

STOP SYAR EXPANSION

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Attn: Donald Barrella:

This is a California Public Records Act (CPRA) Request: No pertinent empirical data germane to Syar Napa Quarry's mineral resources or mineral reserves (MRMR) was provided in either the Syar Draft EIR Volume I Complete – August 2013 or in the Syar Draft EIR Volume 2 Complete (Appendices) August 2013 (2000+pages).

If empirical MRMR data does not exist, the Syar DEIR is fundamentally inadequate and does not fulfill the intent and purpose of an EIR in violation of CEQA's legal, procedural process.

If empirical MRMR data does in fact exist, it was omitted from the Syar DEIR in violation of the intent and purpose of CEQA's legal, procedural process. The Syar DEIR fails to cite, describe, and make available to the public data and analysis that is fundamental to the evaluation of environmental effects. The data relevant to MRMR must be made part of the public record, is necessary for the public to understand and verify statements, assumptions and conclusions made by the applicant, the County, and the County's consultants. Additionally, empirical MRMR data must be made available to the public in order to facilitate a meaningful, analytical review and to allow verification of the Project's proposals, objectives, impacts, and mitigations.

Please produce the records/data/documents requested below: See **CPRA Requests #1, #2, #3, and #4**. Thank you.

A. Document Referenced: County of Napa Document

Board Agenda Letter (sent by e-mail to the public by Melissa Frost, Administrative Clerk, Napa County Planning, Building & Environmental Services, 8-5-15, 5:06 PM). (See Footnote¹):

Section I. Production Levels, Anticipated Demand, and Potential Reserves: Under this heading, please refer to the two paragraphs representing the only citations, descriptions and discussions of MRMR provided to the public by the County, the Lead Agency responsible for the objectivity of the EIR with regard to scope, content, and CEQA adequacy. None of the information contained in these two paragraphs was cited, described or analyzed in the Syar DEIR, Volumes 1 & 2 (complete). The beginning words of each paragraph are given to provide reference points: Paragraph 1. “Regarding potential reserves,”. Paragraph 2. “Based on potential aggregate reserves....”. These two paragraphs were prepared by the County Staff, first included in the public record on 8-5-15, in a belated attempt to correct fundamental inadequacies of the Syar DEIR in violation of CEQA. Within these two paragraphs, the County Staff referenced two California State Department of Conservation Special Reports prepared by the California Geologic Survey. A critique of the two paragraphs prepared by the County Staff follows:

1. The MRMR values cited in the State Special Reports are general approximations and were never intended to substitute for site-specific testing and analysis. As correctly stated by the County Staff in paragraph one, “Potential reserves and estimated tons of aggregate per acre may be exaggerated because the assumptions used in these Special Reports do not take in to account allowances for overburden or waste since those factors are not know(n)(sic).” To fulfill CEQA requirements, competent onsite MRMR studies should have been conducted with the empirical MRMR data included in the Syar DEIR for public review.

2. Both paragraphs prepared by County Staff include projections and estimations of aggregate reserves pertaining only to proposed expansion areas. No MRMR analysis is given for Syar Napa Quarry’s existing permitted mining areas: Paragraph 1: (a) “Based on these estimations the proposed mining expansion areas (as modified by Syar)...”. (b) “Based on an annual extraction rate of 1.3 million tons per year the estimated reserves within the expansion areas...”. Paragraph 2: “Based on potential aggregate reserves within the proposed expansion areas,...”. Omitting, excluding, an MRMR analysis for the Quarry’s existing mining areas violates CEQA and demonstrates the County Staff’s perverse confirmation bias in favor of the proposed Project expansion.

3. In paragraph 1, County Staff cites, “Based on an annual extraction rate of 1.3 million tons per year the estimated reserves within the expansion areas could be expected to last approximately 45 years.” In paragraph 2, the County Staff “...believes considering a production amount of up to 1.3 million tons per year over a 35 year period would be appropriate to accommodate current and potential future demand.” Please note: Annual extraction and annual production are not equalities. Annual extraction is the lesser fraction of total annual production. Please refer to the Syar DEIR August 2013, page 3-5, 3.0 Project Description, 3.5 Project Characteristics, Table 3-1: Existing and Proposed Annual Quarry Production, Notes: 1-4. Apparently, County Staff does not grasp the distinction between “Total Processed¹” and “Total Extracted^{3,4}”. (See Footnote²)

Also, (See paragraph 2), what the County Staff “believes” is irrelevant. Belief is not objective, confounds reasoned decision-making and has no place in an EIR, a document of record.

CPRA Request #1: Please produce any and all records/data/documents pertaining to MRMR within Syar Napa Quarry’s existing permitted mining areas, inclusive of the proposed expansion areas, but exclusive of the Pasini Parcel.

CPRA Request #2: Please produce any and all records/data/documents pertaining to MRMR inclusive of the entire Pasini Parcel, but exclusive of Syar Napa Quarry’s existing permitted mining areas.

B. Document Referenced: Napa Valley Register, Editorial Page

Napa Valley Register, August 7, 2015, How much rock is left at Syar site? by Kathy Felch. “Editor’s Note: Planning Director David Morrison says his staff “does not have any data regarding the estimated reserve left within the existing permitted areas of the quarry” and referred inquires to Syar. Syar officials tell the Register that they estimate there is between 1 and 5 years-worth of rock left within the existing mine area, depending on what type of rock you are discussing.”

CPRA Request #3: Please produce any and all records/data/documents pertaining to MRMR within Syar Napa Quarry’s existing permitted mining areas of the Quarry used to calculate the type and quantity of remaining reserves as stated by Syar officials. At a minimum, please include the following records/data/documents:

1. A comprehensive feasibility study performed by an engineer or geoscientist, independent of Syar Industries, Inc., who is licensed and in good standing with a professional association with experience relevant to the project with at least five years experience in mineral exploration, mine development or operation, or mineral project assessment and who is able to prepare a professional, unbiased technical report.
2. The feasibility study should distinguish between probable and proven mineral reserves available including the type, quality, quantity and grade of the reserve to identify the economically mineable part(s) of the mineral reserve. The distribution of mineable mineral reserves of the permitted mining areas of the Quarry must be identified and plotted with accuracy on a scale map @ 1” = 300’ or larger.
3. Test drilling, sampling, analysis and data verification methods and procedures used should be accurately and completely described and conform to Canadian Institute of Mining (CIM) Best Practice Standards or equivalent. The chain of custody of the samples, analysis and data must be independent, free of control, influence, alteration, and/or interpretation by Syar Industries, Inc.

CPRA Request #4: Please produce any and all records/data/documents pertaining to MRMR inclusive of the entire Pasini Parcel used to calculate the type and quantity of

reserves. At a minimum, please include items 1, 2, and 3 listed above under CPRA Request #3.

Please produce the records/data/documents requested above immediately. If you have any questions concerning the CPRA Requests, above, please contact us without delay.

Please advise by e-mail to stopsyarexpansion@gmail.com or by phone 707-227-8967 to inform us when and where the records/data/documents are ready for inspection and we will make arrangements to view them and/or make copies. Or, if you already have or can readily obtain the records/data/documents in electronic format, please e-mail them immediately. Thank you in advance for your attention to this CPRA and for your professional courtesy in this regard.

Sincerely,



Steven Booth

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Footnote¹: Quoted from the Board Agenda Letter, 8-5-15

“Regarding potential reserves, Special Report 146 Part III, identifies the Syar Napa Quarry and surrounding areas as within Mineral Resource Sector H. Sector H is a 1,181-acre area containing an estimated 641 million tons of aggregate, which equates to roughly 543,000 tons of aggregate(d)(sic) per acre. Special Report 205 recalculated estimated aggregate resources within Sector H to approximately 626 million tons, which results in approximately 530,000 tons of aggregate per acre. Special Report 205 also added Mineral Sector MM to the east side of Sector H: Sector MM is a 513-acre area that primarily covers the western portions of SWP the Pasini Parcel. Sector MM is anticipated to contain approximately 278 million tons of aggregate, which equates to roughly 542 tons of aggregate per acre. Potential reserves and estimated tons of aggregate per acre may be exaggerated because the assumptions used in these Special Reports do not take in to account allowances for overburden or waste since those factors are not know(n)(sic). Based on these estimations the proposed mining expansion areas (as modified by Syar) may contain up to 58,300,000 million tons of aggregate material (530,000 x 110-acres). Based on an annual extraction rate of 1.3 million tons per year the estimated reserves within the expansion areas could be expected to last approximately 45 years. As a reminder this could be an exaggerated estimation because of the limitation of mining depths as part of the proposed project or as a result of implementation of Mitigation Measure 4.8-2.

Based on potential aggregate reserves within the proposed expansion areas, using projections and estimations from the State Special Reports, staff believes considering a production amount of up to 1.3 million tons per year over a 35 year period would be appropriate to accommodate current and potential future demand.”

Footnote²:

In view of the values and definitions of terms given in Table 3-1, Syar Napa Quarry's "Existing²" annual production, an annual extraction rate of 1.3 million tons per year would equate to a production amount of 1.65 million tons per year (0.59 divided by 0.81 = 0.73 percent; $1.73 \times 1.3 = 1.65$; $1.65 \text{ minus } 1.3 = 0.35$) which is 0.35 million tons over the Project's proposed annual production limit. Based on an annual production rate of 1.3 million tons per year, using the same proportional percentage multiplier derived from dividing the historical "Total Extracted^{3,4}" by the historical "Total Processed¹" in Table 3-1, the annual extraction rate is $1.3 \times 0.73 = 0.95$ million tons. Then, based on the County Staff's estimated tonnage of aggregate reserves in the expansion areas alone, 58,300,000 million tons divided by an annual extraction rate of 0.95 million tons, the estimated reserves within the expansion area would be expected to last approximately 61 years or 16 years longer than the 45 years estimated by the County Staff and 26 years beyond the duration of the Project's proposed 35 year permit extension. Expansion areas are located on both the existing permitted mining areas and on the Pasini Parcel. With unbiased, further study, it may well prove that no expansion of mining into the Pasini Parcel is needed in the next 35 years.