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We're Outta Here!

A massive mining operation near the Sunol-Ohlone wilderness will send the East Bay's coveted elk and eagles fleeing, to say nothing of the hikers.

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By Robert Gammon

Throughout the year, visitors to Sunol and Ohlone Regional Wilderness parks can spot black-tailed deer darting in and out of the oak-studded brush or watch red-tailed hawks soar high above the grassy ridge lands. In spring, waterfalls in Sunol's "Little Yosemite" gush with winter runoff, and wildflowers blanket the rolling hillsides in orange, yellow, and blue. The things that make these wilderness areas truly special, however, and what attract thousands of visitors to the region each year, are two majestic and relatively rare animals — the tule elk and the golden eagle. The area is home to the world's most densely populated golden eagle habitat. The thriving elk herd, which resides alongside a nearby reservoir and is visible year-round from Sunol wilderness, is the only one of its kind in the East Bay.

But the wildlife in and around Alameda County's two largest parks has flourished for the past twenty years in quiet peril. Since the mid-1980s, the animals and birds have been threatened by the specter of a giant mining and quarrying operation on a private mountain ridge nearby. The mining plans, approved by the county in 1984, allow the operator to dynamite and remove the top third of a 2,200-foot ridge adjacent to the public wilderness.

The operation promises to be staggering in scope. Its owner, politically connected developer and road builder Ed DeSilva, intends to extract 123 million tons of rock for road construction over the next sixty years. Huge crushers will grind the hard rock 24 hours a day, and each weekday during the construction season, more than one thousand dumptrucks will rumble up and down a picturesque backcountry road that connects the quarry to Interstate 680. Nearly three hundred acres of oak woodland, oak savannah, chaparral, and creekside habitat just south of Pleasanton and Livermore will be obliterated.

The mountain ridge itself belongs to a scion of the Hearst newspaper family who has hoped to cash in on his land for nearly forty years. DeSilva, who has controlled mining rights to the land for the past two decades, has bided his time, waiting for the right economic incentives before opening the mine.

Now, thanks to a shortage of quality rock needed for road building, and to the efforts of his close friend, state Senate President Don Perata, DeSilva may soon have his incentives. For more than a year, Perata has worked on a plan that would increase the demand for, and thus the value of, the would-be product of DeSilva's operation.

The story of DeSilva's mine-to-be is yet another skirmish in the age-old battle that pits nature against corporate profits and development. His company stands to make hundreds of millions of dollars from the quarry, and the rock it yields will widen roads, fill potholes, and create carpool lanes. But all the blasting, crushing, and trucking will come as a rude awakening for the fifty thousand people who enjoy the tranquillity of Sunol and Ohlone parks each year. As for the eagles and elk, experts say both will be devastated. The golden eagles likely will be gone in a generation, while the elk may perish sooner. "It's a ridiculous place to put a mine," said East Bay environmentalist Jeff Miller during a recent Sunol Wilderness hike, which offered a sweeping view of DeSilva's future operation. Miller spends much of his time traipsing through the Sunol-Ohlone region and keeps close tabs on developments there.

Sunol residents and some local environmentalists, Miller included, say they will fight to stop DeSilva. They'll argue that his county mining permit is out of date because it's based on a 22-year-old environmental impact report. But county officials recently stated that the permit remains valid. In an interview, DeSilva wouldn't say when he plans to open his mine, but acknowledged it may be soon. When he does, his opponents will be at a disadvantage, both because of his political influence and the fact that the East Bay Regional Park District and the Sierra Club, the two organizations that normally might be expected to lead the charge against the mine, have promised to stay out of the developer's way.

The East Bay's tule elk weren't always relegated to a small slice of watershed. In the early part of the 19th century, an estimated half-million of them roamed the western half of California from the Sierra foothills to the Pacific. Though the elk are named after a type of Central Valley grass, the East Bay hills and valleys once teemed with the big-horned mammals.

But starting with the Gold Rush of 1849, hunters slaughtered tule elk with remarkable efficiency. Killed for clothing, food, and sport, the animals were brought to the brink of extinction in just over twenty years. By the late 1860s, none were left in the Bay Area, and by 1874 only one small band of about thirty survived — in a Kern County marsh near Bakersfield.

Once the East Bay's elk were eliminated, cattle moved in. One of the more famous cattle barons back then was George Hearst, father of newspaper magnate William Randolph Hearst. By the mid-1880s George, who'd made a fortune in gold and silver mining, had purchased thousands of acres of beautiful ridge land now directly adjacent to the Sunol and Ohlone parks, according to a historical report commissioned by the county a century later. When Hearst died in 1891, he left the Sunol property to his wife Phoebe Apperson Hearst, who deeded it to her brother Elbert Apperson eight years later.

For the next sixty years, the Apperson clan raised cattle on the 2,555-acre property, known as Apperson Ridge. In the late 1960s, the Utah Construction and Mining Company offered Elbert's grandson William Apperson $15 million for the mining rights to a section of it. According to public records, the company planned to extract at least 150 million tons of rock from Apperson's land to fill in San Francisco Bay wetlands in Alameda.

But when Utah Construction applied for a county permit, its plan drew immediate and widespread condemnation. Leading the opposition were environmental groups and the East Bay Regional Park District, which argued that the mine would spoil Sunol park. The district ran a hard-hitting campaign that included sharply worded op-ed pieces in the *Oakland Tribune* and a petition signed by area schoolchildren.

It worked. In 1969, the county board of supervisors turned down the mining permit request. "A quarry could not operate in a manner compatible with the best interests of the public health and safety, no matter how conditioned," county officials said at the time.

Apperson responded with a lawsuit against the county and the park district alleging that the district merely had been looking for a payoff. Park officials, his attorneys claimed in court filings, had offered to "compromise" and support the mine permit if Utah and Apperson would pay the district "large sums of money, dedicate land, and agree to certain conditions." Utah and Apperson refused, and the project collapsed. Years later, Ed DeSilva would take that lesson to heart.

In the estimation of William Apperson, tule elk and golden eagles probably rank just above busybody reporters and tree-huggers. "Damn environmentalists ... damn journalists," he grumbled during a short conversation on his back porch last month in downtown Pleasanton. The white-haired, crotchety 81-year-old still seethes about the failed Utah deal. The grandnephew of George Hearst also remains angry about what happened to his second plan for Apperson Ridge. "It's almost ruined me twice," he snarled.

Shortly after Apperson dropped his litigation against the county and the park district, he unveiled a new plan for the property — a large dude ranch. It was

to be a mountaintop resort with panoramic views for nearly two thousand guests and staff members, and would have featured more than three hundred "villas," a tennis center, health spa, restaurants, and a youth camp — all anchored by an equestrian center. County supervisors embraced his idea and approved the dude ranch in 1974.

This time the park district steered clear of the proposal, but environmental groups moved in to block it. The San Francisco Bay chapter of the Sierra Club appealed Apperson's permit to the California Water Resources Control Board, which promptly overturned it and sent it back to a local water board for further review. The state board ruled that local officials had failed to properly account for all the sewage that would flow from the dude ranch.

As Apperson fought with the Sierra Club, the tule elk were mounting a very public comeback. By the late 1970s, the state Department of Fish and Game had stepped up its program of reintroducing the animals into some of their original habitats. One location was Tomales Point, part of the Point Reyes National Seashore in Marin County. Another was in Santa Clara County near Mount Hamilton, twenty miles south of Sunol.

In November 1978, Fish and Game officials released fourteen adult tule elk near Mount Hamilton. A few stayed, but nine left for an even better spot. The eight cows and one bull walked the twenty miles to San Antonio Reservoir near Sunol and Ohlone parks. The reservoir and its surrounding watershed are owned by the San Francisco Water Department, one of the area's three major landholders; the others are William Apperson and the park district. Apperson Ridge sits directly between the reservoir and Sunol and Ohlone parks.

As soon as the elk arrived, they began to prosper. The water department forbids public access to the reservoir or the watershed, which means the elk have eight thousand acres of open space largely to themselves. During a recent reservoir tour with a water department official, the only other visible four-legged animals were cattle, a few deer, and lots of ground squirrels. Mountain lions are also spotted here on occasion, said Tim Koopman, a watershed resource specialist for the water department.

In 1982, two years after the elk arrived, Apperson abandoned his dude ranch proposal. It's unclear why. The old man wouldn't say, and former Sierra Club officials who opposed it said they couldn't remember. Apperson may have lacked the political influence to get it built — despite his family name — or perhaps he simply ran out of money. Public records show that by the early 1980s, he owed at least $400,000 to Union Bank of California. The following year, however, Apperson's long-term outlook took a turn for the better, and the fortunes of the elk took a turn for the worse.

When local environmentalists heard about DeSilva's plan to mine Apperson's property, they readied themselves for another public battle. Some believed

they could fend off Apperson just as they had done in the late '60s. They didn't realize that this time they'd face a far more savvy and formidable foe.

For the last two decades Edwin Oliver DeSilva has arguably been the most politically influential private businessman in the East Bay. The 73-year-old, who lives in Orinda and operates several businesses in Dublin, is close to many East Bay politicians, including state Attorney General Bill Lockyer. His best pal in politics is state Senator Don Perata.

For most of the past twenty years, DeSilva has been the Senate leader's single biggest campaign contributor. Since 1998, the developer, his family, the top executives of his companies, and their wives have contributed at least $289,750 to Perata's various campaign funds and those closely associated with him. DeSilva also has twice forgiven large loans to Perata during the past decade — one for $50,000, another for $25,000. Most recently, he wrote a $25,000 check for the senator's legal defense fund, which Perata set up last year after the FBI began investigating him for public corruption.

But DeSilva was steeped in East Bay politics long before he befriended Perata in the late '80s. "Big Ed," as he was called back then, stepped easily into the shoes of his late father Oliver de Silva — who spelled his name differently — a longtime road builder and quarry operator who also had considerable influence, especially in Hayward. By the early 1980s, Big Ed had taken over as president of Oliver de Silva Inc. One of his political allies was then-County Supervisor Don Excell, whose district included Apperson Ridge.

Over the years, DeSilva learned from William Apperson's failures, and devised a plan by which both men could make millions from the property. According to Apperson, when the developer approached him with the idea in the early '80s, DeSilva assured him he wouldn't have to do anything. Apperson was weary of dealing with politicians and environmentalists, so DeSilva promised to handle all the details.

It was a good deal for Apperson. Oliver de Silva Inc. would get eighty years' worth of mining rights to a 680-acre section of the ridge. In exchange, so long as DeSilva could secure a county permit, Apperson was guaranteed an annual allowance of $100,000, regardless of when the quarry opened, property records show. They renegotiated in 1989, boosting Apperson's annual take to at least $150,000. If and when the mine opens, Apperson will pocket $150,000 or 6 percent of the mine's annual gross, whichever is greater, each year.

Given DeSilva's connections, winning approval from the county supervisors would be the easy part, so long as he could outflank the park district and the environmentalists. His solution: divide and conquer.

In his first move, DeSilva did what Utah Construction had refused to do years earlier. He struck a compromise with the park district. Cash was the key component, just as Apperson's lawyers had alleged in 1969. According to a copy of the terms, DeSilva promised to pay the park district six cents for every ton of rock he rips from Apperson Ridge. Over the next six decades, the district's take would amount to about $120,000 a year. In return, district officials vowed in writing that they wouldn't oppose the quarry.

Bob Doyle, the park district's assistant general manager, defends the deal. He essentially argues that district officials had no choice; that DeSilva's political juice was too strong. Officials believed they had to get the best deal they could when they had the chance. "The park district was very concerned that it was going to get approved despite our objections," Doyle said of the mining operation.

DeSilva has a different recollection. He said earlier this month that park district leaders at the time understood the importance to the Bay Area economy of the rock buried beneath Apperson Ridge. There's so much quality rock there that it could lessen the need for other mines in the region, he said. "This deposit will be *the deposit* for the San Francisco Bay region," he said. "It's a very, very important deposit."

But Hans Peeters, a Sunol-area naturalist who battled DeSilva back then, still thinks the district sold out. "It's a sacrilege to put a quarry there," Peeters said. "Once the East Bay Regional Park District got its financial settlement, it was over. That was our biggest ace in the hole."

With local park officials out of the way, DeSilva turned his sights on the Sierra Club, and soon also persuaded its officials to promise not to sue him, Apperson, or the county in exchange for several "mitigations." Among them were DeSilva's promise to pay for a survey of raptors — including golden eagles — in the Sunol-Ohlone region, and to finance the reintroduction of peregrine falcons to the area. He also offered to pay to move the elk herd to another suitable habitat. In 1984, DeSilva got his county permit and quickly made good on his first two promises, but it looks as though he may never have to fulfill the third.

On one of the few sunny afternoons last month, Joe DiDonato expertly maneuvered his park-district-issued Ford Expedition up Welch Creek Road, a narrow, winding grade just south of Apperson Ridge. DiDonato is one of Bay Area's foremost experts on golden eagles and other large raptors. "That many trucks a day," he said, when asked about the effects of the mining operation on wildlife, "could send a shock wave to any number of species and basically eliminate their use of the area."

On a fire road atop a ridge that connects Apperson's property to Sunol and Ohlone parks, DiDonato pointed out three golden eagles in a span of two hours. The federally protected birds flew high above the ridge line, their

brown-feathered wings spreading up to seven feet across, hovering on the air currents that funneled upslope from the canyons below. Golden eagles are expert hunters, and will swoop down over the grasslands, sometimes just a few feet above the ground, before snatching a squirrel or the occasional snake or rabbit. The birds mate for life, and jealously guard their hunting and nesting territory. Like humans, they will fight to the death over ownership of their land.

DiDonato has studied the golden eagles of Alameda and Contra Costa counties since the mid-1980s. Before he went to work for the park district, in fact, he and a colleague from UC Santa Cruz conducted the raptor survey that DeSilva financed. The two biologists lived outdoors for an entire year, from 1986 to 1987, near Rose Peak in Ohlone Wilderness, counting the eagles. The lanky biologist wouldn't comment on the park district's decision to take money from DeSilva rather than do what it could to block his mining operation — but you could see the embarrassment on his face.

Overall, there are least one hundred pairs of golden eagles in the Diablo Range from Pacheco Pass to Mount Diablo. "This area is the densest nesting population of golden eagles in the world," said Grainger Hunt, one of the leading golden eagle experts in the United States, who conducted a more recent survey of the Diablo Range along with his wife, Terry. "It's a storybook setting," he said of the Sunol-Ohlone region, "particularly for somebody interested in birds, especially big birds — raptors — and it's right in the Bay Area."

DiDonato and Hunt, who works for the Peregrine Fund, an Idaho-based conservation group, estimate that there are seven pairs of golden eagles on Apperson Ridge and its immediate surroundings in Sunol and Ohlone parks and San Antonio Reservoir. These fourteen raptors probably will not leave immediately when the mining operation begins, Hunt said. They share another trait with humans — they're stubborn to a fault. The big birds will try to tough it out, but they likely won't be able to reproduce. All the noise from the dynamite, the rock crushers, and the countless dump trucks will disrupt their nesting routine, Hunt said. The deafening sounds also will prevent other eagles from moving into the territory.

In fifteen to twenty years, the birds' average lifespan, there likely will be none of them left in the heart of one of the best golden eagle habitats in the world. "If all they're going to do is mine rock for roads, you'd think they'd go to another place than a pristine wilderness," said Hunt in his Western drawl. "You stop 'em. Ya hear?"

Just off Calaveras Road, a few miles south of I-680, begins a Sunol Wilderness hike that has one of the best payoffs in the Bay Area for the least amount of work. It's the Maguire Peaks trail, a two-to-three-hour loop that begins amid a classic California landscape of rolling grasslands and oak trees and then ascends to two rocky outcroppings at about 1,700 feet. The twin

peaks offer panoramic views of the East Bay. To the north, beyond San Antonio Reservoir, stands Mount Diablo; to the east, the Altamont Pass; to the southwest, Mission Peak; and to the west, San Francisco Bay.

But the best view is of the 2,200-foot Apperson Ridge less than a mile away. The ridge, in fact, dominates the views along at least half of the Maguire Peaks trail. Once the mine opens, this trail will be little more than a steep hike to a massive quarry.

The mine's havoc will be far more widespread, however. Weekday visitors to Sunol and Ohlone will have to contend with all the 24-ton dumptrucks on Calaveras Road, while the noise of blasting and crushing will reverberate throughout a region that outdoor author and hiking guru Tom Stienstra called "the East Bay's most unspoiled backcountry" in his book *California Hiking*.

In the 6,800-acre Sunol wilderness, the explosions may be heard from as far away as Little Yosemite, a scenic gorge along Alameda Creek that features pools and waterfalls in winter and early spring. The sounds of dynamite blasts could even reach the most remote sections of the stunningly beautiful 9,700-acre Ohlone wilderness. Among its gems is Murietta Falls, the tallest waterfall in the Bay Area, and the butt-kicking but spectacular Ohlone Wilderness Trail, which runs 28 miles from Del Valle Reservoir, south of Livermore, all the way to Fremont.

During a recent hike to the top of Maguire Peaks with environmentalist Jeff Miller, it became clear exactly how the mining operation will slice through the tule elk habitat. In the rainy season, the animals huddle on the hilltops near the reservoir, munching on grasses. But as the hot summer months approach, they migrate to Maguire Springs, just below Maguire Peaks, where the females birth their calves near a freshwater creek, protected by the shade of giant oak trees.

The rock crushing will no doubt traumatize the elk, but the dynamite and a proposed mining road choked with trucks will most likely drive them from their home. DeSilva is planning a thirty-foot-wide, five-mile mining road from Apperson Ridge down past San Antonio Reservoir to Calaveras Road. This paved road will cut the elk's territory in half, and the trucks may well prevent the large animals from crossing. The blasts, too, will terrorize them. Studies of Rocky Mountain elk in Wyoming in the early 1980s showed that loud sounds such as blasting send the seven-hundred-pound animals into a full gallop for several kilometers in the opposite direction.

Alameda County's own environmental impact review of the mining operation pointed out these facts more than twenty years ago. "It is highly unlikely that they would tolerate the construction and truck traffic along the proposed access road," the study concluded about the elk near Apperson Ridge. "It appears that the most likely response of the elk to this disturbance would be to move from the area."

But there may be nowhere else for them to go. The elk chose San Antonio Reservoir because it's perfect — there are no humans around, except for the occasional water department employee, explained Dale McCullough, a former professor of wildlife biology at UC Berkeley who has written several books on tule elk. "The fact that they are where they are is because it's the best place for them," he said.

And if the elk don't find another home that can sustain them, it's likely they won't be able to reproduce, according to Joe Hobbs, elk coordinator for the state's Department of Fish and Game. "Slowly, through time, they'll likely downsize until they're no longer viable and then fade away," he said.

Road builders, even politically connected ones, need easy access to aggregate, a combination of rock, sand, and gravel. If they're forced to purchase it or truck it in from afar, they'll forfeit their competitive edge when bidding on government contracts. "It costs so much to transport rock, and it's pretty tough to buy it and stay competitive," explained Steve Jazdzewski, a consultant for the Bay Area mining and quarrying industry for the past twenty years. "You're much better off if you have a source of rock as close as possible to the market."

Until now, DeSilva has had plenty of rock available in the East Bay. Not coincidentally, he's consistently been among the low bidders on public contracts and has profited mightily as a result. His La Vista Quarry in the Hayward hills supplied rock to midcounty projects, while Leona Quarry in the Oakland hills met the demands of northern Alameda County. But in the past three years, both mines ran out of rock and closed down. DeSilva plans to turn La Vista into a 174-home development, and he's in the process of transforming the Leona site into four hundred homes.

For decades DeSilva's last remaining quarry, Dumbarton in Fremont, has supplied rock for south county road building, including a current I-880 widening project in that area. But the quarry, located at the foot of Dumbarton Bridge, is about to meet the same fate as DeSilva's other mines. "We're almost done there," the developer said. The mine is scheduled to shut down in the summer of 2007. After it's rehabilitated, DeSilva will hand it over to the park district to be annexed into Coyote Hills Regional Park.

Once it closes, Apperson Ridge will be DeSilva's final ace in the hole. It's no mystery as to why he bought its mining rights. Utah Construction's geologists and engineers knew back in the '60s that the land holds some of the best hard rock for road building in the entire Bay Area. There's an estimated billion cubic yards of it there, and once the mine is open, it is expected to produce more construction aggregate than all the county's other working quarries combined. Although DeSilva has had his county permit in hand since the '80s, he's delayed the Apperson Ridge quarry for financial reasons. "It's going to require significant capital to bring it online," explained Jazdzewski, referring to the five-mile road and prohibitive startup costs for a mining

operation. "It's one of those things where you have to sharpen your pencil to see if you're going to get your return on your investment."

DeSilva would certainly feel more confident about the mine's profit potential if he knew a steady stream of Bay Area road projects were coming down the pike. That's where his old pal Don Perata figures in. For more than a year, the Oakland Democrat has been pushing for a multibillion-dollar state infrastructure bond, much of which would be earmarked for road construction. Thirteen months ago, Perata launched a campaign committee, Rebuilding California, with the goal of putting a $10 billion infrastructure measure to state voters. The committee has raised $1.13 million so far — DeSilva cut a $25,000 check last October.

Over the past few months, Perata and other legislative leaders have been trying to hammer out a bond deal with Governor Schwarzenegger. The governor also supports a massive infrastructure rebuilding effort, as do a majority of Californians, according to several recent polls. While an attempt failed to get a measure on the June ballot, a bond deal could be ready in time for the November election. If such a measure passes, DeSilva will likely have all the incentive he needs to rip the top off Apperson Ridge.

When the mine becomes operational, it will become the third quarry in the Sunol area. The tiny hamlet, tucked between Fremont and Pleasanton, already is home to the Cemex quarry just south of I-680, and the Hanson Aggregates quarry, which just opened north of the freeway. The county also wants to place a giant open-air compost facility next to the Cemex facility. Sunol, in short, is under siege. "We're beside ourselves with anger," said resident Neil Davies, a member of Save Our Sunol, a group formed to fight the Hanson quarry.

But the angriest residents may be the handful of homeowners at the top of Welch Creek Road. Their sprawling, multimillion-dollar ranch-style homes are less than a mile from Apperson Ridge, and a few of them are perched directly over it. In interviews, several said that when they purchased their homes in the past decade, they had no idea they would be living adjacent to an approved mining operation. "My property is probably one of the closer ones to the quarry," said resident Art Stine. "Right now, it's relatively quiet up here, but that's going to be interrupted by those grinding rock crushers."

Stine and other residents say they will fight DeSilva's mine, but neither they nor the plight of the elk and the eagles may offer the best hope of halting it. Golden eagles have long been protected by federal law, and it's illegal to kill them, but there are plenty of loopholes in DeSilva's permit. For example, if his workers see an eagle on its nest, they have to stop construction. But that leaves open the question of whether they will ever look for the big birds. Even if they do spot one, they can start work again once the eagle flies away. They also can simply avoid working during the spring nesting season.

A different kind of loophole has opened around the tule elk. DeSilva's original permit said he had to pay to move the herd to a new habitat, but since the permit was issued, state Fish and Game has changed its policy to forbid such relocations. There are now at least 3,800 tule elk statewide in 22 habitats, including San Antonio Reservoir, and there's apparently no other place for them. The department recently removed an elk herd from the former Concord Naval Weapons Station, but that was a special situation, said Terry Palmisano, a senior wildlife biologist for Fish and Game. The department, Palmisano explained, had wanted to relocate the Concord herd for years because it was penned into a small area and required too much staff time to manage.

So what does this mean for the Sunol elk herd, which according to water department officials has grown from just nine animals in 1980 to the 150 observed in an aerial survey last year? Now that Fish and Game has jettisoned its relocation policy, there's little DeSilva can do, according to Bruce Jensen of the county planning department. Advancements in technology, DeSilva claimed in an interview, will result in far less blasting than what was contemplated in the 1980s. Furthermore, he'll build bridges over streams, construct large culverts so that the elk can cross underneath the road, and then monitor the herd, he promised. The developer added that he believes when push comes to shove Fish and Game will relocate the elk.

But Palmisano and other state wildlife officials were adamant that moving the herd isn't an option. Meanwhile water department officials who have come to know the Sunol elk are skeptical of DeSilva's other mitigations, because elk are unlikely to go anywhere near a road with so much truck traffic. "It's ridiculous," said environmentalist Miller. "Essentially, all they're going to do is monitor the elk herd's demise."

Miller is both the executive director of the Alameda Creek Alliance and a spokesman for the Center for Biological Diversity, and he may offer one of the best chances at stopping the Apperson Ridge quarry, or at least throwing a wrench into the plans. In the past decade, the Center for Biological Diversity has become the East Bay's most aggressive and prominent environmental group. Among its higher-profile campaigns is an attempt to stop the slaughter of large raptors, including golden eagles, by the wind turbines in the Altamont Pass.

In the summer of 2003, DeSilva's employees suspended work on the mining road after Miller complained they hadn't taken the proper steps to obtain Fish and Game permits. "The first thing they try to do out there, we'll sue," Miller promised.

The Center for Biological Diversity also argues that DeSilva's 22-year-old EIR is woefully outdated — not necessarily in terms of eagles or elk, but because at least three species known to live in the area have been added to the federal Endangered Species List in the interim. These are the Alameda

whipsnake, the California tiger salamander, and the California red-legged frog, and it's unlawful to build a road or a quarry that would destroy their habitat without first conducting an adequate environmental review.

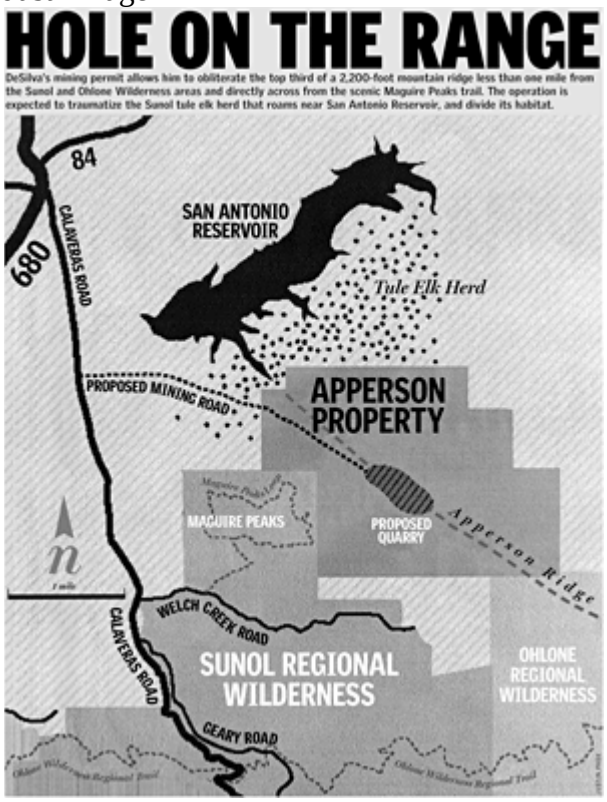
Miller has brought up this issue with county planning officials, but they basically claim their hands are tied. Since the county has already approved DeSilva's permit, planner Jensen argued, it cannot require additional environmental study unless DeSilva changes his mining proposal substantially.

The Apperson Ridge quarry almost certainly will end up in court sooner or later, and Miller's organization will almost certainly be the one that puts it there. Fish and Game officials wouldn't say whether they'll pressure DeSilva on the permit issue — they hinted they may wait for the center to sue and force their hand. The park district and Sierra Club, of course, have waived their rights. And county officials don't intend to put up further roadblocks — no public official, when push comes to shove, seems willing to tangle with Big Ed. "They told me they would rather have us sue them than DeSilva," Miller said.

Galen Rowell

To developer Ed DeSilva, the rocks are worth more than the elk standing on them.

Justin Page



This map shows Ed DeSilva's quarry plan.

Robert Gammon


An estimated 123 million tons of rock will be blasted from Apperson Ridge in the coming decades.

Oakland Tribune

"Big Ed" DeSilva

David Gregoire

After the mine opens, says a golden eagle expert, the birds will likely stop reproducing.

Chris Duffey

This photo of DeSilva's almost-spent Dumbarton quarry shows the scope of such an operation. The white speck near bottom right is a pickup.

From 1984 Environmental Impact Report

Apperson Ridge before mining.

From 1984 Environmental Impact Report

Apperson Ridge after (artist's rendition) completion of the mining operation.