

From: [GORDON KELLER](#)
To: [Ferguson, Tracey](#)
Cc: [Graham, Jim](#)
Subject: Engel Mine Vester Rights Determination
Date: Tuesday, March 19, 2024 11:14:24 AM
Attachments: [Genesee Geotechnical- EngelMine Vested Rights Determination.pdf](#)

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Hi Tracy and Jim-

Attached is my letter expressing concern and reservation about US Copper's application for Vested Rights for the Engel Mine.

Thank you for your consideration in this matter.

Respectfully,

Gordon Keller

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Keep in Touch" ...Garrison Keillor*



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19 March, 2024

To: Tracy Ferguson, Plumas County Planning Director
Re: Engel Mine Vested Rights Determination

First, I want to thank you and your staff for your hard work on this matter and commend you for your decision to hire an experienced consultant in mining law to help evaluate the proposed Engel Mine Vested Rights application. Vested Rights and other mining laws are complicated and unfortunately pre-date most of our current environmental and land use regulations and laws.

I write this letter to express opposition to the granting of Vested Rights to the US Copper-Engel Mine project application. It is my opinion that the company does not qualify or have the legal right to a vested rights determination. I base this opinion on the following considerations.

Vested rights require the continuous operation of mining. Engel mine stopped mining production in the 1930's and has not operated significantly since that time. Only some exploratory drilling has been done periodically over the years. Current activities involve a common variety mineral operation of crushing the tunnel muck rock for gravels and aggregate. Commercial mining and processing for copper are a totally different type and operation than a small aggregate crushing operation. Many other gaps in any work done at the site very likely exist over the past nearly 90 years. Thus, qualification for vested rights does not seem justifiable.

Historic mining at the Engel and Superior mines have always involved "hard-rock tunneling", crushing, milling, and processing of the ore. Land surface impacts are relatively small from the mill site and waste dumps. A large open-pit mining operation has orders of magnitude more impacts on the land, including the large pit, tailing dumps, and tailing ponds. While the historic operation only has the visual impact of a tunnel opening, mill site, and dump, the open pit mine will have a hole in the ground visible from space, large processing facilities, and large tailings ponds and piles. Thus, the scope of the new proposed operation is quite different and does not seem to qualify for vested rights.

From an environmental perspective, large open-pit mines are one of the most impactful and damaging land use practices on earth. Granted, the Vested Rights application is for the Engel/Superior patented mining properties, but a concern is that some of the latitude given to Vested Rights would ultimately apply or "spill over" to the planned open pit mining operation in Moonlight Valley. If the company chooses to proceed without Vested Rights, then normal "due process" can be applied to evaluation and design of the project.

Thank you for your consideration in this matter!

Respectfully,

Gordon Keller, PE, GE
Civil/Geotechnical Engineer



Specialist in Low-Volume Roads Engineering

