

*CLAIM-GV*

Cessation of Mining on  
Blue Lead parcels

**Planning Commission Hearing:**  
MAY 27, 2010

# Vested Right to Mine requires:

1. LEGAL operation before, on and after “vesting date”  
AND
2. Continuous operation, with at most 12 months of inactivity at a time. i.e., there was NO subsequent abandonment.

NOTE: The Hansen decision does not apply in this case. Hansen was a continuously operating business. That is where intent to expand or mine on their property comes into play. When there is no business in operation, there is no “intent”.

# Blue Lead Fails Both Requirements

- ▶ Mine was NOT LEGALLY operated before, on, or after vesting date. Fails on 3 counts.
  - Just because applicant says Lyle White was mining does not make it so. There is NO proof.
- ▶ Mine has been inactive since late 1940's.
  - Details are presented on the following slides.

# Hansen does not apply in this case

- Hansen was / is a commercial business operation. Never any doubt.
- The type of mining that MAY have been done somewhere around You Bet and Red Dog between 1946 and 1984 by recreational miners was not a commercial business, and since these miners did not own the property, and they did not have a lease, their mining was not LEGAL.

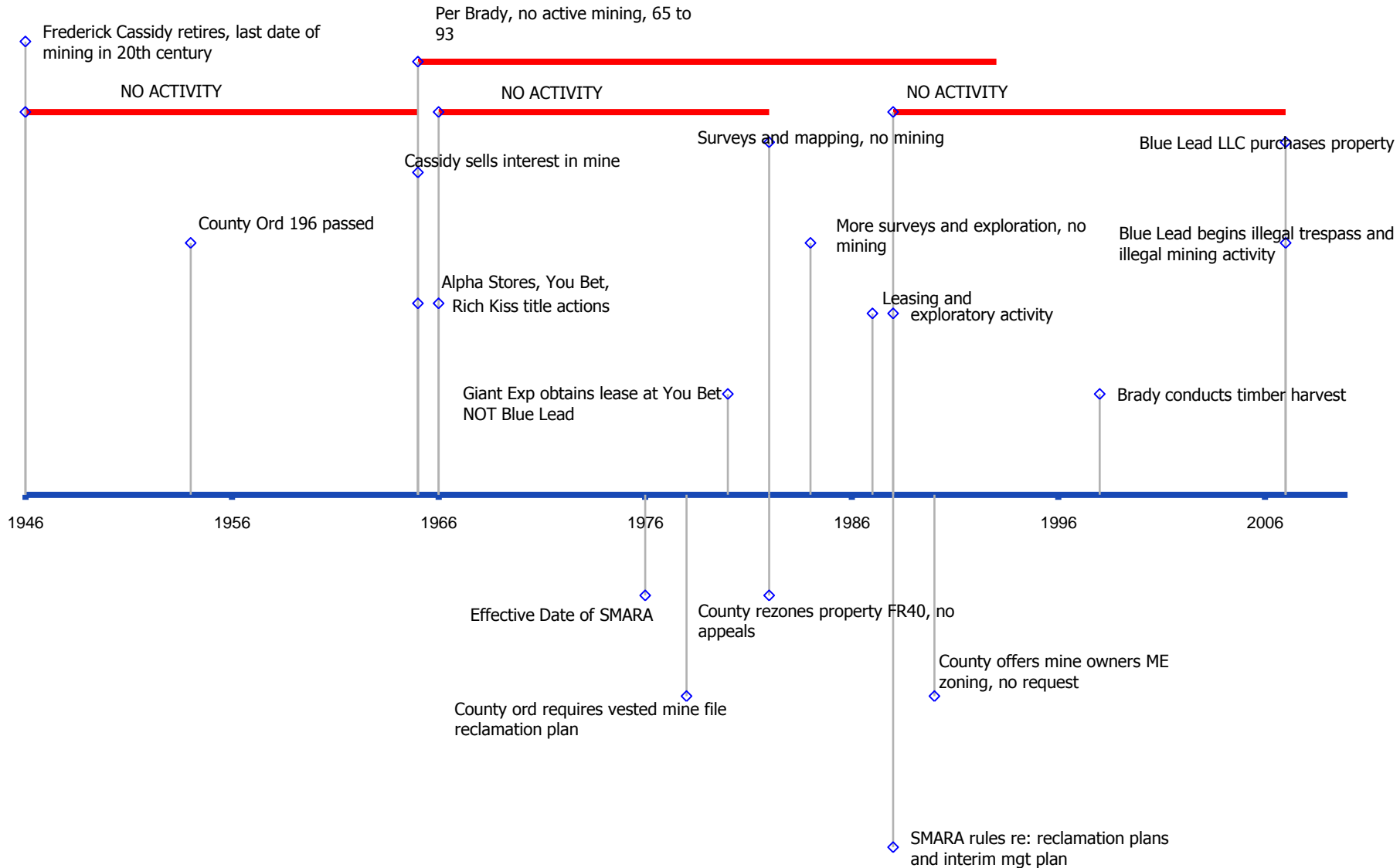
# Mining – intent vs. action

- Applicant claims owners always had intent to mine.
- There is NO evidence of this intent.
- They did not comply with the county mining codes.
- They did not comply with the state mining codes.
- Yes, the property was resold several times. This shows intent to sell property, not intent to mine.

# Cessation of any commercial mining on property

- Applicants own submissions (Brady) show no activity from the time Cassidy retires until he sells the property, 1946 – 1965. (**19 years of inactivity**)
- Title actions, 1965 – 1966.
- Brady shows: No active mining: 1965 to 1993.
- Exploratory activity from 1982 – 1988. (1966 – 1982, **16 more years of inactivity**)
- Then nothing again from 1988 to 2007. (**Final 19 years of inactivity**)

# Mining Inactivity @ Blue Lead 1946 - 2010



# Recent activity

- Activity since 2007 has been unpermitted and applicant has been enjoined by County and BLM and neighbors to cease and desist trespassing and illegal mining. (3 years of illegal activity, not valid.)
- Finding there is no vested right does not mean that Blue Lead can never mine. It means Blue Lead needs a valid permit and needs to comply with relevant county and state codes.

# Conclusion:

- Over the 56 year time span from 1954 to 2010, there is a total of 49 years of inactivity at the Blue Lead property.
- If Blue Lead property had any vested rights, which it did not, it would have lost any vested rights 49 times, once for each of the 49 years in which there was no activity.
- NO EVIDENCE HAS BEEN PRODUCED BY APPLICANT TO SHOW CONTINUOUS MINING SINCE 1954 ON SUBJECT PROPERTY.