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Agenda Date: 1/7/2015

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** DONALD BARRELLA, PLANNER III - 707-299-1338

**SUBJECT:** Syar Napa Quarry EIR Public Hearing

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### **RECOMMENDATION**

#### **SYAR NAPA QUARRY EXPANSION PROJECT - SURFACE MINING PERMIT (P08-00337-SMP)**

**California Environmental Quality Act (CEQA) Status:** Napa County has prepared a Final Environmental Impact Report (EIR). A Draft EIR was prepared and public hearings were held on the Draft EIR during a 90 day public review and comment period. The standard CEQA 45 day review and comment period was extended an additional 45 days by the County at the request of members of the public. Written responses to comments received during the public review and comment period have been incorporated into the Final EIR which consists of the Draft EIR, public and agency comments, responses to comments, and required clarifications and changes to the text of the Draft EIR. The Planning Commission will consider approval or denial of the project following certification of the Final EIR.

**Request:** Approval of Surface Mining Permit (SMP) P08-00337-SMP to modify the mining and reclamation plan and associated aggregate processing, production and sales as currently permitted under UP-128182, UP-27374, and County Agreement No. 2225 to allow: a) an approximate 124-acre expansion of the current surfacing mining and reclamation plan for a 35 year term; b) an increase in mining depth from approximately 300 feet and 150 feet above mean sea level (msl) to no greater than 50 feet above msl; c) an increase in production of aggregate materials from approximately 1 million tons per year to 2 million tons per year; d) add Reclaimed Asphalt Pavement (RAP) handling equipment to the existing asphalt batch plant; and e) relocate and improve portions of Skyline Trail that were originally constructed on the quarry property back onto Skyline Wilderness Park lands. This SMP is intended to replace UP-128182, UP-27374, and County Agreement No. 2225, and bring existing and expanded mining and reclamation areas and associated aggregate processing, production and sales under one permit.

The project site is located on the east side of State Highway 221 (Napa-Vallejo Highway) at its intersection with Basalt Road and 2301 Napa-Vallejo Highway, within the unincorporated portion of Napa County within both the Industrial and Agricultural Watershed zoning districts. Assessor's Parcel Numbers (APNs) 045-360-005,046-370-012, -013, -015, -022, -025, 046-390-002, -003, and 046-450-071.

**Staff Recommendation:**

Staff recommends that the Planning Commission:

- 1) Hold a public hearing pursuant to County Code Section 16.12.370 to consider the merits of the proposed project prior to taking action on #P08-00337-SMP and on the adequacy of the Final EIR.
- 2) Adopt a resolution certifying the Final EIR was prepared in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA.
- 3) Adopt a motion of intent to: (a) adopt findings and a statement of overriding considerations and reject the no project alternative and the reduced footprint/conservation alternative pursuant to CEQA; (b) find the reduced production alternative consistent with the County General Plan; (c) adopt the mitigation monitoring and reporting program; (d) adopt the reduced footprint alternative; and (e) approve Surface Mining Permit No. P08-00337-SMP. Staff intends to bring a resolution that reflects the Commission's motion of intent to the Commission on January 21st for formal adoption.
- 4) Continue the public hearing to January 21st for consideration and adoption of a resolution of CEQA findings and the final conditions of approval for the Syar project.

**Staff Contact:** Donald Barrella, 707-299-1338 or [donald.barrella@countyofnapa.org](mailto:donald.barrella@countyofnapa.org)

**Applicant Contact:** Jennifer Gomez, 707-259-5728 or [jgomez@syar.com](mailto:jgomez@syar.com)

**EXECUTIVE SUMMARY****Proposed Actions:**

That the Planning Commission:

- 1) Hold a public hearing pursuant to County Code Section 16.12.370 to consider the merits of the proposed project prior to taking action on #P08-00337-SMP and on the adequacy of the Final EIR.
- 2) Adopt a resolution certifying the Final EIR was prepared in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA.
- 3) Adopt a motion of intent to: (a) adopt findings and a statement of overriding considerations and reject the no project alternative and the reduced footprint/conservation alternative pursuant to CEQA; (b) find the reduced production alternative consistent with the County General Plan; (c) adopt the mitigation monitoring and reporting program; (d) adopt the reduced footprint alternative; and (e) approve Surface Mining Permit No. P08-00337-SMP. Staff intends to bring a resolution that reflects the Commission's motion of intent to the Commission on January 21st for formal adoption.
- 4) Continue the public hearing to January 21st for consideration and adoption of a resolution of CEQA findings and the final conditions of approval for the Syar project.

**Historical Background:**

The Syar Napa Quarry is the largest quarry in Napa County, being both the largest in acreage and in volume of

material produced and sold. Mining activities have taken place on the site for over a century. When first opened in the early 1900s, it was called the Basalt Rock Quarry. The Basalt Rock Company acquired the original property in 1924 and continued to mine aggregate materials through most of the twentieth century. In 1961, the Basalt Rock Company leased a 182-acre parcel adjoining the project site to the north from the State of California. Syar Industries Incorporated purchased the quarry property in 1986 and has been actively mining the site since that time. In the 1990's, Syar purchased a one-half interest in the 121-acre Pasini property, an area located adjacent to the eastern portion of the quarry. In 1998, Syar purchased the 182-acres that were previously leased from the State of California in the northern portion of the site.

On November 28, 1973, the Napa County Board of Supervisors approved UP-27374 for the Syar Napa Quarry to bring existing and future quarry operations at the site into compliance with the Napa County Zoning Ordinance No.693, which implemented the California Surface Mining and Reclamation Act in Napa: now NCC Chapter 16.12 (Surface Mining and Reclamation). The permit included all of the properties owned and leased by the Basalt Rock Company. On September 22, 1981, the Board of Supervisors approved an amendment to the permit (UP-128182) to allow the operator to mine the upper reaches of the State Grey Pit in a more efficient manner. A Reclamation Plan for the operation was approved by the County on December 14, 1984 (Napa County Agreement No. 2225). A specified end date to mining and/or commencement date of reclamation was not identified under these current entitlements.

The current request would expand the existing 497-acre surface mine by approximately 124-acres and allow mining to continue for a 35 year term, include an increase in depth from approximately 300 feet and 150 feet above msl to no greater than 50 feet above msl, and an increase in production from approximately 1 million tons per year to 2 million tons per year. Other activities associated with the proposed project include the utilization of Reclaimed Asphalt Pavement (RAP) handling equipment at the existing asphalt batch plant, and the relocation and improvement of portions of Skyline Trail that were originally constructed on the quarry property back onto Skyline Wilderness Park lands.

The proposed permit (#P08-00337-SMP) is intended to replace UP-128182, UP-27374, and County Agreement No. 2225, and bring existing and expanded mining and reclamation areas and associated aggregate processing, production and sales under one permit.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

A Final Environmental Impact (Final EIR) has been prepared. Prior to taking an action on the proposed Surface Mining Permit (SMP) regarding the Syar Napa Quarry Expansion Project, the Planning Commission is required to review and consider the Final EIR and to certify that the Final EIR has been prepared in compliance with CEQA, the State CEQA Guidelines, and the County's Local Procedures for Implementing CEQA.

### **BACKGROUND AND DISCUSSION**

#### **Owner:**

Syar Industries Incorporated, c/o Jim Syar

**Representatives:**

Jennifer Gomez, Permit Manager, Syar Industries, (707) 259-5728

John Perry, Vice President, Engineering, Syar Industries, (707) 259-5826

**Application Filed:**

May 7, 2008

**Notice of Completion of Draft EIR Filed:**

September 5, 2013

**Zoning:**

Agricultural Watershed (AW) parcels 045-360-005, 046-370-012, -013, -015, 046-390-002, -003, and 046-450-071. Industrial (I) parcels 046-370-022 and -025. The southern end of Parcel 045-360-005 is within the Airport Compatibility Combination District (Zone D); however, no project activities are proposed in this area.

**General Plan Designation:**

Parcels 045-360-005, 046-370-012, -013, -015, 046-390-002, -003, Agricultural, Watershed and Open Space (AWOS).

Parcel 046-370-022 Industrial (I).

Parcel 046-370-025 AWOS and I.

Parcel 046-450-071 AWOS and Public-Institutional (PI).

**General Plan Mineral Resource Designation:**

All parcels except for 046-390-002 and 046-370-022 have been designated as a Mineral Resource (MR) areas.

**State Designation:**

The Syar Napa Quarry was designated by the state as a Mineral Resource Zone ((MRZ-2(a)) in 1987, identifying the quarry site as a known mineral resource of regional and economic significance.

**Setting:**

The Syar Napa Quarry is located on the east side of Napa-Vallejo Highway (State Route 221) between Kaiser Road and Streblov Drive approximately one-half mile southeast of the City of Napa and is accessed via a private access drive off SR 221 commonly referred to as Basalt Road. The quarry and project site are located in a transitional area of the County which accommodates a variety of uses. To the north and west within the City of Napa are more intensive residential, commercial, and industrial uses (such as but not limited to the Napa Valley Corporate Center, Napa Valley Community College, the Terrace Shurtleff and River East Neighborhoods). To the south and east are more rural, agricultural, and open space uses. Surrounding uses immediately adjacent to the project site include vineyards to the south; recreation to the east and northeast (Skyline Wilderness Park - SWP); public institutional and educational uses to the north (Napa State Hospital, Chamberlin and Liberty High Schools, Creekside Middle School, Napa Preschool Program, Napa Child Development Center, and Napa County Office of Education); and industrial uses and SR 221 to the west. The Napa State Hospital and the northern portions of Skyline Wilderness Park separate the project site from the City of Napa.

**History:**

The Syar Napa Quarry is the largest quarry in Napa County, being both the largest in acreage and in volume of material produced and sold. Mining activities have taken place on the site for over a century, when first opened in the early 1900s it was called the Basalt Rock Quarry. The Basalt Rock Company acquired the original property in 1924 and continued to mine aggregate resources through most of the twentieth century. In 1961, the Basalt Rock Company leased a 182-acre parcel adjoining the project site to the north from the State of California.

On November 28, 1973, the Napa County Board of Supervisors approved UP-27374 for the Syar Napa Quarry to

bring existing and future quarry operations at the site into compliance with the Napa County Zoning Ordinance #168. The permit included all of the properties owned and leased by the Basalt Rock Company. On September 22, 1981, the Board of Supervisors approved an amendment to the permit (UP-128182) to allow the operator to mine the upper reaches of the State Grey Pit in a more efficient manner. A Reclamation Plan was developed for the Syar Napa Quarry and submitted by Basalt Rock Company to the County.

A Reclamation Plan for the quarry was prepared by Basalt Rock Company and was approved by the County on December 14, 1984 (Napa County Agreement No. 2225). The County determined that the Syar Napa Quarry was consistent with County Ordinance No. 693 as part of reclamation plan approval. Ordinance No. 693 originally implemented the Surface Mining and Reclamation Act (SMARA) in Napa and is now NCC Chapter 16.12 (Mining And Reclamation). A specified end date to mining and/or commencement date of reclamation is not specified under these current entitlements.

Syar Industries Incorporated (Syar) purchased the quarry property in 1986 and has been actively mining the site since that time. In the 1990's, Syar purchased a one-half interest in the 121-acre Pasini property, an area located adjacent to the eastern portion of the quarry. In 1998, Syar purchased the 182-acres that were previously leased from the State of California in the northern portion of the site.

The primary commercial aggregates at the Syar Napa Quarry are blue basalt, rhyolite, and tuff. Blue basalt has a high market value because of its weight, strength and durability. This material is used for a number of industry and heavy construction applications, such as concrete and asphalt products. A very high quality rhyolite is found throughout the Syar Napa Quarry and is sold as rip rap, landscape boulders, construction aggregates, drain rock and other uses. A third aggregate type found at the site is tuff, which can be used as engineered fill and for similar uses. A wide variety of noncommercial aggregates, such as scoria, found in the quarry would remain onsite and be used for reclamation.

**Compliance History:**

Based on annual inspections of the operation pursuant to SMARA, County Code, and review of the Planning Division's files, there are no records of any code compliance issues on this property.

Furthermore, pursuant to Public Contract Code Section 10295.5 and 20676 mining operations that are not being operated in compliance with SMARA are precluded from selling sand, gravel, aggregates or other mined materials to state or local agencies. Facilities that are operated in compliance with SMARA are placed on what is commonly referred to as the AB 3089 List. Therefore, having the facility maintain compliance with SMARA is necessary to provide a local source of aggregate and related materials to the County and surrounding cities: the next closest aggregate sources on the AB 3089 List are in Solano and Sonoma Counties.

**Discussion:**

Background - When the proposed project was originally submitted in 2008 by Syar it was for more than twice the expansions area (291-acres) and included a deeper overall mining depth down to an elevation of zero feet. Increased production from 1 million tons to 2 million tons for a 35 year term was part of the original proposal. At that time staff expressed concerns to the applicant regarding the CEQA analysis and potential impacts associated with a project of this magnitude, and staff's ability to support such a project; however, the applicant elected to move forward with the project as proposed. On June 14, 2009, a Notice of Preparation (NOP) and Scoping Meeting was circulated to the general public and local and state agencies soliciting comments to determine the scope of the Environmental Impact Report (EIR) that would be prepared for the project pursuant to CEQA. On July 1, 2009, the Planning Commission held a Scoping Meeting on preparation of the EIR.

On September 23, 2009, County staff with the EIR Consultants and representatives from Syar conducted a noticed Public Information Meeting at the County Office of Education to: 1) introduce staff, consultants, and the applicant to the public and interested parties; 2) provide an overview of the proposed project and the permit being requested;

3) provide an overview of the application process and review, including CEQA, SMP processing and SMARA; and, 4) provide a status update on the EIR preparation in light of comments received on the NOP and in the Scoping Meeting.

Noticing for these meetings was extended out to 3,000 feet to include residential neighborhoods located to the north of the project site. Prior to the Scoping and Public Information Meetings, in anticipation of upcoming review and hearings on this project, staff also gave a presentation to the Planning Commission on March 4, 2009, regarding SMARA and the County's Surface Mining and Reclamation Ordinance (NCC Chapter 16.12).

In June of 2011, an internal Draft EIR for the 291-acre project was submitted by the EIR Consultant to the County for review and comment. It was apparent that there would be several significant unavoidable impacts that could not be adequately mitigated. As such staff informed Syar that it would not be able to support the original project proposal. Significant unavoidable impacts of the original proposal were identified in the areas of Aesthetics, Air Quality/Greenhouse Gas, Biological Resources, and Hydrology and Water Quality.

In light of this information Syar explored options to effectively revise the project to address these issues and ultimately elected to revise the proposal to its current configuration. In March of 2012 Syar formally informed the County that it would revise its proposal and submit a revised Mining and Reclamation Plan In April 2012 (subsequently revised in September 2012), so that the Draft EIR could be completed based on the revised and less impactful project. In November of 2012 the Reclaimed Asphalt Pavement (RAP) handling equipment component was added to the proposed project. For the existing asphalt batch plant to utilize recycled/reclaimed asphalt in asphalt production, new dedicated RAP handling equipment, consisting primarily of conveyors, hoppers and screens, is necessary. RAP will replace the use of some of the virgin aggregate material necessary to produce asphalt.

The Draft EIR prepared for the project was released for public and agency review and comment on September 6, 2013, and public hearings on the Draft EIR took place on October 2, 2013 in front of the Planning Commission (a.m.) and the Napa County Main Library (p.m.).

**Proposed Project:**

Syar proposes to implement a Mining and Reclamation Plan under the proposed SMP. Under the proposed permit mining, aggregate processing, and related activities within the existing and expanded Syar Napa Quarry would continue for a period of 35 years, from approximately 2014 through 2048/49. The project would result in an approximate 124-acre expansion of the 497-acre portion of the Quarry that has presently and previously been disturbed by mining activities, and an increase in mining depth is proposed from between approximately 300 feet and 150 feet above mean sea level to no greater than 50 feet above mean sea level. An increase in sales and processing of aggregate and aggregate related materials above the current levels of approximately 1 million tons per year to approximately 2 million tons per year is also requested. Other activities associated with the proposed project include the introduction of a RAP handling equipment/system to the existing asphalt batch plant, and relocation and improvement of portions of two Skyline Wilderness Park's trails (Buckeye Trail and Skyline Trail) back onto Skyline Park lands that were originally constructed on the quarry property.

The proposed expansion of the mining and reclamation area includes exclusion and buffer areas. The proposed exclusion area for the Syar Quarry is approximately 327-acres of the Syar holding. A minimum 50-foot buffer is provided from property lines and adjacent mining and reclamation activities. Prior to mining within 250 feet of an exclusion or buffer area the operator would survey and stake the area to avoid any encroachment into buffer/exclusion areas as a result of mining and processing activities.

Mining and Reclamation Plan (MRP): The proposed MRP is intended to provide for an Adaptive Management Mining Strategy for the project where active mining areas of the property would consist of no more than 25% (or approximately 218-acres) of the entire 870-acres property at any given time. Under the proposed SMP the operator

would submit an initial mining plan identifying proposed mining and processing activities anticipated for the upcoming 12 months, and subsequent to the initial mining plan the operator would annually submit an update to the mining plan that would identify active mining areas and include an administrative report and revised mining site map identifying the mining and any reclamation activities completed in the past 12 months. The proposed MRP would result in greater oversight and monitoring of the facility than current entitlements, and less of the site containing active mining than current conditions: it appears that up to 57% (or 497-acres) of the holding may currently contain active mining. The annual mining plans would be reviewed by the County as part of the facilities annual inspection and financial assurance review required pursuant to SMARA and County Code Section 16.12.500 (Inspection and notice requirements).

Typically, implementation of the proposed project pursuant the MRP and associated annual mining plan would consist of delineating mining areas and demarcating exclusion/buffer areas as necessary, removing vegetation and topsoil, stockpiling topsoil within mining areas (for use in reclamation), and subsequent extraction typically through the creation of multi-bench quarry walls within the mining and reclamation areas identified in the SMP. This mining methods are already in practice and evident at the quarry which is consistent with current entitlements.

Hours of Operation: Production and sales at the quarry are influenced by several factors including but not limited to; weather, economic conditions, construction season, and demand. The proposed hours of operation reflect the anticipated production levels necessary to meet demand, including that of CalTrans and other governmental agencies for nighttime transportation, infrastructure, and construction activities in order to minimize and avoid traffic congestion during daytime commute hours. It is anticipated that the quarry would typically operate approximately 250 days a year accounting for weekends, holidays, and other production breaks. The proposed hours of operation are as follows:

- Regular Aggregate Mining Operations: Construction Season Monday through Friday 6 AM to 9:30 PM, Off Season Monday through Friday 7 AM to 3:30 PM.
- Regular Aggregate Processing Operations: Construction Season Monday through Friday 6 AM to 10 PM, Off Season Monday through Friday 7 AM to 3:30 PM.
- Regular Asphalt Plant Operations: Year-round Monday through Friday 7 AM to 3:30 PM.
- Regular Aggregate Sales: Year-round Monday through Friday 7 AM to 3:30 PM.
- Construction Season is June to November, Off Season is December to May.

The construction season is typically is from June to November. Additionally because of public transportation projects which are typically and increasingly conducted at night and additionally off-peak operations necessitated by PG&E Energy Savings Contracts, aggregate and asphalt operations and sales could be conducted on days and hours outside of the hours of operation described above, so that there is some flexibility to accommodate public transportation construction schedules and emergency situations. However, the quarry is not anticipated to operate 24 hours per day Seven (7) days a week. Typically aggregate mining operations consists of removal and transport of aggregate materials, including recycled materials (i.e. recycled concrete and asphalt) from quarry areas to aggregate processing plants and facilities which primarily consist of rock crushers, sand plant, aggregate base/recycle plant, and asphaltic concrete plant. Blasting associated with aggregate mining operations would not be performed at night or during inclement conditions: typically blasting is conducted between 9 AM and 2 PM during the construction season.

Water Supply: The water supply for the quarry (or Quarry Well System) is located in the southeast corner of APN 046-370-025. This groundwater well and associated tank currently supplies water for quarry operations. Under current conditions and operation levels the quarry is estimated to utilize approximately 140.6 acre-feet of water a year to support quarry operations: this estimation of groundwater use is based on an average production volume of approximately 810,000 tons per year. The project would be conditioned so as not to exceed current groundwater usage of 140.6-acre-feet per year.

**Erosion and Sediment Control:** During active mining, erosion, runoff, and sediment will be controlled by the combination of planned drainage changes (including the installation of sediment and runoff control basins), revegetation, and the use of best management practices (BMPs) such as straw wattles, silt fences, straw mulch and hay bales. The quarry currently operates under a Stormwater Pollution Prevention Plan (SWPPP - WDID #2281005111), which describes current drainage patterns, existing drainage and runoff control facilities, and stormwater management practices implemented at the site. The SWPPP is updated as necessary to take into account new or changed conditions: provisions of the SWPPP are overseen by the State Regional Water Quality Control Board and the County Environmental Health Division.

**Re-vegetation and Reclamation:** The Reclamation Plan and associated re-vegetation efforts would apply to the entire project site including the existing and new quarry benches, cut slopes, fill slopes, new valley/quarry floors, and the floor of existing operations. Quarry walls between quarry benches will have slopes that range from 1:1 to 0.25. Reclamation techniques are further described in the Syar Mining and Reclamation Plan. Two primary methods for re-vegetation are anticipated depending on the final slopes and characteristics of a given reclamation area: i) cut and fill slopes that range in slope from 3:1 to 2:1 would be seeded with native grass and forbes to establish ground cover and planted with woody vegetation consisting of native trees and shrubs; and ii) quarry benches would be re-soiled and seeded with native grass and forbes to establish ground cover and planted with woody vegetation consisting of native trees and shrubs. The intent of the re-vegetation and reclamation efforts are to screen and soften the exposed quarried/mined slopes and to replicate the surrounding hillsides.

Additionally, the proposed reclamation plan would replace the use of non-native plant species in reclamation and re-vegetation that are specified in the current reclamation plan and evident in previous re-vegetation efforts.

**Project Objectives:**

The applicant has identified the following objectives for the project:

**Primary Project Objectives:**

To continue and extend operation of the existing Syar Napa Quarry for 35 years, thereby providing a local, reliable, affordable, and consistent source of aggregate and aggregate-related materials to customers in the Napa Region;  
To expand the surface mining and reclamation plan by approximately 124-acres to allow for mining access to a reliable, affordable, and consistent source of aggregate and aggregate-related materials to customers in the Napa Region; and  
To increase the annual permitted saleable quantity of aggregate and aggregate related materials from currently one million tons to two million tons.

**Supporting Project Objectives:**

To increase production of high quality aggregate and aggregate products in conformance with state and local goals and objectives, including the Napa County General Plan (which designates the site as Mineral Resource (MR)) and the policies of the State Mining and Geology Board (which has designated the site as a resource of regional significance);  
To extend the life of the existing quarry to meet long-term local needs for aggregate materials in the Napa region through continued and expanded operation of the existing facilities, including the rock processing plant, sand plant, two asphaltic concrete (AC) plants, and the aggregate base (AB)/recycling plant;  
To extend the life of the existing quarry and in so doing aid implementation of state and local goals to reduce the loss of high quality productive agricultural land as well as minimize greenhouse gas emissions and fossil fuel use by providing a local aggregate resource;  
To help fulfill California's need to permit additional aggregate resources to meet current and expected demand for public and private infrastructure improvements;  
To utilize RAP handling equipment at the Syar Napa Quarry and in so doing aid implementation of state and local goals to facilitate local production and reuse of high quality aggregate products;  
To improve and refine commitments for surface mine reclamation during and after active mining;



To relocate sections of the existing Skyline Wilderness Park trail currently located on the project site so that it is permanently accessible to the public by returning it to land within Skyline Wilderness Park; and  
To update the Reclamation Plan which will be more effective and use native species.

**Environmental Review and Effects:**

Napa County completed a Draft Environmental Impact Report (EIR) analyzing the potential impacts associated with the approximate 124-acre expansion of the mining boundaries including an approximate 1 million ton increase in processing and sales of aggregate materials, and related activities (primarily trail relocation and RAP handling equipment). The Draft EIR was released for public and agency review and comment beginning on September 6, 2013. On October 2, 2013 a noticed public hearing was held at the Planning Commission to receive public comments on the Draft EIR. A noticed hearing was also held the evening of October 2, 2013 by the Planning Department to provide an additional opportunity for the public to provide comment on the Draft EIR. The public comment period closed at the end of Business (4:45) on December 5, 2013: the 45 day statutory comment period on EIR was extended an additional 45 days at the request of the public. Responses to all public comments, including oral comments received at the aforementioned hearings, which are attached to this report, together with the Draft EIR represent the Final EIR. As required by CEQA Guidelines, the EIR includes a summary description of the proposed project; a synopsis of environmental impacts and mitigation measures (attached to this report as Exhibit X); and, identification of the alternatives evaluated and of the environmental superior alternative. The EIR also includes objectives stated by the applicant as described above.

Aesthetics - As described in the Setting Section above, the quarry and project site is located in a transitional area of the County which accommodates a variety of uses including: more intensive residential, commercial, industrial, and public institutional uses to the north and west, located within both the County and City of Napa; intensive agriculture uses to the south; and recreational uses (Skyline Wilderness Park - SWP) to the east. Because of this the visual character in the area is highly varied and continues to experience change through ongoing development as evident by the recent construction/development of the Napa Valley College performing arts and library buildings, and the Cakebread and Joseph Phelps Vineyards (located to the south). Current and future development projects in this area, such as the Suscol Mountain Vineyard development (located to the southeast), and the Napa Pipe and Napa County Jail projects, will continue alter the future character of the area. Ongoing operations of the quarry itself (under current entitlements) also contribute to this evolving character. Skyline Wilderness Park is the only surrounding area that has maintained its character over time. While the project would result in changes to the landscape, it is expected, given the existing characteristics of this area in conjunction with the varying and ongoing changes in the surrounding area, including changes that would occur as a result of continued quarrying under current entitlements, the project would not alter the overall landscape such that a significant impact to the existing character or quality of the surroundings or site would occur.

With respect to SWP and views therefrom, quarrying operations located within the northeast portion of the site (i.e. the State Blue Pit area) have been historically and continue to be readily evident from this portion of SWP and associated trails. The proposed project would not substantially change the existing landscape in this area. Within the southeast portion of the quarry (i.e. the Snake Pit area) current quarrying operations are much less visible as viewed from this area of SWP, only a small portion of the current Snake Pit operations are evident from this area. The proposed project would result in visible quarry faces and benches as viewed from within the southwest corner of SWP (i.e. west of Lake Marie). While proposed quarrying in this area would result in alterations to the landscape, given that some quarrying is already evident and that the changes would not alter the entirety of the existing landscape as seen from this area expected changes have been considered to be less than significant.

Air Quality - An Air Quality and Health Risk Assessment was prepared as part of the Draft EIR. The AQHRA includes emissions calculations for air quality and health risk impacts resulting from the ongoing operations associated with the proposed project, and includes an evaluation of cancer and non-cancer impacts of the proposed project. The Assessment was conducted and prepared in accordance with the BAAQMD Air Toxics Program Health Risk Screening Analysis Guidelines, and the Office of Environmental Health Hazard Assessment Air Toxics Hot Spots

Program Guidance Manual, and Air Toxics Hot Spots Program Risk Assessment Guidelines. The Assessment found that the project could violate air quality standards or contribute to existing or projected air quality impacts, with respect to Nitrogen Oxide gases (NOx), which primarily result from the combustion of petroleum in gas powered vehicles and equipment, and fugitive dust which is also referred as Particulate Matter (PM). The Assessment also found that the proposed project would expose people (or sensitive receptors) to harmful levels of toxic air contaminants (TACs). TACs are pollutants listed by the State that can result in increased mortality, serious illness, or pose a hazard to human health: industrial facilities and vehicular emissions are significant sources of TACs.

Mitigation measures within the Draft EIR have been proposed to reduce the potential health risk impacts associated with NOx, PM, and TACs to less than significant levels. It should be noted that these measures become more rigorous as production levels incrementally increase.

Biological Resources - The quarry and project site lie within the foothills/footslopes occurring in a transitional area between the Napa Valley floor located to the west and the higher elevations of Sugarloaf Mountain located to the east. As noted in the setting section the quarry is also located in an area that is bordered to the north and west by urban uses (predominately institutional, educational, residential, industrial, and Highway 221) occurring within the City and County of Napa, agriculture uses to the south, and recreation (SWP) to the east. Because of highly developed nature of land uses surrounding the quarry on three sides, including the quarry itself and its history of continuous use, the site does not provide any substantial wildlife movement corridors or vast pristine/unaltered biological resources or habitat.

Vegetation types of the site generally consists of annual grasslands, chaparral/shrubland and Chamise, California bay woodlands, and oak woodlands. Within the grasslands approximately 1.5-acres of Purple Needlegrass grassland: this native grassland is considered a Sensitive Biotic Community in the County due to its limited distribution warranting protection. The proposed project has been designed to avoid Purple Needlegrass grasslands. Within the Chamise vegetation type approximately 55 Holly-leaved Ceanothus plants have been identified. Holly-leaved Ceanothus is a special-status that has a List 1B ranking through the California Native Plant Society: List 1B species - are considered rare, threatened or endangered in California warranting protection. The project has been designed to avoid approximately 23 of the Ceanothus plants and mitigation has been included to replace plants removed due to quarry expansion. Additionally, because special-status plants and populations are not typically static, mitigation has been included requiring updated plant surveys prior to expanded vegetation removal to ensure potential impacts remain less than significant.

No special-status animal species have been identified within the project area; however, special-status bird and bat species, and the American badger (a special-status species), have the potential to occur in the project area. Mitigation consisting of preconstruction surveys and avoidance, should special-status species be identified, has been included to minimize and avoid impacts to special-status species.

With respect to oak woodlands the quality of the on-site woodlands was evaluated with particular focus on composition of mature oaks and saplings, evidence of recruitment, and factors potentially limiting recruitment. Generally the woodlands are dominated by mature trees with little evidence of a multi-age stands that is typical of high quality woodland. Additionally, woodlands that don't contain multi-age stands impair the ability of the woodland to sustain itself into the future. A total of approximately 130-acres of oak woodland would be directly or indirectly impacted by the project. Pursuant to General Plan Conservation Policy CON-24 impacts to oak woodlands shall be compensated at a 2:1 mitigation ratio through avoidance, replacement, or preservation. Proposed oak woodland mitigation consists of a combination of avoidance, replacement, and off-site preservation. As proposed the project would avoid approximately 136-acres of on-site oak woodland, which is located in the project's buffer and exclusion areas. These avoided on-site oak woodlands would be protected via deed restriction. Based on site evaluations by an ecologist, approximately 12-acres of suitable area have been identified for replacement plantings. A majority of the suitable areas occur in the southern portions of the quarry

property, south of Arroyo Creek. Approximately 111-acres of off-site oak woodland, of like quality and habitat value relative to the areas removed as determined by a qualified biologist would need to be permanently preserved. The project as proposed with incorporation of identified replacement and preservation measures would achieve the 2:1 mitigation ratio per General Plan Policy CON-24.

The project has the potential to indirectly affect the hydrology of Arroyo Creek due to its proximity to the upper reaches of Arroyo Creek along the creek's northern side. As proposed the project would avoid mining south of Arroyo Creek thereby maintaining current hydrology south of the creek. While the area north of Arroyo Creek has already been affected by past and current permitted mining operations, the steeper more intensive quarry bench cuts along this portion of the creek proposed with this project could potentially alter hydrologic flows affecting Arroyo Creek above current conditions. Proposed mitigation that would require a minimum 85-foot setback from the northern periphery of the creek is anticipated to maintain current hydrologic characteristics in this area.

Cultural Resources - Several cultural resources have been identified in the quarry property, most of which occur in the very eastern portion of the holding within the area known as the Pasini Parcel. Additionally, there is a historic rock wall located along the northeastern periphery of the property that essentially separates the quarry from SWP. All these resources have been avoided by the project as proposed. Additionally, mitigation associated with vibration impacts would further protect the rock wall from potential damage due to potential indirect effects associated with project blasting.

Hydrology and Water Quality - The proposed project would affect surface hydrologic flow patterns through the removal of vegetation and reconfiguration of topography. Based on hydrologic runoff modeling, runoff detention basins will need to be maintained, enlarged, or created so runoff increases above existing conditions does not occur. While some of the detention necessary to adequately attenuate flows are shown to be somewhat large and homogeneous, the sizing is based on final proposed mining conditions within the entirety of each identified drainage basin within the project area. It is expected through implementation of the Annual Mining Plan within the proposed MRP, in conjunction with the SWPPP, would adequately control the potential for polluted runoff from leaving the site as a result of the project.

As proposed the project through vegetation removal and reconfigured topography, in particular the proposed mining depth of 50 feet above mean sea level (msl), could result in mining into the groundwater aquifer and reduced infiltration into the groundwater aquifer. Proposed mitigation would require monitoring so that mining does not occur within 10 feet of the regional groundwater surface so that mining does not interfere with groundwater. While mining has the potential to reduce infiltration into the groundwater aquifer due to vegetation removal and topographic reconfiguration, the highly fractured geology of the site would still allow for groundwater infiltration in mined or quarried areas and from detention basins.

The quarry is not connected to a municipal water source, water is provided by groundwater. Water use at the Quarry is primarily attributed to dust suppression (watering of roads, processing equipment, and stockpiles), aggregate and sand processing and washing, and other uses including truck washing to minimize material tracking onto public roads and quarry utilities (such as restrooms). Currently the operation utilizes approximately 140.6 acre-feet of water per year. The proposed increase in production, and to a lesser extent the increase in mining area, would demand approximately 50 acre-feet of additional water. Because the Quarry's water sources is within the Milliken-Sarco-Tulucay (MST) aquifer, a known groundwater deficient area, mitigation has been included requiring no net increase in groundwater use. Water for the project, above and beyond historic use (140.6 acre-feet), will need to be supplied from sources other than groundwater, such as a municipal source, recycled water, and/or through water savings techniques.

Noise and Vibration - Noise and vibration measurements, conducted by Illingworth & Rodkin Inc. (I&R), were taken at several locations both within the quarry and at surrounding locations to record off-site and on-site levels of noise produced by quarrying activities and vibrations generated by blasting. Noise measurements made within the

quarry itself were made to document noise levels resulting from stationary and mobile equipment operating within the quarry. Prominent noise sources of the quarry include: rock removal; aggregate crushing and screening operations; and operations associated with the asphaltic concrete and the AB/Recycling plants. Based on these measurements calculations of potential noise levels from the closets extent of proposed project operations to the most affected sensitive receptors were developed. The closets sensitive receptors to the project site include the educational and residential uses located to the north, and SWP located to the northeast and east. The calculations were also made for the worst-case scenario, which presumed project noise would not be shielded by topography for these surrounding sensitive receptors. Based on these calculations the proposed project has the potential to exceed allowable noise levels established by the General Plan which would result in significant noise impacts. Proposed mitigation would restrict the hours and locations of noise producing activities associated with quarrying and production activities to minimize the affects of project noise on adjacent receptors. The mitigation also includes provisions for noise monitoring to ensure unacceptable noise levels are being exceeded.

Ground vibration is measured in Peak Particle Velocity (PPV) and is used to evaluate potential structural damage and human perception as a result vibrations generated by project blasting activities. While the average person can be quite sensitive to ground motion (perceiving vibrations as low as 0.04 PPV), ground vibrations measuring 0.2 PPV or less is considered a safe limit to avoid cosmetic damage in non-engineered timber and masonry buildings, and as the upper limit of vibration to which fragile buildings should be subjected (Federal Transit Administration 2006 and Caltrans 2004). Based on vibration measurements taken by I&R that used different blasting charge weights it was indicated that as the quarry expands to the north and northeast toward the sensitive receptors identified above, blasting could generate groundborne vibrations in excess of the 0.2 PPV limit. Mitigation has been included to limit the blasting charge weights in the northeastern portions of the quarry so that acceptable levels of blasting vibrations are maintained and sensitive receptors do not experience damage or excessive levels of vibration.

Transportation/Traffic - Based on the Traffic Impact Study prepared by Winzler& Kelly for the Draft EIR, it was anticipated that the project would contribute approximately 51 new trips to A.M. Peak hour traffic and approximately 3 new trips to P.M. Peak hour traffic. Based on this trip generation and the Level of Service (LOS) of surround intersections, it was determined that the proposed project would contribute additional trips to A.M. peak hour traffic levels, both on a project level and a cumulative level, that would result in a reduction in the Level of Service (LOS) at an intersection that currently operates an acceptable LOS. It should be noted that these impacts are a result of traffic leaving the Quarry in a southbound direction onto Highway 221, and that an increase in more than 50 trips would result in these impacts. Mitigation has been included to reduce this project level and cumulative impact to a less that significant impact by limiting A.M. peak hour trip contributions by no more than 50 A.M. trips.

Greenhouse Gases (GHG) - Based on air quality modeling prepared for the EIR it was shown that the proposed project would result in substantial GHG emissions, in that emissions associated with the proposed project would exceed the thresholds of significance for operational-related GHG emissions established the the Bay Area Air Quality Management District (BAAQMD). Mitigation to reduce GHG emissions has been included; however, even with the incorporation of mitigation significant impacts associated with GHG emissions as a result of the project would remain.

Alternatives - The EIR evaluated four alternatives: 1) No Project; 2) Reduced Production; 3) Reduced Footprint/Conservation; and, 4) Full Development. The evaluation of the four alternatives as describe in the EIR concluded that the "No Project" alternative would result in fewer impacts than the proposed project in that it would not have any new impacts beyond current and entitled/permitted activities. However, when the No Project Alternative is considered as the environmentally superior alternative, CEQA Guidelines require that an environmentally superior alternative be selected from among the other alternatives. As such, the EIR identified the "Reduced Production Alternative" as the Environmentally Superior Alternative, in that, it would reduce the identified significant unavoidable Greenhouse Gas (GHG) Emissions impact and increase the likelihood that the GHG reduction measures included as mitigation would be effective. The Reduced Production Alternative would reduce

the proposed annual production of 2 million tons per year to approximately 1.3 million tons per year.

In addition to reducing the significant unavoidable GHG impact associated with the proposed project, the Reduced Production Alternative is expected to: reduce anticipated annual water demand of the proposed project by approximately 30 acre-feet (from 50 acre-feet to approximately 20 acre-feet); reduce anticipated daily trips to the site by approximately 300 trips per day (from 500 to 200 trips) and A.M. peak hour trips by approximately 30 trips (from 51 to 21 trips) resulting in less than significant project level and cumulative traffic impacts without the need for mitigation; and further reduce project related air quality impacts due to decreased emissions associated with decreased production.

With regard to identified alternatives, the Commission at its discretion as part of CEQA and SMP may review and consider a hybrid alternative consisting of components of identified alternatives to further reduce identified impacts or make required CEQA findings.

**CEQA Actions** - Prior to approving the project the Commission must make two actions under CEQA. The first is to adopt a resolution certifying the Final EIR was prepared in compliance with CEQA. The second action is to adopt a resolution making CEQA findings. The proposed resolution certifying the Final EIR is attached. A resolution reflecting the Commission's motion of intent will be presented to the Commission for consideration and adoption at the next meeting on January 21st along with the final conditions of approval.

As indicated in the Executive Summary section, staff is recommending certification of the Final EIR, and a motion of intent to adopt CEQA findings and approve the Surface Mining Permit to allow the approximate expansion of the quarry and increase production consistent with the Reduced Production Alternative.

**Public Comments:**

Attached to this report are correspondence received by the public and applicant prior the the Commission hearing. Any correspondence received after production and circulation of this report packet will be forwarded to the Commission prior to the upcoming hearing. Additionally, responses to received correspondence will be provided to the Commission at the January 21, 2015 hearing.

**Project Documents:**

Documents associated with this application and staff report, including the Draft EIR, the Final EIR, and the 2012 Mining and Reclamation Plan can be accessed at <http://www.countyofnapa.org/Syar/>

**SUPPORTING DOCUMENTS**

- A . Resolution Certifying the Environmental Impact Report
- B . Summary of Impacts and Mitigation Measures
- C . Draft Conditions of Approval
- D . General Consistency Memo
- E . Public Correspondence and Comments
- F . Applicant Correspondence
- G . Final Environmental Impact Report
- H . 2012 Mining and Reclamation Plan, Syar Napa Quarry
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell