

Butte County supervisors comply with court order seeking to erase New Era Mine

Roger H. Aylworth, Chico Enterprise Record, 4-28-10

OROVILLE — It is rare when the Butte County Board of Supervisors does something precisely predictable, but that happened Tuesday when the board took steps to erase all traces of a controversial open-pit gold mine.

The vote on the New Era Mine, at 4096 Dry Creek Road east of Butte College, came in response to orders issued in December by Butte County Superior Court Judge Stephen E. Benson.

Benson's order declared the mine had been officially abandoned in the 1990s, despite work at the site over the last couple of years, and that the mining permit and the reclamation plan on the site are no longer valid.

The judge also ordered the mine site be reclaimed in compliance with state mining laws and environmental quality regulations.

The order directed supervisors to initiate reclamation of the 12-acre mine site and to begin the process of forcing forfeiture of a \$264,411 line of credit to pay for the work.

Reclamation of a mine property can be ordered if the mine operation has been abandoned. The "financial assurances" can be used to pay for the work if the mine owner is unwilling or financially unable to do the cleanup project.

Robert Kilroy, who described himself as the last employee of mine operators North Continent and an attorney licensed to practice in Nevada — but not California, challenged the validity of the judge's ruling.

He alleged North Continent should not be required to fund the reclamation process because they are not, and never have been, the owner of the property. Kilroy said Ron Logan, who lives on the property, has always been the owner.

The North Continent representative also said the allegation that the mining operation had been abandoned was wrong and that a seamless change of continuing operation took place in March between Logan and North Continent.

Becky Logan, Ron Logan's wife, claimed all mining operations fall under the jurisdiction of the federal courts based on late 1800s laws passed by Congress, and that Benson didn't have the authority to do anything related to the New Era Mine.

Kilroy acknowledged neither his clients nor the Logans have attempted to appeal Benson's ruling.

Butte County Counsel Bruce Alpert told the supervisors there was no point in even discussing whether New Era was abandoned.

He said that fact was part of Benson's ruling and as "a judicial finding the site has been abandoned."

Tim Snellings, director of the county Department of Development Services, said the vote to comply with the judge's order triggered a 60-day time clock during which North Continent can prepare a reclamation plan, a project the county is willing to assist, and begin the work on its own.

If that doesn't happen, the county will produce its own plan and seek the release of the \$264,411 to fund the effort.

The goal is to drain three large ponds, then recontour the hillside to its previous shape, then replant the appropriate vegetation.

Snellings said the big push is to get the ponds and hillside done by September to avoid having to deal with another winter.

Paradise Supervisor Kim Yamaguchi moved to take the steps, observing the county had to follow the court's orders. Chico Supervisor Jane Dolan seconded the motion, and it was approved unanimously.