

(Print or Type)

COUNTY OF NEVADA

(Attach pages if needed)

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5 of Chapter II of the Land Use and Development Code)

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by the Planning Agency. Such appeal shall be filed with the Clerk of the Board of Supervisors within **ten (10) calendar days** from the date of the decision, except for recommendations on general plan amendments which by State law are subject to a **five (5) calendar day** appeal period. Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL:

I/We, the undersigned, hereby appeal the decision/recommendation of the

 X Planning Commission, Zoning Administrator,

 Planning Director, regarding:

Blue Lead Mine	U08-021	5/27/10
Name of Application	Planning File No.	Date of Decision

List All Planning Agency Action(s) Taken That Are Being Appealed:

Denial of Vested Right to Mine

II. STATEMENT OF THE REASONS FOR THE APPEAL:

See attached.

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED: _____

See attached.

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS: _____

See attached.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

See attached.

VI. IDENTIFICATION OF THE APPELLANT(S):

(Name)	(Mailing Address)	(Telephone)
Robert White		
Blue Lead Gold Mining, LLC		
4355 Quail Run Lane		
Danville, CA 94506	Ph. # (925) 736-9251	

VII. NOTICE: (Multiple appellants should select one (1) representative for purposes of notice.

All notices to appellant(s) should be mailed to: (Please Print)

Robert White	Same as above	
(Name/Representative)	(Mailing Address)	(Telephone)

Appellant: *[Signature]*
(Sign)

Dated: JUNE 4, 2010 ROBERT P. WHITE
(Print)

(FOR OFFICE USE ONLY)

<u>1,196.20</u>	<u>6-7-10</u>	<u>Donna Landi</u>
Filing Fee	Date Filed	Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480

Attachment

II. STATEMENT OF REASONS FOR THE APPEAL:

After holding a public hearing on March 25, 2010, the Planning Commission found that mining operations were on-going on Blue Lead's Property in 1954 and voted unanimously in favor of affirming Blue Lead's vested right to mine its Property. Since the County Staff ("Staff") unfortunately did not prepare findings for an affirmative vote, the hearing had to be continued for final adoption of findings. In the interim, Staff prepared a memorandum, dated April 14, 2010, which attempted to persuade the Planning Commission to either reverse its prior decision or greatly limit the scope of Blue Lead's vested right to mine the Property. Further, Staff asked the Planning Commission to re-open the public hearing to allow for public comments received after the March 25th meeting on issues unrelated to the vested right.

Instead of adopting findings, the Planning Commission re-opened the public hearing on April 22, 2010. At the conclusion of the April 22nd meeting, the Planning Commission directed Blue Lead's attorney and the County's outside counsel to prepare legal briefs addressing only two issues: (1) the legal standard for abandonment of a vested right; and (2) whether the California Environmental Quality Act applies to the County's vested right determination. Blue Lead submitted the requested analysis, while the County's outside counsel submitted a brief analyzing these two issues and a lengthy Staff memorandum that reanalyzed the evidence supporting the Planning Commission's March 25th decision.

On May 27, 2010, the Planning Commission reversed its prior decision without making any specific findings as to: (1) whether mining operations were on-going on Blue Lead's Property in 1954, when the right vested; and (2) whether that vested right had been abandoned.

Blue Lead respectfully requests that the Board of Supervisors consider this appeal because the Planning Commission failed to make specific findings to support its denial of Blue Lead's vested right to mine and to provide any explanation for reversing its prior unanimous decision affirming the vested right to mine.

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

Blue Lead appeals the Planning Commission's May 27, 2010 denial of Blue Lead's vested right to mine.

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

Blue Lead requests that the Board of Supervisors reverse the Planning Commission's May 27, 2010 denial and affirm Blue Lead's vested right to mine its Property.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

In support of its vested rights petition, Blue Lead submitted extensive evidence demonstrating a detailed history of mining on the Property before, during and after 1954. Blue Lead's submittals included photographic evidence of Lyle White's mining operation and mining camp on the Property in 1954, when the right vested. Further, Blue Lead submitted extensive evidence showing that the vested right had not been abandoned.

Based on the extensive evidence submitted by Blue Lead, the Planning Commission initially voted unanimously in favor of affirming Blue Lead's vested right to mine its Property. Staff and County Counsel have at various times admitted that Lyle White was mining the Property in 1954. Still, after an affirmative Planning Commission vote in favor of Blue Lead's vested right to mine, Staff took every opportunity to re-open settled evidence. In Blue Lead's view, Staff has drawn the most unlikely conclusions from the evidence; specifically, despite the photographic evidence showing Lyle White's mining camp and mining operations on the Property in 1954, and after the Planning Commission had already voted to affirm the vested right, Staff continued to insist that no such operations were taking place.

In addition to the extensive evidence Blue Lead has already submitted, Blue Lead plans to submit additional evidence to the Board of Supervisors regarding the nature of mining operations on the Property during and after 1954. This evidence will primarily seek to address the following issues discussed at the Planning Commission's May 27th hearing: (1) Lyle White's permission to mine the Property; and (2) Lyle White's commercial mining operations.