

Supervisors get an earful

Connelly, Yamaguchi rebuked for votes on New Era Mine

Robert Speer, Chico News & Review, 2-25-10

After two years of battling the county, Rich Meyers finally got an opportunity to vent before the Butte County Board of Supervisors, and on Tuesday (Feb. 23) he took full advantage of it.

Meyers chairs the Dry Creek Coalition, the small group of neighbors along Dry Creek who in early 2008 banded together in opposition to the suddenly large New Era Mine in their little canyon east of Butte College. Then, when the supervisors approved the dramatic increase in the open-pit gold mine's size without requiring a new permit or conducting environmental review, the group challenged the action in court, charging it violated state environmental laws. Late last year, Superior Court Judge Stephen Benson ruled in the DCC's favor. The mine has since shut down.

Speaking specifically to Supervisors Bill Connelly and Kim Yamaguchi, who voted for the gold mine along with then-Supervisor Curt Josiassen, Meyers was scathing in his criticism.

"You made a flawed decision," he told them, and as a result his group had to spend more than \$150,000, as well as thousands of hours of work, to overturn it. They also had to fend off a million-dollar SLAPP suit that was part of the mine operators' delaying tactics.

The "flawed decision ... also created the very real possibility" that the mine could end up costing the county as much as \$300,000 in legal fees, plus reclamation costs, plus county staff time, Meyers added.

Connelly and Yamaguchi said nothing in response.

Otherwise, Meyers agreed with most of what the supervisors were prepared to do, as ordered by the court: abandon their resolution, rescind the mine's permit, seek forfeiture of a \$264,000 performance bond, and begin reclaiming the land. But the county's proposal—to develop a corrective-action plan—was illegal, he said. A full reclamation plan is required, as well as environmental review.

That position was echoed by Greg Tenorio, staff counsel for the state Department of Conservation. The department has initiated action against the mine's operators, North Continent Land & Timber, and criticized the county for failing to take action to stabilize a site that, with enough rain, he said could produce catastrophic flooding downstream.

NCLT has removed its equipment and left the area. Meyers reported that the company has hidden all unencumbered assets, so getting any more money out of them beyond their performance bond would be difficult. In fact, on Jan. 22, the company's president, F. L. Ogle, sent a letter to the board demanding that it return all NCLT money it held—saying, in effect, that it wasn't the company's fault that the court ruled against the county as it did.

Ron Logan, the original owner of the mine before NCLT came along, rose to insist that, because the mine was originally a patented claim on federal land, the matter should have been decided in federal court, not a local Superior Court.

"I don't want to file for a new permit," he said. "You guys OK'd it. This judge [Stephen Benson] does not have jurisdiction. ... He should rescind what he said. We have lost so much money; I've lost my partners." He said Benson's decision threw 45 people out of work, 25 of them full-time employees.

Connelly replied that the county wasn't about to fight with Judge Benson.

Ultimately, Meyers, Tenorio and county staff agreed to take some time to work out a suitable reclamation plan together. As Development Services Director Tim Snellings put it, “We understand the goal is to get the land reclaimed as soon as possible.”