

# Massive Mining Operation in Lake Elsinore Gets Green Light

*M.C.A. plans to mine shale and clay on the 85-acre site between Nichols Road and Lake Street over a 15-year period.*

**Toni McAllister, Lake Elsinore-Wildomar Patch, 1-18-12**

The Lake Elsinore Planning Commission has paved the way for a large-scale mining operation on an 85-acre open-space site situated just east of the 15 Freeway.

The commission approved the “mining reclamation plan” of Corona-based Maruhachi Ceramics of America (M.C.A.) in a 4-1 vote Tuesday night during its regularly scheduled meeting.

The dissenting vote came from Commission Vice Chair Michael O’Neal.

A mining reclamation plan is required under state law for all mining operations. The required plan presented Tuesday night provides details on how M.C.A. will reclaim the land after mining ends. To date, M.C.A. would be reclaiming the land to open space.

M.C.A. said it plans to mine shale and clay on the 85-acre site between Nichols Road and Lake Street over a 15-year period. The company produces customized clay roofing tiles. M.C.A. spokesman Martin Derus told the commission Tuesday that M.C.A. would mine and process the earthen material onsite between the hours of 7 a.m. and 7 p.m. Approximately 46,000 tons of material would be mined annually, he said. Because rocks would be unearthed during the mining process, Derus explained the company would also derive revenue from the stone by crushing some of it into aggregate.

O’Neal objected to M.C.A.’s plan on several fronts and he criticized the mining operator for not providing a current and full biological report to the city.

“It is my opinion there are endangered plants and species on this property. Do the studies. Tell us what’s there,” he said. “I don’t think you guys are being a very good steward to this whole area.”

City Attorney Barbara Leibold addressed O’Neal’s concern by stating that M.C.A. cannot sidestep environmental issues because the company is bound to both federal and state laws.

O’Neal also criticized M.C.A. for grading roadways on the 85-acre site without first obtaining permits from the city. When pushed on the issue by O’Neal, Derus conceded that grading permits had not been obtained. During the meeting, city staff did not offer any explanation about the lack of permits.

Commissioner Rick Morsch expressed concerns Tuesday night about environmental mitigation issues, but he complimented M.C.A. for its work on the plan.

“I’m quite impressed,” he said, noting that he believed the plan addressed the commission’s previous objections. In October M.C.A.’s proposal had come before the commission, but was denied by a unanimous vote due to lack of environmental and traffic studies.

During Tuesday’s meeting, the planning commission also voted 4-1 to approve M.C.A.’s “vested right” to mine the land. O’Neal was the dissenting vote.

Where surface mining is concerned, under state law a vested right to mine exists if the activity has been ongoing since before Jan. 1, 1976.

During the October planning commission meeting, city staff had provided documents to the commissioners that stated a vested right to mine the land exists. M.C.A. officials also made a claim to vested mining rights during last fall's meeting. Staff and M.C.A. contend that the "intent" to mine the land has never been abandoned.

The proposed project site, which M.C.A. now owns, was once leased by mining giant Pacific Clay Products, which has mining operations near the area.

Two local residents argued Tuesday night that vesting rights do not exist, but the commission -- with the exception of Vice Chair O'Neal -- accepted the findings of Leibold and M.C.A. attorney James Good.

"We claim a vested right," Good said Tuesday night.