

From: [WB-RB5R-CentralValleyRedding](#)
To: [Graham, Jim](#); [Ferguson, Tracey](#); [Herrin, Rebecca](#)
Cc: [Low, George@Waterboards](#)
Subject: Engels-Superior Mine, Electronic Transmittal, Central Valley Water Board, Redding Office
Date: Tuesday, November 28, 2023 7:46:48 AM
Attachments: [Engels-Superior Mine Zoning Admin Ltr.pdf](#)

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Good Morning-

Please find the attached Determination of Vested Rights of Mining Operation letter dated 28 November 2023. A hard copy was sent to the addressee separately. Should those receiving this correspondence have any questions, please contact George Low at George.Low@waterboards.ca.gov, or (530) 224-4997.

Kindly,

Vicky Thao
Office Technician to
Assistant Executive Officer, Clint E. Snyder
Central Valley Regional Water Board
364 Knollcrest Dr. Suite 205 Redding, CA. 96002
Vicky.Thao@Waterboards.ca.gov



Central Valley Regional Water Quality Control Board

28 November 2023

Jim Graham
Zoning Administrator
Plumas County Planning Department
555 Main Street,
Quincy, CA 95971

DETERMINATION OF VESTED RIGHTS OF MINING OPERATION, ENGELS-SUPERIOR MINES, PLUMAS COUNTY

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff were recently made aware of efforts to establish a Determination of Vested Rights of Mining Operation(s) for the Engels-Superior Mines located within Assessor Parcel Numbers (APNs) 007-080-004-000 and 007-090-003-000 within Plumas County (Site).

Central Valley Water Board staff has reviewed an 11 October 2023 Zoning Administration Staff Report, *Determination of Vested Rights of Mining Operation(s) As per Plumas County Code Section 9-5.05. Vested Rights* as well as a *Verified Request for Determination of Vested Rights for the Engels-Superior Mines* report that was prepared by EnviroMine, Inc. of San Diego and submitted to the Plumas County Planning Department by US Copper Corp. of Toronto, Ontario, Canada (Project Proponent)

The Project Proponent asserts the Site's vested mining rights encompasses approximately 967-acres. These vested mining rights include the right to mine, to utilize all such mobile equipment and processing equipment as reasonable and necessary to crush, wash, sort, stockpile, load, and otherwise manage copper, gold, silver, and construction aggregate products from the Mines.

The forementioned reports are being considered towards a potential determination by the Plumas County Zoning Administration on whether the subject properties have vested rights of mining. Currently this item is scheduled for consideration at a 13 December 2023 Plumas County Zoning Administration Meeting.

Although there is no formal project proposal for consideration at this time, it appears efforts to seek a determination of vested mining rights may result in future mining operations at the Site. This letter is to inform interested parties of potential

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Central Valley Water Board permitting requirements should future mining operations be initiated at the Site.

Application/Report of Waste Discharge

Any prospective mining project has the potential to generate waste material at the site. The discharge of mining waste is regulated by California Water Code Section 13260 and California Code of Regulations Title 27 (Title 27) Sections 22470 et seq. Both require a submittal of a Report of Waste Discharge (ROWD) which needs to include characterization and classification of types of generated mining waste (Title 27 Section 22480) and plans for their containment (Title 27 Section 22470 et seq.). A ROWD, Form 200, filing fee, and supporting information must be submitted at least 140 days prior to discharge. The Central Valley Water Board will consider the information submitted and either issue or waive Waste Discharge Requirements. Information can be found at [Water Boards Central Valley Permit](https://www.waterboards.ca.gov/centralvalley/help/permit) Information (<https://www.waterboards.ca.gov/centralvalley/help/permit>).

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website [Water Boards Stormwater Construction Permits](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html) (https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html).

Industrial Storm Water

On 16 November 1990, the USEPA promulgated storm water regulations (40 CFR Parts 122, 123 & 124) which require specific categories of industrial facilities discharging storm water to obtain NPDES permits and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate industrial storm water pollution. Industrial facilities with Standard Industrial Classification (SIC) Codes must be covered by a General Permit for Discharges of Storm Water Associated with Industrial Activities. Detailed information on the IGP can be found on the State Water Board website [Water Boards Storm Water Multiple Application and Report Tracking System](https://smarts.waterboards.ca.gov/smarts/faces/SwSmartslogin.xhtml) (<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartslogin.xhtml>).

Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board.

Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers.

Any proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources).

Isolated wetlands and other waters not covered by the Federal Clean Water Act

Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources).

If you have questions regarding the content of this letter, please contact me at (530) 224-4997 or by email at George.Low@waterboards.ca.gov.

George Low, P.G.
Senior Engineering Geologist
Mines Program

GL: vt

cc electronically: Tracey Ferguson, Planning Director, Plumas County
Rebecca Herrin, Assistant Planning Director, Plumas County