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**To:** [Ferguson, Tracey](#)  
**Subject:** Comments on the Engels Mine Project - Public Trust Doctrine  
**Date:** Friday, February 16, 2024 10:30:07 AM

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Dear Ms. Ferguson:

If you only look at the Zoning Administrator's website, you would never know that the mine proponents are planning to develop the former hard-rock tunnel mine into a vast open pit copper mine. The vesting request implies that the only changes from what currently exists at the site will be an increase in production to meet demand. Why are they hiding what they intend to do, and why are they asking the Plumas County Board of Supervisors to put their heads in the sand and approve the vesting request without looking inside the "Black Box?"

The vested rights determination hinges on one crucial determination (aside from the issue of major lapses in mine operation): whether the planned open pit mine represent a significant change in operations. It seems that the County would rather not look at this issue, and just approve the Black Box without looking inside. County staff have forbidden the public from making any remarks concerning environmental impacts from the future development of the defunct copper mine.

The California Environmental Quality Act requires that around 20 potential types of environmental impacts be addressed for any Project. In this instance, it is those likely environmental impacts that define how the future development IS a "significant change in operations." Refusing to acknowledge the potential impacts of this Black Box Project puts the County Board of Supervisors in the position of approving a Project that they know nothing about.

Every public agency has a responsibility to act in the public interest. The Public Trust Doctrine requires this. Under the Public Trust Doctrine, it is impermissible for the County to approve vested rights for a Project when they have no knowledge of what the Project is. Approving a Black Box project is a clear violation of the Public Trust Doctrine. The County's actions exhibit a "willful blindness" to the myriad impacts that will negatively affect the lives of Plumas County residents for generations to come. Yet, the County refuses to hear any comments about these impacts. They pretend that the secret plan to develop vast open pit mine at this site is not relevant to their determination on the vested rights issue.

When the huge environmental impacts that will result from their willful blindness and refusal to look inside Black Box arrive, they will pretend that they had no idea that the Project could have such disastrous effects.

Telling the public to bring their environmental concerns to State agencies during their permitting processes, as County staff directed during the December 13<sup>th</sup> hearing, will not address any of the 20 environmental impacts that CEQA requires the Lead Agency to evaluate before a Project can be approved.

The mine proponent and the County are hiding the Project details, in the worst-kept secret since Santa Clause was outed as your parents. They know this is an absolutely colossal change from anything that has ever been done at this site, yet they keep the lid on the Black Box because they know that this Project is beyond the pale. If the Project proponent were to openly reveal their plans, there would be no way on earth that the Project would receive vested rights. The residents of Plumas County and the entire State of California would not stand for it. Pretending that the vested rights claim can be viewed in isolation, without looking at what the actual Project is an abdication of the County's duty to act in the public interest, as the Public Trust Doctrine requires.

The Public Trust Doctrine demands that the County look inside the Black Box and do the right thing for the residents of Plumas County. This vested rights question should never have come before the Board of Supervisors without a clear understanding of what the Project is that the County is about to approve.

It is comically ironic that the Zoning Commissioner is currently requiring a Special Use Permit for an individual to raise chickens, while such a huge undertaking as the thousand-acre open pit mine appears to be on the verge of being "grandfathered" in, without any permit or environmental review.

Respectfully submitted,  
Tom Pletier