

# Clay mine project gets green light

**Michael J. Williams, Temecula Californian, 3-15-12**

LAKE ELSINORE -- A Corona roof-tile manufacturer won permission from the Lake Elsinore City Council this week to mine clay from vacant land along Interstate 15.

But if a couple of the mine's critics get their way, that may not be the end of the red tape for MCA Superior Clay Roof Tile.

The Corona tile manufacturer is seeking to excavate sections of the 86 acres it owns along a three-quarter-mile stretch east of the freeway and about 1 1/4 miles north of Temescal Canyon High School.

In response to the City Council's decision Tuesday to deny appeals of an earlier Planning Commission ruling, two of the appellants are taking their case to the state.

Lake Elsinore residents Pauli Tehrani and Sharon Gallina on Wednesday fired off a letter protesting the council's decision to California Resources Agency Secretary John Laird and State Mining and Geology Board Executive Officer Stephen Testa, and copied it to every state legislator.

Tehrani and Gallina said they recognized going into Tuesday night's hearing they were fighting a losing battle with the city. But they had to appeal first to Lake Elsinore because the city is the lead authority responsible for overseeing mining within its boundaries.

Although that authority had been called into question starting in late 2010 by the state mining board, the board voted in January to allow the city to remain as the lead agency.

Now that they have appealed the issue to the state, Tehrani said, "We believe that (the state's review) will be the time the city loses its lead agency status because they were warned (by the mining board)."

As far as the state mining board is concerned, their complaint won't be reviewed.

A spokesman for the conservation department confirmed the correspondence was received and released a statement from Testa indicating that the mining board would not review the matter.

"We appreciate the correspondence, however, this is a local issue," he said. "The City Council should be considered the final authority on this particular issue."

Tehrani and Gallina contend county documents indicate MCA does not have an automatic right to mine the property without going through the more rigorous process of obtaining a surface mining permit.

MCA representatives and city officials say the property has been designated as a mining site for decades. That, they said, gives the property owner the vested right to use the property as long as there is an adequate reclamation plan for restoring it when the mine is closed and financial assurances that the land will be restored.

The council voted unanimously to uphold MCA's vested right.

"Vested rights are vested rights," Councilman Peter Weber said in an interview Wednesday. "That's just the law

of the land. You can complain all you want, but it's still a vested right."

With its vote, the council also ruled there were adequate environmental protections in place in denying Planning Commissioner Michael O'Neal's appeal.

O'Neal contended there was little guarantee in MCA's plan that endangered species that might be found on the land would be protected.

Although the reclamation plan outlines measures that must be taken to ensure species are protected, the mining activity itself is regulated by state environmental agencies, City Attorney Barbara Leibold said in Tuesday's meeting.

MCA will be required to periodically survey the property for endangered species when it moves forward with the mining, which will occur in phases over the next couple of decades.

Councilman Bob Magee noted that the most recent visits to the property by a wildlife biologist had failed to turn up any rare or endangered species.

MCA owner Yoshi Suzuki told council members he was eager to move forward, because the clay is vital to the business producing high-quality tile.

"We'd like to bring our business to the city, too, and be a good corporate citizen," he said.

Weber said he hopes the protest filed with the state won't prove to be a prolonged hang-up for MCA because he believes the activity should be a boon to the city's economy.

"He's got a lot of money to invest in our city and I just hope (the protests) don't prolong this," Weber said. "We need this to get going in the city."