



[wells@cea-nc.org](mailto:wells@cea-nc.org)

March 22, 2023

Nevada Irrigation District Board of Directors  
1036 W. Main Street  
Grass Valley, CA 94945  
[admindepartment@nidwater.com](mailto:admindepartment@nidwater.com)

**Subject: Idaho-Maryland Mine Final EIR's Dismissal of NID Requests**

Good morning. My name is Christy Hubbard. I live in NID Division 2 and I am representing the Wells Coalition, a group of citizens in the vicinity of the Idaho-Maryland Mine determined to protect our only source of water, our wells.

First, we want to sincerely thank NID for taking bold action with its comments on the Draft EIR for the mine. Because of your action, the Final EIR references the issues that you've identified. And yet, seeing the responses, we believe the County has failed NID. And they've failed us too. Huge risks still aren't being addressed.

We were alarmed to discover how many of NID's comments were simply dismissed out of hand and disappointed time and again that it didn't fully address your requests. For example:

- NID asked for a \$14M bond (Agency 10.10). The County dismissed it, insisting NID needs nothing. At the same time, the area of potential impact was expanded to 378 parcels within the "1' drawdown isopleth" – suggesting that even more money is needed.
- You asked for a Domestic Well Monitoring Program (DWMP) including collection of baseline data (Agency 10.5, 10.7). The Final EIR gave you a program with no teeth and a limited timeframe that won't give you the data you need. It's included as a condition of approval but is NOT a mitigation.
- NID also asked for a commitment to supply water to wells beyond the 30 parcels proposed for NID connections (Agency 10.9). The Final EIR gives lip service to fixing wells beyond the 30, but that's only if Rise identifies an impact – and then providing potable water only if Rise thinks it's necessary. Think water trucks.

The profound gap is that there are NO plans for fixing permanent well damage with a connection to NID. No Water Supply Assessment for expanded parcels. No requirements to obtain and pay for permits or easements. And in a complete misunderstanding of the complexity and time frames involved in connecting to NID service, they characterize the Loma Rica District Waterline Extension as an example of a project that took just 3 months.

In short, they are not addressing NIDs very valid concerns. We're here today to ask you to review the County's response to NID's comments in the Final EIR and prepare new comments about things that aren't acceptable to you. Consider creating your own recommendations for Conditions of Approval to make sure NID's needs are met because the Final EIR will dictate water supply impacts for 80 years. To help, other Wells Coalition members will share more detailed perspectives next.

The County has failed us. Today, we need your help. The prospect of having NO plan for well failures elicits visions of community frustration that none of us even want to ponder. If it isn't fixed, you'll be seeing a lot more of us at future meetings.

Thank you for your time.

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[admindepartment@nidwater.com](mailto:admindepartment@nidwater.com)

**Subject: Denial of NID's Request for a \$14M Bond for the Idaho-Maryland Mine**

Good Morning,

My name is Gary Pierazzi. I live in NID Division 2 and I am a member of the Wells Coalition.

In your written comment to the County regarding the Idaho-Maryland Mine project DEIR, you asked that a \$14 million dollar bond be posted to guarantee NID infrastructure and service for 3 neighborhoods that could be impacted by dewatering the mine.

The FEIR dismissed your request by stating *"a bond for construction of water supply infrastructure in this area is not necessary because no significant impacts to domestic water wells are predicted."*

This is a speculation not supported by facts. And it could affect the water supply of hundreds of your constituents.

In Draft EIR comments, the Water Board demanded more test samples [1]; hydrology experts explained why models in fractured rock can't deliver 100% certainty [2]; and CEQA experts cried "foul" at the use of sparse patches of data from 15 years ago instead of building a current baseline to assess potential impacts [3]. Pumping over a million gallons a day from an area with hundreds of wells is unprecedented. Claiming "no risk" defies both science and common sense.

Other than the 30 connections along East Bennett Rd

**THERE IS NO MITIGATION PLAN IN THE FEIR FOR CONNECTING IMPACTED WELLS TO NID WATER SERVICE.**

That means:

- No additional wells identified as needing mitigation
- No water supply assessment
- No infrastructure design plans
- No permitting, acquiring easements, or rights-of-way
- No timeline

But most importantly, No financial assurances for design construction and bringing service to impacted well owners.

What kind of fantasy land is the County living in where they don't acknowledge any possibility of wells going dry or even require the applicant to post a bond as insurance and protection for well owners? This is reckless behavior.

The County is leaving it to the applicant, who knows nothing about water supply or infrastructure to dictate what is needed.

You are the sole surface water supplier, and the expert water agency, and still the County has dismissed your serious concerns. The FEIR is flawed and risks significant impacts and liability for both well owners and NID.

Also consider that the FEIR's domestic well monitoring program expands the area of potential impact beyond the 3 neighborhoods NID requested financial securities for. Will \$14 million be enough to also cover this expanded area?

NID needs to let the County know that they don't approve of this document as is and that a bond of a sufficient amount must be included in the FEIR as a condition of approval for the project. Without it, NID will be left holding the bag when constituents come begging for water.

Thank you.

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[1] FEIR Volume I, Page 2-61 (p134)

[2] Houmau Liu, hydrologist for Itasca, February 9, 2022 NID board of directors meeting.

[3] FEIR Volume I, Page 2-809, Grp 21-23 (p 882)

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## **Subject: Domestic Well Monitoring Program for the Idaho-Maryland Mine**

My name is Tony Lauria. I am a member of the Wells Coalition from NID Division 2. My comment is about the Final EIR's response to NID's requests for more extensive well monitoring - and a guarantee of potable water for impacted wells

The Domestic Well Monitoring Program attached to the Final EIR is little more than a band-aid. It doesn't fully address NID's requests and is NOT positioned as a mitigation. Its incredibly long list of shortcomings put both NID and well owners at serious risk.

There is no bond or plan for connecting to NID – which should be a showstopper all by itself. The Final EIR's most concrete promise is that potable water will be provided outside the East Bennett Road area if water supply is disrupted but fails to provide concrete timeline commitments.

Even more concerning, all decisions about fixing wells or replacing water are left solely up to Rise Gold, who would take action only if a completely separate set of 15 monitoring wells in the official Groundwater Monitoring Program flags an impact. The threshold for triggering that impact would be a 10% drawdown. Hydrology experts call the use of this threshold "arbitrary" [1]. And for homeowners with marginal wells, much smaller drawdowns may make their wells useless long before they get a call from Rise Gold.

The list of issues goes on.

The program won't collect the well performance data that NID needs. Monitoring is scheduled for only 12 months, which doesn't account for seasonal variations. Experts say a minimum of three years is needed to collect valid data [2]. The program also expires 5 years after dewatering, but that provides no protection for accidents that could occur in future years as the mine operation expands.

The Final EIRs selection of 378 properties defines an area of potential impact. It includes the Wood Rose and Beaver Drive neighborhoods as NID requested – but only some of the homes along Greenhorn Road in the mineral rights area. At the same time, it excludes properties in neighborhoods served by NID – denying both NID and those well owners the predictive benefits offered to others.

You, the NID Board, are in the best position to make this madness stop. We're asking for your help. Please submit comments on the Final EIR.

- Insist on a bond and NID connection plans.
- Demand 3 years of baseline data collection, not one.
- Insist the County create a separate oversight commission to resolve issues and manage timelines between the mine, homeowners, the County, and NID.

- Expand domestic well monitoring to all properties in the potentially impacted area.
- Demand domestic well monitoring for the life of the project and 5 years beyond.

Your help now can ensure NONE of us are left holding the bag.

Thank you.

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

[2] FEIR Volume I, Page 2-8199 (p8285), Pages 2-7658, (p7743) Steve Baker

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## **Subject: Final EIR for Idaho-Maryland Mine Contains Many Flaws**

My name is John Vaughan. I live in NID Division 2. I am a member of the Wells Coalition, and I'd like to give you my perspective on the Final EIR's (FEIR) responses to NID's comments for conditions of approval for the Idaho-Maryland Mine (Agency comment 10.5 and 10.9). I strongly urge you to comment on the FEIR.

The FEIR dismisses NID's request for a \$14 million dollar bond to cover the estimated cost of NID infrastructure in the Greenhorn, Woodrose and Beaver areas. The FEIR speculates that "...no significant impacts to domestic water wells are predicted in the Greenhorn, Woodrose, and Beaver areas." (Page 2-336) Yet, the response states these neighborhoods are now in the area of potential impact and this has amounted to 378 identified wells within this area. With the inclusion of the neighborhoods, the NID requirement for a \$14M bond is critical, especially given the FEIR dismisses the need for a bond and there is no plan to cover costs for NID expansion to these areas. In reality a catastrophic water loss event would require a bond much greater than this.

Additionally, I am greatly concerned that the proposed Groundwater Monitoring Plan (GMP) is inadequate to protect NID and the community that relies on the wells within the area of potential impact. Page 2-336 states that the GMP would provide early warning for potential well impacts and would allow the mine operator to replace water prior to impacts.

The FEIR states the Applicant would, "provide replacement water prior to impacts, or to slow or halt dewatering to prevent any impact prior to water supply being connected." The phrase "prior to water supply being connected" is vague but we believe refers to NID services and cites an example that implies NID services could be provided quickly and easily.

This is a flawed analysis at best. It assumes that the impacts of dewatering on the fractured bedrock aquifer would show up in monitoring wells in time to avoid any subsequent impacts to wells. However, it fails to acknowledge the probable delay in detection of well impacts that are likely to result from mine dewatering.

Lastly, the FEIR provides no procedure, no funding guarantees, and no independent oversight of the means by which the replacement water could be provided in a timely fashion. Ultimately, the GMP 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 NID services.

We are outraged that the FEIR would not include NID's recommendations and believe it is inadequate as a result. We strongly urge you to comment on the Final EIR explaining the reasons why dismissing your recommendations is unacceptable.

Thank you.

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**Subject: Idaho-Maryland Mine's Final EIR Leaves NID holding the bag**

Good morning, Board members, my name is Jillian Blanchard and I'm located in Division 3. Like others, I want to sincerely thank you for speaking the truth to the County about the likely impact this project will have on wells and water supply. I'm a natural resources attorney and used to work at the San Francisco Public Utilities Commission on their infrastructure, so I know well what you have to go through to make new water connections - and the idea of making somewhere between 30- 378 new connections would terrify me. You need to get easements, design and build infrastructure to code, and obtain necessary approvals to make permanent connections. All of this takes time, money, and expertise - none of which is being offered by either Rise Gold or the County in the FEIR.

You asked for a \$14M Bond to cover these costs - the County denied it.

You highlighted the need for easements and infrastructure; the County ignored your expertise and instead supplanted their quick fix along Whispering Pines for the 30 wells without any review, design, or confirmation that such plans would work.

You knew that the likely impact would reach far more than 30 wells and that groundwater analysis is one of the most uncertain arts there is. The County ignored your pleas for more baseline data and more mitigation for well impacts. Instead, they created a flimsy well monitoring plan after the project takes place - that's neither a baseline or a mitigation. It's basically a plan to ask for forgiveness later with no remedy. And NID will be left holding the bag.

You, NID, are going to be responsible for...

1. Making sure the applicant designs new construction to NID's specs and has sufficient easement rights in place, design in ADVANCE of any dewatering - because you have to operate and maintain whatever they build.
2. Providing water to the 30 well owners and hearing their complaints when there are connection delays when the applicant drops the ball.

You understand all of this and voiced those concerns in a comment letter on the draft EIR, but the County just called the concern 'speculative' and ignored it. We expect more from our elected officials and we're asking you - as the elected experts on water supply to hold the County accountable.

Your concerns are this community's concerns. But you have a louder voice and probably even more at stake in terms of cost and liability. If we don't address these issues now, I can easily see a future where citizens will be coming to every NID meeting - saying "where is my water?". We urge you to submit formal comments on the FEIR including the information the wells coalition has provided to you in writing to make sure the County properly addresses your concerns. None of us can afford for NID to stay silent.

Jillian Blanchard

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**Subject: Wells Coalition Summary of Key Requests for NID**

Good Morning,

My name is Bob Hubbard. I live in NID Division 2, and I am a member of the Wells Coalition.

Now that you've heard from a few of us, I'd like to take a moment to summarize the actions we hope NID will take as a result of our comments.

Please don't let this seriously flawed Final EIR stand. We hope you will respond with renewed demands. Rise Gold must meet the conditions NID knows are needed to safeguard this community and its water supply. Consider writing your own Conditions of Approval to make sure your demands are exceptionally clear – because the Final EIR will dictate water supply impacts for 80 years!

To help you with that work, we've prepared a document for your staff that includes two things. The first part is a summary of our key recommendations. The second is a draft of a comment letter that NID might write - with our suggested replies to the County's FEIR responses.

There's plenty in there for your staff to consider, but to wrap things up for today, here's a quick summary of the top actions we recommend.

- Insist on the \$14 bond at a minimum - and consider asking for more given the expanded area of potential impact identified in the FEIR's domestic well monitoring program.
- Require a comprehensive plan for connecting to NID beyond the 30 properties - taking into account a water assessment, easements, permitting, rights-of-way, timelines, and so on.
- Require the installation of pipeline to the property lines of parcels in the potential area of impact before dewatering. Trying to do this later, under crisis conditions, is simply an invitation to total chaos.
- Endorse the need for at least 3 years of baseline data collection and ask for a recalibration of the impact area once you have that data.
- Expand domestic well monitoring to all properties in the potentially impacted area, including homes in NID-served neighborhoods.
- Support the need for domestic well monitoring continuously until 5 years beyond cessation of mining, since expansion of mining potentially expands drawdown.

And an especially important one...

- Endorse the need for a separate oversight committee or commission authorized to make determinations of impact on 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.

The County has failed NID. Failed well owners. And failed everyone that relies on NID for water. The risks posed by this outrageously inadequate FEIR simply can't stand. As the expert agency in the County, your voice really is louder than ours. Please Submit comments on the record to make sure the County does the right thing to protect us all.

Thank you.

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# **Wells Coalition Recommendations for Nevada Irrigation District Re: Final EIR for the Idaho-Maryland Mine**

March 22, 2023

The Wells Coalition respectfully submits the following suggestions for consideration in NID's response to the Final EIR.

## **Part 1 - Wells Coalition Key Suggestions - Summarized**

### **Bonding**

- Insist on the \$14 bond at a minimum.
- Consider increasing the bond to cover the full area of potential impact, e.g., the 378 properties in the domestic well monitoring program plus a buffer zone, and also include comparable properties in NID-served neighborhoods.

### **NID Connections**

- Ensure the pipeline plan for service to the 30 properties meets NID requirements
- State that mine should pay the costs of the complete water bill for the 30 properties, including the costs of double-check valve fees if the homeowner retains their well and fees beyond Grass Valley annexation.
- Require a comprehensive plan for connecting to NID beyond the 30 properties - taking into account a water assessment, easements, permitting, rights-of-way, timelines, and so on
- Require the installation of pipeline up to the property lines in the full area of potential impact (including Greenhorn, Wood Rose, and Beaver Dr) before dewatering.

### **Baseline Data Collection**

- Endorse the need for at least 3 years of baseline data collection, not one.
- Endorse the need for a recalibration of the "area of potential impact" analysis in the groundwater model after 3 years of well monitoring and a corresponding adjustment of the domestic well monitoring program.

### **Ongoing Domestic Well Monitoring**

- Endorse the need for a separate oversight committee or commission authorized to make determinations of impact on 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. This body should have representatives from the mine owner, the mine operator, homeowners, the County, and NID.
- Expand domestic well monitoring to all properties in the potentially impacted area, including homes in NID-served neighborhoods.
- Support the need for domestic well monitoring continuously until 5 years beyond cessation of mining, since expansion of mining potentially expands drawdown.
- Consider challenging or rejecting the following fundamental flaws in the FEIR:
  - Arbitrary 10% drawdown as the threshold of significance
  - Use of 15 monitoring wells as the official mitigation (as it stands, impacts shown in the "supplemental" domestic well monitoring do not trigger remedial action)
  - Questionable boundaries of the area of potential impact (the model relies on sparse data from 15 years ago, but should be built on current data)



## **Part 2 - Wells Coalition Suggested Reply to the FEIR - Organized by Comment Number**

**NID's Draft EIR Comment Letter is identified in the Final EIR as "Agcy 10",** on pages 2-326 thru 2-330. The Final EIR response to NID's comments is on pages 2-331 thru 2-338.

**Agcy 10.1** - The Final EIR does not conform with the NID request for main water connection via Clydesdale CT, which required easements, and instead leaves the Draft EIR unmodified, showing the NID connection via the alignment of the Centennial Drive extension. The Response to Comment Agcy 10-1 unilaterally re-engineers NID's pipeline. NID is the responsible agency for making these determinations and [ reply as deemed appropriate.]

**Agcy 10.3** - The Final EIR responds to the need for double check valves by stating that the expense will be born by the property owners and not the applicant. Well owners should not be forced to change or limit their current water usage, or pay for double check valves to accommodate the mine project. If approved, all startup and on-going additional costs to the current owner associated with the mine project should be paid by the mine in perpetuity.

**Agcy 10.4** - The FEIR ignores the request by NID to make the usage mitigation maximum 576 gpd rather than 400 gpd for the 30 parcels on Bennett Road. The well owners request that all additional costs attributable to the mine project be paid by the mine.

Note that some well owners may currently use more than 400 – or even 576 gpd.

**Agcy 10.5** - NID's Board of Directors expressed "serious concern" the number of impacted wells could "far exceed" 30 and proposed "*...the Applicant conduct a more extensive and robust well and ground water monitoring effort prior to and during any dewatering.*"

The Final EIR does not adequately address this issue. Until a more extensive well and ground water monitoring program is conducted, a baseline for current water usage, for current groundwater levels, and for current potential impacts to wells and water users cannot be determined, nor could the area of potential impact be correctly identified. The FEIR is inadequate in addressing this issue and is not compliant with CEQA. See commentary on inadequacies in Agcy 10.9.

**Agcy 10.6** - The FEIR ignores the request by NID to continue to cover the costs of NID connections after the residence changes owners or gets annexed by Grass Valley. Current property owners should not be required to subsidize the Applicant's project. The market value of a residence is impacted by the costs and nature of the water service and there is a probable loss in value due to utility costs. In addition, ownership changes often occur within continuous family ownership, people may rent and utilities impact income, etc.

**Agcy 10.7** - NID suggested that the Applicant gather more baseline data for domestic wells in the Woodrose, Greenhorn, and Beaver Road areas. i.e. quality and performance data.

The FEIR continues to speculate that more baseline monitoring data is not needed and relies upon the proposed Groundwater Monitoring Plan (GMP), but notes the addition of a Domestic Well Monitoring Program (DWMP) option to provide supplemental data. (See related comments in 10.5 and 10.9)

Additionally, the FEIR response specifically states "*As discussed on pages 2-3 of the GMP (Appendix K.8 of the EIR), assessment of impacts of water-level changes in domestic wells is difficult to perform when examining each domestic well on an individual basis because of operational and depth considerations for each well.*" This dubious statement seems to attempt to dismiss the validity of the value of actually monitoring at the potential points of impact.

The GMP won't collect the well performance baseline data that NID needs. Contrary to CEQA guidelines, which demands the collection of current baseline data before assessing potential impacts of mitigations, the FEIR proposes to commence baseline data collection after the project is approved. Monitoring is scheduled for only 12 months, which doesn't account for seasonal variations. Experts say a minimum of three years is needed to collect valid data [2].

The FEIR Response maintains that a 12 month GMP would be sufficient, but this method will fail to detect year-on-year variations due to wet, dry, or normal years and is not adequate to form a valid baseline. For example, if GMP well logging is done in a dry year, and a wet year follows in which the groundwater impacts are manifest, the GMP data would not be able to determine whether the drop is due to the mine or the seasonal decrease, and hence not be able to detect the actual impact in a timely fashion.

The GMP is a mitigation, with the above noted deficiencies, that is primarily focused on the original 30 wells. No new GMP monitoring wells have been added and none of the 15 pairs of GMP proposed monitoring wells have been repositioned to more accurately support the 378 properties in the DWMP.

### **Agcy 10.9**

NID's Board of Directors expressed "serious concern" the number of impacted wells could "far exceed" 30 and proposed "...a more extensive and robust well and ground water monitoring effort, prior to, and during any dewatering." NID also *"...believes the Applicant should guarantee and include in its proposed mitigation potable water for each well that is impacted."*

The FEIR ignores the NID request for a modified mitigation and continues to insist that the GWP and DWMP will provide all necessary data. This thinking is flawed because it assumes that the groundwater behaves as if it is a homogeneous stratigraphy rather than fractured rock with faulting. Also see last paragraph of 10.7 above.

### **Agcy 10.10**

NID noted that there is no funding mechanism and estimates the need for a \$14 million bond.

*"NID requests that a mitigation measure and condition of approval require the Applicant to put forth bonds or other form of financial security to cover the costs [estimated at \$14 million] of such infrastructure for a period of 5 years beyond the completion of the initial dewatering of the mine."*

The Final EIR maintains that *"...no significant impacts to domestic water wells are predicted in the Greenhorn, Woodrose, and Beaver areas."* (Page 2-336) and furthermore that:

*"Moreover, the well monitoring program, required as mitigation for the project would provide early warning of any potential dewatering impacts to the Greenhorn, Woodrose and Beaver Lane areas, allowing the mine operator to provide replacement water prior to impacts, or to slow or halt dewatering to prevent any impact prior to water supply being connected."* (Page 2-336)

This is flawed in at least three ways:

First, the determination of the 1' isopleth is an estimate from the groundwater model, subject to error, and not validated by current domestic well groundwater data.



Second, it assumes that the impacts of dewatering would be fully transmitted to the monitoring wells in time to avoid any subsequent impacts. However, it fails to acknowledge the probable latency in detection of a mine-dewatering induced drop in ground water levels. By the time it is detected, the full extent of the damage has only partially manifested.

Third, the Final EIR provides no actual procedure, no funding guarantees, and no independent oversight of the means by which the replacement water could be put in place in a timely fashion. The Final EIR then uses an example of the NID Loma Rica District Waterline Extension project as evidence that it might only take 3 months!

The Final EIR Response at Agcy 10.10 also contends that the provisions of the Draft EIR provide a 100% safety factor. This is based upon an unsubstantiated assumption that a drop of 20% is the threshold for a significant impact, and that by using 10%, that is a 100% safety factor. However, the choice of 20% has no basis [1]. Any drop in groundwater levels, even one foot, in a domestic well can have a significant impact if the well is already having performance issues.

Without the bond requested by NID, where are the financial resources that will be needed to ensure “...the Project Applicant shall be responsible for providing a comparable supply of water to such homes or businesses whose wells are significantly impacted.”? A “comparable supply” must include no disruption in service as that is what the property owner has now. In the case of both the GMP (Mitigation Measure 4.8.2(a)) and the Domestic Well Monitoring Program for 378 properties, who will guarantee the financing needed is available to immediately provide “a comparable supply of water”? Who pays if Rise does not have the financial resources needed?

The Final EIR dismisses the request by NID for a bond to cover costs for development of water services to potentially impacted areas by maintaining an unsubstantiated claim that there is no chance of a significant impact, ignoring the reality that any impact should be mitigated and failing to provide any mechanism for mitigations to provide a remedy. The FEIR is inadequate.

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

[2] FEIR Volume I, Page 2-8199 (p8285), Pages 2-7658, (p7743) Steve Baker