

# WELLS COALITION



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May 10, 2023

## **Subject: Protection for Well Owners in the Final EIR for the Idaho-Maryland Mine is Unacceptable**

Good morning/afternoon. My name is Christy Hubbard and I live in District 3. I'm speaking on behalf of the Wells Coalition, a group of well owners and residents near the Idaho-Maryland Mine. Our purpose is to protect our only source of water, our wells.

Today, I am here to present a group letter signed by the very people who have the most to lose if this project is approved. It's signed by over 200 well owners and represents 125 properties, the vast majority of which are within roughly ½ mile of the mine's mineral rights area.

This letter asks that the County REJECT the FEIR and VOTE NO on the project. Huge risks are not being addressed, making this project completely unacceptable for well owners in the area.

The Final EIR asserts that stronger mitigations and/or financial assurances are *"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 just too high to get this wrong. A review of the County's Economic Impact Report revealed this project is unprecedented in its proximity to so many homes [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.

In comments from other Wells Coalition members today you'll be hearing how this alarmingly inadequate FEIR lacks the baseline data needed to make the mitigations compliant with CEQA. This FEIR provides no procedure, no funding guarantees, and no independent oversight of the means by which the replacement of a permanent water source could be provided in a timely fashion for well owners beyond 30 homes. Nor does it provide a mechanism by which we can concretely say whether or not a well has been impacted by mine dewatering. Without such information there is no way to hold the mine accountable.

I'm wrapping up here and will be leaving copies of our letter with the clerk. In addition, for your final consideration, we're providing a map showing where our well owners live as well as an at-a-glance handout comparing the FEIR's claims versus the long list of gaps in protections for well owners.

Our final message is simple. Please REJECT the FEIR and VOTE NO on the project. This project is completely unacceptable for well owners in the area.

Thank you.

Christy Hubbard  
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Grass Valley, CA 95945



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**DRAFT**

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**Subject: IMM FEIR Provides No Current Well Baseline Data and the Domestic Well Monitoring Program is Too Little, Too Late, and Too Short**

Good morning/afternoon. My name is Linda Lanzoni. I live in District 3 and I am speaking on behalf of the Wells Coalition. My home is among the 378 properties that qualify for the Domestic Well Monitoring program described in the FEIR.

I am here today to ask you to deny this project and NOT certify an FEIR that throws well owners like me under the bus.

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

Current well performance data is key to establishing water quality and determining when a well has gone down – or doesn't recharge quickly enough. It is also the lynchpin in determining what "threshold" should be used to determine whether an impact is "significant". Legal and hydrology experts call the FEIR's choice of a 10% drawdown in water level arbitrary and invalid. [1]

The Final EIR's addition of a Domestic Well Monitoring Program for 378 properties is a feeble attempt to address the missing baseline data, but it does little to ease my concerns, or the well owners who were excluded from the program because they live in NID-served areas.

The program is too little, too late, and too short. It is included as a condition of approval, but it is not a mitigation.

Instead of following CEQA and collecting data before evaluating the project, this program promises data *after* the project is approved. It won't collect the well performance data the County needs. Monitoring is scheduled for only 12 months and takes just one water quality sample, which doesn't account for seasonal or year-over-year variations. Experts who commented on the DEIR tell us a minimum of three years are needed to collect valid water quantity data and water quality should be tested at least twice a year. The program also expires five years after dewatering, which provides no protection for accidents that could occur in future years as the mine operation expands. [2]

The bottom line is that well owners are being told to trust that nothing will go wrong with their water supply for 80 years based on assumptions and speculation. This FEIR compounds this uncertainty with a dizzying array of feeble mitigations and "peace of mind" programs stitched together with vaguely worded promises.

I respectfully request you Just Say NO to the Final EIR. It completely fails to protect well owners like me.

Thank you.

Linda Lanzoni  
14149 Christopher Robin Way  
(530)263-6696  
Linda@StarshineRanch.org

[1] IMM FEIR Volume I, Page 2-811, Grp 21-26 (p884), Shute, Mihaly & Weinberger LLP

[2] Text of March 23, 2023 (attached)

## **Footnote 2 - Steve Baker Email dated March 23, 2023**

**From:** Steve Baker <water@operationunite.co>  
**Sent:** Thursday, March 23, 2023 11:38 AM  
**To:** hubbard714@comcast.net  
**Cc:** 'GARY PIERAZZI' <pierazzi@pacbell.net>  
**Subject:** Re: Statement about Well Monitoring

Christy,

Groundwater monitoring is key to identifying, in real time, aquifer and well impairments during mine operation. Monitoring will require, at a minimum, three to five years to begin to understand the well vulnerabilities associated with domestic groundwater wells before mine dewatering begins and continue this groundwater monitoring program throughout the life of the mine plus five additional years after the mine operation has terminated. Ultimately, groundwater monitoring data will be used to identify groundwater and wells influenced by the mine operation. Criteria for making this decision and the analysis of data must be completed by an unbiased group or person not associated with Rise Gold Mine, the County and the well owners.

The above recommended monitoring is reasonable, feasible, and economic with respect to the risks and liabilities associated with developing a gold mine under domestic groundwater supplies.

1. Develop a domestic groundwater network at residential properties that the current EIR suggests and additional domestic wells according a qualitative rating based on the location, depth, geology, well completion, productive fracture depths, proximity and/or association to all projected mine workings during the life of the project, surface water and water diversion locations.
2. Complete an aquifer pumping test for quantifying the well's sustained pumping rate (before first rain of the subsequent water year (October)).
3. Collect and analyze groundwater samples in April and October before the project begins and during all mining activities thereafter (as defined by the schedule for mine working expansion and well location depth).
4. Document pre-groundwater level behavior at a high temporal resolution. Continue groundwater level monitoring during all mining activities.

The above recommendation has been developed from a ten-year domestic groundwater study completed between 2006 and 2016, a demonstration property that has incorporated this approach to their community groundwater management program and land developers in rural residential areas.

If you have questions, please contact me.

Stephen J. Baker  
Hydrogeologist (California Certified Hydrogeologist 181)  
California Registered Geologist (No. 4354)  
530-205-6388  
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Steve Baker also commented on the DEIR:  
IMM FEIR Volume I, Page 2-8199 (p8285)  
IMM FEIR Volume I, Pages 2-7658, (p7743)



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**Subject: Final EIR for IMM does not meet requirement for comparable water supply**

My name is Bob Hubbard. I live in District 3 and I am a member of the Wells Coalition.

Regarding the FEIR and protections for wells, Nevada County's General Plan Policy 17.12 states "The County shall require the operator to **guarantee a comparable supply of water.**"

**The only "comparable" supply of water if we lose our wells is NID service.** Any other option, such as the trucked-in water or storage tanks the FEIR describes, would be a burden on property owners and severely devalue our properties.

One of the mitigations in the Well Mitigation Plan states it "**could** include an extension of NID potable water" to any wells that may be impacted. That's a big promise, with no evidence or study that it is even feasible. Therefore, the FEIR fails to meet both CEQA and General Plan Policy in that it does not demonstrate **how** or **if** the Applicant could **feasibly** provide NID service to impacted wells. This alarms me, as **my well is essential** for my home to be livable and also in maintaining its value.

Other than the 30 Designated wells along East Bennett Rd.

**THIS FEIR PROVIDES NO FEASIBLE MITIGATION MEASURE FOR CONNECTING IMPACTED WELLS TO NID WATER SERVICE.**

That means:

- No additional wells identified as needing mitigation
- No water supply assessment by NID
- No infrastructure design plans in place

- No permitting, acquiring easements, or rights-of-way
- No timetable
- No enforceable remedy for impacted well owners

But most importantly:

No financial assurances for design construction and bringing service to impacted well owners. NID has asked for a \$14 million dollar bond but the FEIR dismisses the request, stating “A bond for construction of water supply infrastructure in this area is not necessary”.<sup>[2]</sup>, The FEIR ignores the risk to our wells from pumping over a million gallons a day from the mine, for the life of the project.

Where is the “guarantee” that the General Plan policy requires? Where is the proof of feasibility that CEQA requires? If the mitigation is not feasible, it is **not an enforceable remedy for impacted well owners**. If you look at the language in the FEIR, you’ll see that it points to the County General plan and its requirement to protect well owners, but it **fails to even discuss how the Applicant would or could guarantee those protections with NID connections beyond 30 properties**.

We as homeowners purchase homeowners insurance to guarantee protection for one of our most valuable assets, our home – but the cost of replacing a well with an NID connection is not covered. We call on the County NOT to certify this FEIR. It does not include meaningful, enforceable mitigations that protect all well owners in the vicinity of the Idaho-Maryland Mine.

Thank you

Bob Hubbard  
12966 Mink Court  
Grass Valley, CA 95945

Footnotes

[1] Nevada County General Plan 17.12

[2] Idaho-Maryland Mine Project FEIR Vol I pg 409



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**Subject: Promises to Fix Wells or Provide Water Trucks Won't Cut It**

My name is Jill Shoemaker. I live in District 3, on Lower Colfax Road. I am a member of the Wells Coalition.

The nearly 2600 acres of mineral rights, where mining operations can come within 200 feet of the surface, extends into my neighborhood. In fact the boundary runs along the East side of my property. While neighbors around me are included in the FEIR's Domestic Well MONITORING Program – I am NOT. That means Rise will not be collecting any baseline data for my well. So, MY only protection is the Well MITIGATION plan in the FEIR, which fails to hold Rise Gold accountable.

The FEIR's MOST CONCRETE PROMISE to impacted wells 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..." REALLY? This language does NOT hold the operator accountable for any timeframes – for FIXING wells – or providing a PERMANENT water supply REPLACEMENT.

In fact ALL decisions about fixing wells or replacing water are left solely up to the MINE OPERATOR. And Rise would take action ONLY if the 15 monitored well locations in the official GROUNDWATER Monitoring Program flag an impact. It makes NO commitment to use the data from the 378 wells in DOMESTIC WELL Monitoring Program to flag an impact! So, even if my neighbor's MONITORED well has a problem, Rise has no commitment to use that information to act!

And 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 MUST be required. This committee would determine impacts to well owners, resolve disputes, provide professional analysis of monitored data, assure timely execution of mitigations, and administer fines or corrective notices. Both the 1996 Emperor Gold and 2008 EmGold mining proposals INCLUDED forms of independent oversight. This FEIR offers NOTHING but oversight by Rise.

I'm concerned about the risk to my well and those of my neighbors. We've been told that our property values have already likely declined just on the POSSIBILITY of the mine, and that should we try to sell today, the risks of the mine must be disclosed. We are already challenged with storm recovery,



increased wildfire risk, and home insurance non-renewals. Are we really going add an unnecessary, unfixable risk to our wells and property values to this list?

I respectfully request that you Just Say NO to the Final EIR. It is not in line with Nevada County General Plan Policy 17.12. It completely fails to provide adequate accountability, or any viable plan for mitigation for well owners at risk.

(My neighbors and I) thank you.

Jill Shoemaker  
Lower Colfax Road  
Grass Valley, CA 95945



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**Subject: Final EIR for IMM NID Connection Plans not Feasible**

Good afternoon. My name is Eric Gibbons. I live in District 3.

I'm speaking on behalf of Daniel Ketcham of Grass Valley who could not be here today. Mr. Ketcham is a Sr. Right of Way Professional, Sr. Residential Appraiser and a designated Member of the Appraisal Institute & International Right of Way Association, who has done extensive consulting regarding easements and right of way for NID. Both Daniel and I are members of the Wells Coalition.

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

The FEIR commits to providing NID connections to 30 properties along East Bennett Road – and more generally “any other impacted wells” – but denies the need for financial assurances or plans for connecting to NID. And yet, the proposed connections to the 30 properties are not feasible as written. I'd like to take a moment to help you understand the complexity, which coincidentally serves as a cautionary take for the hundreds of other wells in the area.

According to NID water service regulations, section 10.09, water connections to NID must front on an NID water main. If you review the East Bennett Rd parcel maps in the FEIR, you will find there are at approximately 15-20 of the 30 identified parcels that do not front on East Bennett Rd.

All parcels without the required frontage must petition NID to obtain a variance, with no guarantee that a variance will be approved.

Additionally, all meters are set at the street. Each property owner must extend a private service pipeline from the meter to their property. This presents two serious issues: 1) Some parcels have a significant elevation gain from the meter to their home, which may require a pump to ensure sufficient water pressure. A pipeline and pump require installation and the pump consumes electricity. None of these issues and associated costs are considered in the FEIR.

And 2) These private service pipelines may require easements along roads or across neighboring properties, many of which may not exist at this time. NID requires legal access be demonstrated and there is no guarantee the required easements will be granted.

Think about how these issues would play out for the other 378 properties identified in the FEIR in its domestic well monitoring program. Or the well owners who weren't even included on that list.

The FEIR fails to address these serious limitations or associated costs of proposed NID water service and assumes that NID water line extensions are physically and legally feasible.

I respectfully request you JUST SAY NO to the Final EIR.

Thank you.

Eric Gibbons  
12640 Beaver Drive  
Grass Valley, CA 95945



May 10, 2023

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**Subject: 20 Years Protecting My Well From The Mine**

Good morning Commissioners,

My name is Gary Pierazzi. I live at 13997 Emerald Ct in Grass Valley.  
I am also a member of the Wells Coalition.

My house is located within the Idaho-Maryland Mine mineral rights area.  
I moved to Grass Valley in 1990 and 6 months later Emperor Gold began their attempt to reopen the mine. That process was drawn out over about 9 years. Then, around 2001 Emgold began its attempt to reopen the Mine, a process that lasted 7 years, ending in 2008. Around 2018 Rise Gold began its attempt to reopen the mine, a process that has taken about 5 years to get us to the point we are at today.

**Of those last 30 years, I have spent 20 of them confronting the mine.**

On these 3 project proposals, I have spent hundreds and hundreds of hours fighting for protection of our wells, as have so many others in our community. We don't want to have to relive this constant burden of protecting our wells from the Mine.

I'm here today to ask the Planning Commission to VOTE NO on the project and also REJECT the FEIR.

What purpose would it serve to deny the permit but Certify the EIR?

The bottom line for well owners is that this EIR does not afford us protection. NID, the expert agency on water sufficiency for the County requested a bond to protect well owners from impacts due to dewatering the mine, but this EIR dismissed their request as "not needed", so we're not protected.

Certifying this EIR, I believe, will come back to bite us and **we'll have to start this whole process all over again, for a fourth time!** Corporations with gold fever will undoubtedly come knocking on Nevada County's door again, and when they do, a precedent will have been set

with this EIR, that doesn't include a guarantee of NID for impacted wells, leaving us, yet again, with the burden of pleading with the County to protect our wells.

To paraphrase Mark Twain, "It's much easier to stay out of trouble than it is to get out of trouble." By Certifying this EIR, the County is inviting more trouble for the community and itself.

Because of the overwhelming evidence that this EIR ignores, and all its inadequacies, I ask, again, for the Planning Commission to VOTE NO on the project and also REJECT the FEIR.

Thank you

Gary Pierazzi  
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Grass Valley, CA 95945