of the old and new mining are reasonably feasible, but they were evaded by the EIR/DEIR, such as, for example, where it limits its inquiry about "Mine Conditions" to "NVS Phase I/II ESA" for small, Rise owned sites and 10 feet deep trenches, ignoring what matters most to objectors about the 2585-acre underground mine beneath us thousands of surface owners above or around it. See, eg, my Objection 254 #3.E, 4, 8, and 14 and Exhibit B and my Objection 255.

As explained in my applicable objections herein and in my Objection 254 #'s 3.A, D, E, F, and K, 4, 5, 6, 8, 11, and 14, the disputed EIR Master Response 33 regarding groundwater dependent vegetation is wrong as explained in my reply thereto above and such other objections. See sections I.F. and I.E above. Again, as continually ignored by the DEIR/EIR and as explained in my DEIR Objection 254 #3, 4, 5, 6, and 7, us surface owners and users above and around the 2585-acre mine own the groundwater beneath us that is being dewatered and flushed away down the Wolf Creek. See section I.F.8 and 9 and I.E.1-6.

For the record as well, the disputed EIR claims the future mining "would not occur beneath the airport," although at least some of the airport is within the 2485-acre underground mining boundary. Because (as this objection and my DEIR Objection 254 keeps complaining) the maps and descriptions are too vague (eg, aerial photos hiding landmarks under trees without sufficient labeled roads etc.) and do not show the key addresses or other surface landmarks needed for us potential victims to identify relevant locations, we cannot be expected to be precise in our such objections. Nevertheless, notice that the airport can still be at risk from the 2585-acre underground new mining occurring beyond the border of the airport, such as, for example, by "subsidence," whether from depleting the groundwater which supports the airport or other lack of lateral or subjacent support. See, e.g., *Keystone* and my related objections to disputed EIR Master Responses, such as to #7 cited by this disputed EIR "Response," as well as my Objection 254 #'s 3.E, 4, 5, and 14. Indeed, as too often occurs, the DEIR/EIR incorrectly deal with the airport issues as if there were only about the Rise owned Brunswick and Centennial sites, rather than the whole 2585-acre underground mine which does appear to extend under the airport. See, eg, DEIR 4.7-19, 4.7-3 at 4.7-33, and 4.7-5at 4.7-49. Because the DEIR/EIR has not sufficiently studied the actual underground conditions applicable at the new or old mine, there can be no assurance of safety for the airport, which it is the EIR's burden to prove.

As I have repeatedly demonstrated, the disputed legal issue of Centennial as a separate project will be litigated, if necessary. See section I.B above. See my other objections herein thereto (eg, my rebuttal to EIR Master Response #4) and my DEIR Objection 254 #'s 3.N, 4, and 14.

As to other issues not even considered or attempted in this nonresponsive EIR "Response," the disputed DEIR incorrectly describes the "Project Area Conditions" as the mine "surrounded by undeveloped land, industrial, low density residential developments and commercial uses." Although I properly complained about the uninformative maps and data provided by the EIR/DEIR provide insufficient data to allow many of us local residents to locate our homes by comparison to the 2585-acre underground mine, we all know that we are either "above or around" that underground mine in what is either or both an impact zone and a stigma zone. Consider for example that thousands of us on Banner Mountain live on the surface above or around the underground mine, and we live in a normal mid-to high-end suburban community in a forest of huge trees that we fear the mine dewatering will kill (even if just by weakening the trees so the bugs kill them). See, eg, my objections to EIR Master Response 33 and my DEIR Objection 254 # 8 and 3.N. The depression in our property values will reduce our property taxes in amounts that far exceed any net revenue imagined from mine taxes, for instance. See Exhibit A. In any event, despite my such detailed objections (see Exhibit B and DEIR Objection 254 #'s 2 and 4) and the Rise admissions about us local surface owners' rights in the Rise SEC Form 10K filings [Id.](e.g., conceding that our "surface" rights go down at least 200 feet), our other surface owner legal right rights include lateral and subjacent support to prevent subsidence,

which includes the support of our groundwater (which is not a mineral they can mine, but water we own.) See Keystone and section I.F.

CCC. Objection To EIR Response (at 2-6022) To My Comment Ind. 254-76 (marked by the EIR starting at 2-5973) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "8. Land Use And Population And Housing DEIR at #4.9."

Once again, the disputed EIR improperly compresses my broader objections to my correct allegations that "the project is incompatible with the project site" and, again, improperly ignoring what I state and cross-reference or incorporate, the EIR claims my objections lack sufficient detail. Thus, this disputed EIR erroneously claims that "the requested land use approvals" for this disputed mine is "consistent with" the "general plan and zoning of the site," citing EIR Master Response 7, which I correctly disputed above. See also my cross-references ignored by the disputed EIR/DEIR at my DEIR Objection 254 #'s 2, 3.A, D, E, F, M, and N, 4, 5, 7, and 14, as well as my objections herein to the disputed EIR "Response" attempts incorrectly to counter the part of those cited objections it does not ignore or evade. For example, the DEIR/EIR incorrectly describes the "site" as "rural" (again focusing on the owned mine area at the Brunswick and Centennial sites and generally ignoring or mischaracterizing the 2585-acre underground mine above and around which thousands of us surface owners and users live in our forested suburban communities.) Considering all of my cited objections, the DEIR/EIR "Conclusion" at 4.9-24 is worse than wrong when it states: "Overall, the proposed project would not cause a significant environmental impact due to conflicts with land use plan, policy, or regulation … therefore, this impact is less than significant." Notice that, while the DEIR/EIR keeps insisting that we cannot object to any things that are not what the disputed, limiting DEIR/EIR considers an "environmental impact," the DEIR/EIR itself goes beyond those disputed borders in its own commentary, thereby forfeiting the right to object to our countering, rebutting, and impeaching (as I have done, challenging through the such "open doors" in the EIR/DEIR) everything wrong in the DEIR/EIR, regardless of its incorrect claims about CEQA boundaries. See, e.g., my objections above to the DEIR's "Non-CEQA Analysis" at 4.3-103-104, as well as sections I.C and D above and illustrations in E and F, as well as DEIR Objections 255 and 254.

In any case, there is no proper "good faith reasoned analysis" with "common sense" by the DEIR/EIR on this topic, and all my cited errors, omissions, and noncompliance in the DEIR/EIR should prevail undefeated by such disputed DEIR/EIR unsubstantiated and erroneous opinions, claimed CEQA boundary limits, and other evasions of what CEQA and applicable law require. Id. and sections I.F.5 and I.A.1.d(viii). As I cited in this part of DEIR Objection 254, I also cross-referenced my various other sections, especially for this issue #'s 2, 3.A and N, 4, 5, 7, and 14. Since I describe my impacted property and community in detail as a qualified witness, as well as a bankruptcy lawyer experienced with such bankrupt or abandoned mines with such objectionable impacts, it is legally impossible to dismiss my offers of proof as lacking sufficient details. See section I above, where I describe the applicable law and illustrate its application to rebut the errors, omissions, evasions, and noncompliance by the disputed EIR/DEIR.

As to other EIR/DEIR evaded issues about which they have not even attempted a responsive EIR "Response," consider as a common example the foregoing disputes about similar errors, omissions, and noncompliance in DEIR Chapter 4.9 (Land Use and Population and

Housing). The disputed DEIR incorrectly described the "Project Area Conditions" as the mine "surrounded by undeveloped land, industrial, low density residential developments and commercial uses." Although I properly complained in my four Objections about the uninformative maps and data provided by the EIR/DEIR with insufficient data to allow many of us local residents to locate our homes by comparison to the 2585-acre underground mine, we all know that we are either "above or around" that underground mine in what is either or both what I call a direct "impact zone" or an even broader "stigma zone." Consider, for example, that thousands of us on Banner Mountain live on the surface above or around the underground mine, and we live in a normal mid-to high-end suburban community in a forest of huge trees that we fear the mine dewatering will kill (even if just by weakening the trees so the bugs get them), leaving us with an even greater wildfire risk. See, e.g., sections I.E and F above, and my objections to EIR Master Response 33 and my DEIR Objection 254 # 7 and 3.N. The depression in our property values (Exhibit A and DEIR Objection 254 #4) will reduce our property taxes in amounts that far exceed any net revenue imagined from mine taxes, for instance. Id. In any event, despite my such detailed objections and the Rise admissions about us local surface owners' rights in the Rise SEC Form 10K filings discussed in Exhibit B (e.g., conceding that our "surface" rights go down at least 200 feet), our other surface owner legal right rights include lateral and subjacent support to prevent subsidence, which includes the support of our groundwater (which is not a mineral they can mine, but water we own.) See *Keystone*, *Varjabedian*, DEIR Objection 254 #2, and Exhibit B.

DDD. Objection To EIR Response (at 2-6022) To My Comment Ind. 254-77 and 78 (marked by the EIR starting at 2-5974) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "9. 'Noise And Vibration' DEIR at 4.10"

As discussed herein, I am combining my objections in DEIR Objection 254 #9 that the disputed EIR disaggregated/cut into two what the EIR labelled as "Responses To Comments Ind. 254-77 and 78," since my comments are integrated and together defeat that nonresponsive EIR "Response." Thus, the EIR cites its Master Responses 4 and 7 and EIR Response To Comment Grp 21-44, to which I (and the Comment Grp 21-44 objector) have correctly objected on the merits. The Centennial work is NOT a legally separate project as I prove in my objections thereto (see section I.B above), and, if the EIR is mistakenly approved, the courts will resolve that dispute de novo as a matter of law (or at least as a mixed question or law and fact). Likewise, there is a dispute as to the noise and vibration from blasting that remains outstanding. See section I.E.6 above and DEIR Objection 254 #9. My incorporated objections from other parties apply here, as do their objections to the EIR evasions here in this EIR "Response." See my Table of Incorporated by Reference Objections and Exhibit D.

In any case, despite the disputed EIR's cites to DEIR Appendix L and M, there is no relevant and proper "good faith reasoned analysis" with "common sense" by the DEIR/EIR on this topic, and all my cited errors, omissions, and noncompliance in the DEIR/EIR should prevail undefeated by such disputed DEIR/EIR's unsubstantiated and erroneous opinions, which are too vague to comply with CEQA and other applicable law. See sections I.C, D, E.6, and F. As I cited in this part of DEIR Objection 254 at issue here, I also cross-referenced and incorporated my various other sections (e.g., Id.), especially for this issue #'s 1, 2, 3.N, 4, 9, and 14, and other relevant objections. Recall that this is important to those of us living above and around the 2585-acre underground mine, generally disregarded by the DEIR/EIR in favor of their focus on the

Brunswick and Centennial owned sites. **We surface owners need to know what is accurate and credible to say to explain this to any buyer or mortgage lender when we owners warn them: "Oh, by the way, this mine will be blasting, tunneling, dewatering, and mining underneath your house 24/7/365 for 80 years." Also, there was no response to my objection that they omitted the "reception' testers we consider essential under our such surface properties above the 2585-acre underground mine, except for those under the hospital and downtown, since the EIR apparently does not want us to be able to judge this likely threat to our homes above and around the 2585-acre underground mine that is not sufficiently eliminated by ground cover as alleged.** See, besides those herein, disputed DEIR 4.10-52 to 59 (including Figures 4.10 -2 and -3) versus my and others' objections (e.g., in DEIR Objection 254 #'s 3.A to M and 4 to 10, my legal issues at 3.N, 4, and 14, and my hard questions at 15, as well as applying some of the DEIR's own admitted Appendix L and M principles against them.)

EEE. Objection To EIR Response (at 2-6022) To My Comment Ind. 254-79 (marked by the EIR starting at 2-5976) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "10. Some Air Quality Errors And Omissions to Consider From DEIR 4.3 And Elsewhere."

There is no proper "good faith reasoned analysis" with "common sense" by the DEIR/EIR on this topic, and all my cited errors, omissions, and noncompliance in the DEIR/EIR should prevail undefeated by such disputed DEIR/EIR's unsubstantiated and erroneous opinions. As discussed in similar situations cited herein, the EIR/DEIR incorrectly cites again to CEQA Guideline # 15384 to attempt to evade my objections as too speculative etc., but again that ignores the fact that my objections are less speculative and objectionable than such speculations and unsubstantiated opinions of the disputed EIR/DEIR. See sections I.C and D, I.E.1, I.F.5, 5, and 9, as well as DEIR Objection 254 # 3.J. and 10. See also my cited witness case studies for my experience in the San Francisco Bay Area, where, for example, Chevron air pollution in Richmond and other refinery air pollution in Benicia and Martinez resulted in bans on residents burning wood or leaves, etc. or using their home fire places, exposing the DEIR/EIR claim of speculation to be bogus. As above I have explained why in this zero-sum pollution tolerance regulation of air pollution, the more pollution is allowed to the mine (eg, for toxic dust control discussed in the NSAQMD Agency Letters 12 and 11), the less that remains to be tolerated from us residents, such as for our wood stoves and burning leaves and other fire hazard debris. As I cited in this part of DEIR Objection 254, I cross-referenced my various other relevant sections, especially for this issue #'s 2, 3.E and N, 4, 10, and 14. Since I describe my impacted property and community in detail as a qualified witness, my comments cannot be disregarded as the EIR has done. See section I.C and D.

These air pollution problems compound other objections such as my hexavalent chromium objections both using the air pollution admissions by the EIR at Appendix R and other Responses (e.g., Response to Comment Ind. 254 -1 et seq) and regarding water waste to suppress toxic dust (DEIR 4.3-49/see NSAQMD Agency Letters 12 and 11), including an admitted 11 million gallons twice a day to reduce 55% of the at risk particulate matter (thereby confirming the almost doubling the size of the threat when climate change dryness or other reasons stop such watering. Id. The consequences of the failure or suspension of the dust control program are also not satisfactorily addressed in the DEIREIR. See NSAQMD Agency Letters 12 and 11.

FFF. Objection To EIR Response (at 2-6023) To My Comment Ind. 254-80 (marked by the EIR starting at 2-5977) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "11. 'Wildfire" DEIR at 4.13."

There is no proper "good faith reasoned analysis" with "common sense" by the disputed DEIR/EIR on this topic, and all my cited errors, omissions, and noncompliance in the DEIR/EIR should prevail undefeated by such disputed DEIR/EIR's unsubstantiated and erroneous opinions. As discussed in similar situations above, the disputed EIR/DEIR improperly ignores my cross-references and incorporations and incorrectly again attempts to evade my objections as lacking an adequate explanation, as too speculative, etc. However, again, the disputed EIR also ignores the fact that my objections are less speculative, noncompliant, and objectionable than such deficient analysis, speculations, and unsubstantiated opinions of the disputed EIR/DEIR. See, e.g., my cited DEIR Objection 254 #'s 3.A, B, D, E, F, J, K, and M, 5, 8, 10, and 11, as well as the other objections in section I or incorporated from my Table of Incorporations by Reference Objections and Exhibit D. The EIR cites to its disputed Master Response 33, and I refer to my objection thereto and elsewhere herein.

My objections make a sufficient case, not effectively countered by the disputed EIR/DEIR, about how the EIR/DEIR mining increases the fire and fire smoke risks and problems that the thousands of us living above and around the 2585-acre underground mine confront in our drying and pest threatened forests in our subdivisions.

The same is true for the huge EIR/DEIR underestimation of mine generators that the EIR/DEIR claims must keep electricity on 24/7/365 for 80 years whenever power service ceases for any reason, including the PSPS blackouts added to the increasing bad weather and old equipment failures, which are an indisputably much bigger problem than the DEIR/EIR acknowledges. As explained above in my objections to disputed EIR Master Response 6, I have offered to prove from the public records to which I have cited and incorporated from my experiences in the PG&E bankruptcy cases, including as I briefed on that public docket in my proof of claim dispute in that recent Chapter 11 case (and the record in the related CPUC proceedings and PG&E probation case before Judge Alsup), PG&E's chronic service problems clearly will disrupt the mine more often than history would suggest, especially for the next decade. That is both as a result of climate change, increasingly bad weather threats, illegal vegetation growing in dangerous proximity to uninsulated PG&E gear and more than 10,000 miles of wires, "run it until it breaks" PG&E use of dangerous gear, and other causes of greater blackouts than in the past. What is speculative and false is the EIR/DEIR theory that the past predicts the future, because, like climate change and the continuing PG&E system problems, the future is more PSPS and blackouts than are forecast in the DEIR/EIR erroneous modeling. See also my objection disputing the EIR Response to Comment Ind. 254-42.

GGG. Objection To EIR Response (at 2-6023) To My Comment Ind. 254-81 (marked by the EIR starting at 2-5978) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "12. Errors And Omissions As to the 'Statutorily Required Sections' At DEIR #5 and "A. Introduction."

This part of my DEIR Objection 254 #11 is noted without comment as what the EIR dismisses as a "transitional paragraph." However, my such introduction explained the different approach I was taking as to these CEQA Guideline 15126.2 mandatory subjects, since I am

responding to them in the order presented in the DEIR and my objections overlap with my other objections herein, making it essential for the disputed EIR/DEIR to break its habit of improperly ignoring all my cross-references and incorporations, so that the EIR/DEIR can complain (incorrectly) that I did not provide a sufficient explanation.

HHH. Objection To EIR Response (at 2-6023) To My Comment Ind. 254-82 (marked by the EIR starting at 2-5978) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "12. Errors And Omissions As to the 'Statutorily Required Sections' At DEIR #5 and "B. Growth Inducing Impacts" DEIR # 5.2.

The disputed EIR reports part of my objections as to both (i) how the mine will deplete opportunities for more desirable businesses and residents to use the tolerable margin for pollution, and (ii) how that mine will serve as a magnet for more undesirable polluting businesses, as I offered to prove happened when Chevron was allowed to operate as it does in Richmond and other refineries were allowed to operate as they do in Benicia and Martinez. Again, as it does repeatedly elsewhere in the EIR/DEIR, the disputed EIR incorrectly evades the required response not only by misinterpreting CEQA (a legal dispute for the courts), but also by ignoring my right to counter, rebut, and impeach the many errors, omissions, and other untruths in the EIR/DEIR (eg, their disputed "alternative reality") with my "inconvenient" (to the EIR) truths it seeks to evade. See, e.g., section I.C and D explaining the correct interpretations of CEQA and the Guidelines, and I.E and F applying those corrected principles to defeat the noncompliant EIR/DEIR claims, omissions, and evasions. Again, the EIR cites to its disputed Master Response 2, and I counter to that with my objections herein to that disputed opinion and with other objections herein (e.g., I cited DEIR Objection 254 #'s 3.N and 8.)

III. Objection To EIR Response (at 2-6023) To My Comment Ind. 254-83 (marked by the EIR starting at 2-5978) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "12. Errors And Omissions As to the 'Statutorily Required Sections' At DEIR #5 and "C. 'Cumulative Impacts' DEIR at #5.3."

The disputed EIR fails to provide any "good faith reasoned analysis" with "common sense" for the CEQA required "cumulative impacts," especially regarding the impacts on us living above and around the 2585-acre underground mine, as to which the EIR/DEIR are deficient, especially by comparison to all the much greater attention the EIR/DEIR lavishes on the less controversial (but still disputed) Brunswick/Centennial sites and 30 East Bennett Road. As to the CEQA requirement (which the EIR/DEIR admits applies) to "define the relevant geographic area of inquiry," the DEIR/EIR fails compliance in many ways besides those exposed in this Objection, such as I explained in my DEIR Objection 254 #'s 3.A, B, E, and N, 4, 8, and 14, such as especially failing to match our such surface owner landmarks or addresses or road locations/landmarks compared to that underground mine. Also see my valid DEIR Objection 254 (e.g., #'s 2, 3.N, 4, 8, and 14) disputes with the "Project List" at DEIR 5-4-8 and Tables 5-1 and 5-2 versus my impact zone and stigma zone concerns. The disputed EIR Responses do not overcome those objections, nor does the disputed EIR Master Response 7 cited on this topic. The EIR/DEIR keep missing and evading my meritorious concerns. The same is true as to my superior air quality objections and disputes with EIR Master Response 2, such as discussed

above regarding the competition for polluting competitions between beneficial uses (residents vegetation burning and fireplaces and desirable business operation) versus no net benefit exploitive businesses like this mine that will crowd out those better land uses.

Note that the DEIR admits at 5-3 that the "incremental" mining impositions can create "cumulatively considerable, and, thus, significant [impacts] when viewed together with environmental changes anticipated from past, present, and probable future projects." This admission supports my objections as to how the mine will deplete opportunities for more desirable businesses and residents to use the tolerable margin for pollution and how it will serve as a magnet for more undesirable polluting businesses, as I offered to prove happened when Chevron was allowed to operate in Richmond and other refineries were then allowed to operate in Benicia and Martinez. See section 3J and 10 above and DEIR Objection 254 #'s 3.N, 4, and 8. Again, as they repeatedly do elsewhere in the EIR/DEIR, the disputed EIR incorrectly evades the required response not only by misinterpreting CEQA (a legal dispute for the courts—see sections I.C and D as to the correct view of the rules and sections I.E and F illustrating their proper applications), but also by ignoring my right to counter, rebut, and impeach the many errors, omissions, evasions, and other noncompliance in the EIR/DEIR (e.g., their disputed "alternative reality") with my "inconvenient" (to the EIR) truths it seeks to evade. Again, the EIR cites to its disputed Master Response 2, and I counter to that with my objections herein to that disputed opinion and with other objections herein (e.g., I earlier cited, for example, DEIR Objection 254 #'s 3.N and 8.) Stated another way, when (as here) the DEIR/EIR asserts dubious and unsubstantiated opinions and speculations, I must be able to prevail (as I will, if necessary, in court) with my better and more probable counters, impeaching and rebutting that EIR "alternative reality" with truths and common sense.

JJJ. Objection To EIR Response (at 2-6023) To My Comment Ind. 254-84 (marked by the EIR starting at 2-5980) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "12. Errors And Omissions As to the 'Statutorily Required Sections' At DEIR #5 and "D. 'Energy Conservation' at 5.4."

My objection states: "The DEIR comments basically incorporate other DEIR sections, and I, therefore, do the same where I have disputed and objected to those other referenced DEIR commentaries." The EIR Response cannot deny me the same right to incorporate by such reference my objections to what that Response incorporates. Here, even more than in all the other places in the disputed EIR where it incorrectly rejects my alleged failure to "specifically address the adequacy of the DEIR," the fault is on the EIR/DEIR not on me, since this is not a "good faith reasoned analysis" with common sense required of the EIR (not of me or other objectors) by CEQA and other applicable law. See sections I.C and D above as to the correct view of the rules, and sections I.E and F illustrating their proper applications.

As discussed in my climate discussion in section I.A.1.a(vii), this project has a significant adverse impact on energy use and GHG, and by itself obstructs the County's goals and plans. See, e.g., *Richmond v. Chevron* and other cases addressed in I.C and D, such as *League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75.Cal. App. 5th 63 ("**Save Lake Tahoe**") (finding the eir's greenhouse gas **[GHG]** mitigation measure was inadequate because it **deferred** determination to an unknown future time, requiring the applicant to mitigate impacts IF the project conflicted with relevant future emissions targets adopted by the

state, relying on performance standards that do not yet exist and may never exist so that any determination of the impact's significance is deferred to an unknown time and where neither the county nor the applicant were committed to mitigating any such impact. Also, the eir **failed properly to consider whether renewables could be incorporated into the Project in the energy impact discussions,** as noted below.) According to Save Lake Tahoe, to be compliant the CEQA analysis of energy impacts requires both whether renewables can be incorporated into the project, and (if significant impacts) whether renewables would reduce the impact. Also, for significant impacts, the EIR must consider all feasible mitigation measures. The EIR fails these tests, among other things, by such deferrals, by such lack of analysis and denials of such climate change matters, and by ignoring the renewables issues.

As to confirming the "significance" of these energy issues that Grass Valley calculated in its Agency Letter 8-18: "The [IMM] Project's annual energy use would represent an increase of approximately 15 percent in County-wide electric usage for a single industrial use." As Grass Valley said (at Id.): "This energy use should be recognized as a significant impact of the proposed project and mitigation should be incorporated to reduce this impact." That by itself not only defeats the Nevada County Energy Action Plan (EAP), but it depresses any willingness of mine opponents to sacrifice in their own energy usage, because our sacrifices would benefit this objectionable mine instead of our environment. Indeed, as I explain in detail with my rebuttal of the EIR/DEIR on its unrealistic and grossly understated generator use to cover PG&E PSPS, system failures, weather events, and other causes of blackouts increasing with progressive climate change impacts, the EIR's projected energy use in incorrectly analyzed. See, e.g., my objections in section II to EIR Master Responses 16, 25, and 26-28 and my objections in section III to EIR Response to Ind. 254-84.

KKK. Objection To EIR Response (at 2-6023) To My Comment Ind. 254-85 (marked by the EIR starting at 2-5980) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "12. Errors And Omissions As to the 'Statutorily Required Sections' At DEIR #5 and "E. 'Significant Irreversible Environmental Changes' at #5.5."

Of all the many disputed EIR/DEIR refusals to comply with the CEQA requirement to provide a "good faith reasoned analysis" with "common sense" (*e.g., Gray, Banning, Vineyards, and Costa Mesa)* among the most offensive are the "bait and switch" and "hide the ball" tactics the EIR wrongfully deploys when it tries (and fails) to dispute my proof (and offers of proof) that the EIR/DEIR dewatering of the mine activities will have significant, irreversible environmental impacts and changes, because the disputed EIR incorrectly claims (at DEIR p. 5-8): "while the mine would be dewatered, the groundwater would be treated on-site and pumped back into the South Fork of Wolf Creek. Thus, the dewatering does not constitute a 'large commitment of non-renewable sources.'" FIRST, the groundwater owned by us surface owners above and around the 2585-acre underground mine will be drained from our area, subjected to what we dispute as adequately described and sufficient treatment (especially as to the hexavalent chromium added in cement paste to the mine shoring, protested by me above, such as in section I.F.1, Exhibit C, and DEIR Objection 254), and then flushed away from us elsewhere down the Wolf Creek. Among other such objectionable environmental impacts that deprives us

surface owners of our owned groundwater subject to our rights of lateral and subjacent support from that groundwater to prevent subsidence, for the benefit of others in some distant places. See *Keystone.* Adding more water elsewhere and depleting the groundwater needed for wells and our forest above and around the underground mine is of no benefit to us surface owners, and that creates for us such surface owners trespass, inverse condemnation, nuisance, and other claims as described in my DEIR Objection 254 # 3.N, 4, 8, and 14, such as described in *Varjabedian v. Madera* (1977), 20 Cal,3d 285, citing *Richards v, Washington Terminal Co*, 233 U.S. 546 (1914), and concluding (at 298): "If a plaintiff can establish that his property has suffered a 'direct and peculiar and substantial burden as a result of recurring odors produced by a sewage facility – that he has, as in *Richards,* been singled out to suffer the detrimental environmental effects of the enterprise – then the policy favoring the distribution of the resulting loss of market value is strong – and the likelihood that compensation will impede public construction is slight – and a burden unfairly and unconstitutionally impose on the individual landowner."

In this case us surface owners have an even stronger case than the victims in *Varjabedian,* because this mine is not a public benefit project and because the groundwater belongs to us that is being gifted to others down the Wolf Creek to our prejudice for the benefit of a private foreign miner's shareholders. See, eg, *Keystone Bituminous Coal Ass'n v. DeBeneditis,* 480 U.S. 470 (1987) (upholding the constitutionality of laws limiting the amount of underground coal that could be mined to assure sufficient lateral and subjacent support for the surface owner to avoid "subsidence," including by preserving groundwater as part of that surface support. SECOND, the depletion of our such groundwater creates many cited adverse environmental impacts on our surface areas above and around the 2585-acre underground mine, none of which have been subjected to the required "good faith reasoned analysis" with "common sense" (see Gray, *Banning, Vineyard, and Costa Mesa*). Also, the disputed EIR's proposed mitigation, including replacement water for the undercounted EXISTING wells, but ignoring us surface owners' FUTURE wells for our own groundwater being depleted), is illusory both as to not being either sufficient or economically feasible. See *Gray,* rejecting a similar mine mitigation proposal to replace groundwater. See, e.g., DEIR Objections 254 and 255 and objections herein (including Exhibits A and B). THIRD, the alleged EIR/DEIR recharge and balancing claims to restore our groundwater are wrong and illusory, including by denying climate change effects and erroneously claiming that the "current" average rainfall from 1967 to 2017, sets a "current" baseline (even though it ignores the more current drought years after 2017) and incorrectly claims that such past predicts the future, despite such climate change and 24/7/365 dewatering and mining for 80 years. See DEIR Objections 254 and my objections herein to all corresponding disputed EIR "Responses" thereto, including to EIR Master Responses 14, 15, 16, and 33.

The disputed EIR claims that I failed to describe why the DEIR is inadequate has been refuted in many of my objections herein. See my objections to that disputed EIR's consistent evasion that is frankly absurd, since I provide more data than required for such objections, especially given the nature of the errors, omissions, and noncompliance in the EIR/DEIR that themselves are insufficient, speculative, and unsubstantiated. For example, my objections here cross-reference my DEIR Objection 254 #'s 3.A, B, C, D, E, F, G, H, L, M, and N, 4, 5, 7, and 14, all of which explain the impacts and risks and rebut the bogus claims that more specifics are required from me than from them. Also note that, while most

negative impacts are a matter of releasing or activating existing potential problems at the sites, the addition of toxic hexavalent chromium into the mine cement paste shoring (and into the air in mixing preparation, as the asbestos of concern to the NSAQMD in its Agency Letters 12 (at 12) and 11) is a voluntary, new environmental impact of a carcinogen, risking groundwater below and around the 2585-acre underground mine and wherever the Wolf Creek flows with that toxin in it from dewatering. See, e.g., Exhibit C, sections I.D, E, and F, and DEIR Objection 254 #' 3. A, C, D, E, F, G, H, and N, 4, 7, and 14.

In that context and about CEQA Guideline 15126(c), consider what my Objection on this topic analyzed as admissions in the DEIR that support my concerns and expose why the other DEIR/EIR evasions are not only inappropriate, noncompliant, or worse, but how they also impair any credibility for the disputed DEIR/EIR claims to the contrary, such as the DEIR admitting at 5-8 that it would cause certain "irreversible environmental changes:" MORE IMPORTANTLY, DESPITE THE CONSTANT EVASIONS BY THE DISPUTED EIR/DEIR CLAIMING THAT MY OBJECTIONS CAN BE IGNORED AS TOO SPECULATIVE OR UNSUBSTANTIATED, MY OBJECTION AT ISSUE HERE QUOTES DEIR ADMITTING AT 5-6 THAT THIS "PROJECT INVOLVES USES IN WHICH IRREVERSIBLE DAMAGE COULD RESULT FROM ANY POTENTIAL ENVIRONMENTAL ACCIDENTS ASSOCIATED WITH THE PROJECT." (Emphasis added.) Compare also the DIER/EIR errors, omissions, and noncompliance to DEIR at 5-6 admitting that this "project would involve a large commitment of nonrenewable resources," which I contend should include our groundwater under and around the 2485-acre mine owned by us surface owners and users. Keystone and section I.F.8 and 9.

As cited above in my such DEIR Objection 254 relating thereto, the recharge and balancing claims are worse than wrong. Not only do the DEIR/EIR falsely assume that their average rainfall between 1967 and 2017 is "current" for its CEQA baseline (although they wrongly ignore both the dry years after 2017 in that average and climate change as the "new normal"), but the DEIR/EIR incorrectly also assumes that such past predicts the future for 80 years (even though they offer no sufficient substantiation beyond the inapplicable surface water NID data ending 2040 and present only incorrect/inapplicable data before that). Also, the disputed DEIR at 5-6 admits that "the project would generally commit the future generations to similar uses," which supports my repeated arguments about how the no net benefit mine crowds out more desirable residential and business uses and depresses the value of existing surface properties of objectors, as well as discouraging new construction and repair above and around the mine. See also the discussion of wasteful electrical uses at Id.

LLL. Objection To EIR Response (at 2-6024) To My Comment Ind. 254-86 (marked by the EIR starting at 2-5982) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "12. Errors And Omissions As to the 'Statutorily Required Sections' At DEIR #5 and "F. 'Significant And Unavoidable Impacts' at 5.6."

Again, the disputed EIR improperly evades my objections by claiming that my objections are not sufficiently detailed, specific, or explained to require a response, which requires the EIR ignoring both my cross-references and incorporations as well as much of what I said (and the deficiencies in what the DEIR/EIR said to which I am countering and disputing). See, e.g., my

cited DEIR Objection 254 #'s 2, 3, 4, 5, 8, and 14.The disputed DEIR 5.6 is not compliant with CEQA and other applicable law, and I explain why in that context. See sections I.C and D as to the correct view of the rules, and sections I.E and F illustrating their proper applications. Because the disputed DEIR/EIR fails to provide the required "good faith reasoned analysis" with "common sense," the counters and other objections I have stated must be deemed sufficient. In this nonresponsive EIR "Response" (and my objections to disputed EIR Master Response 33 above) the EIR only references what it calls my objections to dewatering drying out the vegetation as a visual impact, when fire and fire smoke hazards and property value issues (eg, the cost of removing mine impacted dead trees and the other consequences of EIR mining on our surface properties above and around the 2585-acre underground mine) loom as more serious impact threats. (The visual impact, however, is substantial unless one considers the sad sight of living in a dead forest somehow tolerable for an area that Sunset Magazine once [2015?] named one of the 10 best places to retire in California [before climate change, PG&E risks, and other fire risks changed that analysis.]) Similarly, the disputed EIR incorrectly claims I did not explain why traffic would be worse, but (besides incorporating others' objections) I detailed, for example, the crushing impact of the 50 to 100 heavy trucks a day coming and going to the mine on roads not made for that kind of abuse would result in constant road repair that would turn two lane roads into one lane roads during such constant repairs, clearly a worsening situation. I also cited Gray, which rejected a mining eir for such reasons. My noise issues are also underappreciated, because they ignore my cross-reference to others' objections on that topic, as explained above.

As to what else the EIR ignores or evades from my such objections, I (with my cross-references and incorporations) sufficiently explain why the DEIR list is understated and unsatisfactory, with many omissions, especially regarding disputed mitigation claims. That is partly the result of the extraordinary 24/7/365 environmental impacts and abuses for 80 years, and such horrors also follow from the fact that, as admitted in Rises SEC filings (see Exhibit B and DEIR Objection 254 #2), the miner lacks sufficient financial to afford the safety actions and mitigations on which the EIR claims to rely, therefore making them illusory, a rebuttal and impeachment issue that cannot be disregarded by that disputed DEIR/EIR. See DEIR Objection 255 and above. See section I.C and D.

Moreover, the EIR also refuses the safe and affordable mitigations, such as "just saying no" to hexavalent chromium being added to the EIR mine shoring cement, to reduce the dangers from that carcinogen addressed in many parts of my DEIR Objection 254 #'s 3. A, C, D, E, F, G, H, J, M, and N, 4, 7, and 14 and throughout these objections to the disputed EIR. I have also demonstrated above the EIR's misleading attempt to assert that incorrect, deficient, and unsubstantiated opinions the EIR added as significant new information requiring recirculation in accordance with section I.A.1.c (e.g., EIR's Response to Comments Ind 254-1 and Appendices Q, O, and R disputed herein), incorrectly claiming such comments were already in the DEIR (which almost entirely ignored the hexavalent chromium threats) and that the EIR merely clarified or amplified them. See section I.F.1 and I.E. Likewise, although the noncompliant EIR ignores my such comments here, providing no "good faith reasoned analysis" with "common sense" on this subject, my objections note that many adverse environmental impacts could be mitigated by reducing the 24/7/365 mining for 80 years to a more customary, appropriate, and tolerable pace and duration consistent with what hour and duration limits are imposed on normal (and much more beneficial businesses). See Grass Valley Agency Letter 8 making such

proposals. However, the EIR/DEIR stated reason for such extreme hours and duration is revealed at 6-14, which asserts that anything less than 24/7/365 for 80 years would make the project economically infeasible. That is reason enough to deny approval of the EIR, since any business that vulnerable has a low chance of surviving that long, especially considering Rise's lack of financial resources admitted in Exhibit B. See also DEIR Objection 254 #2 and Exhibit A hereto. There is no right to make us local victims to suffer for such extraordinary hours and years to satisfy this foreign miner's shareholder/speculators' profit expectations, especially when there is no compliant EIR remediation or mitigation plans for what happens when, for any reason, the mining stops prematurely. See section I.C and D as well as I.F.1-6 and 8 and 9, plus I.E.

MMM. Objection To EIR Response (at 2-6024) To My Comment Ind. 254-87, 88, and 89 (marked by the EIR starting at 2-5983) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "13. 'Alternative Analysis' DEIR at # 6"

I refer any reader to my DEIR Objection 255, to Exhibit B here, and DEIR Objection 254 #2 (each dealing, among other feasibility issues, with the Rise SEC filings (and DEIR 6-14) admissions proving that Rise lacks the financial resources to reliably afford to accomplish the safety, mitigations, remediations, and other operations to be accomplished in the therefore illusory EIR/DEIR, not to mention the working capital to accomplish its own project goals. The disputed EIR here incorrectly refuses to respond compliantly to, or even allow discussion of, those admissions and issues to preserve its disputed illusions in the incorrect "alternative reality" that it has crafted in the DEIR/EIR. However, notice that the disputed EIR/DEIR inconsistently purport to rule out superior, less controversial, and more feasible alternatives to the mine for economic feasibility reasons. In effect, the EIR is claiming that it can veto others' alternatives on that economic feasibility basis, but no one can veto this EIR/DEIR mine on that same basis, despite Rise's such admitted lack of financial resources to accomplish what it states needs to be accomplished. See Exhibits B and A, and my many discussions of this dispute throughout this and my other Objections, particularly DEIR and EIR Objections 255.

In short, the disputed EIR/DEIR fails, misinterprets, and defies the "rule of reason" it cites to CEQA Guideline 15126.6. See my analysis of the CEQA/Guideline rules in sections I.C and D that I illustrate with applications in sections I.E and F. (Since my clarity far exceeds the noncompliant DEIR/EIR claims, assuming that one reads the whole objection and its cross-references and incorporations, I reject again the disputed EIR continuing evasions on the lack satisfaction with my clarity or specifics. For the record, again, the commercial business/warehouse alternative is obviously superior to this and any other mining alternative. Please read the many page analysis of my detailed concerns specifically challenging the disputed EIR/DEIR refusals to engage "in good faith" with my many pages of "reasoned analysis" and "common sense" here, as well as what I incorporated by reference, such as my DEIR Objection 254 #1, 2, 3, 4, 5, 7, 8, 13, 14, and 15, as well as my DEIR and EIR Objections 255 and Exhibits A, B, C, and D hereto.

This admittedly economically fragile EIR mining (Id.) would trigger continuous legal and political conflicts with the thousands of local objectors who correctly regard this mining is incompatible with the best interests of our suburban community and our local property rights and values at risk and worse from this EIR mine for all the reasons stated

in my and hundreds of other objections. That lack of Rise resources and working capital means that the mine will likely stop prematurely for some cause predicted by objections (creating more environmental impacts, since the noncompliant EIR refuses to discuss that situation as "speculation" or otherwise with no tolerable excuse). Among other things that could cause that cessation of operations (e.g., the success of objections in court, law reform, or political remedies, lack of funding, higher mine related costs, finding less gold, regulatory impositions and costs, road and other governmental reimbursements, expensive mine mistakes, accidents, and other predicted problems for which the EIR made no contingency plans, etc.), the DEIR at 6-14 admits that the mine is not economically viable if it cannot operate 24/7/365 for 80 years in accordance with the disputed EIR/DEIR plans. Like Grass Valley at Agency Letter 8, many of us objectors contemplate law reforms, legal objections, and more community conscious officials than anyone approving the mine, each of which would be contrary to the EIR's such "wish list." While the EIR/DEIR considers that speculation, it is less speculative than what Rise admits in its SEC filings are its whole speculative mining ambitions. See Exhibit B and Objection 254 at # 2 and DEIR and EIR Objections 255.

As discussed herein, I am combining my objections to EIR Responses to these Comments Ind. 254 87 to 89 (e.g., to my DEIR Objection 254 #13 that the disputed EIR disaggregated/cut into thirds that it labelled as "Responses To Comments Ind. 254-87, 88, and 89," since my comments are integrated and together defeat those nonresponsive EIR "Responses." Thus, the EIR cites its Master Responses 1 and 7, Response To Comment Ind. 388-6, and EIR Response To Comment Grp 7-82, to which I (and the Comment Grp 7-82 and Ind. 388-6 objectors) have objected on the merits, both initially to the DEIR and (at least in my case) now to this EIR. My incorporated objections from other parties apply here, as do their objections to the EIR evasions here in this disputed EIR Response. See my Table of Incorporated by Reference Objections.

There is no rational mining alternative, but continuing to preserve the status quo since 1956, while limiting the property to safe and appropriate non-mining commercial surface uses. Besides proving that Rise cannot afford to accomplish its disputed and largely illusory EIR project goals, much less what the applicable law will ultimately require for safety, CEQA compliance, and mitigations/remediations, the Rise SEC filing admissions also prove that the shareholders are speculators warned of the many high risks of their investments in the mine. Eg, Exhibit B hereto, DEIR Objection 255, and Objection 254 #'s 2, 3.E and N, 4, 14 and 15. That means, even as a matter of fairness, if not applicable law, it is more important to protect us local residents living above and around the 2585-acre underground mine and who have relied on the closed and flooded mine since 1956 staying inactive, contrasted with those EIR speculators knowingly gambling on the County mistakenly betraying the best interests of their local at-risk voting residents and other resisters.

Among the most absurd on its face DEIR/EIR claims (among many in the EIR/DEIR's disputed "alternative reality") is the disputed DEIR/EIR's incorrect and worse conclusion (at 6-13) to dismiss all less controversial industrial or commercial surface uses, because in their unsubstantiated and incorrect opinion those industrial or commercial surface uses would be "MORE INTENSE" than 24/7/365 EIR blasting, tunneling, mining, dewatering, and otherwise disputing with us surface owners above and around the 2585-acre underground mine who are trying to preserve, among other things, our property values, groundwater, air quality, forests, and rights, way of life, and environment against the real threats to which we have objected and will continue to object. Thus, at the end of

the disputed DEIR discussion (at 6-42) the DEIR correctly concludes (and EIR admits) that: "Based on the preceding alternatives analysis, the Project (No Build) Alternative would be the environmentally superior alternative." But the DEIR/EIR then insists that frees them to choose the next best "environmentally superior alternative," which the disputed DEIR/EIR absurdly claims to be their disputed EIR mining plan, because the commercial/industrial surface alternatives are "TOO INTENSE" (DEIR at 6-13, emphasis added). (The idea of dropping the Centennial alternative plan won't work, because under applicable law as my objections prove (see section I.B), the Centennial plan is not a separate project.)

As my Objection 254 #13 also demonstrates (see EIR at 2-5985-88), the DEIR methodology for "Selection of Alternatives" (6-8 et seq) fails by its own tests when CEQA Guidelines 16126 are honestly applied. See section I.C and D above and DEIR Objection 255. In any case, despite the disputed EIR's speculation and debates, there is no relevant and proper "good faith reasoned analysis" with "common sense" by the DEIR/EIR on this topic (see, e.g., *Gray, Banning, Vineyards, and Costa Mesa*). Therefore, all my cited errors, omissions, and noncompliance in the DEIR/EIR should prevail and remain undefeated by such disputed DEIR/EIR's unsubstantiated and erroneous opinions, speculations, and false assumptions, which are too vague, deficient, and unsubstantiated to comply with CEQA and other applicable law.

Recall that this topic is important to those thousands of us living above and around the 2585-acre underground mine, generally disregarded by the DEIR/EIR in favor of their focus on the Brunswick and Centennial owned sites, because us surface owners need to know what is accurate and credible to say to explain this controversy to any buyer or mortgage lender. What can we surface owners say, for example, to a buyer or mortgage lender? One simple speech might be: "There is a complex and fierce dispute about this the merits and demerits of the EIR and this previously closed and flooded mine since 1956. According to the miner and any relevant minority of voting supporters of the EIR claim there are no problems of concern after the EIR's proposed mitigation to the local community, as alleged in the many thousands of pages of disputed DEIR/EIR data. The great majority of the local community, among others, has and continuously objected (often formally) to the mine, the disputed the DEIR/EIR, and its proponents' disputed claims, including by objectors' citing Rise's many admissions in its SEC filings about Rise's lack of resources and working capital to accomplish its EIR project objectives, projected results, or any of its aspirational mitigations or remediations. See Exhibit B and my Objection 254 #2. If approved, the EIR can be expected to trigger both continuous objector legal challenges and political and law reform efforts to address the concerns in the many objections of us locals who fear soon becoming, as we predicted, victims of not just environmental impacts, but also of health and welfare impacts (see, e.g., Exhibit C regarding the hexavalent chromium menace and danger of our community becoming (or perceived as) another Hinkley, California, of the *Erin Brockovich* movie tragedy, and many other predicted problems causing a depression of relevant home values and our local economics generally. See, e.g., besides the foregoing objections herein, Exhibit A and Objection 254 # 2, 3.N, 4, 14, and 15.

These disputes can be expected to continue until the mining stops, because (i) those competing goals of the two sides are irreconcilable (i.e., profit for the Canadian miner's shareholders versus preservation of our local environment, way of life, health, welfare, and property values), and (ii) us local victims know from science, law, and common sense that the truths concerning us objectors will become confirmed as reality as such harms occur over time as

we predicted and cease to be anything the EIR supporters can ignore or call "speculative." As to such commonsense harms, imagine you are one of the thousands of us local sellers of a home on the surface above or around the 2585-acre underground mine. What do you expect the reaction to be when the seller says, 'Oh, by the way, this mine will be blasting underneath your house 24/7/365 for 80 years, constantly depleting groundwater by dewatering for the mine to flush it away down the Wolf Creek, and they'll be shoring up the mine beneath you with toxic hexavalent chromium cement paste. But our community is resolved to enforce our legal, law reform, and political remedies to stop the EIR mine project." What do we say when they ask, what happens when the mining stops? There is no sufficient answer to that question in the EIR/DEIR." However, the EIR proponents try to spin their alternative reality, normal buyers and lenders have no interest in assuming that kind of risk and even less reason than those of us potential local victims.

NNN. Objection To EIR Response (at 2-6025) To My Comment Ind. 254-90 (marked by the EIR starting at 2-5989) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "14. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "14.A. Some Reasons For the County As Lead CEQA Agency To Reconsider And Accept My Objections As Consistent With CEQA, Even As To The DEIR's Economic Infeasibility, And A Preview of Some Rebuttals To The CEQA Interpretations To Come In a Supplemental Objection" [Which Came As What the EIR Calls Objection 255].

The DEIR incorrectly interprets CEQA too narrowly in its disputed effort to exclude and evade many relevant and essential rebuttals and counters in this Objection. See, e.g., my objections herein to the EIR Master Response 1 and the EIR Response To Comment Ind. 254-1. As has become an unfortunate and evasive pattern throughout the disputed DEIR/EIR, those EIR mine documents continue to ignore or evade the main thrust of my objections, in this case basically contending that the disputed DEIR/EIR can say whatever they want, without regard to (and beyond) their disputed CEQA boundary claims, but that somehow us objectors are not allowed by CEQA to object and rebut that. That error and evasion by the EIR/DEIR are worse than wrong and have resulted in the refusal of the EIR/DEIR to address the many errors, omissions, and noncompliance that I have exposed that specifically counter disputed EIR/DEIR claims, especially as this EIR Response To Comment Ind. 254-90 notes as to my economic feasibility and hexavalent chromium objections. I have insisted on the DEIR/EIR addressing with the required "good faith reasoned analysis" with "common sense" my many objections (like those herein), citing to controlling CEQA authorities such as *Banning, Vineyard, and Costa Mesa. See also Sierra Club v County of Fresno (2018), 6 Cal. 5th 502; POET, LLC v State Air Resources Bd. (2013), 218 Cal. App. 4th 681; and Gray v. County of Madera (2013), 167 Cal. App. 4th 1089 ("Gray").*

Indeed, I often expose such EIR/DEIR errors, omissions, and noncompliance by citing to Rise's own conflicting admissions both in those EIR/DEIR documents and in Rise's SEC filings, as illustrated in *EXHIBIT B* hereto and DEIR Objection 254 #2. The applicable laws, including CEQA, require truth, accuracy, and correctness of everything

said or implied in the DEIR/EIR, and, therefore, that always allows the EIR/DEIR errors, omissions, and noncompliance to be countered by objectors like me, such as in rebuttal or impeachment. The disputed EIR/DEIR simply cannot hide from the inconvenient truths they deny or evade and that I expose in my four Objections or those from my Table of Incorporated by Reference Objections. More importantly, Rise cannot be allowed (as it improperly does repeatedly) to tell the SEC and its speculator/investors something more revealing, impactful, and different than stated in the EIR/DEIR. When the disputed EIR/DEIR tries to forbid me from exposing that claiming economics are irrelevant and beyond the CEQA limits, the EIR/DEIR are violating CEQA and applicable law. See, e.g., section I.C and D explaining the rules, and I.E and F applying those rules to this controversy.

Likewise, the DEIR and EIR must be (but often are not, as I expose) internally consistent. For example, the disputed DEIR/EIR insists that my objections can be ignored whenever they exceed the disputed, limited boundary they set for what they call CEQA interpretations. However, the EIR/DEIR insert disputed claims that the DEIR (and EIR) even calls "Non-CEQA Related Analysis" (DEIR at 4.3-103+). How can they admit asserting such "Non-CEQA Related Analysis" that I dispute, but refuse respond to my counters to such errors, omissions, and noncompliance? See, e.g., section I.C and D explaining the rules, and I.E and F applying those rules to this controversy. See also my DEIR Objection 254 #3.K, and my objection herein to EIR Response To Comment Ind. 254-43.

Similarly, the DEIR admits (at 6-14) that the EIR project is not economically feasible unless it is allowed to operate 24/7/365 for 80 years consistent with its EIR/DEIR plans, i.e., a normal business 12-hour 5 day a week and holidays off schedule imposed on normal (and much more beneficial) businesses would be fatal to this no net benefit project demanding the right constantly to abuse its neighbors and our environment on that extraordinary schedule. See, e.g., Grass Valley's Agency Letter 8 echoing that concern of mine. However, when the disputed DEIR/EIR incorrectly chooses itself among the competing alterative land uses (DEIR #6), as I demonstrated in my Ind. 254-87/Objection 254 #13, the DEIR "opened the door" to examination of this project's economic infeasibility by the DEIR/EIR incorrectly claiming superiority to other uses it claimed were less economically feasible.

OOO. Objection To EIR Response (at 2-6025) To My Comment Ind. 254-91 (marked by the EIR starting at 2-5992) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "14. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "14.B. Supplement To Brief Rebuttals To DEIR Or Miner Incorrect Interpretations of CEQA Or Other Applicable Laws And Open Offer For Further Briefing."

This disputed EIR's "Response to Comment Ind. 254-91" simply acknowledges the fact that the EIR and I each dispute the other's interpretation and violations or not of CEQA under the disputed facts and circumstances. The EIR just cited to its Master Response 1, which I have refuted above and in other objections, including my DEIR and EIR Objections 255. The purpose

of this paragraph objection was to make an offer of proof and further legal briefing for my side of these dispute. The previous subsection (incorporated herein) in which I rebutted the EIR Response to Comment Ind. 254-90 demonstrates why I must prevail (and why the EIR must fail) in such disputes.

PPP. Objection To EIR Response (at 2-6025) To My Comment Ind. 254-92 (marked by the EIR starting at 2-5992) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "14. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "14.B. Supplement To Brief Rebuttals To DEIR Or Miner Incorrect Interpretations of CEQA Or Other Applicable Laws And Open Offer For Further Briefing." And "14.C. Some Other CEQA Noncompliance By the Disputed DEIR, Including As Merely One Example, the Massive Underestimation of Dry Wells And the Illusory And Impractical DEIR Mitigation To Which Even NID Objects."

This disputed EIR's "Response to Comment Ind. 254-92" simply acknowledges the fact that the flawed DEIR/EIR and I each dispute the other's interpretation and violations or not of CEQA under the disputed facts and circumstances. The disputed EIR just cited to all its Responses To Comments Ind. 254-1 through 91, each which I have already refuted above and in other objections, including my DEIR and EIR Objection 255. The purpose of this paragraph objection was to make an offer of proof and further legal briefing for my side of these dispute. The previous subsection (incorporated herein) in which I rebutted the EIR's "Response to Comment Ind. 254-90" demonstrates why I must prevail (and why the EIR must fail) in such disputes.

What that disputed EIR evasion also does is to ignore the examples that I mention here for the EIR/DEIR "alternate reality" claims constructed by what I demonstrate to be errors, omissions, noncompliance (including illusions, false assumptions and equivalences, wishful thinking, "bait and switch" and "hide the ball" evasions, and other objectionable tactics and conduct that form a "pattern and practice" that should doom any pretense of legal compliance by the EIR/DEIR). See my appropriate meritorious objections throughout this Objection with proper cross-references, cited admissions, and quotes that the noncompliant EIR again, as usual, improperly ignores or evades. E.g., DEIR Objection 254 # 3.D, E, F, M, and N, 4, 5, and 8. As I also demonstrated in my Comment Ind. 254-90 above and my objections to the disputed EIR Responses thereto, the EIR/DEIR cannot escape its own admissions (e.g., at 6-14 admitting that the project is economically infeasible any time it cannot constantly (i.e., 24/7/365 for 80 years) risk, impact/abuse, and harm us local neighbors, our property values and rights, our health and welfare, and our environment. For reasons repeatedly explained above and in my other Objections, the disputed EIR/DEIR also cannot escape the groundwater depletion that climate change realities will not recharge and balance as they predict (as distinguished from the illusion that past rainfall "current" averages between 1967 and 2017 are a "current" baseline [ignoring the more current drought years after 2017] for predicting impact of the next 80 years of 24/7/365 dewatering). Similarly, the EIR/DEIR never proves its claimed mitigation will work with the required "good faith reasoned analysis" with "common sense" (e.g., *Gray, Banning, Vineyard, Costa Mesa,* etc.), but instead just present their unsubstantiated, incorrect, and noncompliant

opinions, assumptions, and speculations (often based on unstated, but highly disputed assumptions and admissions I expose and rebut). For example, as I demonstrated in my DEIR Objection 254 and herein, the DEIR/EIR ignores the much broader dry well threat risks (as to both existing and future wells) to us surface owners and users above and around the 2585-acre mine, rather than being limited to the small number of wells along East Bennett Road. See, eg, Exhibit A, which addressed the extra 300 existing wells admitted in the disputed County Economic Report (which is still an insufficient count). As I have explained herein and in my DEIR Objection 254 #'s 2 and 4 (and as admitted in Rise's SEC 10K filings, see Exhibit B hereto), us surface owners have rights down at least 200 feet above and around that 2585-acre mine, and we own the groundwater that is being depleted by the EIR dewatering, which means this is not just a CEQA problem for the mine, but a competing property rights dispute in which us surface owners and users must prevail as described in *Keystone* and Objection 254 #'s 3.N, 4, and 14.

QQQ. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-93 (marked by the EIR starting at 2-5993) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "14. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "14.D. Examples of the Disputed DEIR's Failure To Address the Predictable Future Contradictions To DEIR's Incorrect, False, Or Misleading Alleged 'Facts,' Opinions, And Assumptions On Which the DEIR Purports To Be Justified."

This disputed EIR's "Response to Comment Ind. 254-93" simply acknowledges the fact that the noncompliant DEIR/EIR and I each dispute the other's positions as to the EIR's deficiencies and about hexavalent chromium under the disputed facts and circumstances. The disputed EIR just cited to all its Responses To Comments Ind. 254-1 through 92, each which I have already refuted above and in other objections, including my DEIR Objection 254 #'s 3.C, G, H, and M and 7, as well as my DEIR and EIR Objections 255. The purpose of this paragraph objection was to illustrate certain of my grievances in more detail, which this so called EIR "Response" fails to address, instead referring to such earlier disputed and deficient EIR Responses (and the DEIR) that complained about my lack of specifics, as to which I cited to this DEIR Objection 254 #14 (Ind. 254-90 to 94).

RRR. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-94 (marked by the EIR starting at 2-5994) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "14. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "14.E. Miscellaneous Other Legal Considerations For Defeating the DEIR."

This disputed EIR's "Response to Comment Ind. 254-94" simply acknowledges the fact that the flawed DEIR/EIR and I each dispute the other's positions as to the DEIR's claimed

liability immunity, about the hexavalent chromium menace, and about groundwater depletion under the disputed facts and circumstances. See my DEIR Objection 254 cross-references (wrongly ignored by the EIR) at #'s 3.C, D, E, F, G, H, and M and 5. While the EIR incorrectly claims that I have not provided enough information, I have supplied much more than the deficient DEIR/EIR. The disputed EIR cites its disputed Master Responses 14, 15, and 16, each of which I have refuted above.

Ignoring or evading the applicable court decisions I cite throughout this Objection, disputed EIR cites to *Building Industry Association* v. *Bay Area Quality Management District* (2015), 92 Cal. 4th 369, that I dispute, regard as subject to my contrary cited cases and authorities, and distinguish as inapplicable here, among other things because the EIR ignores the key distinction (at 377-78) that "when a proposed project risks exacerbating those environmental hazards on future users … [that] compels an evaluation of how the future residents or users could be affected by the exacerbated conditions." Here the mine that was closed and flooded in 1956 is exacerbating objectionable risks merely by reopening, shoring with toxic hexavalent chromium cement paste, dewatering 24/7/365 for 80 years to deplete our groundwater by flushing it down the Wolf Creek, and other objectionable activities, plus the new mining menaces, all of which are analyzed. Therefore, that kind of inapplicable precedent will not save the disputed EIR mine from such liability. See also *Keystone* and *Varjabedian*, which focus on the property rights of us surface owners above and around the 2585-acre underground mine ignored by the EIR/DEIR. Moreover, that EIR precedent has no application to block such inevitable claims of surface owners and users above and around the 2585-acre underground mine whose property rights are being violated (eg, as described in Id. and DEIR Objection 254 #'s 3.N and 4), triggering claims for trespass, inverse condemnation, nuisance, etc.

SSS. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-95 (marked by the EIR starting at 2-5995) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "15. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "15A. "How To Achieve Clarity About This Disputed DEIR That Has the Effect of Obscuring Important Truths: Some Reasons For Considering Example Questions Like These As A Means of Organizing The Mass of Useful Objections By Many Impacted Locals On Their Respective Unique Concerns About The Many DEIR Errors, Omissions, And Deficiencies."

This section introduces many hard questions that the DEIR/EIR should have answered if its goal was to comply with CEQA and other applicable law instead of evading them to craft a disputed "alternative reality" with errors, omissions, and other noncompliance. Again, the disputed EIR inappropriately (in this and every other similar evasion in this wrongful pattern and practice) "noted" its disputed "take" on my objections (e.g., understating or misstating some and ignoring or evading others) without any meaningful response and never responding with "good faith reasoned analysis" with "common sense" as required by CEQA (e.g., *Gray, Banning, Vineyard, and Costa Mesa*). I have incorporated my announced supplemental DEIR and EIR Objection s255 and many other objections in my Table of Incorporated by Reference Objections of other potential victims, including beginning from the County hearing on March 24, 2022, and their follow up objections to the DEIR and EIR, and which the EIR wrongly ignores just as it

wrongly ignores my internal cross-references. See, e.g., DEIR Objection 254 #'s 2, 3.E and N, 4, and 14, as well as my objections herein and Exhibits hereto. Such EIR vaguely "noting" some of my such objections is worse than useless because it implies there was nothing of importance at issue when the opposite is true. This also explains some of the many ways that the DEIR/EIR fail to comply with CEQA and other applicable laws. See sections I.C and D stating the rules and E and F applying them to particular examples of EIR/DEIR noncompliance or worse.

TTT. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-96 (marked by the EIR starting at 2-5996) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "15. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "15.B. Examples of Some General Operating Questions About The DEIR And Miner, Reflecting What Locals Distrust As Errors, Omissions, Or Deficiencies," And at "(1) Fact Based Questions Regarding Local Resistance (see my #3.N)." and at "(2) Fact Base of Question Regarding Surface Owner Rights." [Part 1 of 4 as fragmented/cut by the EIR]

This section asks many "hard" questions (framed with relevant context attempting, but so far failing, to prevent EIR/DEIR evasion to most of them) that the DEIR/EIR should have answered if their goal was to comply with CEQA and other applicable laws instead of evading them to craft a disputed "alternative reality" with errors, omissions, and other noncompliance. The responses are worse than disappointing, because the EIR refusal to engage on my such questions is provocative and a violation of CEQA and the applicable laws requiring truth, reality, and consistency in such EIR's. Again, the disputed EIR inappropriately (in this and every other similar evasion in this wrongful EIR/DEIR pattern and practice) "noted" its disputed "take" on my objections (eg, understating or misstating some and ignoring others) without any meaningful response and never responding with "good faith reasoned analysis" with "common sense" as required by CEQA (e.g., *Gray, Banning, Vineyard, and Costa Mesa*). The disputed EIR/DEIR attempts to defend their adequacy by citing to EIR's "Responses To Comments Ind. 254-1 through 254-91, but that accomplished nothing since, as I demonstrated in my objections herein thereto, those "Responses" are nonresponsive, deficient, and worse. That is why I asked these DEIR Objection 254 #15 questions in hopes (which the EIR dashed) of inspiring some more meaningful discussion.

That is especially a problem with the way the DEIR/EIR don't attempt to prove the adequacy of their mitigation, remediation, or other alleged plans or problem solving, but the EIR just repeats what the DEIR said as if "saying it makes it so," when it never does. Sadly, while the EIR vaguely and partially acknowledges some of what it calls my primary objections (e.g., groundwater supply and quality, hexavalent chromium impact, discharges into Wolf Creek, air quality, and (what it calls "the true scope of the project" and what I describe as the evasion of the most important impacts on those of us surface owners and users above and around the 2585-acre underground mine), the EIR continues to ignore and evade our surface owner property rights and values, as well as my authorities for requiring responses the EIR/DEIR evades or refuses to attempt, thus raising many questions in this DEIR Objection 254 #15. EIR's Master Response 2 was overcome by my objections above thereto. The EIR citing to Response To Comment Ind.

254-1 and Master Response 35 also accomplished nothing, because my objections above to those cites should have eliminated them from consideration. Likewise, the cited EIR's Master Response 16 fails to overcome my objections thereto or answer these #15 questions.

One illustration of those EIR failings and evasions on the merits with special focus as a repeated outrage is how the EIR/DEIR willfully disregards my repeated explanations for why I am allowed by applicable law to compel the EIR to respond to my such rebuttals, impeachments, and counters using the SEC filings (eg, Exhibit B hereto and DEIR Objections 254 #2 and 255) and to fully address all of the many Rise or EIR admissions I cite that are contrary to, or in conflict with, its disputed EIR claims. It is simply legally impossible for the EIR or Rise to "have it both ways," such as making claims in one place in the EIR/DEIR that are inconsistent with or contrary to what was stated in those Rise SEC filings (e.g., Exhibit B) or elsewhere in the EIR/DEIR. That is why my objections so frequently quote the EIR/DEIR back at them, since they seem to have made little effort to try and be consistent.

UUU. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-97 (marked by the EIR starting at 2-5996) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "15. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "15.B. Examples of Some General Operating Questions About The DEIR And Miner, Reflecting What Locals Distrust As Errors, Omissions, Or Deficiencies," And at "(2) Fact Base of Question Regarding Surface Owner Rights." [Part 2 of 4 as disaggregated/cut by the EIR]

The context evaded by the disputed EIR to this important question is that I dispute the DEIR/EIR for incorrectly (ignoring the new normal of climate change and the impact of such mining) claiming that the "current" average rainfall between 1967 and 2017 (which it incorrectly chooses as a "current" baseline [ignoring the dry years after 2017]) for the disputed EIR/DEIR's failed attempts to predict the future "recharge" and "balancing" during the next 80 years of 24/7/365 dewatering and mining. Instead of answering the questions about a sensitivity analysis for miscalculation, e.g., what impacts (including subsidence) occur if the recharge were only 80%, 60%, 40%, or 20% of what was incorrectly projected, the EIR dismisses any serious response to that question by just reciting the disputed and nonresponsive EIR Master Response 29, again evading the issue, as my objection to such Master Response 29 already proved.

Also, once again the EIR has cut up my integrated questions in this section #15 for its own disputed tactical purposes. While I will address this last group of nonresponsive EIR "Responses" as it has divided them, I note again that this objectionable EIR tactic cannot be allowed to give any credibility to its constant, bogus claim that such individual divisions of my integrated section lack sufficient detail or explanation, because my comments and questions should be read together (with all incorporations and cross references) as I wrote them.

VVV. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-98 (marked by the EIR starting at 2-5998) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "15. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the

Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "15.B. Examples of Some General Operating Questions About The DEIR And Miner, Reflecting What Locals Distrust As Errors, Omissions, Or Deficiencies," And at "(2) Fact Base of Question Regarding Surface Owner Rights." [Part 3 of 4 as cut by the EIR]

The context evaded by the disputed EIR is that any County approval would be gambling with the health and welfare of us local potential victims, as well as the property rights and values of us owners and users of the surface property above and around the 2585-ace underground mine (which "surface" is admitted by Rise to include at least the first 200 feet down in the EIR and its SEC filings, and we contend groundwater ownership is without limit). Those risks and harms are based on also admitted and other uncertainties as to the conditions in and around the whole mining operation, including those which only exist at such high risk levels because Rise chose not to investigate adequately or claimed that it was not required to "speculate" on the potential risks, threats, and harms, especially as to us surface owners and users above and around the 2585-acre underground mine whose individual property rights may be violated (an issue that cannot be evaded by claims that is beyond CEQA's scope or evaded by incorrectly claiming that disputed uncertainty must be endured by us potential victims). In effect, for no net benefit to the local community above and around the underground mine (and, we contend, the whole County, which will end up suffering for any approval when the mine causes violations and harms as we predict), the County is being asked by this financially risky miner (see Exhibits B and A, as well as Rise's admissions of financial incapacity and EIR infeasibility in its SEC filings, see my Objection 255) to choose between the health and welfare of its residents and their property values and rights (and, consequently, the ultimate financial wellbeing of the County) versus the Canadian miner's shareholder profits (plus some new jobs that are fewer in number than those that would be lost if the mine were approved, especially in businesses relating to the real estate impacts from depressed property values above and around the underground mine and the rest of its operations. See Exhibit A and Objection 255.)

As to the question the disputed EIR has deficiently addressed, all the EIR does is refer me again to the DEIR provisions and Master Responses 7, 14, and 15 to which I have already sufficiently objected above and in my Objection 254. Again, there is no "good faith reasoned analysis" as required by CEQA as confirmed by the controlling case law, such as *Banning, Vineyards, and Costa Mesa.*

Also, once again the EIR has cut up my integrated questions in this section #15 for its own disputed purposes. While I will address this last group of nonresponsive EIR "Responses as it has divided them, I note again that this objectionable EIR tactic cannot be allowed to give any credibility to its constant, bogus claim that such individual divisions of my integrated section lack sufficient detail or explanation, because my comments and questions should be read together as I wrote them.

WWW. Objection To EIR Response (at 2-6026) To My Comment Ind. 254-99 and 100 (marked by the EIR starting at 2-5998) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "15. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "B. Examples of Some General

Operating Questions About The DEIR And Miner, Reflecting What Locals Distrust As Errors, Omissions, Or Deficiencies," And at "(2) Fact Base of Question Regarding Surface Owner Rights." and "(3) Fact Base of Question Regarding Local Law Reforms (See my #3.N) To Clarify And Limit What Constitutes A Nuisance Or Other Wrongs." And at "15.C. Fact Basis of Examples of Specific Questions About the Financial Feasibility of the DEIR Miner Accomplishing the Mitigations Or Other Protections for Neighbors And the Shared Environment Assumed Or Represented In the DEIR, Including As Mitigation" And "15.D. Examples of Specific Questions About the margin For Mine DEIR Assumptions Or Contention Errors And For Changes in Applicable Laws, Regulations, And Circumstances Affecting the Mine." [Part 4 of 4 as cut by the EIR].

As to these questions, the disputed EIR has simply and incorrectly refused to respond, incorrectly declaring my questions to be irrelevant "to the adequacy of the DEIR" or as too "speculative" to require any response. See section I.C, D, E, and F above. Among the many reasons that does not comply with CEQA, as I have explained, is that the DEIR/EIR insists on everything both being approved and continuing as assumed for 80 years exactly as requested and foolishly expected by them, such as, for example (in DEIR admissions at 6-14), approval of mining 24/7/365 for 80 years or else the mine is not economically feasible. Since it is even more speculative and absurd to expect nothing assumed or predicted is to change for 80 years during 24/7/365 mining and dewatering and climate change under continuous opposition by the suffering locals, my so-called questions about changes deserve answers. No responsible business would plan and operate without a contingency plan for change, and my assumption as to why this EIR/DEIR refuses to have any such plan (much less a compliant remediation plan) is that they have no safe alternative, especially with no feasible mitigations.

My questions also ask, in effect, what happens when such essential DEIR/EIR assumptions and expectations are wrong or the conditions or circumstances change, as most objections predict? In effect, if the conditions for any reason (and I have suggested various likely such reasons) do not match what the DEIR/EIR assumes, we need to know what the consequences will be. For example, if they start the mine and then the mining stops, what are the environmental impacts and other consequences? Again, there is no "good faith reasoned analysis" with common sense as required by CEQA as confirmed by the controlling case law, such as *Banning, Vineyards, and Costa Mesa.* Also, since the NSAQMD insists (Agency Letters 12 at 12, and 11) on frequent daily watering to suppress the toxic fugitive dust, what happens when they shut down that operation?

Likewise, EIR approval depends on acceptance of disputed "mitigation" commitments that are demonstrated by my objections to be false, insufficient, deficient, illusory, unfeasible, or otherwise not compliant, credible, reliable, continuous, or achievable. My questions offer the DEIR/EIR an opportunity to explain themselves, but they refuse and, instead, stand on their objectionable and unsubstantiated claims, which means there is no such mitigations to support approval of the DEIR and EIR. Also, even if the EIR/DEIR were to ignore my substantive questions, they cannot ignore the risk of what impacts result when change occurs, and their assumed conditions and mitigations no longer exist on which the EIR/DEIR tried to rely as continuously unchanging for 24/7/365 for 80 years, when that is preposterous, and not just for

climate change, changes in applicable laws sought by us potential victims, but for any other reason.

Also, once again the disputed EIR has disaggregated/cut up my integrated questions in this section #15 for its own disputed tactical purposes. While I will address this last group of nonresponsive EIR "Responses" as it has divided them, I note again that this objectionable EIR tactic cannot be allowed to give any credibility to its constant, bogus claim that such individual divisions of my integrated section lack sufficient detail or explanation, because my comments and questions should be read together as I wrote them.

XXX. Objection To EIR Response (at 2-6027) To My Comment Ind. 254-101 (marked by the EIR starting at 2-6001) And PART OF AN INTEGRATED OBJECTION Correctly Entitled: "15. Some Additional Legal Issues For Follow-Up Consideration By DEIR Decisionmakers in Addressing Disputes Between the Mine Versus Those of Us Living Above Or Around the 2585-Acre Underground Mine." And at "15.E. Examples of CEQA Related Questions About Deficiencies And Noncompliance."

As to the question the disputed EIR has deficiently addressed, all the EIR does is refer me again to the DEIR provisions and Master Response 29, to which I have already sufficiently objected above and in my DEIR Objections 254 and 255. Then the disputed EIR refers me to all of its "Responses to Comments Ind. 254-1 through 100," as to each of which I have made meritorious objections above. Again, there is no "good faith reasoned analysis" with "common sense" as required by CEQA as confirmed by the controlling case law, such as *Gray, Banning, Vineyard, and Costa Mesa.*

As to most of these questions, the disputed EIR has simply and incorrectly refused to respond, declaring my questions to be irrelevant "to the adequacy of the DEIR" or as too "speculative" to require any response. Among the many reasons that does not comply with CEQA, as I have explained, is that the DEIR/EIR insists on everything both being approved and continuing as assumed for 80 years exactly as requested and foolishly expected by them, such as, for example (at DEIR at 6-14), approval of mining 24/7/365 for 80 years or else the mine is not economically feasible. Since it is even more speculative and absurd to expect nothing assumed or predicted in to change for 80 years during 24/7/365 mining under continuous opposition by us suffering locals, my so-called questions about changes deserve answers. No responsible business would plan and operate without a contingency plan for change, and my assumption as to why this EIR/DEIR refuses to have any such plan is that they have no safe alternative, especially no feasible mitigations or remediations.

IV. Instead of Maintaining the Burdens of Proof And Persuasion Where They Belongs on the Miner Applicant (section I.A.1.b), the Disputed EIR/DEIR Would Incorrectly Shift Them To Us Potential Victims, Especially On the Disputed Theory That Whenever the Data Is Allegedly Uncertain There Can Be No "Speculative" Objections Allowed, So That The Miner Somehow Can Insist On Doing Whatever It Wishes Without Responding to Objections With the Required "Good Faith Reasoned Analysis" And "Common Sense" Required By Applicable Law, Even When It Is The EIR/DEIR Itself Speculating, Asserting Unsubstantiated And

Erroneous (Or Worse) Opinions Or Assumptions, Evading Or Contradicting Its Own (Or Rise's) Admissions, Or Otherwise Inviting My Rebuttals Or Impeachment.

My foregoing commentary has illustrated many examples of how any County approval would be gambling with the health and welfare of us local potential victims, as well as harming our property values and rights of us owners and users of the surface property above or around the 2585-acre underground mine (which "surface" is admitted by Rise in its SEC 10K filings to include the first 200 feet down). Despite admitted and other uncertainties, including those which only exist at such high risk levels because Rise has chosen not to investigate adequately or has claimed that it was not required to "speculate" on the potential risks, threats, and harms, especially as to impacts on us surface owners and users above and around the 2585-acre underground mine whose individual property rights would be violated (an issue that cannot be evaded by claims that is beyond CEQA's scope or evaded by incorrectly claiming that disputed uncertainty must be endured by us potential victims and that our legal and political remedies can be ignored as speculative). See *Keystone* and *Varjabedian.*

In effect, for no net benefit to the local community above and around the underground mine (and, we contend, the whole County, which will end up suffering for any approval when the mine causes violations, impacts, and harms as we predict), the County is being asked by this financially risky miner (see Exhibits B and A, as well as Rise's admissions of financial incapacity in its SEC filings addressed in my DEIR Objection 254 #2) to choose between the health and welfare of its residents (and, consequently, the ultimate financial wellbeing of the County) versus the Canadian miner's shareholder profits (plus some new mine jobs that are fewer than those that would be lost if the mine were approved, especially lost in businesses relating to the real estate impacts from depressed property values above and around the underground mine and the rest of its operations. See Exhibit A and DEIR Objection 254 #4.) Also, note that most of the disputed EIR/DEIR purported "expert" opinions are either (i) based on incorrect, speculative, or otherwise flawed foundations or assumptions (and are subject to objections under the law of evidence in the litigation following any disputed EIR approval), or (ii) qualified by impermissible standards like "generally" or "likely" that leave us potential victims at material risk, especially to subjective pro-mine standards of magnitude, or that are flawed by incorrect, unsubstantiated, or worse assumptions, opinions, or theories, such as about what is "similar" or what may be true in one place at issue (e.g., the lower elevation, wholly owned mine or East Bennett Road area, versus the even more critical, higher areas above or around the 2585-acre underground mine where us surface owner-objectors live. See, eg, my objections above to the related Master Responses and to specific responses to those parts of my Objections.

Even more importantly, Rise admits in its SEC filings (eg, Exhibit B and my Objection 254 #2) that it lacks the financial resources needed for capacity fully and timely to perform the EIR project goals and the mitigation aspirations therein, making all its safety and other reassurances illusory. Such Rise financial vulnerability that makes mitigation and other safety commitments illusory is also apparent in the DEIR at 6-14, when it admits that the whole project is economically infeasible if it cannot operate as it proposes in the DEIR/EIR 24/7/365 for 80 years. (Note that above the EIR/DEIR also refuses to address as speculative and irrelevant my objections, questions, and concerns about all of the many likely changes and other reasons that likely could prevent such 24/7/365 mining for 80 years, as most of us impacted local may cause

by advocating by our legal, law reform, and political remedies to defend ourselves and our property from the impacts to which we are objecting.) The disputed County Economic Report (see, e.g., Exhibit A and my DEIR Objection 254) accepts the erroneous Rise theory that any miner who replaces it (eg, the Rise "flip" miner some suspect has been or will be "behind the curtain,") will accomplish what the EIR/DEIR incorrectly expects Rise to somehow be able to do, despite its admitted lack of resources. However, that replacement miner will likely follow the standard tradition in the mining industry, especially with foreign miners, of using "shell" mining subsidiaries which (like Rise) have no material assets besides the disputed mine, so they can evade accountability when they abandon the exhausted or failed mine in or outside of bankruptcy, a reality on which I can provide competent testimony from my long personal experience as a bankruptcy lawyer with all the needed qualifications addressed in section 1 of my DEIR Objection 254.

I will not repeat all the other things I said in the various parts of my DEIR Objection 254 #5 and in my corresponding objections herein with respect to the disputed EIR "Responses," since those objections so improperly so ignored, misstated, or evaded by the disputed EIR/DEIR are more than sufficient to prevail over the EIR/DEIR. As almost everywhere else in my EIR/DEIR objections and DEIR Objections 254 and 255, my EIR/DEIR objections battle the EIR (and, at least where they overlap, my objections to the County Economic Report—See Exhibit A), because the County Economic Report erroneously assumes without analysis the compliance, correctness, and sufficiency of the DEIR), the EIR/DEIR ignores or evades entirely many of my inconvenient truths and objections, including almost in every case by improperly failing to provide any "good faith reasoned analysis" with "common sense" as required by CEQA court authorities (e.g., *Gray*, *Banning, Vineyard, and Cost Mesa)* as to situations where the DEIR or EIR asserts mitigation (almost always without any substantiation) or incorrectly claims my objections are too speculative or unsubstantiated, even when (as is often the case) I quote admissions by the EIR/DEIR or Rise SEC filings (see Exhibit B) or where I am exposing an even more speculative or unsubstantiated DEIR/EIR claim. Likewise, in another "bait and switch" tactic, the disputed EIR/DEIR continues to insist incorrectly on predicting the future from the past or what it falsely calls "current" conditions (eg, judging "current" average rain fall from the period between 1967 and 2017, before climate change drought years after 2017.)

V. Rebuttals To Disputed EIR Claims (at 2-1 and elsewhere) That It Does Not Need To Be Revised Or Recirculated, Because The Changes Are Merely "Minor Clarifications Or Amplifications And/or Do Not Constitute Significant New Information." But See Section I.A.1.c, I.C and D, and I.F.8 Above.

That disputed EIR argument in various place (eg, 2.3 at 2-145) is incorrect or worse when it asserts, without satisfying its burden of proof or "good faith reasoned analysis" or "common sense," that: "the changes to the analysis contained in the DEIR represent only minor clarifications/amplifications and do not constitute significant new information." My contrary proof, analysis, and opinions against such disputed EIR claims are especially true as to the many material omissions and evasions of what is required in the EIR/DEIR for compliance with CEQA and other applicable law since any correction of such omissions in the EIR must constitute "significant new information" and be more than "minor clarifications/amplifications." See section I.A.1.c and I.C and D. My foregoing and other objections (including those of others I incorporate) demonstrate why and how material EIR/DEIR revisions were made (or are still

required to be made) that mandate recirculation (Id.), as I stated in an earlier commentary near the beginning of this Objection. The most revealing evasions, revisions, and violations by the EIR/DEIR are those addressed above and in my DEIR Objection 254 regarding toxic hexavalent chromium, which topic the disputed DEIR almost totally ignored (without any mention at all as required in its Hazards And Hazardous Materials section 4.7) and the disputed EIR falsely pretends its attempted and still erroneous, insufficient, and otherwise flawed comments just clarifications from the DEIR. More importantly, the EIR/DEIR still fails to correct many errors, omissions, and other noncompliance addressed in this Objection, my prior DEIR Objections 254 and 255, and those by other objectors (see my Table of Incorporated by Reference Objections below). Note also that many such errors, omissions, and noncompliance on one issue (e.g., groundwater or hexavalent chromium use) will have multiple consequences throughout the EIR/DEIR, because, among other things, the EIR/DEIR splinters a common issue into many parts so as to reduce the appearance of "significance" for an isolated change, error, or omission (often incorrectly labelled by the EIR/DEIR as "minor" or "not significant" or as a "clarification "or "amplification," when it's actually an integrated part of a major revision or otherwise "significant new information" requiring revisions and recirculation. See section I.A.1.c and I.C and D.

Thus, one constant question is whether this disputed EIR added "significant new information" to the disputed DEIR. CEQA #21092.1, Guideline # 15088.5(a); *Laurel Heights Imp. Assn. v. Regents of the University of California* (1993), 6 Cal.4th 1112, 1124. Whether or not the County decides to recirculate the EIR, the required revisions to the EIR/DEIR still may (and would) be challenged with legal, law reform, and political remedies. Not to so revise and recirculate in this case would be an abuse of discretion by the County triggering legal, political, and law reform consequences. E.g., *Banning*, 2 Cal.5th at 942. My rebuttals herein to the EIR demonstrate further reasons for revising and recirculating the EIR/DEIR besides those explained earlier in my DEIR Objections 254 and 255.

Although it was not published by the court, for these purposes the County should consider the wisdom of Protect Our Homes And Hills v. County of Orange, Cal App G054185 filed 10/13/17, because it properly recognized the special circumstances for that subdivision project (as apply here) regarding fire and smoke risks in our high fire/smoke risk environment. As with our disputed EIR/DEIR, that deir claimed that all project impacts would be reduced to less than significant levels after implementation of mitigation. As here, there were thousands of objections to the DEIR, but the County nevertheless just approved the deir as the eir without recirculation on the same incorrect theory alleged here that the changes were merely clarifications, amplifications, elaborations, or minor modifications to the deir. The court required revisions by mandate with respect to the disputed environmental settling, fire hazard mitigation, and water demand and supply. All those eir flaws and noncompliance apply here to this EIR as well. As here, the project setting description was deficient, as ignoring 2300 acres of adjacent CJSP lands and failing to correct the inaccurate and misleading maps so that readers could use them to identify locations at risk. The court also rejected the eir defense that some maps were "historical," noting that some false maps were created for the FEIR. The same is true here, despite my objections and those of others (e.g., the State Department of Parks And Recreation protesting the map errors and omissions relating to its adjacent property like the Empire Mine Park) to the disputed EIR/DEIR not identifying surface streets and addresses so owners would know where their properties were located in relation to the blasting, tunneling, digging, dewatering, and other mining under their homes.

VI. Some Practical Consideration On Why Any EIR Approval Is So Provocative And Intolerable, Besides All the Environmental Impacts.

Also please consider the many practical dilemmas the EIR mining would create for us surface owners above or around that 2585-acre underground mine, For example, any such surface home seller will be obligated to disclose such known risks to any buyer (or to any mortgage lender's appraiser). What do we say? Do we give those assessing such risks a computer thumb drive containing the disputed EIR/DEIR and all its objections and say, "you figure it out?" If the EIR were mistakenly approved, that would not likely salvage our crashing property values or ease the risk stigma we already suffer. See, for example, Exhibits A and D and the incorporated Group Letter 15 from the Nevada County Association of Realtors. If approved, some seller might try to rely on the disputed EIR/DEIR, suggesting, in effect, that the buyer (or mortgage lender or appraiser) trust the County's judgment in approving the EIR, despite all the meritorious objections to the disputed EIR/DEIR and the additional challenges that approval would incite based on not only the existing objections but also on the evidence that would be added through discovery and more expert witnesses being added to the oppositions. However, what buyer (or mortgage lender or appraiser) will dare assess that EIR mining impact risk at zero? It is not unreasonable to expect painful discounts and, if the spooked mortgage lenders won't fund the buyers' purchase prices, the real estate market will freeze. Any inevitable risk discount will harm us surface owners and make this into more than the usual CEQA environmental dispute of the kind addressed in *Gray, Vineyard, Banning, Richmond v. Chevron*, and the other cases discussed herein and in most such environmental conflicts. What is unique is that us objectors include surface owners with competing property rights (as illustrated in my cited *Keystone* Supreme Court decision) and claims (as illustrated in the California Supreme Court case of *Varjabedian v. Madera*).

What makes this dispute almost unprecedented in this context (i.e., more than the usual CEQA dispute) is that, in the face of so many meritorious local objections in such a suburban area, few local governments would ever attempt to impose such an (at best) no net benefit mining menace on thousands of such impacted and righteously objecting surface homeowners and voters (not to mention businesses, a hospital, an airport, churches, and other community members), especially under these speculative, risky, and, at best, uncertain/uninvestigated circumstances, especially with such an admittedly (see Exhibit B), financially challenged Canadian miner. Why force on us such a reopening of a mine in such an (at best) uncertain condition that has been closed and flooded since 1956 (plus the Centennial part of the project that indisputably is confirmed as a toxic dump)? Even if (as so far seems the case) government chooses incorrectly to limit its investigation to a narrow and disputed interpretation of CEQA to give the EIR applicant the undeserved benefit of massive doubts and ignore the EIR applicants burden of proof, EIR approval would at least impose on us local objectors many dangerous and indisputable unknowns, uncertainties, and risks (and objectors have proven, and will continue to prove, much worse impacts, uninvestigated threats, and deficient mitigations and remediations; e.g., remember Hinkley, CA, hexavalent chromium, and Erin Brockovich?), all of which (even just from such stigmas) depress our impacted property values, especially those of us most exposed to the massive 24/7/365 dewatering and mining activities for 80 years beneath the surface where we thousands live or work above or around that 2585-acre underground mine. (Note that, despite demands by me and others in our objections, the EIR still refuses to identify

with adequate maps our specific individual surface locations [e.g., by streets we can see under their forest obscured aerial photos] in relation to the underground mining.)

However, even more damning than the environmental objections to the EIR/DEIR is the fact that, so far, the County has refused to consider the economic infeasibility of this EIR mining as somehow outside the CEQA boundary (even as rebuttal or impeachment to EIR/DEIR statements with Rise SEC and other admissions that will prevail in any court challenges, as shown in *Richmond v. Chevron*, discussed at length herein.) As shown in Exhibit B, the Rise SEC filings and financial statements (with the accountant's "going concern" doubts' qualifications) admit the reality that Rise lacks the financial resources to afford what it aspires to accomplish (or, even more importantly, to mitigate and remediate) in the EIR/DEIR. See Exhibits A (my rebuttal to the County Economic Report contesting its incorrect assumptions, without independent investigation, that the disputed EIR is generally correct) and B (excerpts of the Rise SEC filings admitting many risks, problems, and issues that should have been addressed in the EIR/DEIR but were not.) Everyone most at risk knows that reality (except, apparently, our County government so far refusing to consider that economic feasibility challenge that the courts will certainly consider in our rebuttals to any EIR approval, as the *Richmond v. Chevron* case demonstrates): the disputed EIR incorrectly evades discussing that critical issue, since we will all be worse off, if the project starts, even when it stops for any of the many probable reasons.

Considering both (i) the miner's admitted financial condition and the lack of proven sufficient gold to be recovered (e.g., SEC filing financials and mining/investor risk admissions in Exhibit B), and (ii) the massive startup costs and long delays before sufficient mine revenue, if any, to cover costs, ask yourselves which is more speculative: (a) that the mining stops prematurely for lack of working capital (or for legal, law reform, or political remedy reasons involving objections), or (b) somehow the miner finds the massive amounts of money needed to perform the EIR before any gold is recoverable? Consider my rebuttal to the County Economic Report (Exhibit A), because the County hasn't yet considered such issues on the merits, but instead, so far had evaded them on the astonishing, incorrect, speculative, and disputed theory that, even if Rise cannot afford to perform the EIR, some successor will arrive to do so. As a legal expert on failing mines (see section I.A.2), if this EIR were mistakenly approved, I am confident that any court will admit our rebuttal and impeachment evidence to defeat such EIR attempts to evade the fact that, besides general economic infeasibility, none of the purported EIR mitigation measures (not to mention those that would be required when the significance of all the CEQA impacts are correctly determined in challenges) are economically feasible, either for Rise or, experts can prove, a similar successor. See Exhibits A (including the reality that any successor replacing Rise will also be unlikely to risk mining with a subsidiary capable of funding all the EIR work, because that is not how the mining industry operates in such high risk and speculative situations as are admitting in Rise's SEC filings) and B (Rise's SEC filing admissions I discuss). Even if some financially responsible miner were willing to bet its sufficient assets on this speculative gamble (admitted as such in those Exhibit B SEC filings), which is unsubstantiated, hard to imagine, and a clear example of inadmissible speculation, this mining will still be infeasible when it has to comply with a revised and recirculated EIR that addresses all the many meritorious objections. See for example, what is admitted in the DEIR itself (at 6-14), where it admits the project is not economically feasible if the mining is not permitted 24/7/365 for 80 years in accordance with the disputed EIR/DEIR.

VII. Concluding Comments.

In this Objection, as well as in my incorporated DEIR Objections 254 and 255 (none of which have been cured), I have exposed many relevant errors, omissions, and other noncompliance in the EIR/DEIR, many of which the disputed EIR has refused to address on the merits or at all on the erroneous or worse theory that my objections are too insufficiently explained, unsubstantiated, or speculative to require any response. What I have attempted to do in this objection (and in my DEIR Objections 254 and 255) is to prove (i) what I can of the adverse environmental impacts, recognizing that the miner (and those EIR/DEIR team with whom Rise is collaborating) have exclusive control of (or the sources of) much of the core data and evidence which only becomes available to us potential victim-objectors as discovery in any court challenges that become necessary if and after the EIR is mistakenly approved. In such judicial dispute process circumstances, we potential victims can further enhance our proofs of what should be obvious to any objective reader: our objections must defeat the EIR/DEIR, whose massive errors, omissions, evasions, noncompliance, and worse too often failed to provide sufficient "good faith reasoned analysis," "common sense," and truth to satisfy CEQA and other applicable law.

Among the DEIR/EIR's most common and serious omissions and evasions are the disputed EIR/DEIR claims of mitigation, which generally lack "good faith reasoned analysis" and "common sense," such as demonstrated in the similar mining case of *Gray v. County of Madera,* where (on less compelling facts than exist here) the court rejected the proposed *Gray* mitigation proposal for replacing the neighbors' wells depleted by the mining impacts on groundwater. The disputed EIR/DEIR mitigation proposals are often not just wrong or noncompliant, but unrealistic or worse, and, even more clearly, are much more speculative and unsubstantiated than my objections thereto. Again, while the burden of proof and CEQA compliance are on the EIR applicant (section I.A.1.), this EIR/DEIR tries to shift them to objectors like me, so that the EIR/DEIR incorrectly can dismiss objections with such disputed excuses. Such incorrect EIR/DEIR refusals to present CEQA compliant "responses" should defeat any chance for EIR approval, as well as EIR/DEIR's other noncompliance, errors, and flaws on the merits.

Moreover, even when the EIR/DEIR does purport to "respond" to my objections on the merits of impacts and issues in dispute, too often again the disputed EIR fails to provide that "good faith reasoned analysis" with common sense required under the circumstances by CEQA and other applicable law (e.g., *Gray, Banning, Vineyard, and Costa Mesa). (That applicable law includes the law of evidence that will apply in any court challenge of any mistaken EIR approval, thereby, for example, both allowing rebuttals and impeachment from the objections that the EIR evaded and excluding as inadmissible or otherwise discounting much of what the EIR/DEIR presents as if it were "evidence" instead of disputed assumptions, opinions, or speculations.* Even worse, the EIR/DEIR entirely avoid any of my concerns about the infeasibility of the EIR/DEIR, some of what the EIR/DEIR evades are its own admissions, such as what Rise has admitted in its SEC filings should be added to, analyzed in, and reconciled somehow with conflict with, the DEIR/EIR. See Exhibits B and A hereto and my DEIR Objections 254 and 255. As proven in *Richmond v. Chevron* (as demonstrated in section I.C and D), where such SEC filings enabled the eir objectors to prevail in defeating that eir, the applicable law (that CEQA does not change) always allows such rebuttal and impeachment to expose the truths. That, plus

many objections on the merits and reality, should prevent approval of this EIR. (Exhibit A also challenged much of the County Economic Report, which incorrectly assumed, without investigation or consideration of our objections, that most things in the DEIR were true, complete, and sufficient. Note, however, that occasionally that Report still exposed some DEIR errors that need to be reconciled with the inconsistent EIR/DEIR, such as when the EIR/DEIR lists many more existing wells at risk than the DEIR/EIR analyzes and expects to mitigate, although that Report still finds fewer wells than are now actually at risk and, like the EIR/DEIR, incorrectly ignores all the many future wells that surface owners like me living above or around the 2585-acre underground mine should be expected to drill as needed to save our homes, forests, and, ultimately, our community from both the EIR mining and climate change ignored or denied by the EIR/DEIR but included in CEQA. See section I.C and D above, discussing the 2018 Guideline Amendments Explanations.)

Readers should focus on this key reality to avoid being confused or misled by the EIR/DEIR. The burden of proof is on the EIR (not potential victims like me) to provide a "good faith reasoned analysis" with "common sense" that complies with CEQA and other applicable law, which I demonstrate herein that the EIR repeatedly failed to do, just like my DEIR Objections 254 and 255 demonstrated that the DEIR failed to do. Nothing in the EIR or DEIR defeated any of my material objections, in which objections I am not necessarily required to prove any contrary environmental impacts or the contrary truths rebutting the disputed EIR/DEIR claims. CEQA allows me to defeat the EIR/DEIR merely by proving (as my objections do, while still contesting the impact merits) that the EIR/DEIR fails to satisfy the requirements of CEQA (e.g., see section I.C and D as to the rules, and I.E and F illustrating their applications). I can also do that by demonstrating (as I do in my rebuttals and impeachment) either that the EIR/DEIR is so noncompliant, or that the EIR/DEIR lacks the required "good faith" or "common sense" in its statements, by showing how they are untrue, preposterous, evasive, misleading, deficient, or worse.

Before I retired from a long, national and cross-border bankruptcy practice at Morrison & Foerster in 2016, I had extensive experience with failed and bankrupt mines, both directly in mining cases and indirectly through my insurance insolvency and other work, as I detailed in my DEIR Objection labeled Individual Letter 254. Although that qualifies me as a competent witness in various aspects of these mine disputes, those preparing the EIR (and County Economic Report-see Exhibit A) are generally failing to address my counters and issues. Sometimes the EIR/DEIR "tactical" evasions (as the old saying goes) "would be funny, if they weren't so sad." See Exhibit C and the EPA hexavalent chromium websites for more technical data ignored by the EIR/DEIR, perhaps because of the DEIR's general evasion of the problem and, once exposed in my DEIR Objection 254 (e.g., #'s 3. A, B, C, E, G, H, 7), the EIR seems conflicted between (i) continued evasion of these toxic impacts [see Exhibit C and the EPA websites], and (ii) saying something (which turned out to be the deficient and noncompliant statements I rebut in my objection to the EIR's obscure "Response to Comment Ind. 254-1 above and in my various disputes with the EIR's unheralded Appendices Q, O, and R buried at the end of the 7000 plus page EIR without CEQA compliant linkage and analysis, apparently fearing to attempt a more adequate analysis, because that would add to my and other objectors' arguments for revision and recirculation of the EIR. See I.A.1.c and I.C and D above.) For example, I exposed the way the DEIR obscured the use of toxic hexavalent chromium in the mine shoring cement discussion in the DEIR, instead of in the "Hazards And Hazardous Materials" discussion (4.7) where it belonged under CEQA, assuring (if the EIR were mistakenly approved) a "case

study" replay of how that hazardous substance killed Hinkley, CA, and many of its residents as illustrated by Jane Fonda in the *"Erin Brockovich"* movie. See, e.g., www.hinkleygroundwater.com with links to the story but now still discussing the struggle to remediate that groundwater still after all these years. Now, at the very end of the EIR (Vol. IX, Appendix R- see also Q and O), the EIR adds a disputed, one-page memo weirdly discussing hexavalent chromium as an admitted cancer causing, **air pollution** issue (see NSAQMD Agency Letters 12 (at 12) and 11) and ignoring all the EPA studies that my DEIR Objection 254 cited in its potentially more lethal role in **water pollution**. See Exhibit C.

Such things create massive credibility problems for the EIR/DEIR (see, e.g., sections I.A.1.d and I.F.1-5 above disputing EIR/DEIR tactics and noncompliance). I can only hope that our present elected officials will more carefully consider fully all of the many meritorious objections before it becomes necessary to test the EIR in other forums. See Table of Incorporated by Reference Objections and Exhibit D. Thank you for considering my concerns, which I assure you are shared by virtually everyone I know living above and around the 2585-acre underground mine, although many do not yet fully appreciate their peril, either because they assume government is too wise to approve this EIR or they assume they are at a safe distance. Note: many of us surface owners fearing impacts do not know our precise exposure locations, despite my and many other DIER objections to the inadequate mapping in the EIR/DEIR that fails to identify the surface boundaries of the underground mine by street addresses or other understandable landmarks, which CEQA noncompliance the EIR does not cure (see also the California Dept of Parks And Recreation objections in Agency 1). Whatever else the County decisionmakers do, they should at least insist on precise disclosure for due process notice to all those living above or around the 2585-acre underground mine, including everyone on Banner Mountain whose groundwater, property values, and environment are at risk even if the mineral boundary is slightly below us. Anyone in our community trying to sell or finance his or her property needs to know precisely what to tell the buyer or lender, since the reaction of everyone will be to create a vast mine "stigma area" based on the wise saying that it is better to be safe than sorry when confronting such risks. See Nevada County Association of Realtors Group Letter 15.

In my significant experience with failed or bankrupt mines (and their insurers), de facto or actual self-regulation of mines is worse than unwise. Effective monitoring with public transparency and public monitoring opportunities is essential to avoid "unhappy surprises" and detect dangerous trends to prevent smaller noncompliance to lead to major problems. While there were some predators in that industry, many who caused environmental crises from their mining seemed to be more often gambling on short cuts to save money or to keep mining when their funding is about exhausted. (I use the term "gambling" for two reasons: first, because that speculator passion is inherent in many miners' mindsets and culture; and second, because miners from distant places (i.e., not our local community miners) are less risk adverse gambling with locals' safety and property values, because their own health, safety, welfare is less at risk and they are used to gambling with their high-risk-speculator/investors' money. See my Exhibit B SEC filing comments and ask yourself why a responsible government would risk us to such a situation unsuitable even for normal stock investors (as distinct from high-risk speculators.) Therefore, experience teaches (at least for those like me whose experiences have made them cynical) that government regulators must take special care when they confront the combination of environmentally dangerous mining conditions (or uncertain conditions that

may be dangerous) and financially distressed miners making promises of future mitigation and safety measures they admittedly cannot presently afford (see Exhibits A and B). So far, I see no evidence of such caution by government in this case, and the DEIR/EIR (and County Economic Report) should not give this EIR mine the unearned and unsafe benefit of the doubt and overlook its massive burden of proof, and instead should heed the many meritorious objections, few of which are satisfactorily addressed in the EIR responses, as this and other objections demonstrate. Please protect our community and deny approval of this mine reopening.

Table of Exhibits

A. My Objections To the County Economic Report

B. Selected Admissions From Current Rise Gold Corp SEC Filings

C. Hexavalent Chromium Issues Evaded In the EIR/DEIR For Noncompliance CEQA, And More Foreseeable Harms At And From The Idaho-Maryland Mine

D. Some Illustrations of Issues of Concern To Be Incorporated From Other Objections.

Table of Incorporations By Reference Into My Objections. (See also Ex. D)

After review and consideration, I have incorporated (to the extent explained herein) other persons' and groups' objections into (i) the foregoing "EIR Objection 254," including as to my Exhibit A comments on the County Economic Report, as well as in my three other "Objections;" i.e., (ii) my "DEIR Objection 254" and (iii) "DEIR Objection 255," which the EIR labeled as #'s Comment Ind. 254 and Comment Ind. 255, and my "EIR Objection 255" countering the disputed EIR "Response To Comment Ind. 255. I consider the incorporated parts of such objections to be meritorious and to benefit objectors' collective search for the truth about the EIR/DEIR mine to counter the "alternative reality" presented for County approval by the disputed EIR. In each case I am incorporating what portion of such other's objection describing EIR or DEIR errors, omissions, deficiencies, noncompliance with CEQA or its Guidelines, and other objectionable EIR or DEIR claims, allegations, opinions, speculations, and other purported facts or information, as well as Rise or EIR or DEIR contributors' admissions supporting my objections, including such incorporations. Examples of my incorporated concerns are included in **Exhibit D.**

However, to avoid conflicts and confusion, among other things, the following rules shall apply as to the portion of any such other party objection I incorporate: (a) I incorporate only what I consider to be consistent with, and not in conflict with or contrary to, any of my four Objections; (b) my four Objections in all circumstances shall be paramount and not in any way adversely affected by any incorporated objection or other incorporation activity, and such incorporated matters are subordinate in all respects to my four Objections; (c) nothing so incorporated shall have any direct or indirect adverse effect on any of my Objections, but rather instead shall support or validate any part of my Objections to that extent; and (d) the limitations or qualifications on the incorporated objection are not included, because this is not an effort to resolve a consensus on the ultimate truth, but only to identify all the errors, omissions, and other deficiencies in the EIR/DEIR. See Exhibit D.

Consider this example to guide interpretation of these rules. NID's Group Letter (objection) 10 includes certain correct facts (agreeing with my Objections) that the DEIR/EIR understates and misses the location of many existing wells that would be impacted by the EIR mining operations. However, the NID also understates and mislocates some of such impacted wells (and ignores entirely the issue of future impacted wells that us surface owners above and around the 2585-acre mine will create in exercising our legal rights as owners of such groundwater as needed to protect our homes, property, forest, and way of life from the dual menaces of the EIR mine dewatering 24/7/365 for 80 years and climate change.) Thus, I

incorporate (to such specified extent) what the NID exposes about DEIR/EIR mistakes and worse about such wells without incorporating the NID limits applicable to such mistakes and worse or any other suggested compromises or accommodations by NID. Stated another way, NID and I can agree that the EIR/DEIR is wrong, but there is no necessity for NID and I to resolve the full scope of what is right and true.

What is important is that us thousands of EIR/DEIR mine objectors each have our own special areas of relevant expertise, experiences, information, and evidence. I have briefly described some of mine in my four Objections. Despite my long and intensive experience as a bankruptcy lawyer in dealing with bankrupt or abandoned mines, I clearly know less about most water issues than, for example, NID, and it seems that NID likewise has less to contribute from the areas of my specialties. But to expose the relevant truths here and defeat the EIR/DEIR it is useful to find some way to cumulate our collective data, which is what I am trying to do. NID and I do not need to agree on how many wells are missing or where they are located or what to do about that reality evaded or missed in the EIR/DEIR, because what matters is that in any case the EIR/DEIR is wrong and must be rejected. Why incorporate such others' objections? Among other things, if the EIR were mistakenly approved, to preserve my right in any litigation to assert everything in my Objections, plus what support I can find for them elsewhere, plus whatever else those with other knowledge, data, and expertise discover to be wrong with the DEIR/EIR. This threat is too serious not to assert every possible error, omission, and deficiency that could end the threat. See Exhibit D for examples.

As another illustration of how incorporation works for my four Objections, I refer to the similar and somewhat overlapping objections the EIR labeled "Agcy 1" (aka "Agency") that I incorporated into each of my four Objections from The State of California Natural Resources Agency Department of Parks And Recreations ("State Objection Agency 1"). However, as one might expect from our different location exposures and focuses, our unique knowledge and experiences with the relevant adverse impacts that affect us differently, and our variable disappointments (and worse) from the deficient EIR/DEIR mitigation claims, we each have both common and different concerns and detailed objections. For example, the State's Empire Mine Park and related areas are downhill from the Idaho Maryland Road and Wolf Creek, while my community above and around the 2585-acre underground mine is uphill of that road and creek. Those variations are helpful in many ways, both because of common objections to common problems, but also because of reading my incorporated objections of others together with mine reveals a problematic common pattern and practice by the EIR/DEIR entirely to evade and ignore many of our concerns and objections, such as, often on bogus and disputed theories that us objectors provided insufficiently detailed or otherwise deficient objection content, for instance, because the EIR chopped up our integrated objection commentary into arbitrary parts to which the EIR responded by ignoring the rest of our integrated commentaries, our internal and external cross-references, and our incorporations by reference. Even worse, by failing to comply with CEQA and its Guidelines and other applicable law and other errors, omissions, and deficiencies, the fault for our less detailed or explanatory objections is attributable to the EIR/DEIR not providing the required "common sense," "good faith reasoned analysis," and other required data needed for us to do more than we did in reply and rebuttal. Indeed, with respect to most EIR/DEIR alleged excuses for not properly responding to objections the EIR/DEIR is more guilty than the objections to such EIR/DEIR complaints, such as, for example, when the EIR/DEIR offers disputed speculations and unsubstantiated opinions and then complains when objectors respond in kind. (Note, since the burden of proof and persuasion by CEQA compliance

is on the EIR/DEIR, our objections can be less fulsome at this early stage in the process before the court challenges and discovery entitle us to use the rules of evidence and to rebut and impeach those EIR/DEIR errors, omissions, and worse, based on what is stated or implied by the EIR/DEIR without regard to any need to confine our objections to CEQA boundaries that have first been disregarded by the EIR/DEIR.)

Even more importantly, when (as here) there is a general pattern of the EIR/DEIR deploying improper tactics and practices in the course of noncompliance with CEQA and other applicable law, as well as EIR/DEIR evasion and ignoring of reality, that kind of "hide the ball" tactic become an even more powerful demonstration of a lack of the required good faith. For example, just as the EIR ignored my meritorious complaint about the DEIR/EIR not providing sufficient maps as required of the surface locations of objector's homes above and around the 2585-acre underground mine, the EIR also failed to do so in response to the State's demand for correct and detailed maps showing the Empire Mine Park and other State property. There is no legitimate excuse for that noncompliance with CEQA, but more important is the fact that the EIR/DEIR has made a disputed pattern and practice of this "hide the ball" tactic an objectionable tactic for evading objections by those who do not yet appreciate their peril.

In any case, it is important for decision-makers to respect the rights of objectors to combine their different expertise and knowledge/data bases by such incorporations by reference. For example, the State Parks & Recreation has a very potent set of objections (at State Objection Agency 1) relating to Project Location (3.2), Project Setting And Surrounding Land Uses (3.5), Air Quality And Greenhouse Gas Emissions (4.3), Biological Resources (4.4), Hazards And Hazardous Materials (4.7), Hydrology And Water Quality (4.8), Noise And Vibration (4.10), and Wildfire (4.13). I incorporated all of those. In some cases, I relied substantially on those incorporated objections, while in others I advanced my objections beyond the State's objection. But, despite the bogus, objectionable, and unsubstantiated arguments of the EIR/DEIR that somehow it can ignore incorporations (even though it uses them itself), there is no need for my already massive four Objections to repeat what I have incorporated, and my objections are as sufficient as everything I have said plus everything I have incorporated. In effect, if my Objections are to be regarded as deficient as the EIR/DEIR so often incorrectly claims, then so are those of every governmental, group, and individual objection that I have incorporated. That EIR/DEIR is legally impossible to maintain on the merits, so that such disputed claims must be seen for what they are: a bad faith evasion of the obligations of the EIR/DEIR to respond to all such objections with a common sense, good faith reasoned analysis.

EIR/DEIR disaggregation requires me to object (as I have) to each such disaggregated part, as I do here. However, to avoid suffering/rewarding such evasions of EIR/DEIR compliance, I remind the reader of my internal automatic and other cross-referencing among my sections I, II, and III, so that every relevant objection, rebuttal, and counter that I assert (including incorporations) in any section of this or my other Objections also automatically applies everywhere it is relevant. That means I do not have to repeat or specifically cross reference each of my objections to the scores of places where it would be relevant to such scattered EIR/DEIR statements, omissions, and other noncompliance. Because it would be an unduly burdensome nightmare for me to have to link my objections that are disaggregated to match the EIR/DEIR scattered contents, this Objection (and my others) should be read as if the EIR/DEIR had consolidated each of its statements topic by topic in one convenient places so I could match that with my consolidated objections; e.g., each of my well related comments in sections I, II, or III should be read as if they were all consolidated together in one integrated

commentary without my having to link specifically each sentence on that topic with every other relevant sentence that I have had to separate to match the EIR/DEIR's disaggregated content on that topic.

Now that those other objections of my fellow objectors have numbers designated by the EIR for this record, for consistency and clarity please note that my incorporations include (in and besides my 254 and 255) the following:

1. EIR cited objections by others that are referenced in any of (a) its disputed Responses To Comments Ind. 254-1 et seq., plus (b) those objectors' follow up objections to those disputed EIR Responses, and (c) those in the EIR's Master Responses, plus (d) those objectors' follow up objections to those disputed EIR Master Responses.

2. Agency Comments Nos.:

   A. State Dept. Parks And Recreation Agency Letter 1.
   B. **State Dept Transportation Agency Letter 2**.
   C. State Dept. Fish And Wildlife Agency Letter 3.
   D. D. Central Valley Regional Water Quality Control Board Agency Letters 4 and 5.
   E. State Dept. of Toxic Substance Control Agency Letter 7.
   F. Grass Valley Agency Letter 8 (GV Community Development Dept.)
   G. NID Agency Letter 10 (Nevada Irrigation Dist.)
   Northern Sierra Air Quality Management District (NSAQMD) Agency Letters 11 and 12. [expresses concern and concerning questions without conclusion as to most deficiencies, but see some examples I quote about asbestos, including both air and water issues)

3. **Group Comment Nos.**

   A. Bear Yuba Land Trust Group Letter 2.
   B. Briar Patch Food Coop Group Letter 3 (mislabeled 15 at the top).
   C. Business Owners Group Letter 4
   D. California Native Plant Society Redbud Chapter CNPS Group Letter 5.
   E. CEA Group Letters 6, 7, 8, 9, and 21 (Community Environmental Advocates Foundation/Shute Mihaly Law Firm/Center for Public Participation)
   F. First Church of Christ Scientist, Grass Valley Group Letter 10.
   G. Friends of Banner Mountain Group Letters 11 and 12.
   H. Gold Country Avian Studies Group Letter 13.
   I. Nevada County Association of Realtors Group Letter 15.
   J. Nevada County Chapter of Citizens Climate Lobby/Education (CCL) Group Letter 16.
   K. Nevada County Climate Action Now Group Letter 17.

L. Nevada County Food Policy Council Community Alliance with Family Farmers Group Letter 18.

M. Rudder Law Group LLP Group Letter 20.

N. Shute Mihaly Law Firm/CEA Foundation Group Letter 21 (see CEA Objections Above Where Consolidated).

O. Sierra Foothills Audubon Society Group Letter 22.

P. Sierra Nevada Group of the Sierra Club Group Letter 23.

Q. Sierra Streams Institute Group Letter 24.

R. South Yuba River Citizens League Group Letter 25.

S. The Sierra Fund Group Letter 26.

T. The Wells Coalition Group Letter 27/28.

U. Wolf Creek Community Alliance Group Letters 29, 30, 31, and 32.

Other Incorporations May Be Addressed Directly In My Objections Or in Other Supplemental Objections.

Appendix of Some Objection Related Documents (cross-referenced to public documents or websites—but not attached)

1. "DEIR Objection 254": My DEIR Objection 254 (marked by the disputed EIR as its Response To Comment Ind. 254-1 et seq) and in the record at EIR 2-5847 as a general objection to the DEIR

2. "DEIR Objection 255": My DEIR Objection 255 (marked by the disputed EIR as its Response To Comment Ind. 255-1 et seq) and in the record at EIR 2-6028 as an more specific objection to the DEIR's disputed claims to feasibility and mitigation, as well as to the erroneous legal interpretations of CEQA to exclude economic admissions by Rise in its SEC filings and elsewhere, even as rebuttals and impeachment of inconsistent claims by the DEIR/EIR and even when the DEIR/EIR contains statements that are outside the disputed boundaries the DEIR/EIR seeks to enforce on objectors like me, including where the DEIR even labels its disputed allegations as "NonCEQA" data.

3. "EIR Objection 254": My EIR Objection 254 attached hereto and disputing the EIR "Responses To Comment Letter Ind. 254.

4. “EIR Objection 255”: My EIR Objection 255 disputing the EIR “Responses To Comment Letter Ind. 255.

5. Rise Gold Corp SEC filings, especially 10K annual reports and 10Q quarterly reports. See my Exhibit B hereto and my DEIR Objection 254 #2 quotes.

6. EPA website and other studies listed in these objections or Exhibit C, including the more than 29,000 studies warning about hexavalent chromium, including studies under the “TRI Program” (EPA toxic release inventory) and studies by experts such as Wendy Wagner, Steve Gold, and Kyla Bennett.

7. Cal Water Board website and other studies listed or incorporated in these objections or Exhibit C.

8. CalEPA website and other studies listed or incorporated in these objections or Exhibit C.

9. The Hinkley Groundwater website (e.g., www.hinkleygroundwater.com) and studies listed or incorporated in these objections or Exhibit C.

Exhibit A. My Objections To the County Economic Report

Larry Engel
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December 7, 2022

Robert D. Niehaus, Inc.
140 East Carrillo Street
Santa Barbara, CA 93101
805-962-0611
survey@rdniehaus.com

cc. County of Nevada
950 Maidu Avenue
Nevada City, CA 95959
530-265-1218
Att. Matt Kelley
County Planning Department
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Re: Objections To And Questions Regarding "Economic Impact of the Proposed Idaho-Maryland Mine Project" (the "Report") dated 11/15/2022 by Robert D. Niehaus, Inc. ("RDN"); RDN Project #320

Dear Mr. Niehaus:

1. Introductory Questions.

Since you have invited questions in advance of the conference regarding your Report, I am presenting you with ten of the more basic questions in the context of my related DEIR objections, so that you can better understand the concerns that inspire such questions. Unless otherwise defined herein, I will use the terms from your Report for ease of comparison. If this Project is ever approved over the hundreds of meritorious written and oral objections presently on record in response to the Draft Environmental Impact Report ("DEIR"), including mine to which I direct your attention, these and many other questions will be at issue on the legal and political disputes by the many area residents who believe the proposed mine activities to be both intolerable and contrary to CEQA and other applicable laws. I believe in preserving what harmony is possible in our community, and that may be improved by narrowing the scope of our

differences regarding this mine controversy to the extent feasible. That begins by the County and its evaluators realistically addressing the real issues of greatest concern to the affected residents (and voters) like me. That requires recognition of the many fatal flaws in the DEIR which the Report chooses to ignore.

Among the greatest objections to the Report is that it incorrectly **assumes**, despite all the evidence and unaddressed concerns to the contrary now in the record, that (1) the DEIR is correct, complete, and compliant with CEQA and other applicable law, and (2) that Rise Grass Valley ("RGV" or, together with its parent company, "Rise") is financially and otherwise capable of performing and intent on accomplishing what it states in the DEIR. By failing to analyze such correctness, completeness, and compliance of the DEIR and the financial feasibility of Rise to complete and operate the Project in compliance with the DEIR and applicable law, your Report may be useless and, worse, support dangerous mining, if your such untested assumption is wrong (as objectors have proven, and will continue to prove, it to be.) Since there is a long history in California of failed mines and miners making unfeasible promises they fail to perform, resulting in more than 49,000 closed or abandoned mines on the EPA clean up list, no mine should be allowed to start (or restart) unless such miner can prove it can accomplish both what it promises to gain approval and what more the applicable laws require. Starting this mining process and then failing to proceed to a satisfactory conclusion as required may create serious economic problems for our community and the whole County. Since the many objections, as well as the Rise SEC financial filings themselves, demonstrate that the Rise effort is highly speculative at best and likely unfeasible, the Report should address the cost to the County of such a failure, rather than simply unwisely assuming success in accordance with the deficient and disputed DEIR.

The evidence and meritorious concerns to the contrary of the DEIR are stated, among other things, in the hundreds of meritorious oral and written objections presented in the record before the County Planning Department, as well as in Rise's own SEC filings (admitting its insufficient financial resources and the speculative nature of the Project and many risks) and DEIR (admitting many vulnerabilities, such as that the Project is economically infeasible unless approved as proposed, including its disputed 24/7/365 operations for 80 years, which disputed timing objectors expect to prevent by legal and political challenges). While there are many record objections to the DEIR and Project that also defeat your Report's "**assumption**" of economic feasibility, I refer you in particular to the two objections that I have filed with the Planning Department on May 30, 2022 (my "**General Objection**") and on April 4, 2022 (my "**Economic Objection**").

My long General Objection explains many deficiencies in the DEIR and many ways in which, if necessary, court and political actions by objectors will impose reforms and additions that would have to occur in order for the Project to be compliant with CEQA and other applicable law and otherwise tolerable to the community of voters that hugely outnumber the theoretical 300 odd workers at the Project (and whatever other support they can muster from distant places in the County that are beyond the adverse effects of this Project.) Those reforms and changes would make the Project even more economically infeasible, even by Rise's own standards.

My Economic Objection contests with cited legal authorities and arguments the incorrect position of the County and Rise (which you and the DEIR seem to follow without independently checking them) that CEQA and other applicable law do not require any showing of economic feasibility or financial or other credibility. As explained in both my General Objection and

Economic Objection (collectively my "**Objections**") incorporated herein (and vice versa), I have substantial and long-term experience as a bankruptcy lawyer with failing mines and mining companies, and I can explain why I believe this Project is at risk of being adding at some future time to the more than 49,000 abandoned or closed or bankrupt mines on the EPA list for cleanup or other remediation. Furthermore, I have extracted from those Objections and placed at the end of this letter various legal and other exposures of the County and Rise that involve costs not addressed in your Report. If this Project is approved and even one of those many stated concerns applies, your Report may be seen as supporting a dangerous illusion or worse. It is not too late to address the true issues and save us all from the miserable mistake approving this Project would be. (I also ask the Planning Department to add this letter to my "Objections" by incorporation by reference (as with other filed objections on the record.)

Question #1: In that context I ask you, what happens if your Report's assumption and reliance about the DEIR and Rise are incorrect? What if the DEIR is incorrect, incomplete, and noncompliant and Rise is financially incapability of performing, as many of us residents contend with evidence in our objections (none of which concerns are rebutted by Rise, nor can they be, since denying the financial and risk admissions information Rise has filed with the SEC would create bigger problems for Rise than its simply inducing you and the County into incorrectly assuming (a) that Rise can accomplish what the disputed DEIR says, despite its own doubts about the risks admitted in its SEC filings, and (b) that what is proposed in the disputed DEIR is correct, complete, compliant, and legally sufficient, when Rise's SEC filings warn of contrary risks?) The harm that is done to our community once the Project has begun may be soon become uncorrectable, even if Rise had the financial resources and willingness to do the necessary corrections (which funding its own SEC filings reveal it lacks and admits it may have risks in accomplishing timely.)

Question # 2: Since Rise admits that it may be financially incapable of accomplishing this Project itself, absent unexpected financing (see my Objections), most of us objectors assume Rise expects to flip this Project after County approval to another miner with more resources. Don't you care about who Rise chooses as the "real," successor miner? Stated another way, if the "flip" buyer from Rise were the kind of miner who would be welcomed by the County, why would it use a financially questionable and controversial applicant like Rise as its "stalking horse?" Therefore, Rise may not be our worst-case adversary in this situation, because the "real," ultimate miner may be even more controversial than Rise. Why is your Report not warning the County against indulging this **financially deficient and controversial Rise miner without testing its performance capabilities** and risking not only nonperformance by Rise but perhaps worse problems from a successor buyer "behind the curtain?" Why expose our community to such risks that your Report does not even attempt to quantify?

2. **The Economic Report Is Premature And Needs To Be Updated After the Disputed DEIR Issues Are Resolved; ie, How can anyone rely on an economic analysis that incorrectly assumes that the disputed DEIR is correct, complete, and compliant, at least without describing the consequences if that assumption is as wrong, as our residents' objections demonstrate?**

There are hundreds of meritorious oral and written objections to the DEIR, including my Objections incorporated herein. The Planning Department must still address those concerns, and, if necessary, the courts, ultimately should agree with most or all those objections. That

means this Report will be based on incorrect assumptions, and, therefore, will be incorrect and not just worthless, but counterproductive by supporting illusions. Even if the Planning Department were to decide that all those objections were somehow wrong, objectors can still be expected to use the political and legal processes to protect their rights and property by all appropriate means, certainly resulting in ordinances and new decision-makers' decisions that are contrary to the assumptions in the Report. For example, according to the DEIR's own admissions, all we need to do is create a law prohibiting such operations 24/7/365 and the Project is (by the DEIR's own admission) no longer economically feasible.

Question #3: How will the Report deal with rulings against the DEIR and such other changing circumstances? Will the Report be updated to reflect corrections for the reality that has always existed and exposing the errors of the Report assuming the disputed DEIR was correct, complete, and compliant? Why does the Report not warn the County of the economic consequences if the DEIR is wrong, incomplete, or noncompliant? Don't the Rise risk admissions in its SEC filing demand such warnings and economic risk analysis by you? Why does the Report not deal with the consequences of the impacted residents exercising their legal and political rights in ways that doom the Project, even by the DEIR's own admissions?

3. How Can the Report Justify Reliance on the DEIR, When Objections Raise So Many Basic Credibility Questions, Including NONDISCLOSURE OF THE HEXAVALENT CHROMIUM MENACE?

Besides such reasons to doubt Rise's financial capacity to perform even the DEIR, much less what more the courts and political process will ultimately require if this Project proceeds, there are many other reasons to question the credibility of Rise and its DEIR. I refer you to the record of objections to the County which demonstrates many errors, omission, and worse in the DEIR. I only refer here to one example of many discussed at length in my Objections, which is illustrated by movie "**Erin Brockovich**" and the case study in the real litigation over the death of the town of Hinkley, CA, and its residents from **hexavalent chromium** poisoning of their ground water. As my Objections show, there are thousands of EPA listed studies showing the lethal nature of such hexavalent chromium in ground water, and, yet, the DEIR fails to report their plan to use that toxic substance in its Hazardous Materials discussion. The only reason we even know about that threat is that it is mentioned in passing in the description of the underground mining techniques in another section of the DEIR, which I assume was a mistake by someone who didn't realize they were exposing a problem that Rise chose not to reveal in the place CEQA required for discussions of such hazardous substances.

As noted in my Objections, because there will be constant dewatering of the mine with the exposed water flushed elsewhere else down the Wolf Creek, touted by the DEIR as if somehow that waste and movement of our ground water from the mine's neighbors to other places downstream were somehow a benefit when (1) no one downstream should want to drink or use such toxic water contaminated with hexavalent chromium, which the DEIR does not promise its cleaner will eliminate (since the DEIR failed even to reveal its existence properly in the deficient hazardous materials analysis), and (2) moving our ground water from the mine neighborhoods to somewhere else is no benefit to us neighbors, an issue as to which there is little and deficient discussion in the DEIR. See the discussion below about depletion of the neighbors'

ground water, not only drying up wells but also depriving our surface lands and forests of essential water and creating greater fire hazards. (As explained at the end of this letter, and in my General Objection in more detail, with court precedents prohibiting what the DEIR proposes to do, the surface owners above the 2585-acre underground mining have competing water rights, including as part of their paramount rights to lateral and subjacent support confirmed in Supreme Court precedent I mention later.) Whether or not such DEIR errors, omissions, and noncompliance with CEQA and other applicable law are intentional or merely negligent (which for the present I leave to others, because the adverse consequences to our community are the same in either case), this creates a huge credibility problem for Rise and the DEIR at a minimum that cannot be safely ignored in your Report.

For more details and examples of the DEIR's other "strategic" errors, omissions, and deficiencies, consider what is exposed in my Objections and for which the DEIR has no good excuse, such as the DEIR occasionally mentioning the use of hexavalent chromium in the mine shoring cement paste without any mention of it or its dangers where required in the DEIR's "Hazards And Hazardous Materials" discussion. See CEQA cases like *Banning Ranch Conservancy v. City of Newport Beach* (2017), 2 Cal.5th 918, 940-41 ("**Banning**") and *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007), 40 Cal.4th 412, 442 ("**Vineyards**"), each insisting on "a good faith reasoned analysis," rather than scattered or buried data, and unexplained data in exhibits. Stated another way, why does the Report inappropriately gives the DEIR the benefit of the doubt that CEQA and the courts will not allow? Why should the Report assume that the DEIR is correct, complete, and compliant, especially when Rise admits in its SEC filings risks that it may not be, and when Rise's accountants add a going concern qualification to the financial statements?

Question #4. If the DEIR credibility is destroyed as to this hexavalent chromium issue, why assume that anything else in the DEIR is correct and compliant? Don't such errors, omission, and noncompliance require the County to enforce some burden of proof on Rise and the DEIR? Why give them the benefit of so many doubts, even when Rise admits them in its SEC filings? Why side with these financially questionable outsiders against the impacted residents who will never willingly accept the mine because we have good cause to believe the DEIR is incorrect, incomplete, noncompliant, or worse? The adverse consequences of incorrectly assuming the DEIR is correct and feasible are much worse to the affected community victims than to Rise, who is merely losing the opportunity to profit while disputing indefinitely with its voting neighbors trying to protect their rights and property from this Canadian miner.

Additionally, as demonstrated in the Objections, there are many other DEIR strategic omissions or misleading statements that devastate the credibility of Rise and the DEIR, and cause the DEIR to fail to comply with CEQA and other applicable law. One simple example is the failure to identify adequately the surface boundaries above the 2585 acres underground mine that are owned by residents who are or (when they realize their peril) will be objectors. (The DEIR maps do not show surface streets and other landmarks that enable us to know whether the underground mine is below us as a real estate seller's disclosure or other threat or just near us as a threat.) The only apparent reason for obscuring such boundary locations is to reduce opposition from surface owners who do not yet realize the extent of their risks. See the discussion below of the effect of the mine on property values, as well as in the legal cases addressed at the end of the letter from my Objections. Such "hide the ball" tactics reflect badly on the DEIR credibility, as the courts have forbidden in cases like *Banning* and *Vineyards* discussed above.

Question #5: How can the Report accurately assess the situation when the thousands who live on the surface above the 2585-acre underground mine do not even yet know their peril? For example, the response of such owners is predictable when they discover what some of us already know; eg, that those surface owner victims will have to tell their buyers or mortgage lenders, for example: "Oh, by the way, there is an old, reopened mine operating 24/7/365 for 80 years underneath this property that is blasting tunnels, digging our ore and rock, draining the local ground water in dewatering ways that imperil your wells, trees, and other rights, as well as shoring up that whole mess beneath us with toxic hexavalent chromium."

Question #6: Why does the Report not address the cost and burdens to the County of all the litigation and extra elections that will result from any such approval of the Project? This is not just about the usual litigation contesting the approval and compliance with CEQA and other applicable law. This is not just about neighbors enforcing their rights to bring appropriate nuisance suits when the risks become manifest and causing new laws and decision-makers to reduce the burdens and risks of the Project on the community. This also includes novel disputes between surface owners and the mine owner (whether Rise or its successor "behind the curtain" to whom it flips the mine, because Rise's SEC filings admit that it may not be able to afford to perform the DEIR and other requirements of applicable law). As described in my Objections, competing surface owners have greater rights that, when enforced, will make the mining economically and otherwise infeasible.

4. Why Does The Report Assume Approval of the Project Is The End, Instead of What Must Instead Become A Perpetual Controversy That Involves Not Only The Courts But The Political Process?

The Report addresses the cost and burdens to the County as if the controversy is over once the Project is approved. However, as discussed in my Objections and at the end of this letter, such a Project is intolerable to those thousands of neighbors adversely affected by the mine. The traditional case studies that your Report should address (and that many expect will be addressed in the litigation that approval would trigger, demonstrating why the three Report case studies are not comparable or useful) are those where the controversies with impacted neighbors endure indefinitely at least until the mine shuts down. See the discussion below of the impact of the Project not only on property values, but on the use and safety of the properties on which thousands of people are living. Few in our community perceive any net value in the mine to us, even if the DEIR's "alternate reality" assumed in your Reort were correct. My Objections describe the controlling legal authorities protecting our community from disproportionate impacts on us for the benefit of people elsewhere in the County who are beyond the local impact zone. For example, the California Supreme Court had upheld nuisance claims for creating even a beneficial project (ie, a public sewer plant) for the locals disproportionately forced to sacrifice for the good of the broader community (ie, owners downwind of the sewer plant driven from their homes by the stench). Eg, ***Varjabedian v. Madera*** (1977), 20 Cal.3d 285 (discussed below and relying on the Fifth Amendment holding in *Richards v. Washington Terminal Co*. (1914), 233 U.S. 546, and noting that our California Constitution offers us even broader protection than the US Constitution). Unlike such cases of public benefit projects, this DEIR Project does not provide sufficient net benefits to our community in such public benefit ways [by refuting the DEIR, we thereby refute the Report], but instead the mine is for private Canadian profits to be shifted away from our community, likely leaving us with a mess like most mines when they

cease to be profitable and then are never properly remediated, as shown on the EPA abandoned mine list.

Question #7: Since the record objections, including my Objections, provide ample grounds for rejecting the Project, why is the County trying so hard to accommodate Rise and create a perpetual controversy in our community at a time when we need to find harmony? Unlike other conflicts that disrupt our community peace, this Project will never have a sufficient constituency of voters (as distinguished, perhaps, from unwise politicians or staffers) to prevail on later votes against mine issues, and that means that perpetual appropriate litigation and exercise of political rights to counter the Project's problems that, if approved, would be an existential menace to our community, especially to those owners above or around the 2585-acreunderground mine.

5. Why Does The Report Assume That (Illusory) Mitigation Rise Cannot Afford Solves All Problems For the County And Only Consider Underestimated Costs of Certain Police And Other Services?

My Objections and others demonstrate that there will be massive net costs to the County not addressed in the Report (eg, the cost of road maintenance for abuse 24/7/365 for 80 years from abuse by heavy trucks on those roads that were not designed to accommodate such burdens). The only reason that the Report ignores such massive costs and burdens is that it **assumes incorrectly** that somehow those costs will be 100% mitigated by Rise, ignoring that there is no existing or feasible expected agreement by Rise, but merely the DEIR's vaguely expressed willingness to "negotiate" something, even though its SEC filings shows it lacks the funds to pay those costs, among many other admitted feasibility risks inspiring Rise's accountant to qualify the financials with a going concern qualificaition.

Question #8: Why doesn't the Report identify all the "mitigations" that it assumes will be paid 100% by Rise, so that everyone can properly evaluate both the feasibility of such mitigations and the consequences of those mitigations not being 100% paid by Rise, such as the road maintenance from constant 24/7/365 abuse by its heavy trucks for 80 years? Why doesn't the Report at least quantify what the public must pay if Rise cannot or will not do so? Why does the Report assume that, even if Rise could afford such mitigations, there will be a satisfactory future agreement when there is not any present agreement? More importantly, why doesn't the Report disclose what the cost to the County or public would be in the absence of any mitigation, so that we can judge the risk of insufficient mitigation? Consider, for example, what the direct and indirect additional cost would be of maintaining those heavy truck access roads abused 24/7/365 for 80 years? If these mitigation issues must become litigated or contested in the political process, you should not be surprised to discover that such net public costs (which the Report assumes away) will far exceed the Report's imagined benefits.

6. Why Does the Report Shift The Burden of Proving the Harms To Property Values From Rise To The Local Homeowner Victims, And Why Not Ask The Real Experts Who the County Will Face When Any Disputed Approval Is Contested In the Courts And the Political Process?

The burden of proving no harm from the Project to our property values (which means overcoming many of the objections on record already with the Planning Department) must be on Rise. Yet, by ignoring such record objections and common sense concerns of the thousands of residents living above the 2585-acre underground mine, and by doing an incomplete and flawed investigation to achieve a disputed conclusion that the Report was unable to confirm lost value, the least that the Report could do is consider why us impacted residents dispute the DEIR and, therefore, the Report. The Report addresses (deficiently) some, but not all such reasons why property values will decline because of the Project, noting that many local businesses from who you sought opinions (especially real estate brokers) declined to address the issue with you because of concern about "controversy." However, if you had asked what about what the "controversy" caused them to decline to respond (and they had chosen to answer comprehensively), you would have discovered (and should have reported) that their reason to decline comments is that, by opining on this subject, they would have made their real estate sales jobs harder. Real estate brokers and sellers are legally required to disclose such risks and problems to the buyers, including what is in the record objections.

Therefore, what the brokers and sellers say to you, they then would have to say to every potential buyer or lender. That would make their job much harder, and that is one powerful reason why they don't tell you what they all know to be true: this Project will devastate both the value and the marketability of the impacted homes, especially those thousand living above the 2585-acre underground mine and those others nearby who will suffer from the loss of their groundwater and other mining problems. Even those other homes in the community more distant from the mining will suffer, because of the consequences of declines in the property values of those more directly impacted homes. Ask yourself, who will invest in maintaining or improving any property that is now suffering from such a stigma, especially when they can no longer borrow against the disappearing equity in their impacted homes, assuming they still can get mortgage or home equity loans at all?

That thought highlights the bigger problem with the Report. Most buyer's purchase their houses with mortgage loans. To qualify for such loans, an appraiser must confirm the relevant value for the "loan to value calculations" for compliance with banking regulations. What everyone expects, but the Report totally ignores, is that these impacted properties will not appraise well. Indeed, unlike the real estate brokers (whose self-interest generally favors being optimistic about property values and market opportunities, making their negativity on this mine issue especially powerful), the real estate appraisers will be more "conservative," ie, realistic, in quantifying the harm done to property values by approval of the Project. (Indeed, Federal laws and regulations arising from excessive valuations in prior real estate bubbles punish appraisers for overvaluations.) When the buyer cannot finance the purchase at the seller's price, either the house doesn't sell (and the owner suffers, without investing more in his or her property, causing more devaluations) or the seller drops the price enough so that the buyer can qualify for loans at the lower appraised value. When one buyer accomplishes that lower price result, that sets the new "comparable" for all other appraisers, and we begin down the "slippery slope" to generally community devaluation. There is ample history of that general decline in such circumstances. Add in the Hinkley, CA, story with the mine's hexavalent chromium and ground water depletion problems, and the expected market value declines can be severe.

Consider what a seller or broker must tell the buyer after the mine approval, and what the bank appraiser must consider in his or her appraisal. "Oh, by the way, there is an old mine that has reopened and is operating 24/7/365 for 80 years underneath [or near] this property. They are

blasting tunnels, digging our ore and rock, draining the local ground water in dewatering ways that imperil your wells, trees, and other rights, as well as shoring up that mess with hexavalent chromium." Etcetera. Even parts of the community more distant from the mine will be impacted, if only by the understandable stigma, the reasonable fears, and the other adverse consequences to the whole community of such harms and risks to the mine exposed areas. All such direct and indirect impacts must be disclosed, and disclosure itself assures devaluation and the harms will linger and spread. The decline in property values impacts the economy in many ways not addressed in the Report. Property tax collections will drop with values. Local construction work and related supplier sales will drop because of chilled investments in such threatened properties. Tourism will also be impacted. Sadly, the harder us locals are forced to resist these abuses of our rights, the worse the stigmas will become in the media.

Question #9: "Why isn't the burden of proof on Rise and the DEIR to prove there will be no impact on property values? Why does the Report, in effect, place that burden of proof on the resident victims instead? Why make our community gamble on the Report's foolish reliance on the disputed DEIR, and thereby assume that such obvious problems will not be as bad as every resident who matters knows them to be? Why does the Report, in effect, say that the author's study failed to prove conclusively that values will decline, so go ahead and mine? Why doesn't the Report state the truth, which is that there are many reasons for the mining and related risks, threats, and stigmas to depress property values, and gambling on the DEIR, Rise, and a problem free Project is not something the impacted residents will ever be willing to suffer voluntarily, but instead can be expected to resist with legally appropriate defenses that the Report should consider?

7. Why Has Someone Discouraged Candidates In Elections From Expressing Their Opinions On the Mine By A Serious Misinterpretation of the Applicable Law, And What Approval of the Project Will Mean For Inevitable Future Political Conflicts?

As reported in the *Union* during public forums in the recent elections, someone has convinced candidates and officials that it is somehow legally improper to announce their position on the mine. That claim is both legally incorrect and bad policy. As the controlling court cases I cite below remind us all, it is not only proper and legally permissible, but essential, that the candidates detail their positions on such important matters, so that voters can make informed decisions on the merit of these critical issues. That is the stated policy reason for the CEQA disclosures. The confusion seems to be that these candidates mistakenly believe they must act like judges (where such limitations apply), rather than candidates (or even elected officials) who can and should freely speak their minds on such matters. Indeed, the purpose of Preliminary Environmental Impact Reports under the California Environmental Quality Act is to provide information needed by voters to express their own views by their votes, as the courts have confirmed. We need more informed voters, not people forced to guess. The most important issue is which candidate has the best policy positions. How can democracy work if our politicians can dodge key issues, so that our votes are uninformed, and we must guess?

If the Project is approved, the result will be extraordinary and protracted political conflict, as well as the usual legal remedies pursued by those of us defending our homes from what harms we know will follow, even though ignored or understated by the disputed DEIR and Report. The next elections will inevitably present candidates who share the views expressed in

my Objections and those of thousands of other impacted residents. Those candidates will not be silenced by the incorrect hesitation shown in the last election, but will speak boldly based on the following quotes from one controlling California Supreme Court decision (which cites therein many other concurring decisions, including US Supreme Court precedents): **Fairfield v Superior Court of Solano County** (1975), 14 Cal.3d 768 (rejecting a shopping center developer's attempts to use civil discovery to support an attack on two councilmen who voted against the use permit application and related environmental impact report they had previously criticized, one as a candidate), stating:

> As we shall show … even if … [the developer] could prove that … [the councilmen] had stated their views before the hearing, that fact would not disqualify them from voting on the application. (at 779)
> ***
> A councilman has not only the right but an obligation to discuss issues of vital concern with his constituents and to state his views on matters of public importance. [citing *Todd v. City of Visalia* (1967), 254 Cal.App.2d 679 … (at 780)
>
> … Campaign statements, however, do not disqualify the candidate from voting on matters which come before him after his election. … "[It] would be contrary to the basic principles of a free society to disqualify the candidate from service in the popular assembly those who had made pre-election commitments of policy on issues involved in the performance of their sworn …duties. Such is not the bias or prejudice upon which the law looks askance. The contrary rule of action would frustrate freedom of expression for the enlightenment of the electorate that is the very essence of our democratic society." (at 781)
>
> … We conclude ... The voters …were entitled to discover the views of the candidates for the city council concerning … variances from zoning requirements, and the candidates were entitled to express those views. (at 782)

Question #10: Why does the Report assume that the County costs will be zero after approval of the mine, when it is certain to be challenged in appropriate ways both legally and in the political process, sadly pitting thousands of existing residents against a far lower amount of mine supporters? Putting aside the substantial costs of extra elections and the litigation the County must then expect, why should the County provoke such a massive, protracted controversy by such an ill-advised gamble that will so seriously harm so many of our residents in the most fundamental and unforgivable ways by threatening the value and quiet enjoyment of their property? If your answer is that distant County residents will benefit from the theoretical taxes referenced in the Report, in effect saying that us locals near the mine should suffer disproportionately for benefit of the County as a whole, why does the Report not address the cost to the County and the impact on Rise (and the already infeasible Project) from the predictable remedies of the local victims? See, for example, the legal issues that will impact the County as explained below. Indeed, why not compare fairly and more accurately the harm us locals will suffer to the imagined benefits gained by such others?

Some Supplementary Legal Data Extracted From My Objections That Give Context And Special Force To My Questions.

There can be no net local benefit rationally expected from this mine to Nevada Country, even if the DEIR were correct, complete, and compliant, which it is not. That "no net benefit" analysis is especially true if one focuses on the thousands of us who live on the surface above and around the 2585-acre underground mine, who are generally ignored by the DEIR, in its erroneous pitch to consider this CEQA "project" generally as if it were only the small Brunswick Industrial Site and 30 or so well properties along the East Bennett Road (and, although the DEIR and Report incorrectly describes it as a "separate" CEQA project, the Centennial Industrial Site). This is all one, integrated CEQA Project that cannot be separated with CEQA discussions limited to just one part. As my Objections demonstrate, the greatest consideration and protection must be given to us locals above and around the 2585-acre underground mine, who could suffer many of the greatest negative impacts, none of which are sufficiently addressed in the DEIR or Report. Any DEIR decisionmakers who may like distant mines that are too far away to cause them personal burdens or risks, should especially consider the contrary leading precedent against such uncompensated, disproportionate impacts: ***Varjabedian v. Madera*** (1977), 20 Cal.3d 285 (relying on the Fifth Amendment holding in *Richards v. Washington Terminal Co*. (1914), 233 U.S. 546, and noting that our California Constitution offers us even broader protection than the US Constitution), involving for our discussion purposes both successful nuisance and inverse condemnation claims (among other claims) of local homeowners against the City of Madera's approved sewer treatment plant**. That court upheld the jury's damages award that was not just for the stink nuisance harms suffered by the downwind locals, but also for the loss of real estate value measured** (at 291) by "the difference between the present fair market value of the property as the same would have been without the construction of the sewage treatment plant… and the present fair market value after said plant was constructed and put into operation." The court rejected all the usual defense arguments that a mine owner might be expected to attempt. **As the Court stated (at 298): "If a plaintiff can establish that his property has suffered a 'direct and peculiar and substantial burden as a result of the recurring odors produced by a sewage facility -- that he has, as in *Richards,* been singled out to suffer the detrimental environmental effects of the enterprise—then the policy favoring the distribution of the resulting loss of market value is strong … and the likelihood that compensation will impede necessary public construction is slight. … and a burden unfairly and unconstitutionally imposed on the individual landowner." See my Objections for further details.**

Some our local harms should also be of broad concern for many other reasons, even to others in the County who may imagine they are too distant to be harmed by this mine. For example, the massive groundwater dumped into the Wolf Creek from the mine's wasteful dewatering goes somewhere else downstream, where those citizens should share our worry about hexavalent chromium and the adequacy and reliability of the mine's cleaning process. While the depletion of our groundwater in ways that add to our mine related miseries may seem local under the disputed DEIR analysis (really just guesses) about our fractured rock aquifer system, the drying out of our surface and its forests by such local groundwater mine depletion and wasteful mine uses (without the illusory "recharge" incorrectly assumed in the DEIR) harms everyone in this "new normal," "zero sum game" of climate change and chronic drought and dryness impacts. Because there is not enough water for everyone in the future, we're all in competition

for an insufficient supply, while the mine is continuously flushing our groundwater down the Wolf Creek somewhere else 24/7/365 for 80 years. (Note that the DEIR does not offer any evidence about depletion and other concerns after 2040.) Also, because the consequent fires and smoke and other air quality threats are not locally contained, even those with sufficient water will end up sharing those adverse consequences of this mining. Those and other problems addressed in my Objections and others need to be placed on the negative side of the balance sheet to compare against the minor alleged benefits of the mine that many residents have already disputed in the record.

I cannot imagine us locals (once adequately informed of the realities and the errors, omissions, and deficiencies of the disputed DEIR) tolerating the mine, especially when presently less informed people discover "the hard way" the burdens, risks, and problems which the DEIR was required to disclose and failed to do so satisfactorily. It should be easy for our governments to avoid conflicts with their voting citizens on this mine, because this mine is unlike most other such conflicts in the case law. Often the challenged CEQA projects involved **public improvement** projects needed by the broader community that hurt smaller impacted groups of citizens, like roads, sewer plants, or other public improvements. Here, this private, exploitive mine has no such material net public benefit, contrary to the Report (which assumes away the problems by accepting the disputed DEIR as if it were correct, complete, and compliant, which it is not.) There is little doubt that our real estate values (like local tax revenue and tourism) will suffer in reality, even from the mere stigma of the mine, because, even if we somehow were all wrong about all the mine related problems (which we're not), no one wants to pay these kinds of real estate prices to gamble on suffering such burdens, risks, and harms, especially if they read Rise's SEC filings admitting risks ignored in the DEIR and, therefore, in the Report. See the transcript (when available) of the March 22, 2022, County hearing and those objectors' follow up written comments. Clearly, no government blessing of the DEIR or mine approval (or your Report) will convince anyone at risk in such impact zones above or around the 2585-acre mine (or any buyer or mortgage lender/appraiser) to accept such risks, especially for no net benefit to their community.

So, sadly, approval of the DEIR and mine would divide our County in one additional way, and I hope that is not our fate. I mention the ***Varjabedian v. Madera*** nuisance claim, not just because such claims (if and when presented) could further affect the economics of the mine and other issues, if and when any victims were to collect nuisance evidence and (under legally appropriate circumstances) to consider the time to be right for accountability. **My primary reason for focusing here on this *Varjabedian* case is the court's discussion of why disproportionate harm suffered by some locals cannot be justified by the benefits to others more distant who can escape that harm**. Those cases (and many others) may create problems for the County in situations like this one, if it were to impose a nuisance (among other things) on such particular victims, **like the *Varjabedian* homeowners downwind from the sewer plant, as a "taking" under the Fifth Amendment and under the California Constitution, potentially creating claims against both the private nuisance maker and the approving governmental authority.** See, eg, *Uniwill v. City of Los Angeles (2004)*, 124 Cal. App. 4th 537 (a private party, here a private utility, and an approving governmental authority can be jointly liable in inverse condemnation for depriving a victim of property rights). As that ***Varjabedian*** Court stated (at 298): "If a plaintiff can establish that his property has suffered a 'direct and peculiar and substantial burden' as a result of the recurring odors produced by a sewage facility -- that he has, as in *Richards*, been singled out to suffer the detrimental environmental effects of the

enterprise—then the policy favoring the distribution of the resulting loss of market value is strong … and the likelihood that compensation will impede necessary public construction is slight. … and a burden unfairly and unconstitutionally imposed on the individual landowner." This policy to avoid disproportionate local harms should be especially powerful here, where the mine is not a public improvement for the common good, but rather a private exploitive business of no net benefit to the public.

More importantly, we are not just talking only about intangible issues like smells (although noise, traffic, air quality margins, and other intangibles may also arise in these disputes, especially since this no net benefit mine is to be granted 24/7/365 operating approval that few of our more beneficial local businesses enjoy as far as I know, without any justification in the disputed DEIR for such continuous operation except its arbitrary profit margin desired by Rise and its Canadian owners) or on account of Rise's admittedly weak financial condition discussed in its SEC filings. Here the conflict also includes our groundwater depletion and hexavalent chromium pollution of commonly owned groundwater (and then flushed down the Wolf Creek), as well as potential interference with the legal property rights of surface owners above and around the 2585-acre mine (eg, for subjacent and lateral support discussed below, etc.) With our water table dropping in the climate change future of dryness and drought, the last thing we need is to increase the risk of trees dying and becoming bigger fire hazards because of that 24/7/365 dewatering for 80 plus years and DEIR's admitted 1.4 million gallons a year NID depletion uses at the mine, plus more issues addressed in my Objections and others. Stated another way, all of us locals impacted by the mine are being asked to sacrifice some of our water, health, property rights and value, and other things mentioned and all grossly understated in the DEIR, but for what? So far, the only credible answer seems to be for a speculative and dangerous private project to export profits to private investors across the Canadian border enjoying their exploitation of us locals, while we suffer those disclosed problems, plus far greater undisclosed burdens, risks, and harms only revealed as cited errors, omissions, and deficiencies in the disputed DEIR. (I discount the Report as unconvincing at best, because it foolishly depends entirely on the DEIR as being correct, complete, and compliant, which my and other objections show it is not, and in any event the Report doesn't even address what risks Rise admits in its SEC filings.)

In considering the scope and nature of any mine approval and its terms and conditions, the government decisionmakers should consider both the nuisance and inverse condemnation court decisions as flip sides of the same coin. (Note: As explained in US Supreme Court cases cited in my Objections and elsewhere, when a government creates or approves a nuisance by a **public** project [like that sewer plant] it is exposing itself to inverse condemnation liability. When a private company does anything that would be such an inverse condemnation if done by a government, then the private company should have equivalent nuisance liability with similar consequences and considerations. That is why I discuss both public and private nuisance and inverse condemnation cases together, for illustration of the common principle they both have that no one can use their property to damage or harm other properties in actionable ways without consequences.)

The damages and "taking" (eg, eminent domain or inverse condemnation) consequences in "taking"/inverse condemnation cases can be similar when a nuisance is imposed on local victims. For example, consider *County of San Diego v. Bressi* (1986), 184 Cal. App.3d 112, where an aviation easement was imposed on homes at the end of a runway with approval authorized for hugely abusive (although unlikely) uses (such as not only jumbo jets, but also

"any other contrivance yet to be invented for flight in space.") *See also Coachella Valley Water District v. Western Allied Properties, Inc* (1987), 190 Cal. App. 3d 969 (where the court ordered a retrial where the trial court mistakenly limited the "before condition" valuation damage expert's evidence about the value before impacts of the flood control alternatives if they varied from the government's desired plan, holding the jury was entitled to consider the value of the plaintiff victim's property without being limited to the defendant's idea of solutions or consequences of doing things the defendant's way.) The *Bressi* court rejected the defense that the government should only have to pay for the less burdensome current uses (ie, only small private planes versus jumbo jets and rocket ships in the permits), holding that "just compensation" to the homeowner is measured (like nuisance damages) based on what the owner has lost, rather than by what the taker has gained. And stated (at 123) that: The jury … must "once and for all fix the damages, present and prospective, that will accrue reasonably from the construction of the improvement and in this connection **(the jury) must consider the most injurious use of the property reasonably possible. …In determining the most injurious use of the property reasonably possible, the jury must consider the entire range of uses permitted under the resolution of necessity." (ie, in that case making a small airport into a hub for first jumbo jets and then spaceships.)** (Emphasis added) Thus, if a dangerous or risky mine were allowed such great powers for massive abuse 24/7/365 for 80 years, any liability would be calculated on that worst case basis. That means current nuisances, trespasses, and other torts that have modest current impact can become a huge liability, because that current harm can be multiplied for 80 years' impacts.

Therefore, to the extent that us locals suffer damages, the County is better off with the narrowest approval imaginable, not the worst (or something vague that the DEIR could exploit with loopholes for which there is then maximum possible exposure with the 80-year multiple.) The government authorities should also consider making any approval not include hexavalent chromium, not allowing 24/7/365 operations (eg, versus the normal 12 hours) and for 80 plus years (but at most the limited period for which they have reliable data, which could never exceed 2040 as the outside date for which the disputed DEIR offers even deficient data on limited topics, especially not extending any period allowed based on some assurance of achieving some arbitrary profit margin), and not allowing such unlimited depletion of our groundwater based on a disputed and preposterous recharge fantasy, ignoring climate change dryness and drought, and not allowing other burdens, risks, and harms to us locals and our property rights. That means any disputed approval which is granted (and I urge that none be granted) must be conditioned on such credible protections for the locals from all such burdens, risks, and harms, especially where the disputed DEIR (and, therefore, your Report that depends on the DEIR) lacks reliable data and just assumes the future will be the same as the past. Otherwise, someone may have to pay us local residents not just for current suffering, but also for the risk for future, "worst case" suffering for 24/7/365 for 80-years, as noted above, even if the mine has no funds or ability to operate that long.

Besides such damages for nuisance and other claims, victim locals in such disputes can also entitled to recover (eg, restitution) **costs of mitigating** the victims' damages for any nuisance and inverse condemnation. Eg, *Ahlers v. County of L.A.* (1965), 62 Cal.2d 250 (when road construction caused landslides, the threatened property owners are entitled, among other things, to recover the cost of minimizing their damages in good faith, as by installing 25 shear pin caissons to try and hold back the landslide); *Sheffet v. County of L.A.* (1970), 3 Cal. App.3d 720,741-42 (water diversion damages from subdivision and road entitle victim to mitigate his or

her damages in good faith and recover the cost of protecting his or her property). While it is premature to address the mitigation cost recoveries from many defensive strategies local victims could elect to protect their properties from the many burdens, risks, and harms that anyone may suffer from a mine like this, one hypothetical example could be that the locals individually or collectively sink their own competing wells into their owned groundwater beneath their properties above and around the underground mine, hoping to save their surface share) of groundwater otherwise lost by plans to dewater, treat, and flush such groundwater downriver in some disputed but depleting amounts. Nowhere does the DEIR or the Report deal with any such competition with locals for water and other resources to which us locals have at least equal rights. (The conflicts that unfortunately creates with NID is a larger subject for another time, but no one should assume that existing laws and NID won't be changed to better protect us victims in the course of these disputes.)

Other issues may also arise in such nuisance and inverse condemnation etc. cases, some of which are analogous to the risk of "subsidence" from this 2585-acre underground mine for those above and around it entitled to subjacent and lateral support, groundwater, and other rights. E.g., *Smith v. County of L.A.* (1986), 214 Cal. App. 3d 266 (county road repairs created landslide conditions destroying homes triggering nuisance, inverse condemnation, and other claims, including both damages for diminution in the value of real property, but also damages for annoyance, inconvenience, and discomfort, as well as mental distress as a part of the loss of enjoyment.) See also my Objections, citing the Supreme Court and California cases allowing voters to protect surface owners from underground mining abuses. **For example, consider again the leading such Supreme Court decision of *Keystone Bituminous Coal Ass'n v. DeBeneditis*, 480 U.S. 470 (1987), where the Court upheld against a coal miner challenge the Bituminous Subsidence And Land Preservation Act (the Subsidence Act as it's called in Pennsylvania and many places where it has been replicated), where mining was limited to prevent "subsidence" (the loss of surface lateral and subjacent support and loss of groundwater or depletion of surface water, which are legal rights we surface residents already have here, but it helps to have more laws to detail specific applications and thereby avoiding the need for expensive defense litigation). That Supreme Court decision defined the "subsidence" concerns (also equally at issue for this DEIR project, especially because of the massive and objectionable groundwater depletion and [even what's so far revealed of] the DEIR's new, deeper, and expanded DEIR blasting, tunneling, rock removal, and other mining activities) as follows (at 474-5):**

> Coal mine subsidence is the lowering of the strata overlying a coal mine, including the land surface, caused by extraction of underground coal. This lowering of the strata can have devastating effects. It often causes substantial damage to foundations, walls, and other structural members, and the integrity of houses and buildings. Subsidence frequently causes sinkholes or troughs in land which make the land difficult or impossible to develop. Its effect on farming has been well documented—many subsided areas cannot be plowed or properly prepared. **Subsidence can also cause the loss of groundwater and surface ponds.** In short, it presents the type of environmental concern that has been the focus of so much federal, state, and local regulation in recent decades. (Emphasis added). [That conclusion about groundwater has a fn 2 which states:]

> Fn2. "Whenever [subsidence effects] extend, damage can occur to buildings, roads, pipelines, cables, streams, water impoundments, wells, and aquifers. Buildings can be cracked or titled; roads can be lowered or cracked, **streams, water impoundments, and aquifers can all be drained into the underground excavations**. Oil and gas wells can be severed, causing contents to migrate into underground mines into aquifers, and even into residential basements. Sewage lines, gas lines, and water lines can all be severed, as can telephone and electric cables. … (emphasis added).

While that subsidence law generally required 50% of the coal to remain for support in strategic places, it did many other things to protect the surface and limit the mining, explaining that the government was entitled to so act "to protect the public interest in health, the environment, and the fiscal integrity of the area," such as by "exercising its police powers to abate activity akin to a public nuisance," although the court made clear that the police power was broader than nuisances. (At 488) Of special note, the Court (at 493-94) noted that this challenge was to the enactment of the law before it was enforced, and that meant that it was premature to complain about how the law might be abused, when the facts of that surface and underground mining competition of rights were not yet established. Citing its own precedent in Hodel v. Virginia Surface Mining & Reclamation Ass'n Inc, 452 U.S, 264 (1981), the Court explained:

> "[The] court ignored this Court's oft-repeated admonition that the constitutionality of statutes ought not be decided except in an actual factual setting that makes such a decision necessary. [citations omitted] Adherence to this rule is particularly important in cases raising allegations of an unconstitutional taking of private property. *** (at 497): [W]here an owner possesses a full 'bundle' of property rights, the destruction of one 'strand' is not a taking because the aggregate must be viewed in its entirety. [The Court then followed that discussion how valid zoning laws always affect without any "taking" property uses with things like setbacks, lot size vs building size, etc.]

Please note that there is nothing in the disputed DEIR to explain why we surface residents above or around the mine need not worry about our legal right to mining contrary to our legal rights to "subjacent and lateral support and protection" from "subsidence" from either defective repair of the old 2585-acre mine that has been closed and flooded since 1956 and would now be blasted, tunneled, rock removed, and otherwise mined 24/7/365 for 80 years. How can we judge our risks when there are no clear standards and timely and effective monitors to protect us (or even reliable evidence)? History shows most often it takes a crisis damage event to trigger effective inspections, and at that point the damage is done, and all that would be left would be to pursue legal remedies against the miner, among others, typically with an insufficient financial condition (see my Objections and the Rise SEC filings) based and managed in a foreign place (eg, here Canada) whose only reported real, material asset shown in its SEC filings is the mine everyone wants to close that just revealed such a problem.

Remember the old Broadway musical that they made into a Clint Eastwood/Lee Marvin movie called "Paint Your Wagon" about Nevada City gold mining? It ends with the whole town collapsing into the miners' underground diggings. I hope that is not prophecy, but it illustrates one more topic in the disputed DEIR where there is no reliable or sufficient information. What is the actual condition of the mine that closed and flooded in 1956 and has not been studied since? How can responsible government assume records from those ancient days are now correct,

complete, and sufficient as to existing conditions that will be discovered when the mine is drained? As to why that matters, besides our peace of mind and safety, consider question: what is your real estate broker going to tell a buyer about when you try to sell your house above or around the 2585-acre underground mine here? I do not think the answer will be, “don’t worry, the DEIR reassures us all.”

Thank you for considering my questions.

Sincerely,

G. Larry Engel

Exhibit B: Selected Admissions From Current Rise Gold Corp SEC Filings

General Admissions from Rise's SEC Form 10Q for the quarter ending 10/31/2022 (Updating from the Prior 10Q Addressed in my DEIR Objection 254 #2). General Admissions About the Speculative Nature of Rise As a Hypothetical "Going Concern" from the Footnotes of Its Current Financial Statements Qualified By Its Accountant.

As described in FN1 to the financial statements reporting the massive financial losses and problems described herein, with 10/31/22 working capital of only $66,526: "The ability of the Company to continue as a going concern is dependent on the Company's ability to maintain continued support from its shareholders and creditors and to raise additional capital and implement its business plan. There is no assurance that the Company will be able to obtain adequate financing in the future or that such financing will be on terms advantageous to the Company. These events and conditions cast significant doubt about the Company's ability to continue as a going concern. The consolidated financial statements do not include any adjustments that might be necessary if the Company is unable to continue as a going concern."

General Financial Data as of 10/31/2022.

Rise reports little cash ($166,805) [even less than compared to the 7/31/22] for the period, and that cash will not be sufficient to fund any of its EIR/DEIR goals, especially those relating to the "aspirational" safety and mitigation issues of concern to the objectors and likely the lesser priorities for the miner once it has obtained its disputed EIR approval and has then begun its meritless defense to the objectors' legal, political, and law reform resistance to protect objectors' homes, groundwater and other property rights and values, our forests and environment, and our way of life in our community above and around the 2585-acre underground mine. Rise's other current assets are not material, and its noncurrent assets are just the speculative mine and equipment that has little value absent massive additional investment needed even to begin mining (e.g., dewatering and updating to a starting position the mine condition from being closed and flooded since 1956, as to which there are insufficient reliable and useful information, many likely dangerous conditions unaddressed by the disputed DEIR/EIR, and massive admitted risks). That is why the disputed $4,149,053 "book value" of the mine (including Centennial, Brunswick, and the underground mine) and $545,783 equipment are qualified by the Rise accountant as dependent on the disputed assumption that Rise remains a "going concern" which the accountant and Rise itself admit is speculative.

Note that the most current reported information on expenses and losses (for the three months ending 10/31/2022, which is comparable to prior periods shown) declares an operating (expense) loss of $702,522 and a Net Loss for the period of $684,538, which losses will continue (and objectors expect to prove would dramatically increase) until at best the start of profitable mining which will be long delayed and may never occur for many reasons, whether for lack of working capital, lack of sufficient accessible gold, objectors resistance and resulting lack of investment or credit, worse than expected mining conditions, and other factors that Rise and its accountant admit cause this to be a highly speculative enterprise, as demonstrated above and in objections to the EIR/DEIR. For example, the 10Q reports for the most current reported three months of "Cash Flows From Operating Activities (showing a "loss for the period" of $684,538

and “net cash used in operating activities” of $305,113) that will quickly exhaust the current cash on hand long before not only any net cash flow is produced by the mining, but also long before the potential value of the long closed and flooded mine can even be evaluated for its actual, potential value. FN 1 reports working capital on 10/31/22 of only $66,526. But see other data on page 19. Note also from FN 1 that its “accumulated deficit” (loss) is $23,693,142. [However, note that on 10Q at p. 18 in the “Results of Operations” discussion of “expenses” for that period ending 10/3/1/2022 there are different numbers reported that are larger but still comparatively small, i.e., $105,570 for consulting, $123,989 for geological, mineral, and prospect costs, and $154,096 for “professional fees.”]

Mining And Other Risk Related Admissions by Rise.

This SEC filing admits various things that are directly or indirectly contrary to or inconsistent with the EIR/DEIR or which support any or all of my four Objections, including the reality that Rise lacks the working capital, financial resources and capacity to perform its material obligations with respect to the mine, especially regarding the CEQA and other safety or mitigation “aspirations” proposed or required by the EIR/DEIR. In effect, if the County were to approve the EIR it would be imposing massive harms, risks, and problems on us local objectors for no net benefit to us that Rise admits are reasons why even voluntary investment in this mine would be a speculative investment for even the most risk tolerant investors. For example, consider the following such 10Q admitted reasons for disapproving the EIR:

a. “As of the date of these consolidated financial statements, the Company has not established any proven or probable reserves on its mineral properties and has incurred only acquisition and exploration costs.” At p.7
b. “Our business, financial condition, and results of operations may be negatively affected by economic and other consequences from Russia’s military action against Ukraine and the sanctions imposed in response to that action.” “Risk Factors at p. 21. [Is this a subtle way of warning us that the suspected real party in interest “behind the curtain” maybe someone/some entity vulnerable to such Russian sanctions?]
c. “We will require significant additional capital to fund our business plan.” Risk Factors at p. 22-23. Consider the detailed admissions that follow that admission:

> We will be required to expend significant funds to determine whether proven and probable mineral reserves exist at our properties, to continue exploration and, if warranted, to develop our existing properties, and to identify and acquire additional properties to diversify our property portfolio. We anticipate that we will be required to make substantial capital expenditures for the continued exploration and, if warranted, development of our I-M Mine Property. We have spent and will be required to continue to expend significant amounts of capital for drilling, geological, and geochemical analysis, assaying, permitting, and feasibility studies with regard to the results of our exploration at our I-M Mine Property. We may not benefit from some of these investments if we are unable to identify commercially exploitable mineral reserves.

Our ability to obtain necessary funding for these purposes, in turn, depends upon a number of factors, including the status of the national and worldwide economy and the price of metals. Capital markets worldwide were adversely affected by substantial losses by financial institutions, caused by investments in asset-backed securities and remnants from those losses continue to impact the ability for us to raise capital. We may not be successful in obtaining the required financing or, if we can obtain such financing, such financing may not be on terms that are favorable to us.

Our inability to access sufficient capital for our operations could have a material adverse effect on our financial condition, results of operations, or prospects. Sales of substantial amounts of securities may have a highly dilutive effect on our ownership or share structure. Sales of a large number of shares of our common stock in the public markets, or the potential for such sales, could decrease the trading price of those shares and could impair our ability to raise capital through future sales of common stock. We have not yet commenced commercial production at any of our properties and, therefore, have not generated positive cash flows to date and have no reasonable prospects of doing so unless successful commercial production can be achieved at our I-M Mine Property. We expect to continue to incur negative investing and operating cash flows until such time as we enter into successful commercial production. This will require us to deploy our working capital to fund such negative cash flow and to seek additional sources of financing. There is no assurance that any such financing sources will be available or sufficient to meet our requirements. There is no assurance that we will be able to continue to raise equity capital or to secure additional debt financing, or that we will not continue to incur losses.

d. ***"We have a limited operating history on which to base an evaluation of our business and prospects." Risk Factors at p.23.*** Consider the detailed admissions that follow that admission and which raise the question: why aren't those additional investigations being required and done in advance of the EIR approval, especially since the EIR/DEIR ignores my demands and those of other objectors for a commentary about the adverse consequences us neighbors fear if the EIR miner dewaters and otherwise creates a mess and then (before any of the mitigation or other safety work) abandons the project as infeasible? Such advance work should include what the 10Q plans for later after approval as follows:

Since our inception, we have had no revenue from operations. We have no history of producing products from any of our properties. Our I-M Mine Project is a historic, past-producing mine with apart from the exploration work that we have completed since 2016 has had very little recent exploration work since 1956. We would require further exploration work in order to reach the development stage. Advancing our I-M Mine Property into the development stage will require significant capital and time, and successful commercial production from the I-M Mine Property will be subject to completing feasibility studies, permitting and re-commissioning of the mine, constructing processing plants, and other related

works and infrastructure. As a result, we are subject to all of the risks associated with developing and establishing new mining operations and business enterprises including:

- completion of feasibility studies to verify reserves and commercial viability, including the ability to find sufficient ore reserves to support a commercial mining operation;
- the timing and cost, which can be considerable, of further exploration, preparing feasibility studies, permitting and construction of infrastructure, mining and processing facilities;
- the availability and costs of drill equipment, exploration personnel, skilled labor, and mining and processing equipment, if required;
- the availability and cost of appropriate smelting and/or refining arrangements, if required;
- compliance with stringent environmental and other governmental approval and permit requirements;
- the availability of funds to finance exploration, development, and construction activities, as warranted;
- potential opposition from non-governmental organizations, local groups or local inhabitants that may delay or prevent development activities;
- potential increases in exploration, construction, and operating costs due to changes in the cost of fuel, power, materials, and supplies; and
- potential shortages of mineral processing, construction, and other facilities related supplies.

The costs, timing, and complexities of exploration, development, and construction activities may be increased by the location of our properties and demand by other mineral exploration and mining companies. It is common in exploration programs to experience unexpected problems and delays during drill programs and, if commenced, development, construction, and mine start-up. In addition, our management and workforce will need to be expanded, and sufficient support systems for our workforce will have to be established. This could result in delays in the commencement of mineral production and increased costs of production. Accordingly, our activities may not result in profitable mining operations and we may not succeed in establishing mining operations or profitably producing metals at any of our current or future properties, including our I-M Mine Property.

e. ***"We have a history of losses and expect to continue to incur losses in the future" Risk Factors at p.23.*** Consider the detailed admissions that follow that admission and which raise the question, under these many admitted uncertain and high-risk circumstances, why is it not the EIR/DEIR that is "speculative" instead my objections, as the disputed EIR/DEIR continues incorrectly to assert. For example, consider these quoted 10Q admissions (emphasis added):

We have incurred losses since inception, have had negative cash flow from operating activities, and expect to continue to incur losses in the future. **We have**

incurred the following losses from operations during each of the following periods:

- **$3,464,127 for the year ended July 31, 2022**
- **$1,603,878 for the year ended July 31, 2021**
- **$5,471,535 for the year ended July 31, 2020**

> We expect to continue to incur losses unless and until such time as one of our properties enters into commercial production and generates sufficient revenues to fund continuing operations. We recognize that if we are unable to generate significant revenues from mining operations and/or dispositions of our properties, **we will not be able to earn profits or continue operations.** At this early stage of our operation, we also expect to face the risks, uncertainties, expenses, and difficulties frequently encountered by companies at the start-up stage of their business development. **We cannot be sure that we will be successful in addressing these risks and uncertainties and our failure to do so could have a materially adverse effect on our financial condition.**

What that implies is not just an unhappy fate for investors, but an worse result for us local surface owners above and around the 2585-acre underground mine, a topic which the EIR/DEIR incorrectly refuses to address as too "speculative," although the reverse is more true; i.e., as so admitted, shortly after the Rise investors and creditors lose hope for their gamble, they will cease supporting Rise and it will collapse, leaving a mess for us neighbors and our bigger community that the EIR/DEIR refuses to discuss but which (as a bankruptcy lawyer with vast experience in such situations) I have seen too many times and can describe for the bankruptcy or other courts that most likely will resolve the disputes that must follow any EIR approval by the County.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

1. "Risks Related to Mining and Exploration."

Consider the detailed admissions that follow that admission and which raise the question, under these many admitted uncertain and high-risk circumstances, why is it not the EIR/DEIR that is "speculative" instead my objections, as the disputed EIR/DEIR continues incorrectly to assert. For example, consider these quoted 10Q admissions (emphasis added):

(i)"The I-M Mine Property is in the exploration stage. There is no assurance that we can establish the existence of any mineral reserve on the I-M Mine Property or any other properties we may acquire in commercially exploitable quantities. Unless and until we do so, we cannot earn any revenues from these properties and if we do not do so we will lose all of the funds that we expend on exploration. If we do not discover any mineral reserve in a commercially exploitable quantity, the exploration component of our business could fail." 10Q at p. 24:

We have not established that any of our mineral properties contain any mineral reserve according to recognized reserve guidelines, nor can there be any assurance that we will be able to do so.

> A mineral reserve is defined in subpart 1300 of Regulation S-K under the Securities Act of 1933, as amended (the "Securities Act") and the Exchange Act ("Subpart 1300") as an estimate of tonnage and grade or quality of "indicated mineral resources" and "measured mineral resources" (as those terms are defined in Subpart 1300) that, in the opinion of a "qualified person" (as defined in Subpart 1300), can be the basis of an economically viable project. In general, **the probability of any individual prospect having a "reserve" that meets the requirements of Subpart 1300 is small, and our mineral properties may not contain any "reserves" and any funds that we spend on exploration could be lost. Even if we do eventually discover a mineral reserve on one or more of our properties, there can be no assurance that they can be developed into producing mines and that we can extract those minerals. Both mineral exploration and development involve a high degree of risk, and few mineral properties that are explored are ultimately developed into producing mines.**
>
> The commercial viability of an established mineral deposit will depend on a number of factors including, by way of example, the size, grade, and other attributes of the mineral deposit, the proximity of the mineral deposit to infrastructure such as processing facilities, roads, rail, power, and a point for shipping, government regulation, and market prices. **Most of these factors will be beyond our control, and any of them could increase costs and make extraction of any identified mineral deposit unprofitable.**

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(ii)"The nature of mineral exploration and production activities involves a high degree of risk and the possibility of uninsured losses." 10Q at p. 24:

> **Exploration for and the production of minerals is highly speculative and involves greater risk than many other businesses. Most exploration programs do not result in mineralization that may be of sufficient quantity or quality to be profitably mined. Our operations are, and any future development or mining operations we may conduct will be, subject to all of the operating hazards and risks normally incidental to exploring for and development of mineral properties, such as, but not limited to:**
>
> - economically insufficient mineralized material;
> - fluctuation in production costs that make mining uneconomical;
> - labor disputes;
> - unanticipated variations in grade and other geologic problems;
> - **environmental hazards;**
> - **water conditions;**
> - **difficult surface or underground conditions;**
> - **industrial accidents;**
> - metallurgic and other processing problems;
> - mechanical and equipment performance problems;
> - **failure of dams, stockpiles, wastewater transportation systems, or impoundments;**
> - **unusual or unexpected rock formations; and**
> - **personal injury, fire, flooding, cave-ins and landslides.**
>
> Any of these risks can materially and adversely affect, among other things, the development of properties, production quantities and rates, costs and expenditures, potential revenues, and production dates. If we determine that capitalized costs associated with any of our mineral interests are not likely to be recovered, we would incur a write-down of our investment in these interests. All of these factors may result in losses in relation to amounts spent that are not recoverable, or that result in additional expenses.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(iii). "Commodity price volatility could have dramatic effects on the results of operations and our ability to execute our business plan." 10Q at p. 25:

> The price of commodities varies on a daily basis. Our future revenues, if any, will likely be derived from the extraction and sale of base and precious metals. The price of those commodities has fluctuated widely, particularly in recent years, and is affected by numerous factors beyond our control including economic and political trends, expectations of inflation, currency exchange fluctuations, interest rates, global and regional consumptive patterns, speculative activities and increased production due to new extraction developments and improved extraction and production methods. The effect of these factors on the price of base and precious metals, and therefore the economic viability of our business, could negatively affect our ability to secure financing or our results of operations.

(iv). "Estimates of mineralized material and resources are subject to evaluation uncertainties that could result in project failure." 10Q at p. 25:

> Our exploration and future mining operations, if any, are and would be faced with risks associated with being able to accurately predict the quantity and quality of mineralized material and resources/reserves within the earth using statistical sampling techniques. Estimates of any mineralized material or resource/reserve on any of our properties would be made using samples obtained from appropriately placed trenches, test pits, underground workings, and intelligently designed drilling. **There is an inherent variability of assays between check and duplicate samples taken adjacent to each other and between sampling points that cannot be reasonably eliminated. Additionally, there also may be unknown geologic details that have not been identified or correctly appreciated at the current level of accumulated knowledge about our properties. This could result in uncertainties that cannot be reasonably eliminated from the process of estimating mineralized material and resources/reserves. If these estimates were to prove to be unreliable, we could implement an exploitation plan that may not lead to commercially viable operations in the future.**

Note that this Rise admission is directly contrary to my objections to the DEIR/EIR on this subject that were dismissed incorrectly as too speculative. But nothing so admitted can be too speculative for CEQA analysis, even if it is just to repeat the admission in the EIR/DEIR so as to correct the misrepresentation therein that there are no such risks or problems, because if there were they would have had to been addressed in the DEIR/EIR in order to comply with CEQA. Stated another way, when Rise admits such risks and problems are applicable by revealing them to investors and the SEC, it is wrong for the EIR/DEIR to ignore them in such presentations for County approval.

(v). "Any material changes in mineral resource/reserve estimates and grades of mineralization will affect the economic viability of placing a property into production and a property's return on capital." 10Q at p. 2:

> **As we have not completed feasibility studies on our I-M Mine Property and have not commenced actual production, we do not have mineralization resources and any estimates may require adjustments or downward revisions. In addition, the grade of**

ore ultimately mined, if any, may differ from that indicated by future feasibility studies and drill results. Minerals recovered in small scale tests may not be duplicated in large scale tests under on-site conditions or in production scale.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists.

(vi). "Our exploration activities on our properties may not be commercially successful, which could lead us to abandon our plans to develop our properties and our investments in exploration." 10Q at p. 25:

Our long-term success depends on our ability to identify mineral deposits on our I-M Mine Property and other properties we may acquire, if any, that we can then develop into commercially viable mining operations. Mineral exploration is highly speculative in nature, involves many risks, and is frequently non-productive. These risks include unusual or unexpected geologic formations, and the inability to obtain suitable or adequate machinery, equipment, or labor. The success of commodity exploration is determined in part by the following factors:

- the identification of potential mineralization;
- availability of government-granted exploration permits;
- the quality of our management and our geological and technical expertise; and
- the capital available for exploration and development work.

Substantial expenditures are required to establish proven and probable reserves through drilling and analysis, to develop metallurgical processes to extract metal, and to develop the mining and processing facilities and infrastructure at any site chosen for mining. Whether a mineral deposit will be commercially viable depends on a number of factors that include, without limitation, the particular attributes of the deposit, such as size, grade, and proximity to infrastructure; commodity prices; and government regulations, including, without limitation, regulations relating to prices, taxes, royalties, land tenure, land use, importing and exporting of minerals, and environmental protection. We may invest significant capital and resources in exploration activities and may abandon such investments if we are unable to identify commercially exploitable mineral reserves. The decision to abandon a project may have an adverse effect on the market value of our securities and the ability to raise future financing.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists.

(vii). "We are subject to significant governmental regulations that affect our operations and costs of conducting our business and may not be able to obtain all required permits and licenses to place our properties into production." 10Q at 26:

Our current and future operations, including exploration and, if warranted, development of the I-M Mine Property, do and will require permits from governmental authorities and will be governed by laws and regulations, including:

- laws and regulations governing mineral concession acquisition, prospecting, development, mining, and production;
- laws and regulations related to exports, taxes, and fees;
- labor standards and regulations related to occupational health and mine safety; and
- environmental standards and regulations related to waste disposal, toxic substances, land use reclamation, and environmental protection.

Companies engaged in exploration activities often experience increased costs and delays in production and other schedules as a result of the need to comply with applicable laws, regulations, and permits. Failure to comply with applicable laws, regulations, and permits may result in enforcement actions, including the forfeiture of mineral claims or other mineral tenures, orders issued by regulatory or judicial authorities requiring operations to cease or be curtailed, and may include corrective measures requiring capital expenditures, installation of additional equipment, or costly remedial actions. **We cannot predict if all permits that we may require for continued exploration, development, or construction of mining facilities and conduct of mining operations will be obtainable on reasonable terms, if at all. Costs related to applying for and obtaining permits and licenses may be prohibitive and could delay our planned exploration and development activities. We may be required to compensate those suffering loss or damage by reason of our mineral exploration or our mining activities, if any, and may have civil or criminal fines or penalties imposed for violations of, or our failure to comply with, such laws, regulations, and permits.**

Existing and possible future laws, regulations, and permits governing operations and activities of exploration companies, or more stringent implementation of such laws, regulations and permits, could have a material adverse impact on our business and cause increases in capital expenditures or require abandonment or delays in exploration. Our I-M Mine Property is located in California, which has numerous clearly defined regulations with respect to permitting mines, which could potentially impact the total time to market for the project.

Subsurface mining is allowed in the Nevada County M1 Zoning District, where the I-M Mine Property is located, with approval of a "Use Permit". Approval of a Use Permit for mining operations requires a public hearing before the County Planning Commission, whose decision may be appealed to the County Board of Supervisors ("County Board"). **Use Permit approvals include conditions of approval, which are designed to minimize the impact of conditional uses on neighboring properties.**

On November 21, 2019 we submitted an application for a Use Permit to Nevada County (the "County"). On April 28, 2020, with a vote of 5-0, the County Board approved the contract for Raney Planning & Management Inc. to prepare an Environmental Impact Report and conduct contract planning services on behalf of the County for the proposed I-M Mine Project.

The Use Permit application proposes underground mining to recommence at the I-M Mine Property at an average throughput of 1,000 tons per day. The existing Brunswick Shaft, which extends to ~3400 feet depth below surface, would be used as the primary rock conveyance from the I-M Mine Property. A second service shaft would be constructed by raising from underground to provide for the conveyance of personnel, materials, and equipment. Processing would be done by gravity and flotation to produce gravity and flotation gold concentrates.

We propose to produce barren rock from underground tunneling and sand tailings as part of the project which would be used for creation of approximately 58 acres of level and useable industrial zoned land for future economic development in Nevada County. A water treatment plant and pond, using conventional processes, would ensure that groundwater pumped from the mine is treated to regulatory standards before being discharged to the local waterways. There is no assurance our Use Permit application will be accepted as submitted. If substantial revisions are required, our ability to execute our business plan will be further delayed.

In 1975, the California Legislature enacted the Surface Mining and Reclamation Act ("SMARA"), which required that all surface mining operations in California have approved reclamation plans and financial assurances. **SMARA was adopted to ensure that land used for mining operations in California would be reclaimed post-mining to a useable condition. Pursuant to SMARA, we would be required to obtain approval of a Reclamation Plan from and provide financial assurances to the County for any surface component of the underground mining operation before mining operations could commence. Approval of a Reclamation Plan will require a public hearing before the County Planning Commission.**

To approve a Reclamation Plan and Use Permit, the County would need to satisfy the requirements of California Environmental Quality Act ("CEQA"). CEQA requires that public agency decision makers study the environmental impacts of any discretionary action, disclose the impacts to the public, and minimize unavoidable impacts to the extent feasible. CEQA is triggered whenever a California governmental agency is asked to approve a "discretionary project". The approval of a Reclamation Plan is a "discretionary project" under CEQA. Other necessary ancillary permits like the California Department of Fish and Wildlife ("CDFW") Streambed Alteration Agreement (if applicable) also triggers CEQA compliance.

In this situation, the lead agency for the purposes of CEQA would be the County. Other public agencies in charge of administering specific legislation will also need to approve

aspects of the Project, such as the CDFW (the California Endangered Species Act), the Air Pollution Control District (Authority to Construct and Permit to Operate), and the Regional Water Quality Control Board (National Pollutant Discharge Elimination System (authorized to state governments by the US Environmental Protection Agency) and Report of Waste Discharge). However, CEQA's Guidelines provide that if more than one agency must act on a project, the agency that acts first is generally considered the lead agency under CEQA. All other agencies are considered "responsible agencies." Responsible agencies do need to consider the environmental document approved by the lead agency, but they will usually accept the lead agency's document and use it as the basis for issuing their own permits. **There is no assurance that other agencies will not require additional assessments in their decision-making process. If such assessments are required, additional time and costs will delay the execution of, and may even require us to re-evaluate the feasibility of, our business plan.**

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(viii). "Our activities are subject to environmental laws and regulations that may increase our costs of doing business and restrict our operations. 10Q at 27:

All phases of our operations are subject to environmental regulation in the jurisdictions in which we operate. Environmental legislation is evolving in a manner that may require stricter standards and enforcement, increased fines and penalties for non-compliance, more stringent environmental assessments of proposed projects, and a heightened degree of responsibility for companies and their officers, directors, and employees. **These laws address emissions into the air, discharges into water, management of waste, management of hazardous substances, protection of natural resources, antiquities and endangered species, and reclamation of lands disturbed by mining operations. Compliance with environmental laws and regulations, and future changes in these laws and regulations, may require significant capital outlays and may cause material changes or delays in our operations and future activities. It is possible that**

future changes in these laws or regulations could have a significant adverse impact on our properties or some portion of our business, causing us to re-evaluate those activities at that time.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(ix). "Regulations and pending legislation governing issues involving climate change could result in increased operating costs, which could have a material adverse effect on our business." 10Q at 27:

> A number of governments or governmental bodies have introduced or are contemplating legislative and/or regulatory changes in response to concerns about the potential impact of climate change. Legislation and increased regulation regarding climate change could impose significant costs on us, on our future venture partners, if any, and on our suppliers, including costs related to increased energy requirements, capital equipment, environmental monitoring and reporting, and other costs necessary to comply with such regulations. Any adopted future climate change regulations could also negatively impact our ability to compete with companies situated in areas not subject to such limitations. Given the emotional and political significance and uncertainty surrounding the impact of climate change and how it should be dealt with, we cannot predict how legislation and regulation will ultimately affect our financial condition, operating performance, and ability to compete. Furthermore, even without such regulation, increased awareness and any adverse publicity in the global marketplace about potential impacts on climate change by us or other companies in our industry could harm our reputation. The potential physical impacts of climate change on our operations are highly uncertain, could be particular to the geographic circumstances in areas in which we operate and may include changes in rainfall and storm patterns and intensities, water shortages, changing sea levels, and changing temperatures. These impacts may adversely impact the cost, production, and financial performance of our operations.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not

speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(x). "Land reclamation requirements for our properties may be burdensome and expensive." 10Q at 28:

> Although variable depending on location and the governing authority, land reclamation requirements are generally imposed on mineral exploration companies (as well as companies with mining operations) in order **to minimize long term effects of land disturbance.**
>
> **Reclamation may include requirements to:**
>
> - **control dispersion of potentially deleterious effluents;**
> - **treat ground and surface water to drinking water standards; and**
> - **reasonably re-establish pre-disturbance landforms and vegetation.**
>
> **In order to carry out reclamation obligations imposed on us in connection with our potential development activities, we must allocate financial resources that might otherwise be spent on further exploration and development programs. We plan to set up a provision for our reclamation obligations on our properties, as appropriate, but this provision may not be adequate. If we are required to carry out unanticipated reclamation work, our financial position could be adversely affected.**

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(xi). "We may be unable to secure surface access or purchase required surface rights." 10Q at 28:

> Although we obtain the rights to some or all of the minerals in the ground subject to the mineral tenures that we acquire, or have the right to acquire, in some cases we may not acquire any rights to, or ownership of, the surface to the areas covered by such mineral

tenures. In such cases, applicable mining laws usually provide for rights of access to the surface for the purpose of carrying on mining activities; however, the enforcement of such rights through the courts can be costly and time consuming. It is necessary to negotiate surface access or to purchase the surface rights if long-term access is required. **There can be no guarantee that, despite having the right at law to carry on mining activities, we will be able to negotiate satisfactory agreements with any such existing landowners/occupiers for such access or purchase of such surface rights, and therefore we may be unable to carry out planned mining activities. In addition, in circumstances where such access is denied, or no agreement can be reached, we may need to rely on the assistance of local officials or the courts in such jurisdiction the outcomes of which cannot be predicted with any certainty. Our inability to secure surface access or purchase required surface rights could materially and adversely affect our timing, cost, or overall ability to develop any mineral deposits we may locate.**

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(xii). "Our properties and operations may be subject to litigation or other claims." 10Q at 28:

From time to time our properties or operations may be subject to disputes that may result in litigation or other legal claims. We may be required to take countermeasures or defend against these claims, which will divert resources and management time from operations. The costs of these claims or adverse filings may have a material effect on our business and results of operations.

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

(xiii). "We do not currently insure against all the risks and hazards of mineral exploration, development, and mining operations." 10Q at 28:

> **Exploration, development, and mining operations involve various hazards, including environmental hazards, industrial accidents, metallurgical and other processing problems, unusual or unexpected rock formations, structural cave-ins or slides, flooding, fires, and periodic interruptions due to inclement or hazardous weather conditions. These risks could result in damage to or destruction of mineral properties, facilities, or other property, personal injury, environmental damage, delays in operations, increased cost of operations, monetary losses, and possible legal liability. We may not be able to obtain insurance to cover these risks at economically feasible premiums or at all. We may elect not to insure where premium costs are disproportionate to our perception of the relevant risks. The payment of such insurance premiums and of such liabilities would reduce the funds available for exploration and production activities.**

Again, these admissions defeat the level of certainty incorrectly implied in the EIR/DEIR to the contrary and wrongly asserted as grounds for ignoring my objections as too speculative or unsubstantiated or unexplained, because such admissions confirm the correctness of my objections, at least to the extent of requiring a meaningful EIR/DEIR good faith reasoned analysis and common-sense risk assessment in the DEIR/EIR where none now exists. In particular, for example, as described in my DEIR Objection254 #'s 2, 4, 14, and 15, it is not speculative (as the disputed EIR incorrectly claims) that us objectors living on the surface above and around the 2585-acre underground mine will enforce our defensive rights to protect our homes and property rights and value, our forests and environment, and our community way of life against this mining menace with not just the usual legal challenges, but also with law reforms and political changes.

Miscellaneous 10Q Admissions Inconsistent With Or Contrary to the EIR/DEIR.

The DEIR claims that there is no viable alternative to the mining of this property, because industrial uses would be too "intense," a bizarre idea that is contrary to "common sense" and for which the DEIR/EIR offers no "good faith reasoned analysis" as demonstrated in my Objections thereto, noting that nothing is worse or more "intense" than such 24/7/365 mining for 80 years with continuous resistance from the local victims of this mining menace. However, the 10Q states at p. 17: "The Company would produce barren rock from underground tunneling and sad tailings as part of the project which would be used for creation of approximately 58 acres if local and useable industrial zoned land for future economic development in Nevada County, which is the alternative rejected by the DEIR/EIR as not viable and too "intense."

Miscellaneous Other Admitted Data from the 10Q.

As discussed at age 8 of the 10Q, Rise closed its purchase of the "Idaho-Maryland Gold Mine" property on 1/25/2017 for $2,000,000. It then purchased the 82-acre surface rights

adjacent thereto for $1,900,000 closing on May 14, 2017. Including those purchase prices and related acquisition expenditures totaling $7,958,346, the Rise cumulative expenditures for this project have been $8,082,335. Thus, Rise's working investment after acquisition has only been modest, such as for that 10Q period $123,989, of which the only CEQA evaluation or risk relevant expenses have been $92,159 for "consulting" $2453 on "engineering," and $1596 for "supplies." No wonder that Rise has so little useful to say about the conditions regarding its mine, because not only has Rise seemed eager to avoid discovering any inconvenient or worse truths or information, but Rise had insufficient working capital to investigate even if it had wished to risk acquiring the information us objectors expect to be true and damning to its EIR/DEIR approval goals.

As discussed at page 10, Rise borrowed $1,000,000 on 9/3/2019 secured by all of its (and its subsidiary's) mine and other assets due in full on 9/3/2023. The 10Q reported current balance is $1,491,308. The substantial warrants and high interest rate on the loan, which confirm the lender's belief in the high-risk nature of that loan against those mining assets (i.e., almost 8 to 1 loan principal to book value of assets plus the stock warrants). Various stock transactions are also described that raised the money already spent.

RISE ADMISSIONS IN ITS FORM 10K FOR THE FISCAL YEAR ENDED 7/31/2022 (FILED 10/31/2022).

2. Admissions Regarding the Mine Property And Basic Context Data.

As stated at 10K pp. 22+ the I-M Mine Project is described as a unified project comprised of "approximately 175 acres … surface land and … 2800 acres … of mineral rights" identified by maps and parcel data without any meaningful surface location data like roads or addresses. (The "Brunswick" 37-acre site, the 82-acre "Mill" site the EIR/DEIR calls the "Centennial" site, and the "mineral rights" area we call the "2585-acre underground mine" are all described in the 10K as parts of one unified mining project, so that the EIR/DEIR is rewriting history and trying to escape its SEC filings admissions by now trying to pretend that the Centennial site is a separate project. As admitted at page 31 as to "Environmental Liabilities," all "environmental studies were completed prior to Rise purchasing the Idaho land [aka Centennial] and the Brunswick land." That means that Rise cannot vouch for the accuracy, completeness, or sufficiency of the studies or any directions (or lack of correct instructions) given by prior owners. As to the Idaho land containing arsenic in the mine tailings and waste berms, the NV5 Draft Final Preliminary Endangerment Assessment and follow up Draft Remedial Action Plan (7/1/2020) is reported still "currently in process" by the Cal EPA. As to the Brunswick & Mill site)at p.31) following a surface Phase 1 assessment by ERRG, "ERRG has recommended further sampling and studies" "to determine if contamination historic mining and mineral processing was present." This is one of several opportunities for investigation that Rise has avoided. Also, in 2006 a Phase II assessment was reportedly done for the Mill Site by Geomatrix (at 32) which found arsenic in the waste rock and Volatile Organic Compounds (VOC) in the groundwater but they were not concerned with "vapor" and relied on the "deed restriction which restricts the use of groundwater for any domestic purpose and the construction of wells for the purpose of extracting water, unless expressly permitted by the Regional Water Board." The significance of these causes of concern have not been investigated or addressed sufficiently by the DEIR/EIR, although NV5

reportedly prepared a "Phase I/II ESA (June 16, 2020) presenting the results of additional investigations and addressing historical conditions identified in previous reports" (at 32). [Stated another way, the wording of the summary results is cleverly ambiguous although drafted in the passive voice (e.g., "mine waste is believed [by whom? based on what?] to have originated from offsite…") and subjective (e.g., arsenic concentrations …were relatively low except for …) [compared to what standard?]

At p. 32 + the 10K provides a general list of permits that might be required under particular summarized circumstances, but the 10K does not apply that general summary to reveal when such permits will be sought for this project or what of the listed factors are expected to trigger that require such permits. I mention this because when the EIR/DEIR lists permits it also does not describe sufficiently such trigger factors or the circumstances where objectors could apply such 10K data and other law to assure ourselves that the miner was planning to seek all the required permits, as opposed to evading them until the miner was "caught" and then seeking such permits and "forgiveness." My four Objections demonstrate why I and other objectors perceive the EIR/DEIR to suffer from credibility problems that make such concerns reasonable.

As to the relevant "history" summarized by the 10K starting at p. 34, using what are described as "available historic records," which I assume means the portion of such historical records which Rise chose to locate, leaving for later litigation discovery the question of which possibly available records Rise chose not to investigate. [While the 10K admits that "[h]istoric drill logs were not available for review and no historic drill core was preserved from past mining operations…" and objectors wonder what **reliable** evidence, if any, serves as the foundation for Rise's (and the EIR/DEIR's) purported analysis and what deficiencies exist to invalidate or discredit such analysis. Another discovery question is whether and to what extent the prior Emgold owner stopped its reported investigation merely (as Rise claims at 34-35) "due to inability to raise necessary funding in the midst of unfavorable market conditions" or whether they may also have been discouraged by negative information or clues of risks that would have to have been addressed in the EIR (if Rise had chosen to investigate them.) For example, the 10K reports that Rise purchased the "Emgold diamond drill program database" as distinct from all the historical documents of Emgold, as Rise did when it purchased from BET Group. In my experience miners tend to be selective about what they want to know and what they avoid because they might not want to know inconvenient truths or worse.

Such issues are important, among other things, because when Rise wants to impress the potential investor readers about the details of the "Geological Setting, Mineralization, And Deposit Types" (10K at 38+), it describes the variable underground data with some precision. However, when the EIR/DEIR addresses those underground conditions to deal with groundwater and related issues, it generalizes and falsely assumes a uniformity of those underground conditions that is rebutted by the 10K variations. (While that variation is relevant for gold opportunities addressed in the 10K that Rise wants to know, the EIR/DEIR does not equally address that variability because its disputed "talking points" sound less problematic for such groundwater and other EIR/DEIR risk disclosure exposures when it assumes uniformity consistent with its apparent desire for what seems to me to be an "alternative reality." Stated another way, should the EIR/DEIR be mistakenly approved, the challenge litigation will impeach the EIR/DEIR description of the underground conditions for groundwater and other risk issues, among other things, based on the contrary or inconsistent variable underground data presented in the 10K. Stated another way, when describing the underground conditions for gold, there are many described exceptions and variations, but the disputed EIR/DEIR's "don't worry about groundwater" theory falsely assumes

or implies uniformity not described in the 10K. For example, in discussing its underground analysis, even the 10K reflects doubts (e.g., at 44): "Although Rise gas carefully digitized and checked the locations and values of drill hole results from level plans and other documents, the absence of drill hole related documentation, such as drill logs, drill hole deviation, core recovery and density measurements, assay certificates, and possible channel sample grade biases, could materially impact the accuracy and reliability of the reported results."

Many inconsistencies appear even within the 10K, although not usually as substantial as the differences between the more detailed 10K and the less significant, more general, and less detailed data in the EIR/DEIR. For example, (at 44) the 10K admits that "Rise has conducted mineral processing and metallurgical testing analysis on the recent drill core from the I-M Mine Property for the purposes of environmental study in conjunction with permitting efforts." Since the disputed EIR/DEIR does not sufficiently reveal those results, that will likely be a subject of intense discovery efforts in any subsequent litigation to determine what was not reported and why? Even if the answer is that the EIR/DEIR did not trust that data, as the 10K admittedly does not trust the historical data, that also rebuts the EIR/DEIR as addressed in my Objections. For the 10K's such doubts, consider, for example (at 44): "No estimates of mineral resources have been prepared for the I-M Mine Property. We are not treating historical mineral resource estimates as current mineral resource estimates. In addition, there are no mineral reserves estimates for the I-Mine Property." Since the 10K (at 44-45) cites and relies on somewhat different authorities than the EIR/DEIR, the question is why? Considering all the many credibility issues with the EIR/DEIR, one wonders if Rise is more cautious about the 10K and other SEC filings because of the more serious consequences of misrepresentations than it is concerned about the accuracy of the EIR/DEIR.

Admissions in Risk Factor Discussion 10K Item 1A at p.6+.

The risk factors admitted in the 10K are the same as those admitted in the more current 10Q that is addressed above. So, I will not repeat them here, but I note that the consistency of those admissions increases their importance as admissions in these disputes.

Miscellaneous Financial Admissions. (Most data here is passed over in favor of the more current 10Q above).

To place the foregoing 10Q financial data in contest and reveal chronic incapacity to perform its EIR/DEIR goals and aspirations, even as limited to what it admits to be required (as distinct from what us objectors expect to be ultimately required if the EIR were ever to be approved), we note the admission at 10K p. 5: "As at July 31, 2022, we had a cash balance of $471,918, compared to a cash balance of $773,279 as of July 31, 2021." However, the 10K financial data for the prior year (starting at 48+) gives one a sense of scale, such as with respect to the "net loss and comprehensive loss for the year [2022]" of $3,464,127, compared to the operating loss of $3,385,107 (ignoring the large "gain on fair value adjustment on warrant derivatives"). Among the key questions is whether the data developed by Rise for the EIR/DEIR is being fully processed for its CEQA compliance as opposed to simply its gold exploration use.

See, e.g., (at 49) where the 10K reports an "Increase in mineral exploration costs to $788.684 (2021- $782,261) related to activities surrounding the Use Permit application."

As admitted (at 49): During the year ended July 31, 2022, the Company received cash from financing activities of $2,392, 998 (2021-$248,198) related to the private placement' that year. But during that year "the Company used $2.694,359 in net cash on operating activities, compared to $2,853, 475 in net cash the prior year…" As to the risk that creates for nonperformance of the EIR/DEIR, please note the following related 10K admission that follows those admissions:

> The Company expects to operate at a loss for at least the next 12 months. It has no agreements for additional financing and cannot provide any assurance that additional funding will be available to finance its operations on acceptable terms in order to enable it to carry out its business plan. There are no assurances that the Company will be able to complete further sales of its common stock or any other form of additional financing. However, the Company has been able to obtain such financings in the past. If the Company is unable to achieve the financing necessary to continue its plan of operations, then it will not be able to carry out any exploration work on the Idaho-Maryland Property or the other properties in which it owns an interest and its business may fail.

The Rise auditors, Davidson & Company, LLP, qualified its financials (starting at 10K p. 53) as follows:

> ***Going Concern***
>
> The accompanying consolidated financial statements have been prepared assuming that the Company will continue as a going concern. As discussed in Note 1 to the consolidated financial statements, the Company incurred a loss of $3,464,127 for the year ended July 31, 2022, and as of that date, had an accumulated deficit of $23,008,604. These events and conditions raise substantial doubt about the Company's ability to continue as a going concern. Management's plans in regard to these matters are also described in Note 1. The consolidated financial statements do not include any adjustments that might result from the outcome of this uncertainty.

Exhibit C. Hexavalent Chromium Issues Evaded In the EIR/DEIR Causing Noncompliance with CEQA, And More Foreseeable Objections For The Idaho-Maryland Mine

I. Introductory Comments.

A. Why The DEIR's Mistakes (And Worse) On These Hexavalent Chromium Issues, Especially Combined With the EIR Evasion Attempts, Must Prevent Approval of the EIR: Some Introductory Illustrations of the Fatal EIR/DEIR Flaws.

1. Some Introductory Context For Use of This Exhibit with Attached Related Objections.

As my attached EIR Objection 254 demonstrates (e.g., my rebuttals to disputed EIR Master Responses and EIR Responses to Comments Ind. 254-1 and the rest of my DEIR Objection 254 dealing with the hexavalent chromium menace, especially my #'s 3.A, C, E, F, G, and H, 4, 5, 7, 14, and 15), the DEIR barely mentioned hexavalent chromium (and only in passing in a few obscure places, but not at all where required in its discussion of "Hazards And Hazardous Materials"[4.7]. (See my attached Objection's analysis of CEQA and its Guidelines and other applicable law that forbid such "hide the ball" tactics and other evasions, demanding instead "common sense" responses with "good faith reasoned analysis" in easy to find and read places. E.g., *Gray, Banning, Vineyards, and Costa Mesa*.). Rather than focus on the less substantive and totally unsubstantiated and speculative EIR opinions purporting to respond to my DEIR Objection 254 and rebutted sufficiently in the attached EIR Objection 254, this Exhibit C will focus at the start on more technical, disputed comments, such as those buried in disconnected EIR Appendices discussed below (without cross-reference links to the disputed substance of the EIR, as if such disputed Appendices were stuck at the end of the EIR just in case such objectionable EIR tactics were exposed and the EIR needed a "fall back," perhaps to appear merely procedurally noncompliant, rather than substantively evasive. How these matters relate to the attached Objection to the EIR will be addressed briefly at the end.

Equally important, as my attached Objection repeatedly demonstrated, I offer to prove from appliable science (as my DEIR Objection 254 cited to on the EPA and the California EPA websites and Google revealed studies) that the unique problems in cleaning this toxic hexavalent chromium from the water is more challenging than I worry the deficiently explained and insufficient EIR/DEIR water "treatment process" can handle. Just ask the utility whose groundwater pollution inspired not just the movie "Erin Brockovich," but also the then record setting litigation settlement for killing the town of Hinkley, CA, and many of its residents. I mention this because, even if some industry defender of this CR6 toxin later (which is already too late) tries to dispute (rather than just evade) the science in that tragedy, as such industry people always seem to try to do to excuse such wrongs, even the CR6 **stigma** was sufficient to kill that town and the property values of every resident. Why? Because no outsider was willing to assume the risk of living in that place, i.e., such stigma is fatal to homeowners because who would trust such an eir? Why would any normal buyer seeking a wise home investment and

place to live do so? Caution would seem wise in such circumstances? In any case, because the DEIR failed even to mention such risks in its Hazards and Hazardous Materials discussion and because the EIR didn't correct that mistake identified in my objections, why would we expect the mitigations and water treatment proposals to be sufficient to treat a toxin that the EIR/DEIR ignored? See some discussion below of CR6 remediation, including the still ongoing Hinkley remediation described at www.hinkleygroundwater.com.

The insufficient and disputed EIR mitigation theory (but not labelled as "mitigation," because, as explained in the attached Objection, the EIR does not seem to want these "new" and "significant" [but obscured and disputed] comments and Appendices to be recognized as a CEQA-reason for further revisions and recirculation of the EIR). The EIR theory seems to be, in effect, don't worry because "in obtaining the future [i.e., deferred] Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board, the Project Applicant would ensure that the leaching of hexavalent chromium would not cause any impact and would meet regulatory standards (DEIR, p. 4.8-47-48)." (Emphasis added). However, since (as explained herein and in my other Objections) the EIR overstates and incorrectly and deficiently states in obscure places what was not so disclosed in the DEIR (see my DEIR Objection 254), how would that regulator even know to evaluate the threat, unless they did what I did, i.e., read all the thousands of pages of "fine print" looking for hints of such errors, omissions, and flaws, since my bankruptcy experience with miners has made me cynical? Again, if the EIR intended to comply and warn the government and pubic, why not properly amend the DEIR/EIR in the right places for CEQA compliance to make sure everyone focused on the right issues for evaluation?

2. The New Air Pollution Dispute Triggered by New Data Buried In the Disputed EIR Appendix R, But Still Evading the Bigger Toxic Water Pollution Threat.

Instead of engaging in any reasoned debate and disclosure in the proper place in the main EIR, the disputed EIR attempts further evasion by what it should admit being significant new air and water quality information on this topic (again requiring recirculation for material changes. evasions and noncompliance **about the adverse air and water impacts of using hexavalent chromium in and above the mine. (The EIR also added a new reference to nitrogen dioxide (NO-2), which will be addressed elsewhere in the air quality dispute discussion.) See CEQA Guidelines 15088.5 and my related discussion of authorities in my attached Objection, including section I.F.1. and my objections to EIR's Response Ind. 254-1. The EIR's disputed, new Health Risk Assessment (the "HRA") is obscured at the back of the document in vol. IX Appendix R (a disputed one page memo from DUDEK), which states that the purpose of such memo is "to address the potential health risk associated with exposure to two additional toxic air contaminants (TACs) that were not included in the original analysis of the proposed Idaho-Maryland Project (project), i.e., namely hexavalent chromium in cement [for mine shoring in the 2585-acre underground mine below or near thousands of impacted surface residents] and nitrogen dioxide (NO-2) from the combustion of ammonium nitrate fuel oil (ANFO)." FIRST, note that this DEIR omission was not**

because the DEIR did not know of the mine's use of that highly toxic hexavalent chromium, because its use in the mine paste (exposed in dust when mixing on the surface at the site) was described in an obscure back DEIR section discussing the disputed mine shoring process intended (and grossly failing) to reassure the thousands of surface residents above and around the underground mine against subsidence and other mining risks. As my DEIR Objection 254 (which this EIR significantly ignores in its Response Ind. 254-1) explained, there are thousands of EPA and California EPA website documents and concerns demonstrating water and air pollution health impacts requiring this to be a featured EIR headline in the "Hazards And Hazardous Materials" 4.7 discussion (where it has been wrongly ignored or obscured in the DEIR/EIR). SECOND, because this toxin is in the groundwater below objecting surface residents and at least 300 wells (by the deficient count in the County Economic Report—see Exhibit A, but far more than the 30 addressed in the DEIR), this not only poisons humans and their property, but it depresses property values and, therefore, property taxes, among other economic impacts ignored in the County Economic Report, which seems unaware of this hazard popularized in the movie, *Erin Brockovich,* about how such hexavalent chromium in the groundwater killed Hinkley, CA, and many of its residents. See Exhibit A and www.hinkleygroundwater.com. (I suggest that the County's economic analyst study what happened to property values and taxes in Hinkley, instead of the Report's noncomparable purported "comparable." See Exhibit A.) THIRD, this disputed new EIR air pollution cancer risk discussion is mysterious, because it focuses on future events and standards, leaving us to speculate about the accuracy and correctness of how compliance could be determined in advance to be below the safety thresholds set by the Northern Sierra Air Quality Management District, and why no analysis or mention is made of the water pollution threat. Therefore, because none of these material issues are properly addressed in the EIR/DEIR consistent with CEQA and its Guidelines or other applicable laws, the disputed EIR must be redone and recirculated for this and other reasons stated in my and other objections.

As also discussed at the end of this Exhibit is an example illustrating another credibility problem with the EIR/DEIR (and another reason why it was a mistake for the County Economic Report to accept the disputed EIR/DEIR as true without critical analysis, when any cursory reading of my Objections or any of hundreds of other objections to the DEIR would have revealed that the data was materially incorrect, incomplete, lacking in "good faith reasoned analysis" and *Gray* "common sense," and worse. (As the computer people say, garbage in creates garbage out.) Previously, this serious impact issue was not identified in the DEIR as a hazardous substance problem with lethal human consequences in water (as well as air, which the EIR now incorrectly attempts to address), but instead in an unrevealing mention buried in the back where this new Appendix R cites to it in DEIR page 4.8-47 (but not vice versa). That credibility problem is now compounded by a new one, where the EIR evasion is by a technique that is known as the "bait and switch;" i.e., the EIR briefly adds an insufficient and incorrect discussion (a single short paragraph) about air pollution from hexavalent chromium to distract from the much more serious, evaded water pollution, health hazards, and related impacts. This is also a key example of another "bait and switch" in the disputed DEIR/EIR, in the discussion of mitigation (e.g., Appendix R cites to Mitigation Measure 4.8-2(a)) of the air pollution by hexavalent chromium is not at all satisfactory mitigation of the lethal water

pollution by hexavalent chromium that is entirely ignored by the EIR main mitigation discussion, despite my not only discussing that lethal risk in my DEIR Objection 254, but also by my three minute comment at the public County Planning Department hearing in March 2022 on the DEIR, which earned a short line in the related "Nevada Union" story.

3. Deficient Mitigation Examples Of Related Issues Prevent the EIR From Pivoting To New, Disputed Hexavalent Chromium Theories.

And what is the environmental comfort to be taken even with the briefly addressed air pollution EIR "reassurance?" Consider what Appendix R says about the hexavalent chromium cancer threat after giving unsubstantiated and disputed air pollution dust estimates: "Hexavalent chromium has inhalation cancer risk and chronic reference exposure levels, but no acute non-cancer effects are associated with exposure. … Hexavalent chromium and NO-2 were evaluated in the HRA consistent with the methodologies presented in the DEIR. In summary, there would be no change in the cancer impacts with and without mitigation as shown in the DEIR [which ignores the subject and makes this disputed statement incomprehensible, wrong, and worse.]" As to the air pollution impacts remember our experience with asbestos, which had a similar history of prolonged, industry accommodating evasion until it became clear through many bankruptcies (in which I was frequently a significant bankruptcy lawyer) that there were no safe thresholds. See the discussion below about how the asbestos history predicts the coming fate of hexavalent chromium pollution.

As to the noncompliant water pollution, watch the movie again, read the court files on the Hinkley, CA, suits, study what is posted on www.hinkleygroundwater.com and related websites, and then read my technical data below and the most relevant EPA and California EPA website study horror stories. [The EIR at 2-77 describes how the dewatering process interacts with the blasting and mining underground, and that EIR states: "Thus, any water that contacts those [underground] components would be present only within the [2585-acre underground] mine workings and would then be pumped out of the mine workings by the dewatering system and into the clay-lined pond for further water treatment." Note that even if the locals aren't poisoned by the hexavalent chromium in that process, other people down the Wolf Creek may become victims. Note also that the hexavalent chromium that killed Hinkley, CA, and many of its people was also held for such processing in clay lined ponds, which didn't work out well for the victims.] Then read how the EIR dismisses my and other objections as nonmaterial, speculative, or irrelevant to CEQA concerns without any CEQA "good faith reasoned analysis." The result of these disputes is not just that EIR revisions and recirculation are essential, but that the County should begin to share the community doubts about the credibility of the mine's whole EIR process. See Exhibits A and B. When the County Economic Report notes (see Exhibit A hereto) that most real estate brokers believe the environmental impacts are seriously understated and causing depressed property value predictions, this is an powerful example of a rational and informed reason for such opinions; i.e., unlike the EIR/DEIR advocates, anyone at risk of harm from the mine has considered the hundreds of objections like mine that expose errors, omissions, and insufficiencies in the DEIR/EIR and worse things politely described as credibility problems with the DEIR/EIR.

I mention the credibility concerns because without transparent independent regulatory oversight of all aspects of the mining operation and proposed (and, hopefully, upgraded) mitigation, nothing in the disputed EIR/DEIR will ever be credible to the potential victims like me and thousands of other surface owners above and around the 2585-acre underground mine and any potential buyer or lender evaluating our surface properties. For example, the disputed EIR incorrectly asserts (at 2-76) without substantiation that: "Mitigation measures are achievable, enforceable, and capable of reducing the Project's impacts." Not only is that unsubstantiated repeatedly proven wrong, but that EIR sentence must be allowed to be rebutted by the admitted facts in Rise's own SEC filings (see Exhibit B and my DEIR Objection 254 #'s 2 and 4) that Rise cannot afford even the insufficient mitigation it proposes (and *Gray* rejected in a similar case); e.g., here at Mitigation Measure 4.8-2, replacement water for depleted or contaminated wells. Thus, the EIR's statement is false that its mitigation is "achievable," "enforceable [by the County, not the victims who then must turn to legal remedies]," or "capable of reducing the Project's impacts."

Note that a disputed EIR Master Response incorrectly argues this well water supply concern is just an East Bennett Road problem with 30 wells, despite the County Economic Report admits there are at least 300 wells at risk above and around the 2585-acre underground mine, and my objections contend the reality is many more. See Exhibit A and my attached Objection. To quote the disputed EIR (at 2-77): "As discussed in the GMP 30 groundwater monitoring wells will be installed at 15 locations. The locations of the monitoring wells are strategically placed between the mining and domestic wells to monitor the potential drawdown extent as the result of mining and assess the potential impact on domestic wells. … Qualified hydrologists [notice they don't say who or even independent and trustworthy] would evaluate the data from groundwater monitoring." There is nothing in the disputed EIR/DEIR or the process so far that inspires any confidence by us potential victims that any of this will be achieved as promised in the future, even if somehow Rise could afford it, which admissions in the Rise SEC filings (e.g., Exhibit B) cause us to doubt. We local potential victims would insist, among other things, on knowing the plans in detail in advance, not later, plus having total transparency on data collection and analysis by reliable experts, plus many more monitoring wells where they matter most (e.g., above and around surface of the 2585-acre underground mine where currently thousands of us resident objectors live and at least 300 relevant wells exist and in the next 80 years many more new wells will follow in reaction to climate change dryness and the 24/7/365 dewatering and mining), and much more discussed in this and my other Objections and those of many others I have incorporated.

One last example of credibility problems for the EIR/DEIR is that (at 2-76) is the delay in planning, disclosure, and mitigation until after approval, as distinguished from after approval and "at least 12 months in advance [of certain future events] per Mitigation Measure 4.8-2(a)." Why the delay to set the base level for future decisions, especially when that is forbidden by CEQA court decisions cited in my attached Objections? Perhaps (besides the fact that Rise cannot afford to do much of anything on time as admitted in Rise's SEC filings—see Exhibit B and my DEIR Objection 254 #2), they are stalling because the EIR admits that: "No groundwater level measurements have been completed since 2007." But the sooner they start measuring, the sooner that they will have to confront the inconvenient truths that their historical models, preventing the miner and its advocates

from ignoring key facts and climate change do not work already, and promise to become more incorrect progressively for the next 80 years, as explained in this and other objections.

4. The Disputed EIR Also Evades The Hexavalent Chromium Water Pollution Threat by Revealing Discussions of Its Mining Techniques in Volume IX, Appendix Q (see O), That Is Damning Not Only By Its Errors, But Also By Its Material Omissions of What Should Have Been Addressed In the DEIR Section 4.7 ("Hazards And Hazardous Materials") And in EIR Revisions Thereto (at 3-69).

(i) The Introduction to the Hexavalent Chromium Water Pollution Menace Begins With An Understanding of How The CR6 Is Being Used To Cement Mine Shoring And How The EIR/DEIR Obscures The CR6 Content Risk For Both Analysis And Mitigation.

In this EIR Objection 254 and other related Objections I have questioned the credibility of the disputed EIR/DEIR for its continued errors, omission, and other noncompliance in dealing with the known (and I believe irrefutable) hexavalent chromium water pollution issues. This Exhibit C attempts (i) to support my such Objections and expose the deficiencies, omissions, and worse in what the EIR now has added to the even less revealing and more obscure DEIR and, thereby, further (ii) to expose those problems and to insist on EIR revisions and recirculation. HOWEVER, BEFORE GETTING INTO THE MORE TECHNICAL HEXAVALENT CHROMIUM MATTERS IN THE FOLLOWING SECTIONS **BELOW, I DIRECT ATTENTION TO CERTAIN "Significant New Information" ADDITIONS AND REVISIONS TO THE DISPUTED EIR SECTION 4.8 HYDROLOGY AND WATER QUALITY (AT 3-70-73) AND THE ADDITION OF THE ITASCA *"DESKTOP STUDY OF CEMENTED PASTE BACKFILL"* IN VOLUME IX, APPENDIX Q (see O). While the disputed EIR/DEIR's greatest sins often are of omission or evasion, I also focus here on what the disputed EIR does say, because in that context it reveals the EIR as not only grossly deficient, but also misleading or worse. That disputed Appendix Q study buried at the end of the EIR does not dare even address the hexavalent chromium health threat expressly (preferring instead to describe the "cemented paste backfill" ["CPB"] as if that were the issue, rather than the unnamed hexavalent chromium that was the true issue). Instead, Appendix Q focuses on the threat of that CPB mine cement paste as to the risk of it leaking into the ground water, implying it must be a health menace, but not analyzing the hexavalent chromium ingredient itself as the only apparent danger in that cement. As discussed in the attached Objection, this tactic is called "hide the ball" or "bait and switch."**

Begin the technical analysis by studying the purportedly "insignificant" disputed EIR new revisions (at 3-72) to DEIR Chapter 4.8 [Hydrology and Water Quality] in the final paragraph of Section 4.8.4 and in the related Mitigation Measure 4.8-2(a), which adds that the miner "shall implement the Groundwater Monitoring Plan (GMP) prepared by Itasca Denver, Inc (February 2021), as approved by the county. Implementation of the GMP shall be initiated prior to the dewatering of the mine and on an ongoing basis…"

Again, as demonstrated in the attached Objection, that kind of deferral is forbidden by CEQA and controlling court decisions I cite there. That GMP involves "a network of monitoring wells [that] shall be installed to the satisfaction of the Nevada County Environmental Health Department," with "Groundwater level and groundwater quality information ... obtained from the project ground watering monitoring wells and collected on a quarterly basis" and submitted to that Department etc. The revised text of 4.8-1(e) states that: "The applicant shall submit a RoWD and obtain WDRs from the Central Valley RWQCB for construction of the engineered fill areas… prior to initiating any engineered fill placement activities … [with] [p]roof of coverage …provided to the Nevada County Public Works Department." As demonstrated in the attached Objection's analysis of the Guidelines and relevant case law (e.g., *Gray, Richmond v. Chevron, sections I.E.1-4, I.D, and I.A.1.d*), that mitigation will fail to meet those legal requirements.

That disputed EIR revision adds more prohibited future and deferred events to the DEIR that RWQCB "will determine the appropriate mining waste classification" for the engineered fill. "The RoWD must also include a report on the physical and chemical characteristics of the waste, in compliance with Water Code section 13260(k), that could affect its potential to cause pollution or contamination as well as a report that evaluates the potential of the discharged mining waste to produce over the long term, acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances." [That should require disclosure of the hexavalent chromium threat as a hazardous substance, as many EPA website posted studies confirm, but there is no such warning about hexavalent chromium in the EIR. See also below the discussion of Prop 65 disclosures. That is like having a coroner test for poison in a crime victim without the investigator telling him about the unique poison you found contaminating the food at the crime scene, and somehow expecting the coroner to find that unknown in his or her general testing.] "The applicant will prepare and implement a Waste Characterization Plan (Characterization Plan) which will be incorporated into the approved WDR." [However, since the disputed EIR is already still obscuring or hiding the hexavalent chromium threat and, ignoring that harm, plus has incorrectly classified the cement paste mine material as nontoxic, Group C benign mine waste, it is essential that such a plan be addressed now in advance of any EIR approval. As demonstrated in my legal and court decision analysis in EIR Objections 254 of the CEQA and Guideline disclosure requirements, that deferred mitigation and safety process is not sufficient or satisfactory. See section I.C and D.

Why is that timing so important? It is not just that CEQA requires such matters to be disclosed and analyzed fully before EIR approval, but also because, if these many serious mine disputes have to be litigated, that should occur in one consolidated process, not in many successive dispute processes as Rise (or any successor "behind the curtain" in the suspected "flip" on approval) slowly unveils its various future operation and action plans and further requested governmental decisions, all of which should be done before EIR approval.] CONSIDER, FOR EXAMPLE, THAT AS EXPLAINED BELOW, HEXAVALENT CHROMIUM IS ONE OF THE LISTED CARCINOGENS (ALSO WITH REPRODUCTIVE TOXICITY) THAT MUST BE DISCLOSED BY THIS MINER PURSUANT TO PROP 65, BUT THERE IS NO ALERT THAT SUCH WARNINGS WILL BE FORTHCOMING. IN EFFECT, THIS DISPUTED EIR IS REFUSING TO GIVE THE COUNTY NOTICE NOW BEFORE EIR APPROVAL THAT THE MINER WILL HAVE TO NOTICE TO EVERYONE AFTER APPROVAL PURSUANT TO

PROP 65. WHY THE DELAY? WHY NOT DO WHAT IS REQUIRED BY CEQA AND NOW PROVIDE THE *GRAY* AND OTHER COURT REQUIRED COMMON SENSE/GOOD FAITH REASONED ANALYSIS? WHY NOT REVEAL THIS REALITY NOW, SO THAT THE DECISION-MAKERS AND PUBLIC CAN MAKE UP THEIR OWN MINDS ABOUT THE EXTENT OF THE CR6 THREAT AND THE ADEQUACY OF THE PURPORTED MITIGATION AND TREATMENT, SINCE REMEDIATION FOR HEXAVALENT CHROMIUM IS NOT THE SAME AS OTHER TOXINS SUPPOSEDLY ADDRESSED IN THE DEIR/EIR WATER TREATMENT PROCESS? IN EFFECT, THE EIR IS ASKING THE COUNTY, WITHOUT ADEQUATE DISCLOSURE ON THESE MATTERS, TO DEFER MITIGATION TO THE REGULATORS, WHICH I HAVE CITED COURT DECISIONS TO PROVE IS EXPRESSLY FORBIDDEN BY CEQA AND ITS GUIDELINES AS PROPERLY INTERPRETED AND APPLIED.

Note also that, as addressed elsewhere, the insufficient, proposed, monitor wells and other mitigations (including those added in EIR revised Mitigation Measure 4.8-2(c)) are focused on the 30 or so East Bennett Road and wholly owned Centennial and Brunswick sites, rather than the County's (and NID's) larger but still insufficient well count, as if the EIR/DEIR were hoping that deficient, token testing will distract everyone from the bigger legal and environmental problems in the mine risks, threats, and harms to the thousands of us surface owners and users above and around the 2585-acre underground mine. That is especially important to monitor fully such risks, threats, and harms, since (as admitted in Rise's SEC filings—see Exhibit B) the mine lacks the resources to afford to mitigate such risks, threats, and harms to which it will expose those surface owners (like me), much less to cure the problems the mine is creating for others who will be impacted. See my discussion of *Gray* and other authorities in my DEIR And EIR Objections 255, DEIR Objection 254 #'s 2, 3.N, 4, and 14, and the attached EIR Objection 254.

Before addressing **the Itasca Appendix Q issues** in detail, please note the following among the many disputes and flaws with what the EIR/DEIR is doing in its described provisions in the previous paragraphs. **First,** to evade dealing with (or even properly mentioning) substantive risks, threats, and harms **now before EIR approval,** when required by CEQA and other applicable law, the disputed EIR improperly defers the substance to a **future process and deferred regulatory approvals after the EIR is approved (see my legal briefing on this in the attached EIR Objections 254 and 355)**, when such information is too late for many purposes except to attempt to remediate/clean up the mess that will exist from starting the mining until the courts stop it. Also, these disputes should be consolidated for cost-efficiency and speed of final resolution, otherwise there will be multiple litigations occurring at different times as disputes become "ripe" for adjudication. ***Second,*** such delayed essential planning and decisions (to which I and others object) make it impractical to have a factual debate on the detailed merits, since Rise will just claim that (after EIR approval and commencement of harms) they will adapt to some such future governmental or court requirements. Trying to litigate standards in the abstract before such governmental actions creates many extra costs and problems, which is why what the disputed EIR is doing by delaying disclosure of key details until after approval of the insufficient EIR (still full of many errors, omissions, and other noncompliance) is forbidden by CEQA and other applicable laws. **Third,** while government is supposed to do certain such prescribed things in the future to protect us local victims (e.g., monitor the insufficient and misplaced test well results, classify waste, etc.), nothing in the disputed EIR/DEIR fairly warns

those governmental authorities of the toxic hexavalent chromium water, so they can specifically (a) watch out for, treat/remediate, and mitigate such water pollution problems that killed Hinkley, CA, and many of its residents (see the movie, "Erin Brockovich" and my various commentaries here and in my Objections), and (b) correct the EIR's misclassification of the mine waste Group A, not Group C benign. Also, and more importantly for the thousands living on the surface above and around the 2585-acre underground mine being filled with toxic hexavalent chromium cement paste, decisionmakers must appreciate why the insufficient test wells are misplaced and not predictive of the risks to them. (Also relevant to the County, the supposedly treated water flushed down the Wolf Creek elsewhere will spread that pollution [NID customers there, beware] and should be examined closely for the insufficiently disclosed hexavalent chromium threats and faulty "treatment.") Many other issues are addressed throughout the attached and other objections, but this illustrates some of the problems.

(ii). Exposure of the Disconnected Appendix Q Issues And Objectionable EIR/DEIR Conduct And "Hiding The Ball."

To purport to provide some (though insufficient, incorrect, and otherwise noncompliant) data on these disputed subjects (i.e., "significant new information" for CEQA purposes that the EIR incorrectly claims was just clarifying and embellishing the DEIR, hoping thereby the evade the CEQA duty to revise and recirculate), **THE DISPUTED EIR ATTACHES (AT THE END OF THE EIR) IN VOLUME IX, APPENDIX Q, A DISPUTED, SHORT "TECHNICAL MEMORANDUM" DATED 2/24/2020, ENTITLED, "DESKTOP STUDY OF CEMENTED PASTE BACKFILL."** This is apparently designed as backup data in case someone like me notices that the relevant data in the EIR is not adequately described in compliance with CEQA and other applicable law, not to mention other errors, omissions, and noncompliance. Itasca describes (at the start of the Technical Memo) this as a "desktop study of cemented paste backfills (CPB) use and its potential impacts on water quality and site-specific considerations for IMM." Note that there is no effort to reconcile the inconsistencies between that memo (and, therefore, the EIR) and the DEIR, which the disputed EIR leaves unresolved, as if the noninformative DEIR no longer needs to be considered on this topic. However, I note that those conflicts are material and in need of clarification with a revised and recirculated EIR. For example, among others that are apparent contrast: (i) the DEIR and my DEIR Objection 254 thereto, versus, (ii) the EIR (and especially this Technical Memo) and this objection. THE DEIR DEALS WITH HEXAVALENT CHROMIUM ADDED IN THE CEMENT PASTE (AS CR6+) VERSUS THE EIR/TECHNICAL MEMO DEALING WITH HEXAVALENT CHROMIUM IN THE PORTLAND CEMENT (CR(VI)). ALTHOUGH BOTH MAY EXIST AS HAZARDS, THE CR6+ IN THE CEMENT IS A WATER POLLUTER AND THE CR(VI) IS ALSO AN AIR POLLUTER (E.G., AS DUST FROM DELIVERY AND USE ON THE SURFACE BEFORE BEING INJECTED INTO THE MINE), as described in the DEIR versus the EIR.

To begin for context and to clarify variance from the disputed DEIR description, that disputed Technical Memorandum describes the "cemented paste backfills (CPB)" as a means of improving "geotechnical stability by backfilling mined stopes (voids) and allow[ing] the recovery of the ore body to be maximized." (Like the Harry Potter villain, the EIR/DEIR is afraid to name the menace hexavalent chromium.) In essence, CPB is "formulated on the surface" by mixing tailings "with cement and water, although other additives or mined materials are sometimes included" (apparently, if the disputed DEIR were correct, like hexavalent

chromium), and that mixture is then pumped into the underground mine to shore up places that are deemed to need it. **Throughout the Technical Memo discussion are qualifications and warnings about the proper preparation and "curing" of the CPB before exposed to dewatering, which is another way of saying that the homes, property values, and groundwater of us potential victims above and around the 2585-acre underground mine are at risk of human error by those preparing this toxic brew for shoring beneath us, where there is no EIR proposed monitoring until it is too late and the harms begin before surface owner or governmental discovery, especially considering that the insufficient monitor system is not applicable or effective to detect such problems timely in many places where it is needed. Under a heading called "Potential Water Quality Issues With CPS" (which like all the rest of this Technical Memorandum should be inserted in the related EIR's Hazards And Hazardous Materials discussion [4.7] and should be recirculated for proper debate as required by CEQA and other applicable law) the following data is revealed, beginning with the admission that: "There are some potential water quality related issues with CPB if it is not implemented correctly." Part of that admitted hazard is inherent in the "specific composition of the tailings materials used in the CPB," and another admitted part is that the "CPB does not set properly or is not strong enough to remain intact in the mine environment." In other words, we are all at risk if those handling this dangerous material are careless, untrained, missing in action, or worse.**

EIR Appendix Q, the Itasca update dated 6/17/2022 to the Technical Memorandum (App. Q) disputed above, incorrectly describes itself as a "clarification" in response to various objections, when it is obviously significant new information for CEQA analysis. None of those updates or "clarifications" addresses my Objections or rescues the EIR from the errors, omissions, or noncompliance addressed above. Therefore, I will just briefly expose some flaws in that update. However, it should be of great concern to the County that, rather than confront the key objections on the merits as required by CEQA and other law, that update (like the EIR generally) ignores the issues or dismisses them as irrelevant or premature because it evades debate by claiming disputed and uncertain mitigations after approval of the EIR.

Admitting that the EIR ignores in its "groundwater flow model" for dewatering what Itasca calls "[c]consumptive water uses from individual wells, Itasca dismisses the concern without proof as too "small, relative to regional groundwater flow," relying on what it claims to be the "low permeability of the rock mass" and "generally low pumping rate." **First,** it is again not clear whether these comments purport to cover the whole 2585-acre underground mine below thousands of surface owners and users or only the East Bennett Road area on which the DEIR was almost wholly focused with respect of this issues. See my DEIR Objection 254 and my comments in the attached Objection, such as, for example, about the obvious fallacy of assuming the higher ground areas are subject to the same conditions and issues as those downhill East Bennett Road conditions where Rise concentrates its monitoring systems. Also, this disputed EIR updated commentary incorrectly assumes that, despite climate change, science, and reason, whatever conditions exist now will continue for the next 80 years and that no greater surface owner groundwater use demands will apply. The reality is that, as has proven true everywhere else in California where surface owners are confronting drought conditions by tapping more groundwater, surface owners and users will exercise their legal rights to increase wells and groundwater usage, especially since that groundwater also belongs to them, not just the

mine. Indeed, during the next 80 years, when NID cuts back water supplies in the future, before local surface owners abandon their homes and suffer their forest to die from lack of the groundwater flushed away down the Wolf Creek by 24/7/365 mine dewatering, us surface owners and users will likely band together in well collective to compete and battle in the courts and political arena against the mine's water wastes. That reality dooms the flawed assumptions on which the disputed EIR/DEIR (including these disputed opinions) relies, such as Itasca above ignoring competing water use by massively more wells than in its false assumption. Also, note that many of us do have sewers, countering the (in effect) "don't worry, just recharge using your septic tank water" comments here and "landscape irrigation" (which ignores NID's likely rationing rules imposed on us while the mine flushes away our owned groundwater down the Wolf Creek. See also the NSAQMD Agency 12 (at 12) and 11 priority use of even NID rationed water to suppress its toxic (already asbestos and now CR6+) fugitive dust

I defer to the more expert groundwater objectors to deal with the **flawed Itasca attempts to rehabilitate its model's simulations addressed in that Appendix Q**. See my Table of Incorporated By Reference Objections and Exhibit D. But again, we confront the issue of whether and when these commentaries purport to address the whole area above and around the 2585-acre underground mine or only the East Bennett Road area downhill, a flaw that by itself should require EIR revision and recirculation, especially since there is no sufficient proof that the disputed EIR/DEIR comments on the downhill, wholly owned mine and East Bennett Road area apply equally to the uphill surface area above and around the 2585-acre mine where thousands of us objectors live. This is the disputed false equivalence tactic again at play. Who is more guilty of noncompliant speculation? It must be EIR with the burden of proof and CEQA investigation and disclosure duties, not us potential victims whose objections are impaired by the EIR's noncompliance.

Once again, **the attempts of Itasca to justify exclusion of comparisons to other local mines (e.g., Empire) for the disputed Itasca model must fail on the merits, as I prove in the attached Objection.** Among the many flaws in such reasoning are that the conditions in this long flooded and closed mine have not been adequately investigation, and there is no merit to the EIR/DEIR assumption that either that those disputed assumptions will continue to apply for 80 years or that they will apply to or after the new and deeper 24/7/365 mining and dewatering contemplated in the EIR/DEIR. Guesswork and speculation, such as when such experts accept disputed and unreliable EIR or miner data as if it were true, should not be permitted to risk the health, welfare, environment, and future of our local community. For example, one such flawed Itasca argument for excluding Empire Mine comparisons is that "[t]here is no direct flow from these historical mines to the future Rise Mine working" and that there is a "block" by "low permeability rock masses" between the historical mines and the future Rise Mine. Besides disputing any reliable foundation or basis exits for that disputed and unsubstantiated opinion (e.g., noting the lack of reliable historical documents and data. The EIR/DEIR has not adequately investigated this long flooded and closed mine [1956] and its new mining areas for that issue during the next 80 years. Also, please note that my and other objections complain about the EIR/DEIR cherry-picking favorable (but irrelevant) studies and opinions involving false supporting claims based on much less comparable and distant places are alleged to "similar." In fact, those EIR/DEIR false comparables are much less similar and relevant than the Empire and other mines cited in objections and incorrectly dismissed without fair consideration on the merits by Itasca.

I also defer to more expert objections as to the seismic errors and omissions regarding the "simulations" in the disputed "groundwater flow model" relating to the "Idaho Fault system." However, this Itasca update admits that it ignored "the modeling of these minor faults" [22, 20, 11, and 20C of the Idaho Fault Zone) because "most of this area is already modelled as mining voids," another disputed contention on various bases. For example, those "minor faults" can be a material menace to those living around the 2585-acre underground mine, even if they don't damage distant towns. How many of us locals must be sacrificed before it matters "materially" that the miner triggers a "minor fault" and damages our surface properties (also another reason for depressing property values)? Why dismiss "minor" faults, when there is ample data on the local harms they cause when triggered? Nowhere does the EIR/DEIR prove that a "minor fault" is a "safe fault," as distinct from a fault that is only dangerous to the locals? Note also that groundwater depletion, reallocation, and dewatering for fracking has caused earthquakes causing material local harm in Oklahoma and Pennsylvania, where no one could ever remember any earthquakes before, and similar problems are alleged in other fracking sites where groundwater is similarly manipulated. See my prior references to the *Keystone* Supreme Court case and other authorities were us surface owners' rights of lateral and subjacent support includes groundwater to avoid subsidence and, we contend, also induced earthquakes on even "minor faults."

(iii). The Appendix Q Technical Memorandum Admits That The Level of Risk, Threat, And Harm From CR6 Water Pollution Depends On Variables That Are Not Sufficiently Addressed In the EIR/DEIR.

Thus, the Appendix Q Technical Memorandum (unlike the disputed main EIR itself, which incorrectly ignores or dismisses all such concerns without sufficient identification of the issues or proof) admits (at pp. 2 and 3 of 8, EMPHASIS ADDED):

> **A VARIETY OF SITE-SPECIFIC FACTORS CAN AFFECT THE ABILITY OF CPB TO SET AND ITS LONG-TERM STRENGTH. FOR EXAMPLE, INSUFFICIENT BINDER CONTENT, EXCESSIVE WATER CONTENT, OR WATER WITH HIGH SULFATE CONCENTRATIONS (EG, FROM HIGH-SULFIDE TAILINGS) CAN DECREASE CPB STRENGTH OR INHIBIT PROPER SETTING. IF CPB DOES NOT SET PROPERLY, IT MAY BE LESS EFFECTIVE AT REDUCING THE MOBILITY OF CHEMICAL CONSTITUENTS [IE, ADMITTED, TOXIC HEXAVALENT CHROMIUM], AND THERE IS THE POTENTIAL FOR THE BINDER MATERIAL TO BE LEACHED FROM THE CPB MIXTURE [IE, SUCH HEXAVALENT CHROMIUM POLLUTES OUR GROUNDWATER AND ULTIMATELY THE WOLF CREEK]. ADDITIONALLY, HIGH SULFIDE-CONTENT TAILINGS THAT ARE ACID GENERATING AND HAVE ELEVATED METALS CONCENTRATIONS CAN RESULT IN METALS LEACHING FROM CPB AND CAN DEGRADE CPB STRENGTH.**
>
> **BECAUSE CEMENTS AND GROUTS ARE ALKALINE IN NATURE, SOME STUDIES HAVE NOTED THAT THE POTENTIAL EXISTS FOR THESE MATERIALS TO PREFERENTUALLY LEACH FROM CPB AND CAUSE ELEVATED pH VALUES IN GROUNDWATER AND/OR RELEASE**

CONSTITUENTS FROM THE CEMENT OR OTHER ADDITIVES [EG, HEXAVALENT CHROMIUM].

THUS**,** THE EFFECT OF the DISPUTED EIR IS TO FORCE US LOCAL VICTIMS TO GAMBLE ABOUT DEFICIENTLY DISCLOSED LETHAL HEXAVALENT CHROMIUM HAZARDS THAT ARE ADMITTEDLY DEPENDENT ON MINE WORKERS' SKILL, DILIGENCE, AND CARE IN DEALING WITH THESE UNACKNOWLEDGED RISKS AND ON UNANALZED MINE MATERIAL CONDITIONS, i.e., this Appendix Q admits that this mine paste can be mishandled, so as to be a more serious threat to water than its best case claims under ideal circumstances that may or may not exist. Therefore, there is risk and a need for better, RELEVANT MONITORING OR MITIGATIONS SUFFICIENT TO PROTECT THOSE OF US ABOVE OR AROUND THE 2585-ACRE MINE AND OTHERS WHEREVER THE (THEN AT RISK OF POLLUTION) WOLF CREEK FLOWS. THE DISPUTED EIR DARES INCORRECTLY TO CLAIM THERE ARE NO SIGNIFICANT ISSUES OF CONCERN WITH THE DEIR, SO THE EIR DOES NOT NEED TO BE REVISED OR RECIRCULATED. THAT IS OUTRAGEOUS, ESPECIALLY CONSIDERING WHAT ADDITIONAL CANCER (AND REPRODUCTIVE HEALTH) THREATS THE DISPUTED EIR NOW ADMITS FROM HEXALENT CHROMIUM AIR POLLUTION IN APPRENDIX R. (ALTHOUGH THAT WAS IN THE CONTEXT OF AIR POLLUTION, RATHER THAN WATER POLLUTION, THE MANY EPA WEBSITE STUDIES OF THIS CANCER-CAUSING TOXIC SHOULD BE SPECIFIC ENOUGH TO BE TAKEN SERIOUSLY. NO ONE CAN DOUBT THAT ANY PURCHASER OF IMPACTED SURFACE PROPERTY WILL TAKE THIS SERIOUSLY AND ASSUME THE WORST CASE, AS EXPLAINED IN EXHIBIT A (AND IN DEIR OBJECTION 254 # 2, 3.N, 4, AND 14).

The Technical Memorandum (at 5 of 8) also addresses a dispute study by ACZ Laboratories involving tests on four flotation tailing samples for "acid digestion" that us objectors consider not representative or predictive of the problems of us local victims above and around the 2585-acre underground mine. For those and other reasons the disputed study from Rise/EIR chosen contested "experts" and locations do not persuade anyone at risk (or anyone considering buying or financing that surface property at risk.) Indeed, the study's conclusion is full of dangerous qualifiers that invite our dispute, such as (again based on what Rise selected and did for its own benefit in a tiny sample) this contractor said (emphasis added) that: "it is LIKELY that the CPB used in the IMM will have very low solute release rates and will be GENERALLY environmentally benign." However, consider the "Conclusion" (at 6 of 8), stating that: "However, it is clear from case studies and theoretical behavior of CPB that there are a variety of site specific factors that could affect the potential for water-quality impacts…" for which the memo suggests specific suggested protective actions and cautions, none of which are appropriately added to the EIR for compliant disclosure and "good faith reasoned analysis" with "common sense," presumably because the EIR prefers not to call attention to these risks which CEQA and other applicable laws require the EIR to address now.

Again, there is the debate as to what threshold levels of such cancer causing toxic hexavalent chromium are safe, but, rather than have that debate on the merits, the disputed EIR dares to ignore the risks, threats, and harms in the EIR/DEIR and seek advance approval for its nondetailed concept, with "the details hiding their devils" to be deferred until after EIR approval and revealed in some future time when much harm may have already been done. Incidentally, since Rise arranged all this Itasca testing that is referenced in the Technical Memorandum well

before the EIR/DEIR, where is it? Why has Rise not attached more meaningful data in the EIR Appendix, instead of irrelevant studies of purportedly "similar" situations that we dispute and contend are not similar at all, and, in any event, contain errors, omissions, or other noncompliance?

If the EIR advocates attempt to continue to evade these risks and threats, they cannot be allowed to do so without adequate CEQA and other disclosures and recirculation of their disclosed position, so that it can be fully disputed on the merits. The EIR cannot rely on the Appendix Q Technical Memorandum to save it (i.e., the disputed EIR cannot ignore these identified and admitted risks, threats, and harms), especially since this is just a "desktop study," where these purported EIR/Rise experts simply have largely relied on what Rise told them about imagined/assumed conditions without any apparent investigation of the actual facts on (or under) the ground. Given Rise's various credibility problems and other issues raised in my and other objections, as well as the lack of documentation and disclosure of what Rise told Itasca, there is no reason for disregarding the worst-case assumptions from these admitted risks. Consider **another admission** in the Appendix Q Technical Memorandum (at 3 of 8) where the CPB finally mentioned the words hexavalent chromium (emphasis added):

> **The presence of CHROMIUM in cement has been identified as a potential WATER-QUALITY CONCERN related to the use of CPB (Hamberg et al 2018). HEXAVALENT CHROMIUM (CR(VI)) is an oxidized form of chromium that IS MORE SOLUBLE AND MOBILE IN THE ENVIRONMENT than reduced forms of chromium. … THUS, SELECTING A SUPPLIER WITH LOW CR(VI) CONTENT CEMENT AND ENSURING THE CPB IS NOT INUNDATED [E.G., CONFRONTING DEWATERING] BEFORE IT SETS CAN MINIMIZE THE POTENTIAL FOR ISSUES WITH CR(VI) LEACHING.**

None of this is addressed in the DEIR, so this significant new data should require full CEQA disclosure and opportunity for debate in the context of a recirculated and revised EIR, especially since failure to prevent a repeat of the Hinkley, CA, horrors will leave all those accountable here looking even worse than the Michigan Governor's team who allowed lead leaching in water pipes to devastate Flint, Michigan. This would be an "I told you so" crisis, which I mention with that analogy not as a gratuitous insult, but as a real-life, well-known example of how even supposedly well-meaning officials can create crises (not to mention foreign miners in admittedly distressed financial circumstances and from an mining industry with a history of environmental violations because they are too often focused only on maximizing profits for speculative shareholders, rather than on safety for the local community they expect to leave as soon as the mine ceases to lure them with the hope of exploitive riches).

In conclusion, by an analogy to an even more serious situation to illustrate the point with more power, this disputed EIR/DEIR is like one for an explosive's storage, where the initial and noncompliant deir treated the explosives more like fireworks than lethal munitions. And, when objections from potential victims demanded more and compliant disclosure and mitigation, the eir added some long-disconnected reports ending at an Appendix for the proposition that, things would be tolerably safe, as long as everything was done consistent with its recommended best practices as determined in the future by some regulator. However, my legal analysis in my Objections demonstrates that such mitigation

cannot be deferred and delegated to regulators as attempted in this disputed EIR, for example, both because the mitigation defies "common sense" (e.g., *Gray*) and offers no "good faith reasoned analysis" (e.g., *Banning, Vineyards, and Costa Mesa*) and because the basis and foundation are not sufficiently described to even begin to assess the risks and the adequacy of such disputed mitigation. Indeed, while human error or worse (e.g., intentional or reckless indifference to risk to save costs, or abandonment of the site) creates legal risks for handling both hexavalent chromium and such analogous explosives, no government would take the risk of such human error for explosives, and the same should be true for such CR6 carcinogens and reproductive toxins. I didn't even see any EIR/DEIR reports on any insurance or surety bonds.

B. While Everyone Will Recognize The "Erin Brockovich" Menace of Hexavalent Chromium, The County Decision-Makers Should Also Focus On The Asbestos Litigation And Regulatory Comparison Not Just For the Disputes About the Science, But Also Because Of The Litigation, Political, And Stigma Consequences That Will Not (And Should Not) Wait For The Industry Intimidated Regulators To Catch Up.

In my several Objections, I explain, among other things, by examples from asbestos analogies and the Hinkley, CA, hexavalent chromium case study (i.e., the "*Erin Brockovich"* case) why the menace will exist as a lethal stigma, regardless of how the scientific debate is resolved in this mine case. For example, industry influenced politicians and regulators may indulge in wishful thinking and leave the public with lethal risks in the context of disputes over the applicable science. But there can be no credible dispute about hexavalent chromium being a dangerous carcinogen, as confirmed by the EPA and California EPA regulators. What the cement industry and its mining (and other) customers want to dispute is how much of that toxin the human body can tolerate. There is no "common sense" or "good faith reasoned analysis" of that issue in the EIR/DEIR, as required by CEQA. Just as with occurred with asbestos, the courts in civil litigation will conclude with honest science that there is no safe level of exposure relevant here, and, belatedly, the timid industry harassed regulators will eventually catch up with the reality, after too many casualties and the predictable consequences of massive civil judgments for personal injuries, wrongful death, and property damage, and eventually bankruptcies of those responsible when their insurance is exhausted. That reality understandably scares people with common sense, and that stigma is lethal. If the public has learned not to trust alleged risks in J&J baby powder, no County decision maker can expect anyone to accept the risk of hexavalent chromium in our water or air, regardless of what this miner or EIR may claim or the County may mistakenly tolerate about the risk of hexavalent chromium in the cement used in shoring up this mine subject to 24/7/365 dewatering for 80 years of flushing into the Wolf Creek after supposed "treatment," especially under the circumstances exposed in my and other objections.

Why trust my analysis and evidence? As explained in my EIR Objections 254 (especially #1.F.1, I.C and D, and my objection to EIR Response Ind. 254-1 and 15), my half century of experience as a national and cross-border bankruptcy and insurance insolvency lawyer in relevant mining and other cases qualifies me to prove my predictions and analysis in this Exhibit, and I plan to do so, if necessary, making this an offer of proof. Not only have I specific expertise in failed mines from miner bankruptcies, but I also have the perspective of being involved in the

liquidation of insurers which failed on account of their mining and environmental surety bond and insurance risks. However, I have even more experience and expertise in those same issues that have arisen on an even larger scale in product liability /mass tort related bankruptcies and related insurer insolvencies, especially asbestos on which I will focus here as a compelling and the best-known analogy. What the County decision makers should expect is the same consequences and fate from adding hexavalent chromium into this mine as if they were adding asbestos products into the mine. Just as history proved there was no safe tolerance for asbestos (e.g., what began with the bankruptcies of the asbestos miners/producers/product manufacturers [and their insurers' insolvencies] ended up with bankruptcies of many companies owning buildings with asbestos that had to be removed or that sold products with even minor asbestos components, as remote, for example, as asbestos in painting tape or brake pads). That eventually will prove true as well for hexavalent chromium, although its lesser and more narrow uses than asbestos have resulted in its slower suffering of that same fate.

I say this, among other things, because the science already recognizes that hexavalent chromium is a dangerous carcinogen, although some still argue about levels of tolerance by the human body (just as they have done for asbestos and other toxins protected by politically powerful manufacturers and users, like cigarettes). Long before politicians and timid regulators are willing to act to ban such toxic menaces and admit there is no safe tolerance level, the civil courts and litigators will impose damages and other relief that eventually can overwhelm even the biggest companies when their insurance is exhausted (e.g., if one dislikes my asbestos analogy, consider the current fate of toxic suspect Johnson & Johnson baby powder, which inspired mass tort litigation and a failed effort to bankrupt an affiliate to shield the parent company, or 3M and its armed forces ear protectors trying the same evasion tactics). This is not merely about claims for personal injuries, but also about property damages and relief from nuisance, inverse condemnation, trespass, and other claims. The EPA, California EPA, and other regulators report such threats on websites and propose insufficient restrictions, basically stalled by the politics of those lobbying for such toxins and insufficient "work arounds." But in the meantime, the civil litigation grinds on, and the exposed public, who care little about the toxic protectors' political games, understands and reacts with understandable horror at the risks they do not wish to incur, whether for themselves or their property.

I mention this here because, among the side-effects of all this menace is the stigma effect on the adjacent community, in this case especially those residents and businesses owning property above and around the 2585-acre underground mine. The disputed County Economic Report (see my rebuttals, for example, in companion Exhibit A to this objection) admits overwhelming despair by real estate brokers regarding the impact of the mine on property values. Among the errors in the County Economic Report is the "spin" that those brokers just believed that the DEIR was underestimating the environmental impacts, i.e., as if it were a dispute on the merits of those impacts. In fact, however, the most serious reality is about risk assessment. The potential home buyer does not have to judge the science to make a risk assessment based on common sense and the lacking or uncertain credibility of the DEIR (and now the EIR ratifying the disputed EIR) and miner. This illustrates the stigma of such mining and toxins that depress property values, not just based on proof of the merits of the claims of menace impacts, but on the risk and, even if the buyer had more tolerance, his mortgage lender and appraiser probably will be less tolerant of such risks. Someone investing in a home in our community does not want to

pay top dollar for the risks that are reported in the more than thousand objections on record by the residents like me living on the surface above or around the 2585-acre mine. If those of us already at risk are complaining (and real estate sales laws require disclosure to buyers) why would a potential buyer risk pay a toxic-free and mine-free price high price and suffer those risks? That is the reality that most concerns the realtors. See the objection of the Nevada County Association of Realtors Group 15. Those risks are damning our property values for a no net benefit mine as far as concerns anyone living on the surface above or around the underground or above ground mine. As property values decline from such risk assessments, so will home repairs, new construction, and tourism, and the losses to local businesses will far exceed any minor mining jobs.

II. Propositions 65 Warnings Needed by the Mine for Water And Air Pollution By Hexavalent Chromium.

The disputed EIR now admits obscurely at least some of what the DEIR tried to evade about the dangerous use of toxic hexavalent chromium about which I explained at length in my attached EIR Objection 254, in my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, J, 4, 7, 10, 12, 14, and 15), and in my comments at the initial March 24, 2022, DEIR public hearing. The DEIR/EIR must admit and notice to all possibly impacted people (i.e., everyone in the Grass Valley and Nevada City area that, as The safe Drinking Water And Toxic Enforcement Act of 1986 (herein as elsewhere called "Proposition 65" or "Prop 65") states. For example, "in the course of doing business …knowingly discharging or releasing a chemical know to the state to cause cancer or reproductive toxicity into water" or into anywhere that feeds a drinking water source. This EIR miner is so "knowingly and intentionally exposing" us to such hexavalent chromium (which is on the state list of such Prop 65 carcinogens) "without first giving clear and reasonable warning." See my discussion of the disputed EIR and its Appendix Q in the initial section above. While Prop 65 is administered by CalEPA's California Office of Environmental Health Hazard Assessment (OEHHA), the notice must be to everyone and the buried, obscure, and hard to find comments in the DEIR/EIR cannot possibly qualify as sufficient notice. See, e.g., my DEIR Objection 254 #'s 3.A, B, C, E, G, H, J, 4. 7, 10, 12, 14, and 15) and corresponding objections in my EIR Objection 254 to the disputed EIR's "Responses thereto (e.g., EIR Response to Comment Ind 254-1 and 15).

While the disputed EIR/DEIR claims that it is not exposing anyone to hexavalent chromium, because the toxic mine shoring paste cement that is exposed to our groundwater through the dewatering process 24/7/365 for 80 years is allegedly "drawn away" from us mine neighbors purportedly to be "treated" and then flushed down the Wolf Creek to be added to the NID water for downstream customers. See my discussions above and elsewhere in my Objections disputing the DEIR/EIR's insufficient analysis, proposed mitigations, and other discussions of relevant matters. However, those ERI/DEIR excuses are not only disputed on the merits, but also because, for example, when the mining and dewatering ceases for any reason, the hexavalent chromium is not so removed by dewatering, so too will the disputed, so-called "treatment" stop (which is not proven to be sufficient for safe use in any event.) Note that Prop 65 standard is whether it presents a 1 in 100,000 risk of cancer assuming a lifetime of exposure (which case law extends to include

that standard for animal victims). That puts the burden on the miner to have to know the relevant science, which includes many studies on the EPA and Cal EPA websites to which I have cited and the EIR/DEIR has so far ignored. How will County decisionmakers feel about approving an EIR based on its disputed "no toxic problems assumption" and then, after approval, the miner plasters the mine with Prop 65 notices?

As Wikipedia explained the consequences of violations, although the law speaks for itself:

> Enforcement is carried out through civil lawsuits against Proposition 65 violators. These lawsuits may be brought by the California Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties "acting in the public interest," but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. A business found to be in violation of Proposition 65 is subject to civil penalties of up to $2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.[10] Other penalties may apply, including unfair business practices violations as limited under California Proposition 64 (2004). [see footnote cites therein, including fn the OEHHA list of safe harbor levels which includes one at "0.001 (inhalation)" for air pollution, but does not include one for hexavalent chromium water pollution]

If the EIR is approved, this will become a factor in law reform and political campaigns, since willingness effectively to police the mine's legal compliance will likely determine the results of local officials' selection.

III. CalEPA (OEHHA), EPA, And Other Regulations.

It is indisputable that hexavalent chromium is listed on the OEHHA website for "Chromium-hexavalent" regulated chemical both as causing cancer (since 1987) and reproductive toxicity (since 2008). See https://oehha.ca.gov/chemicals/chromium-hexavalent. My general discussion of CalEPA, EPA, and other regulatory matters follows below. I separately addressed Prop 65 above, because I dispute that CEQA would tolerate a lesser warning to the County decision makers and public now in approving an disputed EIR for such use of hexavalent chromium in the mine shoring dewatered 24/7/365 for 80 years into the Wolf Creek to downstream NID customers than the Prop 65 requirement as soon as the mine begins to operate. While there is much more to be said about such CR6 risks, threats, and harms than is in this Exhibit C, the absence of sufficient data and substantiation by the deficient and disputed EIR/DEIR make a science briefing here unnecessary, because there has not been sufficient compliance with CEQA to require such a detailed rebuttal at this stage. Nevertheless, please begin the rebuttal as to such by considering the following.

Focus on the "California Water Boards" website for the State Water Resources Control Board, which links to many relevant pages and studies. For example, in the

"Upcoming Drinking Water Regulations" section there are pages for "SBDW=21-003 Hexavalent Chromium MCL stating "This rulemaking is in process," and "Chromium-6 Water MCL: Hexavalent Chromium Rulemaking Page" link. See also the California Water Boards report, "Communities That Rely On A Contaminated Ground Water Source For Drinking Water" January 2013, including at 3.2 "Findings: Constituents of Concern: Hexavalent Chromium" detected in 1378 sampled wells in 3124 sampled community water systems and a map at p.78.

Some general data from that opening OEHHA website summary notes that hexavalent chromium has several synonyms (any or all of which I sometimes herein call "CR6"): Chromium-hexavalent, Chromium VI or 6, Cr6, or soluble hexavalent chromium compounds. Besides soil screening references to another cite (for humans, animals, and plants), and Prop 65 references to other sites, this CR6 website provides useful links and a summary of some key data, such as for: (i) WATER: (a) CALIFORNIA PHG (PUBLIC HEALTH GOALS) COMMENTS: "THE HEXAVALENT CHROMIUM MCL OF 0.01 MG/L (ESTABLISHED JULY 1, 2014), BY COURT ORDER, IS NO LONGER IN EFFECT AS OF SEPTEMBER 11, 2017. THE PREVIOUS MCL OF 0.05 MG'L FOR TOTAL CHROMIUM REMAINS IN PLACE WHILE SWRCB DEVELOPS A NEW MCL FOR HEXAVALENT CHROMIUM." (emphasis added) However, pending a successful amendment to make the standard stricter and more protective of people, animals, and plants (as distinct from industry, which is following the same doomed path industry used when defending asbestos, cigarettes, and other carcinogens and toxins), civil liability suits and refusals to insure may gradually drove the resisting industry into bankruptcy despite the timidity of regulator as with asbestos, but nevertheless, (b) the "Public Health Goal (mg/L) is 0.00002" and the "Cancer Risk at PHG is 0.000001;" for: (ii) AIR: "Chronic inhalation REL (ug/m3): "0.2 (inhalation); 20 ug/kg BW-day (oral); and for (iii) SOIL SCREENING cancer potency information as stated. See data and studied linked to such data. Also, the seminal CA study/report on this topic remains the CALEPA's comprehensive (155 page) "Public Health Goals For Chemicals In Drinking Water: Hexavalent Chromium" July 2011.

IV. Some Illustrative EPA Data And Studies on Hexavalent Chromium.

As already incorporated into my DEIR Objection 254, which continues to apply, the EPA website contains many studies and reports for the carcinogenic and other toxic impacts of hexavalent chromium from water, air, and soil pollution. As to water hazards, the Safe Drinking Water Act (SDWA) requires the EPA to determine both (i) non-enforceable health goals based on possible health risks from exposure over a lifetime (MCLG's) and (ii) enforceable standards for drinking water contamination based on the best available scient to prevent potential health problems, like the cancers and reproductive health impacts of hexavalent chromium. As the EPA website "Chromium in Drinking Water" (www.epa.gov.sdwa/chromium-drinking-water) states: "EPA has a drinking water standard of 0.1 milligrams per liter (mg/L) or 100 parts per billion (ppb) for total chromium."

Note also that ample studies have shown that: "Hexavalent chromium exposure occurs through breathing it in, ingesting it in food or water, or direct contract with skin."

National Institute of Environmental Health Sciences, "Hexavalent Chromium" (NIH) website listing CR6 as a dangerous carcinogen, discussing lung cancer when inhaled, as well as other cancers from other types of exposures. As it explains the US EPA has set a maximum contaminant level of 100 parts per billion for total chromium in drinking water versus many states using a 50 parts, and some like California using a 10 parts, per billion standard (with California focused on that 10 parts for hexavalent chromium, as distinct from total chromium, see the California Dept of Public Health Memorandum dated June 20, 2014), many (like this NIH analysis) citing the Hinkley, Ca, pollution made notorious in the "Erin Brockovich" movie. See also State Water Resources Control Board staff report on website: "Proposed Hexavalent Chromium MCL updating Health & Safety Code #'s 116365(a) and (b), 115370 regarding testing and treatment. Besides direct harm to humans and animals, hexavalent chromium also harms plants (e.g., delayed seed germination, root growth reductions, reduced biomass, plant height, photosynthetic impairment, membrane damage, leaf chlorosis, necrosis, and ultimate death; in other words, hexavalent chromium will combine with mine dewatering to threaten and further weaken our already climate damaged forests, resulting in increased fire and fire smoke threats. See P Sharma, SP Singh, SK Parakh, & YW Ting, "Health hazards of hexavalent chromium (CRVI) and its microbial reduction," Bioengineered 2/14/2022.

Consider the following excerpts with links to illustrate some of the many causes for concern, not just in water, air, and soil, but on examples of those types of victims who are impacted: "All hexavalent chromium compounds are toxic (due to their oxidizing power) as well as carcinogenic (IARC Group 1), especially if airborne and inhaled where they cause lung cancer. Positive associations have also been observed between exposure to chromium (VI) compounds and cancer of the nose and nasal sinuses.[5] Workers in many occupations are exposed to hexavalent chromium. Problematic exposure is known to occur among workers who handle chromate-containing products and those who grind and/ or weld stainless steel.[6] Workers who are exposed to hexavalent chromium are at increased risk of developing lung cancer, asthma, or damage to the nasal epithelia and skin.[2] In the U.S., the OSHA PEL for airborne exposures to hexavalent chromium is 5 $\mu g/m^3$ (0.0050 mg/m^3).[12][13] The U.S. National Institute for Occupational Safety and Health proposed a REL of 0.2 $\mu g/m^3$ for airborne exposures to hexavalent chromium.[14]Within the European Union, the use of hexavalent chromium in electronic equipment is largely prohibited by the Restriction of Hazardous Substances Directive and the European Union regulation on Registration, Evaluation, Authorization and Restriction of Chemicals.[7]"

In any event, the DEIR/EIR admits that it will be acquiring cement, and that cement may contain hexavalent chromium when it is unbagged and mixed on mine site into the cement paste to be delivered into the mine for its shoring functions. See DEIR 4.8. As a result, there will be fugitive dust exposure. See the NSAQMD objections Agency 12 (at 12) and 11, where they discuss the fugitive dust risk from other toxins at the mine like asbestos. One example case study of why this matters follows. Consider Monterey Bay Unified Air Pollution Control District example of monitoring airborne levels of hexavalent chromium at an elementary school and fire department, as well as the point-source. They concluded that there were high levels of hexavalent chromium in the air, originating from a local cement plant, called Cemex.[52] The levels of hexavalent chromium were 8 to 10 times higher than the air district's acceptable level at Pacific Elementary School and the Davenport Fire Department.[52] The County of Santa Cruz sought

help of the Health Services Agency (HSA) to investigate the findings of the Air District's report. Cemex voluntarily ceased operations due to the growing concern within the community, while additional air samples were analyzed.[52] The HSA worked with Cemex to implement engineering controls, such as dust scavenging systems and other dust mitigation procedures. Cemex also made a change in the materials they used, trying to replace current materials with materials lower in chromium.[52] The HSA also monitored the surrounding schools to determine if there were any health risks. Most schools came back with low levels, but in the case of higher levels a contractor was hired to clean up the chromium deposits.[52] This case highlights the previously unrecognized possibility that hexavalent chromium can be released from cement-making. Incidentally, the Itasca (Appendix Q) and EMKO studies for Rise that were obscured in EIR Appendices can be found in isolation (i.e., separated from any EIR/DEIR) in a Google search for "hexavalent chromium in mine cement paste." Why is it that someone is now promoting this technique (e.g., cementing mine rock waste into shoring with hexavalent chromium so as to save money in not having to remove the waste rock or import other shoring) and attributing it to "Rise," but the EIR/DEIR itself (as distinct from the buried and obscured Appendices) contain much less useful data?

Remediation of hexavalent chromium in ground water and drinking water is complex, but there has been no "good faith reasoned analysis" with "common sense" (see my attached Objection citations to key court decisions applying CEQA) of the hexavalent chromium threats, much less how best to remediate them.

V. The Hinkley, Cal. Case Study (the Erin Brockovich Saga).

The Hinkley, Ca, Case Study of Hexavalent Chromium (see https://hinkleygroundwater.com) continues, and I commend it to the attention of industry resisters like such EIR miners, because that history illustrates the critical difference between theory and practice and between the legal rights of us surface owners above and around the 2585-acre underground mine here and timid or wishful thinking governmental regulators or decision-makers mistakenly allowing miners to shift dangerous risks and harms to their neighbors. In particular, the difficulties in remediation of hexavalent chromium deserve special attention.

Focus on the "California Water Boards" website for the State Water Resources Control Board, which links to many relevant pages and studies. See the California Water Boards report, "Communities That Rely On A Contaminated Ground Water Source For Drinking Water" January 2013, including at 3.2 "Findings: Constituents of Concern: Hexavalent Chromium" detected in 1378 sampled wells in 3124 sampled community water systems and a map at p.78.

Consider the following excerpt from that Hinkley website:

Cleanup and Abatement Order:

- 2015/11/04 – Final Cleanup and Abatement Order No. R6V-2015-0068 Requiring Pacific Gas & Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit
- 2015/09/30 – IRP Manager's Comments on the Draft Cleanup and Abatement Order No.R6V-2015-Draft from the California Regional Water Quality Control Board Lahontan Region dated September 1, 2015
- 2015/07/08 – Final Cleanup and Abatement Order No. R6V-2015-0068 Requiring Pacific Gas & Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit
    - 2015/07/08 – Transmittal of Consensus Changes, Cleanup and Abatement Order R6v-2015-Prop
    - 2015/07/08 – Requiring Pacific Gas and Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit REDLINE
- 2015/03/13 – Other Comments Received From the Water Board Regarding CAO No.6V-2015-Prop
- 2015/03/13 – IRP Manager Comments on CAO No.6V-2015-Prop
- Lahontan Regional Water Quality Control Board Presentation
- CLEANUP AND ABATEMENT ORDER [PROPOSED] NO. R6V-2015-PROP
    - Attachment 1 – CAO and Investigative Orders Replaced by CAO No. R6V-2015-PROP
    - Attachment 2 – Location of Chromium Plumes (Third Quarter 2014)
    - Attachment 3 – Area of Allowed Plume Expansion
    - Attachment 4 – Active Water Board Orders and Notices Authorizing Clean up Actions
    - Attachment 5 – Hydraulic Capture Metrics
    - Attachment 6 – Hydraulic Capture Monitoring Plan, Shallow Zone of Upper Aquifer
    - Attachment 7 – Hydraulic Capture Monitoring Plan, Deep Zone of Upper Aquifer
    - Attachment 8 – Groundwater Monitoring and Reporting Program, CAO No. R6V-2015-PROP

Vi. Some More Specific Integration of this Exhibit With My Objections.

A. Introduction To My Objections to Hexavalent Chromium Air And Water Pollution

Throughout my attached Objection (e.g., my rebuttals there to disputed EIR Response To Comment Ind. 254-1) and my DEIR Objection 254 #'s e.g., 3.A, B, C, D, E, F, G, H, J, L, and N, 4, 5, 7, 10, and 14, I exposed both the failure of the disputed DEIR to provide any "good faith reasoned analysis" with "common sense" to the hexavalent chromium menace and the disputed EIR evasion of that reality by citing to EPA, California EPA, and other scientific and case studies and EU and other regulations, which provide reasons to doubt (as with asbestos) there is any safe amount. Now, I illustrate in this Exhibit C some additional technical data in case it is useful in rebutting the disputed Appendices that the EIR attached at its end without sufficient integration into its substantive content purporting (and failing) to comply with CEQA. **I consider these various disputed EIR statements regarding hexavalent chromium among the worst examples of affirmative misleading or worse statements in the disputed EIR (such as at the third, fourth, and fifth paragraphs of EIR Response to Comment Ind. 254-1 at 2-6003-6004), where the EIR incorrectly asserts that it had already responsively addressed my hexavalent chromium objections in my Objection 254,when it did not do so. Even worse, those disputed EIR objectionable water pollution additions are in conflict with the EIR's own new hexavalent chromium air pollution additions in Vol IX, Appendices Q ,O, and R. Such EIR's flawed Responses admit for the first time (i.e., barely, and obscurely mentioned, and never analyzed adequately as merits that kind of hazard in the DEIR/EIR) hexavalent chromium toxic issues for air pollution purposes (at Vol. IX, Appendix R), although (also as here) wrongly claiming without sufficient credible evidence that the threshold for such toxic danger will be met in the case of this mine. Why do my Objections not appear in an amendment to the EIR/DEIR's main "Hazards and Hazardous Materials" discussion in 4.7, where CEQA required it to be disclosed? (Hexavalent chromium was never properly mentioned there, or even in adequate warnings elsewhere, such as in the obscure and seemingly innocuous brief DEIR descriptions of that toxin's use in cement paste for shoring up the underground mine. Also, the deficient and disputed Appendices are not integrated with appropriate cross-references that would alert those interested in this dispute to the existence at the end of the massive EIR.) [Compare what is stated in the disputed EIR to what is stated in the wrong section of the DEIR (at 4.8-47—48, instead of**

at 4.7) and treated not as the dangerous toxin they knew or should have known it to be, but instead just treated it as if it were an innocuous or "benign" ingredient in the cement, even though that doesn't match the applicable science or its own Appendices Q, O, and R.]

In other words, the DEIR failed so to comply with its CEQA disclosure obligations in the DEIR regarding hexavalent chromium. Therefore, now the EIR is improperly trying to add that essential missing (and still disputed) significant new data for the first time by the EIR, again in the wrong and noncompliant place here (e.g., buried back on page 2-6003-04), instead of properly debating on the merits this toxin threat that is warned against in many EPA and California EPA website studies and that killed the town of Hinkley, CA, and many of its residents as illustrated in the movie, "Erin Brockovich." Why gamble on being caught in this evasion? Apparently, it seems as if the EIR preparers preferred to avoid debating such DEIR objections by continuing to evade the hexavalent chromium hazard risks, threats, and harms (as my Objection 254 demonstrated they had done previously in the DEIR), but they nevertheless could not bring themselves to admit that they had knowingly omitted the threat discussion in the DEIR, since that would be admitting "new information" of "significance" being added to the EIR, which meant CEQA would require more analysis and recirculation of the EIR. To avoid so complying with CEQA and other applicable law, the EIR attempts to provide some insufficient, disputed, and incomplete information in obscure places, ignoring many important parts of my objections and others, and even the EIR's own added and inconsistent air pollution admissions obscured in Vol. IX, Appendix R (and Appendices Q and O as to water pollution) at the end of this very long EIR record. For example, besides the buried and disconnected Appendices Q, O, and R at the end of the EIR, why it the hexavalent chromium data obscured in the EIR Response To Comment Ind. 254-1 where no one will even know it's there, instead of in a prominent place where readers might find it in an amendment to DEIR 4.7 for "Hazards And Hazardous Materials"? See my discussion in the attached Objection about how CEQA and its Guidelines forbid such "hide the ball" tactics and evasions.

Now that the disputed EIR finally begins to prevent to address the hexavalent chromium threats, I note that EIR comments in the main text are unsupported by any competent authority or evidence (i.e., they are disconnected from those obscure, deficient, and disputed EIR Appendices), and there is no legal or factual foundation for the EIR having a competent evidentiary basis for those disputed EIR opinions. Also, I cited EPA, California EPA, and other water pollution threat studies that the EIR/DEIR has ignored, even though the EIR adding its disputed CR+3 air pollution theory for the first time (i.e., it was never mentioned before in the DEIR hazards and hazardous materials discussions.) Those EIR failings should be lethal to the disputed EIR under these circumstances, where the DEIR's noncompliance with CEQA on these issues now perhaps seems more than an innocent mistake, because what was evaded in the DEIR seems to be a practice continued in the EIR. If, as the disputed EIR now seems to claim in its rewrite of history, these theoretical EIR excuse claims had any merit and were intended to be exposed, why were they not properly disclosed in the DEIR (or even properly and less obscurely now in the EIR), so that all objectors and the public could have received more detail to make their decisions, rather than the EIR responding now in the EIR Response to Ind. 254-1 no one who matters to me will probably find or have an adequate chance fully to read and consider, unless and until this is all litigated and a more rigorous court process is enforced.

For example, because of all those objectionable errors, omission, and noncompliance the EIR/DEIR compounded those errors, omissions, and flaws as to related topics, such as the EIR/DEIR's purported water cleaning system (aka "treatment") that is supposed to remove all water pollutants in the water flushed into the Wolf Creek. [The EIR at 2-6003 argues without evidence or support that there is nothing to worry about, because the EIR/DEIR's future and compliant dewatering treatment (so they say) will flush these toxins out of the mine to be cleaned and dumped into the Wolf Creek, apparently to become the risk and problem for NID and others downstream. (The EIR/DEIR seem to imagine that ends their responsibility and any cause for concern by us locals, because they claim such dewatering moves the threat of the groundwater quality from underneath the surface where we live above and around the 2582-acre underground mine away downstream in the Wolf Creek flowing by a half mile below my property. But those consequences still affect my community, which affects all of us and our property values and the taxes supporting our government services. But what happens when the mining and dewatering stops, and our local groundwater stays there with the hexavalent chromium mine shoring? See my CR6 remediation data below.]

As explained in the attached EIR Objection 254, the disputed EIR tries to obscure those fatal omissions and evasions in the DEIR by the EIR adding some disputed and unsubstantiated opinions (e.g., Response To Comment Ind. 254-1, Appendix Q, O, and R), but the EIR is caught between the horns of this dilemma. If the EIR too obviously attempts to correct the DEIR's noncompliance and worse with significant new information, CEA and the Guidelines require revision and recirculation of the DEIR. But if the EIR did nothing to correct its fatal omissions, then it would fail on the merits as deficient in failing to report on and analyze the hexavalent chromium threats. Thankfully for us objectors, the disputed EIR tried to have it both ways and made its wrongs both worse and more obvious, by adding too little data (incorrect and disputed) and still obscuring its placement, while pretending that erroneous and insufficient and unsubstantiated EIR data was already in the DEIR, correct, sufficient, and substantiated, so that its EIR additions were not "significant new information" requiring revisions and recirculation, but merely just "clarifications" or "embellishments" that purport to respond to my many objections, but fail to do so.

Stated another way, whether or not the threshold amount/level of hexavalent chromium is legally permissible or not in the cement paste being added to the mine for shoring support for the existing mine and new mining or in the toxic dust involved in making that paste on site (i.e., new pollution, as distinguished from all the other existing air and water pollution supposedly to be reduced to legally tolerable levels, i.e., another dispute), my attached EIR Objection 254 proves there was no "good faith reasoned analysis" with ""common sense" in the EIR/DEIR of this serious hexavalent chromium menace. Rather than restate such preceding objections, this Exhibit performs a different and more basic function. My DEIR Objection 254 provided ample cause concerns about that menace threatening our community, as hexavalent chromium infamously did, for example, in Hinkley, CA, a case study made worthy by the movie, *Erin Brockovich*. This Exhibit adds some data for that comparison, noting that www.hinkleygroundwater.com shows that, all these decades later, they are still struggling to remediate that groundwater. What this Exhibit does is provide more serious data supporting not

only why the EIR/DEIR is wrong on the merits of this topic, but also why the EIR/DEIR lacks the CEQA required common sense, good faith, and reasoned analysis.

Exhibit D: Some Illustrations Of Issues of Concern To Be Incorporated Into My Objections From Other Objections.

It is not practical to attempt to integrate scores of other party objections to the EIR/DEIR into my four Objections, and I will not attempt to explain every reason for such incorporations. However, some highlights may be useful to illustrate some of the many reasons why I made such incorporations. See my Table of Incorporated Objections attached to my EIR Objection 254.

As a general matter I note that various governmental agencies have stated that they will require permits from the mine operator under various regulatory and other laws. My EIR Objection 254 contains legal briefing for the proposition that such EIR/DEIR deferral of CEQA disclosure and mitigation compliance is not proper. It is not sufficient or proper, for example, for the EIR/DEIR to state that it will comply with whatever is needed to obtain such future permits or approvals without the EIR/DEIR providing the required information that such regulators will need to do their evaluations. Too often, as I demonstrate in my EIR Objection 254, the disputed EIR improperly defers disclosure and analysis for such future permitting or approval process, thereby evading or defeating the spirit and terms of CEQA. By such disputed logic, if this EIR could get away with such improper evasions and omissions, compliance with CEQA could be accomplished by a meaningless comment that whatever water, toxic, or other environmental impacts may result from the EIR mining will be addressed by the EIR miner in that future regulatory permitting or approval process, thus defeating the whole purpose of CEQA. Thus, when regulators describing the laws and regulations they administer or their process in the EIR Agency Comment Letters, I assert that as a basis for proving that there was more to be stated in the EIR on those topics now about why the applicable conditions, circumstances, or facts would entitle the EIR miner to such permits or approvals.

Also, as a general matter, many of these objections identified errors, omissions, and deficiencies in the DEIR/EIR to which the EIR responded by making changes to the DEIR which I and applicable law consider to be material revisions requiring recirculation. Invariably, the disputed EIR incorrectly claims those changes are merely clarifications or embellishments that do not require recirculation. Therefore, all such EIR changes to the DEIR in response to such objections or comments I incorporate are not only disputed on the merits as I have indicated, but also disputed on that question of whether that new information requires recirculation. See my EIR Objection 254 citing authorities in support of my positions on such matters.

I. Some Examples of Some Illustrations of My Intended Uses of Governmental Agency Letters I Incorporated Into My Objections.

H. State Dept. Parks And Recreation Agency Letter 1.

Not only does that State objection share and reflect my own incorporated concerns about the EIR's lack of adequate maps, "water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers," as well as deficient mitigation, but it also spares me from having had to say more about the many biological issues. It states (at 1-2): "Water quantity and quality, air quality, noise and vibration, hazardous materials, and wildfire dangers are all crucial issues for CSP, and we find the DEIR to be inadequate in mitigations … cumulatively and individually there [are] potential significant issues [that] could negatively affect the natural resources, recreation values, health, and safety of Park visitors and employees and the general

well-being of Empire State Historic Park (SHP)." That letter also notes matters contrary to California Water Code #13050(f) for failure to protect "beneficial uses," and to plans of the Central Valley Regional Water Quality Board and the Nevada County General Plan, none of which are adequately discussed in the disputed DEIR/EIR.

Like me and others, the State also suffered from the EIR/DEIR "hide the ball" and other objectionable tactics; e.g., just as the EIR/DEIR largely ignores the impacts on the thousands of us objectors owning property on the surface above and around the 2585-underground mine, the State reports suffering the same problems with the EIR/DEIR ignoring its proximity to the Empire Mine Park and other State property. Basically, the State and I share many of the same concerns, although they sometimes focus on different details and legal issues than I do, but that cumulative data improves the force of each of our respective presentations, plus demonstrating similar EIR/DEIR patterns and practices of evading compliance with CEQA and other applicable laws. Just to take one example, the EIR/DEIR dismissed without adequate "good faith reasoned analysis" and "common sense" my concerns about dewatering 25/7/365 not only drying up wells and similar impacts, but also about the impact on our surface forest and vegetation creating a massive wildfire risk. The State not only agreed with me, but added useful details and perspectives. See Agency Letter 1 at pp. 27 to 29. See, e.g., at p. 29: "CSP also notes that the information on groundwater depletion in relation to the health of plant communities and tree survival was left out of Chapter 4.8 Hydrology And Water Quality"… [despite being] of high concern for the Park." I look forward to the State's reaction when they realize the hexavalent chromium threats obscured or worse by the EIR/DEIR, which like many others they seem to have not yet discovered.

I. **State Dept Transportation Agency Letter 2**.

As I stated in my objections, but the State is in a better position to prove, the massive heavy truck use on the impacted roads will break them down causing not just massive cost, but also massive traffic disruption, none of which is adequately reported, mitigated, or addressed in the EIR/DEIR. See Agency Letter 2 at p. 2: "The 200 heavy truck trips per day for transporting mining material [see page 4.10-58 of the draft EIR] were not analyzed for impact to Hwy 49 or local roads for the lifespan of the road structure. The roads used by these trucks could potentially decrease the lifespan of the roadways."

J. **State Dept. Fish And Wildlife Agency Letter 3.**

While all the State's noticed errors, omissions, and deficiencies are incorporated and appreciated by me, I especially appreciate this Department's supplement to my concern addressed in my comment "A" above about Agency Letter 1 concerning the impact of groundwater depletion on our surface forest and vegetation where thousands of us live above or around the 2585-acre mine. This Agency Letter 3 adds important data, including for wildfire threat increases, and notes at p. 6: "DEIR does not include a discussion of the potential impacts of lowering the groundwater table on environmental users of groundwater, such as groundwater dependent ecosystems or environmental users of interconnected surface waters."

D. Central Valley Regional Water Quality Control Board Agency Letters 4 and 5.

Agency Letter 4 describes the relevant regulatory setting and the permits and approvals that will be required for the EIR mine. As noted above and in my EIR Objection 254 this proves there was more that was required to be described in the disputed EIR than was there, and any changes in response to the Agency Letter 4 or 5 was significant new information requiring recirculation (as well as better EIR disclosure and commentary.) For example, more is required in response to the "Dewatering Permit" discussion at p. 4 in Agency Letter 4, especially regarding the use of hexavalent chromium paste to shore up the mine that could leach into the ground water being dewatered and present a challenge to the purported treatment of the mine water being flushed into the Wolf Creek. As Agency Letter 5 warned at p. 2: "The Central Valley Water Board may require modifications to the water treatment system, surface impoundment and mining operations as well as to ensure the protection of water quality. All permitting requirements are expressly noted in the Draft EIR as mitigation measures. Under Water Code #13263.1, the Central Valley Water Board must determine that the proposed mining waste discharge is consistent with a waste management strategy that prevents the pollution or contamination of the waters of the state, particularly after closure of any waste management unit for mining waste, before issuing any permits." My EIR Objection 254 demonstrated how, for example, the disputed EIR both improperly obscured or worse the hexavalent chromium threat in the mine shoring cement (a "hide the ball" tactic dispute), and improperly addressed what happens when they shut down or abandon the mine for any of many likely reasons and it again floods and exposes us to that hexavalent chromium leaching into the ground water or, since the miner seems unable to afford to keep cleaning the water indefinitely (see Exhibit B and DEIR Objection 254 #2), passing untreated or inadequately treated into the Wolf Creek.

As far as I can see, the EIR not only failed to address these matters adequately with the County and the public, but also with this agency, whose commentary might have been more helpful to our objections if the agency had known about those obscured or worse threats. See also the Agency Letter 5 comment at 2 on "Ongoing Waste Characterizations" that would have been impacted by adequate disclosure of the ending remediation risks and hexavalent chromium use, which will add more force to the need for the "Water Quality Specific Financial Assurances" that will be required as stated at p.4 in the Agency Letter 5, especially since that commentary correctly observed: "Staff could not locate a discussion in the Draft EIR on how the applicant intends to address/mitigate/or take responsibility for any post-mining water quality issues. The Draft EIR should be revised to address anticipated post-mining water quality issues and whether the mine will require oversight to ensure water quality conditions comply with applicable regulatory requirements." As the commentary also notes that same concern exists even with respect to "Temporary Or Short-Term Shutdowns" at p.4. [Note EIR Response To Comment Agency 5-10 and -11evades the problems and worse, because the EIR obscured or worse the hexavalent chromium problems (see my Exhibit C) and makes the following misleading statement about the future end-game on mine shut downs: "The water that would seep from the underground workings is anticipated to have similar water quality to the water that currently discharges from the existing drains. Specifically, it may contain elevated levels of iron and manganese." But note, the EIR does not reveal that such future mine water will be impacted by the added hexavalent chromium paste in the shoring that did not previously exist in that water.

E. **State Dept. of Toxic Substance Control Agency Letter 7.**

This State Agency Letter 7 describes various legal and regulatory limitations that apply to the dispute EIR/DEIR plan to dump EIR mining waste from the Idaho-Maryland Mine onto the Centennial mine site where there is already a "voluntary cleanup agreement" and "remedial action plan" "currently under review." The letter alludes to various things subject to review and approval, adding (at p.2): "DTSC is providing this letter to ensure the County is aware of these general requirements as they do not appear to be discussed in the DEIR." Again, this is an example of "hide the ball" omissions that appear to be tactical, since there is a dispute over whether or not the Centennial site work is a separate CEQA project as the EIR/DEIR incorrectly claims. The more such discussion occurs as required, the more clear it is (as my Objections assert) that the Centennial work is part of one consolidated project with the rest of the DEIR/EIR project.

F. Grass Valley Agency Letter 8 (GV Community Development Dept.)

The City exposes many errors, omissions, and deficiencies in the DEIR/EIR, cumulating in a powerful case demonstrating that the EIR had to add much significant new information (much still disputed) to require recirculation. It concluded (at Agcy 8-45, see also 8-31) that: "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…." I agree for those many city stated reasons for objections (e.g., massive traffic and noise issues and concerns) and my additional objections. Among such city illustrations of failed mitigation are that (at 8-24 to 26):

> Mitigation Measure 4.10-4 [noise and vibration] lacks specific timing requirements for implementation, and the Ground Vibration Monitoring Program is required "to be developed prior to operation of the mine …in accordance with the recommendations of the Blasting Report … (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.
>
> A Recirculated DEIR needs to acknowledge that the hauling operations will including loading and dumping of trucks and the spreading and compacting of this material [because they] 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 between the hours of 7pm and 7am, or on Sundays with 500 feet of a residential zone… [as well as being] in conflict withj the County's General Plan Safety And Noise Element adopted in October 2014 and the City's Nose Ordinance…. The DEIR needs to fully disclose that the Centennial site operations an site preparation will occur well beyond any typical construction operation and likewise the long-term noise impacts. A five or more years-long operation that is active seven days a week and 16+ hours a day cannot reasonably be dismissed as a "temporary noise impact" as it is in section 4.10-1 and on page 4.10-32." Especially, the City notes (at 8-2) for the "extraordinary" and objectionable 80 year period required by the EIR/DEIR. Even more

serious issues are raised about storm water drainage (at 8-22), energy and air quality issues (at 8-16 to 21) [noting twice that "The DEIR lacks mitigation measures for project operations." as well as the failure to disclose "the scale of the Project's usage of petroleum fuel sources" as required by *Ukiah Citizens for Safety First v. City of Ukiah* (2016), 248 Cal. App. 4th 256.]"

G. NID Agency Letter 10 (Nevada Irrigation Dist.)

While the NID's objections and concerns often do not go as far or a broadly as mine, they do share my concern about economics, feasibility, lack of financing, and the lack of Rise creditworthiness as well as some of the many DEIR/EIR water related errors, omissions, and deficiencies. The NID concerns about the mine's disputed Water Supply Assessment (WSA) are correct as far as they go, but as my Objections demonstrate the errors, omissions, and deficiencies are much more extensive and dangerous. (However, a useful start is NID's $14 Million estimate at 8-9 of the infrastructure cost ignored by the DEIR/EIR, which my Objections prove from Rise's SEC filing admissions that it could not afford.) For example, NID correctly explains (at 10-3 to 10) how and why "NID's Board of Directors expressed serious concerns that the number of impacted wells could far exceed the 30 estimated by the DEIR," causing NID to propose "a more extensive and robust well and ground water monitoring effort prior to and during any dewatering" extending also to "wells located in Woodrose, Greenhorn, and Beaver Lane areas," although much more is required. See, e.g., my discussion of *Gray v. County of Madera, which supports the NID demand (at 10-9) that "the Applicant should guarantee and include in its proposal mitigation potable water for each well that is impacted," and expand and improve monitoring.*

H. Northern Sierra Air Quality Management District (NSAQMD) Agency Letters 11 and 12.

These brief letters contain more and better "good faith reasoned analysis" and "common sense" regarding asbestos and other issues than anything in the disputed, incorrect, and deficient EIR/DEIR. Note also, for example, how the DEIR/EIR again "hides the ball" with respect to asbestos threat assessment (Agency 11 at p. 1): "CARB staff concluded that 'it is not appropriate to determine risk from rock samples' … and noted that the PCM conversion factor was developed for air monitoring samples, not rocks…. Since there is no approved method for calculating risk from rock samples, comparison with the NSAQMD's AB2588 toxic significance threshold based on rock composition carries some uncertainty."

Similarly, Agency Letter 12 (at pp. 11-12) states:

> The Water Supply Assessment (WSA) is important because an abundant supply of water is necessary for control of dust and toxics such as silica and asbestos. [I would add hexavalent chromium, since the DEIR obscured its use contrary to CEQA and the Guidelines, so the NSAQMD may not have seen that additional threat.] Unfortunately, it does not include enough detail to evaluate its accuracy. There should be an itemized list, or inventory, of water usage features so that reviewers can check to see if key elements are being overlooked or mischaracterized. [I would add like hexavalent chromium.]

***

> **The** ASUR Plan proposes that unpaved areas will be watered for dust suppression every 2 hours, which should be considered carefully in the WSA. The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements. Since the dust contains asbestos, silica, and numerous other toxic substances, adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly n the summer months when the potential for dust generation is greatest.

In effect, during the next 80 years of increasingly severe climate change and drought when water is precious and rationed, this no net benefit mine (e.g., my DEIR Objection 254 #4) will claim priority water use during rationing in order to save us from the mine's toxic dust so that the shareholders of this Canadian miner can profit. That is absurd and worse.

II. Incorporation of the Comprehensive Group Letters 6, 7, 8, 9, And 21 From the Community Environmental Associates (CEA) Or Its Counsel And Center for Science In Public Participation (Collectively called the "CEA Objections").

These CEA Objections require no summary by me to highlight their obvious merits. They are incorporated as is and add important scope and details for my own comments. My concept of such collaboration is that my four Objections add details and extra scope and focus to these fully sufficient CEA Objections. As noted about this is about combining the environmental science, engineering, and other such expertise and experiences to support my different experience and focus in order to present the best, collective, reasoned analysis in maximum depth and scope. Some may ask why I did not simply sit back and defer to the CEA Objections, which are more than sufficient by themselves to defeat the EIR/DEIR. The answers are many, but some are grounded on the fact that I have a unique set of experiences and qualifications that supplement those excellent but standard environmental defense group capabilities. Since my family's health, welfare, home, environment, and retirement circumstances have been impacted by these objectionable EIR/DEIR maneuvers, it is essential that I do what I can to support that defense.

However, it deserves repeating to protest again what Group Letter 6 quoted from false and misleading letters from mine advocates, such as (at 6-1) "Nevada Cunty has just completed the most thorough environmental study in its history" as well as other unresolved claims about the project; (at 6-2) "The County has determined that no domestic water wlls will be drained by the mine;" and (at 6-2) "The County has determined that there is no threat to water quality to domestic water wells from the Idaho Maryland Mine Project." My Objections and others demonstrate how false and misleading those comments are, and why any pro-mine cards or comments must be disregarded as the result of the "alternate realities" and worse crafted by the EIR/DEIR.

The CEA counsel's Group Letter 21 is excellent and covers many of the important issues. But every objector seems to add something extra and useful, and the collective weight and scope of all such objections should bring the County decisionmakers closer to the truths about this EIR/DEIR mine. They won't yet find the required "good faith

reasoned analysis" with "common sense" in the EIR/DEIR, which requires extensive revisions and recirculation to deserve any serious consideration.

III. Some Examples of Some Illustrations of My Intended Uses of Group Letters I Incorporated Into My Objections.

V. Group Letters Addressed Above, Including the CEA Objections (Group Letters 6-9 and 21).

Please see my incorporation discussion in the previous section.

W. Bear Yuba Land Trust Group Letter 2.

This long-established land trust is not only a critical voice for the reality of the massive violations, evasions, and worse of CEQA and other applicable law by the disputed EIR/DEIR, but they provide witness testimony that the EIR/DEIR will be unable to evade in any court challenges that become necessary if the disputed EIR/DEIR is mistakenly approved. Begin your read at its analysis of the similar "Martis Valley Case" at 2-10, which the Trust demonstrates to apply with particular force to our situation, especially with respect to the Bennett Street Conservation Easement and threats to Wolf Creek water quantity and quality. In particular, this witness demonstrates the many failures to comply with Guidelines (e.g., 15125 as to describing the environmental conditions in the vicinity of the project, such as at Grp 2-3 and 2-7) and with the General Plan (e.g., Objective 11.5, Directive Policies Policy 11.10 [regarding cooperation with other agencies and groups like the trust], and Policy 6.10 requiring that the "County shall support the activities of the Nevada County Land Trust" [now BYKT] ignored in violation of Guideline 15125. Likewise, as demonstrated in my Objections and others, this details how the disputed EIR/DEIR improperly delegates and defers water issues and mitigation to the Central Valley Regional Water Quality Control Boards in insufficiently described ways based on speculation and unsubstantiated opinions (all wrong on the merits). See Guideline 15124.

As to the chronic "bait and switch" tactic of the EIR/DEIR note the statement (at Grp 2-4) that, besides ignoring this conservation easement and not establishing any required baseline data for the water issues, "The preparers of the DEIR seem to believe that the Easement is currently disturbed similar to Centennial and Brunswick Industrial sites. Nothing could be further from the truth. The condition of South Wolf Creek on the Easement has been protected for at least 24 years by BYLT. *** To say that the proposed Project would not result in temporary or permanent impacts because encroachment would not occur within 100 feet of the waterway does not account for direct impacts just downstream to water quality, quantity, and wildlife." For example, among many DEIR/EIR omissions besides the riparian/migration/movement corridors are the consequences of increasing the current base flow of the South Fork of Wolf Creek (2cfs) to over 7 cfs for 80 years.

X. Briar Patch Food Coop Group Letter 3 (mislabeled 15 at the top).

This commentary deserves special attention, among other things, because of how it shows the futility of our sacrifices made to reduce climate change and improve the environment by worthy and beneficial businesses, if exploitive, no net benefit miners can overwhelm in their environmental abuses the benefit of those civic minded sacrifices. For example, at Grp 3-2: "The

project is expected to use 12% of Nevada County's electrical supply, more than all the rest of the County's businesses combined. We have worked hard as an organization toward a net zero energy goal … [but] This would erase all gains made toward that end. Additionally, with [PG&E] PSPS and catastrophic weather events, we question the judgment of one single business using so much energy, thus compromising the grid." Likewise, the "Co-op has implemented strategies that have saved an average of 150,000 gallon [of water] each month. Rise Gold plans on pumping more than a million gallons a day for decades. Further, we are very concerned about arsenic, ammonia, and other contaminants [I would add hexavalent chromium as explained in my Objections] from treated mine wastewater polluting downstream … Self-monitoring of water quality is not a high enough var for Rise Gold…"

D. California Native Plant Society Redbud Chapter CNPS Group Letter 5.

As addressed in my attached EIR Objection 254 this letter adds a comprehensive demonstration not only of why Centennial cannot be treated as a separate project, but also why there good cause to contest the good faith of the EIR/DEIR in attempting to manufacture that disputed evasion of CEQA and other applicable law. Moreover, this letter provides an excellent analysis of how the DEIR/EIR also both fails to establish the required environmental baselines and to comply with the CEQA standards for botanical and wetland surveys and management plans. A close reading of this objection is also critical in demonstrating important examples of bait and switch and other objectionable tactics in the EIR/DEIR and applicants related conduct that present a basis for challenging the "good faith" required by CEQA.

E. First Church of Christ Scientist, Grass Valley Group Letter 10.

I support the concerns and defense of this church as a useful illustration of the noise problems we all face to one degree or another, depending on our proximity to the causes of such adverse impacts. I note that when the members of this church study my objections, the CEA Objections, and others, they will discover many more threats to the health, welfare, and environment to add to their objections.

F. **Friends of Banner Mountain Group Letters 11 and 12.**

This Letter 12 provides wise and useful objections, information, and insights on a variety of subjects on which I rely. I recommend in particular their comments on (1) mitigation, monitoring, and permitting, (2) security and bonds, (3) project scheduling and sequencing, (4) hydrology and water quality and supplies, and wells, (5) hazards and hazardous materials, including stored mine and onsite waste, (5) wildfire risks, (6) noise and vibration, including traffic issues, and (7) many kinds of biological resources.

G. Gold Country Avian Studies Group Letter 13.

This Letter 13 provides wise and useful objections, information, and insights on a variety of subjects on which I rely. I recommend in particular their comments on (1) a wide variety of

biological resources, (2) hydrology and water quality, (3) noise and vibration, and (4) rezoning and the Centennial property line adjustment and the many other Centennial issues of concern.

H. Nevada County Association of Realtors Group Letter 15.

The brief Group Letter 15 echoes many of my objections and comments regarding water, traffic, habitat and contaminants, noise, and electricity/alternate power. What matters even more that what they say is that they know how it affects property values that will be at issue, at least in any court challenges, regardless of the inappropriate EIR/DEIR attempts to exclude them as I explain in my attached EIR Objection 254 Exhibit A, my DEIR Objection 254 #4, and my DEIR and EIR Objections 255.

I. Nevada County Chapter of Citizens Climate Lobby/Education (CCL) Group Letter 16.

This Letter 16 adds useful and important information and rebuttals to counter climate change and air quality issues, among others, that I appreciate and will incorporate into some of my own arguments. Also, this objection has important positions that we all should advance on the analysis of cumulative impacts and concerns, including about air quality.

J. Nevada County Climate Action Now Group Letter 17.

This Letter 17 also adds useful and important information and rebuttals to counter climate change and air quality issues, among others, that I appreciate and will incorporate into some of my own arguments. In particular, their data on emergency generators supplements my broader and deeper analysis on that subject, which I recommend to their attention. Likewise their useful data on cement issues fits well with my analysis of the hexavalent chromium menace in the mine cement paste for shoring, Also, this objection has important positions that we all should advance on the analysis of cumulative impacts and concerns, including about air quality and the Nevada County Energy Action Plan.

K. Nevada County Food Policy Council Community Alliance with Family Farmers Group Letter 19.

We all benefit from their unique perspective on our common problems with this EIR mining. This illustrates the benefit of objector collaboration, since my primary focus has been on the risks and impacts on us surface owners above and around the 2585-acre underground mine, including our groundwater, while this group addresses the impact of that groundwater downstream. We can each learn from the other because we both care about water quality and supplies, and we each see part of what is a massive threat and risk for our whole area.

L. Rudder Law Group LLP Group Letter 20.

Our concerns and objections overlap and supplement each other in many ways, and I am happy to incorporate and support their approach where this excellent Letter advances beyond mine.

M. Shute Mihaly Law Firm/CEA Foundation Group Letter 21 (see CEA Objections Above Where Consolidated).

Our concerns and objections overlap and supplement each other in many ways, and I am happy to incorporate and support their approach where this excellent Letter advances beyond mine.

N. South Yuba River Citizens League Group Letter 25.

I cheer, incorporate, and support the SYRCL analysis and objections with which I agree. As a member, I find their insights and knowledge to be beneficial in exposing errors, omissions, and noncompliance as we all work to counter the risks, harms, and noncompliance posed by the EIR. I am particularly supportive of their water supply and quality positions.

O. The Sierra Fund Group Letter 26.

I also cheer, incorporate, and support the Sierra Fund's analysis and objections with which I agree so thoroughly that I not only incorporated them generally but integrated some of their data with my related objections because I find their insights and knowledge to be beneficial in exposing errors, omissions, and noncompliance as we all work to counter the risks, harms, and noncompliance posed by the EIR. I am particularly supportive of their water supply and quality positions.

P. The Wells Coalition Group Letter 27/28.

I also cheer, incorporate, and support the Wells Coalition's analysis and objections with which I agree so thoroughly that I not only incorporated them generally but integrated some of their data with my related objections because I find their insights and knowledge to be beneficial in combatting the EIR's major threats not only to the undercounted wells in our area but also the future wells we will all be drilling as climate change progresses and, if the EIR is mistakenly somehow approved, 24/7/365 depletion of our groundwater.

Q. Wolf Creek Community Alliance Group Letters 29, 30, 31, and 32.

I also cheer, incorporate, and support the Wolf Creek Community Alliance Group's analysis and objections with which I agree so thoroughly that I not only incorporated them generally but integrated some of their data with my related objections.

Other Incorporations May Be Addressed Directly In My Objections Or in Other Supplemental Objections. My ideas for a more extensive commentary for such incorporations have not been realized by my lack of time that remained after the larger than expected effort required to finish my attached objection. I thought about dropping the exhibit, but, for tactical reasons I can share with any like-minded objector who needs to know, I decided to keep this brief form. For those I mention but lacked the time to do appropriate justice to your good work, I hope you find somethings in my objection that help you and make up for my deficient recognition of that work here.

From: Dawna Johnson
To: Planning
Cc: bdofsupervisors; Idaho MMEIR
Subject: Just Say No to the IMM Project and the FEIR
Date: Monday, May 1, 2023 7:28:56 PM

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Dear Planning Commissioners

My name is *Dawna Johnson*. I live in District 4 on Orion Way in Grass Valley,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

In addition to asking you NOT to recommend the "80 year" permit be issued for this project, I ask you to NOT accept the Final Environmental Impact Report. Deficiencies remain that were pointed out to the county during the review of the draft that were either ignored or inadequately addressed. An approval gives the appearance that those inadequacies don't exist and/or don't matter which is just not true. I am under the impression the proposed mitigations listed, in the final report, have been deemed inadequate by professionals who have written you. Some mitigations seem to be missing all together. What happened to the $14million bond NID stated they would need, at the very least, to cover possible water supply issues? I had a long career in construction, owner and CFO for several decades, and know the importance of bonding. In my opinion, and in lieu of the principles history, there is no bond large enough for this project. Damaging the environment and diminishing the quality of life of the citizens of this county should be avoided at all costs.

Additionally, it not only seems to be in conflict with the general plan, it appears to undo any environmental progress we are striving for and as mandated by the state.

Personally, as a disabled and fixed income senior, with health issues that are exacerbated by bad air quality and noise, I am concerned about my quality of life, as well as that of others, the many issues regarding water and property values. Our home is, as it is for many, our biggest asset and a major part of our retirement planning. With family and financial constraints, we cannot just move away.

Please, do not recommend the approval of the permit AND, MORE IMPORTANTLY, the FEIR.

Thank you for taking the time to consider my concerns,
Dawna Johnson
District 4

Grass Valley, Ca

VIA EMAIL: Idaho.MMEIR@nevadacountyca.gov

Planning Commission of Nevada County
c/o Planning Department
950 Maidu Ave, Suite 170
Nevada City, CA 95959

May 2, 2023

RE: Rise Gold Proposals: Take No Action

Honorable Members of the Planning Commission:

It has been reported (KNCO 4-26-23) that County Planning staff recommends "Take No Action" on the Idaho-Maryland Mine application for an 80 year use permit. I agree with that, and also submit that the Final EIR should not be certified at this time.

In my view, the Commission should SUSPEND processing Rise Gold pending the finalization of court proceedings in British Columbia (see "Other Voices" in the The Union by Lou Douros, 4/25-26). Those court proceedings involve civil and criminal accusations against the principals of Rise Gold. It is a legal cloud casting doubt on the trustworthiness of the applicants. If they are not in good standing with Canadian law, it would be reckless to vest them with an 80 year use permit. You have the inherent power to exercise discretion to suspend processing. You should seek legal advice about this in advance of your May 10 meeting. Further, you should ask legal counsel to summarize for you the Canadian court proceedings to date, and give you periodic updates on the finalization of the charges.

To be clear, the Final EIR should not be certified at this time, and should be suspended pending finalization of the Canadian court proceedings, which involve serious accusations about willful violations of Canadian environmental laws and regulations.

In addition, I submit that the Final EIR is deficient for myriad reasons. My particular reason has to do with noise. I submitted "Individual Letter 689" to contend that the noise monitoring is inadequate. It involves limited monitoring proximate to the mine, but not general monitoring as to noise that will be heard throughout Greater Grass Valley. My concern about general noise was deemed to be not a significant impact. Under this logic, the rumbling, grinding, braking noises from large trucks going to and from Rise Gold would be not significant, even though audible and disturbing. It is my view that increased background noise in Grass Valley would significantly and negatively impact tourism, businesses and residents.

Thank you for consideration of my comments.

Robert Shulman
238 N. Auburn St., Grass Valley CA 95945
robertjshulman@gmail.com; 530-575-5511

David Herbst
10696 Cement Hill Road, Nevada City CA 95959
and Sierra Nevada Aquatic Research Lab, University of California
herbst@ucsb.edu

TO: Nevada County Planning Commission
Reactions to the FEIR Responses to my comment letter to the DEIR (individual letter 163):

I realize that your decisions as planners for the county depend on specific and accurate information and that is what I aim to provide in this follow-up letter. As a research scientist with the University of California I have many years of experience in peer-review of journal articles and technical scientific issues. One of my areas of expertise is on the effects of dissolved toxic metals and acid mine drainage on stream ecosystems. The EIR presents a huge amount of technical information and I approached review of what was presented just as I would any manuscript submitted to a science journal – looking for rigor and clear answers to issues raised by a review.

I found some of the responses to the questions and concerns I raised in my review/comment letter to be evasive and even dismissive. The data and information presented in the DEIR was not improved upon in the FEIR and does not address real concerns about several issues related to how dewatering of the mine could impact aquatic life in the South Fork of Wolf Creek. This report did not meet peer-review standards, nor what is needed for public policy decisions. RiseGold makes **unsubstantiated assertions of being able to mitigate risks related to the concerns outlined below and fail to consider impacts on aquatic invertebrate life forms**.

Response 163-2 concerning erosion and suspended sediment/turbidity:

This remains a concern for me as a stream ecologist. Here is what Balance Hydrologics concluded in-part from their analysis (Appendix K1): "We therefore conclude that discharges during baseflow periods will not result in substantial erosion or siltation on site in South Fork Wolf Creek." A stated, this pertains to bedload sediment mobility which means larger particles, not the turbid muddy flows shown in the photo of Figure 5-5 that are mobilized at lower discharge and are the real concern as a persistent source of disturbance in the stream. The photo is at a discharge of 11 cfs which falls within the reported range that added pumping from mine drainwater would produce: 5.8 to 15 cfs. It is these fine sediments that are suspended in the water, often becoming deposited on the surfaces of stream bottom habitat that are the real concern and the report misses that point. Again, NOT bedload erosion, but turbidity that is the potential problem here. The response to my concern cited lots of data, measurements and calculations and those are fine but they do not address the issue that these augmented flows create poor water quality and habitat conditions for aquatic life. Even though NID

does discharge periodically and create similar disturbances, these are short-lived phenomena compared to the estimated 6 months of flows that would add 5.6 cfs at all times to a hydrograph that has natural variations between about 0.2 and 6.5 cfs. The report doesn't bother to consider how sedimentation impacts aquatic life in streams and that remains the concern here. The report indicates that continuous monitoring of suspended sediment and flow has been set up for S Fk Wolf Creek so it is pertinent to be sharing this data as well to evaluate how these are related. **Conclude: Evidence of risk exists.**

Response 163-3 regarding the need for monitoring of benthic macroinvertebrates indicators

This is the most common and easy way to evaluate impact to aquatic life and the COLD beneficial use designation. While it may not be required it would most certainly be informative. In fact, the Sierra Streams Institute this past summer, in coordination with the Wolf Creek Alliance, DID sample BMIs in the S Fk Wolf Creek, so data is now available to evaluate further changes should any mining disturbances occur. It would be a simple matter for the project proponents to provide this kind of information in order to evaluate and protect aquatic life uses as a goal of the Basin Plan of the Regional Water Board but they simply say they are not required to do so. I stated that knowing how altered hydrology might also affect algae and organic matter because this is the base of the stream food web. They didn't seem to get that this is how stream ecosystems work. **Conclude: data gathering inadequate**.

Response 16-4 primary concern relating to the potential toxicity of dissolved metals in mine drainwater

Whatever the requirements are for technology-based or more stringent requirements to meet safe water quality for discharge, the toxic metals concentrations should not exceed cumulative concentrations above levels that have been shown to harm the BMIs indicators of stream health. My letter cited published scientific work on which I am an author that specify these levels. My greatest concern about the plan to dewater the mine and pump that water in a creek is that many of the metals of concern were not reported in the data presented and that is still the case. Instead RiseGold responds to this concern by stating that they will treat the water coming from the drowned mine shafts to remove any contaminants so the metals present are not a concern. What then would these levels of potential contaminants be in the treated water? Evidence of this is necessary to have a realistic assessment of iron (Fe), manganese (Mn), and ALL toxic metals after treatment and this must be based on whether the large volume of water that must be

treated can achieve non-toxic levels. Table 4.8-2 (DEIR) concentrations report “after-treatment” values but the amounts shown for Fe (“<300”) may still be at levels toxic to aquatic life. Even if possible, chronic testing (not the simple and inaccurate acute tests) should be done on water that represents the "treated" condition. They also state that Fe and Mn do not have levels identified for protecting aquatic life but that is not true - Fe and Mn DO HAVE specified levels for protecting aquatic life (see references in the Clements et al paper cited in my comment letter). Many of the metals that are of greatest concern are not even reported in the relevant tables (4.8-2, Appendix K2 Tables 3-6, 3-7), suggesting that the analysis used may not have been sensitive enough (Cu, Zn, Al, Co) and aquatic life use criteria are what should apply as standards (not municipal effluent limits). There are analytic procedures available to detect levels much lower than given. They further claim that lots of data was provided on water chemistry, but none of that is pertinent to the metals of concern or to the mine shaft water that would be drained into Wolf Creek (i.e. Table 3-8 they cite is from Wolf Creek, not the mine water, and Figures 3.12 to 3-19 report only major common cations and anions, not the toxic metals of concern such as dissolved forms of copper, zinc, and aluminum). The reported levels of Fe and Mn are of concern and already exceed levels of chronic toxicity in mine shaft water, and possibly treated water. Removal of these contaminants from the large volumes that would be involved in dewatering (5.6 cfs) has not been proven, based only on bench-scale tests. **Conclude: contamination risk exists but inadequate data to evaluate.**

Response 16-5 relates mainly to my concern with high overall levels of dissolved minerals (conductivity)

Chemical analysis of mine shaft water shows high levels of mineral content (dissolved mineral ions like sodium, calcium, and carbonates, sulfate) – the concentration of total ionic solutes (conductivity) is reported at ~400 µS in the existing shaft and no values given for after treatment. This often cannot be controlled by treatment and represents what may be a very high value compared to the background natural level of specific conductance in S. Fk. Wolf Creek which is typically in the range of 50-100 µS EC (Table 3-8 of Appendix K2). Conductivity of 400 µS is quite high for Sierra streams and EPA standards under development show impact levels at 150-200 µS across western mountain regions. The response from RiseGold suggest using a standard based on agricultural drain water. This standard is irrelevant to that found in mountain streams which are much lower in conductivity and carry separate risk of impacts to aquatic life. Water softener treatment proposed to remove these constituents again needs to show that the scale of treatment can achieve adequate control of dissolved minerals and toxic metals to protect aquatic life. **Conclude: contamination risk exists but inadequate data to evaluate.**

Review of Planning Department Staff Report on Idaho Maryland Mine and FEIR
by
Community Environmental Advocates Foundation
4/30/23

The purpose of the Planning Commission hearing on May 10-11 is to provide a recommendation to the Board of Supervisors on whether or not to Certify the Final EIR for the mine project, and whether or not to approve the required Use Permit, Zoning Change and Variance needed to operate the 80-year mining project.

WHAT DOES THE STAFF REPORT SAY?

The staff report for the hearing is out, but it is a lot of material and is challenging to understand. The key information is in the first listed document, "0 - IMM_PC Staff Report_4_21_23_Final.pdf."

The report provides two options (Recommendations"A" and "B") for the Planning Commission to choose. They are summarized on pages 5-8.

– Recommendation A is to Certify the Final EIR, but to deny the rezoning for the Brunswick site, to deny the height variance for the tall structures, and to **"take no action" regarding approval of the Use Permit**. **Taking "no action" effectively kills the project, but leaves us with a Certified Final EIR.**

– Recommendation B is to Certify the Final EIR, approve the rezoning, approve the variance, **and approve the Use Permit**. Following that are listed related approvals for "Project Actions" such as approve the management plans for habitat, riparian areas, boundary line modifications, and other actions that are part of the project approval.

The reason those additional Project Actions are not also listed in Recommendation A is because once the zoning change is denied, everything else about the project becomes a moot point.

It is really good news that staff has provided both options. Also, it is great that **staff also recommends denying the project**. This is evident on page 115 at the end of the Summary "Discussion of Recommendation A" in which it states:
"*...Planning Department staff recommend that the Planning Commission...take the project actions described below in Recommendation A, ...*" It also uses the word deny in two critical places in the Recommnedation A Actions II and the III: II. "Recommend that the Board of Supervisors deny the Rezone…" and III. "Recommend that the Board of Supervisors deny the Variance..,"

WHAT DOES IT REALLY MEAN?

The Planning Commission can choose either A or B, or can make motions that include or exclude other options. However, staff's recommendation to deny the project is a significant fact which has great influence on how the Commission will vote. This is a plus.

Unfortunately, the fact that both options include a Certification of the EIR is a very bad idea.

The County should not certify the EIR.
Such an action will not only lend credence to a document that violates numerous requirements of state law**, the certified EIR could be relied on in the future to support the approval of another mining proposal.** This result would constrain the County's discretion and leave it vulnerable to a claim that it is required to approve a proposal without the analysis and mitigation necessary to address the significant impacts of a future mining project. **If the County denies the project, as recommended by staff, there is no reason why the County should open itself up to this risk.**

The arguments for not certifying the EIR are overwhelming:

The EIR is legally deficient.
It fails to adequately disclose and evaluate the mine proposal's significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine. A small sampling of these deficiencies include:

- The improper reliance on groundwater data that is over 15 years old as the baseline for determining whether the mining project will have significant impacts on water quality and water supply.

- The failure to mitigate the mining project's air quality impacts, even though the EIR acknowledges they will be significant.

- The dismissal of significant greenhouse gas emissions and their contribution to climate change.

If there is no project, there is absolutely no need for an EIR.
It is common sense. And, case law is clear on this topic. If the County denies the Project, the County is under no obligation to certify the EIR. *Las Lomas Land Co., LLC v. City of Los Angeles* (2009) 177 Cal.App.4th 83 (upheld a decision to stop preparation of an EIR and specific plan where the city determined that the project was not consistent with its land use policies); and, Pub. Res. Code § 21080 (a) (CEQA applies only to projects that public agencies carry out or approve.)

Finally, only denying the project AND the FEIR defeats the Mine for good.
It will haunt us otherwise. In a way, having the EIR certified, but having the project denied is almost worse than having the project approved.

Why? Because the certified EIR cannot be legally challenged at this time if the project is denied. That means that we would have a County sanctioned EIR out there available for Rise Gold or a new applicant to use on a revised project in the near future, or later, and start the whole process again.

From: David Ward
To: Idaho MMEIR
Subject: Mine
Date: Wednesday, April 26, 2023 12:20:04 PM

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Hi there I am sincerely opposed to this boondoggle mine idea. Can you imagine big semi trucks competing for space on the limited roads around there? Much less 174 going by peoples houses? That will change the quality of this County we all love. We need tech jobs and low impact enviromentally friendly businesses. They shut down the chipping program there because of noise so I know the impact of a functioning mine will be hundreds of times that. This county is against this project so I would ask you to respect and honor citizens opinions and desires on this important matter.
Thanks for your time,
David Ward
Artist and local business owner

Sent from
My thumbs

From: Blair, Richard
To: Idaho MMEIR
Subject: Mine project
Date: Monday, May 1, 2023 8:28:09 PM

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Dear Nevada County Supervisors and Planning Commissioners,

My name is Richard Blair. I live at 13041 Wood Rose Way, Grass Valley, CA 95945. We have called this community home for 22 years and plan to stay the rest of our lives.
As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Your decision is so important, proposed is an 80 year project taking us to 2103, wow! This decision does not only affect you, your family, the community now, but for generations to come. We will all be dead and gone but your decision and your legacy will have impact far into the future.

The misleading adds about average $145,000 total compensation means the executives will make fortunes and the mine workers, local people, will make much less. Go on Indeed, do a google search, entry level mine jobs are 30-45K (15-22/hr). There will be engineers and a few others but these guys are playing us and our community will suffer. We can do better to find industries that will enhance rather than destroy. No external monitoring and penalties are spelled out in the EIR which should scare us all and can not be accepted or approved.

Please protect our community, think long term. I could not find any stories of mining coming to a community and making a positive impact, all the stories I found are ones of tragic environmental and health disasters. You know we can grow our community and find other ways to attract jobs. High speed internet allows digital remote workers to live in a beautiful foothill community. The Bay Area is rough and expensive to live in, many would move here or visit more if we developed recreation, bike trails, amenities that make this lovely area even better.

Thank you for your thoughtful consideration,
Richard Blair and family

From: Nora Nausbaum
To: Idaho MMEIR
Subject: Mine
Date: Tuesday, April 25, 2023 10:18:44 PM

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Please don't let Rise Gold degrade our community. The needs of the community do not include increased noise and air pollution, increased traffic from heavily loaded trucks, depleted wells.

Nora Nausbaum
Grass Valley
--
Sent from Gmail Mobile

From: Tracey McClain
To: Idaho MMEIR
Subject: NO MINE
Date: Wednesday, April 26, 2023 12:00:25 PM

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Hello,

I am writing to express my desire that the mine be blocked from reopening in Nevada County. I do not think it is worth the risk to our environment and quality of life. I specifically voted for candidates in the election that were against the mine. As you can see from the NO MINE yard signs around town, the majority of the residents here do not want the mine.

Do the right thing. No Mine.

Thank you,

Tracey McClain
412 Richardson St.
Grass Valley, CA 95945

From: Helen Martini
To: Planning
Subject: No on mine
Date: Monday, May 1, 2023 7:28:47 PM

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Please vote NO on the mine project. We live in a beautiful area. I was born and raised here as was my mother, Grandparents and Great Grandmother. I do not want to see the land here polluted more than it already is. We do not need our precious water drained away and more fire hazard created nor do we need more traffic congestion and dust from the mine. The mine is the wrong way to promote our wonderful land.
Again please vote NO!
Thank you,
Helen Martini

From: Aruba
To: Idaho MMEIR
Subject: NO to the Mine
Date: Tuesday, May 2, 2023 6:22:17 PM

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Please do not approve this Mine: it will adversely affect our community....how could it not?
Yes, Mining is part of our towns' heritage but things have changed a lot since those days. Our community has expanded to include many more people who will feel the affects of this: Traffic, noise, unsightly buildings... 165' tall!!
Let's not forget about the possible well water contamination or the drying up of wells (and there are a lot!).
The other thing is that this company, Rise Gold, does not have a good record.... being taken to court how many times? Do you really want this for the community that you represent?
Thank you for listening
Colleen Carson
(530) 615-4404

From: Kim James
To: bdofsupervisors; Idaho MMEIR
Cc: Julie Patterson-Hunter
Subject: Please do NOT certify the FEIR for the Idaho-Maryland Mine
Date: Monday, May 1, 2023 4:46:51 PM

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Dear Nevada County Supervisors and Planning Commissioners,

My name is Kim James. I live in Nevada City, CA.

I urge you **NOT to certify the FEIR** and firmly **deny the request to re-open the Idaho-Maryland Mine** for all of the common sense reasons concerned citizens have been repeatedly bringing to your attention. It's time to put this issue clearly to bed while there is still time.

I will be present on May 10th.

Thank you for doing the right thing.
Kim James

From:	Mary Ann
To:	Planning; Heidi Hall; Ed Scofield; Lisa Swarthout; Sue Hoek; Hardy Bullock
Subject:	Please Vote NO on the re-opening of the Idaho Maryland Mine
Date:	Monday, May 1, 2023 2:20:15 PM

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Please vote NO on the re-opening of the mine. I have spent a great deal of time reading the DEIR and the FEIR, listening to the Economic Report and learning about mining standards, CEQA and groundwater. Additionally I live over mineral property and use a well which is in jeopardy should the mine open.
What I understand is that Rise's approach is "trust me" and all things will turn out good. There won't be any damage, environmental disruption, pollution, noise, and the ground water and creeks/rivers will be just fine for the next 80 years. Therefore there is no need for 3 years of quality data collection that is part of CEQA normal requirements, there is no need for the extensive monitoring that was proposed by EMGOLD, there isn't any need for a 3rd party to monitor the monitoring systems because people are always forthright and honest about the data, people will be able to sell their houses in the mine area without a loss of value and water, and no bonds are necessary to insure that promises can be kept should something not go as promised.
I've spoken in front of the supervisors and written several letters. I would like this to be my last letter to you about this issue because you are hearing what the community is saying - over and over. "We were once a mining community but that was then and this is now. Now the focus is on quality of life, tourism, enhancing the environment and building community for all."

Please vote no on reopening the mine. Choose Option A to not approve ANY part of the proposal.

Respectfully,
Mary Ann Coleman
14063 Greenhorn

From: thomas tereszkiewicz
To: Idaho MMEIR
Subject: proposed gold mine permit
Date: Saturday, April 29, 2023 3:03:32 PM

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Dear Planning commission,
I am writing this comment to discourage the granting of a permit to the gold mine company the Idaho Maryland project. I have talked to a geologist in the area that has worked with mining companies for decades. He is of conservative bent and even being so he is dead set against the mine. According to his experience, they almost never clean up their mess despite mountains of promises to do so. Usually, the tax payer is stuck with the bill as company goes bankrupt, forms shell companies, etc. to avoid paying the costs of the mess they have created.

The economy is strong in this area and we do not need the jobs. The residents of this town create enough pollution by themselves without having heavy industrial equipment rollicking thorough the area.

It is for these reasons that I wholly discourage the granting of a permit to the Idaho Maryland Gold Mine company.

Thank you.

Thomas Tereszkiewicz

From: Ross Guenther
To: Matt Kelley
Cc: Heidi Hall; Ed Scofield; Lisa Swarthout; Sue Hoek; Hardy Bullock
Subject: Re: Concerns on the Idaho-Maryland Mine EIR – Rise Grass Valley Project
Date: Tuesday, April 18, 2023 4:33:44 PM
Attachments: SME 2022 Tailings Management Handbook Case Study 26 .docx

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Hi Matt,

This email is being sent again with the attachment.

Thanks,
Ross

> On Apr 18, 2023, at 4:18 PM, Ross Guenther <rossguenther@comcast.net> wrote:
>
> Hi Matt,
>
> On August 10, 2020, I commented through your office on the Rise Gold Draft EIR that I was concerned about potential environmental impacts regarding the stability of the "engineered fill" for mill tailings. In the Final EIR these concerns were not adequately addressed.
>
> In my opinion the rest of the Rise EIR does an excellent job in its presentation which closely followed my geologic, economic, engineering, and environmental research and on the Idaho-Maryland Mine over the past 50 years. In the mid 1990's, with the help of my excellent team, I received a positive EIR and the necessary Idaho-Maryland Mine permits to dewater to explore and develop the mine via the New Brunswick shaft. This was done with a phased EIR and the next phase would have included tailings disposal. The project became adequately financed at that point, but the company directors passed on the project wanting a better deal which they did not get. Later I did provide a widely acceptable method to handle the tailings by making ceramic building products, including tile. This could all be done entirely on the New Brunswick property with no surface tailings disposal while not using the Centennial or other properties.
>
> Although Rise has done significant additional drilling for ore grades and mill recovery, no tests by Rise on tailings stability for this material has been presented. "Engineered fill" is best defined as fill that has been tested or a very similar fill that has been tested.

I have made numerous tests of both Idaho-Maryland historical tailings and tailings of finely ground material from freshly drilled Idaho-Maryland drill core. Even 500-ton presses over a half inch thick square foot with optimal moisture content failed to make a stable fill material. Adding larger fragments made the fill material even less stable. (Many of these tests were made to stabilize the tailings prior to heating them to form ceramic products.) Adding a small amount of water to these “compacted tailings” can make the tailings extremely fluid.

In 2020 I met with Kimberly Morrison in Phoenix, AZ where she presided over several thousand attendees at the annual meeting for the Society for Mining, Metallurgy & Exploration. Kim is the Senior Director of Global Tailings Management for Newmont. She subsequently edited and wrote much of the thousand page “Tailings Management Handbook, A Life Cycle Approach” which was published in 2022. This book is presently the most comprehensive resource on new fundamentals for tailings management. Kim asked me to write a case study included in the book titled “Repurposing Tailings and Other Earth Material Waste into Ceramics”, which is attached.

Tailings engineers are only advocating stacking tailings, with or without larger dump rock, on a trial basis in dry remote areas. I do not believe the tailings “engineered fill” suggested by Rise would survive a moderate rainfall, let alone the atmospheric rivers we recently had.

In recent years there have been many failures of tailings facilities in Canada, USA, Brazil, and many other countries with “engineered fill” that have caused disasters costing hundreds of lives, buried towns, and caused billions of dollars in damages. “Expert engineers” had signed off on these failures.

Matt, thanks for your efforts in handling this complex project.

Ross

Ross Guenther, General Manager, Ceramext, LLC

Cell: 530-651-3265
rossguenther@comcast.net
www.ceramext.com

CASE STUDY 26

Repurposing Tailings and Other Earth Material Waste into Ceramics

Ross Guenther
Ceramext, LLC

Over the past 20 years, innovative technologies have been developed to repurpose tailings and mine waste into many products. Developers, working with scientists and engineers, have created the technology to produce high-quality, low-cost ceramic tile and other building products from raw materials including mine tailings, quarry fines, biomass ash, coal fly ash, and other waste materials. Most mining companies are only interested in mining and not in producing ceramics, although this may be changing. Often, mineral prospects are in areas without suitable topography for tailings facilities or in areas of high land costs. And many mines require fine grinding (to –100 mesh) to recover an economic product while paying for the costs of environmentally safe tailings management.

HOT VACUUM EXTRUSION OF CERAMICS

Although ceramic engineers were taught it was impossible, while studying the progression of heating tailings in 5°C increments, Ceramext engineers noticed that because certain minerals melted first, if compressed at an appropriate temperature, then a coherent, strong, impermeable ceramic could be produced. Analyzing hundreds of thin sections with a scanning electron microprobe, the engineers found that fractures within the grains of the tailings extended the supporting glass from the outer glassy matrix into the mineral grains, which greatly strengthens the ceramic while still allowing it to be pressed and shaped, or even cooled and later reformed. Some of the minerals to create more favorable stronger glassy components include Na and K feldspars and mica found in most copper mine tailings and some gold mine tailings.

The first 10,000 hours on this project were spent building and patenting an apparatus for hot vacuum extrusion of ceramics. Tailings were heated within a kiln at various temperatures, generally within a 5-cm pipe, then pushed out with a 10-ton press. Later, for most purposes, the vacuum was not required. Tailings and fly ash from more than 50 locations were tested.

Ceramext continued operations in 2003 at the Idaho-Maryland mine site in Grass Valley, California, historically one of the largest gold mines in the United States. Using the gold tailings, other sources of tailings, and the aggregate fines from Granite Rock Company's quarry, which is the largest aggregate quarry in California, several tons of high-quality tile were produced.

Successful testing was completed for producing tile from several Arizona copper mine tailings. And working with the Pacific Northwest National Laboratory, a partially melted basalt from local basalt quarry waste fines was used to produce building materials that can be extruded into large rectangular and cylindrical shapes. This method is particularly applicable for extruding cylindrical log-shape ceramics to encapsulate radioactive waste. In addition, the National Aeronautics and Space Administration (NASA) has been studying the use of building materials using regolith on the moon and Mars.

The hot forging process was refined: heating and partially melting tailings materials to approximately 1,000°C, applying 6,900–13,800 kPa compression, and cooling. The strength of the material can be increased by using pressure while the material is hot, but at temperatures lower than the complete melting point. This process is shown in Figure 1.

Generally, a cold steel die is used, and as the die slightly expands from the heat of the ceramic, it facilitates the ejection of the hot-forged tile. With minor modifications, conventional green ceramic presses and

Courtesy of Ceramext, LLC

FIGURE 1 Hot forging technology

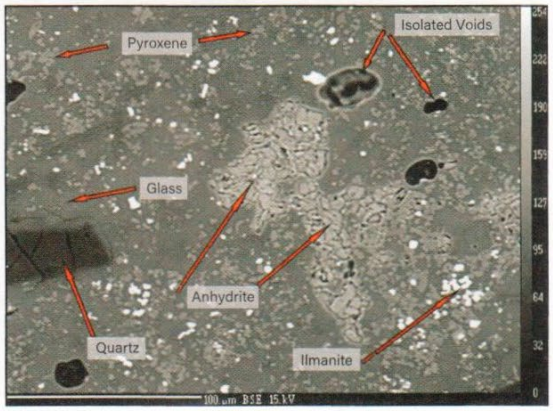
Courtesy of Ceramext, LLC

FIGURE 2 Tile finishes made from mine tailings and coal fly ash

electric or gas roller kilns can be used for hot forging. Porcelain-quality tiles can be made by only screening raw materials without the expensive grinding and spray-drying steps. No binders are required, and up to 100% of the waste material can be used. New advanced ceramic compositions using this hot forging technology have been patented.

By repurposing 100% mine tailings from gold mines, copper mines, aggregate quarries, and other waste materials, ceramics have been produced in several successful pilot plants. These pilot plants have produced tile as well as other ceramic products including floor tile, roof tile, wall cladding, pavers, bricks, and countertops. As shown in Figure 2, the tiles can also have the appearance of a wide variety of natural rock surfaces and can be polished or glazed if desired. Approximately 50 different types of recycled feed materials have been tested. Floor, wall, and roofing tile, and porcelain-grade countertops have been produced with a range of attractive earth-tone colors. The tiles shown in Figure 2 were made with a strong impermeable porcelain quality, with no additional additives. Tile colors possible without additives include white, black, beige, and subtle greens. Mineral additives can also produce many combinations of natural stone appearances and textures. Glazes in multiple colors can be applied, if desired. Relief designs can also be made.

Composition patents consist of partly melted rock fragments (clasts), glass melted from the clasts, and crystallites formed in the new glass. Tests on tiles from the Idaho-Maryland mine have a modulus of rupture of 69,000 kPa, much higher than typical Italian porcelain. The tiles are impermeable to water, even without glazing. These tiles are scratch resistant with a Mohs hardness of about 8, harder than quartz. The unmelted clasts act much like the aggregate in concrete with the newly formed glass as the cement binder holding the clasts together and with the crystallites further reinforcing the glass itself. The contaminants, if any, are generally rendered inert to leaching or other means by locking them within a stable glassy matrix in the tile (see the thin section in Figure 3). The initial composition patent had to also include anhydrite ($CaSO_4$), which makes the sulfur stable as water cannot reach it, creating gypsum. Similar, if not the same, anhydrite is now used on the remote sensors (for sulfur) on the NASA Mars rovers. ■



Courtesy of Ceramext, LLC

FIGURE 3 Tile thin section from Idaho-Maryland mine shown via scanning electron microprobe

From: Selene Mitlyng
To: Ofer Kolton
Cc: Idaho MMEIR
Subject: Re: Idaho Mine-Say No!
Date: Wednesday, April 26, 2023 3:46:38 PM

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Well said!

On Wed, Apr 26, 2023 at 7:05 AM Ofer Kolton <ofer@expertcleanandgreen.com> wrote:

> Hi,
>
> My Name is Ofer Kolton,
>
> I own a business in Nevada County, reside here as well as own several properties in the county.
>
> It is travesty that this county will even consider allowing this mine. This entire region (the gold country) still has not recovered from the everlasting environmental damage from previous gold mining. It will take many generation, centuries actually and some of the damage will never be repaired.
>
> Allowing this mine to pollute our waterways, create noise pollution is unethical and works directly against the people who live here. Leave the beautiful county we call home without damaging its present and its future for our children. DO YOUR CIVIL DUTY and DO NOT APPROVE THIS MINE.
>
> On a personal note: If this mine is allowed, I will personally work at and donate money to recall any and all that approve it. Working against the people interest will have its consequences.
>
> Sincerely
>
> Ofer

Ofer Kolton, Owner
Expert Clean & Green
(415) 242-2428; (530) 955-1835
ofer@expertcleanandgreen.com
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From: Doug Farrell
To: Idaho MMEIR
Subject: Rise Grass Valley Project - Public Hearing Comments May 10, 2023
Date: Tuesday, May 2, 2023 7:34:51 AM

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Dear Nevada County Planning Commission and Board of Supervisors:
A foreign company proposes to come into our community to open and operate an industrial drill and blast mine under existing residential neighborhoods. The mine's footprint will project into four square miles of residential and commercial properties. They will pump-out millions of gallons of high quality ground water every day (that we rely on for residential use) and discard the water into a nearby creek. They will operate the mine's head works and a truck loading hub in the middle of a residential area. They will send these mining transport trucks into our residential traffic flow. They say none of this will be a problem, no real impacts. As a community, do we really believe that there is no risk to our ground water and home prices. Are we willing to risk the damage that a commercial mine can create for the sake of a Canadian Company's profits?
How will we remedy the drop in housing values over the mine footprint? I mean, do we really think that a piece of property sitting on top of an drill and blast mine will have the same value as a comparable piece of property not sitting on a mine?
What will happen when wells start to go dry in and around the mine footprint? Do we really believe that with Rise pumping out millions of gallons of groundwater every day for the next 80 years coupled with our frequent droughts (which also effect ground water levels), that groundwater will not be negatively affected? Do we really believe Rise will step up and provide new water systems to remedy this when it happens? What is more likely is that these property owners will be on their own to fight it out with Rise in the legal arena. Causing a further drop in property values because no one wants a risky water supply.
I've lived for 35 years in Nevada County and this is, hands down, the worst proposal I can recall. It's truly amazing to me that this proposal has survived long enough to be heard by the Planning Commission/Board of Supervisors. This project should be denied in no uncertain terms.
Doug Farrell
Nevada County Resident
Sent from Mail for Windows

From: Marge Florence
To: Idaho MMEIR
Subject: Vote "no"
Date: Tuesday, May 2, 2023 11:12:17 AM

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As a long time resident in Chicago Park, I have been voicing my opposition to my County Supervisors in regards to allowing Rise Gold to open mining at the Idaho Maryland Mine site on Highway 174. My concerns have been about the pollution, both toxins in the air and noise levels, that will tax and cause harm to many residents' nervous systems. And my deep concern about contamination of our well water.

I am writing today to urge you, the Planning Committee to NOT accept the mining proposal or the final EIR which has so many defects in it. Without accuracy and honesty, there can never be a wise decision in any case.

Please help this County close this battle forever: let us NOT open this mine.

Many Regards,
Margaret Florence

RECEIVED

MAY 0 2 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

Sierrans

May 1, 2023

Nevada County Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue, Suite 200
Nevada City, CA, 95959

Attention:

Heidi Hall, Supervisor, District 1
Ed Scofield, Supervisor, District 2
Lisa Swarthout, Supervisor, District 3
Susan Hoek, Supervisor, District 4
Hardy Bullock, Supervisor, District 5

Nevada County Planning Commission
P.O. Box 599002
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Attention

Danny Milman, Planning Commissioner, District 1
Laura Duncan, Planning Commissioner, District 2
Terence Mcateer, Planning Commissioner, District 3
Michael Mastrodonato, Planning Commissioner, District 4
William Greeno, Planning Commissioner, District 5

Nevada County Planning Department
P.O. Box 599002
Eric Rood Administrative Center
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Attention:

Brian Foss, Planning Director
Tyler Barrington, Principal Planner

Dear Supervisors, Planning Commissioners, and Planning Department:

The Sierrans for Responsible Resource Development (the "Sierrans") is a social welfare organization formed exclusively for educating residents, businesses, government agencies, and community about the benefits of responsible and sustainable resource industries in the Sierra Nevada Mountains. Our members currently work, or have worked, in the resource industries, including mining.

We have reviewed the Final Environmental Impact Report (EIR) for the Idaho-Maryland Project (the "Project") proposed by Rise Gold Corporation ("RISE") and recommend that the Planning Commission and Board of Supervisors recommend and approve (respectively) to certify the EIR, approve the project entitlements, and issue a Use Permit for the Project as per Recommendation B outlined in the recent Nevada County Planning Commission Staff Report. We recommend that the Project be approved "as proposed" including the variance for the height of the headframe and buildings. The Project includes substantial economic and environmental benefits for the County and its residents, and the "no project alternative" or other alternatives proposed in the EIR should not be entertained.

The EIR is a very comprehensive document that covers potential impacts of the Project. The EIR includes mitigations to reduce environmental impacts of the Project and a Mitigation Monitoring and Reporting Plan. RISE will need to complete a Reclamation Plan and provide a Financial Assurance Bond. RISE will also have to obtain approximately 25 other accessory permits and approvals, as outlined in the EIR, prior to being able to operate. The mining industry is highly regulated and numerous federal, state, and local agencies will provide oversight of the Project from start to finish. Mining can be done in an environmentally and socially responsible manner and checks are in place to ensure compliance by operating companies.

Significant Environmental Issues Identified in the EIR

Only three environmental issues were identified in the EIR that were deemed to be significant impacts from the Project. They include:

- Temporary construction noise from the installation of a water pipeline.
- Addition of traffic to an intersection already operating at an unacceptable level of service.
- Aesthetics due to noticeable changes to the existing visual character of the project sites.

Note that the current Project sites are both zoned as industrial by the County and should the mine not be developed, it is likely alternative industrial uses would be developed on these properties in the future. This could include uses such as warehousing or fabrication, and development of these sites for alternative uses will result in the same impacts as those listed above. Therefore, in our opinion, the significant impacts associated with the Project do not justify denying moving forward the Project and the benefits of the Project far outweigh the potential impacts.

Benefits of the Project

The many benefits of the Project also outweigh the "No Project Alternative" or consideration of the other alternatives outlined in the EIR. Some of the benefits are contained in Exhibit 2, CEQA Findings of Fact and Statement of Overriding Considerations in the County Staff Report. We believe the main benefits of the Project that should be considered include:

- General employment opportunities for Nevada County and its residents;
- Youth employment opportunities;
- Trades employment opportunities;
- Support of local and regional businesses;
- Diversification of industry;
- Increased tax generation;
- Reversal of the gentrification occurring in Nevada County;
- Re-development of historic mine sites that have sat idle for almost 65 years;
- Closure of historic mine workings;
- Treatment of existing mine water discharge;
- Provision of NID water to potentially impacted residents; and
- Potential for future use of the mine sites.

These numerous benefits are discussed in more detail below.

General Employment opportunities for Nevada County and its Residents

The report, Economic Impact of the Proposed Idaho-Maryland Mine Project prepared for the County of Nevada by Robert D. Niehaus Inc. dated November 15, 2022 (the "Economic Impact Report"), indicates the Project will produce 475 new jobs once it achieves full operation. These include:

- 312 direct jobs – Direct jobs are those new jobs created by the Project through the operation of its business RISE estimates it will create 312 direct jobs including 213 local hires and 99 non-local hires. The majority of employees will be hired and trained locally; however, a number of professional and skilled workers will have to be hired from outside of the area. These jobs include managers, supervisors, miners, underground equipment operators, underground laborers, mill workers, mill equipment operators, mill laborers, surface equipment operators, surface laborers, accounting staff, human resources staff, safety and training staff, security staff, engineers (mining, metallurgical, civil, mechanical, electrical, environmental, etc.), geologists, IT staff, etc.
- 53 indirect jobs – Indirect jobs are those new jobs created by the Project as a result of supplying goods and services to the Project. These could include construction services, surveying services, engineering services (civil, mechanical, electrical, geotechnical, environmental etc.), environmental services, janitorial services, safety supply services, hardware supply services, fabrication services, payroll services, legal services, accounting services, tax services, hotel services, restaurant services, fuel supply services, vehicle rentals services, transportation services, etc.

- 110 induced jobs – Induced jobs are those new jobs created by the Project as a result of direct or indirect employees spending money for goods and services. This could include restaurant services, healthcare services, real estate services, banking service, legal services, tax services, construction services, retail purchases, vehicle purchases, gas station purchase, housing related construction, art and entertainment purchases, etc.

The direct jobs at the mine will be high paying jobs that come with benefits such as medical, dental, vision, and retirement plans. These benefits typically apply to not just the workers themselves, but their family. The average compensation of the 312 direct employees on the Project, including wages and benefits, is estimated to be $122,000 per year. This is well above the average wages and benefits of workers in Nevada County.

Note the total direct annual payroll expenditure by RISE is estimated to be $38.1 million at full operation. In addition, annual employment labor income for indirect and induced jobs is estimated to be $2.2 million and $5.1 million. Ongoing operations at full production for the 475 jobs above would therefore be $45.4 million in total.

Youth Employment Opportunities

The Northern Rural Training and Employment Consortium (NORTEC) produced a report on the Nevada County Labor Market Profile and Industry Sector Analysis dated July 2019 (the "NORTEC Report"). It shows Nevada County has a mix of educational levels including 20.8% of the individuals in Nevada County (for the year 2018) had a high school education, 28.3% with some college, 10.5% with an associate degree, 22.4% with a bachelor's degree, and 11.0% with a graduate degree or higher. The type of employment RISE will offer includes opportunities for each of these education levels.

Specifically for youth, there will be opportunities for training and starting in entry level positions such as underground laborer, mill laborer, and surface laborer positions. Opportunities will exist to obtain on-the-job and other types of training and certifications. Younger workers will have the opportunity to work with experienced personnel to become experienced miners, mill workers, surface workers, equipment operators, etc. themselves. Post closure, these workers can find jobs at other mines, in other industries (such as forestry), for construction-related companies, or other suitable opportunities.

Trades Employment Opportunities

Typically mines will have apprentice programs for positions such as electricians, mechanics, welders, pipefitters, or other trades persons where employees can gain certifications and job experience. Post closure, these workers can find jobs at other mines or in other industries such as forestry, construction, or other suitable opportunities. The mine will help create a skilled workforce in Nevada County.

Support of Local and Regional Businesses

As discussed above under employment, the Project will result in direct, indirect, and induced jobs. Similarly, the Project will result in direct, indirect, and induced economic opportunities for local and regional businesses. Direct economic impact will come from businesses that the mine purchases goods

and services from. Indirect economic impacts will come from businesses that purchase goods and services as part of their business in supplying goods and services to the mine. Induced economic impacts will come from businesses supplying goods and services to employees of direct and indirect businesses.

The Economic Impact Study estimated the Project will have an annual output of $202.8 million from direct, indirect, and induced economic activity. It is estimated that $5.0 million of this economic activity would be from direct procurement of local goods and services. It is also estimated that $6.1 million in indirect economic activity would be generated by local companies supplying goods and services to the mine. Induced economic activity of $16.9 million would be generated due to household spending by RISE employees and the indirect businesses supporting the Project. This totals $23.0 million. Added together with the $38.1 million in direct payroll from the Project, total annual community impact at full operation of the Project is estimated to be $61.1 million.

The Project will help support existing local businesses, and in some cases help them expand. There may also be opportunities to create new businesses that supply goods and services to the mine that don't currently exist in the community. For example, mines often see construction related companies form that specialize in underground construction. Service companies form that supply items such as safety supplies and safety equipment services that are specifically geared to the mine. Companies may form that supply ground support material specific to the mine. Local jewelers or artists could purchase specimen gold from the mine and make finished products for sale.

There is no doubt the mine will have a positive economic impact on Nevada County and provide opportunities for existing and new businesses.

Diversification of Industry

Historically, industries that have succeeded in Nevada County are those that match the geography of the region. For example, the logging industry was very successful due to the abundance of timber. Mining was successful because of the existence of many mineral deposits in the Mother Lode region. Agriculture has been successful because of adequate precipitation, climate, and rich soil. Tourism has been successful because of scenic locations and the legacy of gold mining in the area.

In comparison, some industries are not well suited for this area because of the geography. Large-scale warehousing and large-scale manufacturing, for example, are not a good fit because of the lack of large tracts of flat ground. Our rural setting, with many miles of roads, has caused difficulty in getting high speed internet access for companies and their workers. This has made it difficult to attract high-tech businesses.

Nevada County, for the majority of its existence (1850 to 1970) had an economy based primarily on the resource industries including mining, agriculture, and forestry. Mining declined in the mid-1950's due to the gold mines being shut down during World War II, the Nevada County Narrow Gauge Railroad being removed during World War II, and due to the fixed price of gold post World War II. These events forced the closure of most gold mines in California either during the war or shortly afterward. Major world-class gold mines like the Empire Mine and Idaho-Maryland Mine closed at that time. Forestry continues to

operate in Nevada County but has declined significantly over the years due to environmental regulation and rising costs. Similarly, agriculture has declined due to land development for alternative uses and rising costs.

In the 1970's, tourism became a more significant industry, which in turn supported the leisure and hospitality industry. Residential construction also became a more significant industry as the population grew in the County. Government became the major employer in the County. Educational and medical services grew as the population increased, as well as retail.

In Grass Valley and Nevada City, an effort was made to attract high tech business with arguably limited success. Technology companies often end up outsourcing manufacturing to cheaper labor markets overseas. Some technologies were fleeting and replaced by other newer technologies. Companies elected to locate in other locations where the skilled workforce and educational institutions existed, like Silicon Valley. The Grass Valley Business Park, for example, developed under the premise of being a high-tech business park, struggles with a high vacancy rate and houses few companies that can be considered technology companies.

The 2020-2021 Nevada County, California Executive Report, prepared by the Nevada County Executive Office, shows a breakdown of employment in Nevada County by industry (see table below). Over the years the economy of the County has transformed into a service economy and revenue generating industries such as Natural Resources, Mining, and Construction and Manufacturing have become a smaller part of the economy. The Project would create 475 new jobs, with 312 direct jobs in the Natural Resources, Mining, and Construction sectors, and the remaining 163 jobs in other sectors.

Breakdown of Employment in Nevada County

Industry	# Employed	% Employed
Government	5,980	19.2%
Education and Health Services	5,510	17.7%
Retail Trade	3,980	12.8%
Natural Resources, Mining, and Construction	2,920	14.5%
Professional and Business Services	2,220	9.4%
Manufacturing	1,420	7.1%
Financial Activities	1,310	4.5%
Other Services	2,130	4.2%
Transportation, Warehousing, and Utilities	480	1.5%%
Wholesale Trade	390	1.2%
Information	290	0.9%
Farming	60	0.2%
Total	**31,210**	**100%**

The County has struggled to provide economic opportunity in the County over the decades through up and down cycles and it is clear that economic diversity is a desirable goal to manage these up and down cycles. The Project would provide an opportunity for the County to bring back gold mining in Nevada County, in a safe and responsible manner, providing economic opportunity while at the same time minimizing impacts to the environment.

Increased Tax Generation

The majority of taxes raised in the County are through property and sales taxes, although other taxes also generate revenue. The Economic Impact Report shows the Project will generate $483,000 per year in property taxes, $318,000 million per year in sales taxes, and $80,000 per year in other taxes at full production. Total Tax Revenue is estimated to be $881,000 per year. These payments would go to local agencies and districts, including local fire protection, school, and other special districts. A portion of these funds, $147,000 per year, would go to the County's General Fund.

Note this benefits all the residents of Nevada County and especially the cities of Grass Valley and Nevada City. The County has tried as recently as 2022 to ask resident to vote in favor of Measure V, the "Wildlife

Prevention, Emergency Services, and Disaster Readiness Measure" which would have imposed a ½% countywide general sales tax. This was voted down. The County has to plan for revenue sources to generate funds and the public has little appetite for increased sales taxes. As we are entering into what appears to be an inflationary period of higher interest rates and increased costs, the County needs to take into account the tax revenue that this project will generate.

The mine will go through a construction period, ramp up to full production, and continue for a number of years until mineral reserves are exhausted and the mine shuts down and is reclaimed. During the life of the mine, RISE will complete additional exploration to generate new mineral reserves replacing the ones that have been mined. Given the Idaho-Maryland Mine operated for over 100 years, it is not unrealistic to expect that the Project could operate for as many as 80 years, as RISE has indicated. The Project could generate significant tax revenue for the County for many years.

Reversal of Gentrification that is Occurring in Nevada County

The NORTEC Report shows that the population of Nevada County increased by 2% from 98,205 to 100,028, a difference of 1,823 people. During the same period, California's population grew by 9% and the nation's population grew by 8%. However, the statistics show that the population of Nevada County over age 65 increased from 18,275 in 2008 to 27,297 in 2018, a difference of 9,022 or a 49% increase from 2008. At the same time, the population in the age range of 35-54 decreased from 27,707 to 22,525 between 2008 and 2018, a decrease of 19% from 2008. In addition, the population in the age range of 5-19 decreased from 17,625 to 14,583 between 2008 and 2018, a decrease of 17% from 2008. In summary, the population over age 65 grew by 9,022 and the population in the age ranges of 35-54 and 5-19 decreased by 8,174. In 2008, the population over 65 made up 18.6% of the county population. In 2018, the population over 65 made up 27.3% of the population.

It appears that the increase in people over 65 is the result of retirees moving to the area. At the same time, many of the people in the age range of 35-54 have left the County, and potentially with them have left their children in the age range of 5-19. What is the reason for their leaving? Lack of economic local economic opportunities? The high price of housing as retirees move to Nevada County and have driven up housing costs? There is insufficient information to draw conclusions here but should be a concern to the County.

Local people who were born and raised in Nevada County complain about the influx of people who have moved to the area since the 1970's, which increased the population from around 26,000 to around 100,000 today. Gentrification is defined whereby the character of a poor urban area is changed by wealthier people moving in, improving housing, and attracting new businesses, typically displacing current inhabitants in the process. Many locally born residents argue this has been occurring in Nevada County for many years and appears to have accelerated between 2008 and 2018.

The County has a responsibility to generate economic opportunity that is diversified and provides opportunity to the local community so long-time residents are not forced out of the area for economic reasons and due to economic injustice.

Re-Development of Historic Mine Sites that have Sat Idle for Over 65 Years

Both the properties being proposed by RISE for development as part of the Project have effectively sat idle for up to 65 years. They have not generated significant tax dollars for the County. The represent historic mine sites or lumber mill sites (e.g., the SPI property), with historic environmental issues – many of which have been reclaimed by past owners of the properties but some requiring further clean up to meet today's environmental standards. The Project, which will redevelop these sites and ultimately reclaim them, will come at no cost to local government and represents a positive environmental impact from the Project that will benefit Nevada County. Redevelopment of these sites will also start to generate tax dollars.

The importance of mining in Nevada County was spelled out by the State of California Division of Mines and Geology in 1992 when they classified all types of mineral deposits and developed zoning for those deposits. This zoning was to be used as a guideline for future land use planning by the local jurisdictions. The Idaho-Maryland Mine area was zoned MRZ-2, meaning that gold resources were known to exist and might be extracted someday. Nevada City and Grass Valley have a legislative duty to incorporate mine development of these important mineral deposits into their land use planning and arguably have a duty to support and approve the re-opening of the mine as part of its zoning requirements. While there has arguably been a gap in mining at the Idaho-Maryland Project, the importance of the mineral resources of the Idaho-Maryland Mine to the State and local governments is well known and historically recognized and does not diminish its future importance and need to protect.

In addition, the past owners of the Idaho-Maryland Mine always intended for the mine to operate. Surface rights were sold to various individuals and corporations over the years and deed restrictions placed in those deeds that retained the right of the subsurface mineral rights holder to operate the mine. RISE, as the current owner of those mineral rights, has the right to operate the Idaho-Maryland Mine, subject to obtaining the necessary permits from federal, state, and local agencies. If the County does not approve the reopening of the mine, the decision may be considered as a "takings" of RISE's mineral rights (private property). Under the Fifth Amendment of the Constitution, the County might have to provide just compensation.

Closure of Historic Mine Workings

Many historic mine workings exist in California. This is, in part, due to mines being shut down by the U.S. government post World War II. The government controlled the price of gold and refused to raise the price of gold after World War II. Many mines that tried to reopen after World War II but could not survive economically due to rising labor and supply costs and the fixed price of gold. There were limited environmental laws at that time and reclamation plans and financial assurances to close mines were not required. It is a different story today, as mine have to have reclamation plans for closure and financial assurance bonds in place to ensure closure by a third party if they are financially unable to complete closure themselves. Note also, in a separate process with the DTSC, RISE will clean up historic mine tailings on the Centennial site through a Voluntary Clean Up Agreement, as opposed to it becoming a California Superfund site requiring the taxpayers to foot the bill for cleanup.

There are a variety of underground workings that still exist related to mining activities that were part of the historic Idaho-Maryland Mine operations. As part of the Project, RISE will be responsible for proper closure of historic and new workings. This is a positive environmental impact of the Project.

Treatment of Mine Water Discharge

While opponents of the mine raise concerns about mine water discharge, the fact is that mine water has been discharging into Wolf Creek for many years (since the mine closed in the 1950's). As part of the Project, RISE will construct a water treatment plant and become responsible for treatment of current discharge from the mine and ultimately be responsible for future discharge it in perpetuity. This is a positive environmental impact of the Project.

At the end of the mine life, the mine will effectively be a reservoir for storage of water. It will have a pumping system in place as well as a water treatment system. The opportunity would exist for the County or NID to take over operation of this system and utilize the water. For example, water from the mine could be treated, discharged into Wolf Creek, and used for agricultural purposes downstream. If the County or NID is forward thinking, the mine represents an opportunity for future water supply.

Provision of NID Water to Potentially Affected Residents

The mine is located beneath residences that have wells for domestic water supply. The residents of these homes should have been aware that the owners of the mineral rights might want to mine the gold resources someday. While opponents of the mine raise the issue of water quality being affected by the Project, the reality of it is that their wells are located in a mining area that may contain minerals and potentially their wells have already been impacted by over 100 years of historic mining of the Idaho-Maryland Mine. For example, these wells may be high in iron and manganese, which are naturally occurring elements (e.g., they may have hard water).

The Project requires RISE to provide Nevada Irrigation District water (NID water) to properties that may be directly affected by the mine dewatering. Given their wells are in a mining area and will be replaced with a superior source of domestic water, this is a positive environmental impact of the Project. Note RISE will be responsible for mitigating any other well owners that may be impacted by dewatering the mine and will have a mitigation plan in place to ensure no property owners have significant impacts to water supply.

Potential for Future Use of the Mine Sites

While opposition to the mine raises fears that local tourism could be impacted by the mine, nothing could be farther from the truth. An operating mine can provide opportunities for tourism including mine and mill tours, viewing gold pours, and other activities that many people are excited to see. At closure, some mines are transformed into museums and underground mine workings are utilized for mine tours (e.g., Strataca Underground Salt Museum in Kansas City). Some mines become laboratories for scientific research, like Homestake Mine in South Dakota, where the National Science Foundation has located their Deep Underground Science and Engineering Laboratory. There is no doubt, a forward-looking Board of

Supervisors could work with RISE and other local groups to utilize the facilities created by the mine for economic opportunity, including tourism. Could the California Mining Museum, often proposed for closure by California State Parks during economic downturns be relocated to Grass Valley?

Proposed Project Over Alternatives

The Project, as proposed, contemplates a 1,000 ton per day underground mining operation, which would be considered to be a small underground mine by today's standards. The EIR considered a no project alternative, which means the mine is not built and the properties are not developed. However, if the mine is not built, it is likely the Project sites, which are currently zoned as industrial by the County, would be developed for alternative industrial uses (e.g., warehousing, manufacturing, etc.) in the future. Hence, the reality is that impacts such as construction noise, aesthetics, and traffic will occur, unless the County elects to never develop the properties. That is not realistic, and the project as proposed may actually have less environmental impact than alternative uses (e.g., 24 hour per day warehousing and/or manufacturing with trucks driving on and off the property).

With regard to use of sites for mine waste disposal, it is recommended that both the Centennial and Brunswick sites be used. Note that reclamation plans can be implemented that allow alternative uses for these properties at closure. For example, these waste areas can be covered with topsoil, revegetated, and used as parks if reclamation is done properly.

With regard to a smaller project, the benefits of the jobs and tax dollars created decrease. Also, the economics of a smaller mining operating result in higher operating costs per ton or ounce of gold produced. If the County is concerned about the viability of the mine, the greater throughput improves the economics of the mine and will help attract investors to the project.

One of the things the County can work with RISE on is finding alternative uses for waste rock and other fill materials produced by the mine. These materials may be suitable for road building, construction fill, and may be suitable for the production of concrete. If alternative uses of these products can be found, the requirements for depositing fill in the New Brunswick and Centennial sites would be lessened.

Issues To Be Considered in Final Permitting

While addressed adequately in the EIR, there are two areas of concern that the Sierrans feel should be considered as final permits for the Project are obtained, as they would be for any similar mining operation. These concerns relate to potential impacts to groundwater from mine dewatering and mine waste discharge management.

In past years the County Planning Department has been involved in mining projects and has required mine operators to perform tasks over and above what might otherwise be required. Two examples are from the San Juan Ridge Mine and Red Ledge Mine. The issue at San Juan Ridge Mine was groundwater, while the issue of concern at Red Ledge Mine was stability of the mine waste dumps deposited on the ground surface.

Groundwater

As part of the final permits for the Project, the Sierrans suggest that the County review the remedial water supply plan that was developed for the San Juan Ridge Mine Project and see if a similar plan would be appropriate for the Idaho-Maryland Project. That plan included financial bonding for well impacts. It also required the project operator and a member of the local community association to meet with a County planner on a monthly basis once the mine excavating and dewatering began. The purpose of the plan was to keep the community and the County informed of the operation progress, especially with regard to mine dewatering. When the San Juan Ridge Mine ended up dewatering local wells, the plan was in place to mitigate was supply impacts to local wells and that plan worked. However, an issue of concern developed as to whether water quality in wells after the dewatering event was the same as the quality prior to the dewatering event. Hence, it is important to do quarterly pre-mine level and quality water monitoring (e.g., four quarters of monitoring), quarterly well level and quality monitoring during mine operations, and quarterly post-mine well level and quality monitoring for a suitable period after closure to understand the impacts of the mine on local wells over time, if any. Impacted well owners can be hooked up to Nevada Irrigation District water supply as part of a mitigation plan. We recognize that mitigation and monitoring requirements are included in the EIR analysis, but the experience from the San Juan Ridge Mine Project can be applied to the Idaho-Maryland Project.

Mine Waste Management

We understand the mine waste plan for the Project involved the placement of engineered fill at the New Brunswick and Centennial sites. At Red Ledge Mine, in Nevada County, the operator was required compact the mine waste dumps as the waste was deposited on the ground surface. To verify that the soil was compacted, the operator hired an independent consulting engineering firm to perform compaction tests after each lift. We suggest that the County Planning Department be tasked with ensuring that the repositories for engineered fill be properly designed, constructed, and ultimately reclaimed to prevent failure and erosion. Design and construction could include use of retaining walls, use of independent storage cells, and use of cement mixed with engineered fill to hydrate out water and provide stability. The Planning Department and Environmental Health Department should be involved in the final permitting process for the waste discharge permits for the Project and ensuring design, construction, reclamation, and monitoring of the engineered fill repositories be done to the best available standards.

General Plan Conflicts

The Staff Report listed several conflicts the Project application has with the Nevada County General Plan. One key issue identified is the variance requested by RISE for a 165-foot headframe, 80-foot headframe, and process plant building which is 64-feet high. The Staff sites the General Plan having a 45-foot height limitations in a Light Industrial Zoning District. Note that the Staff Report suggested that the headframe and building heights are inconsistent with the rural character and quality of life of the surrounding areas, which they describe as semi-rural. Staff, however, failed to disclose that there is currently an 80-foot-high concrete silo on the Brunswick Site from historic mining and the site is already aesthetically impacted. This hasn't stopped land development in the area, and we are not aware of any complaint by the public

about the existing silos. In fact, mining headframes are considered by many to be tourist attractions and a number of historical mine displays in Nevada, Placer, and other counties in the Motherlode District are headframes. One good example is the headframe built off I-80 as you enter Auburn.

In fact, the design criteria for all buildings in Nevada County under Policy 1.7.4 places a maximum building height of 3 stories or 45 feet for any land use. The land use designations in table 1.4 do not list things like headframes, communications towers, or other structures that require variances. Policy 1.7.5 provides flexibility in the General Plan land use provisions so that variations in land use patterns and activities are permitted within the land use framework established for community Regions and Rural Regions.

The Staff Report also says the Project conflicts with the Rural use designation. Part of the issue here is both Nevada County and the City of Grass Valley have failed to enforce the Mineral Management Elements of their General Plans for decades. Policy 17.5 says the County adopts the State Classification Reports, which set aside the Idaho-Maryland Project area as an MRZ-2 area in 1992. The 1992 State of California MRZ Mineral Resource maps and guidelines for Nevada County stated the importance of allowing zoning to include mineral development. The study, done by the California Division of Mines and Geology was done at the time with the futuristic purpose of trying to make sure zoning conflict did not occur and protected mineral resource areas. Unfortunately, the City and County did not do its job historically here.

Under Policy 17.6, the County is to encourage extraction of mineral resources in compatible areas prior to intensified urbanization or conversion to other incompatible land use development. The Idaho-Maryland mineral claims are patented mining claims. Previous mine owners sold off surface rights over the years and kept specific land as "windows" to the underground mineral rights. They retained the underground mineral rights below the areas of land they sold off, and in the title deeds retained the right to mine. Hence, lands in question have not been converted to intensified urbanization or other incompatible land uses, as the mine owners retained their mineral rights under the 1872 Mining Act and the land use is included in the title documents. Policy 17.9 says the County is to encourage the mining of previously mine land, if such land still contains economically mineable minerals, so the land can be reclaimed for alternative use.

Mining is part of rural life. Rural communities in the Motherlode District, including Grass Valley and Nevada City, grew up around mines that operated from the 1850's to the 1950's. Mines operated 24 hours per day, 7 days per week. Impacts like truck traffic were part of the rural quality of life. To say that the redevelopment of the Idaho-Maryland Mine, a small underground mine, does not meet the definition of a rural land use designation is not consistent with history. Under that time of general disqualification, we would not have hospitals, gas stations, hotels, and other businesses that operate 24 hours per day, 7 days per week, and have, in many cases, more traffic than the mine.

The Planning Commission and Board of Supervisors has to understand the slippery slope. The arguments used here to potentially say the mine does not meet the General Plan requirements will be used in the future to stop other non-mining projects. If the Project is not approved, the Centennial and Brunswick sites will ultimately be developed and also have impacts such as aesthetics, noise, and traffic.

Summary

The Idaho-Maryland Mine was one of the richest gold mines in the world, and it can be re-developed in an environmentally and socially acceptable manner. The benefits of the Project are many, including high-paying jobs and generation of tax revenue for the community. However, the Project also has environmental benefits including cleanup of historic industrial properties and treatment of mine discharge water currently going into Wolf Creek. The Planning Commission and Board of Supervisors should accept the Project as Proposed, certify the Final EIR as complete, and approve the entitlements for the Project including the Use Permit. It should adopt Recommendation B. It is time to look forward and provide leadership.

The Project provides significant economic opportunities for the County, as well as environmental benefits, which far outweigh the three significant and unavoidable environmental impacts that may occur from its development. These three environmental impacts are not related to mining activities per se but are impacts that would occur for any industrial development for which the property is zoned (aesthetics, noise during construction, and traffic at certain intersection). We raise the issues of impacts from mine dewatering and construction of the engineered fill repositories, as they can be designed, monitored, and mitigated to minimize or eliminate impacts.

The Project has been designed and permitted to minimize environmental impacts, including generation of greenhouse gases. It is clear that mining is an essential part of the world economy and an absolute requirement to shift to an electric economy and eliminate greenhouse gas emissions from fossil fuels. The movement to electric vehicles, solar power, wind power, and battery storage for the grid all require metals such as gold.

The Sierrans for Responsible Development has members who have worked as mine managers, mine supervisors, mining engineers, geologists, mine operators, and others who have worked in underground mines similar to the Idaho-Maryland Mine. Our group is focused on educating the community about mining, and we would welcome the opportunity to provide our expertise and experience to members of the Planning Commission Board of Supervisors, or local agency staff. This could include presentations on mining methods, mining equipment, mine economics, acid rock generation from mines, metal leaching from mines, or other topics that might be of interest to those not familiar with mines or mine operations. There are a considerable number of people that work in the mining industry locally or regionally and that expertise is available for educational purposes.

Sincerely,

David Watkinson
President, Sierrans for Responsible Resource Development

Sierrans for Responsible Resource Development
P.O. Box 404, Grass Valley, CA 95945
www.sierrans.org

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: digitalys23@yahoo.com
Subject: Letter From Aaron Baker - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:29:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Aaron Baker at digitalys23@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Aaron Baker. I live at 542 Jordan st, Nevada City, Ca 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Aaron Baker
digitalys23@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: awilmot2529@gmail.com
Subject: Letter From Amy Wilmot - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:20 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Amy Wilmot at awilmot2529@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Amy Wilmot. I live at Po Box 485, NORTH SAN JUAN, CA 95960.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Nevada City at 11711 Bystander Road. I’m opposed to the reopening of this mine. Our environment cannot risk the harms which this mine will cause. This area has still not cleaned up all the harm past mining has caused here. Let’s learn from the past. Please vote no on this mine application. I may live in district 4.

Sincerely,

Amy Wilmot
awilmot2529@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: maori2@sbcglobal.net
Subject: Letter From Andrea Tiernam - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:47 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Andrea Tiernam at maori2@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Andrea Tiernam. I live at 14500 Dalmatian dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Andrea Tiernan 14500 Dalmatian Dr. 80 years of trucks and pollution think about it. Do you want this for your children and grand children? Investment in a foreign company with a lawsuit pending is just plain Nuts. Are you nuts! I hope not. Vote no you all know this is wrong.

Sincerely,

Andrea Tiernam
maori2@sbcglobal.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: annika5270@gmail.com
Subject: Letter From annika hayes - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:17:28 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of annika hayes at annika5270@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is annika hayes. I live at 464 Searls Ave, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

annika hayes
annika5270@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: aprilmanderson10@gmail.com
Subject: Letter From April Anderson - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of April Anderson at aprilmanderson10@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is April Anderson. I live at 14289 North Bloomfield rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I own a home in district 1. My family and I come here to enjoy the beautiful nature and welcoming community. The mine is overwhelmingly opposed by the community so I find it really troubling that the county is putting its citizens through this long drawn out process. Re- Opening a mine in a place where that industry has been closed for decades is not a private matter. There are environmental impacts, health concerns in an already poorly scoring air quality place, among many other downsides that deserves the right of the public to decide. This is a big for profit company opening the mine, with a bad track record, that is not going to be spending its profits locally. Nevada county is full of wonderful local business and community that really prioritizes supporting local. This mine goes so far against what the people want in so many ways. Please deny this mine.

Sincerely,

April Anderson
aprilmanderson10@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: barbaraschakel@gmail.com
Subject: Letter From Barbara Schakel - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Barbara Schakel at barbaraschakel@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Barbara Schakel. I live at 15011 Little Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live just a few miles from the planned for mine site in District 3. My family and I have been here for a year and a half. Since we first arrived, we have been following the information regarding the mine and its projected affect on our area. We are NOT in favor of this mine and fear it would have nothing but negative impact on our property. The impact of its opening will affect all of us in so many ways, both personally and community wide. There must be another solution than one that will change our lives negatively for the future.Ba

Sincerely,

Barbara Schakel

barbaraschakel@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: brian_dykes@hotmail.com
Subject: Letter From Brian Dykes - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:36 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Brian Dykes at brian_dykes@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Brian Dykes. I live at 20835 Casa Loma Dr., Grass Valley, California 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Rise Gold CEO Ben Mossman's previous venture, Banks Island Gold Ltd., owned the Yellow Giant Mine in British Columbia, Canada which polluted tribal waters, went bankrupt, and left Canadians with a mess to clean up. Mossman is currently on trial in Canada on charges related to spills at the mine. Are we willing to trust the long-term wellbeing of Grass Valley's future to an individual which such a track record who's promises of future economic benefits and lack of environmental impacts of his prior failed venture mirror those given to Grass Valley today? I'm certainly am not and neither ore the majority of Grass Valley constituents.

Respectfully,

Brian Dykes

Sincerely,

Brian Dykes
brian_dykes@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: caulen.lauria@gmail.com
Subject: Letter From Caulen Lauria - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:42 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Caulen Lauria at caulen.lauria@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Caulen Lauria. I live at 13784 Greenhorn Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The arguments for Not certifying the EIR are overwhelming.Please stop this madness now. This county will suffer losses never before seen. Home values diminished drastically. Wells run dry or contaminated. Air contaminated. Health degraded. Businesses gone. Can you think of anyone that wants to live in a mining town? Tourism gone. Citizens moving out. County tax revenue gone. Jobs for the mine will Not be filled by locals. The single most destructive industry that would bring this county to it's knees. Do Not allow rezoning to heavy industrial wasteland. Do Not certify the EIR. It will only leave this process open for other companies to do the same thing, again and again. The people are suffering Now, from this attack. Impacts are already affecting your constituents!

Sincerely,

Caulen Lauria
caulen.lauria@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: conniejeanwright123@gmail.com
Subject: Letter From constance Wright - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:29:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of constance Wright at

conniejeanwright123@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is constance Wright. I live at 196 Northridge Drive, Grass Va;lley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Our county is at risk. A Canadian-based company wants to reopen a gold mine under Grass Valley’s feet, changing the character of the community we love and impacting our air, water, and quality of life.

Sincerely,

constance Wright
conniejeanwright123@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: djw359@gmail.com
Subject: Letter From David Whitehead - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:06 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of David Whitehead at djw359@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is David Whitehead. I live at 100 Bawden Ave, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My spouse and I live in District 3 in the Washington Hill neighborhood, for seven years now. We invested in the community by buying an older home that was in disrepair, and then hiring local contractors to bring it back to life. We volunteer here in several local nonprofit organizations. We feel that this community has given us so much, and we give back. This mine project threatens all that we have done and what we dream to do.
I already provided the Board my technical comments on the FEIR. The staff response did not recognize the importance of this mine project impacts and continued contributions to degradation of our environment. They cast aside real impacts because of outdated standards. They ignored recent case law. They defended the ridiculous estimates of carbon emissions provided by the applicant. This project would violate many of the most recent scientific realities of climate change. Staff is

highly motivated to provide a recommendation to approve this flawed FEIR, because they want you to approve of the job they have done. But make no mistake: this FEIR does not adequately advise the Board about the actual impacts this project would make against our community.

Please do not approve the FEIR. The Board must know more than what has been given in order to make a reasonable decision. The Board would have to accept a horrific set of Overriding Conditions in order to go ahead with the project. The impact on our lives, our children, our seniors would be devastating. Grass Valley and Nevada City would be culturally and environmentally decimated.

Realize that these communities have invested heavily over the past six decades in creating a place that rejects the devastation of the legacy of the mining industry. Approval of the FEIR and this project would be an awful rejection of all that investment, and a complete denial of the threats of climate change on our world. Our beloved Nevada County would be saying to the world “We don’t want to be part of any climate change solutions. No. We want money!”

Don’t participate in this denialism. Help us reclaim our world from corrupt extraction corporations who care not one whit about us and our world. All they care about is wealth, for themselves. Why would we want such a destructive force in our community?

Thank you.

Sincerely,

David Whitehead
djw359@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: deanolson44@gmail.com
Subject: Letter From Dean Olson - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:29:31 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dean Olson at deanolson44@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dean Olson. I live at 13075 Woolman Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My wife, Karen Davidson and her three daughters, has been active in this area for over 20 years. She came here to be the director of the preschool at Peace Lutheran Church, has served as preschool teacher at the Chicago Park preschool. This has been home for them for many years. I became part of her beautiful family over 15 years ago when we were married and new members of Grass Valley Friends Monthly Meeting, Quaker. We have lived most of this time as volunteers on the Sierra Friends Center campus.

There are many reasons we oppose the re-opening of this mine, from water, to pollution, to noise, to turning this beautiful area once again into a mining community. Just taking the tour at Empire Mine gives you a feel of what a mining operation does to an area.But, the major reason we strongly appose the re-opening of this mine is it

adds insult to injury to the remaining Nisenan Tribal members who live in this area. The original rush to find gold destroyed their homeland, their food sources (especially the black oak trees from which they gathered acorns), to the displacement from their homes (Nevada City sits right on top of their main village area). And, it was a genocide of all ages of their loved ones, so those rushing in could take over their land. and try to find gold. Visit the Nisenan public gallery on Broad Street in Nevada City, where they share their story, or read the helpful book, History of Us, compiled by Tribal chairman, Richard B. Johnson. Many of us who live here do not know this happened.

There are many reasons we are not in favor of letting this mine reopen, but for us, the main reason is that
the motivation to find gold destroyed their life and their beloved land. Now, once again, we are being confronted, along with them, with outsiders coming in with grand plans to reopen the whole process below ground and above ground of mining, moving ore and processing it for gold on a massive scale. It's not worth the jobs, the income to allow this practice to once again to rear it's head in this area, while we are still healing from the last time gold seekers came here. And once that door is opened to them, according to what I read,
they have 80 years to do this. 80 years, 24/7, impacting our area under ground and on our roads and in their
processing. 80 years, once again a "mining community."

No, no. We definitely say a resounding "NO!"

Sincerely,

Dean Olson
deanolson44@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: debarmanino@aol.com
Subject: Letter From Deb Armanino - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Deb Armanino at debarmanino@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Deb Armanino. I live at 19652 Valkenburg Ln, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Deb Armanino
debarmanino@aol.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ndsmith_adventures@yahoo.com
Subject: Letter From Dee Smith - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:17:33 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dee Smith at ndsmith_adventures@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dee Smith. I live at 582 Morgan Ranch Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3 and have lived in Nevada County since 1971. I moved here to raise my family in a safe environment with fresh air and great tasting water. There were other factors as well. The beauty, charm and people.
Operating a gold mine in a residential area practically in town will distroy the beauty, air, water and it's supply as well as noise and create traffic congestion.
Nevada County has everything to lose and nothing to gain from allowing the mine to open. I could go on, but I am sure you already know the irreversible damage it will bring. You were elected to take care of our county for us, not a mining company! I beg you to vote NO!

Sincerely,

Dee Smith
ndsmith_adventures@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dpeizer@aol.com
Subject: Letter From Donna Peizer - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:54 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Donna Peizer at dpeizer@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Donna Peizer. I live at 347 Horizon Circle, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am also strongly opposed to the certification of the Final Environmental Impact Report based on the analysis of its deficiencies as set forth by Mine Watch Nevada City, particularly if the commission decides against reopening the mine. To certify the report under such circumstances in light of its deficiencies would create a legal inconsistency that could be used to reopen the debate over local mining in the future.

Sincerely,

Donna Peizer
dpeizer@aol.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jeff.donne.west@gmail.com
Subject: Letter From Donne Holbann - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:29 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Donne Holbann at jeff.donne.west@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Donne Holbann. I live at 19082 Country Place, Chicago Park, CA 95712.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Donne Holbann
jeff.donne.west@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: bannfree@gmail.com
Subject: Letter From Elizabeth Rose - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:54 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Elizabeth Rose at bannfree@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Elizabeth Rose. I live at 10389 North Ponderosa Way, Rough and Ready, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 4 and have been a resident of Nevada County since 2006. I came here for a quieter, rural and healthier community to raise my kids and enjoy a healthy outdoor life.

It's clear to me from all the reports that the mind will not bring good jobs to the locals, it will bring more noise. More truck traffic and severely impact are air and water to where it will not be a desirable place to be. This will impact our economy and our real estate and our ability to enjoy the outdoors.
Please say no to this mine.

Sincerely,

Elizabeth Rose
bannfree@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ellen@iqdesign.com
Subject: Letter From Ellen BAXTER - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:08 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ellen BAXTER at ellen@iqdesign.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ellen BAXTER. I live at 11458 Northview Dr, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have resided in District 1 for over twenty years and I am a business owner in this area. I moved to Nevada City to enjoy the quiet, beauty and natural habitat that we have. Restoring the mine would significantly alter this environment. I am greatly concerned that the effects of the mine would endanger our water tables and bring unwanted industrial noise and pollution to the area destroying the quality of life that we appreciate.
Tourists that come to this area would likely be impacted as well as the residents of the community.
Also alarming is the history of Rise Gold and the problems they have created in other endeavors.

Please DO NOT APPROVE the reopening of the Idaho Maryland Mine.

Sincerely,

Ellen BAXTER
ellen@iqdesign.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: gailbegany@yahoo.com
Subject: Letter From Gail Begany - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:33 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gail Begany at gailbegany@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Gail Begany. I live at 210 Sutton Way apt 207, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live on Sutton Way in district 3. I’ve been a resident since 1976 with lots of family in the area. I don’t know anyone that wants this mine. And many people plan to move if the mine comes in.

Sincerely,

Gail Begany
gailbegany@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jaleilaking@hotmail.com
Subject: Letter From Jaleila King - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:34 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jaleila King at jaleilaking@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jaleila King. I live at 12293 Robinson Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The company has a history of not following environmental guidelines and laws. This poses a hazard to our community and possibly those further away. We are in the midst of climate change and our water is a precious resource that should be reserved for private residents and local farms. How can the Nevada County Board of Supervisors and the Planning Department even consider approving a mine that will rob the community of its water security. Is anyone talking about the increase of local traffic!? THIS IS NOT GOOD FOR OUR COMMUNITY; I am asking you to vote NO and keep Grass Valley and Nevada City GREEN.

Sincerely,

Jaleila King

jaleilaking@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jclegg23@yahoo.com
Subject: Letter From James Clegg - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:23:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of James Clegg at jclegg23@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is James Clegg. I live at 15379 Indian Springs Road, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

James Clegg
jclegg23@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jamielegon@gmail.com
Subject: Letter From Jamie Legon - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:41 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jamie Legon at jamielegon@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jamie Legon. I live at 10568 N. Ponderosa Way, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

This is a horrible idea that disregards any semblance of understanding the public interest. Just the amount of water ALONE makes this insane. Not to mention that the overall environmental impact would be gigantic, affecting thousands of people and families and make minuscule the few hundred jobs that the mine would provide. Thumbs down!!!

Sincerely,

Jamie Legon
jamielegon@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: 2janetcj@gamil.com
Subject: Letter From Janet Jensen - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:58:00 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janet Jensen at 2janetcj@gamil.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janet Jensen. I live at 327 Clay St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Janet Jensen and currently live in Nevada City. Our family has lived in Nevada County for 37 years. Reopening the mine will ruin our area. The noise will carry for miles of the heavy trucks going back and forth each and everyday. The pollution it will cause would be devastating. Anyone living in Nevada county knows that Brunswick Rd is the most dangerous and first to be closed in bad weather. But yet the mines trucks will be using this 24/7.

Most of all is this company that wants to open the mine is not reputable! They leave a mess in their wake and are currently being sued. Why would we give this type of company our precious county to destroy? They could easily do the same year and then leave the country.

Please stop the mine. This will destroy our way or life and our tourism.

Janet Jensen
Nevada City, Ca

Sincerely,

Janet Jensen
2janetcj@gamil.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: janiepetro@gmail.com
Subject: Letter From Janie Petrosine - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:23:30 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janie Petrosine at janiepetro@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janie Petrosine. I live at 14749 clover ridge, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

This is a retirement community with tourism at it's core. Rise Gold is a foreign company with a past that will speak to the future. Beware this owner and scam artist. Our local government cannot succumb to greed based on what monies they claim will flow into our coffers. Oh, and all of the high paying jobs.....Bogus. Do not fall for this. Keep our community safe and beautiful and keep our tourists.

Sincerely,

Janie Petrosine
janiepetro@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: fatherwolf22@gmail.com
Subject: Letter From Jeffrey Russell - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:24:39 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jeffrey Russell at fatherwolf22@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jeffrey Russell. I live at 10728 Footwall Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Jeffrey Russell. I live on Footwall Dr. in District 3. I have been a Nevada County resident since 1991.

This is the third time we as a county have been through this “open up the Gold Mine” fiasco in the last 30+ years. It is a ridiculous waste of our community resources and time to continue to consider this opening.
It is of limited real benefit to Nevada County; it is benefiting only a few outside investors. There is little upside for the people who actually live here.

Opening Idaho Maryland Mine would forever change the character and quality of life of our community which we all love. Further, The noise, traffic, pollution would diminish and endanger our health and quality of life.

Modern gold mining elsewhere has shown to be a serious threat to air, wells, and area groundwater. Our water is a precious resource. This opening would only exacerbate our issues with drought. Nevada County already gets an F rating when it comes to air quality and has 2 times the national average in lung disease. Reopening the mine would likely make it worse.

A few jobs and uncertain tax revenues just aren't worth the risk. There are many local experts who show how adversely it would impact our property vales.

Perhaps most important in the long run, a yes vote for the mine is a no vote for climate change.

Please vote no on reopening the Mine!

After we stop the mine this time, please consider a local resolution/ law that prohibits anyone else from starting up another review of yet another proposal to open the mine. I believe a majority of Nevada County will support putting this issue to bed once and for all. Let's put it on the ballot and find out!

Yours truly,
Jeffrey S Russell

Sincerely,

Jeffrey Russell
fatherwolf22@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jillmf11@gmail.com
Subject: Letter From Jill Francis - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:21:20 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jill Francis at jillmf11@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jill Francis. I live at 218 Rhode Island st, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’m a 17 yr resident in downtown area a lover of wolf creek aware of the hazardous legacy of empire mines and a believer that things are better realizing the natural beauty of the area is far more economical benefit to this area

Sincerely,

Jill Francis
jillmf11@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: littlebuddhastudio@yahoo.cm
Subject: Letter From John Alevizakis - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Alevizakis at littlebuddhastudio@yahoo.cm

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Alevizakis. I live at 12559 Sneath Clay rd, nevada city, Nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

No mine!

Sincerely,

John Alevizakis
littlebuddhastudio@yahoo.cm

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dodgers221@yahoo.com
Subject: Letter From John Mincks - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:21:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Mincks at dodgers221@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Mincks. I live at 12894 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live at 12894 Greenhorn Road. Live her 12 years, I am totally against the mine
It will destroy our area
No mine.

Sincerely,

John Mincks
dodgers221@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: joshuapipic@gmail.com
Subject: Letter From joshua pipic - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:27 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of joshua pipic at joshuapipic@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is joshua pipic. I live at 13044 drummer way, grass valley, ca 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

NOOOOO to the mine

Sincerely,

joshua pipic
joshuapipic@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: JoyceStudioJ@gmail.com
Subject: Letter From Joyce Scott - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:51:59 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Joyce Scott at JoyceStudioJ@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Joyce Scott. I live at 209 Maiden Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

JUST SAY NO.

Sincerely,

Joyce Scott
JoyceStudioJ@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: judi@fastandfit.net
Subject: Letter From Judith Bannister - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Judith Bannister at judi@fastandfit.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Judith Bannister. I live at 519 Jordan St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1, Nevada City. I am opposed to the opening of the mine as it will distrupt the tranquility an uniqueness of our town.

Sincerely,

Judith Bannister
judi@fastandfit.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: katieshust@gmail.com
Subject: Letter From Kate Shuster - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:25 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kate Shuster at katieshust@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kate Shuster. I live at 265 Playa del Rey, San Rafael, CA 94901.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I are strongly AGAINST re-opening the Idaho-Maryland Mine. We know many others who are very much against it although they may not get around to writing any letters !!

As owners of land, upon which we plan to build our home, we are very disappointed to learn that this previous gold mine may be reopened, subjecting people in all walks of life to many negative factors. If we had known about this prior to our purchase we probably would have chosen a good spot further away from this threat.

Re-opening this mine will cause PROPERTY VALUES to go DOWN for many reasons, including debris, noise, decreasing water supply and health hazards. Persons and businesses who consider moving to the GV & NC areas will decide against it, thereby

reducing beneficial businesses, good citizens and tax support for the area.

Please do not allow it !!
Katie Shuster

Sincerely,

Kate Shuster
katieshust@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ktjanegraham@att.net
Subject: Letter From Katherine Graham - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:57 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Katherine Graham at ktjanegraham@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Katherine Graham. I live at 12238 Lakeshore N, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a resident of District Two and I live in Lake of the Pines. I moved here a few years ago from the Bay Area to enjoy the beautiful foothills of the Sierra.

Sincerely,

Katherine Graham
ktjanegraham@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kateannewallace@gmail.com
Subject: Letter From Katherine Wallace - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:21:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Katherine Wallace at kateannewallace@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Katherine Wallace. I live at 116 Lone Jack Pl, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hi! I live in district three, specifically in the Timberwood neighborhood. We bought our house one year ago, and it was never disclosed that there might be an active mine beneath our home.

Aside from the environmental impacts, which concern me greatly, I am concerned about quality of life issues, increased traffic on Brunswick (we already need a stoplight here even without the mine traffic) potential for sinkholes, property value, etc. We are a family with young children- not retirees who will never need to sell their house. This is our starter home that we worked hard for. We never thought we would be able to own a home. No one will want to purchase a home above a working mine- what happens when our family expands and we need to sell? Of course, declining property value is always a risk one assumes, but if I can prevent it, I will. Selfish,

perhaps, but I'll say "yes in my backyard" all day to housing and development that provides value to the community. The mine does not. Our community deserves clean water, clean creeks, good health, and high quality of life.

Furthermore the Loma Rica development is in full swing. From the map, it appears that this will also be located on top of the mine. Is it worth it to the city to compromise that development, which will provide much needed homes and businesses, over an unnecessary mining operation?

The high paying jobs the mine will provide are mining engineer jobs. This is no longer an area of expertise for our locals- mining engineers will come from outside the county to work the mine, so it's dishonest to say the mine will pay locals over 100k annually.

I urge the board of supervisors to think critically about the full impact of the mine vs. the benefits of allowing a mining company to operate in our community. There isn't a gold supply shortage, and if there were, it should be mined it in a place where people do NOT live. Rise Gold is historically untrustworthy and a poor partner for Nevada county.

Please consider the long term effects on the community and do not permit Rise Gold to open the mine.

Thank you for your consideration,

Katherine Wallace and Trevor Murphy

Sincerely,

Katherine Wallace
kateannewallace@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kathythb@yahoo.com
Subject: Letter From Kathy Thibodeau - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:24:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kathy Thibodeau at kathythb@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kathy Thibodeau. I live at 121 Pleasant St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived here all my life, born at old Community Hospital (1953) downtown Grass Valley. I love our beautiful town, it is rich in the history of gold mining but that was another time. The mine will help destroy our precious environment and the amazing community we have become. I am also against bringing in a company that is not trustworthy and is still being sued for harmful effects left behind. This mine will bring most of its own workers, not hire many locally. They will mess up our community and leave us with all the damage done too our ecosystem. NO TO THE MINE!

Sincerely,

Kathy Thibodeau

kathythb@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kiplinge88@gmail.com
Subject: Letter From Kip Ehlers - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:24:18 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kip Ehlers at kiplinge88@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kip Ehlers. I live at 17521 vintage drive, Grass valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Kip Ehlers
kiplinge88@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kristinpujol@gmail.com
Subject: Letter From Kristin Pujol - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:58:08 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kristin Pujol at kristinpujol@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kristin Pujol. I live at PO box 684, Weimar, CA 95736.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Kristin Pujol
kristinpujol@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: laureanbell@gmail.com
Subject: Letter From Laurean Bell - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:49 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Laurean Bell at laureanbell@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Laurean Bell. I live at P.O. Box 654, Chicago Park, CA 95712.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in the Chicago Park area of District 3 for 23 years. I am a unrelenting protector of the earth and recycle everything possible. A simple teabag when used goes to 3 places. The actual teabag goes into my compost bin, the paper tag goes into recycle and the string goes into a net pouch for birds to build their nests!
With that said I am greatly disturbed that our county is even thinking about allowing such an atrocity as the Idaho/Maryland Mine to reopen!

Sincerely,

Laurean Bell
laureanbell@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: leepo@sbbmail.com
Subject: Letter From Lee Pope - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:38 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lee Pope at leepo@sbbmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lee Pope. I live at 17762 Oak Way, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live right off highway 174 in Nevada County, about five miles south of the site of the proposed mine. I have lived at my current address in the Chicago Park area for twenty three years. I love this community and the natural rural beauty of the fields and forests that characterize this area. I am hoping that, in making this decision, you will listen to the many voices that place human health and well-being as the importance of respecting and protecting nature ahead of profit.

Thank you for your consideration in this matter.

Sincerely, Lee Pope

Sincerely,

Lee Pope
leepo@sbbmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: restlina@gmail.com
Subject: Letter From Lina Restrepo - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:44 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lina Restrepo at restlina@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lina Restrepo. I live at 12191 Boreham Mine Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live in Grass Valley off Brunswick near Horseman’s club -district 3. We are in HUGE opposition to this Mine mainly because it will take away the from the natural beauty of this county. We grew up here and came back two years again because we wanted to be back in this beautiful community surrounded by water, mountains, trees and green air. This mine would take that all away and also devalue the property value of all our homes. I’m addition the amount of tragic that will increase on Brunswick all day along with the noise will destroy the joy of living in a mountain town. NO to the MINE!!!

Sincerely,

Lina Restrepo
restlina@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lcaine@mac.com
Subject: Letter From Linelle Mason - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:19 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Linelle Mason at lcaine@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Linelle Mason. I live at 11363 Torrey Pines Dr, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I reside in Lake of the Pines in District 2. I have lived here for almost 5 years. I love the natural environment and the quiet atmosphere. This mine project would change all of the things I love about this area.
Please vote to not allow the mine to reopen.

Sincerely,

Linelle Mason
lcaine@mac.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lisadorman86@gmail.com
Subject: Letter From Lisa Dorman - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:20:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lisa Dorman at lisadorman86@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lisa Dorman. I live at 12867 magnolia rd, Grass valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Lisa Dorman
lisadorman86@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lorej.santacruz@gmail.com
Subject: Letter From Lore James - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:10 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lore James at lorej.santacruz@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lore James. I live at 10808 Gold Hill Dr., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please say No to both the EIR and the Project, this could be the most important, long term decision for our beloved and beautiful community that you could ever make. Please think about the impacts to the residents that live here, we live here because it's beautiful and small and quaint. Please don't allow Rise Gold to come into our beloved community and pillage our town, fill it with air toxins, water toxins and noise pollution, it's not worth it by any stretch. Please vote no on the Project and the EIR, please please please.

Sincerely,

Lore James
lorej.santacruz@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lorivanlaan@icloud.com
Subject: Letter From Lori Van Laanen - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:53 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lori Van Laanen at lorivanlaan@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lori Van Laanen. I live at 10768 Walker Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I like be like n Grass Valley and have been a county resident for 37 years. I love living in the foothills for its scenic beauty and small town community. I have concerns about the Idaho Maryland Mine reopening. My biggest worry is the environmental impact of this operation being so close to town. It seems to me the new neighborhood being built just down the hill off of Brunswick Road is sorely located now. I hope and trust our county supervisors take a serious look at all the negative implications of this proposal.

Sincerely,

Lori Van Laanen
lorivanlaan@icloud.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: thebigljw@yahoo.com
Subject: Letter From Lydia Wrench - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:30 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lydia Wrench at thebigljw@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lydia Wrench. I live at 11794 Hanley Drive, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Lydia Wrench
thebigljw@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Kindredspirits28@hotmail.com
Subject: Letter From Lyn Coring - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:20:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lyn Coring at Kindredspirits28@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lyn Coring. I live at 14131 Torrey Pines Dr, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The list of reasons why the proposed reopening of this mine would be thoughtless and irresponsible is almost too numerous to itemize. Suffice it to say that this community's continued physical health, air quality, water supplies, wellbeing, real estate, financial security and quality of life is being seriously threatened. The continued existence of Grass Valley and its environs as we know it, as a sought after place to live and vacation, will be severely compromised.

Sincerely,

Lyn Coring
Kindredspirits28@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: frodlaw@gmail.com
Subject: Letter From Marguerite Vulfs - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:23:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Marguerite Vulfs at frodlaw@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Marguerite Vulfs. I live at 541 1/2 N.Pinr St., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 and my family has lived here since 1969. My Grandfather, Hamilton Stone, began with his friend Gay Pryor, the SNMH Hospital Foundation. He believed in people and the goodness they bring to a community with all of their gifts.

The Gold of Nevada County is it's people. Our history with gold is in the past. We have built neighbor hoods and homes around our history here with the intention of a thriving community of people in a modern time. As a community we have come together before to say NO to gold mining, even with this proposed mine that has changed hands. It remains amazing to me that we have to go through this process again so soon. A NO should just be a NO.

Sincerely,

Marguerite Vulfs
frodlaw@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: andersen.maryanne@gmail.com
Subject: Letter From Mary Anne Andersen - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:44 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mary Anne Andersen at

andersen.maryanne@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mary Anne Andersen. I live at 11650 Forest View Dr., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Mary Anne Andersen
andersen.maryanne@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: klingman.m@gmail.com
Subject: Letter From Maryann Klingman - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maryann Klingman at klingman.m@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maryann Klingman. I live at 510 Lost Hill Ct, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Maryann Klingman
klingman.m@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: mticciati@gmail.com
Subject: Letter From Matthew Rouda-Ticciati - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:58:11 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Matthew Rouda-Ticciati at mticciati@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Matthew Rouda-Ticciati. I live at 414 main st, Nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Matthew Rouda-Ticciati
mticciati@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: m99collins@gmail.com
Subject: Letter From Maureen Collins - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maureen Collins at m99collins@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maureen Collins. I live at 19470 Broken Oak Ct, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been a self-employed home owner in Penn Valley (District 4) since 2016. Beyond that, I've been more loosely affiliated with Nevada County for my entire life. The proposed mine strikes deep fear in my heart. If you allow the mine to go forward, the damage that will be done will be impossible reverse.
The tantalizing prospect of jobs and increased revenues will most likely never materialize. One only has to look at the track record of the company behind this proposal to see what is in store for Nevada County if this is allowed to go forward.
Please, please, PLEASE, just say NO.
Thank you.

Sincerely,

Maureen Collins
m99collins@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: micqueli@yahoo.com
Subject: Letter From Micque Li - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:59 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Micque Li at micqueli@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Micque Li. I live at 14593 Highland Dr., Apt. B, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Do any of the individuals with the final say live anywhere near this proposed mine?! Even if not, air, noise, water all travel, and would horribly impact everyone in western Nevada County to no end. This is a no-brainer. But if you have more of a brain than that, this possibility is beyond reason. Let's be real, this is a potentially devastating situation, and the destructive implications for our county would be irreversible. We and our loved ones, friends, neighbors, are living not just for the moment, but for every day ahead. Foresight is essential. Irrevocably NO!

Sincerely,

Micque Li
micqueli@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: nlmartella@gmail.com
Subject: Letter From Nancy Martella - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Martella at nlmartella@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Martella. I live at 16225 Orchard Springs Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a 15 year resident of Chicago Park, district 1.
There has to be better development options available that are more suitable to Nevada County.
Has a cogeneration plant even been considered?

Sincerely,

Nancy Martella
nlmartella@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: niladri.bora@gmail.com
Subject: Letter From Niladri Bora - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:55 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Niladri Bora at niladri.bora@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Niladri Bora. I live at 14708 You Bet Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Mining jobs are low-paying jobs and will not elevate the local economy. The Grass Valley and Nevada City area has a lot of good things, and in the past three years, quite a few upscale establishments have opened shop e.g., the National Hotel and Holbrooke Hotel. The Mill Street Plaza has the potential to invigorate the downtown economy further. The Mine will be a big step in the opposite direction. It will tank the local real estate market.

Sincerely,

Niladri Bora
niladri.bora@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: pprentice@bestsanitizers.com
Subject: Letter From Pattie Prentice - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:23 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Pattie Prentice at pprentice@bestsanitizers.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Pattie Prentice. I live at 168 Highlands Ct., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Pattie Prentice
pprentice@bestsanitizers.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: penelope.whitney@gmail.com
Subject: Letter From Penelope Whitney - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:27 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Penelope Whitney at penelope.whitney@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Penelope Whitney. I live at 15566 lewis road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live near downtown Nevada City on Lewis road, and we rent our home out occasionally to visitors from out of town. My husband is semi-retired and we count on the income - and pay the county thousands of dollars each year in occupancy taxes. We are just one of many businesses who rely on clean air and clean water and our beautiful natural environment to draw guests to Nevada City.

The gold mine is a short sighted get-rich-quick scheme by a Canadian businessman who has already been shown to lie and cheat to get his profits. Rise Gold should not be welcome in our community.

Sincerely,

Penelope Whitney
penelope.whitney@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rndtahoe@gmail.com
Subject: Letter From Richard Benigno - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Richard Benigno at rndtahoe@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Richard Benigno. I live at 14677 You Bet Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello,
I am a homeowner in the Sonntag Hill area of You Bet Rd. My wife and I purchased a beautiful home on a wonderful 5 acre property and moved to Grass Valley in November 2021. We have visited Grass Valley many times over the last 15 years to share this wonderful area with our friends who live in Alta Sierra. We love the natural beauty of the area and love to be outdoors whenever possible. We often kayak, mountain bike, hike the many trails in the area. When hiking at Empire Mines, one just has to look at the environmental damage the mining industry caused in that area. Please, please DO NOT approve this Idaho-Maryland mining project. IF you want your kids to be able to enjoy this unique community, you will vote your conscience. There is vastly more at stake here than the creation of a few jobs. Is it worth the destruction of our environment? Do the right thing and vote NO on both

the project and the EIR. Do not be a corporate pawn. Your community is watching you.

Sincerely,

Richard Benigno
rndtahoe@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: robcoring@gmail.com
Subject: Letter From Robert Coring - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:56 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Robert Coring at robcoring@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Robert Coring. I live at 14131 Torrey Pines Dr, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

And please just say NO to certifying the EIR.

Sincerely,

Robert Coring
robcoring@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lolo8888@msn.com
Subject: Letter From Roland Rouda - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:29:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Roland Rouda at lolo8888@msn.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Roland Rouda. I live at 11649 Side Hill Circle, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please…this is a cancer

Sincerely,

Roland Rouda
lolo8888@msn.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sethrobot@gmail.com
Subject: Letter From Seth Harris - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:51 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Seth Harris at sethrobot@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Seth Harris. I live at 12742 Red Dog Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We are in the Deer Creek Park neighborhood and value our quality of of Nevada City and our family and children value clean water, clean air and the quiet environment we live in and do not want Nevada County to revert to an industrialized era. Any temporary value created by an extractive mining operation will be far less than the economic damage from decreased tourism, diminished home values, health impacts and lower quality of life of residents.

Sincerely,

Seth Harris
sethrobot@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sharondavisson42@gmail.com
Subject: Letter From Sharon Davisson - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:52 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sharon Davisson at sharondavisson42@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sharon Davisson. I live at 17889 Douglas Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I was born in Grass Valley 81years ago. My father, Bruce Russell, was a miner. He spoke about the hardships he and his fellow miners experienced.
What I am frightened by is much more than the hardships the mine workers might experience, but the hardships the citizens of our county will experience if you allow the mine to open whether you do it now or 80 years from now.
Please do NOT allow this mine to be opened. Our future health and safety depend on you saying NO.

Sincerely,

Sharon Davisson
sharondavisson42@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tworrz@gmail.com
Subject: Letter From Sharron Eastman - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:57:34 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sharron Eastman at tworrz@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sharron Eastman. I live at 12091 Torrey Pines Dr., Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been a resident of Lake of the Pines for 12 years. The idea of reopening the mine is just crazy. After reading the information regarding the company involved and their past dealings with other mines, it doesn't appear to be a reasonable situation. Please just say no to this type of business.

Sincerely,

Sharron Eastman
tworrz@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: soraoneiga@gmail.com
Subject: Letter From sora oneiga - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:27 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of sora oneiga at soraoneiga@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is sora oneiga. I live at 13044 drummer way, grass valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I absolutely say NO to the mine. This is a ridiculous exploitation of the town and county resources. There is a huge amount of historical evidence to show that mine companies-especially Canadian owned- leave devastation, abuse resources and landscapes, drain aquifers, leave poison, disturb neighborhoods with noise and heavy machinery and vehicles, abusing the precious land. There are so many jobs available in town and many businesses are closing at this time as they cannot get workers. we do not need this. There are scams all over facebook from this company, faking names to promote their pursuit. NOT one single person I hear of wants the mine. EVERYONE is against it and wants to protect out precious town from being exploited. Looking at history it is really really time we learn from our mistakes of exploiting the precious land and being greedy. Money will not buy us fresh air and water. NO TO THE MINE 1000%. Please listen to your people.

Sincerely,

sora oneiga
soraoneiga@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: cedarosemusic@gmail.com
Subject: Letter From Stan & Erin Thomas-Rose - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:21:00 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stan & Erin Thomas-Rose at

cedarosemusic@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stan & Erin Thomas-Rose. I live at 16118 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello, I am a 36 year resident of Greenhorn Rd., living with my family on the property which my 65 yrs old husband, Stan, was born and raised. Greenhorn Rd. has become a rather densely packed suburban residential community. It is "landlocked," with no easy egress for the thousands of homes packed onto this road. For years I have feared the outcome of an emergency exodus as the road can poorly sustain that which has already been developed. If the county was considering reopening mining operations, it should have never allowed for the current residential development. Although there is a certain historical charm to the idea of resumed gold mining the toxic legacy of past decades of mining is undeniable. I fear for the added traffic burden of trucks removing gravel, the threat of dewatered mining tunnels to local

wells, the toxic effects of chemicals and the lights and noise pollution associated with an industrial operation so close to our homes. Most of us cherish the rural quality of Nevada county living. Please do not threaten us further by allowing this development.

Sincerely,

Stan & Erin Thomas-Rose
cedarosemusic@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stortiz1998@gmail.com
Subject: Letter From Stephanie and Larry Ortiz - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:20:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stephanie and Larry Ortiz at stortiz1998@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stephanie and Larry Ortiz. I live at 12226 Dogwood Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Stephanie and Larry Ortiz
stortiz1998@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stephy90561@hotmail.com
Subject: Letter From Stephanie Harper - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:17:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stephanie Harper at stephy90561@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stephanie Harper. I live at 3460 Cold Springs Rd, Huntingdon, PA 16652.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Stephanie Harper
stephy90561@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stuartsayer54@gmail.com
Subject: Letter From stuart sayer - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:17:20 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of stuart sayer at stuartsayer54@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is stuart sayer. I live at 464 Searls AVE, NEVADA CITY, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

stuart sayer
stuartsayer54@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Mrs.shall29@gmail.com
Subject: Letter From Suzanne Hall - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Suzanne Hall at Mrs.shall29@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Suzanne Hall. I live at 15169 Lewis Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 and have lived here since 2009. My husband and his family have grown roots here since 1978 and have seen many changes since then. While change is somewhat inevitable we never imagined that this town would even consider regressing. We have enough dangers facing our children and our community without adding toxins to our water and air. Not to mention the fact that humans are not the only ones who will be affected by this proposed project. Animals and ecosystems will no doubt be poisoned, lose drinking water and freedom of movement. Dr. Kane reported that his grandchildren will be breathing poorer air quality for decades to come if this passes. Please don't pass this mine!

Sincerely,

Suzanne Hall
Mrs.shall29@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: finnsfins@gmail.com
Subject: Letter From Theresa Finn - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Theresa Finn at finnsfins@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Theresa Finn. I live at 620 Kate Hayes St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

I live in District 3 next to several mines. I'm writing because suddenly I'm being inundated with advertisements for the Idaho-Maryland Mine. Expensive. Glossy. Tempting.

You are being asked by a corporation, that like so many other corporations, doesn't care about the impact its operations will have upon a community. This one is offering high wages. But, how many locals will benefit and at what cost to our community? Actually, most of the money will not come to our county, but go into the pockets of CEOs and shareholders.

I think it's time that we NOT be tempted by money, but plan for the future, the health of the environment and the overall welfare of our communities. We need to ask

ourselves, will the arrival of this corporation lower housing costs? Will it ultimately degrade the local eco systems? Will it cause more pollution? Will it bring even more people and exasperate the already out of control housing costs and shortage? Just remember, the corporation DOES NOT care about our county, it only cares about its self and it's stock holders!

Please vote NO and plan for the health of our county. Let's plan for the future of the health of our land, not line the pockets of a few.

Sincerely,
Theresa Finn

Sincerely,

Theresa Finn
finnsfins@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: svscott123@gmail.com
Subject: Letter From Tim and Sandra Scott - Just Say No to the Mine
Date: Tuesday, May 2, 2023 6:20:33 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tim and Sandra Scott at svscott123@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tim and Sandra Scott. I live at 17077 Cruzon Grade Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have lived in Nevada County for the past 40 years, 35 in our current home on the San Juan Ridge. We own two homes and our adult children and their families also live here and have businesses in this county. We are adamantly opposed to the opening of this mine for several reasons, all based on experience. Siskon Gold tried to reopen an existing mine in our community 20+ years ago. The hype around it at the time was much the same as Rise puts out. It was a disaster for the investors and the community. Wells were dewatered, the local elementary school well system was destroyed, families were forced to move for health reasons, and the attorneys spent years trying to hold the mining company responsible. There is no mine, no jobs, no water on some parcels and the investors lost all of their money.
This will happen again if Rise is allowed to reopen the Idaho Maryland mine but on a

much larger scale. Please do not allow this disaster in the making to proceed any further. The past is about to repeat itself if you vote to approve this.

Sincerely,

Tim and Sandra Scott
svscott123@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tinadecoy@yahoo.com
Subject: Letter From Tina McCoy - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:03 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tina McCoy at tinadecoy@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tina McCoy. I live at 11037 Ball Road, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Tina McCoy
tinadecoy@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dwdjr4900@yahoo.com
Subject: Letter From Wes Dick - Just Say No to the Mine
Date: Thursday, April 27, 2023 10:58:11 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Wes Dick at dwdjr4900@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Wes Dick. I live at 15011 little greenhorn road, grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I moved here about a 18 months ago from the Bay Area. My wife and mother in law and I spent years looking for the perfect place to retire, a place that was beautiful, private and quiet. We found the perfect property on little greenhorn rd and purchased our first home, now everything that made is move here will be lost if you say yes to the mine. We are devastated!!! Please say no!!!! Wes

Sincerely,

Wes Dick
dwdjr4900@yahoo.com

Copy of letter sent to Planning Commission

April 28, 2023

Dist 3

To: Nevada County Planning Commission and L. Swarthout

Re: Idaho Maryland Mine FEIR Rise Grass Valley

RECEIVED
MAY 01 2023
NEVADA COUNTY
BOARD OF SUPERVISORS

From: Elaine Westfall

The proposed project to reinitiate underground mining and gold mineralization processing for the Idaho Maryland Mine is a serious concern for all of Nevada County. The Centennial and Brunswick Industrial Sites are both in range of housing and major roadways within the county.

I have been a citizen of Nevada County and the city of Grass Valley for 45+ years. My concern for the population in and around the proposed area of impact is grave. The quality of life for neighbors concerned about air pollution, water wells, noise, and impact of roads and traffic is also a concern for the entire county. Approving a 80 year use permit for the exploration and operation of mining 24/7 is too wide range of appropriate usage of our county land, air, water and properties.

The track record of Rise Gold operations in the past appears to be less than stellar. The promises of mitigation for any and all problems cited in the FEIR are not reliable. The prospect of jobs is always a positive, but again, the time it may take for those positions to be realized is not something that should sway any decisions that are made regarding the physical and environmental operations of the mining proposal.

I feel it is imperative that the Planning Commission not recommend the approval of the FEIR to the County Board of Supervisors.

Elaine Westfall

557 Blight Rd.
Grass Valley, CA
95945

Cc: District 3 Lisa Swarthout

RECEIVED
0 1 23
NEVADA COUNTY
BOARD OF SUPERVISORS

Frank Williford **Dist 1**

13376 Quaker Hill Cross Road

Nevada City, CA 95959

RECEIVED
MAY 01 2023
NEVADA COUNTY
BOARD OF SUPERVISORS

April 28, 2023

Nevada County Board of Supervisors

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

To the Nevada County Board of Supervisors:

My name is Frank Williford and I have lived in District 1 of Nevada County since mid-2021. My wife and I moved here seeking a better quality of life, and the area has largely lived up to our expectations. However, to maintain the high quality of life we have come to expect in this area, I urge you to vote "No" to the proposed re-opening of the Idaho-Maryland mine.

Plainly stated, it is my opinion that the Economic Impact Report regarding the mine significantly overstates the positive economic benefits while understating the potential negative financial consequences and costs of re-opening the mine. It is also my opinion that the Environmental Impact Report is deficient and must be rejected because it either ignores outright, or significantly understates, numerous potentially devastating environmental impacts on our community from re-opening the mine.

Further, and possibly even worse, Rise Gold – the owner and proposed operator of the mine – is badly undercapitalized for the scale and cost of this project, and thus will likely be unable to mitigate the cost of large-scale environmental impacts should they occur. (I believe I am qualified to opine on the financial condition of Rise Gold given that I retired following a 30-year career as a finance professional (Assistant Treasurer) at a Fortune 500 corporation.) In addition, Rise Gold's Chief Executive has proven himself untrustworthy as a community partner, leaving the local community to pay the cost of cleaning up an environmental catastrophe resulting from his last project.

Gold mining provides a rich historical backdrop to our community. But that was the past. We need to look to the future by encouraging clean new industry such as technology, clean energy solutions and eco-tourism, not by returning to the environmentally devastating industry of the last century.

Please vote "No" on re-opening the Idaho-Maryland mine.

Respectfully,

Frank Williford

BRIDGEPORT

Built in 1862, the Bridgeport Covered Bridge spans the South Yuba River in Nevada County, California. With a length of 229 ft. (70 m.), it is the world's longest single span wood truss covered bridge.

FRANK S. BALTHIS © 2010

7 01012 10020 6

Dear Mr. Milman,

Please recommend to the Nevada County Board of Supervisors they vote NO to re-open the Idaho-Maryland mine.

Thank you,
Shirley Moon
11889 Kingbird Ct
Penn Valley

* The final EIR has SERIOUS deficiencies
* The FEIR does not comply with CEQA
* The environment of Nevada county will be forever negatively impacted if the mine is approved

→ The FEIR should NOT be certified! ←

Frank Balthis Photography, P.O. Box 255, Davenport, CA 95017-0255

FB-S76
Printed in U.S.A.

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MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957

17 APR 2023 PM 5 L

Earth Day April 22

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

TRAFFIC, NOISE, DEGRADING THE RURAL APPEAL OF OUR AREA. WATER AND POLLUTION CONCERNS. A DEVELOPER WITH A KNOWN TRACK RECORD OF ENVIRONMENTAL VIOLATIONS. AMPLE REASONS TO JUST SAY NO

Sincerely,

Name JULIE ENZOR-WILSON

Email jenzorwilson@gmail.com

Address 16495 GREENHORN RD. GV.

Phone 530-292-3175

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

RECEIVED
APR 20 2023
NEVADA COUNTY
PLANNING DEPARTMENT

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957

17 APR 2023 PM 2 L

Earth Day April 22

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

NO one moved Here For Heavy trucks and Consestion Dve to mining.—

I Don't want my well to Be Pulled or go Dry

Sincerely,

Name MARY HOFFMAN

Email mrhhoff@gmail.com

Address 16495 GREENHORN RD

Phone 530-916-5847

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

RECEIVED
APR 20 2023
NEVADA COUNTY
PLANNING DEPARTMENT

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
24 APR 2023 PM 6 L

Earth Day April 22nd 2023

LUNAR NEW YEAR * FOREVER USA *

RECEIVED
Nevada County
APR 26 2023
CDA
Planning Department

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

Sincerely,

Name Alex Eckerling

Email 23eckeae@gmail.com

Address 111 Bank Street Suite 256, Grass Valley, CA

Phone (530) 215-5098

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
24 APR 2023 PM 7 L

Earth Day April 22nd 2023

LUNAR NEW YEAR * FOREVER USA *

RECEIVED
Nevada County
APR 26 2023
CDA
Planning Department

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

More than that - our health will be at risk from water pollution and air pollution. It will impact our children and they will not return here.

It will impact the value of our community negatively - people will move - real estate will decrease. The county will end up being responsible for all the toxic cleanup and be left with the cost Millions!!

Tourism will vanish - business will close!

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

Sincerely,

Name Teresa Eckerling

Email rae.rockets@gmail.com

Address 520 Linden Ave Grass Valley CA 95945

Phone 530-277-6857

MINEWATCH

Community Environmental Advocates FOUNDATION

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

Sincerely,

Name Stephanie

Email 530 615- 615-6576

Address 360 Sutton way #5 Grass Valley, CA

Phone Shernandez31 @ student.

RECEIVED
Nevada County
APR 26 2023
CDA
Planning Department

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

MINEWATCH

Community Environmental Advocates FOUNDATION

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

Reasons to Say No

- Negative environmental impact
- more sink holes
- Noise + thumping vibrations - 24/7
- Air pollution
- Crook owner - already ruined another town in Canada
- Won't bring jobs - will bring in commuters who drive home & spend money there - No skilled labor here

Sincerely,

Name Janice Knight

Email janiceayrcoach.com

Address 15309 Birch Meadows Circle, GV, CA

Phone 580 559-5947 cell

RECEIVED
APR 27 2023
NEVADA COUNTY
PLANNING DEPARTMENT

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

MINEWATCH

Community Environmental Advocates FOUNDATION

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

As a resident Longterm home owner, I hope everything you can do to end this and future large scale mininghere on western Nevada County. Fight the Giant Toxic Mining Corporation From Canada!

Sincerely,

Name Clif Mackinlay

Email Thcamac@yahoo.com

Address 10681 Piper Ln.

Phone 530 802-6606

RECEIVED

APR 27 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

RECEIVED
NEVADA COUNTY
PLANNING DEPARTMENT
APR 27 2023

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
26 APR 2023 PM 4 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

Ugh Truck Traffic
useless gold
not in general plan
in the middle of a neighborhood
Tell Them + any future gold
Mines orany mines To Go Away!

Sincerely,

Name Theresa Thomas

Email randtthomas@sbcglobal.net

Address 214 Gethsemane ST

Phone 530-264-6242

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

RECEIVED
APR 27 2023
NEVADA COUNTY
PLANNING DEPARTMENT

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957

26 APR 2023 PM 2 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

I would add to the un-avoidable impacts – financial, health and cultural costs. Oh yes, and well water minimization, depletion, toxicity.

Please, do the right thing for your community.

Sincerely,

Name Kathy O'Gburn

Email kmogburn2@gmail.com

Address 300 Vistamont Dr Grass Valley 95945

Phone 916 203 [illegible]

RECEIVED
APR 27 2023
NEVADA COUNTY PLANNING DEPARTMENT

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957

28 APR 2023 PM 7 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

RECEIVED
MAY 01 2023
NEVADA COUNTY PLANNING DEPARTMENT

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

Sincerely,

Name JEFF KANE

Email

Address 14933 PATHAN PL., NEVADA CITY

Phone [illegible]

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
27 APR 2023 PM 4 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

Let's not be swayed by potential benefits given the past history of Rise Gold's actions. Enviromentally we cannot afford the negative longterm effects in favor of enriching a few. Carpetbaggers come to mind. NO MINE!

Sincerely,

Name Pamela Meek + Larry Meek

Email pmichelemeek@gmail.com regiller@gmail.com

Address 526 Nevada Street, NC 95959

Phone 530-913-5252

RECEIVED
MAY 01 2023
NEVADA COUNTY PLANNING DEPARTMENT

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

MINEWATCH

Community Environmental Advocates FOUNDATION

SACRAMENTO CA 957
27 APR 2023 PM 4 L

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

1. **Discretion to vote No**: legally, Supervisors & Planning Commissioners can vote No
2. Air Pollution—100% certain. Vote NO. Noise Pollution—100% certain. Vote NO.
3. Water Pollution—lost water wells, contaminated water table—???? Vote NO.
4. Land Values: **Property Sale Disclosure Item No. 1**: Mine might reopen! Vote NO.
5. Mine Owner/Operator has history of polluting and then and then running away.
6. Financial security (Bond) for cleanup costs when Mine Owner bankrupts? None.
7. Is there any **financial security for mine disaster** or does local government (the People) pay? NO Financial to backup for mine disaster. Vote NO.
8. No significant employment benefits to community. Vote NO.
9. **Is Gold a critical, rare metal that society needs** more of? Vote NO.
10. Why does any Supervisor/Commissioner care about profits to the Mine Owner? NO!

Sincerely,

Name Chuck Farrar

Email Chuck@Chuckfarrar.com

Address 15309 Birch Meadows Cir. G.V.

Phone 530 277 4962

RECEIVED
MAY 01 2023
NEVADA COUNTY PLANNING DEPARTMENT

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

From: Ross Guenther
To: Idaho MMEIR
Subject: Comment for Proposed Idaho Maryland Mine - Rise Grass Valley Project Public Hearing Scheduled for May 10, 2023
Date: Thursday, May 4, 2023 1:52:26 PM

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Comment for
Proposed Idaho Maryland Mine - Rise Grass Valley Project
Public Hearing Scheduled for May 10, 2023

On August 10, 2020, I commented on the Rise Gold Draft EIR that I was concerned about potential environmental impacts regarding the stability of the "engineered fill" for mill tailings. In the Final EIR these concerns were not adequately addressed.

In my opinion most of the Rise EIR does an excellent job in its presentation which closely followed my geologic, economic, engineering, and environmental research and on the Idaho-Maryland Mine over the past 50 years. In the mid 1990's, with the help of my excellent team, I received a positive EIR and the necessary Idaho-Maryland Mine permits to dewater, explore and develop the mine via the New Brunswick shaft. This was done with a phased EIR and the next phase would have included tailings disposal. The project became adequately financed at that point, but the company directors passed on the project wanting a better deal which they did not get. Later I did provide patented Ceramext™ methods to handle the tailings by making fire-safe ceramic carbon neutral products, including high quality floor tile, roof tile, exterior wall cladding, and countertops. Most of these ceramic products are imported from abroad at a high environmental cost. And yes, gold would still be a viable byproduct. This project can all be done entirely on the New Brunswick property with no surface tailings disposal while not using the Centennial or other properties.

Although Rise has done significant additional drilling for ore grades and mill recovery, no tests by Rise on tailings stability for this material have been presented. "Engineered fill" is best defined as fill that has been tested or a very similar fill that has been tested.

I have made numerous compaction tests on both Idaho-Maryland historical tailings and tailings of finely ground material from freshly drilled Idaho-Maryland drill core. Even 500-ton presses over a half inch thick square foot with optimal moisture content failed to make a stable fill material. Adding larger fragments made the fill material even less stable. (Many of these tests were made to stabilize the tailings prior to heating them to form ceramic products.) Adding even a small amount of water to these "compacted tailings" will make the tailings extremely fluid.

In 2020 I met with Kimberly Morrison in Phoenix, AZ where she presided over several thousand attendees at the annual meeting for the Society for Mining, Metallurgy & Exploration. Kim is the Senior Director of Global Tailings Management for Newmont. She subsequently edited and wrote much of the thousand page "Tailings Management Handbook, A Life Cycle Approach" which was published in 2022. This book is presently the most comprehensive resource on new fundamentals for tailings management. At Kim's request I wrote a case study included in the book titled "Repurposing Tailings and Other Earth Material Waste into Ceramics".

Tailings engineers are only advocating tailings outside of dam facilities, with or without larger dump rock, on a trial basis in dry remote areas. I do not believe the tailings “engineered fill” suggested by Rise would survive a moderate rainfall, let alone the atmospheric rivers we recently had.

In recent years there have been many failures of tailings facilities in Canada, USA, Brazil, and many other countries with “engineered fill” that have caused disasters costing hundreds of lives, buried towns, and caused billions of dollars in damages. “Expert engineers” had signed off on these failures.

Ross Guenther
Penn Valley, California

From: Nancy Piette
To: Idaho MMEIR; bdofsupervisors
Subject: Comments on FEIR and on Rise Gold project
Date: Wednesday, May 3, 2023 11:50:30 AM

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To: Nevada County Planning Commission and Board of Supervisors

From: Nancy Piette, 10679 Bragg Ave, GV, 95945

Re: Proposed Idaho-Maryland Mine (IMM) project

Date: May 3, 2023

Dear Nevada County Planning Commission:

I've lived in Nevada County 40 years and raised my children here. I love this county and know you do too. I'm writing to urge you to deny certification of the Final Environmental Impact Report (FEIR) for the proposed Idaho-Maryland Mine (IMM). I also urge the county to deny the proposed IMM project entirely. Here are some of the reasons I hope you'll do that.

Obsolete Threshold used: The FEIR's conclusions on Greenhouse Gas (GHG) emissions are based upon an obsolete threshold (for significant) measure of 10,000 Metric Tons (MT). Our county should acknowledge current climate studies, our state goals, and CA SB-32 by using a net-zero threshold. Newer projects (the analogous Sargent Ranch Quarry project in the Bay Area) have used a net-zero significance threshold for GHG emissions. The IMM FEIR should be using a net-zero threshold as well. Our county should be using the data from CA SB-32 and state goals in this FEIR.

GHG "mitigation" during construction phase only: How reasonable is it that the FEIR would allow Rise Gold to "mitigate" GHG emissions with carbon offsets only during the construction phase? For an 80 year project? GHG mitigation is important right now, and only becomes more significant in the future.

Incomplete Emission projection: The FEIR doesn't add in the emissions (over 4,000 MT annually) that cement manufacturers would generate in making cemented paste backfill of mine tailings. Those 4,000 MT, when added to the 9,000 MT, exceeds even the old obsolete threshold measure of 10,000 MT of GHG annual emissions as having a significant impact.

Electricity Usage: The proposed mine's electricity usage would obliterate the goals for residential electricity reduction that are proposed in the Energy Action Plan for Nevada County. Our county shouldn't handcuff our

future development by allowing one project to use so much electric energy.

Inadequate FEIR plan for mine waste: Our air quality, which is already compromised in summer months, would be at more risk if the FEIR is approved. Only 3 core samples were used to study Asbestos concentration, and nearly half of the sample material exceeded the 0.01% threshold. This test data is too sparse…no statistician would approve of the sample size. Managing asbestos emissions isn't easy, and there isn't enough evidence that Rise Gold would be able to stay under the 0.01% threshold limits.

Groundwater and Wells: The FEIR didn't adequately address deficiencies found by expert reviewers. A computer model used sparse bits of well monitoring data from over 15 years ago, out of compliance with the CEQA (California Environmental Quality Act). Experts say that the 10% drop level for "significant impact" determination is an invalid choice. Also, there's no requirement in the FEIR for 3rd party liaison to negotiate issues if problems arise for homeowners with wells.

Rise Gold CEO's poor track record: We know that Ben Mossman's most recent Canadian business failure has resulted in criminal trials for alleged environmental misconduct and economic practices that ended in bankruptcy. Knowledge of the details of this are important reasons to disapprove Rise Gold's project here. Even if the FEIR was adequate, I would urge denial of the Rise Gold project. The quality of life in this community is too valuable for it to be risked with a company run by this CEO and this company.

Be careful of certifying this flawed FEIR then denying Rise Gold project: …because in the future another applicant could buy the property, overcome objections, and get approval to mine. Then our community is still left with all the potential risks to air quality, water quality, noise, decline of tourism and property values.

Best Regards for the vitality of our community,

Nancy Piette

From: Joy Waite
To: Matt Kelley
Subject: From Nevada County resident: please read and reply
Date: Tuesday, May 2, 2023 9:04:30 AM

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Joy Waite
12504 Old Stagecoach Rd
Grass Valley CA 95945

May 1, 2023

Matt Kelley
Senior Planner
Nevada County CA

Matt Kelley - 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 and the whole subject of hardrock mining in Nevada County be DENIED in perpetuity. Expert responses to the NOP and DEIR submitted by Emgold and now Rise Gold have provided substantial documentation of all of 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 hardrock 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.

Directives from the State extremely prioritize housing. The housing crisis makes the Idaho Maryland property extremely valuable. Real Estate provides substantial economic benefit to communities. What a shame to locate housing on virgin land when impacted land languishes.

Once hardrock mining is denied in perpetuity, Rise Gold can fulfill its legal responsibility 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 mine shafts they claim mineral rights to. The property owners who have been paying property tax on the land effected by these mineral rights deserve protection from toxicity of land and water created since the 1800's that they have been subjected to.

I also suggest the multiple benefits of creating a research facility on the property, an educational facility charged with developing modern water and soil detoxification methodologies so needed throughout the world.

The joint economic boon possible with real estate and research 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..!!" "Why do you keep leaving messes for us…"

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: imagoes.tumbler_0e@icloud.com
Subject: Letter From Anala Reese - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:49 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Anala Reese at imagoes.tumbler_0e@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Anala Reese. I live at PO Box 653, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Rough and Ready, District 4, as a member of the community and an involved citizen, it's clear the Idaho-Maryland Mine would be detrimental to our community and would severely impact tourism over time as the environmental impact would be devastating. Please say NO!

Sincerely,

Anala Reese
imagoes.tumbler_0e@icloud.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: anjewa@gmail.com
Subject: Letter From Anje" Waters - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:39 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Anje' Waters at anjewa@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Anje' Waters. I live at 15365 Zinfandel Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I Live off of You Bet Road. I travel down 174 and Brunswick frequently. I do NOT want to deal with trucks hauling debris 24 hours a day! I do NOT want the destruction of the environment at the site. I do NOT want contaminated water into the ecosystem! I do NOT want wells going dry! I do NOT want this goddamn mine reopened!I will fight tooth and nail to stop this atrocity from happening.

Sincerely,

Anje' Waters
anjewa@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: blarsen@nccn.net
Subject: Letter From Barbara and Bill Larsen - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Barbara and Bill Larsen at blarsen@nccn.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Barbara and Bill Larsen. I live at 502 Redbud Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Barbara Larsen and my husband is Bill Larsen. We have lived in Nevada County for 45 years and have worked in the fields of dementia care and psychology in a variety of settings.
Please say 'no" to the re-opening of the Idaho-Maryland mine. The extensive research that has been done underlines the basic flaws of the proposal. Please read the research.
Let's continue to live in an environment that promotes the beauty of our county.

Thank you,

Sincerely,

Barbara and Bill Larsen
blarsen@nccn.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: bonunie@att.net
Subject: Letter From Bonnie Torres - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Bonnie Torres at bonunie@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Bonnie Torres. I live at 12965 Daisy Blue Mine Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We can see absolutely no reason to reopen the mine and ruin hundreds of residences and the surrounding area! We are no longer a mining community and have now become home to many older people and younger families. In addition many, many of us have become more aware of environmental concerns and damage. I ask you to please say NO TO REOPENING THE MINE.
Thank you.

Sincerely,

Bonnie Torres
bonunie@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: davearlmusic@gmail.com
Subject: Letter From Dave Wellhausen - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:19 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dave Wellhausen at davearlmusic@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dave Wellhausen. I live at 140 Buckingham CT, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a home owner in District 3 in Grass Valley. I am writing this letter to plead with you to vote No on the reopening of the mine and to not accept the EIR. The mine would be a disaster for this community and the EIR is legally deficient and It fails to adequately disclose and evaluate the mine proposal’s significant environmental negative effects.

Sincerely,

Dave Wellhausen
davearlmusic@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: daz328@att.net
Subject: Letter From Dawn Areson - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:54 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dawn Areson at daz328@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dawn Areson. I live at 12306 Starwood Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 Two miles from the proposal to open the mine on Idaho Maryland .I have lived in Nevada City area for 5 years. I moved up here from the bay area to retire in a beautiful quiet peaceful area. I call it God's country. Our roads are quiet country roads with no traffic. Please vote no to the mine. This will destroy what little we have left of our beautiful county. We don't need that kind of business that is going to work 24 hrs a day to destroy our water, our wells, our land, our roads, our wildlife. No matter how much money they throw at our cities and county, it will never make up for the destruction they will cause to us and our beautiful area. Once the gold is gone.They will be gone! Please Please vote no.

Sincerely,

Dawn Areson
daz328@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: drice89@gmail.com
Subject: Letter From Dillon Rice - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:55 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dillon Rice at drice89@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dillon Rice. I live at 12606 Towle Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I recently moved to Grass Valley and bought a home off of wood rose, across from where the potential mine site is. I am greatly concerned about the noise generated by continuous 24 hour operation of the mine - especially between the hours of 10:00 PM and 7:00 am. I believe this will violate existing noise ordinances for residential areas and I am not in favor of making exceptions to rules for large companies. Im also concerned about the state of the road. Myself and several others own motorcycles - which are susceptible to loose gravel in the road. Is Rise going to be paying to repair the road every year after they drive extremely heavy trucks over it day after day? This is a main road for the area, will their operations cause unnecessary traffic?

Probably my biggest concern is 24 hour operations will do to my property value. Is

the tax assessor going to immediately drop our values to reflect the fact that this mine will make our area more undesirable? I will hold the county directly responsible for any loss of property value.

The best option to prevent any issues is to reject the project.

Sincerely,

Dillon Rice
drice89@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: drnanci@earthspiritcenter.com
Subject: Letter From Dr Nanci Shandera - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:52 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dr Nanci Shandera at drnanci@earthspiritcenter.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dr Nanci Shandera. I live at 15104 Monte Vista Dr., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Dr Nanci Shandera
drnanci@earthspiritcenter.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: thedow@nydow.com
Subject: Letter From Georgia Dow - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:45 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Georgia Dow at thedow@nydow.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Georgia Dow. I live at 14480 Craig Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

For sanity's sake to our community's life blood, you MUST reject this Rise Mine coming to Grass Valley!!!

Sincerely,

Georgia Dow
thedow@nydow.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: heidipi85@yahoo.com
Subject: Letter From Heidi Belforte Breuer - Just Say No to the Mine
Date: Thursday, May 4, 2023 1:52:49 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Heidi Belforte Breuer at heidipi85@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Heidi Belforte Breuer. I live at 18354 Raccoon Trail, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The current EIR is drastically deficient. Please do not approve it as it is not sufficient for use now or in the future.

Re-opening the Idaho-Maryland Mine is a terrible idea, as it will create pollution this county, state and indeed planet cannot manage by way of noise and air. There are too many questions as to how the planned water displacement (millions and millions of gallons!) from the mine will effect local and non local potable water sources. How ever can we justify such a rape of the earth in the name of gold? Greed and money are never ever a fair tradeoff for our natural resources. Additionally, Ben Mossman cannot be trusted due to his horrifying record of leading the abuse of the Canadian mining site he was recently in charge of. This Mine must

absolutely not be approved and I'm trusting you to know this without this, my third letter to you. I am really concerned.

Sincerely,

Heidi Belforte Breuer
heidipi85@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: janet.cinque5@gmail.com
Subject: Letter From Janet Cinquegrana - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janet Cinquegrana at janet.cinque5@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janet Cinquegrana. I live at 140 Buckingham Ct, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a home owner in District 3 in Grass Valley. My husband and I moved to Grass Valley 7 years ago because of its natural beauty. I am so afraid that beauty and natural environment would be ruined if a gold mine should be permitted to reopen here. Do not approve the EIR or the reopening of the Idaho Maryland mine. Please don't destroy this community and its environment.

Sincerely,

Janet Cinquegrana
janet.cinque5@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jerrad.minnor@gmail.com
Subject: Letter From Jerrad Minnor - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:08 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jerrad Minnor at jerrad.minnor@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jerrad Minnor. I live at 389 Doris Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Jerrad Minnor
jerrad.minnor@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jessicabeilstein@yahoo.com
Subject: Letter From Jessica Beilstein - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:06 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jessica Beilstein at jessicabeilstein@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jessica Beilstein. I live at 389 Doris Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have owned a home in downtown Grass Valley for 8 years and live there with my husband and children. I was born and raised in Penn Valley and have lived in Nevada County for most of my life.

Please do NOT certify the EIR. Please do NOT re-open the mine. I have concerns about traffic, noise and pollution affecting my family.

Sincerely,

Jessica Beilstein
jessicabeilstein@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jmulchinator@gmail.com
Subject: Letter From Julie Herrlinger - Just Say No to the Mine
Date: Thursday, May 4, 2023 1:52:56 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Julie Herrlinger at jmulchinator@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Julie Herrlinger. I live at 12345 Pioneer Rd, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please, please, please stop this Mine idea right now. It would be regrettable in so many ways, and mining gold is totally unnecessary. We moved to Nevada County for the quiet nature, not for noisy, polluting mining activities

Sincerely,

Julie Herrlinger
jmulchinator@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: justin.of.purtill@gmail.com
Subject: Letter From Justin Purtill - Just Say No to the Mine
Date: Thursday, May 4, 2023 1:52:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Justin Purtill at justin.of.purtill@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Justin Purtill. I live at 415 Marshall St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello. My wife and I have lived in Grass Valley for 10 years. We are both strongly opposed to the opening of any mines, as we believe the potential for environmental problems greatly outweigh the short term monetary benefits. We also both believe that Rise Gold is nowhere near up to the task, considering their history of corruption/failure/etc.

Sincerely,

Justin Purtill
justin.of.purtill@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kenbradfordphd@yahoo.com
Subject: Letter From Ken Bradford - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ken Bradford at kenbradfordphd@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ken Bradford. I live at 17601 Shoshoni Trail Ct, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

End this misguided proposal and similar future proposals now. Reject the flawed EIR!

Sincerely,

Ken Bradford
kenbradfordphd@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lindasutter@yahoo.com
Subject: Letter From Linda Sutter - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:31 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Linda Sutter at lindasutter@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Linda Sutter. I live at 318 Drummond St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The arguments for not certifying the EIR are overwhelming. The EIR is legally deficient. It fails to adequately disclose and evaluate the mine proposal’s significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine.

Thank you for your time and consideration concerning such a vital matter.

Warmly,

Sincerely,

Linda Sutter

lindasutter@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: poet.roseate@gmail.com
Subject: Letter From Loraine Webb - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Loraine Webb at poet.roseate@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Loraine Webb. I live at 11110 White Oak Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a long-time District 1 resident, I urge a strong denial of the specious Rise Gold mine project, as well as the faulty EIR that our current Planning Commission has erroneously approved. The EIR is indefensible legally, economically, environmentally, and morally... and, if approved, the County will be pressed to allocate monies to defend the faulty EIR against ongoing and expensive legal challenges, at the very least. A vast majority of caring citizens are united, and will not let this stand.

Sincerely,

Loraine Webb
poet.roseate@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lynnely11@yahoo.com
Subject: Letter From Lynn Ely - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lynn Ely at lynnely11@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lynn Ely. I live at 140 Sierra Blanca Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a concerned citizen, RN and Public Health Nurse for 40 years and property owner in Nevada County (3 homes) for the past 34 years, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As an RN and Public Health Nurse of 40 years, I urge you not to put our community's health at risk for the benefit of a company with a poor track record for caring. Our future health and well being in this community are in your hands. Please make the right decision.

Sincerely,

Lynn Ely
lynnely11@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lvender@digitalpath.net
Subject: Letter From lynn vender - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of lynn vender at lvender@digitalpath.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is lynn vender. I live at 14912 Craig Ln, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

lynn vender
lvender@digitalpath.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: macarena.cortina@gmail.com
Subject: Letter From Macarena Cortina Petrasic - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:48 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Macarena Cortina Petrasic at

macarena.cortina@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Macarena Cortina Petrasic. I live at 705 Morgan Ranch Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Morgan Ranch neighborhood in Grass Valley, part of District 3. Since moving here in 2013, I have been continuously in awe of the natural beauty and the community's commitment to maintaining the land's pristine state. It would simply be heartbreaking to let the Idaho-Maryland Mine ruin such a unique gem of a place. I urge you to please side with environmental well-being and say no to the mine.

Sincerely,

Macarena Cortina Petrasic
macarena.cortina@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: mandmcruising@hotmail.com
Subject: Letter From Madeleine Dowd - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:33 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Madeleine Dowd at mandmcruising@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Madeleine Dowd. I live at 14023 Live Oak Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I reside in District 3, in the Live Oak Estates area. Several of our neighbors rely on their wells for water. Their homes are over the outstretched area of the mine. We live next to Hwy 174. I am appalled that the county is even considering this mine, given the immense amount of truck traffic, noise, pollution, and polluted water that will be pumped out of the mine. Highway 174's traffic has grown over the years and is almost unsustainable now.

We know Rise's history of pillaging and leaving the area an environmental nightmare for the residents to clean up. How can we think that they are a changed group? The jobs are not a for-sure thing for our residents. Let's invite clean manufacturing and technology businesses here. Let's create a business climate that makes us desirable, builds a tax base, and doesn't pollute and ruin our quality of lives.

Please do the right thing. The mine simply cannot be allowed.

Sincerely,

Madeleine Dowd
mandmcruising@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: marienmail@gmail.com
Subject: Letter From Maria Nelson - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:17 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maria Nelson at marienmail@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maria Nelson. I live at 13306 Country Heights Dr., Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Wildwood Heights across from Lake Wildwood in District 4 since 2006 and I am alarmed about the possibility of reopening the Idaho-Maryland mine. I am particularly concerned about the past business practices of the CEO of Rise Gold, Ben Mossman. His prior company polluted tribal waters, went bankrupt and Canadians were left with the bill. In 2020 he was on trial in Canada on federal and provincial charges related to spills at the mine. This indicates a disregard for regulations and poor management practices.

People have not moved and will not continue to move here to live with the uncertainty and risk of a business and CEO so out of step with the General Plan and policies.

I strongly urge the decision makers to deny the mine project and to say NO to certifying the EIR.

Sincerely,

Maria Nelson
marienmail@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: njgroff@sbcglobal.net
Subject: Letter From Nancy Groff - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Groff at njgroff@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Groff. I live at 13017 Somerset Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Nancy Groff
njgroff@sbcglobal.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: nherrick@mac.com
Subject: Letter From Nancy Herrick - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Herrick at nherrick@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Herrick. I live at 13438 Cement Hill Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We don’t want mine under any circumstances. We want to just say no to you, and to stop this whole process we will not tolerate the pollution and the invasion of our beautiful city.

Sincerely,

Nancy Herrick
nherrick@mac.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: hty4445@gmail.com
Subject: Letter From Oscar Barba - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Oscar Barba at hty4445@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Oscar Barba. I live at 17790 Jones Ridge Ridge Rd, Grass VAlley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been a resident of Nevada County since 1973. I've witnessed the development and growth
within our beautiful and unique county. Some development and growth was ill conceived, most has been
well thought out and the desires of residents considered and balanced with business and economic goals.
This mine project is not good for the county, detrimental to the environment, and poses undue factors that affect our quality of life. Please say NO to the EIR and to the re-opening of the mine.

Sincerely,

Oscar Barba
hty4445@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: pamwhitman@yahoo.com
Subject: Letter From Pamela Whitman - Just Say No to the Mine
Date: Thursday, May 4, 2023 1:52:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Pamela Whitman at pamwhitman@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Pamela Whitman. I live at 14311 Cahill Ln, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Nevada County for 25 years and strongly urge you to reject both the Rise Gold Mine proposal and the FEIR.

Our county is at risk. A Canadian-based company wants to reopen a gold mine under Grass Valley’s feet, changing the character of the community we love and impacting our air, water, and quality of life.

The mine has significant and unavoidable environmental impacts that are inconsistent with the County’s General Plan and endanger this community's health and quality of life – including aesthetics, traffic, and noise. There are also serious deficiencies in the Final EIR that put the County and its citizens at further risk, including air and water.

Community experts recently reviewed the report and found that even the low-end economic numbers were overly optimistic, that real estate estimates were a big miss, and that the possible economic benefits to the community would be overshadowed by a lot of downside risk.

Gold mining is a serious threat to wells and area groundwater. Water is a precious resource—more precious than gold for those of us who live here—all the more so because of continuing concerns about drought.

Nevada County already gets an F rating when it comes to air quality and has 2 times the average in lung disease. Reopening the mine will make it worse.¬

Nearby residents will see reduced quality of life and lower property values. One can reasonably assume that the presence of the mine would lower property values throughout the surrounding area, as it would affect the whole quality of our environment and community.

A yes vote for the mine is a no vote for climate change. This is not the time to be bargaining away our future.

Mining is a toxic business that requires compliance monitoring we're not set up to handle.

The company that wants to open the mine has shown it can't be trusted.

Even people who generally support mining are against this project. The project is too close to an established community which creates a much higher level of risk if bad things happen. Gold is not a high priority mineral to support the growth of green technology or medical science.

Please stand up for Nevada County, all of us whom you represent—and those not even born yet who will be subject to the results of your decision for the next 80 years —and say no to this project. Mining is our past, not our future.

Sincerely,

Pamela Whitman

pamwhitman@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ttoillep@earthlink.net
Subject: Letter From Randi Pratini - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:45 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Randi Pratini at ttoillep@earthlink.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Randi Pratini. I live at 10222 Elliott Way, 10222, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

This is either my 3rd or 4th letter to let you, the Nevada County Supervisors and Planning Commissioners, that as a tax paying, Nevada County resident since 1995, I DO NOT want you to pass this mine project,

There is no way to account for pending damages to our already taxed water supply, to all of nature, to the air, to the roads and to all residents of the county (as well as other counties that heavily loaded trucks and increased traffic will pass through).

There are many other reasons not to let this mine happen; such as, Rise's questionable reputation accrued via other projects.

Then the matter of the EIR. DO NOT approve the EIR. Even if this project is denied,

certifying the EIR would only lend credence to a document that fails to adequately disclose and evaluate significant environmental impacts and violates numerous requirements of state law. Worse still, the certified EIR could be relied on in the future to fast-track the approval of another mining proposal!

Sincerely,

Randi Pratini
ttoillep@earthlink.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rmgroffdvm@gmail.com
Subject: Letter From Rick Groff - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Rick Groff at rmgroffdvm@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Rick Groff. I live at 13017 Somerset Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Rick Groff
rmgroffdvm@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: slsaccheri@gmail.com
Subject: Letter From Sandra Saccheri - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sandra Saccheri at slsaccheri@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sandra Saccheri. I live at 19585 Casa Loma Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Sandra Saccheri
slsaccheri@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: shannon.ross22@gmail.com
Subject: Letter From Shannon Ross Winters - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Shannon Ross Winters at

shannon.ross22@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Shannon Ross Winters. I live at 12202 Nuthatch Ct., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The County has no obligation to approve the Mine.
The many environmental impacts associated with the mine, as well as its inconsistency with Grass Valley’s and the County’s land use plans provide ample justification for denying the mine project. The Final EIR (FEIR) also has serious deficiencies and should not be certified. It fails to substantiate several claims that impacts would not be “significant” and does not comply with CEQA (California Environmental Quality Act).
THESE PEOPLE FROM CANADA (WHO HAVE ALREADY DESTROYED THE ENVIRONMENT AND ARE INVOLVED IN LAWSUITS SHOULD NOT BE ALLOWED TO DESTROY OUR WELLS AND COUNTY!!! PLEASE DENY THIS HORRIFIC PROJECT. I

have asthma and would have to move. This is a beautiful area that would do well with tourist income and keep our environment beautiful and clean.

Sincerely,

Shannon Ross Winters
shannon.ross22@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: unakobrin@gmail.com
Subject: Letter From Una Kobrin - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Una Kobrin at unakobrin@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Una Kobrin. I live at 12920 Slate Creek R, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

What is needed is more restoration from the mining damage, not another episode.

Sincerely,

Una Kobrin
unakobrin@gmail.com

From: Shirley Freriks
To: Idaho MMEIR
Subject: Mine public comment for May 10 -
Date: Wednesday, May 3, 2023 4:20:01 PM

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To Planners and Supervisors -

Please think back to the impact of the Gold Rush on the environment in Nevada County. Let's be better Ancestors now to protect our land, rivers, and forests for future inhabitants - maybe your grandchildren!! And their offspring.

Back then, the land was ravaged, streams polluted and the Yuba River silted which affected not only the farmlands in the valley but waterways all the way to the Bay. Been out to Malakoff Diggins? Looks a bit like my idea of Mars.

Our forests were also ravaged. We are lucky there were some trees left to grow up.

Who made money back then? The workers? Maybe a few. And how many workers suffered in the noxious air and conditions? And died?

Is creating these dangers the legacy you, as County officials responsible for the well-being of our community and its people, want to leave?

Please be good ancestors NOW to consider the long term effects of a potential new mine on our now much more populous cities and county.

Think about it. Look at the long term reality and ramifications. Are the unknowns really worth the chance to ruin a good thing ? For all of us?

Thank you for choosing to say NO to this Mine proposal. Leave a positive legacy.

Shirley Freriks
Elders Climate Action
May peace prevail in you, and on our precious earth...
An iPhone message.

From: Gwen Eymann
To: Idaho MMEIR
Subject: Please Do Not Certify the EIR
Date: Wednesday, May 3, 2023 3:20:51 PM

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Dear Members of the Planning Commission,

Please, do not certify the flawed EIR. This report does not answer the bigger questions that I have about the mine in my hometown: The idea that the oversight for the mine is in the hands of the mining company itself is laughable. It is the proverbial fox guarding the hen house; The added noise and traffic that this project will create in our community will negatively affect our quality of life, adding truck traffic to an already hazardous Hwy 49 and Hwy 174; The soiled reputation of Mr Mossman with his past history in BC and the legal charges he is facing, makes him a disreputable person to be in charge of this operation in our town; The impact on Wolf Creek is staggering, it is naive to think that adding the expected large amount of water flow will not negatively impact a very fragile ecosystem; And there is are so many other concerns.

I am not a scientist, but I have been reading and studying this issue over these past many months. I have lived and worked in Grass Valley for 33 years, and I love this community. I have seen many changes, but this is one that I do not want to see happen. I believe that the negative impacts far outweigh the benefits. Please do not certify this flawed EIR and open the door to a future possibility for this mining operation to ever occur in our downtown.

Respectfully,
Gwen Eymann and Walter Holtan
512 Butler St.
Grass Valley, CA

From:	Sherri Oakley
To:	Idaho MMEIR
Cc:	info@risegrassvalley.com
Subject:	Rise Grass Valley - YES
Date:	Wednesday, May 3, 2023 10:31:09 AM
Attachments:	4.30.23 Other Voices.pdf

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To Whom It May Concern:

I am attaching a recent submission by Ms. Pat Nelson to the Union, which states her argument FOR the mine. She is articulate and extremely knowledgeable about the history of this project and has such a background in mining engineering to understand the technology behind the project's improved environmental standards. This is NOT the razed earth mining of the past. Unfortunately, I feel that local environmental groups have a knee-jerk reaction to the Rise Grass Valley mine proposal, without consideration of the abundant upside of the project. My husband and I both support the re-opening of the Idaho-Maryland mine as envisioned by Rise Grass Valley. We also appreciate the historic significance of mining in Nevada County and applaud its resurrection, given the the project's vastly improved environmental upgrades.

Sincerely,

Sherri and Brent Oakley
18211 Indian Springs Rd
Penn Valley, CA 95946

Sent from my iPad

To: The Union - Other Voices
Date: April 30, 2023

Rise to the Occasion

We are fortunate that during the unstable economic period that a viable project to reopen the Idaho-Maryland Mine has been proposed by Rise Gold. The project will diversify and reinvigorate our local economy that has become stagnant as a result of COVID-19, reliance on an unreliable economic engine, tourism, that is dependent on availability and abundance of disposable income for travel.

For those that are unaware, the project has been studied three times in the last 30 years, by Emperor Gold (1993), Emgold (2005-2009), and Rise Gold (2022-2023). The Idaho-Maryland Mine, its history, potential impacts, and mitigation measures to reduce potential impacts to less than significant impacts are well known. Also well know are the tactics of Not in My Back Yard (NIMBY) groups that now are affiliated with Community Environmental Advocates (CEA), one of which is the former Citizens Looking at Impacts of Mining (CLAIM-GV) for whom a co-founder was Ms. Heidi Hall, a County Supervisor. Ms. Hall went on record during the Emgold DEIR public meeting as being against the proposed re-opening of the Idaho-Maryland Mine Project.

There are two other well-known NIMBY groups that have openly opposed the project, South Yuba River Citizens League (SYRCL) and the Sierra Fund formerly led, respectively, by Caleb Dardick, currently the County Interim CEO, and Elizabeth Martin. Is there any question as to why The Union has had and published so many letters and articles opposing the proposed project!

It is curious that individuals and representatives of organizations that opposed the Emgold 2005-2009 project to have become embedded with local government agencies. Could that be the reason the County staff report has proposed two paths for the Planning Commission to consider on May 10, 2023, one denying the project and the other approving it?

In accordance with the 1975 California Surface Mining and Reclamation Act (SMARA) that Significant Mineral Deposits (i.e., those associated with the project) the County has the obligation to comply General Plan Goal 17.1 which states: "Recognize and protect valuable mineral resources for current and future generations in a manner that does not create land use conflicts."

Could it be that the County recognizes that since it has allowed land use - residential developments adjacent to the Brunswick project sites that have

created land use conflicts associated with the reopening of the Idaho-Maryland mine?

The County Plan Objective 17.1 states: **"**Protect valuable mineral deposits from intrusion by incompatible land uses that will impede or preclude mineral extraction or processing. Promote the proper management of all mineral resource activities in the County and minimize the impact of extraction and processing on neighboring activities and the environment in general."

Could it be that the City of Grass Valley recognizes that it has allowed residential and mixed-use developments proximate to the historic Idaho- Maryland mine (i.e., the Loma Rica and Whispering Pines business park) that have created land use conflicts associated with reopening the Idaho-Maryland mine?

The City of Grass Valley Mineral Management Element (ratified by the State Mining and Geology Board states its goals are to:

"1. To protect where feasible valuable mineral deposits from intrusion by incompatible land uses that will impede or preclude mineral extraction or processing.
2. To promote the proper management of all mineral resource activities in the city and to minimize the impact of extrac-tion and processing on neighboring activities and the environ-ment.
3. To work cooperatively with Nevada County and other agencies to coordinate mining and reclamation activities that affect or impact the city within and near the city planning area."

To facilitate the implementation of the goals cited above, the City establishes a Mining and Reclamation Combining Zone (MRCZ) that allows for mineral development for the project's Brunswick and Idaho Maryland sites. It is curious that the City has documented opposition to the project.

It is important to acknowledge that reviving and stabilizing the County's economy will be linked to reestablishing the mining industry with the reopening of the Idaho-Maryland Mine. Recognizing the project is consistent with the County and City General Plan policies and that the potential significant impacts (i.e., construction noise, traffic, aesthetics) are mitigable, the time is right to rise to the occasion and say "Yes – Mine."

From: Ellen Fietz Hall
To: bdofsupervisors; Planning; Idaho MMEIR
Subject: Say no to the mine
Date: Wednesday, May 3, 2023 8:19:24 PM

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Dear Nevada County Supervisors and Planning Commissioners,

I have already written about my opposition to the re-opening of the Idaho-Maryland Mine. You already have a long list of reasons to not allow this project to proceed. Please take them to heart.

At the same time, please do NOT certify the final EIR. I am concerned about the environmental effects that are not sufficiently considered or mitigated.

Yes, there would be benefits for some from the mine, but there are too many liabilities for too many of county residents.

Thank you for being wise decision makers on behalf of our earth, air, water, and living creatures.

Ellen Fietz Hall
404 Redbud Way, Nevada City CA 95959
mobile 530 277 2679
elfiha@live.com

> For those who have the consciousness of reality, gold stands for light or spiritual inspiration. Gold represents the color of light, and therefore an unconscious pursuit after light has made man seek for gold.
>
> But there is a great difference between real gold and false. It is the longing for true gold that makes man collect the imitation gold, ignorant that the real gold is within. He satisfies the craving of his soul in this way, as a child satisfies itself by playing with dolls. . . .. One man may have reached an advanced age and still be playing with dolls. . .

From *The Alchemy of Happiness* by Inayat Khan

Ellen Fietz Hall
404 Redbud Way, Nevada City CA 95959
mobile 530 277 2679
elfiha@live.com

From: Kathy Ogburn
To: Idaho MMEIR
Subject: Comment on the FEIR for 5-10-23 Public Hearing
Date: Thursday, May 4, 2023 3:09:02 PM
Attachments: Comment letter to PC BOS 5-4-23.docx

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Dear Matt Kelley,
My comment is here in the body of the email and also attached as a Word document. Thank you.

Dear Planning Commissioners and Board of Supervisors,

I am a 17 year resident of Grass Valley and in the interest of protecting the air we breathe, water we drink, our economy, small town culture and values, physical and mental health, socio-economic health, and overall safety and livability, do the right thing. That is, deny the IMM project and do not certify the FEIR.
Brilliant minded, informed, community invested constituents with keen foresight have provided solid evidence that the FEIR is seriously flawed and the IMM project clearly violates Nevada County's General Plan. You have all the research, comments, and supporting evidence of these brilliant minded, community caring folks who care for the right reasons. I respectfully ask you to review this evidence and exercise your due diligence and consideration.
Again, please deny the IMM project and do not certify the FEIR.
In appreciation of your service,
Kathy Ogburn
300 Vistamont Drive
Grass Valley
95945

Dear Planning Commissioners and Board of Supervisors,

I am a 17 year resident of Grass Valley and in the interest of protecting the air we breathe, water we drink, our economy, small town culture and values, physical and mental health, socio-economic health, and overall safety and livability, do the right thing. That is, deny the IMM project and do not certify the FEIR.

Brilliant minded, informed, community invested constituents with keen foresight have provided solid evidence that the FEIR is seriously flawed and the IMM project clearly violates Nevada County's General Plan. You have all the research, comments, and supporting evidence of these brilliant minded, community caring folks who care for the right reasons. I respectfully ask you to review this evidence and exercise your due diligence and consideration.

Again, please deny the IMM project and do not certify the FEIR.

In appreciation of your service,
Kathy Ogburn
300 Vistamont Drive
Grass Valley
95945

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: erinbrutlag@gmail.com
Subject: Letter From Erin Brutlag - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Erin Brutlag at erinbrutlag@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Erin Brutlag. I live at 15379 Banner Lava Cap Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Erin Brutlag
erinbrutlag@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kate@bylt.org
Subject: Letter From Kate Gazzo - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:29 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kate Gazzo at kate@bylt.org

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kate Gazzo. I live at 12183 Auburn Road, Grass Valley, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Kate Gazzo
kate@bylt.org

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: marylvogt@yahoo.com
Subject: Letter From Mary Vogt - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:28 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mary Vogt at marylvogt@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mary Vogt. I live at 250 Washington St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I believe that water is 'gold' and this mine will waste and contaminate the little we already have to manage better. Opening of the mine will be a death sentence for many living things initially and likely the town of Grass Valley.

Sincerely,

Mary Vogt
marylvogt@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Tamaurajean@gmail.com
Subject: Letter From Tamara Luckinbill - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tamara Luckinbill at Tamaurajean@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tamara Luckinbill. I live at 10788 Bartlett Drv, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am saddened that such a devastating project is still being considered in our community which assuredly endangers pur quality of lives through loss of watershed health, noise levels, and even traffic increase at no benefit to the local population or economy. Please deny this notion and shut it all down. Thank you for your sound reasoning and non selfish gains.

Sincerely,

Tamara Luckinbill
Tamaurajean@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ayla_tara@yahoo.com
Subject: Letter From Ayla Rose - Just Say No to the Mine
Date: Thursday, May 4, 2023 7:34:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ayla Rose at ayla_tara@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ayla Rose. I live at 11079 Beckville rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Ayla Rose
ayla_tara@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rkatz@fesflowers.com
Subject: Letter From Richard Katz - Just Say No to the Mine
Date: Thursday, May 4, 2023 7:34:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Richard Katz at rkatz@fesflowers.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Richard Katz. I live at 13094 Daisy Blue Mine Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live on land in the Cement Hill area that is still healing from the impacts of 19th century mining. The EIR is short-sighted and deserves to be rejected, as well as this project. We need to think seven generations ahead. Will our descendants have to live with the destruction caused by a wrong decision motivated by greed for short-term gain? And based on the criminal activities of the management of Rise Gold in Canada, can we trust anything they say? (NO!)

Sincerely,

Richard Katz
rkatz@fesflowers.com

From: Aaron Thompson
To: Idaho MMEIR
Subject: Mine
Date: Friday, May 5, 2023 6:25:48 AM

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I do not support the opening of the mine, I believe it will bring many more problems into our community than benefits. The known and unknown risks are too great. Please preserve our community.

Sent from my iPhone

From: Richard Celio
To: bdofsupervisors
Cc: Idaho MMEIR; Letters The Union
Subject: Why RISE GOLD reopening the mine should be a none-starter
Date: Friday, May 5, 2023 12:36:46 PM

Dist 3

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Dear Supervisors,

Most of the discussion about Rise Gold and the reopening surrounds environmental impact or economic benefit, i.e., will it help the economy, bring jobs, etc.. I need to point out that there is perhaps an equally important reason to stop this mad short term money grab by a few.

Some background… I am a recently retired professional electrical engineer. After college I worked with a major utility, an instrumentation company, a large multinational consulting engineering firm and then, in 1994, I started my own company and built it into a leading system integration firm. Before starting my own company I worked in significant positions at a range of corporations and gained extremely valuable, in fact, completely necessary experience. I established a great reputation within the community of companies in our industry. In other words, I built a strong resume. Without that resume and experience I would never have been able to get contracts with Santa Clara County, Alameda County, The State of California, Federal Contracts, many fortune 100 companies, etc, etc, etc… In fact, in some cases if I could not demonstrate that a contract would not constitute more than 10% of my business revenue, I would NOT get the contract. They cared, and rightly so, about hiring a business without the resources to absorb some bumps in the road. I believe this was a sound practice because I've witnessed well meaning companies and their employees get hammered (kicked off projects, sued, bankruptcy) due to a single mistake on a large project. I believe you, as our elected reps and stewards of our great county, should care at least as much.

My point and I don't want this to be personal but unfortunately, we have no choice. This is not Rio Tinto, Newmont or Barrick (huge mining corps).. There is one person running the show. Rise's web page has a listing of management who appear to be elsewhere doing other things which makes sense when this not ever going to be a full time gig for them. They are there for window dressing, a common theme in stock speculation. Why are we, for such a high risk project, even considering a company that has NO resume of successful projects. Your own purchasing department would not hire them to wash windows without demonstrating some experience. You would never allow a major construction project to be engineered by unlicensed persons or constructed by a company having only one failed project to their name. Yes, I know you aren't contracting with Rise Gold but you CANNOT close your eyes to the facts. If you compare just about any successful business persons LinkedIn page to Rise Gold's CEO, you'd understand what I'm saying. ZERO - He lists Rise Gold and a university with no endorsements or previous experience (and apparently we know why)… When you invest in a company you are investing in people (or a person). Unfortunately, it appears Rise Gold's investors have not done their homework (or perhaps they are looking for losses to

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: JoyceStudioJ@gmail.com
Subject: Letter From Joyce Scott - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Joyce Scott at JoyceStudioJ@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Joyce Scott. I live at 209 Maiden Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

JUST SAY NO.

Sincerely,

Joyce Scott
JoyceStudioJ@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ndsmith_adventures@yahoo.com
Subject: Letter From Dee Smith - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dee Smith at ndsmith_adventures@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dee Smith. I live at 582 Morgan Ranch Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3 and have lived in Nevada County since 1971. I moved here to raise my family in a safe environment with fresh air and great tasting water. There were other factors as well. The beauty, charm and people.
Operating a gold mine in a residential area practically in town will distroy the beauty, air, water and it's supply as well as noise and create traffic congestion.
Nevada County has everything to lose and nothing to gain from allowing the mine to open. I could go on, but I am sure you already know the irreversible damage it will bring. You were elected to take care of our county for us, not a mining company! I beg you to vote NO!

Sincerely,

Dee Smith
ndsmith_adventures@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: klingman.m@gmail.com
Subject: Letter From Maryann Klingman - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maryann Klingman at klingman.m@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maryann Klingman. I live at 510 Lost Hill Ct, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Maryann Klingman
klingman.m@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: judi@fastandfit.net
Subject: Letter From Judith Bannister - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Judith Bannister at judi@fastandfit.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Judith Bannister. I live at 519 Jordan St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1, Nevada City. I am opposed to the opening of the mine as it will distrupt the tranquility an uniqueness of our town.

Sincerely,

Judith Bannister
judi@fastandfit.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tinadecoy@yahoo.com
Subject: Letter From Tina McCoy - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:08 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tina McCoy at tinadecoy@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tina McCoy. I live at 11037 Ball Road, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Tina McCoy
tinadecoy@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: finnsfins@gmail.com
Subject: Letter From Theresa Finn - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Theresa Finn at finnsfins@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Theresa Finn. I live at 620 Kate Hayes St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3 next to several mines. I’m writing because suddenly I’m being inundated with advertisements for the Idaho-Maryland Mine. Expensive. Glossy. Tempting.

You are being asked by a corporation, that like so many other corporations, doesn’t care about the impact its operations will have upon a community. This one is offering high wages. But, how many locals will benefit and at what cost to our community? Actually, most of the money will not come to our county, but go into the pockets of CEOs and shareholders.

I think it’s time that we NOT be tempted by money, but plan for the future, the health of the environment and the overall welfare of our communities. We need to ask

ourselves, will the arrival of this corporation lower housing costs? Will it ultimately degrade the local eco systems? Will it cause more pollution? Will it bring even more people and exasperate the already out of control housing costs and shortage? Just remember, the corporation DOES NOT care about our county, it only cares about its self and it's stock holders!

Please vote NO and plan for the health of our county. Let's plan for the future of the health of our land, not line the pockets of a few.

Sincerely,
Theresa Finn

Sincerely,

Theresa Finn
finnsfins@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: debarmanino@aol.com
Subject: Letter From Deb Armanino - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Deb Armanino at debarmanino@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Deb Armanino. I live at 19652 Valkenburg Ln, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Deb Armanino
debarmanino@aol.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: barbaraschakel@gmail.com
Subject: Letter From Barbara Schakel - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:15 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Barbara Schakel at barbaraschakel@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Barbara Schakel. I live at 15011 Little Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live just a few miles from the planned for mine site in District 3. My family and I have been here for a year and a half. Since we first arrived, we have been following the information regarding the mine and its projected affect on our area. We are NOT in favor of this mine and fear it would have nothing but negative impact on our property. The impact of its opening will affect all of us in so many ways, both personally and community wide. There must be another solution than one that will change our lives negatively for the future.Ba

Sincerely,

Barbara Schakel

barbaraschakel@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: annika5270@gmail.com
Subject: Letter From annika hayes - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:18 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of annika hayes at annika5270@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is annika hayes. I live at 464 Searls Ave, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

annika hayes
annika5270@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stuartsayer54@gmail.com
Subject: Letter From stuart sayer - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:19 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of stuart sayer at stuartsayer54@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is stuart sayer. I live at 464 Searls AVE, NEVADA CITY, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

stuart sayer
stuartsayer54@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: awilmot2529@gmail.com
Subject: Letter From Amy Wilmot - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:22 PM

DIst 4

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Amy Wilmot at awilmot2529@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Amy Wilmot. I live at Po Box 485, NORTH SAN JUAN, CA 95960.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Nevada City at 11711 Bystander Road. I’m opposed to the reopening of this mine. Our environment cannot risk the harms which this mine will cause. This area has still not cleaned up all the harm past mining has caused here. Let’s learn from the past. Please vote no on this mine application. I may live in district 4.

Sincerely,

Amy Wilmot
awilmot2529@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: m99collins@gmail.com
Subject: Letter From Maureen Collins - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maureen Collins at m99collins@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maureen Collins. I live at 19470 Broken Oak Ct, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been a self-employed home owner in Penn Valley (District 4) since 2016. Beyond that, I've been more loosely affiliated with Nevada County for my entire life.
The proposed mine strikes deep fear in my heart. If you allow the mine to go forward, the damage that will be done will be impossible reverse.
The tantalizing prospect of jobs and increased revenues will most likely never materialize. One only has to look at the track record of the company behind this proposal to see what is in store for Nevada County if this is allowed to go forward.
Please, please, PLEASE, just say NO.
Thank you.

Sincerely,

Maureen Collins
m99collins@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: soraoneiga@gmail.com
Subject: Letter From sora oneiga - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:27 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of sora oneiga at soraoneiga@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is sora oneiga. I live at 13044 drummer way, grass valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I absolutely say NO to the mine. This is a ridiculous exploitation of the town and county resources. There is a huge amount of historical evidence to show that mine companies-especially Canadian owned- leave devastation, abuse resources and landscapes, drain aquifers, leave poison, disturb neighborhoods with noise and heavy machinery and vehicles, abusing the precious land. There are so many jobs available in town and many businesses are closing at this time as they cannot get workers. we do not need this. There are scams all over facebook from this company, faking names to promote their pursuit. NOT one single person I hear of wants the mine. EVERYONE is against it and wants to protect out precious town from being exploited. Looking at history it is really really time we learn from our mistakes of exploiting the precious land and being greedy. Money will not buy us fresh air and water. NO TO THE MINE 1000%. Please listen to your people.

Sincerely,

sora oneiga
soraoneiga@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: joshuapipic@gmail.com
Subject: Letter From joshua pipic - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:29 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of joshua pipic at joshuapipic@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is joshua pipic. I live at 13044 drummer way, grass valley, ca 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

NOOOOO to the mine

Sincerely,

joshua pipic
joshuapipic@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: thebigljw@yahoo.com
Subject: Letter From Lydia Wrench - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:31 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lydia Wrench at thebigljw@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lydia Wrench. I live at 11794 Hanley Drive, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Lydia Wrench
thebigljw@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: gailbegany@yahoo.com
Subject: Letter From Gail Begany - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gail Begany at gailbegany@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Gail Begany. I live at 210 Sutton Way apt 207, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live on Sutton Way in district 3. I’ve been a resident since 1976 with lots of family in the area. I don’t know anyone that wants this mine. And many people plan to move if the mine comes in.

Sincerely,

Gail Begany
gailbegany@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Mrs.shall29@gmail.com
Subject: Letter From Suzanne Hall - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Suzanne Hall at Mrs.shall29@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Suzanne Hall. I live at 15169 Lewis Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 and have lived here since 2009. My husband and his family have grown roots here since 1978 and have seen many changes since then. While change is somewhat inevitable we never imagined that this town would even consider regressing. We have enough dangers facing our children and our community without adding toxins to our water and air. Not to mention the fact that humans are not the only ones who will be affected by this proposed project. Animals and ecosystems will no doubt be poisoned, lose drinking water and freedom of movement. Dr. Kane reported that his grandchildren will be breathing poorer air quality for decades to come if this passes. Please don't pass this mine!

Sincerely,

Suzanne Hall
Mrs.shall29@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stephy90561@hotmail.com
Subject: Letter From Stephanie Harper - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:37 PM

Not a County resident

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stephanie Harper at stephy90561@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stephanie Harper. I live at 3460 Cold Springs Rd, Huntingdon, PA 16652.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Stephanie Harper
stephy90561@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jamielegon@gmail.com
Subject: Letter From Jamie Legon - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jamie Legon at jamielegon@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jamie Legon. I live at 10568 N. Ponderosa Way, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

This is a horrible idea that disregards any semblance of understanding the public interest. Just the amount of water ALONE makes this insane. Not to mention that the overall environmental impact would be gigantic, affecting thousands of people and families and make minuscule the few hundred jobs that the mine would provide. Thumbs down!!!

Sincerely,

Jamie Legon
jamielegon@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: caulen.lauria@gmail.com
Subject: Letter From Caulen Lauria - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:44 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Caulen Lauria at caulen.lauria@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Caulen Lauria. I live at 13784 Greenhorn Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The arguments for Not certifying the EIR are overwhelming.Please stop this madness now. This county will suffer losses never before seen. Home values diminished drastically. Wells run dry or contaminated. Air contaminated. Health degraded. Businesses gone. Can you think of anyone that wants to live in a mining town? Tourism gone. Citizens moving out. County tax revenue gone. Jobs for the mine will Not be filled by locals. The single most destructive industry that would bring this county to it's knees. Do Not allow rezoning to heavy industrial wasteland. Do Not certify the EIR. It will only leave this process open for other companies to do the same thing, again and again. The people are suffering Now, from this attack. Impacts are already affecting your constituents!

Sincerely,

Caulen Lauria
caulen.lauria@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: restlina@gmail.com
Subject: Letter From Lina Restrepo - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:44 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lina Restrepo at restlina@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lina Restrepo. I live at 12191 Boreham Mine Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live in Grass Valley off Brunswick near Horseman’s club -district 3. We are in HUGE opposition to this Mine mainly because it will take away the from the natural beauty of this county. We grew up here and came back two years again because we wanted to be back in this beautiful community surrounded by water, mountains, trees and green air. This mine would take that all away and also devalue the property value of all our homes. I’m addition the amount of tragic that will increase on Brunswick all day along with the noise will destroy the joy of living in a mountain town. NO to the MINE!!!

Sincerely,

Lina Restrepo
restlina@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: maori2@sbcglobal.net
Subject: Letter From Andrea Tiernam - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:47 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Andrea Tiernam at maori2@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Andrea Tiernam. I live at 14500 Dalmatian dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Andrea Tiernan 14500 Dalmatian Dr. 80 years of trucks and pollution think about it. Do you want this for your children and grand children? Investment in a foreign company with a lawsuit pending is just plain Nuts. Are you nuts! I hope not. Vote no you all know this is wrong.

Sincerely,

Andrea Tiernam
maori2@sbcglobal.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: nlmartella@gmail.com
Subject: Letter From Nancy Martella - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:49 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Martella at nlmartella@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Martella. I live at 16225 Orchard Springs Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a 15 year resident of Chicago Park, district 1.
There has to be better development options available that are more suitable to Nevada County.
Has a cogeneration plant even been considered?

Sincerely,

Nancy Martella
nlmartella@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sethrobot@gmail.com
Subject: Letter From Seth Harris - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:52 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Seth Harris at sethrobot@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Seth Harris. I live at 12742 Red Dog Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We are in the Deer Creek Park neighborhood and value our quality of of Nevada City and our family and children value clean water, clean air and the quiet environment we live in and do not want Nevada County to revert to an industrialized era. Any temporary value created by an extractive mining operation will be far less than the economic damage from decreased tourism, diminished home values, health impacts and lower quality of life of residents.

Sincerely,

Seth Harris
sethrobot@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dpeizer@aol.com
Subject: Letter From Donna Peizer - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Donna Peizer at dpeizer@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Donna Peizer. I live at 347 Horizon Circle, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am also strongly opposed to the certification of the Final Environmental Impact Report based on the analysis of its deficiencies as set forth by Mine Watch Nevada City, particularly if the commission decides against reopening the mine. To certify the report under such circumstances in light of its deficiencies would create a legal inconsistency that could be used to reopen the debate over local mining in the future.

Sincerely,

Donna Peizer
dpeizer@aol.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: robcoring@gmail.com
Subject: Letter From Robert Coring - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:52:57 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Robert Coring at robcoring@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Robert Coring. I live at 14131 Torrey Pines Dr, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

And please just say NO to certifying the EIR.

Sincerely,

Robert Coring
robcoring@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: micqueli@yahoo.com
Subject: Letter From Micque Li - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Micque Li at micqueli@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Micque Li. I live at 14593 Highland Dr., Apt. B, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Do any of the individuals with the final say live anywhere near this proposed mine?! Even if not, air, noise, water all travel, and would horribly impact everyone in western Nevada County to no end. This is a no-brainer. But if you have more of a brain than that, this possibility is beyond reason. Let's be real, this is a potentially devastating situation, and the destructive implications for our county would be irreversible. We and our loved ones, friends, neighbors, are living not just for the moment, but for every day ahead. Foresight is essential. Irrevocably NO!

Sincerely,

Micque Li
micqueli@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rndtahoe@gmail.com
Subject: Letter From Richard Benigno - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Richard Benigno at rndtahoe@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Richard Benigno. I live at 14677 You Bet Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello,
I am a homeowner in the Sonntag Hill area of You Bet Rd. My wife and I purchased a beautiful home on a wonderful 5 acre property and moved to Grass Valley in November 2021. We have visited Grass Valley many times over the last 15 years to share this wonderful area with our friends who live in Alta Sierra. We love the natural beauty of the area and love to be outdoors whenever possible. We often kayak, mountain bike, hike the many trails in the area. When hiking at Empire Mines, one just has to look at the environmental damage the mining industry caused in that area. Please, please DO NOT approve this Idaho-Maryland mining project. IF you want your kids to be able to enjoy this unique community, you will vote your conscience. There is vastly more at stake here than the creation of a few jobs. Is it worth the destruction of our environment? Do the right thing and vote NO on both

the project and the EIR. Do not be a corporate pawn. Your community is watching you.

Sincerely,

Richard Benigno
rndtahoe@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: littlebuddhastudio@yahoo.cm
Subject: Letter From John Alevizakis - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Alevizakis at littlebuddhastudio@yahoo.cm

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Alevizakis. I live at 12559 Sneath Clay rd, nevada city, Nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

No mine!

Sincerely,

John Alevizakis
littlebuddhastudio@yahoo.cm

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: djw359@gmail.com
Subject: Letter From David Whitehead - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:06 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of David Whitehead at djw359@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is David Whitehead. I live at 100 Bawden Ave, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My spouse and I live in District 3 in the Washington Hill neighborhood, for seven years now. We invested in the community by buying an older home that was in disrepair, and then hiring local contractors to bring it back to life. We volunteer here in several local nonprofit organizations. We feel that this community has given us so much, and we give back. This mine project threatens all that we have done and what we dream to do.

I already provided the Board my technical comments on the FEIR. The staff response did not recognize the importance of this mine project impacts and continued contributions to degradation of our environment. They cast aside real impacts because of outdated standards. They ignored recent case law. They defended the ridiculous estimates of carbon emissions provided by the applicant. This project would violate many of the most recent scientific realities of climate

change. Staff is highly motivated to provide a recommendation to approve this flawed FEIR, because they want you to approve of the job they have done. But make no mistake: this FEIR does not adequately advise the Board about the actual impacts this project would make against our community.

Please do not approve the FEIR. The Board must know more than what has been given in order to make a reasonable decision. The Board would have to accept a horrific set of Overriding Conditions in order to go ahead with the project. The impact on our lives, our children, our seniors would be devastating. Grass Valley and Nevada City would be culturally and environmentally decimated.

Realize that these communities have invested heavily over the past six decades in creating a place that rejects the devastation of the legacy of the mining industry. Approval of the FEIR and this project would be an awful rejection of all that investment, and a complete denial of the threats of climate change on our world. Our beloved Nevada County would be saying to the world “We don’t want to be part of any climate change solutions. No. We want money!”

Don’t participate in this denialism. Help us reclaim our world from corrupt extraction corporations who care not one whit about us and our world. All they care about is wealth, for themselves. Why would we want such a destructive force in our community?

Thank you.

Sincerely,

David Whitehead
djw359@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ellen@iqdesign.com
Subject: Letter From Ellen BAXTER - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:08 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ellen BAXTER at ellen@iqdesign.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ellen BAXTER. I live at 11458 Northview Dr, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have resided in District 1 for over twenty years and I am a business owner in this area. I moved to Nevada City to enjoy the quiet, beauty and natural habitat that we have. Restoring the mine would significantly alter this environment. I am greatly concerned that the effects of the mine would endanger our water tables and bring unwanted industrial noise and pollution to the area destroying the quality of life that we appreciate.
Tourists that come to this area would likely be impacted as well as the residents of the community.
Also alarming is the history of Rise Gold and the problems they have created in other endeavors.

Please DO NOT APPROVE the reopening of the Idaho Maryland Mine.

Sincerely,

Ellen BAXTER
ellen@iqdesign.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lorej.santacruz@gmail.com
Subject: Letter From Lore James - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:10 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lore James at lorej.santacruz@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lore James. I live at 10808 Gold Hill Dr., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please say No to both the EIR and the Project, this could be the most important, long term decision for our beloved and beautiful community that you could ever make. Please think about the impacts to the residents that live here, we live here because it's beautiful and small and quaint. Please don't allow Rise Gold to come into our beloved community and pillage our town, fill it with air toxins, water toxins and noise pollution, it's not worth it by any stretch. Please vote no on the Project and the EIR, please please please.

Sincerely,

Lore James
lorej.santacruz@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: aprilmanderson10@gmail.com
Subject: Letter From April Anderson - Just Say No to the Mine
Date: Tuesday, May 2, 2023 1:53:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of April Anderson at aprilmanderson10@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is April Anderson. I live at 14289 North Bloomfield rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I own a home in district 1. My family and I come here to enjoy the beautiful nature and welcoming community. The mine is overwhelmingly opposed by the community so I find it really troubling that the county is putting its citizens through this long drawn out process. Re- Opening a mine in a place where that industry has been closed for decades is not a private matter. There are environmental impacts, health concerns in an already poorly scoring air quality place, among many other downsides that deserves the right of the public to decide. This is a big for profit company opening the mine, with a bad track record, that is not going to be spending its profits locally. Nevada county is full of wonderful local business and community that really prioritizes supporting local. This mine goes so far against what the people want in so many ways. Please deny this mine.

Sincerely,

April Anderson
aprilmanderson10@gmail.com

From: Barbara Graves
To: bdofsupervisors
Subject: Say NO to the Idaho-Maryland Mine
Date: Tuesday, May 2, 2023 4:19:10 PM

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Board of Supervisors-
There are so many reasons to NOT re-open the Mine: the water usage, the ground contamination, the air pollution, the risk of long-term public health consequences. It is unconscionable that you would let the Rise Gold project go forward.
Please SAY NO TO THE MINE

Barbara Graves
District 3

From: Nancy Piette
To: Idaho MMEIR; bdofsupervisors
Subject: Comments on FEIR and on Rise Gold project
Date: Wednesday, May 3, 2023 11:50:30 AM

Dist 3

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To: Nevada County Planning Commission and Board of Supervisors

From: Nancy Piette, 10679 Bragg Ave, GV, 95945

Re: Proposed Idaho-Maryland Mine (IMM) project

Date: May 3, 2023

Dear Nevada County Planning Commission:

I've lived in Nevada County 40 years and raised my children here. I love this county and know you do too. I'm writing to urge you to deny certification of the Final Environmental Impact Report (FEIR) for the proposed Idaho-Maryland Mine (IMM). I also urge the county to deny the proposed IMM project entirely. Here are some of the reasons I hope you'll do that.

Obsolete Threshold used: The FEIR's conclusions on Greenhouse Gas (GHG) emissions are based upon an obsolete threshold (for significant) measure of 10,000 Metric Tons (MT). Our county should acknowledge current climate studies, our state goals, and CA SB-32 by using a net-zero threshold. Newer projects (the analogous Sargent Ranch Quarry project in the Bay Area) have used a net-zero significance threshold for GHG emissions. The IMM FEIR should be using a net-zero threshold as well. Our county should be using the data from CA SB-32 and state goals in this FEIR.

GHG "mitigation" during construction phase only: How reasonable is it that the FEIR would allow Rise Gold to "mitigate" GHG emissions with carbon offsets only during the construction phase? For an 80 year project? GHG mitigation is important right now, and only becomes more significant in the future.

Incomplete Emission projection: The FEIR doesn't add in the emissions (over 4,000 MT annually) that cement manufacturers would generate in making cemented paste backfill of mine tailings. Those 4,000 MT, when added to the 9,000 MT, exceeds even the old obsolete threshold measure of 10,000 MT of GHG annual emissions as having a significant impact.

Electricity Usage: The proposed mine's electricity usage would obliterate the goals for residential electricity reduction that are proposed in the Energy Action Plan for Nevada County. Our county shouldn't handcuff our

future development by allowing one project to use so much electric energy.

Inadequate FEIR plan for mine waste: Our air quality, which is already compromised in summer months, would be at more risk if the FEIR is approved. Only 3 core samples were used to study Asbestos concentration, and nearly half of the sample material exceeded the 0.01% threshold. This test data is too sparse…no statistician would approve of the sample size. Managing asbestos emissions isn't easy, and there isn't enough evidence that Rise Gold would be able to stay under the 0.01% threshold limits.

Groundwater and Wells: The FEIR didn't adequately address deficiencies found by expert reviewers. A computer model used sparse bits of well monitoring data from over 15 years ago, out of compliance with the CEQA (California Environmental Quality Act). Experts say that the 10% drop level for "significant impact" determination is an invalid choice. Also, there's no requirement in the FEIR for 3rd party liaison to negotiate issues if problems arise for homeowners with wells.

Rise Gold CEO's poor track record: We know that Ben Mossman's most recent Canadian business failure has resulted in criminal trials for alleged environmental misconduct and economic practices that ended in bankruptcy. Knowledge of the details of this are important reasons to disapprove Rise Gold's project here. Even if the FEIR was adequate, I would urge denial of the Rise Gold project. The quality of life in this community is too valuable for it to be risked with a company run by this CEO and this company.

Be careful of certifying this flawed FEIR then denying Rise Gold project: …because in the future another applicant could buy the property, overcome objections, and get approval to mine. Then our community is still left with all the potential risks to air quality, water quality, noise, decline of tourism and property values.

Best Regards for the vitality of our community,

Nancy Piette

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: pamwhitman@yahoo.com
Subject: Letter From Pamela Whitman - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:34 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Pamela Whitman at pamwhitman@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Pamela Whitman. I live at 14311 Cahill Ln, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Nevada County for 25 years and strongly urge you to reject both the Rise Gold Mine proposal and the FEIR.

Our county is at risk. A Canadian-based company wants to reopen a gold mine under Grass Valley’s feet, changing the character of the community we love and impacting our air, water, and quality of life.

The mine has significant and unavoidable environmental impacts that are inconsistent with the County’s General Plan and endanger this community's health and quality of life – including aesthetics, traffic, and noise. There are also serious deficiencies in the Final EIR that put the County and its citizens at further risk, including air and water.

Community experts recently reviewed the report and found that even the low-end economic numbers were overly optimistic, that real estate estimates were a big miss, and that the possible economic benefits to the community would be overshadowed by a lot of downside risk.

Gold mining is a serious threat to wells and area groundwater. Water is a precious resource—more precious than gold for those of us who live here—all the more so because of continuing concerns about drought.

Nevada County already gets an F rating when it comes to air quality and has 2 times the average in lung disease. Reopening the mine will make it worse.¬

Nearby residents will see reduced quality of life and lower property values. One can reasonably assume that the presence of the mine would lower property values throughout the surrounding area, as it would affect the whole quality of our environment and community.

A yes vote for the mine is a no vote for climate change. This is not the time to be bargaining away our future.

Mining is a toxic business that requires compliance monitoring we're not set up to handle.

The company that wants to open the mine has shown it can't be trusted.

Even people who generally support mining are against this project. The project is too close to an established community which creates a much higher level of risk if bad things happen. Gold is not a high priority mineral to support the growth of green technology or medical science.

Please stand up for Nevada County, all of us whom you represent—and those not even born yet who will be subject to the results of your decision for the next 80 years—and say no to this project. Mining is our past, not our future.

Sincerely,

Pamela Whitman

pamwhitman@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: mandmcruising@hotmail.com
Subject: Letter From Madeleine Dowd - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:35 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Madeleine Dowd at mandmcruising@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Madeleine Dowd. I live at 14023 Live Oak Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I reside in District 3, in the Live Oak Estates area. Several of our neighbors rely on their wells for water. Their homes are over the outstretched area of the mine. We live next to Hwy 174. I am appalled that the county is even considering this mine, given the immense amount of truck traffic, noise, pollution, and polluted water that will be pumped out of the mine. Highway 174's traffic has grown over the years and is almost unsustainable now.

We know Rise's history of pillaging and leaving the area an environmental nightmare for the residents to clean up. How can we think that they are a changed group? The jobs are not a for-sure thing for our residents. Let's invite clean manufacturing and technology businesses here. Let's create a business climate that makes us

desirable, builds a tax base, and doesn't pollute and ruin our quality of lives.

Please do the right thing. The mine simply cannot be allowed.

Sincerely,

Madeleine Dowd
mandmcruising@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jmulchinator@gmail.com
Subject: Letter From Julie Herrlinger - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:37 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Julie Herrlinger at jmulchinator@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Julie Herrlinger. I live at 12345 Pioneer Rd, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please, please, please stop this Mine idea right now. It would be regrettable in so many ways, and mining gold is totally unnecessary. We moved to Nevada County for the quiet nature, not for noisy, polluting mining activities

Sincerely,

Julie Herrlinger
jmulchinator@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: hty4445@gmail.com
Subject: Letter From Oscar Barba - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:42 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Oscar Barba at hty4445@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Oscar Barba. I live at 17790 Jones Ridge Ridge Rd, Grass VAlley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been a resident of Nevada County since 1973. I've witnessed the development and growth
within our beautiful and unique county. Some development and growth was ill conceived, most has been
well thought out and the desires of residents considered and balanced with business and economic goals.
This mine project is not good for the county, detrimental to the environment, and poses undue factors that affect our quality of life. Please say NO to the EIR and to the re-opening of the mine.

Sincerely,

Oscar Barba
hty4445@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kenbradfordphd@yahoo.com
Subject: Letter From Ken Bradford - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ken Bradford at kenbradfordphd@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ken Bradford. I live at 17601 Shoshoni Trail Ct, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

End this misguided proposal and similar future proposals now. Reject the flawed EIR!

Sincerely,

Ken Bradford
kenbradfordphd@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: thedow@nydow.com
Subject: Letter From Georgia Dow - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:45 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Georgia Dow at thedow@nydow.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Georgia Dow. I live at 14480 Craig Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

For sanity's sake to our community's life blood, you MUST reject this Rise Mine coming to Grass Valley!!!

Sincerely,

Georgia Dow
thedow@nydow.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: imagoes.tumbler_0e@icloud.com
Subject: Letter From Anala Reese - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:47 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Anala Reese at imagoes.tumbler_0e@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Anala Reese. I live at PO Box 653, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Rough and Ready, District 4, as a member of the community and an involved citizen, it's clear the Idaho-Maryland Mine would be detrimental to our community and would severely impact tourism over time as the environmental impact would be devastating. Please say NO!

Sincerely,

Anala Reese
imagoes.tumbler_0e@icloud.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lynnely11@yahoo.com
Subject: Letter From Lynn Ely - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lynn Ely at lynnely11@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lynn Ely. I live at 140 Sierra Blanca Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a concerned citizen, RN and Public Health Nurse for 40 years and property owner in Nevada County (3 homes) for the past 34 years, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As an RN and Public Health Nurse of 40 years, I urge you not to put our community's health at risk for the benefit of a company with a poor track record for caring. Our future health and well being in this community are in your hands. Please make the right decision.

Sincerely,

Lynn Ely
lynnely11@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: drnanci@earthspiritcenter.com
Subject: Letter From Dr Nanci Shandera - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dr Nanci Shandera at

drnanci@earthspiritcenter.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dr Nanci Shandera. I live at 15104 Monte Vista Dr., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Dr Nanci Shandera
drnanci@earthspiritcenter.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: daz328@att.net
Subject: Letter From Dawn Areson - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:54 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dawn Areson at daz328@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dawn Areson. I live at 12306 Starwood Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 Two miles from the proposal to open the mine on Idaho Maryland .I have lived in Nevada City area for 5 years. I moved up here from the bay area to retire in a beautiful quiet peaceful area. I call it God's country. Our roads are quiet country roads with no traffic. Please vote no to the mine. This will destroy what little we have left of our beautiful county. We don't need that kind of business that is going to work 24 hrs a day to destroy our water, our wells, our land, our roads, our wildlife. No matter how much money they throw at our cities and county, it will never make up for the destruction they will cause to us and our beautiful area. Once the gold is gone.They will be gone! Please Please vote no.

Sincerely,

Dawn Areson
daz328@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: drice89@gmail.com
Subject: Letter From Dillon Rice - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:56 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dillon Rice at drice89@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dillon Rice. I live at 12606 Towle Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I recently moved to Grass Valley and bought a home off of wood rose, across from where the potential mine site is. I am greatly concerned about the noise generated by continuous 24 hour operation of the mine - especially between the hours of 10:00 PM and 7:00 am. I believe this will violate existing noise ordinances for residential areas and I am not in favor of making exceptions to rules for large companies. Im also concerned about the state of the road. Myself and several others own motorcycles - which are susceptible to loose gravel in the road. Is Rise going to be paying to repair the road every year after they drive extremely heavy trucks over it day after day? This is a main road for the area, will their operations cause unnecessary traffic?

Probably my biggest concern is 24 hour operations will do to my property value. Is

the tax assessor going to immediately drop our values to reflect the fact that this mine will make our area more undesirable? I will hold the county directly responsible for any loss of property value.

The best option to prevent any issues is to reject the project.

Sincerely,

Dillon Rice
drice89@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lvender@digitalpath.net
Subject: Letter From lynn vender - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:20:57 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of lynn vender at lvender@digitalpath.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is lynn vender. I live at 14912 Craig Ln, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

lynn vender
lvender@digitalpath.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: nherrick@mac.com
Subject: Letter From Nancy Herrick - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Herrick at nherrick@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Herrick. I live at 13438 Cement Hill Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We don’t want mine under any circumstances. We want to just say no to you, and to stop this whole process we will not tolerate the pollution and the invasion of our beautiful city.

Sincerely,

Nancy Herrick
nherrick@mac.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: justin.of.purtill@gmail.com
Subject: Letter From Justin Purtill - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Justin Purtill at justin.of.purtill@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Justin Purtill. I live at 415 Marshall St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello. My wife and I have lived in Grass Valley for 10 years. We are both strongly opposed to the opening of any mines, as we believe the potential for environmental problems greatly outweigh the short term monetary benefits. We also both believe that Rise Gold is nowhere near up to the task, considering their history of corruption/failure/etc.

Sincerely,

Justin Purtill
justin.of.purtill@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: slsaccheri@gmail.com
Subject: Letter From Sandra Saccheri - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sandra Saccheri at slsaccheri@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sandra Saccheri. I live at 19585 Casa Loma Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Sandra Saccheri
slsaccheri@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jessicabeilstein@yahoo.com
Subject: Letter From Jessica Beilstein - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:09 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jessica Beilstein at jessicabeilstein@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jessica Beilstein. I live at 389 Doris Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have owned a home in downtown Grass Valley for 8 years and live there with my husband and children. I was born and raised in Penn Valley and have lived in Nevada County for most of my life.

Please do NOT certify the EIR. Please do NOT re-open the mine. I have concerns about traffic, noise and pollution affecting my family.

Sincerely,

Jessica Beilstein
jessicabeilstein@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jerrad.minnor@gmail.com
Subject: Letter From Jerrad Minnor - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jerrad Minnor at jerrad.minnor@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jerrad Minnor. I live at 389 Doris Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Jerrad Minnor
jerrad.minnor@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: poet.roseate@gmail.com
Subject: Letter From Loraine Webb - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:13 PM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Loraine Webb at poet.roseate@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Loraine Webb. I live at 11110 White Oak Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a long-time District 1 resident, I urge a strong denial of the specious Rise Gold mine project, as well as the faulty EIR that our current Planning Commission has erroneously approved. The EIR is indefensible legally, economically, environmentally, and morally... and, if approved, the County will be pressed to allocate monies to defend the faulty EIR against ongoing and expensive legal challenges, at the very least. A vast majority of caring citizens are united, and will not let this stand.

Sincerely,

Loraine Webb
poet.roseate@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: janet.cinque5@gmail.com
Subject: Letter From Janet Cinquegrana - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janet Cinquegrana at janet.cinque5@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janet Cinquegrana. I live at 140 Buckingham Ct, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a home owner in District 3 in Grass Valley. My husband and I moved to Grass Valley 7 years ago because of its natural beauty. I am so afraid that beauty and natural environment would be ruined if a gold mine should be permitted to reopen here. Do not approve the EIR or the reopening of the Idaho Maryland mine. Please don't destroy this community and its environment.

Sincerely,

Janet Cinquegrana
janet.cinque5@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: marienmail@gmail.com
Subject: Letter From Maria Nelson - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:18 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maria Nelson at marienmail@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maria Nelson. I live at 13306 Country Heights Dr., Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Wildwood Heights across from Lake Wildwood in District 4 since 2006 and I am alarmed about the possibility of reopening the Idaho-Maryland mine. I am particularly concerned about the past business practices of the CEO of Rise Gold, Ben Mossman. His prior company polluted tribal waters, went bankrupt and Canadians were left with the bill. In 2020 he was on trial in Canada on federal and provincial charges related to spills at the mine. This indicates a disregard for regulations and poor management practices.

People have not moved and will not continue to move here to live with the uncertainty and risk of a business and CEO so out of step with the General Plan and policies.

I strongly urge the decision makers to deny the mine project and to say NO to certifying the EIR.

Sincerely,

Maria Nelson
marienmail@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: davearlmusic@gmail.com
Subject: Letter From Dave Wellhausen - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dave Wellhausen at davearlmusic@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dave Wellhausen. I live at 140 Buckingham CT, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a home owner in District 3 in Grass Valley. I am writing this letter to plead with you to vote No on the reopening of the mine and to not accept the EIR. The mine would be a disaster for this community and the EIR is legally deficient and It fails to adequately disclose and evaluate the mine proposal’s significant environmental negative effects.

Sincerely,

Dave Wellhausen
davearlmusic@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: shannon.ross22@gmail.com
Subject: Letter From Shannon Ross Winters - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Shannon Ross Winters at

shannon.ross22@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Shannon Ross Winters. I live at 12202 Nuthatch Ct., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The County has no obligation to approve the Mine.
The many environmental impacts associated with the mine, as well as its inconsistency with Grass Valley’s and the County’s land use plans provide ample justification for denying the mine project. The Final EIR (FEIR) also has serious deficiencies and should not be certified. It fails to substantiate several claims that impacts would not be “significant” and does not comply with CEQA (California Environmental Quality Act).
THESE PEOPLE FROM CANADA (WHO HAVE ALREADY DESTROYED THE ENVIRONMENT AND ARE INVOLVED IN LAWSUITS SHOULD NOT BE ALLOWED TO DESTROY OUR WELLS AND COUNTY!!! PLEASE DENY THIS

HORRIFIC PROJECT. I have asthma and would have to move. This is a beautiful area that would do well with tourist income and keep our environment beautiful and clean.

Sincerely,

Shannon Ross Winters
shannon.ross22@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: blarsen@nccn.net
Subject: Letter From Barbara and Bill Larsen - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:25 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Barbara and Bill Larsen at blarsen@nccn.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Barbara and Bill Larsen. I live at 502 Redbud Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Barbara Larsen and my husband is Bill Larsen. We have lived in Nevada County for 45 years and have worked in the fields of dementia care and psychology in a variety of settings.
Please say 'no" to the re-opening of the Idaho-Maryland mine. The extensive research that has been done underlines the basic flaws of the proposal. Please read the research.
Let's continue to live in an environment that promotes the beauty of our county.

Thank you,

Sincerely,

Barbara and Bill Larsen
blarsen@nccn.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: heidipi85@yahoo.com
Subject: Letter From Heidi Belforte Breuer - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Heidi Belforte Breuer at heidipi85@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Heidi Belforte Breuer. I live at 18354 Raccoon Trail, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The current EIR is drastically deficient. Please do not approve it as it is not sufficient for use now or in the future.

Re-opening the Idaho-Maryland Mine is a terrible idea, as it will create pollution this county, state and indeed planet cannot manage by way of noise and air. There are too many questions as to how the planned water displacement (millions and millions of gallons!) from the mine will effect local and non local potable water sources. How ever can we justify such a rape of the earth in the name of gold? Greed and money are never ever a fair tradeoff for our natural resources. Additionally, Ben Mossman cannot be trusted due to his horrifying record of leading the abuse of the Canadian mining site he was recently in charge of. This Mine must absolutely not be approved

and I'm trusting you to know this without this, my third letter to you. I am really concerned.

Sincerely,

Heidi Belforte Breuer
heidipi85@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lindasutter@yahoo.com
Subject: Letter From Linda Sutter - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:29 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Linda Sutter at lindasutter@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Linda Sutter. I live at 318 Drummond St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The arguments for not certifying the EIR are overwhelming. The EIR is legally deficient. It fails to adequately disclose and evaluate the mine proposal’s significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine.

Thank you for your time and consideration concerning such a vital matter.

Warmly,

Sincerely,

Linda Sutter

lindasutter@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: njgroff@sbcglobal.net
Subject: Letter From Nancy Groff - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Groff at njgroff@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Groff. I live at 13017 Somerset Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Nancy Groff
njgroff@sbcglobal.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rmgroffdvm@gmail.com
Subject: Letter From Rick Groff - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:34 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Rick Groff at rmgroffdvm@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Rick Groff. I live at 13017 Somerset Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Rick Groff
rmgroffdvm@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: anjewa@gmail.com
Subject: Letter From Anje" Waters - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:39 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Anje' Waters at anjewa@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Anje' Waters. I live at 15365 Zinfandel Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I Live off of You Bet Road. I travel down 174 and Brunswick frequently. I do NOT want to deal with trucks hauling debris 24 hours a day! I do NOT want the destruction of the environment at the site. I do NOT want contaminated water into the ecosystem! I do NOT want wells going dry! I do NOT want this goddamn mine reopened!I will fight tooth and nail to stop this atrocity from happening.

Sincerely,

Anje' Waters
anjewa@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: bonunie@att.net
Subject: Letter From Bonnie Torres - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Bonnie Torres at bonunie@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Bonnie Torres. I live at 12965 Daisy Blue Mine Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We can see absolutely no reason to reopen the mine and ruin hundreds of residences and the surrounding area! We are no longer a mining community and have now become home to many older people and younger families. In addition many, many of us have become more aware of environmental concerns and damage. I ask you to please say NO TO REOPENING THE MINE.
Thank you.

Sincerely,

Bonnie Torres
bonunie@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: unakobrin@gmail.com
Subject: Letter From Una Kobrin - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:42 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Una Kobrin at unakobrin@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Una Kobrin. I live at 12920 Slate Creek R, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

What is needed is more restoration from the mining damage, not another episode.

Sincerely,

Una Kobrin
unakobrin@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ttoillep@earthlink.net
Subject: Letter From Randi Pratini - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Randi Pratini at ttoillep@earthlink.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Randi Pratini. I live at 10222 Elliott Way, 10222, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

This is either my 3rd or 4th letter to let you, the Nevada County Supervisors and Planning Commissioners, that as a tax paying, Nevada County resident since 1995, I DO NOT want you to pass this mine project,

There is no way to account for pending damages to our already taxed water supply, to all of nature, to the air, to the roads and to all residents of the county (as well as other counties that heavily loaded trucks and increased traffic will pass through).

There are many other reasons not to let this mine happen; such as, Rise's questionable reputation accrued via other projects.

Then the matter of the EIR. DO NOT approve the EIR. Even if this project is denied, certifying the EIR would only lend credence to a document that fails to adequately disclose and evaluate significant environmental impacts and violates numerous requirements of state law. Worse still, the certified EIR could be relied on in the future to fast-track the approval of another mining proposal!

Sincerely,

Randi Pratini
ttoillep@earthlink.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: macarena.cortina@gmail.com
Subject: Letter From Macarena Cortina Petrasic - Just Say No to the Mine
Date: Wednesday, May 3, 2023 2:21:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Macarena Cortina Petrasic at

macarena.cortina@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Macarena Cortina Petrasic. I live at 705 Morgan Ranch Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Morgan Ranch neighborhood in Grass Valley, part of District 3. Since moving here in 2013, I have been continuously in awe of the natural beauty and the community's commitment to maintaining the land's pristine state. It would simply be heartbreaking to let the Idaho-Maryland Mine ruin such a unique gem of a place. I urge you to please side with environmental well-being and say no to the mine.

Sincerely,

Macarena Cortina Petrasic
macarena.cortina@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Tamaurajean@gmail.com
Subject: Letter From Tamara Luckinbill - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:01:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tamara Luckinbill at Tamaurajean@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tamara Luckinbill. I live at 10788 Bartlett Drv, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am saddened that such a devastating project is still being considered in our community which assuredly endangers pur quality of lives through loss of watershed health, noise levels, and even traffic increase at no benefit to the local population or economy. Please deny this notion and shut it all down. Thank you for your sound reasoning and non selfish gains.

Sincerely,

Tamara Luckinbill
Tamaurajean@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kate@bylt.org
Subject: Letter From Kate Gazzo - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:02 PM

Dist 4

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kate Gazzo at kate@bylt.org

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kate Gazzo. I live at 12183 Auburn Road, Grass Valley, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Kate Gazzo
kate@bylt.org

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: erinbrutlag@gmail.com
Subject: Letter From Erin Brutlag - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:03 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Erin Brutlag at erinbrutlag@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Erin Brutlag. I live at 15379 Banner Lava Cap Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Erin Brutlag
erinbrutlag@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: marylvogt@yahoo.com
Subject: Letter From Mary Vogt - Just Say No to the Mine
Date: Thursday, May 4, 2023 3:02:05 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mary Vogt at marylvogt@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mary Vogt. I live at 250 Washington St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I believe that water is 'gold' and this mine will waste and contaminate the little we already have to manage better. Opening of the mine will be a death sentence for many living things initially and likely the town of Grass Valley.

Sincerely,

Mary Vogt
marylvogt@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ayla_tara@yahoo.com
Subject: Letter From Ayla Rose - Just Say No to the Mine
Date: Thursday, May 4, 2023 7:34:05 PM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ayla Rose at ayla_tara@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ayla Rose. I live at 11079 Beckville rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Ayla Rose
ayla_tara@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rkatz@fesflowers.com
Subject: Letter From Richard Katz - Just Say No to the Mine
Date: Thursday, May 4, 2023 7:34:05 PM

Dist 1

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Richard Katz at rkatz@fesflowers.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Richard Katz. I live at 13094 Daisy Blue Mine Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live on land in the Cement Hill area that is still healing from the impacts of 19th century mining. The EIR is short-sighted and deserves to be rejected, as well as this project. We need to think seven generations ahead. Will our descendants have to live with the destruction caused by a wrong decision motivated by greed for short-term gain? And based on the criminal activities of the management of Rise Gold in Canada, can we trust anything they say? (NO!)

Sincerely,

Richard Katz
rkatz@fesflowers.com

From: Nathan Cotten
To: bdofsupervisors
Subject: Idaho Maryland Mine
Date: Monday, May 1, 2023 4:38:47 PM

Dist 1

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Dear Nevada County Supervisors and Planning Commissioners.

Our names are Nathan Cotten and Janet Peake. We live at 12074 Dogwood Road, Grass Valley, CA 95945.

As citizens of Nevada County, we are asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk. Beyond the risks, there are definite unavoidable consequences for those of us who live near the mine site if this project is approved. Please don’t let this happen.

Sincerely,
Nathan Cotten and Janet Peake
dogbottom@icloud.com

Sent from my iPhone

From:	Kim James
To:	bdofsupervisors; Idaho MMEIR
Cc:	Julie Patterson-Hunter
Subject:	Please do NOT certify the FEIR for the Idaho-Maryland Mine
Date:	Monday, May 1, 2023 4:46:51 PM

Dist 1

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Dear Nevada County Supervisors and Planning Commissioners,

My name is Kim James. I live in Nevada City, CA.

I urge you **NOT to certify the FEIR** and firmly **deny the request to re-open the Idaho-Maryland Mine** for all of the common sense reasons concerned citizens have been repeatedly bringing to your attention. It's time to put this issue clearly to bed while there is still time.

I will be present on May 10th.

Thank you for doing the right thing.
Kim James

From:	Laina Levy
To:	bdofsupervisors; Idaho MMEIR
Subject:	Comment on Idaho-Maryland Mine reopening
Date:	Monday, May 1, 2023 5:01:20 PM

Dist 3

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Laina and Matt Levy
14369 Anchor Ln.
Grass Valley, CA 95945
(415) 216-5797
lainalevy@gmail.com

May 1, 2023

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My family lives on Anchor Lane in District 3, about a quarter mile from the proposed Idaho-Maryland Mine and within the mineral rights boundary. We implore you to protect our health and quality of life by voting NO on reopening the mine, as well as voting against certifying the Final EIR.

Having read the FEIR, we do not think that the risks to our well and groundwater have been properly assessed. Spotty baseline data from 15 years ago does not provide a good foundation for a real monitoring system for those of us facing mining and blasting under our homes for the next 80 years. Our family depends on our well for drinking water and are terrified that the proposed mining activities in fractured geology will dewater or contaminate our only source of clean water. Furthermore Rise Gold has not offered any kind of mitigation, monitoring, or guarantee that we would be offered a swift resolution should their mining activities result in loss of our well. Our property, along with those of all our neighbors, would become nearly worthless without a functional water source.

We are raising two children in Nevada County and worry that their future health and safety will be placed at risk by this mine; including diesel exhaust and asbestos in the air, constant noise and traffic from mine operations, and increased risks of climate change. It is a risky project, made even worse by the fact that Rise Gold does not have a solid track record of mining or of compliance with relevant environmental regulations. Rather, their executives have a record of bankruptcy and failing to meet environmental and workplace safety

standards.

Previous generations in Nevada County learned the hard way that mining leaves a toxic legacy for us, their children and grandchildren, to clean up. It would be highly irresponsible for us to repeat that mistake. Please vote NO on the IMM project and the FEIR to protect us from these deadly risks.

Your constituents,

Laina and Matt Levy

From: Dawna Johnson
To: Planning
Cc: bdofsupervisors; Idaho MMEIR
Subject: Just Say No to the IMM Project and the FEIR
Date: Monday, May 1, 2023 7:28:55 PM

Dist 4

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Dear Planning Commissioners

My name is *Dawna Johnson*. I live in District 4 on Orion Way in Grass Valley,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

In addition to asking you NOT to recommend the "80 year" permit be issued for this project, I ask you to NOT accept the Final Environmental Impact Report. Deficiencies remain that were pointed out to the county during the review of the draft that were either ignored or inadequately addressed. An approval gives the appearance that those inadequacies don't exist and/or don't matter which is just not true. I am under the impression the proposed mitigations listed, in the final report, have been deemed inadequate by professionals who have written you. Some mitigations seem to be missing all together. What happened to the $14million bond NID stated they would need, at the very least, to cover possible water supply issues? I had a long career in construction, owner and CFO for several decades, and know the importance of bonding. In my opinion, and in lieu of the principles history, there is no bond large enough for this project. Damaging the environment and diminishing the quality of life of the citizens of this county should be avoided at all costs.

Additionally, it not only seems to be in conflict with the general plan, it appears to undo any environmental progress we are striving for and as mandated by the state.

Personally, as a disabled and fixed income senior, with health issues that are exacerbated by bad air quality and noise, I am concerned about my quality of life, as well as that of others, the many issues regarding water and property values. Our home is, as it is for many, our biggest asset and a major part of our retirement planning. With family and financial constraints, we cannot just move away.

Please, do not recommend the approval of the permit AND, MORE IMPORTANTLY, the FEIR.

Thank you for taking the time to consider my concerns,
Dawna Johnson
District 4

Grass Valley, Ca

From:	Julie Patterson-Hunter
To:	Michael & Heather Llewellyn; BOS Public Comment; Idaho MMEIR; bdofsupervisors
Subject:	Re: Gold Rise Public Hearing (5/10/23) Comments
Date:	Friday, May 5, 2023 7:53:59 AM

Dist 3

Thank you- your email haas been received

Get Outlook for iOS

From: Michael & Heather Llewellyn <info.mhllewellyn@gmail.com>
Sent: Thursday, May 4, 2023 5:02:56 PM
To: BOS Public Comment <BOS.PublicComment@nevadacountyca.gov>; Idaho MMEIR <Idaho.MMEIR@nevadacountyca.gov>; bdofsupervisors <bdofsupervisors@nevadacountyca.gov>
Subject: Gold Rise Public Hearing (5/10/23) Comments

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May 4, 2023

Nevada County Board of Supervisors
950 Maidu Avenue
Suite 200
Nevada City, CA 95959

cc. Julie Patterson-Hunter
Clerk of the Board

Dear Nevada County Board of Supervisors and Nevada County Planning Commission,

We are writing to express our implacable objection to the proposed Gold Rise mining operation that is being considered by Nevada County in our neighborhood. We have read both versions of the EIR in addition to the Nevada County Planning Department's Staff Report. Not only is this project likely to negatively effect our property investment, disrupt our environment and the high quality of living in the region, I do not like what I have read about the company making the proposal and its long history of leaving communities like ours holding the environmental clean-up bag, both physically and financially. In addition, Gold Rise's proposals for dealing with the millions of tons of waste, toxic or not, are not economically feasible and their conclusions about toxicity were based on inadequate sampling as noted by SYRCL and the Air and Water Quality Boards:

"For a conclusion to be meaningful, the sample size must be appropriately representative. Of the core samples Rise Gold acquired from Emgold Mining, and the additional 67,500 linear feet of exploratory drilling Rise Gold conducted, they chose to test only 11 feet for potentially hazardous chemicals. Those 11 feet are supposed to accurately characterize more than 25 million tons of waste rock to be produced over the life of the mine. The testing for asbestos represents less than 2/10,000 of the total rock to be mined over the project lifespan. The Air Quality Board and Water Quality Board both state that the samples analyzed are inadequate to accurately characterize the potentially hazardous chemicals which could leach into our ground water, surface water, or be released into the

air."

Given that the scars from the devastation of the mining from the not-so-distant past are still with us, we do not understand why the County is even considering this project or partnering with a company of this reputation.

This project will likely create a super-fund site in the middle of our beautiful town, not to mention the unavoidable day-to-day degradation of having a huge amounts of industrial waste impacting our air, roads and streams. I don't see any proven and practical plan for toxic clean up in the long term, I don't even see a mitigation plan (or who will foot the bill) for the day-to-day impacts on roads, air-quality and noise from the trucking required alone. I shudder to think about the impact on Wolf Creek and our watershed.

There is little demand for gold technologically, therefore the sole beneficiaries of this project are investors and jewelers, not the citizens of Nevada County. As for jobs, there are many other ways to invest in the local job market that will support our way of life, our property values and our environment. Forest restoration and climate transition projects leap to mind. Those are projects that will help the entire community into a better future.

Mining is the past. Grass Valley is no longer an industrial town. Let's not be the laughing stock that was duped into re-opening a site generating a massive amount of waste, both toxic and non, in the middle of our beautiful, bedroom community full of children and retirees. Our community doesn't need this project. It deserves much, much better.

Sincerely,

Michael and Heather Llewellyn
202 Lucas Lane
Grass Valley, CA 95945
info.mhllewellyn@gmail.com

From: Starshine Ranch
To: Idaho MMEIR
Subject: PLEASE VOTE NO!
Date: Thursday, May 4, 2023 3:36:43 PM

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To the BOS:
Please vote NO to re-open the Idaho Maryland Mine.
Please do not destroy the lives of all of us residents who live near the mine.
My home is within 1 mile of the site and I am scared to death that it and my property will become worthless.
I have lived here for over 29 years and cannot believe I have to stress over my well going dry, the air I breathe becoming toxic, the quiet atmosphere becoming "littered" with the noise from blasting, drilling and endless gigantic trucks hauling the debris and my home, in general, becoming more of a liability than an investment.
Also, please do NOT certify the final EIR because it is just plain wrong. There are 2 major points that the MineWatch group has put forth that on their own should lead you towards a no vote:

- The improper reliance on groundwater data that is over 15 years old as the baseline for determining whether the mining project will have significant impacts on water quality and water supply.
- The failure to mitigate the mining project's air quality impacts, [such as asbestos] even though the EIR acknowledges they will be significant

How on earth can you vote yes knowing full well that the environmental report is full of holes? How can you vote yes knowing you will destroy lives and you will also change/destroy Grass Valley and Nevada County as we know them?

Please! the residents of Greater Greenhorn, Bennet St and the Brunswick and Cedar Ridge neighborhoods need to live our lives peacefully in our homes and not be threatened by all the adverse affects of an old gold mine that should remain closed, as it has been for over 70 years. We are not a mining town anymore and no amount of gold will make up for ruined lives.

Thank you for your time,
Linda Lanzoni
14149 Christopher Robin Way
--
DON'T LET THE WORLD CHANGE YOUR HAPPINESS... LET YOUR HAPPINESS CHANGE THE WORLD.

From: Richard Celio
To: bdofsupervisors
Cc: Idaho MMEIR; Letters The Union
Subject: Why RISE GOLD reopening the mine should be a none-starter
Date: Friday, May 5, 2023 12:36:43 PM

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Dear Supervisors,

Most of the discussion about Rise Gold and the reopening surrounds environmental impact or economic benefit, i.e., will it help the economy, bring jobs, etc.. I need to point out that there is perhaps an equally important reason to stop this mad short term money grab by a few.

Some background… I am a recently retired professional electrical engineer. After college I worked with a major utility, an instrumentation company, a large multinational consulting engineering firm and then, in 1994, I started my own company and built it into a leading system integration firm. Before starting my own company I worked in significant positions at a range of corporations and gained extremely valuable, in fact, completely necessary experience. I established a great reputation within the community of companies in our industry. In other words, I built a strong resume. Without that resume and experience I would never have been able to get contracts with Santa Clara County, Alameda County, The State of California, Federal Contracts, many fortune 100 companies, etc, etc, etc… In fact, in some cases if I could not demonstrate that a contract would not constitute more than 10% of my business revenue, I would NOT get the contract. They cared, and rightly so, about hiring a business without the resources to absorb some bumps in the road. I believe this was a sound practice because I've witnessed well meaning companies and their employees get hammered (kicked off projects, sued, bankruptcy) due to a single mistake on a large project. I believe you, as our elected reps and stewards of our great county, should care at least as much.

My point and I don't want this to be personal but unfortunately, we have no choice. This is not Rio Tinto, Newmont or Barrick (huge mining corps).. There is one person running the show. Rise's web page has a listing of management who appear to be elsewhere doing other things which makes sense when this not ever going to be a full time gig for them. They are there for window dressing, a common theme in stock speculation. Why are we, for such a high risk project, even considering a company that has NO resume of successful projects. Your own purchasing department would not hire them to wash windows without demonstrating some experience. You would never allow a major construction project to be engineered by unlicensed persons or constructed by a company having only one failed project to their name. Yes, I know you aren't contracting with Rise Gold but you CANNOT close your eyes to the facts. If you compare just about any successful business persons LinkedIn page to Rise Gold's CEO, you'd understand what I'm saying. ZERO - He lists Rise Gold and a university with no endorsements or previous experience (and apparently we know why)… When you invest in a company you are investing in people (or a person). Unfortunately, it appears Rise Gold's investors have not done their homework (or perhaps they are looking for losses to offset their

successful investments). I don’t know about them but your decisions are more than rubber stamps. Endorsing this scheme is using our future as capital for some outsiders penny stock speculation. The citizens of this county expect you to invest wisely.

Richard Celio
12588 Robinhood Drive
Grass Valley, CA

RECEIVED

MAY 0 4 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

Board of Supervisors
Attn: Ed Scofield - District 2
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

April 29, 2023

RE: Planning Commission recommendations to Board of Supervisors for the proposed Idaho-Maryland Mine

Supervisor Ed Scofield
We are submitting this letter rather than attending the public hearing because we will be out of the country on the day of the hearing.

We would like to make this simple and ask you to reject the project proposed by Rise Grass Valley to reinitiate underground mining and gold mineralization processing for the Idaho-Maryland Mine. However, this isn't a simple project and therefore,
it requires further comment on our part.

We can't trust Rise Gold and neither should you.
Rise Grass Valley is a subsidiary of Rise Gold.
Rise Gold's CEO Ben Mossman's previous company polluted tribal waters, went bankrupt, and left Canadians with a mess to clean up. Ben Mossman is currently facing trial again in British Columbia Canada to face personal charges related to the Banks Island disaster.

Rise Gold has changed it's name several times. They were originally incorporated in Nevada (which allowed them pursue mining interests legally in the US), but their headquarters have always been in Canada.

Financial
Based on Rise Gold's latest quarterly SEC filing in June 2021 and the status of their outstanding loan, former U.S. Bankruptcy judge Randall J. Newsome believes it is unlikely the company will be able to follow through with reopening the mine.

Our Environment
Environmental impacts unavoidable - The FEIR lists several significant and unavoidable environmental impacts that endanger this community's health and quality of life. These include aesthetics, traffic, and noise. There are also serious deficiencies in the FEIR that put the County and its citizens at even greater risk.

General Plan

There are Inconsistencies with the General Plan and multiple conflicts exist with goals for not only land use, but also economic development, safety, climate change, noise, aesthetics, water, and coordination with cities and towns.

Legal Considerations - Both the Brunswick and Centennial properties are currently zoned" Light Industrial", which provide a reasonable use of the properties. Rise would need to secure approval of rezoning the Brunswick site to M1-M1 (Light Industrial with Mineral Extraction) in order to proceed with the project.

This is taken from the "background" filed by the law firm Shute, Mihaly, and Weinberger legal representatives to CEA.

"The County should deny the Project and should not certify the EIR. The many environmental impacts associated with the Project, as well as its inconsistency with Grass Valley's and the County's land use plans provide ample justification for denying the Project. If it denies the Project, the County is under no obligation to certify the EIR. Las Lomas Land Co., LLC v. City of Los Angeles (2009) 177 Cal.App.4th 83 (upholding decision to stop preparation of an EIR and specific plan where city determined the project was not consistent with its land use policies); Pub. Res. Code § 21080 (a) (CEQA applies only to projects that public agencies carry out or approve.)"

The following comments are my husband's and mine. We are concerned citizens, tax payers, property owners, voters. We ask that the Board of Supervisors deny both the finalization of the flawed FEIR and the entire reopening of the Idaho Maryland Mine project, because they are NOT in the best interest of our Grass Valley and Nevada City communities and what we need going forward.

Respectfully Submitted

Margaret and Graeme Little
13343 Red Dog Road
Nevada City, CA
95959

From: Peggy Burks
To: bdofsupervisors; Idaho MMEIR
Subject: Better Off or Worse Off with the Mine?
Date: Saturday, May 6, 2023 2:34:40 PM

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As decision-makers I am asking you to pull back a moment from the mountain of information and disinformation you've received on the proposed re-opening of the Idaho-Maryland mine. I am hopeful you have waded through the weeds and understand the specific planning and environmental issues involved. I am asking you to pause and visualize the mine in full operation: what does that look like? Will you be proud of your decision?

There's no debate about certain facts: there will be negative consequences in water quality and quantity, changes in air quality, in traffic, roadway wear and tear, noise levels and amount of toxic waste. These will go on 24/7 for 80 years.

Mitigation is a trade-off: we'll do 'this' good thing to offset 'that' - a bad thing. The bad thing doesn't go away. Mitigation is a pipe-dream on paper: rarely 100% effective or even doable, too expensive, not guaranteed, rarely inspected, rarely enforced. On top of that, Rise Gold has a spectacularly poor record in the mining industry - one of the most dangerous industries in the world. Why would you trust them? The one thing you can count on with 100% certainty is sooner or later there will be human error. We can only hope no lives will be lost, Grass Valley won't suffer horrendous damage.

Do you really believe the mine will benefit our community? That the meager benefits (dangerous jobs working hundreds of feet underground, more gold mostly stashed away unused in vaults, maybe more money for some stockholders somewhere) outweigh the known risks? It's not just any one impact, mitigated or unmitigated, it's the number of impacts and the accumulated risk factor. This is not an unknown risk, it is a known, documented risk throughout the history of mining. We're promised new technology will protect us, yet we still have mining accidents, oil spills, tanker leaks, toxic drinking water. The environmental risk is unacceptable. The economic risk of signing on for 80 years with a financially weak and unethical company is unacceptable. Please Vote NO on the FEIR, Vote NO on the Mine. Be a hero for protecting our community, be honored and remembered for doing the right thing.

Margaret Burks
10999 Will O Wisp Ct.
Nevada City, CA 95959
530 277-0181

From: Rick Ramos
To: Idaho MMEIR
Subject: comments about EIR and mine proposal
Date: Sunday, May 7, 2023 9:39:33 AM
Attachments: Idaho Maryland Mine.pdf

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attached is a pdf of our letter. Clifford R. Ramos jr

From:
Clifford R. Ramos Jr
Denise L. Pasetta
11782 Sunrise Ln.
Grass Valley, CA 95945
530-615-1802
rick.ramosjr@gmail.com

May 7, 2023

Dear Sirs,

We wish to convey our objection of the proposed Idaho Maryland Mine project for the following reasons.

1. The owners of the mine have had many opportunities to contest to zoning changes on the surface of their mineral rights that were incompatible with a future reopening.
2. The EIR that was submitted is deficient in identifying mitigations for air quality regarding asbestos.
3. That the EIR failed to address the significant gas emissions that contribute to greenhouse induced climate change.
4. The EIR 'cherry picked' the data using a 15-year-old baseline to determine whether there was a negative impact to the ground water.
5. Both the Nevada County and Grass Valley City governments have failed in the past to adequately address impacts on traffic from previous projects. This can be observed by daily traffic backup in the Brunswick Basin area and along HWY 49. This project will only amplify those infrastructure shortfalls to the detriment and inconvenience of those currently living in the area.
6. We believe that there will be more jobs and money spent in the area by retaining the quality of the environment that promotes rural living with gradual expansion and growth. This project just replicates the mistakes made in the past.

In addition, we wish to add that we are not against mine development. We feel that the Empire could be safely and sanely reopened. This is because the owners have adequate property (the North Star) to extract and process the ore without interfering with the day to day lives of the citizens who live here. That is as long as the areas involved are properly zoned for those purposes. I feel that the Idaho Maryland Mine has long passed that threshold.

In conclusion, we are against this project and against certifying the EIR.

Respectfully,

Clifford R. Ramos Jr

Denise L. Pasetta

From: M. French
To: Idaho MMEIR
Subject: Comments for Hearing on proposed re-opening of Idaho-Maryland Mine
Date: Saturday, May 6, 2023 12:47:22 PM
Attachments: Comments on mine re-opening.docx

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To the members of the Planning Commission:

My name is Mike French and I am a resident of Alta Sierra. I am opposed to both the proposed re-opening of the Idaho-Maryland Mine and the associated EIR. I strongly urge you not to approve either for the benefit of our community and its residents.

I have attached my comments for your consideration.

Thank you.
MF

The ground is level at the foot of the Cross.

Comments in Opposition to Re-opening Idaho-Maryland Mine

My name is Mike French and I am a resident of Grass Valley (Alta Sierra) and a concerned citizen offering my comments on the proposed re-opening of the Idaho-Maryland Mine by Rise Gold.

I am concerned about the history of Rise Gold and its CEO:

- Apparently no history of ever successfully re-opening a mine or making a profit
- A significant history of major failures in the Banks Island project in Canada
- Demonstrated disregard for rules and regulations by disregarding orders to stop operations after a toxic spill at Banks Island and apparently other violations

Allegations of misrepresentation in the Grass Valley project:

- Submitting bogus and duplicate comments to the County, some supposedly from people known to be against the project and using false data to exaggerate local support

The EIR report:

- Apparently based on old, limited data and contains unsupported claims of minimal impact of homeowner wells and water quality.
- It does not apparently clearly define the safe handling of toxic mine waste or its safe disposal
- Huge amounts of contaminated water will be pumped out of the mine every day and dumped into Wolf Creek; other areas in California where such major pumping activities were allowed resulted in significant sinking of surrounding land
- Minimizes impact of contaminating ground water as happened in similar operations elsewhere in California
- Minimizes air pollution with asbestos resulting from mining activities; unsupported claims based on inadequate test data on an inadequate sample size
- Apparently no complete environmental assessment of the current conditions of the proposed project site have been made to establish a real baseline
- It appears that a robust testing program to assess compliance with toxic limits and the toxicity of waste being released from this project with clearly defined remedial actions and accountability does not exist
- Overall, it appears that inadequate investigation and research have been done to properly assess claims made by Rise Gold
- Approving such a flawed EIR report would set a dangerous precedent for other proposals that may follow in the future

Economic claims made by Rise Gold do not appear to be supported by actual facts

- Job projections, economic benefits including local spending and County revenues are apparently all based on assumptions made by Rise Gold
- It would appear that the only real economic winners would be Canadian-based Rise Gold and its investors who do not live here.

In summation, it would seem that we here in Grass Valley may be viewed by Rise Gold as naïve and unable to defend against being taken in by smooth talk and unsupported claims. We love our rural community and do not welcome an entity with such a poor track record attempting to take advantage of us and do such great damage to our community and local environment for its own gain. I urge you to deny both the proposal to re-open the mine by Rise Gold and the EIR.

From: Rondal Snodgrass
To: Idaho MMEIR
Subject: comments on EIR for planning commission consideration
Date: Saturday, May 6, 2023 10:26:54 PM
Attachments: COMMENTS FOR PLANNING COMMISSION.docx

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Please accept these comments and place them under consideration for planning commission public meeting May 10, 2023

Respectfully,

Rondal Snodgrass
.

Rondal Snodgrass
Conservation Land Consultant
707-496-8729
ravenswatch@asis.com

EIR Comments dated May 8, 2023

Submitted to:
Matt Kelley
959 Maidu Avenue
Suite 170
Nevada City, CA 95959-79012

Concern #1

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.

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for there having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.
(d) Include the alternative of no action.
(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
(f) The no actions alternative required: An obvious alternative when considering zoning changes is that Include appropriate mitigation measures not already included in the proposed action or alternatives. denial of those requests, plus other requests resulting in forbearance puts the project in jeopardy and opens other uses such as purchase of the properties and dedicating them for public enjoyment, education, other development that do not risk severe disruption and damage to quality of life for the people of Grass Valley, and the whole of Nevada County.

Concern#2

The EIR lists numerous mitigations to offset potential environmental impacts. How can the County monitor such mitigations and deal with the costs and repairs that would result from mitigation failures? A permit request for 80 years is inter-generational, live times away, and must account for uncertainty of climate, economic and social changes ahead. Insurance and performance bonds need to be included in the EIR analysis.

Concern #3

The project as proposed (EIR) fails to comply with the general plan designations for these properties and mineral extraction elements.

Policy 17.3 All exploratory operations shall require a reclamation plan

Policy 17.6 Encourage extraction of mineral resources in compatible areas prior to intensified urbanization or conversion to other incompatible land use development.

Policy 17.7 Use permit time limits for each project shall be established on a case-by-case basis. Time limits shall be based on the reasonably expected life of the mining operation and potential conflicts with future neighboring land uses. Each project shall have a periodic review for compliance with the use permit by the Planning Agency. In no case shall such review time period exceed five years. Said review shall be funded by the applicant.

Policy 17.8 A reclamation plan, consistent with the State Surface Mining and Reclamation Act standards, is required for all mining operations. Reclamation shall:

1. Prevent, mitigate, or minimize adverse effects on the environment.
2. Encourage the production and conservation of minerals.
3. Provide for the protection and subsequent beneficial use of mined and reclaimed land.
4. Eliminate residual hazards to the public health and safety.
5. Ensure that mined lands are reclaimed on a timely basis to a usable condition that is readily adaptable for alternative land uses.
6. Avoid the environmental and legal problems created by improperly abandoned mines.

Policy 17.10 Consider the socio-economic impacts associated with proposed mining operations.

17.13 The County shall require satisfactory forms of accessible security, including irrevocable letters of credit, cash deposits, escrowed negotiable securities, or performance bonds, from all mining projects to cover all such damages which may stem from the projects.

17.14 Already existing development - commercial, residential, and community - as well as undeveloped private lands, shall be protected from adverse environmental effects caused by mining through enforced use permit conditions and mitigations measures, or denial of the projects. The County shall be the enforcement agency.

Concern #4 Evidence is available that shows other subsurface mining in Nevada County has failed and resulted in huge environmental damage. This history can be a part of the Cumulative Impacts Analysis required by CEQA. A glaring example is the fact that the stream that flows through Memorial Park in Grass Valley is posted as dangerous, fenced off, and indicates toxics continue to be present even after 66 years of the Empire Mine's closure and incomplete clean up promised by impacted public agencies.

From: Diane French
To: Idaho MMEIR
Subject: Comments regarding mine proposal
Date: Saturday, May 6, 2023 11:35:10 AM

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To Who it may concern:

I am unable to attend the public hearing regarding the Idaho-Maryland mine on Wednesday, May 10th, so I am submitting my concerns via email.

1. My main concern is the fact that the gentleman who owns Rise Grass Valley did the exact same thing (opened up a mine) in Idaho and made a mess of things and then proceeded to leave town. If the project in Grass Valley turns into the same debacle he'll leave again and then our town suffers for it.

2. The owner has a bias in promoting and presenting this project in a positive light because he has a lot of money invested in the property.

3. To the best of my knowledge there are more people against the re-opening than there are who support the re-opening. Since we live in the community, shouldn't our voices count?

4. There is talk about how our community will profit but what guarantees are there that the money will stay in Nevada County?

5. What about water safety? Even if they do monitor the water it may be too late by the time an issue is detected. What about people with wells in the surrounding area? Their water may be impacted for years.

6. What about the possibility of all the activity of re-opening the mine having an impact on our ground and then creates major sink holes?

7. What about the impact on the community with the noise and traffic with the mining activity going on 24/7 ?

8. If Rise Grass Valley is given the go ahead, will more mines be re-opening in the future and then impacting our little town even more?

As you can see I am not in favor of the Idaho-Maryland mine (or any other mine for that matter) re-opening and I hope that the Planning Commission does right by our community and denies the re-opening of the mine.

Thank you for allowing me to voice my opinion and concerns.

Sincerely,
Diane French
Homeowner in Grass Valley

From: jay jacquet
To: Idaho MMEIR
Subject: Complete Opposition to mine in Grass Valley
Date: Saturday, May 6, 2023 4:54:16 PM

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I oppose the mine as it will foul ground water and air in the area. The EIR reflects the corporation that pays for it.

I am knowledgeable about the EIR and proposed mitigations. I served as a City Clerk for many years. Mitigations proposed are not correct and damage will occur.

If the Supervisors want an accurate reflection of what their constituents want, the matter should be placed on a County-wide ballot.

This mine would be a disaster for the Grass Valley area and as a long term resident, and on behalf of my extended family who live here, We are opposed to any mine being placed in Grass Valley.

J E de Sevren Jacquet

From: Rondal Snodgrass
To: Idaho MMEIR
Subject: EIR COMMENT
Date: Monday, May 8, 2023 8:07:50 AM
Attachments: COMMENTS FOR PLANNING COMMISSION.docx

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This is a repeat of a comment submitted yesterday. This comment has my name and address.

Respectfully,

Rondal Snodgrass

Rondal Snodgrass
Conservation Land Consultant
707-496-8729
ravenswatch@asis.com

EIR Comments dated May 8, 2023

Submitted to:
Matt Kelley
959 Maidu Avenue
Suite 170
Nevada City, CA 95959-79012

Submitted by:
Rondal Snodgrass
14582 Alderwood Way
Nevada City, CA 95959

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From:	Cathy Melior Benoit
To:	Idaho MMEIR
Cc:	Cathy Melior Benoit
Subject:	Environment is our Life!
Date:	Saturday, May 6, 2023 9:47:20 AM

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Respectfully addressed to
Nevada County Planning Department

Thank you for your role -
with care from a Meliorist.

As a comparatively new homeowner
(purchasing in January 2019 …)
in the Nevada City Historical District 1,
I was shaken, appalled, upon first learning of such a consideration of this threat
of destroying quality of our environment.

The air, water, noise, traffic pollution would alter our quality of Life.

Please say “No” to this project.

Please - continue to promote decisions which shall prepare for a healthy Future,
the Best for our environment.

Sincerely,
Cathy Melior Benoit
424 North Pine Street
Nevada City, CA 95959

Sent from my iPhone

From: Julie Patterson-Hunter
To: Matt Kelley; Brian Foss
Cc: Shelley Romriell
Subject: FW: plea against the idaho-maryland mine
Date: Monday, May 8, 2023 10:47:30 AM

Matt - I believe this is really for the Planning Commission. The public is a little confused about the process, and I don't want their correspondence to be missed. Thanks, Julie

-----Original Message-----
From: Jim Haynes <jbh3@helenscarsdale.com>
Sent: Monday, May 8, 2023 10:41 AM
To: bdofsupervisors <bdofsupervisors@nevadacountyca.gov>
Subject: plea against the idaho-maryland mine

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to the boards of supervisors for nevada county,

we are writing once again to express our concern of the proposal to reopen the idaho-maryland mine. concern is a mild word, better stated is profound disappointment and disgust that this proposal has even gotten this far. this proposal is morally and environmentally wrong in more ways than can be addressed here. many of my fellow citizens of nevada county can plainly see through this con-job veiled as an economic opportunity. i implore you to reject the idaho-maryland mine proposal once and for all, and reject the final environmental impact report, which is littered with junk as evidence, serious deficiencies, and unknowns disguised as truth. our water and air are at considerable risk of being polluted for centuries, not only from the damage to well water, surface water, and air quality contributed directly from mining itself, but also from the toxic material that will be dumped unceremoniously at the centennial site. there no viable plan to adequately address mine waste. we mean ALL mine waste. whatever economic benefits, that have already been proven to be gross exaggerations and falsehoods, do NOT offset the environmental disaster that will take place if you approve the mine and accept the findings of the final environmental impact report. if you do approve those, there will be blood on your hands.

seriously,

jim and erika haynes
12244 robust way, nevada city, 95959

From:	Tim Ogburn
To:	Idaho MMEIR
Subject:	Fwd: Idaho-Maryland Mine Project - FEIR & Use Permit
Date:	Sunday, May 7, 2023 7:13:02 PM
Attachments:	PC Financial Assurances Presentation 5101123 by Tim Ogburn 2.docx Mining Jobs Health Issues.docx

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Begin forwarded message:

From: Tim Ogburn <tim240z@Gmail.com>
Subject: Idaho-Maryland Mine Project - FEIR & Use Permit
Date: May 7, 2023 at 7:02:53 PM PDT
To: bill@gasservice.com, Idhorses@sbbmail.com, danny.milman@sbbmail.com, mike@ministoragepennvalley.com, tmcateer@inyocoe.org

Dear Planning Commissioners,

Thank you for your service to our County including your careful consideration of the Idaho-Maryland mine project. As the former Chairman of the South Lake Tahoe Planning Commission, I understand the difficulties reviewing such a complex project.

I have lived in Nevada County for 13 years and I've grown to love and appreciate its uniqueness on so many levels. My involvement in the community includes previous board member of both KVMR and the Nevada County Arts Council. I am also a founding member of the Concerned Citizens Roundtable which for the past seven years has developed and implemented creative solutions for a number of Nevada County based political, environmental, and social issues.

Among the many issues associated with the IMM Project I offer two for your consideration.
Attached are my comments and support documents regarding my two issues. These documents are the basis of my request for your denial of the FEIR certification, and denial of the Use Permit for the IMM project.

First issue is the tremendous amount of potentially devastating financial exposure to Nevada County because of the mine. $131+ million in fact! The analysis, bonding requirements, and supporting documentation for these financial assurance requirements are attached.

Second issue which appears to only have been lightly discussed, is the safety and

quality of life of underground miners. My source is also attached.

Listed here are just some of the health and safety issues and exposures for underground miners:

- Silica
- Diesel Particulate Matter
- Noise
- Manual Material Handling
- Whole-Body and Hand-Arm Vibration, including Raynaud's Syndrome and White Finger
- Fall of Ground (rock cave in)
- Rock bursts
- Secondary Blasting
- Crush hazards
- Gases such as ammonia, carbon monoxide, methane, and nitrogen dioxide
- Working with explosives
- Pain or injury from physical overexertion, repetitive manual tasks, or working in awkward positions
- Heat stress
- Air quality, including oxygen deficient environment, molds
- Asbestos exposure

I believe these two issues beg the question; Do we want to tempt financial chaos for Nevada County and do we want to possibly create dangerous jobs for our community?

In summary, I respectfully request for the well-being, health and future of Nevada County that you recommend to the Board of Supervisors denial of the FEIR and also denial of the Use Permit for the IMM project.

Respectfully,

Tim Ogburn

IDAHO MARYLAND MINE SPECIAL USE PERMIT

PROPOSED FINANCIAL ASSURANCES

AND

CONDITIONS OF APPROVAL

By

Tim Ogburn

There is a tremendous amount of financial exposure for Nevada County because of the mine.

$131,000,000 in fact!

My pertinent background:

- Chairman of the South Lake Tahoe Planning Commission
- Supervising senior scientist for 20 years with DTSC
- As General Services Manager for San Joaquin County I was responsible for overseeing the agenda packages for the BOS

My findings are supported by reference links and citations included in my documentation.

Specifically:

- **Nevada County General Plan**
- ***IMM Land Use Technical Study March 2020***
- **FEIR**

My **findings are:**

1. **To Protect the County and its constituents Nevada County is required to secure surety bonds and a cash reserve of $131,000,000 from the permit applicant.**

2. Rise Gold does not meet the requirements to obtain these bonds. In fact they don't even come close. (more later)

The easiest way to avoid

1. this financial exposure for the County,

2. the potential lengthy court battles

3. and all the work required to protect the county and oversee all the bonded activities….. is simple.

4. Vote no on the special use permit.

Here are my findings

The following ***County General Plan*** citations are provided for reference: **1 goal 6 policy statements**

- **Goal HM-10.5** - Protect public health, safety, natural resources, and property through regulation of use, storage, transport, and disposal of hazardous materials.
- **Policy HM-10.5.5** - The **County will actively promote prompt clean-up or remediation of properties contaminated by mine waste** or other hazardous materials and shall not grant any discretionary or ministerial land use approvals to develop or change boundaries or reconfigure parcels believed to be contaminated, unless and until the nature, extent, type and

location of the contamination is determined and satisfactory arrangements are made for clean-up or remediation, in accordance with Nevada County standards or State regulations.

- **Policy 17.11** - Recognize the importance o**f** water conservation and quality for the present and future needs of the County by: 1. Requiring the conservation of on-site water during mining operations. 2. Requiring that off-site water discharge complies with State water quality standards. 3. Requiring that any increase or decrease of off-site discharge is not detrimental to the downstream environment or downstream water users.

- **Policy 17.13** - The **County shall (not may!) require satisfactory forms of accessible security, including irrevocable letters of credit, cash deposits, escrowed negotiable securities, or performance bonds, from all mining projects to cover all such damages which may stem from the projects.**

- **Policy 17.24** - **Regardless of the General Plan designation, subsurface mining shall be conditionally permitted throughout the County.** Said mining shall be allowed only after impacts on the environment and affected surface land uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the **impact of the operation on surface land uses, water quantity and quality, noise and vibration, land subsidence, and traffic associated** with surface access. **All other related impacts shall also be addressed.**

- **Policy 17.7** [not addressed by Land Use Technical Study] Use permit time limits for each project shall be established on a case-by-case basis. Time limits shall be based on the reasonably expected life of the mining operation and potential conflicts with future neighboring land uses. Each project shall have a periodic review for compliance with the use permit by the Planning Agency. In no case shall such review time period exceed five years. Said review shall be funded by the applicant.

- **Policy 17.14** - Already existing development - commercial, residential, and community - as well as undeveloped private lands, shall be protected from adverse environmental effects caused by mining through enforced use permit conditions and mitigations measures, or denial of the projects. The County shall be the enforcement agency.

The following citation from the ***IMM Land Use Technical Study March 2020*** provided for reference:

- **The project would include provision of a financial assurance mechanism consistent with the requirements of the SMARA** [SMARA - California Surface Mining and Reclamation Act of 1975; SMARA, Public Resources Code, Sections 2710-2796]

The following citation from the ***Final Environmental Impact Report***, December 2022, is provided for reference:

- Mitigation Measure 4.8-2(a) **requires a groundwater monitoring plan.** The project applicant shall implement the Groundwater Monitoring Plan (GMP) **prepared** by Itasca Denver, Inc. (February 2021), as approved by the County.

PROPOSED FINANCIAL ASSURANCES

My **Proposed Financial Assurances** apply to the **first 10 years of mine operation.**

The financial assurance instruments should be **revisited every 10** years to determine the annual amounts for the next successive 10-year period, for the full duration of the mine operation.

General Liability and Environmental Mitigation bond. Ten-Year Period Amount. $80,000,000.

General Environmental Clean Up Bond $15,000,000 (Jamestown Mine)

Cash Account $5,000,000

Domestic Well Water Monitoring Bond (Not clean up!) $2,000,000

NID $14,000,000

Air Quality Monitoring and Dust Mitigation Bond 2,000,000

Water Discharge Quality Monitoring Bond $2,000,000

Seismic Monitoring Bond $3,500,000

Centennial Site Clean-up Performance Bond $7,600,000

Surety Bond

General Liability bond. Ten-Year Period Amount. $80,000,000.

General Environmental Clean Up Bond $15,000,000

The Mine Operator shall provide a **General Liability Bond** from a reputable bonding company experienced in bonding mining extraction projects, in the amount of $80 million, to guarantee compliance with all conditions of the issued Use Permit. This bond shall be i**n addition to** other bonds required by State or regional jurisdictional agencies such as NID.

The Mine Operator shall provide a **General Environmental Clean Up Bond** in the amount of $15,000,000.

Jamestown Mine in Tuolumne County

Closed in 1994 because of ground water contamination issues.

It had to be cleaned up!

County required a $25 mil **general liability insurance policy (which the appellate court found had pollution liability exclusions)** in todays $ is $68,622,000

They also required a $3 mil clean up bond which is $8,234,000 in todays $.

$5.3 mil to clean up the ground water contamination **(176 wells)** in 1994. $10,162,000 today.

$3,000,000 clean up bone bond **$2.2mil cost** to the county is $4mil today.

https://www.recordnet.com/story/news/1999/09/16/mine-fouling-water/50805003007/

https://www.in2013dollars.com/us/inflation/1986?amount=25000000

Siskon Mine

B**ond for the Siskon Gold Mine project back in the 1990s; the one on the Ridge that flooded out and got shut down. The County only required a $400,000 surety bond for "mine closure",** and a portion of the bond was released and untapped by the County despite Siskon not completing all of the permit requirements for reclamation.

https://www.sjrtaxpayers.org/history/

Cash Account RGV

Ten-Year Period Amount: $5,000,000

Per General Plan Policy 17.13 and the FEIR

Mine Operator shall provide a cash reserve account to pay for all County staff expenses and oversight of monitoring programs associated with IMM for full duration of the project.

The anticipated estimated cost for **County oversight is $169,200 time three shifts $507,000 per year,** based on staff expenses and a contract with an independent consulting firm to provide a full-time Senior Environmental Engineer for **continuous on-site inspection and reporting to the County to assure compliance with the permit conditions.**

The anticipated costs are to include: [but not limited to Staff Expenses]

- Staff Expenses: **the FEIR Summary Ground Monitoring Plan continuous on-site monitoring of operation is required** to comply with all conditions and technical measures, having an on-site inspector, independent and reportable to the County and paid for by the project owner.

- The average Senior Environmental Engineer salary in California is $117500 (DTSC) as of January 26, 2023 including benefits is $169,200 per year.

- $169,000 per year for 10 years plus annual labor cost inflation of 2%.

- [See: Calculation link https://whaleapp.io/compound-interest-calculator/?gclid=EAIaIQobChMIyvWckObW_QIVnjKtBh3fqQ9WEAAYAiAAEgJ8FPD_BwE]

Domestic Well Water Monitoring Bond (Not clean up!)

Ten-Year Period Amount: $2,000,000 (see Jamestown Mine)

Per the FEIR (Mitigation Measure 4.8-2(a)), 4.8-2(b) and the FEIRSummary Ground Monitoring Plan.

The Mine Operator shall conduct a well water monitoring as follows.

- Prior to mining operation: test all private domestic wells within a one-mile radius from the outer boundary of the 2,500-acre potential underground tunneled "mining area"; such testing to be conducted by an independent testing company selected by the County, to establish 'base line 'data for water quality and quantity of wells during both peak summer and winter time period.

- During mining operation: test all private domestic wells [selected in the 'prior-operation test' on an annual basis [or more frequently if there is a detectable change in well performance by the private land owner].

- If there is a depletion of water quality or quantity in a well, the Mine Operator shall provide a comparable source of water to the private property owner; such comparable 'source 'shall be from the City of Grass Valley water system, or from NID piped water system, or a newly drilled well.

NID

Ten-year Period Amount: $14,000,000

Per https://www.theunion.com/news/environment/hung-out-to-dry-well-owners-contend-with-idaho-maryland-mine-report-s-findings/article_9723e46d-925b-50ff-b9e9-388b6ab63669.html April 6, 2022

NID General manager recommends Rise Gold post a $14 million bond to cover all potential costs regarding an NID groundwater monitoring program, including potential impacts to NID water storage, and conveyance systems.

Water Discharge Quality Monitoring Bond

Ten-Year Period Amount: $2,000,000

The FEIR requires a

Groundwater Monitoring Plan (GMP) under **FEIR Mitigation Measure** 4.8-2(a). Discharge quality monitoring program cost: $200,000/year.

Air Quality Monitoring and Dust Mitigation Bond

Ten-Year Period Amount: $2,000,000

Per General Plan 17.13 and FEIR 4.3

Require air quality monitoring and dust mitigation on frequent basis both on-site and off-site; and sound/noise level monitoring program, estimated cost: $200,000 annually.

Seismic Monitoring Bond

Ten-Year Period Amount: $3,500,000

There is an earthquake fault that runs through the middle of the mine.

The capital cost of an average mine wide seismic system is in the range of $200,000 to $500,000, with typical yearly operating and maintenance costs in the neighborhood of 20-40% of the capital cost. Seismic monitoring from explosives activity will be **$350,000 annually**. [See: https://onepetro.org/ARMACUSRMS/proceedings-abstract/ARMA07/All-ARMA07/ARMA-07-174/116336]

Centennial Site Clean-up Performance Bond

Ten-Year Period Amount: $7,600,000

Stated in the Mine's Technical Report.

Centennial Site is an **essential component** of the day-to-day operations of the Idaho Maryland mine.

This is supported by **the Centennial site APNs** and the **Idaho Maryland Mine site APNs are cited together** in the property description in both the **Technical Report of the Idaho Maryland Projec**t and **DTSC's Voluntary Cleanup Agreement**.

State law requires that the responsible party post a performance bond to guarantee completion of the cleanup.

The Voluntary Agreement with DTSC has **not been finalized** thus the required Financial Assurance bond has **not been secured**.

Rise Gold states that they will clean up the site once the permit is approved. If Rise Gold does not clean up the Centennial site and if a bond is not secured before it becomes an **orphaned** site **the County could be obligated** for a minimum of **$3.5 M + $200,000 a year for DTSC oversight.**

Bond Calculation: DTSC clean-up estimates are historically low. Double the estimated clean-up cost of $3.5 million plus $200,000 per year for DTSC oversight for three years is $3.5 M times two plus $200,000/year for three years = $7,600,000]

Summary

The County is **required** to secure from the applicant over **$131,000,000** in **financial assurances** to **protect** the county if the special use permit is approved.

Rise Gold does not meet the bonding requirements to obtain these bonds. In fact they don't even come close.

According to the "go to" national environmental project bonding agency (Surety Bonding Authority for Environmental Project Bonding) the underwriter's first step is to review the applicant's assets to be put up for collateral, as well as credit, cash flow and character.

https://suretybondauthority.com/environmental-surety-bond/

Rise Grass Valley fails on all four categories of these initial screening criteria!

It cannot get a bond(s).

This alone should be enough to vote no.

Bond Amounts

General Liability and Environmental Mitigation bond. Ten-Year Period Amount. $80,000,000.

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Cash Account $5,000,000

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Water Discharge Quality Monitoring Bond $2,000,000

Seismic Monitoring Bond $3,500,000

Centennial Site Clean-up Performance Bond $7,600,000

The easiest way to avoid

- **this financial exposure for the County,**
- **the potential lengthy court battles**
- **and all the work required to protect the county and oversee all the bonded activities is simple.**
- **another Siskon Mine and JamesTown Mine fiasco is to**
- **Vote NO on the special use permit.**

What are some health and safety issues for working underground in a mine?

https://www.ccohs.ca/oshanswers/occup_workplace/underground_mining.html

There are many risks within the mining industry. These include, but are not limited to:

- Silica
- Diesel Particulate Matter
- Noise
- Manual Material Handling
- Whole-Body and Hand-Arm Vibration, including Raynaud's Syndrome and White Finger
- Fall of Ground (rock cave in)
- Rock bursts
- Secondary Blasting
- Crush hazards
- Gases such as ammonia, carbon monoxide, methane, and nitrogen dioxide
- Working with explosives
- Pain or injury from physical overexertion, repetitive manual tasks, or working in awkward positions
- Heat stress
- Air quality, including oxygen deficient environment, molds
- Asbestos exposure

Is this the kind of jobs we want to create for a community?

From: brady4@jps.net
To: bdofsupervisors; Idaho MMEIR
Subject: Idaho Maryland Mine FEIR
Date: Saturday, May 6, 2023 2:29:21 PM

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Nevada County Board of Supervisors &
Nevada County Planning Commissioners
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

May 6, 2023

Dear Nevada County Supervisors and Planning Commissioners.

We are writing to request that you do not approve (nor recommend approval for) Rise Gold's proposed re-opening of the Idaho Maryland Mine and that you also do not certify the project's currently unacceptable FEIR. As you have already read in numerous other submissions, community organizations have thoroughly reviewed the FEIR and found its conclusions deficient. The report fails to accurately address groundwater and air quality impacts, as well as mine waste management. Certifying an inadequate and misleading FEIR leaves our county vulnerable to future exploitation by enabling other companies to propose similar projects without the need to accurately address the project's full environmental impact.

We are aware that Rise Gold's proposal contains inflated predictions of economic benefits in the form of jobs and tax revenues. Such imagined benefits, we believe, will be more than offset by the economic losses our county would incur should this project, or similar future projects, advance. The threat of contaminated air and water, as well as the noise pollution and traffic congestion, precipitated by mining operations in such close proximity to our homes will not only discourage prospective businesses and residents from choosing Nevada County, but will motivate current residents to relocate to healthier communities.

When we chose Nevada County, over 30 years ago, mining was part of our community's history, not an active enterprise. We raised our family on property that relies on a residential well, confident in the knowledge that community leadership was committed to maintaining and improving upon the quality of the water and air we all share. We ask now that you honor the legacy of that commitment and do not allow Rise Gold's proposal or the project's inadequate FEIR to jeopardize the land we love. Please do not approve re-opening the Idaho Maryland Mine and do not certify the FEIR.

With thanks,

Carol and William Brady
20191 Wolf Creek Road
Grass Valley, CA 95949
(530) 345-6252

From: Denise Bellas
To: Idaho MMEIR
Subject: IDAHOE MARYLAND MINE - COMMENTS Not able to attend next week, but want this to be considered.
Date: Friday, May 5, 2023 4:15:26 PM
Attachments: image001.png

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TO SUPERVISORS AND PLANNING:

Regarding the approval of the Idaho Maryland Mine….to all staff overviewing this process, please realize what you do impacts this community, well beyond just this mine. Should you approve to re-zoning of a now light industrial/residential area for mining, consider what this promotes for our future.

How many of Grass Valley and Nevada City residents live on top of old mines and shafts? Once rezoning is approved, what keeps any number of mines to be opened?
It is not one single mine you are approving. This opens up a very destructive environment for our town, business owners and residents.

Ask…. do any of us really want to be living on top of an active mine? I know I do not.

PLEASE DO NOT APPROVE THE EIR AND THE REZONING.

(I want to be present, but will be working out of town next week.)

DENISE BELLAS,
LEED AP BD&C
Architectural Consultant
C 415-300-6701
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W www.royalplywood.com

From: Barbara Jensen
To: Idaho MMEIR; Planning
Cc: bdofsupervisors; Sue Hoek
Subject: Idaho-Maryland Mine: NO!!
Date: Monday, May 8, 2023 8:04:17 AM

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I vehemently OPPOSE the reopening of the Idaho-Maryland Mine.

My family & I moved to Nevada County more than 23 years ago to enjoy a cleaner, quieter, more comfortable life. We own a home (and have owned 3 others), work, eat, shop, recreate, and plan to retire in Nevada County. The Mine is detrimental to our quality of life, detrimental to our environment (water-, air-, soil-, noise-, and light-pollution just to name a few), and will cause many of your constituents (voters, tax payers, business owners, tourists, Festivals & Events, etc.) to leave the County and not return.

The Idado-Maryland Mne is already a Superfund Site, along with other abandoned mines in the County, because people didn't think *ahead*. Don't make an existing problem worse. Would you want this in your backyard? Or that of your children?

Reopening the Idaho-Maryland is a really bad idea!

Thank you for your time.

Barbara Jensen, Rough & Ready

From: G. Larry Engel
To: Idaho MMEIR
Cc: G. Larry Engel
Subject: IMM Supplemental EIR Objection (related to prior DEIR Objection Ind. 255)
Date: Friday, May 5, 2023 4:44:27 PM
Attachments: mine 2023_Rebuttal to EIR MH.pdf

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Please find enclosed my second, supplemental mine objection, as described in the attached cover letter for that new objection. Thanks.

G. Larry Engel, Esq.
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May 5, 2023

Matt Kelley, Senior Planner
Nevada County Planning Department
Nevada County Planning Commission
950 Maidu Ave, Suite 170
Nevada City, CA. 95959
Idaho.mmeir@nevadacountyca.gov
Attn: Brian Foss, Secretary
Shelley Romriell, Clerk

RE: Supplemental Objection to the Final Environmental Impact Report SCH # 2020070378 December 2022 (the "EIR") for the Idaho-Maryland Mine Project (the "Project") Pursuant to the Notice from the Nevada County Planning Commission for the May 10, 2023, Special Meeting, Also Objecting To the New County Staff Report.

Ladies And Gentlemen:

I appreciate your Notice of this opportunity to continue my objections to the Idaho-Maryland Mine Project. I preciously filed a lengthy "EIR Objection 254" on April 25, addressing many issues, including my rebuttals defending my prior "DEIR Objection 254" designated by the EIR for its disputed Responses therein as my Individual Comment Letter Ind. 254. The EIR also contained disputed Reponses to my supplemental other prior objection designated by the EIR as Individual Comment Letter Ind. 255. The attached new, supplemental objection that I call my "EIR Objection 255" rebuts both those disputed EIR Responses and the parts of the new County Staff Report supporting much of the disputed EIR/DEIR. Because of the lack of response time regarding the new County Staff Report, most of my specific comments thereon are found in Exhibit A to the "EIR Objection 255" I have attached to this letter. To clarify, I previously filed with you two objections to the DEIR, and then two recent objections to the EIR, including this one. My goal in my four Objections is to be comprehensive.

Thank you for considering my views.

Sincerely,
G. Larry Engel

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Supplemental Brief Objections to the Idaho-Maryland Mine Project Final Environmental Impact Report/SCH #2020070378 (12/2022) (the "EIR") And My Disputes Against EIR Responses To Comments Ind. 255-1 through 50, And Brief Comments on the Commission Staff Report.

I. Introductory Comments And Coordination Among My Filed Objections To The EIR/DEIR.

A. Some Context For The Focus Of This "EIR Objection 255" And Its Relationship To My Other "Objections" To the EIR/DEIR.

1. How This Objection Supplements My Three Other Objections To The EIR/DEIR And Related Guidance For The Reader.

This is the fourth of my objections to the EIR (collectively all incorporated and called my "Objections"), which I distinguish from the other three by calling this "EIR Objection 255," because it replies with my rebuttals to the EIR's disputed "Responses" to my "DEIR Objection 255" (beginning at EIR page 2-6028). I also recently filed my extensive, companion "EIR Objection 254" to reply to the EIR, and to the EIR's disputed "Master Responses" and "Responses" to my previous 150-page main and comprehensive objection to the disputed initial "DEIR" that I call my "DEIR Objection 254." (For clarity I note that the disputed EIR designated my such previous "DEIR Objections 255 and 254" filings as (i) this "Individual Letter 255" with the EIR calling its "Responses" as "Response to Comment Ind 255-1 to Ind 255-50," and (ii) my other DEIR Objection 254 (beginning at EIR page 5843) as "Individual Letter 254" with the EIR calling its "Responses" as "Responses to Comment Ind 254-1 to Ind 254-101.") My companion EIR Objection 254 also addresses the EIR's main contents and the EIR's "Master Responses" that apply generally. The reason for this introduction before I respond item-by-item below to rebut each of the EIR "Responses" to my DEIR Objection 255 is to provide the reader with the convenience of seeing in this one objection some of the core law and data on which my such objections rely, as a starting point for the more comprehensive and in-depth analysis, proof, and legal authorities provided in my extensive companion EIR Objection 254.

While some seem surprised that my main such EIR Objection 254 is so extensive, I note that it is proportional to (one-fourteenth of) the more than 7000 pages of the disputed EIR containing many errors, omissions, evasions, and noncompliance with CEQA and other applicable law. For convenience I often refer to my EIR Objection 254 as "Ind 254" because I reference it so often herein (and I incorporate Ind 254 all herein, as if the EIR Objections 255 and 254 were one consolidated Objection.) The main reason for the initial separation of my DEIR Objections between 255 and 254 had to do with their separate timing and my need to supplement my earlier filed DEIR Objection 254 when I realized the County staff had adopted some erroneous legal and other positions asserted by the DEIR team that needed to be corrected. The EIR Objection 254 now continues most of that reform and correction quest, but I cannot allow any of the erroneous or worse "Responses" by the disputed EIR to my DEIR Objection to go unrebutted, which is the goal of this Objection. However, because the substantial EIR Objection 254 objections are so comprehensive, I have made a significant effort to reduce redundancy in this Objection by relying on that incorporation to my EIR Objection 254. The main reason that I do what little extra commentary I do herein is defensive. As demonstrated in

my EIR Objection 254, especially my objections to the EIR Master Responses and EIR "Responses" Ind 254-1 to 101, the hypocritical EIR tends improperly to ignore or evade my incorporations by reference and even my internal cross-references. To avoid the chores of dealing with that repeated tactic again in this document, I sometime make specific cross references or incorporations to each rebuttal over such disputed EIR tactics, if this EIR challenge needs to be litigated.

Nothing in the disputed EIR has overcome any of my four Objections, and, as noted, the County decisionmakers should consider each EIR tactical omission, evasion, and noncompliance as another ground for rejecting the EIR. Indeed, even when the EIR purports to address an objection on the merits (as distinct from asserting an excuse for refusing to argue the merits or from ignoring or otherwise evading the dispute at issue), too often the EIR's complaints about my Objections are properly blamed on the EIR/DEIR for itself creating the problems about which it complains. For example, as explained many times in my Ind 254, the disputed EIR incorrectly complains that my Objections are too speculative, too unsubstantiated, or too unclear or unexplained to merit any response. However, as so demonstrated therein, the EIR and/or DEIR provision, omission, or noncompliance contested in my Objection was usually itself either (i) too speculative, too unsubstantiated, too unclear or unexplained (e.g., based on mere implausible [or worse] opinions), (ii) based on false or unstated and incorrect or worse assumptions or guesses, (iii) the result of improperly ignoring my express cross-references or incorporations in my objections (or just willfully ignoring whatever other parts the EIR/DEIR wished to evade), (iv) the result of the disputed EIR arbitrarily fragmenting and improperly addressing only in isolation what was my unified and integrated comment in a larger designated section of my Objection, or (v) other improper evasive tactics. If the reader has the patience and endurance to compare in detail my Objections to the EIR/DEIR (and such disputed EIR responses to my corresponding objections) that pattern and practice of improper evasion, avoidance, and worse become unmistakable and irreconcilable with the CEQA requirements I explained at length in my EIR Objection 254 with cited authorities applied to specific violations in the EIR/DEIR.

2. Any CEQA Analysis Of the EIR/DEIR Must Apply A "Good Faith Reasoned Analysis" With "Common Sense," And The EIR/DEIR Often Fails To Do So.

Whether or not the reader finds any merit to the EIR's such asserted excuses for its frequent noncompliance and nonresponsiveness, the disputed EIR consistently fails to provide a "good faith reasoned analysis" with "common sense" on such disputed issues and objections, either as required by CEQA or other applicable law, or because I am always permitted by applicable law (as a matter of evidence. See Ind. 254 #'s I.C and D explaining the rules and #'s I.E and F applying them to examples, using cases like *Gray, Banning, Vineyard, and Costa Mesa.* What the EIR, and so far, the County, ignore is the law of evidence, to which CEQA must defer and does not pretend to override, like the EIR tries to do. Id. For example, my rebuttal or impeachment of EIR/DEIR errors, omissions, or noncompliance is always allowed, especially where I am using Rise or DEIR/EIR admissions to dispute their inconsistent or contradictory claims. See my Ind 254 discussion of *Richmond v. Chevron (#'s I.C and D), and* somewhat illustrated below, where objectors defeated the eir by using SEC admissions against the applicants, just as I am correctly trying to do in these Objections (see Ind 254 Exhibit B) with

SEC filing admissions proving that Rise lacks the financial resources not only to accomplish the EIR project goals, but even to make the disputed EIR's proposed mitigations feasible even at their current deficient levels before more compliant mitigations and safety requirements are imposed in response to reality based objections, where the EIR can say whatever it wants with respect to matters inside or outside its disputed CEQA boundaries, but the EIR refuses to address objectors' rebuttals or counters that the EIR calls irrelevant for being outside its fantasy CEQA boundaries, such as such economic feasibility issues the EIR constantly evades and ignores in the "alternative reality" it seeks to construct for its project. No court will ever tolerate what EIR/DEIR incorrectly contends to be such limited boundaries of CEQA, because whole truth (and nothing but the truth) still matters, at least in court. Stated another way, when the EIR/DEIR evades an objection or makes one of its many false or misleading statements (or statements based on false assumptions underlying incorrect or worse EIR information), that "opens the door" for my rebuttal or impeachment thereof, without any limitation by the scope of CEQA. Never can CEQA be so misused to shield the EIR/DEIR from any truth required to counter such false or misleading information, evasions, or omissions.

As *Vineyard* explained (at 443), "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449). The data in an EIR must not only be sufficient in quantity, it also must be presented in a manner calculated to adequately inform the public and decisionmakers, who may not be previously familiar with the details of the project. "[i]nformation 'scattered here and there" in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640. This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections.

In Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron"), there was a critical dispute over the issue of whether the project included any equipment changes that would facilitate the future processing of heavier crudes [oil] at the refinery. The court stated that "there was conflicting information developed during the EIR process [**including SEC filing admissions**] that cast serious doubt on these assertions [by Chevron's EIR "in conclusory terms that the proposed Project will not result in an increased capacity to process lower quality, heavier crude, and that Chevron seeks only the ability to refine crude with higher sulfur content." The appellate court agreed with the trial court that "***the EIR is inadequate as a matter of law*** because it does not adequately address the issue of whether there are any equipment changes that would facilitate the future processing of heavier crudes…" (emphasis added) **The key to that was the court's discussion of conflicting or contrary admissions "in Chevron's SEC form 10K," and (as here with Rise SEC filings Exhibit B) the EIR applicant told its investors a different story in the SEC filings than it told the public in its EIR. And such admissions then led to more from questioning at a public meeting.**

As that court noted from such impeachment admissions and data: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)

I begin with such principles because the primary purpose of my initial DEIR Objection 255 was to rebut and counter the incorrect exclusion by the EIR/DEIR of any of my evidence of various important things, for example, like admissions of risks in Rise SEC filings contrary to or in conflict with the DEIR/EIR) that the DEIR (and Planning Department) erroneously deemed outside the scope of CEQA (e.g., involving issues with the mine that go beyond so-called "environmental impacts," even though they are relevant and necessary so to rebut, correct, expose, or counter disputed such errors, omissions, and noncompliance in the DEIR or EIR, even when revealed in such admissions.) This Objection continues parts of that quest by rebutting and countering some of such errors, omissions, and deficiencies in the disputed EIR, although the core for all objections is now in my EIR Objection 254. Since these disputes are questions of law (or mixed questions of law and fact), approval of the disputed EIR by the County would simply require the County to correct such errors and reverse such approval, as was done in the many cases that I cite in my Objections on these issues, such as *Richmond v. Chevron* in Ind 254 at #I.C and D. Reader decisionmakers should remember that these disputes are not simply about the interpretation of CEQA, but also about other applicable laws and their application to these particular facts and circumstances.

If this EIR is mistakenly approved in this administrative process, the courts (and objectors' parallel political and law reform efforts) will require comprehensive truth from the EIR/DEIR even if the County does not, since any such EIR/DEIR error, omission, and noncompliance must be exposed and corrected by the truth, regardless of these disputes about the scope of CEQA. **For example, Rise cannot disclose mining risks and problems in its SEC filings and then have the DEIR/EIR present an "alternative reality" contrary to or in conflict with those admissions, especially when exposing the infeasibility of EIR/DEIR safety and mitigation "aspirations."** See, e.g., my DEIR and EIR Objections 254 and Exhibit B to my concurrent EIR Objection 254. (I use the term **"aspirations"** because the Rise admissions demonstrate that, even if it made meaningful promises in the EIR/DEIR [which it does not often do, as distinguished from announcing mere project goals or plans for future and deferred arrangements with regulators contrary to the CEQA court decisions I cite therein and below, prohibiting that EIR deferral tactic], they would be little more than wishful thinking at best and likely worse.) The County decisionmakers should be wary of tolerating such EIR tactics in any mistaken approval because **the essence of the Rise SEC filings is warning admissions that this EIR proposed mining is too risky for any but the most high-risk speculators. Why then would anyone in government approve such an EIR to impose on us thousands of resisting**

homeowners living above or around the 2585-acre underground mine based on far less revealing risk data in the disputed EIR?

3. The Similar Mining Case Of Gray v. County of Madera Rejected A Similar EIR Well Mitigation Proposal For Lack of Such "Common Sense," Among Other Noncompliance.

This subsection reaffirms as an important illustration how my Objections combine to defeat the EIR beyond question for many reasons, but ***Gray v. County of Madera*** by itself is sufficient to defeat the EIR, as I explained earlier in my DEIR Objection 255 #3 and more recently in my EIR Objection 254, and as I applied that CEQA authority on deficiently analyzed and identified mining impacts on neighboring wells and infeasible and insufficient mitigations in my concurrent EIR Objection 254. What the reader should do is read this Objection in conjunction with those others, since that should confirm beyond doubt that the EIR/DEIR must be rejected, because they fail AS A MATTER OF LAW to satisfy the "good faith reasoned analysis" with "common sense" requirement for: (i) groundwater depletion that significantly impacts relevant wells, both (a) those wells that exist and are only somewhat addressed (at most, deficiently) in the EIR/DEIR and those that are ignored or evaded in the EIR/DEIR (even some ignored in the EIR/DEIR but identified in the County Economic Report discussed in Ind 254 Exhibit A, but ignored in the DEIR/EIR), and (b) the future wells that us surface owners above and around the 2585-acre mine have the right to drill to access our own groundwater as a property right (e.g., *Keystone* and *Varjabedian* as discussed in Ind 254), and (ii) mitigation of wells so impacted by the EIR mining and dewatering as demonstrated throughout my companion EIR Objection 254. **Accord, Town of Atherton v. California High Speed Rail Authority (2014), 228 Cal. App.4th 314, 349 (when the eir conclusion is "clearly inadequate or unsupported" it is entitled to no deference.)** (emphasis added) **See also *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70, 95, rejecting a "no net increase" energy standard, despite use of such short cuts in some streamlined approval statutes for particular special projects, as explained in Mission Bay Alliance v. Office of Community Investment & Infrastructure (2016), 6 Cal. App.5th 160, 198 n.26.** See, e.g., POET, LLC v. State Air Resources Board (2013), 218 Cal. App. 4th 736, 739-40; Golden Door Properties, LLC v. County of San Diego (2020), 50 Cal. App.5th 467, 520; King & Gardiner Farms LLC v. County of Kern (2020), 45 Cal. App.5th 814, 858.

As further discussed in my earlier DEIR Objection 255 #3 and quoted below, consider my "good faith reasoned analysis" based on the similar, leading case of ***Gray v. County of Madera,*** applying CEQA and its Guidelines and other applicable law to reject a similar mining eir and rejected well mitigation proposal on a basis that must defeat this EIR/DEIR. Among the many flaws addressed by *Gray* (at 1116-1118) for this EIR/DEIR situation, was to reject disputed mitigations and opinions that defy **"common sense":**

> **We agree with …[objectors] that there is no substantial evidence that the mitigation measures are feasible or effective in remedying the potentially significant problems of decline in water levels of neighboring wells. In order to mitigate this problem … [the miner] must present a viable solution that can effectively replace the decline in the water available to the neighboring residents. … We decline to … [defer to the Board's findings because they] are not supported by substantial**

evidence or defy common sense. LAW REQUIRED TO ABANDON COMMON SENSE. HERE, OUR COMMON SENSE INFORMS US THAT THE MITIGATION MEASURES WILL NOT EFFECTIVELY REPLACE THE WATER THAT COULD BE LOST BY THE NEIGHBORING LANDOWNERS. IT IS TRUE THAT THE MITIGATION MEASURES WILL PROVIDE A REPLACEMENT FOR THE LOST AMOUNT OF WATER. HOWEVER, NEITHER MITIGATION MEASURE … WILL PROVIDE NEIGHBORING RESIDENTS WITH THE ABILITY TO USE WATER IN SUBSTANTIALLY THE SAME MANNER THAT THEY WERE ACCUSTOMED TO DOING IF THE PROBJECT HAD NOT EXISTED AND CAUSED A DECLINE IN THE WATER LEVELS OF THEIR WELLS. (EMPHASIS ADDED).

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We agree with RWQCB that providing replacement water through bottled water not a viable or effective mitigation measure. It defies common sense for the County to conclude that the providing of bottled water is an effective mitigation measure. As presented … [it] does not explain how and in what amount the bottled water will be delivered to the neighboring landowners. The measure requires replacement at least equal to the lost amount of water production from the landowners' wells. … [discussing variable uses, calculation, timing, and other problems that also doom this EIR/DEIR's proposed mitigation] …

Stated another way, no EIR can survive a challenge to its CEQA compliance under the "substantial evidence test" when the EIR defies "common sense" as so defined, again with the burden of proof on the EIR applicant. See Ind 254 #I.A.1.b and I.C and D. This controlling legal principle has many applications in rejecting the EIR/DEIR on the basis of my many objections, especially considering the Rise and DEIR/EIR admissions that the miner lacks the resources to afford not just its project objectives, but even any of the proposed mitigation or safety measures. See, e.g., my EIR Objection 254 Exhibit B and A, and my DEIR Objection 254 #2, 4, and 14. Also, in assessing the "cumulative impacts" of the EIR/DEIR (see Guideline #15355), I note that the EIR/DEIR not only defies "common sense" when it asserts infeasible or worse opinions without the required "good faith reasoned analysis" and any relevant and credible substantiation and other compliance with the CEQA and its Guidelines and other applicable law, as I demonstrate in my four Objections, especially in Ind 254 # I.C and D, and as illustrated by applications in #'s I.E and F therein. For example, when the EIR/DEIR failure to so appropriately respond to my objections by asserting one of their bogus excuses (e.g., incorrect and worse claims that my objections lacked sufficient explanation or detail, or were too speculative or unsubstantiated, etc.), my defeat of those excuses for such ERI/DEIR nonresponse means that the EIR/DEIR must fail by default, especially when those excuses either lack the required "good faith reasoned analysis" with "common sense," or reflect worse noncompliance or objectionable conduct by the EIR/DEIR.

B. Planning Commission Staff Report: Some Brief Comments And Explaining Exhibit A.

1. Introductory Comments Explaining Problems With the Comm Staff Report.

After I filed my EIR Objection 255 and was about to file this Objection, I learned about the "Nevada County Planning Commission Staff Report" (the "Comm Staff Report") that was added to the EIR official file on or about April 26, 2023. For various distracting personal reasons during the short time remaining before the May 10 hearing, I will not be able to do the kind of analysis and rebuttal of that Report that I would have liked to have done, such as I have previously done with respect to the DEIR and EIR in preparing my four Objections. Therefore, I will add as illustrations of many objectionable Report provisions what specific comments may be feasible in this limited time for comments in Exhibit A hereto. Fortunately, most of my objections to the EIR/DEIR equally apply to the Comm Staff Report, as generally explained in these comments and illustrated in Exhibit A. While I will do a more sufficient review of the Report before the Board of Supervisors meeting on the EIR, nothing so far in my review of the Comm Staff Report inspires me to attempt any last-minute changes of anything in my four Objections. To the contrary, the Comm Staff Report too often simply repackages the already disputed content of the EIR. Therefore, I object to the Comm Staff Report on the same basis as my four Objections disputed the same errors, omissions, evasions, and noncompliance in the EIR/DEIR, including as to what I have incorporated by reference in my Table of Incorporations by Reference Objections attached to my companion EIR Objection 254. Stated another way, all my Objections remain in effect against all contrary content in the Comm Staff Report, which (perhaps with some minor exceptions) adopts and supports the EIR/DEIR.

To the extent that the Comm Staff Report supports to any extent anything in my Objections, I thank the Staff for that part of their work. To the extent that the Comm Staff Report disagrees with anything in any of my four Objections or other objections I incorporate from my Table of Incorporations by Reference Objections attached to my companion EIR Objection 254, I invite them to discuss our differences. Unfortunately, the Comm Staff Report did not have time to consider EIR objections by me or others. Nevertheless, the Comm Staff Report seems to have generally followed the DEIR and ignored all my and others' objections to the DEIR. Thus, all my and others' DEIR objections continue to apply to the EIR, which rarely, if ever, cured any of the DEIR's errors, omissions, evasions, or noncompliance, as proven in this Objection and my companion EIR Objection 254 rebutting the EIR, and, therefore, the Comm Staff Report. Likewise, to the extent that the Comm Staff Report supports anything in the EIR/DEIR to which I have objected, I also object to that support as incorrect or worse, and I invite the staff to discuss what I think they are missing and why I think they should reconsider their position once they read my two EIR objections, among others. The only "good news" for everyone is that by the Comm Staff Report mistakenly following the EIR/DEIR so closely, it should be relatively easy for the staff to track my such objections, since all they have to do is compare the disputed EIR/DEIR to my corresponding objections of me and others.

I also offer this observation, which is supported by many of my analyses in my four Objections: the EIR/DEIR does not satisfy the legal requirements for approval either (i) on the merits of what it claims, or (ii) on account of its noncompliance with CEQA and other applicable law and reality. So far, the staff's EIR/DEIR process has shown excessive and objectionable tolerance to, and support for, what many meritorious objections have cited as noncompliance, evasions, and omissions by the DEIR which the EIR has not cured, but instead has made worse by the EIR adding more such noncompliance, evasions, and

omissions. See both (i) my incorporated Table of Incorporated by Reference Objections at the end of my EIR Objection 254, and (ii) what I included in my analyses therein from such incorporated objections of others. For example, so far, this process has applied the legally incorrect theory of the EIR/DEIR that (as so incorrectly interpreted) CEQA limits objections, even in rebuttal or impeachment, against what is stated in the EIR/DEIR, even when based on based Rise and EIR/DEIR admissions. See, for example, on economic feasibility, my DEIR Objection 255 that this Objection supports and defends against such noncompliance, errors, omissions, and evasion in the DEIR/EIR, which my companion EIR Objection 254 also exposed on an item-by-item rebuttal basis.

Indeed, this EIR dispute is not the usual, fact-based battle of experts over approving a new project with many current and known facts as to which the dispute is not so much with the facts and realities, but rather more often about how the law reacts to those facts and realities, i.e., whether an impact is "significant" or not and whether the mitigation is adequate. However, in this case of reopening a mine closed and flooded since 1956 and integrating the incontrovertibly toxic Centennial site into the project (while incorrectly denying that it is a part of the CEQA project), there has been insufficient investigation and current, reliable, and meritorious "good faith reasoned analysis" with "common sense" to create any common foundation of facts. Indeed, because of the massive, "fact-based reality" information gaps in the disputed EIR/DEIR, which the Comm Staff Report chooses to overlook in ignoring the meritorious objections, we are not just disputing over what is tolerable under generally agreed facts for government to impose on the thousands of us objectors living above or around the 2585-acre underground EIR mine. Instead, these are also disputes over what the law requires under these circumstances and what are the relevant facts and circumstances in so many profound ways that this seems a dispute between (i) what objectors know and believe to be reality (and in many cases what their witness testimony will be in any court process that may be required), versus (ii) the "alternative reality" created by the DEIR/DEIR.

Stated another way, so far, the disputed EIR/DEIR has not been held accountable for its many demonstrated errors, omissions, evasions, and other noncompliance with CEQA and other applicable laws, such as evidenced by the lack of "good faith reasoned analysis" with "common sense" proven by my lengthy Objections and those of others. See my Table of Incorporated by Reference Objections attached to my companion EIR Objection 254 and incorporated herein. It is regrettable that, while the disputed Comm Staff Report added some data missing in the EIR (e.g., about regulatory and other agency approvals and permits that will be required and related issues overlooked by the DEIR/DEIR, which I object to the Comm Staff Report trying to correct for the EIR/DEIR), that Report also fails to provide the "good faith reasoned analysis" and "common sense" lacking as a foundation for any such claim by the EIR/DEIR or advanced by the Comm Staff Report.

2. Three Examples Of Comm Staff Report Errors Among Many Explained in Exhibit A (Besides Its General Support of the EIR/DEIR And Disregard of the Many Meritorious Objections).

Among the scores of errors, omissions, evasions, and noncompliance by the disputed EIR/DEIR that are tolerated or worse in the Comm Staff Report, that Report adds its own

mistakes. Here are three of the more obvious ones among what are addressed in Exhibit A below:

a. **Regardless of the Alternatives and recommendations asserted by the Comm Staff Report, which should be rejected for the reasons stated in my and others' objections (see, e.g., my objections in section I.D above and my companion EIR Objection 254 #I.E.10), the Board decisionmakers must not certify the disputed EIR, especially if they correctly reject the mine applications. That disputed strategy would compel objectors to fight in the abstract to defeat the EIR in court so that we never have to endure a replay of this tragedy. Why would the County wish to waste public funds to defend such an intolerable EIR just so that some miner can try this again with the advantage of a certified EIR? Why make it easier for any future miner to exploit the mistakes and worse in this disputed EIR/DEIR?**
b. **The Comm Staff Report at 51-53 would use the Development Agreement to lock in a for 20 years (with two 10-year extension options) allowing the mining to proceed "consistent with the …General Plan …[and other laws] without disruption caused by material future changes in County planning and development policies and requirements over the [80 year?] life of the Idaho Maryland Mine Quarry Use Permit." Stated another way, the disputed Development Agreement would purport to "lock in" the disputed EIR for up to 40 years, without any chance for reforms by the County (and by any other government?) when it realizes our many objections were correct. The Comm Staff Report reveals its inappropriate pro-mine partisanship by trying to "spin" that self-defense correction opportunity for us mine victims as a "disruption." How can any responsible government perceive a public benefit in forbidding cures of mistakes in allowing such a disputed miner to so dangerously operate to the harm of us thousand objectors living above or around the 2585-acre underground mine?**
c. **The Comm Staff Report aids and abets the noncompliant approach by the disputed EIR/DEIR in deferring to the future the required analysis of impacts and mitigations, after approval/certification of the EIR, thereby defeating the whole purpose of CEQA with such an open and notorious violation to which I and many others have objected based on our correct interpretations of CEQA and other laws as confirmed by the applicable court precedents. See #I.C above and my companion EIR Objection 254 #'s I.C and D (discussing the applicable CEQA and Guideline rules prohibiting such deferrals and CEQA evasions, plus some cases like *Richmond v. Chevron)* and I.E1-4 (illustrating those correct rules against deferrals, especially in I.E3 and 4.)**

1. **The Comm Staff Report Cannot Cure Noncompliance By the EIR/DEIR.**

The EIR/DEIR has failed to comply with its CEQA and other investigation, analysis, and disclosure obligations, of which the staff process so far has been too tolerant (and which the Comm Staff Report cannot now cure), despite massive and meritorious objections. The question is what to do about such many essential to know, but not yet proven, material facts and

circumstances. As my EIR Objection 254 proves and as stated above, the burden of proof and compliance is on the EIR/DEIR (#I.C above), and my Objections and others demonstrate that the EIR/DEIR both fails to satisfy that burden of proof and used disputed tactics to try and evade their duties and, worse, try to shift those burdens to the objectors. That is intolerable, except it seems to the Comm Staff Report, which is one more reason to object to it. To the extent that the Comm Staff Report fails to insist on such compliance by the EIR/DEIR, I ask them to reconsider and at least to hold the EIR/DEIR to the same standards the EIR/DEIR ties to impose on us, if not to the greater standard to which the EIR/DEIR will ultimately be held by the courts correctly applying the law, if this EIR is mistakenly approved.

For example, where there is no substantial evidence presented on an issue by the EIR/DEIR, they often try to cover the gaps they leave with unsubstantiated opinions, speculations, and false assumptions that my and other the objections have rebutted and countered. (Again, while it may try, the Comm Staff Report cannot correct that noncompliance, and it should not be regarded as having done so. See the controlling precedents below.) For example, this EIR not only improperly defended such DEIR noncompliance, but the disputed EIR attacked our objections with bogus claims that it was somehow our objections that are unsubstantiated, speculative, and otherwise deficient. I repeat that here to remind the staff that the Comm Staff Report cannot use that incorrect and worse excuse for evading our meritorious objections. We urge the County to hold the EIR/DEIR to that higher standard that the law requires of them, as explained herein and in many meritorious objections.

Please note the most important legal rule that applies to this Comm Staff Report: it cannot cure any of the errors, omissions, or other noncompliance in the disputed EIR/DEIR. None of us has had a fair opportunity to rebut the Comm Staff Report (or for the Report to address our many EIR objections), consistent with law and due process. The court precedents are clear that the lead agency cannot, as the County incorrectly may hear from the EIR/DEIR, "make up for the lack of analysis in the EIR through post-EIR analysis," especially because the lead agency has the critical "burden to investigate" such potential environmental impacts. E.g., *League to Save Lake Tahoe Mountain v. County of Placer* (2022), 75 Cal. App.5th 63, 107. Here, any investigation should have confirmed both the merit of our objections (sufficient even at our DEIR level objections) and the massive noncompliance by the EIR/DEIR.

C. Some Additional Legal Guidance In Considering These Objections.

1. Such *Gray* "Common Sense" Requirement Links To the EIR's Burden of Proof That Also Requires "Good Faith Reasoned Analysis" As Illustrated Here.

a) Among the Fundamental Ways In Which the Disputed EIR/DEIR Fails To Comply with Court Interpretations of CEQA Are the Following.

I begin this EIR Objection 255 (as I did my other Objections) by providing further context needed to expose as erroneous or worse the EIR "Responses" to my Objections 255, as well as providing some substantive objection content as preview guidance for some "coming attractions" in the rest of this Objection. Without repeating myself, since nothing material in my

four Objections 255 or 254 has been defeated by anything in the EIR/DEIR, I submitted the initial DEIR Objection 255 as a supplemental brief to explain why the County was incorrect in excluding certain economic feasibility and related objections presented in my initial DEIR Objection 254. For example, I begin now by explaining that my evidence on such subjects was not only necessary for relevant truths and rebuttal and impeachment of many errors, omissions, and deficiencies in the EIR/DEIR, including Rise or DEIR admissions that are contrary to or inconsistent with disputed DEIR/EIR claims. I also contend my such evidence is required by applicable law for "common sense" and "good faith," as I explained by illustrations in CEQA mining cases like, for example, ***Gray v. County of Madera (2008), 167 Cal.App.4th 1099 ("Gray")*** **discussed in the prior subsection and thoroughly explained in my prior DEIR Objection 255. As *Vineyard* explained (at 443) "Ultimately, [t]he question is … not whether the project's significant environmental effects can be clearly explained, but whether they were" in a proper manner. That standard is informed by this principle: "The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build consequences and, equally important, that the public is assured those consequences have been taken into account." (at 449).**

The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. [i]nformation 'scattered here and there in EIR appendices or a report "buried in an appendix" is not a substitute for "a good faith reasoned analysis.'" (at 442). Moreover, "[c]onclusions are not the reasoned explanation CEQA requires." See, e.g., Laurel Heights Improvement Assn v. Regents of University of California (1988), 47 Cal.3d 376, 404; North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. Of Directors (2013), 216 Cal. App.4th 614, 639-640. This EIR/DEIR fails to meet any of these requirements, as I demonstrate in my four Objections. See, e.g., *Laurel Heights I*, 47 Cal.3d at 404 (requiring a "reasonable range" of alternatives, because courts will not "countenance a result [on alternatives] that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials."); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal. App.3d 433, 443-45. In any case, "a mitigation measure cannot be used as a device to avoid disclosing project impacts." E.g., *San Joaquin Raptor* Rescue, Ctr. at 149 Cal. App. 4th at 663-664; *Richmond v. Chevron*. Even where the EIR/DEIR acknowledges significant impacts that would be unavoidable after mitigation, that does not end the need for a more detailed analysis of the magnitude of the adverse impacts. E.g., *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997), 60 Cal. App. 4th 1109, 1123. See also Town of *Atherton v. California High Speed Rail Authority* (2014), 228 Cal. App.4th 314, 349 (when the EIR conclusion is "clearly inadequate or unsupported" it is entitled to no deference.)

As the *Richmond v. Chevron* court held from such impeachment data: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port*

***Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)**

After a considerable review of noncompliance in the EIR process and admissions and rebuttals not addressed in the EIR, the *Richmond v. Chevron* court ruled: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added)**

Also, in *Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 89-96,* there was a critical dispute over the issue of whether (as the trial court ruled) the project improperly deferred greenhouse gas mitigation measures to a future, post-EIR process, creating both a failure to proceed as required by law and an abuse of discretion in approving the EIR and project, citing CEQA #21168.5 and fn6. "Instead [of addressing the significance of the project's "contribution to climate change"], the Final EIR stated that making a significance determination for greenhouse gas impacts of the project would be too "**speculative."** However, even back then, there were too many governmental confirmations of climate change to ignore them, such as the court citation of a 2010 CEQA "white paper" and the California Global Warming Solutions Act (Health & Saf. Code 38500 et seq. and later cited new Guidelines #15064.4, 15183.5). See current Guideline 15155,15064.4,15183.5; CEQA 21083, as interpreted in the 2018 Guideline Amendment Explanation addressed below.

My meritorious objections/replies to the key questions of law (or mixed questions of law and fact) at issue are unrebutted by the EIR/DEIR, and my "good faith reasoned analysis" presenting reality, "common sense," and truth stand in contrast to the opposite in the EIR/DEIR that we objectors politely describe as "alternative reality," but which is something less tolerable. To see what I mean, please read above, for example, where *Gray* explained why its draft eir in that case lacked "common sense," when the court rejected the miner's mitigation plan to replace the neighbors' losing well water because that eir did not put the impacted neighbors in the same position such neighbors were in before the mining. (Note here the EIR did not do so and ignored many existing wells and all future wells entirely.) Notice that my such commentary is not to be ignored as merely introductory nothing, but rather is a part of a substantive legal objection that the EIR is trying to evade, rather than debate. The EIR cannot prevail by omission or evasion as it often attempts to do in noncompliance with CEQA and other applicable law. As I demonstrated at length in my companion EIR Objection 254, **the project's proponent has the burden and responsibility for that achieving that required result. *Sierra Club*, 6 Cal.5th at**

513-14. As I keep protesting against the constant effort by the disputed EIR/DEIR to shift the burden of proof to objectors, and to demand more explanations and substantiation from me and other objectors, the CEQA burdens for analysis and reporting must fall on the EIR applicant, not on the objectors. E.g., Kings County Farm Bureau v. City of Hanford (1990), 221 Cal. App. 5th 814, placing the burden of producing the relevant environmental data on the agency, not the public.

Also, under **CEQA the EIR/DEIR has the "duty to undertake all reasonable investigation" of environmental impacts and mitigation**, especially as to mitigations, which are almost always deficient or worse therein. Indeed, as provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times, especially in its disputed "Responses" to my DEIR Objections 255 and 254 that I rebut below) simply label an issue "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the "project setting" because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.) Even worse, Guideline #15145 requires that the DEIR/EIR must "note in its conclusion" that a "particular impact is too speculative for evaluation," but the EIR/DEIR rarely admits any grounds for doubting their unannounced speculations. However, throughout the disputed DEIR/EIR most of its references to speculations (including false assumptions and unsubstantiated opinions) are just complaints about my rebuttals or counters, rather than admissions of the truth, which is that many of the DEIR/EIR errors, omissions, and deficiencies are the unadmitted result of their own speculations, including false assumptions, unsubstantiated opinions, and guesswork. That failure of the DEIR/EIR to expose their own such speculations should be fatal noncompliance with CEQA as well as a basis for rejecting their complaints about my objections.**

Again, among the most common deficiencies and worse in the disputed EIR/DEIR are that they "ignore or assume a solution" to a problem or claims that the missing information "will be provided in the future." *Vineyard* at 40 Cal.4th at 429, 431, prohibiting such deferred analysis or mitigation. See my CEQA discussions and authorities below, such as at my companion EIR Objection 254 I.A.1.d.(v), I.C, I.D, and I.E.4. For example, the disputed EIR ignores the requirement in Guideline #15144 that "an agency must use its best efforts to find out and disclose all that it reasonable can." That rarely happens in the EIR/DEIR on the issues disputed in my Objections. Likewise, my such introductory comments include not just a review of applicable law (e.g., CEQA and its Guidelines), but also the application of such laws and authorities to relevant challenges to the DEIR/EIR. For example, because the disputed DEIR/EIR tries improperly to evade meritorious objections as too "speculative," or insufficiently explained or substantiated to be worthy of any response (a criticism that more often applies to the EIR/DEIR than to my objections), I demonstrated in my companion EIR Objection 254 the reasons that is incorrect and will cause the EIR/DEIR to fail any court test. That is especially true because us objectors are entitled by applicable law to rebut

and impeach any error, omission, or deficiency in the EIR/DEIR (e.g., CEQA does not ever prevent use of truth evidence to rebut nontruths stated in the EIR/DEIR), especially where the DEIR/EIR itself "opens the door" to the subjects it considers outside the CEQA boundary it tries improperly to shield itself from disputes about its errors, omissions, and other deficiencies. Note, for example, that the disputed DEIR (at #4.3-103-104) has a disputed section entitled "Non-CEQA Related Analysis" that I rebut. Moreover, the disputed DEIR admits (at 6-14) that its whole project is economically unfeasible if the EIR mine is not allowed to operate 24/7/365 for 80 years as it demands in its disputed EIR/DEIR (which contrary limitations us objectors will be proposing among other law reforms).

As provided in **Guideline #15145**, **an EIR cannot (as this disputed EIR/DEIR does scores of times) simply label an objection as "speculative" and then "decline to address it." E.g., Napa *Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001), 91 Cal. App. 4th 342, 373. To the contrary, the EIR applicant must undertake a "thorough investigation" of these potential impacts before concluding that they were too "speculative," which the EIR/DEIR continuously refuses to do. E.g., *Citizens to Preserve the Ojai v. County of Ventura (*1985), 176 Cal. App. 3d 421, 430 (requiring the county to "set forth and explain" the basis for its conclusions that analysis of cumulative emissions impacts was "speculative."); San Joaquin *Raptor/Wildlife Rescue Ctr. V. County of Stanislaus* (1994), 27 Cal. App.4th 713, 728 (rejecting the EIR's analysis of the project setting because the EIR "did not reflect even minimal investigation" into the disputed raptor issues.) Again, Guideline #15145 requires that the DEIR/EIR must "note in its conclusion" that a "particular impact is too speculative for evaluation," but the EIR/DEIR rarely admits any grounds for doubting their unannounced speculations.**

Again, none of these important issues can be evaded or ignored in an EIR/DEIR that is supposed to provide such a "good faith reasoned analysis." E.g*., Banning Ranch Conservancy v. City of Newport Beach* (2017), 2 Cal.5th 918, 940-41 ("***Banning***"); *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007), 40 Cal. 4th 412, 442 ("***Vineyard*"**); and *Concerned Citizens of Costa Mesa, Inc. v. 32d Dist. Ag. Ass'n* (1986), 42 Cal.3d 929 ("***Costa Mesa***"), **each insisting on "a good faith reasoned analysis," rather than referencing scattered or buried data (aka objectors cannot be required to hunt through disputed masses of exhibits looking for unspecified data or the assumptions that would be necessary to resolve whether disputed cited studies could be relevant and probative or irrelevant and inapplicable on the merits as, for example, being too dissimilar to this the conditions and circumstances of this mine). More importantly, my prior DEIR Objection 255 presented from the opening throughout not just my correct good faith reasoned analysis of the applicable law, but also the application the CEQA and its Guidelines, as well as other laws and judicial decisions to the relevant facts and circumstances. See, e.g., my detailed application of *Gray v. County of Madera,* supra, not just to explain, but also to illustrate the effect on this mining EIR/DEIR, of the controlling rules for "good faith reasoned analysis" and "common sense," constantly lacking in the DEIR/EIR's disputed, "alternative reality." See generally my companion EIR Objection 254.**

In addition, when there are inconsistent or contrary comments in a disputed EIR/DEIR, the EIR cannot be approved without reconciling revisions and recirculation. For example, in ***Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron"),*** there was a critical dispute over the issue of whether the project includes any equipment changes that would facilitate the future processing of

heavier crudes [oil] at the refinery. The court stated that "there was conflicting information developed during the EIR process [**including SEC filing admissions**] that cast serious doubt on these assertions [by Chevron's EIR "in conclusory terms that the proposed Project will not result in an increased capacity to process lower quality, heavier crude, and that Chevron seeks only the ability to refine crude with higher sulfur content." The appellate court agreed with the trial court that "the EIR is inadequate as a matter of law because it does not adequately address the issue of whether there are any equipment changes that would facilitate the future processing of heavier crudes…" **The key to that was the court's discussion of conflicting or contrary admissions "in Chevron's SEC form 10K," and (as here with Rise SEC filings Exhibit B) the EIR applicant told its investors a different story in the SEC filings than it told the public in its EIR. And such admissions then led to more from questioning at a public meeting.**

As the court noted from such impeachment data: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)

Furthermore, environmental effects may be significant impacts despite compliance with regulatory requirements, as shown in *Gray* and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004), 116 Cal,App.4th1099, 1108-09. As explained in my EIR and DERI Objections 254, the presence of asbestos was bankrupting asbestos defendants and defeating eir's long before it was officially banned, not because any responsible person or science imagined it to be safe at any threshold level but because of concerns about the economic impacts of such a ban. (In effect, the cynical governmental strategy seemed to be to focus on preventing new additions to the menace and allowing the legacy menaces to slowly work themselves out gradually over time in massive, slow moving civil litigations followed by many slow-moving Chapter 11 cases thereafter, while business adjusted, especially legacy insurers who often also failed in slow insurance insolvency proceedings.

b) The Courts Have Also Forbidden The Kinds of Deferred Analysis of Impacts And Future Mitigations That The Noncompliant EIR/DEIR Frequently Use To Evade Reality By Such Disputed Tactics.

This disputed EIR/DEIR repeatedly evades its obligations by stating its nonresponsive, infeasible, and worse "aspirations" for future developed permits or compliance with laws and regulations as a means to pretend its hazard and other related impacts will be less than "significant." This also is not compliance with CEQA. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 92 (even "if the study is subject to administrative approval, it is analogous to the sort of post-

hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA"). Furthermore, the EIR/DEIR may not defer mitigation to an existing regulatory scheme to avoid fully analyzing environmental impacts. E.g., *Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron" or "CBE"); Californians for Alternatives to Toxics v. Dept. of Food & Ag.* (2005), 136 Cal. App. 4th 1 (an agency's sole reliance on another agency's pesticide registration program for mitigation is inadequate without its own evaluation of the impacts of its proposed pesticide use.) My four Objections cite many of those improperly deferred mitigation measures. For example, e.g., such *Communities for a Better Environment v. City of Richmond* case), relying, among other things on the CEQA principle that: "Abuse of discretion is established "if the agency has not proceeded in a manner required by law or if the determination is not supported by substantial evidence. (#21168.5) Substantial evidence in this context means 'enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.' (Guidelines #15384, subd. (a).)" (emphasis added) **Here there is a lack of sufficient such evidence and much of what is provided is not relevant (e.g., claiming incorrectly, and without a "good faith reasoned analysis" consistent with "common sense," erroneous things, such as that some other mining situation is "similar" or applicable when its different and irrelevant.) Moreover, such EIR/DEIR "inferences" are not "reasonable," and the related "argument" is not "fair" in supporting a conclusion that is usually speculative, unsubstantiated, or otherwise deficient.**

As explained in **Mission Bay Alliance v. Office of Community Investment & Infrastructure** (2016), 6 Cal. App.5th 160, 198 n.26, that *CBE* case rejected the sponsor's proposal to submit to the City Council within a year a plan for achieving a complete reduction of GHG emissions up to the estimated emissions over the baseline. Among other things, that *CBE* court found (at 93) **that improperly deferred formation of mitigation to be merely a "generalized goal" with a "handful of cursorily described mitigation measures for future consideration," all (at 95) without offering any "assurances that the plan…was feasible and efficacious" and without any "objective criteria for measuring success."** (emphasis added) Accord *POET, LLC v. State Air Resources Board (2013), 218 Cal. App. 4th 736, 739-40; Golden Door Properties, LLC v. County of San Diego (2020), 50 Cal. App.5th 467, 520; King & Gardiner Farms LLC v. County of Kern (2020), 45 Cal. App.5th 814, 858.*

The EIR/DEIR rarely considers actual significant impacts to be "significant," because as I have demonstrated in my four Objections, the EIR/DEIR apply an excessive standard for what is "significant," thus tolerating more than the law allows the EIR/DEIR to impose on us potential victims. See my Objection 254 #I.C and D stating rules applied in sections I.E and F and in section II against EIR Master Responses and section III against "Responses." Whenever the EIR/DEIR does acknowledge the need to address a significant impact, it often repeatedly and improperly attempts (a) to evade its duty to apply "common sense" and "good faith reasoned analysis" and to report such environmental impacts, by (b) simply proposing disputed mitigation measures, even if they were (as they usually are here) deficient and infeasible by their own (and Rise's SEC admissions) and especially because they are often improperly deferred. See *Richmond v. Chevron*; *San Joaquin Raptor Center v. County of Merced* (2007), 149 Cal. App. 4th 645. 663-664, explaining how "a mitigation measure cannot be used as a device to avoid disclosing project impacts." As I have demonstrated and as illustrated herein (as with *Richmond v. Chevron* above and section I.C.2 discussing how the 2018 Guidelines Amendments

Explanation tighten the rules against such problematic deferrals of analysis and mitigation), the EIR/DEIR cannot defer mitigation of impacts until after project approval, especially without committing to a specific performance standard. That means specific, not generalized, standards.

Also, by deferring the mitigation details until after the CEQA process has concluded, the disputed EIR/DEIR precludes the essential, informed public participation and fact checking needed to improve decision-making, which is essential especially in this case because of the massive errors, omissions, and deficiencies in this EIR/DEIR can be expected to continue into deferred future processes where they may hope for even less future scrutiny (or where they may seek future forgiveness for noncompliance instead of initial permission.) See *Cleveland Nat'l Forest Foundation v. San Diego Assn. of Governments* (2017), 17 Cal. App.5th 413, 443; *Richmond v. Chevron*. The disputed theory of the EIR/DEIR deferrals can by illustrated by the logical conclusion of its disputed reasoning: if the EIR/DEIR can get away with its disputed approach, CEQA could just be evaded or defeated by a project applicant simply claiming that the project involved no significant environmental impact, but, if there were any such impacts, applicant would do timely do in the future whatever the regulators might require in the future regulatory permit process as mitigation. However, that would not be compliance with CEQA, the Guidelines, or applicable law. **Moreover, "a mitigation measure cannot be used as a device to avoid disclosing project impacts." E.g., *San Joaquin Raptor Rescue,* Ctr. at 149 Cal. App. 4th at 663-664. That should eliminate many of the disputed EIR/DEIR excuses and evasions and leave the resulting EIR/DEIR noncompliant and full of "gaps" lacking any pretense of required disclosure of impacts. That should also defeat the EIR's Master Responses and Responses to my Ind. 255 and 254 objections.**

Most of the EIR/DEIR mitigation claims violate the prohibition in Guidelines #15126.4(a)(1)(B), which prohibits "formulation of mitigation measures" until some "future time." See, e.g., *Richmond v. Chevron*. An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.' (*San Joaquin Raptor*, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The only circumstances where CEQA allows specific mitigation details to be developed after project approval is when it is impractical or infeasible to include such details in the EIR and only if the lead agency commits itself to the mitigation, adopts "specific performance standards that must be achieved, and identifies potential actions that can feasibly achieve compliance with that standard. Id. As the courts have confirmed that lead agency cannot simply require the project applicant to obtain a report and then comply with any of its recommendations. E.g., League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer (2022), 75 Cal. App. 5th 63; *Endangered Habitats League, Inc. v. County of Orange* (2005), 131 Cal.App.4th 777, 793. ALSO, THE DEFERRAL IS ONLY PERMISSIBLE WHERE MITIGATION IS KNOWN TO BE FEASIBLE AND THE AGENCY COMMITS ITSELF TO MEASURES THAT WILL SATISFY SPECIFIC PERFORMANCE CRITERIA STATED AT THE TIME OF PROJECT APPROVAL. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 94 (a list of potential methods of mitigation for later selection without "specific and mandatory performance standards" are improper.) Accord *Endangered Habitats League, Inc. v. County of Orange Habitats* (2005), 131 Cal. App. 4th 777, 794 (requiring a report without "specific and mandatory performance standards" is improper deferral); Defend the Bay v. City of Irvine (2004), 119**

Cal. App.4th 1261, 1275 (requiring biological report and compliance with any recommendations is an impermissible mitigation).

My four Objections cite many of those improperly deferred mitigation measures and refute the EIR's Responses and Master Responses. For example, DEIR Objection 254 #2, 3.E, 8, and 9, as well as EIR Objection 254 to EIR Response Ind. 254-12, fail under that standard to mitigate feasibly and effectively the breaking of our two lane road by 100 daily heavy trucks use 24/7/365 for 80 year where there will be constant repairs to our main roads (e.g., limiting traffic usage to one lane and with illusory aspirations for a mutual agreement with the County for reimbursement of the mine's share of expenses). SEE, E.G., GUIDELINES #15126.4(A) REQUIRING THAT THE EIR MUST IDENTIFY AND DESCRIBE GOOD FAITH, "FEASIBLE" MITIGATION MEASURES THAT MUST BE LEGALLY ENFORCEABLE AND AT LEAST PARTIALLY EFFECTIVE TO BE DEEMED FEASIBLE. E.G., *SIERRA CLUB* AT 6 CAL.5TH 524-525. ALSO, THE PROJECT CAN FAIL TO MEET THAT STANDARD WHEN THE PROJECT REQUIRES APPROVALS FROM OTHER AGENCIES OUTSIDE OF THE LEAD AGENCY'S CONTROL. E.G., *CITY OF MAYWOOD V. LA UNIFIED SCHOOL DIST.* (2012), 208 CAL. APP. 4TH 362, 371-72, 376-395. As discussed in other places, for example, objecting to EIR energy policy harms (e.g., I.E.8) , climate change denials (e.g., I.C.2.b) , and other misuses of deferrals to evade admitting significant impacts, see also *League To Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer* (2022), 75 Ca. App. 5th 63, where the court prohibited the EIR's determination of greenhouse gas mitigation measures and the significance of impacts until some unknown future date if the project conflicted with a relevant future emission target adopted by the state under performance standards that do not exist (and may never exist) and without any sufficient commitment by the county and the applicant to mitigating the impacts.

In any event, any circumstances where deferred mitigation might be tolerated are few, narrow, and not relevant to our disputed EIR/DEIR for the foregoing and other reasons. In any case, as *Banning* explained 2 Cal. 5th at 937) "Evaluation of project alternatives and mitigation measure is '[t]he core of an EIR.'" As described in the CEA Objections, particularly Grp. Letter 21 at 21-32 to 36 and the Baseline expert report, the disputed DEIR Mitigation Measures 4.8-2(a), 4.8-2(b), and 4.8-2(c) are fundamentally flawed, noncompliant, and invalid. See, e.g., my Gray and other Objection cites, including *Cleveland Nat. Forest Foundation v. San Diego Assn. of Govs* (2017), 17 Cal.App.5th 413, 442-43. For example, *Sundstrom v. County of Mendocino* (1988), 202 Cal.App. 3d 296, 307 (the court rejected or distinguished the various city arguments and cites, adding: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)

While the EIR/DEIR misinterprets or misapplies Guidelines to suit its evasion tactics, as demonstrated in the next subsection, the "2018 Guideline Amendment Explanation" adds helpful support for my rebuttals (see analysis below and in my companion EIR Objection 254 at section I.C.2), such as from countering **Master Response D.15 at 89-91, and insisting on the feasibility of mitigation even If deferred.** After discussing such court decisions limiting deferral of mitigation details, that commentary [what I quoted before requiring that the agency

commits and adopts specifics and identifies] explains the *Rialto* decision and the updated Guidelines:

> "In sum, 'it is sufficient to articulated specific performance criteria and make further [project] approvals on finding a way to meet them.' [citation] **Essentially, the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the application a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels." (emphasis added)**

Furthermore, that court further explains that **(1) "the agency [must] commit to implementing the measure," [which is "essential to support a finding that project impacts have, if fact, been mitigated," (2) the agency [must] identify performance standards" consistent with the rigorous requirements of the court decisions I have specified, without which there can be no "substantial evidence that impacts will in fact be reduced to less than significant level," and (3) "the measures must be feasible," which requires in turn that there must be identification of the types of measures that could achieve the standard," citing to follow the rulings in *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, rejecting a general "net zero standard" for eliminating greenhouse gas emissions because "there was no discussion of what measures could feasibly attain that net-zero standard." (emphasis added)**

c) A Brief Comment Regarding Project Setting And Description Disputes, And Illustrations of the 2018 Guideline Amendments Explanation Correcting Erroneous EIR/DEIR Interpretations of Even the Guidelines The EIR/DEIR Dares To Assert.

My companion EIR Objection 254 and others explain in more detail the errors, omissions, evasions, and other noncompliance of the EIR/DEIR with respect to the CEQA/Guideline requirements (as properly interpreted) for describing the project and its setting. Rather than repeat such many and wide-ranging objections, I will simply mention some of the applicable law of general application as illustrated in those disputes with the EIR/DEIR. I do this, in part, because the EIR/DEIR both ignores, evades, or misconstrues/misinterprets many precedents and Guidelines as part of their disputed tactics. Even when the EIR/DEIR cite to one of the Guidelines, they often also ignore the contrary reform commentaries of the Guidelines authors in what I call for comprehensive analysis in my companion EIR Objection 254 (#'s I.C and D) as the "2018 Guidelines Amendments Explanations" discussed below. Also, the Comm Staff Report appears to continue to follow such mistaken EIR/DEIR claims about the law and Guidelines, as I illustrate in Exhibit A herein, following the mistaken approach of the County Economic Report revealed in my Exhibit A to my Companion EIR Objection 254.

For example, the Guidelines in **#15125** are often intended to accomplish or implement what the courts have also required, but which this EIR/DEIR insists on evading: to clarify that the purpose of defining the **"environmental setting"** is to give decisionmakers and the public an

"accurate picture of the project's likely **impacts, both near-term and long-term**." (emphasis added) "Cal. Nat. Resources Agency Final Statement of Reasons For Regulatory Action Amendments To the State CEQA Guidelines" Nov. 2018 ***("2018 Guidelines Amendments Explanations"***) at 34-36. That commentary follows *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal. 4th 439, 455 (requiring "the most accurate information on the project impacts practically possible, and the choice of a baseline must reflect that goal.") Accord *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010), 48 Cal. 4th 310. The EIR/DEIR often flunks that test, for example, when it sets the disputed groundwater recharge baseline rate based on average "current" rainfall from 1967 to 2017, ignoring the more current and dry years after 2017 (a noncompliant "baseline" example addressed in the next paragraph) as well as emerging climate change impacts that are beginning the new normal. Even worse, **although the EIR/DEIR demands that it be permitted to operate as it proposed 24/7/365 for 80 years, they consistently fail to deal with the "long term" as so required by CEQA and its Guidelines (as so properly interpreted and contrary to the disputed EIR/DEIR interpretations), such as in that case by only purporting to rely on NID data until 2040 (not applicable for the EIR/DEIR purposes), not for the entire 80 years. That error is especially damning since the noncompliant EIR/DEIR incorrectly dismissed any climate change impacts as too speculative to merit analysis or mitigation. See, e.g., my companion EIR Objection 254 at # I.C.2, citing case law and the 2018 Guidelines Amendments Explanations.**

As such 2018 Guidelines Amendments Explanations said, "When in doubt, lead agencies should choose the baseline that most meaningfully informs decision-makers and the public of the project's possible impacts." And subject thereto, the new 15125 subdivision (a)(1) declares that the normal rule is that "normally, conditions existing at the time of the environmental review should be considered the baseline" and "the lead agency must expressly justify its decision not to use existing conditions as the baseline for environmental analysis…[supported by] substantial evidence in the record." Id. and see the example of violating that rule in the prior paragraph by setting the groundwater recharge baseline at the average rainfall between 1967 and 2107, which is not "current" or compliant. [That discussion reminds us that substantial evidence does not include 'speculation…or… evidence that is clearly inaccurate or erroneous," as the disputed EIR/DEIR often does.] The disputed EIR/DEIR does the opposite of both such normal and special rules in an obnoxious effort to avoid "significance" and reality about our drier, climate change future and the "common sense" harms from 24/7/365 dewatering for 80 years of groundwater owned by those of us on the surface above and around the 2585-acre underground mine. **Note also, that, consistent with the *Neighbors'* decision and the concerned that predictive modeling may not be readily understood by the public (at 455-456 and CEQA 21003(b)) documents must "be organized and written in a manner that will be meaningful and useful to decision-makers and the public."**

The EIR/DEIR also violates Guideline (a)(3), prohibiting using "hypothetical conditions as a baseline…" such as that disputed and incorrect theory above that such average rainfall between 1967 and 2017 predicts the groundwater recharge here for the next 80 years of 24/7/365 dewatering. As the Supreme Court explained in its CBE decision: '[a]n approach using hypothetical allowable conditions as the baseline results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,' a result at direct odds with

CEQA's intent." Communities for a Better Environment, supra, 48 Cal. 4th 322 (quoting Environmental Planning & Information Council v. County of El Dorado (1982), 131 Cal.App. 3d 350, 358).)"

Also, that 2018 amendment commentary (at 38-42) implements the Supreme Court's holding in the CBIA case, 62 Cal. 4th at 377 ('when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users') ["similar to an 'indirect' effect" in Guidelines #15064(d)(2).]" Also, the amendments clarify that a project's direct and indirect and cumulative effects may affect the hazardous condition," requiring CEQA evaluation. That is illustrated by a coastline example, but it also applies here, where it's appropriate to regard this ancient mine, closed and flooded since 1956, to be such a hazard, although the disputed EIR/DEIR inappropriately avoided that analysis to evade dealing with inconvenient truths that might be discovered.

MOST IMPORTANTLY, THE GUIDELINE'S "FINAL ADDITION CLARIFIES THAT A LEAD AGENCY SHOULD CONSIDER NOT JUST EXISTING HAZARDS, BUT THE POTENTIAL FOR INCREASING SEVERITY OF HAZARDS OVER TIME. THIS CHANGE IS NECESSARY BECAUSE CERTAIN TYPES OF HAZARDS [CITING "MORE INTENSE WILDFIRES" AND "INCREASED FLOODING"] ARE EXPECTED TO BE MORE SEVERE IN THE FUTURE DUE TO OUR CHANGING CLIMATE" [WHICH THE EIR/DEIR INCORRECTLY AND WORSE REFUSED TO DO ON THE INCORRECT THEORY THAT IT WAS TOO "SPECULATIVE" TO WORRY THAT, FOR EXAMPLE, 24/7/365 DEWATERING OF OUR GROUNDWATER FOR 80 YEARS WOULD BE MADE WORSE BY CLIMATE CHANGE'S INCREASING DRYNESS.] THESE TYPES OF CLIMATE CHANGE IMPACTS MAY WORSEN A PROPOSED PROJECT'S DIRECT, INDIRECT, OR CUMULATIVE ENVIRONMENTAL EFFECTS IN THE FUTURE…. FOCUS ON BOTH SHORT-TERM AND LONG-TERM EFFECTS IS ALSO NECESSARY TO IMPLEMENT EXPRESS LEGISLATIVE POLICY," CITING CEQA 21001(D) AND (G) AND 21083(B)(1.).

As to the Guideline amendments for mitigation measures, note (at 43-44) that when there is a "potentially significant environmental impact," the EIR must propose feasible mitigation measures," citing CEQA #'s 21002, 21080(c)(2), 21100(b)(3). **"The formulation of mitigation measures cannot be deferred until after project approval [as our dispute EIR/DEIR often does*]. Communities for a Better Environment v. City of Richmond (*2010), 184 Cal. App. 4th 70, 92 ('reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.')" Because of many cases on this subject, the Guidelines amended 15126.4.**

The EIR/DEIR generally fails to provide an adequate and accurate baseline and **environmental setting** especially by deficiently addressing the 2585-acre underground mine and its impact on us surface owners above and around the mine. See Exhibit A, showing how the Comm Staff Report adopts the disputed EIR/DEIR's noncompliant description. To accomplish the fundamental goal of any eir, it must inform decision makers and the public of any significant adverse effects a project is likely to have on the physical environment. To make that assessment the EIR must delineate the environmental conditions prevailing absent the project, defining a baseline against which predicted effects can be described and quantified. E.g., *Neighbors for*

Smart Rail v. Exposition Metro Line Construction Authority (2013), 57 Cal. 4th 439, 447. This includes providing a description of the physical environmental conditions in the vicinity of the project at the time the notice of preparation is published or … the analysis is commenced…" Id. at 448; Guidelines #15125(a). **"Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the development project." E.g., *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994), 27 Cal. App. 4th 713, 729. Indeed, "[w]ithout accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the …project." Id. at 729. Stated another way, there is no harmless error excuse that will save a deficient eir on this criterion. Assuming (especially incorrectly as it does) that the conditions for the limited areas described in the DEIR/EIR are the same for the rest of the mining area and surrounding areas is insufficient and worse and requires the rejection of the EIR/DEIR. (There is no area "surrounding" the mine more in need of honest, common sense, good faith reasoned analysis than the surface and at least 200 feet below it and our shared groundwater above and around the 2585-acre underground mine.) *Banning* at 942.**

Here, many fear, Rise has not adequately evaluated either the 2585-acre underground mine (closed and flooded since 1956) because it seems not want to have to deal with inconvenient truths and realities or litigation exposures (and it may not be able to afford the required analysis, see Exhibit B SEC filing admissions by Rise). Also, the EIR/DEIR ignore threatened wells that exist now or are likely to exist in the future, as well as the competition between us surface owners and the underground mine. See my companion EIR Objection 254 on that issue. Furthermore, such disputed EIR/DEIR omissions and evasions tend to be tactical, such as the refusal of the EIR/DEIR to map the underground mine against the surface properties in a reasonably identifiable way for us objectors to find our homes above and around the underground mine locations, apparently to avoid awakening opposition by surface owners mistakenly imagining from the disputed and vague maps that they are beyond the impact zone of the mine or the bigger stigma zone for impacting property values and possibly groundwater sources. Instead, **the disputed EIR/DEIR offer their unsubstantiated opinions, assumptions, and speculations about those mine conditions, which means there is no meaningful baseline as required. Therefore, the EIR/DEIR cannot comply with CEQA, since "the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete, or misleading." E.g., *Cadiz Land Co. v. Rail Cycle* (2000), 83 Cal. App. 4th 74, 87. As Guideline #15125 explains: Knowledge of the regional setting is critical to the assessment of environmental impacts," which requires enough detail to allow analysis of a project's potential impacts, since the primary purpose of CEQA is to inform government decision-makers and the public about significant environmental effects of proposed projects before approving or denying them. *Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 Cal.3d 553, 564; *San Joaquin Raptor*, 27 Cal. App.4th at 729; *Cadiz,* 83 Cal. App. 4th at *87; Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997), 60 Cal. App.4th 1109, 1122. A stable and accurate description of the surrounding area is not less crucial than a correct description of the project. E.g., City of Irvine v. County of Orange (2015), 238 Cal. App. 4th 526, 542 fn. 8 (A "stable and accurate description of a project is the 'sine qua non' of an EIR").**

For example, in *Richmond v. Chevron* the EIR proposed mitigation that the project "shall result in no net increase in GHG emissions over the baseline," and a requirement within one year after approval to submit for city approval a plan for achieving complete reduction of GHG emissions up to the maximum estimated increase over the baseline, validated by an independent expert and listing "a menu" of various possible mitigation measures. However, the court (like the trial court) found: **"Formulation of mitigation measures should not be deferred until some future time. (Guidelines #15126.4(a)(1)(B).) An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.'** (*San Joaquin Raptor*, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The court also objected to such future studies even subject to administrative approval as "analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA" citing many cases including *Sundstrom v. County of Mendocino* (1988), 202 Cal.App. 3d 296, 307 (all incorporated herein and rejected or distinguished the various city arguments and cites. The court added: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)**

While the EIR/DEIR misinterprets or misapplies Guidelines to suit its evasion tactics, the 2018 Guideline Amendment Explanation adds helpful support for my rebuttals (at my EIR Objection 254 section I.C.2), such as from countering **Master Response D.15 at 89-91, and insisting on the feasibility of mitigation even If deferred.** After discussing the court decisions limiting deferral of mitigation details, that commentary [what I quoted before requiring that the agency commits and adopts specifics and identifies] explains the *Rialto* decision and the updated Guidelines: "In sum, 'it is sufficient to articulated specific performance criteria and make further [project] approvals on finding a way to meet them.' [citation] **Essentially, the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the application a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels." (emphasis added)**

Furthermore, that court further explains that **(1) "the agency [must] commit to implementing the measure," [which is "essential to support a finding that project impacts have, if fact, been mitigated," (2) the agency [must] identify performance standards" consistent with the rigorous requirements of the court decisions I have specified, without which there can be no "substantial evidence that impacts will in fact be reduced to less than significant level," and (3) "the measures must be feasible," which requires in turn that there must be identification of the types of measures that could achieve the standard," citing to follow the rulings in *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, rejecting a general "net zero standard" for eliminating greenhouse gas emissions because "there was no discussion of what measures could feasibly attain that net-zero standard." (emphasis added) Among the worst noncompliance by the EIR/DEIR is any credible "reasoned analysis" with common sense on the feasibility of any**

of its proposed mitigations or, where they evade mitigation by incorrectly claiming impacts not to be "significant," any possible mitigations that could be feasible.

2. The Rise And DEIR/DEIR Admissions Must Prevail Because Truth Matters And the Rules of Evidence Apply Without Impairment by CEQA.

a) Some Illustrations From SEC Filing Admissions Revealing Lack of EIR Feasibility.

Throughout this EIR Objection 255 (and sometimes even more extensively than in my companion EIR Objection 254; e.g., #3.N, 4, and 14), I cite and quote applicable rules from CEQA and its Guidelines (e.g. #'s 15002 et seq.) and relevant judicial decisions that illustrate how the EIR/DEIR fails to comply, often by evasion and other disputed tactics that expose a chronic lack of the required "good faith reasoned analysis" with "common sense" and other such standards. If one were to read all my four Objections in comparison to the corresponding EIR/DEIR provisions that I dispute, disturbing patterns and practices become clear. Too often it seems that the EIR/DEIR is not attempting to make a convincing case on the merits, but rather (as if it realizes that it cannot prevail on the merits) just seeking to craft an alternative reality for some political appeal without merit. However, since the thousands of us objectors, especially those of us owning surface property above or around the 2585-acre mine, have no choice but to resist with our legal and political/law reform remedies to protect our families' health and welfare, our property values and rights, and our community way of life from this mining menace, I urge decisionmakers to consider why this "no net benefit mine" (see, e.g., my Objection 254 #2, 3.N, 4, and 14) ultimately cannot prevail.

If there is any doubt in the minds of you decisionmakers, consider what Rise has admitted to the SEC and its investors about the mine that Rise not only fails to address in its disputed EIR/DEIR, but which the EIR/DEIR is improperly evading as allegedly irrelevant, as I explain herein and in my EIR Objection 254 #'s I.C and D and Exhibit B, in which Rise admits risks and problems to the SEC and its speculator-investors that are not addressed adequately (or often not even at all) in the EIR/DEIR. See *Richmond v. Chevron*, where the objectors used such SEC admissions to defeat such an eir, and reminding decisionmakers that CEQA is subordinate to the rules of evidence and, at least in court, truth matters and will prevail. If I were a County decisionmaker, I would be concerned about a different mine risk story being told in those SEC filings than in the EIR/DEIR. Therefore, County decisionmakers need to consider not only the merits for disapproving the EIR mine at the start, but also the adverse consequences of the mine beginning its harmful and risky activities before it is stopped by objectors' legal and political/law reform remedies.

As the court noted in *Richmond v. Chevron* from similar impeachment data to what is at issue in my Objections: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com.*

V. Board of Port Cmrs. **(2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)** After a considerable review of the flaws in the EIR process and admissions and rebuttals not addressed in the EIR, the court said: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added**

As described in my EIR Objection 254, whenever the EIR mining stops, for any of the many possible reasons (e.g., exhaustion of the miner's admittedly inadequate working capital, court reversal in any mistaken EIR approval, etc.) our community will be left in a worse position than it is now with a closed and flooded mine (since 1956) which coexists with its neighbors, including the thousands of us above and around the 2585-acre underground mine. One key example is the DEIR admission (at 6-14) that the whole mine is economically infeasible if it is denied the right to operate less than its 24/7/365 demand for 80 years, which objector law reforms and political remedies would prevent. See, e.g., Grass Valley's objections in its Agency Letter 8. While the disputed EIR incorrectly dismisses that concern as too speculative to require a response, it illustrates the fact that the EIR/DEIR has no contingency plan for, or good faith reasoned analysis about, what happens with environmental impacts when its proposed operating conditions are defeated or the mining otherwise stops for any reason after it starts. Since us objectors are defending our property and groundwater rights, wells, and values, our health and welfare, and our community environment and way of life, there is nothing speculative about our resolution to exhaust our legal and political remedies to resist the EIR and its mining.

b) What The Disputed DEIR Itasca Study And Other Disputed EIR Claims Illustrate By Incorrectly Insisting On Predicting The Future From the Past Or From Assuming False Equivalences And Ignoring the CEQA Prohibitions On Deferring the Analysis of Impacts And Mitigation For Future Compliance.

Consider, for example, the disputed DEIR's often sited Appendices, like the disputed "Itasca study." Note, as described in my companion EIR Objection 254 that such "modeling" is based on that author's and EIR/DEIR's disputed and unproven assumptions, disputed theories, and speculations, but not on sufficiently proven relevant, current facts. Also, in any event, allegedly "similar" conditions incorrectly selected

elsewhere have not been sufficiently so proven to be comparable and applicable to those in and around the 2585-acre underground mine, even before this EIR mine changes during 24/7/365 mining and dewatering during the next 80 years). See also my EIR Objection 254 exposure of unexpected data obscured in exhibits (e.g., the DEIR/EIR hiding of the hexavalent chromium menace by not addressing it properly or at all in the DEIR's "Hazards and Hazardous Materials" section 4.7, and, when caught in that evasion, the EIR's flawed cover story attempt), as well as the kind of EIR/DEIR tactics I protest herein and in my other Objections 254 and 255, such as "bait and switch," "hide the ball," false comparisons/equivalence, hidden and incorrect or worse assumptions, etc. See, e.g., EIR Objection 254 #'s I.A.1.d, I. F.5. and I.E. Stated another way, my EIR Objection 254 demonstrated (like this Objection and my prior DEIR Objection 255) that the EIR/DEIR too often fails to present the kind of "good faith reasoned analysis" with "common sense" required to comply with CEQA and other applicable law.

Besides also being wrong about applicable law and its applications to which I cite in my Objections to such facts, conditions, and circumstances of this EIR/DEIR blasting, tunneling, dewatering, and mining 24/7/365 for 80 years, the EIR approach will also cause public policy problems that us objectors living on our surface properties above and around the 2585 underground mine can be expected to counter with political and law reform remedies that the disputed EIR/DEIR incorrectly dismisses as speculative or irrelevant. As noted above a key example is the DEIR admission (at 6-14) that the whole mine is economically infeasible if it is denied the right to operate less than its 24/7/365 demand for 80 years, which objector law reforms and political remedies would prevent. See, e.g., Grass Valley's objections in its Agency Letter 8. As described above, the EIR/DEIR has no contingency plan for, or good faith reasoned analysis about, what happens with environmental impacts when its proposed operating conditions are defeated or the mining otherwise stops for any reason after it starts. Since us objectors are defending our property and groundwater rights, wells, and values, our health and welfare, and our community environment and way of life, there is nothing speculative about our resolution to exhaust our legal and political remedies to resist the EIR and its mining.

In ***Richmond v. Chevron*** court (like the trial court) found: **"Formulation of mitigation measures should not be deferred until some future time. (Guidelines #15126.4(a)(1)(B).) An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.'** (*San Joaquin Raptor*, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The court also objected to such future studies even subject to administrative approval as "analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA" citing many cases including *Sundstrom v. County of Mendocino* (1988), 202 Cal.App. 3d 296, 307 (all incorporated herein and rejected or distinguished the various city arguments and cites. The court added: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)**

While this EIR/DEIR ignores, misinterprets, or misapplies Guidelines to suit its evasion tactics, the 2018 Guideline Amendment Explanation adds helpful support for my rebuttals, such

as against EIR **Master Response D.15 at 89-91, by Guidelines insisting on the feasibility of mitigation even If deferred.** After discussing the court decisions limiting deferral of mitigation details, that 2018 Guideline Amendments Explanation commentary [what I quoted before requiring that the agency commits and adopts specifics and identifies] explains the ***Rialto*** decision and the updated Guidelines: "In sum, 'it is sufficient to articulated specific performance criteria and make further [project] approvals on finding a way to meet them.' [citation] **Essentially the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the application a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels." (emphasis added)**

Furthermore, that "2018 Guidelines Amendments Explanations" section further explains that **(1) "the agency [must] commit to implementing the measure," [which is "essential to support a finding that project impacts have, if fact, been mitigated," (2) the agency [must] identify performance standards" consistent with the rigorous requirements of the court decisions I have specified, without which there can be no "substantial evidence that impacts will in fact be reduced to less than significant level," and (3) "the measures must be feasible," which requires in turn that there must be identification of the types of measures that could achieve the standard," citing to follow the rulings in *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, rejecting a general "net zero standard" for eliminating greenhouse gas emissions because "there was no discussion of what measures could feasibly attain that net-zero standard." (emphasis added) None of the many deferrals by the EIR/DEIR in this case comply with the foregoing requirements and must be rejected on that basis.**

c) Whatever Else CEQA Requires It Demands Consistency by the EIR/DEIR, But The EIR/DEIR Is Often Internally Inconsistent About Its Claims And Even Ignores Regulator Objections Directly In Conflict With Its Unreconciled And Incorrect Claims, Such As Illustrated By Watering To Suppress Its Toxic Fugitive Dust.

Consider, for example, the NSAQMD Agency Letter 12-1 at 11-12, stating:

> "The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements [i.e., DEIR mitigation proposed frequent daily watering attempting to keep toxic dust out of the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less water because of water wasted on this no net benefit mining]. Since the dust contains asbestos, silica, and numerous toxic substances [now adding hexavalent chromium] adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest."

Again, we locals will be competing against a no net benefit mine for the water we need during droughts, which is one of many reasons why I keep focused on full protections for all existing and future wells, because, if we have to suffer the loss of precious water in the climate changed future for 80 years of 24/7/365 dewatering, the last thing we need is our NID water supply to be wasted on dust suppression to avoid lethal air pollution.

In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed below, where that regulator's demand *priority* for frequent daily NID watering of its toxic (asbestos and more) fugitive dust. Rather than breathe such toxic air, us locals may have to suffer with less than our fair share of drought rationed water. Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best. The reality is that this is a "zero sum game," in which every gallon allocated to this no net benefit mine is one less gallon available to the far more deserving locals. I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine almost all informed locals oppose, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal disputes that will surely catch them in the cross-fire. See DEIR Objection 255 and 254 (e.g., #4), *Varjabedian, Keystone.*

I note these tactics are not just about what is so omitted or obscured, but also what is confused by misleading data. A prime example is the NSAQMD objection in Agency 11 (at 1) referring to the shared concern of the California Air Resources Board (CARB) where it concluded that "it is not appropriate to determine risk from rock samples … the PCM conversion factor was developed for air monitoring samples, not rocks. … Since there is no approved method for calculating risk from rock samples comparison with the NSDQMD's AB 2588 toxic significance threshold based on rock composition carries some uncertainty." This is classic "bait and switch," also known as "false equivalence." Because the EIR fails to correct this indisputable error reported by the relevant regulator, the EIR cannot be approved and its entire credibility seems doubtful from this example.

D. The EIR's Purported Analysis of Alternatives Would be Funny If It Were Not So Sad.

Below I address various other common disputes over the EIR noncompliant "Responses" to my DEIR Objections 255, especially the EIR's improper practice of inadequately summarizing my objection and then incorrectly claiming that I failed to explain why the DEIR/EIR was inadequate or noncompliant (in effect incorrectly treating this "notice pleading" type Objection as if it instead had to be judged by the standards applicable to my trial brief detailing all my proof, a standard that the EIR/DEIR never even attempts to meet itself). But first, I illustrate here a fatal flaw in the DEIR/EIR with this sufficient detail from this part of my EIR Objection 255 #2.C (see Ind. 255-14 to 18 below). I stated in my DEIR Objection 255 #13 that the DEIR (and now the EIR) wrongly rejected the Alternative of using the Brunswick site not as a mine, but rather as an industrial (e.g., warehouse) site. Without any of the required "good faith reasoned analysis" and "common sense" and evading my other CEQA Guidelines and judicial decisions, the DEIR/EIR incorrectly rejects such industrial alternatives for the sole

disputed theory that it would somehow (unstated) be too "intense." This is an early example of what Gray means when it disqualifies an eir for defying "common sense." The obvious reality is that no use of the property could possibly be more "intense" than this reopening of a gold mine closed and flooded since 1956 with 72 miles of proposed new tunneling and adjacent mining (e.g., blasting, digging, material removal, processing, dewatering, etc.) so extensive that it requires 50 to 100 heavy trucks a day for material removal, and massive dewatering/purported water treatment and other objectionable activities 24/7/ 365 for 80 years. As is often the case with this noncompliant and deficient EIR/DEIR, it simply announces its disputed and unsubstantiated opinion without any sufficient foundation in "common sense" or "good faith reasoned analysis" (e.g., with the EIR often just citing back to the already disputed and rebutted DEIR as if it were somehow the prevailing authority, rather than the deficient, noncompliant, or worse source of the disqualifying errors, omissions, and flaws). [Although the DEIR cited no relevant authority for this outrageous claim, the disputed EIR makes a useless and unexplained reference to its "Response to Comment Ind. 388-6," which achieves nothing useful.)

I cannot believe any worthy official or court would ever accept this "too intense" theory for favoring the mining over such other Alternatives. That is especially true when one considers both the "cumulative impacts" and the many unevaluated or deficiently evaluated risks inherent in this mining gamble when these unknown conditions are just assumed (incorrectly) to be tolerable (as the EIR/DEIR claims on an insufficient basis as demonstrated in all these many objections). See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. Note that this is different from the usual CEQA dispute, because the 2585-acre mine is not just the common conflict between the mine and the adjacent community residents. This is also a conflict between the mine and those thousands of us objecting, competing surface owners above and around the underground mine, who have additional property rights (e.g., groundwater ownership and rights of lateral and subjacent support, such as to prevent subsidence, including with the support of our groundwater. See, e.g., *Keystone, Varjabedian*, EIR Objection 254 #'s I.F.8 and 9, and DEIR Objection 254.) Besides my judicial decisions cited herein, please also see my DEIR Objection 254 #'s 3.N, 4, and 14. Since that absurd "intensity" excuse invented by the disputed EIR/DEIR is unexplained and unprecedented, the usual EIR/DEIR attempts to exclude our objections as outside its disputed CEQA boundary limits cannot apply to this "intensity" debate. Therefore, this debate about alternatives must "open the door" for all of my concerns in these four Objections (and those of others) that prove why the mine is the worst and unacceptable alternative, none of which can properly be evaded or ignored by the EIR/DEIR.

Despite being prohibited by CEQA, which requires sufficiently broad project objectives to allow the evaluation of alternatives that are meaningly different, this noncompliant EIR eliminated the relevant and better alternatives, like the recent case involving Crystal Geyser reopening a water bottling plant involving wastewater discharge issues. *We Advocate Through Environmental Review v. County of Siskiyou* (2022), 78 Cal. App. 5th 683, explaining that, because the project objective mirrored the project proposal itself, that transformed the EIR's alternative section [the "core of the EIR"] "into an empty formality" and such impermissibly narrow project objective prevented the county for the same reasons for accepting the "no project alternative." See, e.g., *Laurel Heights I*, 47 Cal.3d at 404 (requiring a "reasonable range" of alternatives, because courts will not

"countenance a result [on alternatives] that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials."); ***Kings County Farm Bureau*, 221 Cal.App.3d at 731; ***Citizens for Quality Growth v. City of Mount Shasta*** **(1988), 198 Cal. App.3d 433, 443-45.**

As to such "common sense" and "good faith" and the lack of "reasoned analysis," note that to decide correctly what is too "intense" any decisionmaker (especially a responsible government official) must ask what alternative the impacted neighbors and community would prefer, especially those of us objector/surface owners above the 2585-acre underground mine. Ask any such competing and most directly impacted surface owner whether they would prefer a warehouse or other industrial use to this mine, and they will all say "yes." Ask any real estate broker or appraiser whether the EIR mine would have a greater negative impact on real estate values and marketing than any such commercial alternative, and they'll all say "yes." Ask any qualified expert (willing to be honest) whether the EIR mine would have worse environmental and other impacts and risks on the environment, community, and neighbors, and the honest ones must say "yes." This EIR mining is without question the worst possible use of the property for everyone else in our community. And yet, as usual, the DEIR/EIR somehow just expects to prevail on its such disputed judgment question simply by stating its absurd opinion that only a Canadian gold miner shareholder would appreciate. See, e.g., my EIR Objection 254 Exhibit B in which Rise admits risks and problems to the SEC and its speculator-investors that are not addressed adequately or even at all in the EIR/DEIR.

E. Environmental Setting And CEQA Lessons from 2018 Guideline Amendments Explanations And Related Case Law Guidance Requiring Compliance As To The Whole 80 Years of 24/7/365 Dewatering And Mining.

The 2018 Guideline Amendments Explanations to Guideline #15125 are often intended to accomplish or implement what the courts have also required, but which this EIR/DEIR insists on evading: to clarify that the purpose of defining the "environmental setting" is to give decisionmakers and the public an "accurate picture of the project's likely **impacts, both near-term and long-term**." (emphasis added) "Cal. Nat. Resources Agency Final Statement of Reasons For Regulatory Action Amendments To the State CEQA Guidelines" Nov. 2018 ***("2018 Guidelines Amendments Explanations"***) at 34-36. That commentary follows *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal. 4th 439, 455 (requiring "the most accurate information on the project impacts practically possible, and the choice of a baseline must reflect that goal.") Accord *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010), 48 Cal. 4th 310. The EIR/DEIR often flunks that test, for example, when it sets the groundwater recharge baseline rate based on average "current" rainfall from 1967 to 2017, disputed and ignoring the more current and dry years after 2017 as well as emerging climate change impacts that are beginning the new normal. See the climate change Guideline recognition and applications at my section I.C.2.

As such 2018 Guidelines Amendments Explanations said, "When in doubt, lead agencies should choose the baseline that most meaningfully informs decision-makers and the public of the project's possible impacts." And subject thereto, the new 15125 subdivision (a)(1) declares that the normal rule is that "normally, conditions existing at the

time of the environmental review should be considered the baseline" and "the lead agency must expressly justify its decision not to use existing conditions as the baseline for environmental analysis…[supported by] substantial evidence in the record." Id. [That discussion reminds us that substantial evidence does not include 'speculation…or… evidence that is clearly inaccurate or erroneous," as the disputed EIR/DEIR often does.] The disputed EIR/DEIR does the opposite of both such normal and special rules in an obnoxious effort to avoid "significance" and reality about our drier, climate change future and the "common sense" harms from 24/7/365 dewatering for 80 years of groundwater owned by those of us on the surface above and around the 2585-acre underground mine. **Note also, that, consistent with the *Neighbors'* decision and the concerned that predictive modeling may not be readily understood by the public (at 455-456 and CEQA 21003(b)) documents must "be organized and written in a manner that will be meaningful and useful to decision-makers and the public."**

The EIR/DEIR also violates (a)(3), prohibiting using "hypothetical conditions as a baseline…As the Supreme Court explained in its CBE decision: '[a]n approach using hypothetical allowable conditions as the baseline results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,' a result at direct odds with CEQA's intent." Communities for a Better Environment, supra, 48 Cal. 4th 322 (quoting Environmental Planning & Information Council v. County of El Dorado (1982), 131 Cal.App. 3d 350, 358).)"

Also, that 2018 amendment commentary 9at 38-42) implements the Supreme Court's holding in the CBIA case, 62 Cal. 4th at 377 ('when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users').)" ["similar to an 'indirect' effect" in Guidelines #15064(d)(2).] Also, the amendments clarify that a project's direct and indirect and cumulative effects may affect the hazardous condition," requiring CEQA evaluation. That is illustrated by a coastline example, but it also applies here where it's appropriate to regard this ancient mine, closed and flooded since 1956, to be such a hazard, although the disputed EIR/DEIR inappropriately avoided that analysis to evade dealing with inconvenient truths that might be discovered.

MOST IMPORTANTLY, the Guideline's "final addition clarifies that a lead agency should consider not just existing hazards, but the potential for increasing severity of hazards over time. This change is necessary because certain types of hazards [citing "more intense wildfires" and "increased flooding"] are expected to be more severe in the future due to our changing climate" [which the EIR/DEIR incorrectly and worse refused to do on the incorrect theory that it was too "speculative" to worry that, for example, 24/7/365 dewatering of our groundwater for 80 years would be made worse by climate change's increasing dryness.] These types of climate change impacts may worsen a proposed project's direct, indirect, or cumulative environmental effects in the future…. Focus on both short-term and long-term effects is also necessary to implement express legislative policy," citing CEQA 21001(d) and (g) and 21083(b)(1.).

As to the Guideline amendments for mitigation measures, note (at 43-44) that when there is a "potentially significant environmental impact," the EIR must propose feasible mitigation measures," citing CEQA #'s 21002, 21080(c)(2), 21100(b)(3). "The formulation of mitigation measures cannot be deferred until after project approval [as our dispute EIR/DEIR often does]. Communities for a Better Environment v. City of Richmond (2010), 184 Cal. App. 4th 70, 92 ('reliance on tentative plans for future mitigation after completion of the CEQA process

significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.')" Because of many cases on this subject, the Guidelines amended 15126.4.

The EIR/DEIR generally fails to provide an adequate and accurate baseline and environmental setting especially by deficiently addressing the 2585-acre underground mine and its impact on us surface owners above and around the mine. To accomplish the fundamental goal of any eir, it must inform decision makers and the public of any significant adverse effects a project is likely to have on the physical environment. To make that assessment the EIR must delineate the environmental conditions prevailing absent the project, defining a baseline against which predicted effects can be described and quantified. E.g., *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal. 4th 439, 447. This includes providing a description of the physical environmental conditions in the vicinity of the project at the time the notice of preparation is published or … the analysis is commenced…" Id. at 448; Guidelines #15125(a). "Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the development project." E.g., *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994), 27 Cal. App. 4th 713, 729. Indeed, "[w]ithout accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the …project." Id. at 729. Stated another way, there is no harmless error excuse that will save a deficient eir on this criterion. Assuming (especially incorrectly as it does) that the conditions for the limited areas described in the DEIR/EIR are the same for the rest of the mining area and surrounding areas is insufficient and worse and requires the rejection of the EIR/DEIR. (There is no area "surrounding" the mine more in need of honest, common sense, good faith reasoned analysis than the surface and at least 200 feet below it and our shared groundwater above and around the 2585-acre underground mine.) *Banning* at 942.

Here, many fear, Rise has not adequately evaluated either the 2585-acre underground mine (closed and flooded since 1956) because it seems not want to have to deal with inconvenient truths and realities or litigation exposures (and it may not be able to afford the required analysis, see Exhibit B SEC filing admissions by Rise). While the County has so far excluded that evidence, the decisionmakers should be certain that no court will exclude such damning admissions in the contests that will follow any approval of the EIR. See, e.g., *Richmond v. Chevron*, where the objectors used such SEC filing admissions to defeat the eir. Also, the disputed EIR ignores threatened wells that exist now or are likely to exist in the future, as well as the competition between us surface owners and the underground mine. Furthermore, such disputed omissions tend to be tactical, such as the refusal of the EIR/DEIR to map the underground mine against the surface properties in a reasonably identifiable way, apparently to avoid awakening opposition by surface owners mistakenly imagining from the disputed and vague maps that they are beyond the impact zone of the mine. Instead, the disputed EIR/DEIR offers its unsubstantiated opinions, assumptions, and speculations about those mine conditions, which means there is no meaningful baseline as required. Therefore, the EIR/DEIR cannot comply with CEQA, since "the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete, or misleading." E.g., *Cadiz Land Co. v. Rail Cycle* (2000), 83 Cal. App. 4th 74, 87. As Guideline #15125 explains: Knowledge of the regional setting is critical to the assessment of environmental impacts," which requires enough detail to

allow analysis of a project's potential impacts, since the primary purpose of CEQA is to inform government decision-makers and the public about significant environmental effects of proposed projects before approving or denying them. *Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 Cal.3d 553, 564; *San Joaquin Raptor*, 27 Cal. App.4th at 729; *Cadiz,* 83 Cal. App. 4th at *87; Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997), 60 Cal. App.4th 1109, 1122. A stable and accurate description of the surrounding area is not less crucial than a correct description of the project. E.g., City of Irvine v. County of Orange (2015), 238 Cal. App. 4th 526, 542 fn. 8 (A "stable and accurate description of a project is the 'sine qua non' of an EIR").

F. Illustrations of 13 Ultimate Legal Questions The Courts Would Have Address If the EIR Were Approved In Response To Objectors' Continuing Resistance.

My EIR Objection 254 demonstrated how the EIR refused to answer my detailed questions in my DEIR Objection 254 (see my objection thereto in what the EIR labeled as Comments Ind. 254-95 to 101, my DEIR Objection 254 #15. See also my such #'s 1.G and H, and 3.L), and that companion objection asked many more unanswered questions about errors, omissions, evasions, and noncompliance in the EIR. I will try some different and more basic questions here, framed as they could be among the many challenges in future courts should a mistaken County approval occur and all based on a solid foundation in my four Objections:

1. Does anything in CEQA or other applicable law prevent an objector from countering or rebutting EIR errors, omissions, or other deficiencies (or worse) with truth, common sense, and a correct good faith reasoned analysis, including admissions in the DEIR/EIR or in the miner's SEC filings or other competent and relevant evidence, whether or not within either the incorrectly EIR/DEIR asserted or actual the scope of CEQA? (NO. See *Richmond v. Chevron* allowing SEC filing and other admissions.)
2. Does anything in CEQA or other applicable law excuse the EIR from having to respond to objections countering or rebutting EIR errors, omissions, or other deficiencies (or worse), especially those contrary to truth, "common sense," and a "correct good faith reasoned analysis," including admissions in the DEIR/EIR or in the miner's SEC filings or other competent and relevant evidence, whether or not within the scope of CEQA? (NO. Id. and Ind 254.)
3. Stated another way, is there any untrue, misleading, or inaccurate statement (or any material omission or evasion that makes any statement untrue, misleading, or inaccurate) in an EIR/DEIR that cannot be rebutted or countered by objectors or as to which the EIR is excused from responding? (NO. Id.)
4. When the disputed EIR fails to provide a "good faith reasoned analysis," to apply "common sense" in "good faith," or otherwise to respond as required by CEQA and other applicable law to objections of potential victim neighbors, especially us surface owners above or around the 2585-acre underground mine, does CEQA or other law prohibit or limit in any way the right of such objectors to expose that failure and to explain why that is not "harmless error," but a serious harm? (NO. Id.)
5. Even if the answer to any of those questions were "yes," would the answer still be "no" where the objections were from a surface owner above or around the 2585-acre

mine not only resisting the mine as a CEQA protester, but rather also as such a surface property owner protecting his or her competing property rights, such as to lateral or subjacent support or as to groundwater being depleted in violation of such legal property rights? (YES, the answer must be "no." Id.)

6. Does CEQA and other applicable law allow objectors (including such surface owners above or around the mine) to use the EIR miner's admissions in SEC filings and other public documents to rebut or impeach any false, misleading, or otherwise objectionable statement, information, or unstated or implied assumption in the EIR, including as to economic infeasibility of any aspiration or mitigation proposed in the EIR but admittedly not affordable? (YES. Id.)
7. If (as here, such as in DEIR at 6-14 or the "Non-CEQA Related Analysis" in DEIR at 4.3-103) EIR admissions or other express or implied allegations or information "opens the door" to the issue of economic feasibility as to any safety, mitigation, or other disputed issue in the EIR/DEIR, can us objectors rebut or impeach the EIR using any relevant and competent evidence, such that the EIR must respond with a good faith reasoned analysis thereto with common sense? (YES. Id.)
8. Is the EIR/DEIR correct when it contends that the County is approving the mine project, not the miner, such that objections proving the financial and other infeasibility of the miner accomplishing the EIR as stated are irrelevant and may be disregarded by the EIR, even where the local objectors are surface owners above and around the 2585-acre mine also defending their such competing property rights against the mine? (NO. Id.)
9. When there is competent proof of the lack of "good faith" (or worse) in the EIR evading or otherwise responding to a proper objection to the EIR/DEIR, is such proof (e.g., admissions by the EIR or miner contrary to or in conflict with the EIR/DEIR) always admissible evidence to which the EIR must respond with a "good faith reasoned analysis" and "common sense"? (YES. Id.)
10. When the EIR/DEIR states a disputed opinion that is either speculative, lacking in "common sense," or unsubstantiated (e.g., denying climate change in predicting the effect of 24/7/365 dewatering of groundwater below objecting surface owners above or around the 2585-acre underground mine, such as by insisting on assuming that the "current" base line of average rainfall between 1967 and 2017 [note, excluding the more current dry years after 2017] will continue "recharging" and "balancing" groundwater and wells for the next 80 years), can the EIR/DEIR disregard counters and rebuttals that are likewise alleged by the EIR to be "speculative?" (NO. Id.)
11. When the EIR/DEIR evades or ignores good faith and plausible objections that the EIR/DEIR lacks "common sense" (or "good faith" on any such basis), must the EIR/DEIR provide a "good faith reasoned analysis" with "common sense" as to the merits of the issue in dispute? (YES. Id.) For example, can the EIR/DEIR ignore an objection challenging the disputed EIR/DEIR theory that because most of the forests owned by objectors above or around the 2585-acre underground mine (like the 48 trees on my property between 50 and 100 feet tall) have shallow roots, the 24/7/365 dewatering of the surface owners' groundwater for 80 years will have no adverse environmental impact on those trees? (NO. Id.) Can the EIR/DEIR ignore an objection to such dewatering of objectors' groundwater on the disputed EIR/DEIR theory that the fractured rock conditions that they assume without investigation exist

along and around 72 miles of underground tunnels for new mining into unexplored areas will act like a dam and not leak away such groundwater? (NO. Id.)

12. When the DEIR failed to present any mention of the dangerous carcinogen, hexavalent chromium (e.g., long blasted in many EPA and California EPA website and my Ind. 254 Exhibit C studies and made infamous by the movie, *Erin Brockovich,* mourning the death of Hinkley, CA, and many of its residents from such groundwater pollution they are still trying to remediate decades later, as discussed in www.hinkleygroundwater.com and related sites) in its "Hazards and Hazardous Materials" discussion (where it belonged in DEIR 4.7), only mentioning it in passing in a later discussion about it being in the cement paste used in the underground mine shoring, is that concealment a lack of "good faith reasoned analysis" or "common sense"? When the EIR reacted to my objections (but not in a general way that would adequately alert everyone to the threat who stopped reading the EIR before page 5970 or Appendices Q, O, or R at the end thereafter) about such hexavalent chromium menace (e.g., water and air pollution) and the nonresponsive EIR made its brief, disputed, speculative, and unsubstantiated comments in its obscure EIR "Response To Comment Ind. 254-1, presumably to avoid having to revise and recirculate the DEIR, is that a "good faith reasoned analysis" and sufficient to avoid being "new information" requiring revision and recirculation of the DEIR? (NO. Id.)
13. When assessing the merits of competing alternative uses of the EIR mining property, is it legally possible for the mine to claim (as the EIR/DEIR does) that its impacts are less "intense" than industrial (e.g., warehouse etc.) "alternatives" rejected by the DEIR/EIR as too "intense" by comparison? (No. Id. and discussion above.)

G. Some Guidance In Avoiding the Objectionable Tactics And Practices In the Disputed EIR/DEIR.

The EIR "Responses" to my DEIR Objection 255 that I dispute below, like those to my DEIR Objection 254 (rebutted in my companion EIR Objection 254 that applies equally herein), attempt to evade and ignore my meritorious objections more often than they attempt to debate them on the merits. That is a fatal flaw in the EIR/DEIR, as I have demonstrated in detail in my incorporated EIR Objection 254. Those objectionable tactics and practices are also used by the disputed EIR against my DEIR Objection 255 as I address below. However, rather than invest the effort to detail all such instances here, I will just note such wrongs in passing as part of that objectionable pattern and practice that defeats the EIR responses to this EIR Objection 255, just as I defeated the similar EIR responses at issue in my EIR Objections 254.

For example, see the pattern and practice of evasions in the EIR/DEIR from such wrongful disaggregation (i.e., rebuttal evidence of falsehoods) in my EIR Objection 254 (e.g., #'s I.A.1.d, I.C and D, I.F.5 and my introductions to section II countering that tactic by EIR Master Responses, and in section III countering such EIR "Responses"). Please consider the way that I have responded in succession to the disputed EIR "Responses" in its disaggregated "cut up" segments labeled Comment Ind. 254 -1 et seq. As with my main EIR Objection 254, each such EIR labeled part in my DEIR Objection 254 had an integrated relationship to exposing collectively the errors, omissions, and noncompliance also in the disputed DEIR that the disputed EIR reaffirms and defends. As explained, the EIR often ignores my cross-references and incorporations in my Table of Contents-

integrated sections, and then fragments such sections into its own selected fragments to which it purports to respond as if the only things at issue were in that fragment without regard to anything else in my fully integrated objection. When you read all my rebuttals therein to those repeated artificial EIR fragment cuts of my integrated objections, the disputed EIR pattern of evasions and worse become clearer. That objectionable EIR "Response" practice and my rebuttals apply here as well in this EIR Objection 255 below.

That is why, among other things, at the outset of many of my such successive segment objections herein (starting with Ind. 255-3), I incorporate my full objections, following the pattern and justifications that I also used in my incorporated EIR Objection 254 (and explained in more detail there) in dealing with such objectionable EIR fragmentation tactics. For example, my DEIR Objection 255 #2.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into Ind. 255-3, -4,-5, and -6, and those isolated fragments (within my larger integrated comment section) seem less coherent in such isolation by themselves. So, each such fragment must be read together for coherence and completeness (i.e., reassembled to the original) as I wrote that integrated section that the disputed EIR so arbitrarily cut up, thereby exposing and defeating the disputed EIR's tactic of creating such a pretext for claiming that its isolated fragments fail adequately to explain or detail my objections. Although I try to use some of the EIR's terminology when I try to match the disputed EIR "Responses" to my objections both in my Objections 254 and 255, I must insist on maintaining herein my own references to my own integrated section labels in those Objections, because the disputed EIR has cut up and redesignated/relabeled my integrated section commentaries into such less coherent or persuasive fragments. I refer readers to my EIR Objection 254, because this was a major problem there in how the EIR fragmented my 150 page DEIR Objection 254 into fragmented Ind. 254-1 to 101, so that the disputed EIR could more easily object to each fragment by isolating it and ignoring the rest of my original sections and then complaining that each such fragment was deficient in its explanation or other content (by the disputed EIR improperly ignoring the whole rest of my original section and all my cross-references and incorporations.) My same objections in my companion EIR Objection 254 to that noncompliant EIR tactic apply here as well.

As I also discuss below in my initial rebuttal to EIR Ind. 255-2, I was reluctant to describe my opening remarks as an "introduction," because the disputed EIR keeps misusing that word as an excuse to ignore my substantive comments included in such introductions as well as my important context and guidance for the coming attractions to follow. Since the disputed EIR's nonresponsive "responses" to my DEIR Objection 255 repeat its objectionable practices at issue in my EIR Objection 254, I likewise refer to my separate comprehensive objections to each such disputed EIR Response To Comment Ind 255-2 et seq. Thus, the EIR "Response" to my DEIR Objection 255 began again (as it did with EIR's response to my main DEIR Objection 254) with both an error and noncompliance with how the courts interpreting CEQA require a "good faith reasoned analysis" with "common sense," by simply ignoring the substance of what it called Response to Comment Ind. 255-2 by incorrectly dismissing my substance as not worthy of response, because the EIR claims such section was merely "introductory in nature." To see how this obnoxious EIR tactic works out, please see my detailed illustration below in my objections to EIR Responses To Comment Ind. 255-2 et seq.

Also, please note that by failing to respond on the merits to my meritorious objections as I presented them, the EIR is not merely failing to comply with CEQA and other applicable law. That noncompliance should be treated as a default, just like a defendant refusing to answer an

allegation in a complaint, thereby resulting in a victory for the objection on that issue for the objector. More importantly, that disputed EIR tactical pattern and practice should defeat its entire EIR application, because such tactics left gaps in the EIR on the merits and CEQA does not allow such an EIR to be approved with major issues in dispute and the EIR "hiding the ball." See the authorities cited in my EIR Objection 254, especially in section I.A.1.b, I.C and D, and I.F.5, as well as my introduction in section II and III. If this EIR can so improperly evade objections on the merits and still be approved, then there would be less point in objecting in the County process and potential victims should just prepare their cases for trial court presentations where truth matters and compliance with applicable law is enforced.

H. The EIR/DEIR Creates An "Alternative Reality" Behind Disputed Interpretations of CEQA and Guidelines That It Claims Excuse It From Having To Respond To Many of My Objections. See, e.g., My EIR Objection 254 #'s I.A.1.d and I.F.5.

Throughout the disputed EIR/DEIR my four meritorious Objections are also improperly evaded, ignored, or rejected as irrelevant on the basis of their disputed interpretations of CEQA and its Guidelines, even though the EIR/DEIR itself ignores its incorrect CEQA boundaries and literally refuses to address the credibility challenges, contradictions, and inconsistencies EIR/DEIR and Rise admissions as well as my other competent and admissible evidence that rebut and impeach EIR/DEIR claims and allegations or that expose errors, omissions, and noncompliance in the DEIR/EIR in accordance with applicable law. Besides what is stated below (and in my DEIR Objection 255 and 254), also see, e.g., my companion EIR Objection 254 countering each of the EIR "Responses" to my DEIR Objection 254. While the EIR/DEIR cherry-picks some Guidelines and CEQA provisions as alleged support, they ignore others as well as the judicial precedents that I cite, as well as the other laws that apply to allow me to rebut or impeach the many falsehoods, erroneous assumptions, misleading statements, false equivalents, and other errors, omissions, and noncompliance in the EIR/DEIR. Rather than summarizing them all here, I refer the reader to the places where I apply them herein and in my other Objections.

However, what is most important, if us objectors are to avoid the hassles of having to use legal and political/law reform remedies to reverse any mistaken EIR approval, is that the decisionmakers either have all the best and required information or, because the EIR/DEIR too often refuses to provide what is so required, at least for such decisionmakers to know what they are missing and why it matters. I assume that the County wishes to do its duty: (i) "to respond to [such] comments from the public" (Guideline #15002(j), especially when the EIR/DEIR fails to do its duty; (ii) to respond to the information ..." in #15002(h); (iii) to make informed and correct finding in accordance with #15002(g); and (iv) to minimize environmental damage and balance competing public objectives in accordance with #15021, such as "not to approve a project as proposed if there are feasible alternative or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment." See my discussion of the Sierra Club v. County of Fresno case in my prior DEIR Objection 255 and my related analysis in my companion EIR Objection 254. In balancing such "public objectives" the County may consider "SPECIFIC ECONOMIC, ENVIRONMENTAL, LEGAL, SOCIAL AND

TECHNICAL FACTORS" in accordance with #15021, but in order to do so it needs to read carefully my Objections and those of others, especially in my Table of Incorporated by Reference Objections, because the EIR/DEIR has improperly refused to provide such information by evading those requirements and our objections as irrelevant or outside the improperly limiting asserted boundaries of CEQA, even though such information is provided by objectors like me to counter, rebut, and impeach such errors, omissions, and worse from the EIR/DEIR, including DEIR/DEIR and Rise admissions. That is especially important here where there are massive cumulative impacts (#15355) and where proposed mitigation (#15370) by the disputed EIR/DEIR is so consistently infeasible, often to the point of becoming illusory.

II. My Specific Objections To Disputed EIR Individual Responses To My Prior Comment Ind. 255-2 et seq.

A. My Objection To EIR Response To My Prior Comment Ind. 255-2 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.A).

As explained above, I am almost reluctant to describe my opening remarks herein as an "introduction," because the disputed EIR keeps misusing that word as an excuse to ignore my substantive comments and important context for the coming attractions to follow, as it did here in this nonresponsive "Response" to my introduction to DEIR Objection 255. Thus, the EIR begins again (as it did with its disputed "Response" to my main DEIR Objection 254) with both an error and noncompliance about how the courts interpreting CEQA require a "good faith reasoned analysis" with "common sense," by simply ignoring the substance of such fragment it called Response to Comment Ind. 255-2 by incorrectly dismissing my substantive objection as not worthy of response, because as merely "introductory in nature." See, e.g., *Gray, Banning, Vineyards, and Costa Mesa* discussed above.

Among the criticisms that the disputed EIR asserts to evade my objections is by claiming that an objection is irrelevant as outside the limits that the disputed EIR/DEIR's incorrect interpretation attempts to impose as a CEQA (including its Guidelines) boundary. However, as noted above, under applicable law my objections can be (and include) to counter any DEIR/EIR statements, omissions, and other deficiencies, many of which DEIR/EIR claims are also beyond such alleged CEQA boundaries attempts to enforce against objectors. For example, much of my DEIR and EIR Objections 255 are about the economic infeasibility of the EIR/DEIR, especially using its or Rise SEC filing admissions to reveal how the miner cannot hope to afford even its "aspirational" safety and mitigation proposals, much less its announced project objectives. See EIR Objection 254's Exhibit B and DEIR Objection 254 #2. I also note in what this EIR Response ignores that the disputed DEIR (at #4.3-103-104) has a disputed section entitled **"Non-CEQA Related Analysis"** that I rebut, in effect claiming that somehow the DEIR/EIR themselves can seek approval based on things they assert outside their disputed CEQA boundary, but objectors cannot rebut or counter those erroneous or worse statements, even using the admissions Rise or in the DEIR or EIR. Moreover, the disputed **DEIR admits (at 6-14)** that its whole project is economically unfeasible if it is not allowed to operate 24/7/365 for 80 years in

the manner proposed in the disputed EIR/DEIR (which us objectors will be countering by proposing contrary law reforms).

B. My Objection To EIR Response To My Prior Comment Ind. 255-3 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.A).

I incorporate my similar, but more extensive, objections about the disputed EIR's such tactics addressed in my EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated objection comments in designated table of contents sections into the disputed EIR's less self-sufficient, fragmented divisions (if one were to ignore my cross-references and incorporations, as the EIR improperly does). As a result, my replies herein objecting to each EIR fragment "Response" are also both fragmented and less self-sufficient and (the disputed EIR seems to think) may be more vulnerable to its incorrect claims that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-3, -4, -5, and -6, and those isolated fragments (within my larger, integrated, original comment section) are less self-sufficient. So, each of my objections herein to each such disputed EIR cut fragment must be incorporated into each other and read together again (as I originally presented them), thereby exposing and defeating that disputed EIR's tactic for creating an improper pretext for the disputed EIR incorrectly to claim that such isolated fragments fail adequately to explain or detail my objections.

Again, as with the disputed EIR's other deficient or worse "Responses" to my related DEIR Objection 255 objections herein, as well as in my EIR Objection 254 to similar, noncompliant "Responses" to my DEIR Objection 254, the EIR offers only a partial response as if it were comprehensive (when it's not). The EIR misstates, evades, or understates my objections, and its wrong and noncompliant on the merits to the extent it purports to address them. For example, the EIR pattern is to mention deficiently the **Guideline #15151** issue in dispute, but then the EIR ignores my quoted requirements that there must be (with the aforementioned "good faith reasoned analysis" and common sense"): (i) "a sufficient degree of analysis to provide decisionmakers with information …[for] a decision that intelligently takes account of the environmental consequences …" (ii) where "sufficiency … is viewed in the light of what is reasonably feasible, (iii) an EIR "summar[y] [of] the main points of disagreement among the experts [which on some issues includes me for my experience and expertise], and (iv) "adequacy, completeness, and a good faith effort at full disclosure." As I note in my DEIR Objection 255 at #2.A (included in this EIR as Response to Ind. 255-3), the EIR fails each of those tests against most of the issues in dispute, including this one. **Also, Guideline #15145 requires that the DEIR/EIR must "note in its conclusion" that a "particular impact is too speculative for evaluation," but the EIR/DEIR rarely admits any grounds for doubting their unannounced speculations. However, throughout the disputed DEIR/EIR most of its references to speculations (including false assumptions and unsubstantiated opinions) are just complaints about my rebuttals or counters, rather than admissions of the truth, which is that many of the DEIR/EIR errors, omissions, and deficiencies are the unadmitted result of their own speculations, including false assumptions, unsubstantiated opinions, and guesswork. That failure of the DEIR/EIR to expose their own such speculations should be**

fatal noncompliance with CEQA as well as a basis for rejecting their complaints about my objections.

Even worse, Guideline #15145 requires that the DEIR/EIR must "note in its conclusion" that a "particular impact is too speculative for evaluation," but the EIR/DEIR rarely admits any grounds for doubting their unannounced speculations. However, throughout the disputed DEIR/EIR most of its references to speculations (including false assumptions and unsubstantiated opinions) are just complaints about my rebuttals or counters, rather than admissions of the truth, which is that many of the DEIR/EIR errors, omissions, and deficiencies are the unadmitted result of their own speculations, including false assumptions, unsubstantiated opinions, and guesswork. That failure of the DEIR/EIR to expose their own such speculations should be fatal noncompliance with CEQA as well as a basis for rejecting their complaints about my objections.

Furthermore, my DEIR Objection 255 at #2.A (included in this EIR as Response to Ind. 255-3) also analyzed forecasting required in Guideline #15144, which the EIR totally ignored as an issue, especially as to my hexavalent concerns I addressed also in this objection to EIR's disputed "Response" to Ind. 255-3, as, well as extensively in my EIR and DEIR Objections 254. Consider, for example, what follows. The DEIR failed to present in its "Hazards and Hazardous Materials" discussion (where it belonged in that #4.7) any compliant mention of the dangerous carcinogen, hexavalent chromium (e.g., long blasted in many EPA and California EPA website studies and made infamous by the movie, *Erin Brockovich,* mourning the death of Hinkley, CA, and many of its residents from such groundwater pollution, as described in www.hinkleygroundwater.com and linked sites discussing the continuing struggle to remediate that poisoned groundwater). Instead, hexavalent chromium was only mentioned in passing (without any analysis) in a few later discussions about it being present in the cement paste added for underground mine shoring. See my EIR Objection 254 and Exhibit C thereto. That concealment of such air and water health hazards evidences a lack of "good faith reasoned analysis" and a defiance of "common sense," presumably because the disputed EIR/DEIR was hoping to avoid challenges (like mine) to that method of saving money by cementing into pillars mine waste that both purport to support the underground mine and reduce the expense of removing and disposing of such mine waste. See my companion EIR Objection 254 (e.g., #I.F.1 and 5 and my objection to EIR's obscure "Response" on that subject in Ind.254-1). My DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, and 12 (plus #'s 3.J and 10 as to air pollution by that carcinogen) address that menace in detail, as to my objections to the EIR's disputed "Responses" to my such DEIR objections in my companion EIR Objection 254.

For example, the disputed EIR reacted noncompliantly to my such objections (but not in a general way in the EIR/ main text where it might adequate alert everyone to that threat who stopped reading the EIR before page 5970 or failed to read the disconnected EIR Appendices Q, O, and R at the end thereafter, which are not a designated part of any EIR compliant "good faith reasoned analysis" with "common sense") about such hexavalent chromium menace (e.g., water and air pollution). Again, note that in this disputed the EIR relied on its nonresponsive EIR Response to Comment 254-1, where it made brief, disputed, speculative, and unsubstantiated comments that few would likely find or read, presumably a tactic to avoid having to revise and recirculate the DEIR, since the EIR pretends it is merely "clarifying" or "embellishing" compliant DEIR comments (but none exist). See discussion of that need for revision and recirculation in my companion EIR Objection 254 #'s I.A.1.c, I.C and D, and I.F.1, 8, and 9, applying that need for revisions to achieve "good faith reasoned analysis" with "common sense"

for required recirculation for such EIR "significant new information" compared to the incontrovertibly noncompliant DEIR. See my rebuttal EIR Objection 254 (including my Exhibit C) to EIR Responses Ind. 254-1, -3, -6 to -8, -11, -14, -15, -36, -37, -75, -85, -86 (plus 254-26 to -28, and -39 to -42 (and -79 as to air pollution).

As I explained in those objections, there is a massive amount of scary scientific data about hexavalent chromium (see the EPA and CA EPA websites and Exhibit C supporting the extensive commentary in my companion EIR Objection 254), which the EIR/DEIR proposes to use in the cement paste to shore up the 2585-acre underground mine above and around which thousands of us objectors live on the surface. That is our groundwater being dewatered 24/7/365 for 80 years past those toxic shoring. See Keystone and other authorities in my EIR Objection 254 (e.g., # I.F.1 and my objections to the EIR's Response Ind. 254-1.) The disputed and unproven EIR theory seems to be that the dewatering will drain the pollution away from us locals for purported "treatment" and then flushed away down the Wolf Creek to scare any downstream NID customers who discover the threat to which they have not so far been alerted in the EIR or DEIR, which downstream recipients may wonder why the EIR/DEIR went to such extremes to avoid CEQA compliant warnings (or at least "good faith reasoned analysis" with "common sense" on the merits in the "Hazards And Hazardous Materials" DEIR/EIR section 4.7 where it belongs.).

How are such potential victims supposed to evaluate this menace in such obscure other places? How can such potential victims judge any safety measures or mitigations or the effectiveness of the so-called water "treatment" for a carcinogen that the DEIR so failed to address and the disputed EIR addressed insufficiently, noncompliantly, and obscurely? Many impacted objectors, once adequately briefed on the threats evaded in the DEIR/EIR, may conclude (like me) that (like asbestos) there is not a safe level of exposure to hexavalent chromium in our water or air. In any case, there is no EIR/DEIR "good faith reasoned analysis" with "common sense" about this hexavalent chromium threat to both our water and our air, and many reasons not to trust what they do say. While the air pollution risks were even more omitted from the DEIR, they now illustrate in the disputed EIR how one core menace, here hexavalent chromium, can create both direct and indirect, as well as "cumulative," environmental impacts for which there must be comprehensive such disclosure, analysis, and mitigation, all of which are lacking. See my DEIR Objection 254 #'s 3.J and 10, my EIR Objection 254 objections to those disputed EIR "Responses" and "Master Responses" to my such DEIR Objection 254 sites (3.J and 10) and as well as to my EIR Objection 254 #'s I.E.7 and I.F.5. See also my Table of Incorporated by Reference Objections attached to my EIR Objection 254.The insufficiently described air menace begins at the mine when they make the hexavalent chromium and release toxic "fugitive dust." Although our air quality regulator may not yet realize this additional threat, the NSAQMD is already concerned about the asbestos and other toxins already polluting our air at the mine. See my incorporated NSAQMD Agency Letters 12 (especially at 12) and 11, describing how such toxic fugitive dust needs to be "suppressed" watered frequently each day 24/7/365, even during drought water rationing, to save from that air pollution menace. See quotes below. How some of those various impacts interact and cumulate is illustrated by one simple comment in the EIR Agency Letter 12 (at 12) of the Northern Sierra Air Quality Management District ("NSAQMD") (emphasis added):

> **The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements.** [i.e., my

translation for context: DEIR mitigation had proposed frequent daily watering attempting to suppress toxic fugitive dust from the air, so that in water shortages NID and local voters will have to choose between breathing toxic air or suffering less than their fair share of rationed water, contrary to the EIR/DEIR claims (quoted below) to bearing its share of the rationing, because of water wasted on this no net benefit mining.] **Since the dust contains asbestos, silica, and numerous toxic substances** [now, I note, adding hexavalent chromium] **adequate dust control is necessary. There should never be a situation where dust control is compromised because of water use restrictions, particularly in the summer months when the potential for dust generation is greatest.**

In another example of a DEIR/EIR misleading "bait and switch," the DEIR states (and EIR ratifies) that: "This project would be subject to any applicable water demand cutbacks during droughts, like other NID potable water customers who are served by NID." However, that ignores the NSAQMD's Agency Letter 12 (at 12) discussed above, including that quoted, regular demand *priority* for frequent daily NID watering of its toxic (asbestos and more) fugitive dust, "regardless of water use restrictions." This "pick your poison" dilemma should not be imposed on us objectors living on the surface above or around the mine, where our choices seem to be either breathing such toxic air or suffering with less than our fair share of drought rationed water, while we watch the EIR mine constantly watering such fugitive dust in the uncertain quest for speculator shareholder profits at our expense. Whatever the result, that disputed EIR reassurance of shared suffering is false and misleading at best.

The reality is that this is a "zero sum game," in which every gallon allocated to this "no net benefit mine" (see my DEIR Objection 254 #4 and Exhibit A to my EIR Objection 254 rebutting the County Economic Report benefit claim) is one less gallon available to us far more deserving locals. For example, (although the disputed DIER/EIR incorrectly denies and ignores climate change as too speculative to consider its impact, but see, for example, my CEQA discussion at section I.C.2 of how the "2018 Guidelines Amendments Explanations" requires recognition of climate change) there will be increasing dry years threatening our community. **I have yet to meet any locals here above or around the mine who are willing to sacrifice anything for the mine. Almost all informed locals will support resisting any EIR approval, creating (if the mine is approved) a massive political problem for the County and NID to add to the inevitable legal, law reform, and political disputes that will surely catch any mine supporting officials in such controversies. See DEIR Objection 255 and 254 (e.g., #4).** As the NSAQMD and others correctly foresee with progressive climate change impacts, there will be many and increasing future NID water rationing limitations imposed on our community. New or better wells will be the only practical option (during those 80 years of 24/7/365 EIR dewatering and mining) to save what we can our homes, our forests, and our environment, as we watch this no net benefit mine waste watering its toxic dust with more than any share of water it should be allowed, because controlling the toxic fugitive dust menace is now the EIR mine caused local health hazard.

C. My Objection To the EIR Response To My Prior Comment Ind. 255-4 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.A).

I incorporate again my similar, but more extensive, objections about the disputed EIR's such tactics addressed in my EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated, objection comments in designated Table of Contents sections into the disputed EIR's less self-sufficient divisions (if one were to ignore my cross-references and incorporations, as the EIR improperly does), so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (so the disputed EIR thinks) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-3, -4, -5, and -6, and those isolated fragments (within my larger integrated comment section) are less self-sufficient by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together again (as I originally presented them), for the full coherence and completeness, as I originally wrote that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain or detail my objections.

Again, as with the disputed EIR's deficient or worse "Response" to my related DEIR Objection 254, the disputed EIR offers only a partial response incorrectly presented as if it were comprehensive (when it's not), and such EIR "Response" misstates, evades, or understates my objections, and its wrong on the merits as my Objections demonstrate. To mention one such example of the opposite of the required "good faith reasoned analysis" with "common sense" by **the EIR, it incorrectly states again: "CEQA review is limited to a project's impact to the physical environment and the DEIR is not required to analyze the financial condition of the Project Applicant."** That disputed theory is noncompliant, among other things, because that ignores the right under applicable law to rebut, impeach, and counter any such EIR/DEIR errors, false statements, assumptions, speculations, claims, omissions, evasions, and other noncompliance with the relevant truths, as demonstrated in my companion EIR Objection 254. Notice how that disputed EIR comment chooses to miss the point of many of my legal authorities and even my objections at issue, which I have been forced to make in dozens of such rebuttals or other counters, because the EIR/Deir persists in such objectionable and evasive tactics, such as to the infeasibility of the EIR/DEIR. See, e.g., my introductory rebuttal above, my companion EIR Objection 254 (e.g., Exhibits B and A and accompanying text), and my DEIR Objection 254 (e.g., 1.E and F, 2, and 15.C.) By the logic of the disputed EIR/DEIR in its "alternative reality" (see my EIR Objection 254 #'s I.A.1.d, I. E, and I.F), all the EIR claims it needs to say in order to prevail is that it will solve in the future any and all problems with deferred comprehensive mitigation and future compliance future regulatory approvals, even when its admissions, common sense, and reality should cause everyone to regard that as worse than noncompliant, false, and infeasible. See, e.g., the many proofs provided in my companion EIR Objections 254 (e.g., I.A.1.a, b, and d, I.C, I.D, I.E1-5, and I.F.6). My point is not that CEQA in isolation necessarily requires such analysis of Rise, it is that the applicable law requires truth, which under the law of evidence means the right to rebut, impeach, and counter such nontruths. Whatever the EIR/DEIR (or what Rise's SEC and other admissions, see, e.g., my EIR Objection 254 Exhibit B and A) incorrectly claims or states that is misleading, false, or not credible, that "opens the door" for my such rebuttals and counters. See Id. and my questions above in section 1.F.

Another disputed tactic and more subtle trick by the EIR are to state its incorrect interpretation of my legal interpretation of such "feasibility" in Guideline #15364, only to then dismiss it with its disputed and unsubstantiated opinion that: "There are no CEQA authorities to support this interpretation of section 15364." Notice that the EIR didn't cite any authorities for its such contrary interpretation either, and as I quoted that Guideline in the DEIR Objection 255: feasible means "capable of being accomplished in a successful manner within a reasonable period of time [i.e., not 80 years during increasing climate change] ... taking into account economic, environmental, legal, social and technical factors." (emphasis added) So, either the EIR is wrong (as I contend), or this issue is yet to be decided by sufficient courts to satisfy a good faith decisionmaker (which excludes Rise and its supporters in the EIR/DEIR, since they have not sufficiently analyzed any challenged objections to them with the required "good faith reasoned analysis." Moreover, the disputed EIR ignores the requirement in Guideline #15144 that "an agency must use its best efforts to find out and disclose all that it reasonable can." That rarely happens in the EIR/DEIR on the issues disputed in my Objections. Typically, the EIR just assumes away its problems does not accomplish anything useful, except that, as in most such these disputes, the EIR says whatever it is wishes to avoid conceding anything, apparently in hopes of some political bailout. Because the EIR generally just repeats its erroneous and already disputed "talking points," the EIR/DEIR is incapable of convincing any objector at risk of any of its disputed claims and contentions.

While the EIR/DEIR and I constantly exchange charges that the other side is the one creating any noncompliance, notice that, as cited earlier in this Objections (# I.C.1), the burden of proof and persuasion must be on the EIR at the start, which is appropriate, because Rise and the EIR/DEIR team have all the relevant information, only some of it disclosed. For example, only after my DEIR Objection 254 to the hexavalent chromium menace did the EIR add its Appendices Q, O, and R (all done for Rise long before the DEIR.) Consider that the quality of my objections depends in part on the quality of the EIR/DEIR presentations, which here are too often designed to evade or avoid compliance with CEQA, resulting in whatever my objections say being legally sufficient. **Even worse, Guideline #15145 requires that the DEIR/EIR must "note in its conclusion" that a "particular impact is too speculative for evaluation," but the EIR/DEIR rarely admits any grounds for doubting their unannounced speculations. However, throughout the disputed DEIR/EIR most of its references to speculations (including false assumptions and unsubstantiated opinions) are just complaints about my rebuttals or counters, rather than admissions of the truth, which is that many of the DEIR/EIR errors, omissions, and deficiencies are the unadmitted result of their own speculations, including false assumptions, unsubstantiated opinions, and guesswork. That failure of the DEIR/EIR to expose their own such speculations should be fatal noncompliance with CEQA as well as a basis for rejecting their complaints about my objections.**

D. My Objection To the EIR Response To My Prior Comment Ind. 255-5 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.A).

I incorporate my similar, but more extensive, objections about the disputed EIR's such "Responses" and tactics as addressed in my EIR Objection 254, in which the EIR also arbitrarily fragmented my integrated objection comments in designated sections into the

disputed EIR's less coherent divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation and always ignoring my cross-references and incorporations). For example, here my DEIR Objection 255 #2.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-3, -4, -5, and -6, and those isolated fragments (within my larger integrated comment section) are less self-sufficient by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full coherence and completeness as I originally wrote that integrated section and framed it my Table of Contents, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments somehow fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and my companion EIR Objection 254, the EIR offers only a partial response, as if it were comprehensive (when it's not), and it misstates, evades, or understates my objections. The EIR is also wrong on the merits. **For example, the disputed EIR ignores the requirement in Guideline #15144 that "an agency must use its best efforts to find out and disclose all that it reasonable can." That rarely happens in the EIR/DEIR on the issues disputed in my Objections**. To mention one such example of not "good faith" by the disputed EIR, it incorrectly states as usual, "commenter does not explain how the DEIR is inadequate and relies on conclusory statements." As usual I reject that criticism and counter that the reverse is true of the DEIR/EIR, which does not explain why it is adequate (e.g., no "good faith reasoned analysis" with "common sense") and just relies on conclusory and unsubstantiated statements, speculation, false assumptions, and, worse. As usual, the EIR just repeats it previously rejected and rebutted "talking points" and already disputed DEIR claims, as if that were a compliant, "good faith reasoned analysis" with "common sense" when it's not. I defer to my previous objections, rebuttals, and counters to the disputed EIR comments in this nonresponsive Response and to its cited EIR Master Responses 14 and 16, DEIR Appendix K.3, and EIR Response to Comment Ind. 254-1. I also remind the decisionmakers that the EIR/DEIR ignored all of my cited cross-references in DEIR Objection 255, such as, for example, at #'s 2. 3.A, B, M and N and 4 and my incorporations, such as DEIR Objection 254.

While the EIR/DEIR and I constantly exchange charges that the other side is the one creating any noncompliance, notice that, as cited earlier in this Objections (# I.C.1), the burden of proof and persuasion must be on the EIR at the start, which is appropriate, because Rise and the EIR/DEIR team have all the relevant information, only some of it disclosed. For example, only after my DEIR Objection 254 to the hexavalent chromium menace did the EIR add its Appendices Q, O, and R (all done for Rise long before the DEIR.) Consider that the quality of my objections depends in part on the quality of the EIR/DEIR presentations, which here are too often designed to evade or avoid compliance with CEQA, resulting in whatever my objections say being legally sufficient. **Even worse, Guideline #15145 requires that the DEIR/EIR must "note in its conclusion" that a "particular impact is too speculative for evaluation," but the EIR/DEIR rarely admits any grounds for doubting their unannounced speculations. However, throughout the disputed DEIR/EIR most of its references to speculations (including false assumptions and unsubstantiated opinions) are just complaints about my**

rebuttals or counters, rather than admissions of the truth, which is that many of the DEIR/EIR errors, omissions, and deficiencies are the unadmitted result of their own speculations, including false assumptions, unsubstantiated opinions, and guesswork. That failure of the DEIR/EIR to expose their own such speculations should be fatal noncompliance with CEQA as well as a basis for rejecting their complaints about my objections.

E. My Objection To the EIR Response To My Prior Comment Ind. 255-6 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.A).

I incorporate my similar, but more extensive, objections about the disputed EIR's "Responses" and such tactics addressed in my EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated objection comments in designated sections into the disputed EIR's less self-sufficient divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks, because it also ignores my cross-references and incorporations) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.A (dealing with certain CEQA and other legal disputes) is cut up by the EIR Response into Ind. 255-3, -4, -5, and -6, and those isolated fragments (within my larger integrated comment section) are less self-sufficient by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full coherence and completeness as I originally wrote that integrated, Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim somehow that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and my companion EIR Objection 254, the EIR offers only a partial response as if it were comprehensive (when it's not), and it misstates, evades, or understates my objections. The EIR is also wrong on the merits. Note also that this disputed **Response ignores my cite to Guideline #15124 ("reasonably foreseeable indirect impacts") and also does not engage on my objection exposing even obvious errors, such as using the average rainfall between 1967 and 2017 as a "current" baseline for predicting groundwater recharge from rain (which it admits is the principal source of any recharge) during the next 80 years of 24/7/365 dewatering depletion, despite the fact that 2017 is not current and ignores those dry years since 2017 that are more consistent with the new normal of climate change the DEIR/EIR wrongful dismisses as too speculative. Also, for example, the disputed EIR ignores the requirement in Guideline #15144 that "an agency must use its best efforts to find out and disclose all that it reasonable can." That never happens in the EIR/DEIR on the issues disputed in my Objections.**

To mention one such example of not "good faith" by the disputed EIR, it incorrectly states as usual, "commenter does not explain how the DEIR is inadequate and relies on conclusory statements." As usual I reject that criticism and counter the reverse is true of the DEIR/EIR, which does not explain why it is adequate (e.g., no "good faith reasoned analysis" with "common sense") and relies on conclusory statements, speculation (e.g., unsubstantiated

opinions, false assumptions, etc.), and, worse. As usual the EIR just repeats it previously rejected and rebutted "talking points" and already disputed DEIR as if that were a compliant, good faith reasoned analysis with common sense when it's not. I refer to my previous objections, rebuttals, and counters to the disputed EIR comments in this nonresponsive Response and to its cited DEIR Appendix K.2 and K.3, and Response to Comment Ind. 254-1. I also remind the decisionmakers that the EIR/DEIR ignored all of my cited cross-references and incorporations in DEIR Objection 254, such as, for example, at DEIR Objection 254 #'s 2. 3.A, B, D, E, F, M and N, and 4, 5, and 14. This disputed Response also asserts an erroneous groundwater recharge from rain claim for "most wells," ignoring my repeated protests that the EIR/DEIR ignores both many relevant existing wells (even among the 300 noted, but still undercounted, in the deficient County Economic Report addressed in my EIR Objection 254 Exhibit A, as well as all future wells that I and others living above or around the 2585-acre underground mine will drill to tap our owned groundwater when the climate change (combines with such EIR/DEIR dewatering) forces us to do so to save our homes, forests, and environment.

F. My Objection To the EIR Response To My Prior Comment Ind. 255-7 (a cut by the disputed EIR from my DEIR Objection 255 #2.B).

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I incorporate my similar, but more extensive, objections about the disputed EIR's "Responses" and such tactics addressed in my EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated, objection comments in designated sections into the disputed EIR's less self-sufficient divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-7, -8, -9, -10, -11, -12, and -13, and those isolated fragments (within my larger integrated comment section) are less coherent by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full self-sufficiently and completeness as I originally wrote that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim somehow that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Responses" to my related objections herein and EIR Objection 254, the EIR offers only a partial response as if it were comprehensive (when it's not), and it misstates, evades, or understates my objections. The EIR is wrong on the merits. Note also that this disputed Response ignores my cite to **Guideline #'s 15121, 15003, and 15002,** and also does not engage on my objection exposing even obvious errors, such as refusing sufficiently (or at all) to investigate the many unknown conditions in the existing mine flooded and closed since 1956 or the unknowns they will encounter in blasting, mining, and dewatering more than 72 miles of new tunnels and related new mine sites (or even to admit it's just speculations about such things), the DEIR/EIR wrongful dismisses as too speculative. Also, for example, the disputed EIR ignores the requirement in **Guideline #15144** that "an agency must use its best efforts to find out and disclose all that it reasonable can." That

never happens in the EIR/DEIR on the issues disputed in my Objections. To mention one such example of not "good faith" by the disputed EIR, it incorrectly states as usual, "commenter … does not specifically state how the DEIR violates these provisions." As usual, I reject that criticism and counter the reverse is true of the DEIR/EIR, which does not explain why it is adequate (e.g., no "good faith reasoned analysis" with "common sense") and relies on conclusory statements and speculation (e.g., unsubstantiated opinions, false assumptions, etc.), and, worse, as usual it just repeats it previously rejected and rebutted "talking points" as if that were a compliant, "good faith reasoned analysis" when it's not. I refer to my previous objections, rebuttals, and counters to the disputed EIR comments in this nonresponsive Response and to its cited DEIR Master Responses 14 and 7. I also remind the decisionmakers that the EIR/DEIR ignored all of my cited cross-references in DEIR Objection 254, such as, for example, at #'s 2 and 4.

G. My Objection To the EIR Response To My Prior Comment Ind. 255-8 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.B).

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I incorporate my similar, but more extensive, objections about the disputed EIR's "Responses" and such tactics addressed in my companion EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated objection comments in designated sections into the disputed EIR's less self-sufficient divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-7, -8, -9, -10, -11, -12, and -13, and those isolated fragments (within my larger integrated comment section) are less coherent by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full self-sufficiency and completeness as I originally wrote that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

That flaw becomes obvious when the reader looks at the disputed EIR cut fragment at Ind. 255-8, where I cite to Guideline #'s 15120 and 15122 through 15131 and incorporated my DEIR Objection 254 #12 to rebut DEIR #5.1. More importantly, as explained herein, this small fragment (two sentences) was never intended by me to stand in isolation, but was part of my whole, integrated section #2.B as I originally wrote and identified it in my Table of Contents. Apparently, the disputed EIR was attempting to manufacture this bogus adequacy issue by its arbitrary isolation and its wrongful disregard of my adjacent and incorporated commentaries, cross-references, and incorporations that supplied ample data for the merits of my objections. Thus, when I generally referred to my "Objections," the disputed EIR misused its fragmentation as an excuse merely to refer generally to the EIR Responses to Individual Letter 254. That is not either "common sense," "good faith" or a "reasoned analysis."

H. My Objection To the EIR Response To My Prior Comment Ind. 255-9 (a cut by the disputed EIR from my DEIR Objection 255 #2.B).

I incorporate my similar, but more extensive, objections about the disputed EIR's "Responses" and such tactics addressed in my companion EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated objection comments in designated sections into the disputed EIR's less self-sufficient divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-7, -8, -9, -10, -11, -12, and -13, and those isolated fragments (within my larger integrated comment section) are less self-sufficient by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full self-sufficiency and completeness as I originally wrote that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and companion EIR Objection 254, the EIR offers only a partial response as if it were comprehensive (when it's not), and it misstates, evades, or understates my objections. The EIR is also wrong on the merits. The EIR's bogus excuse for frequent noncompliance here and many other places with my cited Guideline #15148 is that (citing a disputed quote from the distinguishable *Moro* case for an inapplicable principle) that section "does not mandate perfection." However, the constant evasions and omissions, general deficiencies, and willful noncompliance evidenced by the EIR/DEIR is not about an occasional honest lapse in "perfection," but rather a tactical choice for their chronic lack of "good faith reasoned analysis" with "common sense" (e.g., ***Gray, Banning, Vineyards, and Cost Mesa***) and worse as a practice and pattern to obscure the inconvenient truths and to obstruct my objections. Moreover, the EIR/DEIR pleads for forgiveness at the same time as it is constantly and improperly attacking my objections for such alleged deficiencies when my such objections are fully compliant with the applicable legal standards, which are lesser for me as the objector than for the EIR/DEIR applicant. Consider this context, such as described in my companion EIR Objecti0on 254 at #'s I.C and D and applied with illustrations in #'s I.E and F.

Citing me generally to an Appendix the way the EIR/DEIR does is like telling someone to read the dictionary definitions of all the words in an argument and then having to guess which of a dozen connotation for each word is the one that he or she should dispute. The disputed EIR contains thousands of pages of dense and often disputed text (with many disputed technical Appendix additions), most lacking any attempt at compliance with any reasonable standard for coherence as to the specific justification for speculations and unsubstantiated opinions and dubious or worse assumptions. The general effect is for the EIR/DEIR to state or imply some claim that objectors will dispute, often with no understandable citation to some disputed study on which the disputed EIR/DEIR plans to rely that objectors will frequently challenge not only on the merits, but also, for example, as lacking adequate evidentiary foundation, as inapplicable to

this mine disputes, or as obsolete or superseded by change (e.g., climate change impacts, 24/7/365 dewatering and mining, development, etc.), by time, by scientific advances, or otherwise. Again, none of these important issues can be evaded or ignored in an EIR/DEIR that is supposed to provide such a "good faith reasoned analysis." E.g*., Banning Ranch Conservancy v. City of Newport Beach* (2017), 2 Cal.5th 918, 940-41 ("***Banning***"); *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007), 40 Cal. 4th 412, 442 ("***Vineyard*"); and** *Concerned Citizens of Costa Mesa, Inc. v. 32d Dist. Ag. Ass'n* (1986), 42 Cal.3d 929 ("***Costa Mesa***"), **each insisting on "a good faith reasoned analysis," rather than referencing scattered or buried data (aka objectors cannot be required to hunt through disputed masses of exhibits looking for unspecified data or the assumptions that would be necessary to resolve whether disputed cited studies could be relevant and probative or irrelevant and inapplicable on the merits as, for example, being too dissimilar to this the conditions and circumstances of this mine).**

If the County mistakenly approves this disputed EIR/DEIR, us objectors will have to enforce our legal and political/law reform remedies. See, e.g., DEIR Objections 254 #'s 3.N, 4 and 14 and EIR Objection 254 #I.F.9. When we objectors do so, one thing is clear. The EIR/DEIR cannot set an easier standard for itself than it tries (incorrectly) to set for us objectors (whose legal hurdle is much lower than for the EIR/DEIR applicant with the burden of proof.) The court standard will result in massive noncompliance by the EIR/DEIR both for its noncompliance in what it states and also what it omits, as well as for its meritless refusals to respond as required to my objections and those of others.

I. My Objection To the EIR Response To My Prior Comment Ind. 255-10 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.B).

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I incorporate my similar, but more extensive, objections about the disputed EIR "Responses" and such tactics addressed in my companion EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated objection comments in designated sections into the disputed EIR less self-sufficient divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations)) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is a fragment cut up by the EIR Response into Ind. 255-7, -8, -9, -10, -11, -12, and -13, and those isolated fragments (within my larger integrated comment section) are less self-sufficient by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full self-sufficiency and completeness as I originally wrote that integrated, Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

To mention again one common example of not "good faith" by the disputed EIR, it incorrectly states, as usual, "the comment lacks specificity as it does not identify which documents incorporated by reference are inadequate." As usual, I reject that criticism and counter that the reverse is true of the DEIR/EIR, which does not comply with Guideline #15159

or explain why their disputed claims are adequate (e.g., again, there no "good faith reasoned analysis" with "common sense" in the EIR/DEIR) and rely on noncompliant conclusory statements, speculation (e.g., unsubstantiated opinions, false assumptions, etc.), and, worse, as usual, the disputed EIR just repeats its previously rejected and rebutted "talking points" as if that were a compliant, "good faith reasoned analysis" when it's not, as my citations above (e.g., #I.C.1) demonstrate. I also refer to my previous objections, rebuttals, and counters to the disputed EIR comments in this nonresponsive Response and to its cited DEIR Master Responses. I also remind the decisionmakers that the EIR/DEIR ignored all of my cited cross-references and incorporations in DEIR Objections 254 and 255, such as, for example, at Ind. 254 #'s 2 as well as to the Rise SEC 10K and 10Q filing admission quotes and my cites therein. The decisionmakers and staff should require (as CEQA does) the disputed EIR/DEIR to explain why Rise is providing significantly different information to the SEC and its investors than in the EIR/DEIR to the County and its objector/potential victims.

J. My Objection To the EIR Response To My Prior Comment Ind. 255-11 (a cut by the disputed EIR from my DEIR Objection 255 #2.B).

I incorporate my similar, but more extensive, objections about the disputed EIR "Responses" and such tactics addressed in my companion EIR Objection 254 in which the EIR also arbitrarily fragmented my integrated objection comments in designated Table of Contents sections into the disputed EIR less self-sufficient divisions, so that my replies herein objecting to each fragment are also both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) may be more vulnerable to its incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-7, -8, -9, -10, -11, -12, and -13, and those isolated fragments (within my larger integrated comment section) are less self-sufficient by themselves. So, each of my objections herein to each such EIR cut fragment must be incorporated into each other and read together for the full coherence and completeness as I originally wrote that integrated section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its such isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and DEIR Objection 254, the EIR offers only a partial response as if it were comprehensive (when it's not), and it misstates, evades, or understates my objections. The EIR is wrong on the merits. Note that this disputed "Response" misapplies my cite to **Guideline #'s 15143,** and relies on conclusory statements (e.g., speculation, unsubstantiated opinions, and false assumption) and, worse, as usual, it just repeats it previously rejected and rebutted DEIR Objection 255 "talking points" as if that were a compliant, "good faith reasoned analysis" with "common sense" response to my such objections when it's not. For example, the disputed EIR/DEIR refers to DEIR pages 4.8-47-48, which only mentions the hexavalent chromium menace (i.e., the carcinogen in water and air pollution that killed Hinkley, CA, and many of its residents as mourned in the movie, *Erin Brockovich*, and blasted in many scientific studies I cited on EPA and California EPA websites (and in Exhibit C to my EIR Objection 254), with

merely a passing reference in a string cite with other toxins without including any discussion where required in the DEIR "Hazards And Hazardous Materials" section, none of which comply with that Guideline requiring emphasis for such a "serious" and "probable" threat. See, e.g., my DEIR Objection 254 #3.A., B, C, E, G, H, and J, 7, and 10, as well as my corresponding EIR Objection 254 objections to each of the EIR Responses to such sections (e.g., Ind. 254-1, -6 to 10, -11 to 13, -14 to 15, -20 to 33, -36, -37, -39 to 42, -75, and -79. I also refer to my previous objections, rebuttals, and counters to the disputed EIR comments in this nonresponsive Response and to its cited DEIR Master Responses 14 and 7 and Response to Ind. 254-1 and elsewhere in my EIR Objection 254 (including my Exhibit C thereto) where I explain how the disputed EIR tries to add material new (but still disputed and unsubstantiated) opinions/conclusory comments pretending to be facts.

Likewise, everyone who matters realizes that, among the most serious CEQA issues requiring emphasis and highly probable impacts, concern the 24/7/365 dewatering for 80 years depletion of groundwater owned by us competing surface owner objectors (as well as our existing and future wells) above and around the 2585-acre underground mine. While the disputed EIR/DEIR speculated without adequate basis against my objections, such as ignoring my climate change and other cited objection factors, reality and case precedents defeat the incorrect EIR/DEIR expectation that somehow the average so-called "current" rainfall baseline between 1967 and 2017 (willfully ignoring the most current dry years after 2017) will somehow recharge the depleted groundwater flushed away by dewatering down the Wolf Creek for 80 years. See my DEIR Objection 254 #'s 3.D, E, F, M, and N, 4, 5, and 6, as well as my objections to the EIR Responses thereto in my EIR Objection 254.

K. My Objection To the EIR Response To My Prior Comment Ind. 255-12 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.B).

I incorporate my similar, but more extensive, objections about such disputed EIR "Responses" and tactics addressed herein (and in my EIR Objection 254) in which the EIR has also arbitrarily fragmented my original, integrated objection comments in designated Table of Contents sections into the disputed EIR less self-sufficient subdivisions. That causes my replies herein objecting to each fragment to be both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) may be more vulnerable to the EIR's incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-7, -8, -9, -10, -11, -12, and -13 fragments, and those isolated fragments (within my original, larger, and integrated comment section) are less self-sufficient by themselves (and more redundant because of the need for cross-references across the fragments). So, each of my objections herein to each such disputed EIR cut fragment must be (and is) incorporated into each other and read together for the full coherence and completeness as I originally wrote for my whole integrated Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and DEIR Objection 254, the EIR offers only a partial response as if it were comprehensive (when it's not), and it misstates, evades, or understates my objections. The EIR is wrong on the merits. Note that this disputed Response misapplies my cite to **Guideline #'s 15154,** and relies on conclusory statements (e.g., speculations, unsubstantiated opinions, and false assumptions) and, worse, as usual, the EIR just repeats its previously rejected and rebutted "talking points" as if that were a compliant, "good faith reasoned analysis" with common sense response to my objections when it's not. For example, the disputed EIR/DEIR also misses the **underground** concerns that the airport and its users share with the rest of us above and around the 2585-acre mine with its focus on the above ground issues of concern to fliers, such as the fact that all surface owners and users above or around the 2585-acre underground mine have both competing property rights and values (e.g., rights to lateral and subjacent support, including by groundwater, as demonstrated in my DEIR Objection #'s 3.N, 4, and 14 and cases like the Supreme Court's Keystone precedent) as well as concerns about the environmental and other relevant impacts. See also my objections to EIR Master Response 7 and 14 on which the disputed EIR incorrectly tries to rely herein.

For example, in the EIR's nonresponsive "Responses" Ind. 255-7 to 13, the disputed EIR/DEIR ignores both specific objections plus the **cumulative effect** of my objections and those of others on the overall adverse effects and impacts of the mine and dewatering, which must include (applying all the foregoing and other relevant cited law and court decisions) all of the many issues which the evasive and noncompliant DEIR/EIR purports to address, but does so deficiently or not at all. Thus, I repeat both my original DEIR Objections 255 #2.B that this "Response" fails to defeat on the merits, as well as my objections to the following other/external/incorporated EIR cites in such EIR Ind. 255-7 to 13 evasions, i.e., disputed EIR Master Responses 7, 14, EIR Responses To Comments Ind. 254-1, and such referenced DEIR and other EIR cites. Stated another way, all of us neighboring surface owners above and around the 2585-acre underground mine will suffer from this mine and dewatering from scores of different problems with cumulative impacts that the EIR/DEIR underestimates, evades, or ignores, whether recklessly or worse, and none of the EIR/DEIR proposed mitigations will save us surface owners' property rights or values, or our forests or environment, or our health and welfare, or our community way of life.

My four Objections address most of those "interdisciplinary" EIR issues in extensive and sufficient detail as best can be done under the adverse circumstances created by the deficient and noncompliant EIR/DEIR. Thus, for example, it is simply wrong and worse for the disputed EIR here to claim that my objections are deficient when countering a deficient EIR/DEIR claim, evasion, or noncompliance, such as when the disputed EIR/DEIR just states a speculative or unsubstantiated opinion or false assumption which my objection exposes as such and explains why that is not "harmless error" or otherwise tolerable. Also, as to the whole of these fragmented EIR responses to my DEIR Objection 255 #2.B (i.e., Ind. 255-7-13), the disputed EIR also ignores the requirement in **Guideline #15144** that "an agency must use its best efforts to find out and disclose all that it reasonable can." That rarely, if ever, happens in the EIR/DEIR on the issues disputed in my Objections. The Comm Staff Report also does not satisfy that requirement.

L. My Objection To the EIR Response To My Prior Comment Ind. 255-13 (a fragment cut by the disputed EIR from my DEIR Objection 255 #2.B).

I incorporate my similar, but more extensive, objections about such disputed EIR "Responses" and tactics addressed herein (and in my EIR Objection 254) in which the EIR has also arbitrarily fragmented my integrated, original objection comments in designated sections into the disputed EIR's less coherent subdivisions. That causes my replies herein objecting to each fragment also to be both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) more vulnerable to the EIR's incorrect claim that my explanations are too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.B (dealing with certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-7, -8, -9, -10, -11, -12, and -13 fragments, and those isolated EIR fragments (within my original, larger, and integrated Table of Contents comment section) are less coherent by themselves (and more redundant because of the need for cross-references and incorporations across the fragments). So, each of my objections herein to each such disputed EIR cut fragment must be (and is) incorporated into each other and read together for the full coherence and completeness that I originally wrote for my whole, integrated Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and in DEIR Objection 254, the disputed EIR offers only a partial response as if it were comprehensive (when it's not), and such EIR both misstates, evades, or understates my objections. The EIR is wrong on the merits of its disputed claims. Worse, the EIR keeps choosing to miss or evade the obvious points of my objections by ignoring them, by incorrectly claiming that they were deficiently explained or detailed, or by otherwise asserting a bogus excuse for not addressing my objections on the merits as required. Note that this disputed Response also misapplies my cite to **Guideline #'s 15142,** and the EIR relies on conclusory statements (e.g., speculations, unsubstantiated opinions, false assumptions), and, worse, as usual, the EIR just repeats its previously rejected and rebutted "talking points" as if that were a compliant, "good faith reasoned analysis" with "common sense" response to my objections when it's not. **My such rebuttal (and others herein) includes the proper interpretation and application of CEQA and its Guidelines, such as #'s 15002, 15003, 15120, 15021, 15142, 15043, 15054, 15048, 15050, and 15370, as explained in 2018 Guidelines Amendments Explanations discussed in my EIR Objection 254 #'s I.C and D. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. However, the disputed EIR/DEIR entirely ignores some of those Guidelines in its "Response" and does not correctly apply or interpret any of them, as described in my EIR Objection 254 #'s I.C and D.**

For example, the disputed EIR/DEIR ignores the **cumulative effect** of my objections and those of others on the overall adverse effects and impacts of the mine and dewatering, which must include (applying all the foregoing and other relevant cited law and court decisions) all of the scores of issues which the noncompliant and evasive DEIR/EIR purports to address but does so deficiently or not at all. Stated another way, all of us neighboring surface owners above and around the 2585-acre underground mine will suffer from this mine and dewatering from scores of different impacts that the EIR/DEIR underestimates, evades, or ignores, whether recklessly or worse, and none of the proposed mitigations will save our property rights or values, or our

forests or environment, or our health and welfare, or our community way of life. My four Objections address most of those interdisciplinary issues in extensive and sufficient detail as best can be done under the adverse circumstances created by the deficient and noncompliant EIR/DEIR. It is simply wrong and worse for the disputed EIR here to claim that: "This comment does not address the adequacy of the DEIR and is somewhat unclear." Also, as to the whole of these fragmented responses to my DEIR Objection 255 #2.B (i.e., Ind. 255-7-13), the disputed EIR ignores the requirement in **Guideline #15144** that "an agency must use its best efforts to find out and disclose all that it reasonable can." That rarely, if ever, happens in the EIR/DEIR on the issues disputed in my Objections. The Comm Staff Report also does not satisfy that requirement.

M. My Objection To the EIR Response To My Prior Comment Ind. 255-14 to 18 (fragment cuts by the disputed EIR from my DEIR Objection 255 #2.C).

I incorporate my similar, but more extensive, objections about these disputed EIR tactics (common problems also addressed in my EIR Objection 254 counters to similar EIR noncompliant Responses in my DEIR Objection 254) in which the EIR arbitrarily fragmented my integrated objection comments in my designated Table of Contents document sections into the disputed EIR's less self-sufficient subdivisions. That causes my replies herein objecting to each fragment also to be both less persuasive and (the disputed EIR thinks because it also ignores my cross-references and incorporations) more vulnerable to the EIR's incorrect claims that my explanations are allegedly too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.C (dealing with my detailed application of *Sierra Club v. County of Fresno (2018), 6 Cal. 5th 502 ("Sierra Club")* to the EIR/DEIR, including as to certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-14, -15, -16, -17, and -18 fragments, and those EIR isolated fragments (within my original, larger, and integrated Table of Contents comment section) are less self-sufficient by themselves (and more redundant because of the need for cross-references and incorporations across the fragments). So, each of my objections herein to each such EIR cut fragment must be both incorporated into each other and read together for the full coherence and completeness as I originally wrote for my whole, integrated Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Nevertheless, now that the two prior examples (i.e., my #'s 2.A and B versus the EIR fragment cuts thereof) illustrate the problems with this disputed EIR Response's improper fragmentation tactic, I am going to consolidate my rebuttal reactions to those EIR fragments as if those nonresponsive EIR "Responses" were to my EIR Objection 255 #2.C as I originally wrote it. That means I offer this consolidated subsection as a demonstration of how one court decision (*Sierra Club v. County of Fresno*) exposed some of the many such errors, omissions, and flaws in this EIR, in this case by correct application of such controlling law to the relevant facts, instead of suffering the EIR mistakes and worse. My such rebuttal (and others herein) includes the proper interpretation and application of CEQA and its Guidelines, such as #'s 15002, 15003, 15120, 15021, 15142, 15043, 15054,

15048, 15050, and 15370, as explained in 2018 Guidelines Amendments Explanations discussed in my EIR Objection 254 #'s I.C and D. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. However, the disputed EIR/DEIR entirely ignores some of those Guidelines in its "Response" and does not correctly apply or interpret any of them, as described in my EIR Objection 254 #'s I.C and D...

Before addressing various common disputes over such EIR noncompliance, I begin with a clear example of EIR error and worse, especially considering the EIR's improper practice of inadequately summarizing my objections and then incorrectly claiming that I failed to explain why the DEIR/EIR was inadequate or noncompliant. (That is, in effect, like the EIR incorrectly insisting on treating this "notice pleading" Objection as if it instead had to be judged by the standards applicable to my future trial brief detailing all my later proof, a standard that the EIR/DEIR never justifies with any authority and never even attempts to meet itself and would never satisfy.) I am going to illustrate (first) a fatal flaw in the DEIR/EIR with this sufficient detail from this legitimate part of my fully integrated EIR Objection 255 #2.C. I stated in my DEIR Objection 255 #13 that the DEIR (and now the EIR) wrongly rejected the Alternative of using the Brunswick site not as a mine, but rather as an industrial (e.g., warehouse) site. Without any of the CEQA required "good faith reasoned analysis" and "common sense," the DEIR/EIR incorrectly rejected that industrial alternative for the sole reason that it would somehow (unstated) be too "intense." The obvious/common sense reality is to the contrary and that no use of the property use could be more "intense" (and worse) than this EIR reopening of this gold mine closed and flooded since 1956 with 72 miles of proposed new tunneling and adjacent mining (blasting, digging, material removal, dewatering, processing, etc.) so extensive that it requires 50 to 100 heavy trucks a day for material removal, massive dewatering/purported water treatment, and other objectionable activities 24/7/ 365 for 80 years. See my more extensive briefing on this "alternatives" issue in my companion EIR Objection 254 #I.E.10.

As is often the case with this noncompliant and deficient EIR/DEIR, it simply announces its disputed opinion about "intensity" in its usual, conclusory way, without any sufficient evidentiary foundation or even "common sense" or "good faith reasoned analysis" (with the disputed EIR often just citing back to the already rebutted DEIR as if the noncompliant DEIR were somehow the prevailing authority, rather than the disputed source of the disqualifying errors, omissions, and noncompliance). [Although the DEIR cited no relevant authority for this outrageous "intensity" claim, the disputed EIR makes a useless and unexplained reference to its "Response to Comment Ind. 388-6" (i.e., to someone else's objection), which achieves nothing useful and fails to overcome any objections by me or anyone else.) I cannot believe any worthy official or court would ever accept this "too intense" EIR theory for favoring the disputed EIR mining and dewatering 24/7/365 for 80 years over such better other Alternatives. That is especially true when one considers both the "cumulative impacts" and the many unevaluated or deficiently evaluated risks inherent in this EIR mining gamble, especially when these unknown conditions (many of which the EIR chose not to investigate, so that it could make its unrealistic or worse assumptions) are just assumed to be tolerable on an insufficient basis, as demonstrated in all these many objections. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355.

Note that to decide correctly what is too "intense" one must ask what the neighbors and community would prefer, especially those of us surface owners above the 2585-acre

underground mine whose objections are both (i) to the EIR's noncompliance with CEQA, and (ii) to the EIR miner's violations of our surface owner competing property and groundwater rights. See Keystone and EIR Objection 254 #'s I.F.8 and 9. Ask anyone who matters whether they would prefer a warehouse or other industrial alternative use to this mine, and they will almost all say yes. Ask any real estate broker or appraiser whether the mine would have a worse negative impact on real estate values and market appeal than the Alternatives, and they'll all say yes. Ask any objective, qualified expert whether then the mine would have worse environmental and other impacts on the community and neighbors than the Alternatives, and the honest ones must say yes. This EIR mining is without question the worst possible use of the property for everyone else in our community. And yet, as usual, the DEIR/EIR somehow just expects to prevail on such disputed judgment questions simply by stating its absurd opinions that only a Canadian gold miner shareholder would appreciate. See, e.g., my EIR Objection 254 Exhibit B in which Rise admits in its SEC filings many risks and problems to the SEC and its speculator-investors that are not addressed adequately (or even at all) in the EIR/DEIR. See *Richmond v. Chevron* and my EIR Objection 254 #'s I,C and D, which explain how wrong the disputed EIR/DEIR are in excluding such SEC filing admissions, which defeated the eir at issue in *Richmond v. Chevron*.

Because I quoted the disputed DEIR extensively and applied those quotes to this EIR dispute, the disputed EIR is worse than wrong when it claims that my such good faith reasoned analysis "does not explain how" the EIR violates that application of the *Sierra Club* precedent or provide any "additional" or "specific" "information on which to formulate a response." While I cited relevant and admissible admissions from Rise's SEC filings, the disputed EIR incorrectly claims those are "not relevant" and, therefore, can be ignored. See *Richmond v. Chevron* and my EIR Objection 254 #'s I,C and D, which explain how wrong the disputed EIR/DEIR are in excluding such SEC filing admissions, which defeated the eir at issue in *Richmond v. Chevron*. As usual, the EIR makes no effort with any good faith reasoned analysis or common sense to support that EIR/DEIR evasive nonsense. Therefore, I leave the County decisionmakers to compare my such Objection 255 #2.C to these disputed and unsubstantiated EIR claims. As with my *Gray* and other sites (*e.g., Gray, POET, Banning, Vineyards, Costa Mesa*, etc.), there are expressed (often quoted herein) legal principles that have obvious application to defeat the EIR/DEIR in the mind of anyone except EIR supporters who choose to blind themselves to even the most obvious applications.

Again, as with the disputed EIR's deficient or worse "Response" to my related objections herein and in my DEIR Objection 254, the EIR offers only a partial response as if it were a comprehensive response (when it's not). Such EIR again misstates, evades, or understates my objections, and the EIR is wrong both on the merits of its disputed claims and when the EIR keeps choosing to miss or evade the obvious points of my objections by ignoring or evading them, by incorrectly claiming that they were deficiently explained or detailed, or by otherwise asserting a noncompliant excuse for not addressing my objections on the merits as required. Note that this disputed EIR Response also misapplies my cite to **Guideline #'s 15142,** and relies on conclusory statements (e.g., speculation, unsubstantiated opinions, false assumptions, etc.) and, worse, as usual, the EIR just repeats its previously rejected and rebutted "talking points" as if that disputed response to my meritorious objections were a compliant, "good faith reasoned

analysis" with "common sense," when it's not. See, e.g., *Gray, Banning, Vineyards, and Costa Mesa*.

For example, in its nonresponsive "Responses" Ind. 255-14 to 18, the disputed EIR/DEIR ignores both specific objections plus the **cumulative effect** of my objections and those of others on the overall adverse effects of the mine and dewatering, which must include (applying all the foregoing and other relevant cited law and court decisions) all of the many issues which the evasive DEIR/EIR purports to address but does so deficiently or not at all. Thus, I repeat both my original DEIR Objections 255 #2.C that this "Response" fails to defeat on the merits, as well as my objections to the following other/external/incorporated EIR cites in such EIR Ind. 255-14 to 18 evasions, i.e., disputed EIR Master Responses 7, 14, EIR Responses To Comments Ind. 254-1, and such referenced DEIR and other EIR cites. Stated another way, all of us neighboring surface owners above and around the 2585-acre underground mine will suffer from this mine and dewatering from scores of different problems with cumulative impacts that the EIR/DEIR underestimates, evades, or ignores, whether recklessly or worse. None of the disputed EIR/DEIR proposed mitigations will save our property rights or values, or our forests or environment, or our health and welfare, or our community way of life. My four Objections address most of those "interdisciplinary" EIR issues in extensive and sufficient detail as best can be done under the adverse circumstances created by the deficient and noncompliant EIR/DEIR. Thus, for example, it is simply wrong and worse for the disputed EIR here to claim that my objections are deficient when I am countering a deficient EIR/DEIR claim, such as when the disputed EIR/DEIR just states a speculative or unsubstantiated opinion or false assumption which my objection exposes as such and explains why that is not "harmless error" or otherwise tolerable. Also, as to the whole of these fragmented responses to my DEIR Objection 255 #2.C (i.e., Ind. 255-14-18), the disputed EIR also ignores the requirement in **Guideline #15144** that "an agency must use its best efforts to find out and disclose all that it reasonable can." That rarely, if ever, happens in the EIR/DEIR on the issues disputed in my Objections. The Comm Staff Report also does not satisfy that requirement.

N. My Objection To the EIR Response To My Prior Comment Ind. 255-19 to 28 (cuts by the disputed EIR from my DEIR Objection 255 #3).

I incorporate my similar, but more extensive, objections about these disputed EIR "Responses" and tactics (common problems also addressed in my EIR Objection 254 counters to similar EIR noncompliant Responses in my DEIR Objection 254)) in which the EIR arbitrarily fragmented my integrated objection comments in my designated Table of Contents document sections into the disputed EIR's less coherent subdivisions. That causes my replies herein objecting to each fragment also to be both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) my such replies may be more vulnerable to the EIR's incorrect claims that my explanations are allegedly too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #2.C (dealing with my detailed application of *Gray v. County of Madera (2008), 167Cal. App. 4th 1099 ("Gray")* to the EIR, including as to certain CEQA principles and other legal disputes) is cut up by the EIR Response into Ind. 255-19 to 28 fragments, and those EIR isolated fragments (within my original, larger, and integrated Table of Contents comment section)

are less self-sufficient by themselves (and more redundant because of the need for cross-references across the fragments). So, each of my objections herein to each such EIR cut fragment must be both incorporated into each other and read together for the full coherence and completeness as I originally wrote for my whole, integrated Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Nevertheless, now that the two prior examples (my #'s 2.A and B versus the EIR fragment cuts thereof) illustrate the problems with this disputed EIR Response's improper fragmentation tactic, I am going to consolidate my rebuttal reactions to those EIR fragments as if those nonresponsive EIR "Responses" were to my EIR Objection 255 #3 as I originally wrote it, as a demonstration of how one court decision (*Gray v. County of Madera*) exposed some of the many such errors, omissions, and flaws in this noncompliant EIR, in this case by correct application of such controlling law to the relevant facts instead of suffering the EIR mistakes and worse. My such rebuttal (and others herein) includes the proper interpretation and application of CEQA and its Guidelines, such as #'s 15002, 15003, 15120, 15021, 15142, 15043, 15054, 15048, 15050, and 15370, as explained in 2018 Guidelines Amendments Explanations discussed in my EIR Objection 254 #'s I.C and D. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. However, the disputed EIR/DEIR entirely ignores some of those Guidelines in its "Response" and does not correctly apply or interpret any of them. See my EIR Objection 254 #'s I.C and D

Before addressing various common disputes over such EIR noncompliance, I am beginning with a clear example, especially considering the EIR's improper practice of inadequately summarizing my objections and then incorrectly claiming that I failed to explain why the DEIR/EIR was inadequate or noncompliant. (That is, in effect, like the EIR incorrectly insisting on treating this "notice pleading" Objection as if it instead had to be judged by the standards applicable to my future trial brief detailing all my later proof, a standard that the EIR/DEIR never even attempts to meet itself and would never satisfy.) I am going to illustrate (first) a fatal flaw in the DEIR/EIR with this sufficient detail from this legitimate part of my fully integrated DEIR Objection 255 #3. I stated in my DEIR Objection 255 that the similar *Gray mining case* disputes, exposes, and defeats the illusory, noncompliant, and deficient DEIR/EIR groundwater mitigation proposals, including both a future, "just approve the mining /dewatering now and we'll give you a Groundwater Monitoring Plan later," plus disputed future Mitigation Measure 4.8-2(b) requiring "the Project Applicant to supply a comparable water supply to any property impacted by mining operations." See my objections to the related EIR Responses 254-1, 17 and 83 and Master Responses 7, 14, and 15 and to the disputed Water Supply Assessment at Appendix N. Notice that the EIR miner cannot afford to perform any such mitigation or monitoring in the many places where required by CEQA and other law, because Rise lacks the necessary resources, as admitted with by Rise in its SEC filings exposed herein, as well as (together with other key facts supporting related objections) in my DEIR Objection 255 (#4-6 and 8), in my companion EIR Objection 254 (including Exhibit B and A thereto and in my objections to EIR Ind. 254-33, 1, 3, 5-11, 13, 16, 17-19, 20-22, 23-25, 30-31, 32-35, 47-48, 45-49, 66-70,71-73, 74,76, 80, and 90), and in my DEIR Objection 254 (#2, 3. D, E, F, L, M, and N, 4, 5, 6, 8, and 11).

More importantly, the DEIR/EIR is most about the 30 wells along East Bennett Road, ignoring many of the 300 wells mentioned in the County Economic Report (see my EIR Objection 254 Exhibit A) as well as the many other existing wells at risk for objecting surface owners above or around the 2585-acre mine, plus the many more future wells us surface owners will drill as the new normal of climate change makes that necessary to save our homes and forests. See my related EIR Objection 254 objections. (Such objections cannot be dismissed as the EIR/DEIR attempts to do as speculation, when the science is clear and other surface owners and I are competent witnesses testify as to our intent and other key facts, especially when our disputes include not just about CEQA compliance but also about protection, defense, and enforcement of our competing rights to our own groundwater the EIR/DEIR proposes to drain into the Wolf Creek to flush away downstream 24/7/365 for 80 years. The fact is that the EIR woefully underestimates the number and effect of competing wells now and in the future, and, worse, by limiting and mispositioning its monitoring for all existing and future wells, the EIR strategy seems to be setting up intentional ignorance to preserve its option to argue that something else besides the mine is causing the well problems (e.g., like the climate change the DEIR/EIR claims is too speculative for them to analyze?). While the EIR will lose that dispute over cause and effect, what it may do is buy the miner time (if it were to follow the industry pattern) after expensive litigation before or after any judgments against this financially nonviable miner (see Rise SEC filing admissions addressed in my Exhibit B to my EIR Objection 254 and *Varjabedian*) to consider the ways many other such miners have evaded such liabilities, as addressed in my DEIR Objection 254 (e.g., #1), such as by retreating to US or foreign bankruptcies (perhaps combined with a US Chapter 15), eventually adding to the more than 40,000 abandoned California mines on the EPA list.

While I urge the decisionmakers to read my DEIR Objection 255 (#3) analysis of how *Gray* by itself is sufficient to defeat this EIR (as it did in that similar mining operation), I will not repeat my intensive and extensive *Gray* previous discussion again here. But remember that *Gray* (at 1111) reminded everyone of the obvious reality ignored by the deficient and worse EIR/DEIR that "the County has the burden of showing that there is substantial evidence to support its decision" to approve the mine, which also needs to be in full compliance with CEQA and other applicable law, which standard this EIR/DEIR miserably fails to meet and often does not even try to satisfy, in favor of evasive and worse EIR/DEIR tactics and chronic failures to provide "good faith reasoned analysis" with "common sense" that fully respond to my meritorious objections and those of others. When the *Gray* court noted that (as here in massive EIR evasions and omissions) the CEQA disputes are often about what was omitted from the EIR (e.g., obscured and worse hexavalent chromium pollution, groundwater depletion risk, climate change effects, etc.), the court explained (at 1109) that: "[reversal of County approval is required] if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process." Even though I am a bankruptcy and insurance insolvency lawyer with long experience with failing mines (my DEIR Objection 254 #1), the disputed EIR fails to meet this standard as to me, and even my normal neighbors (with lesser experience and the ones for whom the standard exists) would never understand from the disputed EIR/DEIR how the EIR mine menace will harm our health, welfare, property rights and values, forests and environment, and our community way of life.

Indeed, while in my experience many risky mines fail the "good faith reasoned analysis" with "common sense" requirement in CEQA, this EIR/DEIR is among the worst in terms of inviting so many challenges to its blatant such noncompliance. See, e.g., my four Objections each illustrate ways that the DEIR/EIR tried to evade compliance and fashion an "alternative reality" in which, for example, without any "good faith reasoned analysis" or common sense: (i) they attempt to imagine recharge of groundwater depleted 24/7/365 for 80 years from the average "current" rain from 1967 to 2017 [ignoring the more current dry years after 2017] and ignoring climate change as speculative, (ii) they almost entirely concealed or obscured in the DEIR the mine's use of toxic hexavalent chromium (the carcinogen blasted by many studies on the EPA and California EPA websites and mourned in the movie "Erin Brockovich" about such pollution killing the town of Hinkley, Ca, and many of its residents; see www.hinkleygroundwater.com) and then tried to cover that up with unsubstantiated new, disputed, and erroneous or misleading data in the disputed EIR, while falsely claiming that the EIR was only "clarifying" the DEIR, and (iii) many other noncompliance and worse exposed in my four Objections rebutting many material claims in the EIR/DEIR and incorporating even more from my Table of Incorporations by Reference Objections attached to my companion EIR Objection 254.

Besides this objection, see my DEIR Objection 255, my EIR Objection 254, and my DEIR Objection 254. As *Gray* reminds the County (at p. 1110) from CEQA Guideline #15088, "Under CEQA, the County is required to evaluate comments to the DEIR and prepare written responses." The bulk of my objections in EIR Objection 254 and this EIR Objection 255 demonstrate how and why the EIR fails to comply with that duty with "good faith reasoned analysis" with "common sense" at the required CEQA standard, as properly interpreted above and in my other Objections. What is especially noteworthy is that instead of merely an EIR battle in a good faith debate on the merits in dispute, the disputed EIR/DEIR must also fail for process noncompliance, as demonstrated in each of my four Objections by EIR/DEIR (i) evasions, noncompliance, and improper tactics, and (ii) failing to address my objections on the merits as required with "good faith reasoned analysis" and "common sense."

Among the similarities with *Gray* is that it involved starting a rock quarry mine and related "hot mix asphalt plant" and related "accessories" needed for road repairs (i.e., one difference in my favor here because there was some useful local public benefits in *Gray,* unlike selfish gold mining in this EIR to profit shareholders of the Canadian miner with "no net local benefit," as demonstrated in my counter to the County Economic Report in Exhibit A to my EIR Objection 254 and my DEIR Objection 254 #4.) The *Gray* mine involved removing 900,000 tons of aggregate per year for 50 years with 320 round trips by truck per day and consuming 72,000 gallons of water per day. We could argue about which mine is a worse environmental impact burden from those factors, but the point is that the burdens are similar and comparable in such ways in these two cases. What also makes the Idaho-Maryland Mine far worse is that the Gray mine was in rural cattle grazing area zoned agricultural with only "dozens of residences and 55 domestic wells within one mile of the project." By contrast, for example (and contrary to the incorrect site descriptions in the disputed EIR/DEIR), this EIR mine is in a suburban area that includes a town, hospital, and airport in the impact zones and much more in the larger surrounding stigma zones. For example, where I live in a big tree suburban forest above and around just one part of the 2585-acre underground EIR on Banner Mountain (e.g., just above the Wolf Creek and

Idaho-Maryland Road) there are thousands of us surface resident mine objectors with not only existing and future wells at risk that are ignored by the disputed EIR/DEIR, but also directly competing property rights (e.g., for lateral and subjacent support, including by groundwater we own, to prevent subsidence and for our own water needs) and values at risk from the mine, as demonstrated below and detailed in my companion EIR Objection 254 (e.g., I.F. 8 and 9, and DEIR Objection 254 #3.N, 4, and 14.

The US Supreme Court has addressed in objectors' favor such surface owner versus underground miner disputes in cases I addressed in my DEIR Objection 254 #3.N (as well as in my #'s 4 and 14), such as ***Keystone Bituminous Coal Ass'n v. DeBeneditis,*** 480 U.S. 470 (1987) ("*Keystone")* (rejecting "taking" claims by miners as to laws protecting surface owners' property rights to lateral and subjacent support, including by groundwater, to prevent subsidence and loss of groundwater support), where surface owners were allowed to require underground miners to preserve their surface rights of subjacent and lateral support (and protect against subsidence, which includes leaving groundwater support) by leaving 50% of the coal unmined to support the surface. *Accord*, ***Smith v. County of LA*** (1986), 214 Cal. App. 3d 266 (essential county road repairs created landslide conditions destroying local homes, triggering nuisance, inverse condemnation, and other claims, both for damages for diminution in the value of real property and for annoyance, inconvenience, and discomfort, including mental distress as part of the loss of quiet enjoyment rights as a property owner.)

As I quoted (at 1119-1120) and demonstrated from applying ***Gray*** to this EIR water supply dispute, the EIR must fail for too often defying "common sense" and CEQA requirements as discussed above the same reasons as explained in the following ***Gray*** analysis:

> We are rejecting the County's conclusion on the water issues because we have concluded that the mitigation measures that were proposed to address the potentially significant adverse impacts on the water levels of private wells of neighboring landowners are not viable or effective. [Also true for this EIR.] The mitigation measures do not allow the landowners to use water in a manner substantially similar to how the landowners are currently using water because the mitigation measure (1) would allow Baker to replace potable water with nonportable water, (2) could expose the landowners to new regulatory oversight in the use of their water, (3) would create a water supply system that does not reliably provide water at the times and in the amounts needed by the neighboring landowners, and (4) could cause new and potentially significant impacts on the environment. The only mitigation option that would address many of these problems is the proposal to build a new water system, but there is no substantial evidence to conclude that this option is even feasible. Thus, the mitigation measures are inadequate under CEQA.

Again, the disputed EIR tries (and must fail) to evade this precedent (i.e., incorrectly claiming that *Gray* was only about the potable versus nonpotable water swap and the usual, disputed, incorrect, and unsubstantiated DEIR opinion that such mine "impacts are less than significant after mitigation." But, as in *Gray,* the EIR mitigation is not viable or feasible, and as explained the DEIR, and as Rise SEC filings admit: see EIR Objection 254 Exhibit B and DEIR Objection 254 #2) this miner does not have the financial resources to afford to accomplish the required mitigation in any event, especially because it must do so for all impacted wells now and in the

future and including as to new regulations that will apply as climate change makes the dewatering waste more dangerous.

More importantly, the key lesson from *Gray* that this EIR ignores is that the neighbors must receive the same water result after the mine as before the mine, and the "water truck" replacement scheme equivalence fails for disputed DEIR mitigation in Chapter 4.8 (even if the miner could afford it, which Rise's such SEC filings admissions so demonstrate it cannot). See my EIR Objection 254 to EIR's cited Master Response 15. Again, the County must also reject the bizarre and disputed idea that dewatering flushing of our surface owner groundwater away down the Wolf Creek as surface water is somehow a beneficial and safe impact for us locals (and as if NID could convince any informed person downstream to rely on Rise's purported "water treatment" and drink potentially hexavalent chromium polluted water at what the EIR incorrectly claims to be safe levels). But even if the County fails to do so, it then becomes responsible for triggering the massive liabilities for inverse condemnation, nuisance, trespass, and other wrongs against us surface owners above and around the 2585-acre underground mine. See, e.g., ***Varjabedian v. Madera*** (1977), 20 Cal. 3d 285 ("*Varjabedian*") (explaining inverse condemnation and nuisance rights of homeowners downwind of the new sewer treatment plant, because they cannot be required to suffer disproportionate harms for some imagined general public benefit project to those living at a safe distance).

While such new, local, victim legal protections would have impacts on the EIR mining, it is essential to remember that this is more than about how the miner uses the property it owns. This is also about us surface owners and users protecting our own property and groundwater rights we own at least down 200 feet above the 2585-acre underground mine that has been closed and flooded since 1956, as admitted by Rise in its SEC 10K. See, e.g., EIR Objection 254 and its Exhibit B and DEIR Objection 254 #2. If the County approves anything that harms our surface owners' property rights for the benefit of this disputed mine, **such as the EIR/DEIR's plan to deplete 10% of our owned well water before the (illusory/infeasible/*Gray* determined to be noncompliant) mitigation replacement kicks in on the small portion of the total existing and future wells so impacted and so far recognized by the EIR/DEIR for mitigation, with the courts available, if necessary, to require all existing and future wells to be mitigated), that is certain also to trigger law reforms and claims for Fifth Amendment and California Constitutional taking, inverse condemnation, nuisance, trespass, conversion, and other claims. See, e.g., *Vaquero Energy, Inc. v. County of Kern* (2019), 42 Cal. App, 5th 312, allowing surface owner legal protections against underground oil and gas miners; *Keystone; Varjabedian; Smith v County of LA.***

The EIR/DEIR constantly misuses in disputed ways the concept of mitigation to purport to cure objectionable environmental impacts, typically without any "good faith reasoned analysis" or "common sense" about the adequacy/sufficiency, feasibility, or likelihood of being able timely to accomplish such asserted mitigation. Not only do those disputed EIR/DEIR mitigation claims fail to comply with CEQA and other applicable law (see my EIR Objection 254 #'s I.A.1.d, I.C, D, E, and F), but those failures trigger a right by us victims to undertake our own mitigation to minimize our damages for our such nuisance, inverse condemnation, and other claims. **My such #4.A DEIR Objection 254 includes an example of our such local victim mitigation (see Comment to Ind. 254-58) that is ignored in the disputed EIR "Response," which involves us surface owners competing for our owned groundwater with deeper and new wells and watering systems and charging the mine and County for that mitigation cost, as allowed by many controlling court decisions**. E.g., ***Ahlers v. County of LA*** (1965), 62 Cl.2d

250 (road construction caused landslides, entitling the threatened property owners to recover, among other things, the mitigation costs of constructing 25 shear pin caissons to hold back the landslide); ***Shefft v. County of LA*** (1970)(3 Cal. App.3d 720, 741-42 (when water diversion from subdivision and road construction caused damages the victims were entitled to recover the costs of protecting their property with mitigation infrastructure.)

As to my Objection 254 #4.A (EIR labelled as Ind. 254-54 to 60), I note that I apply court precedents to the facts of this disputed EIR/DEIR in important ways that are totally ignored without any "good faith reasoned analysis" or "common sense" in those disputed EIR Response. While I suppose the EIR evaded my many #4.A issues to avoid drawing the County decisionmakers' attention to such important legal problems for the mine and for the County, if it approves the EIR, I urge those County decisionmakers to consider those legal objections and claims, because approval may mean challenges on those same bases among many others. Among the many flaws in the County Economic Report (see my Exhibit A and my DEIR Objection 254 rebuttals) the County should consider its own exposure for enabling this mine by approving this flawed EIR. E.g., ***Uniwill v. City of LA*** (2004), 124 Cal. App. 4th 537 (both the private party and the approving government can be jointly liable in inverse condemnation). See generally ***Varjabedian v. Madera*** (1977), 20 Cal. 3d 285 (explaining inverse condemnation and nuisance rights of homeowners downwind of the new sewer treatment plant). For example, please read my EIR ignored analysis of ***County of San Diego v Bressi*** (1986), 184 Cal. App. 3d 112, where an aviation easement was imposed on homes at the end of a runway with approved authority for hugely abusive (although unlikely) uses (e.g., not only jumbo jets but also "any other contrivance yet to be invented for flight in space"), the court rejected the defense claim to limit liability to the current use burden of small planes, ruling that "just compensation" for such taking is based on what the owner/victim has lost, rather than on what the taker gained, and that the jury must "once and for all fix the damages, present and prospective, [and the jury] must consider the most injurious us of the property reasonably possible … consider[ing] the entire range of used permitted…", which there included jumbo jets and space craft. See also ***Coachella Valley Water District v. Western Allied Properties*** (1987), 190 Cal. App. 3d 969 (refusing to limit the "before condition" valuation to the government' desired plan and allowing the jury to consider the value of the victim's property without being limited to the defendant's idea of solutions or consequences of doing things the defendant's way.) The more abusive rights we surface owners and users have to endure from the EIR on such a theoretical, "worst case" basis for 80 years (e.g., 24/7/365 dewatering, groundwater and [existing and future] well depletion, vegetation loss and fire risk from dryness, hexavalent chromium and other toxic water and air pollution, and all the other nuisances, risks, and harms to which I have objected (or incorporated from others' objections) that depress our victim property values (and inflict pain and suffering on us), the higher the victim compensation must be. In this case, many victims may seek to recover the pre mine value of their homes plus other damages.

Besides such hexavalent chromium and groundwater disputes to which *Gray* applies to support my Objections, Gray also supports my objections about the 100 EIR trucks a day abuse of our local roads objections that both require massive maintenance and repair and cause chromic traffic problems when the mine's heavy truck 24/7/365 abuse for 80 years reduces a two lane road not made for that use to one lane, because the other alternating lane will constantly need repair. See my EIR Objection 254 replies to what the EIR has marked as my Comment Ind. 254-33 and my objection to the disputed EIR Response on this topic. Again, the disputed EIR Response to Comment Ind. 255-25 states an aspiration to achieve some future undescribed

arrangement the miner admittedly cannot afford: "prior to commencement of engineered fill hauling … [to] enter into separate road maintenance agreements with Nevada County and the City of Grass Valley to provide the project's fair share of funding for maintenance of roadways commensurate with the project's impact to pavement conditions … including Brunswick Road between E. Bennett Road and SR 49 and E. Bennett Road between project highway and Brunswick Road (DEIR p. 4.12-91.)"

Notice the next misleading and worse statement in the disputed EIR Response to Comment Ind. 25-25: "Unlike *Gray* Mitigation Measure 4.12-6(b) indicated a clear commitment, and enforceable requirements within the DEIR, that the Project Applicant enter into road maintenance agreements. [See the CEQA and case law prohibitions discussed above on such future/deferred mitigation, as well as in my EIR Objection 254 #I.A1.d, I.C and D, I.E.1-5, and I.F.] Moreover, the project's DEIR found that certain traffic impacts to be significant and unavoidable due to the uncertainty of implementation, which is distinguishable from the situation in *Gray*…" ***First***, nothing in the DEIR/EIR forecast is a clear commitment or legally enforceable, since it is just an infeasible, aspirational plan to try to negotiate something about cost sharing, which ignores entirely the traffic problems from chronic road repairs, even if the DEIR/EIR applicant were willing and able to afford a fair chair of such costs (doubtful based in Rise's SEC admissions cited above). ***Second***, the EIR/DEIR evades entirely the problems of chronic repairs on those main road arteries that reduce two lanes to one lane for too much of the 80 years. ***Third,*** this problem is worse than the situation in *Gray*, not better, among other things, because this EIR mine is on a main road in the middle of a busy suburban community, rather than in cow pastureland in *Gray.*

Both that traffic/road cost problem and the disputed EIR noise problem in its disputed Response To Comment Ind. 255-26 also fail, like the great majority of the other disputed EIR/DEIR nonresponsive "Responses," because the EIR (like the DEIR) just announces its erroneous and worse opinions as if they were credible facts (which they are not) and that was required, continually ignoring the CEQA and other legal requirements for "good faith reasoned analysis," for "common sense," and for other standards I have addressed from the applicable law and Guidelines both herein and in my EIR Objection 254. Even more frustrating, as comprehensively addressed elsewhere is the false and constant EIR claim that: "commenter does not offer any additional information as to why the DEIR is similarly inadequate." For example, as to many "cumulative impacts" that I complain the DEIR/EIR evades (see #15355), the EIR incorrectly (and worse) claims that "no further response is possible," because the EIR chose to ignore the massive cumulative data and authorities contained or cross-referenced or incorporated in my four lengthy Objections, typically lacking good faith reasoned analysis and common sense as well as ignoring my incorporation of other objections in my Table of Incorporated by Reference Objections at the end of my EIR Objection 254. See, e.g., my many complaints above about how the EIR fragmented by Objections and ignored my other sections and my many cross-references and incorporations that contain the data the disputed EIR claims it could not find (because it refused to look beyond its chosen fragment or it failed as the initial matter to state its EIR/DEIR information at issue sufficiently for my more fulsome counter.) Since the EIR cited to its disputed Response to Comment Ind 254-83, I refer to my counter objection to that defective and worse "Response," as well as to my DEIR Objection 254 #'s 4, 8, 12 and 13 as to traffic Impacts and my # 9 as to noise.

O. My Objection To the EIR Response To My Prior Comment Ind. 255-29 to 32 (fragment cuts by the disputed EIR from my DEIR Objection 255 #4).

I incorporate my similar, but more extensive, objections about these disputed EIR "Responses" and tactics (also addressed in my EIR Objection 254) in which the EIR arbitrarily fragmented my integrated objection comments in my designated document Table of Contents sections into the disputed EIR's less self-sufficient fragment subdivisions. That causes my replies herein objecting to each fragment also to be both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) my such replies may be more vulnerable to the EIR's incorrect claims that my explanations are allegedly too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #4 (dealing with my detailed application of Rise and other DEIR/EIR admissions against the feasibility of its claims and its lack of resources and capacity to perform the safety, mitigation, and other achievements essential for any approval of the EIR, including as to certain CEQA principles and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-29 to 32, and those EIR isolated fragments (within my original, larger, and integrated comment Table of Contents section) are less self-sufficient by themselves (and more redundant because of the need for cross-references across the fragments). So, each of my objections herein to each such EIR cut fragment must be both incorporated into each other and read together for the full coherence and completeness as I originally wrote for my whole, integrated Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Nevertheless, now that the two prior examples (my #'s 2.A and B versus the EIR fragment cuts thereof) illustrate the problems with this disputed EIR Response's improper fragmentation tactic, I am going to consolidate my rebuttal reactions to those EIR fragments as if those nonresponsive EIR "Responses" were to my EIR Objection 255 #4 as I originally wrote it, as a demonstration of some of the many such errors, omissions, and flaws in this EIR/DEIR, in this case by correct application of such controlling law to the relevant facts instead of suffering the EIR's mistakes and worse. My such rebuttal (and others herein) includes the proper interpretation and application of CEQA and its Guidelines, such as #'s 15002, 15003, 15120, 15021, 15142, 15043, 15054, 15048, 15050, and 15370, as explained in 2018 Guidelines Amendments Explanations discussed in my EIR Objection 254 #'s I.C and D. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. However, the disputed EIR/DEIR entirely ignores some of those Guidelines in its "Responses" and does not correctly apply or interpret any of them with the required "common sense" and "good faith reasoned analysis." See my EIR Objection 254 #'s I.C and D.

I lament that the disputed EIR keeps attempting to evade my objections with mischaracterizations lacking the required "good faith reasoned analysis" and "common sense." For example, in its disputed Response To Comment Ind 255-29 and -30, the disputed EIR continues to evade my arguments by evading economic impacts and any economic feasibility issues, as well as my many authorities and good faith reasoned analysis bases for insisting on those matters being considered. For example, I am entitled to use *Gray, Sierra Club, Banning,*

Vineyard, Costa Mesa, and other court decisions to counter, rebut, and impeach the many errors, omissions, and noncompliance in the EIR/DEIR, since truth and compliance with applicable law are always requirements, and that is often lacking in the EIR/DEIR, especially when I am quoting admissions to defeat such errors, omissions, flaws, lack of "common sense" and "good faith reasoned analysis," and other noncompliance. See, e.g., **my EIR Objection 254 to EIR Master Response 2 and my various cites to counter, rebut, and impeach these disputed EIR Responses with my authorities in this DEIR Objection 255 #4, such as Public Resources Code 21061.2, CEQA Guidelines 15064 and 15131, which states that "[e]conomic effects of a project may be used to determine the significance of physical changes caused by the project."**

As I demonstrate throughout my four Objections, this disputed EIR "Response" wrongly evades that CEQA requirement without "good faith reasoned analysis" and defying "common sense" by incorrectly arguing that "there are no CEQA authorities that require an analysis of a Project Applicant's financial condition as part of an EIR." But see contrary authorities herein and in my other Objections. **First,** that disputed EIR claim again intentionally misses my point. I do not need to argue what CEQA requires in the abstract, because when (as many times in the EIR/DEIR) the miner "opens the door" to rebuttal and impeachment by stating errors, omissions, and worse in the EIR/DEIR, I am entitled to counter them with truths, impeachment, and rebuttals, especially as I have done by using Rise and EIR/DEIR admissions against them, especially those in the SEC filings that are more useful than the deficient EIR/DEIR. See Richmond v. Chevron discussed in my EIR Objection 254 #'s I.C and D, where such SEC and other admission defeated the eir. **Second,** I do explain how property values are directly connected to environmental impacts and vice versa, the EIR/DEIR just refuses to confront such inconvenient truths, such as the fact that us surface objectors above and around the 2585-acre underground mine have more than CEQA rights, but also property rights and claims. See Keystone, Varjabedian, and my EIR Objection 254 #'s I.F.8 and 9. As I have demonstrated above in the prior section N, in my four Objections, and as admitted in the Rise SEC filings (e.g., my EIR Objection 254 Exhibit B), us surface owner/objectors above and around the 2585-acre mine are entitled to mitigate the harms and wrongs done to us by the EIR/DEIR dewatering and other objectionable environmental impacts, such as by drilling deeper and new wells to preserve our homes, our forests, and our way of life from the mining menaces. We do that because no one can reasonably be expected to trust the EIR/DEIR mitigations or miner under these circumstances, thus making our self-defense a reasonable legal response. Property values are relevant in that debate because that is how we can justify that investment and afford our own mitigations while we are waiting for our judicial remedies to make us whole. E.g., ***Ahlers v. County of LA*** (1965), 62 Cl.2d 250 (road construction caused landslides, entitling the threatened property owners to recover, among other things, the mitigation costs of constructing 25 shear pin caissons to hold back the landslide); ***Shefft v. County of LA*** (1970)(3 Cal. App.3d 720, 741-42 (when water diversion from subdivision and road construction caused damages the victims were entitled to recover the costs of protecting their property with mitigation infrastructure.) **Third,** *Gray's* test of adequate water mitigation requires that we not suffer a loss of water rights as we enjoyed them before the mine harms (a requirement the EIR/DEIR fails at the start by claiming, for example, the right to convert the first 10% of our groundwater before starting mitigation), and property value loss from that inadequate mitigation is a means of proving the inadequacy of the disputed EIR/DEIR mitigation; i.e., if a buyer will insist on a huge discount on account of lack of trust or satisfaction with the proposed mitigation, that is proof that such water mitigation

is deficient. Also, as the EIR/DEIR refuses to address at all in any "good faith reasoned analysis" with "common sense," CEQA is not a limitation on the additional disputes that exist here between the surface owners and the underground miner over competing groundwater rights, and, in those disputes, property values are directly relevant for damages and remedies as my cited cases have demonstrated. **See *Gray* at 1120-1121 stating: "CEQA requires that the lead agency analyze any significant physical changes that may be caused by social or economic impacts that are the result of the Project."**

Consider, for example, the disputed EIR here argues that: "the commenter confuses cause and effect" and that claims of owner competition depleting groundwater is "speculative." **First,** when us surface owners testify in the court challenges (because the three minutes allowed in the County process is clearly insufficient for such proof), that is evidence—not speculation, and us witnesses will be allowed to prove why our mitigation efforts with our own new and existing wells will be necessary and appropriate. No one I know is going to abandon their home and allow their trees and vegetation to die as a willing sacrifice so that the EIR miner can dewater its mine for the profit of its distant speculator/shareholders. Clearly, since the disputed EIR/DEIR incorrectly claims climate change and future dryness can also be disregarded as "speculation" (that us surface owners can counter and prove CEQA requires, see, e.g., my companion EIR Objection 254 #I.C and D), we are willing have to litigate which is more speculative: climate science and the new normal, versus the EIR/DEIR's bogus speculation that the so-called average "current" baseline rain between 1967 and 2017 [ignoring the true, "current dry years after 2017] will continue to "recharge" our local groundwater, despite 24/7/365 dewatering for 80 years and flushing it away elsewhere down the Wolf Creek. As to the competition for groundwater having environmental impacts, I cited case studies and legislative concerns about the lessons from the Central Valley tree farmers draining their ground water and causing many impacts, including "subsidence" at a massive level (e.g., five or six feet differential drops in the surface level that damages surface infrastructure. See *Keystone.*

So, when the mine drains our groundwater, and we begin to compete using our property rights, "common sense" (i.e., the *Gray* requirement) requires some just resolution of that conflict, and the courts will decide if the County mistakenly approves the mine EIR. Which is more important: (i) preserving our residential suburban community above and around this no net benefit 2585-acre underground mine (see, e.g., my DEIR Objection 254 #'s 2, 3.N, 4, and 14 and my EIR Objection 254 Exhibit A and # I.F.8 and 9, and I.E.), versus (ii) flushing our precious groundwater away down the Wolf Creek 24/7/365 for 80 years so that the Canadian miner's speculating shareholders can profit? As for the EIR/DEIR's favorite quote to CEQA Guideline 15384 (disqualifying as "substantial evidence" "[a}rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate …) all apply more to the EIR/DEIR than to our objections to the EIR/DEIR. As to the part of 15384 that insists that "evidence of social or economic impacts" to count for such CEQA Guidelines must "contribute to or be caused by physical impacts on the environment," my four Objections do that and qualify as substantial evidence. But that is not true in the reverse as to the EIR/DEIR, which itself addresses social and economic impacts (e.g., exaggerated job and tax claims, etc.) that we must be allowed to rebut and impeach as we do to establish a net calculation of benefits and detriments. Moreover, because the EIR/DEIR states information beyond its argued CEQA limiting boundary, even with the DEIR/EIR admitting that reality by labeling its comment "Non-CEQA Related Analysis" [DEIR at 4.3-103+] (see my DEIR Objection 255 rebutting EIR Response To Comment Ind 255-30, my Objection 254 #'s 3.K and N, 12, 14.C, and 15.E and my

EIR Objection 254 to corresponding disputed EIR Responses To Comments Ind 43-45, 50-53, 92, and 101.) See again, like *Gray*, my previously cited Kostka & Zische, Practice Under the Cal. Environmental Quality Act, including #13.24 p.634

In its disputed EIR Response To Comment 255-32, the disputed EIR makes several critical mistakes that must defeat the EIR. **First,** the EIR there admits that "an EIR may exclude a project alternative that is economically infeasible," citing ***Center for Biological Diversity v. County of San Bernardino*** (2010), 185 Cal. 4th 866. However, the EIR then incorrectly claims "that issue is distinct from the financial condition of the Project Applicant." That is an outrageously misleading claim, i.e., effect claiming that this EIR miner's project can be (as it is) economically infeasible, but that same economic infeasibility standard disqualifies all competing alternatives. What about the alternative of no project—i.e., just saying "no" to the EIR? That is especially important to do, because, among many other things, Rise admits in its SEC filings (e.g., in my DEIR Objection 255, my DEIR Objection 254 #'s 2 and 4, and in my EIR Objection 254 Exhibits B and A) that the only material assets of Rise are this mine project that is more of a liability than an asset. Also, those admissions demonstrate that this miner cannot afford to perform or accomplish the EIR project objectives, especially (and even alone) its safety and mitigation "aspirations." Also, the DEIR at 6-14 admitted that the project would be infeasible if it were not allowed to operate 24/7/365 for 80 years, which reduction in hours of operation is among the goals of us objectors in the exercise of our legal, political, and law reform rights. See Grass Valley Agency Letter 8 in opposition to the EIR on this issue. In any event, as I explained in my DEIR Objection 255 #4, which overcomes any EIR/DEIR objections, my analysis is consistent with Guidelines #'s 15064, 15131, 15382, 15021, 15024, and 15030. See my EIR Objection 254 #'s I.C and D.

P. My Objection To the EIR Response To My Prior Comment Ind. 255-33 to 36 (fragment cuts by the disputed EIR from my DEIR Objection 255 #5).

I incorporate my similar, but more extensive, objections about these disputed EIR "Responses" and tactics (also addressed in my EIR Objection 254) in which the EIR arbitrarily fragmented my integrated objection comments in my designated Table of Contents document sections into the disputed EIR's less self-sufficient subdivisions. That causes my replies herein objecting to each EIR cut fragment also to be both fragmented and less self-sufficient and (the disputed EIR thinks because it also ignores my cross-references and incorporations) my such replies may be more vulnerable to the EIR's incorrect claims that my explanations are allegedly too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #5 (dealing with my detailed application of Rise and other DEIR/EIR admissions against the feasibility of its claims and its admitted lack of resources and capacity to perform the safety, mitigation, and other achievements essential for any approval of the EIR, including as to certain CEQA principles and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-33 to 36, and those EIR isolated fragments (within my original, larger, and integrated comment section) are less self-sufficient by themselves (and more redundant because of the need for cross-references across the fragments). So, each of my objections herein to each such EIR cut fragment must be both incorporated into each other and read together for the full coherence and completeness as I originally wrote for my whole, integrated Table of Contents section,

thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits.

Nevertheless, now that the two prior examples (my #'s 2.A and B versus the EIR fragment cuts thereof) illustrate the problems with this disputed EIR Response's improper fragmentation tactic, I am going to consolidate my rebuttal reactions to those EIR fragments as if those nonresponsive, EIR "Responses" were to my EIR Objection 255 #5 as I originally wrote it, as a demonstration of some of the many such errors, omissions, and noncompliance in this EIR/DEIR, in this case by correct application of such controlling law to the relevant facts, instead of suffering the EIR's mistakes and worse. My such rebuttal (and others herein) includes the proper interpretation and application of CEQA and its Guidelines, such as #'s 15002, 15003, 15120, 15021, 15142, 15043, 15054, 15048, 15050, and 15370, as explained in 2018 Guidelines Amendments Explanations discussed in my EIR Objection 254 #'s I.C and D. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. However, the disputed EIR/DEIR entirely ignores some of those Guidelines in its "Responses" and does not correctly apply or interpret any of them with the required "common sense" and "good faith reasoned analysis." My prior defenses of DEIR Objection 255 #4 and its objections to the DEIR/EIR still apply and overcome these disputed EIR Responses To Comment Ind 255-33-36 as well. Those disputed EIR "Responses" as to my reduced hours and Non-CEQA Related Analysis debates cite to the EIR Comments Ind 255-32, 33 which are already refuted. See my EIR Objection 254 #'s I.C and D.

As demonstrated in my prior sections 2, 4, 13 and 14 (and as to the groundwater disputes also #'s 3.D, E, F, M, and N, 4, 5, 8 and 13) of my DEIR Objection 254 and in the "good faith" and other tests of *Sierra Club* and the "common sense" and other tests of *Gray*, the EIR/DEIR cannot be a one-sided game where the EIR/DEIR can make any infeasible, false, misleading, or worse claim it wishes without us objectors being able to expose and rebut those bogus EIR/DEIR claims. As I noted in this part of my objection, if the EIR/DEIR is allowed to get away with this kind of deficient disclosure, then CEQA would become useless, pointless, and toothless, since all a financially and otherwise incapable miner would have to do is simply say the following untruth in its disputed "alternate reality": "I certify that I will do whatever is required to comply with CEQA and to mitigate any harms that I may do as the law may require." Fortunately, CEQA and my above cited precedents forbid that tactic and deferral. See also my companion EIR Objection 254 I.A.1.d, I.C, I.D, I.E.,1-5, and I.F.5 and 6, as well as Richmond v. Chevron. As I said by analogy to the old fable about the "emperor's new clothes," no naked emperor miner is allowed to pretend he or she is wearing some fancy suit when the reality is that he or she is not only naked but ugly. Fortunately, the applicable law does not allow such easy evasion by a miner. Id. If the County mistakenly accepts such a defective and dangerous EIR/DEIR, it is clear that the court will not tolerate such tactics, especially in the face of the Rise SEC admissions that the EIR incorrectly tries to prevent the County decisionmakers from even considering. See Richmond v. Chevron and my EIR Objection 254 Exhibit B and accompanying text and DEIR Objection 254 #2.

As so explained, the EIR/DEIR "opens the door" for my counter rebuttals, such as in its "Non-CEQA Related Analysis" (DEIR 4.3 at 103-104) and its admission (DEIR at 6-14) that the project is not economically feasible unless it can operate as it proposed 24/7/365 for 80 years. That is because, among other things, this dispute is not just about CEQA, but also the law of

evidence and other applicable laws that protect us surface owners above and around the 2585-acre underground mine from the EIR/DEIR miner. Note that here, as elsewhere in my Objections, I remind the reader of the definition of "Applicant" that creates an objection to Rise "fronting" for some real party in interest "behind the curtain" for a "flip" of the mine once the EIR is approved, since Rise admits in its SEC filings (as confirmed by its accountant's "going concern qualifications") that Rise lacks the resources to afford to accomplish anything material it proposes in the EIR/DEIR as project objectives or mitigations. See, e.g., my DEIR Objection 255 and 254, as well as my EIR Objection 254 Exhibits B and A. While the EIR does not seem to care about that issue, in my considerable experience the customary practice in the mining industry is to use shell mining entities to shield the (often foreign) parent companies from liability when the miner has accomplished what it can and retreats either back across the border or into a bankruptcy (or both using US Bankruptcy Code Chapter 15 to attempt to make US creditors defer to the foreign insolvency proceeding). See my DEIR Objection 254 #'s 1 and 2.

Q. My Objection To the EIR Response To My Prior Comment Ind. 255-37 (my DEIR Objection 255 #6).

Once again, the disputed EIR incorrectly claims that I do not sufficiently explain my climate change and groundwater objections, although that improper EIR tactic again ignores both what I said and what I incorporated by reference, among my other counters, such as the fact that my objections are sufficient on the merits, unlike the EIR/DEIR I am rebutting. As to climate change the EIR/DEIR tries to claim it's "speculative," see my ignored cites herein and in my EIR Objection 254 #'s I.C, I.D, I.E, and I.F, such as discussing to CEQA Guideline 15064.4, Cal. Health & Safety Code #38500 et seq, and Center for Biological Diversity v. Dept of Fish & Wildlife (2015), 62 Cal. 4th 204. See also my objections (also ignored by the EIR) to what the disputed EIR cites as its erroneous or worse EIR Master Responses 14, 16, and 17 and the disputed EIR's Response to Comment Ind. 254-17. Again, there is no "good faith reasoned analysis" or "common sense" to support the disputed "mitigation" that the EIR incorrectly claims reduces the groundwater impacts to being less than significant simply because that is the disputed and insufficiently proven opinion of the DEIR in its "alternative reality." See, e.g., my citations herein to my DEIR Objection 254 that the EIR/DEIR improperly ignores at #'s 3.M and N, 4, and 14, as well as my rebuttals in my companion EIR Objection 254.

Ask yourself why the EIR/DEIR keeps ignoring (as here) such data in my objections and merely offering disputed opinions against just parts of my objections, while ignoring or evading other of my objections. The apparent explanation is that the DEIR/EIR knows that it cannot prevail on the merits or convince its objectors to tolerate the DEIR/EIR errors, omissions, and worse, so in too many cases it doesn't even seem to try. Instead, the EIR/DEIR just so reduces its responses to deal with the parts it incorrectly imagines that it can dismiss as speculative, unsubstantiated, or somehow otherwise excluded by CEQA, while disregarding the rest, as if in hopes that the decisionmakers don't notice or care. Whatever else you decisionmakers may think about my four Objections to the DEIR/EIR, at least you should notice that, unlike such EIR/DEIR, I made a massive investment of my time in such Objections out of respect for you and your intelligence.

If I were a County decisionmaker I would be insulted by a DEIR/EIR that so ignores meritorious objections and instead defies *Gray* "common sense" with obvious tactics lacking in what *Sierra Club, Banning, Vineyards, and Costa Mesa* require as "good faith reasoned

analysis," such as by wrongly ignoring climate change as speculative and falsely claiming the average "current" rain baseline from 1967 to 2017 (ignoring the more "current" dry years after 2017) will recharge for 80 years the groundwater owned by us surface owners above and around the 2585-acre underground mine being dewatered 24/7/365 and flushed away somewhere else down the Wolf Creek. Because none of us objectors share in those selfish alternative reality illusions of the EIR/DEIR, it is not "speculative" to expect us (as witnesses will testify in any legal challenges that may be necessary if the County mistakenly approves the EIR) to dig deeper and new wells to compete for the groundwater we'll need to save our health and welfare, our homes and property values, our forests and environment, and our way of life from this EIR mine menace.

R. My Objection To the EIR Response To My Prior Comment Ind. 255-38 to 46 (fragments cuts by the disputed EIR from my DEIR Objection 255 #7.A).

I incorporate my similar, but more extensive, objections about these disputed EIR "Responses" and tactics (also addressed in my EIR Objection 254) in which the EIR arbitrarily fragmented my integrated objection comments in my designated Table of Contents document sections into the disputed EIR's less self-sufficient subdivisions. That causes my replies herein objecting to each fragment also to be both fragmented and less self-sufficient and (the disputed EIR thinks, because it also ignores my cross-references and incorporations)) my such replies may be more vulnerable to the EIR's incorrect claims that my explanations are allegedly too unclear or insufficient to merit a meaningful EIR response (after such EIR fragmentation). For example, here my DEIR Objection 255 #7 (dealing with my detailed application of Rise and other DEIR/EIR admissions against the feasibility of its claims and its lack of resources and capacity to perform the safety, mitigation, and other achievements essential for any approval of the EIR, including as to certain CEQA principles and other legal disputes) is cut up by the EIR Response into fragments Ind. 255-38 to 46, and those EIR isolated fragments (within my original, larger, and integrated comment section) are less self-sufficient by themselves (and more redundant because of the need for cross-references across the fragments). So, each of my objections herein to each such EIR cut fragment must be both incorporated into each other and read together for the full coherence and completeness as I originally wrote for my whole, integrated Table of Contents section, thereby exposing and defeating that disputed EIR's tactic for creating a pretext for the EIR incorrectly to claim that its isolated fragments fail adequately to explain my objections, thereby manufacturing a noncompliant excuse to avoid compliance on the merits..

Nevertheless, now that the two prior examples (my #'s 2.A and B versus the EIR fragment cuts thereof) illustrate the problems with this disputed EIR Response's improper fragmentation tactic, I am going to consolidate my rebuttal reactions to those EIR fragments as if those nonresponsive EIR "Responses" were to my EIR Objection 255 #7 as I originally wrote it, as a demonstration of some of the many such errors, omissions, and flaws in this EIR/DEIR, in this case by correct application of such controlling law to the relevant facts instead of the EIR mistakes and worse. My such rebuttal (and others herein) includes the proper interpretation and application of CEQA and its Guidelines, such as #'s 15124, 15125, 15002, 15355, and 15378. See also #'s 15002, 15003, 15120, 15021, 15142, 15043, 15054, 15048, 15050, and 15370, as explained in 2018 Guidelines Amendments

Explanations discussed in my EIR Objection 254 #'s I.C and D. See, e.g., my discussion of "cumulative impacts" based on Cal. Code Regs. Tit. 14 #15355. However, the disputed EIR/DEIR entirely ignores some of those Guidelines in its "Responses" and does not correctly apply or interpret any of them with the required "common sense" and "good faith reasoned analysis." My prior defenses of DEIR Objection 255 #4 and its objections to the DEIR/EIR still apply and overcome these disputed EIR Responses To Comment Ind 255-33-36 as well. Those disputed EIR "Responses" as to my reduced hours and Non-CEQA Related Analysis debates cite to the EIR Comments Ind 255-32, 33 which are already refuted. See my EIR Objection 254 #'s I.C and D.

I begin by the most obvious and a hugely important requirement that the DEIR/EIR consistently ignores in Guideline # 15124(a), where the EIR refused to correct my objection to the refusal of the DEIR/EIR to show the precise surface boundaries by local surface landmarks like streets and addresses, apparently preferring vague maps that they imagine to be less provocative to any surface owner who imagines he or she may escape this mining menace. But #15124(a) requires both a "detailed map" and "precise location and boundaries of the proposed project," which the DEIR/EIR fails to do. As I said before in my objections, imagine you are trying to sell your house in the mine's "stigma zone" and the potential buyer wants to know if he or she "only" has to worry about the mine depleting the groundwater needed by the home and forest, or if he or she also must worry about blasting, tunneling, mining, and shoring with carcinogenic hexavalent chromium underneath the property he or she is buying. Too many of us do not know how close we are to such menaces.

As debated elsewhere, the EIR/DEIR is wrong about the "project description" definition for purpose of CEQA # 15124. See also Cal. Pub. Resources Code **#21065, defining a "project" as "an activity which may cause either a direct change in the environment, or a reasonably foreseeable indirect physical change in the environment…" ;** and Guidelines #'s 15002(d), 15355, and 15378, which clarify that the "project does not mean each separate governmental approval" in the process. Centennial is not a separate project, which question of law will be resolved by the courts if the EIR is mistakenly approved. See, e.g**.,** ***Nelson v County of Kern*** (2010), 190 Cal. App. 4th 252 (mining and reclamation work were parts of a single project); ***River Watch v. Olivenham Muni. Water Dist.,*** 170 Cal. App. 4th 186 (trucks loading and unloading activities at the landfill are part of that project requiring CEQA approval).

As I demonstrate in my such objections the DEIR/EIR fails to comply with Guideline 15125(a), requiring a "description of the physical environmental conditions in the vicinity of the project," such as to set a "baseline" and "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 impact." See also #15125(c) (focusing on such "regional setting" for "assessment of environmental impacts … with special emphasis … on environmental resources that rare or unique to that region and would be affected by the project.") This requires, among other things, such as more factual and legal discussion of the hexavalent chromium menace the DEIR evaded and the EIR tries to (obscurely) to cover up, the DEIR/EIR's failure to address sufficiently the disputes, conflicts, and competition between the existing and future wells and rights of us surface owners above and around the 2585-acre underground mine. Since the DEIR/EIR ignores so many relevant existing and all future wells and its monitoring process is not even adequate for the wells it addresses (plus depleting 10% of the well water before it even starts the flawed mitigation effort)

My objections also note additional noncompliance by the DEIR/EIR, such as with Guideline #'s 15124(b) (failing to present a sufficient "statement of objectives," which is especially critical for such an intensive 24/7/365 operation for 80 years and DEIR p. 3-11-2 is deficient), 15124(c) (failing sufficiently to describe the project's "technical, **economic,** and environmental characteristics.") (Emphasis added since the EIR falsely claims that my objections do not explain how the DEIR/EIR is inadequate when my objections have devoted many pages to such technical, economic, and environmental rebuttals), 15124 (d) (massive fatal omissions addressed in my objections, as to permits both mentioned in DEIR at p. 3-46 to 48 and those not mentioned that should have been, including as to hexavalent chromium and the Rise/EIR/DEIR admissions that expose proposed mitigations as unaffordable, infeasible, and illusory, especially as to both (a) the many existing wells overlooked by the EIR/DEIR, and (b) all those new, competing wells that those of us above and around the 2585-acre underground mine will dig to protect our properties and value, our forests and environment, and our way of life.), 15125(a)(setting "existing conditions baseline" "shall not include hypothetical conditions …as the base line," which defeats the EIR/DEIR, because they have refused to evaluate satisfactorily the unknown conditions relating not only to the mine closed and flooded since 1956, but also to the 72 miles of new, proposed mine tunnels and dig sites, since the old records are not reliable, complete, or otherwise satisfactory and since extrapolations from other mines are not as similar or comparable as the EIR/DEIR claims, especially given the risk of subsidence and other nuisances and problems I address, such as DEIR Objection 254 #'s 2, 3.N, 4, and 14 and mining nuisances under Cal. Civil Code #3480, Penal Code #'s 372 and 372a and decisions like *People v. ConAgra Grocery Products Co* (2017), 17 Cal. App.5th 51 (lead paint promotion and sale as a nuisance, like hexavalent chromium), and #15125(d)(requiring EIR discussion of inconsistencies between the project and applicable general plans, specific plans, and regional plans, which the EIR often fails to do because it inappropriately evades or ignores many required discussions that would constitute such inconsistencies.). See my objections to EIR Master Response 29 and to subsidence and other such issues in my DEIR Objection 254 #'s 2, 4, 3.N, and 14 and *Keystone.*

S. My Objection To the EIR Response To My Comment Ind. 255-47 (my DEIR Objection 255 #7.B).

As discussed above and elsewhere in my Objections rebutting such disputed EIR Responses, both Rise's SEC filing admissions (e.g., in EIR Objection 254, including Exhibit B, and DEIR Objection 254 #'s 2, 3.N, 4, 14, and 15) and the EIR admissions (e.g., DEIR 6-14 confessing that the project is infeasible if it cannot operate as it proposes 24/7/365 for 80 years) demonstrate that Rise lacks the resources and especially the working capital needed to accomplish its EIR/DEIR project objective goals, much less its safety and mitigation "aspirations" and the cost of defending any approval against objectors long term enforcement of their legal, political, and law reform remedies to save their home values and functionality, forests and environment, and way of life from this mining menace. Therefore, those, like me (DEIR Objection 254 #1), with experience in dealing with such speculative mines assume this is a Rise set up for a "flip" to another shell subsidiary of another miner whose parent has more resources to dole out to that acquisition subsidiary as long as that seems to be a desirable gamble to them. As noted above in discussing CEQA Guideline #15351, the Applicant should be the real party in interest, requiring the EIR to reveal if one is now waiting "behind the curtain" to see if Rise can

win approval of its disputed EIR. In any case, the question the County decision makers should be asking is why would such a real mining company with such greater resources use Rise as a front for this admitted gamble? See my EIR Objection 254 Exhibit B describing the high risks that should discourage any investors who are not speculators. In my experience that may also be because that player behind the curtain could be even more "controversial" than Rise, and financial feasibility is not the only type of feasibility dispute. See, e.g., *Sierra Club* on "common sense," *Gray* on that and good faith, and *Banning, Vineyards, and Costa Mesa* on "good faith reasoned analysis."

T. My Objection To the EIR Response To My Comment Ind. 255-48 (my DEIR Objection 255 #8.A).

Again, the disputed EIR/DEIR incorrectly attempts to evade my disputes about its errors, omissions, and deficiencies by claiming my disputes are too vague and not identifiable to merit a response. All my rebuttals above to that EIR/DEIR common evasion tactic apply here as well to rebut that bogus claim. That is especially serious regarding the dispute regarding hexavalent chromium, which I rebutted not only in my objections to EIR Response To Comment Ind 254-1 (including my Exhibit C thereto and my objections also to EIR Response to Ind 254-3, 6-8, 11, 14-15, 36, 37, 75, 85, and 86, and as to air pollution 3.J and 10), but also in my undefeated objections in DEIR Objection 254 #'s 3.A, B, C, E, F, G, H, 7, 12, 14, and 15). When and if the disputed EIR is mistakenly approved by the County and the litigation and other challenges commence, the law of evidence and other applicable laws (including parts of CEQA and its Guidelines as properly interpreted by the courts), which I cited in my Objections but the EIR/DEIR incorrectly disputes, evades, or ignores, will enable objectors like me to eliminate such evasive EIR/DEIR excuses and tactics, such as with motions in limine.

U. My Objection To the EIR Response To My Comment Ind. 255-49 (my DEIR Objection 255 #8.B).

The disputed EIR/DEIR again incorrectly insists on disputed DEIR chapter 2's "Executive Summary " as satisfying CEQA Guideline 15123, which, as my objections thereto demonstrate, is wrong and worse. As my Objections repeatedly demonstrate, there is comprehensive noncompliance by the DEIR/EIR with Guideline #15123

However, note that such disputed EIR/DEIR's nonresponsive Response fails to address at all my citations to Guidelines #'s 15122 and 15129(a) and (b) (regarding the unsatisfactory and misleading table of contents or index, such as, for example, the DEIR's failure to even mention in its TOC section #4.7 called "Hazards And Hazardous Substances" what I identified in the EPA website cited studies as dangerous hexavalent chromium that killed the town of Hinkley, CA and many of its residents as illustrated in the movie, *Erin Brockovich*), as well as obscuring without sufficient connections the EIR's unheralded Appendices Q, O, and R that are not connected to the EIR false claims that its noncompliant words about hexavalent chromium were just clarifications of the DEIR instead of what they were (i.e., significant new information requiring revision and recirculation). See, e.g., my DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, 12, 14, and 15 (as well as #3.J and 10 as to air pollution).

As to the many well, water, and groundwater related issues in dispute and scattered around or ignored by the DEIR/EIR, see, for example, my other DEIR Objection 254 #'s 3. D, E,

F, L, M, and N, 5, 6, 8, 11, 14, and 15. See also my many objections to, and illustration of, the DEIR/EIR often "hiding the ball" and other objectionable tactics prohibited by applicable law and such Guidelines requiring from the EIR/DEIR "good faith," "common sense," "good faith reasoned analysis," and other noncompliance I note throughout my four Objections in sufficient detail (especially if the EIR/DEIR nonresponsive "Responses" bothered to consider my many cross-references and incorporations by reference that by themselves defeat such false EIR/DEIR excuses such as objections being too vague, speculative, unsubstantiated, or otherwise deficient, when the reverse is true and the fault usually lies with such standards being violated by the EIR/DEIR). See, e.g., my companion EIR Objection 254 #'s I.A.1.d, I.D, I.F.1-6; DEIR Objection 243 # 3.E.

V. My Objection To the EIR Response To My Comment Ind. 255-50 (my DEIR Objection 255 #9 Concluding Remarks).

This nonresponsive EIR's Response concludes with the preposterous repetition of the common EIR/DEIR outrages by falsely claiming that nothing in this Objection or in my three other cross-referenced Objections, in my cited CEQA and its Guidelines, or in my cited judicial authorities supports my objection to the County and EIR/DEIR exclusion of evidence and arguments regarding even the **admitted** deficient financial condition and limited resources of Rise. See, e.g., my cites to Richmond v. Chevron and accompanying text; my EIR Objection 254 Exhibits B and A, my DEIR Objection 254 #2, as well as all my many other places in my four Objections where I demonstrate that EIR claim to be error and worse. That is especially true as to issues on which the disputed EIR/DEIR has "opened the door" for my such rebuttals and impeachment of disputed EIR/DEIR claims that defy "common sense" (*Gray*) and fail to provide any "good faith reasoned analysis" (*Banning, Vineyard, and Costa Mesa*), or other compliance with the legal standards in the authorities that I cite on the merits and explain in detail, but that the EIR/DEIR chooses to ignore or otherwise evade.

Thank you for considering my comments.

Sincerely,

G. Larry Engel

Table of Exhibits

A. Illustrative Objections to The Planning Commission Staff Report Supporting the Disputed EIR/DEIR And Disregarding Meritorious Objections.

EXHIBIT A TO MY EIR OBJECTION 255: Illustrative Objections to The New Nevada County Planning Commission Staff Report Supporting the Disputed EIR/DEIR And Disregarding Meritorious Objections.

1. Introductory Comments Explaining And Illustrating Problems With the Comm Staff Report.

a. This Is A Last-Minute Addition To My Foregoing Objection Reacting To the EIR, Explaining How This Comment On the "Comm Staff Report Fits With My Four Objections.

The foregoing EIR Objection 255 rebuts the disputed EIR's incorrect, deficient, and noncompliant "Responses" to my previous DEIR Objection 255. For reasons explained in the next subsection "b," I have added this Exhibit to begin to respond to the recently filed "Comm Staff Report." While this Exhibit is part of that foregoing Objection, which is incorporated herein (and vice versa), I have not had time since that new staff filing to fully integrate my comments here into the main body of the Objection, and I merely introduced this Exhibit briefly by adding a short paragraph to the introduction to that main Objection. Thus, to more fully understand why I dispute much of the Comm Staff Report, one needs to read this Exhibit. For avoidance of doubt, this Exhibit A, which is an incorporated part of my foregoing EIR Objection 255 (and vice versa), includes everything that was incorporated by reference into that Objection, such as, for example, my three other "Objections" and third-party objections (see, e.g., my Table of Incorporated by Reference Objections at the end of my companion EIR Objection 254) and cited materials in any such objections from me or such others. In particular, the defined terms in my foregoing Objection apply equally herein, including for purposes of consistency definitions in such incorporated objections and materials.

b. The Comm Staff Report Suffers From Many of the Same Errors, Evasions, Omissions, And Noncompliance As The EIR that It Often Imitates.

After I filed my companion EIR Objection 254 and was about to file this EIR Objection 255, I learned about the "Nevada County Planning Commission Staff Report" (the "Comm Staff Report") that was added to the EIR official file on or about April 26, 2023. As explained in my introductory, general comments about the Comm Staff Report in the foregoing Objection (#1.B), I will not be able to do the kind of thorough analysis and rebuttal of that Report that I would have liked to have done if I had adequate time to respond, such as I have previously done with respect to the DEIR and EIR in preparing my four Objections. Therefore, I will just add here some general guidance and illustrations of the many objectionable Report provisions, describing herein

what specific comments may be feasible. Fortunately, most of my objections to the EIR/DEIR equally apply to the Comm Staff Report, as generally explained in these comments, and as illustrated in my cross-referenced Objections and those of others, like the CEA. While I expect to do a more sufficient review of the Report before the Board of Supervisors meeting on the EIR, nothing so far in my review of the Comm Staff Report inspires me to attempt any last-minute changes of anything in my four Objections. To the contrary, the Comm Staff Report too often simply repackages the already disputed and rebutted content of the noncompliant EIR/DEIR, which the County decisionmakers should never certify or otherwise approve or implement. Therefore, I object to the Comm Staff Report on the same basis as my four Objections disputed such errors, omissions, evasions, and noncompliance in the EIR/DEIR, including as to what I have incorporated by reference in my "Table of Incorporations by Reference Objections" attached to my companion EIR Objection 254. Stated another way, as with the EIR/DEIR, all my Objections remain in effect against all contrary content in the Comm Staff Report, which (with some often-problematic partial exceptions) generally adopts and supports the EIR/DEIR.

To the extent that the Comm Staff Report supports to any extent anything in my Objections, I thank the Staff for that part of their work and its occasional disagreements with the EIR, although neither Option A nor B is the proper choice, which is both: no certified/approved EIR, and no mine. To the extent that the Comm Staff Report disagrees with anything in any of my four Objections or other objections that I incorporate from my Table of Incorporations by Reference Objections attached to my companion EIR Objection 254, I invite them to discuss our differences. Unfortunately, the Comm Staff Report could not have had time to consider EIR objections by me or others. Nevertheless, the disputed Comm Staff Report seems to have generally followed the DEIR and ignored all my and others' meritorious objections to the DEIR, all of which still apply, although as clarified and supplemented in my two EIR Objections 254 and 255. The Report makes no serious effort to convince any objectors of most of what stated in the Report, which (like the disputed EIR/DEIR) overlooks, evades, or misunderstands many significant impacts, errors, omissions, and noncompliance by the EIR/DEIR. Like the EIR/DEIR, the Comm Staff Report generally does not provide what the CEQA case law calls "good faith reasoned analysis" with "common sense" (e.g., *Gray, Banning, Vineyard, and Costa Mesa*), but rather just announces its "opinions" based often on what I consider to be speculations or false assumptions (e.g., false equivalences, like assuming the conditions at the 2585-acre mine are the same or similar to those conditions at the Brunswick and Centennial sites subject to the EIR's predominate commentaries.

Thus, all my and others' DEIR objections continue to apply to the EIR, which rarely, if ever, cured (and often made worse) the DEIR's errors, omissions, evasions, or noncompliance, as proven in this Objection and my companion EIR Objection 254, each rebutting the EIR/DEIR, and, therefore, the incorrectly EIR/DEIR supportive parts of the Comm Staff Report. Likewise, to the extent that the Comm Staff Report supports anything in the EIR/DEIR to which I have objected, I also object to that support as incorrect or worse, and I invite the staff to discuss what I think they are missing and why I think they should reconsider their position once they read my two EIR Objections 254 and 255, among the many other objections. The only "good news" for everyone is that, by the disputed Comm Staff Report mistakenly following the EIR/DEIR so closely, it should be relatively easy for the staff to track my and other such objections.

I also offer this observation, which is supported by many of my analyses in my four Objections: the EIR/DEIR does not satisfy the legal requirements for approval either (i) on the merits of what it claims, or (ii) on account of its noncompliance with CEQA and other

applicable law and reality. So far, the staff's EIR/DEIR process has shown excessive and objectionable tolerance to, or support for, what many meritorious objections have cited as noncompliance, evasions, and omissions by the DEIR, which the EIR has not cured, but instead has made worse by the EIR adding more such noncompliance, evasions, and omissions. See also both (i) my incorporated Table of Incorporated by Reference Objections at the end of my companion EIR Objection 254, and (ii) what I included in my analyses therein from such incorporated objections of others. For example, so far, this EIR/DEIR process has applied the legally incorrect theory of the EIR/DEIR that (as so incorrectly interpreted) CEQA narrowly limits objections, even in rebuttal or impeachment and even with Rise or EIR/DEIR evidentiary admissions, against what is stated in the EIR/DEIR, even when based on based Rise and EIR/DEIR admissions. See, for example, on "economic feasibility," my DEIR Objection 255 that the forgoing EIR Objection 255 supports and defends against such noncompliance, errors, omissions, and evasion in the DEIR/EIR, which my companion EIR Objection 254 also exposed on an item-by-item rebuttal basis. That evasion of feasibility questions is sufficiently rebutted in my Objections, often supported by self-defeating Rise/EIR/DEIR admissions, but the County Staff Report reminded me to add this addition by its listing of the many related permits and approvals needed to (mistakenly) implement (and I contend, to certify) the EIR. For example, although its analysis is faulty, the Report notes that rezoning requires a different standard than CEQA about what is in the "public interest" and that broad standard also invites a debate about feasibility (somewhat like the CEQA discussion of "alternatives" where "feasibility" in a comprehensive sense is also relevant, but incorrectly disregarded by the EIR/DEIR and Report).

2. The Comm Staff Report Cannot Cure Noncompliance By the EIR/DEIR, Addressed Further in # 5.a Below.

The EIR/DEIR has failed to comply with its CEQA and other investigation, analysis, and disclosure obligations, of which noncompliance the staff process so far has been too tolerant (and which the Comm Staff Report cannot now legally or otherwise cure, although it seems to try), despite massive and meritorious objections. See, e.g., # 5.a below and my four Objections and the *League To Save Lake Tahoe* case cited below. The question is what to do about such many essential to know, but not yet proven, material facts and circumstances, especially those omitted, evaded, or misconstrued in the EIR/DEIR. As my EIR Objection 254 proves and as briefed in the foregoing Objection, the burden of proof and compliance is on the EIR/DEIR (#I.C above), and my Objections and others demonstrate that the EIR/DEIR both failed to satisfy that burden of proof and instead used disputed tactics to try and evade their duties and, worse, try to shift those burdens to the objectors. See, e.g., my companion EIR Objection 254 #'s I.A.1.d, I.E..1-5, and I.F.5 and 6, as well as my DEIR Objection 254 #3.E. (While I do not know who else besides the CEA is objecting to the last-minute County Staff Report, I support any such consistent objections, including those I read by the CEA.) That attempt to shift the EIR/DEIR burden of proof is intolerable, and it seems also to be the general approach of the Comm Staff Report, which is one more reason to object to it. To the extent that the Comm Staff Report fails to insist on such compliance by the EIR/DEIR, I ask the staff to reconsider and, at least, to hold the EIR/DEIR to the same standards the EIR/DEIR ties to impose on us objectors, if the staff is not

requiring the greater/stricter standards to which the EIR/DEIR will ultimately be held by the courts correctly applying the law, if this EIR were mistakenly approved/certified.

For example, where there is no substantial evidence presented on an issue by the EIR/DEIR, they often try to cover the gaps they leave with unsubstantiated opinions, speculations, and false assumptions/false equivalences that my and other the objections have rebutted and countered. (Again, while it may try, as I explain, the Comm Staff Report cannot now correct that EIR noncompliance, and it should not be regarded as having done so. See the controlling precedents here and in my Objections.) For example, this EIR not only improperly defended such DEIR noncompliance, but the disputed EIR attacked our objections with bogus claims that it was somehow our objections (not the EIR/DEIR) that were unsubstantiated, speculative, and otherwise deficient. I repeat that here to remind the staff that the Comm Staff Report cannot use that incorrect and worse excuse for evading our meritorious objections. We urge the County to hold the EIR/DEIR to that higher standard that the law requires of them, as explained herein and in many meritorious objections. ***See, e.g., Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron")***

Please note this most important legal rule that applies to this Comm Staff Report: it cannot now cure any of the errors, omissions, or other noncompliance in the disputed EIR/DEIR. See my EIR Objection 254 #I.C and D. None of us has had a fair opportunity to rebut the Comm Staff Report (or for the Report staff to consider and address our many EIR objections), consistent with law and due process. The court precedents are clear that the lead agency cannot, as the County incorrectly may hear from the EIR/DEIR, "make up for the lack of analysis in the EIR through post-EIR analysis," especially because the lead agency has the critical "burden to investigate" such potential environmental impacts. E.g., *League to Save Lake Tahoe Mountain v. County of Placer* (2022), 75 Cal. App.5th 63, 107. For example, as the ***Richmond v. Chevron*** court (like the trial court) found: **"Formulation of mitigation measures should not be deferred until some future time. (Guidelines #15126.4(a)(1)(B).) An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.'** (*San Joaquin Raptor*, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The court also objected to such future studies even subject to administrative approval as "analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA" citing many cases including *Sundstrom v. County of Mendocino* (1988), 202 Cal. App. 3d 296, 307 (all incorporated herein and rejected or distinguished the various city arguments and cites. The court added: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)**

Here, any staff investigation should have confirmed both the merit of our objections (sufficient even at our DEIR level objections) and the massive errors, omissions, evasions, and noncompliance by the EIR/DEIR. See also, my above Objection #1.F, G and H, which includes the hard questions that the disputed EIR/DEIR and County Staff Report both evade or ignore, but which the court will answer in our favor if the EIR were certified/approved. In addition, I note that when the courts judge what is "substantial evidence" in CEQA #21082(c), remember that there can be no judicial deference allowed

for a "clearly inadequate or unsupported study" (of the type on which the EIR/DEIR usually relied) as explained in *Town of Atherton v. Cal. High Speed Rail Authority* (2014), 228 Cal. App.4th 314, 349. That rule should be applied in the County Staff Report, but that rarely appears to be the case. I therefor ask the County decisionmakers, why would you decide on the basis of disputed EIR/DEIR exhibits, Appendices, and other cited material that will be disregarded by the courts?

3. **Three Examples Of Comm Staff Report Key Errors Or Omissions (Besides Its General Mistaken Support of the EIR/DEIR And Disregard of the Many Meritorious Objections), Plus Some Highlights of Some Additional CEQA Violations Addressed Later At The End of This Exhibit, Such As Regarding: (i) The HEXAVALENT CHROMIUM Menace (REMEMBER THE MOVIE ERIN BROCKOVICH—SEE WWW.HINKLEYGROUNDWATER.COM), and (ii) The Many "Significant" Groundwater Well, Supply, And Quality Impacts And Infeasible Mitigation Proposals, Etc.**

    a. **Identifying Three Examples of Key Threats To Our Community, Plus Repeating My Hexavalent Chromium Warning.**

Among the scores of errors, omissions, evasions, and noncompliance by the disputed EIR/DEIR that are tolerated or worse in the Comm Staff Report, that Report adds its own mistakes. See my companion EIR Objection 254, analyzing more than 50 such threats to our community. Here are three of the more obvious wrongs among what are addressed in more detail below:

(i). Regardless of the Alternatives and recommendations asserted by the Comm Staff Report, which should be rejected for the reasons stated in my and others' objections (see, e.g., my objections in section I.D above and my companion EIR Objection 254 #I.E.10), the Board decisionmakers must not certify the disputed EIR, especially if they correctly reject the mine applications. That disputed EIR "Alternative A" strategy would compel us objectors to litigate (in the abstract) to defeat the certified EIR in court, so that we never have to endure a replay of this tragedy with the next miner exploiting that noncompliant EIR. Why would the County wish to waste public funds to defend such an intolerable EIR just so that some miner can try this mistaken threat to our community again with the advantage of a certified EIR? Why make it easier for any future miner to exploit the mistakes and worse in this disputed EIR/DEIR? See below for some quick answers.

(ii). The Comm Staff Report at 51-53 would use the Development Agreement to lock in a for 20 years (with two 10-year extension options) allowing the mining to proceed "consistent with the …General Plan … [and other laws] without disruption caused by material future changes in County planning and development policies and requirements over the [80 year?] life of the Idaho Maryland Mine Quarry Use Permit." Stated another way, the disputed

Development Agreement would purport to "lock in" the disputed EIR for up to 40 years, without (they claim) any chance for reforms by the County (and by any other relevant government or regulator?) when victims realize our many objections and warnings were correct. The Comm Staff Report reveals its inappropriate, pro-mine partisanship by trying to "spin" that governmental, self-defense correction opportunity for us mine victims as a "disruption." How can any responsible government perceive a public benefit in forbidding cures of its mistakes in allowing such a disputed miner to so dangerously operate to the harm of us thousand objectors living above or around the 2585-acre underground mine? See below for some quick answers.

(iii). The Comm Staff Report incorrectly aids and abets the noncompliant approach by the disputed EIR/DEIR in deferring to the future (*after* EIR certification) the analysis of impacts and mitigations required now *before* approval/certification of the EIR. That forbidden deferral approach defeats the whole purpose of CEQA, with such an open and notorious violation to which I and many others have objected based on our correct interpretations of CEQA and other laws as confirmed by the applicable court precedents. See my foregoing main Objection #1.C above and my companion EIR Objection 254 #'s I.C and D (discussing the applicable CEQA and Guideline rules prohibiting such deferrals and CEQA evasions, plus some cases like *Richmond v. Chevron)* and I.E1-4 (illustrating those correct rules against deferrals, especially in I.E3 and 4.) Why would any responsible government trust this miner to do all the right things in the future under the problematic circumstances demonstrated by my Objections and those of many others? See below for some quick answers.

While I add some additional rebuttal data as to my examples of my favorite other objections at the end of this Exhibit (section 6.C), do not interpret that as any kind of subordination of their importance. I so add more detail and cross-references later for various other rebuttals to the County Staff Report not just for what it gets wrong, but also what it fails to address at all, like that known hexavalent chromium menace that has NOT been addressed at all by the County Staff Report (see here and section 6.C below) or subjected to "good faith reasoned analysis" with "common sense" by the EIR/DEIR or staff. Sometimes that omission apparently may be a conscious choice of the staff. But I suspect that sometimes that such objectionable staff acts and omissions are a consequence of the County staff failing to appreciate what the DEIR/EIR has obscured, evaded, or omitted in violation of CEQA, often by what my and other Objections warned about as improper "hide the ball," "bait and switch," or other evasive tactics, illustrated below and in my Objections. See, e.g., my foregoing Objection at #1.C. G and H, my companion EIR Objection 254 #'s I.A.1.b and d, I.E.1-5, and I.F.5 and 6, and my DEIR Objection 254 #3.E.

For example as to "hide the ball" tactics, my key additional concerns below address the understated/underappreciated toxic threats from the EIR mine, not just from the known asbestos and other lethal impacts the EIR/DEIR deficiently discussed, but also from what the disputed EIR/DEIR evaded/obscured contrary to their disclosure obligations, such as with respect to toxic HEXVALENT CHROMIUM water and air

pollution (see, e.g., Exhibit C to my companion EIR Objection 254 and related text citing that Exhibit C, and my DEIR Objection 254 #'s 3.A, B, C, E, G, H, 7, and 14). Another such example of CEQA and other noncompliance is the refusal of the DEIR/EIR to respond to (and the County Staff Report to analyze) my repeated Objections to the competing property rights dispute of us surface owners and users above and around the 2585-acre underground mine, especially since we own interests in the groundwater the EIR would dewater (e.g., *Keystone*) and flush away 24/7/365 for 80 years down the Wolf Creek, and since many of our existing surface wells there are not considered by the EIR/DEIR or County Staff Report for impacts and mitigation (e.g., *Varjabedian),* especially our FUTURE WELLS that be added by such surface owners as climate change droughts progress and NID drought rationing creates an even more significant impact (which the DEIR/EIR incorrectly claim to be too speculative to require any analysis). [The County missed point is that these disputed impacts are not just about what the EIR mining does with Rise property, but what the EIR miner does to our "surface" property (at least 200 feet deep), which includes our groundwater. E.g., my companion EIR Objection 254 at I.E.8 and 9.] See generally the attached Objection, my EIR Objection 254 #'s I.A.1.d, I.C.2, I.D, I.E.1-5, and I.F, as wells as my rebuttals therein and herein to disputed EIR Master Responses and Responses following up on my DEIR Objection 254 #'s 3.D, E, F, M, N, 4, 5, 6 and 14.

For one such example, my four Objections each blast the noncompliant and worse way that the disputed DEIR barely mentioned the HEXAVALENT CHROMIUM MENACE I addressed at length in my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, 7, and 14 as to its water impacts, and 3.J and 10 as to air pollution impacts). The disputed EIR then added erroneous purported "clarifications" to the noncompliant DEIR that are really "significant new information" (also incorrect or misleading) about hexavalent chromium, all requiring revisions and recirculation. See my EIR Objection 254 Exhibit C and #'s I.A.1c, and I.C. That is a classic DEIR/EIR "hide the ball" tactic, which the EIR compounds, for example, by falsely "re-branding" the indisputably toxic hexavalent chromium menace as a nonsignificant "cemented paste backfills" issue without any "good faith reasoned analysis" with "common sense" of the hexavalent chromium in that cement paste that is being used to shore up the mine with mine waste. See the admissions in the pre-DEIR prepared Itasca Study in Appendix Q (see also Appendices O and R), which were ignored in the DEIR, but which unheralded Appendices are now attached at the end of the EIR, but not as an integrated or adequately linked part of the EIR/DEIR "Hazards and Hazardous Materials" discussion or other proper EIR analysis. That EIR evasion tactic is apparently to avoid weakening the disputed EIR defense that it was merely "clarifying" the noncompliant DEIR, so that the EIR did not need to so revise or recirculate anything. See my analysis of this "hide the ball" tactic (which is totally ignored by the County Staff Report) and not even flagged to the regulators. E.g., my above EIR Objection 255 #'s I.C.1 and 2, and my companion EIR Objection 254 Exhibit C and #'s I.A.1.d, I.E.1-4, and I.F1 and 5, and its rebuttal objections to EIR Response Ind.254-1.

"Common sense" and "good faith reasoned analysis" in the CEQA court interpretations that control here forbid that kind of EIR/DEIR evasion, especially since the EIR cannot "clarify" what was not correctly included in the DEIR, especially when the EIR/DEIR team already knew of the undisclosed hexavalent chromium menace from Rise's pre-DEIR studies that were not analyzed or disclosed in the DEIR and then were

noncompliantly obscured (at best) in the EIR. See my Exhibit C to my companion EIR Objection 254 and its rebuttal to the EIR Response Ind. 254-1 attempt to add more "significant new information" (i.e., what the disputed EIR incorrectly calls clarification) on this subject in that obscure place where no one, including it seem the County Staff Report team, would notice it. Why would the EIR team take that risk to avoid revision/recirculation by such obscure, unsubstantiated, incorrect, and noncompliant additions in the EIR and unheralded Appendices Q, O, and R attached at the end of the 7000 plus EIR pages? As noted, (and check the study dates of those Appendices Q, O, and R), THE DEIR/EIR TEAM AND COUNTY STAFF KNEW THE CR6+ PROBLEM LONG AGO. NOT ONLY DID SUCH RISE CONSULTANTS WARN ABOUT THIS CR6+ MENACE IN ADVANCE OF THE DEIR FILING, BUT I MADE THAT CR6+ MENACE A KEY PART OF MY DEIR OBJECTION 254 AND PERSONALLY DENOUNCED THAT THREAT AT THE MARCH 2022 PUBLIC MEETING, CITING THE HINKLEY, CA CASE STUDY MOURNED BY THE MOVIE *ERIN BROCKOVICH*. SEE WWW.HINKLEYGROUNDWATER.COM (which not only links to the history and science, but also explains why after all these years that town is still struggling to remediate that poisoned groundwater.) My such Exhibit C to my companion EIR Objection 254 and other cites above (Id.) explain that the disputed EIR is risking everything on this doomed (at least in court) tactic, because (I suspect) the EIR wants to keep as much mine waste in the mine as possible (i.e., cementing such waste in place into underground mine column braces, where its exposed to dewatering and, when that dewatering stops, our groundwater flooding the underground mine again, this time on an even larger scale beneath objectors' surface owned properties), all so that the EIR can save the cost of removing that waste and can minimize its also disputed plans for still having to dispose of suspect mine waste somewhere on the surface. Id.

While my many cited cases compete with those few cited by the EIR/DEIR or the County Staff Report as we dispute about what is required to comply with CEQA (and I contend other applicable laws that are ignored by the EIR/DEIR and Report, such as the law of evidence, allowing rebuttals and impeachment, especially by admissions), only I cited and applied the "2018 Guideline Amendments Explanations" (November 2018) in my EIR Objection 254 #I.C.2, where the CEQA Guideline authors explained the amended Guidelines in ways that defeat many of the EIR/DEIR and County Staff arguments when they cite CEQA or its Guidelines. The point of many of those amendments was to defeat the kinds of misinterpretations of the Guidelines as I demonstrated in my such rebuttals of the EIR/DEIR (and therefore the County Staff Report that follows those EIR/DEIR misinterpretations.) Thus, when I refer to CEQA interpretations I am citing to not only what is said in the statute and my cited court cases, but also the Guidelines and how those Guidelines amendments are explained by the authors. Id.

b. The Only Tolerable Alternative Is To Reject Both the EIR And Mine (Without Certifying The EIR), But If Some Such Possible Alternative Were Required, The Industrial (e.g., Warehouse) Is The Least Objectionable (And Far Less "Intense" Than The Mine, Which the EIR/DEIR And Comm Staff Report Absurdly Pronounced As the Least "Intense" Alternative). (That unsubstantiated "intensity"

opinion defies "common sense" as the similar *Gray* v. *County of Madera* mining case illustrates being required by CEQA.)

(i) Some Context For the Competing Alternative Disputes.

Regardless of the Alternatives and recommendations asserted by the Comm Staff Report, which should be rejected for the reasons stated in my and others' objections (see, e.g., my objections in section I.D above and in my companion EIR Objection 254 #I.E.10), the Board decisionmakers must not certify the disputed EIR, especially if they correctly reject the mine applications. That disputed strategy would compel objectors to fight in the abstract to defeat the certified EIR in court, so that we never have to endure a replay of this tragedy with another miner exploiting the noncompliant EIR. The Staff recommendation for EIR certification is inexplicable, noncompliant, and unsubstantiated. Why would the County wish to waste public funds to defend such an intolerable EIR, just so that some miner can try this again with the advantage of such a noncompliant, but certified, EIR? Why make it easier for any future miner to exploit such EIR mistakes and worse? Since there is no legal compulsion for the county to certify the EIR when they reject the mine, to do provides no benefit to our community, and exposes us all to the mistakes that the miner would claim are ratified when the next mining proposal comes along, leaving us with even more complex litigation. E.g., *Las Lomes Land Co. v. City of LA* (2009), 177 Cal.App.4th 83.

Indeed, this intolerable EIR certification strategy may have always been about a possible "flip" sale of the EIR, because the Rise SEC filings admit that Rise has never had sufficient financial resources to afford the project objectives or even the proposed mitigations, much less what more mitigations would ultimately be required by the courts if the EIR were approved and found somehow compliant with more sufficient mitigations (which would be still incorrect.) See my companion EIR Objection 254 Exhibit A and B and my DEIR Objection 254 #'s 2 and 4. Rezoning as discussed in the County Staff Report would be an even bigger mistake, because it would complicate County defenses against any ultimate miner in the future. Why would the County so increase its exposure to undeserving miners in the future, when it is clear that objectors will not accept the mine without exhausting all their legal, law reform, and political remedies? See General Plan 17.1 which is supposed to subordinate mining, so as to "not create land use conflicts" with existing residents (and voters), especially those of us living above and around the 2585-acre underground mine (whose interests and objections are mostly ignored by the EIR/DEIR and Comm Staff Report and (as explained in my EIR Objection 254 Exhibit A and #'s I.F.8 and 9) badly misjudged in the County Economic Report. In any case, this is a "no net benefit mine" (see my DEIR Objection 254 #'s4, 2, 14, and 15 and *Keystone* and *Varjabedian*), and those Rise SEC filings identify many more risks and adverse facts to its case than are included in the disputed EIR/DEIR. Id.at #2 and my companion EIR Objection 254 Exhibits B and A. Stated another way, the SEC required those Rise adverse admissions in disclosures to its high-risk speculator/investors on pain of serious, securities laws punishment that would have followed if Rise had only provided the deficient EIR/DEIR risk analysis. So, how can it be that the County should impose on this more harmful and higher-risk EIR/DEIR on its unsuspecting citizens and potential victims (impacted 24/7/365 for 80 years) without alerting us to at least the risks reported in the SEC filings? See my companion EIR Objection 254 Exhibits A and B and accompanying text and DEIR Objection 254 #2.

Because CEQA (e.g., Guideline #15126.6(b)) does not require such a competing alternative to meet all of the project's even legitimate objectives (which especially do not have to accommodate such Rise profit ambitions for this speculative gamble and other disputed EIR "objectives," none of which are disclosed for "common sense" and "good faith reasoned analysis" and other compliance purposes), DEIR admits (at 6-42) that Alternative 2 (eliminating Centennial and expansion of the Brunswick fill pile, for which expansion the EIR/DEIR is woefully deficient, speculative, and noncompliant) is superior and thereby defeats this EIR. **[NOTE THAT THE EIR MISTAKENLY, OR WORSE, BY INSISTING THAT ALL ALTERNATIVES MUST ASSUME THE REMEDIATION OF THE CENTENNIAL SITE, WHICH IS A PER SE ADMISSION THAT THE EIR WOULD HAVE TO CONSIDER THE CENTENNIAL CLEANUP PART OF THE MAIN PROJECT, WHICH WOULD BY ITSELF REQUIRE MASSIVE REVISIONS AND RECIRCULATION OF THE EIR/DEIR. IN ANY EVENT, THE DISPUTED EIR/DEIR CANNOT HAVE THIS BOTH WAYS, I.E., MAKING CENTENNIAL ESSENTIAL FOR SOME PURPOSES AND THEN CLAIMING IT'S NOT FOR OTHER PURPOSES. Moreover, the EIR and staff cannot so misuse that incorrect and improper Centennial assumption obligation as a way of pretending that the mining is less "intense;" i.e., only if every alternative requires Centennial does that "intensity" cancel out that additional flaw in the EIR's comparative intensity calculation.] The staff support for Alternative A fails to provide a correct, sufficient, or convincing analysis for certifying this this noncompliant EIR.**

Furthermore, besides my other objections stated in my EIR Objections 255 and 254 and elsewhere as to "alternatives," also consider the following, applying the CEQA requirements (e.g., #21002/Guideline #'s 15002(a), 15021(a)(2), and 15126(b),(d)) forbidding approval of such a disputed project if, as here, a feasible alternative exists that would meet the project's COMPLIANT objectives and diminish or avoid its environmental impacts. To evaluate what is a compliant alternative, **see, e.g., *Laurel Heights I*, 47 Cal.3d at 404 (requiring a "reasonable range" of alternatives, because courts will not "countenance a result [on alternatives] that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials."); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal. App.3d 433, 443-45.** [Note that in order to comply with CEQA the project's "objectives" must be properly and more broadly defined (i) to exclude its extraordinary profit goals that are not such a CEQA project "objective" [such profits are undisclosed, but extrapolated from my profession experience with the returns expected by such speculators on such risky investments, such as DEIR admitting at 6-14 that the whole project is not economically feasible unless it can operate 24/7/365 for 80 years as it has proposed, which I interpret as a comment about the excessive profit expectations of Rise's high risk speculators' expected high reward returns, rather than a normal question of being able to cover operating costs], and (ii) to include what the disputed EIR/DEIR attempts to apply to achieve a self-fulfilling prophecy.] E.g., *Kings County Farm Bureau*, 221 Cal.App.3d at 731; *Citizens for Quality Gro*wth, 198 Cal. App.3d at 443-45.

For example, **despite being prohibited by CEQA, which requires sufficiently broad project objectives to allow the evaluation of alternatives that are meaningly different, this noncompliant EIR eliminated the relevant and better alternatives, like the recent case involving Crystal Geyser reopening a water bottling plant involving wastewater discharge issues. See *We Advocate Through Environmental Review v. County of Siskiyou* (2022), 78 Cal. App. 5th 683, explaining that, because the project objective mirrored the project**

proposal itself, that transformed the EIR's alternative section [the "core of the EIR"] "into an empty formality" and such impermissibly narrow project objective prevented the county for the same reasons for accepting the "no project alternative." See, e.g., the Grass Valley objections in Agency 8 at 41-44 (which exposes many examples of EIR/DEIR noncompliance but suggests some compromises not acceptable to most of us objecting homeowners living above or around the 2585-acre underground mine.)

(ii) The Claim That The EIR Mine Alternative Should Prevail As The Less "Intense" Use Would Be Funny If It Were Not So Sad (And Absurd, Therefore Defying What *Gray* Called "Common Sense").

As to the disputed Alternative choices pronounced by the EIR/DEIR (and incorrectly accepted by the Comm Staff Report) without the CEQA required "good faith reasoned analysis" with "common sense" announced in court precedents like *Gray, Banning, Vineyard, and Costa Mesa discussed in the Objection* above (#I.A and throughout all my four Objections, as explained herein), the Board decisionmakers cannot possibly justify calling the mine less **"intense"** than the other alternatives, such as industrial (e.g., warehouses). See my discussion in the previous subsection above of the EIR mistake (incorrectly tolerated by the staff) to require any non-mining alternative to assume the Centennial clean up obligation, which is irrelevant to such use of the Brunswick surface for such industrial uses. There are no such EIR/DEIR (or Comm Staff Report) analyses that prove that disputed theory that so defies "common sense." Also, the disputed EIR/DEIR and Comm Staff Report never explain why the current Light Industrial zoning (a less "intense" category) should be increased/rezoned to the more "intense" M1-M1 zoning (Light Industrial with Mineral Extraction), if mining were really the less "intense" activity. Consider, for example, property value impacts, not for CEQA disclosure for the present, but rather as a rebuttal to the bogus EIR/DEIR "intensity" claim. See, e.g., my EIR Objection 254 #I.E.10. In other words, when the staff and EIR//DEIR incorrectly evade property value issues as being excluded by CEQA limits to environmental impacts (which I dispute is legally correct), that ignores all the other ways that property value evidence is admissible, such as for debating "intensity" for alternatives."

Ask yourselves, how does a reasonable decisionmaker judge such "intensity" in comparing EIR alternatives objectively? The obvious answer (and the one the courts will apply consistent with our evidence) is to compare the public reactions from the perspective of potential buyers or mortgage lenders evaluating property values of us living on the surface above or around the 2585-acre underground mine. At trial real estate value and market experts can make an irrefutable case that there is no more offensive or intense possible alternative use of this land than this EIR gold mine, as evidenced among other things by the fact that such mine has the worst imaginable impact on our property values and market appeal. See, e.g., Nevada County Association of Realtors Agency Letter 15 (which the disputed County Economic Study mistakenly treated as realtors allegedly misperceiving the EIR environmental risks and errors on the merits, when the realtors were also expressing the indisputable reality that buyers and lenders would be unlikely to pay top dollar or anything when there were all the risks, meritorious or not, projected in the hundreds of locals objections to the EIR/DEIR); my Exhibit A rebuttal in my EIR Objection 254 to the County Economic Report. Indeed, because of all the unknowns and disputed data in the EIR and its lack of credibility demonstrated by all the many objections to the

DEIR/EIR, including my four Objections, all buyers and lenders will be confounded (just like us surface property owners living above and around the 2585-acre underground EIR mine) by trying to evaluate the risks no local homeowners (or buyers) should be forced by their government to take, especially where (as discussed herein) there has been such EIR/DEIR noncompliance with the CEQA and other legally required investigation and disclosure rules, as explained in such impacted community objections. Also, compare the many high risks that Rise admitted in its SEC filings (see my EIR Objection 254 Exhibits B and A and my DEIR Objection #2, as well as *Richmond v. Chevron*, where such SEC admissions defeated that eir, disproving the EIR/DEIR's bogus claim [incorrectly adopted by the staff and the Comm Staff Report] that somehow such rebuttals by such SEC filing admissions are irrelevant, e.g., in effect, claiming that Rise can scare its speculative investors with legally mandated securities law truths about risks that it does not have to share with the County and public in its EIR/DEIR to comply with CEQA.)

When the disputed EIR must be revised and recirculated, whether as required by the County or the courts, law reforms, or political changes, the County should eliminate (not certify) the often protested DEIR/EIR claim that other industrial alternatives are too "INTENSE," since "common sense" and any "good faith reasoned analysis" (e.g., *Gray, Banning, Vineyards, and Costa Mesa*) must consider this EIR mining the most intense possible alternative, especially since it operates 24/7/365 for 80 years with continuing opposition from almost all of its neighbors, especially those thousands of us living on the surface above or around the 2585-acre underground mine whose misery intensity impacts are proven, among other things, by the extent of our objections in this record and the EIR mine's depression of property values merely by its stigmas even before the physical impacts begin. See such Exhibit A and B, my DEIR Objection 254 #2, and the Nevada County Association of Realtors Group Letter #15. In any event, there is no EIR/DEIR good faith reasoned analysis of why industrial alternatives (e.g., the warehouse proposal) are more "intense," and that unsubstantiated and speculative EIR/DEIR claim about "intensity" defies "common sense" under the *Gray* standard. See, e.g., *Laurel Heights I*, 47 Cal.3d at 404 (requiring a "reasonable range" of alternatives, because courts will not "countenance a result [on alternatives] that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials."); *Citizens for Quality Growth v. City of Mount Shasta* (1988), 198 Cal. App.3d 433, 443-45.

c. The County Should Never "Lock In" The EIR/DEIR Mistakes And Worse By The Development Agreement Prohibiting Law Reforms For Up To 40 Years To Avoid "Disrupting" The EIR Mining, For All The Reasons The County Should Also Avoid Certifying The EIR Plus Many More.

The Comm Staff Report at 51-53 would use the Development Agreement to lock in a for 20 years (with two 10-year extension options) allowing the mining to proceed "consistent with the …General Plan … [and other laws] without disruption caused by material future changes in County planning and development policies and requirements over the [80 year?] life of the Idaho Maryland Mine Quarry Use Permit." Stated another way, the disputed Development Agreement would purport to "lock in" the disputed EIR

for up to 40 years, without any chance for reforms by the County (and by any other government?) when it realizes our many objections were correct. The Comm Staff Report reveals its inappropriate pro-mine partisanship by trying to "spin" that self-defense correction opportunity for us mine victims as a "disruption." How can any responsible government perceive a public benefit in forbidding cures of mistakes in allowing such a disputed miner to so dangerously operate to the harm of us thousand objectors living above or around the 2585-acre underground mine? As further explained in my companion EIR Objection 254 and other objections (e.g. my DEIR Objection 254 #4) and my EIR Objections 254 and 255 disputing the EIR "Master Responses" and "Responses" thereto, if the EIR is certified and mining begins now or in the future and when the community begins to understand the miseries and risks that the EIR mining would impose on them, there will be law reform efforts to mitigate such harms and risks. This Development Agreement is a guarantee of endless litigation by the miner and counters, then by officials who appreciate the merits of these hundreds of objections to the EIR/DEIR. No one should want that, but what else can us local victims do to salvage what we can in this horrendous situation? In any event, the Development Agreement and other related documentation revealed in the County Staff Report must be substantially redone to make it consistent with applicable law and less harmful to our community.

d. The Noncompliant EIR/DEIR Improperly Defers To The Future Impacts And Mitigations That Need To Be Disputed Before The County Approves The EIR.

The Comm Staff Report aids and abets the noncompliant approach by the disputed EIR/DEIR in deferring to the future the required analysis of impacts and mitigations, after approval/certification of the EIR, thereby defeating the whole purpose of CEQA with such an open and notorious violation to which I and many others have objected based on our correct interpretations of CEQA and other laws as confirmed by the applicable court precedents. See #I.C above and my companion EIR Objection 254 #'s I.C and D (discussing the applicable CEQA and Guideline rules prohibiting such deferrals and CEQA evasions, plus some cases like *Richmond v. Chevron)* and I.E1-4 (illustrating those correct rules against deferrals, especially in I.E3 and 4.) Sadly, the County Staff Report follows that same disputed deferral pattern, especially as to deferring analysis of impacts in order to further defer analysis of mitigations which involve future regulatory actions.

Most of the EIR/DEIR mitigation claims violate the prohibition in Guidelines #15126.4(a)(1)(B), which prohibits "formulation of mitigation measures" until some "future time." See *Richmond v. Chevron* and my Objections discussing the proper interpretation of CEQA and its Guidelines. The disputed County Staff Report not only supports the EIR/DEIR deferral mistakes and noncompliance, but it seems to add to them with the deferral until after EIR certification of various EIR follow up disclosures and mitigations and relate governmental actions. The only circumstances where CEQA allows specific mitigation details to be developed after project approval is when it is impractical or infeasible to include such details in the EIR and only if the lead agency commits itself to the mitigation, adopts "specific performance standards that must be achieved, and identifies potential actions that can feasibly achieve compliance with that standard. Id. As the courts have confirmed that lead agency cannot simply require the project applicant to obtain a

report and then comply with any of its recommendations. E.g., League to Save Lake Tahoe Mountain Area Preservation Foundation v. County of Placer (2022), 75 Cal. App. 5th 63; *Endangered Habitats League, Inc. v. County of Orange* (2005), 131 Cal.App.4th 777, 793. Also, the deferral is only permissible where mitigation is known to be feasible and the agency commits itself to measures that will satisfy specific performance criteria stated at the time of project approval. E.g., *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, 94 (a list of potential methods of mitigation for later selection without "specific and mandatory performance standards" are improper.) Accord *Endangered Habitats League, Inc. v. County of Orange Habitats* (2005), 131 Cal. App. 4th 777, 794 (requiring a report without "specific and mandatory performance standards" is improper deferral); *Defend the Bay v. City of Irvine* (2004), 119 Cal. App.4th 1261, 1275 (requiring biological report and compliance with any recommendations is an impermissible mitigation). None of the EIR mitigations are feasible as proven in my Objections and others, including by using Rise SEC admissions and DEIR/DEIR admissions (e.g., DEIR at 6-14 admitting that the whole project would not be feasible unless it can operate as it proposes 24/7/365 for 80 years, which every objection is determined to oppose for good cause.) See *Richmond v. Chevron*, both prohibiting such deferrals and allowing such SEC filing admissions to defeat that EIR.

My four Objections cite many of those improperly deferred mitigation measures, which the County Staff Report not only tolerates but applies itself as to what it defers. For example, my DEIR Objection 254 #2, 3.E, 8, and 9, as well as EIR Objection 254 rebuttal to EIR Response Ind. 254-12, fail under that standard to mitigate feasibly and effectively the breaking of our two lane road by 100 daily heavy trucks use 24/7/365 for 80 years where there will be constant repairs to our main roads (e.g., limiting traffic usage to one lane and with illusory aspirations for a mutual agreement with the County for reimbursement of the mine's share of expenses). See, e.g., Guidelines #15126.4(a) requiring that the EIR must identify and describe good faith, "feasible" mitigation measures that must be legally enforceable and at least partially effective to be deemed feasible. E.g., *Sierra Club* at 6 Cal.5th 524-525. Also, the project can fail to meet that standard when the project requires approvals from other agencies outside of the lead agency's control. E.g., *City of Maywood v. LA Unified School Dist.* (2012), 208 Cal. App. 4th 362, 371-72, 376-395. See generally *We Advocate Through Environmental Review v. City of Mount Shasta* (2022), 76 Cal.App.5th 629, explaining what was required from a "responsible agency," an issue disregarded in the EIR/DEIR and insufficiently addressed in the County Staff Report. If the County tries to certify the EIR among my and others' continuing objections will be the lack of required findings by the "responsible agencies," which must do so in order to issue their own permits. What the EIR (and Report) improperly attempt here is to defer such approvals and findings by other responsible agencies who may (and should) disagree with the EIR. That deferral tactic is intolerable, especially when combined with all the other improper tactics in the EIR process, as demonstrated in my EIR Objection 254 at I.A.1.d and I.F.5 and 6, and DEIR Objection 254 #3.E.

For example, as the ***Richmond v. Chevron*** court (like the trial court) found:
"Formulation of mitigation measures should not be deferred until some future time. (Guidelines #15126.4(a)(1)(B).) An EIR is inadequate if '[t]he success or failure of mitigation efforts … may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR.' (*San Joaquin*

Raptor, supra, 149 Cal. App.4th at 670.)" (emphasis added) **The court also objected to such future studies even subject to administrative approval as "analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA" citing many cases including *Sundstrom v. County of Mendocino* (1988), 202 Cal. App. 3d 296, 307 (all incorporated herein and rejected or distinguished the various city arguments and cites. The court added: "In our opinion, the novelty of greenhouse gas mitigation measures is one of the most important reasons 'that mitigation measures timely be set forth, that environmental information be complete, and that environmental decisions be made in an accountable forum," with citations including *Oro Fino Mining Corp. v. County of El Dorado* (1990), 225 Cal. App. 3d 872, 885. (emphasis added)**

While the EIR/DEIR ignores, misinterprets, or misapplies Guidelines to suit its evasion tactics, apparently without objection by the County Staff Report, the "2018 Guideline Amendment Explanation" (see its role in the preceding Objection and in my companion EIR Objection 254 #I.C and D.) adds helpful support for my rebuttals, such as against EIR **Master Response D.15 at 89-91, by Guidelines insisting on the feasibility of mitigation even If deferred.** After discussing the court decisions limiting deferral of mitigation details, that 2018 Guideline Amendments Explanation commentary [what I quoted before requiring that the agency commits and adopts specifics and identifies] explains the ***Rialto*** decision and the updated Guidelines: "In sum, 'it is sufficient to articulated specific performance criteria and make further [project] approvals on finding a way to meet them.' [citation] **Essentially the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the application a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels." (emphasis added)**

Furthermore, that Explanations' section further explains that **(1) "the agency [must] commit to implementing the measure," [which is "essential to support a finding that project impacts have, if fact, been mitigated," (2) the agency [must] identify performance standards" consistent with the rigorous requirements of the court decisions I have specified, without which there can be no "substantial evidence that impacts will in fact be reduced to less than significant level," and (3) "the measures must be feasible," which requires in turn that there must be identification of the types of measures that could achieve the standard," citing to follow the rulings in *Communities for a Better Environment v. City of Richmond* (2010), 184 Cal. App. 4th 70, rejecting a general "net zero standard" for eliminating greenhouse gas emissions because "there was no discussion of what measures could feasibly attain that net-zero standard." (emphasis added) How does the County expect to justify backing a certified EIR under these circumstances?**

4. **The County Staff Report Errors By Incorrectly Accepting The Disputed EIR/DIER's Incorrect, Deficient, Evasive, And Noncompliant Claims And Alternate Reality Assertions As A Basis For Concluding That the EIR Could Ever Be Consistent with the General Plan, Zoning And Rezoning Requirements, And Other Applicable Laws And Regulations Addressed in That Report, Especially Without Adequate Consideration of the Massive Contrary Objections.**

The disputed County Staff Report (at 70-112) attempts to reconcile the disputed EIR/DEIR with the County General Plan, applicable zoning and rezoning requirements, the Use Permit, and other proposed governmental actions. Each of those is disputed to the extent they are interpreted to permit the EIR/DEIR or what it contemplates or requests. There is no indication that the staff considered my or many other objections that are applicable to such governmental rules, permits, entitlements, or actions, even those of other governmental authorities incorporated in my Table of Incorporated by Reference Objections in my EIR Objection 254. That is especially important because the disputed and incorrect EIR/DEIR and staff excuses (e.g., CEQA environmental limits) for excluding certain objections (e.g., economic infeasiblity and Rise admissions in SEC filings) do not apply to such zoning, rezoning, permit etc. issues. In any case, there is no adequate record or evidence for any such disputed governmental accommodations recommended by the staff for the EIR process since those impositions against the objecting public have not been justified. As noted earlier in this Exhibit at #2, the staff cannot fix the errors, omissions, and noncompliance by the EIR/DEIR or the mine. See generally *Richmond v. Chevron;* **Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**; **Save Our Peninsula, supra, 87 Cal. App. 4th at 124.**

5. **Some Illustrative EIR/DEIR Errors, Omissions, Evasions, And Noncompliance that Are Common Throughout the EIR, the DEIR, and the Comm Staff Report.**

    a. **The County Staff Report Repeatedly Overlooks Various EIR/DEIR Disputed And Noncompliant Patterns And Practices That Commonly Occur Throughout the Disputed EIR/DEIR.**

This EIR (and therefore any support from the County Staff Report) dispute is not the usual, fact-based battle of experts over approving a new project with many current and known facts as to which the disputes are often not so much with the facts and realities themselves, but rather often about how the law reacts to those facts and realities, i.e., whether an impact is "significant" or not, whether the mitigation is adequate or feasible, and whether the EIR has complied with CEQA and its Guidelines, BUT CONSISTENT WITH APPLICABLE LAW (e.g., the law of evidence empowering objectors to rebut and impeach an EIR, including by applicant and EIR admissions and internal EIR inconsistencies.) To be fair the County Staff Report had no opportunity to consider my and others' EIR objections, but the DEIR objections correctly exposed the same errors, omissions, evasions, and noncompliance without appropriate responses in the County Staff Report. Nevertheless, in this case of reopening a mine closed and flooded since 1956 and integrating the incontrovertibly toxic Centennial site into the project (while incorrectly denying that it is a part of the CEQA project-see below), there has been insufficient investigation and current, reliable, and meritorious "good faith reasoned analysis" with "common sense" (see *Gray, Banning, Vineyard, and Costa Mesa)* to create any common foundation of facts. Even worse, the EIR/DEIR continuously misjudged (and the County Staff Report incorrectly accepted) what impacts were "significant" (if it even acknowledged them at all) and what mitigations were feasible and sufficient, incorrectly applying a self-serving interpretation standard that grossly understated the "significance"

of most impacts and grossly exaggerated (or worse) the feasibility and sufficiency of mitigations. See, e.g., Sierra Club v. County of Fresno (2018), 6 Cal.5th 502, and Guideline 15126.4(a). The County Staff Report often fails to correct such EIR/DEIR noncompliance and compounds the problems.

Indeed, because of the massive, "fact/science-based reality" information gaps in the disputed EIR/DEIR, which the Comm Staff Report also misperceives or chooses to overlook too often in ignoring the meritorious objections, we are not only disputing over what is tolerable under generally accepted facts for government "findings" to impose on the thousands of us objectors living above or around the 2585-acre underground EIR mine by a disputed certification of the EIR. Rather, these are also disputes over what the applicable laws require under these circumstances, and what are the relevant facts and circumstances in many profound ways. This now too often seems a dispute between (i) what objectors know and believe to be reality (and in many cases what their own witness testimony will be in any court process that may be required), versus (ii) the "alternative reality" created by the DEIR/DEIR and supported or tolerated in too many cases by the County Staff Report. Again, as explained in my and others' objections, facts and truth still matter. So too do the risks that remain under these circumstances (even if the EIR/DEIR or staff were correct about something in dispute), when such an EIR applicant (especially one with such credibility problems from its SEC admitted financial infeasibility, and DEIR's admission at 6-14 about the projects infeasibility if it does not get its way) pronounces things in its noncompliant EIR/DEIR without the required "good faith reasoned analysis" with "common sense" (Id.) and fails to use a proper legal standard for what is significant, relevant, admissible evidence, and adequate. Stated another way, so far, the disputed EIR/DEIR has not been held accountable by the County staff process for its many demonstrated errors, omissions, evasions, and other noncompliance with CEQA and other applicable laws, such as evidenced by the lack of "good faith reasoned analysis" with "common sense" (Id.) proven by my lengthy Objections and those of others. See my Table of Incorporated by Reference Objections attached to my companion EIR Objection 254 and incorporated herein.

It is regrettable that, while the disputed Comm Staff Report added some data missing in the EIR (e.g., about regulatory and other agency approvals and permits that will be required and related issues overlooked by the DEIR/DEIR, which to I object as the Comm Staff Report so incorrectly trying to repair the EIR/DEIR), that Report also fails to provide the "good faith reasoned analysis" and "common sense" needed, but lacking, as a foundation for any such claim by the EIR/DEIR or advanced by the Comm Staff Report. The law is clear that this "last minute" County Staff Report cannot cure anything in the noncompliant EIR/DEIR. See 1.B above authorities. See section 2 above. After a considerable review of the flaws in the EIR process and admissions and rebuttals not addressed in the EIR, the *Richmond v. Chevron* court said: **"'[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA.' (Santiago Water Dist. v. County of Orange (1981), 40 Cal.4th at 443**…["That a party's briefs to the court may explain or supplement matters that are obscure or incomplete in the EIR … is irrelevant, because the public and decision makers did not have the briefs available at the time the project was reviewed and approved."]) (emphasis added) **The court also rejected the late "battle of experts" as "too little and certainly too late, to**

satisfy CEQA's requirements. (See Save Our Peninsula, supra, 87 Cal. App. 4th at 124 [information about baseline "occurred at the very end of the environmental review process, thus avoiding public scrutiny and precluding meaningful comparison of preproject and postproject conditions required by CEQA'].)" (emphasis added)

Moreover, just as the EIR/DEIR can be defeated by its many internal inconsistencies, the County Staff Report also cannot cure that problem. See section 2 above. For example, in ***Communities for a Better Environment v. City of Richmond (2010), 184 Cal.App.4th 70, 82-90 ("Richmond v. Chevron"),*** there was a critical dispute over the issue of whether the project includes any equipment changes that would facilitate the future processing of heavier crudes [oil] at the refinery. The court stated that "there was conflicting information developed during the EIR process [**including SEC filing admissions**] that cast serious doubt on these assertions [by Chevron's EIR "in conclusory terms that the proposed Project will not result in an increased capacity to process lower quality, heavier crude, and that Chevron seeks only the ability to refine crude with higher sulfur content." The appellate court agreed with the trial court that "the EIR is inadequate as a matter of law because it does not adequately address the issue of whether there are any equipment changes that would facilitate the future processing of heavier crudes…" **The key to that was the court's discussion of conflicting or contrary admissions "in Chevron's SEC form 10K," and (as here with Rise SEC filings addressed in my Exhibit B to my EIR Objection 254) the EIR applicant told its investors a different story in the SEC filings than it told the public and County in its EIR. And such admissions then led to more from questioning at a public meeting. As the court noted from such impeachment data: "'By giving such conflicting signals to decision makers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading.' (*San Joaquin Raptor Rescue Center v. County of Merced* (2007), 149 Cal.App.3d 663, 655-656 …)" The court then stated (what also applies here): "Far from being an informative document, the EIR's conclusions call for blind faith in vague subjective characterizations. (*See Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs.* (2001) 91 Cal. App. 4th 1344, 1371… ["[t]he conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data"); *San Joaquin Raptor,* supra, 149 Cal. App. 4th at 659 ["decision makers and general public should not be forced to … ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis"].)**

As to the issue of EIR/DEIR inconsistency, one example irrefutable example addressed in more detail in the above/attached Objection and my companion EIR Objection 254 (e.g., I.E.7 and I.F.1) concerns the fact that the disputed EIR/DEIR's objectionable toxic (e.g., asbestos) fugitive dust mitigation proposal is by frequent daily watering 24/7/365, but, anticipating that NID will ration water during the frequent and progressively worsening droughts, the EIR assures everyone that it will bear its pro rata share of the rationing cut backs. However, the NSAQMD air pollution regulator insists that there can be no reduction in that watering to save us locals from that asbestos etc. fugitive dust menace, as it explains in its Agency Letter 12 (at 12). As my Objections note, this highly "significant" "pick your poison" impact choice is not subject to any "good faith reasoned analysis" with "common sense." Do we watch and suffer with even more unfair water rationing (contrary to the EIR's infeasible or worse "assurances") while our water is massively so wasted by the EIR mining, or do we breathe toxic mine air, because they

created a hazard wherein they cannot suppress their toxic dust as required by NSAQMD and applicable law? See *Varjabedian,* discussing legal remedies of homeowner downwind from the new sewer plant, and my DEIR Objection 254 #3.N, 4, and 14 and followed up in my EIR Objection 254 I.E and F.

That is just one of many such EIR/DEIR evaded "significant" impacts without required mitigation that the EIR/DEIR (and County Staff Report) fail to address at all, much less in a complaint manner. See my main attached Objection, my DEIR Objection 255, and my EIR Objection 254 #I.C and D. See also discussions of other inconsistencies with the County's General Plan and other applicable laws, such explained in key "responsible agency" and other governmental units and agencies in their Table of Incorporated by Reference Objections, such as from the California Dept. of Parks And Recreation (Agency 1), Grass Valley (Agency 8), NID (Agency 10), and NSAQMD (Agency 12 and 11), among many others cited throughout my four Objections. See, e.g., *We Advocate Through Environmental Review v. City of Mount Shasta* (2022), 76 Cal. App.5th 629. Also see the next subsection discussing the "inconsistencies" that should doom the incorrect and worse EIR/DEIR economic analysis.

b. The Disputed EIR/DEIR (And When It Supports Or Tolerates Such EIR/DEIR Errors, Omissions, Evasions, And Other Noncompliance, the County Economic Report, Or Now the County Staff Report) Incorrectly Provide Inadequate Economic Justifications Throughout Such Documents.

I have rebutted the County Economic Report above and in my DEIR Objection 255, as well as in my Exhibit A to my EIR Objection 254 (and where that Exhibit is used in that Objection), as well as where I demonstrate the no net benefit from the mine in my DEIR Objection 254 #4 and my rebuttals to the EIR's Master Responses and Responses on that topic. By contrast, remember that DEIR at 6-14 admitted that the whole project was not economically feasible unless it could operate as it proposed 24/7/365 for 80 years, a damning (and, as an admission, incontrovertible) fact the County Staff Report and County Economic Report both ignore. Those objections by me (or incorporated by me from my Table of Incorporated by Reference Objections used in my EIR Objection 254) prove the errors, omissions, evasions, and noncompliance on that topic in the EIR/DEIR and such other County documents that incorrectly accept that false, misleading or noncompliant data. One of the many reasons is that the Rise admissions in its SEC filings (which neither the EIR/DEIR nor the County staff can avoid as determinative evidence) prove that the estimates of gold revenue from the EIR mine are without any reliable basis in fact (e.g., not proven gold reserves) and are subject to material doubts admitted in those SEC filings. See, e.g., my Exhibit B to my companion EIR Objection 254 and my DEIR Objection 254 #2, which *Richmond v. Chevron* (discussed above) confirms and not only admissible evidence on the EIR approval issues, but also as powerful evidence both on the merits, but also (as explained above) as disqualifying the EIR/DEIR for inconsistencies.

c. **The Disputed Project And Environmental Description And Setting Analysis Contain Many Errors, Omissions, Evasions And Other Noncompliance With CEQA, Applicable Law, And Essential Truths**.

By following the disputed EIR/DEIR erroneous and worse project descriptions, the Comm Staff Report fails to comply with the correctly interpreted rules and Guidelines for describing the project and environmental setting, such as are specified in the court precedents and authorities my section I.C.1.c and I.E above, in my prior DEIR Objection 255 defended from the disputed EIR "Responses" below, and in my companion EIR Objections 254, such as, for example, #I.C.2(f), I.E.1, and I.F. For example, the environmental setting must also consider *"long term"* impacts (here from 24/7/365 mining as proposed for 80 years) as described in the "*2018 Guideline Amendments Explanations"* for Guideline #15125 and cited authorities in #I.C.1.c in my companion EIR Objection 254. In contrast, the baseline for judging any impact must be "current" (absent proof of special circumstances that does not exist in the disputed EIR/DEIR or the County Staff Report). For example, the disputed DEIR/EIR purported to address the groundwater recharge issue from 24/7/365 dewatering for 80 years based on the "current" dry years at that DEIR time (after the noncompliant attempt by the DEIR/EIR incorrectly to predict the next 80 years of rainfall from the average between 1967 and 2017 and then incorrectly to assume that groundwater recharge here is sufficiently correlated with such rainfall or surface water, which is never proven by the EIR/DEIR or County Staff Report, which among other things disregards climate change which CEQA and applicable law do not permit the EIR/DEIR to so ignore as "speculative." Id. Part of the chronic EIR/DEIR deficiency is the failure to provide (i) the same kind and detail of information they stated about the wholly owned mine property, about (ii) the thousands of surface homes, wells, and properties above and around the 2585-acre underground mine, which is where some of the worst environmental impacts occur, especially relating to our many groundwater and air pollution objections. See my attached Objection and my companion EIR and DEIR Objections 254, which, like others in my Table of Incorporated by Reference Objections in EIR Objection 254 include unrebutted evidence from witnesses about their own and other local properties (like me) who dispute the EIR/DEIR claims from their personal knowledge in our objections. There is no proper basis for the County Staff Report to ignore that evidence against the false equivalence and other disputed tactics of the noncompliant EIR/DEIR, such as falsely assuming that the situation at Brunswick and Centennial applies to us uphill locals living above or around that 2585-acre underground mine.

For example, as demonstrated in my four Objections (and others) even this County Staff Report's basic Brunswick and Centennial project descriptions are noncompliant and incorrect, among other things, because they follow the disputed EIR/DEIR. Therefore, if the EIR/DEIR's ambiguous project description even includes such areas at all (e.g., we cannot ever tell when the project references are intended to include the 2585-acre underground mine beneath us), it is worse than incorrect. The EIR/DEIR and Report evade the need to document our surface areas above and around the 2585-acre underground mine as normal suburban, not rural, area that is not the same as the described "project." Like the EIR/DEIR "project" description, the County Staff Report is almost entirely focused on the Brunswick (and to a lesser extent, Centennial) property. (e.g., Drive around the Banner Mountain neighborhoods where thousands of us live within

impact zones of the EIR mining and see what we are talking about). Banner Mountain, for example, is not as the Comm Staff Report incorrectly claims (at 12) to be "low- density rural residential developments." Indeed, such EIR/DEIR false equivalence claims (too often adopted by the County Staff Report) cannot possibly prevail in any court legal battle over such false assumptions and deficient analyses about the applicable CEQA impact areas above and around the 2585-acre underground mine. See above Objection section I.C.1c. and I.E, and my companion EIR Objection 254 #I.C.2(f).

Those errors, omissions, and evasions affect many other aspects of other environmental disputes and other rebuttals with the EIR/DEIR, such as the number of existing and future wells in dispute that must be mitigated as required by the similar mining case discussed above of ***Gray v. Madera County.*** Indeed, even the County Economic Report, which also undercounts the wells, admits more wells at risk than the EIR/DEIR and Report. See, e.g., my EIR Objection 254 Exhibit A and the incorporated NID Agency Letter 10. That is just one example of many that arise because the Comm Staff Report seems to have fallen for **the noncompliant EIR/DEIR "bait and switch" tactic** that I frequently dispute in the above objection and my other three Objections. See, e.g., my companion EIR Objection 254 #'s I.A.1.d.(viii) illustrated in I.E.,1-4 and I.F, as well as my DEIR Objection 254 #.#.E. That disputed tactic for this issue is to discuss the impacts by referring generally to the "project," but focusing only or primarily on the parts of the project wholly owned by Rise (by which I correctly include Centennial, which the EIR/DEIR and County Staff Report incorrectly claim is separate from the "project"), but evading the different and significant impacts on the part of the "project" on the surface areas above and around the 2595-acre underground mine owned by thousands of homeowners and others potential victims. The bait and switch involve much discussion and most purported "mitigations" about the wholly owned mine areas as the "project," when many of the worst "significant" impacts needing (but not getting "mitigation") are on us local owners or users on the surface above or around that 2585-acre underground mine. What may be true downhill at Brunswick or Centennial (although it is also disputed) cannot be correctly assumed to apply the same way to us surface owners above and around the 2585-acre underground mine, and nothing in the disputed EIR/DEIR proves that contrary case for alleged equivalence with "good faith reasoned analysis" with "common sense" and substantial evidence.

6. Some Other Illustrations of Errors, Omissions, Evasions, And Other Noncompliance by the Disputed County Staff Report Where It Mistakenly Supports the Disputed EIR/DEIR Regarding Impacts And Mitigations Proposed Or Needed And Not Provided In A Complete, Adequate, Or Compliant Manner.

a. Well Depletion And Water Supply Quality Issues Are Among The Worst Failings By The Disputed EIR/DEIR, And Yet The County Staff Report Fails To Notice Or Apply Our Meritorious Objections.

My four Objections and those many I incorporate all expose many different well and water supply and quality issues. See Table of Incorporated by Reference Objections attached to my EIR Objection 254. Since those topics are so often proven in such objections, I will not repeat them here. Besides the foregoing Objection, see also my EIR Objection 254 #'s I.A.1.d, I.C.2. I.D, I.E.1-5, and I.F.2-9, as well as its rebuttals to EIR Master Responses, such as #'s 1, 7,

13, 14, 15, 16, 17, 29, 32, 33, and 34-38, and my rebuttals in my EIR Objection 254 to EIR Responses to my DEIR Objection 254 #'s 3.D, E, F, M, N, 5, 6, 8, and 11. In addition to those meritorious objections, my Objections brief applicable court cases that will overrule not just major parts of the EIR/DEIR but also the County Staff Report. The mining precedent I discuss of *Gray v. Madera County* (Id.) defeats both the EIR/DEIR and that County Staff Report on numerous common grounds, especially by rejecting the kind of well mitigation proposed by them even for the existing wells they acknowledge. Moreover, the EIR/DEIR and Report must fail when I expose to a court those incorrect/deficient EIR/DEIR and Report limits to such undercounted existing wells, and when I prove the noncompliance as to the uncounted existing wells in unmonitored places and future wells (what the EIR/DEIR calls too "speculative" to require comment, ignoring my facts, property rights law, and witnesses. See, e.g., the CEA Foundation Group Letters 6-9 and 21, the Wells Coalition Group Letter 28/27, the San Juan Ride Taxpayers Association Group Letter and South Yuba River Citizens League Group Letter 25, the Sierra Fund Group Letter 26, the Bear Yuba Land Trust Group Letter 2, and the Wolf Creek Community Alliance Group Letters 29-32, as well as the applicable Agency Letters I have cited from my Table of Incorporations by Reference Objections, such as the California Dept of Parks And Recreation Agency Letter 1.

Again, as described in foregoing Objection and my companion EIR Objection 254 at I.F.8 and 9, this water dispute is not just about CEQA compliance, but about the violation of the property rights of us surface owners above and around the 2585-acre underground mine. See, e.g., *Keystone* (explaining how depletion of groundwater is "subsidence" and violations of our surface rights to lateral and subjacent support); *Varjabedian* (the disproportionate impact on us locals create liability for loss of property value and other damages for inverse condemnation, nuisance, and other claims); and other cited authorities. That EIR/DEIR plan to take the top 10% of our surface owner well water before considering the deficient and disputed mitigation rejected by *Gray* and other law, is wrongful and a "taking" of our property (i.e., our owned groundwater without compensation, leading us to ask the County if it is planning to compensate us for our dewatered groundwater. Id. [Note such deficient and noncompliant mitigation would only be applicable to CEQA, but, even if adequate for CEQA, such mitigation cannot excuse such violations of our surface owner property rights.] One of our property rights is to drill future wells for the groundwater we own, thereby invalidating, among other things, the EIR/DEIR water plan and purported analysis (which already fails the requirements for "good faith reasoned analysis" with "common sense" described in *Gray, Banning, Vineyard, and Costa Mesa*.) As proven above the EIR/DEIR water model is not only wrong but worse (e.g., ignoring climate change and assuming that NID surface water supply analysis applies to this groundwater being dewatered 24/7/365 for 80 years). Consider, for example, that the purported "current" baseline average rainfall between 1967 and 2017 is not NOT CURRENT (e.g., it ignores the dry current years after 2017) and is disputed on various other grounds stated in my and others' incorporated objections.

As to the EIR/DEIR water toxins and massively deficient and misplaced monitoring well systems, I add my hexavalent chromium to the long hazard list that apply as described in my Objections both as to water and air pollution. That issue gets more complicated because the EIR/DEIR plans to frequently water the fugitive surface dust every day 24/7/365, creating both water and air hazards. See NSAQMD Agency Letters 12 and 11, noting in 12 at page 12 that this watering must happen daily to suppress the asbestos and other air pollutants even when NID is rationing our community water supply, which makes a lie of the DEIR/EIR claim that it will

share the rationing burdens with us competing locals, and which proves why it is not speculative that us locals will be relying on new wells for our groundwater in such rationing situations. As others (e.g., the CEA have demonstrated as to mine waste errors, omissions, evasions, and noncompliance, consistent with my such Objections, the Water Board shares concerns about the lack of substantiation for the EIR/DEIR jumping to the Group C classification of the mining waste relying on insufficient drill core and other testing. Besides my cited objections above add my objections in my EIR Objection 254 to EIR Master Responses 8, 9, 11, and 12 (and my objections to EIR Responses above and in the EIR to my DEIR Objection 254 #'s as to mine waste and "engineered fill" (which as explained in my EIR Objection 254 I.A.1.a.(ii)) is just a market rebranding of mine waste of which objections should make everyone suspicious of that Group C assumption. In any case, as my objections explain the idea of the EIR miner selling the suspected toxic mine waste (even when rebranded as "engineered fill") as its disputed solution to disposing of such EIR mine waste is far more "speculative" than any of my objections the EIR dismissed on the bogus excuse. Unlike the gold buyers, those purchasing such mine waste in that market are going to be suspicious more concerned about their risk of liability for such toxins to assume such risks.

b. Air Quality Issues Are Also Among The Major Failings By The Disputed EIR/DEIR, And Yet The County Staff Report Fails To Notice Or Apply Our Meritorious Objections.

My four Objections and those many I incorporate all expose many different air quality issues. See Table of Incorporated by Reference Objections attached to my EIR Objection 254, as well as those discussed in the foregoing Objection (e.g., #'s . Since those topics are so often proven in such objections, I will not repeat them here. Besides the foregoing Objection (e.g., I.C.2), see also my EIR Objection 254 #'s I.A.1.d, I.D, I.E.1 and 7, and I.F, as wells as my objections therein to EIR Master Responses 1, 17, 18, 19, 20, 21, 22, and 29, and my objections therein to EIR's Responses Ind. 254-1 and others addressing my DEIR Objections 254 #'s 3.J and 10. No responsible person who reads the NSAQMD Agency Letters 12 (especially at page 12) and 11 could possibly want to live within the local air impact zone, since where such toxins will blow whenever the EIR miner for any reason stops frequently watering 24/7/365 for 80 years. As noted in my objections above and to EIR Master Response #22, the asbestos menace should be sufficient by itself to defeat the EIR. I am shocked the County Staff Report is not more concerned about such air quality issues, especially when I also pointed out in my objections above and in my companion EIR Objection 254 how the EIR has improperly obscured and evaded the hexavalent chromium menace, which it admits in a noncompliant and obscure way and place by rebranding it as "cemented paste backfill" in its unheralded Appendix R buried at the end of the EIR. See my dispute of that Appendix R and my rebuttal to the wrong and worse EIR Response Ind. 254-1.

c. The EIR/DEIR And County Staff Report (at 63+) Fail Properly To Evaluate, Analyze And Mitigate The Many Impacts of Hazardous Materials (e.g., Not Just Asbestos Etc., But Also The Obscured HEXAVALENT CHROMIUM).

I refer readers to my comments and authorities about unique HEXAVALENT CHROMIUM referenced above at the end of section I.3.a of this Exhibit discussing some of the most serious errors, omissions, and noncompliance. See my Exhibit C to my companion EIR Objection 254 and accompanying text referencing that Exhibit C. The County Staff Report never addressed my CR6+ specific concerns, despite my repeated objections, including at the public hearing and the fact that the EIR tried to add a purported clarification in an obscure place (its disputed, deficient, and noncompliant Response Ind. 254-1 to my DEIR Objection 254) and in the EIR's attached Appendices Q, O, and R even more obscurely at the end of the EIR as unintegrated and unreferenced additions, apparently to attempt to avoid the CEQA requirement described in my Objections that require EIR revisions and recirculation for this "significant new information" (which is still noncompliant, deficient, and wrong.) I addressed that menace at length in my DEIR Objection 254 (e.g., #'s 3.A, B, C, E, G, H, and 7 as to its water impacts and 3.J and 10 as to air pollution impacts, and I rebutted in my companion EIR Objection 254 (e.g., Exhibit C and #'s I.A.1.d and I.F.1) the EIR's obscure Response Ind. 254-1 to my such DEIR objections. Notice that, just as the DEIR wrongly expunged any reference to hexavalent chromium in its section 4.7 on "Hazards And Hazardous Materials," instead just giving it a passing reference in the later discussion of mine shoring techniques (and the EIR does the same and worse), the County Staff Report never mentions that admitted (although obscurely) hexavalent chromium menace in its Hazards And Hazardous Materials discussion (at 63-64). Instead, the County Staff Report (at 64+) imitates the wrongful dodge of the EIR by calling the issue "Cement Paste Backfill" instead of even identifying the hexavalent chromium that killed the town of Hinkley, CA, and many of its citizens as mourned in the movie, *Erin Brockovich,* which is a worthy case study because after all these years that toxic groundwater in Hinkley is still not remediated. See www.hinkleygroundwater.com and my Exhibit C. To be clear, the only toxic problem in the EIR Cement Paste Backfill is hexavalent chromium, so using that misleading "rebranding" label is even worse than calling the suspect or worse mine waste "engineered fill."

As to asbestos and the other toxins that the disputed and noncompliant EIR/DEIR addressed deficiently in their DEIR # 4.7 Hazards And Hazardous Materials and EIR counterpart (and the equally deficient County Staff Report imitated), I refer the readers to my foregoing Objection and to my companion EIR Objection 254 as to its objections to EIR Master Responses 1, 4, 8, 9, 10,11, 12, 13, 15, 17, 18, 19, 20, 21, 22 (asbestos), 35 and 36, as well as my objections to the specific EIR Responses to both my EIR Objections 254 and 255. As discussed in my four Objections from various perspectives, the disputed EIR's mining and related activities also may violate the property rights of us thousands living on the surface above and around the 2585-acre underground mine, creating potential claims discussed in *Varjabedian* (with the *Keystone* mining context as to subsidence that includes depletion of groundwater and lateral and subjacent support rights).

d. Centennial Is A Legal Part of This Disputed EIR/DEIR Project For CEQA Purposes, Regardless of the Incorrect Attempts by the EIR/DEIR and the County Staff Report To Keep Centennial Separate So As To Evade CEQA Analysis.

I refuted in my initial DEIR Objection 254 #'s I.B and 3.A (at 30-33) the DEIR's claim that Centennial was somehow separate from the CEQA "project" at issue. I did further rebuttals to that disputed DEIR separation of Centennial claim in my DEIR Objection 255 at #7. The EIR attempted to oppose my analysis there in its EIR Responses Ind 254-3, -6, and -8, and I disputed those EIR Responses in the corresponding objections in my companion EIR Objection 254, as well as in my #I.B and my objections therein to the EIR's Master Responses 4 and 9. I also disputed above in this Objection the EIR's counters in its Responses Ind. 255-38 to 46 to my such DEIR Objection 255 #7 insisting that Centennial was part of the CEQA project. The County Staff Report just imitates the disputed EIR/DEIR without adding anything that changes such disputes. The courts will resolve that Centennial as part of the CEQA project question de novo as a matter of law without regard to such EIR/DEIR and County Staff Report mistakes. When the courts agree with me and others, the EIR will cease to be approved or certified by that fact alone, since the Centennial impact and mitigation discussion was intended to evade the CEQA requirements and is not compliant as part of this project.

I mention this here because the disputed DEIR admits (at 6-42), without change in the EIR, that Alternative 2 (eliminating Centennial and expansion of the Brunswick fill pile, for which expansion the EIR/DEIR impact and mitigation analyses are woefully deficient, speculative, and noncompliant) is superior and thereby defeats this EIR. **HOWEVER, NOTE THAT THE EIR MISTAKENLY, OR WORSE, INSISTED THAT ALL ALTERNATIVES MUST ASSUME THE REMEDIATION OF THE CENTENNIAL SITE, WHICH IS A PER SE ADMISSION THAT THE EIR WOULD HAVE TO CONSIDER THE CENTENNIAL CLEANUP PART OF THE MAIN PROJECT. THAT WOULD BY ITSELF REQUIRE MASSIVE REVISIONS AND RECIRCULATION OF THE EIR/DEIR. IN ANY EVENT, THE DISPUTED EIR/DEIR CANNOT HAVE THIS BOTH WAYS, I.E., MAKING CENTENNIAL ESSENTIAL FOR SOME PURPOSES AND THEN CLAIMING IT'S NOT FOR OTHER PURPOSES. WHY WOULD ANY NON-MINING ALTERNATIVE EVER BE REQUIRED TO REMEDIATE CENTENNIAL WHEN THE GOVERNMENT TELLS THEM IS NOT PART OF THE PROJECT? THIS IS ANOTHER EXAMPLE OF THE IMPROPER EIR TACTIC I CALL THE "BAIT AND SWITCH." ACCORDING TO THE DISPUTED EIR/DEIR THE "PROJECT" ONLY REQUIRES CENTENNIAL WHEN IT IS IMPROPERLY TRYING TO ELIMINATE COMPETING ALTERNATIVES.**

7. Concluding Comments.

While I could go on with many more examples in my using the disputed, noncompliant, and worse EIR/DEIR to tee up my rebuttal of every place the County Staff Report supports or agrees with the EIR/DEIR, that should not be necessary in view of the comprehensiveness of my four Objections. The foregoing examples in this Exhibit should be a sufficient basis for the County decisionmakers to reject the mine and the EIR (without certification) notwithstanding anything in the County Staff Report in support of agreement with the disputed EIR/DEIR.

G. Larry Engel May 5, 2023

From: Jane Pomerantz Markham
To: Idaho MMEIR
Subject: Opposing the mine
Date: Saturday, May 6, 2023 1:49:20 PM

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Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have more questions search for Cybersecurity Awareness on the County InfoNet.

I am writing to add my name to the thousands of Nevada Countians who oppose this project.

There are a plethora of valid reasons which I support wholeheartedly.

Also the integrity of the company is totally questionable. After leaving a mess, they want to move on to harm our wonderful quality of life here.

Thank you for caring about our feelings

Jane Markham
PO Box 788
Grass Valley CA 95945
530-913-9403

From: Rachelle Smith
To: bdofsupervisors; Idaho MMEIR
Subject: Please do not approve the Idaho Maryland Mine in Grass Valley
Date: Monday, May 8, 2023 8:32:58 AM
Attachments: Nevada County Supervisors and Planning Department.docx

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Nevada County Supervisors and Planning Department

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

bdofsupervisors@nevadacountyca.gov

Idaho.MMEIR@nevadacountyca.gov

Please do not approve the Idaho Maryland Mine in Grass Valley

My family (husband, son and grandson) live on 36 acres in District 4 in Grass Valley. We raised our three children in Lake of the Pines and then moved to be closer to Grass Valley and live in a rural setting. We are native Californians and wish to keep our state healthy and viable for generations to come. Please do not approve this mine in Grass Valley. Our concern is for the community as a whole, the lifestyle and environment we live in is unique and should be protected. This mine will not enhance our community and is a risky business which will have a negative impact on the quality of life and property values of the residents and community. I am concerned about the groundwater depletion and the environmental consequences. In addition, I do not believe any mine or company should be operating in this location. Please do not approve this mine. Protect our community and lifestyle. Thank you for the opportunity to voice my concerns.

Rachelle J. Smith
13602 Auburn Road
Grass Valley, CA 95949
530 320-6347
rsmithcel@gmail.com

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Rachelle Smith

Nevada County Supervisors and Planning Department

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Idaho.MMEIR@nevadacountyca.gov

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Rachelle J. Smith
13602 Auburn Road
Grass Valley, CA 95949
530 320-6347
rsmithcel@gmail.com

From:	Angie Pereira
To:	Idaho MMEIR
Cc:	Julie Patterson-Hunter
Subject:	Please do NOT certify the FEIR for the Idaho Maryland Mine
Date:	Friday, May 5, 2023 6:56:02 PM

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Dear Nevada County Supervisors and Planning Commissioners,

As a long time resident of Nevada County I have seen many changes, including both welcome and unwelcome development. I understood that there was some greater good in many of these projects, even in the ones I was not happy to see.

Frankly, I can not see any good coming from the proposed Idaho Maryland Mine project. The EIR does not address all impacts created by the clean up of the site, the development of the mine, and the multitude of short and long-term outcomes of this project going forward. Noise and traffic concerns are huge, but even more troubling are the environmental impacts including, of course, water resources. There is no effective mitigation for these issues.

The risk to our community, our environment, and our quality of life are too great.

I urge you not to certify the FEIR and to deny the request to develop the Idaho Maryland Mine for all of the common sense reasons that concerned citizens, business owners, local agencies, and experts have brought to your attention over and over again. It is time to bring this chapter to a close.

Thank you,
Angie Pereira

From: Scott Zellerbach
To: Idaho MMEIR
Cc: Scott Zellerbach
Subject: Proposed Idaho Maryland Mine
Date: Sunday, May 7, 2023 8:57:42 AM
Importance: High

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Dear Nevada County Planning Commission,

This community has a rich history of gold mining and we should celebrate that history. This community should by all means pursue responsible business growth that benefits the community and its future. The proposed gold mine, which would operate in the middle of populated areas of our community, and which if allowed to proceed would reduce the property values, safety, and quality of life for many in this community, is not a responsible business development pursuit for this community or its future.

I live in an area that would be close to proposed surface mine operations. I ask in the interests of not just myself, but for hundreds if not thousands of others in our community who would be similarly negatively affected, who would compensate us for the deleterious effects of this mine on our lives? Who would compensate us for reduced property values and quality of life that would result from noise, vibration, water table issues, worsened air quality from rock crushing and truck traffic activities and associated health consequences, increased traffic, and more? Who has the right to take these items of value from all of us, that are why we have chosen to live in and contribute to this community, in favor of benefiting a far fewer others?

My family has deep roots in this community. The Zellerbachs started in Moore's Flat near Nevada City in the 1850s. One married the daughter of Aaron Baruh, who also was an early Nevada City resident and whose home in Nevada City still stands and bears a historical marker. My family moved to San Francisco and started a paper company that grew quite large. I bring this up because I am speaking not only as a current resident with family roots in this community that go back to the original mining days, but also as someone who understands why businesses that rely on the exploitation of local natural resources should **not** have a place doing so **in the very middle of our community.**

We should pursue and foster business development and opportunities for our community. But these efforts should be looking towards a better future by pursuing opportinities that enhance property values and quality of life for all the residents of our community, rather than reaching backwards to a past industry that will reduce property values and quality of life for many so a few can benefit. We should honor but not repeat the past, and say no to a new mine in the

midst of our vibrant community.

Sincerely,

Scott Zellerbach

SCOTT ZELLERBACH, DIRECTOR OF CONSTRUCTION

COLIN CONSTRUCTION COMPANY

210 LINCOLN WAY, AUBURN, CA 95603 **O: 530.272.3357ext. 2007 M: 916.296.9792**
F: 530.272.4581 W: COLINCC.COM

From: Ellen Ellen
To: bdofsupervisors
Cc: Idaho MMEIR
Subject: Public Comment - Idaho Maryland Mine
Date: Saturday, May 6, 2023 2:35:26 PM

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I have had the good fortune to visit every state in the continental U.S. Nowhere did I find a more beautiful place than the western Nevada County. The beauty of the land was one of many reasons why I chose to live here. If the Idaho Maryland Mine was to reopen, this treasure would be tragically destroyed.

The Idaho Maryland Mine last operated over 70 years ago, when Grass Valley was a tiny village with a small population. In the ensuing years, a large city has grown up around the old mine site. If approved, this project will disrupt the lives of tens of thousands of residents and business owners who now call this area home.

An operating mine would have so many negative impacts - where do I begin?

Up to 17% loss of property value (permanent).

An unprecedented project (no project of this size has been evaluated).

Lost 5-10% of tourism, loss of 20-40million/year, and lose 200-400 jobs.

The 56-acre Centennial site is the location of hazardous waste left over from past Idaho-Maryland Mine operations. The state's plan to clean this up is in draft form and has not been initiated.

Rookie operator with a shaky track record. In a couple of years, they were bankrupt and facing fines in Canada. The CEO of Rise Gold Corp is currently on trial in a Canadian court on accusations of discharging waste, effluent and other substances into the environment.

Air quality, hazardous waste, - Nevada County already gets an F rating when it comes to air quality and has 2 times the average in lung disease. Reopening the mine will make it worse. Even using today's best technology, fugitive dust from continuous rock crushing, hauling, and compacting risks release of asbestos and silica particles. The huge increase in diesel truck trips amplifies the problem.

Climate change impacts - Mining operations would generate a staggering amount of new greenhouse gas (GHG) emissions. Rise Gold would generate over 9000 metric tons annually from the Grass Valley site, plus another 4000 if you include the cement manufacturing that would be done elsewhere.

Water quality - With the amount of water Rise Gold would be sucking out of the local aquifers, nearby wells will go dry, decimating property values. Rise Gold plans to pump out 3.6 million gallons every day for 6 months and another 1.2 for up to 80 years. Mine dewatering risks depletion of our region's groundwater. It puts the health of wells and creeks at risk.

Quality of Life - Nearby residents will share the roads with large, loud, dusty trucks carrying mine waste, feel the effects of underground blasting, and hear the sounds of rock processing, loading, spreading, and compacting 24 hours a day. Over 75 acres of woodlands will also be replaced with industrial buildings and engineered fill.

Should any Elected Official support reopening the Mine prior to this, efforts to remove them from Office shall be a primary concern.

I urge you to deny this project.

Ellen Howe, Homeowner/local resident for 23 years

Virus-free.www.avg.com

From: Lila Rose Frisher
To: Idaho MMEIR
Subject: Public Comment: Idaho Maryland Mine – Rise Grass Valley Project Public Hearing on 5/10
Date: Sunday, May 7, 2023 9:34:46 PM

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Dear Members of the Planning Commission,

I am a concerned resident, property owner, landlord, and small business owner in Grass Valley.

My husband and I bought our first home in Grass Valley in 2020, and we run a small lavender farm business there.

We chose to come to this region because of the unique combination of stunning and well-stewarded nature and kind, competent community members.

I am writing in strong opposition to the proposed Idaho Maryland Mine project.

Drawing on my educational background in Environmental Science and Sustainable Environmental Design (UC Berkeley), I am deeply concerned about the potential environmental impacts of this project. We already have severe water (drought and water quality) and air quality (especially during burn season) issues in this community.

Furthermore, though I recognize the need for good jobs in our region, I believe there are many other paths that would provide jobs without this level of risk. Given the Canadian ownership of the company and the fact that skilled workers would need to be brought in from elsewhere, I'm very skeptical that the gains in terms of job opportunities and economic development would outweigh the negative impacts of the project.

As a property owner and landlord, I am concerned that the proximity of the proposed project to our home will impact the value of our home, our rental income, and potentially the stability of our well.

Thank you for your consideration.

Sincerely,
Lila Frisher

12374 Larkspur Ln, Grass Valley, CA 95949

From: Patricia Sharp
To: Peggy Burks; bdofsupervisors; Idaho MMEIR
Subject: Re: Better Off or Worse Off with the Mine?
Date: Saturday, May 6, 2023 1:14:42 PM

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Very effective reasoning and writing!!! Hopefully the supervisors and planning department still read their mail and the Union run it if you send it. Saw Mac's letter in the Union today, bravo to you both! The stakes are high for Grass Valley.

From: Peggy Burks <peggyburks@gmail.com>
Sent: Saturday, May 6, 2023 12:31 PM
To: bdofsupervisors@nevadacountyca.gov <bdofsupervisors@nevadacountyca.gov>; Idaho.MMEIR@nevadacountyca.gov <Idaho.MMEIR@nevadacountyca.gov>
Subject: Better Off or Worse Off with the Mine?

As decision-makers I am asking you to pull back a moment from the mountain of information and disinformation you've received on the proposed re-opening of the Idaho-Maryland mine. I am hopeful you have waded through the weeds and understand the specific planning and environmental issues involved. I am asking you to pause and visualize the mine in full operation: what does that look like? Will you be proud of your decision?

There's no debate about certain facts: there will be negative consequences in water quality and quantity, changes in air quality, in traffic, roadway wear and tear, noise levels and amount of toxic waste. These will go on 24/7 for 80 years.

Mitigation is a trade-off: we'll do 'this' good thing to offset 'that' - a bad thing. The bad thing doesn't go away. Mitigation is a pipe-dream on paper: rarely 100% effective or even doable, too expensive, not guaranteed, rarely inspected, rarely enforced. On top of that, Rise Gold has a spectacularly poor record in the mining industry - one of the most dangerous industries in the world. Why would you trust them? The one thing you can count on with 100% certainty is sooner or later there will be human error. We can only hope no lives will be lost, Grass Valley won't suffer horrendous damage.

Do you really believe the mine will benefit our community? That the meager benefits (dangerous jobs working hundreds of feet underground, more gold mostly stashed away unused in vaults, maybe more money for some stockholders somewhere) outweigh the known risks? It's not just any one impact, mitigated or unmitigated, it's the number of impacts and the accumulated risk factor. This is not an unknown risk, it is a known, documented risk

throughout the history of mining. We're promised new technology will protect us, yet we still have mining accidents, oil spills, tanker leaks, toxic drinking water. The environmental risk is unacceptable. The economic risk of signing on for 80 years with a financially weak and unethical company is unacceptable. Please Vote NO on the FEIR, Vote NO on the Mine. Be a hero for protecting our community, be honored and remembered for doing the right thing.

Margaret Burks
10999 Will O Wisp Ct.
Nevada City, CA 95959
530 277-0181

From: Joan Griffin
To: Peggy Burks
Cc: bdofsupervisors; Idaho MMEIR
Subject: Re: Better Off or Worse Off with the Mine?
Date: Saturday, May 6, 2023 3:12:20 PM

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Wonderful letter!

On Sat, May 6, 2023, 12:31 PM Peggy Burks <peggyburks@gmail.com> wrote:

> As decision-makers I am asking you to pull back a moment from the mountain of information and disinformation you've received on the proposed re-opening of the Idaho-Maryland mine. I am hopeful you have waded through the weeds and understand the specific planning and environmental issues involved. I am asking you to pause and visualize the mine in full operation: what does that look like? Will you be proud of your decision?
>
> There's no debate about certain facts: there will be negative consequences in water quality and quantity, changes in air quality, in traffic, roadway wear and tear, noise levels and amount of toxic waste. These will go on 24/7 for 80 years.
>
> Mitigation is a trade-off: we'll do 'this' good thing to offset 'that' - a bad thing. The bad thing doesn't go away. Mitigation is a pipe-dream on paper: rarely 100% effective or even doable, too expensive, not guaranteed, rarely inspected, rarely enforced. On top of that, Rise Gold has a spectacularly poor record in the mining industry - one of the most dangerous industries in the world. Why would you trust them? The one thing you can count on with 100% certainty is sooner or later there will be human error. We can only hope no lives will be lost, Grass Valley won't suffer horrendous damage.
>
> Do you really believe the mine will benefit our community? That the meager benefits (dangerous jobs working hundreds of feet underground, more gold mostly stashed away unused in vaults, maybe more money for some stockholders somewhere) outweigh the known risks? It's not just any one impact, mitigated or unmitigated, it's the number of impacts and the accumulated risk factor. This is not an unknown risk, it is a known, documented risk throughout the history of mining. We're promised new technology will protect us, yet we still have mining accidents, oil spills, tanker leaks, toxic drinking water. The environmental risk is unacceptable. The economic risk of signing on for 80 years with a financially weak and unethical company is unacceptable. Please Vote NO on the FEIR, Vote NO on the Mine. Be a hero for protecting our community, be honored and remembered for doing the right thing.
>
> **Margaret Burks**
> 10999 Will O Wisp Ct.
> Nevada City, CA 95959

530 277-0181

From: Bennett
To: Idaho MMEIR
Subject: RE: Idaho - Maryland Mine
Date: Sunday, May 7, 2023 5:32:32 PM

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To whom it May Concern,
I own the property located at 13376 Noel Lane, Grass Valley, CA.
I'm opposed to any mine operation on this location.
I purchased this property for my future retirement and plan on moving to Grass Valley in the near future. Our house is less than one half mine from this location.
Having a mine is not in this City's best interest when it comes to air quality, environment or lifestyle. Has the city not learned from Prior mining operations and the effects from the Empire mine around this area. No matter what some out of town owner with large pockets will tell you, if this goes through and goes belly up the town of Grass Valley will be responsible for years of future cleanup.
Do we not have enough mines across this country waiting to be clean-up up from prior years and in fact more recently? Too many to even count.
I do hope you consider your actions today in this matter and that of the future by not allowing this type of mining operation to move forward.
Oppose this for the betterment of Nevada County and make a stand for the residents that actually own property within your community.
Thank you
Mary and Stan Bennett
13376 Noel Lane
Grass Valley, CA 95945
--

Mary Bennett

PO Box 3757| Olympic Valley, CA 96146
T: 530-583-9363
E-mail: bennett1280@gmail.com

From: Patsy Rieger
To: Idaho MMEIR
Subject: Request to deny project
Date: Saturday, May 6, 2023 11:09:21 AM
Attachments: Ltr to NevCo Sups re IMM EIR.pdf

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Please see attached letter from us as District 1 residents, requesting that the Nevada County Supervisors and Planning Department deny the IMM project and NOT certify the EIR.

Thank you for your consideration and support of our community.

Larry & Patsy Rieger
13026 Madrona Lf Ct
Grass Valley, CA 95945-9372
02-May 2023

Nevada County Supervisors and Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

We are longtime (decades) residents of Grass Valley and rely on water from our well. The area where we live has been identified as at risk from the proposed re-opening of the Idaho-Maryland Mine, especially de-watering activities which could deplete the groundwater that feeds our well.

We are asking the Supervisors to fairly represent us in District 1, and the Planning Commissioners, by denying the project and also to NOT certify the EIR. The language of the Final EIR claims to provide protection to only the 30 properties on East Bennett Road; however, it denies the need to do any mitigation for the hundreds of well owners including ourselves that reside beyond that limited area but would be negatively affected. If the EIR is not rejected, it is possible that Rise Gold, or a new applicant, could use it to fast track a new mining proposal in the future. The EIR in many ways fails to protect our community from significant and unavoidable impacts that endanger our community's health and quality of life.

Thank you for representing our community with our best interests in mind,

Sincerely,

Larry Rieger

Patsy Rieger

From: Andrea Duncan
To: Idaho MMEIR
Subject: Vote No on the Mine and EIR
Date: Monday, May 8, 2023 8:06:58 AM

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Dear Nevada Country Supervisors and Planning Department:

I am asking you to vote no on the reopening of the Idaho-Maryland Mine, and to not certify the flawed Environmental Impact Report. Do not be swayed by the promise of money in the county's coffers at the expense of its citizens. Instead protect and support your constituency.

While there a many reasons I am opposed to the Mine, my top three are as follows. My first reason is water pollution. Mining is notorious for releasing toxic chemicals and Rise Gold can't 100% ensure this won't happen. My second reason is noise pollution. While this won't be the Empire Mine stamp mill of old clanging every 60 seconds, there will be underground blasting, rocking processing, and constant truck traffic. This will create an enormous racket for the neighbors and will drive away animals and birds. My third reason is the destruction of another 75 acres of woodland to build an industrial complex. No one wants to live next to that and I don't want to see all the light pollution it will create. One of Nevada County's assets is its dark sky.

Please vote no on the mine and do not certify the EIR.

Sincerely,

Andrea L. Duncan
12246 Polaris Drive, Grass Valley

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: alanbarbour@mac.com
Subject: Letter From Alan Barbour - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Alan Barbour at alanbarbour@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Alan Barbour. I live at 16006 Airport Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The home I own and live in is at 16006 Airport Road, Nevada City, 95959. As our elected officials you are responsible for ensuring your actions reflect the community you serve. Reopening the Idaho-Maryland Mine is definitely not in the best interests of the community. Please, vote NO on its reopening and do not certify the Environmental Impact Report which is flawed in so many ways.

Reopening the mine will permanently change the nature of our community. The quality of life here and the health and safety of our citizenry will be negatively impacted. Importantly, the impact to our environment which is poised by all who live here will be felt for generations. Our children, grandchildren and great-grandchild will suffer the consequences.

Nevada County has worked to reduce the amount of energy used. The Rise Mine would use as much energy as 5000 homes, and it would emit greenhouses gases that would increase climate change with all its disastrous results. The proposal for reopening did not fully consider the disposal or market for mine waste. The EIR did not fully assess the impact to the water table, the wells in the vicinity, the emissions and incursions into groundwater through cracks and fissures in the 70-some miles of existing tunnels, the release of toxic airborne chemicals.

Reopening the mine would decrease property values along with property tax revenue. It would likely diminish Nevada County as a tourist destination.

And as if this weren't enough, the integrity of the Rise Mine corporation and its CEO himself are in question. The CEO is on trial in British Columbia for breaching environmental regulations there.

I beg you to say NO to re-opening the mine and certifying the EIR.

Sincerely,

Alan Barbour
alanbarbour@mac.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: amara@ymail.com
Subject: Letter From Amara Pfahl - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Amara Pfahl at amara@ymail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Amara Pfahl. I live at 10161 , Dow Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I grew up in district one and have returned home to raise my children. I love this area and would love my children to grow up here. However, one of my primary concerns is the toxicity from past mining. If the mine was to reopen, I we would likely move.There are so many reasons to leave this mine closed and so many other ways to make income for our county. Please reconsider.

Sincerely,

Amara Pfahl
amara@ymail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Amyump@gmail.com
Subject: Letter From Amy Umpleby - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:10 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Amy Umpleby at Amyump@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Amy Umpleby. I live at 14118 Beitler Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please, do not set a dangerous precedent by approving the flawed EIR. The EIR is legally deficient. It fails to adequately disclose and evaluate the mine proposal’s significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine. There WILL be water pollution from this mine. There WILL be unmitigated mine waste. There WILL be long term detrimental effects to our community. Do not approve this EIR, please!

If there is no project (which is our community's overwhelming choice) there is absolutely no need for an EIR that would fast track future mining projects.

Sincerely,

Amy Umpleby
Amyump@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: andrewtailorbosher@gmail.com
Subject: Letter From Andrew Bosher - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Andrew Bosher at andrewtailorbosher@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Andrew Bosher. I live at 200 Coyote St., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello,
I have lived in district 1 for some
time now. I strongly oppose further mining in the county. I say NO to Idaho-Maryland Mine due to water and ecological risks. Please stop the plan to mine!

Sincerely,

Andrew Bosher
andrewtailorbosher@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: awcb@me.com
Subject: Letter From Ann Barbour - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ann Barbour at awcb@me.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ann Barbour. I live at 16006 Airport Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a Nevada County resident and own a home at 16006 Airport Road . I strongly urge you to vote NO on re-opening of the Idaho-Maryland Mine. There would be many, many more negative consequences of the mine than there would be benefits to the county. The few jobs and uncertain tax revenues are hardly worth the risk of both short- and long-term detrimental environmental impacts (mine waste, asbestos, incursion into well water, water usage in current drought, hazardous emissions, etc.), quality of life for Grass Valley and Nevada City residents, and misalignment with the Master Plan. Many experts who have reviewed the EIR judge it to be faulty in its consideration of and assessment of environmental impacts. In addition, the CEO of Rise Gold is on trial in Canada for lack of environmental management. This fact alone speaks loud and clear to why his proposal for re-opening the mine here with its

myriad tunnels under home and businesses in Grass Valley should be denied. This is a plea for you to do so.

Sincerely,

Ann Barbour
awcb@me.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: anikington@gmail.com
Subject: Letter From Ann Kington - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:39 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ann Kington at anikington@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ann Kington. I live at 506 Mill St, GRASS VALLEY, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Ann Kington
anikington@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: annika@sierranevadaalliance.org
Subject: Letter From Annika Artle - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:35 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Annika Artle at annika@sierranevadaalliance.org

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Annika Artle. I live at 594 Lucille Dr, Incline Village, Nevada 89451.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

As a frequent visitor and lover of Nevada County, I strongly urge you to say NO to the Idaho-Maryland Mine. I do not currently live in Nevada County, but spend a great deal of time here visiting friends, recreating, and shopping. This mine would be a disaster for the community and for the amazing biodiversity of the area.

Sincerely,

Annika Artle
annika@sierranevadaalliance.org

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: barb@pancro.com
Subject: Letter From BARBARA DOUGHERTY - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:09 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of BARBARA DOUGHERTY at barb@pancro.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is BARBARA DOUGHERTY. I live at 16201 Brewer Rd., Grass Valley, Ca 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Barbara Dougherty and I am a business owner along with my husband, Tom. Our business is Pancro Mirrors Inc. which is located in the Loma Rica manufacturing area impacted by the activities of the Idaho-Maryland Mine. We own the building where our business resides. We oppose the reopening for many legitimate reasons that include safeguarding our water and the air we breath, reducing noise pollution, preventing road traffic and wear and tear, safeguarding our home and business values. We don't like the idea of tunneling under our community. We agree with many that this reactivation adversely impacts the environment and offers no real economic benefit to our community. We are concerned for our community's health and well-being, and compel the board and planning

commissioners to vote down this venture. The future of our community for years to come (eight years!) is now in your hands. We, the residents of GV do not get to vote on this. It is you that has the power to say "no" capital profiteers and "yes" to the residents of Grass Valley. We look to you to do the right thing for us all.

Respectfully submitted,

Sincerely,

BARBARA DOUGHERTY
barb@pancro.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jgplease@yahoo.com
Subject: Letter From Barry Bailey - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Barry Bailey at jgplease@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Barry Bailey. I live at 11911 Shelton ct, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello, we recently moved to district 4 . 1/4 mile down Mccourtney from the fair grounds. After researching the company looking to restart the mine I’m at a loss to why anyone would want to turn a project with this much risk to a failed business. Their track record is horrendous. With a risk to our water tables, environmental damage, and decreased property values I see no reason an intelligent person would think this this is a good idea!
Make the right choice!!!

Sincerely,

Barry Bailey
jgplease@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: gocelio@gmail.com
Subject: Letter From Bethany Celio - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Bethany Celio at gocelio@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Bethany Celio. I live at 553 North Pine St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 and my parents live in District 3, and we are all adamantly against the mine reopening. I’m saying this as someone who has family history in the mining industry in Nevada City and Grass Valley. We need to be looking to the future, to what solutions will create a sustainable, livable environment for all of us. Our present economy and future success here in Nevada County will be found in fostering vibrant local businesses, tourism, regenerative farming, and environmental stewardship. Let’s not take a huge step backward.

Let’s look at what we want to be as a culture, and use policies and direction to encourage THAT vision. We don’t need to make decisions based on fear of scarcity. There are and will be enough jobs and prosperity in Nevada County without this

mine.

Sincerely,

Sincerely,

Bethany Celio
gocelio@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: tulumblu@yahoo.com
Subject: Letter From Bradley Carson - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Bradley Carson at tulumblu@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Bradley Carson. I live at 15143 Rattlesnake Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please do not approve the reopening of the Idaho Maryland Mine. The impact on our roads and neighborhoods by many heavy equipment vehicles will be severe. Mining jobs are usually far more numerous during construction of the operation then drop dramatically during normal operation.
If you feel you must approve the mine PLEASE give them a 5 year lease to readdress public and environmental impact.
Thank you.

Sincerely,

Bradley Carson
tulumblu@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: gloryawaken2love@gmail.com
Subject: Letter From Brenda Sapp - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:20 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Brenda Sapp at gloryawaken2love@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Brenda Sapp. I live at 12406 Gayle Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 on lower banner mountain. I have lived here since the late 1990s and moved here because of the community and the nature/beauty and quiet neighborhoods. I am a retired high school teacher. My home is located near Loma Rica ranch and I now have a view of Brunswick and Idaho Maryland Road. So this potential mine proposal has me concerned on many levels.

I am writing you now to ask that you please vote no to certifying the EIR. Several deficiencies in the EIR are as follows from the research I have read:

1) Greenhouse Gas Emission Impacts dismissed in FEIR - The only correct threshold given current climate studies, CA SB-32, and today’s state goals – is net zero. The

Mine's sizable energy footprint would be a serious setback.

2) Mine Waste Management Inadequacies Risk Water Quality - The FEIR's conclusion that water quality impacts related to mine waste will not be significant is unsupported and more testing needed.

3) Mine Waste Management Inadequacies Put Air Quality at Risk - The FEIR's conclusion that air quality impacts related to mine waste will be effectively mitigated is unsupported. The FEIR's plan for managing concentration levels to ensure that mine waste meets safety requirements before being shipped out of the facility is inadequate.

4) Well Owners Shafted in the Final EIR - The FEIR's conclusion that groundwater impacts from the mine project will not be significant was not substantiated. Serious deficiencies identified by expert reviewers of the Draft EIR were not addressed.

5) FEIR Fails to Assess Impacts of Centennial Site - The FEIR excludes the Centennial Site from the full analysis of the impacts of the mine project. This prevents the County from understanding the full environmental impacts and is a clear violation of CEQA, which requires that impact assessments be based on current conditions, not a speculative future condition.

6) There is No Viable Plan for Disposing of Mine Waste - The FEIR does not provide adequate information regarding the viability of the plan to dispose of mine waste through off-site sales and does not have provisions for adequate on-site temporary storage or permanent disposal of mine waste, leading to potentially significant impacts.

Certifying the EIR would only lend credence to a document that fails to adequately disclose and evaluate significant environmental impacts and violates numerous requirements of state law. Worse still, the certified EIR could be relied on in the future to fast-track the approval of another mining proposal.

The arguments for not certifying the EIR are overwhelming. The EIR is legally deficient. It fails to adequately disclose and evaluate the mine proposal's significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine.

If there is no project, there is absolutely no need for an EIR. Again, I am please asking that you vote no to certifying the EIR. Thank you for your consideration!

Sincerely,

Brenda Sapp
gloryawaken2love@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: bjordan440@gmail.com
Subject: Letter From Brian Jordan - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:47 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Brian Jordan at bjordan440@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Brian Jordan. I live at 173 Hallwood lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’ve lived here since 1991. I’ve raised 2 boys here. Please don’t allow this type of congestion and pollution in our community. Plus the thought of lowering our water tables and wasting fresh water when water is becoming more valuable than gold is unimaginable.
Please stop this.
If necessary put it to a popular vote.

Thank you

Sincerely,

Brian Jordan
bjordan440@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: brookemoeller@rocketmail.com
Subject: Letter From Brooke Moeller - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Brooke Moeller at brookemoeller@rocketmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Brooke Moeller. I live at 6350 Barbara Ln, Auburn, CA 95602.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Brooke Moeller
brookemoeller@rocketmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: clfaust@earthlink.net
Subject: Letter From Carol Faust - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Carol Faust at clfaust@earthlink.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Carol Faust. I live at 839 Morgan Ranch Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Carol Faust
clfaust@earthlink.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: cjlevow@aol.com
Subject: Letter From Carol Levow - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Carol Levow at cjlevow@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Carol Levow. I live at 317 Washington St., Grass Valley, CA 95954.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live near downtown Grass Valley and I have taken a tour of the proposed Mine site with the General Manager. I believe I have a very good understanding of Rise Gold's plans and mitigations for noise, etc. Knowing all this, I still vehemently object to reopening the Mine at Idaho Maryland. Just the noise and air pollution from the trucks required is enough to stop it. This is NOT the type of business we want to welcome in our rural and beautiful area. The EIR must NOT BE ACCEPTED; it is time to close the door finally on any talk of reopening the mine.
Thank you

Sincerely,

Carol Levow
cjlevow@aol.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: cbowden581@gmail.com
Subject: Letter From Carolyn Bowden - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:59 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Carolyn Bowden at cbowden581@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Carolyn Bowden. I live at 916 Dartmouth Way, Concord, CA 94518.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Carolyn Bowden
cbowden581@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: carriatrick@gmail.com
Subject: Letter From CARRIE HAYWARD - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of CARRIE HAYWARD at carriatrick@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is CARRIE HAYWARD. I live at 16714 Scott Way, Grass Valley, California 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I grew up in Grass Valley and moved back here as an adult because of my fond memories of the area's natural beauty and small-town charm. If allowed to move forward, this mine will obliterate both of those qualites. The mine will significantly negatively impact the quality of life for ALL residents, not just those who will lose their wells. VOTE NO on the reopening on the Idaho-Maryland Mine.

Sincerely,

CARRIE HAYWARD
carriatrick@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: cathy.meliorbenoit@mac.com
Subject: Letter From Cathy Melior Benoit - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Cathy Melior Benoit at cathy.meliorbenoit@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Cathy Melior Benoit. I live at 424 N Pine St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a fairly new resident the Historical Area of Nevada City, District 1, I hold the deepest of concerns as to water, air, noise, traffic pollution such will occur if this mine is allowed to reopen.

Please acknowledge our rivers and underwater aquifers, our valley, the entire environmental impact.

Please take a stand to protect Quality of Life for all Beings.

Sincerely,

Sincerely,

Cathy Melior Benoit
cathy.meliorbenoit@mac.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: nccherylann@att.net
Subject: Letter From Cherylann Castanieto - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:15 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Cherylann Castanieto at nccherylann@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Cherylann Castanieto. I live at 17490 Lazy Dog Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I are in district 5 and have lived in Nevada county for over 40 years. We are appalled by the fact that the Nevada County Supervisors and the Planning Commissioners are considering approving this plan. This reopening will affect our air, our water, our climate, our roads, our businesses, our homeowners, our wildlife, our tourism and our way of life here in the Sierra foothills. After reading about Rise Gold's and Ben Mossman's bankruptcy and environmental debacle, there is a total lack of ethics and consciousness exhibited by both. It will take years, if ever for those towns to recover from damages that Rise Gold did. I do not want to see that happen here in our town. Actions my dear supervisors and not words speak louder than any promise of financial gain.

It is my opinion that the county officials should deny the Idaho Maryland Mine and should not certify the final EIR. This document does not adequately address some crucial environmental/community issues and also violates some of the CA state laws. IF we certify the EIR it becomes a precedent for future mining proposals and that is a vulnerable and precarious place to be for our beautiful county.

Sincerely,

Cherylann Castanieto
nccherylann@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: chrispappas24@gmail.com
Subject: Letter From Chris Pappas - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:44 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Chris Pappas at chrispappas24@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Chris Pappas. I live at 14232 Anchor Lane, Grass Valley, CA 94945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have great concerns about our property values, traffic impacts, noise, and negative impact to the local wildlife. Please do not allow a company from a different country to create such negative impacts just so that company can profit from our community.

Sincerely,

Chris Pappas
chrispappas24@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: christophers1243@gmail.com
Subject: Letter From Chris swartzendruber - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Chris swartzendruber at

christophers1243@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Chris swartzendruber. I live at 12405 Beaver Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Chris swartzendruber
christophers1243@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: bluesdancers2@gmail.com
Subject: Letter From Christopher Higgins - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Christopher Higgins at bluesdancers2@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Christopher Higgins. I live at 10070 Oak Dr, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a local property owner for almost 40 years in Grass Valley, I am extremely opposed to reopening the Idaho Mine. Do not accept the flawed EIR report. If this mine is allowed I promise to do all in my power to remove from office those that vote to approve It!

Sincerely,

Christopher Higgins
bluesdancers2@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: corinne.beall@gmail.com
Subject: Letter From Corinne Beall - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:56 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Corinne Beall at corinne.beall@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Corinne Beall. I live at 625 Eskaton Circle, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

This mine is a bad idea for our community. Look to other ways to attract businesses, farming, tech, medicine, not fouling up this lovely community. SAY NO to all things regarding the mine.

Sincerely,

Corinne Beall
corinne.beall@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: csmfire@gmail.com
Subject: Letter From Craig S. Morgado - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:15:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Craig S. Morgado at csmfire@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Craig S. Morgado. I live at 11178 Agnes Way,, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a resident of Alta Sierra, District 2. I have resided here for 18 years. Our natural surroundings have already paid a heavy price from the past mining era and I would like to allow it to have an opportunity to recover. At least not get worse. I am opposed to this project! Please vote NO!

Sincerely,

Craig S. Morgado
csmfire@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: ecocyn@gmail.com
Subject: Letter From Cynthia Kuhlmann - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:57 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Cynthia Kuhlmann at ecocyn@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Cynthia Kuhlmann. I live at 15895 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

JUST SAY NO to The Final EIR, to Rise Gold, to reopening the mine.

Sincerely,

Cynthia Kuhlmann
ecocyn@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: daniellerigney@yahoo.com
Subject: Letter From Danielle Rigney - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:18 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Danielle Rigney at daniellerigney@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Danielle Rigney. I live at 13652 Barker Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Danielle Rigney
daniellerigney@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: darryl_snow@hotmail.com
Subject: Letter From Darryl Snow - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:12 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Darryl Snow at darryl_snow@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Darryl Snow. I live at 14278 La Noria Court, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello, my name is Darryl Snow and I live in District 3 about a mile from the mine entrance but my home is located over parts of the mine. I’m an environmental geologist. I’m also a Registered Environmental Property Assessor and I’m on the National Registry of Environmental Professionals. I have over 30 years of experience in consulting including overseeing environmental due diligence for commercial real estate acquisitions ranging in costs from a million to a billion dollars. I moved here almost 7 years ago after I had done my due diligence for this area. I never saw any indication that the this mine might re-open, but now we’re all facing this possible disaster. And what’s in it for us, the residents of Nevada County? Will we get a stipend from Rise Gold? No. Will those of us outside of Bennett Road get NID service to our homes when our wells go dry or become polluted? No. Will our tranquil

neighborhoods be enhanced by the increased trucks, noise, pollution and visual impacts of the mine? No.

Will our property values increase due to the mine? A recent survey of real estate agents projected property value losses of 15% or more if the mine gets approved, which means that property tax revenues would also drop accordingly. The mere stigma of a mine is enough to scare away home buyers as has already been observed and described to me by a seasoned local realtor, and I agree with others that perception is everything in the real estate market!

I mentioned that I oversee environmental due diligence for commercial property acquisitions. I am required to say the following in my due diligence summary before a deal can get approved… “It is my opinion that this project presents low environmental risk”. If I were conducting environmental due diligence for the mine, I would not be able to make that statement based on what I’ve seen and I would advise my client to exit the deal. If things go bad for Rise Gold environmentally, they could just file for bankruptcy or become insolvent to a point where some other party would need to step in, like the EPA which could take over and possibly make the mine a Superfund cleanup site which could take decades to clean up. This is not a new thing around here, the Lava Cap gold mine in Nevada City is now a Superfund Site for arsenic contamination. The Idaho-Maryland mine is not exceptional, it is unprecedented. We have enough problems with these new wildfires and snowstorms, we don’t need the added problems of a major mining operation.

I was hoping to retire in Grass Valley but now that’s up in the air. If the mine gets approved, then the long-term effects, collateral damage, and stigma will remain until a baby born today turns 80 years old. I don’t know how something like this made it this far, but now is the time to stop it. Since we the residents cannot vote on this colossal issue for some reason, then I strongly urge the decision makers to do the responsible thing and vote NO on this mine before it's too late for all of us. Thank you.

Sincerely,

Darryl Snow
darryl_snow@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: eclipse007@att.net
Subject: Letter From dave swartzendruber - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of dave swartzendruber at eclipse007@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is dave swartzendruber. I live at 12405 Beaver Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

dave swartzendruber
eclipse007@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dwills9878@icloud.com
Subject: Letter From David Wills - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:05:57 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of David Wills at dwills9878@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is David Wills. I live at 13550 lower anchor lane, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district one on lower anchor lane about a half mile from the proposed mine site & have lived in this county since 1959. I believe it would be irresponsible to re open the mine as the risks & the impacts out weigh the supposed benefits of the mine re opening. I believe there are 3 types of people that would want this mine re opened. The first would be people who are ignorant of the impacts this mine would have on our community. The second would be rise gold itself not being a local company, and the third would be people who just have an ideological belief that any industry is good regardless of the negative environmental impacts. So please say no to this project

Sincerely,

David Wills
dwills9878@icloud.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: greatlife20022@gmail.com
Subject: Letter From Dawn Morris - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:45 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dawn Morris at greatlife20022@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dawn Morris. I live at 18294 Chaparral Drive, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I reside in Lake Wildwood, District 4. I'm would imagine you've heard every reason for rejecting the request for re-opening the Idaho-Maryland mine. The thought of re-opening a business that is so detrimental to our community is unimaginable. There is no way to measure the mental, financial and health effect the re-opening of the mind would have on the community. Please say no to this disastrous idea. Additionally, please do not certify the EIR. Certification would mean future attempts to open the mine, could possible be pushed through with ease.

Thank you for your consideration.

Sincerely,

Dawn Morris
greatlife20022@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: mspin13@comcast.net
Subject: Letter From Deborah Pinto - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:14 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Deborah Pinto at mspin13@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Deborah Pinto. I live at 319 Park Ave, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the historic District 1 close to downtown Nevada City. I have lived here since 1990 and in the Nevada County area since 1979. My children attended schools in both Nevada City district and in the Grass Valley School District where I taught for decades. Having studied the mining systems when there were plans to reopen the mine several years ago, I maintain a firm commitment to the idea that gold mining within the boundaries of a residential community is unsafe and dangerous. No environmental impact report can thoroughly predict the effects of exploring what lies underneath our community. Please DO NOT ALLOW THIS TO HAPPEN!

Sincerely,

Deborah Pinto
mspin13@comcast.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: scuba98@suddenlink.net
Subject: Letter From Debra Baker - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:05:55 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Debra Baker at scuba98@suddenlink.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Debra Baker. I live at 15921 Brewer Road, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I moved here over 40 years ago from Southern Ca. I felt that I truly had found my paradise…..and I had. My daughters were born here and subsequently their children as well. In February we were blessed with a great grandson who, God willing, will also be raised in Nevada County. I believe that by reopening the mine the quality of life for the residents residing near the mine and for all of the residents within Nevada county will be degraded. The mine represents heavy machinery traffic, noise, waste debris, rock dust, environmental pollution, and destruction of local habitats. Global Warning is not the only “earth frailty” that should garner our attention. Every Nevada County resident needs to be mindful of the devastation that a large mining operation can and will heap upon our cherished way of life. Those new residents to our county may see job possibilities and only focus on the financial bonus of the mine. History

has shown us the ugly reality that the money will come the money will go but the scarred landscape of Nevada County with remain for generations to come…..I wish more for my Great Grandson and all the generations to follow.

Sincerely,

Debra Baker
scuba98@suddenlink.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jodebgv@yahoo.com
Subject: Letter From Debra Engebretson - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Debra Engebretson at jodebgv@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Debra Engebretson. I live at 12920 GOODALL MINE RD, GRASS VALLEY, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live on the back side of Osborn Hill off of Rattlesnake Rd. on Goodall Mine Rd. I'm a second generation Nevada County. Growing up in Cedar Ridge and Peardale area. I've raised my children and grandchildren in this naturally beautiful county, never leaving. My parents taught me to do the best to care for natures plants, animals and humans. I'm 72, seen a lot of change, some good and not so much. We humans have not done a very good job caring for Mother Nature. A lot of mistakes we've made along the way and now we're struggling to correct the damage done to a planet we were to take care of.

I only see Rise Gold and the reopening of Idaho Maryland Mine as Bad for the

environment of the county and all the planet. This would be a mistake that my grandchildren and generations to come will pay the price to clean up. Reject the EIR. This in no way can possibly be good for the environment. We need to correct the damage to the planet not add to it. Please end this vote NO, we don't need this type of business in our beautiful County.
Thank You.

Sincerely,

Debra Engebretson
jodebgv@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: winkmartin@yahoo.com
Subject: Letter From Denise Martin - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:02 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Denise Martin at winkmartin@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Denise Martin. I live at 113 Lidster Avenue, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We are BEGGING you not to open the mine!!

Last I checked this country is still a democracy, and there are far more opposed to the mine than in favor, so please please please DO NOT approve this project

Money is a horrible reason to open the mine, because how much will it cost the city to clean up after rise gold leaves?? Probably more than you’ll earn

Again we are begging you not to do this to the citizens of Nevada county!

Sincerely,

Denise Martin
winkmartin@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dianemariejacobson@gmail.com
Subject: Letter From Diane Marie Jacobson - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:48 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Diane Marie Jacobson at

dianemariejacobson@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Diane Marie Jacobson. I live at 11153 cement hill rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Diane Marie Jacobson
dianemariejacobson@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: samba2night@gmail.com
Subject: Letter From Dianne Range - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:24 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dianne Range at samba2night@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dianne Range. I live at 17100 Sunset Mountain Place, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I have lived in Grass Valley for 25 years. We moved here because we love the natural pristine rivers and lakes and wildlife that have become so much a part of our lives. It is not just a place to live. It is a place that feeds life into our being as we connect with all the nature that surrounds us. We are very concerned we will lose all that we treasure here if the mine is allowed to operate. It will turn our beautiful County into an unsightly industrial complex.

This doesn"t have to be our legacy. We ask that you not approve this mining project. We want to leave something natural and beautiful for our grandkids to enjoy.

Sincerely,

Dianne Range
samba2night@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: dalewis@alewisconsulting.com
Subject: Letter From Dolly Lewis - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dolly Lewis at dalewis@alewisconsulting.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dolly Lewis. I live at 11910 Lower Colfax Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have owned my property in District 3 for over 42 years. We are writing now to urge you to NOT certify the Final EIR. Our wells are threatened with an unacceptable level of risk by the Final EIR. Our neighborhood is exceedingly alarmed about this prospect and again, we ask you to NOT certify the Final EIR.

Sincerely,

Dolly Lewis
dalewis@alewisconsulting.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: doncrevoiserat@gmail.com
Subject: Letter From Donald Crevoiserat - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Donald Crevoiserat at doncrevoiserat@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Donald Crevoiserat. I live at 13243 Loma Rica Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Donald Crevoiserat
doncrevoiserat@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: eileen@themagiccarpet.biz
Subject: Letter From Eileen Jorgensen - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:05 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Eileen Jorgensen at eileen@themagiccarpet.biz

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Eileen Jorgensen. I live at 16547 Indian Flat Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please do not certify the EIR because it would be a document that could be used by others in the future for
this purpose. We don't want to go through this again.

Sincerely,

Eileen Jorgensen
eileen@themagiccarpet.biz

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Elecardue@gmail.com
Subject: Letter From Elenita Duelo - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Elenita Duelo at Elecardue@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Elenita Duelo. I live at 17752 Foxtail Dr, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Elenita Duelo
Elecardue@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: emcgyr@yahoo.com
Subject: Letter From Elise Stupi - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:27 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Elise Stupi at emcgyr@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Elise Stupi. I live at 13068 Madrona Leaf Court, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in the Wawona Madrona neighborhood, which is in District 1, for over 6 years. I am a part-time/self-employed resident and work remotely at home. I moved here to enjoy the peace and beauty of the area. I rely on pure, clean well water for all my needs. The Final EIR is inadequate and does NOT consider the significantly detrimental impact on all domestic wells throughout the affected area. Its conclusions regarding air and water quality are unsupported and inaccurate. The 24/7 noise and traffic for 80 years along Brunswick will be intolerable. Our property values will decline, and residents, like me, will be forced to move to escape the constant noise, contaminated well, poor air quality, and traffic congestion. But who would want to buy my home under these circumstances?? No one. This is simply unacceptable on every level. PLEASE DO NOT CERTIFY the final Environmental

Impact Report and PLEASE reject the re-opening of the Idaho-Maryland mine.

Sincerely,

Elise Stupi
emcgyr@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: ultimatelc@gmail.com
Subject: Letter From Elise Zink - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Elise Zink at ultimatelc@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Elise Zink. I live at 13365 Twin Star Lane, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a 12 year resident of Nevada County, currently residing in District 2. My husband was born here and it is his love of the area that drew me here. This is where we are raising our family. We oppose this mining project. Our primary concerns is the toll it will take on the water supply for the area. Despite this amazingly wet winter we have had, we still have neighbors who have failing wells. Our groundwater supply is critical and keeping it healthy and abundant is essential to the livelihood of this community. I fail to understand why we would go, essentially, back in time by reopening this mining site. There are more promising, less detrimental ways to bring income into this community. Digging into and poisoning the land we all live on does not seem a very informed decision.
Approving this project is a strike at the health and wellbeing of this community.

Thank you for your work and time on this. We put our health and future into your hands.

Sincerely,

Elise Zink
ultimatelc@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: evelyncooks@hotmail.com
Subject: Letter From Evelyn Silvey - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:05:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Evelyn Silvey at evelyncooks@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Evelyn Silvey. I live at 19197, Lucas Hill Ct., Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have resided in Grass Valley got 8 yrs. I came up here for clean air, water and beauty of the area. A gold mine would be disastrous as trucks, dust, accidents. We are still trying to clean the prior miners toxic waste.
The owner of Rise Gold has a horrible attitude about the environment as he completely ignored his duties in Canada.
No Mine!

Sincerely,

Evelyn Silvey
evelyncooks@hotmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: florencelef@att.net
Subject: Letter From Florence LeFrancois - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:15 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Florence LeFrancois at florencelef@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Florence LeFrancois. I live at 12391 Marys Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

I've lived in Nevada County since 1991, first in Cascade Shores, and now in Grass Valley. I've been visiting this area since 1978. I now live in district 3
We love living in this quiet neighborhood and do not want a business that will cause noise and disruption of our community. I'm also concerned about what this could do to our ground water supply and underground systems. Please do not approve reopening the mine.

Sincerely,

Florence LeFrancois
florencelef@att.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: nancytrojo@gmail.com
Subject: Letter From Fred & Nancy Rojo - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:15:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Fred & Nancy Rojo at nancytrojo@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Fred & Nancy Rojo. I live at 17148 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We live in District 1 and have lived at our address since 2004. Our intention is to live on our 40 acre ranch until we expire unless a natural catastrophe causes us to move, OR the Mine Project is approved. We implore you to to VOTE NO on the mine and NO on certifying the FEIR report. Both NO votes would effectively kill the efforts to continue this fight in future. Our future as a retirement and tourism community depends on not allowing this highly pollutant dirty industry to ever happen again. We are still suffering and paying for the environmental effects of previous mining endeavors.

Sincerely,

Fred & Nancy Rojo
nancytrojo@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: fredzlotnick@mac.com
Subject: Letter From Fred Zlotnick - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:22 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Fred Zlotnick at fredzlotnick@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Fred Zlotnick. I live at 752 Lindley Avenue, Nevada City, CA 95959.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

I live in the Seven Hills District of Nevada City. My wife and I moved to Nevada County 11 years ago, first to rural South County where we got out water from a well, and four years ago relocating into town. The idea that you would approve a project that has even a remote chance of dewatering residents' wells is unacceptable. There is no reasonable remediation for such a change; it's a permanent lifestyle alteration.

Large scale Gold Mining in Nevada County ended about 70 years ago, but our landscape still bears the scars from about a century of mining. So does our environment: Rise Gold's own documentation describes high concentration of toxic elements (lead, mercury, arsenic) at the Centennial site. [Ref: https://www.envirostor.dtsc.ca.gov/getfile?filename=/public%2Fdeliverable_documents%2F5155960559%2F5279.04%20Draft%20Final%20RAP%2C%20Centennial%20M-1%20Property_1_25_2021.pdf]

The benefits of reopening this mine will be accrued by Rise Gold and, perhaps, a relative handful of Nevada County residents who can gain employment there. The costs will be borne by all of us. Economists talk about externalities - costs or consequences borne by other parties and not reflected in the pricing of the goods being sold; in this case, gold. This project is rife with externalities borne by everyone who lives in this area, and with the potential for more such externalities that we have not yet envisioned. Reopening of the mine might be a good deal for Rise Gold, but only because they are doing it on our backs. We residents will bear the costs. The reopening of this mine is such a terrible idea that it beggars belief that the project has not yet been killed. Please kill it now.

Sincerely,

Fred Zlotnick
fredzlotnick@mac.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: gvulfs@gmail.com
Subject: Letter From Gabriel Vulfs - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:07 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gabriel Vulfs at gvulfs@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Gabriel Vulfs. I live at 11940 Travel Hut Dr, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Gabriel Vulfs
gvulfs@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: gbsail@gmail.com
Subject: Letter From graham burke - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:31 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of graham burke at gbsail@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is graham burke. I live at po box 3143, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I'm a District 2 property owner (15781 Auburn Rd). The water usage and threat to wells are unacceptable risks and the company does not seem reputable or trustworthy. Lots to lose, little for most Nevada County residents to gain. Saying no is a no-brainer.

Thanks in advance for putting the kabosh in this ill-conceived plan.

Cheers,

Sincerely,

graham burke
gbsail@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: gchapmanusanc@gmail.com
Subject: Letter From Greg Chapman - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:13 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Greg Chapman at gchapmanusanc@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Greg Chapman. I live at 506 Main Street, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Nevada City for over 30-years and have owned a home in the downtown for nearly this entire time (District 1). I am completely opposed to having the County approve Rise Gold's proposed mining operation as the potential problems it may cause are significant and jeopardize the quality and livelihood of our small community. I am a registered voter and vote in every election held in this county. Should the Board of Supervisors approve Rise Gold's plans then I will be joining a large and active group of community members to make sure our next Board of Supervisors represents the interest of this county rather than those of a small company with a bad track record.

Please stand with the vast majority of community members who oppose Rise Gold's

plans.

Respectfully,

Sincerely,

Greg Chapman
gchapmanusanc@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: gregward1@prodigy.net
Subject: Letter From Greg Ward - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:42 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Greg Ward at gregward1@prodigy.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Greg Ward. I live at 13120 Wood Rose Way, Grass Valley, CA 96946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live on Wood Rose Way which is on the East side of Brunswick and the mine property. We bought our property in 1999 and built our home in 2000 and have enjoyed living here peacefully since then. The reopening of the mine will negatively impact our quality of life and put our water well at risk. Please do not approve the zoning change to allow heavy manufacturing and please do not approve the FEIR as it is full of inaccuracies and contradictions

Thank you

Sincerely,

Greg Ward
gregward1@prodigy.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: zomerlandg@gmail.com
Subject: Letter From Gudrun Zomerland - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gudrun Zomerland at zomerlandg@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Gudrun Zomerland. I live at 12720 Golden Trout Way, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Penn Valley but enjoy the character of Grass Valley, one of culture of various forms and increasing tourism which bring money into the county and therefore improves infrastructure. I believe I have a good understanding of Rise Gold's plans and mitigations for noise, etc. Knowing all this, I still vehemently object to reopening the Mine at Idaho Maryland. The noise and air pollution from the trucks are counter to what I see the future of Nevada County to be like. This is NOT the type of business this area needs. We can do better by enhancing the natural beauty and making that the attraction rather than creating money by subtracting from the bucolic feeling of our surrounding. The EIR must NOT BE ACCEPTED; it is time to close the door finally on any talk of reopening the mine.

Thank you

Sincerely,

Gudrun Zomerland
zomerlandg@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: hmeals@nccn.net
Subject: Letter From HHank Meals - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of HHank Meals at hmeals@nccn.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is HHank Meals. I live at 223 Bridge Street, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

HHank Meals
hmeals@nccn.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Howardkuhlmann@yahoo.com
Subject: Letter From Howard Kuhlmann - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Howard Kuhlmann at Howardkuhlmann@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Howard Kuhlmann. I live at 15895 Greenhorn Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We are a small agritourism business who attract people from all over the world to come visit Grass Valley/ Nevada City. We have people from SF Bay Area, and even as far away as Singapore come here specifically to visit us.
We and oppose the mine as our business will suffer, and our lifestyle that we moved to Nevada County to create, will suffer! We OPPOSE Rise Gold Ben Mossman who has proven to be unreliable and is out for his own financial interests, not for the people of Nevada County. Once he pollutes our lives in too many ways, he will file bankruptcy and walk away. Then WE are all left with the huge financial mess and environment to cleanup.
JUST SAY NO to both the Final EIR, and any considerations of re-opening the mine.

JUST SAY NO! Thank you.

Sincerely,

Howard Kuhlmann
Howardkuhlmann@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: hinmanj@hinman.com
Subject: Letter From Jack Hinman - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:46 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jack Hinman at hinmanj@hinman.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jack Hinman. I live at 17541 Shoshoni Trail Ct, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I've lived in Nevada County since 1976, owned 3 different homes, all in District 1, and have operated a small tech company along with a couple other businesses while living here. Both of my kids were born and raised here, and I have deep relationships with a handful of young families living here in the community, mainly because they might have a better chance of raising their kids in a decent living situation.

Without rambling on; an operating mine today, and the potential environmental and quality of life impacts that are likely, has no place today in our beautiful community. There are many, many other ways to bring revenue and jobs to the community that don't have the potential downsides. I believe it would be a huge mistake. Thanks for listening.

Sincerely,

Jack Hinman
hinmanj@hinman.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jduerst@att.net
Subject: Letter From Jeanne Duerst - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:25 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jeanne Duerst at jduerst@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jeanne Duerst. I live at 884 Gold Flat Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Jeanne Duerst
jduerst@att.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: meigsannie@aol.com
Subject: Letter From Jeffrey Henninger - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:22 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jeffrey Henninger at meigsannie@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jeffrey Henninger. I live at 12793 Sierra Vista Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My wife and I have lived in this area for over forty years. Please do not put at risk the quality of the lives and well-being of our neighbors, our children and grand children for a perceived and questionable economic benefit. It is simply not worth it!

Sincerely,

Jeffrey Henninger
meigsannie@aol.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jenniferwburt@gmail.com
Subject: Letter From Jennifer Burt - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:14 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jennifer Burt at jenniferwburt@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jennifer Burt. I live at 13921 Loma Rica Dr., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 where I have raised my two kids. The threat of this mine has caused significant distress and sleepness nights to all of us, knowing how much it would degrade the quality of life in this beautiful place if it were to go forward. Worse, we have all watched the County sponsor a terribly prepared, absolutely inadequate EIR which was supposed to objectively analyze the impacts and describe an adequate, enforceable monitoring and mitigation program for such a huge project that has so much potential to destroy our community. Yet, the County and the consultants preparing the EIR have failed to ensure the EIR does any of the above on any level for any topic, it is the worst EIR I've ever seen working in the field of environmental consulting for over 20 years. How can the County planning department then suggest certifying this EIR even if you go on to deny the project?

That is a ridiculous approach, this EIR should absolutely not be certified, certifying it just fast tracks the next poorly-thought-out mining operation to use it as their and ensures this community will continue to be traumatized by the threat of a huge gold mining operation happening underneath our very feet, in our community groundwater supply. Gold is clearly our past, and not a bright shiny past but a gritty, loud, environmentally degrading dystopian past. Gold mining is not our future. We need to address climate change, water reliability in the face of climate instability, wildfire threats -- these are more than enough difficult issues for one community to grapple with, don't add a massive industrial mining operation by a greedy corporation with no interest in our local community to our list of current traumas. If you do approve this EIR or this project, you are simply setting the community up for further anxiety, sidetracking us all from moving forward on much more pressing issues, and you are setting the County up for environmental lawsuits (if the EIR approved) and an unmitigated environmental disaster (if this project goes forward). Please don't do that to your community!

Sincerely,

Jennifer Burt
jenniferwburt@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: shoey22@me.com
Subject: Letter From Jill Shoemaker - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:25 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jill Shoemaker at shoey22@me.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jill Shoemaker. I live at 13506 Barker Lane, Grass VAlley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Upper Lower Colfax neighborhood, District 3. Between my partner and I we have lived in Nevada County nearly 30 years. We are here for the lovely natural resources and lifestyle, and we support our community in protecting them - through SYRCL, Bear Yuba Land Trust, and more, and are very active members of our Firewise Community.I urge you to oppose the Rise Gold Mine, AND to not certify the FEIR, which is flawed, and would leave our community at continued risk, even if RGM is denied.

• I am a member of the Wells Coalition. I know that 1) my well is at risk, due to Rise's nearby mineral rights, with no viable plan for mitigation! and 2) as a result, my property value will decline, if not already - I've been told that if I were to try to sell my property today, I must disclose the possibility of the mine/well risk, making a sale

difficult or impossible!
• The EIR is flawed because it presents inadequate well monitoring, and excludes 100's of properties like mine, provides zero financial assurance, no viable mitigation plan, and provides no accountability for causing our losses.
• FEIR itself lists environmental impacts which are unavoidable. Our air, water and quality of life are at risk
• The economic justification is inadequate and HIGHLY UNCERTAIN - vs. the more clearly identified risks to the environment, our wells, and our property values
• My neighbors and I are already challenged with storm damage, increased wild fire risk, and home insurance non-renewals. We love it here and are up to it. But are you really going to add this unnecessary disaster to the list?
• YOUR community is overwhelmingly opposed to this project - continuing to entertain its possibility will be a huge and unnecessary drain and distraction of county resources as the community fights to prevent it. As we will. You, and we, have much more constructive ways to spend our time. I respectfully urge you, implore you, to deny the mine AND the EIR! THANK YOU!

Sincerely,

Jill Shoemaker
shoey22@me.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jreynoldsbotany@aol.com
Subject: Letter From Joan Griffin - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:09 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Joan Griffin at jreynoldsbotany@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Joan Griffin. I live at 14201 Idaho Maryland Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live towards the top of Idaho Maryland Road in District 1. There will be no benefits to our community and/or lifestyles from allowing this mine to re-open, it will only harm our beautiful environment. Do not accept the EIR or consider the project.

Sincerely,

Joan Griffin
jreynoldsbotany@aol.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: cncrd.ca.63@gmail.com
Subject: Letter From Joe Murdock - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:52 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Joe Murdock at cncrd.ca.63@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Joe Murdock. I live at 10481 Banner Mkne Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

No mine! It will severely and detrimentally affect our environment. Please vote no.
Joe Murdock. District 1

Sincerely,

Joe Murdock
cncrd.ca.63@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: johnbansemer@gmail.com
Subject: Letter From John Bansemer - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:54 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Bansemer at johnbansemer@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Bansemer. I live at 11975 Lower Colfax Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am the property owner of 3rd generation family in District 3 Nevada County since 1999. Back in 1948 my grandparents moved from Southern California to Lower Colfax Road to escape the bustle and hustle of City life.

Fast forward, look around here and you can see the hustle and bustle all around the streets of Nevada City and Grass Valley, this is a tourist destination city now and an escape for many others who have moved out of the larger cities and retirees who have settled here move to the foothills for just that reason. Fresh Air, plenty of hiking trails, outdoor activities, quality of life just to name a few.

I may ask, what brought you here?

In 2000 I built a new garage on the property with a studio above for office/flex space and could not receive my final permit until I had a safe water source for potable water.

The building department would not sign off on my plans final until I dug a well and had a clean source of water supply. That well resulted in yielding 3 gallons of water per minute which further required a storage tank and 2nd pump to have enough reserve to pressurize the system and not potentially run out of water.

There is no assurance that my well will NOT be affected if this project and FEIR is accepted, and there is no alternative water supply available should Rise be allowed to go forward for my parcel or others on our Lower Colfax Road. Either by NID or the County itself. NO protections, NO solutions for alternative potable water.

This could be seen as FRAUD, if this project is allowed to go forward by the Planning Dept in a positive recommendation. Where is the current protection of the laws that are enforce now?

My parcel is the furthest south on the Map and probably the lowest in elevation under this Idaho-Maryland Mine Subsurface Boundary demarcation. (Bottom Lower left Corner)

This is wrong to consider any recommendation to the BOS that would keep this project alive and by further acceptance of the FEIS. Industrial mining in thriving residential communities is just wrong. Not here, not now. VOTE NO.

Sincerely,

John Bansemer
johnbansemer@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jcoggins@sbbmail.com
Subject: Letter From John Coggins - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:30 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Coggins at jcoggins@sbbmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Coggins. I live at 22912 Montclaire Court, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Pine Mountain Ranch neighborhood between Magnolia and Retherford Roads (District 2) for the past 11 years. Please do not lay open our County's air, lands, trees, and waters (aquifers, creeks, lakes, rivers) to environmental degradation, and destruction, now and the future.

Sincerely,

John Coggins
jcoggins@sbbmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: giannuzzo12@gmail.com
Subject: Letter From John Hanrahan - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:13 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Hanrahan at giannuzzo12@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Hanrahan. I live at 197 Ryans Lane, Grass, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

John Hanrahan
giannuzzo12@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jvaughan1946@gmail.com
Subject: Letter From John Vaughan - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Vaughan at jvaughan1946@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Vaughan. I live at 11793 Lower Colfax Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Rise Gold’s advertising makes various claims about how they care about the local community. In fact, they brag about buying a fire truck. But they seem to misunderstand what it means to be a good Corporate Citizen and to actually care about the local community.

Actions speak louder than words, so let’s talk about what it means to be a good Corporate Citizen.

A good Corporate Citizen would disclose that they must have the fire truck anyway because of their 165’ headframe vs. claiming the benefit of buying a fire truck for the

community.

A good Corporate Citizen would take the 2008 EmGold well mitigation plan as the minimum requirement and improve on that vs. claiming repeatedly in the FEIR that there will be no impact to wells.

A good Corporate Citizen would communicate with well owners, listen to their concerns and include all well owners who have concerns in the well mitigation plan vs. some last-minute monitoring plan that has no teeth.

A good Corporate Citizen would agree to NID's request for a $14 million bond vs. saying it's not needed and they can't afford it. They would listen to the City of Grass Valley (and others) about the benefits of a shorter permit term vs. 80 years.

A good Corporate Citizen would involve and listen to local concerns and local experts and modify their plans accordingly.

A good Corporate Citizen would follow the normal industry steps to open a mine by first requesting an Exploration permit vs. a Production permit, so they could prove their predictions and provide actual data to decision makers vs. promises that the data will all be good later.

Yes, all these things cost extra money, but a good Corporate Citizen who claims to make a 63% net profit every year would be willing to invest some profit to achieve goodwill in the community.

And speaking of numbers, a good Corporate Citizen would provide accurate information to the Economic Studies that are based on industry norms vs. wild claims they can produce gold for half the cost of industry averages.

But what we have is not a good Corporate Citizen but an entity that believes our decision makers are "naïve" and that everyone else but them is wrong.

It defies common sense and basic logic that no environmental issues and none of the negative economic impacts for families, individuals and local businesses will ever occur at any time for 80 years.

Sincerely,

John Vaughan
jvaughan1946@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: 12920@att.net
Subject: Letter From joseph Barrera - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of joseph Barrera at 12920@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is joseph Barrera. I live at 12920 GOODALL mine RD, Grass Valley, cA. 95648.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Grass Valley for 42 years,I am represented by Heidi Hall in district 1. I live so far from any NID hook up that my property would be worthless if my well went dry. I am opposed to the mine re opening.

Sincerely,

joseph Barrera
12920@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: CelloJoe@cellojoe.com
Subject: Letter From Joseph Chang - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:15 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Joseph Chang at CelloJoe@CelloJoe.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Joseph Chang. I live at 114 Margretta Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Grass Valley and have been coming to Nevada Country since 2007. It would be so sad to have the mine destroy the quality of life in the area.

Sincerely,

Joseph Chang
CelloJoe@CelloJoe.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: judyshatir@yahoo.com
Subject: Letter From Judy Houle - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Judy Houle at judyshatir@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Judy Houle. I live at 14113 Horseshoe Ln., Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 2 off Magnolia Road. I have lived in Nevada County since ‘07. Please do not accept the environmental impact report because it is seriously flawed. Rise Gold’s track record is also seriously suspect. Opening the mine Will have a serious negative impacts to this town that will outweigh any perceived benefits.

Sincerely,

Judy Houle
judyshatir@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: christophers1243@gmail.com
Subject: Letter From judy swartzendruber - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:33 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of judy swartzendruber at

christophers1243@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is judy swartzendruber. I live at 12405 Beaver Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

judy swartzendruber
christophers1243@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: kjfrogster@gmail.com
Subject: Letter From Karen Meisenheimer - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Karen Meisenheimer at kjfrogster@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Karen Meisenheimer. I live at 117 Huntington Court, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

The arguments for not certifying the EIR are overwhelming. The EIR is legally deficient. It fails to adequately disclose and evaluate the mine proposal's significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine.

If there is no project, there is absolutely no need for an EIR. It is common sense. The county is under no obligation to certify the EIR if the project is denied. Case law is clear on this topic e.g., Las Lomas Land Co., LLC v. City of Los Angeles (2009) 177 Cal.App.4th 83.

Sincerely,

Karen Meisenheimer
kjfrogster@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: kikalanikane@yahoo.com
Subject: Letter From Kate Kane - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:13 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kate Kane at kikalanikane@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kate Kane. I live at 58 Rockwood Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Thank you for reading my letter. I am retired and I currently live in the Third District, but I have lived in numerous homes over the years since I moved to Nevada County in 1977.

I worked primarily as an early childhood/elementary school teacher, but as we all know, there were second, and even third part time jobs we would take to make ends meet. Sometimes we left the foothills to earn enough to come back.

I think Rise Gold is exaggerating their intentions to provide jobs with a liveable wage, and by reading socal media and talking to neighbors, this seems to be what the community is clamoring for! Based on their track record, when the mining company

leaves, our community will be the poorer for it and angry because they were fooled.

Sincerely,

Kate Kane
kikalanikane@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: kathleenjablonski.mft@gmail.com
Subject: Letter From Kathy Jablonski - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kathy Jablonski at

kathleenjablonski.mft@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kathy Jablonski. I live at 123 Boulder St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am writing again to urge No votes on the Environmental Impact Report and a No to re-opening the mine. The groundswell of public opinion, the groundswell of factual evidence that reopening the mine is not the right or smart thing to do should make your decision a very easy and clearcut one- No and No. At this point, so much time, energy, conflict and dissension surrounds this issue, end it here. Approving an EIR accomplishes nothing but to perpetuate the fracture over this issue. The public has weighed in. The experts who aren't developers have weighed in. Simply do your job and listen and vote accordingly.

Sincerely,

Kathy Jablonski
kathleenjablonski.mft@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kellyjobailey@me.com
Subject: Letter From Kelly Bailey - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kelly Bailey at kellyjobailey@me.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kelly Bailey. I live at 14619 Anchor Ln, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We are in district 3. My husband and I are 100% against The Mine. We bought our home 10 months ago with no disclosures about this project so close to where we live.
I find it absurd that something like this is even being considered. We have been in a drought for several years with no promise of future rainfall with climate change here! We have a new housing development in the neighborhood as well. Traffic, noise,water and air pollution, along with road deterioration.
What a nightmare.

Sincerely,

Kelly Bailey
kellyjobailey@me.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: keliko1111@yahoo.com
Subject: Letter From Kelly Itow - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:13 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kelly Itow at keliko1111@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kelly Itow. I live at 10126 Alta Sierra dr pmb 104, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello, We are currently residents of Alta Sierra and I have lived most of my 61 years in the beautiful and safe Nevada and Placer counties where I purposefully chose to move from my childhood home (Southern California) to escape the smog, traffic congestion, gang violence, school overcrowding to enable me to have and raise my own family in what I can only describe as “Mayberry”. At that time the lakes were pristine, the skies blue, you knew and cared for your neighbors and the police also knew your family. I am totally opposed to the Rise Gold mine reopening. For many years we lived off dogbar just above the bear river. We were warned not to consume fish on a regular basis due to potential mercury issues left over from mining days before. I also have watched the show Yukon gold and gold rush that depict mining in

Canada and Alaska showing the potential environmental issues and complications from mining. I've also read about Rise gold leaving behind devastation in the wake of past mining practices. I hope to stay in this great state and continue to watch my children's children raise their families here but worry about their future, my primary financial investment (home). Reduced property values (we're down stream), the Lisa if and poisoning of ground water in our area from the Rise Gold mining process, the traffic congestion, noise, and have no faith that Rise gold will do anything but line their pockets by destroying our ecosystem and quality of life. Tell them "NO". It's not worth losing our quality of life.

Sincerely,

Kelly Itow
keliko1111@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kim@kimcarlsen.com
Subject: Letter From Kimberly Carlsen - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kimberly Carlsen at kim@kimcarlsen.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kimberly Carlsen. I live at 328 Second St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I own my home just on the edge of historic downtown Grass Valley , and I’m also a top producing Realtor with my office in historic downtown Nevada City. As a mother of three, local for more than 20 years, Realtor and concerned citizen of the Earth , I humbly and deeply and respectfully ask you to just say no to this mine reopening. it would devastate our local housing values, crumble the economy in certain other ways, and overall cast a pall on the entire community and the land that we call home. Thank you for all that you do to keep this beautiful community thriving, and these beautiful hills clean and flowing with life, healthy water, and rich clean soils.

Sincerely,

Kimberly Carlsen
kim@kimcarlsen.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: brigidawn@gmail.com
Subject: Letter From Kimberly Clouse - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kimberly Clouse at brigidawn@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kimberly Clouse. I live at 10335 Mercury Dr., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live near Memorial Park in Grass Valley. I've read through the studies and Environmental Impact Report and believe I have a very good understanding of Rise Gold's plans and mitigations for noise, etc. Knowing all this, I still vehemently object to reopening the Mine at Idaho Maryland. Just the noise and air pollution from the trucks required is enough to stop it. This is NOT the type of business we want to welcome in our rural and beautiful area. Rise Gold has a horrible track record as a company and cannot be trusted. In addition, the EIR must NOT BE ACCEPTED; it is time to close the door finally on any talk of reopening the mine.
Thank you

Sincerely,

Kimberly Clouse
brigidawn@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: KWDizzy@aol.com
Subject: Letter From Kristina Walker-Berry - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kristina Walker-Berry at KWDizzy@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kristina Walker-Berry. I live at 12836 Nevada City Hwy., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a resident of District 1 and have lived here for more than 10 years.

Sincerely,

Kristina Walker-Berry
KWDizzy@aol.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: nuthatch22@sbcglobal.net
Subject: Letter From Laura Boatman - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:37 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Laura Boatman at nuthatch22@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Laura Boatman. I live at 14209 Oak Ridge Road, Penn ValleyI, PENN VALLEY, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived on AG zoned property in District 4 since 1998 and love Nevada County for our rural lifestyle, our environment, and the wonderfully creative, artistic community we share. There is a distinctive spirit among residents here who genuinely care about honoring our county's history while moving forward into a future that preserves and protects our natural and cultural resources that make Nevada County what it is today. When I travel to other parts of the U.S, I am struck by how many people know about our small towns and react by saying how beautiful it is and how lucky we are to live here. It is unthinkable that we would seriously consider allowing a company to threaten the health and welfare of our environment and community for extraction industry short term profits that are not even

guaranteed in their own company prospectus. I strongly urge you to unequivocally REJECT Rise Gold's proposed speculative mine re-opening. The risk to our community severely outweighs any claims of potential, unsubstantiated benefits. Please listen to the majority of Nevada County residents who oppose this project.

Sincerely,

Laura Boatman
nuthatch22@sbcglobal.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lauraquicktext@gmail.com
Subject: Letter From Laura Brewer - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:06 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Laura Brewer at lauraquicktext@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Laura Brewer. I live at 11401 Winter Moon Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Laura Brewer, and I live on Banner Mountain. I have attended many seminars and fora talking about the advantages and disadvantages of Rise Gold’s proposed project to re-open the mine, including a presentation to an OLLI group by Ben Mossman.

I am writing to implore you to reject the application to re-open Idaho-Maryland Mine and to reject the Environmental Impact Report. Rise Gold has a criminal track record of causing environmental damage. Even the most modest estimated cleanup costs would dwarf any speculative prospective tax revenue and temporary job gains for our area — and all at the cost of what draws people to our area, degradation of our water, air, and way of life. Damage to roads from thousands of trips of large trucks

with tons of contaminated materials that are intended to be dumped near Wolf Creek will cost real money to fix and maintain. Vote NO on re-opening the mine and NO on the EIR. Please take us into the future, don't revisit an ugly past.

Sincerely,

Laura Brewer
lauraquicktext@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lmgagliasso@comcast.net
Subject: Letter From Laura Gagliasso - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:15 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Laura Gagliasso at lmgagliasso@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Laura Gagliasso. I live at 14035 Diamond Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Just Say NO to the FEIR! The FEIR is completely flawed! I am done with the disruption to our lives over these last several years. I am done with people telling me they will do what they want with my well and land just because they can...for no other reason than to appease a carpet bag salesman.
There is nothing redeeming in that FEIR. It should not have gone this far. Just say NO to finalizing the EIR and to reopening the mine.

Sincerely,

Laura Gagliasso
lmgagliasso@comcast.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: 1lauragrout@gmail.com
Subject: Letter From Laura Grout - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Laura Grout at 1lauragrout@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Laura Grout. I live at 14526 old white Toll rd, Grass Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 3 and have for over 30 years. Please listen when we the people of Nevada County say, “NO”! Thank you

Sincerely,

Laura Grout
1lauragrout@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: libbybono22@att.net
Subject: Letter From Libby Bonomolo - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:24 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Libby Bonomolo at libbybono22@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Libby Bonomolo. I live at 13906 Wolf Hollow Rd, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived on Grass Valley for over 40 years. I do not believe Ben Mossman is a responsible person and only cares about $$. The fact of his troubles in Canada and the total abuse of opening the mine in British Columbia, the answer should be obvious!! NO to opening the Idaho Maryland Mine!!

Sincerely,

Libby Bonomolo
libbybono22@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lmcnulty@omsoft.com
Subject: Letter From Lin McNulty - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lin McNulty at lmcnulty@omsoft.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lin McNulty. I live at P.O. Box 2149, Coyote St., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Lin McNulty
lmcnulty@omsoft.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: llcarlson2014@yahoo.com
Subject: Letter From Linda Carlson - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:22 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Linda Carlson at llcarlson2014@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Linda Carlson. I live at 306 Pleasant Street, #2, Grass Valleh, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Grass Valley for 6 years. I moved up here after I retired. I did that because of the clean air and the many trees and the nice people as well.
I would hate to have that taken away because of the destruction of the property just so this company can dig up the property for the “possibility” of gold.

Sincerely,

Linda Carlson
llcarlson2014@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: lindaelstonprea@gmail.com
Subject: Letter From Linda Elston - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:17 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Linda Elston at lindaelstonprea@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Linda Elston. I live at 12406 Gayle Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1 on lower banner mountain. I have lived here since the late 1990s and moved here because of it beauty and quiet neighborhoods and love the community. I am a commercial real estate appraiser and own and operate my own company, working mostly out of my home. My home is located just above Loma Rica ranch and I now have a view of Brunswick and Idaho Maryland Road. So this potential mine proposal has me concerned on many levels due to the impact it will have on the environment to our greenhouse gas emission levels, air quality, noise/traffic, water, etc.

I am writing you now to ask that you please vote no to certifying the EIR.

Certifying the EIR would only lend credence to a document that fails to adequately disclose and evaluate significant environmental impacts and violates numerous requirements of state law. Worse still, the certified EIR could be relied on in the future to fast-track the approval of another mining proposal!

The arguments for not certifying the EIR are overwhelming. The EIR is legally deficient. It fails to adequately disclose and evaluate the mine proposal's significant environmental effects, it does not analyze a reasonable range of alternatives to the mine, and it fails to identify adequate mitigation for the mine.
Several deficiencies in the EIR are as follows from the research I have read:

A) Greenhouse Gas Emission Impacts dismissed in FEIR - The only correct threshold given current climate studies, CA SB-32, and today's state goals – is net zero. The Mine's sizable energy footprint would be a serious setback.

B) Mine Waste Management Inadequacies Risk Water Quality - The FEIR's conclusion that water quality impacts related to mine waste will not be significant is unsupported and more testing needed.

C) Mine Waste Management Inadequacies Put Air Quality at Risk - The FEIR's conclusion that air quality impacts related to mine waste will be effectively mitigated is unsupported. The FEIR's plan for managing concentration levels to ensure that mine waste meets safety requirements before being shipped out of the facility is inadequate.

D) Well Owners Shafted in the Final EIR - The FEIR's conclusion that groundwater impacts from the mine project will not be significant was not substantiated. Serious deficiencies identified by expert reviewers of the Draft EIR were not addressed.

E) FEIR Fails to Assess Impacts of Centennial Site - The FEIR excludes the Centennial Site from the full analysis of the impacts of the mine project. This prevents the County from understanding the full environmental impacts and is a clear violation of CEQA, which requires that impact assessments be based on current conditions, not a speculative future condition.

F) There is No Viable Plan for Disposing of Mine Waste - The FEIR does not provide adequate information regarding the viability of the plan to dispose of mine waste through off-site sales and does not have provisions for adequate on-site temporary

storage or permanent disposal of mine waste, leading to potentially significant impacts.

If there is no project, there is absolutely no need for an EIR. Again, I am please asking that you vote no to certifying the EIR. Thank you for this consideration!

Sincerely,

Linda Elston
lindaelstonprea@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: louisasuta@gmail.com
Subject: Letter From Louisa Suta - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Louisa Suta at louisasuta@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Louisa Suta. I live at 10406 N Bloomfield Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District One on the ancient ceremonial land of the Nisenan People and I am very opposed to industrial mining destroying this beautiful land and polluting the Yuba River. The historical documented mining encouraged a 99% genocide of the local Nisenan People who lived here since time immemorial in peace and harmony with nature. The damage that previous mining has done to the area's land, plants, animals and water has not been attended to and to further damage the delicate ecosystem is a crime against nature. We all share this Earth and have we learned nothing as a species about our mistakes of the past? Now is a time of restoration not of further destruction. Greedy intentions do not further and this idea of mining and raping the earth is over.
The Dancing Porcupine Woman

Sincerely,

Louisa Suta
louisasuta@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: lmariemcfarland@aol.com
Subject: Letter From Lynn McFarland - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:17 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Lynn McFarland at lmariemcfarland@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Lynn McFarland. I live at 15273 , Birch Meadows Circle, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Hello, I am a resident in Alta Sierra District 2. I have been spending time in this beautiful and historic community with my family for over 35 years. I finally made my permanent move to my new home in 2019.

To be direct, Nevada County does not need a mine opening! We need to continue to cherish and appreciate our history.

Please, please vote against this disastrous issue!!!

Thank you for your time in considering my choice.

Sincerely,

Lynn McFarland
lmariemcfarland@aol.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rynda@sbbmail.com
Subject: Letter From M Rynda Norsell - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:05 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of M Rynda Norsell at rynda@sbbmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is M Rynda Norsell. I live at 12769 Friar Tuck Rd, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3 adjacent to the Northstar Mine. I understand that the old mining structures and flooded areas remain below this neighborhood. A concern of mine is how a new mine would effect the stability of old mining structures.
More important to me is the reportedly outrageous history of Rise Gold's CEO, Benjamin Mossman, who abandoned a mine in Vancouver BC after damaging the ecosystem and refusing to restore it. That could easily happen here. I'll end with a quote from Maya Angelou: "When someone shows you who they are believe them the first time."

Sincerely,

M Rynda Norsell
rynda@sbbmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: mandorla137@gmail.com
Subject: Letter From Maria Butrico - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Maria Butrico at mandorla137@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Maria Butrico. I live at 197 Ryans Lane, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Maria Butrico
mandorla137@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: markdubois1@gmail.com
Subject: Letter From Mark Dubois - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mark Dubois at markdubois1@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mark Dubois. I live at 17624 Country Cir, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My grandfather & great grandfathers plundered the Yuba watershed for gold long ago when that was the norm. The county and state, and we the people, are now smart enough to create solutions, jobs & economy that that don't need to steal form the future. We also get to invite and give permission only to companies that have demonstrated responsibility and deep integrity. None of us can afford companies that reflect values for our land and future generations.

Thanks for planning for & working for a future that serves all. And prohibiting this outdated business model.

gratitude

Sincerely,

Mark Dubois
markdubois1@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: bikemark@mac.com
Subject: Letter From Mark Hotsenpiller - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:22 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mark Hotsenpiller at bikemark@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mark Hotsenpiller. I live at 17274 Oscar Drive, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Alta Sierra, District 2. I have lived here since early 2020, minutes before COVID shut down the world. I fear that the mine would cause irreparable harm to the area. The EIR does not adequately address the real issues involved – water (both the mine's waste and neighboring wells), noise, road damage from hundreds of heavy trucks every day, waste disposal. But my main concern is the business practice of Rise Gold. The lawsuit in Canada has not been resolved. It would be absolute folly to allow the mine to be run by scofflaws. Just say NO, and do NOT approve the EIR.

Thank you.

Sincerely,

Mark Hotsenpiller
bikemark@mac.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: marktriolo@gmail.com
Subject: Letter From Mark Triolo - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:15:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mark Triolo at marktriolo@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mark Triolo. I live at 15472 Shannon Way, Nevada City, Ca 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The risk of environmental issues heavily outweigh the small economic benefit. And in fact, may create economic issues as well - like housing. Add on top of this, Mossman's reputation in Canada, and the decision is clear - DENY THE REOPENING. This effort is clearly bad for Nevada county and should never have gotten this far.

Sincerely,

Mark Triolo
marktriolo@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: marymenconi@gmail.com
Subject: Letter From Mary Menconi - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:15 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mary Menconi at marymenconi@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mary Menconi. I live at 10131 Alta Vista DRIVE, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Alta Hill neighborhood of Grass Valley. I am strongly opposed to the mine, and I think the EIR was inadequate and should not be approved. My specific concerns are traffic, air quality, and water quality. The mine is incompatible with this area, and Rise Gold's CEO does not have a good track record on environmentally safe mining

Sincerely,

Mary Menconi
marymenconi@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: mattarcherdc@gmail.com
Subject: Letter From Matt Archer - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:39 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Matt Archer at mattarcherdc@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Matt Archer. I live at 13668 McKitrick ranch rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’ve lived in this county for 40 years. I’m in district 4. I have practiced as a chiropractor here for 20 years. I have two kids in school. I honestly can’t believe the county is considering allowing an active mine in the Brunswick area. We certainly can’t afford more challenges in our air quality or traffic but further demand on our water supply and it’s possible contamination is insane. Do not approve the mine and do not approve the EIR. Few things motivate me to get involved with local politics, but approval of this plan would send me on a quest to remove any officials from office who were involved with its approval.

Sincerely,

Matt Archer
mattarcherdc@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: m.fanucchi@sbcglobal.net
Subject: Letter From Michael Fanucchi - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Michael Fanucchi at m.fanucchi@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Michael Fanucchi. I live at 13007 Madrona Leaf Ct, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Michael Fanucchi
m.fanucchi@sbcglobal.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: mshea49@hotmail.com
Subject: Letter From Michael Shea - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:18 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Michael Shea at mshea49@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Michael Shea. I live at 11069 Cedar Ridge Dr, Cedar Ridge, CA 95924.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

My wife and I live on Cedar Ridge Drive. Our backyard abuts the mine property. According to the EIR, the Brunswick Site engineered fill operation will take place 500' behind my house and mine mineral processing will take place 2,000' from my house.

My wife and I are both retired. We brought our house in 2009, moving from our house on Sunrise Lane in Grass Valley. We loved the Cedar Ridge house and put a lot of hard work and hard earned money into creating a wonderful place to live. But because of the possibility of a mine next door, the house is now a weight dragging us down. We never would have bought the house if a mine was operating next door and we thought it was outside the realm of possibility that a business operating 24 hours a day, 7 days a week, and processing 1,000 tons of rock a day would fit under

the Light Industrial classification of the property behind us.

We want to stay in the Grass Valley/Nevada City area because we love it here and are involved in the community. For several years we both have been weekly volunteers at Sammie's Friends, we have been members of the Center for the Arts for a good 15 years (currently Encore Members), I am the president of the Nevada County Camera Club. We support SYCRL, KVMR, the Bear River Land Trust, and Hospitality House. We don't have a Costco membership and shop locally.

We've been looking at houses for a solid year now, trying to find another house away from the mine site that we can afford. And even after accepting the many concessions we'll have to make if we move, not one of the numerous houses we looked at compares with ours.

I have been dealing with the mine situation for over three years now. In additional to the emotional turmoil it's caused, we've put repairs and upgrades to our house on hold because of the uncertainty of the situation. I've studied the draft EIR and economic report, written letters to the planning commission, commented on the draft EIR and economic report, spoken at a planning commission meeting, and written op-eds to The Union.

The responses given to my comments on the EIR and Economic Impact Report are jokes. My questions and concerns weren't even addressed. It was like the person reviewing and responding to my comments couldn't be bothered and chose to sidestep any questions that might require further study or asking the technical report writers about them. I'M SICK OF THIS!

Please, please, do not adopt a recommendation to certify the FEIR.

Thank you for working to better Nevada County.

Sincerely,

Michael Shea
mshea49@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: nancylernst@yahoo.com
Subject: Letter From Nancy Ernst - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:33 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Ernst at nancylernst@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Ernst. I live at 14618 Tyler Foote Rd #74, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Nancy Ernst
nancylernst@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: Nanjac2010@gmail.com
Subject: Letter From Nancy Jacobsen - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Jacobsen at Nanjac2010@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Jacobsen. I live at 181 Grove St., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I own a house in District 5. I moved here 2 years ago from the Bay Area. I love living here in the beautiful, peaceful environment. I don't think you should approve the Final EIR. A gold mine should never re-open here in Nevada County. Vote for Option A.

Sincerely,

Nancy Jacobsen
Nanjac2010@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: nancyamorris1947@gmail.com
Subject: Letter From Nancy Morris - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nancy Morris at nancyamorris1947@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nancy Morris. I live at 224 South Church St., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live near downtown Grass Valley and I have taken a tour of the proposed Mine site with the General Manager. I believe I have a very good understanding of Rise Gold's plans and mitigations for noise, etc. Knowing all this, I still vehemently object to reopening the Mine at Idaho Maryland. Just the noise and air pollution from the trucks required is enough to stop it. This is NOT the type of business we want to welcome in our rural and beautiful area. The EIR must NOT BE ACCEPTED; it is time to close the door finally on any talk of reopening the mine.
Thank you

Sincerely,

Nancy Morris
nancyamorris1947@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: christophers1243@gmail.com
Subject: Letter From Nick Swartzendruber - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Nick Swartzendruber at

christophers1243@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Nick Swartzendruber. I live at 349 French Ave, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Nick Swartzendruber
christophers1243@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: pam@chezwolfe.com
Subject: Letter From Pamela Wolfe - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:16 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Pamela Wolfe at pam@chezwolfe.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Pamela Wolfe. I live at PO BOX 190, 16288 Gleko Rd, ROUGH AND READY, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Pamela Wolfe
pam@chezwolfe.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: wildbugs@gmail.com
Subject: Letter From Paula DeGiorgis - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Paula DeGiorgis at wildbugs@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Paula DeGiorgis. I live at 417 Maryland Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Please do not destroy our beautiful community by approving the inadequate EIR for Rise Gold.

Sincerely,

Paula DeGiorgis
wildbugs@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rachelanbigger@gmail.com
Subject: Letter From Rachel Bigger - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Rachel Bigger at rachelanbigger@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Rachel Bigger. I live at 14566 Talking Pines Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

The mine will be a great black blot on the community. We don't need all the extra traffic of large trucks on our small roads, not to mention the horrid noise this will produce hauling gravel! Also, the noise of rock processing, loading, spreading, and compacting. This small picturesque, quiet community will be ruined by all this extra noise! Add to that all the environmental damage. The air and water quality, the scenery blighted with engineered fill! The EIR report is incorrect on the impact this mine would have on our community and the report should NOT be approved.

Why would we even consider such a proposal from Rise Gold when their CEO went bankrupt on his last project leaving the Canadian taxpayers the bill to pay for the cleanup? Is that what you'd like to happen to Nevada County? The

Sincerely,

Rachel Bigger
rachelanbigger@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: puramex@gmail.com
Subject: Letter From Rebecca Vandegrift - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Rebecca Vandegrift at puramex@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Rebecca Vandegrift. I live at 16249 Thornberry Way, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in south county across from Alta Sierra in district 4.
I gave called Nevada County home for over 39 years. I moved here with my husband and children because we loved the community and the many outdoor activities presented here. This is a beautiful area we call home.
We already suffer with an air quality that leave much to be desired. The mine will add to that stress, please don’t allow it.
We (and our many tourists) enjoy the sounds and smells of nature here. The mine will intrude on that with machinery screaming at all hours and further polluting our air.
We are a drought state and gross mass amounts of water required for this project is

indefensible.
As a voting constituent: NO MINE

Sincerely,

Rebecca Vandegrift
puramex@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: carleton2u@gmail.com
Subject: Letter From Richar Lailer - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Richar Lailer at carleton2u@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Richar Lailer. I live at 10167 Alta Vista Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Richar Lailer
carleton2u@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: erblair7@gmail.com
Subject: Letter From Richard Blair - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Richard Blair at erblair7@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Richard Blair. I live at 13041 Wood Rose Way, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have called this community home for 22 years and plan to stay the rest of our lives.
As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Your decision is so important, proposed is an 80 year project taking us to 2103, wow! This decision does not only affect you, your family, the community now, but for generations to come. We will all be dead and gone but your decision and your legacy will have impact far into the future.

The misleading ads about average $145,000 total compensation means the executives will make fortunes and the mine workers, local people, will make much less. Go on Indeed, do a google search, entry level mine jobs are 30-45K (15-22/hr). There will be engineers and a few others but these guys are playing us and our community will suffer. We can do better to find industries that will enhance rather than destroy. No external monitoring and penalties are spelled out in the EIR which should scare us all and can not be accepted or approved.

Please protect our community, think long term. I could not find any stories of mining coming to a community and making a positive impact, all the stories I found are ones of tragic environmental and health disasters. You know we can grow our community and find other ways to attract jobs. High speed internet allows digital remote workers to live in a beautiful foothill community. The Bay Area is rough and expensive to live in, many would move here or visit more if we developed recreation, bike trails, amenities that make this lovely area even better.

Thank you for your thoughtful consideration,
Richard Blair and family

Sincerely,

Richard Blair
erblair7@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: rikic2222@gmail.com
Subject: Letter From Riki Colby - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Riki Colby at rikic2222@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Riki Colby. I live at 139 Glenwood Ave, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Glenwood community be hind Fowler Shopping Center. This neighborhood is in District 3.

I have lived in Nevada County for 45 years almost 50 years it’s right in between there. I lived on the San Juan rich during the time of the Siskon gold mine mine was the third well they went dry, and the last one to be settled.
I have full knowledge and experience of having a gold mine in your neighborhood it is not at all a fun thing to have, they don’t care about you they don’t care how they damage you.
Just Say NO to the EIR!!! be smarter and wiser than the board and the planning department that allowed SYSCON Goldmine to devastate the ridge.

Thank you.

Sincerely,

Riki Colby
rikic2222@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: bobocheltree81@gmail.com
Subject: Letter From Robert Ocheltree - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:13 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Robert Ocheltree at bobocheltree81@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Robert Ocheltree. I live at 13393 Willow Valley Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Robert Ocheltree
bobocheltree81@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: robert@ananda.org
Subject: Letter From Robert Stolzman - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Robert Stolzman at robert@ananda.org

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Robert Stolzman. I live at 14618 Tyler Foote Road #23, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Robert Stolzman
robert@ananda.org

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sara@bottrell.org
Subject: Letter From Sara Bottrell - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:39 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sara Bottrell at sara@bottrell.org

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sara Bottrell. I live at 11551 side hill circle, Nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live on Banner Mountain in District 3. I own two local businesses employing over 30 people. This mine proposal is bad for our community. I live close by and don’t want to hear or feel a mine operating for 80 years non stop. I don’t want a mine contaminating by air. AND, I do not want a mine using all the ground water. The city better install NID to all homes that could possibly be affected (it’s definitely not the 300 in the report). This is bad for our town. You are supposed to represent us. The people who actually live here and have been supporting this town for decades. Please vote NO!

Sincerely,

Sara Bottrell
sara@bottrell.org

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: shelley.murdock01@gmail.com
Subject: Letter From Shelley Murdock - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:06:20 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Shelley Murdock at shelley.murdock01@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Shelley Murdock. I live at 10481 Banner Mine Way, Nevada Ciry, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I moved to Nevada City (District 1) five years ago, drawn here by the natural beauty, slower pace and friendly citizens. We have made every effort to become good community members by volunteering, donating, shopping locally, and preserving the natural beauty of the area. The re-opening of the mine will adversely affect the environment and destroy so many of the qualities of life that drew us here. The promised revenue and jobs are just an enticement to get your vote. Please don’t destroy something wonderful for what most assuredly are empty promises.

Sincerely,

Shelley Murdock
shelley.murdock01@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: topped.00-pyloric@icloud.com
Subject: Letter From Stacey Wells - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stacey Wells at topped.00-pyloric@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stacey Wells. I live at 12490 Redwood Ln, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district three and have lived here for eight years. I work and live here in Grass Valley and very much oppose the mine. We live in Allison Ranch Road across from the marshy area that is supposed to be “cleaning” the groundwater that goes to our well from the North Star Mine. Who knows what poisons we are drinking and giving to our animals from the local groundwater. We don’t want to see more mining pollution ruin another part of our beautiful town. Thank you for reading.

Sincerely,

Stacey Wells
topped.00-pyloric@icloud.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: stephen.e.barr@gmail.com
Subject: Letter From Stephen Barr - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:57:19 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stephen Barr at stephen.e.barr@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stephen Barr. I live at 14311 CAHILL LN, GRASS VALLEY, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Stephen Barr
stephen.e.barr@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: sfarrage@gmail.com
Subject: Letter From Steven Farrage - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:13 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Steven Farrage at sfarrage@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Steven Farrage. I live at 211 Park Ave, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a current resident of Nevada City (District 1) and a resident of Nevada County for nearly 6 years, I am deeply concerned that re-opening a mine is even being considered a possibility by our Planning Department.
Undoubtably there are economic benefits for RISE Gold and probably Nevada County: but the environmental cost far outweighs those financial returns.
The County continues to bear the dangerous environmental impact of the last operating mines in our streams, lakes and soil. Mining destroys our environment; no matter what safeguards are promised in the FEIR there will be seen and unseen damage which the mining industry has little history of addressing without lengthy and expensive litigation.
I urge the Supervisors and Planning Department to focus on the their commitment to

meeting their climate change targets and to reject this high risk mining proposal,
Sincerely,

Sincerely,

Steven Farrage
sfarrage@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: stubeach@hotmail.com
Subject: Letter From Stuart Beach - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stuart Beach at stubeach@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stuart Beach. I live at 13506 Barker ln, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 3. I have lived in Nevada county since 1994. We moved here to raise our 2 girls. My daughters loved being raised here. They enjoyed the many swimming holes in our local clean rivers. They enjoyed the slow pace of life from the city. We all enjoyed how quite it was at night, except for the occasional loud motorcycle being driven by our place.
I believe the EIR is very flawed. It must not be accepted. We have a well and rise gold has the mineral rights under our property. What recourse will I have if our well is no longer any good? Will the county pay to get us water? When our property values plummet will the county make up the difference?

You must vote NO on the mine. It will destroy western Nevada county. The EIR can

not be adopted.
Thank you.

Sincerely,

Stuart Beach
stubeach@hotmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: dundance@gmail.com
Subject: Letter From Susan Dunn - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Susan Dunn at dundance@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Susan Dunn. I live at 507 Neal Street, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Mining was a boon to the Mother Lode more than a hundred years ago. Folks were pioneers, looking for a quick way to make money. The population was a fraction of what it is today. Mining is no longer appropriate for our quiet, pleasant, small town community. Why add heavy truck traffic, threats to our wells and water systems, noise, dust pollution, etc. for a few jobs? Jobs can be found in Auburn, Roseville, or even on line. Reopening the Idaho-Maryland Mine is a bad, very bad, idea for our community.

Sincerely,

Susan Dunn

dundance@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: SDHPeace@att.net
Subject: Letter From Susan Hopkins - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:15:05 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Susan Hopkins at SDHPeace@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Susan Hopkins. I live at 12959 Woolman Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Susan Hopkins
SDHPeace@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tanyadr2001@yahoo.com
Subject: Letter From Tanya Rentz - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:14 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tanya Rentz at tanyadr2001@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tanya Rentz. I live at 177 W Olympia Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in the Brunswick area, and have lived in Nevada County since 1973. I used to live in the San Juan Ridge and felt the impact of the gold mining there with the depletion of water in the wells.
PLEASE say NO to the Idaho Maryland Mine!!!
The impact of noise, traffic, water depletion, air pollution cannot be mitigated! The mine is too close to inhabited areas.
Thank you!!

Sincerely,

Tanya Rentz

tanyadr2001@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: poston-poston@sbcglobal.net
Subject: Letter From Teresa Poston - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:07:28 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Teresa Poston at poston-poston@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Teresa Poston. I live at 415 Neal Street, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Our family has lived in Grass Valley proper as well as the Peardale area since 1978. To date, we are a three generational family. My late husband was transferred by the US Soil Conservation Service as a mine land reclamation specialist to study the ongoing toxic runoff from Malakoff Diggings which has never been fully mitigated. If history can teach us anything about environmental damage from gold mining, look no further than Malakoff Diggings and Empire Mine which persists today. Throughout our residency in Nevada County, we have witnessed a transformation from a resource-based economy to a more diverse economy based on tourism, high tech, arts and quality of life. As a family, we made the decision to be part of that transformation and are fully vested in that vision and future direction of our community. This is not the first attempt by outside forces to try to convince us to

allow mining in our community with promises that will not and cannot be kept. It's time to let our mining legacy just be part of our history and recognize that our community is on a different trajectory that does NOT include mining.

Sincerely,

Teresa Poston
poston-poston@sbcglobal.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: tso_nc@yahoo.com
Subject: Letter From Terri Ozanich - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Terri Ozanich at tso_nc@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Terri Ozanich. I live at 10037 Dow Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Nevada City in District 1. I have been a resident of this county for 60 years. My mother lived here since she was a young girl, and married my father at the Methodist church on Broad St in Nevada City. Many of my relatives on her side have lived and worked here their entire lives. There is no other place in this country I would rather live. Please protect this beautiful place for us.

Sincerely,

Terri Ozanich
tso_nc@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tom.wolfe@yahoo.com
Subject: Letter From Thomas Wolfe - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:11 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Thomas Wolfe at tom.wolfe@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Thomas Wolfe. I live at PO Box 190, Rough and Ready, CA 95975.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Rough and Ready and have lived here over 36 years. I was previously the 1988-1989 foreman of the NC Grand Jury and have been active in the community ever since. I am also a water and waste expert on mines. I have worked at many South African gold mines which spend much money on water and mine wastes as well as at US mines. I also was involved with the EMGOLD debacle back in the early 2000's. My work for the State of California actually is part of the hazardous waste disposal codes and were applied to the EMGOLD "make floor tiles from mine waste" baloney. I have also researched Mr. Mossman of Rise Gold and Minewatch is exactly correct - he left a mess in Canada and will do the same here.

The environmental impacts of the Rise Gold mine re-opening are just not worth any

few jobs we may get from Rise Gold and certainly any claim that there will be high paying mine jobs for a long time are spurious at best.

How he has gotten this far is a mystery but it is clear - it is your duty to stop it now. Please remember Mark Twain's comment - "A gold mine is a hole in the ground with a liar at the top" (or bottom, or owned by a liar). And it is very true in this case.

Please say NO.

Sincerely,

Thomas Wolfe
tom.wolfe@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: tobybrock@gmail.com
Subject: Letter From Toby Brock - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:15:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Toby Brock at tobybrock@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Toby Brock. I live at 617 Todd Ct., , false, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As the father of a 4 year old that is being raised in Nevada County, I would strongly hope you consider the potential long term impacts of mining on the future health of our children and population. Impacts need to be observed with the long term in mind and not just what the immediate repercussions. How will the health of our progeny look in 20 years? In 50? How about our children's children? I accept that these types of impacts cannot be known outright. However, we live in an age where we are well aware of how the choices of our predecessors have made major impacts on our collective health and quality of life. Why would this choice be any different? We have seen how mining in the past has prisoned both land and citizen many times, in many places. This project seems very shortsighted when looking at the bigger picture. There are plenty of other sustainable ways to bring wealth to our communities

without mortgaging our environment and the health of future generations. Please think of the future and vote NO across the board on this project. Thank you!

Sincerely,

Toby Brock
tobybrock@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: gogettom@hotmail.com
Subject: Letter From TOM BEHLMER - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:56:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of TOM BEHLMER at gogettom@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is TOM BEHLMER. I live at 12448 Old Mine Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3 since 2011. If the FEIR is not rejected, the possibility of another attempt to open the mine may continue to put a chill on the properties around the mine that will be impacted. It could make selling a property problematic and may require a fire sale price to induce a buyer. Would you risk buying a home next to the mine? Even if you felt the risks are negligible, will the next buyer think the same when you want to sell? Approving the FEIR will perpetuate this. The analysis of real estate impacts from two other mine openings are dissimilar to our local area. Unlike the other two, we have a much higher population density near the mine with homes much closer than in the examples cited.

The mine will generate 18,000 one way vehicle trips either in or out per MONTH. We

have semi blind turns, no center dividers, many perpendicular feeder roads onto Bennett and Highway 174 that require crossing lanes of on coming traffic and can be icy in winter. What could go wrong? Don't put our safety at further risk. Over the last seven years there have been two fatal head on accidents on either Brunswick or Highway 174.

Here is the math on the 18,300
200 approximate employees projected by Rise to work at any one
time
+100 ore truck trips
+5 my projection or estimate of supply trucks to bring in supplies to the mine
---
=305 one way in bound
x2 to reflect out bond leg
---
610 in or outbound trips per day
x30 days. Rise said the mine will operate seven days a week.
=18,300 per month

Sincerely,

TOM BEHLMER
gogettom@hotmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: tomelson.9@gmail.com
Subject: Letter From Tom Elson - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:21 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tom Elson at tomelson.9@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tom Elson. I live at 12190 Cement Hill Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in County Supervisor District 1 in the Greater Cement Hill Neighborhood. I have concerns over the lack of clear understanding of how mine dewatering will or will not affect local groundwater resources; specifically, the effects on the overall water supply, not just for neighboring well owners, but for the greater community. If groundwater wells are rendered inoperable due to dewatering, the need to connect homeowners to alternate supplies affects overall local supplies, especially during multiple-year droughts. The DEIR acknowledges limitations in predicting the effects of mining in the Idahop-Maryland hard-rock environment but provides no historical monitoring on which to assure the community that mitigation measures, even if feasible, can be implemented in a targeted and effective way. The project risks the most important community resource for our health and welfare and I urge the Board

to reject the project.

Sincerely,

Tom Elson
tomelson.9@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: tomlarsen@alum.berkeley.edu
Subject: Letter From Tom Larsen - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:17 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Tom Larsen at tomlarsen@alum.berkeley.edu

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Tom Larsen. I live at 327 Vistamont Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Currently, I live in Morgan Ranch. I owned a home in Wawona Madrona for many years and can not imagine how uncomfortable I would be were I still there and in the same general area as the project.
First, I see no reason to trust this Company. The track record of the CEO does not inspire trust. It's previous efforts in Canada are still in legal action based on exactly the area that is the most vulnerable, the environmental degradation of the area. There is no rationale to even debate all of the environmental risks that the County would be taking on behalf of all of the county population for the next 80 years. Hundreds of trucks a day. Hundreds of employee trips per day. Employees required to work 12-hour days. No local housing to provide. At any time Rise can sell or simply depart leaving back a possible SuperFund site not unlike the one's already

here and STILL CONTAMINATED.

Please do not approve the EIR. It is very short of thoughtfully covering all of the topics it should and misses the mark in many areas.

Then, deny the applicant entirely. It's the right thing to do for what is an area in very close proximity to all of the populations of Grass Valley and Nevada City, who will be the victims of whatever mistakes or indifference Rise, or a new owner, might inflict on our people.

That's not the legacy I would want to be remembered for.

JUST SAY NO!

BTW: My undergraduate degree is in Conservation of Natural Resources, with a focus on Environmental Impacts, from UC Berkeley.

Sincerely,

Tom Larsen
tomlarsen@alum.berkeley.edu

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: vevulfs@gmail.com
Subject: Letter From Vilnis Vulfs - Just Say No to the Mine
Date: Saturday, May 6, 2023 3:14:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Vilnis Vulfs at vevulfs@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Vilnis Vulfs. I live at 11940 Travel Hut Dr, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Vilnis Vulfs
vevulfs@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: vmommi@yahoo.com
Subject: Letter From Virginia mommi - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:12 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Virginia mommi at vmommi@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Virginia mommi. I live at 2666 Ridge road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

yes I know that we have a history of being "Gold Country" my father worked in the mines. It is not the same as then this is not a town its a city we cannot allow this type of thing to go on now! The old mines are under all of Grass Valley. Please do what's right for this area vote no mine. Thank you

Sincerely,

Virginia mommi
vmommi@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: walter.helvin@gmail.com
Subject: Letter From Walter Helvin - Just Say No to the Mine
Date: Monday, May 8, 2023 8:07:14 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Walter Helvin at walter.helvin@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Walter Helvin. I live at Stone Meadow lane, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in a rural neighborhood of western south county, located just inside District 2. I attend high school at Ghidotti as a Junior. I am very concerned about the future of our county and the terrible precedent allowing this mine to reopen sets.
First, there are environmental concerns; this mine will have a significant negative impact on our air and water quality as well as cause the destruction of many acres of native habitat which is not only detrimental to our local community but affects the world broadly as a contributor to climate change.
As a young person and a student, I am very passionate about this issue and it directly impacts my future. I want my county to take proactive steps to ensure our future and our county reduces its impact on the climate and environment.
Additionally, Rise Gold has a terrible reputation when it comes to the environmental

effects of mining, as well as running a business in general.
This brings me to the next point, the economics. Even if the environmental effect was negligible, (which it most certainly is not), this company has never made a profit nor is it projected to over the first several years of this new project. While the mine is operating this will displace and discourage other parts of our county's economy, mainly tourism and recreation, which has a much larger impact not only on the County's budget but also on the livelihoods and quality of life for everyone here in the county.
Clearly, reopening this mine makes no sense environmentally or economically. I believe the county could make much better use of its time and resources by assisting and providing resources to constituents who want to protect and restore their property with native plants and habitats, become more sustainable, and reduce fire risk.
Our beautiful, rural, and historic county is always in need of further outreach, education, and resources to address the trifecta of climate change, environmental justice, and reducing fire risk. I know neighbors who want to create conservation easements on their property and could use help from an entity such as our County government. This would also be a much better use of resources to help address climate change and fire risk concerns as well as benefit the local recreation/tourism economy.
Lastly, I would like to appeal to the mission of our county government and the goals the Board of Supervisors set. As you know, our government broadly works through representative democracy and here in the county, you elected officials have processes and responsibilities to serve your constituents effectively. This I understand, however, I do not understand this long, wasteful, drawn-out process of consideration for a project that the vast majority of our community clearly opposes. When you promised to center sustainability as a board objective, I did not conceptualize sustainability as reopening a toxic and dangerous mine.
I have grown up in Nevada County for all 17 years of my life so far. I have volunteered in this county and have been growing to become a more engaged and committed citizen of this county, soon I will be able to vote and truly add my voice to this local government. I have many friends who do not see this place as somewhere they want to live or return to. My time learning and serving the community has given me a different perspective. I really want to see this county continue to improve and foster positive change in our communities to better serve everyone today and well into the future.
I hope by considering my message, and the messages of many others, that you will decide to completely prevent the reopening of the Idaho-Maryland mine and do not

certify the EIR or allow this mine to reopen in any way.
Thank you.

Sincerely,

Walter Helvin
walter.helvin@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: yolanda2saenz@gmail.com
Subject: Letter From Yolanda Saenz - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:30 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Yolanda Saenz at yolanda2saenz@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Yolanda Saenz. I live at 17255 Wyatt Earp rd., Nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Yolanda Saenz
yolanda2saenz@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: navarroy@sbcglobal.net
Subject: Letter From Yvonne (Ronni) Navarro - Just Say No to the Mine
Date: Sunday, May 7, 2023 5:55:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Yvonne (Ronni) Navarro at navarroy@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Yvonne (Ronni) Navarro. I live at 529 Jordan St, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a Grass Valley native and I have several relatives in the area. We have seen many changes over the decades. Some positive and some negative. We feel blessed to be born, raised and live in this wonderful community and gorgeous area. The Idaho-Maryland Mine is NOT a business we want to welcome in our rural and beautiful area. The FEIR lists several significant and unavoidable environmental impacts that endanger this community's health and quality of life. These include aesthetics, traffic, and noise. There are also serious deficiencies in the FEIR that put the County and its citizens at even greater risk. We want our children and future generations to live healthy lives and enjoy the suirrounding beauty as we have been able to do. The Idaho-Maryland Mine is not a positive choice. The EIR must NOT BE ACCEPTED; it is time to close the door finally on any talk of reopening the mine.

Sincerely,

Yvonne (Ronni) Navarro
navarroy@sbcglobal.net

MINEWATCH

Community Environmental Advocates FOUNDATION

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

The Mine: Just Say NO! So many valid and important reasons to say NO. Let's convert the property to a Gold Country Park for the people who live here. And, a portion to house and help the needs of the homeless. Let's NOT destroy the area for the peole who live here. This area might become a Ghost-Town. Let's NOT bow to the whims and ways of the very rich.

Don R. Bethe

Don R. Bethe, 20 year resident of Penn Valley.

Address _____

Phone _____

RECEIVED
MAY 05 2023
County of Nevada
Comm Dev Agency
CDA Fiscal

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

MINEWATCH

Community Environmental Advocates FOUNDATION

Dear Nevada County Supervisors and Planning Commissioners,

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

The Mine: Just Say NO! So many valid and important reasons to say NO. Let's convert the property to a Gold Country Park for the people who live here. And, a portion to house and help the needs of the homeless. Let's NOT destroy the area for the peole who live here. This area might become a Ghost-Town. Let's NOT bow to the whims and ways of the very rich.

Barbara J. Bethe

Barbara J. Bethe, 20 year resident of Penn Valley.

Address _____

Phone _____

RECEIVED
MAY 05 2023
County of Nevada
Comm Dev Agency
CDA Fiscal

County of Nevada
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Re: Idaho-Maryland Mine

May 8, 2023

Dear Nevada County Supervisors

Please do not allow the Idaho-Maryland mine to re-open. It is too risky, the threat to our local ecology is immense. Ben Mossman has a horrible criminal background and should not be trusted. We and our children and grandchilden will be stuck with mine, the problem will be ongoing.

Over the coming decades the mine will require fewer and fewer employees as robotics will do the drilling, blasting and all the other tasks. The benefits to the county and citizens will be miniscule.

Sincerely,
Paul Sabin

Paul Sabin

13326 Side Bet Dr
Grass Valley CA

RECEIVED

MAY 0 8 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

April 29 2023

To Supervisors and Plannng Commisson,

This is a hardy **vote no** on the gold mining on local Idaho-Maryland-Road.

The environmental impact in traffic alone is a decisive factor let alone all the other damages to the environment for the citizenship of local area. Mother Earth also needs to be considered for the damage that will occur to her BEingness.

Donna Chamberlain

Donna Chamberlain

10745 Red Dog Road

Nevada City, CA 95959

Nevada County Supervisors and Planning Department May, 5, 2023

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

ESP. Lisa Swarthout

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ellen Sommers. I live at 11082 Copper Drive, Grass Valley, CA, a very few miles from the proposed Idaho-Maryland Mine work sites and travel routes.

As a concerned citizen and as my representative, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

The noise and particulate pollution will impact my neighborhood significantly, even though there are promises of mitigating these issues from a company that already has a questionable history of unkept promises. I have written before, when is issue first came up, and I write again to ask that you reject this flawed project. Do we want to be a community that welcomes the tourists and outdoor enthusiasts that come now, or do we want to create more traffic catastrophes as these trucks move around the community, less potable water and a tradition of destroying open spaces for an unknown.

Nevada County has a housing problem and a lack of talented employees. Bringing in employable people from outside the county will add more pressure to a housing market that is already pushing fixed income seniors and first time homeowners into untenable financial strain. The promised jobs, even if they materialize, will be hard to fill without additional population and it is questionable if we have the infrastructure and support services to provide that, even if the promised revenue is realized.

The plan is flawed, the corporation is corrupt and the concept is not part of my vision for Nevada County. I am not sure how to end this but to say

JUST SAY NO

RECEIVED
MAY 08 2023
NEVADA COUNTY
BOARD OF SUPERVISORS

to the Idaho Maryland Mine.

Sincerely, Ellen Sommers

Ellen Sommers

11082 Copper Drive, Grass Valley, CA 95945

EACH SUPERVISOR RECD.

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MAY 08 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

Jennifer Burt, PhD
13921 Loma Rica Drive
Grass Valley, CA 95945

May 4, 2023

Mr. Ed Scofield
Nevada County Board of Supervisors
950 Maidu Avenue, Suite 200
Nevada City, CA 95959
ed.scofield@nevadacountyca.gov

Dear Mr. Scofield,

I am writing to plead that you vote AGAINST CERTIFICATION of the Idaho-Maryland Mine project Final EIR, and also that you vote against this project moving forward in any capacity.

My name is Jennifer Burt, and I live in District 1, where I have raised my two kids. My husband and I purchased our home and moved to this area many years ago because we were drawn to the natural beauty, open space, and ecology of the region, the ability to farm on our land, and the quiet ambiance of our neighborhood.

The threat of this project has caused significant distress for all of us, knowing how much it would degrade the quality of life and environment of this beautiful place if it goes forward. Worse, we have all watched the County sponsor a terribly prepared, absolutely inadequate EIR which was supposed to objectively analyze the impacts and describe a comprehensive, enforceable monitoring and mitigation program. Yet, despite the fact that this major project has so much potential to negatively impact our community and natural resources, the County and its consultants have failed to ensure the EIR does any of the above on any level for any topic. It is categorically the worst EIR for a large project that I've ever seen after working in the field of environmental consulting for over 20 years.

Certifying this EIR would just fast track the next poorly-thought-out mining operation to use it as their County-approved environmental document to build off of, and would ensure our community will continue to be unsettled by the threat of a huge gold mining operation happening underneath our very feet and homes, tampering with our groundwater supply. Gold is clearly an important part of Nevada County's past, but it is uninformed nostalgia to think it was a bright, shiny past. It was a gritty, loud, environmentally degrading and somewhat dystopian reality for the vast majority of the people living here and the natural environment when the Idaho-Maryland and Empire Mines were running here. Large-scale gold mining is not part of a sustainable and beneficial future for this County. We need to address climate change, water reliability in the face of climate instability, wildfire threats—more than enough difficult issues for one community to grapple with—let's not add a massive industrial mining operation by a greedy corporation with no interest in our local community to our list of current traumas. If you do approve this EIR or this project, you are setting the County up for a multitude of environmental lawsuits (if the EIR is approved) and an unmitigated environmental disaster (if this project or similar goes forward). Please do the right thing for your community and vote NO on certifying the project EIR and vote NO on allowing the project to move forward.

Sincerely,

Jennifer Burt

jenniferwburt@gmail.com

5/7/23

TO: Nevada County Supervisors

I want to let you know that I support the opening of the Mining Operation of Idaho-Maryland Mine.

I have been a miner in the past and believe in the quality of the workers and integrity of the mining company. I also believe that the disruption of traffic and to the community will not be too much once the initial start-up is complete.

Please consider allowing this to go forward.

Sincerely, William Mudd
Resident of Grass Valley for 21 years.
PO Box 2888
GV. CA 95945
P.S. (Not able to attend 5/10 hearing)

From:	Sara Greensfelder
To:	Idaho MMEIR
Subject:	Comments on IMM FEIR from Sara Greensfelder
Date:	Monday, May 8, 2023 11:22:20 AM
Attachments:	Comments on IMM FEIR from Sara Greensfelder.pdf

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Nevada County Planning Commission and Supervisors,

Please see my attached comments on the Idaho-Maryland Mine FEIR.

Thank you,
Sara Greensfelder
District 4

May 8, 2023

Dear Nevada County Planning Commissioners and Supervisors,

I reside on the San Juan Ridge in supervisorial district 4**. I urge you not to certify the FEIR for the Idaho-Maryland Mine, and not to recommend or issue a use permit for the project**. The reasons why are numerous; here are a few:

-The project would introduce an unacceptable level of noise and heavy truck traffic 24 hours a day/7 days a week and nighttime light pollution and would disrupt the rural quality of life for hundreds of residents of the surrounding area. In this sense, it would violate the Goals and Policies of the Nevada County General Plan.

-According to many local realtors, the mine would significantly lower the value of surrounding properties. Home-owners would lose millions of dollars of equity in their homes. They could request their property tax be lowered, thus reducing property tax revenue to the County.

-Nevada County already has poor air quality many months of the year, and the mine would create constant release of diesel exhaust from trucks, dust from crushing and transporting rock that may be laced with asbestos and fumes from blasting and processing.

-The FEIR is inadequate in its assessment of Greenhouse Gas Emissions.

-The de-watering of the current mine workings and subsequent blasting and tunneling would remove billions of gallons of groundwater and jeopardizes hundreds of surrounding domestic wells. As a resident of the San Juan Ridge, I lived near Siskon Gold's mining operation in the North Columbia Diggings in the 1990's. Despite assurances in the FEIR that Siskon's underground tunneling could not jeopardize local wells, a bedrock fracture was breached that de-watered at least a dozen wells up to nearly two miles distant, including those of our local school and cultural center. When deeper wells were drilled, the water that returned was contaminated with minerals that in many cases still require filtering. The subsequent de-watering of millions of gallons of water from the mine scoured Spring Creek, a tributary of the South Yuba that was habitat for yellow-legged frogs, fish and other biological resources.

There is no way any hydrology study will be able to provide a real-life scenario of what will happen with all the dewatering the IMM project entails. It's simply not possible for a study to accurately predict the hydrological outcome of such a huge dewatering project, which includes not just the current underground workings, but a vast expansion of the workings through the use of explosives and drilling. There is no guarantee that such extensive underground blasting and drilling would not intercept water-bearing fractures. <u>This is an unacceptable risk</u>.

-The de-watering of the mine workings would dump millions of gallons of (potentially contaminated) water into the South Fork of Wolf Creek, causing environmental damage.

-Why would the County entrust such an impactful project to Rise Gold CEO Benjamin Mossman, who has already shown himself to be an irresponsible (and potentially criminally negligent) head of a gold mining company?

Mossman is currently facing criminal charges for the environmental damage sustained on Banks Island, British Columbia on ancestral Gitxaala Nation lands while acting as the CEO and Mine Manager of Banks Island Gold Ltd. The mine was shut down in 2015 after its ongoing polluting discharge into waterways was discovered. After the mine was shut down, the Ministry of Energy and Mines confiscated the company's $420,000 security deposit to clean the polluted site. But Gitxaala Nation Chief Clifford White estimated the total cost of the cleanup would be approximately $1.6 million. Mr. Mossman's Banks Island Gold, Ltd. filed for bankruptcy on January 7, 2016, and 90 people lost their jobs.

Nevada County should not allow someone with such an abysmal track record to open a mine with a proposal that already has so many environmental red flags attached to it.

-Mining jobs are dangerous; injuries and accidents are commonplace- long-term health problems are a serious job risk. Many of the jobs promised by the project require specialized skills and wouldn't be filled by local residents.

-The mining operation would necessitate a zoning change from M1-SP Light Industrial Site Performance Combining District to M1-ME Mineral Extraction Combining District, about which Nevada County says "This district shall be used only on those lands that are within any of the compatible Nevada County General Plan designations and which are not in a residential zone." The area surrounding the Brunswick Industrial Site is primarily in residential zones RA-3, RA-1.5, RA-3PD, RA-X and R-1. Therefore, such a zone change would be in violation of the Nevada County General Plan Goals and Policies for Community and Rural Regions.

Sincerely,
Sara Greensfelder
16894 China Flats Road
Nevada City, CA 95959

From: Susan Sanders
To: Idaho MMEIR
Cc: "Ed and Bernadette Sylvester"
Subject: Friends of Banner Mountain - comment letter on Idaho Maryland Mine
Date: Monday, May 8, 2023 12:01:31 PM
Attachments: FBM - Planning Comm letter Idaho Maryland Mine.docx

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Attached please find a comment letter on the Idaho-Maryland Mine submitted on behalf of Edward Sylvester, President of the Friends of Banner Mountain.

Thank you,

Susan Sanders
FBM Board Member
530 913-7516

Virus-free.www.avg.com

Friends of Banner Mountain Est. 1984

FIREWISE USA™
Residents reducing wildfire risks

FBM
PO Box 833
Nevada City, CA 95959

Board of Directors

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Edward Sylvester
edward@bannermountain.org

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ann@bannermountain.org

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chip@bannermountain.org

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susanl@bannermountain.org

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Jeff Peach
jeff@bannermountain.org

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diana@bannermountain.org

Susan Sanders
susans@bannermountain.org

Chuck Staetz
chuck@bannermountain.org

Andrew Wilkinson
andrew@bannermountain.org

* *FBM is a non-profit organization with an all-volunteer Board.*

May 8, 2023

Mr. Matt Kelley
Senior Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-7902

Re: Idaho-Maryland Mine Project

Dear Mr. Kelley

The Friends of Banner Mountain (FBM) is a 501(c)(3) organization whose mission is to protect Banner Mountain and its natural and cultural resources for the benefit of residents, visitors, and future generations. Last year we provided comments on the Idaho-Maryland Mine Project Draft Environmental Impact Report. For reasons described in that letter we believe that construction and operation of the mine will adversely affect the quality of life for residents of Banner Mountain for generations.

We respectfully request that the Planning Commission recommend that the Board of Supervisors not certify the Final EIR and not approve the project.

Thank you for this opportunity to share our concerns about this project.

Sincerely,

Edward Sylvester, President
Friends of Banner Mountain

From: Julie Patterson-Hunter
To: Matt Kelley; Brian Foss
Cc: Caleb Dardick; Shelley Romriell
Subject: FW: Idaho Maryland Mine Opening
Date: Monday, May 8, 2023 7:59:17 AM

For Planning

-----Original Message-----
From: Patricia Boehle <pjboehle@gmail.com>
Sent: Sunday, May 7, 2023 7:21 PM
To: bdofsupervisors <bdofsupervisors@nevadacountyca.gov>
Subject: Idaho Maryland Mine Opening

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Dear Board of Supervisors,
My husband, Kenneth Boehle and I are unable to attend the meeting on Tuesday regarding the authorizing the opening of the mine. We are extremely opposed to the opening and urge you to not approve this endeavor. Nevada County is already one of the most polluted counties in California and this opening would only exacerbate an already dire situation for our community.
Please vote NO and ensure the continued safety of our beloved county and its residents.
Thank you for taking our comments and making the right decision for our community.

Patricia Boehle
19004 Louis Rd.
Grass Valley, California 95945
(530)273-6840

Sent from my iPad

From: Shelley Romriell
To: Matt Kelley
Subject: FW: sample motion to deny certification of eir
Date: Monday, May 8, 2023 7:54:04 AM
Attachments: image001.png

FYI

Best regards,

Shelley Romriell
Administrative Assistant
Clerk to the Planning Commission
Clerk to the Zoning Administrator
Nevada County Planning Department
950 Maidu Ave, Suite 170
PO Box 599002
Nevada City, CA 95959-7902
(530) 470-2526

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From: Danny Milman <danny.milman@gmail.com>
Sent: Saturday, May 6, 2023 10:56 AM
To: Shelley Romriell <Shelley.Romriell@nevadacountyca.gov>
Subject: Fwd: sample motion to deny certification of eir

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Danny Milman

Begin forwarded message:

From: Laurie <laurie@cea-nc.org>
Date: May 5, 2023 at 6:44 PM

To: Danny Milman <danny.milman@gmail.com>

Subject: sample motion to deny certification of eir

Dear Commissioners:

As you know, the Community Environmental Advocates and the MineWatch Coalition are opposing both the approval of the Idaho Maryland Mine and the certification of the Final EIR.

However, the Staff Report lacks a motion denying certification of the EIR if the project is denied.

The Planning Department Staff Report does not include a motion in the Action to deny the Mine which would ensure that the FEIR is not certified. Our attorneys (Shute, Mihaly, and Weinberger) have supplied two possible motions which would both effectively deny certification of the EIR if the Mine is denied.

The current wording should be deleted:

"I. Environmental Action: Recommend the Board of Supervisors certify the Final Environmental Impact Report (EIR 19-001, SCH# 2020070378) as adequate for the Idaho-Maryland Mine Project, and that it has been completed in compliance with the California Environmental Quality Act, subject to the recommended Mitigation Measures found in the Mitigation Monitoring and Reporting Project (Attachment 1) and as have been modified by Erratum to the Idaho-Maryland Mine Project Final Environmental Impact Report, dated April 2023 (Attachment 3), and not adopting the California Environmental Quality Act Findings of Fact (Attachment 2), and not adopting a Statement of Overriding Considerations (Attachment 2)."

In order to decline to certify the EIR, we would recommend changing the motion above instead to say:

"I. Environmental Action: Recommend the Board of Supervisors find that the California Environmental Quality Act (CEQA) does not apply to the project pursuant to Public Resources Code section 21080(b)(5), as a project which will be rejected or disapproved by a public agency."

That is sufficient.

To be more specific, the following additional statement can be added:

"Recommend the Board of Supervisors decline to certify the Final Environmental Impact Report (EIR 19-001, SCH# 2020070378) as adequate for the Idaho-Maryland Mine Project, on the basis that it has not been completed in compliance with CEQA, and not adopt the CEQA Findings of Fact (Attachment 2), and not adopt a Statement of Overriding Considerations (Attachment 2)."

The legal effect would be the same regardless of whether this second sentence is included; the EIR would not be certified. Staff should not need to make any changes to the other portions of Recommendation A.

We hope our comments will be useful in your deliberations.

Sincerely,

The Board of the Community Environmental Advocates Foundation

---

Why Deny Certification of the EIR?

- An EIR is not required if the project is denied.
- The EIR is legally deficient, leaving many clearly significant impacts including impacts to groundwater and residential wells, air quality, and asbestos exposure unmitigated.
- If the EIR is certified, and the project denied, a future mine project could still rely on the County certified EIR

to support approval. The community could be forced to fight this same battle again in years to come. The legacy of today's Planning Commission could be denial of a mine that will not really be denied.

- Only denying the Mine AND the EIR defeats the Mine for good.

From: Caela Wynd
To: bdofsupervisors@nevadacounty.gov
Cc: Idaho MMEIR; hubbard714; wells@cea-nc.org
Subject: Fwd: The proposed mine and the FEIR
Date: Monday, May 8, 2023 5:51:59 PM

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>
> My name is Caela Wynd. My address is 13139 Howald Ln., Grass Valley CA 95945, District 1, Peardale area.
> I'm a Realtor and have been working in Nevada County as such for 17 years. I'm one of the Realtors that was initially called and questioned for my opinion regarding real estate prices in Nevada County and how they may or may not be affected if the mine is approved. I responded by saying that, in my opinion, the value of homes and property without question would go down- that I see it happening now in homes near the proposed mine not selling, and that being in a very busy market; and my buyers saying to me they don't want to look anywhere close to the proposed mine area. I worked for Network Real Estate before it closed and I told him a realtor in my office lost an escrow that was well over $1 million because it was disclosed to her buyer there might be a mine. The representative from the FEIR asked me how much I thought the value would go down. I said it depends on how close to the mine. Within a few miles at least 50 percent or more assuming they still have water. No marketable value if no water.
> I encourage you to not accept the FEIR for a number of reasons.
> One: Realtors, and I know there are others who back my opinion, weren't taken seriously. We are the experts- it's our livelihood. We work it day after day after day.
> Two: I don't believe proper comparisons and studies were done regarding wells. I live close enough to the proposed mine that I was sent a "notice" by the county regarding the mine. Close neighbors are going to have their wells monitored for a short time. Nothing is proposed for my well. The FEIR does not address the fact that we, in this area, get our well water from the flow that comes through fractured rock. We do not get our water from an aquifer or a pool below the service. Our water source is not blocked by a gate or door from what shall be drawn for the mine. Many of us are in jeopardy- as the horrible example shows from the past of the approved mine on the North San Juan Ridge. No studies have been shown in the FEIR regarding our water source and fractured rock. Also, there is no accommodation for the rest of us if we lose our water or severely lessen the amount we receive or our water becomes tainted.
> Additionally, the mines in operation used for comparison are not in developed areas like ours. The FEIR does not compare apples to apples!
> Additionally all the noise and pollutants including asbestos, dust traffic etc., will change the beautiful and charming ambience and rural nature of our county into an industrial area. The acceptance of the FEIR would annihilate the reasons many of my buyers come here: to raise their children or to retire.
> Personally, I have had asthma. My health will be at risk (as that of many others). I will be forced to move. Who is going to buy my house? And at what price? If no adequate water, the value is zero! I will lose everything I've worked so hard for: my home, my job, all the love I've put into my community, into my neighborhood, into my clients.
> What is there to gain by approving the mine and/or accepting the FEIR?
> Do a few possible jobs balance out the jobs lost? The monies lost in property taxes? The monies lost in tourism? The possible costs of legal fees? Is it worth the destruction of our very special community that is genuinely True Gold? How can Ben Mossman be trusted when his track record is far from golden.
> If the mine is approved, if the FEIR is accepted, I believe all who make that decision will be negligent in doing their due diligence owed to all of us who reside in this county and especially to those of us closer to the proposed mine who are treated as collateral damage.
> Sincerely,
> Caela Wynd
>

> Caelawynd@gmail.com
> 530 263-0765
> Ashford Real Estate and Investments
> BRE# 01457105
>
> Sent from my iPhone

From: Susan Merrill
To: Idaho MMEIR
Subject: I Want to Breathe
Date: Monday, May 8, 2023 12:37:14 PM

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To the Planning Commission,

I have written to the Commission before expressing my concerns about the air quality we can expect if the mine reopens. The EIR has failed to convince me that Rise Gold Corporation has a way to mitigate the huge amount of pollution that will be pumped into our air by eighteen+plus ton, diesel trucks running 16 hours/day, every day of the year. Or the effect of the diesel powered equipment located on the Centennial and Brunswick Industrial Sites.

Grass Valley is already known as the tail pipe for Central Valley and Sacramento air pollution. As we all know, in the summer this poor quality air is pushed east to the foothills of the Sierras where it settles in our town. When added to the smoke from fires a summer ago, I had mask whenever I went outside. Will I need to be masked from now on when I hike or walk to and from town? What about our residents who are already battling breathing problems such as asthma or COPD? What about our pets and livestock? An even greater concern is how will it affect are children, grandchildren and even great grandchildren with the mine's expected operation for 80 years? I want to continue to live in Grass Valley and be able to breathe safely. Please consider NOT allowing this toxic mine to reopen.

Thank you for your time and consideration,

Susan Merrill
Grass Valley

From: Debra Blaker
To: bdofsupervisors; Idaho MMEIR
Subject: Need Your Help to NOT Reopen Idaho-Maryland Mine
Date: Monday, May 8, 2023 5:51:59 PM

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Dear Nevada County Supervisors and Planning Commissioners,

My name is Debra Blaker. I live Rough and Ready.

I am writing to ask that you **oppose reopening the Idaho-Maryland Mine**. I believe reopening the mine invites significant environmental impacts that endanger this community's health and quality of life. The potential benefits simply are not worth the risk that the mine poses.

Nevada County is growing. The current housing projects and traffic on major roads are visible signs of our growing community. As such, resources such as water and the relatively clean air we breathe here are precious. Adding traffic congestion from mining activities will make living in Nevada County undesirable. Please, make it a priority to **protect our quality of life** in Nevada County.

The Rise Gold plan to pump water daily puts our ground water resources at risk. Please, do not accept that risk. I am counting on your support to protect our community over relatively small economic gains for a Canadian company.

Sincerely,

Debra Blaker
12982 Rough and Ready Rd
PO Box 1227
Rough and Ready, CA 95975

From: Marty Blaker
To: bdofsupervisors; Idaho MMEIR
Subject: Need Your Help to NOT Reopen the Idaho-Maryland Mine
Date: Monday, May 8, 2023 5:51:58 PM

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Dear Nevada County Supervisors and Planning Commissioners,

My name is Marty Blaker. I live Rough and Ready.

I am writing to ask that you **oppose reopening the Idaho-Maryland Mine**. I believe reopening the mine invites significant environmental impacts that endanger this community's health and quality of life. The potential benefits simply are not worth the risk that the mine poses.

Nevada County is growing. The current housing projects and traffic on major roads are visible signs of our growing community. As such, resources such as water and the relatively clean air we breathe here are precious. Adding traffic congestion from mining activities will make living in Nevada County undesirable. Please, make it a priority to **protect our quality of life** in Nevada County.

The Rise Gold plan to pump water daily puts our ground water resources at risk. Please, do not accept that risk. I am counting on your support to protect our community over relatively small economic gains for a Canadian company.

Sincerely,

Marty Blaker
12982 Rough and Ready Rd
PO Box 1227
Rough and Ready, CA 95975

From: Pete Sabey
To: Idaho MMEIR
Subject: Noise: Physical and Mental Health
Date: Monday, May 8, 2023 11:42:14 AM

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I'm Dr Pete Sabey. My doctorate is in Counseling Psychology and I have retired after 33 years as a California licensed Marriage and Family Therapist in Davis, Claremont and Grass Valley. I have lived the last 11 years of my life in Grass Valley by choice of any place in the country.

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. To my knowledge the Final Environmental Impact Report does not adequately, or honestly, address this important issue. On the physical level any elevation of 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 destructive process becomes a mental health problem since any increase in isolation caused by hearing loss increases depression, anxiety and loneliness. A recent statement by the Surgeon General, and many studies, have shown that loneliness significantly shortens the human lifespan.

Regarding overall health, the arousal caused by excess intermittent noise from rock crushers and trucks rumbling on our roads causes release of cortisol by activating the hypothalamus-pituitary-adrenal system. Cortisols are inflammatory and it has become very clear to medical researchers that elevated inflammation is strongly implicated in cancer, heart disease and many other pathologies.

Thus, to open the mine would be counter to sound Public Health policy. Add this important factor to the many other reasons for rejecting the flawed FEIR.

Promises of "mitigation" coming from a CEO currently under indictment should be regarded with Keen skepticism.

Dr. Pete Sabey (MFC20336, retired) Grass Valley California 530-908-6776

From: Julia Carroll-Shea
To: Idaho MMEIR
Subject: Oppose the FEIR
Date: Monday, May 8, 2023 5:51:59 PM

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The FEIR is a document that relies on assumptions that benefit Rise Gold/Rise GV's interests, presenting only the most favorable scenarios to persuade its readers. It does not aim to provide a clear and honest discussion of the likely outcomes. While the FEIR may meet the legal requirements, it fails to address the needs and wishes of our community. Our community requires a peaceful, clean, and secure living environment. I strongly oppose the proposed mining project by Rise Gold, which would bring constant noise, air and water pollution, traffic congestion, destruction of wildlife habitat, and a negative image to our town. I urge you not to certify the FEIR.

From: Don Haislet
To: bdofsupervisors; Idaho MMEIR
Subject: Please reject FEIR and Mine
Date: Monday, May 8, 2023 5:51:58 PM

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Dear Nevada County Supervisors and Planning Commissioners,

My name is Don Haislet, my wife and I live on Cedar Ridge Dr, Grass Valley (District 3). Our home is approximately 2000 ft. from the above ground portion of Idaho Maryland mine, the mine tunnels are directly below us.

I am writing to ask that you do not approve the re-opening of the mine and that you do not certify the FEIR. There is no obligation to certify the EIR. As we learned from the FEIR, the mine will have "significant and unavoidable impact" on our community. The main issues cited were traffic, aesthetics, and vibration. And that doesn't take into account the inaccuracies in the FEIR such as using incorrect data for air quality baseline. If you approve the the EIR, the risk is a future company will come in and traumatize the community again. It's time to put the subject to rest: no mine in the middle of quiet residential neighborhoods.

With the exception of the FEIR certification I agree with the staff report where it's recommended that option A be selected based on the fact that a mine in neighborhoods is incompatible with the County General Plan.

I was excited that an economic report was gong to be generated but disappointed in the final product. To start with, much of the data used was provided by Rise Gold with no vetting. The Economic Report had such wildly varying assumptions that it resulted in overly unrealistic and optimistic results. In addition, the assertions about property values not being impacted were based on analysis of properties located next to mines that are not representative of what Rise Gold has proposed. I think there's a reason why comparable properties can't be found: Because rational communities don't put hard rock mines in the middle of residential communities.

Mining may be part of our community's heritage, but that's our past and it has no place in the future of our County. Yes, it may provide a few jobs but most employees will be commuting from out of the area and economic and environmental impacts will far out weigh the benefits. The risks just aren't worth it.

If the mine is approved, my wife and I will need to move. I'm sure many others would do the same thing. We couldn't live in a community where our elected officials put us at risk and also want to lower our quality of life. Those of us that care about Nevada County contribute time and money to numerous community organizations. So consider what you would lose if you approve the FEIR and mine.

Please don’t let us down. Thank you for your consideration.

Sincerely,

Don Haislet

From: joel peter
To: bdofsupervisors
Cc: Idaho MMEIR
Subject: Please vote NO on the mine
Date: Monday, May 8, 2023 3:12:39 PM

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Dear Supervisors,
I used to work in a mine and in tunnel construction. Mine work is inherently unhealthy for the workers, neighbors, and environment. We should only mine for critical resources, and gold is not one.

Please vote NO on the mine.

Thank you,
Joel Peter
15843 American Hill Rd, Nevada City

From: Austin Wilson
To: Idaho MMEIR
Subject: Public Comment for Idaho-Maryland Mine EIR (May 11 2023 Meeting)
Date: Monday, May 8, 2023 5:12:35 PM

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Hello,

I live in Nevada County. I've worked in finance and environmental health. I've read as much as I can about this, and every page of the Environmental Impact Report (EIR). I urge you to reject this EIR based on the following reasons, which are not exhaustive but certainly sufficient to reject:

- Mineral test sample size: Only 11 feet of the exploring drilling were tested for potentially hazardous chemicals of the 57,000 feet drilled. The Air Quality Board and Water Quality Board state that this testing is inadequate to accurately characterize the hazardous chemicals that will be released.
- Tailings market: the EIR claims that mine tailings will be sold as engineered fill locally but does not provide adequate proof to backup this claim. The cited evidence is the 2018 Aggregate Sustainability 50-year Demand map sheet which shows potential demand in the Sacramento area. However this report fails to discuss excess gravel in Placer County and Nevada County as well as potential production from Yuba Goldfields, an area ready to provide 685 million cubic yards of gravel that is owned by one of the oldest producers in the State; this omission of evidence is negligent and shows the poor quality of the report.
- Inconsistent with the County's General Plan: For example goal 17.1 calls for recognizing and protecting mineral resources in a manner that does not create land use conflicts. However, multiple conflicts exist with goals for not only land use, but also economic development, safety, climate change, noise, aesthetics, water, and coordination with cities and towns.
- Groundwater contamination: The EIR's conclusion that groundwater impacts from the mine project will not be significant is not supported by the evidence and doesn't comply with CEQA.
    - CEQA requires a current baseline to assess potential impacts and determine mitigations. The model used for the analysis did not use current monitoring data from any of the >300 domestic wells in the mineral rights area. It relied only on sparse data from over 15 years ago. The EIR acknowledges that data is needed, but the approach calls for drilling 15 new wells as a basis for verifying the computer model after the EIR is certified, which is ludicrous. The questionable computer model estimates well waterdrops at 1 to 10 feet for 152 wells, then avoids declaring the impact as “significant” by creating an arbitrary threshold of significance at 10%.
    - The EIR also adds an inadequate supplemental domestic monitoring plan for 378

newly-identified properties. Among the deficiencies, the new program only includes about half the wells in the mineral rights vicinity and provides neither additional NID infrastructure to speed water replacement nor a third-party liaison to negotiate issues if problems arise.

Frankly, this is enough to reject, but if you consider all the evidence, there's a lot more.

Austin W.

From: Susan Barry
To: Idaho MMEIR
Subject: Unforeseen mine effects to the public
Date: Monday, May 8, 2023 5:51:59 PM

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Respectfully,
I want to let all know that with each project in Nevada County there are side effects that make it extremely unpleasant and uncomfortable for those living in the area. The Idaho Maryland Mine falls into this category.

One example of these unplanned problems came when the Eric Rood Center was developed on the land along Hwy 49. EIRs were done but they did not include the excessive noise, yelling and smells that come from the jail and other buildings. Or the lights from the parking lots that blair all night into the homes above the county buildings. Or the noises at all hours from teen and others racing their cars, motorcycles in the parking lots, plus the 5 am trash truck squeaking and banging while picking up large garbage bins.
Arrested drunks yelling as they enter the jail facilities at unusual hours do disrupt neighbors sleep.
And most Unfortunately, the needed helicopter rescues also bring in noise that is unbelievable, scary and sad as we know those needing these services are in serious health conditions. I send my prayers to them all as the helicopter takes off for a needed special medical facility.
Sirens from emergency vehicle's do sound more here than at other locations.

All these sounds and light inconveniences were not realized or addressed in the planning stages of this county facility. Nor was the fact the a very large number of wildlife animals from squirrels and mice to foxes, coyote, mountain lion, deer and even bear used to drink from the water and spring area where the Supervisors offices now stand. This once forested area was a special place for more than just humans. I am sure that this was overlooked.

I have lived here in my home for over fifty years and have made many adjustments because I believe in the county facilities.
BUT the Idaho Maryland Mine Project will not benefit those living near or far from the site. It will not benefit the local economy.
I am also aware that this mine company and others from Canada have just walked away from many sites without fulfilling their obligations to clean up their messes. There is no benefit here. Gold mining is a fickle business.
Our county developed originally from gold mining; first from hand digging and panning, to shaft and underground mining and remember it ended when the excess of mud and debris found its way down to the Sacramento River. This created some of our first recycling laws, but it did not benefit us.

I say the county can develop in many other ways and mining should not be considered, especially so close to town, homes , schools and health facilities.
PLEASE do to reopen the Idaho Maryland Mine.
Thank you,
Susan A. Barry
530-277-5731

From: David Myers
To: Idaho MMEIR
Subject: Written Comment for May 10 Meeting: Vote NO on Mine EIR
Date: Monday, May 8, 2023 5:51:59 PM

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Dear Planning Commission,

My name is David Myers. I live at 14915 Quail Pointe Lane, 95945.

As a concerned citizen, I am asking you to "just say no" to re-opening the Idaho-Maryland Mine. It has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren't worth the risk.

I am a resident of District 1; my family moved to the area 4 years ago.

I am deeply concerned by the prospect of the Idaho-Maryland mine reopening. The risk to the local economy and residents' quality of life is not worth the very uncertain (and inflated estimates of) county revenue.

The estimates of new revenue to the county are uncertain at best. Any county revenues that do materialize will be more than offset by lost revenue from the tourism industry, declining property values, and the very likely need for the county to pay for environmental mitigation measures in the future. Meanwhile, our local housing crisis will be exacerbated by transient mining workers who will contribute very little to sales tax revenues.

My family moved here because of the incredible quality of life, particularly the natural beauty. That beauty is about to be destroyed by large-scale mining operation. Everyone should expect noise and pollution to increase dramatically from the mine. Rise Gold has a well-documented history of leaving pollution and broken promises in the wake of its operations.

Do not enrich a foreign company at the expense of your constituents. I urge you to vote "No" on the mine reopening. And to be frank, I (and many others) will make it a mission to have any supervisor who votes "yes" lose their position in upcoming elections.

Regards,

David Myers

Rise Grass Valley Inc.
333 Crown Pt Circle, Ste 215
Grass Valley, CA 95495 USA

May 9, 2023

VIA EMAIL

Nevada County Planning Commission
P.O. Box 599002
Nevada City, CA 95959-7902

Re: Idaho-Maryland Mine Project Benefits To The County

Dear Chair and Members of the Nevada County Planning Commission:

This letter is provided by Rise Grass Valley Inc. ("Rise") in support of the requested approval of the Idaho-Maryland Mine Project (the "Project") located in Nevada County (the "County"). The Project proposes to reinitiate underground mining at the Idaho-Maryland Mine, and reclaim the Project site to open space for future development of industrial uses.[1] As outlined below, if approved, the Project would be a catalyst for economic growth for the County, directly increasing the quality of life for County residents by creating literally hundreds of local high-paying jobs, infusing local government with millions of dollars of much-needed tax revenue (up to an additional $6,000,000 per year), and be a driver of economic growth for the surrounding area.[2]

Rise's commitment to the community is further evidenced by its offer of a voluntary Development Agreement which, upon Project approval, would provide funding for a myriad of public benefits. These include direct funding for local emergency personnel and services, purchasing firefighting equipment for protection from natural disasters, construction of public infrastructure, and staffing for public agency positions, equaling a total direct value (not including property and sales taxes) of approximately $500,000 annually and $1.25 million in one-time payments for a new fire engine and traffic improvement fees.[3]

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[1] Idaho Maryland Mine Draft Environmental Impact Report (IMM DEIR) at p. 1-2 available at: https://www.nevadacountyca.gov/DocumentCenter/View/41650/Idaho-Maryland-Mine-Project-Draft-EIR_Volume-I-Draft-EIR-Chapters-1-8).

[2] Economic Impact of the Proposed Idaho-Maryland Mine Project, Robert D. Niehaus, Inc. (RDN Report) (Nov. 15, 2022) at p. 59-60; Economic Impacts of the Idaho-Maryland Mine on Nevada County, Applied Economics LLC (Applied Economics Report) (Mar. 2021), at. pp. 3-4.

[3] Development Agreement by and between the County of Nevada and Rise Grass Valley Inc. (Development Agreement) (Draft Dec. 19, 2022) at § 3.1.4(a)-(p).

The Project's modern and environmentally responsible mining methods will ensure that these significant benefits to the County outweigh the minimal environmental costs of the Project. The Project's environmental impacts will be mitigated as provided in the Environmental Impact Report ("EIR"), and only aesthetic impacts, temporary noise impacts associated with construction of a new potable water pipeline, and traffic impacts for the SR 174/Brunswick Road and the Brunswick Road/ Sutton Way intersections, were considered significant after mitigation.[4] In reality, the Project will aesthetically improve the site from its current disturbed and battered condition, and new tree planting will improve the existing visual screen to obscure nearly all public views of the site. While the construction noise from the water pipeline construction will be a temporary annoyance, this is not different than any other routine public works project that occurs in the County on a regular basis. Further, Rise has committed to entering into a Traffic Mitigation Agreement and payment for the Project's fair-share contribution towards improvements necessary to ensure the intersection operates at an acceptable level. As stated above, Rise has committed to even greater mitigation measures than those required by law, and we are committed to creating a Project that is a significant benefit to the community.

Accordingly, Rise requests that the Commission approve the Project to provide the County all the benefits discussed herein that substantially outweigh the Project's anticipated environmental impacts.

A. Project Benefits

1. The Project is a Catalyst for Economic Growth

Grass Valley is currently designated as an "opportunity zone," a census tract classified as an "economically-distressed communit[y]" by both the Governor at the state level, and the Secretary of the U.S. Treasury at the federal level.[5] These areas are highlighted as regions that are especially in need of investment.[6] It is imperative to view the Project's benefits within this context, as the Project has the capacity to directly address many of the issues Grass Valley faces as a low-income community.[7]

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[4] IMM DEIR at pp. 2-10 – 2-12 [aesthetic impacts], 2-91 – 2-92 [noise impacts], 2-102, 2-108 [traffic impacts].
[5] California Community & Place-Based Solutions and the U.S. Economic Development Administration (accessed May 2, 2023) (https://economicdevelopment.business.ca.gov/frequently-asked-questions/).
[6] *Ibid*.
[7] California Community & Place-Based Solutions and the Internal Revenue Service (IRS) define a low-income community as having either: (1) a poverty rate of at least 20%; (2) a median family income below 80% of the greater of the statewide or metropolitan area median family income if the community is located in a metropolitan area; or (3) a median family income below 80% of the median statewide family income if the community is located outside a metropolitan area. (*Ibid* (underline added).) Grass Valley meets this classification under the third prong as it has a median household income of $44,906 compared to the statewide annual median household income of $84,097,

The Project would create a total annual impact of $211.3 million on the County's local economy, with $50.8 million in annual labor income, raising the overall County gross domestic product ("GDP") by 4% by itself.[8] The economic benefits resulting from the Project include: the direct activity created by mining and processing operations; the indirect and induced impacts created by local supplier purchases and employee spending; and impacts created by new tax revenue. Each are discussed in turn below.

It is important to note at the outset that the analysis of the Project's economic impact for the Nevada County community was undertaken by **two (2)** separate consulting firms, the second of which was independently chosen and paid for by the County to remove any hint of bias in favor of Rise. The economic analyses of the two reports largely mirror each other.[9] The Project's economic data, therefore, has been duly vetted, and offers a window into the increased prosperity available to the local community and the County as a whole if the Project is approved.

i. Creation of Long-Term, High-Paying Jobs

The Project will directly employ an estimated 312 people in Nevada County at full operation including underground mine workers as well as mineral processing workers, trades, professional technical services, equipment operators, management and general administrative employees.[10] Of the 312 total workers, 213 will be hired locally.[11] This includes 162 local trainees or entry level workers, 51 experienced local hires, and 99 workers that are assumed to be hired from outside the County.[12] The total annual payroll including benefits is estimated at $45 million dollars. This includes an overall average wage per employee of $122,000 to $145,000, well above the all-industry average wage for Nevada County of approximately $60,000.[13] In addition, Rise would provide a substantial employee benefit package. On average, it is estimated that

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falling well below the 80% median. (U.S. Census Bureau, Quick Facts (https://www.census.gov/quickfacts/grassvalleycitycalifornia); (https://www.census.gov/quickfacts/fact/table/CA/BZA210221).)

[8] Applied Economics Report at p. 8; See also RDN Report at p. 59 [providing that the Project would generate a total annual output of $202.8 million].

[9] See RDN Report at p. 59-60; Applied Economics Report at. pp. 3-4.

[10] Applied Economic Report at p. 5.

[11] *Ibid*.

[12] *Ibid*.

[13] RDN Report at p. 8; Applied Economics Report at p. 5 [stating that the overall average wage is projected at $93,700 per year];U.S. Bureau of Labor Statistics, (https://www.bls.gov/regions/west/news-release/countyemploymentandwages_california.htm) [providing that Nevada County's average weekly wages are $1,176 per week.]

employee benefits will add an additional 22 percent to total employee compensation.[14] or roughly $145,000 per year.[15]

The creation of consistent, career-path high-paying jobs is especially pertinent to the community in light of the employment opportunities currently available. In a 2017 survey by the Nevada County Executive Office, only 19% of County residents rated employment opportunities as "positive."[16] As of 2021, the median household income for Grass Valley was roughly $45,000—well below the national average.[17] Therefore, the creation of hundreds of jobs overpaying more than double the current median would provide a substantial economic benefit to the community.

ii. Indirect and Induced Economic Impact

In addition to the 312 direct employment created by mining and processing operations, the Project will act as a stimulus for the larger County economy.[18] Operation of the proposed project "would generate […] indirect jobs working for businesses supported by [Rise's] operational expenditures, and induced jobs working for businesses that supply goods and services to workers and their families."[19] The Project will induce an additional 163-300 local jobs and $7.3 million-$13.1 million in annual payroll in the County.[20]

Equipped with higher income, employees at the Project would be able to wield substantial purchasing power, generating significant economic activity by spending at local retail and service establishments throughout the County. Based on the Census Consumer Expenditure Survey, employees at this wage level spend approximately 80 percent of their pre-tax income on goods and services.[21] The employee payroll projected for the Project and the portion of employee spending on local businesses alone would induce an economic impact of $23.4 million per year.[22]

Recycling local spending, meaning the secondary or indirect and induced impacts representing the larger economic effect on the local economy, has the capacity to generate massive economic impact locally. Here, Project employee spending on local business would support 217 additional

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[14] *Ibid*.
[15] RDN Report at p. 8.
[16] Nevada County National Citizen Survey (2017) at p. 3 (https://www.nevadacountyca.gov/DocumentCenter/View/22230/The-NCS-Dashboard---Nevada-County-2017?bidId=).
[17] U.S. Census Bureau, Grass valley, CA (2017-2021) (https://www.census.gov/quickfacts/fact/table/grassvalleycitycalifornia/INC110221).
[18] Applied Economics Report at pp. 6-7.
[19] RDN Report at p. 13.
[20] Applied Economics Report at pp. 3, 6; RDN Report at p. 59.
[21] Applied Economics Report at p. 6.
[22] *Ibid*.

induced jobs and $9.1 million in annual payroll in Nevada County.[23] These induced impacts "include jobs and payroll at the establishments where employees shop, as well as additional jobs and payroll at the local suppliers to those establishments."[24] The induced effects of employee spending on local businesses would generate "an economic impact of $32.0 million per year in Nevada County including $23.4 million related to mine employee spending and $8.6 million from other indirect employee spending"[25] resulting in a "cascade of economic benefits to the region."[26]

In total, approximately 300 additional local jobs and $13.1 million in annual payroll would be generated at businesses throughout the County stemming from direct, indirect and induced impacts of the Project, and consumer demand created by employees.[27]

Another key component of the Project's economic impact is from local vendor purchases. As a resource-based industry, the Project requires sourcing of facility maintenance, operating supplies, transportation, equipment repair, lodging and professional services to operate the Project. The Project would source a sizeable portion of these services and supplies locally, comprising an approximate yearly value of $12.5 million.[28] Purchasing from local vendors in turn supports indirect jobs and payroll in Nevada County. Additionally, local vendors also engage in local spending in the course of their operations, which supports additional jobs and payroll. Local vendor purchases would generate an estimated annual economic impact of $19.9 million in Nevada County, with the capacity to support more than 80 local jobs and $4.0 million in payroll each year at vendor establishments and their suppliers in Nevada County.[29]

iii. Generation of Tax Revenue

Tax revenue from property, sales, and other taxes paid by Rise associated with the Project's local spending and related economic growth "would benefit local jurisdictions and special districts in the [C]ounty." [30] This revenue includes property taxes on land, improvements, and mineral property paid directly by Rise; sales and other taxes paid by Rise; and property, sales, and other taxes paid by local businesses and residents supported by Rise's local expenditures.[31]

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[23] Applied Economics Report at p. 6.
[24] *Ibid*.
[25] *Ibid*.
[26] *Id*. at 10.
[27] Applied Economics Report at pp. 3-4; See also RDN Report at p. 59 [conservatively estimating that 163 additional local jobs would be created.]
[28] Applied Economics Report at p. 7.
[29] *Ibid*.
[30] RDN Report at p. 50.
[31] *Ibid*.

Rise currently pays property taxes for the Brunswick and Centennial properties and would continue to pay them throughout their ownership of these properties.[32] The assessed values for 2022/2023 are $2.9 million for the Brunswick property and $1.3 million for the Centennial property.[33] The property tax for Rise's existing properties is $43,000, with $6,000 of this revenue going to the County.[34] After completing construction of any improvements and facilities on the properties, the Brunswick site would result in additional estimated property tax of $125,000, with $17,000 of this revenue going to the County.[35]

Rise would also pay property taxes on the assessed value of the proven reserves of gold, as mineral properties are taxable as real property.[36] "Proved reserves" are those minerals measured by volume and weight which geological and engineering data indicate with reasonable certainty to be recoverable in the future, taking into account reasonably projected physical and economic operating conditions.[37] The valuation of the proved reserves is based on present and reasonably projected economic conditions. The market value of such mineral rights is determined by valuing the estimated quantity of proved reserves that can reasonably be expected to be produced during mining operations. The County utilizes an income approach to assess mineral property values, which considers the aggregate present worth of the property's future net income when assessing the property's current value for tax purposes.[38] Here, the estimated assessed value is approximately $536.7 million, resulting in $5.4 million in Proposition 13 property taxes, with $0.7 million going to the County General Fund in the first year of full operation alone.[39]

The taxation of the proven mineral estate provides a unique opportunity for the County to strengthen and diversify its local tax base. The County would directly benefit from Rise's exploration success and the price of gold. Gold prices typically increase during times of recession when property values decrease, therefore the mine would act to bolster tax revenue during recessions.[40]

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[32] RDN Report at 51.
[33] RDN Report at 51; California State Board of Equalization, Mineral Property (https://www.boe.ca.gov/Assessors/pdf/mineralprop_general.pdf).
[34] RDN Report at 51.
[35] *Ibid*.
[36] *Ibid*.
[37] California State Board of Equalization, Assessment of Mining Properties, Page 4-2 – Assessor's Handbook Section 560 (https://www.boe.ca.gov/proptaxes/pdf/ah560.pdf); RDN Report at p. 51.
[38] California State Board of Equalization, Assessment of Mining Properties, Page 4-2 – Assessor's Handbook Section 560 (https://www.boe.ca.gov/proptaxes/pdf/ah560.pdf)
[39] RDN Report at p. 53.
[40] For example, prices of single-family homes in Nevada County fell by almost 50% during the great recession of 2008. (County of Nevada, Housing Element Rezone Implementation Program, at p. 4.12-2 (https://www.nevadacountyca.gov/DocumentCenter/View/12141/412-Population-and-Housing-PDF).) During the same period from 2007-2012, gold prices increased by 250%. (U.S. Bureau of Labor Statistics, PPI Commodity Data (https://data.bls.gov/pdq/SurveyOutputServlet); See also U.S. Bureau of Labor Statistics, Gold prices during

Rise's local spending on payroll and purchases of goods and services would also generate increased economic activity, which would increase local tax revenue.[41] Rise's payroll and local operational spending would support direct and indirect jobs in the area.[42] The employees that fill these jobs would spend a portion of their income on property, sales, and other taxes, some of which would be allocated to the County's General Fund. Additionally, Rise's local spending would generate sales tax revenue.[43] The proposed project's spending on payroll and operational expenses during full operation would generate an estimated $881,000 per year in additional tax revenue to local agencies and districts, including local governments and fire protection, schools, and other special districts.[44] The portion of these funds that would be allocated to the County's General Fund is approximately $147,000 per year.

In sum, the total estimated tax effect in the first year of full operation is $1.4 to $6.4 million to local agencies and districts, including local governments and fire protection, schools, and other special districts. The County General Fund would receive a portion of these tax receipts, amounting to $200,000 to $912,000.[45]

B. Public Services Provided Pursuant to the Development Agreement

Rise's commitment to the Project's role in having a positive impact on the community is evidenced by the voluntary Development Agreement Rise will enter into with the County upon approval of the Project. Going well above any of the mitigation measures required by law, the Project will guarantee funding for a myriad of public services.

Rise has agreed to provide $1 million dollars to the Ophir Hill Fire Protection District for a new fire truck and associated equipment, as well as $240,000 in direct funding to the fire district per year for three full-time personnel. [46] In addition, Rise will provide land and construct an emergency helicopter landing site, as well as public access to the Brunswick Site for emergency services during fires and natural disasters, and will train and pay for the provision of twenty (20) professional members of a mine rescue team and tradespeople to assist in emergency services during natural disasters.[47]

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and after the Great Recession (Feb. 2013) at p. 3, (https://www.bls.gov/opub/btn/volume-2/pdf/gold-prices-during-and-after-the-great-recession.pdf) [stating that gold prices increase during times of economic volatility in U.S. financial markets.]).)

[41] RDN Report at p. 54.
[42] *Ibid*.
[43] *Ibid*.
[44] *Ibid*.
[45] *Id*. at p. 55.
[46] Development Agreement (Draft Dec. 2022) at § 3.1.4(h).
[47] Development Agreement (Draft Dec. 2022) at § 3.1.4(i)-(k).

Rise has also offered to provide increased fire protection to the local area through the installation of fire hydrants and dedicate them to the Nevada Irrigation District, as well as construct a potable water line to approximately thirty properties *in addition to* the seven (7) properties identified by the EIR. Rise has already paid for DTSC staff to analyze and help permit remediation of the Centennial site.

Rise has offered a cents per ton fee for trucks on Brunswick Road which at 1,000 tons per day would provide approximately $150,000 per year for local road improvements. This additional funding is over and above mitigation for any project impacts to the County for roadway maintenance cost on Brunswick Road from the project.

To aid in governmental oversight of the mine, Rise has also agreed to pay $100,000 of funding per year for full-time staffing of an air pollution control specialist for the Northern Sierra Air Quality Management District.[48] The AQMD directly oversees the mine and will provide the public with additional assurances that the mine is in strict compliance with all air quality standards.

The Project will also provide a local source of aggregate, which will lower construction costs and lessen the environmental impacts associated with importing aggregate as the County continues to grow and develop.[49]

C. Domestic Gold Production is Critical to US National Security

In addition to the beneficial economic impacts the Project will have on the County, the domestic mining of gold is central to the continued stability of the United States' economy and national security.[50] Gold is not only an essential reserve asset for United States' central banks, which is critical in times where economic and currency stability is in question,[51] but also plays an important role in the production of computers, communications equipment, and spacecraft, among many other types of technology.[52] Therefore, the Project is aligned with the nation's

[48] Development Agreement (Draft Dec. 2022) at § 3.1.4(l)-(p).
[49] Development Agreement (Draft Dec. 2022) at § 3.1.4(a) and (b).
[50] USGS, US Mine Production Increasing, Estimated Value of $86.3 Billion in Minerals (Feb. 6, 2020) (https://www.usgs.gov/news/national-news-release/us-mine-production-increasing-estimated-value-863-billion-minerals).
[51] World Economic Forum, Here's why so many central banks are buying gold (Nov. 10, 2022) https://www.weforum.org/agenda/2022/11/central-banks-gold-market-economy-global/); Reuters, Why central banks buy gold (Feb. 2, 2022) (https://www.reuters.com/article/sponsored/why-central-banks-buy-gold)
[52] USGS, Gold Statistics and Information (accessed May 2, 2023) (https://www.usgs.gov/centers/national-minerals-information-center/gold-statistics-and-information).

interest in securing domestic gold production for both economic, currency, and supply chain stability.[53]

D. The Project is Designed to be a Model of Environmental Responsibility

Unlike gold mines of the Gold Rush era and even the 20th Century, the IMM Project is designed to specifically protect the environment and the local community from impacts, using state of the art technology and by directly responding to community comments and concerns. The Project does not use mercury, does not use cyanide, does not dump untreated waste into local waterways, and every aspect of the mine has been designed to protect the environment and ensure the health and safety of the community.

As an example, the Project uses electric machinery rather than diesel-powered machinery in all underground areas of the mine to reduce emissions and diesel consumption.[54] The Project uses modern environmentally sensitive flotation gold separation methods instead of cyanide or mercury.[55] In response to community concerns about noise, nearly all noise-generating aspects of the Project are underground or have been enclosed in insulated buildings to greatly reduce noise impacts to only the level of a whisper.[56] When dewatering the underground mining works, rather than discharge untreated water into local streams and use dilution with existing stream water to achieve California water quality objectives, the Project proposes to first treat all discharged water until it reaches drinking water standards, which will actually make the stream water higher quality than currently exists.[57] To minimize any potential for asbestos impacts, the Project not only complies with the California Airborne Toxic Control Measures for asbestos by screening samples with optical microscopes (as is typical for all Nevada County projects), the Project goes above and beyond this requirement by voluntarily testing samples using electron microscope methods for target mining zones long before they are mined to avoid any problematic geologic areas.[58]

Rise has even committed to providing substantial funding to the Air Quality Management District to hire a staff position to help oversee the mine and give the community certainty that the Project will be held responsible for meeting all air quality requirements. Finally, the Project has committed to funding and constructing a potable water pipeline for 30 properties, monitoring groundwater levels for 12 months ***prior*** to dewatering and even monitoring individual wells

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[53] USGS, Mineral Commodity Summaries 2023, at pp. 5, 80 (https://pubs.usgs.gov/periodicals/mcs2023/mcs2023.pdf).
[54] IMM DEIR at p. 4.3-87 – 4.3-88.
[55] *Id*. at pp. 4-8-45 – 44.8-46.
[56] *Id*. at p. 4.10-24.
[57] *Id*. at p. 4.8-42 – 4.8-45
[58] Id. at p. 3-20.

throughout the community, even though the risk of groundwater well impact from the Project was found by multiple hydrogeological firms to be minimal.

As stated above and detailed in the EIR, the Project's only unavoidable significant impacts were the aesthetic impact, the temporary noise impact from the construction of the potable water pipeline, and the traffic impact at the SR 174/Brunswick Road and Brunswick Road/Sutton Way intersections.[59] We believe the EIR's conclusion that the Project would create an aesthetic impact is overly conservative and that the Project would actually have an aesthetic benefit given the substantial screening of the Project site and the proposed improvements to the heavily disturbed and battered site. Further, the noise impact from the potable water pipeline construction, while annoying, would only be temporary and would be similar to that of any local public works or construction project. Regarding the traffic impacts at the SR 174/Brunswick Road and Brunswick Road/Sutton Way intersections, Rise has agreed to enter into a Traffic Mitigation Agreement with the County to pay for the Project's fair share contribution towards improvements necessary to ensure the intersection operates at an acceptable level.

In sum, the Project is not the antiquated irresponsible gold mine of yesteryear that the project opponents worry about. Rather, the Project is designed to be the model of a modern mining operation, for which no expense has been spared to protect the environment and community.

E. Conclusion

The discussion above illustrates the Project's ability to create substantial economic benefits to the County. If approved, the Project would be a catalyst of economic growth for the County by creating hundreds of high-paying jobs, generating much needed local tax revenue for essential government services, and would provide a source of economic stimulus for the County as a whole. Further, the County is in great need of an employment driver to raise the economic fortune of the Grass Valley area. Rise believes that the benefits of the Project substantially outweigh its potential environmental impacts, and therefore respectfully requests that the County Planning Commission approve the Project.

Sincerely,

RISE GRASS VALLEY INC.

Ben Mossman, President

[59] IMM DEIR at pp. 2-10 – 2-12 [aesthetic impacts], 2-91 – 2-92 [noise impacts], 2-102, 2-108 [traffic impacts].

Submitted On	Name	Street Address	City	Zip Code
02/13/2023 11:48:55	Autumn Muhly	1660 Hillsdale	Meadow Vista	95722
02/14/2023 6:33:02	David Jones	19334 Valley Vista Way	Penn Valley	95946
02/14/2023 6:52:19	Janet Ray	152 Harris St	Grass Valley	95945
02/14/2023 7:15:55	Marc Dyer	636 zion street	Nevada City	95959
02/14/2023 7:49:55	Brian Toohey	616 pelton way	Grass Valley	95945-7027
02/14/2023 7:50:31	George Boyd	19090 Ansonia Ct	Grass Valley	95949
02/14/2023 8:23:49	Daniel Kopp	P.O. Box 746	Nevada City	95959
02/14/2023 8:56:17	Troy Hammer	POBox 23 Rough & Ready		95975
02/14/2023 9:01:34	Jerel Snapp	13405 Ridge Rd	Grass Valley	95945
02/14/2023 10:31:33	John Major	20612. Gunstock road	Grass valley	CA
02/14/2023 11:12:49	Debra Kilian	13706 La Barr Meadows	Grass Valley	95948
02/14/2023 11:33:48	Kenneth Roberts	16995 Glenshire Drive	Truckee	96161
02/14/2023 12:00:41	Phillip Milam	275 Dorcey #47	Grass Valley	95945
02/14/2023 15:00:45	david kopp	404 Old Downieville Hwy	Nevada Cit	95959
02/14/2023 15:57:58	Sarah Kopp	Po Box 561	Nevada City	95959
02/14/2023 16:11:55	Pete Perez	126 Lidster Ave.	Grass Valley, Ca.	95945
02/14/2023 18:05:51	Kristopher Kopp	404 old Downieville hwy	Nevada city	95959
02/15/2023 1:04:34	Janice Krone	1111 N Beale Rd 38	MARYSVILLE	95901
02/15/2023 8:10:33	Gayle Nakayama	2330 Allen dr	Auburn	95602
02/15/2023 8:35:24	Gerry Anderson	16661 Norlene Way	Grass Valley	95949
02/15/2023 9:54:26	Bill Slack	POS 21	Downieville	95936
02/15/2023 10:36:57	Monica Kangas	111 celesta drive	Grass valley	95945
02/15/2023 12:01:18	Robert Penter	15115 Nugget St.	Nevada City	95959
02/15/2023 12:07:30	James Miller	16748 Excelsior Ditch Camp	Nevada City	95959
02/15/2023 12:09:28	Alan Dunn	11879 Streeter Rd	Auburn	95602
02/15/2023 12:20:13	Joe Novak	18410 Siesta Dr.	Penn Valley	95946
02/15/2023 12:36:11	James Milburn	12506 Lost Lake Rd	Grass Valley	95945
02/15/2023 12:45:47	Thomas Bannister	14046 Colfax HWY	Grass Valley	95945
02/15/2023 12:49:00	Daniel Tustin	14814 Ryder ct	Grass valley	95945
02/15/2023 13:36:09	Dustin Mccoy	15798 Names dr	Grass valley	95949
02/15/2023 15:21:27	Joy Feller	12493 Rough and Ready Hwy	Grass Valley	95945
02/15/2023 15:36:37	Jason Bice	510 S Auburn Street	Grass Valley	95945
02/15/2023 16:07:34	Shaun Rainsbarger	11425 Cedar Ridge Dr	Grass Valley	95945
02/15/2023 16:20:57	Blanche Burtner	11486, Lower Colfax Road	Grass Valley	95945
02/15/2023 16:21:19	Donald Burtner	11486, Lower Colfax Road	Grass Valley	95945
02/15/2023 16:21:54	Greg Hunyada	10739 E Bennett Road	GRASS VALLEY	95945
02/15/2023 16:22:14	Debbie Hunyada	10739 e Bennett Road	Grass Valley	95945
02/15/2023 16:28:45	Chris Shurte	311 Bennett St Apt b	Grass valley	95945
02/15/2023 16:39:30	Edward Ford	15119 magnolia rd	Grass valley	95949
02/15/2023 17:19:59	Chase Smith	8030 Discovery Cir	Smartsville	95977
02/15/2023 17:23:37	Steven Paasch	19644 TigervTail Rd.	Grass Valley	95949
02/15/2023 17:49:17	Steve Bigelow	109 king ct	Grass Valley	95945
02/15/2023 18:13:40	Grant Mitchell	11632 Spenceville rd	Penn valley	95936
02/15/2023 18:20:00	Susan G Kopp	P O Box 746 406 Old Downieville Hwy	Nevada City	95959
02/15/2023 18:42:28	Peggy Penter	15115 Nugget St.	Nevada City	95959
02/15/2023 18:54:03	Chad Bohman	23333 scotts flat road	Nevada city	9559
02/15/2023 19:01:54	Jonelle Bigelow	109 King ct	Grass Valley	95945
02/15/2023 19:05:42	Christy Perez	126 Lidster Ave	Grass Valley	95945
02/15/2023 20:58:27	Dan Smith	10160 Apache Trail	Nevada City	95959
02/15/2023 21:14:49	Samuel Baldwin	134 scandling ave	Grass valley	95945
02/15/2023 21:51:01	Tom Harper	20693 Dog Bar Road	Grass Valley	95949
02/15/2023 21:54:13	Dawn Tassone	15760 Orchard Springs Rd	Grass Valley	95945
02/16/2023 5:35:46	marty padilla	12297 Long Valley Rd	Penn Valley	95946
02/16/2023 6:02:58	Gary Brehm	23296 lone pine dr	Auburn	95602
02/16/2023 6:09:22	Josh Wittler	14324 Parsons Drive	Penn valley	95946
02/16/2023 6:29:50	Ruth Poulter	451 Holly Drive	GRASS VALLEY	95945-4169
02/16/2023 6:47:52	Curtis Vedder	124 Wilson St	Grass Valley	95945
02/16/2023 7:12:28	Mark Fredette	15526 cascade drive	Nevada City	95959
02/16/2023 7:37:02	James Williams	26971 State Hwy 49	Nevada City Ca	95959
02/16/2023 9:59:27	Archie Leach	15276 Grant St.	Grass Valley, CA	95945
02/16/2023 10:02:43	Justin Thomas	16484 rough and ready hwy	Rough and ready	95975
02/16/2023 10:24:28	Hedwig Kiesler	16891 Lamarr St.	Grass Valley, CA	95945

02/16/2023 10:26:28	Eric Bishop	13391 Foxx St.		Grass Valley, CA	95945
02/16/2023 10:28:16	Henry Deutschendorf Jr.	16678 Denver Ln.		Grass Valley, CA	95945
02/16/2023 10:30:33	Natalia Zacharenko	14366 Wood Circle		Grass Valley, CA	95945
02/16/2023 11:28:53	Jeff Spencer	14 Carrie Ann ln Penn valley		Penn valley CA	95946
02/16/2023 12:17:03	Ryan Coe	School st		Grass valley	95945
02/16/2023 14:42:10	Etic Morris	12901 Lime Kiln Road		Grass Valley	95949
02/16/2023 14:50:29	David Cubitt	13977 Cameo Lane		Grass Valley	95945
02/16/2023 15:24:29	Tevis Trathen	10848 sentinel pine way		Grass valley	95949
02/16/2023 15:32:37	Charles Williams	632 S. Auburn st.		Grass valley	95945
02/16/2023 15:39:34	Dalton Workman	120 Carpenter st unit b		Grass valley	95945
02/16/2023 17:05:45	Jeff Helvin	16649 Stone Meadow Ln		Grass Valley	95949
02/16/2023 17:59:49	Jason Wilkison	147 joersckhe dr. #3		Grass valley, Ca.	95945
02/16/2023 18:00:35	Chris Hughes	234 Lloyd st		Grass valley	95945
02/16/2023 18:51:47	Wade Johnson	10500 Devonshire cir		Penn valley ca	95946
02/16/2023 19:21:26	Leona Powell	300 Jordan st.		Nevada city, Ca	95959
02/16/2023 19:42:17	Randolph Lanzendorfer	10091 Mount Rose Road		Rough and Ready	95975
02/16/2023 19:59:46	Reginald Dwight	15477 Elton Way		Grass Vally	95945
02/16/2023 20:01:29	Mark Sinclair	16683 Diesel Ct.		Grass Valley CA	95945
02/16/2023 20:04:01	Joaquin Bottom	284 Phoenix St.		Grass Valley CA	95945
02/16/2023 20:05:56	Norma Jeane Mortenson	305 Monroe St.		Nevada City CA	95959
02/16/2023 20:13:43	Brittany Kaspick	19251 Chalk Bluff Rd		Grass Valley	95945
02/16/2023 21:10:17	Linda Fischer	10588 Maranatha Place		Grass Valley	95949
02/16/2023 21:28:53	Chad Dremann	590 Railroad Ave		Nevada city	95959
02/16/2023 22:43:28	Paul Szura	219 Reward St		Nevada City	95959
02/16/2023 22:52:16	Jami Stevens	219 Reward St		Nevada City	95959
02/17/2023 5:51:11	David Dearman	12765 Quaker hill cross road		Nevada city	95959
02/17/2023 5:51:38	Monty Mccall		17269	Grass Valley	95949
02/17/2023 6:50:18	DAVE FRYE	10155 ADAM AVE		GRASS VALLEY	95945
02/17/2023 7:52:14	Hoby Thomas	18611 round mountain ranch rd		Nevada City	95959
02/17/2023 7:53:26	Dale Nies	12406 Sluice Box Rd		Penn Valley	95946
02/17/2023 8:07:51	Tyler Woolery	13231 Pilot Peak Lane		Penn Valley	95946
02/17/2023 8:09:32	Alleigh Warnke	13231 pilot peak ln		Penn valley	95946
02/17/2023 8:26:00	Jeffery Galpin	15605 Lorie Drive		GRASS VALLEY	95949
02/17/2023 8:54:47	Jackie Morrison	15728 Thiel Way		Grass Valley	95949
02/17/2023 9:04:45	Rich McCune	162 McNab circle		Grass Valley	95945
02/17/2023 10:21:02	Walter Buchter	13169 dogwood lane		Grass Valley	95945
02/17/2023 11:50:57	Sean Spittler	320 Bennett St		Grass valley	95945
02/17/2023 11:52:48	Tara Lacount	320 Bennett St		Grass valley	95945
02/17/2023 12:54:50	Brad Barnes	15945 pleasant valley road		Penn valley	95945
02/17/2023 15:54:37	Randall Pool	8065 QUARTZ LN		Smartsville	95977
02/17/2023 16:32:23	Charles Smith	13676 Newtown Road		Nevada City	95959
02/17/2023 17:46:33	Joe Lester	15318 hwy 20		Nevada City	95959
02/17/2023 18:16:32	E Franklin Kistle	624 gold flat rf		Nevada City	95959
02/17/2023 18:45:00	Sherri Oakley	18211 Indian Springs Rd		Penn Valley	95946
02/17/2023 19:50:08	Ramon West	17910 Lasso Loop		Penn Valley	95946
02/17/2023 20:16:10	Jacque Holub	10340 n ponderosa way		Rough and Ready	95975
02/18/2023 0:22:55	Steve Benham	10556 Colton way		Dobbins	95935
02/18/2023 7:01:41	Andrew Sahl	12835 Mayflower Dr		Nevada City	95959
02/18/2023 7:26:49	Greg Moody	10790 bannaza way		Rough and ready	95949
02/18/2023 8:38:43	Clemens Reginald	15080 orchard springs rd		Grass valley	95945
02/18/2023 9:55:08	Morgan Juric	15706 you bet rd		Grass valley	95945
02/18/2023 9:55:12	Ron Nevis	11414 Sean Way		Grass Valley	95949
02/18/2023 11:21:15	Mike Smart	11925 Hanley Drive		Grass Valley	95949
02/18/2023 13:20:18	William Stamatis	11262Ringtail Rd		Penn Valley	95946
02/18/2023 13:42:34	Joseph Halay	13049 Golden Trout Way		Penn Valley	95946
02/18/2023 13:45:50	Jared Kirchner	13040 sadie d dr		Nevada city	95959
02/18/2023 18:30:35	David Matson	12002 Charles Dr.0		Grass Valley	95945
02/18/2023 19:27:28	Michele Hughes	11599 Upper Pine Hill Dr		Grass Valley	95945
02/18/2023 20:09:50	Remee Bulf	11482 Ridge Rd		Nevada Card	95959
02/19/2023 1:57:21	Mike Tietze	27789 Table Meadow Road		Auburn	95602
02/19/2023 6:55:16	Tom Meyers	11477 Miners Way		Rough and Ready	95975
02/19/2023 6:57:36	Brendon Sullivan	17257 Brewer RD		Grass Valley	95949
02/19/2023 7:14:43	Glenn Bartlett	11352 cottontail way		Penn valley	95946

02/19/2023 7:41:05	Mike FRALEY	11894 BRENTWOOD CT		Nevada City	95959-9604
02/19/2023 8:29:57	Randy Lanendorfer	PO box 130		Rough And Ready	95975
02/19/2023 9:21:15	Katherine Vedder	124 Wilson		Grass valley	95944
02/19/2023 9:34:31	Rose Massara	18043 Buck Mountain Rd.		Grass Valley	95949
02/19/2023 9:43:23	Dean Mitchell	18138 mccourtny rd		Grass Valley	95949
02/19/2023 11:58:37	Mark Watson	17751 blue tent school rd		Nevada city	95959
02/19/2023 15:12:35	Sam Cameron	17665 Chaparral Dr		Penn Valley	95946
02/19/2023 16:23:51	Travis Carpenter	13700 Torrey Pines Dr		Auburn	95602
02/19/2023 16:25:24	William Kreiss	11136 Tyler Foote rd		Nevada city	95959
02/19/2023 19:51:11	Diane Dyer	301 Broad St		Nevada City	95959
02/19/2023 20:01:43	James Moultrie	254 Fairmont drive		Grass Valley	95945
02/19/2023 21:11:16	Joseph Brown	10185 dalewood way		Grass valley	95949
02/19/2023 21:11:33	Wayne Brown	10185 dalewood way		Grass valley	95949
02/19/2023 21:29:23	Jonathon Cueva	10350 Horton Street		Penn valley	95946
02/20/2023 8:27:40	Mike McGee	15382 Washington rd. Box 201		Washington	95986
02/20/2023 11:02:31	Travis Thacker	22442 Dog Bar Rd		Grass Valley	95945
02/20/2023 13:38:32	Janet Booth	235 Washington Street		Grass Valley	95945
02/20/2023 13:48:13	Patrick Kenny	10867 Spenceville rd		Penn Valley Ca.	95946
02/20/2023 17:47:09	Danny Turiello		111	Grass valley	95949
02/20/2023 17:47:24	Barbara Coleman	12521 LA Barr Meadows Road		Grass Valley	95949
02/20/2023 18:05:41	Kim Gilliland	10342 Pheasant Ln		Penn Valley	95946
02/20/2023 18:23:41	Robert Meier	27 Heilmann Ct		Nevada City	95959
02/20/2023 19:39:07	Edward McMaster	480 riverview dr		Auburn	95603
02/20/2023 21:52:14	Darrell Landingham	10449 grandpas place		Grass Valley	95949
02/20/2023 22:51:22	Greg Allen	17920 Rollins View Dr		Grass valley	95945
02/21/2023 6:30:10	Frankie Osban	304 Sutton Way #6		Grass Valley	Ca
02/21/2023 11:51:43	bret rios	11780 Rough and Ready Rd		Rough and Ready	95975
02/21/2023 11:58:25	Mike Harrity	10509 Ponderosa dr		Truckee	96161
02/21/2023 16:15:37	Loren Showalter	150 depot st		Colfax	95713
02/21/2023 16:31:57	Gregory Rousseau	995 Helling Way		Nevada City	95959
02/21/2023 19:12:55	Brandon Cannon	16103 Ariel Ct		Grass Valley	95949
02/21/2023 19:59:51	Ronald Skewes	10565 sky circle		Grass Valley	95949
02/21/2023 20:19:52	coel schumacher	11065 old dude rd		auburn	95603
02/22/2023 8:15:19	Greg Arnoldi	10967 peaceful valley road		Nevada city	95959
02/22/2023 17:26:32	DAVID KEMP	10379 carey dr.		Grass Valley	95959
02/22/2023 21:14:31	Brad Lovejoy	154 Harris st		Grass valley	95945
02/22/2023 23:00:22	Marcella Snead	21168 Post Chaise Circle		Grass Valley	85949
02/23/2023 7:44:59	David Krikorian	16228 Footehold Dr		Grass valley	95949
02/23/2023 9:19:21	Tim Merry	21864 angeli place		Grass valley	95949
02/23/2023 11:29:10	Jody Sweet	11629 Brook Lane		Truckee	96161
02/23/2023 12:33:53	Curtis Patterson	13232 Devin ln		Grass Valley	95949
02/23/2023 13:20:02	Donald MacGregor	Po box 654		Cedar Ridge	95924
02/23/2023 13:45:21	Joseph Hippert	14997 Deerwood Pl		Grass Valley	95949
02/23/2023 16:09:26	Joseph Holman	10098 Pittsburgh Rd		Nevada City	95959
02/23/2023 16:28:31	Richard Regan	10735 Morning Star Ln		Nevada City	95959
02/23/2023 17:25:12	Dakota Elmore	11240 Curlile court		Rough and ready	95975
02/23/2023 17:33:24	Pete Pennington	13577 country heights dr		Penn Valley	95946
02/23/2023 18:07:54	Lydia Beall	14194 Sande Lane		Grass Valley	95945
02/23/2023 18:08:21	Matt Bouchard	11212 Alls Well Place		Grass Valley	95945
02/23/2023 18:09:32	Tammy Bouchard	11212 Alls Well Place		Grass Valley	95945
02/23/2023 18:19:07	Mark Swasey	140 E Mcknight Way, 12		Grass Valley	95949
02/23/2023 18:39:22	Darrel Smeltzley	15642 celestial valley road		north san Juan ca	95960
02/23/2023 18:47:39	Edward Peevey	620 Kate Hayes		Grass Valley	95945
02/23/2023 19:46:24	Jedidiah Watson	322 Mill St		Grass Valley	95945
02/23/2023 21:48:52	D J Johnson	John Born Road		Penn Valley	95946
02/23/2023 22:05:19	Kevin George	P0 box 723		North San Juan	95960
02/23/2023 22:08:18	John Hearn	11017 gopher mine trail		Grass valley	95949
02/23/2023 23:09:35	Robert Caslava	14998 Lake Lane		Nevada City	95969
02/24/2023 0:37:36	Joe Bonchonsky	11620 Little Deer Creek Ln		Nevada City	95959
02/24/2023 0:39:28	Herb Miller	13520 Tranquility Lane		Nevada City	95959
02/24/2023 3:04:35	Dalton Deornellas	11222 Wilson rd		Grass Valley	95945
02/24/2023 3:22:21	William Griffis	12210 Francis Drive		Grass Valley	95949
02/24/2023 6:55:23	Evan Yager	14151 Arrowhead Mine Rd.		Grass Valley	95945

02/24/2023 9:19:24	Kathryn Petersen	11354 PLEASANT VALLEY ROAD, #264	PENN VALLEY	95946
02/24/2023 9:39:10	Steve Smith	22431 Kingston lane	Grass valley	95945
02/24/2023 10:48:44	James Ross	10530 Walker Dr SPC 16	Grass Valley Ca	95945
02/24/2023 11:12:00	robert jacobson	11154 Vista Ave	Grass Valley	95945
02/24/2023 11:28:07	Jodey Fink	12904 Foster Rd	Grass Valley	95945
02/24/2023 14:07:00	Victoria Frye	10155 Adam Ave	Grass Valley	95945
02/24/2023 14:11:10	Steven Vedder	124 Wilson St.	Grass Valley	95945
02/24/2023 14:49:10	Erin Hemmert	12561 Francis Dr	Grass Valley	95949
02/24/2023 15:47:06	Caleb Toderean	17665 lake Forest drive	Penn Valley	95946
02/24/2023 16:29:44	Scott Beall	14194 Sande ln	Grass valley ca	95945
02/24/2023 18:37:15	Andrew McCallister	19379 wolf creek re	Grass valley	95949
02/25/2023 4:45:34	Dana Rackley	13566 Lost Lake Rd	Grass Valley	95945
02/25/2023 8:07:24	David Dunham	12950 Tranquility lane	Nevada City	95959
02/25/2023 12:36:35	Shane Bradley	11295 still road	Grass valley	95603
02/25/2023 13:20:28	Matt Nicholas	14671 Skeeter Hollow Rd	Nevada City	95959
02/25/2023 13:47:21	Grady Wilson	332 Horizon Circle	Grass Valley	95945
02/25/2023 14:03:19	Tanya Wonderly	18585 Gypsy Rover Ct.	Penn Valley	95946
02/25/2023 16:40:17	Arlen Hansen	17845 Memo Lane	Penn Valley	95946
02/25/2023 16:56:50	Cody Deraps	15308 Jackson st	Camptonville	95922
02/25/2023 19:43:18	jeff Baldwin	134 scandling ave	Grass valley	95945
02/25/2023 21:44:17	Michael Daugherty	10595 Dixon Road	Grass Valley	95945
02/25/2023 22:48:58	Tom Kempf	15756 Rattlesnake Rs.	Grass Valley	95945
02/26/2023 0:48:43	Kenneth Mullins	12073 Rex Reservoir rd	Rough and Ready	95975
02/26/2023 6:58:37	Traci Gamble	15065 Magnolia Road	Grass Valley	95949
02/26/2023 8:26:00	Nathan Starnes	12913 Summit Ridge Dr	Nevada City	95959
02/26/2023 10:26:51	Sandra Ferris	10902 lonelobo trail	Neveda city	95959
02/26/2023 10:31:04	Isaac Reiswig	10515 Alta st	Grass Valley	95945
02/26/2023 12:18:55	Nathan Hutson	1151 Kimberly Dr	Yuba City	95993
02/26/2023 12:38:12	Gwena McCarthy	10330 Wolf Drive	Grass Valley	95949
02/26/2023 16:08:04	Bonnielee Josefson	311 Bennett Street #6	Grass Valley	95945
02/27/2023 2:06:14	Jeff McAuliff	5264 proctor	Castro valley	94546
02/27/2023 3:31:34	Larry Simmonds	16388 Banner Quaker Hill Road	Nevada City	95959
02/27/2023 7:51:01	Michael Maye	13115 Allison Ranch Rd.	Grass Valley	95949
02/27/2023 9:03:17	Daniel Foran	510 Minnie st	Grass Valley	95945
02/27/2023 10:48:47	Gregory Vance	13785 French town rd	Oregon house	95962
02/27/2023 18:44:28	Andrea Brownlee	10848 Sentinel Pine Way	Grass Valley	95949
02/27/2023 19:01:51	William Mann	18180 Jayhawk drive	Penn Valley	95946
02/27/2023 19:25:04	Gabrielle Christakes	12123 Cement Hill Rd	Nevada City	95959
02/27/2023 19:51:40	Susanne Bolin	PO BOX 2074	Penn Valley	95946
02/28/2023 5:33:42	Jane Schluter	10555 Ironclad Rd.	Rough and Ready	95975
02/28/2023 7:38:23	Megan Miller	12200 Rough & Ready Hwy	Grass Valley	95945
02/28/2023 19:04:36	Dylan Savage	200 Dorsey DR. #6	Grass Valley	95945
03/01/2023 0:33:17	Kelley Hansen	520 9th street	Marysville	95901
03/01/2023 16:30:06	Patty Lewis	126 E Empire St	Grass Valley	95945
03/01/2023 18:24:23	Jocelyn Merlo	15274 Rough and Ready Hwy	Rough and Ready	95975
03/01/2023 19:11:47	Vince Tucker	12606 black rd	Smartsville	95977
03/01/2023 19:33:53	Robert Jacobs	17259 Ruth Ct.	Grass Valley	95949
03/02/2023 14:10:39	Test Test	1234 Testing street	Test City	95758
03/02/2023 15:47:10	ASHLEY ALEXANDER	14216 LA NORIA COURT	GRASS VALLEY	95945
03/02/2023 15:57:59	carl novak	116 Hill st	grass valley	95945
03/02/2023 16:23:25	Alvin Pennington	13577 Country Heights Drive	Penn Valley	95946
03/02/2023 18:02:36	Van Anthony	12590 Nottingham Lane	Grass Valley	95949
03/02/2023 18:38:51	Harry Coburn	21448 Oak Grove Court	Grass Valley	95949
03/02/2023 21:22:26	Kevin Cookson	PO Box 2688	Grass Valley	95945
03/03/2023 1:03:58	Fred Ziffle	18365 Dead Miner Dr.	Hooterville	35341
03/03/2023 4:45:38	Austin Trenkamp	145 Palmyra Street	Auburn	95603
03/03/2023 8:10:48	Clarke Glasow	15220 wild oak ln	Auburn	95603
03/03/2023 14:31:27	Jeremiah Breault	13571 Side Bet Drive	Grass Valley	95945
03/03/2023 14:56:06	Shawn Cortes	115 Muir CT	Grass Valley	95945
03/03/2023 15:27:20	Theresa Kingsbury	10521 dixon rd	Grass valley	95945
03/03/2023 17:24:54	Scott Thompson	15555 woodfield place	Grasvalley	95949
03/03/2023 21:41:40	Brehm Kris	23296 lone pine dr.	Auburn	95602
03/04/2023 9:01:21	Cathleen Yaksic	536 Brighton Street		95945

03/04/2023 9:47:08	Tammy Dayton	936 Old Tunnel Rd #310	Grass Valley		95945
03/04/2023 9:49:45	Lin Fintz	9497 Upper Valley Rd.	AUBURN,		95602
03/04/2023 12:00:58	Rowdy Mills	6570 Turkey Hollow Trail	Browns valley		95918
03/04/2023 20:09:55	Elisha Brehm	23296 lone pine dr	Auburn		95602
03/04/2023 22:33:50	Jeffrey Swinney	23124 Broadmoor Court	Auburn		95602
03/05/2023 9:39:00	Edward Mayeau	1181 E 22nd St	Marysville		95901-4044
03/05/2023 11:46:37	Boyd Halvorsen	17772 Redside ct	Penn valley		95946
03/05/2023 18:53:58	Grant Nunnink	12836 Mayflower Dr	Nevada City		95959
03/05/2023 19:44:04	Blayde Hernandez	2478 ridge rd	Grass valley		95945
03/06/2023 8:24:05	Luke Beilstein	20253 Wildwood West Drive	Penn Valley		95946
03/06/2023 12:29:34	Alec Gregory	22811 monteclaire ct	Grass Valley		95949
03/06/2023 15:22:54	Mike Ambers	2121 rambling wy	Colfax.ca.		95713
03/06/2023 16:21:57	Barb Cloyd	21215 Cameron Way	Grass Valley		95949
03/06/2023 16:22:59	Roger Cloyd	21215 Cameron Way	Grass Valley		95949
03/06/2023 17:04:42	Eric Wilson	Po box 3462	Grass valley		95945
03/06/2023 17:24:21	Tim Robinson	293 Lower Grass Valley Rd	Nevada City		95959
03/06/2023 21:50:46	Robert Nault	15511 OrchardSprings Rd	Grass Valley		95946
03/07/2023 6:00:16	Kenneth Dreher	10762 oak dr	GRASS valley		95949
03/07/2023 6:33:25	Kailee Kelley	10572 Oak St	Grass Valley		95945
03/07/2023 20:03:46	Shannon Kelly	21200 Todd Valley Rd. #138	Foresthill Ca,		95631
03/07/2023 20:04:57	Wendy Eimer	600 Auburn Ravine Rd., 118	Auburn		95603
03/07/2023 20:39:42	Mark Tintle	436 Nimrod Street	Nevada city		95959
03/08/2023 8:54:03	lu tomson	2280 GRASS VALLEY HWY	AUBURN		95603
03/08/2023 16:17:15	Sydney Davis	103 Knoll Street	Auburn		95603
03/08/2023 23:25:25	Lisa Musa	12200 BANNER LAVA CAP RD	NEVADA CITY		95959
03/11/2023 10:27:35	Harry Auld	14526 silver pick court	Grass valley		95945
03/11/2023 14:08:41	Derek Droivold	10333 Little Deer drive	grass valley		95949
03/11/2023 17:32:49	David Stafford	12834 SPANISH LANE	NEVADA CITY		95959
03/14/2023 11:29:54	Scott Bell	248 Fairmont Dr	Grass Valley		95945
03/15/2023 23:26:12	Arthur Wise	134 lark st	Penn valley		95946
03/16/2023 8:32:00	Paul Speers	11785 lakeshore n	Auburn		95602
03/16/2023 9:25:14	Janine Valenti	16212 Badger Hill Road	Nevada City		95959
03/16/2023 12:06:19	Ruth Chidley	12910 Mayflower Drive	Nevada City		95959
03/16/2023 17:15:08	Sky Lowe	18387 Lake Forest dr	Penn Valley		95946
03/16/2023 18:04:04	Bryan Wonderly	18585 Gypsy Rover Ct.	Penn Valley		95946
03/16/2023 19:04:48	Anna Youngman	10497 Manzanita Dr	Grass Valley		95945
03/16/2023 19:32:52	Tim Lloyd	10120 Daisy king dr	Grass valley		95949
03/17/2023 1:32:06	Matthew Jaynes	12258 Robinson Rd.	Nevada City	California	95959
03/17/2023 7:28:30	Doug Plumley	13008 N. Day Rd.	Grass Valley		95949
03/17/2023 7:51:54	Justin Krusi	12577 butterfly dr	Nevada city		95959
03/17/2023 19:52:16	Rick Smith	13528 brooks rd	Grass valley		95945
03/17/2023 20:11:35	Nanette Kalman	668 S Auburn St.	Grass Valley		95945
03/18/2023 13:16:13	Dwight Alaways	15878 Mountain View Drive	Nevada City		95959
03/18/2023 13:50:55	Dan Prichard	200 Dorsey dr apt 36	Grass Valley		95945
03/18/2023 14:45:23	Nicole Read	14162 Greenwood Ct	Nevada City		95959
03/18/2023 18:42:24	Jon Pitts	18580 Osceola Lane	Penn Valley		95946
03/18/2023 18:54:53	Mark viscia	180 Sierra college drive	Grass valley		95945
03/18/2023 23:18:14	Celia Culver	21523 Cameron Way	Grass Valley		95949
03/19/2023 5:17:59	Francisco Garza	12706 murphy	Nevada city		95959
03/19/2023 5:51:10	Rick DeLaughter	13038 qQuaker Hill Cross Road	Nevada City		95959
03/19/2023 6:51:08	Michael Emmons	615 Walsh st apt.1	Grass Valley		95945
03/19/2023 8:00:12	Thomas Scully	10066 golden polaris plc	Grass valley		95949
03/19/2023 9:27:43	Daniel Dwyer	8217 platinum circle	Smartsville		95977
03/19/2023 13:32:04	Loretta Roland	23254 B Pleasant Valley Road	North San Juan		95960
03/19/2023 21:02:07	Carla Vieira	10181 grinding rock dr	Grass Valley		95949
03/20/2023 2:55:32	Craig Davis	14940 Meadow Dr	Grass Valley		95945
03/20/2023 6:47:26	william burke	134 huntington court	ss valley		95945
03/20/2023 9:50:23	Patrick Tracy	635 Pelton Way	Grass Valley		95945
03/20/2023 10:53:18	Evyn Kent	13100 Banner Lava Cap Rd	Nevada City		95959
03/20/2023 14:34:20	Henry LeBars	273 Bresee Pl	Grass Valley		95945
03/20/2023 18:13:08	Alfred Biron	14979 two sisters lane	Penn Valley		95946
03/20/2023 19:04:35	Jerry A Tittle sr	16213 Mt Olive	Grass valley		95945
03/20/2023 19:52:22	Roxann Freitas	544 Charlene Ln.	Grass Valley		95945

03/21/2023 6:41:35	Don Blanscet	19238 Branding Iron Rd	Penn Valley	95946
03/21/2023 16:41:34	Amber Newman	11625 Moonrise Court	Nevada City	95959
03/21/2023 21:33:04	James King	13545 Sailor flat road	Nevada City	95959
03/22/2023 11:57:17	Jim Heard	450 pine street	Grass valley	95945
03/22/2023 15:18:58	Rickie Shepherd	11154 Sierra Cir.	Penn Valley	95946
03/23/2023 6:44:49	Josh Reinke	228 Sutton Way APT213	Grass Valley	95945
03/23/2023 9:47:58	David Arndt	19131 wild oak rd.	Chicago park	95712
03/23/2023 19:21:34	Anthony Adams	11590 Ball Rd	GRASS VALLEY	95949
03/24/2023 10:01:39	Francis Tassone	15760 orchard springs rd	Grass Valley	95945
03/24/2023 12:12:17	Cindy Lalowski	15864 Tippy Way	Grass Valley	95949
03/24/2023 18:27:45	Jennifer Gonet	12599 Francis Dr	Grass Valley	95949
03/24/2023 22:56:37	Nema Lintag	15555 Woodfield Place	Grass Valley	95949
03/25/2023 6:53:54	Susan Ghormley	20646 poker flat rd	Penn valley, ca	95946
03/25/2023 7:11:53	Jessica Davis	120 park ave apt 1	Grass valley	95945
03/25/2023 10:56:49	Miguel Wright	244 dorsey Dr. Apt.35	Grass Valley	95945
03/25/2023 12:13:29	Gayle Mack	775 old Tunnel rd #212	Grass Valley, California	95945
03/26/2023 9:42:13	Ryan Delavega	207 joerschke dr apartment 5	Grass Valley	95945
03/26/2023 12:20:21	Devin Smith	11352 vinlee place	Grass Valley	95949
03/26/2023 12:52:59	chris Buckbee	13 bear ct	north san juan	95960
03/26/2023 18:13:05	Kris Stotz	948 Pampas Drive	Grass Valley	95945
03/27/2023 7:07:50	Ashley Edwards	16191 norlene way	Grass valley	95949
03/27/2023 12:05:18	Justin Drew	14869 Mosswood Lane	Grass Valley	95945
03/27/2023 19:03:20	Justin Sanders	12712 valley view rd	Nevada city	95959
03/28/2023 9:08:35	Michael Torres	8453 obrien road	Smartsville	95977
03/28/2023 18:44:06	Cyrus Dworak	13372 toad lane	Grass Valley	95945
03/28/2023 21:48:29	Brandon Swanson	412 Richardson St	Grass Valley	95945
03/29/2023 0:56:22	Dawne Klups	16062 3rd St.	snellinig	95369
03/29/2023 2:34:51	Jonathan Fischer	11221 cedar ridge dr	Grass Valley	95945
03/30/2023 6:50:58	Matt Borland	19322 Tall Timbers ln	Grass Valley	95945
03/30/2023 10:18:42	Kirt Ankeny	13740 Capitol Dr	Grass Valley	95945-9370
03/30/2023 15:25:05	Dan Wilkins	13197 Westhome rd	Grass Valley	95945
03/30/2023 17:44:29	Joe Blow	123 Nevada Street	Nevada City	95959
03/31/2023 0:23:47	Lionel deBoisblanc	18069 Norlene Way	Grass Valley	95949
03/31/2023 0:46:31	Robert Burtch	10751 Conifer Ln.	Grass Valley	95945
03/31/2023 3:51:39	Patrick Dyer	301 Broad St.	Nevada City	95959
03/31/2023 4:14:43	Angela Watson	10211 school street space 6	North San Juan	95960
04/01/2023 0:55:38	Michael Bendz	15380 chattering pines road	Grass valley	95945
04/01/2023 6:36:41	John Schies	12547 Rattlesnake Rd	Grass Valley	95945
04/01/2023 6:41:33	Mike Lupo	239 Mill st. Unit 9	Grass Valley	95945
04/01/2023 13:07:40	Robert Ileson	1067 Ridge Rd.	North San Juan	95960
04/01/2023 13:27:45	Dwayne Monroe	21310 El Rancho Ln	Weimar	95736
04/01/2023 15:24:20	Linda Clanton	14533 rough and ready hwy	Rough and ready	95975
04/02/2023 14:46:12	Jennifer Strange	12125 Pitcairn Lane	Nevada City	95959
04/03/2023 8:36:02	Jeremiah Skalla	200 Dorsey Drive apt 7	Grass Valley	95945
04/03/2023 15:32:36	Geoff Trapani	8262 Creek Way	Smartsville	95977
04/04/2023 7:37:31	Taryn Bargas	17586 Longbranch Ct	Penn Valley	95946
04/04/2023 12:41:19	Richard Grueter	Po box 1933	Grass valley	95945
04/04/2023 20:00:39	Tyler Dyer	636 Zion street	Nevada city	95959
04/04/2023 20:37:19	Christopher Boyd	310 South Auburn Street	Grass Valley	95945
04/05/2023 7:01:48	Jeremey Navo	10365 Hanging Wall Dr	Grass Valley	95945
04/05/2023 9:04:26	Barbara Magliocca	304 Sutton Way	Grass Valley	95945
04/05/2023 9:30:16	Terry Robinson	P.O. box 1296	nevada city	95959
04/05/2023 9:48:34	David Turnes	17959 Alexandra Way	Grass Valley	95949
04/05/2023 11:28:08	Dana Beck	18559 state highway 20	Nevada city	95959
04/05/2023 13:34:12	Camden Breaux		14130 Grass Valley	95945
04/05/2023 14:30:27	Marvin Dinovitz	11293 Rough and Ready	Rough and Ready	95975
04/05/2023 17:29:28	Laura Massey	12785 Shady Creek Drive	Nevada City	95959
04/06/2023 9:16:33	Joseph Stogner III	120 Martin St	Nevada City	95959
04/06/2023 21:28:44	Susanne Bolin	PO BOX 2074	Penn Valley	95946
04/07/2023 14:29:22	Bernadine Nettles	22735 state hwy 49	Nevada City	95959
04/07/2023 16:21:50	Sean Stevenson	11741 Wolf rd	Grass Valley	95949
04/08/2023 5:37:20	Eric Little	322 Nile Street	Nevada City	95959
04/08/2023 17:14:00	Richard Washburn	13061 st. Gregory pl	Grass valley	95949

04/08/2023 22:42:42	Alan Hendrickson	11000 Tyler Foote xing	Nevada city ca	95959
04/09/2023 9:02:22	Travis Grenon	11352 cedar ridge dr	Cedar Ridge	95924
04/09/2023 13:04:58	Steven Loomis	529 Packard Dr.	Grass Valley CA	95945
04/09/2023 17:35:12	Cynthia Trexler	112 South School St apt 9	Grass Valley	95945
04/10/2023 8:01:52	Dylan Burns	150 Stacey Ln.	Grass Valley	95945
04/10/2023 11:38:48	Jan Hagel	11792 Hidden Valley Rd	Grass Valley	95949
04/10/2023 19:56:51	Imelda Ayala	13940 Lodestar Dr	Grass Valley	95949
04/10/2023 20:15:44	Mark Eshbaugh	20327 New Rome Rd	Nevada City	95959
04/11/2023 7:52:27	Wes Hawkins	13322 Elderberry Ln.	Grass Valley	95934
04/11/2023 15:42:44	Kelly Nevius	10472 W Piper Ln	Nevada City	95959
04/12/2023 8:28:17	bob corrigan	14619 wild duck ln	grass valley	95945
04/12/2023 11:54:13	david petty	10962 ridge rd	n.c.	95959
04/12/2023 13:41:25	Beth Lozano	23122 Lone Pine Dr.	Auburn	95602
04/12/2023 15:16:59	Craig Johnson	590 Searls Ave	Nevada City	95959
04/12/2023 20:35:38	Janice Reed	15267 Gary Way	Grass Valley	95949
04/13/2023 19:35:09	Boyd Halvorsen Sr	17772 Red Side Court	Penn Valley	95946
04/14/2023 5:41:09	Eric Bennett	594 Silva Ave	Nevada City	95959
04/14/2023 10:18:43	Gail E Pasciuti	15916 Fay Road	Grass Valley	95949
04/14/2023 11:46:59	Daniel Medrano	14468 Colfax Hwy	Grass Valley	95945
04/14/2023 23:53:05	Chandler Leonard	12021 rough and ready hwy.	Grass Valley	95945
04/15/2023 1:00:03	Peter Trump	10635 Empress Drive	Navada City	95959
04/15/2023 9:09:47	Eric Harkins.	16448 Banner Quaker Hill Road	Nevada City	95959
04/15/2023 9:51:16	Netha Hill	14338 State hwy. 49	Grass Valley	95949
04/15/2023 16:48:09	Vance Goss	15332 Wet Hill Rd	Nevada City	95959
04/16/2023 5:15:19	Darla flynn	15392 little valley rd # 18	Grass valley	95949
04/16/2023 6:24:40	Mary Miller	428 Pine Street	Grass Valley	95945
04/17/2023 6:15:29	Jeff Garcia	229 Robin St	Penn Valley	95946
04/17/2023 14:35:28	Beverley Gordon	13075 Quaker Hill Cross RD	Nevada City	95959
04/17/2023 14:58:20	Patrick Hanlon	PO BOX 2462	GRASS VALLEY	95945
04/17/2023 14:59:06	Gary Bryant	11157 Marjon Dr.	Nevada City	95959
04/17/2023 16:24:25	Reggie Clemens	14202 Feather Way	Grass Valley	95949
04/17/2023 19:55:55	Carol CarterBarrett	10160 Penn Oak Lane	Rough and Ready	95975
04/18/2023 8:02:04	Lena Sullivan	p.o.box 1507	Nevada City	95959
04/18/2023 8:16:54	Kyle Mills	22236 McDaniel Road	Smartsville	95977
04/18/2023 8:54:03	Wes Hawkins	13322 Elderberry Ln.	Grass Valley	95946
04/18/2023 14:39:02	stephen smith	12597 nottingham lane	grass valley	95949
04/18/2023 16:11:52	Charles Cochran	115 Hocking Ave.	Grass Valley	95945
04/18/2023 17:59:42	Jim Scocca	23 Candy Ln	Grass Valley	95945
04/18/2023 19:11:53	Shaun Brady	11355 Burjer Rd	Nevada City	95959
04/19/2023 17:01:33	Kristina Berry	205 washington st, Apt 16	Grass Valley	95945
04/19/2023 18:13:15	Christopher Wirtz	417 French Ave	Grass Valley	95945
04/19/2023 18:21:24	Donna Reyes	417 French Ave	Grass Valley	95945
04/20/2023 19:27:55	Carl Cookson	706 Nevada Street extension	Nevada City	95959
04/20/2023 22:40:43	Pamela Tesoriero	18540 Lake Forrest Drive	Penn Valley, CA	95946
04/20/2023 23:12:56	Gary Jones	20177 Chaparral Circle	Penn Valley	95946
04/21/2023 3:18:21	Eric Murphy	238 Arcadia Dr,	GRASS VALLEY	95945
04/21/2023 6:54:19	David Bollen	15583 Auburn Rd	Grass Valley	95949
04/21/2023 9:16:52	sandra Griffith	10126 woodleaf circle	grass valley	95949
04/22/2023 5:45:08	Eric Murphy	238 Arcadia Dr	Grass Valley	95945
04/22/2023 23:32:29	Jeffrey Duke	10225 Elder Dr.	Grass Valley	95949
04/22/2023 23:47:11	Marc Davis	19078 Wildflower Drive	Penn Valley	95946
04/23/2023 15:36:12	Michelle Licari	12420 Valley View Rd	Nevada City	95959
04/23/2023 17:42:51	Al Prine	16754 Brewer Rd	Grass Valley	95949
04/23/2023 22:36:49	MARJORIE Emery	403 E. Main street	Grass Valley	95945
04/24/2023 11:46:13	Gayle Wheeler	18868 Connie Dr.	Grass Valley	95949
04/25/2023 9:59:25	Matthew Nelson	11717 Snowpeak Way, 561	Truckee	96161
04/25/2023 18:22:11	Alan Eagleton	16600 bass lane	Nevada coty	95959
04/25/2023 20:43:31	Deborah Granados	13725 Peardale Rd	Grass Valley	95945
04/26/2023 7:21:59	C. Edward Archdale	175 West Olympia Drive	Grass Valley	95945
04/26/2023 20:32:46	Juanita Norton	26891 State Highway 49	Nevada City	95959
04/27/2023 4:42:09	Heather Keating	13055 Quaker hill cross rd	Nevada city	95959
04/27/2023 4:55:23	Pete Unger	12222 Snowbourne Dr	Nevada City	95959
04/27/2023 11:08:16	Stan Burkhart	10690 Victor Place	Grass Valley	95945

04/28/2023 10:05:59	Gersld DeRego	16801 Kozy Nest Ct.	Penn Valley	95946
04/30/2023 8:02:53	John West	480 E National ave.	Winnemucca	89445
04/30/2023 12:10:09	Denise Dyer	636 Zionn Street	NEVADA CITY	95959
04/30/2023 20:59:51	Elizabeth Lozano	23122 Lone Pine Dr	Auburn	95602
05/01/2023 14:57:36	Robert Byrne	17014 Indian flat rd.	Nevada city CA	95959
05/03/2023 12:25:42	Lynn McGee	P.0. box 201	Washington	95986
05/03/2023 13:42:28	Michele Johnson	15803 brewer road	grass valley	95949
05/03/2023 15:44:23	Kathy Boorman	10662 Dolores Drive	Grass Valley	95945
05/03/2023 16:07:19	Roland Meyer	13584 HOPEFUL HILL RD	NEVADA CITY	95959-9787
05/04/2023 12:07:35	William Payne	663 whitening st.apt2	Grass Valley .California	95946
05/04/2023 13:37:40	Steve Colby	11486 Ragan Way	Grass Valley CA	95949
05/04/2023 14:52:11	Asher Day	12631 Murphy rd	Nevada city	95959
05/04/2023 16:48:34	Matthew Felhabet	17221 sky oaks lane	Grass valley	95945
05/06/2023 10:33:34	Nico Morrow	205 Washington st, 4	Grass Valley	95945
05/06/2023 11:01:49	Erica Muhler	Ridge rd	Grass Valley	95945
05/06/2023 22:26:20	Jennifer Hendrickson	11000 Tyler Foote Rd	Nevada City	95959
05/07/2023 13:09:11	Bryce Bouchard	120 scandling ave	Grass valley	95945
05/07/2023 13:17:27	Theresa Youngman	17744 McCourtney Rd	Grass Valley	95949
05/08/2023 14:27:08	Charisse France Cronland	825 Old Tunnel Road #213	Grass Valley CA	95945
05/09/2023 7:44:25	Al Eagle	11809 Marjon dr	Nevada city	95959
Website form	Reginald Clemens	15080 Orchard Springs Rd Grass Valley CA 95945		
Website form	Patricia Livingston	14462 Talking Pines Rd Grass Valley CA 95945		
Website form	Amanda Proctor	17725 Cindy Ln Grass Valley CA 95945		
Website form	Jason Cote	353 Old Downieville Hwy Nevada City CA 95959		
Website form	Vance Goss	15332 Wet Hill Rd Nevada City CA 95959		
Website form	Daniel Kopp	406 Old Downieville Hwy Nevada City CA 95959		
Website form	Adrienne Lincoln	10790 Pittsburg Rd Nevada City CA 95959		
Website form	Tyler McKee	13378 High Rise Dr Nevada City CA 95959		
Website form	Robert Penter	15115 Nugger St Nevada City CA 95959		
Website form	Carol Ritter	11760 Sierra Pines Rd Nevada City CA 95959		
Website form	Gary Rowe	15852 Shannon Way Nevada City CA 95959		
Website form	Dan Smith	10160 Apache Trail Nevada City CA 95959		
Website form	Richard Fowler	12568 Lakeshore N Auburn CA 95602		
Website form	Beth Lozano	23122 Lone Pine Dr Auburn CA 95602		
Website form	Anna Bliss	10350 Wolf Drive Grass Valley CA 95949		
Website form	George Boyd	19090 Ansonia Ct Grass Valley CA 95949		
Website form	Steven Broussard	10350 Wolf Dr Grass Valley CA 95949		
Website form	Evan Frazier	1180 Cliffs Pl Grass Valley CA 95949		
Website form	Tom Graham	11723 Conestoga Dr Grass Valley CA 95949		
Website form	Dayna Hickman	16388 Annie Dr Grass Valley CA 95949		
Website form	Travis McMaster	18910 Connie Drive Grass Valley CA 95949		
Website form	William Netherby	10846 Ball Rd Grass Valley CA 95949		
Website form	Isabel Aguirre Palagyi	18666 Bambi Ct Grass Valley CA 95949		
Website form	Olaf Blek	PO Box 261 Cedar Ridge CA 95924		
Website form	Donald MacGregor	PO Box 654 Cedar Ridge CA 95924		
Website form	Shelly Auble	510 S Auburn St Grass Valley CA 95945		
Website form	William Brewer	13321 Grass Valley Ave Grass Valley CA 95945		
Website form	Eric Burns	150 Stacey Lane Grass Valley CA 95945		
Website form	Josh Carpenter	2380 Nevada City Hwy Grass Valley CA 95945		
Website form	Mary Jane Duarte	152 W Empire St Grass Valley CA 95945		
Website form	Terry Hafner	10631 Cedar Way Grass Valley CA 95945		
Website form	Evan Harrington	17627 Greenhorn Rd Grass Valley CA 95945		
Website form	David Hill	531 Brighton st Grass Valley CA 95945		
Website form	Corey Hole	126 W Berryhill Dr Grass Valley CA 95945		
Website form	Greg Hunyada	10739 E Bennett Rd Grass Valley CA 95945		
Website form	Dan Linn	234 W Main St Grass Valley CA 95945		
Website form	Rich Mccune	162 Mcnab circle Grass Valley CA 95945		
Website form	William Payne	263 Whiting St Grass Valley CA 95945		
Website form	Margaret Silva	554 Whiting St Grass Valley CA 95945		
Website form	Jerel Snapp	13405 Ridge Rd Grass Valley CA 95945		
Website form	Sheryl Stacy	362 Sutton Way Grass Valley CA 95945		
Website form	Sergio Uribe	104 Valley View Dr Grass Valley CA 95945		
Website form	Steven Vedder	124 Wilson St Grass Valley CA 95945		

Website form	Rich Whittington	1067 Pampas Dr Grass Valley CA 95945
Website form	Tyler Gipson	10244 Smith Rd Grass Valley CA 95949
Website form	Debra Kilian	13706 La Barr Meadows Rd Grass Valley CA 95949
Website form	Gail Johnson	19179 Jawhawk Dr Penn Valley CA 95946
Website form	Teresa Scott	11066 Horton St Penn Valley CA 95946
Website form	Justin Thomas	16484 Rough and Ready Hwy Rough And Ready CA 95975
Website form	Davis Kenneth	15274 Washington Rd Washington CA 95986
Website form	Craig Salmela	15645 S. Shore Dr Truckee CA 96161

Ron and Marsha Foster

14380 Mandolin Way

Nevada City, Ca. 95959

May 1, 2023

Planning Commission of Nevada County

950 Maidu Avenue

Nevada City, Ca. 95959

Re: opening of the mine

We both are in favor of opening the mine in this community. The negativity about the mine and it's so called terrible consequences seems to be from those who don't understand the mining industry. The story of many mega trucks hauling thousands of loads daily on their short trip is not true. One thousand tons per day equals only 40 loads . The increase in truck traffic in the Brunswick Road area would be hardly noticeable.

The regulations and inspections required to run an operation of that size will be regulated continuously and probably to the point of being over regulated.

The water and the well situation for the neighboring properties should not be a concern as Rise Gold has agreed to replace the wells with a water line. The mine will also be 2,000-2500 feet below the level of the earth. Blasting at gravel quarries now is barely heard , so the idea that a loud blast will occur seems really out of the equation. The mine , as we read somewhere, will be using electric vehicles. So no pollution from them, or at least a minimal amount of exhaust.

This community needs a base for employment. The mines pay decent wages with benefits and would encourage a younger generation to be able to live in this area and not have to leave in order to get ahead in life. We need decent employment opportunities for the locals. The Board of Supervisors is doing something to allow more cannabis business in this area. Think about it. Cannabis brings in many workers that are not the best ones to have around. At harvest time just look at the police blotter locally , or ask a peace officer , to see that it encourages a bad group of people. We are not saying that all people in the cannabis industry are bad, just that it has a higher percentage of unwanted people around. The mining industry uses drug testing so the undesirables are not involved. They would have to show up to work on a regular basis to keep their jobs.

We do own the property adjacent to the dump site on Centennial Drive and Whispering Pines and are looking forward to seeing that land developed. Currently it houses illegal homeless and the number of fires that are caused by them in the area is a concern. Just this weekend there was another one. How inconvenient for the business owners around the area. We could lose everything and off they move to another site with not a care in the world.

We are hoping you consider allowing the mine to give it a try. Believe the statistics, check on the mines in the state of Nevada and their progress, study the plans and don't listen to those who don't know what

they are talking about. The mining industry is extremely regulated with Federal, State and local government rules. The inspectors will be watching for anything that could go wrong. Allow the mine to give it a try. We need the industry in this area. Let Nevada County be an example of how mining in a community can work. We would rather be a mining community , as our past history documents, then the cannabis capital of the state or nation. Think about the extra income that the county and cities would receive from this industry. It is needed to fund the future.

Ron and Marsha Foster

Jennifer Burt, PhD
13921 Loma Rica Drive
Grass Valley, CA 95945

May 4, 2023

Mr. Danny Milman
Nevada County Planning Commission
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
planning@nevadacountyca.gov

Dear Mr Milman,

I am writing to plead that you vote AGAINST CERTIFICATION of the Idaho-Maryland Mine project Final EIR, and also that you vote against this project moving forward in any capacity.

My name is Jennifer Burt, and I live in District 1, where I have raised my two kids. My husband and I purchased our home and moved to this area many years ago because we were drawn to the natural beauty, open space, and ecology of the region, the ability to farm on our land, and the quiet ambiance of our neighborhood.

The threat of this project has caused significant distress for all of us, knowing how much it would degrade the quality of life and environment of this beautiful place if it goes forward. Worse, we have all watched the County sponsor a terribly prepared, absolutely inadequate EIR which was supposed to objectively analyze the impacts and describe a comprehensive, enforceable monitoring and mitigation program. Yet, despite the fact that this major project has so much potential to negatively impact our community and natural resources, the County and its consultants have failed to ensure the EIR does any of the above on any level for any topic. It is categorically the worst EIR for a large project that I've ever seen after working in the field of environmental consulting for over 20 years.

Certifying this EIR would just fast track the next poorly-thought-out mining operation to use it as their County-approved environmental document to build off of, and would ensure our community will continue to be unsettled by the threat of a huge gold mining operation happening underneath our very feet and homes, tampering with our groundwater supply. Gold is clearly an important part of Nevada County's past, but it is uninformed nostalgia to think it was a bright, shiny past. It was a gritty, loud, environmentally degrading and somewhat dystopian reality for the vast majority of the people living here and the natural environment when the Idaho-Maryland and Empire Mines were running here. Large-scale gold mining is not part of a sustainable and beneficial future for this County. We need to address climate change, water reliability in the face of climate instability, wildfire threats—more than enough difficult issues for one community to grapple with—let's not add a massive industrial mining operation by a greedy corporation with no interest in our local community to our list of current traumas. If you do approve this EIR or this project, you are setting the County up for a multitude of environmental lawsuits (if the EIR is approved) and an unmitigated environmental disaster (if this project or similar goes forward). Please do the right thing for your community and vote NO on certifying the project EIR and vote NO on allowing the project to move forward.

Sincerely,

Jennifer W. Burt

Jennifer Burt
jenniferwburt@gmail.com

RECEIVED
MAY 09 2023
NEVADA COUNTY
PLANNING DEPARTMENT

May 9, 2023

To: ~~Nevada County Supervisors~~ Planning Commission AMB

From: Laura Wagner (Balch) and Gary Balch: 18286 Nubian Way: Nevada City, CA 95959

Laura Wagner-Balch Gary Balch

Subject: Public comment on the Environmental Impact report on the proposed Idaho Maryland Mine – Rise Grass Valley Project

We find that Economic Impact Report (EIR) inadequate for the reasons listed below.

- The EIR is not responsive to the community request to identify other mines that are operating around the clock which are surrounded by residential properties supported by drinking water wells which would be impacted by this project. Mr. Niehaus states that there are no comparable sites and drops the issue. This is inacceptable. If other sites are not comparable, the EIR needs to explore in detail the probable impacts on the ground, the ground water, the roads, the air and the general quality of life, of round the clock massive construction within a residential community.

- Healthcare costs to the community and employees are a significant element of a project of this nature, yet are not addressed in this study. This is unacceptable. Nevada County does not have a revenue stream to support healthcare costs of this project and would need to seek voter approval for funding the potential costs of worker injury, community injury, air quality, and unanticipated healthcare issues, costs which could be quite substantial.

- The EIR was not responsive to the capacity of the Rise Grass Valley, the organization proposed to undertake gold mining at the Idaho Maryland site. Does the company have the capital to undertake a project of this scope? Accounting and insurance reports are needed as is an analysis of what happened in the British Columbia project bankruptcy as a result of environmental and safety infractions by this same company. This is unacceptable and does not promote trust in the Rise Grass Valley's organization's ability to undertake the work in this county.

As a result of these inadequacies in the report, we recommend that the Planning Commission recommend that the Board of Supervisors reject the EIR and recommend denial of the permit application of Rise Grass Valley for the Idaho Maryland mine project. Staff should be released from further expensive investigation of this project for a period of no less than fifty years.

Thank you for your consideration.

Cc; Hardy Bullock

RECEIVED
MAY 09 2023
NEVADA COUNTY
PLANNING DEPARTMENT

From: Eli David Ferrier
To: Idaho MMEIR
Subject: Citizen opposition to the reopening the IM Mine site near my home
Date: Tuesday, May 9, 2023 12:10:30 PM

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Hello Nevada County Planning Department and Board of Supervisors,

I was born here and live within a few miles of the Idaho Maryland mine site. I am gravely concerned about the mines impacts on my home and community for these several important reasons.

1. Property values- I never thought that I could afford a home here, when I had the opportunity to purchase in the 2009 Financial Crisis, I invested my life savings and my whole hearted effort to maintaining a home here. If the mine impacts the property value of my home in a negative way, My investment will be lost so that an out of town mining company may make their fortune instead.

2. Water- I get my water exclusively from a 80' deep well located within 2 miles of the mine site but outside the defined "impact zone". If we have learned anything from our legacy of mining and exploitation of the local environment, it is that there are "unforeseen" consequences to big projects like this mine and they frequently have an outsized impact on the surrounding area.

We can see it happening, much like the early recognizers of climate change in the 1980's and 90's, yet business as usual seems to prevail. If my water volume and quality suffer from the impact of the mine, I will be very upset, my land will lose value and it would have been avoidable. I do not trust the organizations that stand to profit to make choices that will respect my effort and commitment to maintain a home and reside here in this county. I expect our local elected officials to stand for my interests.

3. Noise and Traffic- Our community already suffered from poor road infrastructure. The increase in heavily loaded truck traffic will clog our intersections, degrade our already poor roads and fill my neighborhood with noise and dust. I fear that these will cause my property values and my family's quality of life and our right to quiet enjoyment of our parcel to similarly degrade.

I have sacrificed opportunities for employment, for investment, and for higher quality of life to live here. It is so very obvious that this mine, if allowed, will undermine the sacrifices that I have made to be a part of this specific community and undermine my family's efforts to weather the threats of fire and economics of living in this area.

If this mine is allowed, it will be the fault of county leadership, full stop.

I will lose my investments in my real estate and community that I have made over 45 years of living here. This is unacceptable to me as a local, born and raised, tax paying citizen. Do not allow this project to move forward. I personally have a great deal at stake and am not willing to trade it for the “projected benefits" of further ecological exploitation. We have learned from our past efforts that mining is toxic, has a huge impact on community, and has a much bigger footprint than any mining company would admit. We do not need another super fund site here. We have not even done a respectable job of cleaning up the historical mine sites that are currently still an environmental threat to life and habitat.

As a born and raised local and as an active and involved tax paying citizen,I insist that this mine is stopped. **It is incumbent upon you to stand up for our community and defend our town from exploitive outside interests.**

Many thanks,

Eli Ferrier

cell: 530.828.2136

"Be joyful, though you have considered all the facts." -Wendell Berry

From: James Bair
To: Idaho MMEIR
Subject: Comment on the IMM FEIR for the Planning Commission Hearing, May 10, 2023
Date: Tuesday, May 9, 2023 7:27:23 AM
Attachments: Letter to Planning Commission legal case interp of CEQA 3.0 withbNSAQMD comment april 4.docx

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Dear Staff,
Submitted herewith for the Commission packette and the Record.

Thanks for all your work!
Jim Bair

ATTACHED: **IMM Project FEIR Violation of CEQA Guidelines**

May 8, 2023

To: Nevada County Planning Commission

From: James Bair aristotle2001@gmail.com

Subject: IMM Project FEIR Violation of CEQA Guidelines

The IMM FEIR cannot be certified because there is a pattern of explicitly excluding critical content (**see CEQA quotes below**). In order to predict of the "adequacy" of mitigation measures, **CEQA requires that the FEIR provide details of how negative environmental impacts are to be mitigated**. This FEIR omits mitigation details based on case law (citations below) which are not relevant to the IMM Project in our judgement. For example, it states that measurements of toxins such as asbestos will be measured **after approval** based on plans also **developed after approva**l. The FEIR includes the following questionable statement in at least 7 places (quotes in italics):

> **To quote the IMM FEIR,** "*The engineering details and intensive sampling described by many commenters **would be** developed and completed through the implementation of mitigation measures, and is not required to be completed as part of the CEQA process".* **We cannot determine the adequacy of mitigation measures that are not fully described in the FEIR.** Excluding "engineering details" is justified using legal cases that are not relevant or comparable. Each of the seven FEIR occurrences of that quote in the FEIR are the same (See FEIR pages 19, 411, 638, 6835, 7590, 7797, and 8187).

But CEQA states: "*The project description **must contain sufficient specific information** about the project to allow the **public** and reviewing agencies to evaluate and review its environmental impacts. A project description that omits integral components of the project may result in an **EIR that fails** to disclose the actual impacts of the project."* (See Note 2 below). *(Santiago County Water Dist. v. County of Orange (1981) 118 Cal.App.3d 818, 829, 173 Cal.Rptr. 602.)* In this case the Court stated *"we hold that the provisions of CEQA do not exempt a public agency from the Public Resources Code section 21100 requirement that an EIR shall include a detailed statement setting forth "all significant effects on the environment of the proposed project…"* (see Note 2 and Exhibit A). The Santiago case cites several cases that reference examples of inadequate mitigation descriptions.

Legal Council also supports IMM FEIR insufficiency: *"See Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal.4th 412, 439 (holding factual inconsistencies and lack of clarity in the [IMM] FEIR leave the reader and the decision makers without substantial evidence to support the EIR's conclusions); Laurel Heights Improvement Assn v. Regents of Univ. of Cal. (1988) 47 Cal.3d 376, 404 (There must be a disclosure of the analytic route the agency traveled from evidence to action….)"* (See Note 5).

We recommend that the County Planning Commission not certify the FEIR because there is insufficient information as required by CEQA to allow evaluation of the mitigation measures.

/s/ James Bair 510.910.2300 Grass Valley, CA 94945

Former Grass Valley Planning Commissioner, Scientist at Stanford, Bell Labs of CN, and the USAF; also Manager, HP; Sr. Manager, Xerox Corp.

CC: Board of Supervisors and County Council

REFERENCES

NOTE 1: <u>FEIR references the legal cases on</u> pages 119, 411, 638, 6835, 7590, 7797, 8187.

The cases are [see Exhibit A]*: (1) Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.) **Which cites** *Sacramento Old City Assn. v. City Council,* Court of Appeal Third District Apr 30, 1991**.**

(2) DRY CREEK CITIZENS COALITION v. Artesia Ready Mix Concrete, Inc., Real Party in Interest and Respondent. (1999) https://caselaw.findlaw.com/ca-court-of-appeal/1129797.html

The FEIR also states on p. 411 that "*details to be from the County …"* to further justify omission of mitigation measure details.

NOTE 2: CEQA Requirements

CEQA states:

"*There must be sufficient information to understand the environmental impacts of the proposed project.* (CEQA Guidelines, § 15146, *discussion*.) *The EIR must achieve a balance between technical accuracy and public understanding."* (Guidelines, § 15147, discussion.) [A detailed description of the project and mitigation measures is provided in the Guidelines to illustrate the required level of detail.]

> **Court of Appeal Judgement:**
>
> In *Santiago County Water Dist. v. County of Orange (continued from above): "…and that under the facts of the present case the superior court erred in upholding the approval of an EIR which deferred any consideration of any significant environmental effects of supplying water to the new community."*

NOTE 3: Dependency upon State agencies for implementation after IMM Project approval

For example, the FEIR says that plans to control the lethal air pollution and other negative environmental impacts will be done **after** the Mine Project is approved. They justify not doing the "engineering" plans for managing asbestos air pollution by **delegating** responsibility to The Northern Sierra Air Quality Management District (NSAQMD) that does not agree [see Exhibit B].

NOTE 4: Relevant Case Law, CA 3rd Appellate Court

Based in thousands of hours of analysis by the Public, a recommendation to certify the FEIR is vulnerable to a **"prejudicial abuse of discretion" decision based on case law**. To wit, *"In reviewing the adequacy of the county's actions in preparing the EIR for the sand and gravel mining plant, we are limited to deciding "whether there was a prejudicial abuse of discretion . . . [which] is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (§ 21168.5.) Thus, we do "not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an informative document."* (*County of Inyo* v. *City of Los Angeles* (1977) 71 Cal.App.3d 185, 189 [139 Cal.Rptr. 396].) [enhancement added]

Note 5: Legal conclusion that the mitigation measures are inadequate in SHUTE, MIHALY & WEINBERGER LLP letter to Matt Kelley, Nevada County Planning Department, March 20, 2023, page 24. "*The applicant prepared an Asbestos, Serpentinite, and Ultramafic Rock Management Plan (ASUR Plan) that purportedly incorporates measures to minimize asbestos in the engineered fill generated by the Project. DEIR at 3-20. According to the EIR, the ASUR Plan requires testing of all mined materials to ensure that average mined material and engineered fill contains* ***less than 0.01%*** *asbestos by mass. DEIR at 4.3-61 (emphasis added); id. at 3-20. Thus, the EIR gives the impression that all rock generated by the Project will be tested, and that it will achieve an average level of less than 0.01% asbestos by mass. However,* ***to the contrary****, the EIR and ASUR Plan elsewhere obliquely reveal that very little of the mined rock will actually be tested, that it will be held to a much lower standard of* ***0.25% asbestos****, and that there is no concrete plan for what to do if the engineered fill is found to be contaminated."* (Page 26) [CA State law clearly states contaminated fill cannot be hauled or used…]. (c.f. CEQA Guidelines § 15126.4(a)(1). [https://www.law.cornell.edu/regulations/california/14-CCR-15126.4]

EXHIBIT A: IMM FEIR CASES CITED TO JUSTIFIY EXCLUDING MITIGATION DETAILS

Dry Creek Citizens Coalition v. County of Tulare (1999) 70 Cal.App.4th 20 *Citizens challenged the County's approval of the Artesia sand and gravel mine on Dry Creek on the claim that the project description contained in the EIR prepared for a proposed expansion of the operation (from 33.5 ac. to 162 ac.) inadequately described water diversion elements of the project. They also challenge the adequacy of the EIR re: road improvements, mitigation measures, and cumulative impact analysis as to biological resources.* ***T****he court upheld the EIR on the basis that the Guidelines require a general description of project characteristics, not engineering drawings as argued by Citizens. Also, the County included "well established design criteria" for the project's water diversion structures. The county also included contingency measures in its requirement for a sycamore alluvial woodland revegetation plan, substantial evidence supported the adequacy of this mitigation. In dismissing the claim that some of the county mitigation was unlawfully deferred, the court cited* ***Sacramento Old City Assoc. v. City Council of Sacramento*** *(1991) 229 Cal.App.3rd 1011 for the proposition that an agency may adopt a mitigation program that will require mitigation, the precise design of which will be determined in the future. Read as*

a whole, the EIR adequately discussed impacts. https://casetext.com/case/sacramento-old-city-assn-v-city-council: Sacramento Old City Assn. v. City Council.

Case Summary: we conclude this case is not relevant to the IMM FEIR

The Sacramento Old City case is urban demolition and construction: "[Petition] *to set aside the decision of defendant, City Council of Sacramento (the City) to expand the downtown Sacramento Convention Center complex (the center) and to construct an office tower at 1325 J Street (the office tower). Plaintiffs also sought an injunction against the future demolition of the Merrium Apartments until the City prepares an adequate environmental impact report (EIR) on the project. On appeal, plaintiffs argue the EIR approved by the City is inadequate under CEQA. Plaintiffs contend the EIR is deficient because: (1) the EIR fails to adequately address mitigation of parking and traffic impacts; (2) the EIR contains insufficient findings concerning parking and the destruction of the Merrium Apartments.*

EXHIBIT B: Northern Sierra Air Quality Management District (NSAQMD) DEIR Comment April 4, 2022 [superseded ON April 28, 2023, AFTER THE COMMENT Period and is not addressed in the FEIR per NSAQMD.]

IMM-FEIR_Volume-I---Volume-VI-Chapters-1---4 (nevadacountyca.gov) pages 2-350 - 2-361.

Copied here because the comment was improperly excluded from the FEIR responses and is critical to FEIR mitigation adequacy determination:

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April 4, 2022

Re: Comments on Draft EIR for Idaho-Maryland Mine, Nevada County, CA

Introduction

The NSAQMD submitted comments and recommendations regarding the proposed project as part of the NOA/NOP, but these were omitted from the DEIR's NOP comment section.

The NSAQMD recommended that the applicant work with the Department of Toxic Substances Control, the US 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 as if this was done.

The NSAQMD has also submitted additional comments and been involved in other ways with the environmental documentation process for the proposed project. Many of the NSAQMD'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 air that is not backed by science.

Asbestos emissions are the primary concern of the Northern Sierra Air Quality Management District (NSAQMD). The DEIR's treatment of naturally occurring asbestos is scientifically unsound and therefore not adequate for CEQA purposes. Laboratory testing in November 2021 of seven dominant types of rock from the site discovered asbestos in every type, with an average of 594,625,000 asbestos fibers per gram. For perspective, a new penny weighs 2.5 grams. Based on the recent tests of 40 rock samples and 2 previous rock samples, in a penny's mass of average mine rock there are well over a billion asbestos fibers.

Asbestos and Public Health

Asbestos is a well-known carcinogenic toxic air contaminant. Effects of asbestos exposure are insidious, highly variable and may not show up for 10 to 40 years or more. The most infamous result of asbestos exposure is mesothelioma, a specific type of cancer. The Office of Environmental Health Hazard Assessment (OEHHA) approach to asbestos risk assessment under AB2588 (the Air Toxics Hot Spots Act) is currently based only on a person's risk of developing mesothelioma. It does not provide any assessment of risk of developing other types of asbestos-related diseases such as asbestosis (an inflammatory condition affecting the lungs that can cause shortness of breath, coughing, and permanent lung damage), pleural

plaques (changes in the membranes surrounding the lung), pleural thickening, benign pleural effusions (abnormal collections of fluid between the thin layers of tissue lining the lungs and the wall of the chest cavity) and assorted cancers of the lung, larynx, pharynx, stomach, colorectum and ovary.

For additional information on the effects of asbestos exposure, see the National Cancer Institute website (https://www.cancer.gov/about-cancer/causes prevention/risk/substances/asbestos/asbestos-fact-sheet). Following is a relevant excerpt from this website:

*There is some evidence that family members of workers heavily exposed to asbestos face an increased risk of developing mesothelioma (https://www.cancer.gov/about-cancer/causes prevention/risk/substances/asbestos/asbestos-fact-sheet#r12). This risk is thought to result from exposure to asbestos fibers brought into the home on the shoes, clothing, skin, and hair of workers. To decrease these exposures, Federal law regulates workplace practices to limit the possibility of asbestos being brought home in this way. Some employees may be required to shower and change their clothes before they leave work, store their street clothes in a separate area of the workplace, or wash their work clothes at home separately from other clothes (*https://www.cancer.gov/about-cancer/causes prevention/risk/substances/asbestos/asbestos-fact-sheet#r2*).*

Cases of mesothelioma have also been seen in individuals without occupational asbestos exposure who live close to asbestos mines ((https://www.cancer.gov/about-cancer/causes prevention/risk/substances/asbestos/asbestos-fact-sheet#r12)).

Asbestos PCM Conversion

The Air Quality sections of the DEIR include a newly introduced concept of converting asbestos measurements to PCM (phase contrast microscopy) units. There is no accepted method to convert between rock samples and air samples. The DEIR's approach of translating asbestos discovered in solid rock samples into PCM fiber concentrations in air is not possible. The PCM concept is from Appendix C: Asbestos Conversion Factors & Cancer Potency Factor, which is part of OEHHA's February 2015 Air Toxics Hot Spots Program Guidance Manual. OEHHA's conversion from fiber counts to mass as PCM fibers was developed exclusively for air samples. This is made clear in EPA's Airborne Asbestos Health Assessment Update document (USEPA, 1986. Airborne Asbestos Health Assessment Update. EPA/600/8-84/003F, Office of Health and Environmental Assessment, Washington, DC), which is referenced in OEHHA's Air Toxics Hot Spots Program Guidance Manual, Appendix C: Asbestos Conversion Factors & Cancer Potency Factor.

None of the DEIR's discussions regarding PCM conversions are valid. PCM cannot be used as a reporting metric, a compliance verification mechanism or a replacement for other methods of asbestos investigation. PCM asbestos conversion is not a concept that applies outside the world of asbestos air monitoring. During the DEIR comment period the NSAQMD contacted OEHHA with questions about the PCM conversion. OEHHA referred the NSAQMD to the California Air Resources Board (CARB) Risk Analysis Section, which worked with CARB's

Monitoring and Laboratory Division in providing an assessment of the underlying science. In short, CARB confirmed the non-validity of the applicant's PCM conversion approach. Following is an excerpt from a 3/28/22 email from CARB's Risk Analysis Section:

I … wanted to clarify our earlier statement from our previous email regarding the risk calculations based on the lab reports, we initially attempted to convert TEMs into concentration in the air per the OEHHA guidance and ran it through HARP, but after discussing the outcome with others internally, it really isn't an appropriate way to calculate the risk (this was confirmed below with our MLD staff as well). Rather, you would need an annual average concentration from either sampled or modeled air concentrations, so our initial analysis no longer applies.

Staff from our Monitoring and Laboratory Division observed the following:

1. Determination of Risk from Rock Samples. *I agree with you, it is not appropriate to determine risk from rock samples. The asbestos fibers considered in Appendix C of the Hot Spots Guidance came from airborne samples during occupational exposure studies. I checked the 1986 U.S. EPA reference….*

The PLM and TEM analyses in this DEIR were done on bulk samples (rocks), and the asbestos concentrations are reported in weight percent. It is not known how many asbestos fibers can be generated (and become airborne) from a given mass of asbestos-containing rock material. So there is no known conversion factor for the asbestos weight % (by TEM analysis of a rock sample) that can be used to estimate the number of PCM fibers/m^3 applicable for the Hot Spots risk assessment equation.

2. Calculation of asbestos weight % in TEM analysis report. *[This is in response to a separate question from the NSAQMD] The total asbestos weight % should be the sum of the chrysotile and amphibole asbestos weight percent. For sample **Y962990** (attached) it appears that there is an error in the report. Only 1 chrysotile fiber ≥5 µm is reported, and yet the weight % is 0.075. Comments describe actinolite fibers detected (an amphibole asbestos). Strange that a total weight % of <0.001 is reported.*

*For sample **Y962999** … I did not detect an anomaly in the TEM report. Chrysotile fibers can be much smaller and thinner than amphibole asbestos fibers. Many chrysotile fibers detected do not amount to much weight because they are so small or thin. CARB M435 PLM analysis of this sample is 2.5% asbestos by point-count. This is not unusual either. PLM analysis uses ~100,000 times more mass of sample than TEM analysis. It is best to start with PLM, and follow up with TEM for the PLM non-detects. TEM can miss out on finding the asbestos because the TEM sample mass is so low.*

3. DEIR asbestos calculations (Appendix C). *For Appendix C (attached) there were no equations given on how TEM structures per nanogram and PCM asbestos weight percent were calculated in the first table that groups asbestos test results by rock type. In the next table, on the second and third pages (pages 56 and 57), there is a missing column for TEM weight % from the analyses.*

4. Geological Units and Asbestos Testing (page 9). *The equations that [were] used for calculations of asbestos structures per nanogram and PCM asbestos by weight are not given. It is difficult to follow the discussion in this section because the lithology of the rock units is not described, and neither are the rock sample groupings clearly identified in Appendix C.*

NSAQMD recommends that the notion of PCM conversion should be thrown out because using OEHHA's air sampling PCM conversion formula for rock samples has the effect of making it look like there is less asbestos present than TEM laboratory work has demonstrated to be the case. Instead, the project's risk should be evaluated based on many more samples being gathered, and evaluated using TEM asbestos by weight. Those samples should be gathered in an approved, standardized manner (such as is set forth in Method 435) that employs composite collection practices rather than hand-picked pieces of core samples (which the tested samples were).

Using TEM to look at the same old core samples that were previously analyzed with PLM does have some value because we can now see how much asbestos the PLM method missed. PLM only detected asbestos in 2 of the 40 core samples, but the TEM method detected asbestos in 17 of the 40 samples, including in every rock type evaluated.

Both chrysotile and amphibole asbestos were discovered in the core samples. Chrysotile fibers tend to be smaller than amphibole fibers, making them more likely to become airborne and be transported great distances in the wind. Depending on weather conditions, they could be inhaled or deposited on surfaces in all parts of Nevada County for the 80-year duration of the project.

Note that the footnote on page 55 reads, "Samples containing naturally-occurring asbestos were from underground rock only; naturally-occurring asbestos is not known to outcrop at the surface of the Brunswick Site or Centennial Site." This is not the case – it could be that this was mistakenly left in the document from a version written before TEM was employed to get a closer look at the samples. While only 2 grab samples were taken from the surface of the 55-acre Centennial site, one of the two was found to contain 30-million chrysotile asbestos fibers per gram of rock, as is listed in the lab report for Sample Y962843 (ASUR Plan, unnumbered document page 106/131).

It is difficult to find the Health Risk Assessment among the many pages of the DEIR. It begins on unnumbered document page 356 of 1938 of Appendix E.1, as Appendix B of Appendix E.1. It should be noted that Appendix B of Appendix B of Appendix E.1, titled "Fugitive Dust TAC Concentrations" (starting on page 1,901 of the document) is missing asbestos. The Health Risk Assessment should be easier to locate.

The HARP report lists the maximum mitigated cancer risk as 3.34e-5 (group 543, p. 1839 of 1938) while the Appendix B, p. 1 reports the maximum cancer risk as 1.04e-5 (= 10.4e-6).

Asbestos Sampling and Monitoring

The NSAQMD has recommended that additional rock sampling be performed, and performed in a representative manner using composite samples, but it appears that no further sampling has been done (only further investigation of previously collected samples). There are still only 2 samples from the 56-acre Centennial site. All of the samples analyzed using TEM were previously analyzed using the inferior PLM method. The difference in the results from the two methods is large. PLM only detected asbestos in 2 of the 40 samples, but the TEM method detected asbestos in 17 of the 40 samples. This is mainly because PLM cannot detect small asbestos fibers, which are more easily entrained in the wind, can travel farther, and are inhaled deeper into the lungs.

It is unclear why the two serpentine samples originally evaluated using TEM were discarded from the 40-sample statistics and from consideration for the Health Risk Assessment. There were 42 samples analyzed using TEM, not 40. The two that were excluded are especially rich in asbestos. If all 42 samples are considered, the average asbestos concentration is 0.24% by weight.

In September 2020, the NSAQMD and Dudek communicated about monitoring. It would be ideal to have baseline monitoring data for at least a year before the project starts up. The NSAQMD suggested including a publicly accessible webcam (one for each site preferably) in the monitoring plan, as well as a MET site and a rain gauge. Monitoring specifics set forth in the Construction ATCM are available at CCR 93105(h)(3) and (h)(4). 40 CFR Part 58 (especially Appendix E) also contains relevant monitoring specifics.

Asbestos Emissions

Table 5 (App. E.1, document page 378/1938) lists construction emissions of .00003 tpy of asbestos, which is 0.06 lbs/year. This is incorrect. If we add the obvious dust from mitigated PM10 construction emissions due to off-road equipment (0.6 lbs/day) to the fugitive dust emissions (8.30 lbs/day) we get 8.9 lbs/day, or 3,248.5 lbs/year. TEM laboratory testing of 42 samples from the site yielded an average of 0.236355% asbestos content by weight. .236355 / 100 x 3,248.5 lbs/yr = 7.68 lbs/year, or 128 times the quantity of asbestos emissions presented in Table 5.

Dust emissions for the following 10 years are estimated at lbs/day from underground blasting (1.61) + ore processing (0.29) + fugitives (39.05) = 40.95 lbs/day, or 14,946.75 lbs/year. This comes to 35.33 lbs/year of asbestos emissions.

There is an Engineered Fill placement emissions table on unnumbered document page 303 that lists 37.95 lbs/day of PM emissions. The asbestos emission calculations are based not on the amount of asbestos present in the rock, but on the ASUR plan's goal of 0.01% asbestos in the engineered fill. The table at the top of the page includes emission factors. For the dumping of dump trucks, it includes emission factors for "material drop" from AP42, Table 13.2.4. The "material drop" emission factor is not for "material handling – blending." "Blending" implies disturbance that is continuous for some amount of time, whereas a material

drop is more or less instantaneous. The emission factor assumptions for the use of AP-42 section 13.2.4 should be explained. A material drop emission factor of 0.0001 lb/ton is used in the DEIR. However, the equation in 13.2.4 for material drop yields more than 6 times that amount if we apply a reasonable 5 mph wind speed and 3% moisture content.

Emissions Estimate Assumptions

On page 304, there are a few tables that are not explained. The rationale for using a silt content of 1.6% for the crushed rock and a moisture content of 15% for the sand tailings should be discussed. The normal ranges noted in AP-42 section 13.2.4 are a silt content of 0.44% to 19% and a moisture content of 0.25% to 4.8%. The choices taken in the DEIR for silt and moisture content result in lower emissions than the average anticipated values. Particularly since the waste rock has been crushed finely (beyond normal aggregate processing), the fill would have an increased concentration of fine particles/dust.

Additional assumptions on document page 304 that are questionable include a wind erosion area of 0.72 acres of active compaction, 0.34 acres access road and 1.00 acres either seeded or with covering underway. Elsewhere in the DEIR, it appears that more surface is to be disturbed that the area indicated in the assumptions on page 304. Likewise, the assumptions for bulldozing and compaction (2.43 hrs/day and 1.02 hrs/day respectively) seem to be less than indicated elsewhere in the DEIR.

The Logging and Chipping (described on page 4.3-56) is assumed to be for only 24 acres (Centennial and Brunswick sites combined). This is expected to take 11 years, so the assumptions divide 24 acres by 11 years to arrive at 2.18 acres per year, and it is assumed that logging and chipping will occur on only 1 day per year. It would be more realistic to consider that more than 2.18 acres might be cleared in a given year. Also, there is no mention of emissions associated with ongoing vegetation management.

Document page 306 contains logging & chipping emissions. There should be a source listed for the emission estimates. It is impossible to tell if the emissions are only from the equipment engines, engines plus tires, or engines, tires, root balls, fugitives from fans and loading limbs into the chipper, and so forth. Without an explanation there is no way to assess the validity of the numbers. From the tables on pages 307 and 308, it appears that those logging and chipping emissions listed on page 306 are only from the engines (which would be far less than if the entire process was evaluated). Following the chipping and logging estimates is a table that represents mobile sources associated with logging and chipping. However, it assumes that all operation is on paved roads and none of the vehicles are operating off-road, and only includes emissions directly from the vehicles (no fugitives). The emissions are based on EMFAC, which does not consider emissions from tires, fans and air displacement as vehicles navigate off-road to collect chips and logs.

The beginning of the Earthwork and Material Handling section (App. E-1, p. 24) reads, “Barren rock hoisted from the Brunswick shaft will be placed in the existing concrete silo located at the Brunswick Industrial Site. The barren rock will be transported from the concrete silo using a series of chutes and conveyors to a fully enclosed truck loading building. Barren rock may be

mixed with sands from the ore processing plant to create an engineered fill that meets appropriate geotechnical specifications for construction of development pads. Engineered fill would be transported from the ore processing facility to a receiving site, where it would be spread using a dozer."

Each transfer point along the "series of chutes and conveyors" is an emission point which is not accounted for in the DEIR.

Table 2 of the Health Risk Assessment lists the Base Elevation for the generators and diesel storage tanks in meters (placing them above 9,000'), whereas it should be feet.

The footnote for table 8 on page 28 of E.1 says, "Concentrate truck trip distance of 145 miles is based on the distance between the project sites and the Port of Oakland." There should be an explanation of why the 20 tpd of ore concentrate is going to the Port of Oakland. Is that where
it is to be refined, or is it being shipped overseas for processing? If it is being transported overseas, the associated emissions should be included in the GHG analysis since GHG emissions are a global concern.

Unnumbered document page 184 of E.1 (for paved road fugitive emissions from vehicles) shows a table that makes no sense. It has fractions of vehicles making fractions of trips, and then rounds the VMT numbers that result before performing the final calculations. For instance, Freight Trucks have an average of 0.43 daily trips going 0.52 miles and lists their VMT as 0. It appears that the 0 miles travelled is the multiplied by the weight of the trucks, which would yield 0. It also shows only 1 concentrate truck trip per day, whereas elsewhere there are 10 concentrate trips/day. However, there are 5 concentrate truck trips listed on page 186 and 187. This is just an example. Not only concentrate trucks but also other vehicles show different mileage, different trips numbers, etc. throughout the emissions calculations throughout the document. These should all be corrected and standardized before the DEIR is considered adequate.

The emissions estimates assume that all on-site roads will be paved. This should be included as a condition or mitigation measure.

The spreading of 1,000 tons per day of engineered fill with a dozer should be considered in the off-road equipment emissions (dozers are considered to be off-road equipment).

Also, it is not clear how or where the rock is to be "mixed with sands from the ore processing plant to create an engineered fill that meets appropriate geotechnical specifications for construction of development pads." The off-road equipment list includes a "mobile auger blending plant," so it would be presumed that this is how the waste sand from the processing plant would be mixed with waste rock. Every time rock and dirt that contain asbestos are moved there is the potential for additional asbestos emissions. All of these emissions should be included in the Toxic Air Contaminant/Health Risk Assessment evaluation.

The last sentence under Earthwork and Material Handling reads, "Notably, for fill transported to off-site industrial sites (for year 2033 and beyond), emissions associated with fill placement were not included since it was assumed that the other industrial facilities are already receiving,

or would receive, fill from other sources." The big difference between fill transported from the proposed Mine to be deposited in unknown locations around the community contains asbestos. When considering airborne toxics it doesn't make sense to consider emissions from handling fill with asbestos in it as equivalent to emissions from handling fill without asbestos in it.

App. E-1, document page 380/1938 lists 3 diesel generators that would operate 8 hours per day, 7 days per week in perpetuity (operational). Yet, the emissions from these generators are not reflected in the various emission quantification efforts.

Table 4 (off-road construction emissions), p. 32 includes 9 portable diesel generators operating 6 hours/day, 6 days/week.

The Wastewater Septic System does not include any mention of how the wastewater is getting from the Brunswick mine area up the hill to the proposed septic field. The main buildings at the mine are at approximately 2740' and the upper portion of the septic field is at 2875'. Therefore, all of the sewage from the mine's 312 employees plus contractors, visitors and truck drivers has to be pumped a quarter mile up the hill across an elevation gain of 135'. If it is being pumped by a generator, those emissions should be quantified.

Emissions from construction of the septic leach field and quarter-mile sewage line running up hill to the septic system appear to be missing.

The OFFROAD model does not include fugitive emissions. It only includes engine emissions. The Operational Off-road Equipment list (App. E-1, document page 380/1938) lists plenty of off-road equipment at the Brunswick site. Table 8 (Off-Road Equipment Assumptions – Logging and Chipping) includes a grapple loader, a front-end loader, a skidder, a grinder and two excavators. PM/NOA emissions from those do not appear to be included in the TAC calculations, which specify that there would be zero emissions from off-road equipment. This doesn't seem possible given the amount of off-road disturbance from the variety of mobile off road machinery, most of which moves dirt and rock as its primary function.

The "Earthwork and Material Handling Fugitive Dust" section starting on page 300 only includes a few of the construction activities that are anticipated (SF Creek Culvert Replacement, Pond Berm Repair, Service Shaft Collar and Building Pad). It assumes a serpentinite content (spelled "Sepentinite Concent" in the DEIR) in fill of 14.3%, with an asbestos content of 0.20%. A figure of 0.03% (which should be explained) appears to be derived from these numbers. Then there is a calculation of wind erosion that assumes a disturbed area of 4 acres. The resultant calculated fugitive dust emissions from wind erosion during construction is 0.41 tpy of PM10 and 0.02 tpy of PM2.5. The following unnumbered page (doc page 301) has an unlabeled table which seems to say that only 40,150 tons of fill would be placed per year (versus the proposed 365,000 tpy). The pages after that are unclear. For example, there is a sub-table called "Compaction" as part of the Fill Placement calculation series that notes a piece of equipment ("Cat563") that works for 0.06 hours per day. That is 216 seconds. On that same page is a bulldozer that moves 411.1 tons per hour and works 0.27 hours/day, which is 16 minutes and 12 seconds.

The reason for selecting 25 meters as the plume height and width for all of the line volume sources in Table 2 starting on page 8 of Appendix B of Appendix E.1 should be explained.

The DEIR cites AP-42, Ch. 13.3 as a source for blasting emissions information. ANFO is listed in that source as emitting 17 lb/ton of NOx. At 0.93 tpd of ANFO, that comes to 2.89 tons per year of NOx emissions from ANFO detonation. Nitrogen oxides are principally NO2, which is recognized as a TAC. These TAC emissions are not included in the DEIR.
The "Underground Blasting and Crushing" section (p. 4.3-56) assumes no TAC emissions from blasting.

ASUR Plan

The NSAQMD is neither approving nor disapproving the ASUR Plan because there is no legal requirement for such a plan – it is part of the project planning documentation.

The ASUR Plan includes corrective actions for certain circumstances. The NSAQMD does not necessarily approve these actions in lieu of other actions or penalties that the NSAQMD or other agencies may prescribe or require. The ASUR Plan cannot be seen as being exclusively directive for the applicant or binding in any way on any agency, and should include a statement to that effect. The enforcement authority of agencies is unaffected by the ASUR Plan.

The ASUR Plan's shortcomings include difficulties with enforceability, uncertainty regarding the exact nature of control technologies to be used, the self-policing nature of the plan and a way to quickly evaluate its effectiveness.

The first page of the ASUR's Table includes the TEM % by weight, but the next two pages omit this statistic.

The summary table (1st page of Appendix C) is missing a sample. It appears to be sample Y962992, which has the highest concentration of asbestos of any of the rock samples (7.3 structures per nanogram, or 7,330,000,000 asbestos fibers per gram).

ASUR 5.0 paragraph 5 reads, "The great majority of mine tunneling in barren rock for the Idaho-Maryland Mine Project is expected to occur in the meta-andesite porphyrite "Brunswick Block". No asbestos was detected by PLM in samples from the meta-andesite porphyrite lithology. Asbestos was detected in six of the eighteen samples by TEM methods and the eighteen samples averaged 0.26 TEM structures per nanogram (s/ng) or 0.002% PCM asbestos by weight." Here again the conversion to PCM is unwarranted, since OEHHA's PCM conversion only applies to air monitoring samples. The TEM data sheets provide a calculated asbestos percentage, which averages to 0.192% asbestos by weight in the porphyrite samples. At this concentration, in the daily mining of 1,500 tons there would be 2.88 tons of asbestos. However, using the inferior PLM quantification technique there would appear to be no asbestos at all.

Similarly, Table 2 of the Vergence report illustrates the superiority of TEM to PLM analyses in the comparison of two results from the same core sample. The 1.1 foot-long core from hole #I 19-13, which was from a depth of 5090.50 feet to 5091.60 feet, was analyzed using both TEM

and PLM. The less reliable PLM method did not detect any asbestos but the TEM method detected 2.0% asbestos. The average asbestos content in the two TEM-evaluated samples of serpentinite was 2.8%.

The proposal to use PLM for compliance purposes may be convenient, but there is a big difference between PLM results and TEM results. TEM is preferred for asbestos quantification because it is able to detect smaller particles. A comparison between PLM and TEM results shows that there are a lot of asbestos fibers in the rock that are too small to be detected using PLM. Choosing to use PLM is, in effect, choosing not to see the asbestos.

Asbestos has been found in all of the kinds of rocks that were analyzed from the site (porphyrite, diabase, sand tailings, unmineralized serpentinite, weakly ankeritized diabase/serpentinite, ankeritized serpentinite, and serpentinite). With only a relatively few samples having been analyzed, there is no way to know how much asbestos is present in a given untested rock sample, but every fragment of rock or soil from the mine or the mine tailings could contain asbestos. When those rocks are broken or that soil is driven on or otherwise disturbed, asbestos fibers could be released to the air in unknown concentrations. Once airborne, tiny asbestos fibers can potentially travel many miles.

There is at least one serious mistake in the TEM lab reports. The sheet for sample Y962990 lists a “Calculated Asbestos Concentration (Weight %)” for chrysotile asbestos as .075% (29 million fibers per gram), so there is obviously an error in the reporting of the total as <0.001 %. The percentage of total asbestos can’t be less than the percentage of a particular kind of asbestos.

Page 14, item 7 says that records of all analytical test work will be kept for a minimum of 7 years. Since asbestos related diseases often do not show up for 40 years or more, 7 years is not long enough for recordkeeping. Instead, the records should be kept (at least in electronic form) until at least 40 years after the mine closes.

Page 8, item 3 says, “Lithological units and gold mineralization will be adequately sampled and tested for naturally occurring asbestos….” The term “adequately sampled” is meaningless. Item 3 also includes some vague phrasing about testing using PLM and TEM. Is every sample to be tested both ways? How often? Also, in addition to converting TEM results to PCM with OEHHA’s conversion formula, the TEM results should be reported and available to the public.

The ASUR Plan should include measures to prevent secondary asbestos emissions from workers’ clothing and shoes. Historically, family members of individuals who have worked in mines where naturally occurring asbestos is present have been exposed to asbestos from the workers’ clothing and shoes, resulting in asbestosis and mesothelioma. Asbestos exposures to the general public could also occur if workers carry asbestos-containing soil on their shoes and clothing into local places of business, such as restaurants, retail stores, fitness centers, etc. Showering on-site and changing shoes and changing and washing clothing at the end of a worker’s shift is one way to prevent this type of secondary exposure. Alternatively, workers could wear protective suits and shoes that stay on-site. The manner of keeping asbestos from

leaving the site on workers' clothes, shoes and persons could be considered an airborne toxics mitigation measure.

The publication cited in the ASUR Plan, "NIOSH (2019). *Dust control handbook for industrial minerals mining and processing. Second edition*. https://doi.org/10.26616/NIOSHPUB2019124" discusses additional options for dust control, including the use of wind fences, fixed water spray systems and crust-forming agents, and covering inactive areas with clean gravel. The discussion of dome enclosures on page 357 of that document in particular should be reviewed (large ones can span a thousand feet and they can withstand 90-mph winds and heavy ice loads). Such technologies should be discussed/evaluated in the DEIR

As the tunnels progress and more samples are tested for asbestos, an ever-increasing knowledge base will develop. There should be a way to refine the ASUR Plan and reassess the project periodically. As a precedent, Teichert Aggregates has a 5-year conditional use permit review requirement for their Martis Valley operation near Truckee. If it is found that asbestos emissions are great enough to create a significant health risk, there should be a way to put the project on hold for as long as necessary to find ways to bring the asbestos emissions down, such as through additional or new technologies. 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. As time passes, technology advances. There may be a way to quickly monitor for asbestos emissions or assess the asbestos content of the rock body in the future. Control technology also advances, and someday there may be ways to further reduce the release of microscopic airborne asbestos fibers into the community.

Some of the gold veins are known to be hosted entirely in serpentinite. The NSAQMD recommends considering leaving those veins untouched for at least 40 years, by which time emission control technology is likely to have improved. Electrostatic mist screens, for example, show promise among emerging technologies.

Water

The Water Supply Assessment (WSA) is important because an abundant supply of water is necessary for the control of dust and toxics such as silica and asbestos. Unfortunately, it does not include enough detail to evaluate its accuracy. There should be an itemized list, or inventory, of water usage features so that reviewers can check to see if key elements are being overlooked or mischaracterized.

The water usage estimates are based on usage at "buildout." The document considers the first 10 years as the "construction" period because that is when the waste material is being deposited and compacted as engineered fill at the Centennial and Brunswick sites. It reads, "Because this WSA is assessing the impacts at buildout of the Proposed Project, the water demand during construction will not be included in buildout water demands." However, the buildout phase is not when the project would use the most water. That is, unless the eventual off-site compaction of engineered fill were to be included in water usage, that would increase the buildout consumption, especially since it would require an abundance of water due to the

presence of asbestos in the fill and the resulting requirement to comply with the Asbestos Airborne Toxic Control Measures for all fill placement activities (not discussed in the DEIR).

The DEIR estimates 5,700 gpd of potable water for sinks, toilets, showers and laundry. It would be important to have adequate shower capacity at the facility for the hundreds of anticipated employees. Workers in the mine would continually be subject to air saturated with moisture to the point of it dripping off their clothing (the DEIR specifies that there would be 100% saturation of the air in the mine). Dust laden with asbestos and other toxic substances would stick to skin, hair and clothing. Workers should not be allowed to leave the site with asbestos dust on their bodies, clothes or shoes because they would carry the asbestos dust into public places or home to people they live with.

A key question regarding water use assumptions is if the non-potable water would be of high enough quality to use for "100 percent saturation of air" (estimated at 40,000 gpd). If it has elevated levels of natural contaminants (such as arsenic, mercury and other heavy metals, iron and manganese) or if it has too much of the proposed water treatment and ore processing chemicals, it may not be suitable for employees to breathe. Water pumped from the mine would contain numerous substances including sodium hypochlorite (bleach), ammonia (partly from detonation of 1,860 lbs/day of ANFO explosive), potassium permanganate, sulfuric acid, sodium hydroxide, sodium bisulfite, assorted lubricants and petroleum products lost from equipment, and reagents including Aerofloat 208 (odor of alcohol and sulfur), Aerophine 3418A, Aerofroth 70-MIBC (odor of alcohol), Magnfloc 10 and Scaletrol PDC9401.

The ASUR Plan proposes that unpaved areas will be watered for dust suppression every 2 hours, which should be considered carefully in the WSA. The NSAQMD is concerned that the water budgeted for the project might not be adequate to meet the dust control requirements. Since the dust contains asbestos, silica and numerous other toxic substances, adequate dust control is necessary. There should never be a situation where dust control is compromised because of water usage restrictions, particularly in the summer months when the potential for dust generation is greatest.

https://www.epa.gov/sites/default/files/2019-04/documents/mr_guidanceforapplicationfordustcontrolpermit.pdf contains some "rules of thumb" for estimating water usage. For example, grading uses approximately 10,000 gal/acre per day; 30 gallons is required for each cubic yard moved; and pre-wetting areas to be disturbed requires 1 acre-foot of water (325,851 gal) per acre of land. The Health Risk Assessment (page 3) says that 104 acres are to be disturbed.

A lot of water is also needed for grinding mills, crushers, conveyors, conveyor transfer points and drop points to control emissions of dust and asbestos.

Agency Official Sam Longmire, Northern Sierra Air Quality Management District

From: Catherine Flowers
To: Idaho MMEIR
Subject: FINAL EIR and OBJECTIONS TO the IDAHO-MARYLAND MINE PROJECT
Date: Tuesday, May 9, 2023 12:17:25 PM

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Dear Mr. Kelley:

As a property owner within the city limits of Grass Valley, I strongly object to certifying the Final EIR for the Idaho-Maryland Mine Project for three reasons:

1. The water quality analysis is inadequate.

2. Noise and vibration need further study with regard to surrounding land uses adjacent to the project.

3. Hazardous materials and their disposal long term, is not adequately addressed.

In addition, I object to this mining operation and its incompatibility with the goals and policies of the County of Nevada General Plan, as well as the City of Grass Valley.
The residential and light industrial land uses adjacent to the mining operation would be significantly impacted economically, aesthetically, and environmentally by the proposed project.

The long term environmental impacts of mining operations remains an ongoing problem and have been well documented: old tailings can still leach heavy metals decades after mining operations have ceased. One only has to look in our own backyard at the Empire Mine where remediation is still on-going. The state spent over $40 million over a decade for the cleanup.

The Iron Mountain Mine Remediation located near Redding, California is Superfund site and according to a 2020 report from the state legislative analyst's office (LAO) written by Gabriel Petek,
"...acid mine drainage from Iron Mountain---among the most acidic and metal-laden on earth---was transported downstream to the Sacramento River, threatening aquatic life and drinking water supplies for the City of Redding...According to U.S. EPA cleanup costs for the site could approach $1 billion."

Our city and county residents deserve to live in a safe and healthy environment and Rise Gold's plans are not one bit a part of that.

Sincerely,

Catherine Criss Flowers
437 Kate Hayes Street

Grass Valley, CA 95945
District 3
(510) 701-1589

From: Florence Jacquet
To: Idaho MMEIR
Subject: I oppose the proposed Idaho Maryland Mine reopening!
Date: Tuesday, May 9, 2023 9:16:47 AM

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NO to the reopening of the Mine!

Too many risks for our health!

It will pollute our air and water!

It will drain our water! This is California with constant droughts, terrible ones in the past. We need water!!

We can't trust the company Rise Gold!! They're being sued !

Please preserve our beautiful Nevada County, say NO to the mine!

Thank you.
Florence Themelis.
11022 BANNER MINE WAY
NEVADA CITY CA 95959

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: aclaire.sandoval@gmail.com
Subject: Letter From Alisa Sandoval - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Alisa Sandoval at aclaire.sandoval@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Alisa Sandoval. I live at 12580 Comet ln, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 3. Those of us in my neighborhood depend on wells for water. The proposed mine would pump out water needed by the residents to survive. It is unrealistic to think the water pumped from one area affects only that area. The tunnels that interconnect under all of Grass Valley and the natural fractures connect the water supply for the whole area. Please do not approve the mine. It would be a catastrophic hardship on those of us with wells.

Sincerely,

Alisa Sandoval
aclaire.sandoval@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: maitrijones@hotmail.com
Subject: Letter From Anita Jones - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Anita Jones at maitrijones@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Anita Jones. I live at 14618 Tyler Foote Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Rise Gold plans to pump out 3.6 million gallons every day for 6 months and another 1.2 for up to 80 years. Mine dewatering risks depletion of our region’s groundwater. It puts the health of wells and creeks at risk. The Final EIR did not address serious deficiencies identified by expert reviewers. Its claim that impacts won’t be significant aren’t supported.
Even using today’s best technology, fugitive dust from continuous rock crushing, hauling, and compacting risks release of asbestos and silica particles. The huge increase in diesel truck trips amplifies the problem. The Final EIR’s conclusion that air quality impact would be ‘less than significant’ is unsupported.

The project is too close to an established community which creates a much higher

level of risk if bad things happen.

Sincerely,

Anita Jones
maitrijones@hotmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tmueck@att.net
Subject: Letter From Anna Sullivan - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:15 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Anna Sullivan at tmueck@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Anna Sullivan. I live at 13419 Hillview Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My family has lived in Peardale since 1952. This has been my home since1977.
I noticed a lot of the EIR talks about why concerns I have don't need to be addressed because California law doesn't require it. For example, the traffic report talk about heavy truck traffic. That will be a huge impact on the area. That SHOULD be addressed. Other problematic topics are brushed off, as well. I suspect the authors of the report live elsewhere. Please don't accept the FEIR.

Sincerely,

Anna Sullivan
tmueck@att.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: dukmakb@gmail.com
Subject: Letter From Bariaa Dukmak Sultan - Just Say No to the Mine
Date: Monday, May 8, 2023 7:15:03 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Bariaa Dukmak Sultan at dukmakb@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Bariaa Dukmak Sultan. I live at 7955 Shelborne Dr, Granite Bay, CA 95746.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Bariaa Dukmak Sultan
dukmakb@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: bethnotes@gmail.com
Subject: Letter From Beth Kinsey - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:25 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Beth Kinsey at bethnotes@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Beth Kinsey. I live at 14618 Tyler Foote Rd 157, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Beth Kinsey
bethnotes@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: bethpm65@gmail.com
Subject: Letter From Beth Moorehead - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:19 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Beth Moorehead at bethpm65@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Beth Moorehead. I live at 118 Jan Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in downtown Grass Valley. Everyone will be impacted, regardless of whether we're a mile away or ten.
This is NOT a forward thinking plan for our county. This is similar to fixing a VCR to watch tapes on curbing climate change.
This adventure in futility has only one main benefactor - the mine owner. Who doesn't even live here!
My inlaws worked in the mines, they heard the mines from their homes every single day.. it was terrible.
Don't be backwards! We have companies like Analog Devices committed to staying in town and hiring locals for excellent jobs - this is the right path and this is who we want to have in our community.

Think resposibly

Sincerely,

Beth Moorehead
bethpm65@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: billytree@hotmail.com
Subject: Letter From Billy Fontaine - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Billy Fontaine at billytree@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Billy Fontaine. I live at 12210 Larkspur Ln, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’m in district 3, with 10 acres by the fairgrounds. We are on a well, so I’m concerned about water pollution, and I think it’s crazy to even consider opening a mine . These operations destroy the land and poison the water, and have a huge carbon footprint. Don’t sell out and destroy our town!

Sincerely,

Billy Fontaine
billytree@hotmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jandclee@comcast.net
Subject: Letter From Carol Lee - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:22 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Carol Lee at jandclee@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Carol Lee. I live at 12026 Crystal Wells Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My husband and I live in Deer Creek Park in District 1. We've lived here for almost 39 years, worked and raised our kids here, and hope to continue our retirement here. We are very appreciative of the existing peaceful environment and opportunities to enjoy the outdoors.

The re-opening of the Idaho-Maryland mine would be bad business all the way around. It is inconsistent with numerous Nevada County General Plan goals and policies established to protect and enhance our
community's health and quality of life. It is our hope that the County can continue to promote projects which support clean industry, combat climate change, do not add noise and heavy traffic to our atmosphere, retain the natural aesthetics already

present, and protect our water quality.

In my husband's words, this situation is a case of Greed vs Quality of Life, and Greed does not have a good record.

Please consider our opposition to re-opening of the Idaho-Maryland mine as you make your decisions this week. We do not support certification of the EIR either. We hope that pleasure of living in Nevada County now and in the future will be safe in your hands.

Sincerely,

Carol Lee
jandclee@comcast.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: thoms1@pacbell.net
Subject: Letter From Carolee Thomson - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:47 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Carolee Thomson at thoms1@pacbell.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Carolee Thomson. I live at 14407 Arrow Road, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Nevada County for 27 years, residing in Penn Valley. I am adamantly opposed to the reopening of the mine. It would be a blight, a noise-producing nuisance, and would have a far-reaching negative ecological impact. The economic benefit - arguably negligible- would in any case be far outweighed by other negative repercussions. I strongly urge you to vote no on the mine's approval.

Sincerely,

Carolee Thomson
thoms1@pacbell.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: 421caval@gmail.com
Subject: Letter From Caroline Groux - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Caroline Groux at 421caval@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Caroline Groux. I live at 10845 Bartlett Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am extremely concerned about the re-opening of this mining project. I have been reading all the reports, followed information released about this project.
The reasons why I am opposed to this project are first because of the drastic negatives environment consequences that this could have. Then, I think that the promise of jobs and the boosting of the local economy is a lure.
Back in the 1800's there was no technology that we have today. Mining were employing people (not to mentioned killing a lot as well). Today's technology is not going to provide work for our local people the way it is promised. (Young people don't even want to work anymore) The bulk of the workers will come from outside Grass Valley. Yes they will need housing and buying food, but this is not going to boost the local economy. So it seems like what Grass Valley is more interested is in

the tax revenue from such enterprise. I am sure there are more ways to bring tax revenue without destroying the environment and making of Grass Valley a environmental disaster. And third, a Canadian company coming to fool our local people after it went bankrupt on other projects (leaving a huge mess behind) is not a good way for local official to develop a healthy, prosperous economy for Grass Valley.
I urge you to deny this project for the well being of this community.

Sincerely,

Caroline Groux
421caval@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: carrielery@gmail.com
Subject: Letter From Carrie Lery - Just Say No to the Mine
Date: Monday, May 8, 2023 7:15:01 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Carrie Lery at carrielery@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Carrie Lery. I live at 12525 Echo Drive, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 1. My husband and I have lived in Nevada City/Grass Valley for over 25 years and have raised our children here. We moved here and stayed because of the quality of life this area provides. We feel strongly that the evidence brought forth by the CEA Foundation/MineWatch researchers supports our serious concerns that reopening the mine would significantly impact our environment and the character of our community.

Please say No!!

Sincerely,

Carrie Lery
carrielery@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tumblr0breve@icloud.com
Subject: Letter From Catherine Lofgren - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Catherine Lofgren at tumblr0breve@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Catherine Lofgren. I live at 13840 Altair Drive, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1. I am concerned, not only with the potentially permanent adverse impacts of the mine on our priceless environment, but worse Rise Gold’s history with simply turning their back on problems when they arise. A company can never truly be held accountable as they can simply file for bankruptcy and walk away.

Re-opening a mine in this day and age is a reckless decision driven by greed, nothing more, nothing less.

Sincerely,

Catherine Lofgren

tumblr0breve@icloud.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: c.amson@icloud.com
Subject: Letter From Christopher Amson - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:57 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Christopher Amson at c.amson@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Christopher Amson. I live at 261 Woodpecker Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Christopher Amson
c.amson@icloud.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: iamchrischu@gmail.com
Subject: Letter From Christopher Chu - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:31 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Christopher Chu at iamchrischu@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Christopher Chu. I live at 11837 deer park drive, nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 1. Please don’t reopen this mine. We need thorough unbiased environmental impact reports, not these incomplete flawed reports. Our air quality and water problems are already areas of huge concern. We should be working to ameliorate these problems not make them worse. The community at large clearly doesn’t want this mine reopened. Please listen to us.

Sincerely,

Christopher Chu
iamchrischu@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sitta_blanca@hotmail.com
Subject: Letter From cynthia moffatt - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:19 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of cynthia moffatt at sitta_blanca@hotmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is cynthia moffatt. I live at 14041 Agony Hill Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 1, Heidi Hall , supervisor. I have been a resident of Nevada County since 1989. I am 100% against this mine project for the reasons of noise and water quality damage due to excavation, and the problems of air pollution, traffic, road damage and noise from 100 trips/day of rock hauling trucks. We do not have to ruin the lives of the adjacent property owners or the rest of us who drive the truck route, just because a developer sees an opportunity. Tax money and a few jobs will not compensate for this ruination. This is simply wrong. Please follow the wisdom and wishes of your constituents. If you are unsure, put it to a vote.

Sincerely,

cynthia moffatt
sitta_blanca@hotmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: debradworaczyk@gmail.com
Subject: Letter From Debra Dworaczyk - Just Say No to the Mine
Date: Monday, May 8, 2023 7:15:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Debra Dworaczyk at debradworaczyk@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Debra Dworaczyk. I live at 18630 Oak Tree Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in this county for 34 years, raised my kids here and hope to die here. I am here because of it's natural beauty and the beautiful environment. Please don't destroy it!

Sincerely,

Debra Dworaczyk
debradworaczyk@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: debradworaczyk@gmail.com
Subject: Letter From Debra Dworaczyk - Just Say No to the Mine
Date: Monday, May 8, 2023 7:15:13 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Debra Dworaczyk at debradworaczyk@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Debra Dworaczyk. I live at 18630 Oak Tree Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Debra Dworaczyk
debradworaczyk@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: debradworaczyk@gmail.com
Subject: Letter From Debra Dworaczyk - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:27 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Debra Dworaczyk at debradworaczyk@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Debra Dworaczyk. I live at 18630 Oak Tree Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Debra Dworaczyk
debradworaczyk@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: donnafry087@comcast.net
Subject: Letter From Donna Marie Fry - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:55 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Donna Marie Fry at donnafry087@comcast.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Donna Marie Fry. I live at 11120 Squirrel Creek Road, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We have lived in our Squirrel Creek Road home for over thirty-eight years. Behind our home is the beginning of Squirrel Creek and just a bit beyond that, is Hells Half Acre land. Recently we have seen the destruction of ephemeral water pools, growing unique to the area wildflowers, and woodland habitat obliterated by PG&E for a natural gasoline viewing construction project. Dear Lisa Swarthout, stand up for us and your district and please say no! to further destruction and environmental detriment to our county.

Sincerely,

Donna Marie Fry
donnafry087@comcast.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: dorothyjohenderson@gmail.com
Subject: Letter From Dorothy Henderson - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:29 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Dorothy Henderson at

dorothyjohenderson@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Dorothy Henderson. I live at 13074 Woolman Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Disttict 1, and have been a resident here since 2000. My husband and purchased ten acres and helped in the building of our net zero home which was completed in 2016. We pay taxes and are active members of the community, and of our Quaker Meeting. We are deeply concerned with the Nisenan and support their efforts to regain their Federal tribal status. As I am sure you know, reopening the mines is not in harmony with the Nisenan way of life; a way of life that can teach us how to be more respectful of and in harmony with our planet. Thank you for considering our perspective as you make your decision.

Sincerely,

Dorothy Henderson
dorothyjohenderson@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: duggane@sbcglobal.net
Subject: Letter From Eric Duggan - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Eric Duggan at duggane@sbcglobal.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Eric Duggan. I live at 1970 N. Leslie Street, Pahrump, NV 89060.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Eric Duggan
duggane@sbcglobal.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: vinacco.e@gmail.com
Subject: Letter From Erin Vinacco - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:00 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Erin Vinacco at vinacco.e@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Erin Vinacco. I live at 14618 Tyler Foote Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live near the North San Juan area in District 4 and have been a resident here for over 5 years. What I love best about living here is the natural beauty and the commitment residents have to preserving and sustaining that beauty. Please say "no" to this mine which will compromise both air and water quality and impact the health and quality of life for our residents. I understand that these are tough times economically and it can be easy to see a project like this in terms of the economic benefits but the risks significantly outweigh any potential benefit. Please make your decision by looking at the big picture and consider the immediate and long-term negative impacts to our residents and our community.

Sincerely,

Erin Vinacco
vinacco.e@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: coachflo100@gmail.com
Subject: Letter From Ernest Flores - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ernest Flores at coachflo100@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ernest Flores. I live at 13640 Loma Rica Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Ernest Flores
coachflo100@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: gaye@torjusen.com
Subject: Letter From Gaye Torjusen - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:10 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gaye Torjusen at gaye@torjusen.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Gaye Torjusen. I live at 11000 Woodchuck Ct, Penn Valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Rise Gold has never opened a mine and never made a profit. Their CEO’s last company polluted tribal waters, went bankrupt, and left Canadians with a bill to pay for cleanup. Their CEO is currently on trial in Canada on charges related to spills at that mine. How can we trust this Canadian company??

PLEASE stop Rise Gold's plan to reopen our Idaho-Maryland Mine!

Sincerely,

Gaye Torjusen
gaye@torjusen.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: gbc723@aol.com
Subject: Letter From Gayle Baker - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Gayle Baker at gbc723@aol.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Gayle Baker. I live at 19544 Wymer Ln, Riverside, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in Woodpecker Ravine and know first hand the catastrophic effects the continuing drought has had on our forests. Adding to the threat caused to this through supporting an industry in our county that will demand more of our precious water and also poses countless other environmental risks is irresponsible at the least. Some argue that this county was built on mining, but even a century and a half later, there are hazards and damage that go unmitigated. Now that we know better, let’s do better! Say NO to the mine!

Sincerely,

Gayle Baker

gbc723@aol.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: doakon@gv.net
Subject: Letter From Ginger Konvalin - Just Say No to the Mine
Date: Monday, May 8, 2023 7:15:04 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ginger Konvalin at doakon@gv.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ginger Konvalin. I live at 12498 cement hill, Nevada city, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a highly concerned citizen of Nevada county. I have lived in both Grass Valley and Nevada City for 45 years. For the last 35 years I have lived in District 1 outside of NC. Our true gold in this community is small town living in and adjacent to natural beauty, wildlife, unsurpassed flora, quiet, a slower pace, neighbors who know each other and care for each other. The violent, polluting extraction of ore from the earth is no longer a viable option in this beautiful and unique rural community. Please use your common sense, your clear thinking mind, your caring heart and your feeling body to recognize NO to the Mine is the wisest of all decisions. This wisdom will be recognized and hailed for generations to come.

Sincerely,

Ginger Konvalin
doakon@gv.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jwsmith37@outlook.com
Subject: Letter From James Smith - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:30 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of James Smith at jwsmith37@outlook.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is James Smith. I live at 647 Packard Dr., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in district 3 next to Condon Park.
I have lived at this address for 30 years now and in the county for going on 40 years.
I have been following this issue for some time now.
I feel that opening up the Idaho Maryland mine will result in a large verity of problems.
From mine waste, most likely contaminated with Arsenic, and it's processing / disposal.
The effects on ground water depletion and lowered property values.
The heavy truck traffic on the near by road's, which will degrade the streets and leave the city / county stuck with the repairs.
These are just a few of many down sides to this proposal.

What minimal positive outcome from this will be vastly out weighed by the negative impacts to our community.

Sincerely,

James Smith
jwsmith37@outlook.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tootsie1macgeee@gmail.com
Subject: Letter From James Wilkie - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of James Wilkie at tootsie1macgeee@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is James Wilkie. I live at 602 Penstock Drive,, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3,I moved here for the quality of life, which I enjoy very much.
I feel as a certainty that the quality I enjoy would be significantly downgraded.
Don't approve the mine,please.

Sincerely,

James Wilkie
tootsie1macgeee@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: tootsie1macgeee@gmail.com
Subject: Letter From James Wilkie - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of James Wilkie at tootsie1macgeee@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is James Wilkie. I live at 602 Penstock Drive,, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

James Wilkie
tootsie1macgeee@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jgjanegraves@gmail.com
Subject: Letter From Jane Graves - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:10 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jane Graves at jgjanegraves@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jane Graves. I live at 11622 Cement Hill Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Jane Graves
jgjanegraves@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: bigleapranch@icloud.com
Subject: Letter From Janice Kieler - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Janice Kieler at bigleapranch@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Janice Kieler. I live at 10455 Ridge Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have been a resident of district 1 for two years and district 4 for 13 years. Allowing Rise Gold to proceed is a reckless undertaking as the environmental impact, and the negative impact on quality of life for the residents of districts 1,2,3. Add to that, Rise Gold has a history of not living up to its responsibilities of adhering to contract obligations Let's not let history repeat itself!

Sincerely,

Janice Kieler
bigleapranch@icloud.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: jenhoman@yahoo.com
Subject: Letter From Jennifer Homan - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:53 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Jennifer Homan at jenhoman@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Jennifer Homan. I live at 11739 Forest View Dr., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Jennifer Homan
jenhoman@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: johnbansemer@gmail.com
Subject: Letter From John Bansemer - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Bansemer at johnbansemer@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Bansemer. I live at 11975 Lower Colfax Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Dear Mr. Kelley:

My home is in District 3 and I am a third-generation family owner on Lower Colfax Road. I am concerned for my potable water and the lack of assurances for property owners like me and our future water reliability.

I had drilled a marginal well that produced only 3 gallons minute at a depth of 300 feet back in 2000 and had to install a tank reservoir to comply with the Buidling department in order to receive a final for a garage and studio permit back in 2000.

Looking at the Rise zoning subsurface boundary area my parcel is the furthest southwest on the map and I am very concerned for my potable water source in the future with no assurances by either NID or Nevada County in this FEIS should it run dry.

I am also part of the Wells Coalition a group of property/well owners and residents near the Idaho-Maryland Mine. Which its purpose is to protect our only source of water, our wells. The thriving residential communities of Grass Valley and Nevada City are that NOT a place for Industrial Mining operations, they belong in open areas far removed from incorporated cities and public spaces. Not in the back yard of Historical towns!

I respectfully ask that the County REJECT the Final Environmental Impact Report (FEIR) for the Idaho-Maryland Mine and VOTE NO on the project. Huge risks are not being addressed, making this project completely unacceptable for well owners in the area.

100% certainty is a myth.
The Final EIR asserts that stronger mitigations and/or financial assurances are “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 is based on an analysis that has serious flaws.

The stakes are 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 [1]. 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 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.

The FEIR is inadequate and provides well owners with very limited assurances for at least the following three reasons:

1) Predictions of the groundwater model have limited reliability.

In DEIR comments, the Wells Coalition provided many quotes from hydrology experts confirming that groundwater models in fractured bedrock like ours can NOT deliver 100% certainty. [2] There are also numerous defects in the groundwater model [3]. Even the FEIR agrees that additional data is needed for validating the model.

2) FEIR provides no current well baseline data / Domestic well monitoring program is too little, too late, and too short.

The FEIR lacks current well baseline data and is inadequate under CEQA. The FEIR relies only on sparse patches of data from 15 years ago.

Baseline data is needed in order to assess potential impacts to groundwater and well owners prior to determining mitigations. Current well performance data is key to establishing what current conditions are – e.g., establishing water quality or determining when a well has gone down or doesn't recharge as quickly. It is also the lynchpin in determining what "threshold" should be used to determine whether an impact is “significant”. Legal experts call the FEIR’s choice of setting the significance threshold at a 10% drawdown in water level arbitrary and invalid. [4]

The Final EIR’s addition of a Domestic Well Monitoring Program (DWMP) for 378 properties does little to ease the concerns of well owners within the designated area or beyond (it does not include properties with wells in NID-served areas). It is included as a condition of approval, but it is not mitigation.

Instead of collecting data before evaluating the project, as CEQA requires, this program takes place after the fact. It won’t collect the well performance data NID or the County needs. Monitoring is scheduled for only 12 months and takes just one water quality sample, which doesn’t account for year-over-year variations. A minimum of three years are needed to collect valid water quantity data and water quality should be tested twice a year. The program also expires five years after dewatering, but that provides no protection for accidents that could occur in future years as the mine operation expands. [5]

3) The proposed mitigations, which are not technically valid under CEQA, are deeply flawed.

Without accurate data on groundwater conditions and data from the actual

domestic wells, valid mitigations cannot be determined. What constitutes a significant impact must be based on real data, not arbitrary ideas created by the applicant. For example, even the current groundwater model shows groundwater level drops over a large area. But it is unknown how that may affect well owners.

In other words, well owners are being told to trust that nothing will go wrong with their water supply for 80 years based on assumptions and speculation. The FEIR compounds this uncertainty with a dizzying array of feeble mitigations and "peace of mind" programs stitched together with vaguely worded promises.

This statement in the FEIR Mitigation and Monitoring Program seemingly assures everyone that the applicant would mitigate potential well impacts – "pursuant to Nevada County General Plan Policy 17.12, the project applicant shall be responsible for providing a comparable supply of water to such homes and businesses whose wells are significantly impacted" – but the rest of the FEIR does not demonstrate how the applicant would meet these requirements.
Key concerns for members of the Wells Coalition include:
a. No financial bond or plan for connecting to NID if wells are damaged (beyond 30 parcels)
NID asked for a $14M bond to cover the costs of providing service to three neighborhoods in the event of unrecoverable well damage or failure [6]. The FEIR dismissed it, insisting NID needs nothing.
At the same time, the FEIR expanded the area of potential impact with the addition of the supplemental Domestic Well Monitoring Plan (which defined the area of impact as within the 1' drawdown isopleth in the groundwater model) – suggesting that even more money is needed.

There is no plan for connecting impacted wells beyond the 30 properties along Bennett Road. For example: no additional wells identified as needing mitigation; no water assessment to determine the feasibility of NID service, no plan for design, construction, permitting, or easements; and no timeline commitments if NID service is required.

This is a recipe for disaster. Even under the best of circumstances, today's NID projects take many years to complete, but a failure in this project could create a large-scale crisis. Neither the County nor NID want citizens screaming "where's my water?" for years on end. And property owners connected to unsightly water trucks will be faced with plummeting home values. A property with no water is worthless.

b. Promises to Fix Wells or Provide Water Trucks Won't Cut It

One of the most significant gaps in the FEIR is the absence of accountability. Its most concrete promise about providing potable water for impacted well owners is this: "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…". [7] These words fall short of holding the mine operator accountable for specific or reasonable timelines – for either fixing wells - or providing a permanent water supply replacement.

Even more concerning, all decisions about fixing wells or replacing water are left solely up to the mine operator, who would take action only if the 15 monitoring well locations in the official Groundwater Monitoring Program flags an impact. It makes no commitment to use the data from the individualized measurements in the supplemental Domestic Well Monitoring Program to flag an impact. This is especially concerning because the complexity of the fractured bedrock geology in the area may mask impacts and the threshold for triggering that impact is arbitrarily set at a 10% drawdown.

For homeowners with marginal wells, much smaller drawdowns may make their wells useless long before they get a call from the mine operator. For all well owners in the area, the described approach opens the door to unending debates about whether damage to a well was caused by the mine or some other condition.

If the mine were to reopen, a separate oversight committee or commission must be required. Such a committee would be authorized to make determinations of impact to well owners, resolve disputes, provide professional analysis and reporting of data regarding the monitoring, assure timely execution of mitigations, and administer fines or corrective notices.

Conclusion

The FEIR's assertion that there will be no significant impact to wells defies both science and common sense. The groundwater model is questionable. The FEIR provides no current well baseline data and tries to make up for it with a flimsy domestic well monitoring program that is too little, too late, and too short. And the proposed mitigations, which are not technically valid under CEQA, are deeply flawed.

This alarmingly inadequate 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. Ultimately, it does not 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 mine accountable for lost domestic wells and the cost of replacement water services.

Please REJECT the Final Environmental Impact Report for the Idaho-Maryland Mine and VOTE NO on the project. This project is completely unacceptable for well owners in the area.

Sincerely,

Sincerely,

John Bansemer
johnbansemer@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jbretii@yahoo.com
Subject: Letter From John Brett - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:45 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Brett at jbretii@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Brett. I live at 11460 Lower Circle Dr, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

John Brett
jbretii@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: johnbarryegan@gmail.com
Subject: Letter From John Egan - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:29 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Egan at johnbarryegan@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Egan. I live at 16343 Rattlesnake Rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We already know that this management has failed in Canada.. They polluted their prior mine in Canada and left the taxpayers with the bill to clean it up.... Now here, in our little bedroom and retirement community, they want to move 1000 tons of debris a day? Ore trucks will have 100 dump runs per day, operating seven days a week, 14 hours per day...And they want to dump it in the field below Hills Flat Lumber? .. This is absurd!

JUST SAY NO!

Sincerely,

John Egan
johnbarryegan@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: plexluther@yahoo.com
Subject: Letter From John Everett - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:38 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of John Everett at plexluther@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is John Everett. I live at 1028 Pampas Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

John Everett
plexluther@yahoo.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: judith@full-circle-press.com
Subject: Letter From Judith Berliner - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:03 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Judith Berliner at judith@full-circle-press.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Judith Berliner. I live at 12803 MacBoyle Way, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I was raised in a Home on Macboyle Way. I remember when the tail end of the mine was still operating, and I am very opposed to opening this mine again. I also remember when the lumber mill was there, and there were trucks going up and down Brunswick Road, all the time I believe that rise gold makes promises they will never keep, and there will not be good jobs brought into this community. I see no reason to approve this mine we have a beautiful community that is much better distancing itself from mining operations.

Sincerely,

Judith Berliner

judith@full-circle-press.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: kenheftel@gmail.com
Subject: Letter From Ken Heftel - Just Say No to the Mine
Date: Tuesday, May 9, 2023 11:00:32 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ken Heftel at kenheftel@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ken Heftel. I live at 14278 La Noria CT, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

My name is Ken Heftel and I live in Grass Valley in District 3 about a mile from the mine. I moved to Grass Valley seven years ago after visiting several times and fell in love with the natural beauty of our foothills and our welcoming community. Unfortunately, we are here today to confront a threat to our current way of life. There are so many reasons why we should not be forced to accept an industrial mining operation in our neighborhood. There will be all of the large dangerous trucks on our roads all the time, the noise, and the visual impact of a large mine. And even a remote chance of losing or even slightly damaging or polluting our precious groundwater aquifers and surface waters is unimaginable. Rise Gold cannot guarantee that our groundwater supply will not be destroyed or damaged, in fact, they have presented plans to provide NID water to residents in the immediate area

where they obviously expect wells to lose their groundwater. And they have offered to monitor groundwater wells beyond that area which is because of some expectation that groundwater supply and quality can be damaged further away. Why would anyone (besides Rise Gold) want to accept even a remote possibility of losing or damaging our precious groundwater supply? There is no scientific study that can guarantee us that this will not happen. Past mining operations are notorious for their legacy of pollution and destruction. Yes, we could say that was a long time ago when we didn't know any better. But are we now so smart that mistakes won't ever be made again? I don't think so, do you?
Just look at what happened at the San Juan Ridge mine. In 1995, not 1895, blasting in the mine caused a massive dewatering event estimated at 6 million gallons a day. One mistake like that and you can't go back. I hope that our officials do the responsible thing and protect our groundwater supply, our home values, and our quality of life by saying NO to this potential nightmare.

Sincerely,

Ken Heftel
kenheftel@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: kristinliljequist@gmail.com
Subject: Letter From Kristin Liljequist - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Kristin Liljequist at kristinliljequist@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Kristin Liljequist. I live at 13126 Pine Cone Circle, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in the Cedar Ridge area, off of Rattlesnake, (District 3) for 43 years. This proposed mine is much too close to established communities and neighborhoods to be a viable idea. Pumping out 3.6 million gallons of water everyday for 6 months? How many trucks per day destroying our roads and contributing significantly to the degradation of our air quality? How much extra noise pollution? For a highly debatable number of jobs? From a highly questionable outfit with a history of environmental degradation and legal issues in Canada related to either incompetence or malfeasance or both. This simply cannot happen in our community - anyone voting in favor of opening this mine is courting the distinct possibility of a local disaster.

Sincerely,

Kristin Liljequist
kristinliljequist@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: lesghi@gmail.com
Subject: Letter From Leslie Ghirla - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:23 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Leslie Ghirla at lesghi@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Leslie Ghirla. I live at 14618 Tyler Foote Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Leslie Ghirla
lesghi@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: bodyart@lmi.net
Subject: Letter From Louis Quaintance - Just Say No to the Mine
Date: Monday, May 8, 2023 7:15:11 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Louis Quaintance at bodyart@lmi.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Louis Quaintance. I live at 10777 Banner Mine Way, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Louis Quaintance
bodyart@lmi.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: msippel56@gmail.com
Subject: Letter From Marianne Sippel - Just Say No to the Mine
Date: Tuesday, May 9, 2023 11:00:34 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Marianne Sippel at msippel56@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Marianne Sippel. I live at 13549, Borrelli Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I reside in district 4 and have for the past 37 years. I've been evacuated 6 times since the 49er fire. I'm staying. I would hope never to see a re-opening of this mine that is of benefit to no one here.

Sincerely,

Marianne Sippel
msippel56@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: gierok3@yahoo.com
Subject: Letter From Mark Gierok - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:51 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mark Gierok at gierok3@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mark Gierok. I live at 118 Conaway Ave, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a resident of district 3, and I oppose reopening the mine. I moved to the area 6 years ago and I enjoy the natural beauty that thrives here. The potential for disaster is too great to the environment and the community at large if the mine is reopened. Please think of future generations when you make your decisions and vote no on opening the mine and certifying the environmental report. Please vote No:

Sincerely,

Mark Gierok
gierok3@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: mark@wtplanners.com
Subject: Letter From Mark Greenberg - Just Say No to the Mine
Date: Tuesday, May 9, 2023 11:00:32 AM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mark Greenberg at mark@wtplanners.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mark Greenberg. I live at 18389 Jayhawk dr, Penn valley, CA 95946.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am vehemently against the reopening of the mine. I could explain about the environmental damage it would cause, or the fact that Rise Gold and its management have a dubious record as mine operators, but I’ll leave that to others. What I will say is that though this area was once the biggest gold mining area in the history of the world, it no longer is. What it is now is a quiet community in the Sierra Foothills where citizens and tourists alike can marvel daily at the beauty and serenity around them. My wife and I came here sixteen years ago because of its quiet allure, and so have many others. Its a place where people can live and work in close proximity to nature at its best; unsullied by the noise and pollution of industry. It’s a community where people can retire to; where people can work remotely, where life can be enjoyed. As I said, this is no longer a mining area and it is not an industrial

area. And there is no reason to turn it into one. We do not need noise and pollution and dust and traffic congestion. Any gold thats left in that mine should stay there, along with the polluted water and gravel. I beg you, do not allow the Idaho/Maryland mine to be reopened. Do not destroy our beautiful community.

Sincerely,

Mark Greenberg
mark@wtplanners.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: mcurtingirl@icloud.com
Subject: Letter From Mary Curtin - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mary Curtin at mcurtingirl@icloud.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mary Curtin. I live at 39 wendy circles, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in downtown GV and walk the beautiful Wolf creek watershed that was restored. The mining will decontaminate the watershed. The trucks and traffic will be a nuisance to the community. Let’s go forth with Joan’s that help protect the environment

Sincerely,

Mary Curtin
mcurtingirl@icloud.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: marydossett@mac.com
Subject: Letter From Mary Dossett - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:08 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mary Dossett at marydossett@mac.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mary Dossett. I live at 14618 Tyler Foote Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Mary Dossett
marydossett@mac.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: melissadeemiller@gmail.com
Subject: Letter From Melissa Phelps Miller - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:36 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Melissa Phelps Miller at

melissadeemiller@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Melissa Phelps Miller. I live at 10269 Cedro rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Melissa Phelps Miller
melissadeemiller@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: mickleej@yahoo.com
Subject: Letter From Mick Janeway - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:17 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Mick Janeway at mickleej@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Mick Janeway. I live at 14132 Manion Canyon rd, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

We do not under any circumstances believe this is positive for our community. We don’t want to lose our ground water!!!!!

Sincerely,

Mick Janeway
mickleej@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: jai.phall@yahoo.com
Subject: Letter From Patricia Hall - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:54 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Patricia Hall at jai.phall@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Patricia Hall. I live at 14618 Tyler Foote Road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in Nevada County for over 35 years. I have co-owned an electrical and solar company, been employed in various Nevada City businesses and for the last 20 years I have worked at a community health clinic. My family has been involved in local volunteer groups including volunteer fire departments. I strongly oppose the short sited, potentially irrevocable damage to our local environment including water, soil, noise and disruption reopening this mine would certainly entail. Please preserve our community for generations to come instead of focusing on again short sited solutions that are not well thought through. There are other alternatives to support local jobs and economy.

Sincerely,

Patricia Hall
jai.phall@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: pritamulligan@gmail.com
Subject: Letter From Prita Mulligan - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:26 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Prita Mulligan at pritamulligan@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Prita Mulligan. I live at 14618 Tyler Foote road, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in district 4 for 15 years.
The North San Juan Ridge is a caring neighborhood here in Nevada County.
I live and work at Ananda Village. Nevada County is a beautiful and historically important place to call home.
Please don't wreck our land, water, and natural wildlife here in Nevada County.
Please choose peaceful and healing endeavors to increase economic opportunities for all Nevada County people, and for future generations.
No to the Mine.
Yes to the People and the Land.
Blessings to All.

Sincerely,

Prita Mulligan
pritamulligan@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: robin4realty@gmail.com
Subject: Letter From Robin Nichols - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:40 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Robin Nichols at robin4realty@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Robin Nichols. I live at 19525 Cooper Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am asking that you consider the health, welfare and quality of life for us, the local residents and for our children and our children's children over the profits of a Canadian corporation with a dismal track record. Both EIRs are clearly flawed and insufficient. They used mines in industrial areas as baselines for how mines have affected neighborhoods, for example, and failed to consider the far-reaching affects of dewatering the mine-- pulling millions of gallons of our groundwater our of the underground aquifers that provide water to not only the neighborhood immediately surrounding the mine, but downstream as well. And then, there's the hazardous waste and mine tailings that the mine owners propose to just pile on-site or encapsulate in concrete vaults. Do we really want to sanction the creation of another superfund site in our county? That property could be repurposed for so many other

uses that would create more jobs, more housing and bring more business to our area than a mine could.

I was raised in Nevada County (we moved here in 1976) and most of my family lives here. I have traveled throughout much of the US and also abroad, and there's no place I'd rather live. Sadly, this won't be the case if you allow the mine to reopen. I am a Realtor, and most of my new clients over the past 10 years have been from out of the area. Our chamber of commerce and local businesses have worked hard to improve our down town areas for both locals and tourists. Nevada County has been a destination location but I guarantee that we will see a drop in property values and tourism and a mass exodus OUT of the county if this mine is allowed to reopen.

Sincerely,

Robin Nichols
robin4realty@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: allstargv@outlook.com
Subject: Letter From Ronald and Deborah Fischer - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:14 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Ronald and Deborah Fischer at

allstargv@outlook.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Ronald and Deborah Fischer. I live at 13341 Loma Rica Drive, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

In 1984, we built our forever home in Wawona Mandrono subdivision on 13341 Loma Rica Drive Grass Valley CA and have live here since June of 1984. Our family was raised here while we continued to built our business, Fischer Towing since 1982 and selling it February 2021. Our daughter with her husband and their children and grandchild enjoy living off Hwy 174 on Chattering Pines In Grass Valley.
Our goal to live here is still on track with the understanding our water supply will not be in jeopardy. Additionally the traffic on Brunswick when leaving our home is already busy but the additional traffic , accidents and the winter storms will negitavely affect our egress and regress on Brunswick Rd. Overuse of the roads and

our quality of life where we currently feel safe will diminish.

PLEASE BOARD OF SUPERVISORS AND PLANNING DEPARTMENT - DO NOT CERTIFY THE EIR OR IDAHO MARYLAND MINE PROJECT FOR THE SAKE OF OUR COMMUNITY AND QUALITY OF LIFE IN OUR ENVIED RURAL COMMINITY.

Thank you for helping save our community by voting NO to the certification of the EIR and the Idaho Maryland Mine Project.

Sincerely,

Ronald and Deborah Fischer
allstargv@outlook.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: sandsmhall@gmail.com
Subject: Letter From Sands Hall - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:34 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sands Hall at sandsmhall@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sands Hall. I live at 10160 Cedro Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

It is, in fact, very hard to understand why this is still under any kind of consideration. The environmental impact will destroy so much of the beauty that brings people to this are as tourists — and they are an enormous economic boon — and for those who live here. Please DENY this report and let's stop with this truly horrible idea for out community.

Thank you for your hard work on this enormous is hugely flawed project. All the reading not to mention the listening you've had to do is staggering!

Sincerely,

Sands Hall
sandsmhall@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: sarahbrink108@gmail.com
Subject: Letter From Sarah Brink - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:56 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sarah Brink at sarahbrink108@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sarah Brink. I live at 14618 Tyler Foote Rd, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived on the ridge in District 4 for thirty years. I am 100% against the reopening of the mine.

Sincerely,

Sarah Brink
sarahbrink108@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sarahmckay3@gmail.com
Subject: Letter From Sarah McKay - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:31 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sarah McKay at sarahmckay3@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sarah McKay. I live at 220 Race St, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Sarah McKay
sarahmckay3@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sena.m.shell@gmail.com
Subject: Letter From Sena Shellenberger - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:12 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sena Shellenberger at sena.m.shell@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sena Shellenberger. I live at 11267 Diamond Back Way, Grass valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I’ve owned a home in district 3 for the past 3 years and lived in this area for 5+. I am planning to have a family soon and protecting our watershed and the nature around my home is very important to me! This mine is not good for this area- please do not pass this.

Sincerely,

Sena Shellenberger
sena.m.shell@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: sknapp@nccn.net
Subject: Letter From Stephen Knapp - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:28 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Stephen Knapp at sknapp@nccn.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Stephen Knapp. I live at 111 Stanford Ct., Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I live in District 3, near Grass Valley City Offices and about 2 miles from the Idaho=Maryland Mine.

I am opposed to reopening the Mine at this time primarily because the Environmental Impact Report and analysis is incomplete and appears to unscientifically support the interests of the mining operation. In particular, the analysis of ground water impacts is incomplete and should include up-to-date measurements from existing wells and from new monitoring wells, the need for which is acknowledged in the Final EIR. As a retired scientist, I object to glossing over the need for adequate data for a valid analysis. This is bad science.

I also object to reopening the Idaho-Maryland Mine because the impacts on water, air pollution, industrial noise and traffic, waste management, and greenhouse gas emissions are very serious, and are underestimated in the Final Environmental and Economic Impact Reports.

Please Just Say No.

Thank you,
Stephen L. Knapp, Ph.D.

Sincerely,

Stephen Knapp
sknapp@nccn.net

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: sueloperpowers@outlook.com
Subject: Letter From Sue Loper-Powers - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:03 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sue Loper-Powers at sueloperpowers@outlook.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sue Loper-Powers. I live at 14618 Tyler Foote Rd., Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Sue Loper-Powers
sueloperpowers@outlook.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: winkerward@gmail.com
Subject: Letter From Sue Ward - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:50 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Sue Ward at winkerward@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Sue Ward. I live at 15682 Kitkitdizze Dr, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I have lived in district one for over 40 years. I am retired from the county of Nevada and I’ve been active in my community. I am appalled, that we are even considering allowing this mind to reopen. It not only will destroy our quality of air and water but if history is accurate this mine administration will leave an environmental disaster. Please protect our community, our health and our children

Sincerely,

Sue Ward
winkerward@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: nayaswamimukti@gmail.com
Subject: Letter From Susan Deranja - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:15 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Susan Deranja at nayaswamimukti@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Susan Deranja. I live at 14618b Tyler Foote Rd #105, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Susan Deranja
nayaswamimukti@gmail.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: revsuzona@yahoo.com
Subject: Letter From Suzona Pitkin - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:43 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Suzona Pitkin at revsuzona@yahoo.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Suzona Pitkin. I live at 10229 Forest Springs Dr., Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Greetings,
My name is Suzona and I've been a resident of Nevada County for over 42 years. I'm currently a home owner in Alta Sierra which is District 2.

From my assessment of the DETRIMENTAL impact that opening the Idaho-Maryland Mine will have on my community I absolutely hope that re-opening the mine will NEVER be approved.

No one should ever trust Rise Gold due to their track record.

I care about keeping the environment here healthy, our neighborhoods quiet and

clean and the integrity of our community sound.
PLEASE SAY NO TO THE IDAHO-MARYLAND MINE!
Thank you,
Suzona Pitkin
A concerned citizen
of Nevada County, CA

Sincerely,

Suzona Pitkin
revsuzona@yahoo.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: greenisgreat@att.net
Subject: Letter From T J Davis - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:58 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of T J Davis at greenisgreat@att.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is T J Davis. I live at 240 Boulder, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

I am a retired CPA living in Nevada City. I have alwaysveen concerned for companies that are willing to destroy environments for the benefit of profit.

Sincerely,

T J Davis
greenisgreat@att.net

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: teri@terobmorgans.com
Subject: Letter From Teri Personeni - Just Say No to the Mine
Date: Monday, May 8, 2023 7:21:28 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Teri Personeni at teri@terobmorgans.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Teri Personeni. I live at 12428 Personeni Lane, Nevada City, CA 95959.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

As a long time resident [over 50 years] of Nevada County and married into a family who helped settle this area, I am very opposed to the IMM. . It's not that I am against mining, it's that I am aware of the danger of our already limited water supply being impacted. IMM states that they will give water to the residents whose wells are impacted. Just where are they going to get the water? From NID? People forget that the "I" in NID stands for irrigation. I believe my husband's family was involved in the formation of NID. We who buy irrigation water for crops and livestock are already impacted by the sale of this water to urban areas. There is not enough water to be selling more of it to outside interests like IMM. Please do not allow money or other pressures to influence your decision to deny the re-opening of the IMM.

Sincerely,

Teri Personeni
teri@terobmorgans.com

From: admin@minewatchnc.org
To: bdofsupervisors; Idaho MMEIR
Cc: vikaerik@gmail.com
Subject: Letter From victoria Dyer - Just Say No to the Mine
Date: Monday, May 8, 2023 7:22:32 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of victoria Dyer at vikaerik@gmail.com

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is victoria Dyer. I live at 14028 Colfax Hwy, Grass Valley, CA 95945.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

victoria Dyer
vikaerik@gmail.com

From: minewatchnevadacounty@gmail.com
To: bdofsupervisors; Idaho MMEIR
Cc: vhilsman@digitalpath.net
Subject: Letter From Virginia Hilsman - Just Say No to the Mine
Date: Monday, May 8, 2023 7:14:48 PM

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This letter is submitted by the CEA Foundation MineWatch Campaign on behalf of Virginia Hilsman at vhilsman@digitalpath.net

Nevada County Supervisors and Planning Department
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Dear Nevada County Supervisors and Planning Commissioners,

My name is Virginia Hilsman. I live at 16911 Alioto Dr, Grass Valley, CA 95949.

As a concerned citizen, I am asking you to “just say no” to re-opening the Idaho-Maryland Mine and do not certify the flawed Environmental Impact Report. The project has significant and unavoidable environmental impacts that endanger this community's health and quality of life. A few jobs and uncertain tax revenues just aren’t worth the risk.

Sincerely,

Virginia Hilsman
vhilsman@digitalpath.net

I live at the edge of the drawn line by which wells are considered. Water does not follow human drawn lines. My water could easily be affected by the mine taking millions of gallons. When my water lessens to unusable amount of vanishes all together, my small farm disappears. My property value plummets to zero. Without water property is useless. Rise Gold should not and cannot be trusted. The FIER should be trashed and the mine property should NEVER have the ability to consider EVER reopening again.

Paul Crovo

13187 N. Meadow View Dr.

From: Missy Neville
To: Idaho MMEIR
Subject: Mine proposal
Date: Tuesday, May 9, 2023 12:55:59 PM

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Hello,

I am writing to inform of my adamant opposition to the reopening of the Idaho-Maryland mine. My family and I live two miles away from the site. We are concerned with the noise and traffic impacts, the massive amounts of water it will use, and the negative environmental impacts. Please feel free to contact me if you have any questions or need further elaboration.

Thank you for your time.

Melissa Neville
Rodriguez Court, Grass Valley
612-581-1023

To those who have a say ---- re: the mine

I am writing once again to express my opinion and total distrust in this mine project. I live within arms throw of Brunswick Road which I travel daily. I must say that I am intensely disgusted that the county is even considering allowing the Idaho-Maryland mine to reopen. This has been tried before and was rejected a couple decades ago. What has changed to think that this is a good idea now???

Let us evaluate our situation. The Idaho-Maryland mine closed in ’56. At that time highway 49 was a two-lane winding road, and highway 174 was a dirt road. In the 50s the population was 5200 down from 5700a decade earlier. The mine was not making money. The amount of gold being drawn was meager. Since then, the town grew, expanding 49 into a divided four lane highway and paving 174 to Colfax. Olympia Park Lake was drained which became Brunswick Basin, a mecca of commence for Grass Valley and Nevada City. Grass Valley grew, Cedar Ridge and Peardale and Greenhorn

The town has grown significantly since then, more traffic, more homes, more water use. Yet, let us give our community over to a company from Canada who has a failure record there and is in court for everything we do not want to happen here. Rise Gold CEOs are in court for 16 offenses under the British Columbia Environmental Management Act, 9 under the Fisheries Act of Canada, 4 under the British Columbia Water Act. Great track record, yes? And we want them to do that here? Really? Are Americans that stupid, that greedy? Look at all the signs, No Mine, No Mine, No Mine. To be fair, I have heard that there are possibly two signs for the mine.

They have misled and bare-faced lied about the facts. Perhaps they go by their own alternative facts. We are in a drought and have been for over a decade. Water is our necessity, Canada has plenty of their own, which is melting by the year. This is Big Corporate mentality, greed, no matter how many cities get burned along the way. As long as they get theirs, we, do not matter. Hell, the mine has not been cleaned up since that last time it operated, 70 years ago. Are they going to do that?? Hell no! So, should this get passed for some ungodly ridiculous reason, what happens when they sell it? Does all this transfer to the new owner??? Yes of course it will.

This mine will heavily impact property values everywhere, especially those that have to go through Brunswick----Cedar Ridge. Properties will lose their water, values plummet and salability is lost, yet we still must pay property taxes on our homes that we may no longer be able to live in. When I lose my water, I lose my home. I also own a commercial building on Mill St. With the mine just a stone's throw away, it will heavily impact downtown commercial business. I won't mention the noise that impacts Brunswick basin, Cedar Ridge and Grass Valley. Oh, I guess I just did.

This is an absolutely insane idea, unless of course, Grass Valley and the surrounding area does not matter. There is no money to be made here nor jobs significant enough to warrant this ludicrous endeavor.

Our area is a wonderful place to live, bring up a family, retire, farm. A mine in the middle of our living room is, well, you get the point.

Within a two-mile radius there are thousands of homes and businesses surrounding this mine. Unlike Sutter where their mine is off to the side, protected by a hill where there are no buildings anywhere near, we surround Idaho - Maryland. Brunswick, Cedar Ridge, Peardale, Greenhorn, even Chicago Park all these will be significantly impacted. To get to Brunswick basin or Grass Valley from here we must pass a mine that has not run for 70 years. Unlike Sutter which has been mostly ongoing with short closures. Towns with working gold mines do not grow up around it, they grow away from it. We surround it!

Remember, Idaho-Maryland was a lumber mill for a long time. When the mine was in operation highway 49 was a winding two lane road. 174 was a dirt road. Look at us now, 70 years later. We built up around the mine because it was not going to open or no one would have bought anywhere near it. The Cedars is a good example, million-dollar homes that will significantly loose value.

Those in charge of Rise Gold are in court in Canada for failures they want to bring here. While in court for one incompetence, let's do it again somewhere else. Ridiculous, insane, incompetent.

Water is more valuable that gold. Property values are more important than gold. We lose our water we lose everything.

We are no longer a gold mining town; we are a tourist town, a farming community that is growing.

What the hell, let's go visit Grass Valley where there is an operating gold mine in the middle of their town. Sure, what the hell, lets adulterate our community.

Considering this this opening is ludicrous. The county should make an ordinance that no mine can run within twenty miles of a town. Anyone who votes for this really should see a psychologist or psychiatrist, either way. Get their head examined. Insanity is growing in this country, let us not let in happen here.

Vote NO!

Paul Crovo, North Meadow View and Mill St.

From: Adam Nedelman
To: Idaho MMEIR
Subject: Mining project response due today 5-9-2023
Date: Tuesday, May 9, 2023 10:16:33 AM

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Hi,

I own a multi-unit property on Bartlett Drive, and would like to express my concern about the proposed Idaho-Maryland mining project by Rise Gold. I unfortunately cannot attend in-person, but wanted to voice my opinion that I'd like the board to Deny and Defeat this mining project and the FEIR.

Please,
Adam Nedelman
10704 Bartlett Drive
Grass Valley, CA. 95945

From: Selene Mitlyng
To: Idaho MMEIR
Subject: Oppose Idaho Maryland mine proposal
Date: Tuesday, May 9, 2023 8:02:51 AM

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Hello, I am a concerned Nevada County resident who moved to this area over a decade ago for the quality of life in the area. We have pristine nature, cultural activities, beautiful towns, and a basically peaceful and happy population. All of that will change radically if the Rise Gold corporation is allowed to open the mine. The area will become noisy, polluted, and busy with constant trucks rolling through town. All of this negative impact for a few hundred jobs which can be created in other, more sustainable ways.

Property values will fall; the wells, creeks and land will most certainly be polluted; and the area will become an industrial disaster. In addition Rise Gold corporation has a despicable history of not honoring its promises for environmental remediation.

I can't imagine that a supervisor would vote for this mine. However, if any does so, I and many of my friends and acquaintances commit to making reelection of that supervisor impossible. This will certainly be their final term.

Sincerely,

Selene Mitlyng
16346 Red Dog Rd.
Nevada City, CA 95959

From: Tim McShane
To: Planning
Subject: Please approve the Idaho Maryland mine reopening
Date: Monday, May 8, 2023 11:09:53 AM

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Hi,
I am a long time Nevada County resident. Please approve the reopening of the Idaho Maryland mine. We need the jobs. We raised our children here but they both had to move away to find work. We could use the additional tax revenues to do things like creating fire breaks, managing the forests better to protect our homes, and increase social services. The benefits far outweigh the impacts. This is gold country, it makes sense to have a functioning gold mine with modern operations and controls.

Thank you,
Tim McShane
Nevada County resident

From: Rick Merrifield
To: Idaho MMEIR
Subject: Proposed Reopening of the Idaho-Maryland Mine
Date: Tuesday, May 9, 2023 12:39:42 PM

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Nevada County Planning Commission:

Thank you for the opportunity to comment on the staff report or the proposed reopening of the Idaho-Maryland mine. My wife and I are local residents and property owners. Please consider the following comments:

1. As noted in the staff report, the proposed project is NOT consistent with numerous land use and other county policies. So it is surprising that staff has not provided a specific recommendation but rather has taken the approach of offering two opposite recommendations to the Planning Commission, one for denial and one for approval.

2. As noted in the staff report, the EIR concluded that there are unavoidable significant adverse impacts to aesthetics, noise and traffic resulting from the project. The alternate recommendation to approve the project relies on an extraordinary number of yet to be developed mitigation plans of dubious effectiveness.

3. The staff report noted that the project will result in 115-236 truck trips over 80 years. The language implies that these are totals rather than daily amounts and needs to be clarified. The number of trips and the non-stop nature of the proposed operation will result in significant impacts on local roads, traffic and general peace and quiet.

4. The proposed project is excessive in terms of its duration and hours of operation. They far exceed any "normal" business or industrial activity.

5. While the EIR conclusions related to potential dewatering of local water wells are encouraging, as noted in the comments from the Nevada Irrigation District (NID), groundwater models are simplistic compared to the actual geo-hydrologic conditions found in nature. Properties in this region rely heavily on individual water supply wells that are fed from fractured bedrock. Rather than a somewhat stable aquifer, well yields therefore are dependent on actual flow of groundwater through these fractures. The dewatering aspect of the proposed project is a potential significant negative impact of huge importance. The proposed mitigation measure of connecting impacted properties to an as yet to be constructed pipeline through yet to be established easements utilizing yet to be established water rights verges on the absurd. Neither the County nore the project applicant have the authority to guarantee future connection to the public water supply. NID alone has the authority to authorize additional connections to their system. These challenges have been pointed out by NID in their comment letter and should be

heeded.

In conclusion, the proposed reopening of the Idaho-Maryland mine is an extraordinarily intensive project that is not consistent with County policies; will result in unavoidable significant negative impacts to the community; relies on a very long list of questionable mitigations measures yet to be developed; and should NOT be approved.

Respectfully submitted,

Richard Merrifield
Side Hill Circle, Nevada City

Former Director of Environmental Health
Santa Barbara County

Nevada Irrigation District

Water for Life

VIA EMAIL: idaho.mmeir@nevadacountyca.gov

May 8, 2023

Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

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

Dear Members of the Planning Commission:

Thank you for the opportunity to comment on the Idaho- Maryland Mine project that will be before the Planning Commission on May 10, 2023, for consideration of a recommendation regarding the Board of Supervisor's certification of the final Environmental Impact Report (EIR), the project's conditional use permit, and the proposed development agreement. Nevada Irrigation District (NID) previously provided comments on the project's draft Environmental Impact Report. While the District appreciates that some of the comments that Nevada Irrigation District provided were satisfactorily addressed, others were not. As such, we are providing additional comments to the Planning Commission for consideration.

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

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

security deposit or bonds should result in the immediate suspension of the conditional use permit.

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

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

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

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

Thank you,

Jennifer Hanson
General Manager

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

From: Lance Teague
To: Idaho MMEIR
Date: Monday, May 8, 2023 6:06:09 PM
Attachments: Lance Teague Resume (1) - Copy.pdf

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Hi my name is Lance Teague.I am an industrial electrician that lives here in Nevada County.I have experience doing electrical work with several of the mines here and have been waiting a long time for you guys to get started to work.
I would like to send you my resume in hopes of getting in on the ground floor.
Sent from Mail for Windows

LANCE TEAGUE

Washington, CA 95986,
530-470-0493
lanceteague13492@gmail.com

PROFESSIONAL SUMMARY

Fully qualified Journeyman Electrician with proven skills in electrical installation, repair and maintenance. Prevents and traces faults to meet high-quality standards for electrical systems. Diligent about employing strong safety precautions and correcting defects. State certified Industrial and commercial construction
Detail-oriented electrician with experience installing, repairing and maintaining building electrical systems. Minimizes rework and maximizes safety by carefully following applicable codes. Works efficiently to accomplish project needs and leave customers satisfied with professional and neat work.

SKILLS

- Heavy Industrial and Commercial Construction
- Blueprints,Wiring Diagrams,Interconnect Drawings
- Industrial Controls,SCADA,Instrumentation
- Electrical Control Panels,PLC,Motor Control Center,Electrical Distribution
- OCAL,RGC,PVC,EMT Conduit

EXPERIENCE

Master Journeyman Electrician — December 2017 - Current
Telstar Insruments Inc. | Concord, California

- Administered close supervision projects successfully by coordinating work plans, team activities and required resources.
- Mastered,read and accurately interpreted electrical blueprints.
- Attained cooperation by educating junior electrical professionals in correct procedures and safety requirements.
- Achieved 100% proficiency with Industrial controls,SCADA,process controls,OCAL and RGC conduit,SS tubing,PLC and control panel manufacturing,waste water treatment and industrial plant construction,PGE gas control construction,MCC and PLC installation,instrumentation and programming

Master Journeyman Electrician — April 2016 - December 2017
Aqua Sierra Controls | Auburn , California

- Identified problems with electrical systems using skills in testing, troubleshooting and diagnostics.
- Kept industrial plants operating by installing, maintaining and repairing electrical equipment.
- Supported businesses with timely responses to electrical issues and upgrade work requests
- Met or exceeded current National Electrical Code and local jurisdiction requirements.
- Industrial control,PLC and Control panel manufacturing,process controls,waste water treatment plant maintenance and construction,100% RGC and OCAL conduit work.
- Calculated total load amperage ratings, wattages and KW and KVA sizes.
- Maintained inventory of tools, materials and equipment.

Journeyman Electrician July 2013 - October 2015

Central Sierra Electric | Jackson, Ca

.

- Accomplished 100% completion at high degrees of skill on Waste Water Treatment Plant projects for Soda Springs and Lincoln California
- Kept industrial plants operating by installing, maintaining and repairing electrical equipment.
- Oversaw apprentices, checking quality and completeness of electrical work performed.
- Accelerated job performance by obtaining materials and equipment required to complete assigned project.

Journeyman Electrician June 2010 - June 2013

Mountain Electrical Constuction | Grass Valley, California

- Completed accurate installations based on accurate interpretations of blueprints, drawings, and schematics.
- Achieved success with commercial construction for school district and military bases
- Accomplished proficiency by Identifying problems with electrical systems using skills in testing, troubleshooting and diagnostics.

EDUCATION

California General Journeyman Electrician Certification

2007

From: Walt
To: bdofsupervisors; Idaho MMEIR
Cc: James Bair; Tim Ogburn; Marion Blair; Joan Staffen; Sharon Delgado; Tony Powell; John Vaughan
Subject: Vote NO on Rise Gold IMM FEIR BECAUSE
Date: Tuesday, May 9, 2023 10:09:22 AM

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Nevada County Supervisors and Planning Department

Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

bdofsupervisors@nevadacountyca.gov

Idaho.MMEIR@nevadacountyca.gov

Re: Vote NO on Rise Gold IMM FEIR

Dear Nevada County Supervisors and Planning Commissioners,

On the inappropriateness of using the CEQA process for the FEIR

When does CEQA apply?

CEQA only applies to projects that require **discretionary permits from a state public agency**. The state public agency must have some discretion in how the project can be conducted for CEQA to apply, and the **project must be one that could result in an adverse change to the environment**.

<!--[if !supportLists]-->- <!--[endif]-->The BoS **Nevada County** is not a state public agency, therefore Nevada County is not a "lead agency" as per CEQA. The NC Planning Department is a county agency and therefore the CEQA process does not apply here. Usurpation of state agency's authority is not a strategy that the county should be employing.

City and county general plans are sometimes touted as potential alternatives to CEQA. While these plans provide community-specific development guidelines, many of these are very outdated and may not reflect current realities or needs in the community.

<!--[if !supportLists]-->- <!--[endif]-->The Nevada County **general plan** was never meant to permit a toxic waste-producing, transporting, and storing project from the environmental or water resource authorities, and any argument contrary to this is specious on its face.

- Specific Community de**velopment guidelines** were certainly never intended to extend out to toxic waste-producing, transporting, and storing businesses.

There are also a number of categorical exemptions from CEQA that **exempt a project from CEQA** unless there is evidence of unusual circumstances indicating that the activity might have significant adverse impacts.

<!--[if !supportLists]-->- <!--[endif]-->As a category, toxic waste producing, transporting, and storing projects are exemptions from CEQA and subject to **California** Code of Regulations, Title 22, Division 4.5 - Hazardous Waste Control.

<!--[if !supportLists]-->- <!--[endif]-->In California, the California Department of Toxic Substances Control (DTSC) is the regulatory authority responsible for issuing permits for hazardous waste facilities. The law that governs the jurisdiction of the DTSC is the California Hazardous Waste Control Act (HWCA). This law gives the DTSC the authority to regulate the generation, transportation, storage, treatment, and disposal of hazardous waste in California. The HWCA is enforced by the DTSC through the **California** Code of Regulations, Title 22, Division 4.5 - Hazardous Waste Control. Thus the Nevada County Public Planning Department is not a rightful "lead agency" and all laws pertaining to the permitting of this IMM is are directed at a "lead agency". ie this FEIR is not authorized by a legally recognized "lead agency"

As an added safety measure against CEQA abuse, the statute was amended in 2010 to provide penalties to those **using the law maliciously**.

<!--[if !supportLists]-->- <!--[endif]-->Willful negligence can and will be construed as malicious.

CEQA **requires** agencies to adopt alternatives and mitigation measures and to require that a public agency adopt a statement of overriding considerations **explaining why it is approving a project with significant and unavoidable impacts**

<!--[if !supportLists]-->- <!--[endif]-->A few hypothetical county low-level jobs are not "overriding considerations" and the economic damages are potentially overwhelming, capable of county bankruptcy risk category.

The CEQA Act was designed to **ensure** that a project applicant—not the public—**bears the costs of providing the necessary infrastructure to support a project.** CEQA provides the important service of ensuring that project costs are internalized; that is, the project applicants will pay for their share of funding for the infrastructure of their project, including roads, water lines, and other public services, not to mention putting up-front the costs of potential long-term environmental harm.

> <!--[if !supportLists]-->- <!--[endif]-->The costs for **infrastructure** and **up-front costs of potential long-term environmental harm** mitigation measures are **not included in the FEIR**. This is a yet another major violation in the FEIR process in accordance with CEQA

<!--[if !supportLists]-->- <!--[endif]-->Why isn't the applicant paying for all of the work needed to comply with the administration of the project? The county has spent $millions on this project already and this is being borne by the public that is by far the majority which is already adverse to the project. The BoS will be held accountable at the next election cycle but that does not preclude that damage to the county will not have already been done.

<!--[if !supportLists]-->- <!--[endif]-->Anyone who is adversely affected by the failure of an agency or project proponent to comply with CEQA can file a lawsuit challenging the approval of the project. This must be on grounds raised during the review if there was a review and the grounds were known. Litigation has been used to require increased disclosure about the environmental impacts of a project, to require agencies to adopt alternatives and mitigation measures, and to require that a public agency adopt a statement of overriding considerations explaining why it is approving a project with significant and unavoidable impacts. Where is the **long-term environmental harm** of this very likely massive **public litigation cost** covered by Rise Gold?

The FEIR states that 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**.

<!--[if !supportLists]-->- <!--[endif]-->The **air quality impacts** are **not addressed** in the Brunswick or the Centennial sites which apparently only address, albeit inadequately, the potential water quality impacts. The **air quality** impacts **far exceed any water quality harms** as Portland cementing of contaminated soils will **not** prevent the toxins from being released as the cement dries out and leaves the residue dust.

Under CEQA, anyone who has objected to the project and is adversely affected by the failure of an agency or project proponent to comply with CEQA **can file a lawsuit** challenging the approval of the project. This must be **on grounds raised during the review** if there was a review and the grounds were known.

<!--[if !supportLists]-->- <!--[endif]-->Since CEQA provides the important service of ensuring that project costs are internalized; that is, the project applicants will pay for their share of this very likely outcome from any part of this project going forward. How is Rise Gold being held to cover this cost of the project?

The FEIR states that Recognized Environmental Conditions (RECs) indicate the presence or likely presence of any hazardous substances in, on, or at a property due to any release into the environment, under conditions indicative of a release to the environment, or under conditions that pose a material threat of a future release to the environment. Any past release of hazardous substances or that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances is allowed to remain in place subject to the implementation of required controls.

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. These all came from the IMM and hence it should be obvious that there is more inside the IMM that has not yet been blasted out of the mine and crushed. 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. As a result, ad overseen by DTSC **under existing conditions, the majority of the Centennial Industrial Site cannot be developed due to unstable soils and/or contamination.**

<!--[if !supportLists]-->- <!--[endif]-->Since the Centennial Industrial Site cannot be developed, as deemed by the authorizing authority, due to unstable soils and contamination, and the Brunswick Site depends on a working Centennial Site, it holds that the Brunswick site also **cannot be developed**. To ignore this dependency is the willful ignorance of the law, common sense, and a blatant usurpation of state agency authority.

Evaluation and conclusions of the inadequacy of the FEIR

Elevated Metals Concentrations in On-site Soils

Previous environmental investigations have identified metal concentrations on the Brunswick Industrial Site that exceed regulatory criteria, primarily arsenic. Mine waste rock and soil fill contain elevated levels of arsenic …. Mine waste rock and tailings are present near the Brunswick Mine location and the fill is placed to the south of that location….Arsenic concentrations detected in mine waste samples were relatively low except for the mixed soil and rock fill beneath a five-acre paved area

Regarding CREC and HREC from Petroleum Toxins on the Brunswick site:

A **Land Use Covenant** with the Nevada County Assessor's Office was filed affecting the Brunswick Industrial Site, and proof of monitoring well destruction was submitted. The Land Use Covenant was established **to restrict groundwater use** based on remaining groundwater **contamination at concentrations above the Maximum Contaminant Level** (MCL) for drinking water

<!--[if !supportLists]-->- <!--[endif]-->How does permitting the IMM not violate the Land Use Covenant of the Nevada County's own Assessor's Office?

In accordance with CEQA Guidelines Appendix G**, an impact is considered significant if** the proposed project would:

<!--[if !supportLists]-->• <!--[endif]-->Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous materials;

<!--[if !supportLists]-->• <!--[endif]-->Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment;

<!--[if !supportLists]-->• <!--[endif]-->Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile

of an existing or proposed school;

<!--[if !supportLists]-->• <!--[endif]-->Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;

<!--[if !supportLists]-->• <!--[endif]-->For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;

<!--[if !supportLists]-->• <!--[endif]-->Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or

<!--[if !supportLists]-->• <!--[endif]-->Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.

In accordance with CEQA Guidelines Appendix G, all of the impacts are significant impacts as all apply to the IMM site. More importantly, the FEIR proposed mitigation measures are economically and or physically effectively prohibitive and hence the un-avoidable risk of the significant impact to the community and region is significant and unavoidable and the result reached by the NC Planning Department as "*less-than-significant* level" is a gross error. It's tantamount to concluding that life on Mars has significant impacts but with a few mitigating measures in place it is possible. Many things are theoretically possible but impractical. That is the single largest problem with the FEIR, in theory, anything is possible, even reopening a Pandora's Box, but who is left to endure the curse following?

<!--[if !supportLists]-->- <!--[endif]-->The IMM project would Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous materials, through the transport of 36,000 trucks carrying mine tailing from the mine and spewing toxic dust into the air and onto the highways and byways of Northern California and possibly to the state of Nevada.

<!--[if !supportLists]-->- <!--[endif]-->The IMM project would Create a significant impact hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment from any truck accident from 36,000 trucks/year spewing toxic dust into the air and onto the highways and byways of Northern California and possibly to the state of Nevada.

<!--[if !supportLists]-->- <!--[endif]-->The IMM project would prohibit the development of any property or school within one-quarter mile of any hazardous emissions or hazardous or acutely hazardous materials, substances, or waste from the Brunswick site.

<!--[if !supportLists]-->- <!--[endif]-->The IMM project would be solely by operations producing toxic waste tailings included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant impact hazard to the public or the environment.

- The IMM project would prohibit the land within two miles from being developed for a private or public airport or public use airport and would result in a safety hazard or excessive noise from dynamite blasting and rock crushing, for people residing or working in the project area.

- An accident at or as a result of the IMM project would completely overwhelm any county implementation adopted emergency response plan or emergency evacuation plan, and at its own costs of mitigation on behalf of the IMM applicant.

- An accidental or wildland fire at or as a result of the IMM project would impose a significant impact to expose people or structures, either directly or indirectly, to the risk of loss, injury, or death.

The IMM FEIR concludes this section on Mitigation Measures with a blanket "Implementation of the following mitigation measures would minimize the risk from transport, underground storage, and use of explosives at the Brunswick Industrial Site to a *less-than-significant* level."

<!--[if !supportLists]-->- <!--[endif]-->How is this possible to reach this result for toxic waste where thousands of regulations and operational details for which compliance has no tolerance for error, without first ascertaining continuously for 80 years that all of the regulations and mitigation operations are being adhered to?

<!--[if !supportLists]-->- <!--[endif]-->How is this possible for the risk alone to be covered from anything that could go wrong? What is the insurance cost and what insurer will cover the risk of any one of hundreds of possible catastrophic accidents?

Walt Froloff
Concerned Grass Valley citizen

From:	Lubin, Dan@Parks
To:	Idaho MMEIR
Cc:	Matt Kelley; Adams, Rich@Parks; Hartman, Silver@Parks; Youngren, Dan@Parks
Subject:	Idaho Maryland Mine FEIR and Nevada County Planning Commission Comments from CA Department of Parks and Recreation
Date:	Tuesday, May 9, 2023 2:07:14 PM
Attachments:	CDPR Comment Letter IMM FEIR Nev Co Planning Commission 2023-05-09 signed.pdf

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May 9th, 2023

To: Matt Kelley, Senior Planner
Nevada County Planning Department and Nevada County Planning Commission
Subject: Final Environmental Impact Report for the Idaho-Maryland Mine Project, State Clearinghouse # 2020070378 and Nevada County Planning Commission Special Meeting on May 10th, 2023 for the proposed Idaho-Maryland Mine – Rise Grass Valley project
Dear Mr. Kelley and The Nevada County Planning Department and Planning Commission:

The California Department of Parks and Recreation (CDPR), is submitting **the attached comments** on the Final Environmental Impact Report, State Clearinghouse #2020070378 for the proposed Idaho-Maryland Mine Project and on the Idaho-Maryland Mine Project Planning Commission Staff Report and associated Nevada County Planning Commission Public Meeting on May 10th, 2023. CDPR is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, and a Trustee Agency as used by CEQA, its Guidelines, and as defined by CCR § 15386 for the resources affected by this project within a unit of the State Park System.

The mission statement of California State Parks directs CDPR to: preserve and protect biodiversity and fully functioning natural ecosystems; provide for the health and safety of the public (park visitors, park employees, and park residents); create and maintain outdoor recreation opportunities for residents and visitors of California; and protect cultural resources (http://www.parks.ca.gov/?page_id=91). The attached comments reflect the internal policies and directives of CDPR as they relate to the Final Environmental Impact Report for the Idaho-Maryland Mine Project (the Project) and the Idaho-Maryland Mine Project Planning Commission Staff Report.

Unfortunately, I am unable to attend the Public Meeting scheduled for tomorrow due to an illness. I hope that you can take the time to read these comments submitted by the Department and that they will help you with any actions that are needed to take on the Mine Project. Please contact me if you have any questions or concerns on the attached comments,

Thank You,

Daniel Lubin
Environmental Scientist
CA State Parks – Sierra Gold Sector
(530) 272-0298 office
Dan.Lubin@parks.ca.gov ❀ ❁ ✿

State of California • Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001

Gavin Newsom, *Governor*
Armando Quintero, *Director*

May 8, 2023

Matt Kelley, Senior Planner
Nevada County Planning Department and Nevada County Planning Commission
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617
matt.kelley@co.nevada.ca.us
idaho.mmeir@nevadacountyca.gov

Subject: Final Environmental Impact Report for the Idaho-Maryland Mine Project, State Clearinghouse # 2020070378 and Nevada County Planning Commission Special Meeting on May 10th, 2023 for the proposed Idaho-Maryland Mine – Rise Grass Valley project

Dear Mr Kelley and The Nevada County Planning Department and Planning Commission:

The California Department of Parks and Recreation (CDPR), or California State Parks, as it is familiarly called, is submitting the following comments on the Final Environmental Impact Report, State Clearinghouse #2020070378 for the proposed Idaho-Maryland Mine Project and on the Idaho-Maryland Mine Project Planning Commission Staff Report and associated Nevada County Planning Commission Public Meeting on May 10th, 2023. CDPR is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, and a Trustee Agency as used by CEQA, its Guidelines, and as defined by CCR § 15386 for the resources affected by this project within a unit of the State Park System.

The mission statement of California State Parks directs CDPR to: preserve and protect biodiversity and fully functioning natural ecosystems; provide for the health and safety of the public (park visitors, park employees, and park residents); create and maintain outdoor recreation opportunities for residents and visitors of California; and protect cultural resources (http://www.parks.ca.gov/?page_id=91). The following comments reflect the internal policies and directives of CDPR as they relate to the Final Environmental Impact Report for the Idaho-Maryland Mine Project (the Project) and the Idaho-Maryland Mine Project Planning Commission Staff Report.

CDPR owns and operates Empire Mine State Historic Park (the Park) in Grass Valley, CA. The Park hosts over 100,000 visitors annually, of which at least 50,000 use the vast trail system. Empire Mine SHP is located near to both the Brunswick and the Centennial Project sites of the Idaho Maryland Mine. The northwest boundary of the popular “Union Hill” area of the Park is just 450 feet to the southwest of the Brunswick facility project boundary, and the Upper Union Hill Trail Loop is located 850 feet away. The main rock processing areas at Brunswick are less than 0.5 miles away from a large area of Union Hill, including trails and valuable wildlife habitat.

The Park contains the "Bennett Street Grasslands," which are located along East Bennett Road, a 33-acre assemblage of dense riparian areas, wetlands, and unique, low elevation wet and dry grassland communities. The Bennett Street Grasslands contain a 0.45-mile stretch of South Fork Wolf Creek. The Bennett Street Grasslands provide important breeding, wintering, and fall migration habitat for birds. Over 100 species of birds have been detected at the site; this includes the banding and capture of the Willow Flycatcher, *Empidonax traillii* (California State Endangered Species), the yellow breasted chat, *Icteria virens* (California Bird Species of Special Concern), and detections of Olive-sided Flycatcher, *Contopus cooperi* (California State Bird Species of Special Concern) as well as, Yellow Warbler, *Setophaga petechia* (California State Bird Species of Special Concern), from 2019-2022.

The Bennett Street Grasslands and the South Fork Wolf Creek are also the site of a recently completed six-year mitigation project, the "Magenta Drain Mitigation" project which was a required mitigation from **Section A.8 of Streambed Alteration Agreement and Major Amendment No. 1600-2011-0009-R2**. The mitigation restored both wetland and riparian habitats along the South Fork Wolf Creek and included several local school groups planting native riparian vegetation along the banks of the creek.

The Bennett Street Grasslands hosts annual field trips for local 4th and 5th grade students. These students participate in active resource restoration and with the volunteer bird banding and inventory project taking place along the South Fork Wolf Creek. One such field trip was captured in the video "Bird Banding at Empire Mine State Historic Park" and featured in the 2019 Wild and Scenic Film Festival: https://youtu.be/3kJ68T92Flw. Bird banding is handled by Allison Nelson and Gold Country Avian Studies under a 7-acre conservation easement with the Bear Yuba Land Trust that is held at the Grasslands.

The Park also contains an additional portion of the South Fork Wolf Creek that is both upstream of the Bennett Street Grasslands, and downstream of the Brunswick facility, familiarly called the "Upstream Reach". The "Upstream Reach" is 0.4 miles (2200 feet) downstream of Brunswick facility on South Fork Wolf Creek, 1470 feet south of the Centennial site, and holds 13 acres of valuable riparian habitat.

General Comments:

CDPR submitted extensive comments on the Draft Environmental Impact Report (DEIR) for the Idaho Maryland Mine Project in early 2022, and Park staff has reviewed the responses to these comments that were published as part of the Final Environmental Impact Report (FEIR) in December of 2022. CDPR's original comments relayed a significant overall concern that the Project as currently proposed harbors potential to harm Empire Mine State Historic Park's natural resources and compromises the ability to fully carry out the Park's Mission Statement to protect and preserve the biodiversity and health of the ecosystems contained within, in addition to potentially harming the public's health, wellbeing, and visitor enjoyment while using the Park. Unfortunately, CDPR understands that the Project components that had potential for impacting the Park including the dewatering of mine tunnels to the South Fork Wolf Creek and associated riparian areas, groundwater depletion within adjacent meadows, and cumulative noise and air pollution impacts have not been changed or addressed sufficiently in the FEIR.

In fact, the Project appears to have been completely unaltered with only two significant analytical changes that have been made to the FEIR in relation to CDPR's requests which include the adoption of the Park as a "Sensitive Receptor" in noise and air quality analyses, and a new Appendix H that includes groundwater depletion modeling in regard to the Bennett Street Grasslands.

CDPR has also reviewed the just released Idaho-Maryland Mine Project Planning Commission Staff Report. CDPR was surprised to find that there was not one mention of Empire Mine State Historic Park, or the California Department of Parks and Recreation's concerns related to the Project within the 139 pages of content. There was also no mention of CA Water Code § 13050 section (f) that states: "'**Beneficial uses**' of the waters of the state that may be protected against quality degradation". CDPR strongly believes that Empire Mine State Historic Park and the natural resources contained within is a Beneficial User of the South Fork Wolf Creek.

Not mentioning the Park or the concerns that CDPR brought up from the DEIR in the Staff Report is strangely omissive considering that CDPR was listed as "Agency 1" in the *Chapter 2 – Responses to Comments* of the FEIR, and a total of 52 individual responses were given to CDPR over a total of 17 pages of text within the FEIR. CDPR would like the Nevada County Planning Commission to note that the Agency of the California Department of Parks and Recreation has significant and continued concern over the Idaho Maryland Mine Project as proposed and presented within the Final Environmental Impact Report.

Water / Dewatering / Downstream Impacts

CDPR finds the FEIR and the Project as proposed to still have significant potential impacts to Empire Mine State Historic Park. The critical issue for CDPR is the unknown impacts of mine dewatering on two stretches of the South Fork Wolf Creek that flows through the Park in parallel to East Bennett Street in Grass Valley. Currently the South Fork Wolf Creek contains measured flows that are consistently low in the late spring, summer, and fall months and range from 0.1-0.4 cfs (cubic feet per second). Winter flows have been measured during non-storm events by Park staff as averaging 1-2 cfs, with storm flows anywhere from 3-15 cfs. The FEIR does not address CDPR's concerns that adding 5.6 cfs of flow to the South Fork Wolf Creek at any point during the year and at any point for the life of the Project could have drastic effects on the health of the creek, the riparian vegetation, wildlife habitat, turbidity, and invertebrate life cycle health. In particular, CDPR is very concerned that the balance of lower late Spring to Fall creek flows could be disrupted at any point, and without notice, and create multiple unknown effects to the normalcy of the creek's seasonality.

Specifically, the Project dewatering into the South Fork Wolf Creek would completely alter the historic baseline flows, especially during the dry months. Altering normal summer flows (as low as 0.1 cfs) with the addition of an "average" of 1.9 cfs would bring summer dry month flows close to 2.0 cfs or above and would most likely completely alter the adjacent riparian vegetation adapted to the normal low summer flows. In the FEIR, the California Department of Fish and Wildlife commented (*Chapter 2 – Responses to Comments, Page 2-204*) that "The 80 year duration of the Project would essentially create a new hydrologic baseline in the Project

Area and in upstream and downstream interconnected hydrology. The DEIR does not discuss the shifting ecological baseline that would occur during the Project, nor does it account for impacts that would occur at the end of the Project or the restoration timeline for a return to the pre-project baseline conditions." CDPR concurs with the Department of Fish and Wildlife on this comment and is concerned that this new and uncertain "baseline" would create unintended consequences on the existing riparian habitat and vegetation communities. Vegetation adapts slowly over time to ecologic change and this quick change in baseline flows could cause riparian tree die-off due to flooding (much like a beaver dam effect), and cause die off of specific eco-tones adapted to the summer dry months and low flow of the South Fork Wolf Creek. CDPR has no way of evaluating the full impacts of the forced Creek flooding on the natural resources contained within the riparian ecosystems of the Park and is in no way prepared to manage for potential drastic changes in Park vegetation communities.

CDPR originally commented on the lack of an analysis on dewatering impacts on groundwater depletion on nearby vegetation communities. The FEIR now admits that the dewatering impacts will also affect groundwater dependent vegetation, as evidenced by the new Appendix H, "Technical Memorandum – Simulated Drawdown at Selected Meadows 17 June 2022" which depicts a map of the Bennett Street Grasslands (called "Empire Park Meadow") in "Figure No 2" that clearly shows portions of the meadow to have a deficiency of up to 0.8 feet of water without "discharge of 1.9 cfs" and up to 0.6 feet of water with "discharge of 1.9 cfs" to the Creek. CDPR finds it unacceptable that even with this modelled significant groundwater deficit that both the Appendix H and the Master Response 33 - Groundwater Dependent Vegetation, Chapter 2 – Responses to Comments state that "*With the planned discharge of 1.9 cfs, future mining is predicted to have no to very small drawdown in the vicinities of the meadows"* and "*With the addition of 1.9 cfs (850 gpm) (average maintenance dewatering rate), future mining is predicted to have no to very little groundwater drawdown in the vicinities of the meadows."*. These statements subjectively brush aside concerns with the well-being of the wet meadows located at Empire Mine State Historic Park and do not state that the total groundwater drawdown according to Appendix H in the "Empire Park Meadow" would affect up to 27% of the total area of the meadows without the dewatering input, and 16% with the dewatering input. The 16% figure assumes that the dewatering input back into the South Fork Wolf Creek would fan out back into the edges of the meadow where dewatering impacts would be focused. The FEIR does not propose mitigations or project changes for this significant issue that could drastically affect a large portion of the Bennett Street Grasslands ecosystem. No analysis, modeling, or maps were given that represent potential effects to the broad riparian area located closer to the Brunswick facility that Park staff refer to as the "Upstream Reach".

CDPR wrote in the comments to the DEIR that the Project as well as it's impacts and mitigations fail to adequately protect the South Fork Wolf Creek, it's riparian ecosystem, and it's "**Beneficial Uses**." Since there have been no significant changes to the Project proposal or its mitigations, the FEIR has also failed to provide any meaningful protections for the downstream portions of the South Fork Wolf Creek contained within the Park from proposed Project activities. CA Water Code § 13050 section (f) states: "'**Beneficial uses**' of the waters of the state that may be protected against quality degradation include … preservation and enhancement of fish, wildlife, and other aquatic resources or preserves". The Central Valley

Regional Water Quality Control Board have established in their 2018, Sacramento and San Juaquin Basin Plan that "**Fish, plants, and other wildlife, as well as humans, use water beneficially"** (page 2-1, Beneficial Uses, California Regional Water Quality Control Board, Central Valley Region, (RWQCB), 2018), and that existing "Beneficial Uses" of the Bear River Watershed which includes South Fork Wolf Creek are "Wildlife Habitat" and "Cold and Warm Freshwater Habitat" (page 2-10, RWQCB).

Air Quality and Noise / Vibration Impacts

The DEIR previously had only mentioned air quality degradation, noise, and vibration impacts on surrounding residential areas, it failed to mention the close proximity of Empire Mine State Historic Park, and the potential hazards for its Park trail users and employees. The Park, the natural resources contained within and its recreational users, had been neglected to be considered a "**Sensitive Receptor**" regarding Air Quality and Noise impacts. The FEIR fortunately added the Park and its users as a Sensitive Receptor and included the park boundaries on maps in Appendix K "Health Risk Assessment Memorandum for the Idaho-Maryland Mine Project", although still dismissing any significant impacts to the Park and offering little in the way of new discussion in the topic . The popular Union Hill Trail Loop is just 850 feet away from the Brunswick facility and the Bennett Street Grasslands is only 900 feet south of the Centennial facility.

The Hidden Falls Regional Park Trail Expansion Subsequent DEIR, Chapter 9, Air Quality (2020), Page 9-12, defines **Parks** as a **Sensitive Receptor** in this manner: "***Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation.*"**

CDPR is acutely concerned about cumulative impacts to the Park and its users from all potential air pollution sources originating from the Project such as: fugitive dust emissions, airborne asbestos, and NOx emissions from trucks and equipment.

CDPR had established in its DEIR comments that the Department was and is still concerned about the potential for accumulated Noise from the project due to blasting, rock crushing, truck travel, and construction that may disrupt nesting bird habitat and other wildlife habitat at the Park, in addition to the nuisance of excess noise affecting the quality of the park visitor experience due to the close proximity of the Project facilities to the Park. The Park contains extremely valuable and rare low montane wet meadows and riparian thickets in the Bennett Street Grasslands that harbor excellent breeding, wintering, and fall migration habitat for birds. Over 100 species of birds have been detected at the site including several California State Endangered and/or Species of Special Concerns (Willow Flycatcher, Yellow Breasted Chat, Olive-sided Flycatcher, and Yellow Warbler).

As was stated previously, the FEIR did not adequately address potential noise impacts to wildlife and park visitation, only stating that "Examination of DEIR Figures 4.10-7 and 4.10-8 indicate that both daytime and nighttime noise generation of operations at the Brunswick Site

would be well below 40 dBA at the Empire Mine site." and "At the portions of the Empire Mine SHP nearest to the Centennial Site, predicted daytime noise levels are 27 dBA at the grasslands and 22 dBA at the nearest trail within the park." (*Chapter 2 – Responses to Comments, Page 2-191*). The FEIR fails to state which Project activity has been evaluated to produce the decibel figures cited above. Both the DEIR and the FEIR seemingly treated each Project noise generating activity as a single entity and failed to address the total cumulative impact of all Project noise generating activities together.

The standard method of combining two or more sound pressure levels at a single location involves 'decibel addition' according to the Federal Transit Administration's "TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT FTA-VA-90-1003-06 May 2006" manual. The manual states in Chapter 2: Basic Noise Concepts 2-3 that: "The combination of two or more sound pressure levels at a single location involves 'decibel addition' or the addition of logarithmic quantities. The quantities that are added are the sound energies (p2 rms). For example, a doubling of identical sound sources results in a 3 dB increase…" Thus, CDPR believes that the combination of mineral processing, fan ventilation, truck hauling, ore crushing, blasting, and other project activities should have been evaluated cumulatively as these activities are more than likely to be occurring simultaneously. Table 10 in "Appendix L Noise and Vibration Study" in the DEIR lists 43 individual activities or tools/equipment under "Typical Equipment, Idaho Maryland Mine" that all appear to be noise generating. The cumulative noise generating effect of all equipment is impossible for CDPR to evaluate without a table and map of detailed peak decibel effects adjacent to the project sites. The FEIR has failed to mention how many project activities would be occurring simultaneous to one another and how these project activities could exacerbate noise impacts above a significant threshold for sensitive receptors nearby including Empire Mine State Historic Park.

Summary of California Department of Parks and Recreation comments / concerns

In summary, the California Department of Parks and Recreation has grave concerns about the Idaho Maryland Mine Project as currently stated in the FEIR in regard to the health and welfare of the Park's ecosystems, the organisms contained within and the enjoyment of the park by visitors. As a California State Agency and a Trustee Agency under CEQA, the Department is entitled to comment on a Project's potential effects to one of its Park's units. CDPR notes that both "Recommendation A" and "Recommendation B" put forth by the Nevada County Planning Commission Staff Report certify the FEIR as "adequate" and "completed in compliance with California Environmental Quality Act". CDPR disputes this in both instances considering the previously stated deficiencies and unconsidered points of analysis contained within the FEIR and disagrees that the FEIR should be certified in its current form. But for the purposes of the Planning Commission meeting set on May 10th, 2023, CDPR would like to refer to the Nevada County Planning Commission Staff Report option **Recommendation A** as highly preferable regardless to insure the continued wellbeing and safety of the Park.

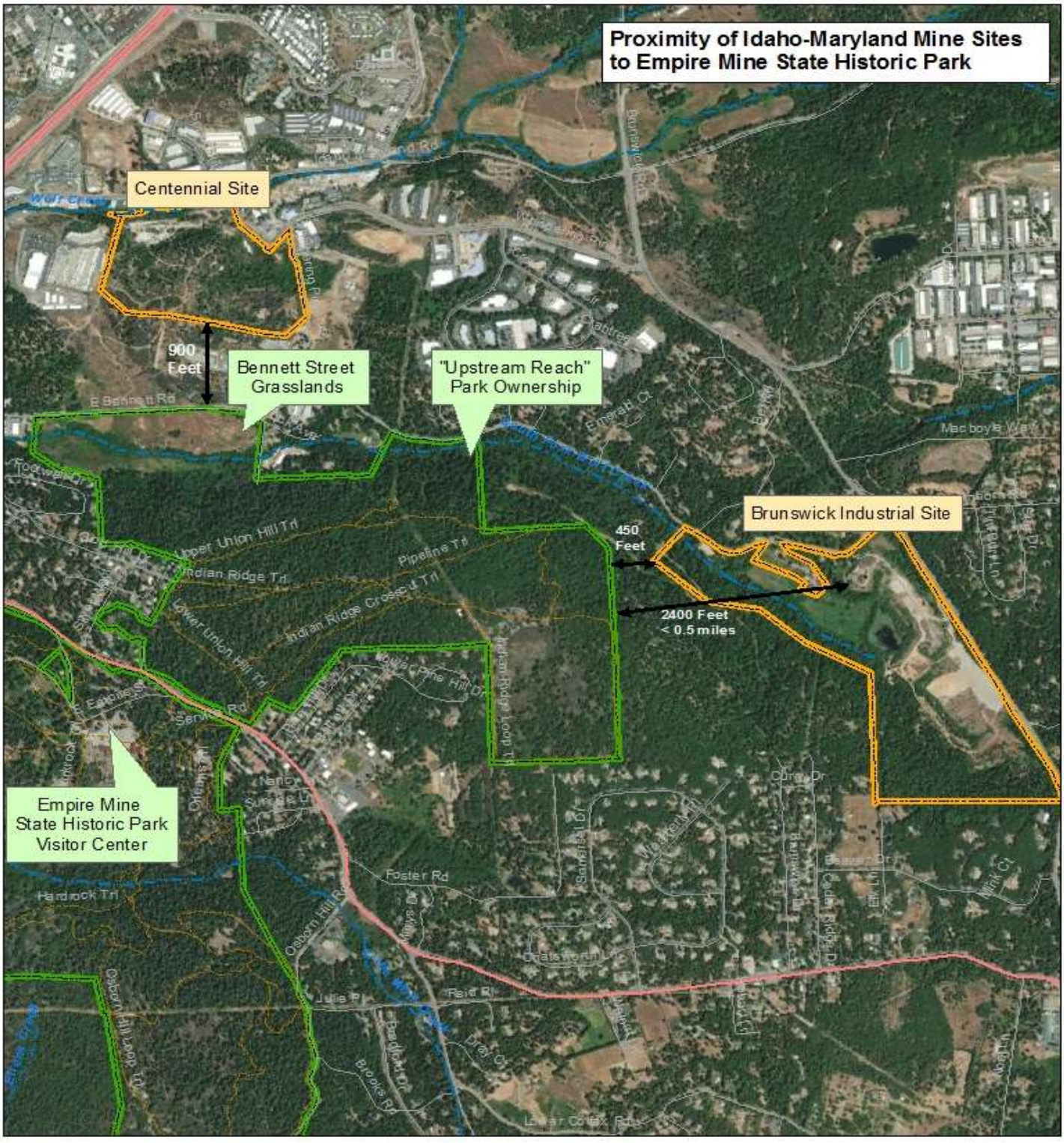
For reference, Empire Mine State Historic Park boundaries can be found on Page 8 of the Empire Mine State Historic Park brochure available here (and on the attached map on the following page of this document):
https://www.parks.ca.gov/pages/499/files/EmpireMineSHPWebLayout2016.pdf

The health and safety of Park visitors and employees, the Park visitor experience, and the preservation of natural and cultural resources are of the utmost importance to California State Parks. The Project as proposed could have significant impacts on those resources and values.

If any of our comments need clarification, please do not hesitate to contact Parks Environmental Scientist Daniel Lubin at dan.lubin@parks.ca.gov or at (530) 272-0298.

Sincerely,

Daniel Lubin, Environmental Scientist
Sierra District of California State Parks


Proximity of Idaho-Maryland Mine Sites to Empire Mine State Historic Park
Centennial Site
900 Feet
Bennett Street Grasslands
"Upstream Reach" Park Ownership
Brunswick Industrial Site
450 Feet
2400 Feet
< 0.5 miles
Empire Mine State Historic Park Visitor Center
0 500 1,000 2,000 3,000 4,000 5,000 Feet
March 2022
State Highway
Local Road
State Park Trail
Stream/River
Idaho-Maryland Mine Sites
Park Boundary
N

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MAY 08 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

May 9, 2023

To: Nevada County Supervisors

From: Laura Wagner (Balch) and Gary Balch: 18286 Nubian Way: Nevada City, CA 95959

Laura Wagner-Balch Gary Balch

Subject: Public comment on the Environmental Impact report on the proposed Idaho Maryland Mine – Rise Grass Valley Project

We find that Economic Impact Report (EIR) inadequate for the reasons listed below.

- The EIR is not responsive to the community request to identify other mines that are operating around the clock which are surrounded by residential properties supported by drinking water wells which would be impacted by this project. Mr. Niehaus states that there are no comparable sites and drops the issue. This is inacceptable. If other sites are not comparable, the EIR needs to explore in detail the probable impacts on the ground, the ground water, the roads, the air and the general quality of life, of round the clock massive construction within a residential community.

- Healthcare costs to the community and employees are a significant element of a project of this nature, yet are not addressed in this study. This is unacceptable. Nevada County does not have a revenue stream to support healthcare costs of this project and would need to seek voter approval for funding the potential costs of worker injury, community injury, air quality, and unanticipated healthcare issues, costs which could be quite substantial.

- The EIR was not responsive to the capacity of the Rise Grass Valley, the organization proposed to undertake gold mining at the Idaho Maryland site. Does the company have the capital to undertake a project of this scope? Accounting and insurance reports are needed as is an analysis of what happened in the British Columbia project bankruptcy as a result of environmental and safety infractions by this same company. This is unacceptable and does not promote trust in the Rise Grass Valley's organization's ability to undertake the work in this county.

As a result of these inadequacies in the report, we recommend that the Planning Commission recommend that the Board of Supervisors reject the EIR and recommend denial of the permit application of Rise Grass Valley for the Idaho Maryland mine project. Staff should be released from further expensive investigation of this project for a period of no less than fifty years.

Thank you for your consideration.

Cc; Hardy Bullock

From:	Kathy Ogburn
To:	Idaho MMEIR
Subject:	Comment on Rise Gold Job predictions and the economy
Date:	Tuesday, May 9, 2023 3:23:13 PM
Attachments:	Comment letter to PC BOS 5-8-23.docx

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Dear Matt Kelley,
Thank you for your service to Nevada County's community.
My comment is here in the body of the email and also attached as a Word document. Thank you.
Kathy Ogburn

May 8, 2023

Dear Planning Commissioners and Board of Supervisors,
I am a 17 year resident of Grass Valley, currently District 3. I'm a retired Career Counselor, Workers Compensation Counselor and Job Developer. Over a span of 25 years I conducted countless labor market research projects.

Rise Gold's claims of local hiring for mine jobs and its big boost to our community caught my eye. I recognized it as flawed and a huge exaggeration. This is what I discovered in my fact-based research:

VERY FEW LOCALS ARE LIKELY TO BE HIRED FOR MINE JOBS BECAUSE GRASS VALLEY/NEVADA COUNTY DOES NOT HAVE A LABOR POOL WITH THE REQUIRED MINING EXPERIENCE AND SKILLS.

Rise Gold estimates at least 213 employees to be hired from the immediate Nevada County area; 202 of them will be underground miners.

However, their technical report of 2017 states in section 5.4: "Grass Valley no longer has a large pool of resident underground mining specialists, but there is a large workforce of mining specialists in Reno and Nevada (state), which is relatively close by."

And on their website Employment Detail Memo it is stated: "The core of the underground mining workforce requires skilled workers with a minimum of four years experience at a producing underground metal mine."

It is apparent that Rise Gold will not hire trainees and it is apparent that they will hire out of the area miners who have experience. These will be commuter employees

because Nevada County does not have the labor pool with the required mining experience and skills. These commuter/transient employees will work 12 hour shifts, 7 days on and 7 off, staying in Grass Valley in temporary housing to work and sleep for their 7-day shift. Then they will return to their hometowns for their 7 days off, and this is where they will spend their wages.

AUTOMATION IN THE GOLD MINING INDUSTRY IS A GROWING TREND, AND WILL REPLACE MINERS WITH ROBOTS AND DRONES.

NS Energy (a periodical considered the gold mining industry's largest resource for news, projects, and research) features a number of articles on gold mining automation, and reports that the future of gold mining automation is now; and it is not new. The first fully automated underground gold mine, the Syama Complex, has been fully operational since 2018. *NS Energy* states, "Looking forward, 45% of mining majors and 41% of non-majors revealed plans to invest in drone technology over the next two years."
Automation is becoming mandatory to remain competitive in the gold mining industry. Its main benefits are safety and efficiency. Safety being "the really obvious one, because we're taking people out of harm's way in an underground environment". Efficiency as a benefit increases productivity and profit. *NS Energy* predicts "a significant savings on personnel costs…" Note that this savings will increase company profits which do not remain in Nevada County.
Keep in mind, 202 of 312 Rise Gold employees are underground miners and 64 are in mineral processing. That means, 266 employees will be potentially replaced by automation.

In conclusion, it is likely that Rise Gold will hire experienced out-of-area/commuter mine workers and/or use robots and drones instead of employees. This seriously casts doubt on Rise Gold's claims of boosting local resident's incomes and consequently Nevada County's economy. Rise Gold's projections fall flat.

I respectfully ask that you deny the project and decertify the FEIR.

Sincerely,
Kathy Ogburn
300 Vistamont Drive
Grass Valley
95945
SEE Employment Details Memo, TABLE 2, Local Recruitment Estimate column, and Table 1, IMM Workforce by Area and Schedule
https://www.risegrassvalley.com/jobs-and-economic-growth
SEE SECTION 5.4, Local Resources and Infrastructure
https://www.risegoldcorp.com/uploads/content/I-M_Tech_Report.pdf
SEE Employment Details Memo, Section titled Underground Mine (just below Table 2)
https://www.risegrassvalley.com/jobs-and-economic-growth
https://www.nsenergybusiness.com/news/mining-technology-investment-drones/#
https://www.nsenergybusiness.com/features/automation-mining-industry-future/

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Sincerely,
Kathy Ogburn
300 Vistamont Drive
Grass Valley
95945

SEE Employment Details Memo, TABLE 2, Local Recruitment Estimate column, and Table 1, IMM Workforce by Area and Schedule
https://www.risegrassvalley.com/jobs-and-economic-growth

SEE SECTION 5.4, Local Resources and Infrastructure
https://www.risegoldcorp.com/uploads/content/I-M_Tech_Report.pdf

SEE Employment Details Memo, Section titled Underground Mine (just below Table 2)
https://www.risegrassvalley.com/jobs-and-economic-growth

https://www.nsenergybusiness.com/news/mining-technology-investment-drones/#
https://www.nsenergybusiness.com/features/automation-mining-industry-future/

From: Izzy Martin
To: Planning
Subject: comments on Idaho Maryland Mine Project for Special Hearing 5/10/23
Date: Tuesday, May 9, 2023 1:23:46 PM
Attachments: Comments on Idaho Maryland Mine application 5.9.23.pdf

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(Note: a copy of this letter is also attached for your convenience)

Dear Nevada County Planning Commissioners and Planning Department Staff,

I am sorry that I will not be able to speak to you in person about this vital subject, but I felt it was important to write to personally and respectfully ask that you NOT recommend certification of the environmental impact report (EIR) that has been developed for the proposed re-opening of the Idaho Maryland Mine. In addition, I hope you make a strong statement recommending that the Board of Supervisors deny the land use permit. I believe that both the EIR and the project are deeply flawed. As responsible stewards of Nevada County's natural resources and human communities, you must vote against moving either of these documents forward.

I have made these hard decisions sitting in your seats. During my first term of service on the Nevada County Planning Commission (NCPC) in the 1990's we saw first-hand the catastrophic impacts of the Siskon gold mine operations which (despite an EIR saying that there would be NO NOTICEABLE IMPACT on water levels) dewatered the wells of the local health clinic, the elementary school and many private properties on the San Juan Ridge. In the late 1990's we reviewed an application for the Emperor Gold Mine project on the same site that you are now considering for this mine, conditioning it to protect the neighbor's wells. As a Nevada County County Supervisor I led the effort to make the state clean-up the abandoned copper mine that was in my district inside of the Spenceville Wildlife Refuge. Later, as the leader of The Sierra Fund, I worked closely with responsible miners and the Brown Administration to review and then significantly improve the California Surface Mining and Reclamation Act (SMARA) that regulates the permitting of mines.

Bringing that expertise to this project: This EIR report and the permit must both be rejected for many reasons. Geochemists, geologists, hydrologists, engineers, biologists, water quality scientists and more have provided expert criticisms of these documents and their findings will hold up under legal scrutiny. You will be provided with legal and scientific expertise generated by the project proponents, and you will bet told that "experts disagree." But in this case, the overwhelming preponderance of experts with no current or potential conflict of interest, have found deep flaws in both the EIR and the proposed plan of operation.

The last this County approved a hard rock gold mining permit (Blue Lead 2014) the project was stopped by litigation that settled out of court (and inspired the Brown Administration to work with me to dramatically reform SMARA). This document will likely face the same fate. It will never survive higher level expert scientific and legal review.

One example of these flaws is the way that the water issues are handled in the EIR and proposed mitigation measures.

CEQA requires that ALL environmental impacts be identified, described, and mitigation measures designed and ready-to-go, prior to approval of a project. In contrast to that law, the amended EIR that you are considering is basically silent on mitigation measures to protect water quality. The project's likely and suspected water quality impacts and mitigation measures are not specifically identified or described, instead, these are left to the regional water board to describe and mitigate AFTER the approval of this environmental impact document and land use permit. This long-standing "practice" – allowing a mining project's EIR and land use permit approval to move forward without water quality permitting and designs in place – must stop now. With this EIR and with this land use permit.

The EIR notes[1] that a Water Treatment Plant "may be" required and "discharge of treated water from the proposed mine into South Fork Wolf Creek is anticipated". As part of this post-EIR, post-land use permit approval process, the Regional Water Quality Control Board will determine the appropriate mining waste classification for the proposed engineered fill based on "… the following factors: (1) whether the waste contains hazardous constituents only at low concentrations; (2) whether the waste has no or low acid generating potential; and (3) whether, because of its intrinsic properties, the waste is readily containable by less stringent measures." We can assume from this statement they factually don't know what the volume or concentration of hazardous constituents in the discharge will be, and thus cannot recommend mitigation. Isn't that supposed to be part of an EIR?

What if the proposed mitigation of building a Water Treatment Plant is determined to be needed "in perpetuity" – just like the water treatment plant that cleans up the discharge from the legacy abandoned North Star Mine in southern Grass Valley? What will be the size and impacts of the treatment plant and design needed for this discharge? And, will these costs and impacts be brought back for inclusion in the financial cost estimate and financial assurance mechanism that this project must create and maintain? (FYI - You should take a look at the math behind the current reclamation cost estimate of $5,442 - link)

Beyond water quality - What about impacts on wells that are further away than anticipated, like the impacts of the de-watering of Siskon Gold Mine? In fact, this EIR and project plan go backwards in how they address the potential impacts on neighboring wells in contrast to the way the NCPC conditioned this in the 1990s when I

served.

The opening sentence of the project agenda item says it all: *The proposed project would reinitiate underground mining and gold mineralization processing for the IdahoMaryland 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.* Are you really prepared to risk our county's water quality, air quality, tourism base, and basic safety for 80 years based on these flawed documents? With so many unanswered questions before you today?

RECOMMENDED ENVIRONMENTAL ACTION: The Planning Commission should recommend that the Board of Supervisors do not certify this environmental impact report due to the great potential for significant, unmitigated impacts.

RECOMMENDED PROJECT ACTION: The Planning Commission should recommend that the Board of Supervisors do not approve this land use permit.

Feel free to contact me with any questions. Thank you for this opportunity to comment, and, for your service.

Elizabeth "Izzy" Martin
Nevada County Supervisor, District 4 (1999-2003)
Nevada County Planning Commissioner, 1991 – 1993, 1995 – 1998
236 June Drive Grass Valley, CA 95945
lzzymartin4@gmail.com
(530) 913-1844

Re: Oppose certification of Idaho Maryland Mine EIR and Deny Land Use Permit

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Elizabeth "Izzy" Martin
Nevada County Supervisor, District 4 (1999-2003)
Nevada County Planning Commissioner, 1991 – 1993, 1995 – 1998
236 June Drive Grass Valley, CA 95945
Izzymartin4@gmail.com

[1] Idaho-Maryland Mine Rise Grass Valley Project CEQA findings of fact, Page 71-73 of 134

From: Dave Hardy
To: Idaho MMEIR
Subject: Letter in Support of Rise Gold Idaho Maryland Mine Project
Date: Tuesday, May 9, 2023 3:21:56 PM

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First, as a 30-year retired government employee, I'd like to express my sympathies and appreciation to you for having to read through what must be a mountain of misinformed and hyperbolic opinions and comments.

My wife and I are voting residents of District 1. We once again write to you about the proposed project, this time to urge your recommendation for approval of the project, including the variances for structures to the Board of Supervisors.

Before I retired, my government employment gave me the responsibility of thoroughly evaluating proposed initiatives to make policy recommendations to elected officials based on facts. In some cases, politics overrode facts. I hope that in this case it does not happen.

I have thoroughly reviewed and investigated the details of the Rise Gold project proposals. I attended the Rise Gold company informational meetings and asked questions. I have attended the online webinars from the mine opposition groups. I have studied the history of mining projects in the County, and their historical impact on our environment and the economy of California and the nation. I have learned about the gold mining industry as a whole and its place in our global and national economy. I have talked with residents who live near the Brunswick/Idaho Maryland site. I have met and spoken with several Nevada County residents whose families have been involved with and affected by the rich mining history in the County for generations. I researched the history of the Rise Gold principles, met with their CEO and researched their past history in other previous projects.

Based on my research and attention to this project I am convinced:

1. The proposal is a viable, responsible, and positive project for the County.
2. The DEIR and subsequent FEIR address all the relevant environmental impacts and the mitigation proposals are more than adequate to address potential environmental issues.
3. The "significant and unavoidable impacts" from extra road traffic and visibility of structures are in fact not that significant when one factors in the inevitable housing density increases to Grass Valley and Nevada City under legislation like SB9, for example. The unavoidable impacts identified in the FEIR are minimal and do not outweigh the importance of this project to the entire County and the economic future faced by our region.
4. The residents of this County will benefit greatly from the commerce and economic engine provided by this project.
5. This project is easily interpreted as compatible with the spirit of the County's General Plan, despite attempts by unelected staff members to infer otherwise.
6. The Planning Commission should approve this proposal, specifically "Recommendation B" in the "Idaho – Maryland Mine – Rise Grass Valley Project" report.
7. There is significant and widespread support for this project in the County. This support tends to not be as vocal or obvious as those in the opposition, but the level of support should not be underestimated.

It is unfortunate that this important process has been hijacked by a group of "Not In My Back Yard" (NIMBY) residents who have engaged in an anything-goes campaign to frighten and mislead people into misguided activism. As I wrote to you before, I say this based on my firsthand experience on

social media interacting with followers of what legitimately now can be called a Cult of Mine Opposition. My wife and I were the subject of particularly nasty shouting down for even asking questions about clearly false statements. No amount of logic or facts will be tolerated by these folks because they have been utterly convinced by consistently false statements and fake science and have decided that it must be virtuous to be opposed to the mine and stick a sign in their yards.

Lastly, this is a huge opportunity for Nevada County to show the world that mining can be done responsibly and profitably without destroying the environment. Any small amount of research into the mining practices of other countries in South America or Africa will leave no doubt that this is not an issue we can just ignore and adopt NIMBY attitudes toward. The conditions and methods used in these countries by people are absolutely heartbreaking. Burning tire ash and extracting ore with mercury in the same dishes used for food preparation are common. 10% of gold mining goes to industrial purposes, including making cars that don't use fossil fuels and millions of computer components. The demand for gold will only increase globally as we move away from fossil fuels. We have a chance to be leaders and a shining example on sustainable and responsible mining. Support the Rise Gold Project.

-David and Victoria Hardy
Bourbon Hill, Nevada City

From: Matthew Wich
To: Idaho MMEIR
Subject: Opposition letter to proposed Idaho Maryland Mine
Date: Tuesday, May 9, 2023 2:37:29 PM
Attachments: 230509_mine_rejection.pdf

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Hello,

Please see attached letter. I can be reached for confirmation that I am a real person living in Grass Valley by calling 530-268-5528.

Thank you!

Kind regards,
Matthew Wich

To Whom it May Concern,

My name is Matthew Wich, I am a 13 year resident of Nevada County and now live in Grass Valley. I am vehemently opposed to the proposed Idaho Maryland Mine.

I'll be blunt here, the reasons for opposing this are too many to count, and can be deeply elaborated on at length if given the time. But I am short on time today, here's the summary:

- Environmental damage: we still see the scars of gold mining all over Nevada County from operations that are decades ceased. We all know that gold mining is not ever a "low environmental impact" project. Even if we presume there are techniques that do exist that I would find palatable, the CEO of the company seeking to operate this mine is currently embroiled in criminal proceedings for environmental damage for his previous project in Canada. I do not trust this person or his company to act in accordance with my desire to maintain the environmental integrity of our county. Additionally, tourism in Nevada County is firmly anchored in outdoor activities – any potential scaled damage to the environment, especially to the water table, would be deleterious to the revenue our community gains from having clean and accessible natural resources for enjoyment by all.

- Resource use: we need water to produce food and offset fire concerns. We do not have the water needed to support a scaled mining operation, and the idea that we would consider allocating water to a mining operation instead of sustainable non-polluting endeavors is ludicrous.

- Toxic Pollution: If a mine goes into this town, I'm moving out. I have young children and I am not going to expose them to straight up industrial waste. This world is already messed up enough. I do not want them to have to worry about the quality of the water they drink.

- Economics: the proposed economic benefit of the mine is blatantly skewed towards a small number of shareholders/mining executives, and that value comes from taking it away from the residents of this community. The number of jobs and "local wealth" created are a rounding error compared the losses in property values our community will sustain if a mine comes online anywhere near our residential areas. "Job creation" is a poor argument for a project that benefits no one except people who won't be forced to live directly in the fallout of their company's actions. If all of the main shareholders and executives of Rise Gold promise to live full time right next door to their own operation for the next 80 years, then maybe I'd begin considering anything they tell us as trustworthy.

That's about it. This is dumb. There's not a huge need for gold, over half of the gold produced goes toward jewelry manufacture. I'm not going to sacrifice clean drinking water so that someone can get more shiny things. What an waste.

Thanks, I hope you can appreciate my and my family's concerns.

Kind regards,

Matthew Wich
530-268-5528
Grass Valley, CA 95945

From: Steve Murphy
To: Idaho MMEIR
Subject: Please vote to open the Idaho-Maryland Mine
Date: Tuesday, May 9, 2023 2:43:55 PM

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To Whom it May Concern,

Please accept this email as my support to open the Idaho-Maryland Mine.

I am the grandson of a Cornish immigrant (John Hollow) who worked in the Empire Mine and I live in Nevada County.

Please vote to bring mining back to Nevada County.

Respectfully,

Steve Murphy
10693 Starfire Ct.
Auburn, Ca. 95602
(530) 269-1650

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Gary Griffith
To: Idaho MMEIR
Subject: WCCA Comments to the Planning Commission - May 9th, 2023
Date: Tuesday, May 9, 2023 3:18:17 PM
Attachments: Special Meeting 5_10_23 - WCCA Written Submission.pdf

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Dear Planning Commissioners and staff,

Attached is a document sharing written comments submitted by Wolf Creek Community Alliance regarding the consideration of the final EIR for the Idaho-Maryland Mine project. Thank you for considering these comments and doing your best to protect the quality of life in our community.

Gary Griffith
Jonathan Keehn
Wolf Creek Community Alliance
P.O. Box 477, Grass Valley, CA 95945

Planning Commission Public Comment
May 10th Special Meeting - Proposed Idaho Maryland Mine Project

Wolf Creek Community Alliance

Planning Commissioners and staff, Board of Supervisors,

We are submitting these comments as citizens of the Wolf Creek Watershed, in which this proposed project is situated, and as members of the Wolf Creek Community Alliance, a science and citizen base organization that has studied, advocated and worked to restore the watershed for the greater good of our community, for 18 years now.

We have read and commented on the NOP and the Draft EIR. We have also closely considered the new appendices, the Master Responses and 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. It offers little new data and answers concerns not by seriously considering them, but by dismissing them, often by resorting to its own speculative conclusions, and appeals to technical justifications that lead away from actually considering the potential impacts

being raised. We find this is the case with our 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 as it does not adequately consider impacts to biological resources.
>
> We also ask that the project be DENIED as it is inconsistent with the County General Plan and community values.

The EIR…

1. **Does not adequately address impacts to the South Fork Wolf Creek**

because both the draft and final reports disregard the headwaters and the continuity of this federally protected perennial stream. In spite of concerns raised by WCCA, the California Department of Fish and Wildlife, and others, the report refuses to discuss any impacts to the creek as it flows through the Brunswick site, upstream of the location where it exists in the historical culvert. This culvert, that moves the flow of South Fork Wolf Creek is nonetheless a biological resource, allowing for the passage of trout and other aquatic species up and downstream between ponds and springs at the headwaters located near Wild Rose Lane, and its free-flowing downstream reaches. Impacts to biological resources occurring when this culvert is replaced need to be considered. They are not. Alternatives considering the daylighting of this currently culverted reach of the stream should also be considered. They are not.

As the CDFW states: ***"The DEIR did not analyze all potential temporary, permanent, direct, indirect and /or cumulative impacts to … aquatic features and associated biological resources/habitats that may occur because of the project."*** FEIR, 2-202.

Further, the DEIR itself states that a significant impact would occur if the project would: ***"Interfere substantially with the movement of any native resident or migratory fish or wildlife species."*** FEIR, 2-1091. CDFW in its comments also made clear that all fish populations native or otherwise need to be protected with the FEIR proposing ways to "avoid, minimize, or mitigate any potentially significant impacts." Only one CDFW trout survey was done on SFWC, during a period of low water due to extreme drought, without including the headwaters of the stream or areas downstream of the Bennett Street Grasslands, finding only brown trout. However, fish surveys with Gold Country Fly Fishers have documented populations of native rainbow trout downstream. Therefore, given the lack of sufficient evidence, it is unclear where native rainbow trout are present. Further study is needed. In any case, analysis of the potential impact to trout (as requested by CDFW) with regard to replacing the existing culvert should be required. Without that analysis, the DEIR is inadequate.

Please also refer to our DEIR comments, Group Letter 31, 2-1072 & 2-1075. Neither the DEIR and FEIR responses address this issue. Instead, they refer only to other impacts that have been studied and suggest only that "Previous permitting of the culvert installation and NID spill easement are not environmental issues required to be analyzed in the DEIR for this project." This response ignores rather than addresses the potential impacts to biological resources.

2. **Does not adequately address impacts to the Brunswick Pond.**

Instead it dismisses and does not study or consider the biological resources of the pond simply because it is a “man-made feature.” State and federal law, however, requires that any body of water connected in any way to the overall hydrology of a watershed be protected for its biological resources. This pond, historically, was part of a larger wetlands area that still partially 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 pond and wetlands, thus the projected need to rebuild the pond berm. Study of how this pond is fed, is lacking. The DEIR itself expresses this uncertainty, vaguely saying that it receives its water “mainly” from surface runoff and precipitation. Most importantly, the pond is rich with life, supporting a riparian zone with habitat for migrant song birds, raptors, wood ducks, and potentially special status species, as the Gold Country Avian Society points out, potentially including Black Rail, and Willow Flycatchers. None of this is studied or considered by the EIR in spite of previously expressed concerns.

Please refer to Group Letter 13, 2-698 & Group Letter 31, p. 1075 and following. Also to DEIR, 4.4-15, Appendix F.7 and H.1. In Appendix F.7, the Brunswick Industrial Site and E. Bennett Road ROW Aquatic Resources Delineation, the background to this questionable discounting of the pond as a Federal “water of the U.S.” is also given, without qualitative data or sufficient observation. The report goes on to state that recent court cases do not “prevent CWA jurisdiction if a “significant nexus” such as a hydrologic connection exists, whether it be man-made (e.g., roadside ditch) or natural tributary to navigable waters, or direct seepage from the wetland to the navigable water, a surface or underground hydraulic connection, an ecological connection (e.g., the same bird, mammal, and fish populations are supported by both the wetland and the navigable water)…The FEIR, should have studied and analyzed whether a “significant nexus” exists hydrologically between the pond, the SFWC, and the wetlands before ruling the pond out as a water containing biological resources needing to be surveyed. This omission, in spite of comments suggesting this needed to done, does nothing to protect or mitigate impacts to this significant biological feature of the Brunswick site. Finally, please review Gold Country Avian Society’s comment (2-702), that the Pond is likely part of a “migration corridor” extending down into the Bennett Street Grasslands for special status willow flycatcher and other migrant birds. FEIR, Group Letter 13, 2-698-699.

3. **Does not adequately protect wetlands and meadows.**

The Centennial wetlands, analyzed only in the DTSC RAP, which has not yet been approved, are significant, unusually valuable biological resources within the watershed and western Nevada County. The impact of destroying critical habitat in those wetlands to endangered Monarch Butterflies is discounted and not analyzed. The suggested mitigation, paying for equivalent wetland elsewhere in the world, on a 1:1 basis, is claimed to be standard practice, but makes no sense when we consider the value of this wetland for our county and community.

Similarly, impacts to the Bennett Street Meadow, part of the original historic ‘Grass Valley,’ are claimed not to exist, in spite of the expert opinion of California State Parks, which has completed a 5-year restoration project in the meadow, Gold Country Avian Society, which has done bird banding there for over 3 years, and SYRCL. The FEIR, seeks to limit consideration of impacts by looking at them in isolation, using insufficient data to discount the impacts of increased flow, erosion, turbidity, temperature, water quality, groundwater

depletion, and noise. Updated responses in the FEIR often rely on speculation, insufficient data (as California State Parks comment) with regard to turbidity), or incomplete modeling, as Appendix H does by presenting only two scenarios for groundwater depletion, omitting projections using flows higher than the average 1.9 cfs.

These meadows and wetlands are unique resources. The FEIR does not offer enough analysis to assure that this last remnant of the original “Grassy Valley" will be protected. The Centennial wetland, with its Monarch Butterfly habitat, will be destroyed if this project is approved.

Please refer to Agency Comment letter 1, 2-167, 170, and Group Comment Letter, 31, 2-1072. See also FEIR, Appendix H, Itasca Memo - Simulated Drawdown in Selected Meadows, page 1, which states that: “Two model scenarios were conducted. Scenario 1 assumed that there is no discharge of the treated water from the underground workings at the planned discharge point shown in Figure 1. Scenario 2 assumed that there will be discharge of 1.9 cubic feet per second (cfs) of treated mine water at the planned discharge point.” Limiting the model scenarios only to a control (no discharge) and one variable (1.9cfs) is not sufficient to understand potential drawdown, as the dewatering permit allows for up to 5.6cfs at any time in the proposed 80 years of the project.

4. **Does not adequately address impacts due to dewatering.**

The DEIR attempts to assure us that dumping the 100,000 gallons a day, at a rate permitted up to 5.6 cfs into South Fork Wolf Creek, will either be too small to have an impact, or fully mitigated by water treatment.

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

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

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

Yet, no BMI studies, a standard protocol for assessing stream health, and essential for creating a baseline to monitor stream health, were conducted for this EIR. As Dr. Dave Herbst, PhD of UC Santa Cruz has said about the project:

> Significant biological impact assessment needs to consider benthic macroinvertebrates (BMIs) and the organic matter/algae that are the foundation of the food chain in this section of the creek and downstream of the project. The post-project NPDES permit would require

BMI biomonitoring but this does not satisfy the need to assess what the effects would be before the project is implemented.

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

Please refer to Individual Letter 164, Dave Herbst, FEIR, 2-5590.

5. **Does not adequately consider impacts to the endangered Pine Hill Flannelbush.**

The flannelbush species on the Centennial site is so unusual and rare that scientists are still studying it, its DNA most likely showing that it is the endangered Pine Hill Flannelbush or even a new species, found only here. The EIR treats it as the endangered Pine Hill Flannelbush, but, in the interest of advancing only the most financially lucrative version of the project, defends the creation of a mine waste zone that would require the removal of 18 plants. The EIR does not consider an alternative, where the boundary for mine waste would be moved a short distance back from the population of flannelbush, so as to protect all its individuals. Instead it promotes a complicated, untested, habitat management plan, which horticultural experts at CNPS see as dangerous and unlikely to succeed. CDFW concurs, saying that transplanting endangered species is “Generally experimental in nature and unsuccessful.”

Plants would be dug up and transplanted - independent evidence suggests this would have an extremely high rate of failure and result only in the ‘taking’ of these plants. Collecting seeds and transplanting the seedlings also is unproven to work and will have a very low success rate. Habitat enhancement is suggested, without sufficient detail given, and without indication of the use of controlled burning, an essential part of the adaptive ecology of the plant as the USFS indicates.

This plant is too rare to be treated with such disregard for its survival. The project should have been adjusted to avoid the need to kill these protected plants. The Habitat Management Plan does not do enough to assure us that its mitigations will succeed in protecting this plant’s existence.

Please refer to Agency Letter 3, California Department of Fish and Wildlife, 2-200, and Group Letter 12, Friends of Banner Mountain, 2-682.

6. **Does not adequately consider impacts to special status species.**

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

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

Further, CDFW protocols require that surveyors should

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

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Overall, whether it is in regard to the Spotted Owl, the Monarch Butterfly (no survey at all 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 following inadequate 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 refer to Group Letter 5, California Native Plant Society, 2-414, Agency letter, 3, California Department of Fish and Wildlife, 2-201 & 2-203, as well as Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, STATE OF CALIFORNIA CALIFORNIA NATURAL RESOURCES AGENCY DEPARTMENT OF FISH AND WILDLIFE, 2018, 5-6.

7. Unreasonably defers consideration of measures essential to the protection of biological resources, thus not allowing for a full consideration of its impacts.

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

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

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

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

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What the EIR somehow assumes is the absence of change during 80 years, the absence of accumulating risk over time, and the absence of negligent operation or accident. Such details could have easily been analyzed through statistical modeling or reference to the compliance and accident record 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, the County, and numerous agencies, such as NID, 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 entities are all modifying policy, programs, and goals to meet these challenges.

The DEIR 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 paper itself in its conclusions argues that the groundwater age in all the springs tested appears to be a response to “lower recharge rates,” and that indeed the response to decreasing recharge may be “highly non-linear.” The conclusions of this paper do not support the assertions of the EIR.

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

Please refer to Agency Letter 1, City of Grass Valley, p. 2-246, and Earman, Evolution of Groundwater Age in a Mountain Watershed over a Period of Thirteen Years, Journal of Hydrology, 460-461 (2012) p. 27.

Conclusion

These detailed examples should make clear that the EIR does not adequately address impacts to biological resources.

As a watershed organization we take seriously our mission to protect the Wolf Creek watershed. It is the duty of the Planning Commission to do that as well, first by ensuring that any Environmental Impact Report fully and adequately addresses impacts, and second, by considering the project's compatibility with the Country General Plan.

This EIR does not adequately address impacts to biological resources. We, therefore, ask that the EIR NOT be certified.

This project as presented is also inconsistent with community values and the County General Plan. It states that the objective should be to "Preserve the integrity and minimize the disruption of watersheds and identified critical water courses. (Objective 11.4), and to "Discourage intrusion and encroachment by incompatible land uses in significant and sensitive habitats." (Objective 13.1) This project as presented does not do that. The project should be DENIED.

Thank you,

Gary Griffith
Jonathan Keehn
Wolf Creek Community Alliance
P.O. Box 477, Grass Valley, CA 95945

Planning Commission Public Comment
May 10th Special Meeting - Proposed Idaho Maryland Mine Project

Wolf Creek Community Alliance

Planning Commissioners and staff, Board of Supervisors,

We are submitting these comments as citizens of the Wolf Creek Watershed, in which this proposed project is situated, and as members of the Wolf Creek Community Alliance, a science and citizen base organization that has studied, advocated and worked to restore the watershed for the greater good of our community, for 18 years now.

We have read and commented on the NOP and the Draft EIR. We have also closely considered the new appendices, the Master Responses and 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. It offers little new data and answers concerns not by seriously considering them, but by dismissing them, often by resorting to its own speculative conclusions, and appeals to technical justifications that lead away from actually considering the potential impacts being raised. We find this is the case with our 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 as it does not adequately consider impacts to biological resources.
>
> We also ask that the project be DENIED as it is inconsistent with the County General Plan and community values.

The EIR…

1. **Does not adequately address impacts to the South Fork Wolf Creek**

because both the draft and final reports disregard the headwaters and the continuity of this federally protected perennial stream. In spite of concerns raised by WCCA, the California Department of Fish and Wildlife, and others, the report refuses to discuss any impacts to the creek as it flows through the Brunswick site, upstream of the location where it exists in the historical culvert. This culvert, that moves the flow of South Fork Wolf Creek is nonetheless a biological resource, allowing for the passage of trout and other aquatic species up and downstream between ponds and springs at the headwaters located near Wild Rose Lane, and its free-flowing downstream reaches.

Impacts to biological resources occurring when this culvert is replaced need to be considered. They are not. Alternatives considering the daylighting of this currently culverted reach of the stream should also be considered. They are not.

As the CDFW states: ***"The DEIR did not analyze all potential temporary, permanent, direct, indirect and /or cumulative impacts to … aquatic features and associated biological resources/habitats that may occur because of the project."*** FEIR, 2-202.

Further, the DEIR itself states that a significant impact would occur if the project would: ***"Interfere substantially with the movement of any native resident or migratory fish or wildlife species."*** FEIR, 2-1091. CDFW in its comments also made clear that all fish populations native or otherwise need to be protected with the FEIR proposing ways to "avoid, minimize, or mitigate any potentially significant impacts." Only one CDFW trout survey was done on SFWC, during a period of low water due to extreme drought, without including the headwaters of the stream or areas downstream of the Bennett Street Grasslands, finding only brown trout. However, fish surveys with Gold Country Fly Fishers have documented populations of native rainbow trout downstream. Therefore, given the lack of sufficient evidence, it is unclear where native rainbow trout are present. Further study is needed. In any case, analysis of the potential impact to trout (as requested by CDFW) with regard to replacing the existing culvert should be required. Without that analysis, the DEIR is inadequate.

Please also refer to our DEIR comments, Group Letter 31, 2-1072 & 2-1075. Neither the DEIR and FEIR responses address this issue. Instead, they refer only to other impacts that have been studied and suggest only that "Previous permitting of the culvert installation and NID spill easement are not environmental issues required to be analyzed in the DEIR for this project." This response ignores rather than addresses the potential impacts to biological resources.

2. **Does not adequately address impacts to the Brunswick Pond.**

Instead it dismisses and does not study or consider the biological resources of the pond simply because it is a "man-made feature." State and federal law, however, requires that any body of water connected in any way to the overall hydrology of a watershed be protected for its biological resources. This pond, historically, was part of a larger wetlands area that still partially 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 pond and wetlands, thus the projected need to rebuild the pond berm. Study of how this pond is fed, is lacking. The DEIR itself expresses this uncertainty, vaguely saying that it receives its water "mainly" from surface runoff and precipitation. Most importantly, the pond is rich with life, supporting a riparian zone with habitat for migrant song birds, raptors, wood ducks, and potentially special status species, as the Gold Country Avian Society points out, potentially including Black Rail, and Willow Flycatchers. None of this is studied or considered by the EIR in spite of previously expressed concerns.

Please refer to Group Letter 13, 2-698 & Group Letter 31, p. 1075 and following. Also to DEIR, 4.4-15, Appendix F.7 and H.1. In Appendix F.7, the Brunswick Industrial Site and E. Bennett Road ROW Aquatic Resources Delineation, the background to this questionable discounting of the pond as a Federal "water of the U.S." is also given, without qualitative data or sufficient observation. The report goes on to state that recent court cases do not "prevent CWA jurisdiction if a "significant nexus" such as a hydrologic connection exists, whether it be man-made (e.g., roadside ditch) or natural tributary to navigable waters, or direct seepage from the wetland to the navigable water, a surface or underground hydraulic connection, an ecological connection (e.g., the same bird, mammal, and fish populations are supported by both the wetland and the navigable water)…The FEIR, should have studied and analyzed whether a "significant nexus" exists hydrologically between the pond, the SFWC, and the wetlands before ruling the pond out as a water containing biological resources needing to be surveyed. This omission, in spite of comments suggesting this needed to done, does nothing to protect or mitigate impacts to this significant biological feature of the Brunswick site. Finally, please review Gold Country Avian Society's comment (2-702), that the Pond is likely part of a "migration corridor" extending down into the Bennett Street Grasslands for special status willow flycatcher and other migrant birds. FEIR, Group Letter 13, 2-698-699.

3. **Does not adequately protect wetlands and meadows.**

The Centennial wetlands, analyzed only in the DTSC RAP, which has not yet been approved, are significant, unusually valuable biological resources within the watershed and western Nevada County. The impact of destroying critical habitat in those wetlands to endangered Monarch Butterflies is discounted and not analyzed. The suggested mitigation, paying for equivalent wetland elsewhere in the world, on a 1:1 basis, is claimed to be standard practice, but makes no sense when we consider the value of this wetland for our county and community.

Similarly, impacts to the Bennett Street Meadow, part of the original historic 'Grass Valley,' are claimed not to exist, in spite of the expert opinion of California State Parks, which has completed a 5-year restoration project in the meadow, Gold Country Avian Society, which has done bird banding there for over 3 years, and SYRCL. The FEIR, seeks to limit consideration of impacts by looking at them in isolation, using insufficient data to discount the impacts of increased flow, erosion, turbidity, temperature, water quality, groundwater depletion, and noise. Updated responses in the FEIR often rely on speculation, insufficient data (as California State Parks comment) with regard to turbidity), or incomplete modeling, as Appendix H does by presenting only two scenarios for groundwater depletion, omitting projections using flows higher than the average 1.9 cfs.

These meadows and wetlands are unique resources. The FEIR does not offer enough analysis to assure that this last remnant of the original "Grassy Valley" will be protected. The Centennial wetland, with its Monarch Butterfly habitat, will be destroyed if this project is approved.

Please refer to Agency Comment letter 1, 2-167, 170, and Group Comment Letter, 31, 2-1072. See also FEIR, Appendix H, Itasca Memo - Simulated Drawdown in Selected Meadows, page 1, which states that: "Two model scenarios were conducted. Scenario 1 assumed that there is no discharge of the treated water from the underground workings at the planned discharge point shown in Figure 1. Scenario 2 assumed that there will be discharge of 1.9 cubic feet per second (cfs) of treated mine water at the planned discharge point." Limiting the model scenarios only to a control (no discharge) and one variable (1.9cfs) is not sufficient to understand potential drawdown, as the dewatering permit allows for up to 5.6cfs at any time in the proposed 80 years of the project.

4. **Does not adequately address impacts due to dewatering.**

The DEIR attempts to assure us that dumping the 100,000 gallons a day, at a rate permitted up to 5.6 cfs into South Fork Wolf Creek, will either be too small to have an impact, or fully mitigated by water treatment.

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

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

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

Yet, no BMI studies, a standard protocol for assessing stream health, and essential for creating a baseline to monitor stream health, were conducted for this EIR. As Dr. Dave Herbst, PhD of UC Santa Cruz has said about the project:

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

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

Please refer to Individual Letter 164, Dave Herbst, FEIR, 2-5590.

5. **Does not adequately consider impacts to the endangered Pine Hill Flannelbush.**

The flannelbush species on the Centennial site is so unusual and rare that scientists are still studying it, its DNA most likely showing that it is the endangered Pine Hill Flannelbush or even a new species, found only here. The EIR treats it as the endangered Pine Hill Flannelbush, but, in the interest of advancing only the most financially lucrative version of the project, defends the creation of a mine waste zone that would require the removal of 18 plants. The EIR does not consider an alternative, where the boundary for mine waste would be moved a short distance back from the population of flannelbush, so as to protect all its individuals. Instead it promotes a complicated, untested, habitat management plan, which horticultural experts at CNPS see as dangerous and unlikely to succeed. CDFW concurs, saying that transplanting endangered species is "Generally experimental in nature and unsuccessful."

Plants would be dug up and transplanted - independent evidence suggests this would have an extremely high rate of failure and result only in the 'taking' of these plants. Collecting seeds and transplanting the seedlings also is unproven to work and will have a very low success rate. Habitat enhancement is suggested, without sufficient detail given, and without indication of the use of controlled burning, an essential part of the adaptive ecology of the plant as the USFS indicates.

This plant is too rare to be treated with such disregard for its survival. The project should have been adjusted to avoid the need to kill these protected plants. The Habitat Management Plan does not do enough to assure us that its mitigations will succeed in protecting this plant's existence.

Please refer to Agency Letter 3, California Department of Fish and Wildlife, 2-200, and Group Letter 12, Friends of Banner Mountain, 2-682.

6. **Does not adequately consider impacts to special status species.**

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

Yet, the problems with the surveys remain the same. Special status species are not always easy to find, due to their rarity, their movement, their blooming season, or year-to-year changes. So biologists look for suitable habitat as a sign of possible presence. Unfortunately

the surveyors for this DEIR frequently minimize the suitability of habitat, almost always in the report without substantiation or specific evidence. This bias against finding suitable habitat is pointed out repeatedly by commentators, such as CNPS as other qualified experts.

Further, CDFW protocols require that surveyors should

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

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Thank you,

Gary Griffith
Jonathan Keehn
Wolf Creek Community Alliance
P.O. Box 477, Grass Valley, CA 95945

California Native Plant Society
Redbud Chapter

Nevada County Planning Commission
Idaho.MMEIR@nevadacountyca.gov
planning@nevadacountyca.gov

Dear Commissioners,

These comments on the Final Environmental Impact Report for the Idaho Maryland Mine are submitted on behalf of the California Native Plant Society and its local Redbud Chapter. The Final Environmental Report is marred by the same defects that we addressed in our comments on the Draft Environmental Impact Report.

We agree with certain of the Staff Report's recommendations that the Board of Supervisors deny the rezone of the parcels to Light-Industrial with Mineral Extraction to allow for surface mining activities, that the Board deny the requested structure height variance, and that the Board take no action on the requested 80-year Use Permit and Reclamation.

We have grave concerns, however, with respect to the Recommendations that "the Board of Supervisors certify the Final Environmental Impact Report … as adequate for the Idaho-Maryland Mine Project, and that it has been completed in compliance with the California Environmental Quality Act, subject to the recommended Mitigation Measures … as modified by the Erratum to the [Final EIR]."

The defects in the DEIR identified in our Comments have not been cured and have been carried forward in the FEIR; as a result, the FEIR remains fundamentally flawed for the reasons stated in our prior comments on the DEIR, which are incorporated here by reference.

The FEIR relies upon the false premise that the mine will not negatively impact the Centennial parcel, omitting any consideration of the wetlands and other protected habitat on that site. It omits any analysis of the environmental impacts of the mine on the wetlands and protected plant species found on the Centennial Site, despite the fact that both the Draft and Final EIR contemplate the destruction of 98% of the wetlands on the site, among other impacts. Prior Redbud Chapter comments on the DEIR demonstrate that this approach represents an unlawful attempt to split the environmental analysis of a single site and project into two separate processes.

The claim is made that the FEIR for the mine is not dependent on the cleanup which is a perquisite of the use of the Centennial parcel as a place to stockpile waste rock removed from the mining operations. This claim relies on the premise that if the cleanup is not carried out, the waste will not be deposited on

the Centennial site and will instead be “sold in the regional market as construction aggregate.” No evidence for this option is provided, and there is no evidence that there is or will in the future exist a market for the sale of mine waste as construction aggregate. In the absence of any documentation of the existence of such a market, the claim is not supportable. Further, it is clear from the documentation that the plan in fact relies on the availability of the Centennial site to deposit more than half of the anticipated mine waste, to later become a site for industrial development.

The FEIR also contains inaccurate assertions about the timing and adequacy of supplemental plant surveys done at the site, and continues to rely upon deficient biological studies, both in terms of inadequate surveys not conducted over the full span of potential identification of target species, and untested and even demonstrably inaccurate surveys.

Calystegia stebbinsii FE CE 1B.1 - Post fire surveys were performed in June of 2022 after comments showed that initial surveys did not account for impacts of fire or capture the bloom period of several species of concern.

While these surveys did use a reference population of C. stebbinsii to show that it would be identifiable, this would only apply to mature plants. There is a high likelihood that there are a large number of immature C. stebbensii plants in the areas of the project site that had burned that would not have been easily identifiable. This is a diminutive species that is very easily overlooked when not in bloom, and as pointed out in Redbud’s prior comment letter on the DEIR it may take three years for this species to reach blooming size.

The additional survey did not take into account the fact that these potential occurrences would not be reproductively mature, and that seedlings of this slow growing perennial would be very small in their first year and would be exceedingly difficult to locate. Surveys would need to occur in 2024 or potentially 2025 to ensure that plants would be identifiable. Mitigation measure 4.4-1(b) specifies that 80% survival would be suitable for "Other Special Status Plant Species" (species other than Fremontodendron decumbens) despite C. stebbinsii being listed as endangered in both the state and federal endangered species acts. The mitigation also states that where 80% survival is not achieved--after 2 years, transplants of seedling shall be planted -- but it does not indicate the ratio of seedlings to be planted for each take/loss, only requiring establishment of 50% of transplants. Not defining the ratios of seedlings needed to mitigate losses could allow for a large reduction in the overall number of individuals.

Fremontodendron decumbens FE CR 1B.2 - Mitigation measure 4.4-1(a) is highly unlikely to be successful. F. decumbens is a species that is very sensitive to root disturbance and the likelihood of successfully transplanting established plants is improbable. From a horticultural standpoint, producing this plant from seed at the 100:1 ratio required would also likely be unsuccessful. Many professional native plant growers struggle to produce a handful of F. decumbens plants each season, let alone the many hundreds of seedlings that would likely be needed to mitigate this project. Even if a large quantity of seedlings were produced this species does not transplant easily and the 100:1 ratio may not be sufficient to mitigate losses. The 2022 survey mentioned that most of the mature plants had burned, and as this plant is slow to reach reproductive maturity the availability of seed for mitigation is also

questionable. By deferring amendments to the Habitat Management Plan and not describing the methods to transplant individuals or produce and establish seedlings experts on this species are excluded from providing meaningful input on the management plans that would be critical to mitigating for this unique endangered species.

We have argued on other projects that list 3 and 4 species should be considered, "Many CRPR 3 and 4 species, and many not yet ranked species, meet the same criteria as list 1 and 2 taxa, and many of these species are in the process of being considered for reranking to 1B."

We urge the Planning Commission not to certify this defective FEIR; it clearly is inadequate for the Idaho Maryland Mine project, and it is not in compliance with CEQA.

Sincerely,

/s/

Jeanne M. Wilson
Co-Chair, Conservation and Advocacy Committee
Redbud Chapter – California Native Plant Society

Comment on the I-M Mine Project: FEIR
Regarding Grp 7-2, page 2-430 (503), page 2-513 (586)
May 10, 2023

Potential Release of Mercury Toxins at the Centennial Site

The Department of Toxic Substances Control (DTSC) is planning a toxic waste clean-up on the Idaho-Maryland Centennial site now owned by Rise Gold. The Hap Warnke Lumber Mill (**the Mill**) is located on this site. The land on which the mill sits has been identified as an area of "potential ecological **concern**," because it contains detectable amounts of **mercury toxin** which **exceed** the DTSC standards for safety. [1]

The DTSC is **not** planning on cleaning up the Mill area, however, because this area is currently **sealed** by an impermeable **layer** of concrete and asphalt. This layer helps **prevent** the mercury from being **released** into the environment.

According to the DTSC, as **long** as this protective layer is **not disturbed**, but "*remain[s] in place* **outside" the area** proposed for development, then all that needs to be done to this mercury-infused area, are periodic soil samplings in order to assure that the mercury remains contained.[2]

However, Rise Gold **DOES** plan on **disturbing** a portion of the Mill area by dumping its mine waste rock there.[3] Included in Rise's plans to develop this area, is the digging of a substantial drainage ditch along the mine waste's perimeter. [4]But in order to dig this ditch, Rise will have to **ignore** the DTSC's conditions, and will **penetrate** into this area, significantly **disturbing** the Mercury-laden soil. Not only does this disturbance ignore the DTSC's conditions for clean-up, but it also has the potential for releasing **mercury toxins** into the environment.

Please see the maps below.

The Final EIR **fails** to respect the DTSC's conditions for clean-up, neither does it address the potential impact of Rise's disturbance of this mercury-laced area.To certify this EIR would be tatamount to certifying a potential, and **very real**, release of mercury **toxin** into the environment. Please do not allow this to happen: do **not** certify this EIR.

Thank you,

Ralph Silberstein, on behalf of CEA Foundation

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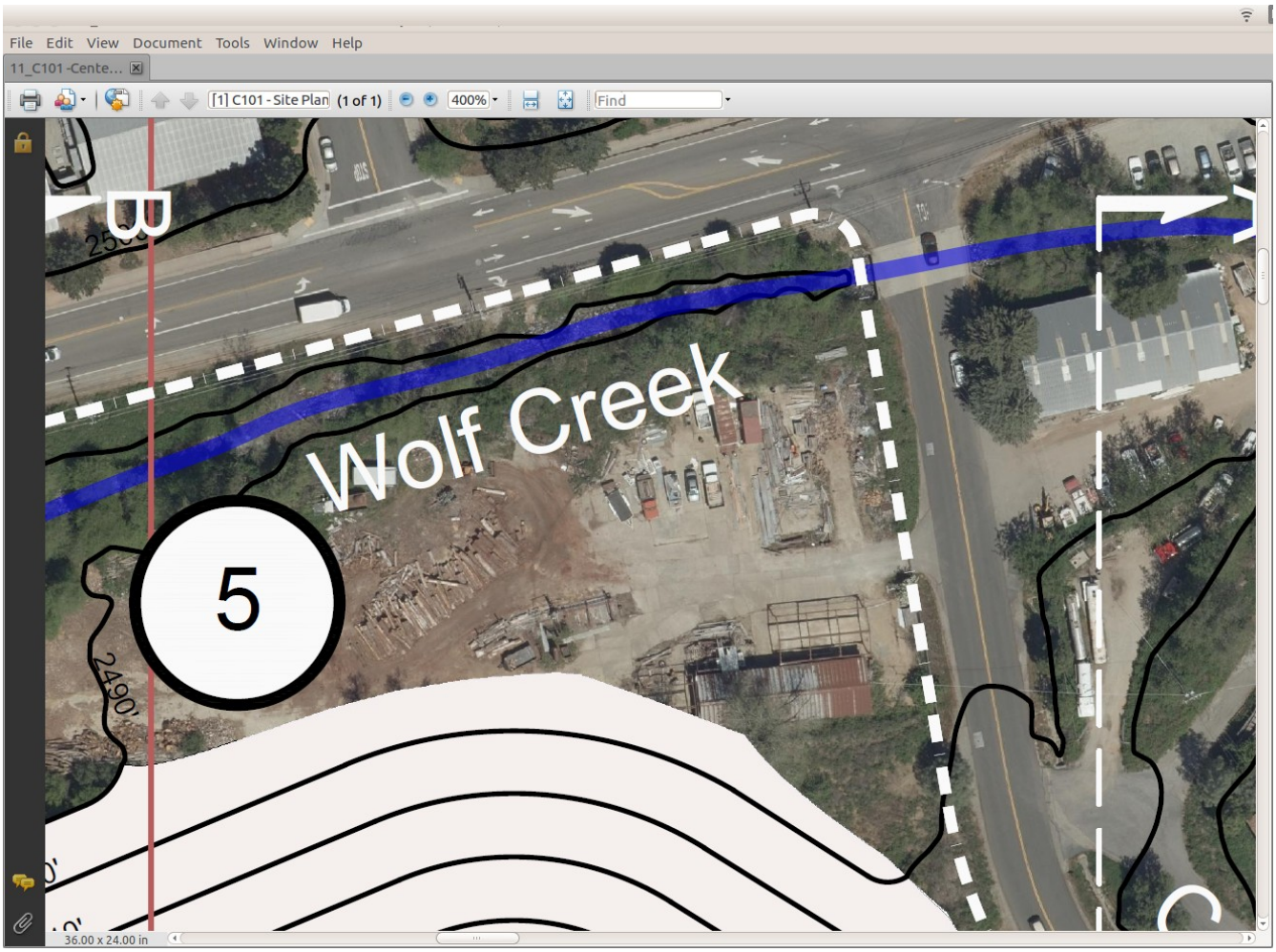
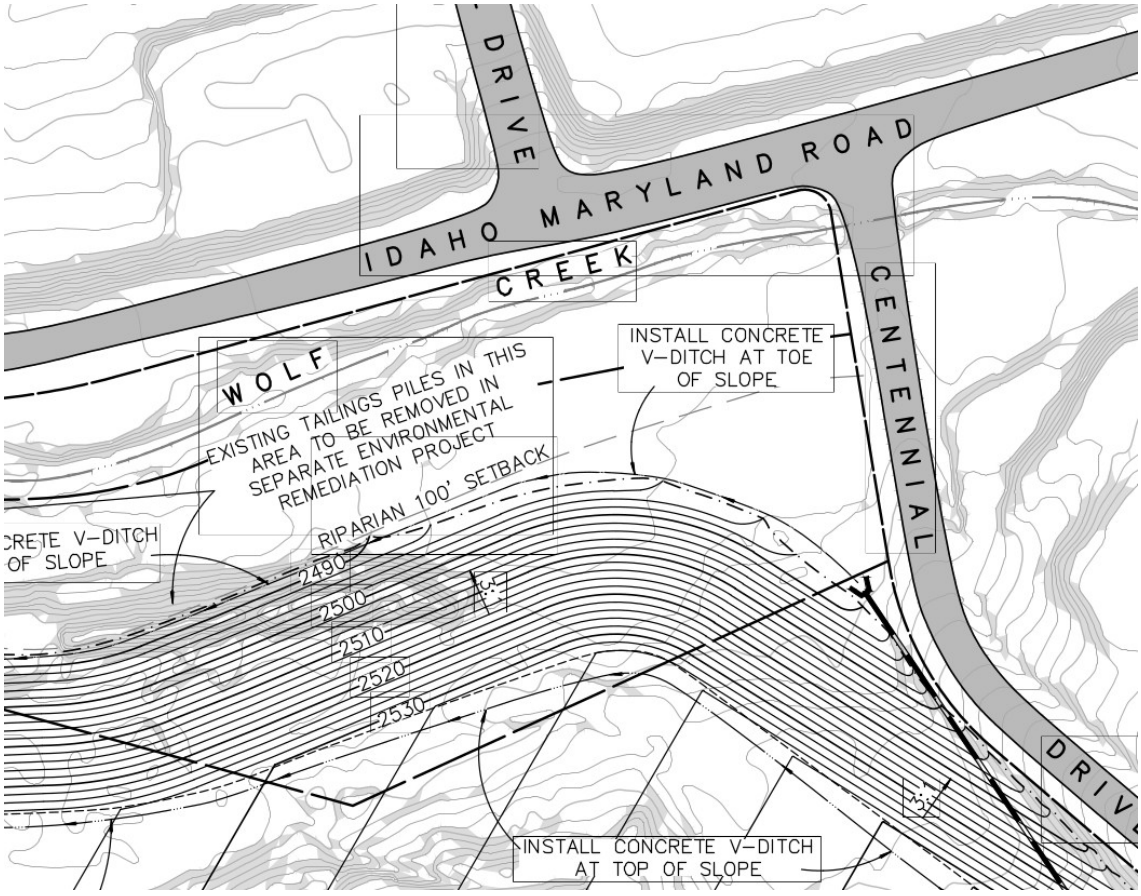
1 *Project No. 5279.04, January 25, 2021, Remedial Action Plan, Centennial M-1 Property, Nevada County, California, pg. 18*
2 Ibid.
3 Application Documents, 11_C101-CentennialSitePlan_Infrastructure.pdf
4 Application Documents, C1-CentennialSiteGrading.pdf

This plan is a corner of the Staff Report file “16.A - Centennial Industrial Site - Infrastructure Details.pdf.” It shows the Hap-Warnke Lumber Mill site on the corner of Idaho-Maryland Road and Centennial Drive. It is not being cleaned up with the DTSC RAP plan. The white lined area is the location of the “Engineered Fill.” A ditch will be constructed at the base of the fill as shown on next page.



This image is a portion of the Staff Report file “16.C - Centennial Industrial Site - Preliminary Grading Plan.pdf.” It shows the elevation lines of the Engineered Fill, and notes the “Concrete V-Ditch at the toe of the slope.” The V-Ditch will pass through the existing Lumber Mill building and across a portion of the paved surfaces. The construction activities will remove the protective paving and expose and disturb the soil under the pavement and structure.



Comment on the I-M Mine Project FEIR
Regarding Grp 7-14, Page 2-435; 2-516
May 10, 2023

Potential Water Pollution from Long Term Mining Effluent

This comment addresses current and potential water pollution from the Idaho-Maryland Mine.

The Water Code defines water pollution as "...acid mine drainage, the discharge or leaching of heavy metals, or the release of other hazardous substances." **Currently**, water draining from the mine into Wolf Creek contains almost six times the regulatory limit of arsenic, and exceeds the limit for iron, manganese, and zinc.[1] 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.[2]

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 polluting impacts to the environment.

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."[3] 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.

Thank you,

Ralph Silberstein, on behalf of CEA Foundation

1 DEIR Appendix K.2 Groundwater Hydrology and Water Quality Analysis, p 43
2 Final EIR, Idaho-Maryland Mine Project, December 2022, Chapter 2 – Responses to Comments, Page 2-435
3 Central Valley Regional Water Quality Control Board, 4 April, 2022, Comments on Draft Environmental Impact Report Idaho-Maryland Mine Project, Nevada County, Comment 9, pg. 4

Comment on the I-M Mine Project: FEIR
Regarding Grp 8-105 page 2-600 (673/8661), page 2-641 (714)
May 10, 2023

Brunswick Site: Operational Noise Level is Underestimated

This comment addresses the FEIR's failure to address the increased noise level of mine operations from the proposed height increase of the mine waste pile.

The FEIR fails to adequately address the noise impacts to nearby residences which would result from increasing the height of the mine waste pile (Engineered Fill) on the Brunswick site. Alternative 2 of the DEIR proposes placing an additional 1.6 million tons of mine waste on the site, raising the height and volume of the fill pile by 50 feet.

This height increase would involve heavy equipment operations from a more elevated position with respect to the residencial properties – all of which are located **above** the proposed fill area. This would potentially increase the noise levels at those properties as a result of the change to the straight line distance to the residences, as well as "Other factors affecting sound attenuation [including] ...atmospheric absorption, shielding by intervening topography or structures, ground absorption, and attenuation caused by tree cover..." [1] The increased height of the fill and would likely worsen the noise levels at the residential properties as a result of the changes to these noise affecting factors.

Rainey's response to this FEIR comment has not considered the potential increase of residential noise due to the change in these factors, instead, side-stepping the issue by referring to their unrelated response to a comment by Salter.[2]

The failure of the FEIR to address this potential noise increase contributes to this EIR's total inadequacy.

This grossly impaired EIR must not be certified.

Thank you,

Ralph Silberstein, on behalf of CEA Foundation

1 Response to Comments Page 2-962
2 Response to Comments Group 21-131, Page 2-962 (1035)

B4

The FEIR Failed to Establish Valid Groundwater and Well Impact Thresholds

The Final EIR used the results of a study that used a computer simulation program that concluded draining a well down 20% to 40% could damage a well. Unfortunately, the study is not 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 ground water.

Using this inappropriate study, the Mine Final EIR then concludes that the water in a well could be lowered by 10% from its average level and still provide the owner with a "100% safety factor." Scientifically, this arbitrary "100% safety factor" interpretation is nonsense. Think about it. And where does the "100% safety factor" come from? Half of 20%. 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 quantity of water available to the well owner.

And well owners whose wells are already marginal in meeting the owner's needs may be particularly at risk of suffering from reduced water capacity - and 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 draw-down 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 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 for the homeowner's needs - MUST be based on actual **performance criteria** of each well, over at least 3 years of active monitoring.

Basing the allowable draw-down 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.

Ralph Silberstein, on behalf of CEA Foundation

Comment on the I-M Mine Project: FEIR
Regarding Grp 7-68, 7-70; Page 528/8861 (2-455)
May 10, 2023

Flawed Analysis of the Correlation Between Mine Water levels and Well Water Levels

In the Mine Project's DEIR, their consultant, EMKO, states that, "*The differences...in the measurements from the **New Brunswick Shaft** (NB Shaft) versus those from the **domestic wells** indicate that there are not **any** direct connections (e.g. **via fractures**) between the domestic wells and **any** of the underground mine workings.*"[1]

However, had EMKO taken the time to do a **proper** analysis of the NB Shaft's water flow, they would have discovered – as have prior consultants – the **reason** why there does **not** appear to be any direct connection between the wells and the mine*:* and it has nothing to do with the lack of fractured rock between the two. It has to do with the East Eureka Drain.

The water from the Mine's NB Shaft flows out of the mine, into the East Eureka Drain. At an elevation of **2,497 feet**, the mine water then pours out of the Drain into Wolf Creek. And, it is no coincidence, that the water level in the NB Shaft **averages 2,497 feet**,[2] because whenever the water level gets higher than that, it flows out through this Drain.

Since the mine water drains out as soon as it rises above **2,497 feet**, the NB Shaft could easily be filling with well water, even though it may not be apparent. Therefore, the Mine Project's insistence that, "*The lack of a seasonal pattern in the mine water levels indicates that the mine workings are **not** directly connected to the **wells by...fractures**...*"[3] is worse than meaningless, because the mine and the wells **may** be connected. This **error in logic** has the potential to do great damage to the wells of neighboring residences through unanticipated, well-water draw-down.

This type of logic error is just one of a plethora of such errors which haunts this flawed EIR, and it underscores the importance of NOT certifying such a flawed document.

Please, say, "No," to both the Mine's permit, and the certification of this substandard EIR.

Thank you,

Ralph Silberstein, on behalf of CEA Foundation

1 DEIR Section 3.3.3.3, App. K.2, EMKO p. 31
2 DEIR EMKO Fig. 3-7
3 FEIR Page 2-527, EMKO p. 81

Comment on the I-M Mine Project: FEIR
Regarding FEIR Page 2-640, etc.
May 10, 2023

The Claim That the Mine Project Will Create Industrial Land is False

The EIR **assumes** that the clean-up of the legacy mine toxins on the Centennial site has already been completed by the Department of Toxic Substances (DTSC) **prior** to the mine commencing operations there. Assuming that this clean-up has already occurred means that the entire **44 acres** of the Centennial site will be suitable for industrial use **before** the Mine Project begins the dumping of its mine waste there. In fact, after the DTSC clean-up, the Centennial site will be ready for development even if the Mine **never** opens.

However, one of the Mine Project's stated goals is to **increase** usable industrial land on the Centennial site **by dumping its mine waste** there. This assertion disregards the fact that the **44 acres** will **already** be clean and usable.[1] The **false** claim that the Mine Project – **rather than the Clean-up Project** - will create industrial land is repeatedly referenced in the FEIR with such statements as, "*The **objective** of the placement of engineered fill [**mine waste**], over approximately 5 years, at Centennial site is to **increase** the usable land area at the Centennial site to allow its future use as industrial land.*"[2]

Not only is the Mine Project's claim to eventually **increase** usable land **untrue**, but it's also quite **ironic**, because – at the end of having dumped its waste onto the **clean** land for five years - the amount of total land **then** available for industrial use will only be 37 acres: this is 7 acres **LESS** than the original 44 acres provided by the DTSC clean-up![3]

This type of bait-and-switch wording is just another example of why this project, along with its odious EIR, should definitely NOT be permitted or certified.

Thank you,

Ralph Silberstein, on behalf of CEA Foundation

1 DEIR Page 6-2

2 DEIR 3.0 Project Description.pdf; DEIR Page 3-12

3 DEIR Page 3-15

May 9, 2023

The FEIR contends that the Mine Project is designed to proceed whether the DTSC cleanup at Centennial is completed or not. The FEIR also contends the Centennial cleanup has independent utility, serves a different purpose, and can be implemented independently of the Mine Project.

These claims ignore the fact that one of the Mine Project's Objectives is to reclaim the Centennial Site for future industrial use. Since the cleanup project actually completes the work to achieve this goal, it obviously is part of the Mine Project. The claims also ignore the fact that many of the alternatives considered in the DEIR assume the Centennial cleanup has occurred. And the cleanup plan itself refers to the anticipated mine waste and uses the distinct euphemism "Engineered Fill."

The FEIR claims that discussions with EPA and DTSC occurred before the applicant applied for a permit. Rise Gold didn't buy the site to clean it up. It is being cleaned up to use it for dumping mine waste. Whether there were discussions among parties does not change the fact that the DEIR includes the Centennial cleanup as a Project Objective..

The FEIR also claims the Centennial cleanup is under DTSC control and the Mine Project is under the County's control. CEQA Guidelines state that projects include activities being approved and those that may be subject to other governmental approvals. This CEQA requirement prevents the exact circumstances here: an applicant filing separate environmental reports for the same project with different agencies to prevent consideration of cumulative impacts.

Even if it was appropriate to sever the Centennial Cleanup from the Mine Project, the FEIR fails to analyze the cumulative impacts of these projects together. CEQA requires the cumulative effects of two separate projects which are cumulatively considerable to be addressed in the EIR.

And finally, the FEIR assumes that for some impacts that the Centennial cleanup is complete and for others that it is not complete, leaving decision makers with a defective EIR.

I respectfully request you just say NO and reject the Final EIR.

Thank you.

Ralph Silberstein, on behalf of CEA Foundation

May 9, 2023

A few of the agencies who commented on the Draft EIR include: The Water Board, the Air Quality Management District, the City of Grass Valley, NID, and Baseline Environmental Consulting with 35 years experience in environmental consulting.

For any issue of substance, the FEIR responses to these agencies ignore the comments, often with some form of 'we know better' or 'you don't understand CEQA.' A few samples of Agency and 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)[1].

The Air Quality Management District:"…the project's risk should be evaluated based on many more samples…" [2]

The City of Grass Valley: "Cursory dismissal of alternatives is based on economic assumptions for which there is absolutely no supporting evidence." [3]

NID: "…NID's Board of Directors expressed serious concerns that the number of impacted wells could far exceed the 30 estimated…" and "…that a mitigation measure…require the Applicant to put forth bonds [$14million]…to cover the costs of such infrastructure…" [4]

Baseline Consulting: "The FEIR analysis of project impacts from GHG emissions remains inadequate." [5]

And a longer excerpt from the City of Grass Valley's introductory response to the FEIR:

> "We are dismayed at the quality and tone of the responses which, in many cases, appear to have been written by the applicant's representative rather than an objective senior County staff member. The cavalier tone of some of the responses to a concerned city who will suffer concrete significant impacts as a result of the Project is disappointing. As detailed in our comments below, the City remains vexed by key aspects of this proposed 80-year mining and industrial development Project and believes the FEIR and the County's response have failed to remedy major deficiencies in the assessment of air quality, greenhouse gases, land use, noise, and traffic, and consideration of alternatives which could reduce, or avoid, potentially significant impacts to the City and surrounding County areas." [6]

The failure of the Final EIR to adequately respond to these credible comments further demonstrates the inadequacy of the Final EIR.

I respectfully request you to not Certify the Final EIR.

Thank you.

Ralph Silberstein, on behalf of CEA Foundation

1 DEIR Agency Comments, Central Valley Regional Water Quality Control Board.pdf, Item 4 page 3, Item 5 pag4, Item 9 page 4
2 DEIR Agency Comments, Northern Sierra Air Quality Management District.pdf page 4
3 Staff Report, Public Comment, page 41
4 DEIR Agency Comments, Nevada Irrigation District.pdf, page 3
5 Staff Report, Public Comment, page 1783
6 Staff Report, Public Comment, page 34

May 9, 2023

CEQA requires that an EIR consider a reasonable range of alternatives that will foster informed decision-making and reduce impacts.

The FEIR's alternatives analysis is flawed because it failed to provide realistic alternatives that could greatly reduce the Project's significant impacts on aesthetics, noise, energy, and transportation.

The DEIR defined the Project so narrowly that few alternatives could meet its objectives. In defense of the Project's narrowly defined objectives, the FEIR contends that setting a high ore production level was necessary in order to finance and construct a mine "that will take in excess of 100 million dollars to construct."

The FEIR ignores evidence showing that a mining project with lower production would still be economically viable. The RDN Economic Report of the proposed project conducted for the County showed that the project would be profitable even assuming very low production.

The RDN report includes a "high-end scenario," based on assumed yearly production of 108,400 ounces of gold. Under this scenario, the mine would yield a profit of almost $112million every year, clearly enough to fund their construction costs. However, even under the "low-end scenario," in which the mine would produce 26,500 ounces annually, which by the way is the only number supported by current data, the mine would still be profitable, with a profit of over $27million/year, funding construction costs in about 4 years.

Even if production were cut in half from the low-end scenario, mine operations would still yield a 25% profit at over $5million/year. The FEIR should have included more flexible objectives with respect to the project's output.

The FEIR also attempts to refute arguments that it should have selected Alternative 2 as the environmentally superior argument. This Alternative would reduce the Project's significant impacts in nine of the ten categories but is discounted by the FEIR.

The Alternatives analysis is inadequate and fails to achieve its purpose under CEQA.

I respectfully request you JUST SAY NO to the Final EIR.

Thank you.

Ralph Silberstein, on behalf of CEA Foundation

B-13

EPA Superfund Listing: Only *Temporarily* Deferred

The success of this Mine Project relies on the hope that most of its waste will be classified as Group C. However, if the EPA has – or is considering – designating the Centennial site as a **Superfund site**, that means that the mine waste there is definitely NOT Group C, and the site will be placed on the National Priorities List for environmental clean-up. For various reasons, this Mine Project does NOT want it placed on that list.

This is why the Final EIR - wrongly - declares that, "Several commenters have...**incorrectly** asserted that the Centennial Site is...designated - or under consideration - to be listed as a "Superfund" site..."[1]

In fact, the commenters are NOT incorrect. The EPA **has** tested the site, and **has** placed it under consideration for Superfund status. The only reason they have not yet done so is "...because the California Department of Toxic Substances Control has a signed Voluntary Cleanup Agreement with the site owner, [so the] *EPA has chosen to **conditionally defer** listing the site as a **Superfund** site...*" [2]

However, instead of admitting the EPA's judgment, the Final EIR insists that, since the EPA **didn't** use the proper test, "...it can be **reasonably inferred** that the EPA also has concluded that the site would **not likely** score high enough to be placed on the National Priorities List."[3] This is sheer nonsense.

Not only was the EPA in the process of **listing** the Centennial Site a Superfund, but they go on to explain that, "Should **conditions** change such that federal **Superfund** involvement becomes appropriate, [the] EPA will work with the State...including the option of listing the site on the **National Priorities List** as a **Superfund** site."[4]

Once again, the Mine has chosen to – at best - obfuscate the truth: and the Mine can't claim ignorance because the EPA letter which is being quoted is addressed to the Mine's owner.

This community should not have to deal with this Mine or their EIR: please reject both.

Thank you.

Ralph Silberstein, on behalf of CEA Foundation

May 9, 2023

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1 Master Response 9, Chapter 2 – Responses to Comments Page 2-48 Final EIR Idaho-Maryland Mine Project December 2022

2 Transmittal of Preliminary Assessment Report Idaho Maryland Mine APNs 09-550-32, -37, -38, -39, -40; 09-560-36 EPA ID No: CAN000908495

3 Ibid, Master Response 9,

4 Ibid, Transmittal of Preliminary Assessment Report

May 9, 2023

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 mining, although ore sampling was allowed.

There are dozens of citations on the internet describing the normal steps followed to open a mine, which includes at least: Feasibility Study, Exploration, Production and Reclamation.

The Exploration stage is where environmental baseline data and actual proof of gold reserves are collected to inform the Production EIR **before** the Production Use Permit is approved. The Nevada County Use Permit form for Mining clearly includes the option to request an Exploration Permit.

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 right-of-way, easements, and agreements to guarantee installation of water service from NID to **any and all residences in the Study Area**."

In addition to wells in the area of East Bennett Rd., the Study Area included a large portion of Cedar Ridge north of Colfax Hwy, wells as far west as Union Hill, as far east as Bellview Rd., substantial areas in the Greenhorn Rd. neighborhoods to beyond Anchor Ln. and the north end of Glenn Pine Rd.

Emperor Gold was required to provide cash, bonds or securities to pay all construction costs, including meters, connection fees, lateral lines, and related expenses or damages associated with replacement water service. The dewatering permit was limited to 5 years. And because there was not expansion of mine works, the risk to wells was far less.

Yet not only is Rise asking you to skip the Exploration stage and trust they will provide all the missing information **at some time in the future**, their mitigations and proposed support for well owners **come nowhere close** to what was the minimum requirement in 1996.

The FEIR speculates that 15 monitoring wells will validate their computer model, **with data provided in the future**, and further speculates there will be no impacts to private wells.

The Mine project should have at least as good protections as the 1996 Approved Use Permit provided, if not more.

I respectfully request you Just Say NO to this inadequate Final EIR.

Thank you.

Ralph Silberstein, on behalf of CEA Foundation

May 9, 2023

The DEIR recognized that the Project's operational impacts from emissions would be potentially significant based on North Sierra Air Quality Management District's (NSAQMD) 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 it must explain why further mitigation is not feasible.

The FEIR claims the Project's potentially significant operational air quality impacts are automatically reduced to less-than-significant levels by adopting certain 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 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 CEQA itself.

But even if those previous studies were relevant, not a single one supports the FEIR's position. Three of the four projects had no estimated operational emissions at all. And 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 claim it is not feasible to adopt measures to lessen the Project's operational air quality impacts. It simply asserts that it did not need to consider such measures in the first place. That is wrong, and the EIR is legally deficient as a result.

I respectfully request you Just Say NO to the Final EIR.

Thank you.

Ralph Silberstein, on behalf of CEA Foundation

From: Maggie McKaig
To: Idaho MMEIR
Subject: Say NO to Rise Gold
Date: Tuesday, May 9, 2023 4:51:53 PM

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

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To the Nevada County Planning Commission:

My name is Maggie McKaig, and I've been a Nevada County resident for 36 years, and a homeowner for 29 years.

I am writing to urge you to recommend to the Nevada County Supervisors that under no circumstances should Rise Gold's plan of reopening the Idaho-Maryland Mine be approved.

It is indisputable that Rise Gold's CEO, Ben Mossman, has a horrendous track record when it comes to safely opening and running a gold mine without it becoming a toxic wasteland. It doesn't take a lot of research to discover the facts: His previous company, Banks Island Gold, started in 2014, lasted barely a year before British Columbia provincial inspectors, following up on complaints, discovered that Banks Island Gold was releasing mine waste and contaminated water into creeks, ponds and wetlands. The only thing Mossman's Banks Island venture was successful at was ignoring every environmental regulation possible.

As such, Mossman is being sued by the provincial government. And Mr. Mossman's defence? His legal team claims that Mossman wasn't responsible for the contamination; releasing the mine waste wasn't his doing; it was his company's. As it was shown that Mossman was very hands on, and approved every step of the way, this defense is not only deceptive, it's absurd.

It is beyond me how anyone could seriously believe that Ben Mossman has our best interests at heart, as he contends. The people of Banks Island certainly learned their lesson on that one. And they'll be dealing with the toxic aftermath of Mossman's greed for many years.

Don't be taken in by Ben Mossman. The only thing this flim flam man deserves is a one-way bus ticket out of Nevada County.

Sincerely,

Maggie McKaig
(530) 559-3476

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Just don't give up trying to do what you really want to do. Where there is love and inspiration, I don't think you can go wrong.
--Ella Fitzgerald

For most of history, Anonymous was a woman.
  --Virginia Woolf

All music is folk music. I ain't never heard no horse sing a song.
  --Louis Armstrong

In a nutshell:
http://www.maggiemckaig.com

Specifically music:
https://maggiemckaig.bandcamp.com/

 Beaucoup Chapeaux Basics:
http://www.facebook.com/BeaucoupChapeaux
http://www.beaucoupchapeaux.net

Gold Country Avian Studies
Allison Nelson, MS
14401 Pierite Road Nevada City, CA 95959 (510)541-9078

May 9, 2023

Matt Kelley, Senior Planner
Nevada County Planning Department and Nevada County Planning Commission
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617
matt.kelley@co.nevada.ca.us
idaho.mmeir@nevadacountyca.gov

Dear Mr. Kelley and the Planning Commission,

Gold Country Avian Studies (GCAS), an avian research organization based in Nevada City, California and operating through state and federal wildlife research permits, is submitting the following comments on the Final Environmental Impact Report, State Clearinghouse #2020070378 for the proposed Idaho-Maryland Mine Project.

After reviewing the FEIR, we are recommending that the Planning Commission should **not certify** that FEIR is adequate and complete, and they should **not recommend** approval of a project Use Permit to the Board of Supervisors.

Through a DPR 65 California Department of Parks and Recreation Scientific Collecting and Research permit, GCAS has operated a bird monitoring and banding program at the Bennett Street Grasslands which are located along East Bennett Road, a 33-acre assemblage of dense riparian areas, wetlands, and unique, low elevation wet and dry grassland communities. The Bennett Street Grasslands contain a 0.45-mile stretch of South Fork Wolf Creek. The Bennett Street Grasslands (BSG) provide important breeding, wintering, and migration habitat for birds. Over 100 species of birds have been detected at the site; this includes the banding and capture of the Willow Flycatcher, *Empidonax traillii* (California State Endangered Species); the yellow breasted chat, *Icteria virens* (California Bird Species of Special Concern); and detections of Olive-sided Flycatcher, *Contopus cooperi* (California State Bird Species of Special Concern) as well as, Yellow Warbler, *Setophaga petechia* (California State Bird Species of Special Concern), from 2019-2022.

At BSG, we provide unique educational opportunities, including bird banding demonstrations in which elementary students are able to see wild birds up close in the hand, and high school and college students and local community members are able to learn about bird research and participate in citizen science. Noise from the mine would undoubtedly disturb these demos and activities, and would negatively impact the students' experience while outdoors in nature. Please understand that should the mine be approved, we would be obliged to express in our educational events that wastewater from the mine enters the water stream just upstream from the bird banding station, and that South Fork Wolf

Creek and the birds and other wildlife that use it are now subject to fluctuations in water level, temperature, turbidity, and the potential for leaks of toxins into the water stream due to the presence and activities of the mine.

Water / Dewatering / Downstream Impacts

We continue to have concerns largely around fluctuating water levels. Increasing flows to the site would potentially inundate and cause failure of nests adjacent to the creek of ground-nesting or low-nesting bird species. Moreover, our bird monitoring program would be directly affected by changing water levels as at least two of our bird trapping locations could be inundated when water levels are high. In addition, increased turbidity and an increase in water temperature could affect availability of benthic invertebrates and other arthropods (such as insects and larvae) that serve as a food source for birds and wildlife, which could negatively and directly impact bird survival or the survival of their young, potentially causing a decline in bird populations at the site and downstream.

The FEIR also does not address how dewatering will affect ground-water dependent vegetation at BSG, and subsequently affect birds and other wildlife that depend on the many plants that serve as food sources.

These issues have not been sufficiently mitigated nor planned for in the FEIR, and it should not be certified.

Disturbance to Wildlife

The FEIR does not fully address the potential for nesting Willow flycatchers at the site, and therefore should not be approved. In fact on p. 2-712 of the FEIR, it states : *"….page 4.4-39 of Chapter 4.4 is hereby revised as follows: … Several species of birds are known to forage and nest within riparian habitat along stream corridors, including the willow flycatcher (Empidonax traillii), yellow warbler (Setophaga petechia), yellow-breasted chat (Icteria virens), and olive-sided flycatcher (Contopus cooperi)… have been identified in an area of substantially higher stream and riparian habitat quality than the more highly disturbed riparian habitat located along the South Fork Wolf Creek within Brunswick Area. Accordingly, these species have a low probability of occurrence onsite, and no potential impact is expected."*

However, we counter that the potential for impact to these species is certainly present. Because of the volume of willow flycatchers that we catch immediately downstream at the Bennett Street Grasslands, including a female in breeding condition (with a brood patch) in the midst of the summer 2022 breeding season, it is entirely possible that this species breeds at the Brunswick site and disperses to BSG following breeding. I have identified a location within the Brunswick site that could provide appropriate breeding habitat for willow flycatcher or yellow-breasted chat and have created a map of potentially sufficient locations of this habitat. Due to the protected status of these species, do not disseminate this map to the public or to Rise Gold or affiliates.

On Page 3-55 of the FEIR it states "*Page 4.4-34, DEIR Chapter 4.4, Section 4.4.2, Table 4.4-6 is hereby revised as follows to include discussions on olive-sided flycatcher, willow flycatcher, yellow-breasted chat, and yellow warbler:*

For willow flycatcher*: "… Brunswick Area. Low (*probability of occurrence*) . Brunswick Industrial Site contains marginal suitable foraging and nesting habitat for the species along South Fork Wolf Creek adjacent to open wet meadows. No impacts to riparian habitat are proposed."*

However we insist here that the FEIR should not be approved because the probability of occurrence for willow flycatcher should have been changed to "High", and that the claim that there will be "no impacts to riparian habitat is entirely false. Similarly,
For yellow-breasted chat: "…*Brunswick Area. Low* (probability of occurrence*). Brunswick Industrial Site contains marginal suitable foraging and nesting habitat for the species".*
The revised FEIR Table 4.4-6 states that chats are "*Summer resident and inhabits riparian thickets of willow and other brushy tangles near waterways. "* These exact habitats **ARE** present at the Centennial site. Given the numerous detections of this species immediately downstream at BSG in summer, we have reason to believe that chats could be breeding at the Centennial site as well. This probability of occurrence should have been revised to "high" but is listed as "*low*", so we therefore recommend that the FEIR be rejected by the Planning Commission. Also, on p 2-140 of the FEIR it is stated "T*he riparian habitat within the Centennial and Brunswick Industrial Sites provides minimal suitable habitat for any of these species given the level of disturbance historically within those areas as well as the recent disturbance."* We strongly disagree as we have captured multiple individuals of both of these species, including willow flycatcher. Just because the CNDDB has not completed processing of our detections and captures, does not mean they do not occur within 5 mi of the site. Last year we provided photos of yellow breasted chats and willow flycatchers captured at the site.

We remind the Board of Supervisors and county planners that by newly including nesting bird surveys in the FEIR as a "mitigation measure", this FEIR does not create an actual plan to manage for the presence of chats and willow flycatchers and other species protected by the Migratory Bird Treaty Act. This FEIR is simply stating that the project owner will arrange for the minimum monitoring as required by law (CEQA). Simply following the law is not an appropriate mitigation. This FEIR would still allow work to be performed during bird nesting season and would allow important habitat for nesting and migrating willow flycatchers and yellow-breasted chats to be PERMANENTLY destroyed. We therefore recommend that the Use permit for this project not be approved.

The reopening of the Idaho Maryland Mine is a poor choice of the community and the environment, and especially local bird species. Please do not certify the FEIR nor approve the Use Permit.

Sincerely,
Allison Nelson
Director, Gold Country Avian Studies

NCAR
NEVADA COUNTY ASSOCIATION OF REALTORS

May 9, 2023

Nevada County Planning Commission
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617
Idaho.MMEIR@nevadacountyca.gov

RE: Idaho-Maryland Mine Project Final Environmental and Economic Impact Reports

The Honorable Planning Commissioners:

On behalf of the Nevada County Association of REALTORS (NCAR), 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 address specifically the results of the Economic Impact Report:

Real Estate Industry Survey – A survey previously completed by Rise Gold's Consultant RDN had a total of 65 completed surveys of which 79% believed that property values would be negatively impacted. However, the finding of the Economic Impact report dismisses the RDN Real Estate Industry Survey completely, stating results were not robust enough to be considered. The Nevada County Association of REALTORS (NCAR) re-sent the same survey questions to our association membership and are now presenting the results of that survey. 162 of our active membership participated and completed the survey, representing 27% of the total membership. The results are overwhelming. 87% of the survey participants believe that property values will be negatively impacted.

"...RDN planned to evaluate the total impact to property values and associated property taxes based on the anticipated average change in property values associated with the proposed project. ***Of the three types of research RDN performed for this analysis–the literature review, real estate industry survey, and case study analysis–the case study analysis strikes the balance of being the most robust and readily applicable for evaluating the proposed project. "***

This quote clearly states that a case study analysis was selected for the findings of this report and dismisses the findings of the real estate industry survey. We believe as REALTORS® that our expert opinion matters and should not be dismissed.

Rise Gold's 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 field, and based on our survey results, NCAR does not agree with the findings of the Final Economic Impact Report. Based on our survey, our REALTOR members answered firmly agree that our property values will be negatively impacted.

Zoning –

- General Plan Policy 17-2 states "the ME zone will be used to warn the public that the potential for a surface mining operation exists and thus this zone will discourage the encroachment of incompatible uses". The surrounding borders of the Brunswick site are currently zoned and built out 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 conditions and mitigation measures or denial of the project."

Based on our own thorough analysis of the impact reports (drafts & finals), our association believes the Economic Impact Report results are incorrect and the report should **NOT** be certified.

Sincerely,

Steve Medina, President
Nevada County Association of REALTORS
336 Crown Point Circle
Grass Valley, CA 95945
(530) 272-2627

From: DONALD B TANNER
To: Idaho MMEIR
Subject: Idaho Maryland mine
Date: Tuesday, May 9, 2023 5:08:54 PM

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My wife and I are for the mine ,as a life long resident we would love to see or historical past come back alive.
Thank you

Brady & Patricia Tanner
T Square Ranch

From: Michael Frick
To: bdofsupervisors; Idaho MMEIR
Subject: Idaho-Maryland Mine project
Date: Tuesday, May 9, 2023 5:43:26 PM

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Dear Nevada County Supervisors and Planning Department:

I trust all is well and you are having a great week so far Thank you for taking the time to read my letter.

My spouse and I would like to move (including our small business) to the Grass Valley / Nevada City area, but we are waiting to see what happens with the Idaho-Maryland Mine project first. If it goes forward, we will look elsewhere due to the terrible environmental effects that mines have on the communities they operate in. Please say "no" to the mine... and we can finally purchase our dream property in this beautiful area.

Thank you...

All my best,
Mike
SPEAKING.com

Michael Frick
CEO
SPEAKING.com Speakers Bureau
San Francisco | Los Angeles | Palm Springs, CA USA
Phone: +1-760-656-8770 | Email: Mike@Speaking.com

From:	Ryan Trauntvein
To:	Idaho MMEIR
Subject:	Public Comment Opposing the Proposed Idaho-Maryland Mine Reopening
Date:	Tuesday, May 9, 2023 6:20:35 PM

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Subject: Public Comment Opposing the Proposed Idaho-Maryland Mine Reopening

Dear Nevada County Planning Commission,

I write to express my strong opposition to the proposed reopening of the Idaho-Maryland mine by RISE Gold, as I believe it poses significant environmental, public health, and social risks to our community. As a concerned citizen, I urge you to prioritize the well-being of the community and the environment over short-term economic gains.

1. Environmental Impact: The reopening of the mine will lead to the destruction of habitats, loss of biodiversity, and degradation of the land. The waste products generated by mining, such as tailings and acid mine drainage, will contaminate water sources, jeopardize the health of aquatic ecosystems, and threaten the quality of drinking water for local residents.

2. Public Health Concerns: Air pollution from dust and emissions will have a negative impact on air quality, leading to respiratory problems and other health issues for nearby communities. Additionally, the potential for water contamination with heavy metals and other harmful substances poses a risk to public health, affecting not only humans but also wildlife and vegetation.

3. Social Impact: Mining activities often lead to social disruptions, such as forced relocation of local communities, loss of traditional livelihoods, and increased tensions between different groups. The influx of workers may also strain local resources, such as housing and public services, and contribute to social problems like crime and substance abuse.

4. Climate Change: Mining activities generate significant greenhouse gas emissions, which contribute to global climate change. By promoting the reopening of the mine, we are undermining our commitments to reducing emissions and transitioning to more sustainable energy sources.

5. Lack of Sustainable Development: While the mine may bring short-term economic benefits, it is essential to consider the long-term implications of such a project. Instead of investing in a project that depletes our natural resources and endangers public health, we should focus on promoting sustainable development, such as investing in renewable energy, conservation, and sustainable agriculture.

In conclusion, I strongly urge you to reject the proposed reopening of the Idaho-Maryland mine by RISE Gold. The potential negative impacts on our environment, public health, and social well-being far outweigh any short-term economic gains. Our community deserves better, and I ask that you prioritize the long-term health and sustainability of our region.

Sincerely,

Ryan Trauntvein
Nevada County Resident

From:	Heather.Mulligan
To:	Idaho MMEIR
Subject:	IDAHO-MARYLAND MINE - NEVADA COUNTY PLANNING COMMISSION SPECIAL MEETING
Date:	Tuesday, May 9, 2023 6:20:35 PM

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Hello,

As a Nevada County resident I am against the reopening of the Idaho-Maryland Mine.
The two main reasons are due to the risk of neighbors losing their ground water access as well as possible poisoning of our water systems.

Would you please post on your nevadacountyca.gov project status page
https://www.nevadacountyca.gov/3195/Idaho-Maryland-Mine---Rise-Grass-Valley
the following:

1. A link to all data regarding samples tested of soil and water including geographical location, depth, and chemical content - previously collected - and to be collected at some regular sample period for the life time of the project (80 years)

2. A link to a step-by-step process of addressing any wrongdoing that is done to any of our neighbors such that everyone knows what to do if their well is accidentally run dry or poisoned etc.

3. A link to to the complete list of chemicals used in mining along with a confirmation that each of these chemicals will be tested at regular intervals on all water entering our waterways

4. A guaranteed post-Mortem public hearing after one year of operation to assess whether the people of Nevada County are negatively affected by the operation of the mine.

5. The amount that any government employee or organization benefits financially in anyway from the reopening of this mine

It is only through diligent observation, reporting, public discourse, and corrective feedback can we be sure that the people of Nevada County do not silently incur the burden for the financial gain of a few. If we do not learn from mistakes then we will repeat them. Please provide the links to the requested data so we can track and learn together whether this project is truly good for Nevada County.

Sincerely,
Heather

Sent from Proton Mail for iOS

From: Gita Jones
To: Idaho MMEIR
Subject: WHAT?!!
Date: Tuesday, May 9, 2023 6:20:36 PM

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You think it's even possible to consider offering filthy, boring, dangerous work to desperate people as a good way to fill the coffers of the county?

Isn't the world filthy, dangerous, unhappy and greedy enough now for you to realize it's not the way to live? You want to take a county that offers a great deal of the opposite of that: beautiful, safe, happy people, a level of quiet and contentment not seen in much of the STATE even, let alone the world…and change it for the worse. Why? For money? No amount of money buys WHAT WE ALREADY HAVE NOW.

You think I want to live in dirtier air, unbearable noise, looking at massive trucks, knowing the earth is being chewed to hell, trees coming down, ugliness going up? We'll have lower property values, less tourism, worse health because of the air and stress, ruined water and no charming place to be anymore.

This is a move backwards into the past. It displays the same tired lie: it's good for the economy, it gives people jobs. Look around. That lie has been circulating for decades and everything is worse and worse not better and better.

We actually have something better going on here where we live. It's a living miracle.

I'm feeling disbelief that I even have to write a letter like this. The lack of vision in even considering such a backwards decision is shocking. Wake up. Wake up to what is important in life. Wake up to your true responsibility as a human being.

From: Maggie McKaig
To: Idaho MMEIR
Subject: Say NO to Rise Gold
Date: Tuesday, May 9, 2023 4:51:53 PM

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To the Nevada County Planning Commission:

My name is Maggie McKaig, and I've been a Nevada County resident for 36 years, and a homeowner for 29 years.

I am writing to urge you to recommend to the Nevada County Supervisors that under no circumstances should Rise Gold's plan of reopening the Idaho-Maryland Mine be approved.

It is indisputable that Rise Gold's CEO, Ben Mossman, has a horrendous track record when it comes to safely opening and running a gold mine without it becoming a toxic wasteland. It doesn't take a lot of research to discover the facts: His previous company, Banks Island Gold, started in 2014, lasted barely a year before British Columbia provincial inspectors, following up on complaints, discovered that Banks Island Gold was releasing mine waste and contaminated water into creeks, ponds and wetlands. The only thing Mossman's Banks Island venture was successful at was ignoring every environmental regulation possible.

As such, Mossman is being sued by the provincial government. And Mr. Mossman's defence? His legal team claims that Mossman wasn't responsible for the contamination; releasing the mine waste wasn't his doing; it was his company's. As it was shown that Mossman was very hands on, and approved every step of the way, this defense is not only deceptive, it's absurd.

It is beyond me how anyone could seriously believe that Ben Mossman has our best interests at heart, as he contends. The people of Banks Island certainly learned their lesson on that one. And they'll be dealing with the toxic aftermath of Mossman's greed for many years.

Don't be taken in by Ben Mossman. The only thing this flim flam man deserves is a one-way bus ticket out of Nevada County.

Sincerely,

Maggie McKaig
(530) 559-3476

--

Just don't give up trying to do what you really want to do. Where there is love and inspiration, I don't think you can go wrong.
--Ella Fitzgerald

For most of history, Anonymous was a woman.
  --Virginia Woolf

All music is folk music. I ain't never heard no horse sing a song.
  --Louis Armstrong

In a nutshell:
http://www.maggiemckaig.com

Specifically music:
https://maggiemckaig.bandcamp.com/

 Beaucoup Chapeaux Basics:
http://www.facebook.com/BeaucoupChapeaux
http://www.beaucoupchapeaux.net

From: Joanne Wohlfeld
To: Idaho MMEIR
Subject: Do Not Open a Mine
Date: Tuesday, May 9, 2023 4:39:32 PM

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Opening a mine here in Grass Valley, Nevada County should not even be a question. Do people really want to work in the mine? When I walk at the Empire Mine and see and feel the total disregard for the land and shameful remnants of junk left all over the place. Trees growing around iron rope type fencing where they kept the mules for work. There are parts where I can see how beautiful it once was. People came and cut the trees, then ruined the land with giant holes out of greed. It is quite sickening and I didn't move here 16 yrs. ago for an industrial, loud, poluting environment. This place is a gorgeous, peaceful, happy place where people visit and live. Where most people seem happy and are friendly.
You would be the worst planning commission and board of supervisors I could think of if you think this is good for our towns.

From: J Regan Gere
To: Planning
Subject: I object to reopening of the Idaho-Maryland mine
Date: Tuesday, May 9, 2023 3:33:43 PM

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As a homeowner with a well, I strongly object to the proposed re-opening of the Idaho Maryland mine. I have fears for the contamination of my well and those of other homeowners nearby the well project.

We are a thriving community of mix of retirees and working families. We draw tourists from many categories to our towns of Grass Valley and Nevada City for the charm, peace, beauty and quiet of these remarkable cities. We do not need the pollution that the proposed mine brings in the form of water degradation and noise of trucks removing the tailings.

Moreover, I understand the developers of this project can not be trusted to follow through on what they say they will do. They have lied and left other communities "holding the bag."

The people of Nevada County do not want this intrusion.

Regan Gere
12180 Lowhills Rd
Nevada City, CA 95959

530-414-1949

Received 5/8/2023
by Zachary Ruybal

4/25/23

RECEIVED
MAY 08 2023
NEVADA COUNTY
PLANNING DEPARTMENT

Comments OPPOSING CERTIFICATION of Final Environmental Impact Report(FEIR), and OPPOSING APPROVAL of a Conditional Use Permit to reopen the Idaho Maryland Mine

Submitted by: Charles W. Brock P.O. Box 269, Nevada City Ca. 95959; 530.362.0490

1. FEIR pgs. 8606, 8607 and 8608 (attached) state that mitigation measures for "temporary and PERMANENT ground disturbing activities" of "jurisdictional waters/wetlands that cannot be avoided" at the Brunswick and Centennial locations can be mitigated by payment of "an in-lieu fee or off-site wetland creation...or purchase of habitat credits". Rise Gold's Use permit application requests variances to the County's 100' riparian setback and permission to exceed 30% slope limits within these areas. Destruction of local riparian habitat has been strongly opposed by the Wolf Creek Alliance, and clearly violates Nevada County General Plan Objective 17.1 and Policies 17.11.3., 17.14, and 17.24.
2. FEIR pg. 5233 identifies the "overall (Brunswick) project site" as being located in the Foothills Fault System, which is designated a "Type C fault zone", with low seismicity and a low rate of recurrence...the nearest mapped active portion of the Foothill Fault System is approximately 25 miles northwest of the overall project site on the Cleveland Hill Fault". (Also see NV5 January 16, 2020 'Management Plan for Potential Seismic Hazards'.) FEIR pgs. 7196 & 7197 address Rise Gold's request to amend the County Final Map #85-7 for Bet Acres and remove the fault line and its 200' building setback on each side. The County concludes, citing NV5 Engineering and citation of their 11/18/19 (outdated) Geotechnical Report, that a "SIGNIFICANT IMPACT could occur without mitigation." Out of an abundance of caution the County consults with another engineering firm and concludes that building on the Brunswick site is feasible as long as building plans are approved by the Nevada County Building Department. Anderson Geotechnical, a local respected engineering firm was responsible for placing said fault line and setback notations on this final map. The fault line runs approximately 150' from the mine's main shaft and directly through the middle of the water treatment pond and its earthen dam. Please also note that in 1975, a damaging earthquake (magnitude range 5 to 6) occurred 10km south of Oroville, within the Foothill Fault System. (see attached August 1978 article in "California Geology'). Said article also identifies "damaging earthquakes" in 1909 and 1888 about 15 km northeast of Nevada City.
3. Potential for Collapse of shallow near surface workings "NOT FORMALLY CLOSED" (DEIR pp. 4.6-44 to 4.6-49), are referred to frequently in the context of mine dewatering, generally concluding they are a low risk for collapse. FEIR page 195 in Master Response 29 states "All near surface mine workings were specifically evaluated by NV5 in the Geotech Review of Near Surface Features, as shown in Table 4 of Appendix H.6. This statement is contradicted numerous times throughout the DEIR, FEIR and Technical Reports! However, the FEIR on pg. 195 states "near surface features are generally more susceptible to subsidence and collapse". A far greater risk

exists for collapse of admittedly unknown and non-engineered closure of near surface workings. DEIR pg. 4.6-13 states: "some near-surface features were historically closed without engineering design or agency oversight." "NV5 states near-surface mine features ...are generally more susceptible to subsidence and collapse than are deeper mine workings and may be located in weaker materials (soil and weathered rock). They recommend potential remediation ie. closure for all near surface mine features". The heightened risk of near surface workings collapse exist today, without any mine operations active, and are admittedly unknown. In their 11/18/19 Geotechnical Report on page 35, ppg. 8, NV5 states "Possible historic mining excavation not detected during our investigation may impact the proposed improvements." And, "Our investigation did not include evaluating the subject site for presence of historic mining features or hazardous materials. In 1998 a private residence built in BET acres (same map as Brunswick Mine Site) suffered a major collapse and sinkhole beneath the house during a period of HEAVY RAIN STORMS. I have spoken recently with the neighbor of the adjacent property who says he has two developing smaller "sinkholes" on his property today. As well, Geotechnical Assessment of near Surface Mine Features prepared by NV5 for Rise Gold, dated June 11, 2020 (outdated), on pg. 8 makes the following statements: "for paved locations where water level in the mine workings is present at depths less than 100 ft. and no records of physical closure are known", and "the ground surface at these locations should be surveyed prior to dewatering so that the locations can be monitored for possible future settlement", and "features were previously closed, no formal record of physical closure was identified" , and "This evaluation does not eliminate the possibility of future settlement at these historical excavation locations". It should also be noted that the same Geotechnical Report states on pg. 7, "Based on information provided by Rise, ...", and then later states in the same report on pg. 10: "We do not warrant the accuracy of information supplied by others". Let it not be forgotten that NV5 Engineering is under the employ of Rise Gold.

One is left to wonder how many unknown, improperly closed near surface workings exist on the mine site? Out of an abundance of caution I include herewith pgs. 4.5-9 and 4.5-19, 20, 21 and 22 of Holdrege and Kull's (now NV5), 10/18/2008 DEIR which speaks with far greater concerns regarding seismicity and unstable soils at the Brunswick Mine site. Couple concern for potential near surface collapse with the County Planning's admitted concern of potential "SIGNIFICANT IMPACT" of seismic issues, and the advisability of certifying the EIR becomes even more questionable.

4. FEIR Chapter 2 pg . 2-6 Master Response #3 states..."the County may revoke a Use Permit for the following reasons: #5. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application for the permit." Attached herewith see GPA/ Zone Change Application, Applicant's Variance Justification, Project Information Questionnaire, and Mineral Exploration and/or Extraction Environmental Assessment, all four of which are part of Rise's Use Permit Application. I note on the attached documents numerous errors and/or misrepresentations which beg the question "Why bother to approve the Use Permit when the application itself contains so many misrepresentations, omissions and errors?" Hopefully the FEIR will not be certified and Use Permit approval will be moot.

5. Throughout the FEIR "Response to Comments" on pgs. 365, 1014, 1050, 5309, 5318, 3341, 5344, 5346, 5375, and 63 more times, County staff remarks "this comment will be provided to the County decision makers" or alternately, " these comments have been noted for the record and forwarded to the decision makers for their consideration". If each and every one of these noted items have not been forwarded to County decision makers, the FEIR should not be certified.
6. FEIR pg. 147 (Ch. 2-74), the mitigation measure providing treated water, applies to only 30 properties. Clearly, this physical activity, the noise from which is one of the FEIR's UNMITIGABLE SIGNIFICANT ENVIRONMENTAL IMPAC TS, undeniably contributes to significant loss of property values. The admission of said Environmental Impact represents a long term physical change which at the very least encompasses all of the mineral rights areas (should more well production be lost), and clearly IS a violation of CEQA.
7. NV5's Geotechnical Engineering Report dated November 18, 2019, (see #2 above), states on pg. 12: "we do not anticipate that the proposed project will result in the destruction, covering, or modification of any unique geological and/or physical features". Please see attached NV5 "Management Plan for Potential Seismic Hazards" (1/16/2020)(outdated) and the attached "SITE MAP' which is actually an aerial photograph of the existing on site pond, showing "Fault Line" running through the middle of said pond and its dam. Perhaps NV5 and Rise meant to say here that this fault line won't exist once they get the County to rerecord the existing Final Map, with the fault line and setback requirements removed. Risks represented throughout the FEIR and Technical Reports are regularly overlooked, brushed aside or just misrepresented.
8. FEIR pg. 8661 re. security/surety bonding, plus bonding requirements outlined in the County General Plan and permit process, far exceed Rise Gold's ability to pay! As stated on FEIR pg. 8661 "Implementation Schedule", bonding must be provided "Prior to commencement of mining operations." See attached analyses by Tim Ogburn (retired DTSC Administrator and Past Chairperson of Placer County Planning Commission), and Randy Newsom (retired Federal Bankruptcy Judge)addressing this vital issue. Also attached is Surety Bonding Industry information which notes qualifications for underwriting as "bonding capacity, credit and character". Given Mr. Mossman's record in Canada one can reasonably call into question his ability to secure adequate required bonding/surety on the character requirement alone.
9. Rise Gold Financial limitations. See attached analysis by Randy Newsome, retired Federal Bankruptcy Judge.
10. Add Management Plans + Variances + 3 Significant Unmitigable Environmental impacts + zoning change (which would render land use even more out of keeping with the General Plan) + Management Plan for development to allow violation of setback requirement in riparian zone + allowing work in areas of "steep slope in excess of 30%" + Subdivision Map Amendment and Management Plan to remove Fault zone from Final Map (all above noted in Planning Department "Project Description" of IMM) + unknown soil conditions + whatever is yet to be resolved with DTSC the at Centennial site and one has significant "Cumulative Impacts" placing the FEIR in obvious violation of CEQA and rendering it UNCERTIFIABLE and extremely risky on many levels! (Please also see Shute, Mihaly & Wineberger's response to FEIR dated 3/20/23, sent to County Planning Department regarding Cumulative Impacts).

11. Inadequate ASBESTOS and AIR QUALITY mitigation. See Shute, Mihaly & Wineberger letter, and attached "Mine Waste and Asbestos Impacts Comments on the Final EIR prepared by CEA Foundation, March 14, 2023", and attached: 1) Mitigated Daily Airborn Emmissions Chart (from DEIR Table 4.3-19, pg. 366 w/notes prepared by Jeff Kane MD, 2) Table 4.3-5 NSAQMD Thresholds chart, DEIR pg. 333, and 3) Table 4.3-6 of DEIR, pg. 334, and "Public Comments" of local scientist and past GV Planning Commissioner Jim Bair which include detailed DEIR and FEIR referenced notations.
12. General Plan Policy 17.14 states "Already existing development - commercial, residential and community – as well as undeveloped private lands, shall be protected from adverse environmental effects caused by mining through enforced use permit conditions and mitigation measures, OR DENIAL OF THE PROJECTS. The County shall be the enforcement agency." The FEIR identifies three SIGNIFICANT ENVIRONMENTAL IMPACTS that cannot be mitigated: Aesthetics , Noise and Traffic/Circulation. Asbestos should have been a fourth. FEIR pg. 132 states that Section 3 of the DEIR subjectively proffers that mine materials will likely be classified "Group C'. In fact, and as is the case throughout the FEIR we learn that surface and soils testing will have to be done during the course of construction/operation.
13. General Plan. Chapters 1, 4, 9, 14, 17, and 18 all provide arguments for denial of certification of the FEIR.
14. FEIR pg. 117 states "A Groundwater Monitoring Plan (GMP) is required for the Project under Mitigation Measure 4.8-2(a). It also states "the GPM is designed to provide sufficient time to predict adverse impacts" and "if necessary, provide an immediate water supply". The same plan states "groundwater-level information...shall be collected on a quarterly basis". Obviously, the timing structure of this plan is seriously flawed. PG. 147 of FEIR states "no groundwater level measurements have been completed since 2007, which creates some uncertainty to the predicted impact ...of water column in domestic wells." A Groundwater Monitoring Program does not reduce the project's groundwater impacts to a less-than-significant level. FEIR pg. 151 even more outrageously states, "water quality impacts to domestic wells are speculative impacts that do not require analysis under CEQA." One need only review the widespread water quality and well damage that occurred at the Siskon Mine in North San Juan to realize the absurdity of this statement!
15. Technical Reports incorporated throughout the Draft and Final EIR all contain expiration dates that predates issuance of both DEIR and FEIR. Specific wording "The findings of this report are valid as of the present date. The recommendations presented in this report should not be relied upon after a period of two years from the issue date without our review." All technical reports are out of date and should have been current for County Staff to rely on this vital data for the multitude of decisions made throughout the CEQA environmental review process. That said, these documents reveal significant geotechnical concerns/challenges from undocumented soils and fill material (sawdust), to stability of steep cut slopes and potential for naturally occurring asbestos that represent engineering challenges. The overwhelming magnitude of risks imposed by this mine project represent a challenge to the County, which given the inadequacies of the EIR process alone, appear to be well beyond the management capabilities of County staff, and specter of an 80 year use permit.

16. FEIR pg.132 states in Master Response 10 "the DEIR adequately evaluated the Brunswick fill". This statement is directly contradicted on pg. 11 of NV5 Geotechnical Report of the Brunswick Industrial Site dated 11/18/19 (outdated), where it states "The presence of undocumented fill materials in portions of previously graded areas" and "In general, existing undocumented fill should not be relied upon to support proposed improvements."
17. Variance Application for "steep slope"(slope gradients that exceed 30%) work is inadequately dealt with in the NV5 "Steep Slope and Sediment Control Management Plan" dated 1/2/20 (attached herewith)(Outdated). There are several statements of interest in this report: "The gently sloping surfaces along the valley floor were covered with thick vegetation and we could not evaluate the nature of the material in this area." And, "Due to the proposed development and existing site topography, there is no alternatively feasible location(s) on the subject property that would have less impact on the Site and surrounding areas." [Feeble justification for proceeding with the project at all!] "Deep fill was apparent in the vicinity of the New Brunswick Mine workings". And, "no feasible alternatives were identified ...that could avoid these environmentally sensitive resource areas." [Translate: Sacrifice environmentally sensitive areas.] "Regardless of the erosion control measures in place, some erosion and sediment transport from the graded areas should be anticipated", and "...periodic maintenance may be required to maintain and/or rebuild segments of improvements constructed on steep slopes due to future slope instabilities, erosion and mass wasting." And, "Our scope of services did not include an evaluation of the Site for the presence of hazardous materials. (DEIR pg. 498. There was a cyanide plant at the Brunswick site.). And, "Pre-existing soil conditions and/or substandard construction may cause future drainage issues at the site. We can assume no responsibility for the future performance of trail or drainage improvements." [Both the local Nisenan Tribe(see letter attached), and Wolf Creek Alliance have addressed concerns for the watershed and natural areas, including So. Wolf Creek watershed, below the Brunswick Industrial Site'.] FEIR pg. 7886 in Response to Comment Ind. 775 relies on a Preliminary Drainage Analysis prepared by Nevada City Engineering in 2019 (DEIR at pg. 4.8-75), to conclude that the project would not significantly alter drainage patterns, and in so doing seems to contradict itself. Again after the same Steep Slope Management Plan states "We do not warrant the accuracy of information supplied by others". Seems the right and left hands of these environmental documents have no idea what the other is doing!
18. DEIR pg. 4.4-89; implement Best Management Practices During Construction
19. DEIR pgs. 105 & 486 state "No equipment for vehicle maintenance or refueling shall occur within the 50-foot and 100-foot non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials follow the cleanup instructions on the label." Accidents will happen. The EIR fails to note how much kitty litter will be kept on hand.

MITIGATION MONITORING AND REPORTING PROGRAM
Idaho-Maryland Mine Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		grass, rose clover, winter and spring vetch, and wild oats shall not be used as they displace native species.			
		4.4-3(c) *To the extent feasible, as determined by the qualified biologist in coordination with the Corps, the project shall be designed to avoid and minimize adverse effects to waters of the U.S. or jurisdictional waters of the State of California within the project area. Prior to initiation of ground-disturbing activities, a Section 404 permit for fill of any jurisdictional wetlands within the Centennial Industrial Site and Brunswick Area shall be acquired, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the Corps "no-net-loss" policy, be provided at a minimum 1:1 ratio and be based on the final impact acreages verified by the Corps. Mitigation for impacts to both federal and State jurisdictional waters shall be addressed using these guidelines. Compensatory mitigation can include but is not limited to the following: onsite and/or offsite wetland creation and/or restoration, purchase or placement of conservation easements, payment of an in-lieu fee, and/or purchase of mitigation credits at an approved Corps wetland mitigation or conservation bank.* *The applicant must also obtain a water quality certification from the RWQCB under*	Nevada County Planning Department U.S. Army Corps of Engineers (USACE) Central Valley Regional Water Quality Control Board (RWQCB)	Prior to initiation of ground-disturbing activities	

MITIGATION MONITORING AND REPORTING PROGRAM
Idaho-Maryland Mine Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		Section 401 of the Clean Water Act (CWA). Written verification of the Section 404 permit and the Section 401 water quality certification shall be submitted to the Nevada County Planning Department.			
		4.4-3(d) *Prior to initiating of ground disturbing activities within the non-disturbance buffers for aquatic resources on the Centennial Industrial Site and Brunswick Area, the applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. Impacts to CDFW 1600 jurisdictional areas shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this EIR (see Tables 4.4-9 through 4.4-11). Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Minimization and avoidance measures within jurisdictional areas shall be proposed as appropriate and may include: preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas immediately adjacent to riparian areas with native seed, and installation of project-specific storm water BMPs. Mitigation may include restoration or enhancement of*	Nevada County Planning Department CDFW	Prior to initiation of ground disturbing activities within the non-disturbance buffers for aquatic resources on the Centennial Industrial Site and Brunswick Area	

8607

MITIGATION MONITORING AND REPORTING PROGRAM
Idaho-Maryland Mine Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		jurisdictional resources on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, off-site or on-site conservation easements, working with a local land trust to preserve aquatic or riparian areas, or any other method acceptable to CDFW. Mitigation shall be provided at a minimum 1:1 ratio. *A site revegetation plan would be required to be developed and approved by CDFW as part of a Streambed Alteration Agreement permit condition and native trees planned for removal with a diameter at breast height of 4 inches or greater would need to be mitigated for through planting of native riparian trees within adjacent stream zones not being impacted by the Idaho-Maryland Mine Project, with clear success criteria identified, monitoring and reporting required, and corrective actions to be taken if mitigation measures do not meet the proposed success criteria.* *Written verification of the Section 1600 Lake or Streambed Alteration Agreement shall be submitted to the Nevada County Planning Department.*	Admitted, RISK!		
4.4-6	Cumulative loss of habitat for special-status species.	*4.4-6* *Implement Mitigation Measures 4.4-1(a-b), 4.4-2 (a-g), and 4.4-3(a-d).*	See Mitigation Measures 4.4-1(a-b), 4.4-2 (a-g), and 4.4-3(a-d)	See Mitigation Measures 4.4-1(a-b), 4.4-2 (a-g), and 4.4-3(a-d)	

86 03

NV5

Project No. 5279.02
January 16, 2020

Rise Grass Valley, Inc.
333 Crown Point Circle, Suite 215
Grass Valley, CA 95945

Attention: Ben Mossman, President

Reference: **Idaho-Maryland Mine Project – Portion of Brunswick Industrial Site**
12381 Brunswick Road and 12301 Millsite Road
APNs 006-441-034 and 009-630-039
Grass Valley, California 95945

Subject: **Management Plan for Potential Seismic Hazards**

Dear Mr. Mossman,

This letter summarizes NV5's review of a previously-designated building setback associated with a fault zone crossing a portion of the Brunswick Industrial Site. The 119-acre Brunswick Industrial Site is located on the southwest corner of Brunswick Road and East Bennett Road, approximately ½ mile southeast of the Grass Valley city limits in unincorporated Nevada County, California, and is part of the Idaho-Maryland Mine Project (the Project).

The fault zone addressed herein crosses a portion of the Brunswick Industrial Site, specifically APNs 006-441-034 and 009-630-039, which are located at 12381 Brunswick Road and 12301 Millsite Road. For the purposes of this letter the two subject parcels are referred to as the "Site" or "subject site".

The Project is to include development of industrial facilities associated with proposed underground hard rock mining operations. Because construction is proposed within an area on the site designated as a building setback fault zone (herein referred to as "fault zone"), the Nevada County Community Development Agency (CDA) required the preparation of a management plan pursuant to Land Use and Development Code (LUDC) Section L-II 4.3.8 – Earthquake Faults & Seismically Sensitive Areas, to facilitate Project review and permitting.

The conclusions and recommendations presented herein are based on our understanding of the proposed development, the findings of geotechnical investigation, review of published geologic and soil survey maps, and our experience in the area. Our opinion is that the subject fault zone does not qualify as a seismically active area and therefore the proposed Project development within the identified fault zone is feasible without mitigation or restriction, provided that the recommendations of the Geotechnical Engineering Report (NV5; November 18, 2019) are incorporated into the Project plans and specifications.

1.0 INTRODUCTION

According to the Nevada County Planning Department property title records, an inferred fault alignment and a 200-foot building setback zone on each side of the inferred alignment passes through the subject site. The fault line and setback are recorded on Final Map 85-7 (Book 7 of Subdivisions at page 75) prepared by A.W. Beeson & Associates, Inc. (Beeson; January 1987) for the previously-proposed BET Acres Subdivision (Attachment A).

According to the map prepared by Beeson (1987), the recorded fault alignment is based on an "Anderson Geotechnical Report." The report was likely prepared by Anderson Geotechnical Consultants, Inc. (Anderson), who performed other geotechnical investigations in the area during this time. The report was not located by public records review and was not available from the firm that subsequently acquired Anderson.

NV5 performed a geotechnical engineering recommendations and provided geotechnical engineering recommendations for the Project in *Geotechnical Engineering Report, Idaho-Maryland Mine Project – Brunswick Industrial Site* (November 18, 2019). The geotechnical engineering investigation included a site reconnaissance and literature review pertaining to soil conditions and site geology, and a subsurface investigation and laboratory testing program.

2.0 PURPOSE

This management plan was prepared pursuant to Nevada County LUDC Sec. L-II 4.3.8 to address potential seismic hazards associated with the previously-identified fault alignment. Section L-II 4.3.8.C requires a management plan for development projects that will result in disturbance within seismically active areas, which are defined in Section L-II 4.3.8.B as areas determined to be within a seismic hazard zone or to have the potential to suffer ground rupture from active faults by the State Division of Mines and Geology.

3.0 SCOPE

To prepare this management plan, we reviewed published geologic literature pertaining to the site and surrounding area and the findings of our geotechnical engineering report for the Project.

4.0 SITE DESCRIPTION

The 119-acre Brunswick Industrial Site is located on the southwest corner of Brunswick Road and East Bennett Road, approximately ½ mile southeast of the Grass Valley city limits in unincorporated Nevada County, California, and is part of the Idaho-Maryland Mine Project (the Project). The fault zone addressed herein crosses a portion of the Brunswick Industrial Site, specifically APNs 006-441-034 and 009-630-039, which are located at 12381 Brunswick Road and 12301 Millsite Road. For the purposes of this letter the two subject parcels (comprising approximately 31.16 acres) are referred to as the "Site" or "subject site".

The Site sits in a valley created by the South Fork of Wolf Creek, and is bordered by Brunswick Road to the east, East Bennett Road to the north, predominantly vacant industrial properties to the south and southwest, and undeveloped land to the west and southwest.

At the time of our investigation, the Site consisted of generally flat-lying fill surfaces around the New Brunswick mine shaft, former sawmill landings, and gently to moderately sloping open space and forested areas around a pond and dam. Deep fill was present in the vicinity of the New Brunswick shaft and ore bin.

The South Fork of Wolf Creek is contained within an approximately 48-inch diameter corrugated metal pipe (CMP) culvert as it enters the Site. The creek discharges back into its natural channel within the site, continuing northwestward along the southwestern border of the property.

when did it become inferred

As shown on Map 85-7, the inferred fault alignment crosses the subject site from the south side of the pond near the southern site boundary and trends approximately 350 degrees towards the intersection of East Bennett Road from New Brunswick Court near the northern site boundary (Figure 1). The New Brunswick shaft is located approximately 150-feet west of the inferred fault alignment within the 200-foot setback zone.

5.0 PROPOSED IMPROVEMENTS

NV5 reviewed a Grading Plan (Sheet B-1) prepared by Nevada City Engineering, Inc. (and several sheets prepared by Rise Grass Valley, Inc. (November 2019), including an Infrastructure Plan (Sheet B101), Biological and Cultural Summary Map (Sheet B102), Infrastructure Details (Sheet B103) and Section Views (Sheet B104). Based on our review of these site plans, we understand that the proposed project improvements will likely include the construction of:

- New light-loaded and heavily-loaded structures to support industrial mining activities;
- Regrading of a portion of the dam;
- Retrofitting and expansion of the existing New Brunswick shaft;
- Construction of a new service shaft and headframe;
- Construction of a storm water detention pond;
- Construction of an engineered fill for future industrial development; and
- Associated infrastructure elements including earth retaining structures.

Appurtenant construction will include asphalt concrete paved roads and parking areas and underground utilities. Grading for the project will include cut and fill for building pads, roadways, surface and subsurface drainage improvements and underground utilities.

6.0 PREVIOUS SITE INVESTIGATIONS

NV5 requested public records from the County of Nevada; however, the "Anderson Geotechnical Report" referenced on Map 85-7 was not available. A geotechnical report for a neighboring East Bennett Street Property to the north (Anderson; May 12, 1986) was identified (Attachment B). NV5 reviewed the Anderson (1986) report, which states that Anderson performed a previous geotechnical reconnaissance (February 26, 1986) and references a fault on the subject site:

SEE ANDERSON LETTER IN ATTACHMENT # 2 AND PACKAGE

> "The fault that was addressed in our initial Geotechnical Reconnaissance (dated 26 February 1986) as crossing near lot 2 appears to be present on the northern most

part of the lot. The age of this fault in on the order of 100 million years and any potential risk of movement is so slight that it should not affect single family residential construction. We recommend that any construction be set back at least 200 feet from the fault (the approximate location of the fault is shown in our previous work, Geotechnical Reconnaissance)." (Anderson, 1986)

7.0 GEOLOGY ANS SEISMICITY

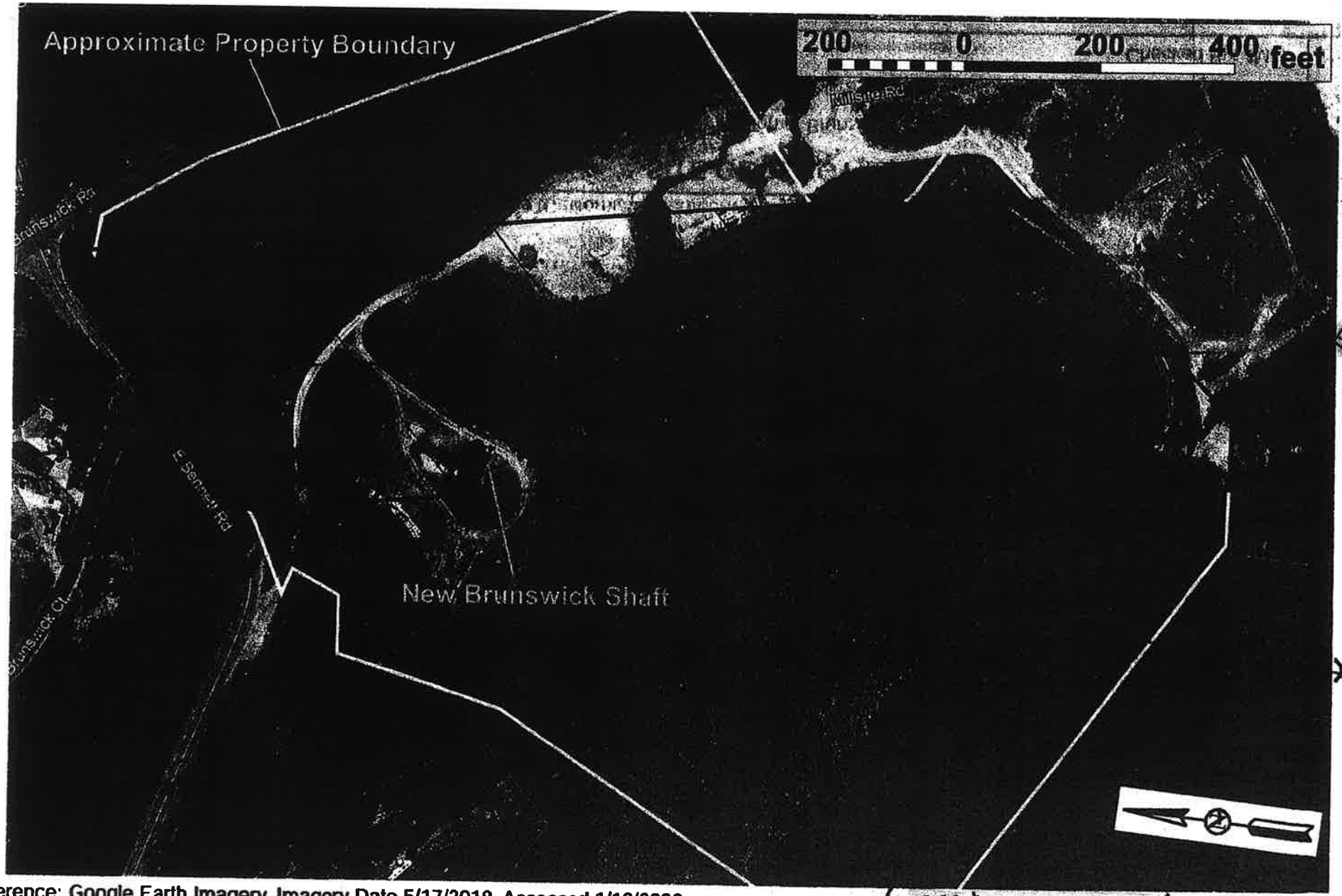
The Site is located within a region underlain by a complex assemblage of igneous and metamorphic rocks in the western foothills of the Sierra Nevada. The regional structure of the foothills is characterized by the north-northwest trending Foothills Fault System, a feature formed during the Mesozoic era (between approximately 65 million and 248 million years ago) in a compressional tectonic environment. A change to an extensional tectonic environment during the late Cenozoic (approximately within the last 30 million years), resulted in normal faulting which has occurred coincident with some segments of the older faults near the Site.

According to the Geologic Map of the Chico Quadrangle, California (California Department of Conservation, Division of Mines and Geology, 1992) the Site is underlain by massive diabase. A northwest trending liniment of the Grass Valley Fault Zone is approximately located or inferred along Brunswick Road east of the site (Figure 2). The Grass Valley Fault Zone is not considered active. Metavolcanic rock is mapped on the east side of Brunswick Road and the fault. Both of these units are associated with the Mesozoic Lake Combie Complex. The upslope area to the south and southwest of the Site is mapped as Miocene to Pliocene volcanics, predominantly andesitic pyroclastic rocks, which cover the fault that contacts the massive diabase and metavolcanic rocks. The Mesozoic era spans the period of time between 250 and 65 million years before present and the Miocene to Pliocene epochs span the period of time between 23 and 2.6 million years before present.

The Geologic Map of the Grass Valley - Colfax Area (A. Tuminas, 1983) presents the findings of a more detailed local study. According to this geologic map, an inferred fault trends north-northwest through the property approximately along the eastern shore of the pond and passing through the northern Site boundary. Four rock units are mapped as underlying the Site. The eastern portion of the Site (and fault) is mapped as early Mesozoic Lake Combie metavolcanic rock. The northern and western sloping flanks of the Site are mapped as early Mesozoic Lake Combie massive diabase. The lower valley portions encompassing the South Fork of Wolf Creek is mapped as Quaternary alluvium (i.e., water-lain sediments deposited in the past 2 million years). Tertiary clastic strata of the volcanic Mehrten formation is mapped in the upslope areas to the south and southwest of the Site. The Quaternary alluvium and Mehrten formation both cover the fault that contacts the older Lake Combie massive diabase and metavolcanic rocks.

The Fault Activity Map of California (2010) (http://maps.conservation.ca.gov/cgs/fam/), prepared by the California Department of Conservation, California Geological Survey (CGS), indicates that the Site is located within the Foothills Fault System. The Foothills Fault System is designated as a Type C fault zone, with low seismicity and a low rate of recurrence. The Foothills Fault System has been assigned a moment magnitude of 6.5. The nearest mapped active portion of the Foothill Fault System is approximately 25 miles northwest of the site on the Cleveland Hill Fault.

Includes Oroville
CLEVELAND HILL FAULT
Algust-Priolo !



Reference: Google Earth Imagery, Imagery Date 5/17/2018, Accessed 1/10/2020

*SEE 'FAULT LINE' RUNNING THRU MIDDLE OF POND & DAM.

Scale:1" =200'

NV5
782 Searls Avenue, Nevada City, California, 95959
PHONE: 530-478-1305, FAX: 530-478-1619

SITE MAP

Project Name: Idaho-Maryland Mine Project – Portion of Brunswick Industrial Site

Location: 12381 Brunswick Road and 12301 Millsite Road, Grass Valley, California

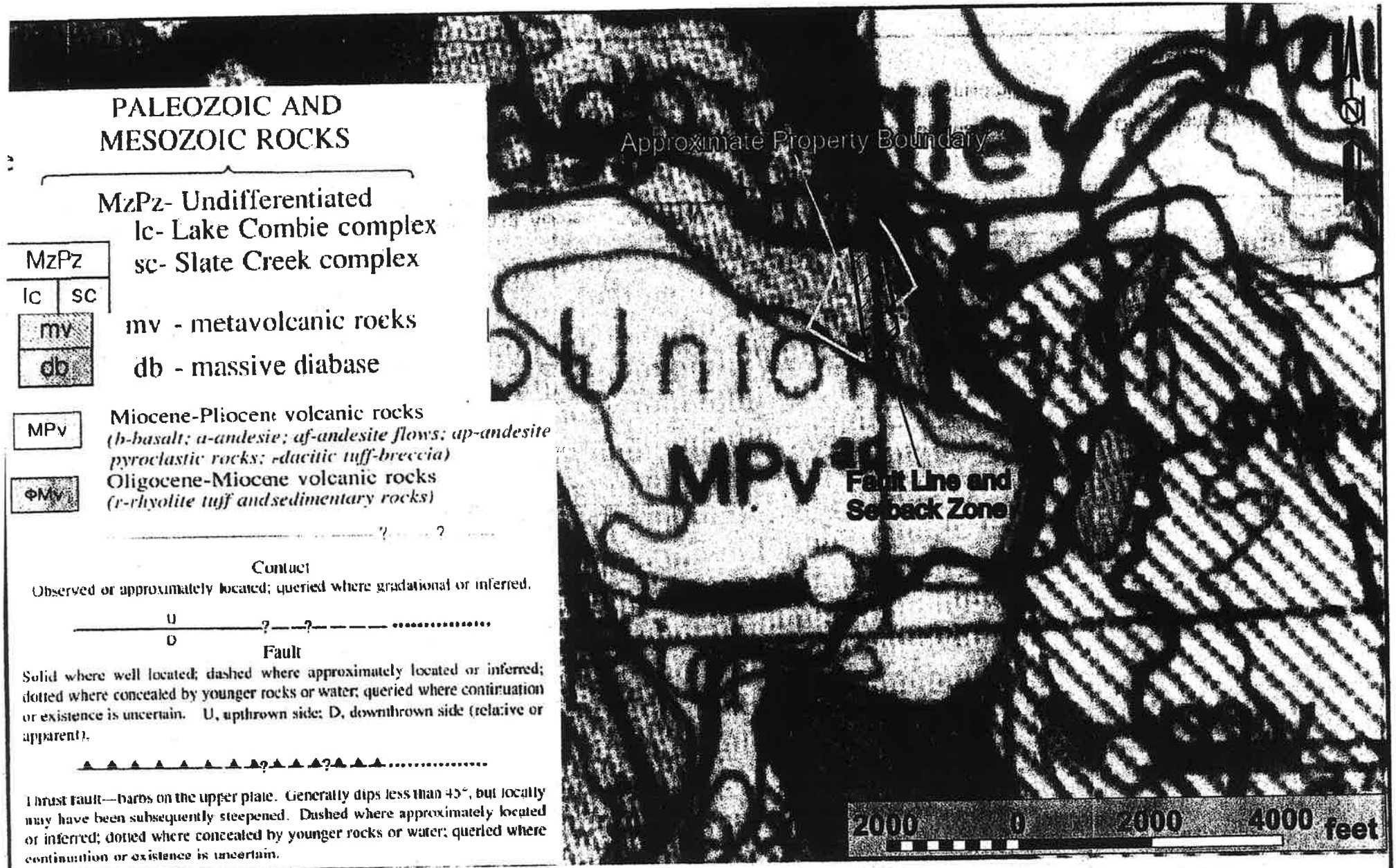
Project No.: 5279.02

Date: January 2020

Drawn By: DAV

Checked By: JMM

FIGURE 1



Reference: Geologic Map of the Chico Quadrangle, California (California Department of Conservation, Division of Mines and Geology, 1992) Scale:1" =2000'

NV5
792 Searls Avenue, Nevada City, California, 95959
PHONE: 530-478-1300, FAX: 530-478-1019

SITE GEOLOGY MAP

FIGURE 2

Project Name: Idaho-Maryland Mine Project – Portion of Brunswick Industrial Site

Location: 12381 Brunswick Road and 12301 Millsite Road, Grass Valley, California

Project No.: 5279.02

Date: January 2020

Drawn By: DAV

Checked By: JMM

GEOLOGY—Foundation of the present; key to California's future.

CALIFORNIA GEOLOGY

August 1978

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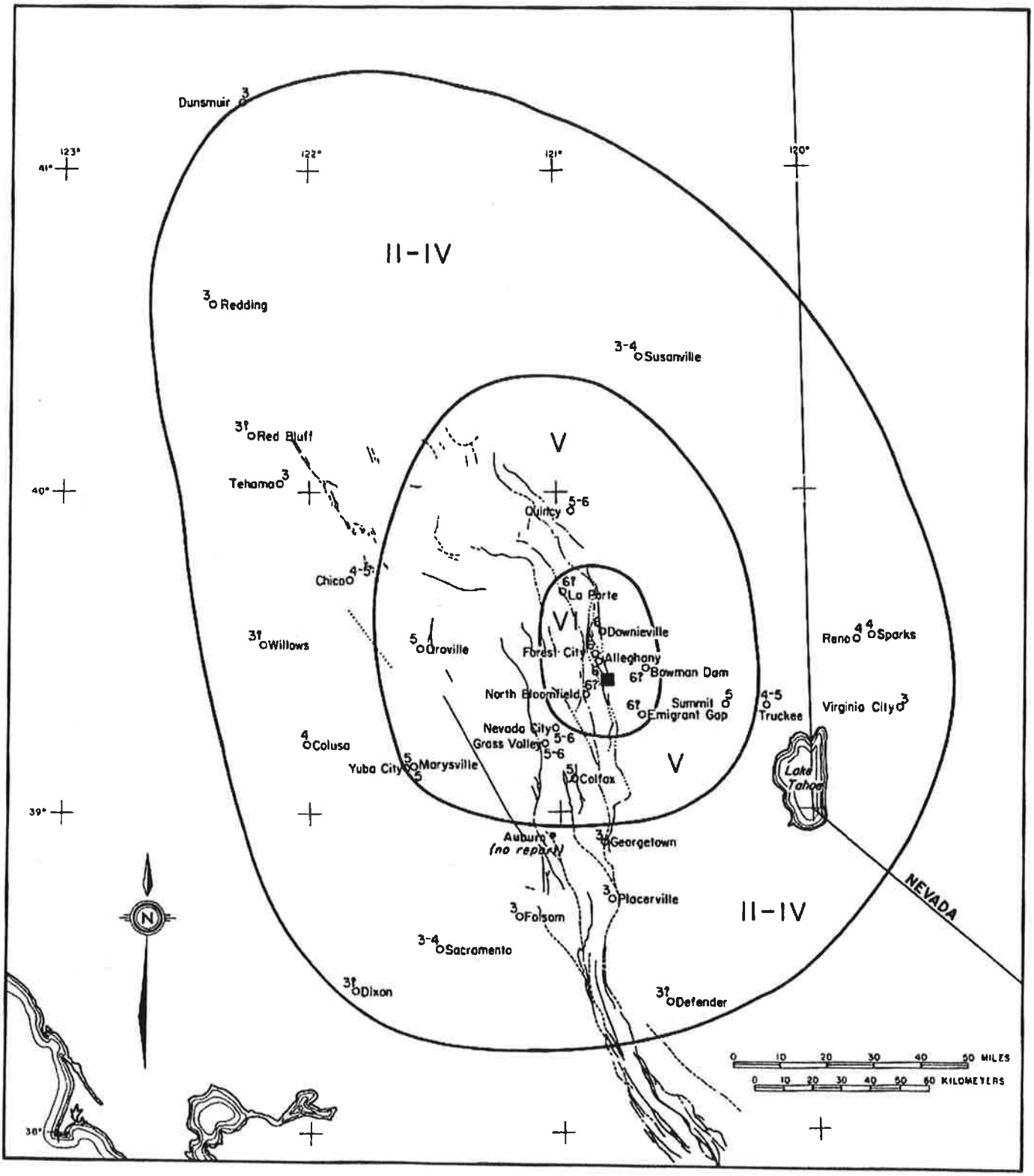
SEISMICITY AND CRUSTAL MOVEMENT — FOOTHILLS FAULT SYSTEM



In the SIERRA NEVADA . . . .

SEISMICITY

OF THE

FOOTHILLS FAULT SYSTEM

BETWEEN

FOLSOM AND OROVILLE, CALIFORNIA

By

CHRIS H. CRAMER, TOUSSON R. TOPPOZADA, AND DAVID L. PARKE
California Division of Mines and Geology

This article was published as a "Letter to the Editor" in the Bulletin of the Seismological Society of America v. 68, no. 1, pp. 245–249, February 1978....*Editor*

INTRODUCTION

The Foothills fault system, between Folsom and Oroville, is bound on the east by the northward trending Melones fault zone and on the west by the northwestward trending Bear Mountain fault zone. Recent studies have revealed more extensive Late Cenozoic faulting then previously recognized within the northern Sierra Nevada, including portions of the Foothills fault system (Alt and others, 1977; Schwartz and others, 1977). Damaging earthquakes, in the magnitude range 5 to 6, have occurred within this portion of the Foothills fault system in 1975, 10 km south of Oroville, and in 1909 and 1888 about 15 km northeast of Nevada City (figure 1, front cover). This article summarizes evidence from microearthquake surveys, from historical earthquake reports, and from geodetic surveys that the Foothills fault system is active between Oroville and Folsom.

SEISMICITY BETWEEN OROVILLE AND FOLSOM

Bear Mountain Fault Zone

Following the 1975 Oroville earthquake, improved regional seismograph coverage has led to the detection of several magnitude ~ 1.0 microearthquakes along the western or Bear Mountain zone of the Foothills fault system north of Auburn. Between December 1975 and March 1977, seven such events were recorded. Marks and Lindh (1977) located two events southeast of Honcut and one event east of Marysville (figure 1). The northern two events occurred on December 19, 1975 and January 1, 1976, while the southern event occurred on May 3, 1976. Marks and Lindh (1977) also located a magnitude 2.1 earthquake 10 km east of Honcut which occurred on February 13, 1976. Cramer and Sherburne (1977) reported two events near Smartville that occurred on August 21, 1976 and September 2, 1976. Finally Eaton and others (1977) located an event east of Honcut which occurred on February 7, 1977. The hypocentral parameters for these seven events are listed in table 1.

TABLE 1. KNOWN MICROEARTHQUAKE ACTIVITY IN SIERRA FOOTHILLS BETWEEN HONCUT AND FOLSOM FOR THE PERIOD DECEMBER 1975 THROUGH JULY 1977*

Date (yr.mo.day)	*Time (UT) (hr.min.)*	*Lat N*	*Long W*	*Depth*	*Magnitude*
	Bear Mountain Zone				
75 12 19	19 14	39°17.06'	121°29.28'	~ 18 km	1.3
76 01 01	10 22	39°17.45'	121°29.30'	~ 18 km	0.7
76 02 13	23 13	39°21.97'	121°22.20'	~ 7 km	2.1
76 05 03	12 16	39°08.25'	121°23.72'	~ 15 km	1.1
76 08 21	01 31	39°13.82'	121°18.08'	< 5 km	0.8
76 09 02	18 00	39°13.64'	121°19.46'	< 5 km	1.3
77 02 07	14 49	39°19.83'	121°22.80'	~ 4 km	1.3
	Melones Zone				
76 11 19	05 11	38°54.60'	120°57.14'	~ 10 km	1.1
77 05 15	18 44	39°16.7'	121°05.3'	~ 9 km	1.1

*Microearthquakes that occurred in the Rocklin pluton are not listed in this table, they are listed in Cramer and others (1977).

Melones Fault Zone

Besides the three damaging earthquakes mentioned in the introduction, other earthquake activity points toward the Melones zone as being active. Cloud (1976) lists felt reports of earthquakes near Nevada City as far back as 1867. Also listed by Cloud are two magnitude ~ 3.0 events instrumentally located along and to the west of the Melones zone. The first occurred about 20 km northeast of Auburn on March 12, 1950, and the second about 15 km southwest of Nevada City on October 5, 1960 (figure 1). Eaton and others, (1977) and Eaton and Conens (1977) detected two magnitude ~ 1.0 events on the Melones zone using a recently installed regional seismograph network. The hypocentral parame-

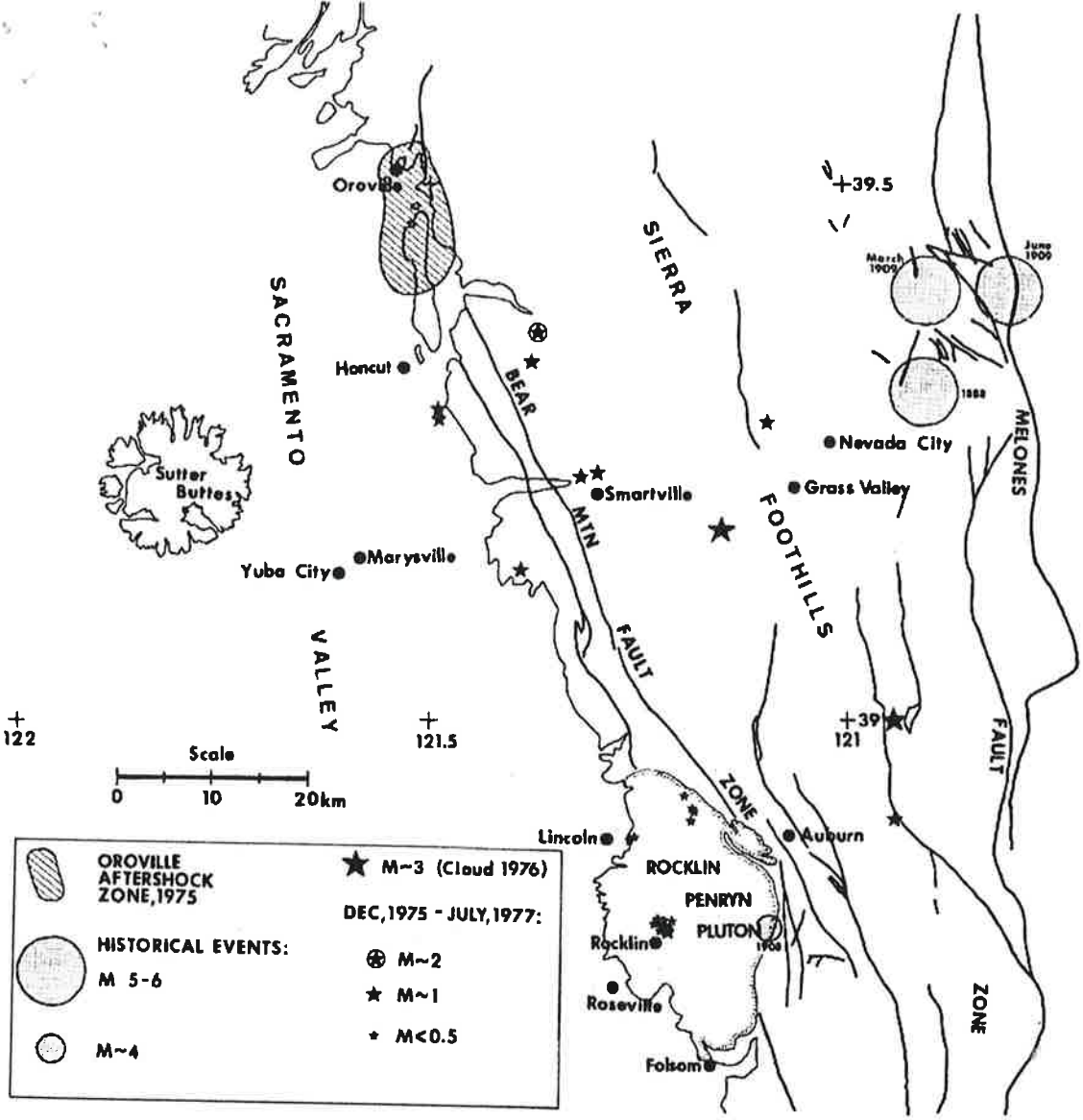


Figure 1. Map of northern part of Foothills fault system showing known earthquake activity between Oroville and Folsom. The contact to the west of the Bear Mountain fault zone is the boundary between the Sacramento Valley and the Sierra foothills. Hachured line indicates boundary between the Rocklin–Penryn pluton and metavolcanic rocks of the foothills. The 1888, 1908, and 1909 earthquakes were researched by CDMG; for the 1908 and 1909 events see Toppozada and others (1978).

ters for these two events are also listed in table 1. The first event occurred 10 km east of Auburn on February 7, 1977 and the second 2 km west of Nevada City on May 15, 1977 (figure 1).

DETAILED STUDIES NEAR ROCKLIN

Two microearthquake investigations have been conducted in the vicinity of Rocklin, California. The first by McNally and others (1978) discovered microearthquake activity within the Rocklin–Penryn pluton. During that survey, microearthquakes ($M \leq 1$) were concentrated in a cluster of activity near the town of Rocklin with two additional events near Lincoln (figure 1). The second microearthquake survey by Cramer and Sherburne (1977) confirmed the presence of the cluster of activity near Rocklin and detected additional microearthquakes ($M < 0$) near the northern edge of the pluton (figure 1). Continued monitoring by Eaton and others (1977) and Eaton and Conens (1977) using a regional telemetered network showed ongoing activity within the cluster near Rocklin, the largest being two magnitude 1.6 events.

Composite focal mechanisms based on P-wave first motions for both the Rocklin cluster of activity and the four events near the northern edge of the Rocklin–Penryn pluton indicate normal faulting, down to the east, on fault planes trending about N10°W with dips of 55° to 70° to the east (Cramer and others, 1977; McNally and others, 1978). This trend is compatible with the regional fault trend of the Sierra foothills. P-wave first motion data from the magnitude 1.1 event east of Auburn (Eaton and others 1977) also indicates normal faulting, down to the east, and is compatible with the composite mechanisms for the Rocklin pluton activity. This sense of down to the east motion on a normal fault is also compatible with geologic observations elsewhere along the Foothills fault system (Drew Smith, CDMG Geologist, oral communication; Alt and others 1977; Schwartz and others 1977).

Reports of felt earthquakes near Rocklin are rare (Townley and Allen, 1939; Bolt and Miller, 1975). Cloud (1976), in his review of the seismicity of the area, reported only three historical events that may have occurred near Rocklin. The three events are a February 23, 1885 event, an April 21, 1892 event reported as felt in Newcastle (5 km SW of Auburn, and a May 30, 1908 event reported as felt in Folsom and Represa (Townley and Allen, 1939). A search of old newspapers by one of the authors (D.L.P.) produced newspaper accounts for the 1908 event. The two earlier events were reported in the newspaper accounts as felt only at Newcastle, which is between Rocklin and Auburn. Figure 2 shows an isoseismal map for the 1908 event based on the newspaper accounts. A maximum reported intensity of IV–V and a total felt area of about 10,000 km² suggest a Richter mag-

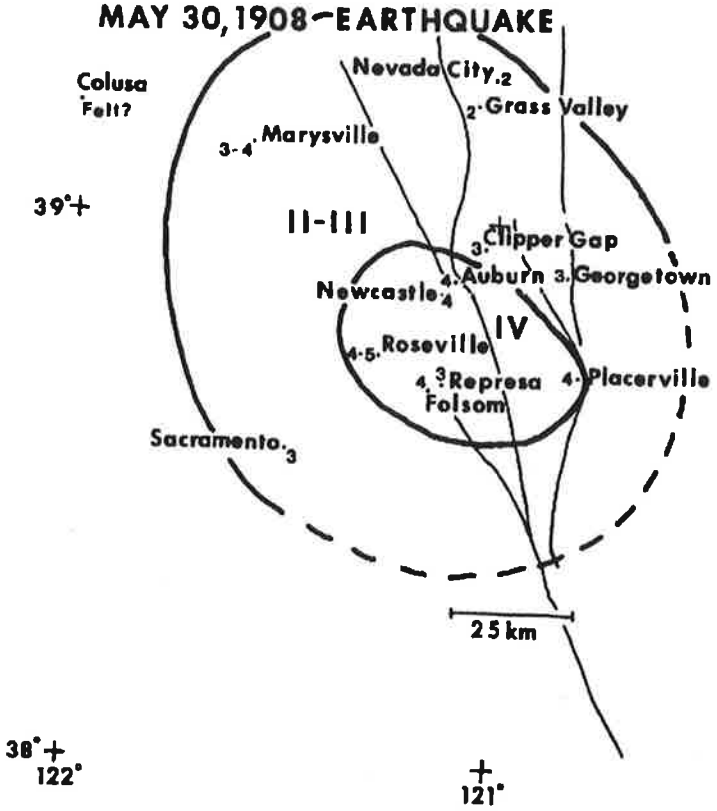


Figure 2. Isoseismal map of the May 30, 1908 earthquake showing Modified Mercalli intensity data determined from newspaper reports and the II and IV isoseismals. The generalized Foothills fault system in the Auburn area is shown in the background.

nitude of about 4 for this earthquake. Although the epicenter cannot be precisely defined, the intensity IV contour suggests that the event occurred on the Foothills fault system between Auburn and Folsom in proximity to the recent microearthquake activity near Rocklin. The epicenter for this event shown in figure 1 corresponds to the center of the intensity IV contour in figure 2.

DISCUSSION

Microearthquake studies in the Sierra foothills since late 1975 have revealed a pattern of ongoing low level seismicity between Oroville and Folsom. The occurrence of several magnitude ~ 1.0 events during this time period suggest that this portion of the Foothills fault system is active. Historical earthquake reports and instrumental earthquake locations also support this conclusion.

Detailed investigations in the vicinity of Auburn, California have shown microearthquake activity within the Rocklin–Penryn pluton. The main cluster of activity is in the middle of the pluton and is confined to an extremely small source volume. Another cluster of very small events is near the northern margin of the pluton where the Foothills fault system abuts the pluton. Composite focal mechanisms for events within the pluton as well as for one event east of Auburn are compatible with regional geology and trends of the Foothills fault system. These results suggest that the Rocklin–Penryn pluton is presently being deformed by the same regional stress pattern that caused Cenozoic movements elsewhere on the Foothills fault system. The isoseismals of a 1908 earthquake suggest that macroseismic activity has also occurred on the Foothills fault system in the vicinity of Rocklin.

Bennett and others, (1977) presented independent evidence of ongoing crustal movement based on first–order level lines between Roseville and Reno. The leveling data show episodic changes in elevation which approximately coincide with the Bear Mountain and the Melones zones of the Foothills fault system. As with earthquake data, the leveling shows that larger movements are occurring on the Melones fault zone than on the Bear Mountain fault zone.

ACKNOWLEDGMENTS

We would like to thank William U. Savage of Woodward–Clyde Consultants for sending us copies of newspaper accounts for the historical earthquakes. Gary Bates, student intern from the University of California at Davis, assisted in evaluating the historical newspaper accounts.

REFERENCES

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Nevada County, California County Code

TITLE 3 LAND USE AND DEVELOPMENT CODE

CHAPTER II: ZONING REGULATIONS

ARTICLE 4 COMPREHENSIVE SITE DEVELOPMENT STANDARDS

Division 4.3 Resource Standards

Sec. L-II 4.3.8 Earthquake Faults & Seismically Sensitive Areas

A. **Purpose.** To minimize the impact of earthquakes and seismic hazard on people and development.

B. **Definitions.**

1. **Seismically Active Areas** - Areas determined to be within a seismic hazard zone or to have the potential to suffer ground rupture from active faults by the State Division of Mines and Geology.

C. **Standards.**

1. Projects shall be approved only when they are not within the defined area, unless the resource can be protected consistent with paragraph 2 below.

2. If the above standard effectively precludes development of the project, a Management Plan shall be prepared by a certified engineering geologist or civil engineer that minimizes safety impacts associated with the project. The Management Plan shall include a Geotechnical Report that includes the following:

a. Existing soils and geologic conditions, including location and chronology of local faults and epicenters, relationship of the site to said faults and epicenters, and other environmental factors, including rainfall, slopes, water table, vegetation, etc. that might affect soils and geologic conditions.

b. Conclusions of potential seismic hazards relative to the specific intended land use.

c. Recommended construction and/or land use restrictions that will avoid the hazard or lessen the hazard to an acceptable level, including construction techniques, building heights, site preparation measures, building setbacks, etc.

Where the Report determines that a seismic hazard does exist, conclusions and recommendations to lessen the seismic hazard shall be incorporated into the conditions of approval of the project. Where the Report determines that the seismic hazard cannot be lessened to an acceptable level, the project shall be denied.

File No. 1818-1
12 May 1986

GEOTECHNICAL CONSULTANTS, INC.

SEE PG 3

Erickson, Bouma, and Toms
c/o Erica Erickson
353 Clay Street
Nevada City, California 95959

RECEIVED
MAY 13 1986
NEVADA COUNTY
PLANNING DEPARTMENT

Subject: East Bennett Street Property
East Bennett Street and Brunswick Road
Nevada County, California
GEOTECHNICAL INVESTIGATION

Gentlepersons:

An additional geotechnical investigation of 5 proposed residential lots on the north side of East Bennett Street near Brunswick Road has been completed. The purpose of our investigation was to locate any possible geologic hazzards due to past mining activity at the old Brunswick Mine. This investigation was perfomed in conjunction with our previous Geotechnical Reconnaissance (dated 26 Feb uary 1986) in which we recommended that additional studies take place to locate buried shafts, tunnels, and adits and find buildable areas on each residential lot. No additional work was performed on lots 6, 7, and 8. These lots are to have geotechnical investigations performed on an individual basis at a later date.

To complete our additional investigation, six test borings were excavated, at least one per lot, and a review of previous underground surveys was performed. The underground survey map was provided to us by Al Beeson, who obtained it from the

property owners. The underground map was produced by plotting underground data on a topographic base map produced in 1920 when the Brunswick Mine was still active. Using this map we were able to dertermine where the old mine structures (headworks, mills, pipelines, tailings piles) were located in relation to the site. The 1920 base map also shows the locations of old ditches, prospects, adits, and shafts. We were also able to determine the depth beneath the ground surface of the shafts and tunnels in the area. An extensive surface reconnaissance and a review of old (1962) aerial photos was also completed.

The locations of the test borings is shown on Figure 1. In the test borings, we found no evidence of near surface tunnels or voids within the depths drilled (20 to 35 feet). In choosing the locations of the test borings, we utilized spots that were unlikely to be the location of any tunnels (according to the 1920 map). Logs of the six test borings are shown on Figures 2 through 7. The locations of the borings on Figure 1 is only approximate as they were located by referencing from topographic features.

RESULTS AND CONCLUSIONS

The results of our study indicate that single family residences can be built on select areas on each of the five lots. On Figure 1, we have plotted appropriate building envelopes on each lot. These buiding areas have been selected to minimize the risk of experiencing problems from past mining activities at the site.

We recommend that residential construction be avoided on the tailings piles on lots 2 and 4. Although most of the tailings have been removed (reused for agregate and/or fill off the site), constructing on the remaining tailings could prove difficult. Home sites on the tailings are also considered undesirable. Lots

File No. 1818-1
12 May 1986

2 and 4 have enough area that is not on the tailings to provide sufficient building areas.

The fault that was addressed in our initial Geotechnical Reconnnaissance (dated 26 Febuary 1986) as crossing near lot 2 apperars to be present on the northern most part of the lot. The age of this fault is on the order of 100 million years and any potential risk of movement is so slight that it should not effect single family residential construction. We recommend that any constuction be set back at least 200 feet from the fault (the approximate location of the fault is shown in our previous work, Geotechnical Reconnnaissance).

Soil conditions at the site, other than the tailings piles, are suitible for conventional residential foundation systems if footings are properly designed and constructed.

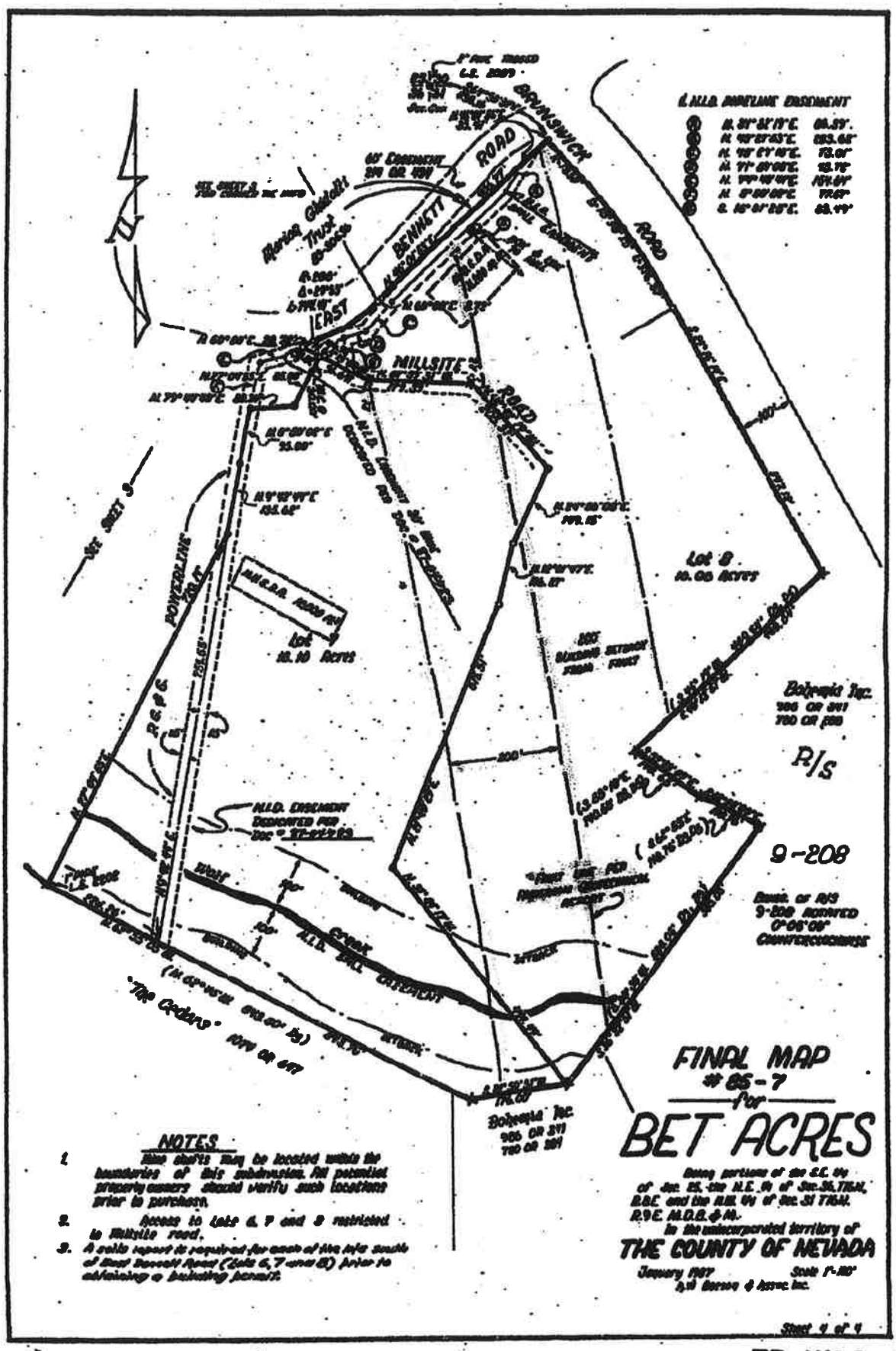
Sincerely,

ANDERSON GEOTECHNICAL CONSULTANTS, INC.

Eric C. Schwarz

Gery F. Anderson
C.E. 25387
E.G. 163

copies: 2 to Al Beeson



NOTES

1. Site shafts may be located within the boundaries of this subdivision. All potential property owners should verify such locations prior to purchase.
2. Access to Lots 6, 7 and 8 restricted to Millsite road.
3. A soils report is required for each of the lots south of East Bennett Road (Lots 6, 7 and 8) prior to obtaining a building permit.

ER-1499

which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance (PRC Section 21060.5).

The courts have affirmed this understanding. In the case *City of Hayward v. Board of Trustees of the California State University*, the First District Court of Appeal affirmed that the focus of CEQA analysis should be limited to physical environmental impacts related to a project.[2] The court held that, "The need for additional fire protection services is not an *environmental* impact that CEQA requires a Project Proponent to mitigate."

The commenter does not explain how the project's power consumption or transportation of explosives would result in public services demand that would necessitate the need for new or physically altered governmental facilities, thus potentially causing an environmental impact.

Response to Comment Ind 577-14

The project does not propose any trucking along Highway 174. Please see Master Response 10 - Explosives, Reagents, and Brunswick Fill.

Response to Comment Ind 577-15

Please see Chapter 4.6 of the DEIR and Master Response 29 – Near Surface Workings, and Master Response 7 – Location of Future Mining Areas.

Response to Comment Ind 577-16

Please see Chapter 4.6 of the DEIR and Master Response 29 – Near Surface Workings.

Response to Comment Ind 577-17

Please see Chapter 4.6 of the DEIR regarding seismicity of the project area.

The magnitude of the energy released during mining excavations by rock removal and rock placement is much smaller than the magnitude of energy activation required to trigger the release of a local pre-Holocene fault. No analysis was performed nor is necessary, as there is no potential for inducement of seismic activity on these faults from the proposed mining activity. Please see NV5 Memo attached to the Final EIR as Appendix P.

Response to Comment Ind 577-18

As discussed in Section 4.5-1 of the DEIR, based upon this substantial evidence in the record, the project includes a request to amend the Final Map for Bet Acres recorded in February 1987 in Book 7 of Subdivision Maps at Page 75 to remove the "200' Building Setback From Fault", as shown on Sheet 4 of Final Map #85.

In addition, a management plan was prepared pursuant to Nevada County LUDC Section L-II 4.3.8 to address potential seismic hazards associated with the previously-identified inferred fault alignment. It is NV5's professional opinion that the subject fault, identified on the property in Map 85-7, does not qualify as a seismically active area as defined by Nevada County LUDC Section L-II 4.3.8.B, and the proposed project development within the designated building setback fault zone is generally feasible from a geotechnical engineering standpoint. ECM, the County's independent peer review consultant for this project, concurred with NV5's professional opinion, after reviewing the data.

[2] First District Court of Appeal. *City of Hayward v. Board of Trustees of the California State University.* (November 30, 2015) 242 Cal.App.4th 833.

While the analysis shows that an active fault likely does not exist, out of an abundance of caution, the County has concluded that a significant impact could occur without mitigation. Mitigation Measure 4.6-1 requires that prior to approval of Improvement Plans, the design recommendations from the Brunswick Industrial Site Geotechnical Report (November 18, 2019) shall be incorporated into the Plans to the satisfaction of the Nevada County Building Department. The rezoning and map amendments would be considered at the same hearing as the other entitlements for the project, and contrary to the commenter's suggestion, there is no requirement that such approvals be heard at a separate hearing.

- AND VARIANCE?

Response to Comment Ind 577-19

In addition to settlement in the water treatment pond, the water treatment plant includes media filtration. Please see Appendix K.4 of the DEIR. The treated mine water discharge will be required to meet regulatory requirements for total suspended solids. Please see Master Response 35 – Discharge to South Fork Wolf Creek.

As stated on Page 4.8-70 of the DEIR, at the Brunswick Industrial Site, a detention basin would be constructed at the downstream toe of the engineered fill placement slopes, above South Fork Wolf Creek. The detention basin for the Brunswick Industrial Site is sized to detain storm flows to compensate for the quantity of treated mine water discharged to South Fork Wolf Creek, in addition to compensating for increased runoff from potential future industrial development of the site. During larger storm events, the proposed detention pond on the Brunswick Industrial Site would reduce the peak flows within South Fork Wolf Creek by much more than 5.6 cfs, as shown in Table 4.8-4. Thus, under project conditions, the overall peak storm flows would be lower than they are under existing conditions and therefore would not contribute to increased flooding downstream.

Response to Comment Ind 577-20

Please see Master Response 1 - Non-EIR/Administrative Issues, and Master Response 2 – Social and Economic Impacts.

As discussed on page 10 of Appendix N of the DEIR, the proposed project will have a surplus of water from the natural groundwater flow into the ground workings. Once the initial dewatering is completed, approximately 1,224,000 gallons per day are estimated to be pumped to the surface on an on-going basis to maintain the dewatered mine. The groundwater consumed during operations is estimated to be 84,000 gpd. As stated on page 2 of Appendix N, the mine would have a positive effect on water supply. NID could adjust its flows upstream to use the extra water available downstream if it desired to. The construction of a reservoir large enough to impound this quantity at the project site is not realistic nor feasible and would likely cause additional environmental impacts due to disturbance of other resources on the surface.

Response to Comment Ind 577-21

Please see Master Response 3 – Operator Responsibility.

FEIR: dated Dec 2022

NV5

Project No. 5279.02
June 11, 2020

Rise Grass Valley, Inc.
333 Crown Point Circle, Suite 215
Grass Valley, CA 95945

Attention: Ben Mossman, President

Reference: Idaho-Maryland Mine Project

Subject: Geotechnical Assessment of Near Surface Mine Features

Dear Mr. Mossman,

NV5 prepared this letter to summarize our assessment of geotechnical engineering conditions related to specific historical near-surface mine features associated with the Idaho-Maryland Mine (IMM) Project.

1 INTRODUCTION

1.1 PURPOSE

The purpose of the assessment was to provide an analysis of the potential for surface impacts at the location of known near-surface mine features resulting from dewatering of the underground mine workings as part of proposed IMM underground mining operations. The potential impacts evaluated herein include the potential for near-surface instability resulting from drawdown of the water level in the mine workings.

1.2 SCOPE

The assessment included review of surface conditions and existing improvements at the feature locations, review of as-built documentation of the underground workings, the Project Description of the Idaho-Maryland Mine Project, and discussion of the proposed future mining operations with a representative of Rise Grass Valley, Inc. (Rise). This letter presents NV5's opinion regarding the identified features and provides preliminary recommendations for mitigation of potential geotechnical impacts.

1.3 BACKGROUND

The features addressed as part of this assessment are depicted on the attached Sheet A207, *Mine Workings, Near Surface, Showing Location and Geometry* (Rise Grass Valley, Inc., August 15, 2019). The plan and cross sections are based on a digital LiDAR derived surface model and a digital model of the as-built mine workings.

Geotechnical engineering reports for Whispering Pines by Lowry and Associates (1983, 1986) did not specifically identify the feature. However, Lowry recognized the presence of numerous historic mine features in its report to support the development of the Whispering Pines Industrial Park, provided recommendations for closure of historic mine features, and required all shaft treatment work to be observed and evaluated by an engineering geologist from their firm. Its mapped location appears to be at a location where the road fill is approximately nine feet deep.

The method of physical closure is not known, and no closure documentation is available. No settlement of the ground surface is apparent. As depicted in Section J, the shaft is nearly vertical. Based on the water level in the mine workings determined by EMKO (2020) and ground surface elevations from LIDAR data (Aero Geomatics Ltd., May 2018), the water level in the mine workings is anticipated at approximately 75 feet bgs.

2.10 ROUNDHOLE SHAFT (IDAHO #2)

The Roundhole Shaft is located approximately 200 feet west of Brunswick Road between Idaho Maryland Road and Whispering Pines Lane. The feature includes a five-foot diameter vertical shaft bored to the 1000-level of the mine. The shaft was used for ventilation and transportation of supplies to the upper mine levels. Boring logs indicate that the upper 44 feet of the shaft were mined by hand and square set. Bedrock (gabbro) was encountered from 44 to 180 feet bgs and was underlain by serpentinite. The shaft is likely supported by a concrete collar near the ground surface and was observed to be covered with a concrete slab. The water level in the Roundhole Shaft is located in the underlying bedrock, below the weaker near-surface materials. The shaft is nearly vertical and water level in the mine workings is anticipated at approximately 165 feet bgs.

2.11 OLD BRUNSWICK INCLINE SHAFT

The Old Brunswick Incline Shaft is located at 12305 Bet Road. The feature extends from the ground surface at an incline of approximately 45 to 50 degrees to the 1,250-level of the mine. A Non-engineered soil/rock backfill collapsed in 1998 at the existing residence location. The collapse was likely associated with a vertical excavation to the ground surface from the incline shaft. The collapsed portal was closed by engineered design and the foundation residence was underpinned (Carlton Engineering, Structural Engineer Thomas Burkhart, S.E. 4378) in 2000 and 2001. Design and permitting documents are on file with Nevada County Building Department (Permit # 72094). The permit status is listed as final and closed. Based on the water level in the mine workings determined by EMKO (2020) and ground surface elevations from LIDAR data (Aero Geomatics Ltd., May 2018), the water level in this feature is expected to be at depth in bedrock.

2.12 OLD BRUNSWICK RAISE (SHAFT #2)

The Old Brunswick Raise (Section N) is mapped in a forested area at 12448 Old Mine Road and may be located beneath waste rock. According to Rise, this relatively shallow working is associated with the original mining exploration in the area. The feature is likely located above the water level in the mine workings elevation. Based on information provided by Rise, the

water level in this feature is expected to be at depth in bedrock. This feature is already dewatered and therefore the planned dewatering will have no effect on this feature. The Old Brunswick mine features were described during the parcel map creation in a geotechnical report by Anderson (1986) who conducted test boring and delineated areas inappropriate for residential construction over the Old Brunswick mine features which were incorporated into the final map for Bet Acres.

2.13 OLD BRUNSWICK 70-LEVEL STOPE

The Old Brunswick 70-level stope includes a relatively shallow mine excavation in the vicinity of 12477 and 12401 Old Mine Road and 12305 Bet Road. The stope extends from tunnel level upward towards the ground surface. As shown on Section M, the stope extends upwards to an elevation of approximately 88 feet bgs.

This feature is already dewatered and therefore the planned dewatering will have no effect on this feature. The Old Brunswick mine features were described during the parcel map creation in a geotechnical report by Anderson (1986) who conducted test boring and delineated areas inappropriate for residential construction over the Old Brunswick mine features which were incorporated into the final map for Bet Acres.

Shallow workings, referred to as the "70-foot level tunnel" (approximately 50-54 vertical feet below shaft surface), extend a few hundred feet in a general east-southeasterly direction from the Old Brunswick Incline Shaft.

The feature is located beneath forested property and in the vicinity of residential driveways. Water level in the mine workings is relatively deep at this location. Based on information provided by Rise, the water level in this feature is expected to be at depth in bedrock.

This feature is already dewatered and therefore the planned dewatering will have no effect on this feature. The Old Brunswick mine features were described during the parcel map creation in a geotechnical report by Anderson (1986) who conducted test boring and delineated areas inappropriate for residential construction over the Old Brunswick mine features which were incorporated into the final map for Bet Acres.

2.14 OLD BRUNSWICK DRAIN TUNNEL

The Old Brunswick Drain Tunnel is a lateral excavation that is mapped on a hillside where it meets the ground surface. The portal was not observed and may have been covered over or collapsed. Based on the water level in the mine workings determined by EMKO (2020) and ground surface elevations from LIDAR data (Aero Geomatics Ltd., May 2018), the water level in this feature is expected to be at depth in bedrock.

This feature is already dewatered and therefore the planned dewatering will have no effect on this feature. The Old Brunswick mine features were described during the parcel map creation in a geotechnical report by Anderson (1986) who conducted test boring and delineated areas inappropriate for residential construction over the Old Brunswick mine features which were incorporated into the final map for Bet Acres.

2.15 NEW BRUNSWICK SHAFT

The New Brunswick Shaft is a deep, large-rectangular vertical shaft that extends from the ground surface to below the 3280-level of the IMM. The portal is covered by a steel plate. The prominent cylindrical ore bin adjacent to the portal is still intact. The shaft is to be used as part of the proposed mining project.

3 CONCLUSIONS AND PRELIMINARY RECOMMENDATIONS

NV5 presents the following conclusions and preliminary recommendations based on the assessment findings presented above. Mine dewatering is not likely to have a significant effect on the historical, near-surface mine features analyzed herein. Mitigation (physical closure) is recommended at the East Eureka Shaft, East Eureka Drain, Idaho Drain Tunnel, Idaho Pump Shaft and Idaho Shaft, which are currently open or partially-closed. The proposed mitigation measures are readily-implemented, and cooperation agreements are in place to allow Rise to assist the property owners with closure. The assessment did not include subsurface investigation to confirm the actual subsurface conditions; therefore, these recommendations are considered preliminary and may need to be updated based on conditions encountered during physical closure work or future investigation(s). Specific recommendations for each feature are listed in Table 1.

1. Investigate and Close: For locations where water level in the mine workings is present at or near the ground surface and no records of physical closure are known, NV5 recommends further investigation and development of physical closure design. This includes near-surface features associated with the East Eureka Shaft, East Eureka Drain, Idaho Drain Tunnel, Idaho Pump Shaft and Idaho Shaft.
2. Survey and Monitor: For paved locations where water level in the mine workings is present at depths less than 100 feet and no records of physical closure are known, impact to near-surface features is not considered likely as a result of the proposed dewatering. However, NV5 recommends documentation of baseline conditions (current ground surface elevations) and periodic monitoring during future dewatering/mining operations. The ground surface at these locations should be surveyed prior to dewatering so that the locations can be monitored for possible future settlement. Surveying should include ground surface elevation relative to mean sea level to an accuracy of 0.01 foot, and horizontal coordinates (latitude and longitude) in decimal degrees using methods that satisfy state regulations. Surveying should be performed by a California Registered Professional Land Surveyor.
3. Notify and Document: NV5 recommends photographic documentation of surface conditions before, during and after dewatering for the following cases, where impact to near-surface features is not considered likely as a result of the proposed dewatering.
    a. Developed locations where the water level in the mine workings is present at depths less than 100 feet, and although the features were previously closed, no formal record of physical closure was identified.

b. Undeveloped locations where water level in the mine workings is present at depths less than 10 feet and no records of physical closure are known. The currently undeveloped locations should not be developed without investigation and engineered physical closure.

4. No Action: For locations where the water level in the mine workings is relatively deep (i.e., greater than 100 feet bgs) and/or the mining feature has previously been physically closed, the chance of near-surface impact associated with dewatering is considered remote. This evaluation does not eliminate the possibility of future settlement at these historical excavation locations, but finds that the possibility of impact resulting from the proposed dewatering is remote.

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5 LIMITATIONS

NV5's assessment was limited to the specific features identified in this letter. Other features may be present that were not addressed herein.

NV5's scope was limited to the review of surface conditions and historical as-built documentation. No subsurface investigation was performed. Therefore, this assessment did not completely characterize subsurface conditions, and conditions may exist that require modification of our preliminary recommendations and proposed mitigation measures.

NV5's professional services were performed consistent with the generally accepted geotechnical engineering principles and practices employed in northern California. No warranty, expressed or implied, is made or intended in connection with our work.

These services were performed consistent with NV5's agreement with our client. We are not responsible for the impacts of any changes in standards, practices, or regulations subsequent to performance of our services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report. This report is solely for the use of our client. Any reliance on this report by a third party is at the party's sole risk.

The findings of this report are valid as of the present date. Changes in the conditions of the property can occur with the passage of time. The changes may be due to natural processes or to the works of man, on the subject site or adjacent properties. If changes are made to the nature or design of the project as described in this report, then the conclusions and recommendations presented in this report should be considered invalid by all parties. Only our firm can determine the validity of the conclusions and recommendations presented in this report. Therefore, we should be allowed to review all project changes and prepare written responses with regards to their impacts on our conclusions and recommendations. The recommendations presented in this report should not be relied upon after a period of two years from the issue date without our review.

is additional, real, permanent, quantifiable, verifiable and enforceable, the report shall include: (i) the applicable protocol(s) and methodologies associated with the carbon offsets, (ii) the third-party verification report(s) and statement(s) affiliated with the carbon offset projects, (iii) the unique serial numbers assigned by the registry(ies) to the carbon offsets to be retired, which serves as evidence that the registry has determined the carbon offset project to have been implemented in accordance with the applicable protocol or methodology and ensures that the offsets cannot be further used in any manner, and information sufficient for the County to verify that the purchased offsets meet the requirements identified within this mitigation.

To ensure consistent and effective enforcement of this mitigation measure and to assist the County with its review of the report described above, an implementation process timeline and associated flow chart for the implementation and administration of this mitigation measure's requirements has been prepared and is attached as Appendix F to the FEIR.

If the County determines that the project's carbon offsets do meet the requirements of this mitigation measure, the offsets can be used to reduce project GHG emissions and project permits shall be issued. If the County determines that the project's carbon offsets do not meet the requirements of this mitigation measure, the offsets cannot be used to reduce project GHG emissions and project permits shall not be issued. Additionally, the County may issue a notice of non-consistency and cease permitting activities in the event that the County determines the carbon offsets provided to reduce project GHG emissions are not compliant with the aforementioned standards. In the event of such an occurrence, project permitting activities shall not resume until Rise has demonstrated that the previously provided carbon offsets are compliant with the standards herein or have provided substitute carbon offsets achieving the standards of this mitigation measure in the quantity needed to achieve the required emission reduction. In the event that the project is out of compliance with this Mitigation Measure and fails to demonstrate compliance after receiving notice of said violation, the County shall have authority to impose administrative penalties, take legal action to force compliance, or to start proceedings to suspend or revoke the Project's permits.

Conclusion

As discussed above, Mitigation Measure 4.3-7(b) is distinguishable from the mitigation measure in the *Golden Door* case and complies with all legal requirements for mitigation measures involving purchase of carbon credits. Moreover, although no new impacts have been identified, the County has revised Mitigation Measure 4.3-7(b) to further address concerns raised by commenters and to clarify with certainty that the carbon credits will effectively mitigate the Project's impacts from construction-related emissions of greenhouse gas to a less than significant level. Thus, the DEIR adequately mitigates the Project's construction GHG emissions.

Master Response 29 - Near Surface Workings and Subsidence

Comments

Several commenters asserted that the Project would cause hazards due to the collapse of near surface workings, or deep mine workings when the mine is dewatered, which could result in impacts to surrounding properties (e.g., above-ground structures and residents) atop the underworkings.

FEIR Pg 195

Discussion

As discussed on pages 4.6-44 to 4.6-49 of the DEIR, under Impact Statement 4.6-3 related to unstable geological units, the potential collapse of near surface mine workings was evaluated and Mitigation Measure 4.6-3(c) was included in the DEIR to close six near surface mine features, resulting in a less-than significant impact relating to potential collapse of mine features.

As discussed on page 4.6-12 of the DEIR, the current water elevation in the mine is approximately 2,500 feet above mean sea level. In order to recommence mining, the underground mine must be dewatered, and groundwater entering the mine must be continuously pumped during the mining operation. When the water level in the mine workings is located near the ground surface, the drawdown of groundwater within the mine workings may increase the potential for settlement or collapse of shallow workings that were not formally closed. (see DEIR, pp. 4.6-44 to 4.6-49.) Near surface workings that are already in a dewatered state would generally not be significantly impacted by dewatering the mine. As shown on Drawing A207, including in Appendix H.6 to the DEIR, the current water level in the mine is only close to the surface in the area near the Idaho shaft near Idaho Maryland Road. All near surface mine workings were specifically evaluated by NV5 in the Geotech Review of Near Surface Features, as shown in Table 1 of Appendix H.6.

As discussed on page 4.6-44 of the DEIR, potential for collapse of existing near-surface mine features as a result of the proposed project was evaluated by NV5, whose report was independently peer reviewed by the County's consultant, ECM. Mitigation Measure 4.6-3(c) required the closure of six mine features.

As stated on page 2 of Appendix H.6, near-surface mine features are generally more susceptible to subsidence and collapse than are deeper mine workings, because the near-surface features may be located in weaker materials (soil and weathered rock); whereas the deeper mine workings are commonly located in competent bedrock. In addition, the underground mine workings focused on removal of quartz vein materials that are generally narrow, so the collapse of a deep (e.g., 100 feet bgs) mine feature is not likely to be expressed at the ground surface. The County's independent expert ECM is in agreement with NV5 and based on the known physical characteristics of the rock units, considered a 100-foot distance below ground surface to be conservative (page 33 of Appendix H7), meaning that NV5 believed that collapse of features even closer to the surface than 100 feet bgs are unlikely to be expressed on the surface. Furthermore, flooded workings that are not already closed or proposed to be closed are greater than 165 feet below surface (see Drawing 207 in DEIR Appendix H.6) and therefore underground workings that have potential to cause subsidence at surface have been thoroughly analyzed in the DEIR.

Once the mine is dewatered, new mining excavations will be constructed as described on page 3-19 of the DEIR. To provide access to the gold mineralization, a network of tunnels and raises would be constructed throughout the life of the mine. The tunnels would be constructed in the nonmineralized rock which, at the mine, is typically meta-andesite volcanic rock. Modern ground support, which may include rock bolting and screens, would be installed in tunnels as deemed necessary to ensure a safe work environment and in accordance with best mining practices coupled with routine inspections by the US Mine Health and Safety Administration (MSHA). Therefore, it is unlikely that any new underground openings would produce a fall of ground or collapse that would affect the integrity of the mine. Except for the new Service Shaft, all of these new workings would be at least 500 feet below ground surface and therefore too deep to cause subsidence at surface even if they were to collapse. As described on page 3-19 and 3-20 of the DEIR, production blasting is used to create underground openings, and these openings are then refilled with cemented paste backfill. Backfilling re-supports the rock within and around the original opening preventing caving and resulting in stability in the deep part of the mine. This stability at

depth carries upwards, thus eliminating the possibility of the mining producing any voids that would reach the surface or near surface.

Conclusion

The DEIR's evaluation of the potential for dewatering to result in collapse of surface materials is legally adequate and based on expert analysis, independently reviewed and corroborated by the County's independent consultant.

Master Response 30 - Biological Study Technical Adequacy

Comments

Several commenters questioned the adequacy of the biological technical reports, specifically the timing and methodology of surveys.

Discussion

As summarized in section 4.4.1, "Introduction," and 4.4.4, "Method of Analysis," of the DEIR, and included as Appendix F, eleven different technical reports were prepared that characterize and analyze the biological resources, habitat, and waters within the Project site. These technical reports were prepared by biologists with over 30 years of combined local expertise in the species and environment within the Project site, and in accordance with federal, state, and local regulations and agency-authored manuals. For example, the aquatic resource delineations prepared for the Centennial Site and Brunswick Area followed U.S. Army Corps of Engineers manuals for conducting wetland delineations.[15] As another example, the botanical field surveys were conducted in accordance with the relevant California Department of Fish and Wildlife guidance.[16] These technical studies were then peer reviewed by the County and their biological consultant. The peer review was conducted by a biological resources firm (Madrone) with similar local experience that resulted in several rounds of review and revision prior to the County's acceptance of these reports for use in the DEIR. As a result, numerous biological experts with local knowledge have analyzed, and reviewed the characterization and analysis included in these biological technical reports prior to their use and incorporation into the DEIR. Specifics regarding methodology and timing of surveys for rare plants is found in Master Response 31 (Rare Plants) and amphibians is addressed in Master Response 38 (Foothill Yellow Legged Frog and California Red Legged Frog).

In addition to the biological resources assessment reports and aquatic resource delineations, management plans were also prepared in accordance with Nevada County Land Use and Development Code (Section L-II 4.3.3) to minimize Project impacts to certain biological resources (i.e., aquatic resources, Pine Hill flannelbush) to the maximum extent possible. These management plans were similarly peer reviewed by the County's biological consultant.

The biological studies and management plans were the basis of scientific evidence used by the County to determine whether the Project would trigger any of the thresholds of significance identified in Chapter 4.4, Biological Resources, of the DEIR, and thus, result in significant effects to biological resources. The thresholds of significance used in the DEIR are based on Appendix G of the CEQA Guidelines (Section IV).

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[15] *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratories, 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Regions* (Version 2.0) (Corps, 2010).

[16] *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).*

proposed improvement areas. As will be further discussed, the majority of the current steep slope areas will be removed under the post-remediation baseline condition.

Brunswick Industrial Site

Brunswick Industrial Site topography varies from flat to gently sloping along portions of the developed areas, to steeply sloping in the western and southern portions of the Site. Elevations range from approximately 2,900 feet AMSL in the southwest corner of the Site to approximately 2,780 feet AMSL along the northeastern boundary. Steep slope gradients (30 percent or greater) are partially present in the following areas of the Brunswick Industrial Site:

1. The Brunswick Road fill slope along the northeastern Site boundary;
2. Fill slopes associated with the historical New Brunswick mine area in the northern portion of the Site;
3. Cut and fill slopes associated with the historical lumber pond and dam in the northern portion of the Site;
4. Terraced cut slopes associated with the historical lumber decks in the central portion of the Site; and
5. Discontinuous areas of steep native slopes above and to the southwest and south of the historical lumber terraces.

Impact discussion 4.6-2 in Section 4.6.4 of this chapter, Impacts and Mitigation Measures, includes an exhibit showing the steep slopes on the Brunswick Industrial Site in relation to the proposed improvement areas.

Liquefaction

Liquefaction occurs when saturated fine-grained sands and/or silts lose physical strength temporarily during earthquake induced shaking and behave as a liquid due to the loss of point-to-point grain contact and transfer of normal stress to the pore water. Liquefaction potential varies with water level, soil type, material gradation, relative density, and probable intensity and duration of ground shaking. The Geotechnical Engineering Reports concluded that the overall potential for liquefaction at both the Centennial and Brunswick Industrial Sites is remote.[7]

Expansive Soils

Expansive soils are characterized by their ability to undergo significant volume change due to variation in moisture content. For the Centennial Industrial Site, Engeo (2007) encountered potentially expansive clay/silt layers within the mine tailings. The laboratory test results indicated that these soils exhibit low to moderate shrink/swell potential with variations in moisture content. Moderately to highly expansive soil layers were encountered in other on-site locations. Engeo characterized their explorations as having a limited amount of potentially expansive clay.[8]

NV5 performed expansive soil testing at the Brunswick Industrial Site (2019) and determined that the potential for expansive soil hazards to affect the proposed improvements is considered to be moderate to high. Thin lenses of expansive fine-grained near-surface soils are present at the Site.

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7 NV5. *Geotechnical Engineering Report, Idaho-Maryland Mine Project – Centennial Industrial Site* [pg. 11]. December 20, 2019; NV5. *Geotechnical Engineering Report, Idaho-Maryland Mine Project – Brunswick Industrial Site* [pg. 12]. November 18, 2019.

8 ENGEO Incorporated. *Geotechnical Report, Idaho-Maryland Mine, Surface Facilities and Improvements, Grass Valley, California* [pg. 12]. March 6, 2007.

Brunswick Clay-Lined Pond Dam

The existing clay-lined pond, constructed for the sawmill circa 1988, was evaluated by NV5. NV5 advanced seven exploratory borings along the south and southwestern portion of the pond dam. Generalized descriptions of the soil units encountered during the exploratory boring investigation are described in stratigraphic succession below:

- Upper Fill - **Sandy Clay/Sandy Silt**: Yellowish brown, stiff to very stiff fill encountered in all borings from the surface of the dam embankment to approximately 7.5 to 14 feet bgs.
- Lower Fill - **Clayey Gravel with Sand**: Grayish brown clay with bluish gray rock, medium dense fill, approximately 4 to 8 feet thick, was encountered in several borings. **Well Graded Gravel with Sand**: Bluish Gray, medium dense crushed mine rock fill, approximately 2.5 to 5 feet thick, was encountered in two borings. **Organic Soil**: Black, soft to medium stiff, well preserved to partially decomposed organic fill (predominantly sawdust with some bark), approximately 1 to 4 feet thick, was encountered in multiple borings.
- Bottom of Fill – **Silt with Sand/Sandy Clay**: Mottled dark brown or olive gray, soft to medium stiff to medium dense fill, approximately 1 to 3 feet thick, were encountered in several borings.
- Native Floodplain Deposits – **Silt**: Very dark grayish brown to mottled dark brown, soft to very stiff native soil below fill at least 2 to 4 feet thick, was encountered in several borings.
- Native Residual Soil – **Clay with Sand**: Reddish brown, medium stiff to stiff residual soil below fill at least 1 to 2 feet thick, was encountered in two borings.

The on-site exploratory dam borings and an interview with an equipment operator previously involved with construction of the dam, confirm that a layer of organic fill (sawdust) is present within the southwestern-most 200-foot segment of the dam. Boring logs indicate that the sawdust layer is up to 4 feet thick at the dam centerline, at a depth of approximately 12 to 18 feet bgs. Based on the original topography of the dam footprint, it is likely that the organic layer thickness decreases towards the inboard section of the pond and increases towards the downslope face of the dam.

Near Surface Features that Could Become Unstable

NV5 performed an assessment of the potential for surface impacts at the locations of known near-surface mine features resulting from dewatering of the underground mine workings as part of proposed project's underground mining operations.[9]

The Idaho-Maryland Mine was first located as the Eureka claim in 1851, targeting a gently easterly-raking ore shoot located on the eastern side of Grass Valley. In 1915, the Eureka, Idaho and Maryland claims were assembled under Errol MacBoyle and reopened. MacBoyle consolidated the Brunswick and Morehouse mines into the Idaho Maryland group in 1926. The mine was forced to close at the onset of World War II but reopened after the war and continued operations until final closure in 1957.

Subsequent land use in the area shifted toward urban development and land holdings were subdivided and rezoned for commercial, light industrial and residential use. Over this period, some near-surface mining excavations were closed, filled, or obscured by earthwork grading and

[9] NV5. *Idaho-Maryland Mine Project: Geotechnical Assessment of Near Surface Mine Features.* Revised September 11, 2020.

development. NV5 performed record searches and located as-built documentation or records of closure for some of the near-surface features. Other features were historically closed without engineering design or agency oversight.

The current water elevation in the mine is approximately 2,500 feet AMSL and currently drains by gravity from the East Eureka Shaft. In order to recommence mining, the underground mine must be dewatered, and groundwater entering the mine must be continuously pumped during the mining operation. Approximately 2,500 acre-feet (approximately 815 million gallons) of water are expected to be pumped from the underground workings during the initial 6-month dewatering period (EMKO, 2020), lowering the water level in the mine approximately 3,200 feet from the current water elevation in the mine of 2,497 feet AMSL. When the water level in the mine workings is located near the ground surface, the drawdown of groundwater within the mine workings may increase the potential for settlement or collapse of shallow workings that were not formally closed. Near surface workings that are already in a dewatered state would generally not be significantly impacted by dewatering the mine.

NV5's assessment focuses on specific near-surface mine features because they are generally more susceptible to subsidence and collapse than are deeper mine workings. The near-surface features may be located in weaker materials (soil and weathered rock); whereas the deeper mine workings are commonly located in competent bedrock. In addition, the underground mine workings focused on removal of quartz vein materials that are generally narrow, so the collapse of a deep (e.g., 100 feet bgs) mine feature is not likely to be expressed at the ground surface.

Of the near-surface features evaluated by NV5, several were recommended for closure where the static groundwater surface is located within 100 feet of the ground surface. These features are discussed below and the locations of these features are shown in Figure 3-14 of the Project Description chapter. In their peer review of NV5's report, ECM notes that, as a margin of safety, NV5 has chosen a separation between the groundwater surface and the ground surface of 100 feet. They believe that in all areas where the separation equals or exceeds 100 feet there is no chance that ground water drawdown could affect surface structures. This water table/ground surface separation distance clearly divides the northern mines from the southern mines. The northern mine openings all have a separation of less than 100 feet, and NV5 recommends potential remediation (i.e., closure) for all of them. For the southern mines, where the separation is greater than 100 feet, they recommend no further actions. ECM is in agreement with NV5 and based on their conclusions and based on the known physical characteristics of the rock units, considers this distance to be conservative.[10]

East Eureka Shaft

The East Eureka Shaft is located at 815 Idaho Maryland Road beneath a commercial office building occupied by Navo and Sons. Access to the feature is limited by the existing building. Below the building, the feature is suspected to be open and supported with a concrete collar. A small steel pipe passes through the east side of the building from a sump adjacent to the feature (EMKO, 2020).

[10] ECM. *Applicant Report Peer Review, Idaho Maryland Mine: Centennial and Brunswick Sites* [pg. 34]. August 13, 2020.

tectonics, volcanic activity within the southern Cascade Range and from regional tectonic activity within the Basin Range province to the east could constitute future sources of seismic activity.

Earthquake-Induced Ground Failure

Violent ground shaking can lead to various types of ground failure that liquefaction can initiate. Liquefaction is a phenomenon whereby unconsolidated and/or near saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. As discussed above, the project area could experience ground shaking during an earthquake but because the intensity of the ground shaking in this region would be low to moderate, the potential for liquefaction and seismically-induced landslides is low. The threat of damage by liquefaction is not a concern for the 101-acre Idaho-Maryland site because subsurface materials beneath the property are mostly lacking in the combination of soil types and groundwater conditions needed for this type of failure. Some localized, shallow slope failures (e.g., contained debris flows or slumps) may occur during an earthquake but there is a low potential for these incidents to cause injury or damage.

Mining-Induced Subsidence or Collapse

Subsidence and sudden collapse of the ground surface can be caused by natural geologic phenomenon (gradual subsidence from groundwater and oil removal, decomposition of organic material, roof failures in underground limestone caves) and by the failure of subsurface manmade features, such as tunnels, water lines, and mine shafts. Mining and construction operations over mine workings (i.e., tunnels and portals) can compromise the structural integrity of a shallow mine tunnel resulting in a cave-in. Caving in a shallow mine tunnel or portal can be expressed at the surface as rapid or gradual ground surface subsidence. Shallow mine workings are more susceptible to caving because the geologic materials between the shaft and the surface are less competent than the bedrock at depth. For example, a portion of the Old Brunswick shaft of the Idaho-Maryland mine collapsed during a storm in 1998 causing a sinkhole that structurally damaged the foundation of a private home. The shaft collapse occurred because a contractor inadvertently built a house over an abandoned 45-degree inclined shaft years after it was backfilled with uncompacted material. The surface subsidence occurred when the loose uncompacted material covering the shaft became saturated with surface water and washed down the shaft.

At the Idaho Maryland Mine, most of the mine workings are deep and the potential is low for a collapsed mine tunnel to affect the ground surface. However, there are areas where shallow mine workings could cave-in resulting in ground surface subsidence.

Slope Stability

Unstable soils can result from vegetation removal associated with wildfires, timber harvesting, mining, and grading as part of road and building and site development. Significant precipitation can exacerbate unstable conditions, resulting in landslides and mudslides. Slope failures include falls; topples; slides (rotational or translational); lateral spreads; flows (in bedrock or soils); or a complex combination of two or more of the five types of movement. Relative stability is

liquefaction, landslides, substantial soil erosion or the loss of topsoil due to construction activities, and expansive soils would be less than significant. These potential hazards were discussed above in the setting section but are not further analyzed in this EIR. Please note that soil erosion impacts associated with sustained increases in flow due to dewatering activities and discharge into the Wolf Creek Watershed are analyzed in Section 4.7, *Hydrology and Water Quality*.

Impacts and Mitigation Measures

Reclamation Plan Impacts (Class IV-No Impact)

The proposed Reclamation Plan includes several actions necessary to restore the project site and prepare it for the proposed subsequent use. The proposed subsequent use could consist of commercial/industrial development. Those reclamation plan actions with geotechnical and seismic considerations include backfilling drill holes and water wells, concrete capping of underground accesses, backfilling shafts and portals, clearing the site of foundations, drawing down stockpiles, demolishing access roads, revegetation and re-soiling. From a geotechnical standpoint, the actions under the Reclamation Plan actions can be considered site improvements that would reduce future geologic impacts on the project areas. For example, revegetation, re-soiling, and removal of foundations would reduce erosion and loss of topsoil and would stabilize near-surface soils. Compaction, slope contouring, and backfilling would comply with the local and State building code requirements. Reclamation Plan actions would not reduce the potential for earthquakes but the removal of structures and other equipment would decrease the potential impacts associated with structural failure or collapse during a seismic event.

Impact 4.5-1: Proposed dewatering and mining activity could cause shallow mine workings to cave-in resulting in subsidence at the ground surface at some locations. Subsidence due to collapsed shallow tunnels and mine portals could injure mine workers and the public or result in property loss both at the project site and on adjacent parcels. *Less than Significant with Mitigation (Class II).*

Some areas on or nearby the project site would be susceptible to surface subsidence in the event of a mine tunnel or portal cave-in.[4] The applicant has identified the proposed decline portal and the concrete collar of the New Brunswick Shaft as project areas susceptible to a cave-in and surface subsidence. All other areas proposed for mining would be sufficiently deep and an unanticipated collapse of these deep workings would not cause surface subsidence. The 1995 EIR

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[4] In a mine tunnel, the degree of caving from above into the tunnel is dependent on the size of the tunnel; at some point, the cave-in stops because the tunnel fills up with material and the cave-in is essentially "choked-off". The existing tunnels at the Idaho-Maryland Mine are relatively small (e.g. only 6 feet high and narrow) compared to tunnels built today. Considering the size of the existing tunnels, this analysis conservatively considers that 70 vertical feet of caving would occur before the cave-in stops. The actual extent of upward caving would likely be less. However, the 70-foot estimate provides a means to identify and categorize shallow mine workings; this analysis assumes that if the mine tunnel is less than 70 feet deep, there is a potential for surface subsidence to occur if that tunnel collapses.

identified other locations where there is a potential for subsidence to occur.[8] The first location is on the order of a couple hundred feet of tunnel trending in a generalized south-southwesterly direction from the collar of the "Old Brunswick Incline Mine Shaft", which reportedly was an old drainage tunnel that is no longer in use (GeoSolutions, 2008). The second location of potential subsidence is a few hundred feet of tunnel trending in a generalized east-southeasterly direction from the "Old Brunswick Incline Mine Shaft"; this tunnel section was previously interpreted as the 70-foot level of the Old Brunswick Mine (70 foot level tunnel).[9] The 1995 Draft EIR also mentions subsidence potential in the area of assessor parcel numbers 09-581-12, 09-581-13 and 09-581-17. These parcels are privately owned but are considered in the analysis because they are proximate to and could be affected by subsidence of the "70-foot level tunnel." Based on the available information, the analysis of subsidence for this EIR considered the structural integrity of the proposed decline portal, the concrete collar of the New Brunswick Shaft, and the areas identified during the 1995 EIR, as discussed below.

Although the proposed decline portal would be shallow for a certain distance, it would be constructed with internal structural features consisting of a combination of wire mesh reinforced concrete and/or steel supports. The applicant proposes to place concrete and steel supports in the decline portal and tunnel for an adequate distance until the decline reaches a depth where it is surrounded by fresh, unweathered, competent bedrock. Given the proposed construction techniques and current state of the art in mining engineering and construction, the decline portal would not be susceptible to subsidence after completion and throughout the life of the project.

The concrete collar of the New Brunswick shaft is a concern for the proposed project because the concrete may be too old and structurally weak to support the weight of structures needed to support the dewatering pumps and other mining-related construction. Failure of the concrete collar is considered an adverse impact because if the concrete were to fail, it could cause localized cave-in, subsidence, and structural collapse, which could injure workers, cause property damage, and result in construction delays. It should be noted that the public would not be able to access the Brunswick Shaft area; restricting access would therefore eliminate the public's exposure to potential subsidence hazards at that location.

The former drainage tunnel and "70-foot level tunnel" still represents a potential subsidence hazard because these two tunnels were identified as shallow mine workings. Although the proposed project would likely not affect these two sites, a cave-in of one of the tunnels could cause injury or property damage if surface subsidence were to occur. Because these locations are proximate to the project and subsidence could affect project operations, this EIR considers subsidence in these locations a potential adverse impact of the project.

8 It should be noted that the 1995 EIR identified the areas discussed herein as potential areas of subsidence but did not prescribe mitigation because the applicant's project would not affect these areas.

9 It should be noted that although this tunnel is named the "70 foot level tunnel", its vertical distance from the ground surface is not 70 feet. Lateral tunnels connected to this shaft are labeled by their slope distance down centerline of the declined shaft instead of their vertical distance from ground surface. Because the shaft slopes at an angle of about 50 degrees to the horizontal in a southeast direction, the maximum vertical distance between top of tunnel to the ground surface is likely to be about 54 feet in the area adjacent to the portal of the shaft.

Reclamation Plan

Actions required under the Reclamation Plan would reduce the potential for future cave-ins and surface subsidence. The Idaho-Maryland site portal, Idaho-Maryland shaft, Round Hole shaft, and the New Brunswick site shaft would be capped with concrete thereby reducing the potential for cave-in or collapse of these near-surface mining structures. Reclamation of underground shafts and headings would be completed by the use of paste backfill. Rock backfill could also be used depending on the suitability and availability of material. Capping and backfilling subsurface accesses and shafts would reduce the future risk of collapse and subsidence and therefore, the Reclamation Plan would ensure that impacts remain less than significant.

Conclusion

Based on the geologic characteristics found in the area and intentions of the applicant to mine only at deeper levels of the mine, there would be a very low risk of subsidence at the surface as a result of the proposed underground mining activities. However, the areas identified above, in addition to unidentified locations, could, at some point during the life of the project, experience cave-in with associated surface subsidence. This is especially the case for the concrete collar around the Brunswick Shaft; failure of the concrete to support down-shaft equipment would adversely affect the project. Mitigation Measure 4.5-1 addresses the potential for cave-in and subsequent surface subsidence in mine workings at the site and the uncertainty surrounding the competency of the concrete collar and tunnels. Mitigation Measure 4.5-1 provides a mechanism that requires the applicant, through a third party review, to identify and correct potential subsidence hazards and requires that corrective action take place prior to construction. Engineered remedies to reduce or eliminate potential subsidence (i.e., shoring, tie-backs, steel supports, concrete mesh, rock bolting, steel reinforced concrete) are standard mining tunnel construction methods used successfully throughout the industry and thus, secondary impacts associated with corrective measures are not expected.

Mitigation Measure 4.5-1: The applicant shall identify current mine workings that are less than 70 feet deep (considered shallow), regardless of whether they are utilized during the proposed project or would remain unaffected. The applicant shall retain a licensed geotechnical engineer (per approval by the City of Grass Valley) to perform a detailed, third-party evaluation of the existing, shallow mine workings. The applicant shall complete the evaluation prior to the start of project construction. Through this evaluation, the mining engineer, with assistance from the applicant, shall establish sufficient data to determine whether the particular shallow mine working is susceptible to failure. Information required by this evaluation includes, but is not necessarily limited to, tunnel depth, underlying geology, relative rock strengths, size of the mine working, and groundwater conditions. Using generally accepted mine engineering practice, including American Society of Testing and Materials (ASTM) standards for rock strength testing, the third party review shall demonstrate that shallow mine workings would not fail under static and earthquake conditions and that the concrete collar at the Brunswick Shaft is competent to support the weight of the proposed equipment. If the third-party review determines a potential subsidence hazard exists, the applicant and the third party licensed engineer shall 1) develop feasible corrective measures to be included as part of the project, 2) have the measures approved by the City of Grass Valley, and 3) ensure that all corrective actions are completed before project construction begins. The corrective measures recommended by

the third party engineer shall effectively reduce or eliminate the risk of subsidence in the event that the underlying mine working collapsed. Measures could include but are not limited to shoring, tie-backs, steel supports, concrete mesh, rock bolting, steel reinforced concrete. The applicant shall submit to the City of Grass Valley, the completed report prepared by the third-party mining engineer and a detailed schedule outlining the process and schedule necessary to rectify identified subsidence hazards.

Significance after Mitigation: Less than Significant.

Impact 4.5-2: Areas of the project sites contain fill material that is unsuitable to support structural improvements. Soils with low bearing strength or fills that are compressible or can collapse could cause proposed buildings and other structural improvements to settle differentially leading to structural damage, injury to workers, and potential property loss. ***Less than Significant (Class III).***

Following their preliminary geotechnical investigation in October 2004, Holdrege and Kull stated that their primary concern is the presence of fill in portions of the previously graded areas of the Idaho-Maryland site and New Brunswick site. Much of the fill encountered during a previous subsurface investigation at the Idaho-Maryland site reportedly contained organic material that would not be suitable to support structural improvements.

Holdrege and Kull anticipate that the relatively shallow fill across much of the southern area of the Idaho-Maryland site would be able to be removed or, if deemed suitable for the purpose, used for compacted fill. However, deeper fill previously encountered in the southeastern area would likely require extensive excavation and would not likely be reused due the reported abundance of organic materials. The disturbed material and waste rock identified in the northwestern part of the Idaho-Maryland site and at the New Brunswick site may not be suitable to support structural improvements. Additionally, waste rock piles cover portions of the Idaho-Maryland, New Brunswick, and Round Hole sites. In general, these piles are not suitable to support structural improvements, and the waste rock piles in the area of the proposed ceramic plant would likely require removal prior to construction.

The October 2004 Holdrege and Kull geotechnical study was intended as a preliminary assessment of the geotechnical conditions on the three proposed project sites and did not constitute a detailed geotechnical investigation (sometimes referred to as the "design-level geotechnical investigation"). Typically, the design-level geotechnical investigation is conducted following completion of the CEQA process when project details can be more fully developed and finalized. Design-level investigations usually consist of subsurface soil sampling, detailed identification of underlying geologic material, and soil and rock strength testing. While the October 2004 study did conclude that development of the proposed project was feasible, it did identify unsuitable soils. These unsuitable soil conditions would be further investigated during the design-level investigation using accepted, standard geotechnical methods and testing protocols. For example, field drilling and/or test pits would help determine the depth and distribution of the previously identified unsuitable soils and engineers would submit samples to the soils laboratory

Conclusion

As such, comments concerning potential social or economic effects of the project, when not contributing to, or when not caused by, a physical change to the environment, need not be analyzed or addressed further in this EIR.

Master Response 3 - Operator Responsibility

Comments

The County has received several comments stating that the Project should not be approved due to the past record of Rise Gold and its CEO, Ben Mossman. Specifically, the commenters allege that Rise Gold will fail to comply with its conditions of approval and will operate the mine in an illegal manner, causing harm to the community and the environment.

Discussion

These comments do not raise an issue relevant to CEQA analysis, as the possibility of non-compliance with conditions of approval or mitigation measures is not considered an environmental impact under CEQA. Moreover, the County has ample authority to revoke the Project's permits if the operator does not comply with the required mitigation measures and conditions of approval. The County will also continue to monitor the project through implementation of CEQA mitigation monitoring. Specifically, County Code Section L-II 5.11 states that the County may revoke a use permit or other permit for the following reasons:

1. Non-compliance with conditions of approval, mitigation measures or the approved site plan.
2. Violation of any law in connection with the permit.
3. Expansion of the use or structure without amending the existing permit or receiving a new permit.
4. Operating in a manner that threatens or is injurious to the public health or safety, or constitutes a nuisance.
5. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit.
6. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made and the public health, safety, and welfare require the revocation.

As such, in the event that the mine operator fails to comply with its mitigation measures or conditions of approval, the County would initiate proceedings to revoke its permit. If the County revoked the use permit for the mine due to non-compliance with permit requirements, the mine could no longer operate.

While the commenter's concerns are not a CEQA environmental issue for purposes of the EIR, Mr. Mossman provided background information on a discharge incident at a previously operated mine in Canada, which summary is set forth below:

> Benjamin Mossman was a director and officer of Banks Island Gold Ltd. ("Banks"), a company formerly listed on the TSX Venture Exchange that traded under the symbol "BOZ". Banks operated the Yellow Giant Gold Mine (the "Mine") located in British Columbia, Canada. In 2015, unusually heavy rains occurred at the Mine site, which caused an alleged discharge to occur on a small portion of the site. Mr. Mossman was not at the

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GPA/ZONE CHANGE APPLICATION R1
FILING INSTRUCTIONS & CHECKLIST

This form must be filed with your application. Please check off (✓) each item to verify that the required information is attached. Your application will not be accepted if any required item is missing.

☒ **1. The signed and completed Application form, including a letter of authorization from the property owner(s) if forms are signed by a Representative (attached).**

Submitted with the Application Packet for a Use Permit.

☒ **2. Filing fees pursuant to the most recently adopted Resolution of the Board of Supervisors. The department for which the fee is required must approve any deviation from the adopted fee schedule.**

Filing fees paid on November 20th, 2019 at the time of application submission.

☒ **3. The signed and completed Agreement to Pay Form (attached).**

Submitted with Mining Use Permit Application Packet.

☒ **4. Two copies of the property Grant Deed, verifying ownership and the legal description of each affected parcel.**

Submitted with Mining Use Permit Application Packet.

☒ **5. The completed Project Information Questionnaire form (attached).**

Submitted with Application Packet for a Use Permit.

☒ **6. A written statement indicating the circumstances justifying a Rezoning or General Plan Amendment, including any changes in circumstances that justify a reclassification. Address all General Plan policies that support your proposal, explaining how the application is consistent with relevant policies.**

Written statement attached (see page 3).

☐ **7. General Plan Amendments must include an economic analysis pursuant to Policy 2.6 of the General Plan. The analysis shall address the impact of the proposed amendment on the County Economic Policy and its supporting policies and programs, particularly the impact on the short and long-term jobs/housing balance, and the land use designations of the General Plan.**

No General Plan Amendment is being requested.

All measurements and all calculations of area are approximate. Information provided by Seller/Other sources, not verified by Broker.
All interested persons should independently verify accuracy of information. Provided properties may or may not be listed by the office/agent presenting the information.
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U.S. Patent 6,910,045
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☒ **8. If this site is developed, provide a site plan, drawn to scale, showing all improvements.**

Submitted with Mining Use Permit Application Packet (Site Plan Drawings: Figures A101, A201, A202, A1, B101, B102, B103, B1, B104, B2, C101, C102, C1, and C2).

☒ **9. 15 copies of a Zoning and/or General Plan Amendment exhibit, drawn to a recognized engineers or architects scale, no larger than 11" x 17", reflecting both existing and proposed zoning and General Plan designations (sample attached). If the exhibit is larger than 8 ½" x 11", provide one 8½" x 11" reduction of each exhibit.**

See two (2) figures attached to Zone Change Application.

☒ **10. Photos of the site and a site plan reduction indicating where photos were taken.**

Submitted with the Application Packet for a Use Permit. See *Appendix A: Site Photo Location Key & Site Photos* of the Project Information Questionnaire.

☐ **11. If your property is located within the Sphere of Influence of the City of Grass Valley, the City of Nevada City or the Town of Truckee, submit a letter from that jurisdiction indicating that they are not interested in pursuing annexation of your property.**

☒ **12. The completed Hazardous Materials/Waste Statement form, attached.**

Submitted with Mining Use Permit Application Packet.

This checklist is applicable to General Plan Amendments and Zone Change applications only. If your application includes another project, including a development plan or tentative map, please be sure to obtain the checklist for each type of project proposed. It is not necessary to duplicate forms or required attachments for projects that are filed concurrently on one application. To avoid delays in application submittal to avoid delays in application submittal please call the Planning Department if you are unsure of any application requirement.

RapattoniMLS

ITEM 6. A written statement indicating the circumstances justifying a Rezoning or General Plan Amendment, including any changes in circumstances that justify a reclassification. Address all General Plan policies that support your proposal, explaining how the application is consistent with relevant policies:

As detailed in *Idaho-Maryland Mine Project Description* (Benchmark, November 2019), Section 5.4, "General Plan Land Use Designations and Zoning Classifications," all parcels on the project site are designated Industrial in the *Nevada County General Plan* (the "General Plan"). The County Zoning Code designates the Centennial Industrial Site as Light Industrial (M1) and the Brunswick Industrial Site as Light Industrial (M1) with Site Performance Combining District (SP). Section L-II 3.22 (D)(2)(a) of the County Zoning Ordinance states that mineral exploration is allowed in the M1 district. However, Section L-II 3.22 (D)(3) of the County Zoning Ordinance states that surface mining (e.g., surface work incident to an underground mine, such as processing, stockpiling of mined materials, waste disposal, and the reclamation thereof) is allowed in the M1 district where the property is zoned ME; therefore, the site is proposed to be rezoned Light Industrial (M1) with Mineral Extraction Combining District (M1-ME).

As provided in the Mineral Management Element of the General Plan, "Surface mining is conditionally permitted in compatible designations that are zoned within the 'ME' Mineral Extraction Combining District. Such areas are those known to contain potentially significant mineral resources and lie in compatible areas for surface mining. Areas not currently zoned 'ME' and that lie in a compatible designation may be rezoned if a significant resource can be shown to be present." The regulations state that this district shall be used only on those lands that are within any of the compatible General Plan designations and that are not in a residential zone. The current site is for industrial uses and is not within a residential zone.

In establishing the ME District, one or more of the following standards must be met:

1. Said lands have been designated as Mineral Resource Zone-2 (MRZ-2) based on State of California Classification Reports.
2. It has been clearly demonstrated that significant mineral deposits are likely present on said lands based on data similar in nature to the State Classification Reports.

The site is designated by the State of California as Mineral Resource Zone ~~1~~-2b for hydrothermal deposits (area where ~~available geologic information indicates there is little likelihood for the presence of~~ significant inferred mineral resources are present). Historic gold mining of the project site and recent drilling clearly demonstrates that significant mineral deposits are present on the project site.

The Brunswick Industrial Site is a unique property due to its location above an identified gold resource and the existing infrastructure (i.e., Brunswick shaft) providing access to this resource. The property's size, location, and access to local roadways provides the ancillary characteristics necessary to support a project of this magnitude and importance. No other properties in the area with similar zoning provid[illegible] characteristics.

The project would be consistent with the relevant General Plan policies. Namely, the following goals and policies related to mineral resources encourage the protection of valuable mineral resources for extraction:

Goal 17.1: Recognize and protect valuable mineral resources for current and future generations in a manner that does not create land use conflicts.

Policy RD-4.3.4: Protect valuable mineral deposits from intrusion by incompatible land uses that will impede or preclude mineral extraction or processing. Promote the proper management of all mineral resource activities in the County and minimize the impact of extraction and processing on neighboring activities and the environment in general.

Policy 17.6: Encourage extraction of mineral resources in compatible areas prior to intensified urbanization or conversion to other incompatible land use development.

Policy RD-4.3.4: Encourage the mining of previously mined land, if such land still contains economically mineable minerals, so the land can be reclaimed for alternative uses.

A detailed analysis of the project's consistency with all General Plan and zoning regulations will be included in the *Idaho-Maryland Mine Land Use Technical Study* that is being prepared by Benchmark Resources and will be evaluated by Nevada County as part of their environmental review process. The technical report will be completed in December 2019.

Based on information from the Nevada County Association of REALTORS® as of the date and time the AOR/MLS data was obtained. Display of MLS data is usually deemed reliable but is NOT guaranteed accurate by the MLS. Buyers are responsible for verifying the accuracy of all information and should investigate the data themselves or retain appropriate professionals. Information from sources other than the Listing Agent may have been included in the MLS data. Unless otherwise specified in writing, Broker/ Agent has not and will not verify any information obtained from other sources. The Broker/Agent providing the information contained herein may or may not have been the Listing and/or Selling Agent. All data, including all measurements and calculations of area, is obtained from various sources and has not been, and will not be, verified by broker or MLS. All information should be independently reviewed and verified for accuracy. Properties may or may not be listed by the office/agent presenting the information.
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APPLICANT'S VARIANCE JUSTIFICATION

please type or print in black ink

Pursuant to Sec. L-II 5.7 of Zoning Regulations, and Sec. L-XVI 2.6 Fire Safe Regulations (if applicable), of the County Land Use and Development Code, the following listed findings must be made by the hearing body in order to grant a variance. Please provide written explanation of why your request satisfies the required findings (attach a separate sheet for this information if necessary):

1. **The variance, if granted, does not constitute the granting of a special privilege inconsistent with the limitations placed on other properties in the vicinity and in the same zoning district in which the subject property is located, because:**

To allow for the mining operations on the surface of the Brunswick Industrial Site, including processing, waste disposal, and the reclamation thereof (subject to the regulations in Section L-II 3.22, Surface Mining Permits and Reclamation Plans, of the County Zoning Ordinance), the site is proposed to be rezoned Light Industrial (M1) with Mineral Extraction Combining District (M1-ME). Thus, the proposed activities on-site would be allowed uses within the zoning ordinance, and not a special privilege. To be able to execute the activities allowed on-site, certain structures must be taller than 45 feet. Thus, the variance would only make it feasible to implement those activities already determined to be allowed within the Light Industrial (M1) with Mineral Extraction Combining District (M1-ME).

2. **There are special circumstances applicable to the subject property including size, shape, topography, location or surroundings and because of these circumstances, the strict application of the provisions of this Chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and in the same zoning classification, because:**

The Brunswick Industrial Site is a unique property due to its location above an identified gold resource and the existing infrastructure (i.e. Brunswick Shaft) providing access to this resource. The property's size, location, and access to local roadways provides the ancillary characteristics necessary to support a project of this magnitude and importance. No other properties in the area with similar zoning provide all these characteristics.

3. **The variance does not authorize a use not otherwise authorized by the zoning district in which the property is located, because:**

With the rezone, the proposed use (gold mining and processing and the reclamation thereof) would be an authorized use. Increasing the allowed building height would not allow for an unauthorized land use.

4. **The granting of the variance does not, under circumstances and conditions applied in the particular case, adversely affect the public health, safety, or welfare, the integrity and character of the District, nor the utility and value of nearby property, because:**

The increased building heights would be designed, constructed, and operated in compliance with the Occupational Safety and Health Administration (OSHA) requirements, zoning standards, the County building code, the health and safety code, Nevada County Consolidated Fire District rules, and other applicable County and State regulations. Therefore, the variance would not allow a use that would adversely affect the public health, safety, or welfare; the integrity and character of the district; or the

utility and value of surrounding property.

5. **The variance is consistent with the Nevada County General Plan because:**

The increased building heights would be designed, constructed, and operated in compliance with the Occupational Safety and Health Administration (OSHA) requirements, zoning standards, the County building code, the health and safety code, Nevada County Consolidated Fire District rules, and other applicable County and state regulations. In addition, the project building heights would comply with the *Nevada County Airport Land Use Compatibility Plan* (NCALUCP) and would not create aesthetic impacts. The project site is partially within Zones D and E of the NCALUCP. For Zone D, airspace review is required for objects greater than 3,207 feet mean sea level (msl) (See Table 2A of the NCALUCP). The tallest point of the project site (the 165-foot-tall headframe building) would be at 2,912 feet msl. In addition, the project is not a noise-sensitive use, would not pose a hazard to flight, and would not exceed the density requirements; therefore, the project would comply with the requirements of the NCALUCP for Zones D and E. The proposed project would be required to be reviewed by the Airport Land Use Commission because, among other reasons, it would include new development of buildings more than 100 feet tall in Zones D and E (See Policy 1.4.3 of the NCALUCP).

Regarding aesthetics, site visibility would be limited by the surrounding trees and topography and would be consistent with the industrial nature of the surrounding area. The buildings would not be visible from a designated state scenic highway. Lighting would include shielded fixtures to minimize light pollution and nighttime glare and would comply with applicable zoning standards and County building codes.

A detailed analysis of the project's consistency with the *Nevada County General Plan* and zoning regulations will be included in the *Idaho-Maryland Mine Land Use Technical Study* that is being prepared by Benchmark Resources and will be evaluated by Nevada County as part of their environmental review process. The technical report will be completed in December 2019.

6. **The variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, because:**

The building heights are the minimum required to make the mining operations feasible and ensure the safe operation and movement of personnel and equipment. A new headframe building will be constructed at the existing Brunswick Shaft and concrete silo. In order to place rock into the concrete silo the headframe must be a height of 165 feet. The new Service Shaft headframe requires a height of 80 feet in order to allow hoisting of cages to transport people, materials, and equipment to and from the underground mine. The Process Plant requires a height of 65 feet to allow necessary machinery for the paste backfill plant to be installed and for an overhead hoist system to be installed in the building to install, replace, and maintain process equipment.

7. ***(Applicable only to variances to fire protection measures, i.e., side and rear yard setbacks)*** **The granting of a variance provides the same practical effect of fire protection because the following substitute measures have been incorporated into the project:**

Not applicable.

VARIANCE
FILING INSTRUCTIONS & CHECKLIST

This form must be filed with your application. Please check off (✓) each item to verify that the required information is attached. Your application will not be accepted if any required item is missing.

☒ **1. The signed and completed Application form, including a letter of authorization from the property owner(s) if forms are signed by a Representative.**

Submitted with the Application Packet for a Use Permit.

☒ **2. Completed "Applicant's Variance Justification" form.**

Variance Justification form attached (see page 1).

☒ **3. Filing fees pursuant to the most recently adopted Resolution of the Board of Supervisors.**

Filing fees paid on November 20th, 2019 at the time of application submission.

☒ **4. The signed and completed Agreement to Pay Form.**

Submitted with Mining Use Permit Application Packet.

☒ **5. Two copies of the property Grant Deed, verifying ownership and the legal description of each affected parcel.**

Submitted with Mining Use Permit Application Packet.

☒ **6. The Hazardous Waste Statement forms.**

Submitted with Mining Use Permit Application Packet.

☒ **7. Photos of the site and a site plan reduction indicating where photos were taken.**

Submitted with the Application Packet for a Use Permit. See *Appendix A: Site Photo Location Key & Site Photos* of the Project Information Questionnaire.

☒ **8. Two copies of building elevations and floor plans; including square footage calculations. Plans must be drawn to a recognizable scale.**

Submitted with Application Packet for a Use Permit (Building Elevations & Floor Plans: Figures B301, 302, 303, 304, 305, and 306).

☒ 9. 10 folded copies of a site plan drawn per instructions. All **plans must be folded** to a maximum 8 ½" X 14" size. Unfolded plans will not be accepted.

Submitted with Mining Use Permit Application Packet (Site Plan Drawings: Figures A101, A201, A202, A1, B101, B102, B103, B1, B104, B2, C101, C102, C1, and C2).

☒ 10. One 8 ½" x 11" reduction of the site plan.

Submitted with Application Packet for a Use Permit.

FORM/CONTENT OF SITE PLAN

The following information shall be provided on the site plan, if applicable.

☒ 1. The site plan shall be fully dimensioned and drawn to a commonly recognized architect's or engineer's scale, IN INK. The legal lot size shall be shown.

☒ 2. Provide a vicinity map showing the general project location (1" = 2000' scale) in relationship to the surrounding area with the mileage from the nearest County road shown. Include Section, Township, and Range.

☒ 3. Provide a North arrow and the scale to which the plan is drawn.

☒ 4. Provide a legend which includes:
   a. the project proposal (Variance for .....)
   b. property owner(s)/applicant name(s)
   c. applicant's representative, if any
   d. date of Site Plan preparation
   e. Assessor's Parcel Number

☒ 5. Show the location and names of all abutting roads, including rights-of-way boundaries, road centerlines, width of traveled way, type of surfacing and grades.

☒ 6. Show location of sewage disposal systems and wells.

☒ 7. Show all required setbacks for buildings, waterways, sewage disposal and well sites.

☒ 8. Show the location and purpose of all existing public and private utility easements.

☒ 9. Show location of all existing and proposed structures on the property; show their setbacks from property lines, label their use and show their size (gross square footage by floor).

☒ 10. Delineate any *applicable* environmentally sensitive areas as listed in Sec. L-II 4.3.3 of Zoning Regulations. Mapping should reflect any resources identified and mapped in any specialized studies that have been prepared for this project.

Note that applicability will vary, dependent on the type of land use. For example, variances for single family residential use will not be subject to the same Resource Standards that apply to other discretionary projects.

COUNTY OF NEVADA

PROJECT INFORMATION QUESTIONNAIRE R1

The information provided in this questionnaire will be used for preparation of the project Initial Study (environmental review) and for overall project review. All questions must be answered completely with legible responses, typed or in black ink, providing more than a simple "yes", "no" or "NA" response. Attach separate written discussion pages where needed to provide a complete response.

1. *Project Description:*

a. Describe the proposed project including any proposed phasing:

Rise Grass Valley Inc. ("Rise") proposes to reinitiate underground mining and gold mineralization processing of the Idaho-Maryland Mine (the "project") in unincorporated Nevada County. The proposed facilities and operations will be located on two properties owned by Rise named the Brunswick Industrial Site and the Centennial Industrial Site, also referred to as the Brunswick site and Centennial site.

The project is described in detail in the Project Description included with this application.

Photos of the site and a site plan Photo Location Key indicating where photos were taken are included in Appendix A of this application form.

b. Are any exceptions to required standards proposed or required for this project (a Variance, a Petition for Exceptions or a Management Plan to encroach into any sensitive resources)? *If yes*, identify the nature of the proposed variance, exception or management plan:

The following exceptions to required standards are required for this project:

- Variance to exceed building height standard of 45ft.
- Management Plan for Watercourse / Wetlands / Riparian Areas.
- Habitat Management Plan for the Pine Hill Flannelbush (Fremontodendron decumbens).

c. *Code Violations*: To your knowledge, are there any Code violations occurring on this property, including the issuance of a Warning Notice or a Citation for the subject property?

☐ **Yes** ☒ **No** **If Yes, describe:**

2. *Land Use:*

a. Does this project have a relationship to a larger project or a series of projects?

☐ **Yes** ☒ **No** **If Yes, describe:**

b. Describe existing on-site land uses:

Mineral exploration by surface exploration core drilling has been completed over the last several years and may re-commence at any time. This mineral exploration is an allowed use on the property.

c. Describe surrounding land uses, indicating distance to nearest residence:

Land uses are described in the Environmental Assessment form of the Mining Use Permit Application (A.1.3) and in Section 5.3 "*Surrounding Land Uses*" of the Project Description included in this application.

The nearest residence at the Centennial site is located ~285 ft from the property boundary and at the Brunswick site is located ~50 feet from the property boundary.

d. Describe project potential to change the character of the surrounding area, including the loss of open space.

None.

e. Will this project displace any residential units?

☐ **Yes** ☒ **No** **If Yes, describe:**

f. Will this project result in a population increase in the immediate project area?

☐ **Yes** ☒ **No** **Explain:**

g. List any specialized plans or zoning restrictions applicable to this project site, e.g., an "SP" zoning, a Master Plan, a Specific Plan, an Area Plan, an Airport Land Use Plan?

The parcels comprising the Brunswick site are zoned M1-SP.

The Application is seeking a zone change on the six Brunswick site parcels from Light Industrial with Site Performance Combining District (M1-SP) to Light Industrial with Mineral Extraction Combining District (M1-ME).

3. *Geology/Soils*

a. A Preliminary Grading Plan is attached. ☒ **Yes** ☐ **No**

b. A Soils/Geologic Report is attached. ☒ **Yes** ☐ **No**

A geotechnical assessment report for the Brunswick Industrial Site, prepared by NV5 Global, Inc. (Holdrege & Kull), is included with this application.

A geotechnical assessment report for the Centennial Industrial Site, prepared by NV5 Global, Inc. (Holdrege & Kull), will be submitted before the end of December 2019.

c. Slopes that exist on site prior to grading:

SLOPES EXISTING ON SITE PRIOR TO GRADING

Type	Acres	% of site
Brunswick Industrial Site		
Gentle (0-10%)	60	50%
Rolling (10-30%)	53	45%
Steep (more than 30%)	6	5%
Centennial Industrial Site		
Gentle (0-10%)	42	75%
Rolling (10-30%)	12	22%
Steep (more than 30%)	2	3%

Slopes greater then 30% are highlighted on the preliminary grading plans, prepared by Nevada City Engineering, included with this application.

d. Does the project propose to encroach into slopes of 30% or greater?

Yes

If yes, is a Management Plan included in this application? ☐ **Yes** ☒ **No**

A geotechnical assessment report for the Brunswick Industrial Site, prepared by NV5 Global, Inc. (Holdrege & Kull), is included with this application.

A geotechnical assessment report for the Centennial Industrial Site, prepared by NV5 Global, Inc. (Holdrege & Kull), will be submitted before the end of December 2019.

Is the site on filled land? ☒ **Yes** ☐ **No** **If yes, explain:**

The Centennial Industrial Site was historically used by the Idaho-Maryland Mine to deposit mine tailings and historic mine tailings and rock currently remain on the site. The Brunswick site has areas which have been filled to create level areas on site.

A geotechnical assessment report for the Brunswick Industrial Site, prepared by NV5 Global, Inc. (Holdrege & Kull), is included with this application.

A geotechnical assessment report for the Centennial Industrial Site, prepared by NV5 Global, Inc. (Holdrege & Kull), will be submitted before the end of December 2019.

e. Are there existing erosion problems or geologic hazards occurring on this site, such as landslides, mudslides, ground failures, earthquake faults or similar hazards? *If yes*, describe:

No.

f. Will a grading permit be required? ☒ **Yes** ☐ **No**

***If yes*, have you attached a preliminary grading plan?** ☒ **Yes** ☐ **No**

Describe proposed site grading:

How many cubic yards of soil will be imported, exported or moved on site?

During construction at the Brunswick site, approximately 60,000 cubic yards will be moved on-site for grading work and detention pond construction. Additionally, approximately 50,000 cubic yards will be excavated and then replaced during construction of the Service shaft.

Approximately 1,440,000 yards of engineered fill with be placed on the Brunswick site and 1,040,000 yards of engineered fill will be placed on the Centennial site during the mine operation. Dry density for engineered fill is assumed at 115 lbs /ft^3 for conversion of tons to cubic yards.

Maximum proposed depth and slope of any excavation and the type:

Maximum depth of excavation will be ~60 feet at the Service shaft location at the Brunswick site and will have excavated wall slopes of 1H:1V. The overburden (i.e., soil and weak rock) will be excavated from the surface and a concrete collar installed from the surface profile to the bedrock. The depth to bedrock is approximately 60 feet. The overburden material will be excavated to allow the shaft and concrete collar to be constructed, and then the overburden will be placed and compacted around the concrete collar to the original ground surface elevation.

Grading material sources or disposal sites:

Grading material for construction at the Brunswick site will be derived from cut material onsite.

Approximately 1,440,000 yards of engineered fill with be placed on the Brunswick site and 1,040,000 yards of engineered fill will be placed on the Centennial site during the mine operation. Engineered fill will be sourced from barren rock and sand tailings producing from underground mining.

Transport methods and haul routes:

Route A: Brunswick Industrial Site to Centennial Industrial Site

Engineered fill placed on the Centennial site will be trucked, in 20-ton loads, from the Brunswick site on the following route:

Loaded trucks exit Brunswick site at the E. Bennett Road exit, east to Brunswick Road, north on

Brunswick Road to Whispering Pines Lane, west on Whispering Pines Lane to Centennial Industrial Site.

Empty trucks from Centennial site to Whispering Pines Lane, east on Whispering Pines Lane to Brunswick Road, south on Brunswick Road to the Brunswick Road entrance to Brunswick site.

Route B: Brunswick Industrial Site to Brunswick Industrial Site

Engineered fill placed on the Brunswick site will be trucked, in 20-ton loads, within the Brunswick site. No off-site transport is required.

Route C: Brunswick Industrial Site to State Route 20/49

Engineered fill to be utilized in local and regional construction markets will be trucked, in 20-ton loads, from the Brunswick site on the following route:

Loaded trucks exit Brunswick site at the E. Bennett Road exit, east to Brunswick Road, north on Brunswick Road to access State Route 20/49.

Empty trucks will return by State Route 20/49, south on Brunswick road to the Brunswick road entrance to Brunswick site.

The location and height of any proposed or required retaining walls:

A loading bay at the proposed warehouse on the Brunswick site will have retaining walls up to 4 feet below ground surface.

Refer to Drawing B303 and Section 5.2.5 "*Retaining Wall Design Criteria*" of the Geotechnical Engineering Report for the Brunswick Industrial Site prepared by NV5 Global, Inc. (Holdrege & Kull).

4. *Water Quality:*

Describe any water bodies on, or adjacent to, the property, including lakes, rivers, creeks, seasonal and/or perennial water courses, irrigation ditches or drainage swales.

The main stem of Wolf Creek runs west through the north side of the Centennial site. South Fork Wolf Creek originates at the Brunswick Site and runs northwesterly through the Brunswick Site.

A constructed clay lined pond is located on the Brunswick site.

Aquatic resources are described in two reports included with this application:

Brunswick Industrial Site and East Bennett Road ROW Aquatic Resources Delineation of Water of the United States and State of California. Greg Matuzak Environmental Consulting LLC. 2019.

Centennial Industrial Site Aquatic Resources Delineation of Water of the United States and State of California. Greg Matuzak Environmental Consulting LLC. 2019.

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a. Is there a floodplain on or within 100 feet of this project site? If yes, is it identified on the Federal Emergency Management Agency (FEMA) maps and have you included a copy of that map with this application? ☒ Yes ☐ No

No floodplains occur at the Brunswick site.

The Centennial site has an area identified on a FEMA map. The identified floodplain area is outside the planned project footprint as shown on Drawing C101.

A copy of the FEMA map at the Centennial site is included in Appendix B of this application form.

b. For development projects, describe impervious surfacing created by this project:

At the Brunswick site, ~9.1 acres are currently paved with asphalt which remains from the previous use as the Bohemia Lumber Mill. The only structure on site is the historic concrete silo at the Brunswick shaft. Some areas of existing paving will be removed, and additional areas will be paved. Final paved areas are estimated at ~11.8 acres and buildings will cover ~3.2 acres. Planned landscaping exceeds the minimum required landscaping for parking areas of ~0.2 acres. Remaining open spaces on the site, after development, includes large areas of existing forest areas and wetland meadows. Remaining open spaces create significant visual screening, residential buffers, and street buffers.

At the Centennial site, an existing paved private driveway crosses the northwest side of site to access DeMartini RV Sales which is located on adjacent property. A small metal building and an area of paving exists on the northeast side of the site related to the inactive Hap Warnke Sawmill and will be removed. The project does not propose any new paving at the Centennial site.

IMPERVIOUS SURFACING

Lot Coverage	Existing %	Proposed %
Brunswick Industrial Site		
Building coverage	0.1%	2.7%
Surfaced areas	7.7%	9.9%
Landscaped areas(required)	0%	0.2%
Open space (excluding required landscaping)	92.2%	87.2%
Total	**100%**	**100%**
Centennial Industrial Site		
Building coverage	0.1%	0%
Surfaced areas	2.5%	0.8%
Landscaped areas	0%	0%
Open space (excluding required landscaping)	97.4%	99.2%
Total	**100%**	**100%**

c. Describe any discharge to surface waters that will result from this project, including any wastewaters other than storm water runoff that may be present in the discharge:

Groundwater pumped from the underground mine will be pumped to surface at the Brunswick site, treated, and then discharged to South Fork Wolf Creek.

A hydrology and water quality analysis report, prepared by EMKO Environmental Inc., will be submitted

before the end of December 2019.

A water treatment plant design report, prepared by Linkan Engineering, will be submitted before the end of December 2019.

The treated water pipeline and outfall is discussed in a report included with this application:
Hydrology and Hydraulic Calculations for the Preliminary Drainage Study & Detention Basin Sizing for Centennial and Brunswick Sites. Nevada City Engineering. October 2019.

d. Identify the water body or feature that receives runoff waters, describing proposed methods for treating and controlling runoff before it enters the drainage or watercourse.

Water bodies that receive runoff water from the sites are as follows:

Centennial Industrial Site: Wolf Creek
Brunswick Industrial Site: South Fork Wolf Creek

Detention ponds constructed on each site will control run-off before drainage enters the watercourse. The storm water drainage system is described in a report included with this application:

Hydrology and Hydraulic Calculations for the Preliminary Drainage Study & Detention Basin Sizing for Centennial and Brunswick Sites. Nevada City Engineering. October 2019.

e. Will a permit be required from the California Regional Water Quality Control Board?

☒ Yes ☐ No

***If* application for a State permit has been made, provide the permit #:_____.**

f. Are there any wetlands or riparian areas on this site? ☒ Yes ☐ No

If yes, describe:

Wetlands and riparian areas are described in the aquatic resources delineations included with this application:

Brunswick Industrial Site and East Bennett Road ROW Aquatic Resources Delineation of Water of the United States and State of California. Greg Matuzak Environmental Consulting LLC. 2019.

Centennial Industrial Site Aquatic Resources Delineation of Water of the United States and State of California. Greg Matuzak Environmental Consulting LLC. 2019.

Will wetlands be affected by the proposed project? ☒ Yes ☐ No

Will an Army Corps of Engineers wetlands permit be required? ☒ Yes ☐ No

If yes, is correspondence to or from the Army Corps attached? ☐ Yes ☒ No

g. Does this project propose to encroach into the required buffer from any perennial or seasonal waterbodies or riparian area? ☒ **Yes** ☐ **No**

Yes, is a Management Plan included in this application? ☒ **Yes** ☐ **No**

5. *Air Quality:*

a. Describe any air pollutants, i.e. dust, smoke, fumes or odors, which may be generated by this project both during and after construction (short and long term impacts).

An air quality assessment report, prepared by Dudek, to be submitted before the end of December 2019.

b. Is the project site mapped within an area known to contain naturally occurring asbestos?

☒ **Yes** ☐ **No** **Source of information:**

Serpentinite mapped in area by USGS and Rise Grass Valley Inc. testing of serpentinite in drill core.

Additional information pertaining to management of naturally occurring asbestos is included in Section 4 "*Conclusions*" of the Geotechnical Engineering Report for the Brunswick Industrial Site prepared by NV5 Global, Inc. (Holdrege & Kull).

6. *Transportation / Circulation:*

a. A traffic study is included with this application. ☐ **Yes** ☒ **No**

A traffic impact analysis report, prepared by KD Anderson & Associates, Inc. Transportation Engineers, will be submitted before the end of December 2019.

b. Does this project require/include a Petition for Exceptions? ☐ **Yes** ☒ **No**

c. Describe the access roads serving this project:

Brunswick Road and E. Bennett Road serve the Brunswick Industrial Site.
Whispering Pine Lane serves the Centennial Industrial Site. Whispering Pines Lane becomes Centennial Drive where the road turns north until it intersects Idaho Maryland Road.

ACCESS ROADS SERVING PROJECT

Road Name	Right of Way Width (ft)	Surfacing	Finish Grade
BRUNSWICK INDUSTRIAL SITE			
Brunswick Road	100 ft	Asphalt	~4.0% at entrance to Brunswick site
E. Bennett Road	~75 ft	Asphalt	~6.5% at entrance to Brunswick site
CENTENNIAL INDUSTRIAL SITE			
Whispering Pines Lane	50 ft	Asphalt	~5.5% at entrance to Centennial site

Select Language

Google Translate

See other site

General Plan

The Nevada County General Plan was originally approved by the Board of Supervisors in 1996. The General Plan has been subsequently amended in 2008 (Safety Element), in 2010 (Circulation Element and Housing Element, 4th Revision) and in 2014 (Land Use Element and Housing Element, 5th Revision). More recently the Board of Supervisors has adopted amendments to the Safety and Noise Elements in October 2014.

Policy Guide

The Nevada County General Plan is the long-term policy guide for the physical, economic and environmental future of the County. It is comprised of goals, objectives, policies, and implementation measures, which are based upon assessments of current and future needs and available resources, and which are intended to carry out the four central themes which are critical to the future of Nevada County and its quality of life.

Community Values

The General Plan is a dynamic document because it is based on community values and an understanding of existing and projected conditions and needs, all of which are subject to change over time. It is the intent of the County that this Gene desirable degree of flexibility to be able to accommodate cha sound long-term foundation for development based on good planning principles that remain timeless.

Hi, how can I help you today?

f. Within what Fire Severity zone is the project site mapped (Moderate, High or Very High) on the CalFire Fire Severity Hazard maps?

The Brunswick and Centennials sites are mapped as Very High on the CalFire Fire Severity Hazard map.

g. Will this project result in the need for additional public services including fire, police, water, sewage disposal or recreation, including annexation to a special district? X

☐ **Yes** ☒ **No** **If yes, describe:** WRONG ANSWER

12. Utilities & Services Systems:

a. List the public utilities that are available to serve the project site and the entities that provides service:

Telephone:

Various - TBD

Electricity:

Pacific Gas and Electric Company

A Will Serve Letter from PG&E has been included in Appendix B of the Environmental Assessment of the Mining Use Permit Application.

Gas (propane or natural gas)

No propane or natural gas use proposed

High speed internet service:

Various – TBD

b. Will this project require the extension of service for any energy source?

☐ **Yes** ☒ **No** **If yes, describe:**

c. Will this project require the recording of a new utility easement?

☒ **Yes** ☐ **No** ***If yes*, the proposed easement must be shown on the site plan.**

An easement may be recorded in favor of the Nevada Irrigation District for the potable water pipeline through private property from Whispering Pines Land to E. Bennett Road. Rise currents owns property and easements for this route which are shown in Drawing A-1.

d. Describe how this project maximizes energy efficiency, i.e., utilizes alternative energy sources, pursuant to General Plan policies EC-8.6.1, EC-8.6.4 & 14.2:

No homes or subdivisions are proposed in the project. No solid fuel burning devices or fireplaces are

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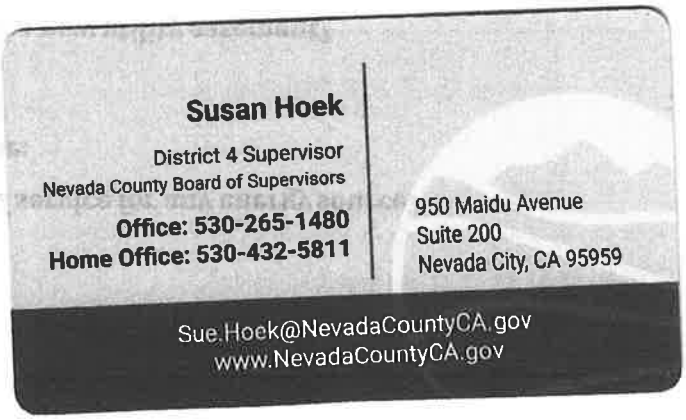
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proposed in the project.

e. What type of sewage disposal system is proposed for this project (public sewer, individual septic systems, community system, centralized system)?

Onsite septic system

The site evaluation for an on-site Pressure Dose sewage disposal system is detailed in a letter report, prepared by Navo & Sons, Inc., included in Appendix A of the Environmental Assessment of the Mining Use Permit Application.

13. Aesthetics:

a. Will there be a change to any highly visible ridgelines or any scenic viewsheds?

☐ **Yes** ☒ **No**

***If yes*, is a Management Plan included in this application?** ☐ **Yes** ☐ **No**

b. Is this project visible from a scenic highway, a large population center, or a public recreation area? ☐ **Yes** ☒ **No** **If yes, describe:**

c. Does this project propose any outdoor storage, activity or use (other than parking)?

☒ **Yes** ☐ **No** **If yes, describe the use:**

At the Brunswick site, outside areas will be used to move supplies, persons, and equipment to and from buildings. Trucks will be loaded with sand tailings by front end loader during daytime hours. Several tanks related to mineral processing are located outside of the process plant building. Materials may be stored outside in paved areas around buildings.

Engineered fill will be transported, placed, and compacted at both the Brunswick and Centennial sites.

d. Does this project propose new fencing? ☒ **Yes** ☐ **No**

If yes, describe fence type, height, materials and colors:

Security fencing will be used to restrict access to portions of the Brunswick site. Fencing will be metal chain link and range in height in accordance with Nevada County Code Sec. L-II 4.2.6.

e. Will this project require the installation of new overhead utility lines, visible from public roadways or adjacent properties? ☐ **Yes** ☒ **No** **If yes, describe:**

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___ If yes, a copy of the evaluation is attached.

g. Will this project prohibit or decrease agricultural production, on or off-site?

☐ Yes ☒ No If yes, describe:

15. Cultural Resources:

a. ☐ A letter from the North Central Information Center is attached, recommending whether an on-site Cultural Resources Inventory be conducted.

b. ☒ An Inventory was conducted and is attached.

c. ☐ An Inventory is not attached because:

☐ The North Central Information Center determined that an inventory is not required due to project size or sensitivity level (see letter).

☐ An on-site inventory was conducted for a previous project and is on file with the Planning Department, County File No#:_____.

16. Recreation:

a. Describe any public recreational facilities existing or proposed on the project site, including trails. Describe any known historic, public use of this site.

None

***Development project information* (not applicable to Tentative Maps)**

17. Proposed Use:

a. Proposed use/occupancy type:

A total of ~126,300 ft^2 of industrial buildings will be constructed as shown in the below table. Building use can generally be classified as follows:

Office – 10,100 ft^2
General Industrial – 50,700 ft^2
Manufacturing – 51,000 ft^2
Warehouse – 14,500 ft^2

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BUILDINGS

Building	Gross Area (ft²)	Maximum Height (ft)
Brunswick Shaft Complex		
Headframe	2,600	165
Shaft building	1,700	25
Conveyor and Raise building	700	17
Rock truck loading	1,700	20
Hoist Building	2,800	50
Electrical Building	800	15
Mine Compressor Building	1,600	20
Process Plant Area		
Process Plant	29,200	64
Process Plant addition	7,300	26
Generator building	3,900	20
Warehouse / Office Area		
Warehouse	28,900	27
Changeroom & Office building	24,600	30
Water treatment plant	8,500	26
Machinery building	1,600	20
Service Shaft Complex		
Shaft building	2,700	24
Headframe (located in shaft building)		80
Hoist building	2,800	50
Electrical building	800	15
Machinery building	1,600	20
Security building	2,400	15

Additional structures include tanks located outside the process and water treatment plants, fuel tank, covered conveyor, and breezeway as shown in the table below.

OTHER STRUCTURES

Building	Gross Area (Square Feet)	Maximum Height (Feet)
Covered conveyor (Brunswick to process plant)	3,400	35
Breezeway (security building to changeroom/office)	1,400	11
PROCESS PLANT		
Clean water tank	535	30
Process water tank	455	30
Tailings thickener	2,400	34
Paste filter feed tank	535	30
Cement silo	115	40
WATER TREATMENT PLANT		
Treated water tank	315	30
GENERATOR BUILDING		
Diesel fuel tank (30,000 gallons)	600	20

b. Building type & hazard classification:

Pre-manufactured steel

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c. Days & hours of operation:

24 hours per day, 7 days per week

d. Total number of employees:

312

e. Describe any outdoor activity proposed, including area square footage:

At the Brunswick site, outside areas will be used to move supplies, persons, and equipment to and from buildings. Trucks will be loaded with sand tailings by front end loader during daytime hours. Several tanks related to mineral processing are located outside of the process plant building. Materials may be stored outside in paved areas around buildings.

Engineered fill will be transported, placed, and compacted at both the Brunswick and Centennial sites.

f. Number of parking spaces, pursuant to Sec. L-II 4.2.9.f. of Zoning Regulations:

PARKING

	Required	Proposed
Regular stalls	125 - 208	152
Compact stalls	0 - 83	56
Wheelchair accessible	7	9
TOTAL	215	217

Two of the Wheelchair accessible stalls are Van Accessible. Thirteen of the regular stalls are electric vehicle stalls.

g. Are loading bays or drop off areas proposed or required?

One loading bay is proposed at the Warehouse Building on the Brunswick site. A drop off area is located at the end of the main parking area. Access to site will be controlled by gates and security at both entrances.

18. Building Characteristics of Each Proposed Building:

a. Building size in square feet (existing and proposed):

No buildings currently exist on the Brunswick site. Planned building sizes are shown in the tables *BUILDINGS* and *OTHER STRUCTURES* in Section 17a above.

One small metal building currently exist on the Centennial site related to the inactive Hap Warnke Sawmill, which will be removed. No buildings are proposed at the Centennial site.

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MMS REPRESENTATION THROUGHOUT

NEVADA COUNTY

MINERAL EXPLORATION AND/OR EXTRACTION

ENVIRONMENTAL ASSESSMENT

Replaced (updated Feb '20) as "project Information Questionnaire" R1

MINING: X EXPLORATION: X FILE NOs: _____

ASSESSOR'S PARCEL NO(S):

Brunswick Industrial Site	
Assessor Parcel Number	**Acres**
009-630-037	21.8
009-630-039	15.07
006-441-003	15.19
006-441-004	0.85
006-441-005	50.01
006-441-034	16.01
Total	**118.93**

Centennial Industrial Site	
Assessor Parcel Number	**Acres**
009-550-032	20,908 SF (0.48 AC)
009-550-037	4.47
009-550-038	40.1
009-550-039	42,668 SF (0.98 AC)
009-550-040	5,662 SF (0.13 AC)
009-560-036	10.25
Total	**56.41**

APPLICANT: Rise Grass Valley Inc. PHONE NO.: 604-260-4577

CONTACT PERSON: Benjamin Mossman PHONE NO.: 604-260-4577

EMAIL: Admin@risegrassvalley.com

16. Describe the ultimate physical condition of the site and specify proposed use(s), or potential uses, of the mined lands as reclaimed:

See Section 5 "*Reclamation*" of the Reclamation Plan. A majority of the aboveground facilities and structures will remain to support the sites postmining industrial land use. All paved surfaces, including access roads, parking areas, and driveways, will remain to facilitate access to the site and buildings.

The engineered fill piles at the Brunswick and Centennial sites will be maintained until they are used for future industrial purposes.

C. ENVIRONMENTAL IMPACTS:

1. Land

a. How many cubic yards will be moved or disturbed?

During construction at the Brunswick site approximately 60,000 cubic yards will be moved on-site for grading work and detention pond construction. Additionally, approximately 50,0000 cubic yards will be excavated and then replaced during construction of the Service shaft.

Approximately 1,440,000 yards of engineered fill with be placed on the Brunswick site and 1,040,000 yards of engineered fill will be placed on the Centennial site.

b. Will the Project result in the destruction, covering or modification of any unique geological and/or physical features, such as unstable soils or historical faults?

☐ Yes ☒ No **If Yes, what protective measures are anticipated?**

WRONG ! fault line

c. Will the project result in increased erosion from wind or water, on-site or off-site?

☐ Yes ☒ No **If Yes, explain:**

d. Will the project expose the people or property to geologic hazards, such as earthquakes, landslides, mud slides, ground failures, or similar hazards?

☐ Yes ☒ No **If Yes, explain:**

wrong

e. Will the project result in the loss of agricultural lands?

☐ **Yes** ☒ **No** **If Yes, specify:**

f. Is all or a portion of this property subject to a Williamson Land Act Contract (i.e., an agricultural preserve)?

☐ **Yes** ☒ **No** **If Yes, specify:**

g. Is all or a portion of this property zoned TPZ? ☐ **Yes** ☒ **No**

If Yes, attach exhibit and copy of timber management plan.

2. Water:

a. Will the project result in any stream alteration? ☒ **Yes** ☐ **No**

For operations occurring within or adjacent to a seasonal or permanent stream, river or other body of water, describe actions being taken to protect water quality and wildlife habitat:

The project will result in the removal and/or alteration of "waters of the U.S.", including wetlands, and "waters of the State of California" at the Brunswick Industrial Site, as shown in Drawing B102. Wetlands are also mapped at the Centennial Industrial Site and are expected to be removed and mitigated under the separate DTSC cleanup project as shown in Drawing C102. The aquatic resources, potential impacts, and mitigation measures are described in detail in the following reports included with this application:

Brunswick Industrial Site and East Bennett Road ROW Aquatic Resources Delineation of Water of the United States and State of California. Greg Matuzak Environmental Consulting LLC. 2019.

Brunswick Industrial Site and East Bennett Road ROW Biological Resources Assessment. Greg Matuzak Environmental Consulting LLC. 2019.

Brunswick Industrial Site and East Bennett Road ROW Watercourse / Wetlands / Riparian Areas Management Plan. Greg Matuzak Environmental Consulting LLC. 2019.

Centennial Industrial Site Aquatic Resources Delineation of Water of the United States and State of California. Greg Matuzak Environmental Consulting LLC. 2019.

Centennial Industrial Site Biological Resources Assessment. Greg Matuzak Environmental Consulting LLC. 2019.

Technical Memorandum for Centennial Industrial Site: Idaho-Maryland Mine Project - Biological Resources Impact Assessment. Greg Matuzak Environmental Consulting LLC. 2019.

b. Will there be any increased run-off? ☐ Yes ☒ No Explain:

Post development runoff during storm events, including the treated mine water discharge of 5.6 cfs, from both the Centennial and Brunswick sites will be equal to or less than the estimated current run-off. Therefore, with the construction of the detention ponds, the project will have no impact or increase of flows in creeks during storm events.

The storm water drainage system is described in a report included with this application:

Hydrology and Hydraulic Calculations for the Preliminary Drainage Study & Detention Basin Sizing for Centennial and Brunswick Sites. Nevada City Engineering. October 2019.

c. Will there be any discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

☒ Yes ☐ No If Yes, explain:

Groundwater present in the existing mine workings and inflow into the underground mine workings during the life of the projected will be pumped to surface, treated, and discharged to South Fork Wolf Creek at the Brunswick Site. A detailed description is included in Section 6 *"Site Plan"* of the Project Description. Supporting documents include reports:

A hydrology and water quality analysis report, prepared by EMKO Environmental Inc., will be submitted before the end of December 2019.

get it.

The water treatment is described in a report included with this application:

Idaho-Maryland Water Treatment Plant Design Report. Linkan Engineering. November 2019.

d. Will there be any septic tank installation, sedimentation or potential chemical contamination? Indicate amount of effluent which may be generated. Percolation tests should be provided.

☒ Yes ☐ No If Yes, explain:

A septic tank will be installed on the Brunswick Industrial Site and the amount of effluent which may be generated is estimated at 5,690 gallons per day based on employee numbers, shifts, and uses. The site evaluation for an on-site Pressure Dose sewage disposal system is described in a letter report, prepared by Navo & Sons, Inc., included in Appendix A of this application.

e. Industrial water requirements:

Brunswick Industrial Site

Amount required per day: 123,000 gallons per day

Source: Treated mine water

Will water be recirculated for re-use? ☒ **Yes** ☐ **No**

See Section 7.4 *"Water Supply and Consumption"* of the Project Description for additional details regarding industrial water requirements at the Brunswick Industrial Site.

Centennial Industrial Site

Amount required per day: 42,000 gallons per day

Source: NID

Will water be recirculated for re-use? ☐ **Yes** ☒ **No**

See Section 7.4 *"Water Supply and Consumption"* of the Project Description for additional details regarding industrial water requirements at the Centennial Industrial Site.

f. Will there be any changes in the quantity of ground waters, either through direct additions or withdrawals, or through interception of any aquifer, by cuts or excavations?

☒ **Yes** ☐ **No** **If Yes, explain and describe method to monitor effects:**

Groundwater present in the existing mine workings and inflow into the underground mine workings during the life of the projected will be pumped to surface, treated, and discharged to South Fork Wolf Creek at the Brunswick Site. See Section 6 *"Site Plan"* of the Project Description.

Pumping of ground water could potentially result in a draw-down of the water table, in areas in close proximity to the existing mine workings. As described in Section 6.7 *"Potable Water Pipeline"* of the Project Description, out of an abundance of caution, the existing NID potable water pipeline will be extended on East Bennett Road to provide potable water service to residences currently on wells that may be affected by the project.

Supporting documents include reports:

where are these?

A hydrology and water quality analysis report, prepared by EMKO Environmental Inc., will be submitted before the end of December 2019.

A groundwater model using finite element methods including predictive simulations and sensitivity analysis report, prepared by Itasca Denver, Inc., will be submitted before the end of December 2019.

g. Will there be a substantial reduction in the amount of water, otherwise available for public water supplies? ☐ Yes ☒ No If Yes, explain:

See 2f above.

h. Will the project expose people or property to water-related hazards, such as flooding or ground slippage? ☐ Yes ☒ No If Yes, explain:

i. Will there be any significant changes in temperature, flow, or chemical content of surface thermal springs? ☐ Yes ☒ No If Yes, explain:

3. Air and Noise

a. Will there be any changes in air movement, temperature, dust, ash, smoke, fumes or odor as a result of the project? ☐ Yes ☒ No If Yes, explain:

An air quality assessment report, prepared by Dudek, to be submitted before the end of December 2019.

b. Method of dust control: (specify water or chemicals to be used, and frequency of application)

The majority of the Brunswick work site has already been, or will be paved in order to reduce dust from vehicle traffic. In areas where engineered fill is placed and compacted water will be used as necessary to control dust and allow for required compaction levels.

The processing plant is located indoors and milling will be done with water which largely eliminates dust. Industrial dust control techniques will be used as necessary in the processing plant.

c. Will the project result in a change in existing noise or vibration (due to blasting or use of heavy earth moving or breaking equipment) levels in the vicinity?

☒ Yes ☐ No If Yes, explain:

A noise and vibration analysis report and underground blasting assessment report are included with this application:

Noise and Vibration Analysis – Idaho Maryland Mine. Bollard Acoustical Consultants, Inc. 2019.

Environmental Factors of Blasting Report for the Proposed Idaho-Maryland Gold Project. Intercontinental Development Corporation – Precision Blasting Services. September 2019.

photometric plan (refer to Drawing E001, E100, and E110), prepared by M. Neils Engineering, Inc., is included with this application.

6. Land Use

WRONG

a. Might the project conflict with existing land uses including recreational, educational, religious or scientific? ☐ Yes ☒ No If Yes, explain:

Existing land uses include open space with remnants of existing gold mining and other industrial operations. No recreational, education, religious, or scientific land uses exist on or near the site.

WRONG

b. In what way will the project cause change in the land use pattern, scale, or character of the general area?

Historically, underground gold mining occurred below the majority of the property. Aboveground portions of the sites were used for various gold mining and processing activities. A major sawmill previously operated on the Brunswick Industrial Site and closed in 1991. The Hap Warnke sawmill operates on the Centennial Industrial Site and is currently inactive. Since 2018, Rise has been conducting exploration drilling to characterize underground resources in anticipation of future mining. As described in the Project Description included with this application, the Project includes underground mining, aboveground gold and waste rock processing, and offsite hauling of engineered fill. The site has a General Plan designation of Industrial. The Application is seeking a zone change on six of the twelve parcels from Light Industrial with Site Performance Combining District (M1-SP) to Light Industrial with Mineral Extraction Combining District (M1-ME).

The uses proposed in the attached Project Description are allowed under these land use designations.

c. Distance from the location of the nearest recognized named community:

The City of Grass Valley is adjacent to the Centennial Industrial Site boundary. Please see Section 5.3 "*Surrounding Land Uses*" of the attached Project Description providing a summary of surrounding land uses.

7. Natural Resources

a. Will the project result in the increased rate of use of any renewable or non-renewable natural resource? ☐ Yes ☒ No Which one(s):

The project will use energy which includes utility supplied electricity, petroleum products such as diesel fuel, and various materials to produce gold and gold concentrates.

How about water

8. Risk or Upset

a. Will the project involve a risk of explosion or the release of hazardous substances, including but not limited to oil, pesticide, herbicide, chemicals, or radiation, in the event of accident or upset conditions, flammables, or explosives?

☐ Yes ☒ No **If Yes, explain:**

The project will comply with all local, state and federal regulations related to the storage, use, and disposal of hazardous substances.

b. Will the proposal result in possible interference with an emergency response plan or an emergency evacuation plan, or will it result in improving such plans or capabilities?

☐ Yes ☒ No **If Yes, explain:**

The project will have fully trained and equipped mine rescue teams. Mine rescue teams will be trained in accordance with MSHA regulations and be available to respond to underground and surface fires, accidents, or medical emergencies. The operator will seek cross training opportunities and mutual aid agreements with local emergency response organizations and other mining operations. The project will always have skilled tradesmen onsite including electricians and mechanics.

9. Population

a. Will the project have a growth-inducing effect on thecommunity?

☐ Yes ☒ No **If Yes, describe in detail:**

The project will not result in direct or indirect growth-inducing effect on the local community. The project will employ approximately 300 people during full operations. The current population of Nevada County is approximately 100,000 people. This level of employment would not result in a substantial increase in the population of Nevada County and result in the need for additional housing, public infrastructure, emergency services, or other direct growth effects.

Utility infrastructure installed as a result of the Project would be limited to the proposed electrical transmission line that would provide power to the Project. The transmission line would be sized to meet the anticipated power requirements of the Project and would not provide a new source of electricity that would indirectly induce growth in surrounding areas through the removal of a barrier associated with inadequate electrical supply infrastructure.

Any required off-site roadway improvements would be intended solely to off-set any traffic impacts of the project, provide safe access and achieve acceptable levels of service for existing and future projected traffic volumes. The improvements would not remove a barrier to growth or otherwise induce growth.

Water District:

Nevada Irrigation District (NID).

Rise Grass Valley has existing water accounts with NID for the various parcels that comprise the Brunswick Industrial Site.

Other

b. Method of sewage disposal:

The site evaluation for an on-site Pressure Dose sewage disposal system is detailed in a letter report, prepared by Navo & Sons, Inc., included in Appendix A of this application.

c. Describe storm water drainage system (use exhibit)

The storm water drainage system is described in a report included with this application:

Hydrology and Hydraulic Calculations for the Preliminary Drainage Study & Detention Basin Sizing for Centennial and Brunswick Sites. Nevada City Engineering. October 2019.

15. Human Health

a. Will the project result in the creation of any health hazard or potential health hazard (excluding mental health)?

☐ **Yes** ☒ **No** **If Yes, specify:**

Identify health hazards and define methods of control.

A quantitative health risk assessment, prepared by Dudek, will be submitted before the end of December 2019.

16. Aesthetics

a. How will the different project phases compare aesthetically with the surrounding area?

An aesthetics report including an analysis and renderings from important public viewpoints, prepared by Benchmark Resources, will be submitted before the end of December 2019.

b. Will the project cause a change in scenic views from existing residential areas, or public lands or roads? ☐ Yes ☒ No If Yes, describe in detail nature of change and duration.

17. Cultural Resources

a. Are there any sites of historical, archeological or paleontological interest on the subject property? ☒ Yes ☐ No ☐ Don't know If Yes, explain:

Any potential sites of interest are described in the survey report included with this application:

Cultural Resources Survey Report for the Idaho-Maryland Mine Project. InContext Cultural Resources Solutions. October 2019.

Source of information:

Cultural Resources Survey Report for the Idaho-Maryland Mine Project. InContext Cultural Resources Solutions. October 2019.

Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object? ☒ Yes ☐ No If Yes, explain:

The Cultural Survey Report identifies several potential items of interest which may be impacted by the project.

A comprehensive report on impacts to potential sites of interest is being prepared by Incontext Cultural Resources Solutions and will be submitted before the end of December 2019.

18. General

a. As a result of the project, how many local people will be employed?

The project will employ an estimated 312 persons during full mine operations, the majority of which would be local to Nevada County.

b. What effect will the project have on the local tax base?

The project is expected to have a positive effect on the local tax base.

c. What is the relationship of this project to a larger or future project?

None

d. Identify State or Federal agencies that require permits, leases or licenses, and the type to be issued:

OVER

WHERE'S THE COUNTY OF NEVADA ON THIS LIST?

POTENTIAL PERMITS AND APPROVALS FOR THE IDAHO MARYLAND MINE PROJECT

Agency/Department	Permit/Authorization	Required For
FEDERAL AGENCIES		
Army Corps of Engineers	Individual/Nationwide Section 404 Discharge Permit (Clean Water Act, 33 USC 1341)	Dredge/fill into "waters of United States"
Fish and Wildlife Service	Biological Assessment, Section 7 Consultation, Biological Opinion (Endangered Species Act, 16 USC 1531-1544)	Activity where there may be an effect on federally regulated species
		Activity where incidental take of federally listed species anticipated
Advisory Council on Historic Preservation	Section 106, (National Historic Preservation Act, 16, USC 470); Designation survey, determination of effort	Potential impacts to historic, architectural, archeological, or cultural characteristics of properties that qualify to meet National Register Criteria (State Historic Preservation Officer responsible for administration) Note: Also refer to National Natural Landmarks Program (36 CFR 62) and National Historic Landmarks Program (36 CFR 65)
Bureau of Alcohol, Tobacco, and Firearms	Purchase, Storage, or Transportation of Explosives Permit (27 CFR 55)	Purchase and/or transporting explosives across a state line. Storage requirements apply to all persons storing explosives.
Mine Safety and Health Administration	Notice of Commencement of Operations	Notice of the ownership and location of the mine
	Emergency Fire, Evacuation, and Rescue Plan	Potential emergency situation plans required for Surface operations
	Legal Identity Report	Reporting the type of operation, location and ownership
	Record of Inspection of Self-Propelled Equipment	Records, on self-propelled equipment must be maintained for six months and be available to inspectors
	Record of Testing the Resistance of Electrical Ground System	Recording the test required annually and after installation, repair, or medication of the electrical ground systems
	Miner Training Program	Mine safety training programs educating workers
	MSHA Identification Number	Tracking all mine sites
STATE AGENCIES		
Regional Water Quality Control Boards	General Construction Activity Stormwater Permit; Notice of Intent (40 CFR Part 122)	Stormwater discharges associated with construction activity

Agency/Department	Permit/Authorization	Required For
	National Pollutant Discharge Elimination System Permit (33 USC 1251 *et seq.*)	Discharge of waste into surface waters of California
	Water Discharge Permit (Water Code 13000 *et seq.*)	Discharge of wastewater that may affect groundwater quality
State Water Resources Control Board Division of Water Rights	401 (Water Quality) Certification (Clean Water Act, 33 USC 1251: if the project requires Army Corps of Engineers 404 permit)	Discharge into "water of the United States" including wetlands
	General Industrial Activity Stormwater Permit. Notice of Intent (40 CFR Part 122)	Stormwater discharges associated with industrial activity, unless covered by individual NPDES Permit
	Spill Prevention Control and Countermeasures Plan. (Health and Safety Code 25270 *et seq.*; 40 CFR Part 112.)	Underground storage of petroleum of 42,000+ gallons. Above ground storage with 10,000+ gallons; or any spill affecting surface waters, single tank of 600 gallons or 1320 total
State Office of Historic Preservation	Section 106, National Historic Preservation Act (16 USC 470; 36 CFR 62; 36 CFR 65).	Avoidance of historic, archaeological, or cultural characteristics of properties that meet National Register Criteria
California Department of Fish and Wildlife	Lake/Streambed Alteration Agreement	Substantial alteration of the bed or bank of river, stream, or lake (includes road or land construction across a natural streambed)
	Incidental Take Permit	For take of any species listed under the California Endangered Species Act ("CESA")
California Occupational Safety and Health Administration (Cal-OSHA)	Annual permit	Construction/demolition of any structure over 3 stories
	Construction permit	Worker safety/health
	Underground Diesel Permit	Underground use of diesel engines
Northern Sierra Air Quality Management District	Authority to Construct (Local district rules, per Health and Safety Code 42300 *et seq.*)	Constructing, modifying or operation a facility or equipment that may emit pollutants from a stationary source
	Permit to Operation (Local district rules)	Operation equipment that may emit pollutants from a stationary source

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Benjamin Mossman
President, Rise Grass Valley Inc.

Signature of Applicant or
Authorized Representative

18 November 2019

Date

MITIGATION MONITORING AND REPORTING PROGRAM
Idaho-Maryland Mine Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		to verify that the noise reductions comply with the assumptions in the DEIR. Further, the County will verify and enforce use and operation of noise reduction equipment and features through implementation of Mitigation Measure 4.10-3.			
COA 8	*The applicant shall be required to use only electrical, pneumatic, or battery powered mining equipment in the underground mine.*		Nevada County Planning Department	During mining activities	
COA 9	*The project will not burn vegetative material. Processing of vegetation before placement of engineered fill will be done by chipping.*		Nevada County Planning Department	During construction, operation, and reclamation activities	
COA 10	*The applicant will be required to provide one-week notice of any expected flow interruptions when feasible, and notice of any spill or contaminating event. Additionally, the applicant will be required to provide NID access to real-time flow data of South Fork Wolf Creek directly downstream from the Project's discharge, with 15-minute interval data, with a trend history of at least one week. 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.*		Nevada County Planning Department	One week prior to, and during, any expected flow interruptions, and in the event of any spill or contaminating event	
COA 11	*To ensure that reclamation will proceed in compliance with the approved Reclamation Plan, the County shall require security that will be released upon satisfactory performance. The Project Applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the mining operation's approved Plan.*		Nevada County Planning Department	Prior to commencement of mining operations	
COA 12	*Except for the construction of the proposed Service Shaft, all underground blasting for production, tunnelling, and raising would take place more than 500 feet below ground surface and no underground mining will take place outside of the area denoted on the maps included in Appendix A of the Final EIR.*		Nevada County Planning Department	Prior to approval of improvement plans and during construction and operation	

Prepared by RANDALL NEWSOME, retired FEDERAL BANKRUPTCY JUDGE

PRESENTATION REGARDING RISE GRASS VALLEY'S FINANCIAL CONDITION

By RGV's own estimate, it needs at least $100 million to reopen the mine. The number may be closer to $200-300 million according to estimates of what Emgold would have needed to reopen it.

According to it's December 15, 2022 SEC 10Q, Rise had about $167,000 in cash and about $488,000 in accounts payable. In other words, it was unable to meet its debts as they come due, which amounts to equitable insolvency.

According to another SEC report filed on February 1, 2023, on January 31, 2023 Rise raised about 1.8 million dollars in newly-issued stock and rights to purchase stock. Stock issuance (which depletes the value of current shareholder equity) is the principal way Rise has raised money over its 6-year history. It has shown no ability to raise money through typical commercial means such as from a bank or other financial institutions. The only loan the company apparently has ever obtained was from a company called Eridanus Capital, LLC, which is indirectly owned by a gold investor in New York City by the name of Dan Oliver. That loan was for $1 million dollars, secured by a lien on all of Rise's property. If Rise defaults on that loan, Oliver in essence will have the right to acquire the company through a foreclosure on its lien. The loan was drawing 25% interest until it got renegotiated down to 15% in January. It's maturity date also was extended from September of 2023 to September of 2024.

It is highly unlikely that Rise will ever be able to raise the money it needs to reopen the mine. First, it has no proven reserves, i.e. measured volume and weight of gold that is economically mineable. This fact was highlighted in Rise's own economic impact report. Proven reserves is the gold standard, if you will, of investing in any kind of mine. Second, it has no operating income upon which a lender could rely for repayment. Third, anyone lending money to Rise at this point would stand behind Eridanus in getting repaid.

It's time for Rise to prove that it's plan to reopen the mine is more than just a speculative scheme, and that all of the promises it's made are not merely empty slogans. This is consistent with the requirements of the County's General plan. Policy 17.13 of Chapter 17 of the General Plan, which deals with mining, states as follows:

"The County shall require satisfactory forms of accessible security, including irrevocable letters of credit, cash deposits, escrowed negotiable instruments, or performance bonds to cover all such damages which may stem from the projects."

Before the Board of Supervisors even considers voting on a conditional use permit for this project, it should require Rise to present irrevocable financing commitments from suitable lenders that adequately comply with this requirement.

IDAHO MARYLAND MINE SPECIAL USE PERMIT

PROPOSED FINANCIAL ASSURANCES

AND

CONDITIONS OF APPROVAL

By

Tim Ogburn

Thank you!

There is a tremendous amount of financial exposure for Nevada County because of the mine.

$131,000,000 in fact!

My pertinent background:

- Chairman of the South Lake Tahoe Planning Commission
- Supervising senior scientist for 20 years with DTSC
- As General Services Manager for San Joaquin County I was responsible for overseeing the agenda packages for the BOS

My findings are supported by reference links and citations included in my documentation.

Specifically:

- **Nevada County General Plan**

- *IMM Land Use Technical Study March 2020*
- FEIR

My **findings are:**

1. **To Protect the County and its constituents Nevada County is required to secure surety bonds and a cash reserve of $131,000,000 from the permit applicant.**

2. Rise Gold does not meet the requirements to obtain these bonds. In fact they don't even come close. (more later)

The easiest way to avoid

1. this financial exposure for the County,

2. the potential lengthy court battles

3. and all the work required to protect the county and oversee all the bonded activities….. is simple.

4. Vote no on the special use permit.

Here are my findings

The following ***County General Plan*** citations are provided for reference:

- **Goal HM-10.5** - Protect public health, safety, natural resources, and property through regulation of use, storage, transport, and disposal of hazardous materials.

- **Policy HM-10.5.5** - The **County will actively promote prompt clean-up or remediation of properties contaminated by mine waste** or other hazardous materials and shall not grant any discretionary or ministerial land use approvals to develop or change boundaries or reconfigure parcels believed to be contaminated, unless and until the nature, extent, type and location of the contamination is determined and satisfactory arrangements are made for clean-up or remediation, in accordance with Nevada County standards or State regulations.

- **Policy 17.11** - Recognize the importance of water conservation and quality for the present and future needs of the County by: 1. Requiring the conservation of on-site water during mining operations. 2. Requiring that off-site water discharge complies with State water quality standards. 3. Requiring that any increase or decrease of off-site discharge is not detrimental to the downstream environment or downstream water users.

- **Policy 17.13** - The

- **Policy 17.24** - **Regardless of the General Plan designation, subsurface mining shall be conditionally permitted throughout the County.** Said mining shall be allowed only after impacts on the environment and affected surface land uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the **impact of the operation on surface land uses, water quantity and quality, noise and vibration, land subsidence, and traffic associated** with surface access. **All other related impacts shall also be addressed.**

- **Policy 17.7** [not addressed by Land Use Technical Study] Use permit time limits for each project shall be established on a case-by-case basis. Time limits shall be based on the reasonably expected life of the mining operation and potential conflicts with future neighboring land uses. Each project shall have a periodic review for compliance with the use permit by the Planning Agency. In no case shall such review time period exceed five years. Said review shall be funded by the applicant.

- **Policy 17.14** - Already existing development - commercial, residential, and community - as well as undeveloped private lands, shall be protected from adverse environmental effects caused by mining through enforced use permit conditions and mitigations measures, or denial of the projects. The County shall be the enforcement agency.

The following citation from the ***IMM Land Use Technical Study March 2020*** provided for reference:

- **The project would include provision of a financial assurance mechanism consistent with the requirements of the SMARA** [SMARA - California Surface Mining and Reclamation Act of 1975; SMARA, Public Resources Code, Sections 2710-2796]

The following citation from the ***Final Environmental Impact Report***, December 2022, is provided for reference:

- Mitigation Measure 4.8-2(a) **requires a groundwater monitoring plan.** The project applicant shall implement the Groundwater Monitoring Plan (GMP) **prepared** by Itasca Denver, Inc. (February 2021), as approved by the County.

PROPOSED FINANCIAL ASSURANCES

My **Proposed Financial Assurances** apply to the **first 10 years of mine operation.**

The financial assurance instruments should be **revisited every 10** years to determine the annual amounts for the next successive 10-year period, for the full duration of the mine operation.

General Liability and Environmental Mitigation bond. Ten-Year Period Amount. $80,000,000.

General Environmental Clean Up Bond $15,000,000 (Jamestown Mine)

Cash Account $5,000,000

Domestic Well Water Monitoring Bond (Not clean up!) $2,000,000

NID $14,000,000

Air Quality Monitoring and Dust Mitigation Bond 2,000,000

Water Discharge Quality Monitoring Bond $2,000,000

Seismic Monitoring Bond $3,500,000

Centennial Site Clean-up Performance Bond $7,600,000

Surety Bond

General Liability bond. Ten-Year Period Amount. $80,000,000.

General Environmental Clean Up Bond $15,000,000

The Mine Operator shall provide a **General Liability Bond** from a reputable bonding company experienced in bonding mining extraction projects, in the amount of $80 million, to guarantee compliance with all conditions of the issued Use Permit. This bond shall be **in addition to** other bonds required by State or regional jurisdictional agencies such as NID.

The Mine Operator shall provide a **General Environmental Clean Up Bond** in the amount of $15,000,000.

Closed in 1994 because of ground water contamination issues.

It had to be cleaned up!

County required a $25 mil **general liability insurance policy (which the appellate court found had pollution liability exclusions)** in todays $ is $68,622,000

They also required a $3 mil clean up bond which is $8,234,000 in todays $.

$5.3 mil to clean up the ground water contamination **(176 wells)** in 1994. $10,162,000 today.

$3,000,000 clean up bone bond **$2.2mil cost** to the county is $4mil today.

https://www.recordnet.com/story/news/1999/09/16/mine-fouling-water/50805003007/

https://www.in2013dollars.com/us/inflation/1986?amount=25000000

Bond for the Siskon Gold Mine project back in the 1990s; the one on the Ridge that flooded out and got shut down. The County only required a $400,000 surety bond for "mine closure", and a portion of the bond was released and untapped by the County despite Siskon not completing all of the permit requirements for reclamation.

https://www.sjrtaxpayers.org/history/

Cash Account RGV

Ten-Year Period Amount: $5,000,000

Per General Plan Policy 17.13 and the FEIR

Mine Operator shall provide a cash reserve account to pay for all County staff expenses and oversight of monitoring programs associated with IMM for full duration of the project.

The anticipated estimated cost for **County oversight is $169,200 time three shifts $507,000 per year,** based on staff expenses and a contract with an independent consulting firm to provide a full-time Senior Environmental Engineer for **continuous on-site inspection and reporting to the County to assure compliance with the permit conditions.**

The anticipated costs are to include: [but not limited to Staff Expenses]

- Staff Expenses: **the FEIR Summary Ground Monitoring Plan continuous on-site monitoring of operation is required** to comply with all conditions and technical measures, having an on-site inspector, independent and reportable to the County and paid for by the project owner.

- The average Senior Environmental Engineer salary in California is $117500 (DTSC) as of January 26, 2023 including benefits is $169,200 per year.

- $169,000 per year for 10 years plus annual labor cost inflation of 2%.

- [See: Calculation link https://whaleapp.io/compound-interest-calculator/?gclid=EAIaIQobChMIyvWckObW_QIVnjKtBh3fqQ9WEAAYAiAAEgJ8FPD_BwE]

Domestic Well Water Monitoring Bond (Not clean up!)

Ten-Year Period Amount: $2,000,000 (see Jamestown Mine)

Per the FEIR (Mitigation Measure 4.8-2(a)), 4.8-2(b) and the FEIRSummary Ground Monitoring Plan.

The Mine Operator shall conduct a well water monitoring as follows.

- Prior to mining operation: test all private domestic wells within a one-mile radius from the outer boundary of the 2,500-acre potential underground tunneled "mining area"; such testing to be conducted by an independent testing company selected by the County, to establish 'base line 'data for water quality and quantity of wells during both peak summer and winter time period.

- During mining operation: test all private domestic wells [selected in the 'prior-operation test' on an annual basis [or more frequently if there is a detectable change in well performance by the private land owner].

- If there is a depletion of water quality or quantity in a well, the Mine Operator shall provide a comparable source of water to the private property owner; such comparable 'source 'shall be from the City of Grass Valley water system, or from NID piped water system, or a newly drilled well.

NID

Ten-year Period Amount: $14,000,000

Per https://www.theunion.com/news/environment/hung-out-to-dry-well-owners-contend-with-idaho-maryland-mine-report-s-findings/article_9723e46d-925b-50ff-b9e9-388b6ab63669.html April 6, 2022

NID General manager recommends Rise Gold post a $14 million bond to cover all potential costs regarding an NID groundwater monitoring program, including potential impacts to NID water storage, and conveyance systems.

Water Discharge Quality Monitoring Bond

Ten-Year Period Amount: $2,000,000

The FEIR requires a

Groundwater Monitoring Plan (GMP) under **FEIR Mitigation Measure** 4.8-2(a). Discharge quality monitoring program cost: $200,000/year.

Air Quality Monitoring and Dust Mitigation Bond

Ten-Year Period Amount: $2,000,000

Per General Plan 17.13 and FEIR 4.3

Require air quality monitoring and dust mitigation on frequent basis both on-site and off-site; and sound/noise level monitoring program, estimated cost: $200,000 annually.

Seismic Monitoring Bond

Ten-Year Period Amount: $3,500,000

There is an earthquake fault that runs through the middle of the mine.

The capital cost of an average mine wide seismic system is in the range of $200,000 to $500,000, with typical yearly operating and maintenance costs in the neighborhood of 20-40% of the capital cost. Seismic monitoring from explosives activity will be **$350,000 annually**. [See: https://onepetro.org/ARMACUSRMS/proceedings-abstract/ARMA07/All-ARMA07/ARMA-07-174/116336]

Ten-Year Period Amount: $7,600,000

Stated in the Mine's Technical Report.

Centennial Site is an **essential component** of the day-to-day operations of the Idaho Maryland mine.

This is supported by **the Centennial site APNs** and the **Idaho Maryland Mine site APNs are cited together** in the property description in both the **Technical Report of the Idaho Maryland Project** and **DTSC's Voluntary Cleanup Agreement**.

State law requires that the responsible party post a performance bond to guarantee completion of the cleanup.

The Voluntary Agreement with DTSC has **not been finalized** thus the required Financial Assurance bond has **not been secured**.

Rise Gold states that they will clean up the site once the permit is approved. If Rise Gold does not clean up the Centennial site and if a bond is not secured before it becomes an **orphaned** site **the County could be obligated** for a minimum of **$3.5 M + $200,000 a year for DTSC oversight.**

[Bond Calculation: DTSC clean-up estimates are historically low. Double the estimated clean-up cost of $3.5 million plus $200,000 per year for DTSC oversight for three years is $3.5 M times two plus $200,000/year for three years = $7,600,000]

Examples, Ridge and Tuolumne County Centennial site. a chance to show good faith but haven't done it. Good actor?? bad actor??

The County is **required** to secure from the applicant over **$131,000,000** in **financial assurances** to **protect** the county if the special use permit is approved.

Rise Gold does not meet the bonding requirements to obtain these bonds. In fact they don't even come close.

To qualify, the surety underwriter will review your bonding capacity (collateral), credit, and character.

https://suretybondauthority.com/environmental-surety-bond/ Rise can not get a bond

The easiest way to avoid

1. this financial exposure for the County,

2. the potential lengthy court battles

3. and all the work required to protect the county and oversee all the bonded activities is simple.

4. another Siskon Mine and JamesTown Mine fiasco

5. on the special use permit.

See Pg 4!

CONSTRUCTION SURETY BOND

Environmental Surety Bond

Getting this surety bond is easy! *Let us help you get bonded.*

APPLY NOW!

What Is An Environmental Surety Bond?

Construction bonds serve a wide array of purposes in construction projects, such as guaranteeing payments, ensuring fulfillment of obligations, and implementing building standards made in full compliance with a stipulated contract.

Contractors, from small to big players, encounter challenges only because they lack environmental components in the project. This results in contractors being perceived as "environmental risks."

Now, there is a specialty bond program that aims to protect environmental integrity. This bond is called Environmental Surety Bond.

An **Environmental Surety Bond** is a unique guarantee that contractors will comply with federal regulations and environmental policies. It is designed to prevent environmental damage by covering construction projects and hazardous materials within the bond.

Mitigating environmental risks for contractors can be tough because of the long-term liability, the collateral they require, and the length/period of some of the bonds.

Who Needs An Environmental Surety Bond?

- Small to large construction firms that encounter dirt projects containing environmental components (ex. PCB, petrochemicals, lead, asbestos, etc.) where their current Surety is uninterested in providing the bond
- Traditional contractors performing construction landfills
- Environmental remediation contractors that need extra bonding capacity
- Environmental consultants conducting their environmental remediation work
- Manufacturing companies whose processes generate by-products that remain in residual landfills
- Coal-burning by-product (fly-ash) storage utilities that require a closure bond
- Principals with environmental guarantees

To learn how much an Environmental Surety Bond costs, get your free quote now!

GET FREE QUOTE

What Construction Activities Do The Environmental Surety Bond Cover?

Environmental Surety Bonds include **bid bonds**, **performance bonds**, and **payment bonds** when remediating a contaminated property. Similar construction surety bonds are also required for landfill construction, wetland mitigation, mining, and other industries which may impact the environment.

Examples of environmental projects that need these bonds include:

- asbestos abatement/removal
- brownfield remediation
- demolition/disposal of contaminated facilities
- dewatering system installation
- environmental excavation
- erosion control
- landfill capping, landfill liners, landfill closure

- mining rehabilitation
- sediment control
- soil stabilization
- underground tank removal

Remediation is defined as the remedy, removal, or reversal of environmental damage. To clean up and dispose of pollutants and contaminants, remediation contractors are required to obtain Environmental Surety Bonds before they commence on a remediation project.

Are There Types Of Environmental Surety Bonds?

Yes, there are many available types of Environmental Surety Bonds.

EPA Closure Bond: This guarantees that solid waste landfill owners will act by the rules and regulations of the permit/closure plan required by the **U.S. Environmental Protection Agency**. This type of construction bond is also applied to well drilling operations.

Post Closure Bond: This guarantees that solid waste landfill owners will monitor and maintain a landfill by rules and regulations of the permit/closure plan issued by EPA.

Collection Bond: This ensures contracts for both residential and commercial waste collection, disposal, and transportation.

How Much Does An Environmental Surety Bond Cost?

The bond amount and fees may vary according to the specifications required by federal regulations. Also, the Surety will determine the amount based on the applicant's financial capacity.

Single bonds can go up from $5-$10 million with an opportunity to develop aggregate work programs up to $20 million for qualified principals.

How Do I Obtain An Environmental Surety Bond?

An Environmental Bond is a specialty bond that requires a knowledgeable and risk-based underwriting approach by a surety company. Select a Surety that has expertise in dealing with mitigating environmental risks at state and federal levels.

To qualify, the surety underwriter will review your bonding capacity, credit, and character. Sureties will require documents to be submitted, which include the following:

- Completed Environmental Surety Bond application
- Bond Form (can be obtained from the Obligee)
- Financial documents (bank statements, cash flow, revenue, irrevocable letters of credit, etc.)

Surety Bond Authority, Inc. understands these environmental risks that contractors face. We have the capacity and experience to provide the appropriate bonding solutions. **Contact** us now and let us help you get started with your environmental surety bond!

New to Surety Bonds? No problem.

Just Call Us! **+1-800-333-7800**

Why _____ ?

We are a full-service surety bond company that provides all types of surety bonds. Our company has the expertise to transact Construction bonds, Court bonds, License/Permit bonds, Public Officials bonds, and Miscellaneous Specialty bonds.

GET A FREE QUOTE!

Get A Surety Bond

Get a Quote

Court Surety Bonds

Construction Surety Bonds

PROJECT DESCRIPTION

ENVIRONMENTAL IMPACT REPORT DOCUMENTS

PROJECT DOCUMENTS

SCOPING MEETING - JULY 2020

Project Description

The project is a combined application for a Conditional Use Permit and Reclamation Plan to reinitiate underground mining and gold mineralization processing of the Idaho-Maryland Mine within unincorporated Western Nevada County. The proposed project would be located on two properties owned by Rise Grass Valley, which are referred to as the Brunswick Industrial Site and the Centennial Site. As proposed, the project would be comprised of approximately 175 total surface acres and approximately 2,585 subsurface acres to which the applicant retains the mineral rights.

As proposed, the project would include the following elements:

- Surface access to subsurface mining.
- Dewatering of the existing underground mine workings.
- Mining existing and new underground mine workings.
- Processing gold mineralization and rock.
- Placing engineered fill at the Brunswick and Centennial Industrial Sites
- Export of engineered fill from the Brunswick Industrial Site to support local construction projects.
- Operation of pumps and a water treatment facility to dewater the underground mine workings.
- Construction of a water pipeline to transport treated water to an outfall located in South Fork Wolf Creek.
- Construction of the necessary aboveground facilities at the Brunswick Industrial Site (to include but not limited to, headframes and hoists, surface structures, a mineral processing plant) to support underground mining and mineral processing.
- Underground mining, including drilling, blasting, and gold mineralization removal.
- Gold mineralization and rock processing at the Brunswick Industrial Site and off-site transport of gold concentrate.
- Transport of engineered fill from the Brunswick Industrial Site and placement at the Centennial Industrial Site.

intensified use

- Management Plan component to allow for development within a building setback fault zone at the Brunswick Industrial Site.
- Boundary Line Adjustment that would transfer approximately 46.27 acres for three separate parcels (APN: 009-630-039, 006-441-034, 006-441-003) to reconfigure their property lines to resolve an issue of proposed buildings crossing property lines at the Brunswick Industrial Site.
- Subdivision Map Amendment to amends Lots 7 & 8 of the Bet Acres Subdivision Map to remove the 200-foot Building Setbacks on each side of the designated Fault Line as shown on the subdivision map.

Environmental Impact Report Documents (EIR)

The Nevada County Planning Department will be the lead agency and will prepare an Environmental Impact Report (EIR) for the Idaho-Maryland Mine Project (proposed project). There will be opportunities to provide comments throughout the process. To be notified of these opportunities and when new material becomes available, please subscribe here.

- Final EIR Page with Various Final EIR Documents
- Final EIR Notice of Availability
- Draft EIR Page with Various Draft EIR Documents
- Draft EIR Notice of Availability
- Notice of Preparation
- Project Description Draft

Project Documents

As part of the application process, the applicant has submitted technical studies and other documents which are available for public review here. Documents available for review include:

- Transport of engineered fill from the Brunswick Industrial Site to off-site construction projects.
- Placement of engineered fill at the Brunswick Industrial Site.
- Construction of a potable water pipeline to supply residences along a portion of East Bennet Road.

As proposed the project would include a Rezone application to rezone the parcels located at the Brunswick Industrial Site from Light Industrial (M1) with Site Performance Combining District (SP) to Light Industrial (M1) with Mineral Extraction Combining District (M1-ME) to allow for sub-surface mining operations and to provide for public awareness of the potential surface mining to occur where adequate information indicates that significant mineral deposits are likely present. The project would also include a Reclamation Plan and required Financial Assurance Cost Mechanisms to reclaim the project site to a condition suitable for industrial uses as allowed by the Nevada County Land Use and Development Code, Section L-II 2.5 – Industrial Uses and Table L-II 2.5.D – Light Industrial.

In addition to the entitlements listed above, the project would also include the following entitlements:

Intensified use

- Variance to the Building Height Limits to allow for the construction of several structures up to a height of 165 feet, where 45 feet is the maximum height limit allowed pursuant to the Light Industrial Zoning District.
- Management Plan to allow for development within the required 100-foot setback of the Riparian Area of a Perennial Watercourse, at the Brunswick Industrial Site and to minimize the direct impact to special-status plant species, at the Centennial Industrial Site.

intensified use 3

- Management Plan to allow for development within the required 100-foot setback from the high water mark of existing Perennial Streams, 100 feet from all Wetlands and Riparian areas and 50 feet from the high water mark of Intermittent Streams at the Centennial Industrial Site.
- Management Plan component to allow development within locations of areas of steep slopes that are in excess of 30% at both the Centennial Industrial Site and the Brunswick Industrial Site.

intensified use

INTENSIFIED USE

- Management Plan component to allow for development within a building setback fault zone at the Brunswick Industrial Site.
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- Project Description Draft

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Community Environmental Advocates FOUNDATION
PO Box 972, Cedar Ridge, CA 95924-0972
www.cea-nc.org / email: info@cea-nc.org

Mine Waste and Asbestos Impacts Comments on the Final EIR
March 14, 2023

Overview

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 (ASUR plan) for preventing hazardous emissions is inadequate.

Very limited asbestos testing was done, constituting less than 2/10,000 of the total rock to be mined over the project lifespan. As the Air Quality Board stated "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." **(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 1000-ton lot of mined materials would put the 3-month rolling average asbestos concentration over a threshold of 0.01%, it would not be allowed to be exported.

A key problem is accurate and timely testing. It takes 2 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 mined 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 into silos of 1000 tons of rock requires about 166 6-ton skip loads. This means that the grab test will only capture, on average, about 1 out of 55 skip loads, and even then, the three grab samples will be mixed together to form one combined test. And even accurate sample testing before shipping will not always prevent exceeding the safe average threshold.

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 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, p18) Aggregate suppliers in the region have indicated that 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.

A. Introduction

Asbestos is found in all the rock types within the Idaho-Maryland Mine in varying concentrations, though it is predominantly associated with Serpentinite, which can contain high concentrations. Airborne asbestos is hazardous to inhale. It can lead to mesothelioma cancer, asbestosis, and other diseases, and is closely regulated by the California Air Resources Board (CARB). The mine's "Asbestos, Serpentinite, and Ultramafic Rock (ASUR) Management Plan" (DEIR Appendix E.2) was developed to address the management of asbestos airborne emissions. Regulation of asbestos emissions falls under the jurisdiction of CARB and the Northern Sierra Air Quality Management District (NSAQMD). Management of asbestos to prevent hazardous emissions is complicated by the difficulties of accurately testing for it and by the fact that concentrations can be found close to gold ore.

B. Criteria

The FEIR Condition of Approval 3 (COA-3) and the ASUR Plan establish a limit of 0.01% asbestos by weight as the threshold for managing all mine waste that leaves the enclosed project structures or containment structures, such as the silos, conveyors, and processing facility. Under the ASUR Plan, if the asbestos concentrations on any 1000 ton lot of mined materials would put the 3-month rolling average asbestos concentration over 0.01%, then that lot would not be allowed to be sent out of the containment structures.

The Final EIR does not provide enough baseline data to determine whether the project can be mined while meeting this threshold. Very limited testing was done. Thirty-seven samples were taken, but they came from only 3 drill holes. (Drill Holes 1-18-11, 1-19-13, and 1-19-14, ASUR Plan, Appendix C, p55-57). Assuming that each sample provided a good estimate of the asbestos concentrations for a 2000 cubic foot volume (20' h x 10' w x 10' d), the tests constituted less than 2/10,000 of the total rock to be mined over 75 years. The criteria for sample selection was not specified and the sampling party was not named.

Even so, of the 37 drill core samples from the mine that were tested, asbestos testing (TEM method) determined that 15 had asbestos, and 8 of those had asbestos over the 0.01 limit. A potential hazard clearly exists.

There are three test methods. Polarized Light Microscopy (PLM) is fast but not precise, being only valid for detecting above 0.25%. This method is not adequate for detecting the 0.01% threshold, but it is used to define the threshold for surfacing applications under the Airborne Toxic Control Measure (ASTM). The Transmission Electron Microscopy (TEM) process is more accurate, but takes up to 2 weeks to get a result. The TEM test is what dictates most of the management activities in the ASUR Plan to prevent asbestos emissions. (A third method, Phase Contrast Microscopy (PCM), is not valid for rock sampling but is used for air quality monitoring and provides a referential standard for TEM.) (ASUR, p8).

The FEIR has NO plans for the temporary stockpiling of mined materials. So, to avoid the need for stockpiling mined materials, the ASUR Plan states that samples from exploratory drilling will be tested for asbestos in advance of mining. If the anticipated rolling average asbestos levels exceed 0.01%, gold ore will not be mined and barren rock will either not be mined or mined using a dust collection system and materials will be disposed underground (ASUR, p9). However, the prescribed testing is sparse and could easily miss rock having higher asbestos levels. Just one combined test per 1000 thousand tons of mine rock is prescribed (1000 tons is approximately equal to an 8'x8'x170' block).

The mined rock will be lifted from the mine to the silos on the surface with skips. Gold ore will be dumped into a silo with 1000 tons of capacity and barren rock into two smaller silos with 400 tons of capacity. From the gold ore silo, material is fed into the processing facility via an enclosed conveyor.

The project plans to process about 1500 tons of rock per day, from which 1000 tons is expected to be mineralized rock (gold ore) and 500 tons is expected to be waste rock (barren rock). The gold ore will be run through the processing facility to extract a gold concentrate, leaving 1000 tons of fine sand tailings material which must be disposed.

About half of the sand tailings, 500 tons per day, will be mixed with cement to form a cement paste backfill material which will be put back into the mine. The other 500 tons per day of sand tailings will stockpiled to be loaded onto trucks with a front-end loader and trucked off. The 500 tons of barren rock that are mined daily will be moved via conveyors to the truck loading building for export.

C. Deficiencies of the Testing and Processing Plans

To prevent the 3-month rolling average of asbestos in rock from exceeding the 0.01% threshold, the ASUR Plan relies on developing an inventory of asbestos levels of un-mined rock through exploration and testing, and then avoiding mining the rock that would violate the threshold.

However, the critical test that monitors what will be exported is taken when the gold ore and barren rock are lifted and dumped into the silos. A minimum of three grab samples must be taken for each 1000 tons that are transferred. These three samples will then be combined to form a composite sample for a single test result. Each sample is added to the record which tracks the rolling average of exported materials.

The materials are lifted into the silos using skip carts that lift around 6 tons (ASUR, Fig 2). The processing of 1000 tons requires about 166 skip loads. Each grab test will only capture, on average, about 1 out of 55 skip loads, and even then, the three grab samples will be mixed together in a combined test. Because of the sparseness of the sampling, 1000 tons of mine rock, or about 50 truckloads worth, could contain excessive levels of asbestos and still pass through undetected.

Complicating that, the materials go into a split output stream, with a daily average of 1000 tons going to the processing facility and 500 tons going directly off-site as barren waste rock. It is not specified how the grab samples would be associated with the two output streams.

After processing, as described previously, the sand tailings are exported: 500 tons of the tailings will go off-site, and 500 tons will be transported back into the mine and used as cemented paste backfill. The plan should specify separate sampling criteria for each stream of materials which should follow those materials through the process phases.

The amount of required testing is inadequate to reasonably detect the asbestos levels of materials leaving the containment structures. The ASUR Plan does not even specify testing of the sand tailings after processing, and there are no provisions for the gold ore to be tracked to associate the specific test results with the 1000 ton loads as the material is sent through the processing facility. If a TEM grab test comes back with unexpectedly high asbestos values, how would the processing system determine which sand tailings from the processing output should be redirected to be used as cemented-paste backfill? This part of the plan is inadequate in assuring that higher-than-expected levels of asbestos are not being exported.

The materials' processing is a stream, but the ASUR Plan tries to manage the materials by testing blocks of un-mined rock. Materials from multiple sites within the mine will be transported, crushed to 6" maximum size and lifted for processing. Most of the materials will then be sent via conveyors to the processing facility, and the resultant sand tailings will be conveyed and accumulated for hauling out. The testing procedure is poorly suited for tracking the materials through the processing system. How will the process keep track of which final outputs were from a given block of un-mined rock?

In addition, under certain conditions as described in ASUR Plan Section 6.0-7i (ASUR, p8), gold ore with high asbestos levels would be processed, which means introducing gold processing tailings with known exceedances into the same system.

D. Deficiencies in the Moving Average Approach

Exceeding the 0.01% threshold would only be detected in hind-sight once the TEM tests are processed. In addition, a series of many individual loads in excess of 0.01% could be shipped out and still not exceed the 3-month rolling average if the average started out low. Given that there is no plan for on-site storage, the possibility is real that, during the 2 week testing lag time, many additional 1000-ton batches of materials exceeding 0.01% asbestos would be processed. Taken together, many weeks' worth of mine waste with high levels of asbestos could be shipped out.

We noted above that one test from 3 grab samples is sparse and can likely give inaccurate results. But even if testing accurately measures the asbestos levels per day, it does not assure that the 3-month rolling average won't end up exceeding the 0.01% threshold. For example, the following test results would result in a 0.024% average asbestos concentration on Day 120 even after an operations shut down on day 106.

Threshold Exceedance Example

Day 105:
- 75 days exported averaging 0.008%
- 15 days exported averaging 0.02%
- 15 days exported (test results not back yet, avg 0.03%)

((75x0.008)+(15x0.02)) /90 = **0.01% average. OK**

Day 106:
- 74 days exported averaging 0.008%
- 15 days exported averaging 0.02%
- 1 day exported at 0.03%
- 14 days already exported (test results not back yet, avg 0.03%)

(74x0.008)+(15x0.02) + (0.03) /90 = **0.0102% average, SHUT DOWN**

:

Day 120:
- 60 days exported averaging 0.008%
- 15 days exported averaging 0.02%
- 15 days exported averaging 0.03%

((60x0.008)+(15x0.02)+(15x0.03))/90 = **0.024%**

Results in 15 days exceeding the 0.01% rolling average!

In the Threshold Exceedance Example, the 90 day average asbestos level ends up at 0.024% even while complying with the ASUR Plan by shutting down on the first day of exceedance (Day 106). Plus, in total, 30 individual days of output exceeded 0.01% asbestos concentration.

The ASUR plan to prevent the asbestos levels from exceeding the 0.01% threshold is inadequate.

E. Surface Exposures of Airborne Asbestos at the Engineered Fill Sites

There will be about 500 tons per day of sand tailings exported from the ore processing plant. This represents approximately one half of 1000 tons of tested gold ore from the silo. The sand tailings from the gold ore processing is stockpiled inside a containment structure to be loaded onto trucks with a skip loader and shipped off. Operations run for 24/7 but materials are only shipped off 16 hours per day and may have weather related days of no shipping, accumulating the sand tailings, which are loaded into trucks outside the structure (FEIR Page 2-543). Conceivably, the 30 days of gold ore that were processed in the Threshold Exceedance Example could produce sand tailings exceeding the 0.01% threshold.

How would it be determined which sand tailings came from the contaminated materials that end up in the sand tailings containment structure?

After the sand tailings are delivered to the planned Engineered Fill dumping sites at the Centennial site, and later the Brunswick site, they will be mixed with the barren rock in the open air by "on-site blending of blast rock and sand tailings" (DEIR Centennial GeoTechnical Report, p13). Using the Threshold Exceedance Example, thirty days of materials exceeding the asbestos threshold - equivalent to 1500 truck loads - could be mixed in the open air on the Engineered Fill sites, in clear violation of the ASUR Plan goals for reduction of airborne asbestos.

F. Exported Mine Waste is Classified as "Restricted Materials"

All mine waste, aka "Engineered Fill" or "sand tailings and barren rock," from the Idaho-Maryland Mine is considered "Restricted Materials" under 17 CCR 93106(d)(1). (ASUR Plan, p16-17).

The Restricted Materials can be separated into two groups, one group being below the 0.25% threshold under the ASTM rule, and the other group being equal or above that threshold.
For materials below 0.25% asbestos using the PLM test, the material can be transported and used for Engineered Fill or surface applications, but *"Any person who transports Engineered Fill (considered a restricted material) must maintain a copy of all receipts with the material at all times during transit and application"* (ASUR p16).
The following receipts must be provided:

A. The amount of restricted material that was sold or supplied;
B. The date that the restricted material was sold or supplied;
C. The dates that the restricted material was sampled and tested; and
D. A statement that the asbestos content of the restricted material is less than 0.25 percent.

Because the ASUR plan establishes a threshold of 0.01% for the rolling 3-month average using TEM testing, it is probable that most of the mine waste that is output from the facility would fall below 0.25%. However, it is worth noting that some 1000 ton daily outputs could exceed 0.25% and still not cause the rolling 3 month average to exceed 0.01%. (For example, 89 days with an average of 0.007% and 1 day with 0.25% asbestos concentration by weight equals a rolling average of less than 0.01%.)

For materials at or above 0.25% asbestos, the mine waste is classified as "Asbestos Containing Material" under ATCM for Surfacing Standards. For Engineered Fill materials detected at or above 0.25% using the PLM test, strict usage requirements are imposed to prevent exposure or possible future

disturbances. ATCM requires that *"the material shall not be used for surfacing applications pursuant to 17 CCR 93106"* (ASUR p16).

In the case of at or above 0.25%, it cannot be used for surfacing, but it may be used for operations that assure the materials will be handled under strict conditions. All materials in this classification must be accompanied with the following written receipt:

WARNING!
This material may contain asbestos.
It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances.
Extreme care should be taken when handling this material to minimize the generation of dust.

Any person who transports Engineered Fill (considered a restricted material) must maintain a copy of all receipts with the material at all times during transit and application.

Of course, the three-month rolling average must also be less than 0.01% to even be shipped out.

G. The "Restricted Materials" classification may severely limit off-site sales.

As the ATCM rules make it clear:
"**All aggregate extracted from the Idaho-Maryland** *underground mine, including barren rock and mineralized material sent for processing,* **is considered Restricted Material** *under the ATCM for Surfacing Applications"* (ASUR 9.2, p18).

Aggregate suppliers in the region have indicated that they do not handle Restricted Materials because there is no market for them.

H. Unapproved Underground Dumping May Violate Water Board Standards

The ASUR Plan does not address how the mine waste which might be diverted to underground storage because of high asbestos levels would be tested to conform with the Water Board's requirements to prevent pollution of ground and surface waters through leaching of hazardous chemicals. Because the Final EIR did not include adequate testing of the mine rock for possible water contamination, the Water Board is requiring continuous testing to determine whether the materials conform to Group C mine waste, which is required for off-site use, or whether the Water Board will require special processing as the more hazardous Group A or Group B mine waste.

I. The ASUR Plan is Ambiguous and Self Contradictory

1) Ambiguous Terms

The ASUR Plan discusses the processing and testing of mine waste by utilizing the euphemism "Engineered Fill," eventually describing it on page 13 in the statement: "...asbestos content of Engineered Fill (barren rock and sand tailings) placed and compacted..." Since there is an intent to simply sell the the mine waste, "Engineered Fill" doesn't seem to mean the applicant is including the "placement and compacting." Hence, the document seems to define Engineered Fill simply as "barren rock and sand tailings."

The use of the term "engineered fill" is ambiguous when there are statements such as ""the remainder of the *sand tailings* will be used for *engineered fill.*" Substituting the words "barren rock and sand tailings" for "engineered fill" in this statement then reads thus: "the remainder of the *sand tailings* will be used for *barren rock and sand tailings.*"

Another confusing example is the use of the term "Asbestos Containing Materials." This term is explicitly defined in the document to mean materials having over 0.25% asbestos under the ASTM rule. However, materials having asbestos exceeding 0.01% are also referred to as "asbestos containing materials," as seen on ASUR Plan page 20.

The ASUR Plan document contains numerous ambiguous statements which distort the meaning and validity of the document.

2) Aggregates, Surfacing and Loopholes

Rock aggregates that are used in the construction industry include a wide range of materials mostly consisting of specific crushed rock sizes that are generally screened or filtered to within certain size limits (e.g. ¾" Class II road base) and many also require washing. The barren rock that is produced by the mine will be mixed crushed rock 6 inches or less in size and would need to be recrushed to the right sizes, screened, and sometimes washed to meet most aggregate market demand. The sand tailings are fine sand or silt size granules which have very limited use. (See https://www.gohbe.com/index.php/rock-masonry.) However, the ASUR Plan mistakenly treats Engineered Fill and surfacing materials interchangeably. Engineered Fill made of barren rock and sand tailings is not suitable for surfacing applications. Sand tailings have little use and the barren rock would first need additional processing, which requires facilities that the mine does not provide.

The word "aggregate" is commonly known but is not specifically defined in the ASUR Plan. In Section 8.4 (p16), the term is used to describe regulatory restrictions: "*If a composite sample determines that aggregate is not Asbestos-Containing Material, a written receipt must be provided to the recipient of the Engineered Fill.*" This statement is ambiguous in that it is not clear that the Engineered Fill being referred to is the "aggregate" used in this sentence, or some additional materials.

The ASUR Plan repeatedly refers to surfacing materials as if they are equivalent to Engineered Fill. For example, the statement in Section 6.0 -Item 7(i):

"*If planned mining is projected to result in insufficient material available for Surfacing in Engineered Fill Placement Plan:*

i. An operational plan will be prepared and approved...."

Item 7(i) in section 6.0 also describes ambiguous conditions about "insufficient materials" which seemingly allow mining of Asbestos Containing Material if it is gold ore.
Then the subsequent Item 8(i) in Section 6.0 then states that if the 0.01% threshold would be exceeded, gold ore will not be mined. *(ASUR, p9)* This is in direct contradiction to Item 7(i)!

3) Operations Oversight

The ASUR Plan lacks clearly defined oversight for the management of the asbestos materials. Nor are guidelines for approval of changes to operations or procedures provided. Here the responsibility is given to an unspecified "geology department."

"*If the three-month rolling Asbestos Inventory for materials hoisted to surface exceeds 0.01% asbestos by mass of PCM equivalent units the geology department will immediately investigate the source of the*

asbestos containing material and halt mining in the area of concern until a revised mine plan is prepared in compliance with the ASUR Plan" (ASUR, p20).

This is inadequate. To provide reasonable safeguards, an independent party should be responsible for overseeing monitoring, investigations, reporting, and corrective actions. What constitutes a valid report should be defined. And guidelines for subsequent actions should be explicitly defined and authorized by the County and NSAQMD, and not be done by employees of the mine.

The ASUR Plan was written by Rise Gold (ASUR, p1).

Conclusion

The Final EIR does not provide adequate data on asbestos concentrations in mine rock to determine the potential impacts under CEQA. In addition, the ASUR Plan fails to adequately address processing and disposal of asbestos-bearing mine waste to meet its stated goals, and the ASUR Plan is internally inconsistent and ambiguous, providing numerous loopholes in regulatory oversight.

The potential for hazardous airborne pollution from the mine project is a significant health concern which is inadequately addressed in the Idaho-Maryland Mine Final EIR. This Final EIR should be rejected.

The appended figure is from page 106 of Rise Gold's "Technical Report On The Idaho-Maryland Project" (https://www.risegoldcorp.com/uploads/content/I-M_Tech_Report.pdf). It shows the Morehouse Fault and the location of gold ore in close proximity to surrounding Serpentinite rock beds. Serpentinite is generally high in asbestos. The purple shows Serpentinite, the orange shows Gabbro, and the red line shows the gold-quartz ore vein. The region near the bottom of the figure is a primary target for the proposed project.

Geology Cross Section from Rise Gold Technical Report

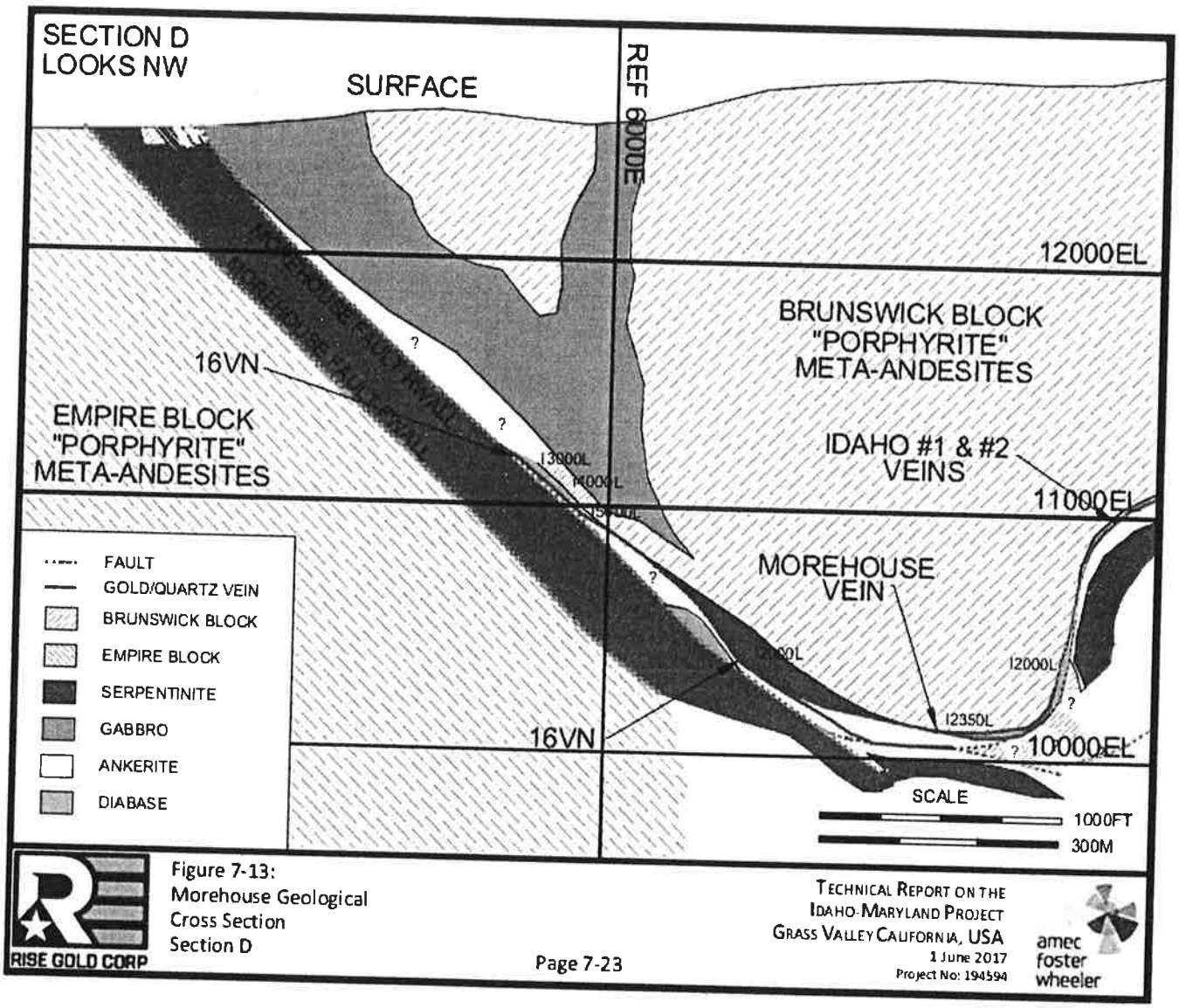

Figure 7-13:
Morehouse Geological
Cross Section
Section D

RISE GOLD CORP

Health Risks are Unavoidable

"Naturally occurring asbestos is found ...throughout California, most commonly where ultramafic rock or serpentinite rock is present. **When construction activities occur in areas with naturally occurring asbestos in the soils or rock, the asbestos fibers can become airborne and may be inhaled, which can cause chronic local inflammation and disrupt orderly cell division, both of which can facilitate the development of asbestosis and cancer.**" DEIR 4.3 and FEIR

DEIR pg 334

Table 4.3-6
NSAQMD Thresholds of Significance for Health Risks

Risk Factor	Threshold
Cancer	Increased cancer risk of >10.0 cases per million persons
Non-Cancer	Increased non-cancer risk of >1.0 Hazard Index (Chronic or Acute)

Source: Longmire, S. NSAQMD. Personal communication [email] with M. Morales, Dudek. February 19, 2021.

100,000 persons in Nevada County only takes <ONE PERSON to get cancer to exceed threshold...

Asbestos is the common name for a group of naturally occurring fibrous silicate minerals that can separate into thin but strong and durable fibers, with principal forms including chrysotile, crocidolite, amosite, tremolite, actinolite, and anthophyllite.

Draft EIR Table Referenced by the FEIR

DEIR Pg 333

Table 4.3-5 NSAQMD Thresholds of Significance (lbs/day)			
Threshold Level	**ROG**	**NO_x**	**PM_{10}**
Level A Threshold	<24	<24	<79
Level B Threshold	24-136	24-136	79-136
Level C Threshold	>136	>136	>136
Source: NSAQMD. Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects. Draft Revised March 2021			

NSAQMD, Northern Sierra Air Quality Management District, is heavily used to justify pollution levels.

Total Mine airborne toxins and carcinogens 153.16 lb/day is a violation of (NSAQMD) thresholds.

NSAQMD states: "If unmitigated emissions of ROG, NOx, and/or PM10 exceed 136 pounds per day (Level C), then there is a potentially significant impact and mitigation is required; if **mitigated emissions* of ROG, NOx, and/or PM10 still exceed 136 pounds per day (Level C) after implementation of mitigation, then a significant and unavoidable impact would occur."**

- *as stated in both the DEIR and the FEIR
- "The TAC [toxic air contaminants] emissions associated with blasting and crushing, ore processing, and earthwork and material handling would include asbestos and silica emitted from the fugitive dust produced." FEIR

MITIGATED DAILY AIRBORNE EMISSIONS

FROM DEIR TABLE 4.3-19, P. 366*

YEAR 1 OF OPERATION	
Reactive organic gas (ROG)	8.50 lb/day
Oxides of nitrogen (NOX)	35.82
Carbon monoxide (CO)	90.46
Oxide of sulfur (SOX)	0.28
Particulates <10 microns (PM10)	13.23
Particulates <2.5 microns (PM2.5)	4.87
Total airborne toxins and carcinogens:	153.16 lb/day**

YEAR 1	153.16 lb/day X 300 days/yr	=	45,948 lb
YEAR 2-6	341.61 lb/day X 300 days/yr X 5 yr	=	512,415 lb
YEAR 7-12	332.4 lb/day X 300 days/yr X 6 yr	=	598,320 lb
YEAR 13-80	292.83 lb/day X 300 days/yr X 68 yr	=	5,973,732 lb

Total airborne toxins and carcinogens, 80-year project:
7,130,415 lb = 3,600 tons *by Jeff Kane, MD

Note: Does not include emissions generated in post-mining reclamation, 200,000 annual minutes of diesel idling, or greenhouse gases.

** FEIR p. 256 states: "...if mitigated emissions of ROG, NOX, and/or PM10 still exceed 136 lb/day (Level C) after implementation of mitigation, then a significant and unavoidable impact would occur."

Public Comment to the Nevada County Planning Commission, Mar. 9, 2023: Example of Inadequate Mitigation in Rise Gold Mine Inc. (IMM reopening) Final Environmental Impact report (FEIR), Asbestos Pollution

Hi, I'm Jim Bair, Leader of the Stop the Mine Task Force in Grass Valley. I have been asked to provide specific references to the FEIR. So, I include notes here and references in a detailed report with this comment. [i] [Blue type not read publicly].

The FEIR concludes that the project could result in a significant impact (health and mortality) by exposing receptors [people] to substantial concentrations of asbestos, and requires mitigation to reduce the impact to a less than significant level. The proposed Mitigation Measure 4.3-2 is inadequate for dozens of technical reasons.[ii] Here are a few key points.

First, the required the submission and implementation of an Asbestos Dust Mitigation Plan (ADMP) to Northern Sierra Air Quality Management District (NSAQMD) for review and approval is not to be done until after project approval. [iii]

There's no question asbestos is present in the mineral rights area. [iv] The exact quantity cannot be determined because the rock sampling using 19 bore holes to generalize to 2500 acres is invalid. Even so, asbestos was found in a significant proportion of samples (FEIR p. 123, parag. 5, and p. 416.) (Section 4.4 of Appendix K.2 of the DEIR)

Given asbestos will become airborne, there is no adequate measurement once it's in the air.

The mitigation measure is inadequate because:

- The State and Federal (EPA) authorities state they do not have an airborne asbestos measurement methodology
- Measurement technology is limited by the extremely small size of asbestos fibers (see EPA ref., p.8 [1]).
- The proposed mitigation is for **dust** which is defined as larger particles (PM 10) while asbestos fibers are often 10 to 20 times smaller than dust -- .5 microns (<PM2). Asbestos is more like smoke and can toxify air miles from its source
- The mitigation measure is only for dust using water spraying, washing truck tires, sealing the hauling trucks, paving the processing area. The FEIR states even some dust will escape (become fugitive).
- Chemical stabilizers to reduce haul road dust have minimal impact on asbestos particles.
- Extremely small numbers of asbestos fibers can cause cancer, asbestosis, and death...[v]

In conclusion, the FEIR makes the following questionable overarching judgement:

Warning: "*The engineering details and intensive sampling described by many commenters would be developed and completed through the implementation of mitigation measures, and is not required to be completed as part of the CEQA process*" – **this is a legal question.**

PoWD

February 21, 2023 v4.0

TO: Nevada County Supervisors and Planning Commissioners

Subject: Example of inadequate mitigation in Rise Gold Mine Inc. Final Environmental Impact report (FEIR)

See pg 9 of "project information" Duplicative + wrong reference.

Copy: County Planning Department

From: Jim Bair

Executive Summary

This comment on the Final Environmental Impact Report (EIR) for Rise Gold Mine Inc. provides one example of hundreds of cases where the FEIR does not adequately address the Public Comments on the Draft EIR. My comment describes inadequate, misleading and incorrect statements about asbestos, one of the most dangerous pollutants in the world. Scientific, peer-reviewed references are included.

The proposed FEIR asbestos mitigations are essentially unchanged from the DEIR. The FEIR fails to address Rise Gold Mine's Technical Reports and Appendices that discuss the Mine proposal's inadequacies. These include invalid asbestos measurement in rock and predicted air samples.

There is little question that asbestos is extremely toxic. If it escapes into our air, it will probably cause cancer. Airboune asbestos is often lighter than dust and, like smoke, can pollute the air for miles. The FEIR says the commenter doesn't know what smoke is, and repeats that smoke is like dust.

As is the case throughout the FEIR, operational testing is relegated to government agencies. The authors of the FEIR continue to delegate the Asbestos and Dust Mitigation **Plan** to the Northern Sierra Air Quality Management District **after Mine project approval.** I quote the State agencies which say they do not even have a way to measure airborne asbestos.

The FEIR continues to reference itself (EIR) as evidence; e.g., *"the health risk assessments are conservative and therefore…the DEIR adequately evaluates the potential health effects from asbestos."*

The bottom line is after the project is operational, if levels are exceeded, then a "significant and unavoidable impact would occur." **There is no evidence to predict acceptable levels of asbestos pollution from mine operations that include processing 1,500 tons of mine rock per day**.

Report and References

This comment is in response to the Final EIR Idaho-Maryland Mine Project, December 2022. The FEIR fails to adequately address the public comments on the Draft EIR. While some responses are contained in the FEIR, they may be combined into Master Reponses, and they often do not provide adequate mitigation measures. When a

comment from an agency or individual is referenced, the FEIR usually does not contain new information that addresses the specific requests in the DEIR Comments.

For example, my DEIR comment [Comment Ind 353-19] described inadequate, misleading and incorrect statements about asbestos, one of the most dangerous pollutants[ii]

The FEIR does not adequately address my Comment on the DEIR:

1. The inadequate FEIR asbestos mitigations are unchanged from the DEIR. The required *Asbestos Dust Mitigation Plan*, page 3-3, (4.3-2) is only a "summary" and does not address asbestos fibers which are too small to be treated as dust. [iii] To quote the FEIR Group Response, "*the DEIR requires the submission of an Asbestos Dust Mitigation Plan (ADMP) to Northern Sierra Air Quality Management District (NSAQMD) for review and approval. The ADMP has minimum requirements as described in the mitigation measure. Additional measures, such as air monitoring if required by the NSAQMD,* ***would be*** *detailed in the ADMP*" (FEIR Comment Grp 7-143 Mitigation Measure 4.3-2). **The required Asbestos Dust Mitigation Plan is not done.** See Note 4 below.

2. There is inadequate sampling of the mineral rights area. Conclusions based on 19 bore holes are not valid to generalize to 2,500 acres. Some samples did contain asbestos indicating far more bore holes are needed for valid sampling. There should be at least one bore hole for each unique geologic structure. (See Master Response 23).

3. The use of asbestos detection technology is incorrect. The measurements and the mitigations failed to address the size of asbestos fibers. Asbestos fibers are often less than one micron in size and cannot be detected by Polarized Light Microscopy (PLM asbestos testing). [Microscopes using light are not sensitive enough.] TEM (Transmission Electron Microscopy) must be used to detect sub-micron fibers and to distinguish between asbestos fibers and non-asbestos fibers.[iv]
   TEM asbestos testing requires shipping samples to San Leandro, CA, with a turn-around of days. Thus, the real-time monitoring restated in the FEIR is impossible. Quantities that are hazardous to public health would be widely airborne before tests results would be available.

4. The FEIR mitigation of airborne asbestos is inadequate because it is treated as "dust" in the DEIR and cannot be measured (see Note 4). The comment that mitigation cannot be done to CA standards of air quality (Northern Sierra Air Quality Management District (NSAQMD)) is proof of inadequacy. Asbestos fibers are too often smaller than dust (PM2). The FEIR must describe mitigation measures for sub-micron fibers in addition to washing and spraying in open tailings areas, and especially the trucking lanes to and from the tailings dump site (Centennial).[v]

5. Even though the FEIR declares that asbestos pollution is a serious negative impact, it does not contain the plan for mitigation. Quote, "*the DEIR concludes that the Project* ***could*** *result in a significant impact with respect to exposing receptors [people] to* ***substantial concentrations of asbestos*** *and requires mitigation to reduce the impact to a less than significant level.*" Page 183.[vi]

Conclusion

The lack of feasible mitigation of asbestos is an example of significant and unavoidable negative environmental impacts. The FEIR (page 256) states that if certain levels of asbestos emissions are exceeded, then there is a potentially significant impact and mitigation is required. If after implementation of mitigation, levels are exceeded, then a significant and unavoidable impact would occur." **There is no evidence to predict less than the unacceptable Level C of asbestos pollution from processing 1,500 tons of mine waste per day.** [vii]

The FEIR continues to cite Federal and State rules, regulations and guidelines in inaccurate ways to insinuate that future impacts will be less than significant, e.g., NSAQMD and OEHAA (CA Office of Environmental Health Hazard Assessment). The FEIR states, **if and when pollution mitigations are implemented and followed by measurement**, they will be less than significant but there is no airborne measurement methodology according to NSAQMD. [viii]

NOTES re: Asbestos in the FEIR

Note 1: Unsupported claims (page 180):

"This master response confirms that the proposed project will use chemical dust stabilizers that are not considered toxic air contaminants, nor do they have adverse effects on water quality or aquatic life. **[There is no evidence that dust stabilizers will control asbestos]**. *This response also demonstrates that, after implementation of mitigation, the project's construction and operations would not expose sensitive receptors to substantial concentrations of fugitive dust such that a human health effect would occur* (Appendix G, III(c))." **This statement cannot be supported.** Asbestos is not limited to "dust" – the particles are too small – **the response doesn't demonstrate anything.**

The FEIR does not address the predicted amount of asbestos (page 180), it merely references the DEIR as evidence!

"Several commenters asserted that the assumptions used in the Health Risk Assessment (HRA) understated the amount of asbestos that will be found in the rock mined at the project, and likewise the level of respirable asbestos that will be emitted into the air. Conversely, the assumptions used for the HRA were based on conservative assumptions that overstate the amount of asbestos in Final EIR". Responses to Comments Page 2-108: "...the rock and tailings and overstate the amount of asbestos that will become airborne. As such, the HRA provides a conservative analysis of asbestos impacts, and thus, adequately evaluates the potential health effects from asbestos attributable to the proposed project."

There's no proof to support the claim of an adequate evaluation primarily because the amount of airborne asbestos cannot be predicted (see invalid sampling and particle size).

Note 2: FEIR Chapter 3 – Revisions to the Draft EIR Text

The FEIR claims are without evidence. The referenced Asbestos Dust Mitigation Plan (ADMP) is not done. I noted that it should before DEIR acceptance. The required ADMP plan still is not submitted to the Northern Sierra Air Quality Management District (NSAQMD) or any other recipient.

Note 3: Master Response 23 - Inadequacy of Sampling - Asbestos

P 182 Conclusion quote: "Based on these conservative assumptions, **the DEIR concludes that the Project could result in a significant impact with respect to exposing receptors [people] to substantial concentrations of asbestos and requires mitigation to reduce the impact to a less than significant level**. Mitigation Measure 4.3-2 of the DEIR requires the submission of an Asbestos Dust Mitigation Plan (ADMP) to Final EIR Idaho-Maryland Mine Project December 2022 Chapter 2 – Responses to Comments Page 2-111 Northern Sierra Air Quality Management District (NSAQMD) for review and approval. The ADMP has minimum requirements as described in Mitigation Measure 4.3-2. Additional measures, such as air monitoring, if required by the NSAQMD, would be detailed in the ADMP.

P253 quote: "Rather, the concentrations of asbestos at receptor [people] locations are modelled and the health risk is calculated in accordance with OEHAA guidelines. OEHHA is the lead state agency for the assessment of health risks posed by environmental contaminants in California." **Modeling to forecast asbestos concentrations is delegated to the State which is too general to apply to this unique project.** (Appendix report: Health Risk Assessment Memorandum for the Idaho-Maryland Mine Project Date: July 11, 2022).

Note 4: This is proof of inadequacy: **"The Northern Sierra Air Quality Management District (NSAQMD) has indicated that there is no approved method, and thus some uncertainty, regarding the estimation of asbestos risk based on rock samples." FEIR page 416, Agency response 11-2.**

https://www.nevadacountyca.gov/DocumentCenter/View/46398/IMM-FEIR_Volume-VII---Volume-IX-Appendices-A---R. **(Use 'control f' to search FEIR online.)**

ENDNOTES:

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[i] Jim Bair, BS, MA, PhD student, aristotle2001@gmail.com, is Leader of the Stop the Mine Task Force, Unitarian Universalist Community of the Mountains https://www.uugrassvalley.org/justice/stop-the-mine-task-force/
128 Sierra Blanca Ct., Grass Valley, CA 95945

[ii] See references in my DEIR Comment; this observation is corroborated by three MDs and a Professor of Medicine. Note that my Endnotes and NOTES are important because the FEIR is inconsistent and extremely challenging to process at over 10,000 pages.

[iii] Dust is regulated, sub-micron particles are not. In addition, FEIR page 181 states that the plan to monitor for airborne asbestos is not done: "Air monitoring requirements will be specified in

the approved Asbestos Dust Mitigation Plan (ADMP), which must be approved by the Northern Sierra Air Quality Management District **prior to Project operations**. The ADMP is required under the Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mine Operations. Section (h)(3) of the ATCM specifies the requirement for analysis of air samples. Analysis of all air samples shall follow the analytical method specified by the United States Environmental Protection Agency (USEPA) Asbestos Hazard Emergency Response Act (AHERA) criteria for asbestos (40 CFR, Part 763 Subpart E, Appendix A, adopted October 30, 1987). The ATCM modifies the AHERA criteria for asbestos and requires a lower detection limit and the counting of all asbestos structures irrespective of length...".
[EPA regulations are at https://www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-302]
EPA Regulations are limited and cannot be relied upon: "13. Observe the following **counting rules: Count only fibers equal to or longer than 5 micrometers [microns].**" Occupational Safety and Health Admin., https://www.govinfo.gov/content/pkg/CFR-2011-title29-vol6/pdf/CFR-2011-title29-vol6-sec1910-1001.pdf
Asbestos fibers are **typically less than 5 micrometers [microns] and frequently measure .5 micron.**

[iv] Pamela Heard, Licensed Respiratory Specialist,

[v] FEIR page 136 **falsely** states that, "From a health perspective, the Health Risk Assessment (HRA) prepared for the proposed project (included in Appendix B of Appendix E.1 of the EIR) evaluated fugitive dust as PM10. The HRA concluded that a significant health hazard to the public would not occur as a result of fugitive dust [dust that escapes containment] after implementation of mitigation (see DEIR, p. 4.3-82). For more detail, please refer to Master Response 20 – Conservatism Used for Metals in Dust, Master Response 21 – Silica Health Risk, and Master Response 22 – Conservatism Used for Asbestos.

[vi] Page 183 (2-110) states that," the DEIR concludes that the Project **could result in a significant impact with respect to exposing receptors to substantial concentrations of asbestos** and requires mitigation to reduce the impact to a less than significant level. Mitigation Measure 4.3-2 of the DEIR requires the submission of an *Asbestos Dust Mitigation Plan* (ADMP) to Northern Sierra Air Quality Management District (NSAQMD) for review and approval. The ADMP has minimum requirements as described in Mitigation Measure 4.3-2. Additional measures, such as air monitoring, if required by the NSAQMD, would be detailed in the ADMP. **The ADMP cannot be found in the FEIR.**

[vii] FEIR p. 256 states that, "If unmitigated emissions of ROG, NOx, and/or PM10 exceed 136 pounds per day (Level C), then there is a potentially significant impact and mitigation is required; if mitigated emissions of ROG, NOx, and/or PM10 still exceed 136 pounds per day (Level C) after implementation of mitigation, then a significant and unavoidable impact would occur."

[viii] **The FEIR contains broad brush statements that future measures prove that mitigations will be made, quote:** "Response to Comment Agcy 1-17 The commenter asserts that the project's ROG, NOX, and PM10 emissions should be considered "potentially significant" after mitigation; however, the commenter misunderstands the NSAQMD guidelines. The NSAQMD requires implementation of certain mitigation measures for each defined level of emissions volumes (A, B, C) to achieve an impact determination of less-than significant impact. As stated on page 4.3-41 of the DEIR, the NSAQMD has developed a tiered approach to significance levels. The tiered thresholds for Levels A, B, and C are given in Table 4.3-5 for a project's estimated emissions of criteria pollutants in pounds per day. A project with emissions qualifying it for Level A thresholds (i.e., all projects with emissions greater than zero) requires the most basic mitigation. Projects that qualify for Level B require more extensive mitigation, and projects that qualify for Level C require the most extensive application of mitigation. If unmitigated emissions of ROG, NOx, and/or PM10 exceed 136 pounds per day (Level C), then there is a potentially significant impact and mitigation is required; if mitigated emissions of ROG, NOx, and/or PM10 still exceed 136

pounds per day (Level C) after implementation of mitigation, **then a significant and unavoidable impact would occur.** [c.f.. Final EIR Idaho-Maryland Mine Project December 2022 Chapter 2 – Responses to Comments Page 2-6315 INDIVIDUAL LETTER 332: JEFF KANE]

Quote [NSAQMD states they do not have a measurement methodology]: **"Unmitigated emissions below Level C would result in an impact that is potentially significant, and mitigation is required;** following implementation of mitigation (as specified separately for Level A and Level B by NSAQMD), emissions would be less than significant. The DEIR imposes the NSAQMD recommended mitigation measures for the project's ROG, NOX, and PM10 emissions, and therefore achieves a less than significant impact, per NSAQMD guidance. (DEIR, p. 4.3-73.) Notably, the NSAQMD thresholds used for criteria air pollutants for the project are the same thresholds used by the commenter in the Empire Mine State Historic Park Site Characterization and Remediation Draft Program EIR in 2009. While the commenter asserts that emissions meeting NSAQMD level B thresholds should be considered "potentially significant" after mitigation, the commenter's 2009 EIR stated that the park project's NOx emissions, which were shown to meet NSAQMD level B thresholds, were "less than significant" after implementation of standard dust control mitigation, **similar to the standard mitigation used in the project's DEIR.** (See Empire Mine State Historic Park Site Characterization and Remediation Draft Program EIR, pp. 4.2-31 to 4.2-35.) C.f. https://oehha.ca.gov/about/oehha-laws-and-regulations

REFERENCES:

1. *Overview of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) | US EPA* https://www.sciencedirect.com/search?qs=asbestos%20and%20gold%20mining)
2. Brooke T. Mossman. *Mechanistic in vitro studies: What they have told us about carcinogenic properties of elongated mineral particles (EMPs) [i.e. asbestos]* **Toxicology and Applied Pharmacology,** Vol 361, 15 December 2018, Pages 62-67.
3. David H. Garabrant and Susan T. Pastula. *A comparison of asbestos fiber potency and elongate mineral particle (EMP) potency for mesothelioma in humans.* **Toxicology and Applied Pharmacology.** 2 August 2018.
4. *Asbestos-Related Disease.* Patti Kratzke MN, RN, CC, Ma and Robert A.Kratzke MD, **Journal of Radiology Nursing** Volume 37, Issue 1, March 2018, Pages 21-26.
5. Hwang C.Y. *Size and shape of airborne asbestos fibres in mines and mills.* **Occupational and Environmental Medicine** 1983;**40:**273-279.

NV5

Project No. 5279.02
November 18, 2019

Rise Grass Valley, Inc.
Ben Mossman, President
333 Crown Point Circle, Suite 215
Grass Valley, California 95945

Reference: **Idaho-Maryland Mine Project – Brunswick Industrial Site**
SW Corner of Brunswick Road and East Bennett Road
APNs 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039
Grass Valley, California 95945

Subject: **Geotechnical Engineering Report**

Dear Mr. Mossman:

This report presents the results of our geotechnical engineering investigation for the 119-acre property located at the southwest corner of Brunswick Road and East Bennett Road in Grass Valley, California. As proposed, the project is to include development of industrial facilities associated with proposed underground hard rock mining operations. We anticipate that site improvements will include the construction of multiple new light and heavily loaded structures, embankment mitigation of the existing pond, retrofitting and expansion of the existing New Brunswick shaft, construction of a new service shaft and headframe, construction of an engineered fill pad for future industrial use, and associated infrastructure elements including roadways, storm drains and underground utilities.

The findings, conclusions and recommendations presented in this report are based on the following relevant information collected and evaluated by NV5: literature review, surface observations, subsurface exploration, laboratory test results, and experience with similar projects, sites and conditions in the area. Our opinion is that the project can be completed as proposed, provided the recommendations presented in this report are implemented. Our primary concerns, from a geotechnical engineering standpoint, include:

- The presence of relatively thin layers/pockets of organic material (predominantly sawdust) in the southwestern end of the existing pond dam, which can be mitigated by conventional earthwork methods, including excavation and removal of the organic materials followed by replacement and recompaction of the overlying dam fill.
- The stability of steep temporary cut slopes proposed for construction of deep sub-surface structures, which can be mitigated by conventional geotechnical engineering methods, including temporary cut slope design and/or shoring design for the proposed temporary excavations.
- The presence of undocumented fill material in portions of previously graded areas, which can be mitigated by testing of the fill material, and if necessary, reworking and recompaction of fill that is deemed unsuitable to support site development.
- The presence of thin lenses of expansive fine-grained near-surface soils in areas of proposed infrastructure improvements, which can be mitigated by conventional earthwork procedures (e.g., excavation and removal from areas to support structures or foundation elements).

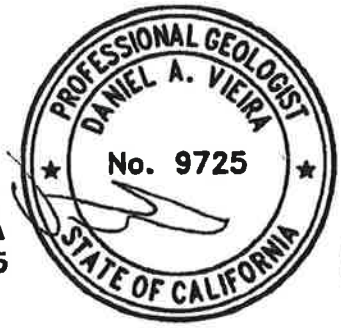
- The existing corrugated metal pipe (CMP) culvert that conveys water through the Site to South Fork Wolf Creek appears to be approaching the end of its lifespan. Considering the moderate corrosive potential of the Site soils encountered in the vicinity of the culvert, as well as the proposed industrial fill pad to be constructed over the culvert alignment, we recommend replacing the existing culvert prior to construction of the engineered industrial fill pad.
- The potential for naturally occurring asbestos (NOA) in imported fill material generated underground, which can be mitigated by implementation of conventional engineering controls to limit dust emissions during earthwork.

Recommendations for mitigating these concerns are presented in this report. During construction, we should be retained to observe and confirm site conditions and modify our recommendations, if necessary. This report should not be relied upon without review by NV5 if a period of 24 months elapses between the issuance report date shown above and the date when construction commences.

NV5 appreciates the opportunity to provide geotechnical engineering services for this important project. If you have questions or need additional information, please do not hesitate to contact the undersigned at 530-478-1305.

Sincerely,
NV5

Prepared by:



Daniel Vieira, P.G. 9725
Project Geologist

Reviewed by:

Chuck Kull, G.E. 2359
Principal

copies: PDF to Ben Mossman, ceo@risegoldcorp.com
PDF to Tessa Brinkman, tbrinkman.peng@gmail.com

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3.2 SOIL CORROSION POTENTIAL

The site soil corrosion potential was evaluated by Sunland Analytical. The soil samples tested were collected at a depth of approximately 3.0 feet bgs from trenches BK-2 and T19-12. The test results are summarized in Table 3.2-1 below, and are discussed in Section 5.1.14 of this report.

Table 3.2-1, Summary of Corrosion Potential Lab Test Data

Boring No.	Sample No.	Sample Depth (ft)	Test No.	Description	Test Results
BK-2	BK-2	0.0 - 3.0	CA DOT Test #422m	Chloride	7.5 ppm
			CA DOT Test #417	Sulfate	26.2 ppm
			CA DOT Test #643	PH	4.78
			CA DOT Test #643	Min. Resistivity	5360 ohms-cm
T19-12	T19-12-B1	2.0 - 3.0	CA DOT Test #422m	Chloride	1.7 ppm
			CA DOT Test #417	Sulfate	3.0 ppm
			CA DOT Test #643	PH	5.63
			CA DOT Test #643	Min. Resistivity	4020 ohms-cm

Notes: CA DOT = California Department of Transportation
ppm = parts per million
ohms-cm = ohms-centimeters

4.0 CONCLUSIONS

The following conclusions are based on our field observations, laboratory test results, and our experience in the area.

1. It is NV5's opinion that the site is suitable for the proposed improvements provided that the geotechnical engineering design recommendations presented in this report are incorporated into the earthwork and structural improvement project plans. NV5 should be allowed to review the proposed final earthwork grading plan and structural improvement plans to determine if the geotechnical engineering recommendations have been properly incorporated, are still applicable, or need modifications. Prior to a new phase of development for the project, we should be retained to observe the soil/rock conditions present and confirm or modify our recommendations, if necessary, before grading and construction begins.

2. Our primary concerns, from a geotechnical standpoint include:

    - The presence of relatively thin layer/pockets of organic material (predominantly sawdust) in the southwestern end of the existing pond dam, which can be mitigated by conventional earthwork methods, including excavation and removal of the organic materials followed by replacement and recompaction of the overlying dam fill.

        - Additional borings (B19-4, -5 and -6) advanced along the dam centerline as part of the 2019 drilling program, as well as previous borings (B96-1 and -6) and interview of an equipment operator previously involved with construction of the dam, confirm that a layer of organic fill (sawdust) is present within the southwestern-most 200-foot segment of the dam. Boring logs indicate that the sawdust layer is up to approximately 4 feet thick at the dam centerline at a depth of approximately 12 to 18 feet bgs.

- Based on the original topography of the dam footprint, it is likely that the organic layer thickness decreases towards the inboard section of pond and increases towards the downslope face of the dam. NV5 recommends that the upslope face of the dam (and the associated clay liner) be preserved during the repairs by the construction of a temporary cut slope. Based on soil conditions observed in the upper fill during our drilling program, we anticipate that a temporary cut slope gradient of approximately 1:1, horizontal to vertical (H:V), will be feasible during the repairs, provided that the water level in the pond is managed so that seepage is not present in the cut slope. A grading plan, cross sections and slope stability analysis of proposed cut slopes should be prepared to describe the proposed earthwork repair prior to grading. If desired, raising of the dam embankment to accommodate higher water levels in the pond is potentially feasible and can be incorporated into dam improvement design and grading plans. The plan and cross section should depict typical temporary cut slope gradients, excavation depths, maximum water surface elevation, and earthwork volume estimates.

- Steep temporary cut slopes are proposed for construction of a shaft collar. Potential slope instability can be mitigated by conventional geotechnical engineering methods, including temporary cut slope design and/or shoring design for the proposed temporary excavations.

- The presence of undocumented fill materials in portions of previously graded areas, which can be mitigated by testing of the fill material and, if necessary, reworking and recompaction of fill that is deemed unsuitable to support site development. During our subsurface investigation of the Site, we encountered existing fill and disturbed soil throughout the property that varied in depth up to approximately 20 feet bgs. In general, existing undocumented fill should not be relied upon to support proposed improvements. Heterogeneous fills of unknown origin, quality and method of placement, such as those encountered, can settle and/or heave erratically under the load of new fills, structures, slabs, and pavements. Footings, slabs, and pavements supported on heterogeneous fill could also crack as a result of such erratic movements. Thus, where not removed by planned grading, heterogeneous fills should not be relied upon to support proposed improvements unless it is excavated and replaced as an engineered fill or verified with supplemental evaluation and confirmation of previous compaction testing (if available). These evaluations will be determined on a case-by-case basis. We provide recommendations for existing fill in Section 5.1.3.

- The presence of thin lenses of expansive clayey near-surface soils in areas of proposed infrastructure improvements, which can be mitigated by conventional earthwork procedures (e.g., removal of the potentially expansive clay or approved blending with granular fill materials). Expansive near-surface soils shrink and swell as they lose and gain moisture throughout the yearly weather cycle. Near the surface, the resulting movements can heave and crack lightly loaded shallow foundations (spread footings) and slabs and pavements. The zone of moisture content fluctuation is dependent on the expansion potential of the soil and the extent of the dry season. The detrimental effects of the above-described movements can be reduced by pre-swelling the expansive soils and covering them with a moisture fixing and confining blanket of properly compacted select fill, as subsequently defined or mixed and blended with granular on-site soil at a mixing ratio provided by our firm. In building areas, the blanket thickness required depends on the expansion potential of the soils and the anticipated performance of the foundations and slabs.

- The existing corrugated metal pipe (CMP) culvert that conveys water through the Site to South Fork Wolf Creek appears to be approaching the end of its lifespan. Considering the moderate corrosive potential of the Site soils encountered in the vicinity of the culvert, as well as the proposed industrial fill pad to be constructed over the culvert alignment, we recommend replacing the existing culvert prior to construction of the engineered industrial fill pad.

- The potential for naturally occurring asbestos (NOA) in imported fill material generated underground, which can be mitigated by implementation of conventional engineering controls to limit dust emissions during earthwork. Earthwork and other disturbance of materials containing mafic and ultramafic rocks is regulated by the California Air Resources Board (CARB) and the Northern Sierra Air Quality Management District (NSAQMD). Pursuant to the California Code of Regulations Title 17, Section 93105, an Asbestos Dust Mitigation Plan (ADMP) is typically required to describe material handling protocols to be used during construction to reduce the release of naturally occurring asbestos (NOA) into the atmosphere during earthwork grading and other soil/rock disturbance.

3. NV5 understands that the proposed mine operations will produce blast rock and sand tailings in approximately equal proportions to be transported to the ground surface and then blended prior to placement as engineered fill to support future industrial site development. Based on particle size data provided by Rise Grass Valley, NV5 anticipates that waste rock and tailings generated by the proposed mining operation will meet the geotechnical engineering criteria for structural fill (Section 5.1.6).

4. Based on our site observations, the geology of the region and our experience in the area, our opinion is that the risk of seismically induced hazards such as slope instability, liquefaction, and surface rupture are remote at the subject site. We do not anticipate that the proposed project will result in the destruction, covering, or modification of any unique geological and/or physical features.

5. Based on the site geology and our observation of the surface conditions, we anticipate that grading and excavation onsite will reveal variably weathered, fractured, metamorphic rock. Areas of resistant rock may be encountered which may require ripping, splitting or hammering, to increase the rate of excavation. In addition, spoil resulting from excavation onsite will likely consist of predominantly angular, gravel to cobble-sized rock fragments. This material may be suitable for use as fill, depending on the nominal size of the rock fragments, but will likely require specific recommendations for fill placement and observation to confirm compaction. Preliminary recommendations addressing rock fill placement are included in this report.

6. During our site investigation, we did not encounter ultramafic rock, serpentinite, or NOA minerals. However, the proposed industrial mining operations may encounter serpentinite, an ultramafic rock often associated with naturally occurring asbestos (NOA). If ultramafic rock, serpentinite or NOA-containing minerals are imported to the ground surface of the site, site grading would be regulated under Cal/EPA Air Resources Board Regulation 93105, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (ATCM) and Placer County Rule 228, Fugitive Dust. We anticipate that, as a minimum, dust mitigation measures such as limiting site access, restricting onsite construction vehicle speeds, covering stockpiled soil, and liberal use of water during grading will be required during grading to prevent the generation of dust from the Site. We can prepare an asbestos dust mitigation plan (ADMP), if required, for project planning and approval purposes.

3. These services were performed consistent with our agreement with our client. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of our services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report. This report is solely for the use of our client unless noted otherwise. Any reliance on this report by a third party is at the party's sole risk.

4. If changes are made to the nature or design of the project as described in this report, then the conclusions and recommendations presented in this report should be considered invalid. Only our firm can determine the validity of the conclusions and recommendations presented in this report. Therefore, we should be retained to review all project changes and prepare written responses with regards to their impacts on our conclusions and recommendations. However, we may require additional fieldwork and laboratory testing to develop any modifications to our recommendations. Costs to review project changes and perform additional fieldwork and laboratory testing necessary to modify our recommendations are beyond the scope of services presented in this report. Any additional work will be performed only after receipt of an approved scope of services, budget, and written authorization to proceed.

5. The analyses, conclusions and recommendations presented in this report are based on site conditions as they existed at the time we performed our surface and subsurface field investigations. We have assumed that the subsurface soil and groundwater conditions encountered at the location of our exploratory trenches and borings are generally representative of the subsurface conditions throughout the entire subject site. However, the actual subsurface conditions at locations between and beyond our exploratory trenches/borings may differ. Therefore, if the subsurface conditions encountered during construction are different than those described in this report, then we should be notified immediately so that we can review these differences and, if necessary, modify our recommendations.

6. The elevation or depth to the groundwater table underlying the subject site may differ with time and location; therefore, the depth to the groundwater table encountered in the exploratory trenches and borings is only representative of the specific time and location where it was observed.

7. The subject site map shows approximate exploratory trench/boring locations as determined by pacing distances from identifiable site features. Therefore, the trench/boring locations should not be relied upon as being exact nor located with surveying methods.

8. Our geotechnical investigation scope of services did not include evaluating the subject site for the presence of historic mining surface features or hazardous materials. Although we did not observe evidence of historic mining activity or hazardous materials within the proposed building area at the time of our field investigation, all project personnel should be careful and take the necessary precautions should hazardous materials be encountered during construction. Possible historic mining excavation not detected during our investigation may impact the proposed improvements.

9. NV5's experience and that of the civil engineering profession clearly indicates that during the construction phase of a project the risks of costly design, construction and maintenance problems can be significantly reduced by retaining a design geotechnical engineering firm to review the project plans and specifications and to provide geotechnical engineering CQA observation and testing services. Upon your request NV5 will prepare a CQA geotechnical engineering services proposal that will present a work scope, a tentative schedule and fee estimate for your consideration and authorization.

If NV5 is not retained to provide geotechnical engineering CQA services during the construction phase of the project, then NV5 will not be responsible for geotechnical engineering CQA services provided by others nor any aspect of the project that fails to meet your or a third party's expectations in the future.

10. All temporary excavations must comply with applicable local, state and federal safety regulations, including the current Occupational Safety and Hazards Administration (OSHA) excavation and trench safety standards. Construction site safety is the responsibility of the contractor, who is solely responsible for the means, methods and sequencing of construction operations. Under no circumstances should the findings, conclusions and recommendations presented herein be inferred to mean that NV5 is assuming any responsibility for temporary excavations, or for the design, installation, maintenance and performance of any temporary shoring, bracing, underpinning or other similar systems.

11. The findings of this report are valid as of the present date. However, changes in the conditions of the property can occur with the passage of time. The changes may be due to natural processes or to the works of man, on the subject site or adjacent properties. In addition, changes in applicable or appropriate standards can occur, whether they result from legislation or the broadening of knowledge. Therefore, the recommendations presented in this report should not be relied upon after a period of two years from the issue date without our review.

Slopes
see pg 3 w/ alternatives

Form dated Dec 2022

NV5

Project No. 5279.02
January 2, 2020 (Revised January 9, 2020)

Rise Grass Valley, Inc.
Ben Mossman, President
333 Crown Point Circle, Suite 215
Grass Valley, California 95945

Reference: **Idaho-Maryland Mine Project – Brunswick Industrial Site**
SW Corner of Brunswick Road and East Bennett Road
APNs 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, 009-630-039
Grass Valley, California 95945

Subject: **Steep Slope, Erosion and Sediment Control Management Plan**

Dear Mr. Mossman,

This report presents our management plan addressing construction on steeply sloping portions of the proposed construction at the 119-acre property (herein referred to as the "Site" or "subject site") located at the southwest corner of Brunswick Road and East Bennett Road in Grass Valley, California. As proposed, the project is to include development of industrial facilities associated with proposed underground hard rock mining operations. Because grading is proposed in areas where native slope gradients exceed 30 percent (herein referred to as "steep slopes"), the Nevada County Community Development Agency requires the preparation of a management plan to facilitate review and permitting of the proposed improvements.

The conclusions and recommendations presented in this management plan are based on our understanding of the proposed development, a surface reconnaissance and subsurface investigation at the Site, review of published geologic and soil survey maps, and our experience with subsurface conditions in the area. We understand that proposed site development includes grading in steep slope areas. Our opinion is that the proposed development in steep slope portions of the property are feasible, provided the recommendations included in this management plan are incorporated into the project plans and specification in conjecture with the grading recommendations provided in the project Geotechnical Engineering Report, dated November 18, 2019.

Please contact us if you have any questions regarding our observations or the conclusions and recommendations presented in this report.

Sincerely,

NV5

PROFESSIONAL GEOLOGIST
DANIEL A. VIEIRA
No. 9725
STATE OF CALIFORNIA

Daniel A. Vieira, P.G. 9725
Project Geologist

REGISTERED PROFESSIONAL ENGINEER
CHARLES R. KULL
No. 2359
GEOTECHNICAL
STATE OF CALIFORNIA

Chuck Kull, G.E. 2359
Principal Engineer

copies: PDF to Ben Mossman, ceo@risegoldcorp.com
PDF to Tessa Brinkman, tbrinkman.peng@gmail.com

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SLOPES

1.0 INTRODUCTION

At the request of Ben Mossman of Rise Grass Valley, Inc., NV5 prepared this management plan to address proposed grading construction on steeply sloping portions of the 119-acre property located at the southwest corner of Brunswick Road and East Bennett Road in Grass Valley, California. Because the proposed improvements will include grading in areas with slope gradients that exceed 30 percent, the Nevada County Community Development Agency requires the preparation of a management plan.

We provided geotechnical engineering recommendations for the project in our report entitled *Geotechnical Engineering Report; Idaho-Maryland Mine Project – Brunswick Industrial Site*, dated November 18, 2019. Our geotechnical engineering investigation included a site reconnaissance and literature review pertaining to soil conditions and site geology, and a subsurface investigation. The findings of our investigation were used to prepare this management plan.

2.0 SCOPE OF SERVICES

To prepare this management plan, we reviewed the findings of our investigation for the project, as well as the geotechnical engineering recommendations presented in our report. Based on findings made during our site reconnaissance and subsurface investigation, results of our literature review, and our experience with soil conditions in the area, we prepared this plan which provides additional recommendations for earthwork and erosion control associated with the proposed grading improvements on steeply sloped portions of the Site.

3.0 SITE DESCRIPTION

The Site comprises approximately 119 acres and is located approximately 2 miles east-southeast of downtown Grass Valley in Nevada County, California. According to the Nevada County Geographical Information System (GIS) online database (https://gis.nevcounty.net/MyNeighborhood/) the subject property is associated with assessor's parcel numbers (APNs) 006-441-003, 006-441-004, 006-441-005, 006-441-034, 009-630-037, and 009-630-039. The Site sits in a valley created by the South Fork of Wolf Creek, and is bordered by Brunswick Road to the east, East Bennett Road and one residential property to the north, minimally developed residential properties upslope to the south and southwest, and undeveloped steeply sloping naturally vegetated terrain to the west.

At the time of our investigation, the Site consisted of generally flat lying surfaces around the abandoned New Brunswick shaft and sawmill landings, gently sloping open fields and tree covered areas extending downstream of the dam, and steep slopes along the southern and western perimeter of the Site. Site topography varied from flat to gently sloping along portions of the developed areas, to steeply sloping in the western and southern portions of the Site. Deep fill was apparent in the vicinity of the New Brunswick Mine workings. We also observed the mine silo, concrete slabs-on-grade, and the covered New Brunswick shaft in this area. The gently sloping surfaces along the valley floor were covered with thick vegetation and we could not evaluate the nature of the material in this area. The South Fork of Wolf Creek is contained within an approximate 48-inch CMP culvert that trends northwest through the center of the Site and discharges back into its natural channel, continuing northwestward along the northwestern border of the property.

4.0 PROPOSED IMPROVEMENTS

We reviewed site plans for the project including a Grading Plan (sheet B-1) prepared by Nevada City Engineering, Inc.; and Infrastructure plan (sheet B101), Biological and Cultural Summary Map (sheet B102), Infrastructure Details (sheet B103) and Section Views (sheet B104) prepared by Rise Grass Valley, Inc. and dated November 2019. Based on our review of these site plans, we understand that the proposed site improvements for the project will likely include the construction of:

- Multiple new light and heavily loaded structures to support industrial mining activities;
- Mitigation of the existing pond dam embankment and liner;
- Retrofitting and expansion of the existing New Brunswick shaft to support industrial mining activities;
- Construction of a new service shaft and headframe to support industrial mining activities;
- Construction of a storm water detention pond;
- Construction of an engineered fill pad for future industrial use; and
- Associated infrastructure elements including retaining structures.

Appurtenant construction will include asphalt concrete paved roads and parking areas, and underground utilities. We anticipate that grading for the project will include cut and fill for building pads, roadways, culvert improvements, dam mitigation, and retaining structures and excavation for underground utilities.

We anticipate that grading for the proposed project will include cut and fill for roadways and engineered fills. In order to achieve the desired grading for the proposed development, existing slopes exceeding 30 percent will be disturbed during grading construction. Due to the proposed development and existing site topography, there is no alternatively feasible location(s) on the subject property that would have less impact on the Site and surrounding areas.

5.0 PURPOSE

We understand that the primary concern is the disturbance of original ground as a result of grading in slope areas exceeding 30 percent, and the potential of sediments and other undesirable materials being discharged into downslope drainages. The purpose of our management plan is to facilitate review and permitting of the proposed improvements within these steep sloped areas, as required by the Nevada County Community Development Agency.

6.0 CONCLUSIONS

The following conclusions and opinions are based on the findings of our site reconnaissance and subsurface investigation, our review of local geologic conditions, and our experience in the area.

1. It is our opinion that the proposed project developments within steep slope areas are generally feasible from a geotechnical engineering standpoint, provided the grading recommendations included herein are incorporated in conjecture with the grading recommendations presented in the Geotechnical Engineering Report for the project dated November 18, 2019.

2. The proposed project development is generally located in areas where natural slope gradients are less than 30 percent. However, isolated and peripheral steep slope areas are incorporated within the limits of the proposed development. No feasible alternatives were identified during design of the proposed project that could avoid these environmentally sensitive resource areas.

3. Areas of steep slopes (exceeding 30 percent) and high erosion potential are considered to be environmentally sensitive resource areas. Our opinion is that project grading activities for the proposed development on the steeply sloping portions of the property will require hillside grading techniques, as well as sediment and erosion control measures, in accordance with industry accepted Best Management Practices (BMP's).

4. In general, no major streams or drainage courses were identified within the limits of the proposed development. The South Fork Wolf Creek that passes through the Site is, and is proposed to remain, contained within a culvert that discharges downslope of the limits of the proposed development. Surface water runoff should be routed to rock-lined V-ditches or cross culverts, where possible, to reduce erosion from concentrated surface water flow.

5. Our primary concern regarding the subject site is the increased potential for erosion when grading is performed on relatively steep slopes. To mitigate the potential for erosion, grading operations on slopes exceeding 30 percent should not be performed when significant precipitation is likely to occur. The locally defined wet season begins on October 15 and ends on April 15 of the following year. Grading work at the Site may continue under fair weather conditions during the wet season, provided the following recommended hillside grading and sediment and erosion control measures are implemented.

6. We anticipate that a storm water pollution prevention plan (SWPPP) will be required for the project. The erosion and sediment control elements, as well as the monitoring requirements, of the SWPPP should be implemented to reduce the likelihood of storm water pollution.

7. Regardless of the erosion control measures in place, some erosion and sediment transport from the graded areas should be anticipated. Sedimentation basins or similar silt removal elements should be constructed to reduce the likelihood of sediment laden storm water from leaving the Site. It should be understood that periodic maintenance may be required to maintain and/or rebuild segments of improvements constructed on steep slopes due to future slope instabilities, erosion and mass wasting.

8. Our experience in the area has shown that slopes steeper than approximately 2:1, horizontal:vertical (H:V), can be difficult to successfully revegetate with standard seed and straw placement. The use of tackifiers, fiber emulsions, jute netting or permanent erosion control mats may be necessary on steeper slopes. If requested, we can provide further recommendations for such mitigation measures.

7.0 RECOMMENDATIONS

The following general geotechnical engineering recommendations are based on our understanding of the project as currently proposed, our observations of surface and subsurface conditions, our literature review, and our experience in the area.

7.1 CLEARING AND GRUBBING

Strip and remove organic surface soil containing shallow vegetation and any other deleterious materials. Vegetation and organic-rich topsoil may be suitable as a mulch but should generally not be used as engineered fill. The depth of stripping may vary across the Site. Vegetation, tree stumps and exposed root systems, and any other deleterious materials not used in landscape areas, should be removed from the Site or used in open space areas.

Overexcavate and remove loose debris and existing fill to underlying, competent material. Remove loose backfill from exploratory trenches, existing roadway fill, mantles or soil test pits, mining excavations, tree stump holes, and other disturbance features.

Remove all rocks greater than 8 inches in greatest dimension (oversized rock) from the top 12 inches of soil. Oversize rock (more than 8 inches in greatest dimension) should generally not be used as engineered fill but may be suitable for use as riprap for slope protection, stacked rock walls or in landscape areas.

7.2 PREPARATION FOR FILL PLACEMENT

Upon completion of site clearing, grubbing and overexcavation, exposed native soil in areas that will receive fill should be observed by a representative of NV5 prior to fill placement. Fill placed on slopes steeper than 5:1, H:V should be benched into the existing slope to allow placement of fill in thin horizontal lifts. Benches should be at least 10 feet wide and should extend a minimum of 2 feet into competent native soil or rock on the down slope edge, as determined by NV5 in the field.

7.3 FILL PLACEMENT

Fill should be placed according to the following guidelines:

Material used for fill construction should consist of uncontaminated, predominantly granular, non-expansive native soil or approved import soil. Imported fill material, if proposed, should be predominantly granular, non-expansive and free of deleterious or organic material. If imported material is selected, a representative sample should be submitted to NV5 for approval and laboratory analysis at least 72 hours prior to use as fill.

Rock used in fill should be no larger than 8 inches in diameter. Oversize rock (more than 8 inches in greatest dimension) should generally not be used as engineered fill but may be suitable for use as rip rap for slope protection, stacked rock walls or in landscape areas. If the fill is to be reinforced with geotextile fabric or geogrid, rock size may be further restricted in the area of fabric placement, as determined by NV5.

Fill should be uniformly moisture conditioned and placed in maximum 8-inch thick loose lifts (layers) prior to compacting. Fill should be compacted to at least 90 percent of the maximum dry density, and the upper 12 inches of fill in hardscape areas should be compacted to a minimum of 95 percent of the maximum dry density per ASTM D1557. The moisture content, density and relative compaction of fill should be evaluated by our firm during construction. Compaction tests area typically performed every 12 to 18 vertical inches of fill.

7.4 CUT/FILL SLOPE GRADING

Based on our observations of soil conditions on the Site, potential cut and fill slopes steeper than 2:1, H:V, will be subject to erosion and raveling and will require routine maintenance. Therefore, cut and fill slopes steeper than 2:1, H:V, are not recommended without the use of rock slope protection, geotextile reinforcement, or retaining walls, as discussed below.

Fill Slope Grading

Steeper fill slope gradients (up to 60° or approximately 2/3:1, H:V) would be feasible with incorporation of soil reinforced structures. Fill slope gradients steeper than 1:1, H:V, would likely require modular block facing or other permanent facing in addition to geotextile reinforcement. As an alternative to rock or block facing, a proprietary retaining system such as Maccaferri Terramesh or Tensar Sierra Scape may be appropriate. If requested, NV5 can provide design and/or consultation assistance in selection and design of cost effective alternative solutions.

Fill should be placed in horizontal lifts to the grades shown on the project plans. Slopes should be constructed by overbuilding the slope face with compacted fill and then cutting it back to the design slope gradient. Fill slopes should not be constructed or extended horizontally by placing soil on an existing slope face and/or compacted by track walking.

Benching must extend through loose surface soil into firm material, and be performed at intervals such that no loose soil is left beneath the fill. An equipment width bench should be made at least every 5 vertical feet. Actual bench intervals should be verified in the field by NV5 based on existing slope gradients.

Cut Slope Grading

Cut slopes steeper than 2:1, H:V, may be feasible with incorporation of rock slope protection, modular block facing or mechanically stabilized earth (MSE) structures. The retention of near-vertical cuts up to approximately six feet tall may be feasible using dry-stacked rock. Taller near-vertical cuts would likely require conventional retaining walls, MSE structures, or tieback systems. If requested, NV5 can provide design and/or consultation assistance in selection and design of cost effective alternative solutions.

7.5 SUBSURFACE DRAINAGE

We anticipate that seepage may be encountered during grading for proposed improvements onsite, particularly in deeper excavations and utility trenches or if grading is attempted during or immediately following the rainy season. We anticipate that dewatering may be possible by gravity or by installation of sump pumps in the excavation. Specific subsurface drainage recommendations can be provided as needed during construction.

7.6 SURFACE WATER DRAINAGE

Proper surface water drainage is important to the successful development of the project. Surface water drainage should not be directed over cut and fill slope faces. The intercepted water should be discharged into natural drainage courses. Ephemeral streams and drainage channels shall be kept clear, and allow surface water to drain.

Culverts should be installed where proposed grading crosses drainage channels and ephemeral streams to reduce the chances of erosion at these locations. Energy dissipaters, such as riprap or splash blocks, should be installed at the culvert inlets and outlets to mitigate erosion of the trail at these crossings.

If cross culverts are to be installed, general guidelines for culvert sizing and installation can be found in the Nevada County Land Use and Development Code, Chapter XVII, Article 5. We can provide specific recommendations on the design of these crossings if needed.

7.7 EROSION CONTROL DURING CONSTRUCTION

Existing vegetation should be preserved to the extent practical, and exposed soil should be protected from wind and water erosion. Graded portions of the Site should be seeded as soon as possible following grading to allow vegetation to become established prior to the rainy season. The following erosion control measures should be implemented for cut and fill slopes to reduce erosion.

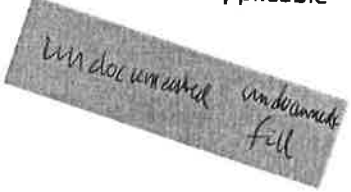
Best management practices (BMPs) should be implemented for erosion and sediment control. Typical BMPs, such as seeding, mulch, straw with jute netting, tackifiers, fiber rolls, silt fences, rock/log check dams and sediment traps, should be used during and after construction as needed to reduce erosion and retain sediment at the construction area.

The earthwork contractor should provide labor, materials, and equipment to maintain and protect exposed soil from wind and water erosion. If a storm is forecasted for the area, all exposed fill areas shall be sloped to drain and compacted with a smooth drum roller to facilitate runoff. All existing surface drainage facilities must be kept free of soil and debris during construction. The contractor should provide siltation control and management during construction. All temporary or constructed water conveyance channels should be kept free of sediment or debris at all times. Temporary erosion control should be applied within and adjacent to the boundary of the construction zone. At end of seasonal grading activities, the erosion control devices should remain functional and in place to provide erosion control protection into the winter.

7.8 GRADING PLAN REVIEW & CONSTRUCTION MONITORING

Construction quality assurance includes review of plans and specifications and performing construction monitoring as described below.

1. NV5 should be retained to review the final grading plans prior to construction to confirm our understanding of the project at the time of our investigation, to determine whether our recommendations have been implemented, and to provide additional and/or modified recommendations, if necessary.
2. We recommend holding a preconstruction site meeting with the client, general contractor and all subcontractors involved with site grading, underground utility, and foundation construction to review and discuss the geotechnical related aspects of the project and establish a protocol for addressing geotechnical issues during construction of the project.
3. NV5 should be retained to perform construction quality assurance (CQA) monitoring of all earthwork grading performed by the contractor to determine whether our recommendations have been implemented, and if necessary, provide additional and/or modified recommendations. Special inspection and testing services should be requested by the owner or project general contractor, as required by the Structural Engineer and requirements of the local applicable building code.



8.0 LIMITATIONS

Our professional services were performed consistent with the generally accepted geotechnical engineering principles and practices employed in northern California. No warranty, expressed or implied, is made or intended in connection with our work.

Pre-existing soil conditions and/or substandard construction may cause future drainage issues at the Site. We can assume no responsibility for the future performance of trail or drainage improvements.

Our scope of services did not include an evaluation of the Site for the presence of hazardous materials. Although we did not observe the presence of hazardous materials at the time of our field investigation, all project personnel should be careful and take the necessary precautions should hazardous materials be encountered during construction.

These services were performed consistent with NV5's agreement with our client. We are not responsible for the impacts of any changes in standards, practices, or regulations subsequent to performance of our services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report. This report is solely for the use of our client unless noted otherwise. Any reliance on this report by a third party is at the party's sole risk.

The findings of this report are valid as of the present date. Changes in the conditions of the property can occur with the passage of time. The changes may be due to natural processes or to the works of man, on the subject site or adjacent properties. If changes are made to the nature or design of the project as described in this report, then the conclusions and recommendations presented in this report should be considered invalid by all parties. Only our firm can determine the validity of the conclusions and recommendations presented in this report. Therefore, we should be allowed to review all project changes and prepare written responses with regards to their impacts on our conclusions and recommendations. The recommendations presented in this report should not be relied upon after a period of two years from the issue date without our review.

find place where RISE PROVIDES (NFS)?

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April 4, 2022

Nevada County Planning Department
Attention Matt Kelley, Senior Planner
950 Maidu Ave, Suite 170
Nevada City, CA 95959

Via Email: matt.kelley@co.nevada.ca.us; idaho.mmeir@co.nevada.ca.us

Re: Comments on the Draft Environmental Impact Report, Idaho-Maryland Mine Project

Dear Nevada County Planning Department:

I am a 23-year resident of Nevada County, and hereby respectfully submit these comments on the Draft Environmental Impact Report ("DEIR") for the proposed re-opening of the Idaho-Maryland Mine ("Project" or "Mine"). The DEIR is deficient in countless ways. The DEIR's analysis of the Project's impacts on water quality and quantity – particularly in the midst of the worst drought in this area in 1200 years, *see* https://www.nature.com/articles/s41558-022-01290-z and https://www.nytimes.com/2022/04/04/opinion/environment/california-drought-wildfires.html -- is woefully inadequate. The same is true for the impacts on air quality and public health, environmental hazards and hazardous materials, waste management, seismic hazards, greenhouse gas emissions, biological and aquatic resources, aesthetics, traffic, and noise pollution, among many other issues. The DEIR's proposed mitigation measures for all these impacts are wholly inadequate. The DEIR's overwhelming deficits have been documented by others in extensive comments, specifically including those of the Community Environmental Advocates, which I incorporate by this reference as if fully set forth herein.

As a lawyer with more than 30 years of experience representing Indian tribes in California, I will focus my comments on the DEIR's insufficiency with respect to the Nevada City Rancheria Nisenan Tribe ("Tribe"). The Project proponent and the County's environmental consultant failed entirely to consult with the Tribe. The Tribe recently was added to the California Native American Heritage Commission's Tribal Consultation List and is therefore entitled to meaningful consultation as a matter of State law, including SB 18, AB 52, and provisions of the California Environmental Quality Act ("CEQA"). *See, e.g.*, Cal. Pub. Res. Code §§ 21074, 21080-21084; Governor's Office of Planning and Research, *Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA* (June 2017) (available at https://www.google.com/search?q=CEQA+consultation+requirements&client=firefox-b-1-

d&channel=tus5&ei=0EFLYpWFHdqgkPIPpM2c-AM&ved=0ahUKEwiVrf2njfv2AhVaEEQIHaQmBz8Q4dUDCA0&uact=5&oq=CEQA+consultation+requirements&gs_lcp=Cgdnd3Mtd2l6EAM6BAgAEEdKBAhBGABKBAhGGABQ-QVYkQxgrQ9oAHACeACAAVqIAawBkgEBMpgBAKABAcgBCMABAQ&sclient=gws-wiz). The DEIR recites that its authors sought to contact the Tribe, but that half-hearted, feeble effort fails to meet CEQA's requirements, policies, or purposes requiring ***meaningful*** consultation. Indeed, the DEIR's Ethnographic Overview ***fails to even acknowledge the present-day existence of the Tribe and its members***. *See* DEIR p. 4.5-2. In fact, the Nisenan people have existed here since time immemorial, and this century has seen a revitalization of the Tribe's governmental and cultural activities. *See* https://www.nevadacityrancheria.org/.

The Legislature provided in Assembly Bill 52 that:

"In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the Legislature, in enacting this act, to accomplish all of the following: (1) Recognize that California Native American prehistoric, ***historic***, archaeological, cultural, and sacred places are ***essential elements in tribal cultural traditions, heritages, and identities***. (2) Establish a new category of resources in the California Environmental Quality Act called "tribal cultural resources" that considers the ***tribal cultural values*** in addition to the scientific and archaeological values when determining impacts and mitigation. (3) Establish examples of mitigation measures for tribal cultural resources that uphold the ***existing mitigation preference for historical and archaeological resources of preservation in place***, if feasible. (4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a sufficient degree of analysis, ***tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects*** that may have a significant impact on those resources. (5) In recognition of their governmental status, establish a ***meaningful consultation*** process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental Quality Act environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency. (6) Recognize the ***unique history of California Native American tribes*** and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to the California Environmental Quality Act (Division 13 (commencing with § 21000) of the Public Resources Code). (7) Ensure that local and ***tribal governments***, public agencies, and project proponents ***have information available, early in the California Environmental Quality Act environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources*** and to reduce the potential for

> delay and conflicts in the environmental review process. (8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources. (9) Establish that a substantial ***adverse change to a tribal cultural resource has a significant effect on the environment.***"

AB 52, § 1 (Gatto, 2014) (emphasis added). Nevertheless, ***without any Tribal consultation whatsoever***, the DEIR simply concludes that "Tribal Cultural Resources were not identified for the project site." DEIR p. 4.5-11.

The utter lack of Tribal consultation also fails to meet the promises the County made to the Tribe in Resolution No. 20-533 "recognizing the Nevada City Rancheria Nisenan Tribe's historical, cultural and continued significance to Nevada County and California ...." *Id.* In that Resolution, the County recognized that gold mining here led to "the displacement of the Tribe and its members." *Id.* The County also acknowledged the "Tribe's continuous existence as an indigenous tribe in Nevada County, and further recognizes the Tribe's historical, cultural and continued significance to Nevada County and California." The County also "supports ***future collaboration and agreement between the County and the Tribe*** that strengthen each of their governments, for their mutual benefit and to ***ensure that local land use impacts on tribal and county governments, including their citizenry, services, lands, and infrastructure, are maintained and mitigated for the benefit of all.***" *Id.* (emphasis added).

The DEIR fails entirely to assess the Mine's impacts – historical, present, and future -- on the Tribe, its members, its ancestral lands, and its cultural resources. It fails to assess the theft of Tribal water resources and ancestral lands, the loss of hunting and gathering grounds, and impacts on Tribal cultural resources caused by the Mine and that will be perpetuated by the Mine's proposed re-opening. Moreover, the DEIR fails to assess the Mine's impacts in causing and perpetuating the genocide against the Tribe and its members, as well as the related impacts of the proposed Mine re-opening, including the badges and incidents of the genocide and its lingering intergenerational trauma. There are no mitigation measures proposed to compensate the Tribe for the genocide and its continuing impacts on the Tribe, its members, its lands, and its cultural resources. Indeed, as noted in the U.S. National Archives and Records Administration, California's gold rush was in significant part responsible for the failure to ratify the California Indian treaties, including the Camp Union Treaty of 1851, to which the Tribe's ancestral leader was a signatory. *See* L. Miller, *The Secret Treaties with California Indians*, https://www.archives.gov/files/publications/prologue/2013/fall-winter/treaties.pdf ("in the wake of the gold rush, white Californians strongly objected to the treaties"). The Mine is responsible for the theft of the Tribe' ancestral lands, and the proposal to re-open it must include mitigation for that calamitous impact.

The DEIR lacks the information and analysis required to identify all the Mine's potentially significant impacts on the Tribe, its members, and its ancestral homelands, and its cultural resources. As noted by other commentors, the DEIR also lacks an accurate Project description, relies on an incomplete baseline for evaluating the Project's environmental impacts, lacks data and analyses needed to make informed determinations, underestimates or omits impacts and fails to provide effective and feasible mitigation measures.

The DEIR fails to satisfy CEQA's requirements. It also fails to meet the County's obligations to the Tribe undertaken in Resolution No. 20-533. The Tribe has the right under State and County law to be fully and meaningfully consulted on the Project. The DEIR must at a minimum be revised accordingly and recirculated, with a full analysis of the Mine's impacts on the Tribe, its members, its ancestral lands, and its Tribal cultural resources. The revised DEIR must propose meaningful mitigation for the badges and incidents of the genocide, the theft of Tribal ancestral lands, the theft and destruction of Tribal natural and cultural resources, and the destruction of the Tribe's traditional way of life.

Sincerely,

Frank Lawrence, Esq.