

Riverbank lawsuit over Tuolumne mine, rock transport nears settlement

By Kevin Valine

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RIVERBANK -- The city is close to settling its lawsuit against Tuolumne County over the county's approval of an open-pit mine that would ship rock by railroad through the city's downtown.

The City Council met in closed session Monday night with its legal counsel, and then Mayor Virginia Madueño issued a statement saying significant progress had been made and a settlement was near.

She said a few details remain to be worked out but added she expected the city to announce within a few weeks that a deal had been reached to end the litigation.

The attorney representing the mine operator and property owner agreed with the city's assessment.

"On behalf of my clients, I can confirm the statements by the Riverbank Mayor," Sacramento attorney David Temblador wrote in an e-mail Tuesday.

The city and Temblador declined to provide more details. Tuolumne County officials declined to comment but said the Board of Supervisors will discuss the lawsuit in closed session next week.

Madueño said Tuesday that the city had a responsibility to protect its residents.

"Given the magnitude of this project," she said, "we needed to do our due diligence. Once this is settled, we hope the community realizes we fought for them. ... We are doing our best to provide the right leadership for our citizens."

Riverbank sued Tuolumne County in May after it approved the Cooperstown Quarry. The open-pit mine is proposed for 135 acres bordering Stanislaus County, about nine miles southeast of Knights Ferry.

Miners could remove as much as 56 million tons of crushed rock over 75 years. The rock would be used as railroad ballast, in road building and other industrial uses.

Environmental concerns

Riverbank contends that the county failed to conduct an adequate environmental review of the project's impacts.

For instance, Riverbank says Tuolumne County did not consider the mine's impacts on Riverbank and Stanislaus County. And the San Joaquin Valley Air Pollution Control District has said the project exceeds its limits for nitrogen oxides, a key component of smog.

Trains from Oakdale-based Sierra Northern Railway would haul the rock through Oakdale and Riverbank. The trains can have as many as 60 cars, which is about two-thirds of a mile long, and make as many as 20 round trips per week, according to Tuolumne County documents approving the project.

In Riverbank, the trains would follow Patterson Road through downtown, crossing at Claus Road near Riverbank High School and Eighth Street before crossing Patterson Road and turning into a switching yard.

Riverbank is concerned the slow-moving trains would back up traffic and delay fire engines and ambulances responding to 911 calls. The trains would have less impact on Oakdale.

The city also is suing Jack and Tricia Gardella, who own the 135 acres, and mine operator Resources Exploration Drilling LLC.

