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Subject: Public comment for Engels Mine Vested right
Date: Wednesday, March 20, 2024 2:39:47 PM

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Hi Tracy,
Please find below my public comment for the Engels Mine vested rights application:

The Engels Mine is known locally as a "historic mine." When I asked my "born-and-raised-in-Plumas-County" friend if he'd heard about the Engels Mine, he waxed on nostalgically about exploring the abandoned mine as a kid. He did not realize I was asking about whether he had heard about the re-opening of the mine. He even recommended taking our kids on a spelunking adventure inside the abandoned tunnels. This would be trespassing, but not interference with an operational mine. My friend's response clearly shows the picture: the mine has not been operational in the last two generations. Indeed, the mine has not been in operation since 1930. A quick Wikipedia search or a visit to the California Engels Mining Company website confirms that fact. The archived California-Engels Mining Company website states the mine operated from 1914-1930 (*California Engels Mining Company*. (n.d.). Retrieved March 11, 2024 from <https://web.archive.org/web/20111005010850/http://www.indianvalley.net/engels-mining/index.html>). The Engels Mining Company has long since leased its mining rights to a Canadian Company (ironically named US Copper Corp), but that is not the same as operating a mine. Even the current website, plastered with photos from the early 20th century, describes both visually and verbally an abandoned mine, "During the 1920's the Engels and Superior mines were the largest copper producers in California. Today it is part of the largest unmined copper resource in California in the Lights Creek Mining District, Plumas County, California." (*About | Cal Engels Mining*. (n.d.). Cal Engels Mining. Retrieved March 11, 2024 from <https://www.calengels.com/coppermine>). Please note the accurate language describing "unmined copper."

While this area may be an opportune source of copper and gold ore, the idea that a Canadian mining firm has vested mining rights at this long-abandoned mine is preposterous. Even if a vested right to mine is found, the current baseline existing setting must be taken into account. In a similar case in 2010, the California Supreme Court issued its decision in *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal. 4th 310, determining that, no, the corporation did not have the right to put out additional emissions because they could have in the past, but did not. There is a lot of emitting and mining that corporations could have done in the past, prior to contemporary protections. Similarly, just because the largest unmined copper resource in California is sitting in the Moonlight-Superior Claim Block, does not suddenly make the mining of it a "current baseline existing setting" nor has it been such since 1930 (well before the cutoff year of 1958 required for vested mining rights).

Furthermore, even if a vested right were to be found, the US Copper Corp application's citation of 2011 mining rights for aggregate (not metals) on the property in question, involved only 3 acres within the 736-acre property. At a minimum, US Copper Corp must re-apply for the vested mining rights with specific evidence given to the precise location, scope, and methods of their alleged mining within the 736-acre property occurring after the year 1958. Finally, can a corporation legally apply for vested mining rights that they have been leasing from another company (California Engels Mining Company)? Is there is any legal precedent for seeking vested mining rights that have been leased to you by another corporation? Perhaps this might be investigated as well by Plumas County. It stands to reason that non-operational, historical corporations in California would *not* be allowed to lease their vested rights to other corporations, thereby nullifying generations of hard-won protection of our drinking water sources. Thank you for your consideration of these observations in the upcoming determination of vested mining rights for the Moonlight-Superior Project Claim Block.

Alexandra Hunt, MD