	Attachment 1: Additional CDFW Comments on Idaho-Maryland Mine DEIR April 4, 2022				
Comment #	**Section**	**Print Page #**	**PDF Page #**	**Issue / Comment**	**Solution / Suggested Fix**
1	2	1-2	32	Under the Project Components section, it says "the proposed project would reinitiate underground mining and gold mineralization processing for the Idaho-Maryland Mine over an 80-year permit with gold mineralization processing and underground exploration and underground exploration and mining proposed to operate 24 hours a day, 7 days a week during full operations."	Please specify which permit or permits that are being referred to in this statement.
2	2	2-3	53	The DEIR does not include details on what developments are proposed within the Management Plan to allow for development within the required 100-foot setback from the Riparian Areas of the Perennial Watercourses, pursuant to the Nevada County LUDC, Section L-II 4.3.17, at the Brunswick and Centennial Industrial Sites.	CDFW recommends to detail what development is proposed and the impacts those development projects will have on Wolf Creek, South Forth Wolf Creek, the communities that rely on these waterways, and the riparian vegetation.
3	2	2-31	81	Mitigation measure 4.4-1(a) for Pinehill flannelbush (*Fremontodendron californicum ssp. decumbence*) details in the event project actions that will directly impact Pinehill flannelbush, seed collection and banking will be done to ensure the future replacement and recovery efforts pursuant to the requirements of Section 6.2 of the HMP.	Please clarify when and how many seeds will be collected. Once the seeds have been collected, which seed bank will be used and how long will they be stored?
4	2	2-36	86	In mitigation measure 4.4-1(b) it states: "weekly site monitoring by a qualified biologist to ensure that the special-status plants are being protected during site disturbance and construction."	CDFW recommends revising this to, "A qualified biologist shall be onsite during all vegetation and ground disturbing activities that are within the vicinity of special status plants and weekly monitoring of the protective fencing along the buffer zone." This will help ensure that special-status plants are being protected during site disturbance and construction.
5	2	2-38	88	There are multiple CNPS listed plants with a ranking of 1B with the potential to occur within the Project site. In mitigation measure 4.4-1(b) for Other Special-Status Plant Species it states: "If the 80 percent survival is not established after two years, transplants of individuals grown from seed shall be planted at a location with similar soil, hydrologic, vegetation type and aspect as the portion of the site where they are found. Transplantation shall occur in the season deemed to have the greatest potential for success, generally the fall, after rains have commenced. Transplants shall be monitored every month for the first six months, then every two months for a minimum of two years. After two summer seasons of monitoring identifies successful establishment of 50 percent of the initial transplants, transplant seedlings will be deemed successful."	Measure 4.4-1(b) applies to multiple special status plant species with a CNPS ranking of 1B with the probability to occur within the project site. Therefore, CDFW recommends the DEIR detail species specific measures and success criteria that will result in no-net loss for all special status species. CDFW recommends the Qualified Biologist obtains a scientific collecting permit for any special status plant species that may be impacted by this project. Plant species not listed as rare, threatened, endangered, or candidates for listing under CESA or NPPA may meet the definition of rare or endangered provided in CEQA (Cal. Code Regs., tit. 14, § 15380, subd. (b).).
6	2	2-40	90	4.4-2(b) Western Pond Turtle Pre-construction survey and avoidance and minimization measures.	The western pond turtle (*Actinemys marmorata*) is a species of special concern. Movement out of harm's way must be authorized by CDFW under a scientific collecting permit or a Lake and Streambed Alteration Agreement. The DEIR should state that the Qualified Biologist should have all required permits before commencing species specific surveys.
7	2	2-46	96	Coast Horned Lizard 4.4-2(e) "...If the species is documented during pre-construction survey(s), a qualified wildlife biologist (approved by CDFW) shall move individual coast horned lizards outside of the proposed disturbance area(s) in order to avoid an impact to this species. "	For species of special concern, a Scientific Collecting Permit may be required to move individual Coast Horned Lizards out of harm's way. The DEIR should state that the Qualified Biologist should have all required permits before commencing species specific surveys.
8	2	2-47	97	Pre-construction surveys for special-status bats in measure 4.4-2(f) should keep in mind the time of year and avoid starting construction in sensitive bat habitat during maternal rooting season.	To reduce the biological impacts to special status bat species, CDFW recommends conducting bat surveys between March 1 to July 31 by a qualified biologist with experience with bats in the year prior to the removal of any oak trees, buildings and structures, or dewatering of the mines. Bats are at their most vulnerable in buildings during the summer, when large numbers may be gathered together and young bats, unable to fly, may be present. Operations to known breeding sites should therefore be timed to avoid the summer months, therefore work should be sufficiently advanced by May or June for returning bats to be dissuaded from breeding in that site for that year. If no bat roosts are detected, then no further action is required if the trees are removed prior to the next breeding season. If removal is delayed, then an additional pre-construction survey shall be conducted 30 days prior to removal to ensure that a new colony has not established itself.

9	2	2-47	97	Special-Status Bats 4.4-2(f) "...Furthermore, if a maternal (breeding) roost is documented, no disturbance shall occur until the breeding roost has dispersed from the structure or riparian and forested woodlands they are found in."	In order to ensure the maternal roost has fully dispersed CDFW recommends changing this language to: "...Furthermore, if a maternal (breeding) roost is documented, no disturbance shall occur until a qualified bat biologist has determined the young bats are no longer roosting and the breeding roost has dispersed from the structure or riparian and forested woodlands they are found in." Additionally, if presence is documented within structures that will be removed on the Centennial Industrial site or the Brunswick Industrial site, along with potential presence within the mine shaft, may result in potentially significant impacts that need to be analyzed and mitigated for accordingly and included in the DEIR.
10	4.4	4.4-73	470	The DEIR does not discuss the potential for additional roosting habitat that may be created from the dewatering of the Idaho-Maryland Mine and the impacts that mining operations could potentially have on bats.	CDFW recommends the DEIR analyze the potential for the Project to impact bats, especially the on going mining activities within the Idaho-Maryland Mine should bats move into the mines once they are dewatered. If potentially significant impacts are identified, the DEIR should describe how the Project will avoid, minimize, and mitigate to a less than significant level.
11				The DEIR lists a number of mitigation measures for biological resources that rely on future approvals or agreements as a means to bring identified significant environmental effects to below a level of significance.	CEQA Guidelines §15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. Because there is no guarantee that these approvals or cooperation with all of the involved entities will ultimately occur, the mitigation measures are unenforceable and do not reduce the impacts to biological resources to a less-than-significant level. CDFW recommends forming mitigation measures that are actionable and enforceable.
12	2	2-54	104	Under mitigation measure 4.4-3(b) "Place staging areas and other work areas outside of the 50-foot non-disturbance buffers of ephemeral and intermittent aquatic resources and 100-foot nondisturbance buffers of perennial aquatic resources." Staging areas should be adequately distanced from sensitive resources.	Under F&G code 5652, CDFW recommends a 150 foot buffer from the high water mark for all staging areas to prevent unlawfully depositing or placing debris or waste where it can pass into the waters of the state. CDFW recommends including staging areas and other work areas in the Project's subsequent notification pursuant to Section 1602 of the Fish and Game Code to ensure their inclusion in any Lake and Streambed Alteration (LSA) Agreement that may be needed prior to commencing any activity that could deposit debris, waste or other materials where it may pass into any river, stream or lake.
13	2	2-56	106	4.4-3(c) "... Compensatory mitigation can include but is not limited to the following: onsite and/or offsite wetland creation and/or restoration, purchase or placement of conservation easements, payment of an in-lieu fee, and/or purchase of mitigation credits at an approved Corps wetland mitigation or conservation bank."	CDFW is not currently signatory to any in-lieu fee programs and therefore will not likely accept participation in these programs as compensatory mitigation for temporary or permanent loss of wetland habitat. Additionally, any credits purchased should be from a CDFW-approved mitigation or conservation bank to avoid needing to buy credits from multiple banks. CDFW recommends coordinating with all regulatory permitting agencies early and concurrently in the process to reduce the need to mitigate separately for each agency.
14	4.4	4.4-84	481	In Figure 4-4.10 for the Brunswick Industrial Site, it shows the South Fork Wolf Creek flowing near the Water Treatment Pond and a wetland abutting the pond to the northwest.	Please identify how the treatment pond will be constructed to ensure high rain events will not result in untreated water passing into the abutting wetland or South Fork Wolf Creek.
15	4.4	4.4-20	417	Table 4.4-5 has Pine Hill flannelbush (*Fremontodendron decumbens*) potential for presence on the Centennial Industrial Site as High. There have been multiple confirmed cases of presence on the Centennial Industrial Site from the 2019 Pine Hill flannelbush protocol-level surveys and on CNDDB.	CDFW recommends changing the potential status from 'high' to 'present' for the Centennial Industrial Site.