Owner of Sierra Mine Surrenders to Face Charges

DON THOMPSON, Associated Press

SACRAMENTO, Calif. (AP) — A man who state and local officials say is running a massive illegal gold-mining operation in California's Sierra Nevada surrendered Thursday to face 14 criminal charges of operating without permits and polluting a creek.

Joseph Hardesty also faces state fines of nearly $900,000. He was booked into El Dorado County Jail on the charges, which include four felonies, and was being held in lieu of $75,000 bond.

His attorney, William Brewer, says Hardesty turned himself in after investigators from the district attorney's office searched for him at his mother's home and the home of his partner in the Big Cut Mine, near Placerville.

Hardesty surrendered a day after The Associated Press published a story about the mine, which is in the Sierra foothills between Sacramento and Lake Tahoe, and his three-year battle with authorities.

"It's unfortunate that our government has decided in this case to take away our liberties and our rights without adequate process," said Brewer, of San Diego. "Joe really is a very honorable person and I just wish things were different."

He denies his client is mining gold, saying he is operating a sand and gravel business to complement another he owns in Sacramento County. State and local officials say they have evidence and statements indicating the site is being mined for gold at a time when the precious metal's price is hovering near $1,700 an ounce.

Hardesty, 54, had promised to surrender last week but failed to appear. Authorities said Hardesty turned himself in at the sheriff department's office in Placerville about 11:30 a.m. and was taken to jail without incident.

Brewer said investigators had looked for his client everywhere except where he was — his home in Elk Grove, south of Sacramento.

Hardesty contends that he has a historic right to operate the Big Cut Mine on nearly 150 acres he bought seven years ago, based on a reclamation plan he had filed with El Dorado County in 2009 and $188,000 in bonds. Local authorities and the State Mining and Geology Board disagree.

On top of the mining board's fines, El Dorado County charged Hardesty with mining and grading without permits, working despite stop orders, releasing sediment into Weber Creek, violating zoning laws, and using hazardous materials without proper permits.

Hardesty, his wife, Yvette, and his partner, Rick Churches, brought in heavy equipment to cut into a steep ridge high above the creek, although Joseph Hardesty is the only one facing charges. The site is guarded by locked gates covered with "no trespassing" signs, but an AP reporter and photographer were able to view the mining operation from a heavily forested ridge a few hundred yards away.

Late last month, local and state inspectors with a warrant entered the property and documented at least 30 acres stripped bare, four drainage ponds and a football-field-sized gravel bed about 60 feet deep. Inspectors previously found gold on what is called a shaker table, which is used to separate the heavy metal from sand and gravel.

Bruce Person, an engineer with the county transportation department who helped inspect the property, said a previous owner found an ancient riverbed on the property could produce between 1 and 3 ounces of gold for every ton of material.

El Dorado County Deputy District Attorney Michael Pizzuti declined to comment Thursday on Hardesty's arrest. He previously told the AP that Hardesty's partner told a county inspector that they intended to remove gold and sell the rocks it was separated from as gravel.

Hardesty already was on probation after pleading no contest last year to a misdemeanor charge of storing unpermitted hazardous waste in Sacramento County. He now faces allegations that he violated his probation by continuing to operate at both the Sacramento and El Dorado locations.

The fines were levied in January by the State Mining and Geology Board, a division of the California Department of Conservation. The penalty climbs by $15,000 for each day he continued to operate.

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