SOUTH YUBA RIVER CITIZENS LEAGUE

December 5, 2012

Tod Herman, Senior Planner
Planning Department
Community Development Agency
950 Maidu Avenue
Nevada City, CA 95959-8617

Re: Scoping Comments for the San Juan Ridge Mine proposal

Dear Mr. Herman:

The South Yuba River Citizens League (SYRCL) commends Nevada County's decision to require preparation of a full Environmental Impact Report (EIR) for the proposed re-opening of the San Juan Ridge Mine. SYRCL looks forward to working with Nevada County to ensure that this EIR addresses critical issues that pose risk of significant impacts to our community and natural environment including a thorough assessment of cumulative impacts on aquatic habitat, water quality and fisheries.

SYRCL is concerned about the potential significant impacts of the project on water quality and quantity in Spring and Shady Creeks, as well as indirect impacts on the South Yuba River. Our concerns include impacts to wildlife and vegetation associated with affected water bodies, as well as impacts on water quality and sensitive species in the South Yuba River and its tributaries.

SYRCL is the leading community voice for the protection and restoration of the Yuba River watershed. Founded in 1983 through a grassroots campaign to defend the South Yuba River from proposed hydropower dams, SYRCL has developed into a vibrant community organization with over 3,500 members and volunteers.

SYRCL's River Monitoring Program represents one of the largest and most successful citizen-based science programs in the state. The program was established in 2001 to assess the lasting impacts of historic mining and current impacts of various land uses on water quality and aquatic habitat. In 2010, SYRCL published the "21st Century Assessment of the Yuba River Watershed," which identified the restoration of critical habitats for native species and sustainable natural resource based economies as priorities for our watershed.

On behalf of SYRCL's Board of Directors, we submit the following scoping comments related to the proposed EIR and mine re-opening:

Cumulative impacts must be assessed for the maximum project horizon and all potential scenarios of dewatering and discharge from mine activities.

The proposed mine project would remove up to 3.5 million gallons per day from groundwater sources according to the Luhdorff and Scalmanini report of 1996. By way of comparison, 11.3

million gallons are extracted from the ground for domestic water supplies throughout the entirety of Nevada County. This water will then be discharged onto the mining site into settlement and infiltration ponds, and perhaps will be discharged directly into adjacent creeks and streams.

While the application states that the period of operation will be ten years, the mine Operations Plan also requests the ability to delay the project for up to 5 years and then to resume operations with no new decision or environmental document; the total period of operation could thereby be much longer than 10 years. The unstable nature of mining economics means such delays are likely, and clearly anticipated. The EIR should assess cumulative impacts of dewatering and discharge as well as direct and indirect impacts of this mine on watersheds and affected species over the maximum project horizon.

Dewatering threatens headwaters of local streams and wetlands critical to water quality and quantity.

The proposed mine would be located at the headwaters of Spring Creek and Shady Creek (both tributaries of the South Yuba River) and Grizzly Creek, a tributary of the Middle Yuba River. These headwaters include significant wetland habitats, riparian habitats, and aquatic habitats that are critical for associated species, but also for maintenance of water quality and quantity. As noted in the Notice of Preparation (NOP), wetlands delineation is required by Section 404(d) of the Clean Water Act. This analysis does not appear to have been performed during the last period of operation of the mine. The EIR should clearly delineate wetlands and attempt to assess the extent of past damage to wetlands resulting from earlier mine operation.

Dewatering in headwaters of streams could impact stream flows, and could have cumulative impacts on the South Yuba River. Disturbance to the hydrologic regime could dewater streams and damage wetlands. In addition, direct disturbance to wetland and riparian habitat could damage these fragile and important ecosystems which provide critical habitat, maintain water quality and represent a source for our rivers. A detailed water balance analysis that addresses how water removal will affect wells, wetlands, and water bodies should be performed prior to completion of the EIR,. This hydrology study should be based on 2-4 years of baseline data gathered not only for wells, but for wetlands and affected water bodies including Spring Creek, Grizzly Creek, and Shady Creek.

Cumulative impacts to fisheries and amphibian populations should be thoroughly assessed in the EIR, and include downstream effects to species expected to be present within the extended duration of the project.

The mine discharge and potential dewatering has the potential to cause damage to fisheries and amphibian populations. The project area and affected streams support populations and/or potential habitat for species listed under State and Federal Endangered Species Acts, as well as species for which ESA petitions are pending, and which are considered very rare.

Both Shady Creek and Spring Creek support known populations of foothill yellow-legged frog. Wetland habitat within and around the project site is known to support populations of Western pond turtle. These rare amphibian species are likely to be considered threatened with extinction over the course of the proposed mine project.

In addition, Grizzly Creek (which may be affected) and Shady and Spring Creeks (which will almost certainly have indirect impacts if not direct effects) provide potentially suitable habitat for California red-legged frogs, listed as threatened with extinction under the Endangered Species Act. The proposed project is within several miles of a known population of California red-legged frog, and designated critical habitat for this species. Spring Creek, where water was discharged last time the mine operated, could be within two miles of habitat where California red-legged frog is known to be present.

The mine may impact amphibian habitat in creeks and wetlands through a variety of mechanisms including changes in sediment delivery, water quality and stream flow. Additionally, such changes may affect the South and Middle Yuba Rivers to which they flow. Sediment and mercury transport rates may increase to these water bodies.

Cumulative impacts of mining and other soil disturbing and erosion producing activities have been named in a recent National Marine Fisheries Service (NMFS) Biological Opinion as a potential threat to salmonid species in the Yuba watershed. While the fisheries upstream of Englebright reservoir are presently inaccessible to anadromous fish species, this Biological Opinion indicates that the survival of some species, such as the spring-run Chinook salmon, may depend upon eventual access to this upstream habitat. Thus, cumulative effects of sedimentation and mercury contamination on the South and Middle Yuba Rivers should be addressed in the EIR, particularly given the number of decades during which mine operation could continue.

The potential for release of mercury into streams and ultimately the South Yuba River must be evaluated in the EIR.

The proposed mine would discharge water onto an abandoned historic hydraulic mining site, where mercury may have been utilized and still may be present in soils. The South Yuba River and Middle Yuba River, and downstream Bullards Bar and Englebright Reservoirs, are already listed as Impaired under the Clean Water Act for mercury contamination, and mercury TMDL (total maximum daily load) is being developed. The EIR should assess potential cumulative impacts of additional mercury contamination should this discharge be permitted.

Impacts to recreational uses should be assessed as a potentially significant impact in the EIR.

The proposed mine site is surrounded by public lands, including State Parks, Bureau of Land Management land under cooperative management with local groups, a public school that conducts outdoor education, and Forest Service land comprising the headwaters of some of the affected streams. These lands are used by SYRCL members and many others for hiking, nature walks, and educational experiences. Our members enjoy the wetlands, springs, creeks, and unique habitats that these lands provide, including the South Yuba River we worked so hard to have listed under the Wild and Scenic Rivers Act. The proposed project risks dewatering wetlands that are important ecologically, but also highly valued by our community and the site of regular recreational use.

Because the area surrounding the mine site is important for recreation in this portion of Nevada County, and for others throughout the County, we ask that Nevada County recognize the potentially significant impacts to recreation in the EIR, and provide mitigations to these potential threats.

Conclusion

The proposed San Juan Ridge Mine would remove a huge amount of groundwater relative to Nevada County's existing groundwater usage, and would discharge correspondingly large quantities of water into fragile and important watersheds.

The range of impacts on watersheds, wetland and riparian habitat, aquatic ecosystems, fisheries, and rare, threatened and endangered species must be addressed in the EIR for this project using robust scientific analysis, empirical data, and a cumulative impacts horizon of at least 15 years.

Finally, impacts to recreational users of adjacent lands must be more accurately characterized, and potential significant impacts must be mitigated.

Thank you for your consideration of these comments.

Sincerely,

Caleb Dardick
Executive Director