

Bohemia Area Residents Committee

P.O. Box 64, Cedar Ridge, CA 95924

January 19, 2009

Tom Last
Planning Director
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

SUBJECT: Bohemia Area Residents Committee Public Comment on the Idaho-Maryland Mine Project Draft Environment Impact Report.

Dear Tom,

The Bohemia Area Residents Committee (BARC) is a homeowners association representing residents next to, and directly over, the old Idaho-Maryland Mine workings. We represent an area that roughly covers the "Areas of Potential Impacts from Dewatering" defined in the DEIR on page 4.7-32.

As such we are uniquely concerned about adverse impacts to our wells as a result of the proposed dewatering of the Idaho-Maryland Mine. All of the high and moderate risk wells currently defined in the DEIR are within our area. We feel the DEIR mitigation measures related to Hydrology and Water Quality (section 4.7-3) are inadequate. We strongly urge you to include the following mitigation measures in the final EIR.

Executive Summary page ES-33

Table ES-5, SUMMARY OF IMPACTS AND MITIGATION FOR THE PROPOSED PROJECT

Section 4.7-3

1. In the DEIR mitigation measure tables there is no mention of installation of the proposed East Bennett Road NID pipeline. Since this pipeline is mitigation against water loss, we insist it be included with the mitigation measures.

The only DEIR reference to the East Bennett Road NID pipeline is the applicant's proposed mitigation (APM) in section 2.0 Project Description, page 2-48, which states:

2.10.1 Construction Methodology for Implementation of APM 10

As described above, APM 10 would include construction of a permanent water source (i.e., water pipeline) to be initiated immediately if well(s) display a definite and sustained negative response to mine dewatering. Therefore, as proposed by the applicant, construction of a water pipeline would not occur until a definite and sustained negative response to mine dewatering occurs. For purposes of this EIR analysis, construction of the water pipeline is assumed to occur during Phase I in order to capture a "worst case scenario" associated with implementation of APM 10 concurrently with construction of the proposed project.

The language used here: *"construction of a water pipeline would not occur until a definite and sustained negative response to mine dewatering occurs"* contradicts the wording *"construction of the water pipeline assumed to occur during Phase I "*. It is also vague. Example: *"For purposes of this EIR analysis a water pipeline is assumed to occur during Phase I"*.

Without the East Bennett Road NID pipeline completed and operational PRIOR TO THE START OF DEWATERING, other mitigation measures such as Mitigation measure 4.7-3b cannot be implemented and therefore will fail to mitigate the problem.

"Within 14 days of the identification of dewatering impacts within the High to Moderate Risk Well areas, the applicant shall connect the affected well owner's home to the NID system"

On December 5, 2008 we met with Tim Crough, assistant general manager of NID, to discuss potential issues related to construction of the East Bennett Road pipeline. He told us that pre-construction (design plans, review, bonding, approval, etc.) for this pipeline could take up to a year to complete. After that the construction could take 3 to 6 months to complete (best case scenario). It could take longer if construction is ready to start and it's the middle of December, in which case construction would not start until the spring. Realistically we are talking about **1 to 2 years (start to finish) to complete this pipeline.**

In order to mitigate the impact of loss of well water in the High and Moderate Risk Well area, we feel that the City of Grass Valley must require the applicant to install and complete an operational NID water pipeline along East Bennett Road PRIOR TO THE START OF DEWATERING and that clear language must be included in the EIR mitigation measures.

QUESTIONS

- a. Why is the East Bennett Road NID pipeline not included in the DEIR mitigation measures?
- b. Will the EIR include the East Bennett Road NID pipeline in the mitigation measures?
- c. If not, why?

- d. Will the City include language in the mitigation measure requiring the applicant to install and complete an NID water pipeline down East Bennett Road PRIOR TO THE START OF DEWATERING?
- e. If not, why?

Section 4.7-3b

- 2. There is no mention PRIOR TO THE START OF DEWATERING, that the applicant being required to have plans, design review, recorded easements, and contractor agreements in place to install permanent feeder water lines from the East Bennett Road pipeline to each house in the high and moderate risk well area. We feel the following issues must be addressed prior to the start of dewatering:

QUESTIONS

- a. Will the applicant be required to complete the design for permanent NID hookup from the East Bennett Road pipeline to each house in the high and moderate risk groups prior to the start of dewatering?
 - b. Will the applicant be required to have the design reviewed and approved by NID prior to the start of dewatering?
 - c. Will the applicant be required to have deeded easements completed and recorded (be they voluntary or via eminent domain) for all parcels in the high and moderate risk areas prior to the start of dewatering?
 - d. Will the applicant be required to enter into an agreement with an engineering company acceptable to NID to supervise and direct a contractor to install the permanent feeder water lines from the East Bennett Road pipeline to each house in the high and moderate risk well groups prior to dewatering?
 - e. Will above requirements be included in the Final EIR mitigation measures?
 - f. If no to any of the above, why?
- 3. The DEIR mitigation measure (4.7-3b) states "*Within 14 days of the identification of dewatering impacts within the High to Moderate Risk Well areas, the applicant shall connect the affected well owner's home to the NID system*".

We feel that if the applicant has a detailed and well thought out plan in place that they should be able to provide a permanent NID connection to impacted well owners in 7 days, not the 14 days currently proposed. We understand that the applicant will provide a temporary water supply in the interim. However, going 14 days without a reliable water supply is not acceptable.

The language in this section of the DEIR does not specify if the connection to the NID main pipeline is temporary or permanent. The applicant should be required to install a permanent connection within 7 days.

QUESTIONS

- a. Will the applicant be required to provide a permanent NID connection to affected well owners homes within 7 days?
 - b. If not, why?
4. There is no mention in the DEIR mitigation measures that mention the applicant being required to pay the impacted well owner(s) for alternative lodgings and food until a temporary water supply is established. The residents need water to cook, shower, and use their toilets - for living. If a well goes dry in the middle of the night or on a weekend and the applicant cannot be reached to immediately have a temporary water supply in place, then the applicant should be responsible for all alternative food and lodging payments to the affected well owner until such time when the temporary water supply is in place. We feel this is a necessary mitigation!

QUESTIONS

- a. Will the applicant be requires to reimburse all well owners (whose well is impacted) for alternative food and lodging, from the time of impact until such time that the temporary water supply is in place.
 - b. If not, why?
5. There is no mention in the DEIR mitigation measures about financial penalties will be imposed upon the applicant if the applicant fails to provide a temporary or permanent source of water within the required time. Without a penalty being imposed on the applicant, the significant impact would be upon the affected well owner not the applicant. We insist the applicant must be held to accountable to the time schedule or pay a penalty.

QUESTIONS

- a. Will the applicant be required to pay a penalty, if they fail to meet the specified timeline(s) for providing a temporary and/or permanent source of water to impacted well owners?
- b. If not, why?
- c. If so, what will that financial penalty be?

Section 4.7-3c

6. There is no mention of protection for well owners outside the high and moderate risk well areas to be hooked up to NID if the applicant is the cause of a well being impacted or failing.

QUESTIONS

- a. Will the applicant be required to provide a permanent NID source of drinking water (within a required time frame) to any and all houses whose well is impacted or fails due to the applicants operation during the operational life of the project?

- b. Will the applicant be required to post financial assurances to cover the cost of impacted and failed wells outside “the expected area of impact” (i.e. high and moderate risk wells)?
- c. Will these requirements be included in the Final EIR mitigation measures?
- d. If not, why?

Section 4.7-3e

- 7. This mitigation measure reads: *“the well(s) that are no longer in service shall be decommissioned and/or destroyed within six months of the establishment of NID water service system connection for the property”.*

QUESTIONS

- a. Because NID does not require that a well be “destroyed”, only that a “double check valve” be installed, what is the reason for this requirement?
 - b. Will the City of Grass Valley allow each well owner to decide if they want to maintain their well (via double check value) or have it destroyed after they are hooked up to NID?
 - c. Will above requirements be included in the Final EIR mitigation measures?
 - d. If not, why?
- 8. There is no mention in the DEIR of the impact (or any mitigation) to homeowner’s property as the result of installing and/or hooking up homes to NID water.

QUESTIONS

- a. Will the applicant be required to restore, match and pay for driveways (e.g. asphalt, concrete, etc.), landscaping that would need to be cut through or trenched out in order to hook up the NID pipeline from East Bennett Road to each impacted home?
- b. Will above requirements be included in the Final EIR mitigation measures?
- c. If not, why?

Section 8.0 Mitigation Monitoring Reporting and Compliance

Page 8-31

- 9. Mitigation Measure 4.7-3d states: *“In the event that dewatering impacts occur at domestic water supply well(s) after the initial mine dewatering process is considered complete (current estimates indicate that initial mine dewatering will take between 8 to 12 months), and after the 12 month period defined under APM 9, the applicant shall remain responsible to provide a temporary water source to the affected well owner prior to the installation of a permanent water source”.*

QUESTIONS

- a. Will the applicant be required to remain responsible to provide a temporary water source to any affected well owner prior to the installation of a permanent water source for the life of the project (instead of 12 months after dewatering) if the applicant's activity is the cause of a well impact and/or well failure?
- b. Will the applicant be required to provide financial assurances for this mitigation measure?
- c. Will this requirement be included in the Final EIR mitigation measures?
- d. If not, why?

10. Mitigation Measure 4.7-3d states: *"Determination of whether the well loss was due to mine dewatering or a related activity shall be made by a qualified third party consultant selected mutually by the City, and the applicant"*.

In the DEIR there is no definition for an "impacted well" that would qualify for NID water service. We recommend that the City of Grass Valley create a committee (prior to the start of dewatering) consisting of The City of Grass Valley, NID, Nevada County officials, BARC, the Banner Mountain Home Association, and other homeowner associations that would be impacted. This committee would establish, prior to dewatering, the criteria for any well that is considered as "impacted" and steps taken to mitigate the impact. This will eliminate discrepancies that would arise when identifying a well as "impacted". It will also avoid any untimely disagreements between well owners, IMMC, The City of Grass Valley, and a third party consultant at a time when well owners are trying to restore water to their homes as soon as possible.

QUESTIONS

- a. Will the City of Grass Valley create a committee, prior to the start of dewatering that will include groups listed above to establish the specific criterion that defines an impacted well and steps taken to mitigate that impact?
- b. Will this requirement be included in the Final EIR mitigation measures?
- c. If not, why?

Other Mitigation Items

11. There is no mention in the mitigation measures that when an impacted or failed well is hooked up to NID water service that the applicant is required to pay for the hook up fee (approx. \$8,000 - \$9,000 each) or that the applicant is required to pay for the NID monthly service fee for water.

QUESTIONS

- a. Will the applicant be required to pay the full NID hookup fee for each impacted home that requires NID water service? If not, why?

- b. Will the applicant be required to pay the full NID monthly water service fee? If not, why?
 - c. Will this requirement be included in the Final EIR mitigation measures? If not, why?
12. There is no mention in the DEIR that the applicant will be required to stop dewatering in the event of any well or wells being impacted. What if the dewatering activity starts causing wells to fail that are outside of the high and moderate risk well areas where there are no NID hookup plans or bonding in place to mitigate impact/loss of wells?

QUESTIONS

- a. Are there any construction and financial assurance plans in the DEIR that address installing permanent NID water service to wells outside the high and moderate risk wells area that are impacted or fail? What are they?
 - b. Will the applicant be required to immediately cease dewatering activities if a well not covered by bonding/mitigation measures is impacted? This would include any well outside the high and moderate risk areas.
 - c. Will dewatering cease until these impacted properties are provide a permanent NID source of drinking water? This would include any well outside the high and moderate risk areas.
 - d. If (a.) is not required, what are the reasons?
13. The Todd Report states that: "Water levels are available for 78 domestic wells in the groundwater monitoring program". This number of 78 wells includes only a fraction of all the wells in the risk areas. This does not provide a complete picture and minimizes the number of wells that are actually at risk. In order to assess the complete risk in these expected areas of impact, all wells in the study area must be counted.

QUESTIONS

- a. Why are all the wells in the risk areas not accounted for?
- b. Will the applicant be required to account for all wells in the study area, by listing them by risk category, parcel #, and well number?
- c. Will the applicant be required to assign well numbers to wells not currently in the well study area?
- d. If no to any of the above, why?

Respectfully Submitted,

Jim Otto
BARC Board Member

Gary Pierazzi
BARC Board Member