

City to respond to mining concerns

State agency dings Lake Elsinore for alleged oversight deficiencies

Michael J. Williams, Escondido North County Times, 1-25-11

A state agency is turning up the heat on Lake Elsinore to properly perform its duties as the government overseer of mines within the city limits.

The state Mining and Geology Board recently sent the city a notice to correct deficiencies and alleging seven instances in which the city has lagged in its responsibility to ensure that surface mining for clay, rock and other materials is being done properly.

The largely undeveloped north side of the city is home to numerous mines covering more than a thousand acres that are still operating, have discontinued active operations or are permitted, but inactive.

Councilman Bob Magee said the city is working with state representatives and mine operators to review the allegations and correct whatever inadequacies there are. The city in early January rehired mining compliance consultant San Diego-based EnviroMine for \$20,000 to investigate the state agency's complaints and ensure Lake Elsinore has a handle on the mining activities and documentation.

"I have every confidence that our staff and our consultant will work diligently with the mine operators to gain state-level compliance," Magee said, while declining to address specifics.

The notice states the city has failed to do the following in relation to one or more among nine sites:

- properly administer permits and reclamation plans;
- ensure timely inspections;
- guarantee financial assurances for reclamation, the term for closing down mines;
- enforce and seek forfeiture of financial assurances for three abandoned mines;
- report violations such as operating outside permitted areas and having inadequate erosion controls;
- and respond to a notice issued by the Office of Mine Reclamation asking for financial assurance cost estimates.

The city has until early February to prove to the state Mining and Geology Board that it is addressing the issues, some of which stem from confusion about documentation, officials said.

"I do believe there are some inaccuracies, but we'll be able to straighten that out with the state mining board," said City Engineer Ken Seumalo. "All of (the issues) need to be addressed, whether we say they're already completed or need to be completed."

If the city fails to comply, the state could take over the watchdog role, said EnviroMine President Warren Coalson.

He said that has occurred with several California cities and counties that apparently were overwhelmed by their responsibility to enforce the state's Surface Mining and Reclamation Act of 1975.

"(State officials are) telling the city, if you don't get your act together, we're going to come in and do this," Coalson said. "In defense of the city, SMARA is a very unique law. It's got its own set of rules and regulations. It's over 100 pages of regulations and it's very difficult for a city planner to understand all the nuances of the law. ... Sometimes it's difficult for the city when they've got all these other responsibilities already."

Coalson said the main issue of substance that needs to be corrected is the reclamation of a property east of Lake Street that had once been a mine and targeted for development, but has since been left vacant and unrestored.

Coalson said the city has responded by issuing a notice of violation.

"The property just sat for the last 20 years in an unrefined state," he said. "Something needs to happen. They'll need to knock down the stockpiles and reseed it."

Mining of the area around Temescal Canyon for materials such as clay, sand, gypsum and even gold has been going on since the late 1800s, according to historical accounts.

However, residential development has sprawled north toward the mines, leading to chronic complaints from residents about noise, dust and bright lights at night.

Much of the area is now owned by the development firm Castle & Cooke, which has several active mines on its land near property where the company also has been building the Alberhill Ranch subdivision along Lake Street.

Senior Vice President Tom Tomlinson said his company is working with the city and the consultant to iron out any issues identified in the notice that relate to Castle & Cooke property.

He said some of the allegations date to the days when Riverside County had the responsibility for watching over the mines rather than the city.

"They mostly involve the sequence of how the reclamation plans have been amended and changed over the years," he said of the state agency's criticisms. "Most of their complaints went back to when the county had oversight.

"We're trying to work with the mining board in getting these reclamation plans to be consistent (to) reflect the activities that are happening out there now. ... It's mostly paperwork that needs to be filed so everybody understands what needs to be done."