

Masonite's appeal over mining denied

Tiffany Revelle, Ukiah Daily Journal, 7-31-10

The Mendocino County Board of Supervisors on Tuesday unanimously denied an appeal by Masonite Corporation that sought to stop Granite Construction from mining gravel on property bordering its land holdings north of Ukiah.

The ruling upheld the Mendocino County Planning Commission's May decision to certify an environmental impact report and grant a permit that allows Granite to extract 2.25 million cubic yards of rock over about 25 years in three phases, to a maximum depth of 65 feet.

"We haven't made a decision as of yet," Tim Smith, an attorney for Masonite, said Thursday regarding the corporation's next steps.

Masonite's lawyers and the advocacy group Russian Riverkeeper - which filed a separate but similar appeal - argued the mining operation would threaten water quality in the Russian River and surrounding wells, and that the project didn't meet California Environmental Quality Act requirements.

Smith noted Masonite, which owns about 40 acres directly south of the proposed mine, has 30 days from the decision to deny the appeal to file a CEQA lawsuit.

Of primary concern to Masonite was Well No. 6, one of several wells on its land south of the proposed mine. Smith said that well - purportedly percolated ground water from an aquifer separate from the Russian River underflow - is within 100 feet of where the mining pit would be.

"We are concerned about the affect on the aquifer as well, because they would be drilling down 65 feet, and we would have turbidity from the mining operation, not because it's underflow," Smith said.

Second District Supervisor John McCowen understood an entirely different argument after the hearing that lasted more than three hours on Tuesday.

He said Masonite's primary concern was Well No. 6, and that speakers arguing against the mine proposal said that well's water supply was subject to underflow from the Russian River, and therefore part of the local water table.

Appellants argued the mining operation upstream would cause turbidity and sedimentation that would adversely affect the well's water supply, McCowen said of the meeting.

Recalling those arguments, McCowen noted Developers Diversified Realty argued last year the well wasn't subject to underflow, but was percolated ground water from a separate source with no connection to the Russian River.

Smith said the question of whether Well No. 6's water comes from underflow or a separate water source wasn't relevant to the discussion Tuesday, because the concern about Well No. 6 had to do with the proximity of the well to the mining pit and the pit's proposed 65-foot depth.

McCowen also raised concerns about slow-moving trucks turning onto Kunzler Ranch Road from North State

Street, and vice versa, to access the site.

"Traffic moves pretty fast (there), and if you had a distracted driver who was distracted for two or three seconds you could have a very bad accident," McCowen said.

He suggested including a provision that Granite would pay for a signal on North State Street, and get credit toward any future traffic mitigation costs. The suggestion got no traction from his colleagues, and wasn't part of the board's final decision on the appeal.

McCowen said it would be up to Granite whether it wanted to pursue a traffic signal in the area on its own.

Another concern was that the mining operation would interfere with any future use of the land for commercial or residential development.

McCowen noted no projects were proposed, and staff correctly evaluated the site as industrial land, consistent with surrounding land.

Smith said Masonite hasn't decided how it will develop its land, but said the mining operation "precludes sustainable development, including light industrial, commercial, residential or mixed-use."

He said the mining operation wouldn't be sustainable because it meant the extraction of an exhaustible resource, and would generate fewer jobs than other possible developments.

"The real economic engine that could be there would offer the Ukiah Valley much more for its economic future," he said.

Meanwhile, Russian Riverkeeper Executive Director Don McEnhill said his board of directors hasn't yet made any decisions, either, but the organization is gearing up for a possible fight.

"There's a strong likelihood we will be taking action on the county's decision," he said.

The group's concerns include salmonid entrapment turbidity and increased sediment in the Russian River as a result of the mining operation, and "a few other things" the group didn't feel the EIR addressed adequately.

McEnhill said the board of directors would likely make a decision in the next couple of weeks. The advocacy group worked with Masonite on the appeal.

"We don't believe they (the county) are as well versed in CEQA as they need to be to do their jobs," he said.

McEnhill said the advocacy group rarely files lawsuits and will determine if it can resolve its concerns with the EIR under the Endangered Species Act and the Clean Water Act.