

Blue Lead Mine denied in bid to reopen

Dave Moller, Grass Valley Union, 5-29-10

A strategy to quickly reopen the Blue Lead Mine has failed after the Nevada County Planning Commission ruled the White family did not have a vested right to operate it.

In a unanimous vote Thursday, the panel ruled Robert and Tucker White could not prove their alleged right to mine the 75-acre site they purchased off Red Dog Road in 2007, said commission Clerk Janet Hayes.

If the commissioners had determined a vested right existed, the Whites could have skipped the normal county use permit process to start mining gold.

But a vested right did not exist because the site was not mined continuously by its various owners throughout its lengthy history, said Associate Planner Jessica Hankins and Blair Will, a lawyer hired by the county to work on the case.

For commission Chairman Paul Aguilar, the decision hinged on whether the Whites could prove that a man named Lyle White (no relation) had mined the site in 1954.

That's the same year the county began its zoning laws, which automatically produced the vested right to mine, according to the Whites' attorney, Braiden Chadwick.

Chadwick produced Lyle White's writings and photos from the period to prove White was mining the site in 1954. but Aguilar didn't agree.

In those writings, "He didn't mention anything about mining," Aguilar said. It was also not clear that the photos were taken in 1954, even though one attached caption indicated that, the chairman added.

The Whites have 10 days from Thursday to appeal the decision to the Board of Supervisors, according to Associate Planner Jessica Hankins.

The family could also complete the use permit application to reopen the mine currently on file with the county, Hankins said.

"They never went to a hearing on the use permit, so it was just incomplete," Hankins said.