

Future of operations at Blue Lead Mine still uncertain

Dave Moller, Grass Valley Union, 4-23-10

The possibility of the Blue Lead Mine ever extracting another ounce of gold could hinge on the legal definition of abandonment — and whether the mine was abandoned when zoning laws went into effect in 1954.

Thursday, the Nevada County Planning Commission ordered county and mine lawyers to come up with the definition before deciding whether the mine owners can reopen. The board will revisit the case at 2:30 p.m. Thursday, May 27.

In late March, planning commissioners said they would approve the claim of mine owners Robert White and Tucker White, who contend the mine was vested in 1954 when the county enacted zoning laws. The mine is on Red Dog Road east of Nevada City.

The Whites were trying to reopen the mine without getting a use permit, and said the historic vesting allowed them to do so.

County officials have cited the Whites over the past few years for exploratory mining activity without permits on the property, and shut them down.

The Whites plan to bring down cliffs that are up to 160 feet tall on the property to find residual gold left from the hydraulic mining days.

Change turned on photos

The mine came to the county's attention in 2007, after the Whites bought it. After a neighbor's tip, county employees found evidence that unpermitted excavation had been done at the site, which dates to the 1800s. More signs of work were detected at the mine in August 2008, and a code compliance case was opened.

In April 2009, more work and equipment was found at the site. Last September, the Whites were told to comply with the use permit process or face fines up to \$5,000 per day.

That set the stage for the March 25 Planning Commission meeting, at which the mine owners said the use permit wasn't necessary under California law, because they had an historic, vested right to mine the 75 acres.

The Whites' attorney, Brandon Chadwick, said the mine had been operating since 1954 and had been nonoperational at times, but never abandoned.

Deputy County Counsel Leanne Mayberry said there was no continuous sign of mining activity since 1954, other than some exploration in the 1980s.

County employees recommended against approving the vested right acknowledgment at the March meeting.

But Planning Commission members went in the opposite direction after staff members admitted that mining had started there in 1954, and Chadwick showed historic photos of mining at the site ostensibly from the early 1950s.

\$34 million in possible state fines

At Tuesday's extended hearing, neighbors of the mine and members of CLAIM-GV (a group fighting the reopening of the Idaho-Maryland Mine) said there has been little or no activity at the mine for years. That shows abandonment, which by law precludes the vested right to mine, the argued.

Although the Whites have been on the property sporadically, neighbor and mining historian David Comstock said there has been "absolutely zero" sustained mining on the property since the early 1950s — and thus, no vested right.

"I'm neither pro nor con, but I'm about doing things right and obeying the law," Comstock said. "You can't do things secretly out there."

In addition, two representatives of California's Office of Mine Reclamation said the various owners of the mine have not filed annual reports, a reclamation plan nor financial documents, nor had they received annual inspections for at least 19 years.

That represent numerous violations of the State Mining and Reclamation Act, (SMARA), which went into effect in 1976.

"Blue Lead has never been in compliance with SMARA," said Mike Luksic of the reclamation agency.

Blue Lead owners would owe the state \$34 million in fines if the rules were enforced, Luksic added.

Nevada County also needs to make sure the mine is reopened properly or face the state's wrath and possible takeover of the situation, Luksic said.

In the state's eyes, the Whites have engaged in "illegal, clandestine mining," Luksic said. "By statute, it is idled and abandoned."