

Many comment, no action taken on new Nestlé request

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By Charlie Unkefer

McCloud, Calif. - With Nestlé back on the agenda, more than 50 people attended Monday night's McCloud Community Services District regular meeting. The meeting highlight was Nestlé's announcement of its intention to pursue a re-negotiated contract to build a water bottling facility in McCloud, though the new project plan calls for a facility reduced in size and scope compared to the company's original proposal initiated five years ago.

Public comment in reaction to the decision was strong, with more than a dozen citizens speaking on the issue.

After Nestlé representative Dave Palais made the request to pursue a new contract, the MCSD board agreed to table any decision until the next regularly scheduled meeting on Jan. 26.

Recent court ruling a factor

Seen by some as relevant to Nestlé's new push for a contract with McCloud is the October 2008 California Supreme Court ruling "Save Tara vs. the City of West Hollywood." According to a letter submitted to the MCSD on behalf of the McCloud Watershed Council, "The Supreme Court stated that it is improper for a public agency to commit to a development project prior to environmental review." The implication for the proposed water bottling project is potentially significant, given that it could mean that a full Environmental Impact Report would have to be completed before entering into any contracts with Nestlé. Any contractual agreements without full California Environmental Quality Act compliance could, under the recent ruling, be deemed illegal.

Considering the short presentation on this communication agenda item, the board took note but issued no responses.

With the podium open for public comment after that, Nestlé representative Dave Palais spoke generally of Nestlé's intent to begin the renegotiation process and outlined his interest in beginning a dialogue with the community.

Regarding the "Save Tara" decision, Palais stated, "We're putting the horse before the cart."

There were four public comments on the "Save Tara" decision. All four speakers reiterated the significance of the findings, urging the board to proceed with caution in regards to entering any new contractual agreements with Nestlé.

A new chapter begins

“Nestlé is still very excited about this project,” said Palais when the time came for him to formally present the company’s revised intentions. “We are looking forward to turning the page on this.”

Palais went to great length to emphasize his company’s commitment to a smaller plant size with reduced water use, though at this point no specifics were mentioned.

The Nestle representative also noted, “Our desire is that the McCloud community should be able to provide feedback,” and outlined the company’s plans to begin a series of public meetings. He acknowledged that “the first meeting did not go so well,” drawing light laughter from the crowd. His reference was to the poorly run meeting held by the private consulting firm Kearns and West last fall, a meeting intended to promote dialogue with the community. Since that meeting, Kearns and West has been fired.

Now, according to Palais, Nestlé plans to organize the community informational meetings themselves. The first public meeting will be held Feb. 18 at 7 p.m. at McCloud Elementary School. Palais concluded by saying, “I hope the revisions to the proposal will demonstrate Nestlé’s openness.”

Directors respond

MCSD directors took turns responding to the request to re-enter into negotiations. Director Anne Simons began the comments by saying, “I am not against re-negotiating. I think re-negotiating with Nestlé might be a good idea.” Board vice-president Alan Schoenstein expressed criticism over how he felt Nestlé handled the public forum with Kearns and West “Because one meeting fails, you do not abort it,” said Schoenstein, drawing the crowd’s attention to what he perceived as some of the procedural inconsistencies that have occurred to date. “Going forward I have concerns,” Schoenstein said. “I need to digest my thoughts on the matter.”

Director Kurt Kleinhans said, “I’m totally willing to move forward,” but he emphasized that the current discussion was centered around opening dialogue and entertaining possibilities.

Director Stewart expressed dismay over how the issue has been handled since its inception and emphasized the importance of considering all options before rushing back to the negotiating table. “Nestlé has controlled this process for five years, and cancellation gives us back control,” Stewart said. “I think we owe it to ourselves and the community to look into these issues before we go into negotiations.” He concluded with the warning, “We need to proceed cautiously.”

Public comments galore

Following the Board’s decision to postpone any decision for two weeks, over a dozen audience members commented.

The comments were largely critical of the latest move by Nestlé, but there was also a feeling expressed by some that a renegotiated contract could be beneficial to the town. Some cited the importance of an “anchor” business as vital to the economic survival of the fiscally beleaguered town.

“The community does not have enough information. Going into negotiations now would be premature,” asserted the first person to speak. Using her full five minutes, the concerned citizen concluded by saying, “Don’t call us, we’ll call you,” turning her head towards Nestlé representative Palais as she spoke.

Many who spoke focused on the importance of not rushing into anything with Nestlé, with one citizen noting, “Right now we have time to breathe.”

For many, tabling a decision for only two weeks seemed hasty. “Let’s explore alternatives before Nestlé walks through the door,” pleaded another.

One citizen noted, “Just because you talk to Nestlé does not mean you are going to have a contract.” This was a sentiment expressed by many, reflecting a desire to hear what a negotiated contract might look like. The tone remained cautionary, with few expressing unchecked endorsement of a water bottling plant, though one citizen emphasized, “We need an anchor business in our community,” receiving a small burst of applause for her comment.

Concluding the public comment period, Winnemem-Wintu Spiritual Traditional Leader Caleen Sisk-Franco expressed the tribe’s disapproval of the project, citing a series of concerns and reiterating the need for full CEQA review.

Future meetings

The next meeting of the McCloud Community Services District will be Jan. 26 at 7 p.m. in Scout Hall in McCloud. The District holds its regularly scheduled meetings on the second and fourth Mondays of each month.

Nestle will hold an informational meeting on Feb. 18 at 7 p.m. in McCloud Elementary School.