

From: [Graham, Jim](#)
To: [Ferguson, Tracey](#); [Wightman, Heidi](#)
Subject: FW: Comments on the US Copper Corp. Open-Pit Mine, Plumas County
Date: Wednesday, November 29, 2023 8:10:35 AM

Hi Tracey,

Please include this email in the record.

Jim Graham (he/his)
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From: runciblefish <runciblefish@comcast.net>
Sent: Wednesday, November 29, 2023 7:52 AM
To: Graham, Jim <JimGraham@countyofplumas.com>
Subject: Comments on the US Copper Corp. Open-Pit Mine, Plumas County

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Dear Mr. Graham,

Thank you for providing an opportunity to comment on the proposal to develop an open-pit mine at the former Engels Mine site. I am a retired Engineering Geologist and former Certified Engineering Geologist for the State of California, and I have experience in both environmental geology and water rights.

The authority for making determinations of vested rights previously resided with the California Department of Conservation. This authority has been transferred to County, but along with that authority comes a great burden responsibility to act in the public interest.

As the Lead Agency for making this determination of vested rights for the proposed US Copper Corp. open pit mining operation, Plumas County must make certain findings of fact. In addition to the findings that the mining company has requested, the County must also make a finding that the proposed expansion of the mining operation does not substantially differ from the existing mine operations. The County Code states:

Section 9-5.05 Vested Rights.

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this chapter.

At the outset, let me state that I do not believe "vested rights" for this property extend beyond aggregate mining, which has been the only actual use at the mine in recent history. Exploration is not mining, and the fact that exploratory holes have been drilled does not support the idea that rights to either underground mining or open pit mining at this site are vested. Further, the documents submitted by the operator to support the vested rights assertion are curiously silent about this "finding" of whether the proposed open pit mine differs substantially from existing operations. US Copper Corp asserts that the proposed open pit mine is simply an expansion of current operations to meet demand, failing to acknowledge that the proposal represents a fundamentally different type of mining operation.

While the previous underground mining methods involved tunneling into the mountain, removing only high-grade ore, and leaving most of the low-grade ore undisturbed, the proposed open pit mine would expose vast quantities of low-grade ore in waste piles and wall rock of the open pit to atmospheric conditions that would rapidly result in breakdown of sulfide minerals and acid generation. The proponent's claims that they anticipate that the material would be non-acid generating are preposterous and unsupported by adequate investigation, and lack any certification by licensed professionals.

The proposed open pit mine is so fundamentally different from any mining operation that has ever occurred at this site that the County cannot pretend that the project qualifies for the vested rights that US Copper Corp is seeking. The vested rights claim is a thinly veiled attempt to circumvent the permitting process.

If the County makes a finding that the proposed open pit mine is not substantially different from existing operations at the mine site, whether explicit or implied, this will expose the County to unfathomable liability. Lawsuits will promptly ensue, at great cost to the County taxpayers.

Additionally, any determination by the County that relies on information provided in the reports provided by US Copper Corp would be invalid because the materials were not prepared by, or under the supervision of, professionals licensed to practice in California. Basing its determination on unlicensed practice would expose the County to additional liability.

According to the Geologist And Geophysist Act:

Business and Professions Code §§ 7800 – 7887)

All geologic plans, specifications, reports, or documents shall be prepared by a professional geologist or licensed certified specialty geologist, or by a subordinate employee under his or her direction. In addition, they shall be signed by the professional geologist or licensed certified specialty geologist and stamped with his or her seal, both of which shall indicate his or her responsibility for them.

The entire vesting determination request is fraught with obfuscation. Even the name of the company proposing the project is intended to mislead, as is the claim that this copper is needed for American industry. The name, "US Copper Corp.," is intended to appeal to the patriotic nature of Plumas County residents. US Copper Corp. is a Canadian company, and it is likely that US Copper Corp would gain more profit from extracting the gold at this site, rather than the copper, but it sounds more patriotic to

say they are fulfilling America's need for copper. People who want to support American industry do not appreciate being misled about the most fundamental aspects of this project: what they are after and who reaps the profits.

The open pit mining method removes all the rock above the high grade deposits, and the discarded, low-grade ore, after becoming exposed to the surface environment becomes fundamentally changed. The chemistry of this waste material will be different after surface exposure. Bacteria and oxygen introduced through surface exposure will result in the breakdown the sulfide minerals leading to the generation of acid mine drainage, a toxic legacy that will remain long after US Copper Corp has taken its profits and left its mess behind.

The sulfide mineralization at this mine is the same type of mineralization that has resulted in acid mine drainage at numerous abandoned mines that have become Superfund sites. The glib dismissal of the risk that the open pit mine will produce acid mine drainage, is even harder to swallow, considering that the report was not prepared by any professional licensed to practice geology in this state.

The proposed open pit mine development must not be granted vested rights. Such a determination would bring shame on the Board of Supervisors.

Sincerely,
Tom Peltier