



Sutter Buttes suit tossed, but access still limited

[By Ben van der Meer/Appeal-Democrat](#)

2011-12-16 00:14:39



Though a lawsuit against the state over access to the Peace Valley state park in the Sutter Buttes has been dismissed, not much will change for people wanting to visit what is known as the world's smallest mountain range.

For one thing, a separate lawsuit over the same topic against landowners has yet to be settled. For another, a state parks spokesman said access will still be limited, by design.

"We have always taken very seriously the wish not to disturb the neighbors," said Roy Stearns, a spokesman for the California Department of Parks and Recreation. "Access will be limited and controlled, as it should be."

The suit, filed about three years ago in Sutter County Superior Court by a handful of Buttes property owners, contended Bigelow Road was private even though it was used for access.

But Stearns said a judge has dismissed the suit, saying there was no dispute over an established easement to use the road for access to Peace Valley.

"We've allowed guided tours, and will continue to do so under the auspices of the easement," he said.

Plaintiffs in the suit include landowners Lyndol Swartz, Richard Campbell, Deborah Killips and Marvin Hammons. A call to Campbell's home was referred to Dave Nelson, a Colusa attorney for the plaintiffs. Nelson did not return a call seeking comment.

Tours by one group into the Buttes won't resume until the second suit, by the same plaintiffs against Butte landowners Circle H LLC and Joseph and Margaret Hughes, is also resolved, said Daniel Barth of Gridley.

"You never know about a lawsuit," said Barth, whose group the Sutter Buttes Society, formerly the Yuba Historical Society, has led more than 3,000 people on tours in the Buttes in the last five years.

Barth said the second group of landowners, whose property is next to the park and where he has led several tours, is being sued for similar reasons as the state.

While he has hoped the park, established by the state after it bought the Buttes property in 2003, would eventually become more accessible, he said he has lately changed his opinion. Because of the ongoing access issues, and because of the park's archaeological importance for American Indians, the state would be better off establishing it as a reserve and limit access for research and educational purposes.

Eventually, the state should also consider buying property elsewhere in the Buttes for a more accessible park, he said.

"I think it could happen. The state still has money for acquisition," Barth said, adding a state park in the Buttes has been discussed for decades, and some land near Sutter could be ideal.

But even when the suits are settled, Barth said, getting to Peace Valley won't be simple.

"There's no willing landowner to sell to the state, and there might not be for decades," he said.

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