



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.

California Department of Parks and Recreation comments on the proposed Idaho-Maryland Mine Project
Final Environmental Impact Report State Clearinghouse #2020070378
and the Nevada County Planning Commission Staff Report dated 04-25-2023

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.

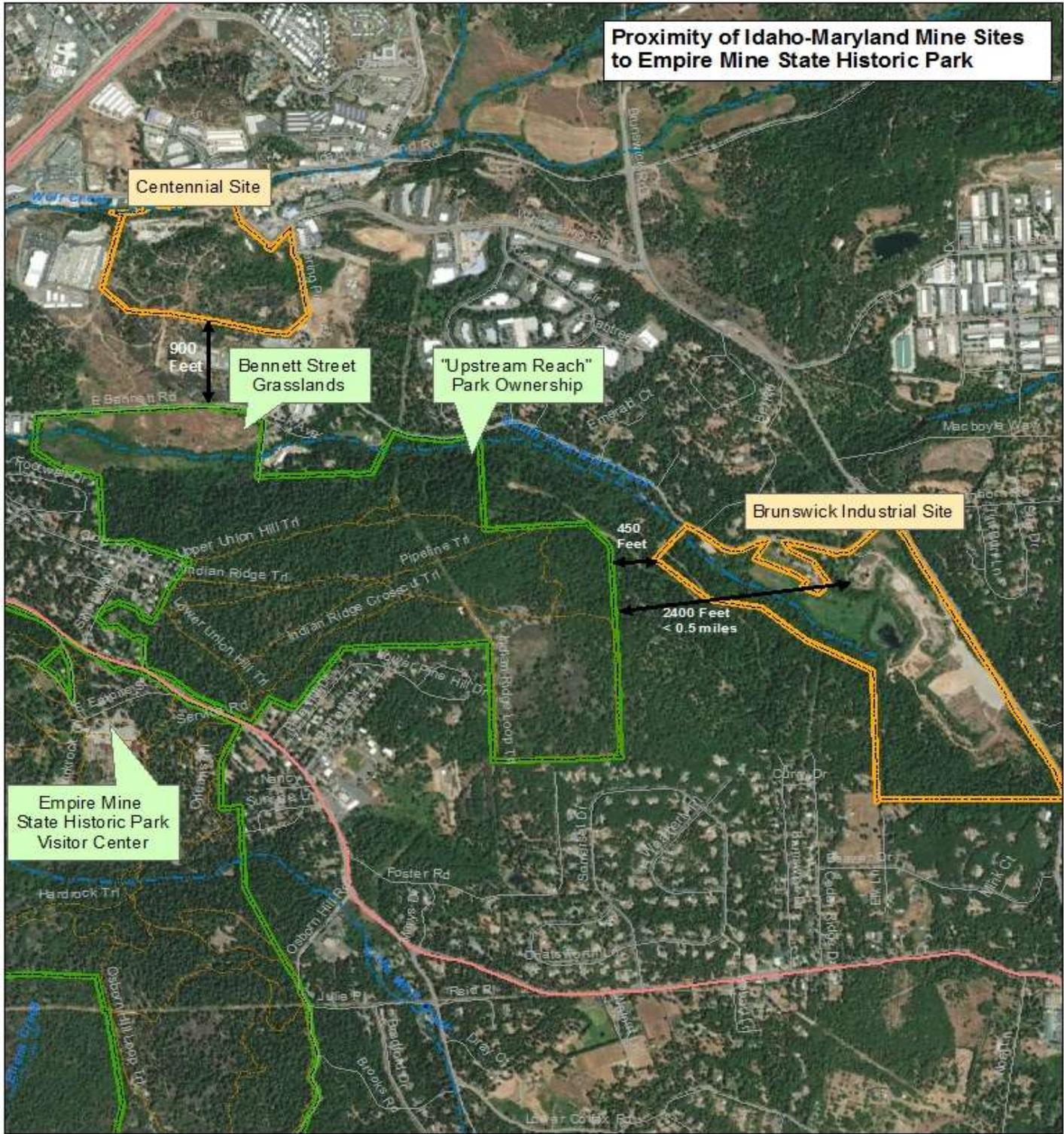
If any of our comments need clarification, please do not hesitate to contact Parks Environmental Scientist Daniel Lubin at dan.lubin@parks.ca.gov or at (530) 272-0298.

Sincerely,

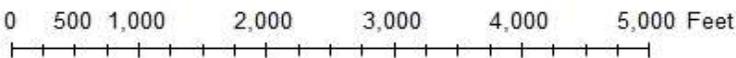
A handwritten signature in black ink, appearing to read "Dan Lubin". The signature is fluid and cursive, with a large initial "D" and a stylized "L".

Daniel Lubin, Environmental Scientist
Sierra District of California State Parks

California Department of Parks and Recreation comments on the proposed Idaho-Maryland Mine Project
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Proximity of Idaho-Maryland Mine Sites to Empire Mine State Historic Park



March 2022

