

EXHIBIT “E”

RESPONSE TO PUBLIC COMMENT

1. Introduction

The County collected, and made part of the record, all comments provided by the public. Comments received came in the form of verbal, letter, and email. The County is under no procedural burden to respond to individual comments as part of the determination of vesting rights review process, although the County, through this Memorandum, has collated each comment received to-date, as of April 12, 2024, 5:00PM PST, and lists the comments chronologically in a table with topics assigned to the content of each comment (Table “1”). The comments are summarized below. Further, this Memorandum provides a high-level response to the topics the comments raise.

2. Summary of Comments

The comments received can be divided into six distinct categories: Geographical Scope, Operational Scope, Procedural Concerns, Environmental Concerns, Social Concerns, and Public Trust Doctrine. Further, many of the comments are labeled as General Opposition or General Support. These two categories are not labeled “general” for the commenter’s strength of conviction but rather that the opposition or support was generalized for or against the vesting as a whole. The color coordination, blue, green, and orange, in Table 1 is purely for readability separating opposition (orange), support (green), and neutral (blue) comments. The below review seeks to respond to the comments, as a whole at the topic level, rather than at the individual comment level.

3. Response to Comments

a. Geographical Scope

Geographical Scope is one of the aspects of any vested rights claim. Mining, as a physical operation on the land, is unique in that it inherently assumes “extension of mining into areas of the property that were not being exploited at the time a zoning change cause the use to be nonconforming.”¹ Naturally, while mining, one area becomes fully exploited and the operations move with the vein, occurrence, or accumulation of minerals. This process gives rise to the exception to the rule of limiting expansion of the nonconforming use and is called the “diminishing asset” doctrine. California recognizes this doctrine and thus it should be applied.

However, the “diminishing asset” doctrine is not without limitations. The Supreme Court of California articulated this limitation in the *Hansen Brothers* case. “When there is objective evidence of the owner’s intent to expand a mining operation, and that intent existed at the time of the zoning change, the use may expand into the contemplated area.”² The variance to the nonconforming use can only be applied to lands that were owned with the intent of mining at the time of vesting. This means that no applicant may extend their legal nonconforming use to lands

¹ “The question thus arises whether this extension is a prohibited expansion of a nonconforming use into another area of the property.” *Hansen Brothers Enterprises, Inc. v. Bd. of Supervisors*, 12 Cal. 4th 533, 553, 907 P.2d 1324, 1336 (1996). (“*Hansen Brothers*”)

² *Hansen Brothers*, at 533. “An entire tract is generally regarded as within the exemption of an existing nonconforming use, although the entire tract is not so used at the time of the passage or effective date of the zoning law. 58 Am.Jur. 1023, 58 Am.Jur. 1023, § 151.” *McCaslin v. City of Monterey Park*, 163 Cal. App. 2d 339, 349, 329 P.2d 522, 527–28 (1958)

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acquired for the purposes of mining after the vesting date. Necessarily, a hard line is drawn around the extent of the operations, which usually includes the lands owned for the purposes of the operations, at the time of vesting and called the Geographical Scope. On determining the Geographic Scope, the *Hansen Brothers* court referenced a New Hampshire decision as the proper articulated three part test.

‘In conclusion, we hold that a party who desires to continue excavation operations ... must meet a three-pronged test: First, he must prove that excavation activities were actively being pursued when the law became effective; second, he must prove that the area that he desires to excavate was clearly intended to be excavated, as measured by objective manifestations and not by subjective intent; and third, he must prove that the continued operations do not, and/or will not, have a substantially different and adverse impact on the neighborhood.’ (Town of Wolfeboro (Planning Bd.) v. Smith (1989) 131 N.H. 449, 759 A.2d.)³

In this instance, property encompassed by the Geographical Scope of the potential vesting rights may extend to the entirety of Assessor’s Parcel Number 007-080-004-000 (the Engels parcel, 509 acres) and 007-090-003-000 (the Superior parcel, 226 acres). All of the patents for legal ownership of the lands under the APNs listed were acquired by 1928, well before the vesting date. Potentially, with further analysis on whether the Applicant showed objective manifestation of the intent to operate all of the parcels as one, the County could have a basis for assuming the “diminishing asset” doctrine on the entirety of the 735 acres. No legal nonconforming use can extend beyond the limits of these parcels without complying with the Surface Mining and Reclamation Act (SMARA) and the County permitting process.

b. Operational Scope

The Operational Scope of a vested rights claim concerns both the type of mineral to be extracted and the method of the extraction. Though gold and silver are both economically valuable minerals that may occur in similar geographic areas, they are treated as separate for the purposes of a vested right. Thus, any applicant must prove that each mineral under the application for vesting was actually exploited at the date of vesting on the property in question. Gold, silver, copper, aggregate, and any other valuable naturally occurring resources must each independently be shown to have been exploited at the time of vesting for the resource to be included in the rights vested. “The right to expand mining or quarrying operations on the property is limited by the extent that the particular material is being excavated when the zoning law became effective.”⁴

In this instance, the Applicant carries the burden to prove that at the time of vesting, the mining operations were in line with the requested rights in the Application. The Background Report (pdf page 22 of the Background Report), included in the Requested County Determinations as number 3, requests that the vested right would include copper, gold, silver, and construction aggregate. First, if granted, the Applicant would not have any rights to mine for any other non-listed resource. Second, the Applicant, as discussed herein, must prove that the requested resources were actively mined and exploited as of the vesting date. Though the Background Report shows periods of mining activity for and sales of copper, gold, and silver, there is no evidence presented that construction aggregate was exploited at the date of vesting. The Applicant, in the Background

³ *Hansen Brothers*, at 556.

⁴ *Hansen Brothers*, at 557.

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Report, provides references in the Number 10 Level Overburden History (pdf page 61 of the Background Report) that construction aggregate was exploited as early as 1964, but not earlier.

As to the method of mining, this Memorandum does not assume that the Applicant is limited to only the technology available at the date of vesting. Further, as a practical matter, the County cannot, as part of their vested rights determination, conclude in totality on the fullest extent of the Operational Scope due to the nature of continuing advancements in technology. The *Hansen Brothers* court states:

*“Impermissible intensification of a nonconforming use is more appropriately addressed at such time as increased production actually occurs. The issue is no different, and the county’s remedies are the same, as would exist independent of the SMARA application were Hansen Brothers’ business to increase. When it appears that a nonconforming use is being expanded, the county may order the operator to restrict the operation to its former level, and seek an injunction if the owner does not obey.”*⁵

However, the *Hansen Brothers* court also recognizes, as is the case in this instance, that when the applicant contemplates an expansion in the scope of operations of the mining, the determination must comment on the methods and whether they are a substantial change and thus not part of the vested right, or not a substantial change and may be used as part of the vested rights granted. For example, the *Hardesty* court found that surface mining was a significant change from hydraulic, tunnel, and drift mining such that the applicant needed to prove that the proposed method of mining occurred at the vesting date to be included in the Operational Scope of the rights granted.⁶

In this instance, the Applicant’s potential vested mining rights are subject to the limitations of the substantial change test. The cases referenced herein both discuss, to varying degrees, the concept that a substantial change can occur when a mining operation moves from one method of mining to another. Following the *Hardesty* court, the County has grounds to make the determination that open pit or surface mining is a substantial change from the historical mining operations which have only been described as tunnel mining.

c. Procedural Concerns

Initial Review: A determination for vested mining rights, as in Plumas County, is made by the Lead Agency pursuant to 14 California Code of Regulations (“CCR”) Section 3950. “Where the board exercises or assumes some or all of the lead agency’s powers pursuant to Public Resources Code Section 2774.4 or 2774.5, the board shall not conduct vested rights determinations.” Thus, Plumas County retains the jurisdiction to hear the vested rights determination request.

As discussed in this Memorandum, a vested right creates a legal nonconforming use which is allowed to continue without a permit. This regulatory structure is created via the zoning code, and thus any determination made pursuant to a vested right, legal nonconforming use, must be made pursuant to the County’s Code of Ordinances, specifically, Title 9 Planning and Zoning,

⁵ *Hansen Brothers*, at 575.

⁶ “To the extent Hardesty contends he has a vested right to surface mine under section 2776, he simply failed to carry his burden to prove any substantial surface mining on the property had been conducted by that date.” *Hardesty v. State Mining & Geology Bd.*, 219 Cal. Rptr. 3d 28, 42 (Ct. App. 2017), as modified (May 31, 2017).

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Chapter 2 Zoning, Article 8. Under Section 9-2.802, applications are filed with the Planning and Development Agency (i.e., Planning Department).

Under Plumas County Code Section 9-2.805, the Zoning Administrator makes the legal nonconforming determination based on certain findings. These findings are specific to mining vested rights determinations and are established by common law. The Zoning Administrator does not have the discretion to make a determination on findings outside the scope of the mining vested rights claims. Thus, as vesting determinations are based on operational continuity over time, findings of environmental impacts or other social harms are not determinative or usable by the Zoning Administrator. Jurisdiction of many of the environmental impacts caused by active mines is under the purview of other California state agencies which retain permitting requirements regardless of the determination of vesting.

Second Level Review: If an authorized party as defined in Plumas County Code Section 9-2.1001 disagrees with the outcome of the determinations made by the Zoning Administrator, the party has the right, at their discretion, to appeal to the County Board of Supervisors, as allowed under Plumas County Code Section 9-2.1001 through 9-2.1008. The Board of Supervisors conducts, as the appeal hearing body, a full appeal hearing “de novo” on the vested rights determination request. Here the Board of Supervisors makes an independent decision on the matter after presentations given by each party and after any public testimony is given. Hearings are held within 30 days of the filing of the appeal and decisions by the Board of Supervisors are made within 10 days of the conclusion of the appeal hearing.

State Court Level Review: Any action taken by the Board of Supervisors could be considered quasi-legislative or quasi-judicial. Usually, setting policies or increasing rates are considered a type of legislative act. In this instance, hearing an appeal on a vested rights determination is a quasi-judicial action because the Board is making a determination after hearing arguments on claims of rights. Any quasi-judicial determination made by the Board of Supervisors is appealable, again, to the State court.

If the appealing party disagrees with the outcome of the determinations made by the Board of Supervisors, the appealing party has the right, at the discretion to appeal to State court system (Superior Court – then Court of Appeals – then Californian Supreme Court) pursuant to California Code of Civil Procedure Section 1094.5 via a writ of mandate. The writ of mandate effectively asks the Superior Court to make a legal determination on the validity of the Board of Supervisors decision.

These cases are not heard de novo. Rather, once in Superior Court, the court will make a determination on whether the Board of Supervisors exceeded their jurisdiction, provided a fair hearing, made findings based on a reasonable interpretation of the evidence, abused their discretion, or generally, whether the Board of Supervisors made its decision in any arbitrary or capricious manner.

d. Environmental Concerns

As referenced in the above Procedural Concerns section, there is no environmental review that is conducted as part of the vesting rights determination process. Any environmental review is separate and distinct. Environmental reviews are included in such discretionary processes as the Permit to Mine and Reclamation Plan and any other discretionary state permits required specific to the project (e.g., mining operations). The purpose of this Memorandum, which reflects the review required by the Zoning Administrator, does not include any environmental review because

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the determination of a vested right is not contingent on its effects on the environment. Rather, a vested right is a right to use property in a way contrary to requirements in a zoning ordinance because of the operational continuity.

Though a vested mining right might afford the Applicant the right to mine a certain property, the vested right does not afford the Applicant the right to operate without regulatory oversight. Buildings must be built to code. Industrial processes must be kept in line with environmental and worker protections. Discharges must be monitored and kept in compliance with local and state water quality standards. The only environmental review that is not required as part of a valid vested right is any review attached to the submittal of a SMARA land use permit. Again, though, the potential outcome of the environmental review of a land use permit is not part of the findings used for a vested rights determination.

e. Social Concerns

Similar to the discussion on Environmental Concerns, the Zoning Administrator is not afforded the discretion to make, as part of the official findings, any determination based on the social impacts of the vested rights application. Neither the case law nor SMARA allow the determination of a vested mining right to be made on its social affects or affects to the society of the County. Again, a vested right is a right to use property in a way contrary to requirements in a zoning ordinance because of the operational continuity and necessarily only includes a discussion on operation continuity prior to the vesting date till the present.

f. Public Trust Doctrine

The Public Trust Doctrine was referenced in the comments from the public as a legal basis for the Zoning Administrator to deny the application for vested rights. For all the reasons stated above, the Zoning Administrator lacks the ability to consider arguments outside the scope of the mining claim. Though, more significantly, the Public Trust Doctrine only applies to sovereign lands dedicated to public use. Applied to features, this would include such locations as tide and submerged lands and the beds of navigable waterways. As described by the California State Lands Commission:

The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water.⁷

Traced back to Roman law, the Public Trust Doctrine’s purpose is to apply to those lands that are incapable of being privately owned, such as the air, the rivers, and the sea, because of their inherent dedication to public use. Thus, because land is inherently something that can be privately owned, it is outside the scope of protections afforded by the Public Trust Doctrine and not part of the Zoning Administrator’s findings for the determination.

⁷ See <https://www.coastal.ca.gov/coastalvoices/PublicTrustDoctrine.pdf> “The State of California has entrusted the State Lands Commission with administering the principles of the Public Trust Doctrine. The Commission manages the state’s sovereign public trust lands to promote and enhance the statewide public’s enjoyment of the lands and ensure appropriate uses of public trust lands.” Lands refers to lands that are connected to (beach) or covey (submerged lands in a river) water.

Table 1 to Exhibit E: Response to Public Comments (to-date, as of April 12, 2024, 5:00PM PST)

#	Date	From	Form	Subject	Comment	Response
1	10/10/2023	Daniel Kearns	Email	Vested Rights Hearing	General Opposition, Operational Scope, Environmental Concerns, Social Concerns	Comment noted; Please see 3.b., 3.d., and 3.e. of Exhibit E.
2	10/11/2023	Andrea Singer	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
3	10/11/2023	Anonymous	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
4	10/11/2023	Chris Woods	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
5	10/11/2023	Daniel Kearns	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
6	10/11/2023	Devin Cragg	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
7	10/11/2023	Dustin Moffet	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
8	10/11/2023	Emily Moghaddas	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
9	10/11/2023	Gordon Keller	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
10	10/11/2023	James Norman	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
11	10/11/2023	John Shower	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
12	10/11/2023	John Simon	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
13	10/11/2023	Laura Kearns	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
14	10/11/2023	Mary Shero	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
15	10/11/2023	Mat Fogarty	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
16	10/11/2023	Nizhoni O'Connell	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
17	10/11/2023	Piers Straley	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
18	10/11/2023	Rose Buzzetta	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
19	10/11/2023	Susan Doran	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
20	10/11/2023	Susan Stephens	Verbal	Public comment during 10/11/23 Zoning Administrator Public Hearing	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
21	10/24/2023	Ivan Houser	Email	CAL FIRE	Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
22	11/18/2023	Chris Woods	Email	Vested Rights-public comments	General Opposition, Environmental Concerns, Social Concerns	Comment noted; Please see 3.d. and 3.e. of Exhibit E.
23	11/23/2023	Sue Clark	Email	Open pit copper mine Indian Valley	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.

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#	Date	From	Form	Subject	Comment	Response
24	11/28/2023	CVRWQCB	Letter	DETERMINATION OF VESTED RIGHTS OF MINING OPERATION, ENGELS-SUPERIOR MINES, PLUMAS COUNTY	Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
25	11/29/2023	Thomas Peltier	Email	Comments on the US Copper Corp. Open-Pit Mine, Plumas County	General Opposition, Operational Scope	Comment noted; Please see 3.b. of Exhibit E.
26	12/3/2023	Kerry Shapio of Jeffer Mangels Butler & Mitchell LLP for US Copper	Email	US Copper Vested Right Hearing -- Additional Submittal	General Support, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
27	12/10/2023	Kerry Shapio of Jeffer Mangels Butler & Mitchell LLP for US Copper	Email	US Copper Vested Right Hearing -- Additional Submittal #2 [FAQs]	General Support, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
28	12/10/2023	Laurel Paulson-Pierce	Email	PROPOSED OPEN PIT MINE	General Opposition, Environmental Concerns, Social Concerns	Comment noted; Please see 3.d. and 3.e. of Exhibit E.
29	12/12/2023	Susan Doran	Email	Vesting Rights for Engles Mine project	Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
30	12/13/2023	Ann Newberg	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Operational Scope	Comment noted; Please see 3.b. of Exhibit E.
31	12/13/2023	Carol Viscarra	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
32	12/13/2023	Dan Kearns	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
33	12/13/2023	Devin Cragg	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
34	12/13/2023	Donna Duncan	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
35	12/13/2023	Dustin Moffet	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
36	12/13/2023	Gordon Keller	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	General Opposition, Operational Scope	Comment noted; Please see 3.b. of Exhibit E.
37	12/13/2023	Greg Wallace	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Operational Scope	Comment noted; Please see 3.b. of Exhibit E.
38	12/13/2023	Jason	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Procedural Concerns, Social Concerns	Comment noted; Please see 3.c. and 3.e. of Exhibit E.
39	12/13/2023	John Simon	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
40	12/13/2023	Laura Kearns	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
41	12/13/2023	Liz Ramsey	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
42	12/13/2023	Mary Shero	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
43	12/13/2023	Mat Fogarty	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
44	12/13/2023	Nan Taylor	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
45	12/13/2023	Ron Knoll	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
46	12/13/2023	Ryan Kelley	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.

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#	Date	From	Form	Subject	Comment	Response
47	12/13/2023	Ryan Kelley	Email	Op-Ed CEA Foundation Weighs in on Rise Gold's Vested Rights Petition	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
48	12/13/2023	Ted Stout	Letter	121323-Public-Comment	Procedural Concerns, Environmental Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
49	12/13/2023	Thomas Peltier	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
50	12/13/2023	Trina Cunningham	Verbal	Public comment during 12/13/23 Zoning Administrator Public Hearing	Environmental Concerns, Social Concerns, Procedural Concerns	Comment noted; Please see 3.c., 3.d. and 3.e. of Exhibit E.
51	12/14/2023	Christine Pettit	Email	no subject	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
52	12/14/2023	Daniel Kearns	Email	Hearing Yesterday/Official Public Comment	Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
53	1/9/2024	Ted Stout	Letter	Public-Comment-01-09-24-Vested-Rights-Mine	Procedural Concerns, Environmental Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
54	1/25/2024	Gordon Keller	Email	RE: Community Concerns for US Copper proposal	Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
55	2/7/2024	Chris Woods	Email	Almanor Fault & Engel mine	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
56	2/7/2024	Thomas Peltier	Email	Engels Mine comments on vested rights	General Opposition, Geographical Scope	Comment noted; Please see 3.a. of Exhibit E.
57	2/11/2024	ANONYMOUS	Email	In FAVOR of the copper mine	General Support	Comment Noted.
58	2/15/2024	Chris Woods	Email	Selling Vested Rights	Social Concerns	Comment noted; Please see 3.e. of Exhibit E.
59	2/16/2024	Thomas Peltier	Email	Comments on the Engels Mine Project - Public Trust Doctrine	General Opposition, Public Trust Doctrine	Comment noted; Please see 3.f. of Exhibit E.
60	2/26/2024	Chris Woods	Email	Re: Vested Rights-Contiguous Claims, US Copper	General Opposition, Geographical Scope	Comment noted; Please see 3.a. of Exhibit E.
61	2/27/2024	Danny Hansen	Email	Mine	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
62	3/6/2024	Kristine and Donald Guess	Email	Fw: Indian Valley Migratory Bird wetland	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
63	3/6/2024	Kristine and Donald Guess	Email	Opposition to strip mining - Indian Valley, Plumas County, CA	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
64	3/7/2024	Linda Bailey	Email	Engels and Superior Mines	General Opposition, Environmental Concerns, Social Concerns	Comment noted; Please see 3.d. and 3.e. of Exhibit E.
65	3/7/2024	Lindsey Kelley	Email	Copper Mine	General Opposition, Environmental Concerns, Social Concerns	Comment noted; Please see 3.d. and 3.e. of Exhibit E.
66	3/11/2024	Sally Harvey	Email	Concern about granting vested rights	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
67	3/11/2024	Thomas Peltier	Email	Open Pit copper Mine in the headwaters of the Feather River	General Opposition, Environmental Concerns, Social Concerns	Comment noted; Please see 3.d. and 3.e. of Exhibit E.
68	3/12/2024	Chris Woods	Email	Vested Mining Rights	Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
69	3/15/2024	James Norman	Verbal	Received March 15, 2024, at 10:45am by Tracey Ferguson, Plumas County Planning Director	General Support	Comment Noted.

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#	Date	From	Form	Subject	Comment	Response
70	3/16/2024	Elisa Adler	Email	Community Rights	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
71	3/19/2024	Gordon Keller	Email	Engel Mine Vester Rights Determination	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
72	3/20/2024	Alexandra Hunt	Email	Public comment for Engels Mine Vested right	General Opposition, Procedural Concerns, Operational Scope	Comment noted; Please see 3.b. and 3.c. of Exhibit E.
73	3/20/2024	Ryan K. Gallagher of Shute Mihalý & Weinberger LLP for Feather River Watershed Alliance	Email	Vested Rights Petition for Engels-Superior Mines	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
74	3/21/2024	Danny Hansen	Email	US Copper Corp.	General Opposition	Comment Noted.
75	3/23/2024	Marsha Roby	Email	Copper Mine Vested Rights	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
76	3/29/2023	Scott Tanner	Email	US Copper	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
77	3/30/2024	Lynn Campbell	Email	Re: Vested Rights for US Copper Mine Project	General Opposition, Environmental Concerns	Comment noted; Please see 3.d. of Exhibit E.
78	4/1/2024	Darla DeRuiter	Email	US Copper Vested Right Request - Public Comment	General Opposition, Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
79	4/1/2024	Darrel Jury	Email	Fwd: Engels Superior vested rights public comment	General Opposition, Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
80	4/1/2024	Shiwaya Peck	Email	U.S. Copper Claim	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
81	4/4/2024	Debie Rasmussen	Email	PUBLIC COMMENT Please Submit to Record	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
82	4/4/2024	US Copper	Email	Public Comment Submission	Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
83	4/6/2024	Laurel Paulson-Pierce	Email	TO PLUMAS COUNTY ZONING AND PLANNING ADMINISTRATORS, APRIL 6, 2024 RE: "VESTED RIGHTS"	General Opposition, Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
84	4/5/2024	Daniel Kunches	Email	public comment on Engels Mine vested right	General Opposition, Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
85	4/9/2024	Mary Shero	Email	Public Comment	General Opposition, Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.
86	4/10/2024	Taurin Wilson	Email	US Copper vested rights	General Opposition, Procedural Concerns	Comment noted; Please see 3.c. of Exhibit E.
87	4/10/2024	Bonnie Kessloff	Email	Public Comment about the request by U.S. Copper corp. for a vested rights determination for the Engels and Superior mines	General Opposition	Comment Noted.
88	4/11/2024	Michelle Aparton	Email	Plumas county zoning administrator, this is a public comment regarding the request by Us Copper Corp for a vested rights determination for the Engels and Superior mines.	General Opposition, Environmental Concerns, Procedural Concerns	Comment noted; Please see 3.c. and 3.d. of Exhibit E.