

From: [Laurel Paulson-Pierce](#)
To: [Ferguson, Tracey](#); [Graham, Jim](#)
Subject: TO PLUMAS COUNTY ZONING AND PLANNING ADMINISTRATORS, APRIL 6, 2024 RE: "VESTED RIGHTS"
Date: Saturday, April 6, 2024 11:18:47 PM
Attachments: [TO PLUMAS COUNTY ZONING AND PLANNING ADMINISTRATORS APRIL 6, 2024.docx](#)

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FROM LAUREL PAULSON-PIERCE, RESIDENT OF WESTWOOD IN LASSEN COUNTY, CA

I RECOMMEND THE PLUMAS COUNTY ZONING ADMINISTRATOR DENY VESTED RIGHTS TO U.S. COPPER CORP

FOR THE ENGELS AND SUPERIOR MINES BASED ON THE CONSIDERATIONS LISTED BELOW.

TO PLUMAS COUNTY ZONING AND PLANNING ADMINISTRATORS APRIL 6, 2024

TraceyFerguson@countyofplumas.com, Planning Director, Plumas County

JimGraham@countyofplumas.com, Interim Assistant Director of Planning

FROM LAUREL PAULSON-PIERCE, RESIDENT OF WESTWOOD IN LASSEN COUNTY, CA

I RECOMMEND THE PLUMAS COUNTY ZONING ADMINISTRATOR DENY VESTED RIGHTS

TO U.S. COPPER CORP BASED ON THE CONSIDERATIONS LISTED BELOW.

As I understand in U.S. Copper is applying to have "vested rights" determination authorized for mining in the Engels and Superior Mine locations. U.S.Copper is not a "U.S." company, as it would lead others to believe by their name. They are also not a "mine operating" company, as their advertising shows that they are seeking other operators, investors to purchase the rights to mine these sites they are interested in. This would mean that Plumas County or the local residents will have no part in the decision on who will actually be conducting these operations. The plans show that they expect there to be many tons of precious materials removed from this area, and there is no provision to compensate the local residents or government for any of the Millions or Billions of dollars worth of product that will potentially be removed from here. There will be no way to tell if the actual mining activities will be done by a company that is going to proceed with caution, or be willing to conduct their activities according to regulations. The proposed activities are not simply to "dig a big hole" but the subsequent actions involve the use of highly toxic and caustic chemicals which are known to persist in the environment not only for years, or decades or generations, but for millennia. If mine operators abide by local ordinances, acts and rules, they would need to do considerable planning prior to and operation beginning, and during the mining they would be required to be inspected and to comply with county, state, and federal regulations. After a mine ceases operations they need to comply with many requirements of SMARA, the CA Surface Mining and Reclamation Act of 1975. This requires making and submitting a plan for what steps they will take after closing the mine, even before they open it. This also requires a financial deposit which is guaranteed to cover all costs which may be incurred in rehabilitating the area, including the environmental liability for the tailings dams.

On Thursday, April 4, 2024, we experienced an earthquake which was felt in our area. The Epicenter was located near Belden, less than 30 miles from Taylorsville, which is one of the Closest Town to the area where the proposed mines exist. A study by Earthworks has shown That 14 out of the 15 of the holding ponds they studied where tailings are treated with chemicals are likely to fail and the 2 main reason they fail and release poisonous tailings Into the environment are excess rain events, and seismic activity. We had a 3.6 magnitude earthquake on Feb. 7, 2024, centered at Canyon Dam, just a few miles from Greenville. On Sept. 8, 2023, near Burney there was a 5.0 magnitude event, and on Sept 7 , 2023 there was one 7 miles SSE of Chester. Just this week we experienced 2 local quakes with 6 aftershocks, all less than 20 miles from Chester .

Here are earthquakes, most recent at top ... from scedc.caltech.edu So Cal Earthquake Data Center

<u>MAG</u>	<u>LOCAL DATETIME</u> <u>y/m/d h:m:s</u>	<u>LAT</u> <u>deg</u>	<u>LON</u> <u>deg</u>	<u>DEPTH</u> <u>km</u>	LOCATION
2.2	2024/04/06 14:07:52	40.041N	121.295W	7.33	19 mi. S of Chester, CA
2.9	2024/04/05 03:46:46	40.040N	121.300W	5.76	19 mi. S of Chester, CA
2.6	2024/04/05 03:26:15	40.041N	121.296W	5.3	19 mi. S of Chester, CA
2.2	2024/04/05 03:12:56	40.043N	121.286W	11.23	18 mi. S of Chester, CA
2.7	2024/04/04 19:03:34	40.037N	121.298W	5.55	19 mi. S of Chester, CA
2.2	2024/04/04 18:44:08	40.045N	121.287W	11.79	18 mi. S of Chester, CA
4.4	2024/04/04 18:34:49	40.040N	121.301W	7.76	19 mi. SW of Chester, CA
4.1	2024/04/04 18:34:25	40.033N	121.316W	5.38	19 mi. SSW of Chester, CA

Other seismic data from the U. S. G. S. (United States Geological Survey) listing earthquake activity in this area, show it to be quite seismically active. This does not bode well for earthen dams holding back many acre feet of tainted material. History shows that open pit mines are notorious for leaving behind a toxic wasteland as the chemicals used to extract the ore from the tailings are well-known poisons such as arsenic, cyanide, sulfuric acid, and other caustic and dangerous chemicals that are often left behind after mine operations have finished extracting the components that were their targeted goal.

Here is a photo of a water level marker that was posted near the Shady Rest roadside rest area along the Feather River. It shows the flood water levels that have been experienced at that location in 1996, 1987 and 2017. This shows That the area does receive extreme amounts of water which indicates that the amount of rainfall that occurs in and around the place where these historic mines are located could be a major factor impacting the ability for any tailings ponds or dams to safely hold all of the contents they are meant to contain. The proposed mine areas are in the watershed which drains into the Feather River, and this water is essential to over 27 million people who depend on it. Countless other lives of plants and animals depend on the waters of this river for their lives. The water also serves to produce much of the agricultural products which nourish people in this state and are also exported around the world.

Hwy 70 Rest Stop high water sign



I am also concerned that the area where the mine is proposed to be is located on or near U.S. Forest Service property and would be subject to the approval of this public entity. There are Other agencies, departments and entities which have jurisdiction over activities in the area. These Include the Central Valley Water Board, CA Fish and Wildlife, Air Quality Control Board, and other Local, county, state and federal entities which oversee activities on public and private lands. The historic mines which were active many years ago have not been in production for many decades. There has been some activity in the area that has been excavating rock and gravel products, but this does not qualify as ore extraction, and should not be used to qualify the requirement of the "continued use" which the "vested rights" grant is based on. The former mine operations were strictly "underground" operations and are by no means the same as "open pit" mining processes. The "vested rights" label was created to allow active operations to continue under historic rules and regulations, but there is no "active operation" which can qualify for that status in this instance. If the former mines had followed procedure, they would have had to also conduct reclamation procedures to restore the area and mitigate the impact of the mined lands and return them to useable condition. It is evident that these requirements have not been put in place at these historic mines. According to Ryan K. Gallagher, Attorney with Shute, Mihaly & Weinberger, a law firm investigating this issue: "Because all mining stopped long before 1958, there has never been a vested right to mine on the property. Some vested rights cases can be complicated and fact-intensive. This is not one of them. The law is clear that a property owner can attain a vested right only "to continue a use which existed at the time zoning regulations changed and the use thereafter became a nonconforming use." (page 3) "The County must deny the Petition for multiple reasons. First, and most importantly, there simply has never been a vested right to mine for copper, gold, or silver on the Property. 2. As US Copper acknowledges, the relevant "vesting date" for any right to mine is 1958, when the County adopted its first zoning ordinance. The problem for US Copper is that its predecessors in interest were not mining the Property in 1958, and had not been for nearly thirty years. Under the vested rights doctrine, US Copper's predecessors could not have acquired a right to continue a use that was not actually occurring when it became nonconforming." (page 1 and 2) This was in a letter to Tracey Ferguson on Mar. 20, 2024.

Thank you for your careful consideration of this issue. Sincerely, Laurel Paulson-Pierce