

Barrella, Donald

From: Candy <cdusky@sbcglobal.net>
Sent: Tuesday, December 16, 2014 5:37 PM
To: Barrella, Donald
Subject: Re: Syar Napa Quarry Final EIR and Surface Mining Permit Hearing

Still very much opposed.

Please kill this project!

Glenn and Chandra Dusky

On Nov 10, 2014, at 3:07 PM, Barrella, Donald <Donald.BARRELLA@countyofnapa.org> wrote:

To all interested parties:

The purpose of this email is to provide notice of a public hearing before the Planning Commission to consider the Final Environmental Impact Report (FEIR) and Surface Mining Permit (SMP) for the proposed Syar Napa Quarry expansion project. Please see the attached Public Hearing Notice for additional details.

Please note that due to the logistics of posting documents on the County web site and the Veterans Day holiday there may be a 1-2 day delay before the FEIR is available on the Web. Please let me know if you would like a PDF version to be sent to you in the interim.

If you should have any questions or need any additional information please let me know.

Regards,

Donald Barrella
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Engineering and Conservation Division
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<Syar_Notice_SMP_FEIR_Hearing_final.pdf>



Napa County Regional Park
and Open Space District

Karen Bower Turjanis
Director Ward One

Tony Norris
Director Ward Two

Michael Haley
Director Ward Three

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DEC 24 2014

Napa County Planning, Building
& Environmental Services

Dave Finigan
Director Ward Four

Barry Christian
Director Ward Five

December 24, 2014

County of Napa Planning Commission
1195 Third Street,
Napa, CA 94559

RE: Comments on the Final Environmental Impact Report for Syar Napa Quarry

Dear Commissioners:

On behalf of the Board of Directors of the Napa County Regional Park and Open Space District, I am writing to express our Board's disappointment with the responses to the District's comments on the Draft EIR for the proposed Syar Napa Quarry expansion, as contained in the proposed Final EIR. The proposed FEIR does not substantively respond to the District's previous comments and questions. The FEIR does not adequately and accurately identify environmental impacts of the proposed project on Skyline Wilderness Park, and should not be certified.

In response to the Notice of Preparation of an Environmental Impact Report (EIR) for the expansion of the Syar quarry adjacent to Skyline Wilderness Park, the Napa County Regional Park and Open Space District Board of Directors in July 2009 requested that analysis of the project consider various potential aesthetic, noise, air quality, ground water and biological impacts on Skyline Wilderness Park. The County of Napa released a Draft EIR in August 2013, and in October 2013 the District Board of Directors authorized the Board President to submit comments on the adequacy of the Draft EIR.

Napa County staff released the proposed Final EIR in November of 2014. The Final EIR includes responses to comments made on the Draft EIR.

The park district Board of Directors at their December 8, 2014 meeting reviewed the proposed Final EIR, and found it to be non-responsive to the issues raised by District. Lacking an adequate CEQA analysis, the Board did not take a position on the project itself.

Discussed below are the major deficiencies with the proposed FEIR as they relate to Skyline Wilderness Park:

- (1) Reduced Footprint Alternative. The most important comment the District made on the Draft EIR (comment M-7) was to ask for more detail on the two alternatives to the project identified in the Draft EIR: a reduced footprint option and a reduced rate of production option. This comment was also made by others including Friends of the Napa River (comment L-2). The response to this comment was that no further analysis of alternatives was necessary.

The standard for alternatives set by the California Environmental Quality Act requires that the public and decision-makers be provided with sufficient information to compare the relative significance of potential impacts of the project as proposed, as well as feasible alternatives to the project that may have fewer environmental impacts. CEQA also requires that the reviewing body identify the “environmentally superior” alternative. The District believes that the reduced footprint alternative is economically and physically feasible, and would most likely have significantly less adverse impact on Skyline Park. However, since the Final EIR contains no actual mapping of this alternative, nor quantification of the environmental impact of the project as proposed compared to this alternative, it is not possible to determine to what degree a reduce footprint alternative would be environmentally superior. It is also not possible to quantify what the project sponsor would be giving up under the reduced footprint alternative. This is critical information should the County Planning Commission be interested in making Findings of Overriding Consideration and approving the project as proposed.

- (2) Appropriateness of Quarry Expansion on the Pasini Property. In its comments on the Draft EIR, the District noted that the Pasini property has historically never been part of the quarry, and expansion onto this parcel would represent a significant shift of land use policy. Response to Comment M-3 indicates that in November of 2013 the State issued new maps that expanded designated mineral resource areas to include the Pasini property. The wording of Response to Comment M-3 implies that the County must adopt this new map and designate these areas as appropriate for mining when it next updates the County General Plan. This is not accurate. When updating the General Plan, the County will need to consider the State maps and any other new information that comes to light, but it is a discretionary County decision whether to designate the property in the General Plan as a mining area. As an aside, the new State maps also now show much of Skyline Wilderness Park as a mineral resource area, but that doesn’t mean the County needs to change its General Plan and Zoning designations for Skyline Wilderness Park and approve a quarry in that location.
- (3) Air Quality Impacts. Response to Comment M-4 states that dust and odor should not be a problem for Skyline Park because the prevailing winds are from the south, and thus Skyline Wilderness Park is not downwind of proposed quarry operations. An earlier 1973 EIR for the Syar quarry stated that prevailing winds are from the southwest. Either way, since most of Skyline Wilderness Park is north or northeast of the proposed expanded quarry footprint, most of Skyline Wilderness Park is downwind of the proposed project. Response to Comment M-4 is inaccurate.

Response to Comment M-4 also states that it is common for winds to follow the terrain rather than separate at a ridgeline, and thus concludes that removal of the hill that separates the park from the Pasini property would have no impact on air quality. However, it is also true that winds tend to deflect around obstructions. Removing the hill that separates the park from the proposed quarry expansion area will expose the park to increased air flow from the quarry.

Response to Comment M-4 states the park won’t experience odors from the asphalt plant because the asphalt plant is more than 1 mile away and will not change with the proposed project. However, users of the park today report that they occasionally smell the asphalt plant. Despite what the air quality models may say theoretically, the fact is the park is

already subject to occasional odors from the asphalt operation, and the proposed project can only make it worse.

- (4) Visual Impacts. Response to Comment M-4 restates a definition first put forward in the DEIR for what constitutes a significant impact. This definition sets a very high standard for what constitutes a significant impact. However, this definition is not contained in the adopted County General Plan, Zoning Ordinance or other adopted policies; instead, it appears to have been created by the consultants preparing the DEIR.

Response M-4 acknowledges that the expanded quarry operation would result in increased views of the quarry from Skyline Wilderness Park, but concludes this impact is insignificant. This conclusion is subjective.

First, it is not true that park users only use established trails. While equestrians and mountain cyclists are instructed to stay on existing trails, hikers interested in nature (such as bird watchers and native plant enthusiasts) often leave established trails to observe nature.

Second, the back country of Skyline Wilderness Park is currently a visually self-contained environment of peace and tranquility. Any visual intrusion of industrial activity into this environment would adversely affect park user experiences, and should be identified as significant.

Third, Response to Comment M-4 dismisses the loss of the Pasini property as insignificant because its “rolling terrain and oak woodlands is representative of local scenery rather than exceptional or exemplary, lacking striking landform features”, and therefore concludes that expanding the quarry into this area would have no significant visual impact. This contradicts Napa County’s long record of valuing and protecting Oak Woodlands for their aesthetic, habitat, and watershed values. This record is reflected in numerous adopted County plans and policies including the County General Plan and County Oak Woodland Management Plan.

- (5) Noise Impacts. Response to Comment M-9 notes that the proposed expansion of the quarry into the Pasini property could have a significant noise impact, but then concludes that this impact would be reduced to insignificance through mitigation measure 4.11-1. This mitigation measure calls (a) for acoustical shielding being maintained for the longest time possible, (b) for the quarry operators to use the quietest available equipment, and (c) that noise monitoring be conducted to ensure that County noise standards are not exceeded. How this mitigation would accomplish the objective of reducing the impact to a level of insignificance is not explained:

(a) The “acoustical shielding” refers to the hill separating the Pasini parcel from the park. By arguing that noise impacts can be reduced to insignificance by retaining the hill as long as possible, the FEIR effectively acknowledges that the hill does provide noise mitigation. Unfortunately, this is the very hill that the project proposes to remove, and the very hill that presumably would be preserved should a “reduced footprint” alternative be adopted by the County. Since there is no information on how long this hill would remain, it is impossible to assess the overall effectiveness of this mitigation. In addition, this mitigation is only temporary. Once the hill is gone, the data presented in the DEIR indicates there would be a significant noise impact on the park.

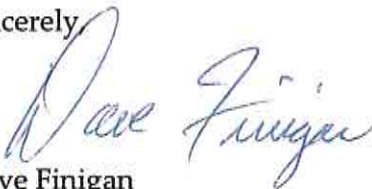
- (b) When dealing with mining, the “quietest available equipment” is still noisy; no analysis has been presented demonstrating whether and how much noise levels within Skyline Park would be reduced by using the quietest mining equipment.
- (c) Monitoring noise levels after the quarry expansion has been approved is of little value, unless the County and the quarry owner were to commit to shut down mining operations when noise levels are exceeded. This is not a realistic mitigation.

- (6) Mitigation Timing. Response to Comment M-16 is difficult to understand. The Response claims that the timing for the mitigation for oak woodland losses is not crucial, and that the mitigation need not be in place before the adverse impact occurs. This assertion contradicts most of the literature on mitigation, which agrees that mitigations should be in place before the impact occurs. The last sentence of Response to Comment M-16 contains circular logic. The Response argues that the District’s comment about timing of Oak Woodland preservation is not a comment about a significant impact because the loss of Oak Woodlands has been mitigated to a level of insignificance through the requirement for Oak Woodland preservation elsewhere. Since the DEIR determined that preservation of other Oak Woodlands is necessary to reduce the impact of the project to a level of insignificance, the timing of this mitigation is very relevant; until it happens nothing has been mitigated and the impact is still significant.
- (7) Mitigation Location. Response to Comment M-15 refers to Response B-6, which states that it is only an “opinion” that mitigation areas should be as close as possible to the impact site. This comment is also difficult to understand, since most of the literature on mitigation agrees that the best practice is to locate mitigation sites on similar habitat that is as close to the impact site as possible. The FEIR should acknowledge a strong preference for preserving comparable Oak Woodlands as close to the project as possible. More remote sites should only be considered if no appropriate nearby sites are available.

Because of the deficiencies noted above, the Final EIR does not in the District’s judgment adequately analyze the proposed project’s environmental impacts on Skyline Wilderness Park, and therefore should not be certified.

Thank you for your consideration of our concerns.

Sincerely



Dave Finigan
President, Board of Directors

Barrella, Donald

From: Susanne von Rosenberg <susanne@gaiainc.com>
Sent: Saturday, December 27, 2014 4:45 PM
To: Barrella, Donald
Cc: Caldwell, Keith; kathyfelch@comcast.net
Subject: Request for meeting to ask questions about Syar EIR

Hi Don – I've reviewed the responses to comments and (extremely limited) proposed changes to the DEIR. Since the responses to comments basically avoided a lot of my questions/comments, I would like to sit down with you before the meeting so that I can get a better handle on the visual and noise impacts. I'm available any time Friday January 2, Monday January 5, and Tuesday January 6. My concern is that the responses to comments did not address the fundamental question of how a 300' (max, most of it is much lower) hill would screen noise from a blasting and rock-moving operation at elevations up to 700', and how the same hill would block significant visual effects from Imola Ave to the new quarry face on the east side of the State Blue Pit expansion area.

The responses to comments also fail to address the fundamental issue of groundwater seepage below the current excavation level of 150' MSL, and address only "active" groundwater use (i.e., deliberate extraction) and the commitment to maintain that use at the current threshold. Are there any estimates of seepage rates from the vertical cut on the east side of the State Blue Pit? For context, from a very gross measurement, the deeper pits will have a circumference of approximately 8,000 feet (State Blue Pit) and 3,000 feet (State Grey Pit) at 50 feet MSL, meaning that there is a surface area of 110,000 sq ft between 50 and 150' that is likely to be prone to seepage. The east wall of the State Blue Pit will be up to 650' feet high (from 50' MSL to top of excavation), and much of that area is likely to have seepage. Looking only at the approximately 3,750 feet east wall of the State Blue Pit (approximately half of which would have a top elevation of 700 feet, and the remainder would be roughly evenly distributed between 300 feet and 700 feet), yields a cut face of over 200,000 sq ft – just slightly less than area of the bottom of the State Blue Pit post-mining.

I cannot find a copy of the draft Surface Mining Permit on the project site, just the 2009 Surface Mining and Reclamation Plan. We need to be able to see the proposed permit and conditions of approval in order to be able to comment on the proposed permit.

I would also like to show some images during the public hearing that point out these considerations, so please let me know whether you need the files before or just at the meeting. I assume powerpoint slides are acceptable.

Thanks -- Susanne

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