

Granite's sleight of hand?

Phil Strickland, Temecula Californian, 2-24-10

Quarry opponent Nick Biddle compares it to snake charming ---- distracting a deadly adversary as you bend it to your will.

Last week, the city of Temecula was notified by Granite Construction that it was prepared to acquiesce to the annexation of 4,510 acres of land by the city (not to include that on which Granite's proposed open-pit blasting operation would sit), given "minor" exceptions.

We only need massage the city application's verbiage a bit and they'll throw their weight behind the city's third pitch to Local Agency Formation Commission to annex the land.

But these teensy details, according to barrister Joe Hudson, a Fallbrook quarry opponent, will bar the city from suing Granite over quarry operations in the future.

Says Hudson, a man of no mean legal talent, "This is an attempt to deceptively maneuver the city into a legal trap called 'estoppel'."

He calls it "being lulled and gulled."

He says Granite wants Temecula, in exchange for Granite's annexation support, to acknowledge "that it (the city) is not seeking to impose additional burdens or thresholds on additional resource development permitting activities proposed for adjacent county lands."

If Temecula agrees, Hudson says it will have "entered into a bilateral contract not to take, in effect, any further actions against Granite with regard to the operations ---- however negative ---- of the proposed 'Liberty Quarry' project. Period."

Bottom line: An "enforceable contract." Granite could sue.

As bad as that sounds, try this: Granite is rumored to be a recipient of legislation sliming around in underground Sacramento that would strip whoever of the right to sue to stop certain state-designated emergency projects as long as an agency (in this case, the county Board of Supervisors) has approved an environmental impact report.

The changes would take effect immediately as an urgency statute.

The bills, SB1010, AB37 and AB1805 ---- the latter two co-sponsored by Brian Nestande, R-Palm Desert ---- would protect 25 proposed projects around the state, including at least one in Riverside County.

Granite has a very strong presence out Palm Desert way.

Officially, there's no list ---- right ---- but word in Sacramento is, if there were, Liberty Quarry would be featured prominently.

Sources say proponents want to fast-track it, but might be thwarted by budget talks.

Councilmember Maryann Edwards said the council is aware of the legislation and the city has people in Sacramento watching closely.

Granite, it seems, is glad-handing on one hand and positioning the knife at our back with the other.