

Western Aggregates a formality away from Goldfields rights

Ben van der Meer, Marysville Appeal-Democrat, 2-18-10

Western Aggregates is on the verge of having its vested rights to mine in Yuba County fully endorsed by the State Mining and Geology Board.

The board voted unanimously in favor of the mining company's determination of vested rights without land use or production limitations or restrictions at a meeting in Marysville last week, with formal adoption scheduled for March 11 in Sacramento.

In the short term, the decision won't change anything, because Western Aggregates, like other aggregate companies operating in the area, bases production entirely on market forces, said Kerry Shapiro, a San Francisco-based attorney for the company.

But the determination means in the long term, the company will have to prepare a plan for how it will use areas covered by vested rights in the Yuba Goldfields, he said.

That's what concerns Freda Calvert, a longtime resident in the Goldfields area who opposed the mining board's finding.

"I'm not sure if my water rights or my easement to the river will be affected," said Calvert, part of whose land is covered by the determination. "I'm very concerned to keep those in place."

The board's decision also disappointed Yuba County Supervisor Mary Jane Griego, who opposed the determination because she believed doing so would take away the county's right to put conditions or restrictions on Western Aggregates' operation on Hammonton-Smartsville Road, northeast of Linda.

"Mining jobs are very important to Yuba County," she said, explaining she supports Western Aggregates ability to continue operations. "Unfortunately, the state board did not mitigate for local impacts from that aggregate mining."

The determination was also opposed by neighbors like Calvert, who allied under the banner the Goldfields Access Coalition, and by union officials with Teichert, another aggregate company operating in the Goldfields area. Western Aggregates does not employ union labor.

Griego and Shapiro said they believed Teichert might eventually sue over the board's decision. Shapiro pointed out the decision didn't give Western Aggregates any rights beyond what's already in place for Teichert and five other aggregate companies in the Goldfields.

"I think this was a fully vetted public process," Shapiro said of the board's ruling.

An attorney for Teichert did not return a call for comment Wednesday.

The state mining board first ruled in favor of the vested rights determination last September, based on a survey by the California Geological Survey finding evidence of vested rights for all areas Western Aggregates claimed except two and a portion of a third.

Western Aggregates had sought vested rights for 4,125 acres, including its current surface mining operation in the Yuba Goldfields.