



# BANNER MOUNTAIN

Homeowners Association  
P.O. Box 833 Nevada City, CA 95959

January 14, 2009

Mr. Tom Last, Planning Director  
City of Grass Valley  
125 E Main St.  
Grass Valley, CA. 95945  
(also sent via email)

Re: Idaho-Maryland Mine Project DEIR

Dear Mr. Last:

On behalf of the Banner Mountain Homeowners Association (BMHA), I am writing to summarize our concern about the inadequate mitigations in the IMMC DEIR relative to dewatering issues for our residents.

BMHA hired 2 independent expert hydrogeologists, Steve Baker and Tom Myers, to review the DEIR. We are incorporating their review and comments in this letter by reference. The analyses by Steve Baker and Tom Myers are highly critical of the science and mitigations provided in the DEIR, and both hydrogeologists conclude that it is impossible to limit the effect of dewatering to the small area around the mine (as defined in the current DEIR) and to restrict the time frame for dewatering to 200 days, or the time it takes to initially dewater the mine.

Hence we assert that the DEIR is inadequate and that the dewatering mitigations must be revised as follows:

1. An independent commission, including an independent qualified hydrogeologist, representatives from BMHA, Bohemia Area Residents Council (BARC), Grass Valley City, and Nevada County shall be established to provide guidance on mitigation for affected wells. The decision of the commission will be final. Among other issues, this commission will make the final determination on whether or not a well is being impacted by the dewatering of the mine.
2. The IMMC, at its own discretion, may increase the scope of its well monitoring program to include representative wells on Banner Mountain. This monitoring information, if available, will be considered by the commission in its analysis.
3. If the commission determines that mine dewatering has affected one or more domestic wells, without restriction to "risk category", then IMMC shall be responsible for providing immediate water deliveries to the affected homeowners at IMMC's cost. IMMC shall also provide a permanent water supply at its own cost. On Banner Mountain it will likely take several years to connect an affected well owner to NID water. The commission and the affected homeowner will negotiate how water will be provided during the interim period between the well being affected and eventual connection to NID water. Water shall be provided for all uses, including irrigation.

4. IMMC shall establish a fund to pay for these mitigations. The fund shall be configured and administered by the commission. The size of the fund will be determined by the commission within 1 month of project approval and establishment of the commission, however, the fund shall be at least \$1M since it must cover the cost to install lengthy treated water lines and provide for years of delivery of water. As the fund is depleted, it shall be replenished within 30 days. If at any time the fund is not replenished within 30 days then all operations and / or construction at the IM mine shall cease until the fund has been replenished.
5. The fund and all mitigation measures shall apply for the entire life of the IMMC project plus 10 years after the mine has been reflooded. If the IMMC continues to dewater the mine then the mitigation measures and the fund shall remain effective.

These are entirely feasible mitigations. If the applicant contends that these mitigations are not feasible then we want an explanation of why they are not feasible.

Until the DEIR is modified and reissued with these revised mitigations, the DEIR is inadequate. Once the revised mitigations have been incorporated into the DEIR, the DEIR must be recirculated for public comment.

Sincerely,

Robert Bogart, Board Member, BMHA

On behalf of BMHA

cc: Nate Beason, District 1 Supervisor

KVMR, KNCO, KXJZ, KQED

The Union, Yubanet.com via email