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January 15, 2009

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

Subject: Idaho Maryland Mine draft Environmental Impact Report
Environmental Impact Report SCH# 2007092017

Dear Mr. Last,

The California Department of Parks and Recreation would like to submit the following comments in regards to the draft Environmental Impact Report SCH# 2007092017 for the proposed Idaho Maryland Mine project.

Introduction:

The California Department of Parks and Recreation welcomes the opportunity to comment on the draft Environmental Impact Report for the proposed Idaho Maryland Mine project. California Department of Parks and Recreation 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.

In November of 2008, California Department of Parks and Recreation (CDPR) employees at Empire Mine State Historic Park (SHP) in Grass Valley, CA became aware of a comment period for a draft Environmental Impact Report (EIR) for the proposed Idaho Maryland Mine that is now before the City of Grass Valley's City Council and Planning Commission. This document is intended to compile and submit comments from the CDPR Sierra District team of biologists and administrators in regards to the aforementioned draft EIR to the City of Grass Valley's City Council. Several areas of concern are noted below in regards to the Idaho Maryland Mine project and how this project may affect Empire Mine SHP's natural resources, park visitation, visitor health and safety, and CDPR employees' health and safety if this project were to move forward as outlined in the current draft EIR.

CDPR has not previously been involved in comments or reviews of any planning documents in relation to the Idaho Maryland Mine proposition. This document is the first instance of any review by CDPR employees in regards to the proposed project. The main author of this report is Daniel Lubin, Environmental Scientist, and other contributors include Lisa Fields, wildlife biologist, and Cynthia Walck, staff hydrologist.

The CDPR mission statement (http://www.parks.ca.gov/?page_id=91) and the CDPR Department Operations Manual (D.O.M.) direct the agency to insure for the health of the natural ecosystems that are contained within park properties, as well as the health and safety of the public (park visitors, park employees, and park residents) and also for the creation and maintenance of outdoor recreation for the state's visitors and residents. The following comments reflect these internal policies and directives of the CDPR.

CDPR feels it is critical to comment on this proposal since Empire Mine SHP is located only approximately 0.3 miles south of the main Idaho Maryland Mine property, and 1.0-2.0 miles west of the New Brunswick property (see attached map on page 11), and because this project as currently described in the draft EIR could have significant impacts to Empire Mine SHP.

In general, our analysis of the draft EIR concludes that significant impacts to the resources of Empire Mine SHP, and to the health and safety of the park's visitors, employees and residents may result from the adoption of the proposed project as is stated currently in the draft EIR. We are particularly concerned with:

- Potential impacts to the natural resource ecology of the South Fork Wolf Creek which runs through Empire Mine SHP along Bennett Street due to mine dewatering from the New Brunswick facility
- Possible mine effluent pollution from the de-watering activities into the South Fork Wolf Creek
- Potential health and safety impacts to the public (visitors, employees and residents of Empire Mine SHP) as well as a concern about this project potentially impacting visitation to Empire Mine SHP due to the impacts on air quality, noise, and wildfire.

CDPR also requires a discussion of if and how the underground mine workings of the Idaho Maryland Mine are possibly linked to or at least nearby to underground mine workings associated with Empire Mine SHP. If indeed there are any links between the two historic mines, CDPR requires a discussion of the impacts to any underground or above ground resources at Empire Mine SHP because of this linkage.

Another aspect of CDPR review revealed that the draft EIR relies on four distinct plans that are not included for discussion or review:

- A fugitive dust mitigation plan for the operation phase of the mine.
- An *Asbestos Dust Mitigation Plan*
- A detailed *Hazardous Substance Control and Emergency Response Plan*
- The details and efficacy of the wastewater treatment facility that is to be located on the New Brunswick property.

CDPR needs our comments addressed and the above four plans completed before we can review and understand the complete impact to Empire Mine SHP. According to the CEQA process, mitigations should be clear in the process of how they will effectively mitigate the impact [*Sundstrom* v. *County of Mendocino* (1988) 202 Cal.App.3d 296]. Once our comments are addressed and the above plans completed, please re-circulate the draft EIR for comments prior to certifying the EIR.

Empire Mine SHP brings tourism to the Grass Valley area (visitation to the park was approximately 100,000 in 2008). According to a report titled "Economic Impacts on Local Economies by Visitors to California State Parks from 1999-2002: An Update of the 1995 Analysis" (http://www.parks.ca.gov/pages/712/files/102501b2.pdf), "To estimate the total economic impact generated by the spending and re-spending of visitor dollars in the community, an average economic multiplier, 2.56, was applied to the per-person, per-day expenditure estimates." This clearly shows how money spent by state park visitors can benefit the local community many times over. Empire Mine SHP also relies on entrance fees and purchases by visitors at the park for funding of operations. Any potential impact to visitation at Empire Mine SHP is a major concern for us.

It also should be noted that last year Empire Mine SHP hosted over 4,300 4th grade students as part of their California history curriculum.

If any of our current comments need clarification or further explanation, please do not hesitate to contact Daniel Lubin at dlubin@parks.ca.gov or at (530) 272-0298.

Sincerely,

Pam Armas

Pam Armas, Superintendent
Sierra District

cc: State Clearinghouse

Comments:

CDPR comments are numbered on the following pages for future reference. Comments start on page 2 of this document. Comments are directed to the following sections and subsections of the draft EIR for the proposed Idaho Maryland Mine project:

- 4.2 Air Quality
  - Impact 4.2-1
  - Mitigation Measure 4.2-1a
  - Mitigation Measure 4.2-1e
  - Impact 4.2-2
  - Cumulative Impact 4.2-6
- 4.3 Biological Resources
  - Impact 4.3-2
  - Mitigation 4.3-2c
  - Impact 4.3-3
  - Mitigation Measure 4.3-3b
  - Impact 4.3-4
- 4.6 Hazards and Hazardous Materials
  - Impact 4.6-2
  - Mitigation Measure 4.6-2a
  - Impact 4.6-5
  - Mitigation 4.6-5
  - Impact 4.6-6
  - Mitigation 4.6.-6
- 4.7 Hydrology and Water Quality
  - Mitigation Measure 4.7-2
  - Impacts and Mitigation Measures 4.7.3
  - Impact 4.7-3
  - Impact 4.7-4
  - Mitigation 4.7-4
  - Secondary Impacts of Mitigation Measure 4.7-4
  - Impact 4.7-5
  - Mitigation 4.7-5
- 4.8 Land Use and Planning
  - 4.8.1 Setting
- 4.9 Noise
  - Impact 4.9-1
  - Mitigation Measure 4.9-1a
- 4.12 Recreation
  - 4.12.1 Setting

4.2 Air Quality

- #1: Impact 4.2-1
  - Fugitive dust and PM10 emissions, as well as reactive organic gases (ROG) and nitrogen oxides (NOx) emissions from construction, operation and reclamation activities could impact the health of visitors, employees, and residents of Empire Mine State Historic Park (SHP). According to Impact 4.2-1, this impact would be "*Significant and Unavoidable with Mitigation*". Since this impact as stated would only be able to be completely mitigated with "offsite mitigation" this clearly does not lessen the local impacts of fugitive dust and other emissions to local residents, visitors and employees in the immediate vicinity. This is a major concern for CDPR as it relates to the health and safety of the public at Empire Mine SHP, and would probably negatively affect park visitation
- #2: Mitigation 4.2-1a
  - The dust control plan outlined in this mitigation does not address the "Operation" phase, only the "Construction" phase. On page 4.2-20, the draft EIR states "Processing operation dust is generated mainly by the crushing and screening phases. As materials are broken by rapid compression, the dust particulates become airborne. …Loading and hauling vehicles on the site or along access roads would also generate fugitive dust." According to the CEQA process, mitigations should be clear in the process of how they will effectively mitigate the impact [*Sundstrom* v. *County of Mendocino* (1988) 202 Cal.App.3d 296]. What measures will be taken to decrease or mitigate dust generation during operation? CDPR requires a plan to be included that mitigates fugitive dust during the operation phase before a full analysis by staff can be completed.
- #3: Mitigation 4.2-1e
  - This measure aims to offset the negative air quality impacts from construction, operation and reclamation activities, yet no specific plans are outlined. According to the CEQA process, mitigations should be clear in the process of how they will effectively mitigate the impact [*Sundstrom* v. *County of Mendocino* (1988) 202 Cal.App.3d 296]. Of interest to CDPR would be a plan that specifically mitigates air pollutants in the immediate vicinity of the Idaho Maryland Mine since those pollutants could impact the health of park visitors, employees, and residents of Empire Mine SHP. CDPR requires a plan to be included that mitigates negative air quality impacts from construction, operation and reclamation activities before a full analysis by staff can be completed.
- #4: Impact 4.2-2
  - This section discusses an "*Asbestos Dust Mitigation Plan*" that does not yet exist. Asbestos in fugitive dust is a major health concern for visitors, employees, and residents of Empire Mine SHP. According to the CEQA process, mitigations should be clear in the process of how they will effectively mitigate the impact [*Sundstrom* v. *County of Mendocino* (1988) 202 Cal.App.3d 296]. What will be done to mitigate asbestos dust? CDPR

requires a plan to be included that mitigates asbestos dust before a full analysis by staff can be completed.

- #5: Cumulative Impact 4.2-6
    - This impact states that the cumulative impact of this project and other anticipated projects would be "Significant and Unavoidable" in regards to contributing to regional criteria pollutants and TAC's. Empire Mine SHP has a substantial public investment and provides recreational opportunities for local area residents and for tourists to the Grass Valley area. Significant air pollutants could impact park visitation as well as possibly impacting the health of visitors, employees, and residents of Empire Mine SHP. CDPR is interested in a proposal that does not create any significant and unavoidable impacts to the air quality around Empire Mine SHP.

4.3 Biological Resources

- #6: Impact 4.3-2
    - This impact is of the utmost importance to CDPR because of the potential adverse impacts to aquatic species and their habitat at Empire Mine SHP property along the South Fork of Wolf Creek along Bennett Street. The "potentially significant impacts to aquatic species as a result of reduced water quality, downstream flooding and increased bank erosion" could negatively affect the 0.5 miles of the South Fork of Wolf Creek that is part of Empire Mine SHP. For several years, staff at Empire Mine SHP has been carrying out ongoing restoration activities along this stretch of the South Fork Wolf Creek. CDPR is concerned that this impact could complicate ongoing restoration activities along the creek as well as potentially increase streambank erosion and threaten stands of riparian hardwoods along its banks. Other critical issues to CDPR with this impact include the potential to negatively affect aquatic wildlife habitat and foraging grounds for wildlife as well as the potential effects to benthic macroinvertebrates and other insects, which are a food source for the abundant bird population that lives in this riparian area. This impact also states "the proposed project could have a potentially significant impact on aquatic wildlife from erosion and sedimentation, as well as flooding." The given mitigation for this particular impact, Mitigation 4.7-4, does not address the *downstream* effects from erosion/flooding, while only addressing the issues on or near the New Brunswick property that will result from increased flows due to mine dewatering activities. In the view of CDPR, this impact needs to be changed to *significant and unavoidable*.
- #7: Mitigation 4.3-2c
    - This partial mitigation for Impact 4.3-2, which is Mitigation 4.7-4, states nothing about reducing downstream effects from erosion/flooding to aquatic species/habitats. This mitigation as stated in the draft EIR would only affect the local stretch of the South Fork of Wolf Creek immediately downstream from the discharge pipe. How does moving the discharge pipe 1500 feet affect the lower 2 miles of the South Fork Wolf Creek in

regards to the effects of erosion and flooding on aquatic species and their habitats? CDPR requires a thorough discussion of downstream affects due to de-watering and appropriate mitigations outlined.

- #8: Impact 4.3-3
    - CDPR is concerned about the potential effects to the California red-legged frog, foothill yellow-legged frog, and the Northwestern pond turtle suitable habitats on CDPR property along the South Fork of Wolf Creek. The mitigation measures directed at preserving these species only address actions to be taken on the Idaho-Maryland Mine properties during active construction. Mention must be made of the impacts to these species and their habitats in the downstream environments. The failure of Mitigation Measure 4.7-4 to address the impacts of increased flow and the resulting potential for increased flooding and erosion downstream of the Idaho-Maryland Mine on the South Fork of Wolf Creek, which may result in the degradation of suitable habitat for these species, prevents this impact from being mitigated to less than significant levels.
- #9: Mitigation 4.3-3b
    - This mitigation does not address the potential for California red-legged frogs and/or frog habitat to exist downstream from project and how to address issues/mitigations for possible negative impacts to this downstream potential habitat. Also this mitigation does not address the issue of how increased stream flows in the summer could affect reproduction of these frogs. For instance, foothill yellow-legged frog suitable reproductive habitat is defined as flows less than 0.7 cfs, and according to the draft EIR flow in the South Fork Wolf Creek is currently just below that level during the dry season. Any increase from discharge would make the creek unsuitable for breeding habitat for foothill yellow-legged frogs. How would this project affect the reproductive cycle and breeding habitat for California red-legged frogs, including the effects to potential downstream habitat?
- #10: Impact 4.3-4
    - This impact states that the "proposed project could … impede the use of native wildlife nursery sites." CDPR requires a more thorough discussion of how the proposed project could affect the *downstream* use and quality of native wildlife nursery sites, including potential aquatic species that may use the riparian areas along the South Fork Wolf Creek at Empire Mine SHP, including but not limited to the California red-legged frog, foothill yellow-legged frog, and western pond turtle. The proposed increase in flows in the South Fork Wolf Creek due to mine de-watering activities has the potential to degrade suitable reproductive habitat for these species.

<u>4.6 Hazards and Hazardous Materials</u>

- #11: Impact 4.6-2
    - This impact states that "Construction and reclamation activities could release previously unidentified hazardous materials into the environment." Since Empire Mine is located in close proximity to the Idaho Maryland

Mine site, CDPR is very concerned about how these hazards could affect both the ecological health of and the public's health at Empire Mine SHP.

- #12: Mitigation Measure 4.6-2a
    - This mitigation aims to address a potential for any previously unidentified hazardous materials to be released into the environment from the mine site, although no detailed plan is given, only suggestions. CDPR requires a detailed *Hazardous Substance Control and Emergency Response Plan* be included in the draft EIR, since any release of hazardous materials in the environment could affect the resources and public of Empire Mine SHP.
- #13: Impact 4.6-5
    - This impact states that the "proposed project could expose nearby residences to hazardous emissions". CDPR is concerned about how this project could *also* expose nearby visitors to and employees and residents of Empire Mine SHP to hazardous emissions. CDPR requests a discussion to be included in the draft EIR detailing a quantification of these hazardous emissions and how this impact could affect tourism to the local Grass Valley area, including visitation to Empire Mine SHP. In addition, how would this impact affect CDPR employees who work mainly outdoors and in close proximity to the proposed project site?
- #14: Mitigation 4.6-5
    - This mitigation measure relies on Mitigation Measures 4.2-2a and 4.2-2b, which include a "*Dust Control Plan* for Construction", the incorporation of "Control Devices", and an "*Asbestos Dust Mitigation Plan*". According to the CEQA process, mitigations should be clear in the process of how they will effectively mitigate the impact [*Sundstrom* v. *County of Mendocino* (1988) 202 Cal.App.3d 296]. CDPR is concerned that there is no mention of a "Dust Control Plan" for the *operation phase* of the project, as well as not including a completed "*Asbestos Dust Mitigation Plan*" in the draft EIR. This mitigation also states that "cancer risks were found to be potentially significant", which also concerns CDPR in regards to CDPR employees who may spend the majority of their time outdoors in proximity to these "hazardous emissions". CDPR requires that these plans be included in the draft EIR so that we can evaluate their impacts to Empire Mine SHP.
- #15: Impact 4.6-6
    - Since Empire Mine SHP is located in close proximity to the main site for the Idaho Maryland Mine, CDPR is concerned about wildfire potentially impacting the resources of the park, and the health of the public. This impact could potentially affect the work program at Empire Mine SHP if employees are needed to protect park facilities and resources from a wildfire.
- #16: Mitigation 4.6-6
    - This mitigation discusses coordination with other fire protection government agencies in the local Grass Valley area. Since the proximity of this project is so near to Empire Mine SHP and its' mostly forested 856 acres, Empire Mine SHP staff would like to be included in any contact and

coordination in the event of a wildfire ignition on the Idaho Maryland Mine property.

4.7 Hydrology and Water Quality

#17: Introductory statement by CDPR staff Hydrologist:

The draft EIR states that initial dewatering will add approximately 6cfs of additional flow to the channel for about the first year of de-watering, and about 1.5 to 2 additional cfs thereafter. The low flow in the channel is approximately 0.5 cfs and when CDPR measured flows on Empire Mine SHP property in May 2008 it was 0.62 cfs, while in December 2008 flow was about 2 cfs. Although flood flows can be much higher, they occur infrequently and for a short duration. For the majority of the year, flows are low and subsequently shear stress, stream power, and sediment transport rates are low. We could not find any data in the EIR on flood frequency and duration data for this stream to quantify the change in flow duration; however 6cfs is a significant increase over current base flow and may have significant impact on stream bank and bed erosion in the CDPR reach. In the CDPR reach the 1.8 cfs flow was about 6.5 feet wide, 0.5 foot deep and average velocity of about 0.53 ft per second. Adding 6 cfs, for a total of 8 cfs would probably have a slightly higher velocity due to slightly decreased roughness, but would add about 0.5 to 1 foot of depth to the flow depth. This would result in higher shear stress and erosive power. The sediment load modeling calculations (SAM) provided by the Idaho Maryland Mine show approximately a 10 fold increase in Q's (sediment discharge) between 1 and 6 cfs and again 10 fold increase between 6 and 12 cfs. Table 4.7-2 shows over 100 fold increase in both sediment transport capacity and sediment load with the added discharge.

One of the critical issues on the CDPR property is the effect of erosion on the riparian hardwood corridor adjacent to the channel. The large cottonwoods and madrones on Empire Mine SHP property have their root structure along the creek at this 0.5 to 2.5 foot depth along the stream bank. The proposed increase in flow for a long duration would be at a stage that any bank erosion would be at the roots of these trees. Although these flows do occur naturally they are not normally sustained over time, and the amount of erosion due to sustained flows could likely undermine these trees resulting in adverse impacts to the stream banks morphology, water quality and riparian habitat. These impacts are not addressed in the EIR, or dismissed as insignificant.

Additionally, increased erosion from sites upstream of the CDPR reach could result in local deposition of fine sediments, impacting the stream bed, which may impact aquatic invertebrates and spawning habitat.

In the upstream CDPR reach there are existing tailings from a "sulfurette" works on the floodplain. There is the possibility that increased erosion in the South Fork Wolf Creek could leach potential heavy metals such as Arsenic from these tailings and deposit them further downstream. Although the tailings are not currently directly adjacent to the creek, the site should be assessed for potential erosion if flows and erosion are increased.

- #18: Mitigation Measure 4.7-2
  - This impact states that a wastewater treatment facility will be designed and constructed to effectively treat the liquid waste associated with the gold mill process, but no specific treatment efficacy rates are given in the draft EIR. According to the CEQA process, mitigations should be clear in the process of how they will effectively mitigate the impact [*Sundstrom* v. *County of Mendocino* (1988) 202 Cal.App.3d 296]. CDPR requires treatment efficacy specifics on how effective this wastewater treatment would be in eliminating any pollution to the waste water that will sent into the South Fork Wolf Creek since this passes through Empire Mine SHP in the South Fork Wolf Creek.
- #19: Impacts and Mitigation Measures 4.7.3
  - This section states on page 4.7-21 that the "proposed project would not increase erosion to the beds and/or banks of Wolf Creek and/or South Fork Wolf Creek." The basis of this statement seems to be implying that implementing Mitigation Measure 4.7-4 would lessen any potential impacts to erosion along South Fork Wolf Creek. Mitigation Measure 4.7-4 only remedies the erosion issues at the locality of the discharge pipe of treated wastewater from the New Brunswick de-watering facility. Please address the downstream effects from 9-12 months of de-watering at potentially 6cfs on downstream erosion potential. CDPR is concerned about this issue since Empire Mine SHP owns approximately 0.5 miles of land along the South Fork Wolf Creek.
- #20: Impact 4.7-3
  - This impact discusses the potential that the project could reduce groundwater levels and how this relates to domestic wells in the local area. CDPR is concerned about how the potential reduction in groundwater could impact both the upland and riparian vegetation communities along the South Fork Wolf Creek on Empire Mine SHP property. Two portions of Empire Mine SHP are located in the "Area of Potential Impact from Dewatering for Moderate Risk Wells" according to Figure 4.7-3. CDPR requires a thorough discussion of how would this reduction in groundwater affect vegetation communities in this local area and how would those effects relate to wildlife species and their habitats, specifically related to the riparian and wet-meadow ecosystems present along the South Fork Wolf Creek before we can evaluate this impact to Empire Mine SHP.
- #21: Impact 4.7-4
  - This impact states "The proposed discharge to South Fork Wolf Creek could potentially result in substantial erosion, downstream sedimentation, and/or a violation of existing water quality standards (e.g. cold freshwater aquatic habitat)." This is a major concern for CDPR as it could negatively impact the natural resources and wildlife habitat along South Fork Wolf Creek at Empire Mine SHP. The impact further states "Channel bed sediment size data were collected for the proposed discharge location and for selected locations approximately 1,000 to 2,000 feet downstream."

CDPR is concerned with erosion, sedimentation and water quality impacts to the stretches of South Fork Wolf Creek that are located approximately 1.0-2.0 miles downstream where the Creek flows through Empire Mine SHP property. Was there any investigation into how the proposed discharge could affect the downstream portion of South Fork Wolf Creek? This impact also states that "a flow of 6cfs likely occurs more often, under existing conditions, at the alternate discharge location." CDPR requires a discussion of how does a constant potential flow of 6cfs during non-high water events (i.e. Summer/Fall) for 9-12 months affect downstream erosion, sedimentation, and water quality. In addition, CDPR requires a discussion of how does a consistent flow of 1.1-2.7 cfs after the first year of dewatering for the "life of the project" affect downstream wildlife/aquatic habitat and the potential for downstream erosion and sedimentation when this flow is considered un-natural considering normal flows of "0.68 cfs during the dry season" (page 4.7-3).

- #22: Mitigation 4.7-4
  - CDPR requires a more thorough discussion of the following questions before a full evaluation of the effects to Empire Mine SHP can be addressed in our comments: How does moving the discharge location for the de-watering from the New Brunswick facility 1500 feet downstream mitigate possible impacts from erosion, sedimentation and violations of water quality on the lower stretch of South Fork Wolf Creek? This mitigation appears to only mitigate the impact to the immediate stretch of South Fork Wolf Creek at the location of the discharge pipe. Does relocating the discharge pipe also mitigate against downstream effects from erosion and sedimentation? See comment #17 by CDPR staff Hydrologist above regarding erosion.
- #23: Secondary Impacts of Mitigation Measure 4.7-4
  - This section discusses the potential of surface water loss in the South Fork Wolf Creek due to dewatering, and states that "surface flows in South Fork Wolf Creek could be reduced in response to lowering groundwater levels during dewatering." This section also states "the creek could experience a reduction of flow in most years or elimination of flow in summer months of certain dry years". These two statements concern CDPR greatly as these issues directly relate to the health of the riparian habitat and riparian hardwood stands on Empire Mine SHP property downstream along South Fork Wolf Creek. This section further states that "the 6 cfs discharge would provide additional flow in the creek from the discharge point downstream and supplement any surface water loss that would occur." This statement does not take into account that a flow of 6 cfs would only occur for the first 9-12 months of dewatering. CDPR requires a discussion of what are the impacts from reduced groundwater after year 1 of dewatering from the New Brunswick facility when flows are reduced from 6 cfs to 1.1-2.7 cfs (page 4.7-38) on both vegetation communities surrounding the creek and potential wildlife habitat contained within.

- #24: Impact 4.7-5
    - This impact states "The potential for flooding downstream of the proposed discharge location on South Fork Wolf Creek has been and continues to be an issue of concern", as well as stating that the increase in flows due to mine dewatering "would increase offsite flooding potential" and that "This would be a potentially significant impact." (page 4.7-45). CDPR requires a thorough discussion of what the potential for flooding to Empire Mine SHP property along the South Fork Wolf Creek would be and how it may relate to the health of the existing riparian hardwood forests, wet-meadows, upland grasslands, and any associated wildlife habitat before we can evaluate this impact.
- #25: Mitigation 4.7-5
    - CDPR request to know how often monitoring of the 4 culverts along South Fork Wolf Creek would happen during storm events. One of the culvert locations, Slo-Poke Lane, could be located on Empire Mine SHP property (Empire Mine SHP begins on the western side of Slo-Poke Lane) and CDPR would like to know the proposed location of the "staff plate" that would be permanently marked at this location. CDPR suggests the use of a digital real time gage system that can be monitoring remotely.

4.8 Land Use and Planning

- #26: 4.8.1 Setting
    - Under this section's "Existing Land Uses", there is no mention of Empire Mine SHP which is located in close proximity to both the New Brunswick facility and the main Idaho Maryland Mine site. Empire Mine SHP owns two stretches of land along the South Fork Wolf Creek downstream from the New Brunswick property. Figure 4.8-1 has listed Empire Mine SHP properties as designated "Industrial", as well as Figure 4.8-2 has listed Empire Mine SHP properties as zoned "M-1 Light Industrial", and Figure 4.8-4 has listed a portion of Empire Mine SHP as "ULD" or "Residential Urban Low Density" in the City of Grass Valley's "Existing General Plan Land Use Designations". CDPR understands that the City of Grass Valley and the County of Nevada might not have had up-to-date information regarding the land ownership of this area along Bennett Street. The City of Grass Valley and County of Nevada have no jurisdiction to attach a designation other than "Recreational Lands" or an equivalent and appropriate designation.

4.9 Noise

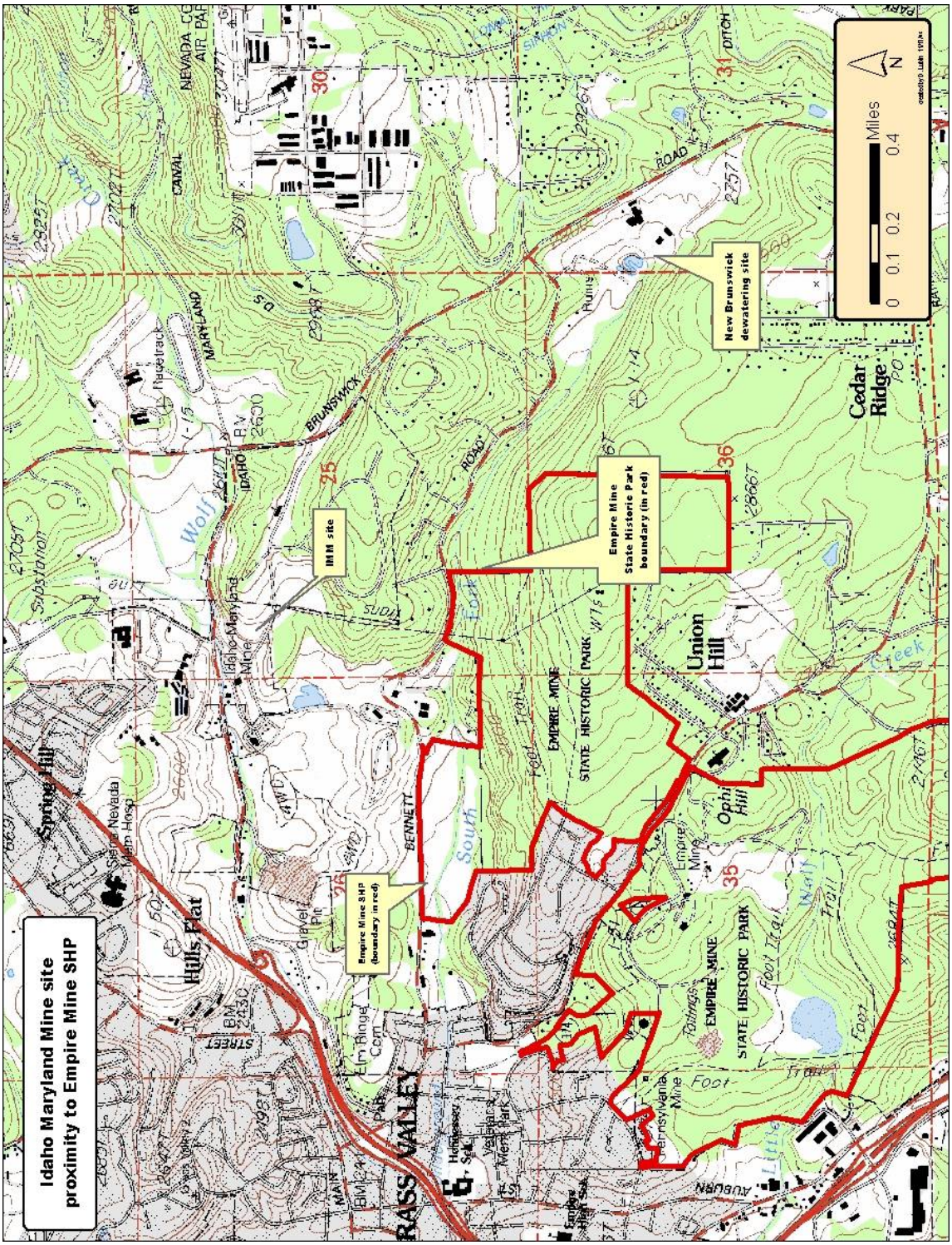
- #27: Impact 4.9-1
    - CDPR is concerned that noise levels associated with construction and reclamation activities associated with the proposed Idaho Maryland Mine project could impact tourism and visitation to Empire Mine SHP. Table 4.9-3 lists "Playgrounds, Neighborhood Parks" as having a maximum limit of 70 dB of allowable noise exposure. Is Empire Mine SHP considered a

"Neighborhood Park"? CDPR requests to know would the impact of this noise affect visitation and/or enjoyment of the park?

- #28: Mitigation Measure 4.9-1a
  - This mitigation states that "Construction activities shall be limited to between 7:00 a.m. and 7:00 p.m.", but this is when visitation is highest to Empire Mine SHP. Since Empire Mine SHP is located in close proximity to the main project area, CDPR is very concerned that construction noise during daylight hours would negatively effect the outdoor enjoyment and visitation of Empire Mine SHP. CDPR requires a discussion of alternatives to limiting construction activities to daylight hours since noise may limit visitation and enjoyment of Empire Mine SHP.
- #29: Impact 4.9-3
  - CDPR is concerned that this impact "would expose persons to or generate excessive ground-borne vibration or ground-borne noise levels", specifically since Empire Mine SHP is located in close proximity to the main project site. CDPR requires to know how does the impact of construction and/or operation noise affect tourism and/or outdoor recreation in the local area.
- #30: Mitigation Measure 4.9-3a
  - This mitigation discusses distributing a blasting schedule to residents within a 1000 foot radius of the boundary of the underground mine workings. Since portions of Empire Mine SHP are located within this radius, CDPR requires that as part of this mitigation Idaho Maryland Mine would also inform Empire Mine SHP staff of the blasting schedule.

<u>4.12 Recreation</u>

- #31: 4.12.1 Setting
  - Under the section heading "Project Area" it is stated that the South Fork Wolf Creek is an "undeveloped recreation resource". As Empire Mine SHP is located along two different stretches of the South Fork Wolf Creek just downstream from the New Brunswick facility, CDPR is concerned that Empire Mine SHP's land in this area is not adequately being described, since Empire Mine SHP contains many developed recreation facilities as well as miles of developed trails. Future plans for Empire Mine SHP include developing more recreation facilities, parking and new trails in the area immediately surrounding the South Fork Wolf Creek along Bennett Street.



Above: Proximity map of Empire Mine SHP and the proposed Idaho Maryland Mine project in Grass Valley, CA.