

Quail Hollow mining dispute sparks lawsuit by two firms

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SANTA CRUZ — A long-running dispute over mining the south ridge of Quail Hollow Quarry in Felton moved into court Wednesday, as attorneys for Granite Rock Company and Santa Cruz Aggregates, Inc. made good on a threat to file suit against the county.

The civil suit, filed in Santa Cruz County Superior Court, asks for a judicial review of the county denial of a mining permit, based on the companies' contention they have "vested rights" to mine the ridge.

The land consists of five parcels between Felton and Scotts Valley, which were acquired by Granite Rock Co. in the 1950s and leased for the mining of sand by Santa Cruz Aggregates.

Company officials have estimated there is more than \$50 million worth of sand, which is used in the manufacture of glass and fiberglass, left in the ridge.

The companies claim county mining permits issued in the mid-1950s and early '60s covered the entire 240 acres of the quarry and the Board of Supervisors had no legal right to "change its outlook" in response to "political pressure."

Earlier this year, residents and environmentalists successfully lobbied the county to deny a final appeal by the company on the issue.

"The main issue is vested rights," said Santa Cruz Aggregates' attorney Lloyd Williams. "Simply stated, it means the right to carry out a certain act, in this case to extract the sand deposit from the Quail Hollow Quarry."

Williams said the only constraints on these "rights" would be police power rights of the county such as water as water quality, air pollution, noise and traffic.

"These are the typical issues the county can control," Williams said. "The environmental issues were addressed and raised and answered during the hearing process."

San Lorenzo Valley Supervisor Fred Keeley, in whose district the quarry lies, said "the other shoe has dropped," in reaction to word the companies were pursuing a lawsuit.

"I'm not surprised they have taken that position," Keeley said. "It's what they have been saying all along."

"We certainly have taken another position, which is that they don't have vested rights," he said.

"I feel confident the board went through a very lengthy procedure to give all parties a fair and full hearing, and based on the evidence and the recommendations, we came to a different conclusion."

In a statement released by Williams Wednesday the companies called the south ridge the "most significant deposit of premium sands in the Monterey and San Francisco Bay area" which are necessary for "post-earthquake rebuilding because of their unique physical characteristics and nearby location."

The companies said the supervisors' decision failed to take into account that the "fiberglass sand product and construction aggregate available at the quarry are essential components of energy-conscious reconstruction."

They also note premium sand from the quarry was used to build Dominican Hospital, Cabrillo College, UC Santa Cruz and the County Government Center.

"This is the largest deposit of glass sand in the quarry," Williams said. "It is the area we would normally be moving into and would have moved into over three years ago."