



**Tonasket wins wrestling championship**

**B2 | A3**

**Okanogan-Brewster transmission line rebuilding planned**

# THE OKANOGAN-COUNTY CHRONICLE

June 23, 2021

Essential Reading for Okanogan and Ferry counties • Year 112 No. 10

\$1.25

## Court hears Bridgeport council recall arguments

Judge to issue written decision in coming weeks

By BROCK HIRES  
The Chronicle

WATERVILLE — Bridgeport resident Michael Knox has filed a petition calling for recall of the entire Bridgeport City Council.

The 30-page petition was filed June 10 in Douglas County Superior Court.

The petition alleges that since creation of the Bridgeport Transportation Benefit District in 2016, the city council, in its position and function as the governing body of the transportation

district, allegedly violated both city and state code by not publishing required annual financial reports for 2017, 2018 and 2019.

The recall effort includes all five council members — Matthew Schuh, Mike Bjornquist, Jacqueline Hentges, Esiquio (Zeke) Martinez and Sergio Orosco.

Mayor Janet Conklin is not named in the petition.

"I have every confidence that the

council has not violated any laws or ordinances," she said prior to the hearing.

Council members did not respond by press time to a Chronicle email seeking comment.

During a motion hearing Friday afternoon, June 18, Douglas County Superior Court Judge Brian C. Huber said he will issue a written decision next month on whether the recall can proceed.

*"The citizens of Bridgeport have no idea about what is happening with the money that is being paid in ..."*

Michael Knox  
Recall petitioner



Knox, who represented himself, told the court he received his vehicle tab renewal form in October 2020 and began wondering about the \$20 transportation benefit district fund tax. Through a series of public records requests, he alleged financial reports specific to his requests were not received.

Knox said he also contacted the state Department of Licensing, through a public records request, and came to the determination that the city received \$156,697.20 from 2017-2020 for the transportation district.

"What matters is that there are no reports (from the city)," Knox said. The council "failed in their duties to comply with established laws."

"The citizens of Bridgeport have no idea about what is happening with the money that is being paid in," Knox told the court. "The citizens deserve to know what is being done with funds they are being forced to pay."

Julie Norton of Wenatchee-based Ogden Murphy Wallace, representing the council, said there were a few "procedural" concerns with Knox's filing.

She said there are less than six months until the general election and four of the five council seats will be on the ballot. She also questioned the manner in which her clients were served, noting some received their notice in the mail instead of physically

See **RECALL**, page A2

## O, say can you see?



ADEENA HIRES | Special to The Chronicle  
A double rainbow casts hues of color against the American flag Monday, June 14, south of Tonasket. See next week's edition of The Chronicle for a roundup of Independence Day events and activities.

## Omak gets state money for water reservoir

OMAK — The city is getting \$4.3 million from the state for a water reservoir at the Omak Municipal Airport.

City council members were briefed on the funding during their June 7 meeting, which was conducted via Zoom.

Lobbyist Jim Rowland credited Reps. Joel Kretz and Jacquelin Maycumber, and Sen. Shelly Short with helping to secure the funding. Kretz and Short participated in the meeting.

The reservoir will help support the anticipated state Department of Natural Resources fire base.

Short said the process started with Kretz and the relationship he has built with Commissioner of Public Lands

Hilary Franz, who also was instrumental in getting the funding.

Rowland, who lives in Omak and plans to retire, received kudos from Kretz and Short.

Kretz said he and Rowland have accomplished a lot of things over the years and that Rowland was someone he could count on. Their first big project for Omak was getting funding for the new Omak Stampede Arena.

He noted that, as a lobbyist, Rowland competed against many Seattle lobbyists. It also helped that Omak has sent resource people to Olympia, which helps get things done.

Short said she saw Rowland build relationships in the Legislature and

with governors and first ladies. There are a lot of lobbyists and few are trusted, but Rowland has the legislators' trust and that went a long way for the city, she said.

Council learned the proposed pedestrian bridge over the Okanogan River was rolled into the overall bridge project, for which there is a placeholder in the budget. Funds still are needed.

In other business, the council:

- Approved a resolution updating the comprehensive plan transportation element.
- Agreed to buy traffic paint and

See **COUNCIL**, page A2

## Judge dismisses mine owners' defenses in pollution case

By DEE CAMP  
The Chronicle

OLYMPIA — A federal judge has partially dismissed defenses of Crown Resources and Kinross Gold in a water pollution lawsuit brought by Okanogan Highlands Alliance and the state over closure of the Buckhorn Mine near Chesaw.

In the suit, filed in U.S. District Court for the eastern district of Washington, the alliance and state allege the companies violated various terms of their national pollution discharge elimination system permit, issued by the state Department of Ecology.

Crown Resources, a subsidiary of Canada-based Kinross Gold, owns the mine, which produced gold from 2008 to 2017. Reclamation is underway. Industrial storm water is collected at the mine, and that water is pumped from the mine's dewatering wells as part of the mine's hydrologic closure, according to the court ruling, filed June 17.

A combined state-national permit to discharge the water was issued and extended administratively, pending issuance of a new national permit, according to court records.

Crown appealed the permit to the state Pollution Control Hearings Board and a modified permit was issued. Crown appealed again and Ferry County Superior Court affirmed the hearings board's findings of facts and conclusions of law in March 2017. On appeal, the state Court of Appeals for Division 3 affirmed the Ferry County ruling.

In the Okanogan Highlands Alliance-state suit, they allege Crown is in violation of several conditions of the permit and that there are violations of an "effluent standard or limitation" under the federal Clean Water Act, said the federal court decision.

Crown, in answer, asserted the plaintiffs' claims should be barred because:

- There has been no discharge of a pollutant from a point source to navigable waters as required to establish jurisdiction under the Clean Water Act.
- There has been no addition of a pollutant as required to establish jurisdiction under the clean Water Act.

Crown and Kinross argued that the defenses were aimed at alleged violations of the state portion of the

permit and not the federal Clean Water Act, and that resolution of disputed issues would make a summary judgment inappropriate.

But the alliance and state sought partial summary judgment on the defenses, and the alliance asked the federal court to rule that all permit conditions at issue be enforced.

U.S. District Court Judge Rosanna Malouf Peterson agreed with the alliance and state, and granted partial summary judgment, and dismissed the two defenses brought by the companies.

Washington Attorney General Bob Ferguson said the companies polluted water for years and noted Peterson's dismissal of the companies' main defenses found there was no support for their claims that his office cannot enforce all of the mine's Clean Water Act permit.

Ferguson argues the companies have discharged illegal levels of pollutants into creeks in Okanogan County flowing into the Kettle River.

Now that the companies' main arguments have been dismissed, the case will focus on how much they owe for their Clean Water Act violations, he said. They could face millions of dollars in penalties for their pollution.

The judge will determine exactly how much they owe in future rulings.

"Crown and Kinross knew even before the mine's construction that it could release significant contamination, including arsenic and chloride, into surrounding waters, yet plowed ahead anyway," Ferguson said. "Today's ruling should be a wake-up call to these companies: Washington takes our water quality seriously, and we will fight unlawful water pollution every step of the way."

Okanogan Highlands Alliance said it and the state have alleged more than 2,600 violations against Crown and Kinross because of contaminated water coming from the mine, and other issues.

Pollutants released from the 50-acre underground mine, from which approximately \$1.3 billion in gold was extracted, include aluminum, ammonia, arsenic, lead and nitrates, the state alleges.

The suit asks the court to require Crown to meet terms of its permit by remediating damage from years of pollution. The maximum penalty under the Clean Water Act is \$54,800 per violation, per day, for up to five years.

"The company maintains that the current discharge permit is unreasonable, based on flawed assumptions

See **MINE**, page A2



Ferguson



Dan Morehouse, HIS  
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DEADLINES

News Events for calendar 1 p.m. Thursdays News releases, letters Noon Fridays Send e-mail to news@omakchronicle.com

Advertising

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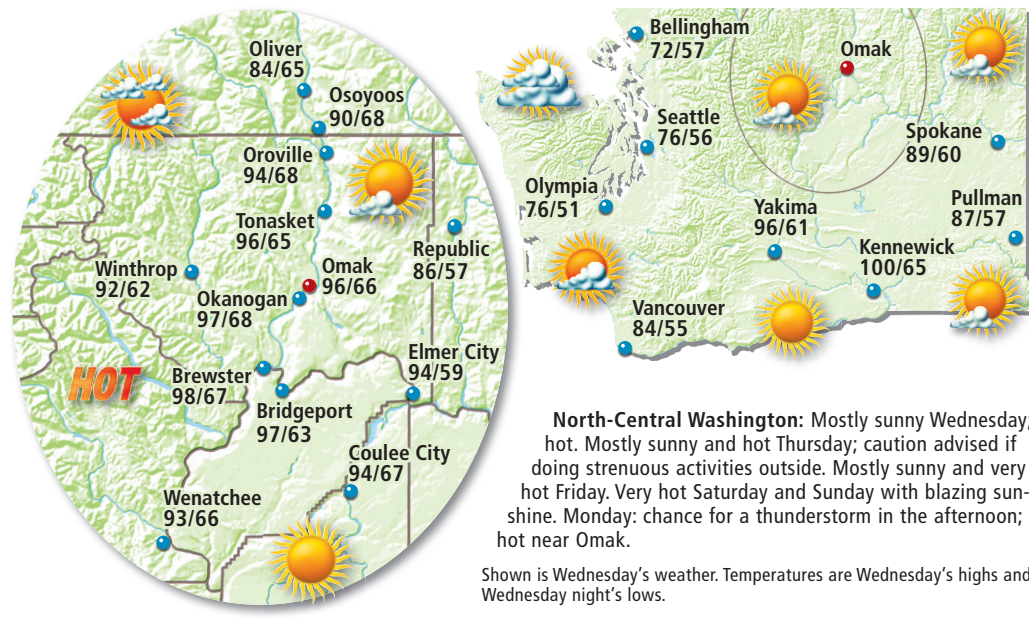
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Seven-day Forecast for Omak

Table with 8 columns: Wednesday, Wed. night, Thursday, Friday, Saturday, Sunday, Monday, Tuesday. Includes weather icons and temperature forecasts.

North-Central Washington



North-Central Washington: Mostly sunny Wednesday; hot. Mostly sunny and hot Thursday; caution advised if doing strenuous activities outside.

Weekly Almanac

Table with 2 columns: Category (Temperature, Precipitation) and Value (e.g., Last week's high/low 92°/45°).

Lake Levels

Table with 3 columns: Lake Name, Level, and 24 hr. change (e.g., Roosevelt 1287.90 -0.10).

Regional Cities

Table with 8 columns: City, Wednesday, Thursday, Friday, Saturday, Sunday, Monday, Tuesday. Lists cities like Bellingham, Spokane, and Yakima with their respective weather forecasts.

Sun and Moon table with columns: Sunrise, Sunset, Moonrise, Moonset for each day of the week.



Mountain Passes

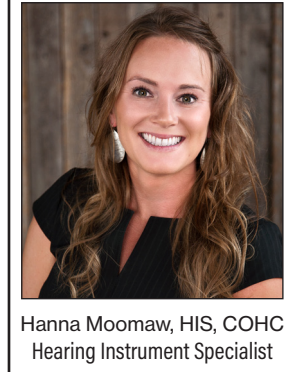
- Snoqualmie Pass: Mostly sunny Wednesday. Stevens Pass: Mostly sunny Wednesday. Disautel Pass: Mostly sunny and very warm Wednesday.

Growing Degree Days

Used to measure crop development. They are determined by subtracting 50 from the day's mean temperature with negative values counting as zero.

Livestock Stress Index

Temperature-Humidity Index 91 Cattle Stress Cat. Emergency Poultry Stress Cat. Emergency Swine Stress Cat. Emergency



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CALENDAR OF EVENTS

WEDNESDAY JUNE 23

Rockin' Robin will perform at 6 p.m. at the Copper Mountain Vineyards barn, 33349 Highway 97, Oroville.

THURSDAY JUNE 24

NCW Libraries will host story time for preschoolers at 9:30 a.m. on Zoom.

FRIDAY JUNE 25

U.S. Rep. Dan Newhouse's staff will have mobile office hours from 10 a.m. to noon in Triangle Park, Tonasket.

Washington State Nashville Country Star performers will play from 6-9 p.m. at the Oroville American Legion, 314 14th Ave., Oroville.

SATURDAY JUNE 26

A Washington Pilots Association fly-in will be at 11 a.m. at the Omak Municipal Airport.

WEDNESDAY JUNE 30

Copper Mountain Vineyards, 33349 Highway 97, Oroville, will host the Raveling Toad Show at 6 p.m.

Larry K will perform at 6:30 p.m. at The Local Granola, 1408 Main St., Oroville.

TUESDAY JUNE 29

Pickup Ultimate Frisbee will be at 6 p.m. at the Winthrop ball field off Highway 20 at the west end of town.

WEDNESDAY JUNE 30

Copper Mountain Vineyards, 33349 Highway 97, Oroville, will host the Raveling Toad Show at 6 p.m.



BRIDGEPORT CITY COUNCIL | The Chronicle Bridgeport City Council agreed to have the council represented by Julie Norton of Ogden Murphy Wallace following an executive session June 16.

RECALL

from page A1

being served, and pointed out that initial documents filed by Knox apparently were not signed under penalty of perjury.

Norton said there is no indication of "knowingly, intentional wrongdoing of any council members."

She also pointed out that through state audits, there's been "no finding for improper conduct."

A state audit of the transportation district for calendar years 2018 and 2019 said, "nothing came to our attention in the areas we reviewed that caused us to believe the district was not in substantial compliance with applicable state laws, regulations and its own policies, or had significant weaknesses in controls over the safeguarding of public resources."

According to the audit, released March 4, 2021, the transportation district operated on budgets of \$3,597 in 2018 and zero in 2019.



SUBMITTED PHOTO

Michael Knox sits in front of the Bridgeport post office with a sign questioning where the funds from the transportation district are being allocated.

Knox has filed an additional 26 pages of documents to be entered into the court record, to which Norton will have a week to respond and Knox will then be afforded the opportunity to rebut before Huber make his

final ruling. In 2014 Knox filed a petition for the recall of then-Mayor Marilyn Lynn over allegations that she hired someone to work in city hall against the council's wishes.

At the time, Lynn maintained the council knew about the hiring because it approved vouchers to pay the woman on a contract basis.

In the order to get that recall measure placed on a ballot, Knox had to convince a judge there was evidence Lynn committed malfeasance or misfeasance during her two years in office. Knox filed 14 complaints with Douglas County Superior Court in January 2014, then withdrew one during a court hearing.

Of the 13-remaining allegation against Lynn, the judge ruled sufficient legal basis to move forward. Knox was tasked with gathering at least 85 signatures in 180 days from registered voters to put a recall measure on a special election ballot. In less than two weeks, he gathered 114 signatures, which were verified by the county.

In a subsequent vote, Lynn was recalled.

MINE

from page A1 and did not properly consider the natural background levels nor previously permitted mine

COUNCIL

from page A1 supplies from Alpine Products Inc. for painting crosswalks and curbs.

Learned the city will receive \$1.3 million through the federal American Rescue Plan.

Learned Building Official Tyler Wells received plans for Sageland Phase 3 development and plans for Phase 2 of

activities," the company said in a statement. "Crown has adhered to the highest environmental standards during operation and closure of the Buckhorn Mine, which has resulted in discharge water at or below

a proposed storage facility off Cople Road.

Learned from Police Chief Dan Christensen that of 111 bills signed into law from the 2021 legislative session, 22 of them affect law enforcement.

Mayor Cindy Gagne suggested the department have a citizen academy to help educate the public on the new laws.

Christensen said local police chiefs the sheriff have met

drinking water standards." Kinross, based in Canada, acquired Crown Resources in 2006. It has mines and projects in the United States, Brazil, Russia, Mauritania, Chile and Ghana.

several times to discuss the new laws.

Learned the Omak Chamber of Commerce plans a downtown block party from 11 a.m. to 3 p.m. June 26.

Learned from Rowland that funding for the Washington State Lottery drawing for people vaccinated against COVID-19 is coming from the federal government relief package.

Bigfoot Fireworks Open now until July 4 at midnight 8 a.m.-9 p.m. East Omak by Moose Lodge 509-429-4931 Lots of varieties and packages

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