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### Butte Creek Canyon landowner ordered to pay \$55,000 for restoration

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CHICO -- Butte Creek Canyon property owner John Bessolo was ordered in court Friday to pay almost \$60,000 for emergency restoration work to his land before the rains come. District Attorney Mike Ramsey described the situation on Bessolo's land as a "fire hose to the creek."

Over many months, Bessolo did a lot of work, including moving earth and placing two five-foot-wide pipes down a 300-foot slope leading to Butte Creek. With endangered chinook salmon in the water, erosion into the creek would undermine tens of millions of dollars spent to protect fish, a biologist for the California Department of Fish and Game stated in court documents. Bessolo agreed erosion control was needed, but asked Chico Superior Court Judge Stephen Benson if he could do some of the work himself along with a contractor.

But the judge agreed with the district attorney and attorney for the county, Greg Einhorn, that time was running out and rains are coming. The court case evolved over the summer after neighbors complained about work at 5160 Harris Hills Road, off Centerville Road near the Centerville Bridge. Bessolo, a licensed contractor, confirmed he did most of the work himself with his own equipment. The Butte County Department of Public Works checked the property and determined a grading permit was required. There also appears to be no subdivision map or development plan for the land, Ramsey wrote in an accompanying court brief. Two stop-work orders were issued by the county, but activity continued on the property, said assistant public works director Shawn O'Brien.

Bessolo appeared in Butte County Superior Court in Chico in September, where Benson granted the county a temporary restraining order to prevent further work. Since then, the county sent John Lane of Chico Environmental Science and Planning to develop an emergency plan to remove soil from the area and stabilize the embankment leading to the creek. Bessolo agreed to pay the \$5,000 for Lane's work plan. Lane and a district attorney's special investigator also noted "improper hazardous materials storage, un-permitted structures" on property owned by Bessolo, Lane wrote in his report. The county then asked for bids for restoration before rains come; the lowest bid was \$55,000. In court Friday, Bessolo, via his attorney Tim Ferris, asked Benson if he could lower the cost by doing some of the work himself, specifically removal of the pipes. But Benson said difficulties such as overlapping insurance, another bid and other issues would slow down the project. The request from the county was for Bessolo to deposit the \$55,000 with the county for the work, but his attorney said he couldn't just write a check for that amount. Einhorn told the judge he had a 52-page printout of property Bessolo owns, totaling millions of dollars, and asked if there could be an order to examine Bessolo's "ability to pay." The judge said there wasn't time to return to court next week, and after a break, Bessolo's attorney said his client could likely secure a bond for the money. That bond is required by noon Monday, or the case will be brought back to the Chico court at 4 p.m. The plan is for R and R Horn to start moving in equipment this weekend, and for work to start Monday, Einhorn said.