

NAPA COUNTY PLANNING COMMISSION HEARING

PROCEEDINGS REPORTED FROM THE VIDEOTAPED RECORDING  
SYAR NAPA QUARRY EXPANSION PROJECT - SURFACE MINING  
PERMIT (P08-0337-SMP)

February 18, 2015

REPORTED BY:

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1 FEBRUARY 18, 2015

2 P R O C E E D I N G S

3 CHAIRWOMAN PHILLIPS: Now Mr. Barrella, I think  
4 we are ready for item 9-A, the Syar Quarry Expansion  
5 Project.

6 MR. BARRELLA: Don Barrella with the planning  
7 department; and, as you know, this item is on the  
8 agenda. We are requesting that this be continued to the  
9 April 1st meeting so we have time to address all the  
10 comments that have been received as well as from our  
11 direction you provided at the last meeting, we are in a  
12 position to present it at this hearing.

13 In your staff report there are several pieces  
14 of correspondence that have come in since January 5th or  
15 January 7th, sorry, up through the 9th of this month.

16 Also in front of you is correspondence received  
17 in the last couple days, which includes this packet of  
18 material as well as the petition that was submitted by  
19 Mr. Allred that is both signed as well as their online  
20 petition has signatures as well as comments. So those  
21 are in front of you as well to take a look at.

22 We also received some correspondence from Syar  
23 looking at some changes to their project. Now, this set  
24 of information that starts with Sandra Booth and then  
25 some very back pieces.

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1           We haven't had a chance to really look at this  
2 or digest it at all, and we'll be commenting on that and  
3 reporting on that at our April 1st staff report.

4           COMMISSIONER COTTRELL: I am not seeing that in  
5 my packet. I think maybe we got a duplicate of the --

6           MR. BARRELLA: Yeah, it should be, right at the  
7 top, it says Sandra Booth, in that packet of material.

8           COMMISSIONER COTTRELL: Thank you.

9           MR. BARRELLA: At the very back of that, that  
10 has several comments that were received, that's what we  
11 just got from Syar.

12           COMMISSIONER COTTRELL: Got it. You are  
13 correct. It's the last three pages.

14           CHAIRWOMAN PHILLIPS: Jon Perry.

15           COMMISSIONER COTTRELL: I agree a lot of  
16 information came in this morning.

17           MR. BARRELLA: So we will be analyzing that and  
18 bringing it forward with some details on April 1st. I  
19 think the applicant may say a couple words on that note,  
20 but we aren't planning any presentations or things of  
21 that nature since we are looking for a continuance to  
22 the April 1st meeting.

23           CHAIRWOMAN PHILLIPS: All right. Well, I have  
24 quite a few speaker cards with regards to this, and I  
25 just want to make sure that everybody has a card and

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1 also to ask that people really keep any of their  
2 comments -- I think we're going to use the three-minute  
3 length, but keep them to kind of focus on new facts and  
4 materials.

5 MR. BARRELLA: Chair Phillips, a representative  
6 for Syar is going to speak for a moment.

7 CHAIRWOMAN PHILLIPS: Yes.

8 MR. BARRELLA: I don't know if it's worth  
9 checking to see who is here for Syar and who is just in  
10 general opposition to the project or who wants to submit  
11 more comments or information that we haven't already  
12 received over this last month.

13 CHAIRWOMAN PHILLIPS: So can we have a show of  
14 hands of who is here to speak on or with regards to the  
15 Syar project?

16 I have a stack of comment cards as well.  
17 Before we move to the comment cards, Mr. Adams is going  
18 to speak on behalf of the -- of Syar.

19 MR. ADAMS: Thank you, Madam Chair,  
20 Commissioners. I'll be brief.

21 I just wanted to make sure that everyone  
22 understood that Syar Industries, they are a client, I  
23 represent them, and they have been listening to the  
24 public comments, and we take them very seriously and  
25 we're also confident in the CEQA process and county

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1 policies as being the appropriate framework by which to  
2 evaluate those comments; and we have confidence that  
3 staff is moving forward in the right direction along  
4 those lines, and the continuance is going to allow for  
5 them to have the appropriate amount of time along with  
6 their environmental consultant to evaluate the comments  
7 and to make any modifications as necessary to mitigation  
8 measures or proposed changes to the expansion area to  
9 address concerns that are determined to be valid. It  
10 also is going to provide, I think, everyone with an  
11 opportunity to be more informed and to have a better  
12 opportunity to have a real discussion on the merits of  
13 the project.

14           Also, as mentioned by Don, Syar has proposed  
15 some modifications to the project that in their package  
16 today, and those will be evaluated by the consultant and  
17 staff between now and April 1st, we are asking to have  
18 the hearing continued to.

19           So Syar has remained or has been and will  
20 remain to be committed to being a responsible member of  
21 the community and to try to be a good neighbor and has  
22 been working on trying to look at project modifications  
23 and changes to address some of these concerns. That has  
24 to be balanced with their need for maintaining a  
25 sustainable local aggregate resource that we all benefit

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1 from; and so that's the predicament we're in.

2           Along those lines, the proposed modifications,  
3 just really briefly, you know, include, you know,  
4 reduced size of the expansion area, tree setbacks,  
5 certain areas of the expansion area have just been  
6 removed from the project. We've clarified mitigation  
7 measures to limit hours of operation including limiting  
8 times in which blasting can occur. We have included  
9 additional visual screening that includes planting and  
10 24-hour notice via websites and emails to people on the  
11 list for blasting.

12           Those are some of the components that have been  
13 proposed and will be evaluated by staff. So again, we  
14 hope you that will support the continuance so that staff  
15 and your consultant have enough time to evaluate public  
16 comments and our proposed modifications.

17           Thank you for your time.

18           CHAIRWOMAN PHILLIPS: Thank you.

19           I'm going to call our first speaker. Then I  
20 will call this next speaker so they can be on deck, so  
21 to speak.

22           Again, I'm going to ask that please keep it  
23 focused to new facts and materials, and I think we're  
24 going to limit to three minutes. So if you want to  
25 remember that.

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1 Kathy Felch and on deck is Sandra Booth.

2 MS. FELCH: Good morning. My name is Kathy  
3 Felch. I am a local resident. We believe we are the  
4 closest residents to the Syar project. We live with the  
5 effects of it every day, but I won't repeat all of that  
6 that I've told you about before.

7 I speak to you today on a different issue. One  
8 that is very near and dear to my heart and I think  
9 should be of great concern to not only the Planning  
10 Commission but also the Board of Supervisors; that is,  
11 that one of the basic purposes of CEQA is to not only  
12 have an environmental impact report prepared for you as  
13 the decision makers, but also for the public so that we  
14 can be informed; and there has been a lot of effort on  
15 that part by county staff.

16 One of the things that I find particularly  
17 troubling about what is going on now is that none of the  
18 materials have been provided in Spanish. The county  
19 receives millions of dollars of federal funding, and as  
20 a recipient of federal funding, the county and the  
21 Planning Commission are subject to Title VI of the Civil  
22 Rights Act of 1964. Title VI requires that limited  
23 English proficiency individuals be provided with  
24 meaningful access to the county's programs and  
25 activities, and failure to do that can constitute

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1 intentional national origin discrimination.

2 Here none of the materials, none, have been  
3 provided to the Spanish community in Spanish. I've  
4 reviewed the Napa County budget for 2014-2005. There is  
5 a total of \$87,800 provided for interpreting services  
6 for our community. Not one dollar is provided for the  
7 planning, conservation, and development department for  
8 interpreting services.

9 The \$87,800 is .000193 percent of the county  
10 budget. According to the U.S. Census Bureau the Napa  
11 County population that speaks Spanish at home is 35  
12 percent. The affected area -- the area of population  
13 most affected by the Syar project is heavily Hispanic  
14 and Latino. All you have to do is be in the  
15 Terrace/Shurtleff area for ten minutes and you are aware  
16 of that.

17 The US EPA provides guidance for limited  
18 English proficient individuals, and -- I'd like --

19 CHAIRWOMAN PHILLIPS: It beeps.

20 MS. FELCH: Sorry. It indicates if you have 5  
21 percent of your population that is English limited  
22 proficient, LEP, that you should comply with providing  
23 materials in the affected language. We have not done  
24 that.

25 I have read the letter from our law firm to

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1 you. I have copies for all of you today. So that you  
2 can see in more detail some of the information that I'm  
3 providing to you.

4 Also, just real quickly, I want to tell you  
5 that I've analyzed the number of days that this project  
6 has been pending and the amount of time that the public  
7 has been able to comment on the materials that the  
8 county and Syar have developed.

9 The project has been pending for five years,  
10 eight months, and eight days. Of that period, 186 days  
11 have been available for public comment. That is from  
12 the first day of the notice of project on June 10th,  
13 2009 until today. It does not include the extension to  
14 April 1st.

15 Also, I have copies for you of a change.org  
16 petition signed by 141 -- this is a different petition  
17 from the one you've already gotten, signed by 141  
18 people, mostly Napa residents, although some from all  
19 over the world, amazingly, asking for a fair hearing,  
20 that the Spanish community, Spanish-speaking community  
21 be included and involved in what will affect them.

22 I also have additional signatures from a  
23 petition that was translated into Spanish, circulated  
24 among the Spanish community, and I'm going to give the  
25 clerk copies of those to be included in the public

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1 record of this matter as well.

2 I thank you for your time, and my apology to  
3 everyone for going over it again. Thank you.

4 CHAIRWOMAN PHILLIPS: Thank you, Ms. Felch.  
5 (Applause.)

6 CHAIRWOMAN PHILLIPS: As much as I appreciate  
7 everyone's enthusiasm, we want to be as efficient as  
8 possible. So we can hold the applause until the end.

9 Sandra Booth, and then on deck is Steve Booth.

10 MS. BOOTH: My name is Sandra Booth. I am an  
11 artist. I live on 2100 Seville Drive in Napa. I'm  
12 right in the line of fire of pollution; but today I'm  
13 going to try to limit it to just the three minutes, I  
14 hope this will be in. I am just going to speak on one  
15 item of a longer statement I will be sending out to  
16 everybody. Okay? Here goes.

17 Syar Napa Quarry should not be expanded. In  
18 Syar's EIR, the stated goal is to keep production to  
19 local consumption. The state and county agrees that  
20 hauling aggregate short distances decreases pollution,  
21 which is also the goal of the state and county.

22 We want an audit of the last three years, 2012,  
23 '13, and '14, for production and distribution of the  
24 products mined at Napa Quarry. We want to know how much  
25 was actually used in Napa County for each of these

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1 years. We want the breakdown of product used in each  
2 city in Napa County and used in the county and an  
3 accounting of the aggregate product that was sold  
4 outside of the Napa -- of the County of Napa. For the  
5 purpose of conservation, this will give us an idea of  
6 the yearly need for aggregate and the estimates for  
7 calculating a yearly cap on the amount of aggregate that  
8 Syar may mine out of the Napa Quarry per year.

9 All of this research should have been done  
10 before the an EIR was produced. We want a cap written  
11 into the permit as a conservation measure to make sure  
12 the materials produced at the mine are not being shipped  
13 out of the Napa area. A cap on production matching the  
14 Napa area's actual needs will reduce pollution and  
15 assure there will be plenty of rock for 35 years. So  
16 the cap on production of aggregate is a very good  
17 conservation measure.

18 Syar -- the Syar-owned Lake Herman Quarry in  
19 Vallejo is five times -- it's five times larger than the  
20 Napa Quarry and can more efficiently provide aggregate  
21 for the American Canyon area, Vallejo, and other parts  
22 south, and for Napa.

23 On their website Lake Herman Quarry owned by  
24 Syar boasts they deliver on time for the best price  
25 throughout central California. We certainly don't want

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1 little Napa Quarry shipping out of our area; and again,  
2 Syar's stated objective in the SEIR is to ship locally;  
3 also, for being solar-powered Mark West Quarry more  
4 efficiently provides aggregate north of St. Helena.

5 This is one more reason Napa Quarry operation  
6 does not need to expand, but actually it would be better  
7 to reduce it or redesignate the use.

8 It is not necessary for the Napa Quarry mining  
9 operation to continue when aggregate is so close by at  
10 the best price and on time from the Syar Lake Herman  
11 Quarry. The additional cost to bring aggregate from  
12 Lake Herman would only be a few dollars per ton.  
13 Actually, Syar-owned Lake Herman Quarry is about as  
14 ideal a distance from us as we could hope for.

15 Napa Quarry should not be expanded. There are  
16 better alternatives. Thank you so much.

17 CHAIRWOMAN PHILLIPS: Thank you, Ms. Booth.  
18 Thank you.

19 Next is Steve Booth, and on deck is Mike Ardis,  
20 Ardis.

21 MR. BOOTH: Good morning.

22 CHAIRWOMAN PHILLIPS: Mr. Booth.

23 MR. BOOTH: Yes. My name is Steve Booth, and  
24 I'm Sandra's husband. I live at 2100 Seville Drive. I  
25 was here mainly to speak about the dust that is produced

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1 by Syar, and I don't have time to go into -- in three  
2 minutes to go into all of that. I just wanted to let  
3 you know that for the past nine years my wife and I hike  
4 along the river trail about two times a week. So we've  
5 made about 800 trips back and forth there on the river  
6 trail, and we have the pictorial here.

7           On one side it shows -- on the left side it  
8 shows a view of the west side of the valley and on the  
9 same day the east side where the quarry is operating.

10           That's a pretty faded-out picture, but -- why  
11 don't you move that forward so they can see that a  
12 little better.

13           Anyway, Don, can I go to the next photo that  
14 shows -- this is a view showing -- from the same  
15 location showing a day when the quarry wasn't operating,  
16 and that's just this past week; and then in October,  
17 that's one showing in operation with the dust.

18           So when I'd written -- when I'd written a  
19 statement to the Planning Commission in regards to the  
20 draft EIR, I mentioned that there was a lot of dust  
21 being produced, and I also had written that the  
22 dust -- I have done research and that the dust was  
23 toxic.

24           The response that I got is that it was -- the  
25 amount of dust wasn't significant and that the toxicity

1 wasn't significant.

2 I just wanted to point it to your attention  
3 that there is a new federal OSHA rule, that I believe  
4 the final rule will be published early next spring, that  
5 conclusively proves that respirable crystalline silica  
6 dioxide, which is in this dust, is proved -- it has been  
7 proved that it causes cancer.

8 Before the this time, that was kind of an  
9 undetermined, that it was debatable. The study that  
10 they have done now is conclusive.

11 So the point that I wanted to make is this  
12 dust, with the prevailing winds, goes directly over the  
13 residential areas, the State Hospital, schools,  
14 businesses, and it has never been studied.

15 In Marin County before they even began an EIR  
16 on the San Rafael Quarry, they allocated \$180,000 to do  
17 a two-year study; and from that study they required that  
18 all of the equipment at that quarry be tier 3 or better,  
19 and they use biodiesel. Those were the requirements  
20 before the -- before the EIR even began; and I believe  
21 that this -- no approval or adoption should go forward  
22 on this EIR until a study is conducted here in Napa  
23 similar to that; because you really can't make a  
24 decision, especially since this is cancer-causing -- you  
25 can't make a decision on this until you study it.

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1 CHAIRWOMAN PHILLIPS: Thank you, Mr. Booth.

2 MR. BOOTH: Thank you very much.

3 CHAIRWOMAN PHILLIPS: May I ask you again, I  
4 was too busy writing, what was the study in Marin that  
5 you -- it was in regards to -- what was the study?

6 MR. BOOTH: The San Rafael Quarry.

7 CHAIRWOMAN PHILLIPS: Okay. Thank you.

8 MR. BOOTH: It's a little different there  
9 because we're in a closed valley; and the dust that's  
10 generated concentrates and kind of stays in our valley,  
11 down there it gets blown out by the prevailing winds --

12 CHAIRWOMAN PHILLIPS: Bay.

13 MR. BOOTH: -- but in our prevailing winds it's  
14 kind of concentrated here.

15 CHAIRWOMAN PHILLIPS: Thank you very much.

16 Mike Bartus, and on deck is Jim Riley.

17 MR. BARTUS: Thank you very much. Everybody is  
18 saying -- bringing up facts and figures about the  
19 project, which appears that citizens outside of Syar  
20 oppose. I will defer to the next speaker, because I  
21 think everyone else is doing a great job with it. So  
22 thank you.

23 CHAIRWOMAN PHILLIPS: Thank you for allowing us  
24 to be as efficient as possible.

25 Jim Riley, and on deck is Chris McDonald. If

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1 you could actually -- I actually have been remiss -- in  
2 stating your name and address for the record before you  
3 start speaking.

4 MR. RILEY: Jim Riley. My address is  
5 Vacaville, Lock Road, 7578, Vacaville.

6 I'm an environmentalist and an operating  
7 engineer and a business agent. I have a lot of hats. I  
8 love the planet. I love walking on the earth. I love  
9 clean air, birds, clean water; but I'm also a realist.  
10 We have industry, we have growth, we have needs as  
11 people.

12 I'm a little disturbed to hear that we would  
13 prefer to have a quarry in American Canyon, and if you  
14 are really worried about health of people you want to  
15 defer to another area. If American Canyon people don't  
16 deserve good, clean air, as Napa people deserve clean  
17 air. So to make that argument is problematic to me. I  
18 like the use the acronym: Fear: False evidence  
19 appearing real.

20 We represent people that work in the quarry,  
21 have 30-year careers, they're exposed to the dust in the  
22 quarry, and they have long, healthy lives. The outflow  
23 of dust in the valley is so minute, and, again, the  
24 quarry is so highly scrutinized under MSHA regulations,  
25 OSHA regulations. The internal war games is -- the

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1 health to the people that depend on working there, they  
2 wouldn't be able to work there if it was that hazardous.  
3 Again, they're highly scrutinized. You won't believe  
4 the checks and balances, the cost to sustain business  
5 there is astronomical.

6           So our quarry supports prevailing wage jobs.  
7 There are a lot of people in there that have third  
8 generation human beings earning a living there, and,  
9 again, sustainable prevailing wage jobs in the Napa  
10 area. That's got to be important.

11           Also, construction itself is so interdependent  
12 with a quarry being in an area like Napa. We're worried  
13 about pollution and carbon footprints, but if you want  
14 to truck in aggregate into the Napa Valley, again, you  
15 have the increased trucking and traffic is already a  
16 bear and a nightmare. They are going to bring in, you  
17 know, materials from a long distance, then you are going  
18 to increase the cost. Then that burden is going to be  
19 on the taxpayers, the public works projects, we're going  
20 to have to -- every project that goes on in the Napa  
21 Valley area is going to have an increased cost; and all  
22 the construction and -- I mean, it's so vast, it's hard  
23 to even fathom how many people are independent on an  
24 aggregate coming out of Syar Quarry, from your sidewalks  
25 to your streets to your earthquake retrofit.

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1           What if we had a massive disaster, really,  
2 where would you bring the material from? The cost to  
3 rebuild Napa would be astronomical. We couldn't even  
4 fathom that.

5           Anyway, thanks for your time. I appreciate it,  
6 and thank you. Again, I love the planet.

7           CHAIRWOMAN PHILLIPS: Thank you Mr. Riley.  
8 Chris McDonald, and on deck is Eric Gallenkamp.

9           MR. McDONALD: Hello. My name is Chris  
10 McDonald. I'm a Napa resident of 15 years, and an avid  
11 mountain biker and hiker. I can't disagree more with a  
12 lot of the comments that the prior speaker had said.  
13 I'll get into that in a little bit.

14           First I want to tell you a little story. As  
15 many weekends I spent the last -- the Valentine's  
16 weekend up at the Skyline Park at the deepest part of  
17 the park up and above Lake Marie. There is a nice  
18 meadow up there that you can look down at the valley.  
19 From that perspective you can see Stags Leap and the  
20 Stags Leap Knoll that comes up, see the Alta Heights  
21 Knoll that comes up, and then you can see this area  
22 which is the Skyline Park Knoll.

23           We wouldn't think of mining Stags Leap nor Alta  
24 Heights, but yet when you look at these predominant  
25 meadows coming in this is one of that is part of that

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1 valley and part of the beauty, and I don't want to see  
2 this part of our beautiful city destroyed or appear like  
3 the current quarry site.

4           The current site right now, yes, you can block  
5 it off with some trees, but when you really look at it  
6 from other perspectives such as deep back into Lake  
7 Marie, you can still see that this entire mountain is  
8 going to be carved away.

9           I realize that there is going to be some  
10 curtailment of the mountain and the mining, and I  
11 greatly appreciate that is something to be considered,  
12 but the basic portion that is going to be based upon  
13 what's previously presented is really going to destroy  
14 that mountain.

15           There is no absolute guarantee to adhere to  
16 their requirement to return the quarry to its natural  
17 state, as you can see from the current quarry visual  
18 aspects as well.

19           I request that Napa does source its aggregate  
20 from the Lake Herman Quarry, which is only 14.6 miles  
21 away.

22           No, we don't want to -- we are concerned about  
23 everybody, we are concerned about the American Canyon  
24 health as the person said before, but they already have  
25 a permit that's expanded that is able to handle the

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1 needs that are commensurate with the growth of the Napa  
2 Valley.

3           The growth of the Napa Valley is a slow growth  
4 area here. What I've noticed in traveling that path  
5 every day is that most of the traffic actually goes  
6 south, turning left to take the quarry materials out of  
7 town, not necessarily into town, thus it would not  
8 reduce the impact on the Highway 29 traffic.

9           I understand that there may be a goal to reduce  
10 the cost of construction, it may be also a goal for  
11 profits, but I'm willing to actually pay for keeping our  
12 natural resources. If our goal is to reduce the cost of  
13 our projects that we're going to be doing in Napa,  
14 great, let's get it from a few other sources where it  
15 can be cost competitive. As a taxpayer, I'm willing to  
16 pay for that cost to retain the Syar Park [sic] and the  
17 beauty that it has.

18           The debt to get lower-cost aggregate now is a  
19 debt we can never repay. It's not going to be paid with  
20 loan repayments. It's going to be paid with a mountain  
21 that can never come back. Thank you.

22           CHAIRWOMAN PHILLIPS: Thank you, Mr. McDonald.  
23 Eric Gallenkamp, and on deck is Susanne Von Rosenberg.  
24 If you could state your name and address for the record.

25           MR. GALLENKAMP: Thank you, dear Commissioners.

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1 My name is Eric Gallenkamp. I live at 1536 Dora Drive  
2 with my wife and two children. Susanne Von Rosenberg  
3 and I will be speaking on Section 411, Noise and  
4 Vibration of Syar's Environmental Impact Report.

5 What we're going to state is that this report  
6 underestimates the potential impact, noise impacts, on  
7 noise in specific areas surrounding Syar, and  
8 overestimates the mitigations; also, clearly ignores  
9 some potential impacts.

10 We're going to highlight a few points here and  
11 will following up with a detailed written analysis.

12 So first I want to talk about Snake Pit. This  
13 is the one area that they say that is a potentially  
14 significant impact to trails and Skyline Park will  
15 become within 100 feet of the Snake Pit Quarry. Decibel  
16 levels are going to be at the 80 level. Okay.

17 So let's look at mitigations that are  
18 highlighted in the report. Basically, there are no  
19 meaningful mitigations, there are no mitigations for  
20 noise at night.

21 Both point 2 and part 2 of mitigations  
22 highlights that this sounds promising because there are  
23 proposed daytime and nighttime noise levels, but if we  
24 look at sub bullet point 3, this indicates these will  
25 only be monitored at the State Blue Pit. It highlights

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1 nothing about monitoring at Snake Pit. There are no  
2 mitigations to control noise at this part of the quarry.

3 Second I want to talk about blasting. So the  
4 blasting was not studied, the noise from blasting. It  
5 was speculated it would only be potentially audible to  
6 local residents. The report does not go on to speculate  
7 this noise of blasting would not be heard within Skyline  
8 Park. Okay. So based on that the speculation was never  
9 studied.

10 We have the mitigations that blasting is going  
11 to be exempt from all noise monitoring. So it's not  
12 significant by re-exempting it. It should be part of  
13 the mitigations that we monitor this so we actually  
14 understand how noise is going to impact Skyline Park,  
15 the local residents, the County Office of Education, and  
16 the State Hospital.

17 Finally, the last thing I'd to touch on is that  
18 really when you look at these mitigations, you can't  
19 treat Skyline Park as a buffer zone. It talks about  
20 noise sensitive receptors in the mitigation notes,  
21 speaking strictly there along the trails, which can be  
22 hidden, which can be -- benefit from terrain and the  
23 local residents. It does not speak about monitoring  
24 noise at the County Office of Education. It does not  
25 speak about monitoring noise at the campgrounds, the RV

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1 park, at the horse arena, at the educational center.  
2 Especially what's important is that it's not speaking  
3 about monitoring these areas at night. Okay.

4 So what I'd say is these mitigations are really  
5 poor. They don't address the impact this noise is going  
6 to have at night, and we'd like to see that addressed.  
7 Thank you.

8 CHAIRWOMAN PHILLIPS: Thank you,  
9 Mr. Gallenkamp. Susanne Von Rosenberg, and Dorothy  
10 Glaros is on deck.

11 MS. VON ROSENBERG: Hi. I'm Susanne Von  
12 Rosenberg, 2168 Penny Lane. As Eric said, I'm going to  
13 speak to noise today; but before I do that, I wanted to  
14 touch quickly on something Mr. Riley said about MSHA  
15 standards protecting the workers at the workers and we  
16 shouldn't be concerned about air quality impacts because  
17 of that.

18 There is a distinct difference between how  
19 health protection levels are set for workers and for the  
20 general public. Workers are considered to be adults.  
21 They are considered to be healthy and have a 30-year  
22 exposure, and it's a voluntary exposure, you don't have  
23 to work at a particular place.

24 The protection levels for the public are set at  
25 completely different levels because they include

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1 sensitive populations, children, the elderly, and the  
2 involuntarily. So I want to make sure we don't  
3 obfuscate those two types of protections.

4           So the document as a whole suffers from a lack  
5 of transparency. That's part of what I pointed out last  
6 time when I brought out the information about the  
7 potential on ground visual impacts and it's also  
8 apparent in the noise section.

9           Nighttime noise effects are understated. I  
10 mentioned that in my previous comments that backup  
11 alarms are an issue; and the EIR states that only in the  
12 actions of local traffic for quarry operations audible  
13 while at nighttime there is very little local traffic.  
14 It's also the -- also the same on the weekends.

15           The noise monitoring in fact demonstrates this.  
16 I looked at Noise Monitoring Report LT 4, which is  
17 closest to the northern neighborhoods, and there are 54  
18 nighttime noise hours between the period of 10:00 at  
19 night to 7:00 in the morning. Out of those, 50 out of  
20 those 54 hours, the decibel level was below 30 -- sorry,  
21 below 50 -- let me restate that. Was below 40 L50. So  
22 21 of those hours were below 35 L50. The proposed noise  
23 mitigation is at the residences, so not at LT 4, which  
24 is much closer to a quarry, but at the residences to  
25 meet a level of 45 L50; and in the document itself it

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1 acknowledges that an increase of 5 decibels is  
2 considered significant.

3           So you have in the document two significant  
4 specials; one is the county noise ordinance, and one is  
5 a significant increase in noise.

6           I would argue that you are going to have a  
7 significant increase in noise if you allow a 45 decibel  
8 nighttime noise level at the residences.

9           So the other thing is backup alarms. The  
10 document says that backup alarms are audible at times  
11 but not measurable ambient levels. So I don't know when  
12 the noise monitoring staff were physically out there,  
13 but I have to doubt that they were out there 24 hours a  
14 day. So if they were not out there at 2:00 in the  
15 morning how do they know how audible backup alarms were?  
16 To dismiss that kind of an item, which is a very  
17 obnoxious sound, as barely being audible based on  
18 anecdotal information is completely inappropriate.

19           The document also says that they're infrequent.  
20 I don't know what the definition of infrequent is, but  
21 to me it would be less than a minute per hour maybe. I  
22 can tell you from personal experience in 2009 when Syar  
23 was working more towards the north side of their  
24 property that there were many nights when it was five or  
25 more minutes out of an hour because I lay awake because

25

1 I have listen to it.

2           So then the other thing I want to touch on  
3 quickly, because I know I'm getting toward the end of my  
4 time, is the question of overburden removal. Eric  
5 touched on that. Overburden removal is exempted from  
6 mitigation. The mitigation actually says that the only  
7 thing that's going to be done is using the quietest  
8 equipment possible.

9           Well, there is absolutely nothing in the  
10 document that defines what quietest is supposed to be.  
11 The quietest Syar owns? The quietest that's available?  
12 Syar's equipment is old. 88 percent of their equipment  
13 is pre 2001 based to the air quality analysis.

14           And the document also says that topsoil and  
15 overburden removal is more akin to construction noise,  
16 and I just found that merely to be laughable. So  
17 basically they're saying because it doesn't happen  
18 regularly. So any industrial activity that doesn't  
19 happen regularly should be regulated like construction  
20 noise? You can't stand up and say that with a straight  
21 face.

22           There is nothing in the document that says to  
23 us how much overburden would be removed, how long it  
24 would take, what the typical hours of operation are,  
25 only that they don't have to conform to the noise

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1 limits. Thank you.

2 CHAIRWOMAN PHILLIPS: Thank you, Ms. Von  
3 Rosenberg. Dorothy, and then on deck is Mayen Sheuh.

4 MS. GLAROS: Good morning, Dorothy Glaros,  
5 president of Skyline Park Citizens Association. I'd  
6 like to thank the few commissioners who visited our  
7 park, and I'm looking forward to the remaining visits.  
8 As one commissioner put it, it's very different seeing  
9 it in person rather than just on paper.

10 Before I start, I would like to thank Kathy  
11 Felch for bringing forward the Hispanic -- turning the  
12 documents into that, because I just did a survey on the  
13 Lincoln River Ridge Trail, and had I not spoken Spanish  
14 I would not have been able to explain to several of the  
15 people using that trail what our requirements are.

16 It's obvious you have all been doing your  
17 homework. There are some things that have not been  
18 submitted in the IR that don't belong in the IR, but  
19 after the January meeting that I noted the comments  
20 about jobs and also money, this is a topic that I'd like  
21 to bring to the table today.

22 Here are some Skyline Park highlights that  
23 Skyline Park can attest to that Syar cannot claim to.  
24 Number one, 100 percent of the jobs Skyline has provided  
25 both today and in the past are held by only Napa

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1 residents who spend their money here in Napa.

2           Number two, Skyline personnel are concerned  
3 with our fragile ecology, they commute to work  
4 occasionally on bicycles, and none of them commute to  
5 Napa from out of county, thereby putting less wear and  
6 tear on our roads.

7           Number three, Skyline actively promotes clean  
8 air through it's wilderness conservation and certainly  
9 does not pollute in noise or any other fashion.

10           Number four, Skyline regularly gives back to  
11 Napa nonprofits. We donate to school fundraisers, give  
12 free park entry to schools for their monthly hikes,  
13 bikes, parties. We provide free camping for Boy Scouts,  
14 Girl Scouts, church groups, nonprofit groups. Many a  
15 Boy Scout has done the Eagle Scout project in the park,  
16 including my own son.

17           We hosted for-free Napa nonprofit fundraisers,  
18 and each summer for-free Napa County recreation Summer  
19 Adventure Camp for children. Most importantly, Skyline  
20 Wilderness Park brings money into Napa County in the  
21 form of tourist dollars.

22           Skyline hosts RV, tent, horse camping, and  
23 certain events on the flat 17 acres that allow us to  
24 financially support the rest of the 850 acres in  
25 wilderness.

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1           In the past we have hosted the world -- world  
2 cup bike race, several rural reenactment events, Society  
3 for Creative Anachronism, jousting and crowning  
4 tournaments, various music festivals, California State  
5 Horsemen Trail Trials, Saddle Jacket Trail Trials,  
6 mountain bike races, all three of those were for Skyline  
7 Trail. All tree shoots, disc golf tournaments, and many  
8 more. On one-day events participants and spectators  
9 will make a weekend of it into Napa take time to eat or  
10 wine taste. With all our events people spend money in  
11 Napa, buy supplies, restaurants, shopping, or lodging,  
12 that has not come into Napa. Most of these people see  
13 Napa for the first time, they come back for weekly  
14 events.

15           We have provided affordable tent and RV camping  
16 for BottleRock attendees, whether they enjoyed it or  
17 not, who would otherwise not be able to afford to attend  
18 the concert. They spend their money here, with RV  
19 groups out of county who stay with us. If you've ever  
20 seen their rigs you know they've got money to spend  
21 here. Even tent campers go out to dinner and wine  
22 tasting.

23           Skyline Park has a lot to offer because of our  
24 quiet, clean air wilderness experience. We have weekly  
25 customers that recommend us to others. I have a few

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1 comments off of the TripAdvisor. I'm just going to read  
2 brief partial ones.

3           Number one, "Out of the way of traffic, quiet  
4 corner of the county."

5           Two, "We spent five nights here while visiting  
6 Napa Valley. It's a great location to use as a base for  
7 touring the wineries. We walked and hiked the trails  
8 for exercise."

9           Number three, "This park has some excellent  
10 hiking trails. We were looking for a vigorous hike to  
11 work off all the food and wine we have been enjoying in  
12 Napa Valley, and this was a perfect place. We hiked  
13 part of the Skyline Trail. Views of the Valley are  
14 spectacular. It was very quiet."

15           I've got one more minute left.

16           Skyline is not funded by any taxpayer monies.  
17 It maintains and improves itself by its user camping  
18 fees. Some of the beautiful wooded hillsides you see  
19 now as you enter Skyline will no longer exist if this  
20 project is approved. The attractiveness is staying in  
21 Skyline Park and using it's trails and other features  
22 will be diminished with this project. Skyline will  
23 receive less income and Napa will lose tourist dollars.

24           Lastly, I understand Mr. Syar wants to leave  
25 the legacy of his business to his son. The Napa

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1 citizens who came forward and presented a concept of  
2 wilderness park to the County of Napa 42 years ago were  
3 a revered group of people with varied interests from  
4 different walks of life, including our county tax  
5 assessor, John Tudor.

6 Everything you see in the park today has been  
7 built by and for the most part maintained by a dedicated  
8 group of volunteers. It is not unusual for volunteers  
9 to total over 1,000 hours of service to the park  
10 monthly. The vision of the founding members is carried  
11 on in the park today by some of the original members in  
12 addition to all those Napers who have come to love the  
13 park and want to preserve it and improve it for future  
14 generations. Please, do not take away our legacy that  
15 we've worked so hard for. Thank you.

16 CHAIRWOMAN PHILLIPS: Thank you, Ms. Glaros.  
17 Is it Mayen?

18 MS. SHEUH: Yes.

19 CHAIRWOMAN PHILLIPS: Then on deck is Theresa  
20 Lafrancoise.

21 MS. SHEUH: Madam Chair, 1037 Shady Brook Lane.  
22 Madam Chair, Honorable Commissioners. There is one  
23 thing we share, you and my neighbors down here, is we  
24 love Napa. This is our home. This is where I am so  
25 blessed driving up and down and looking at the hills,

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1 this is my home, this is my land, this is your land,  
2 this is where we live. I am so blessed to live here.

3 Our home at Shady Brook Lane is in the  
4 Coombsville area, and I'm sure you know the problems  
5 with the Coombsville area. We have water shortage, and  
6 now that there is drought I think our pain is shared by  
7 everybody else, but we have had water shortage for a  
8 long time now, and our property is high up in the hills,  
9 but that doesn't mean that we are not threatened; and I  
10 was -- I was just hearing one of my neighbors state that  
11 when he talked about toxicity, he was just dismiss, oh,  
12 it doesn't happen.

13 I'm a property manager, and when my tenants  
14 approach me with a problem and they are angry, the last  
15 response I want to give as a thinking individual is to  
16 laugh. So I am telling you this because our water is --  
17 it smells, it stinks actually, the sulfur in it, and if  
18 you have the water standing in the tub for a little  
19 while, let's say one day, you'll see rust. It must be  
20 iron, okay.

21 So one of my tenants was complaining to me and  
22 she is actually a very fearsome lady, and she says,  
23 "May, I colored my hair and it turned carrot red," you  
24 know, I would be very foolish, I put my hand up here  
25 because I didn't want her to think I thought that was

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1 funny. It might, yeah, sure, a flaming carrot head, it  
2 is very funny, but I am not going to laugh; and why is  
3 that so? The water is not good, but at least I have  
4 water.

5           So my question here is a question to the staff,  
6 what are the water impacts with this -- with this  
7 additional mining? Are there threats to the aquifer  
8 from increased in mining depth? Will there be water  
9 depletion? What about the storm water runoff? And I  
10 would appreciate if this question is answered, because  
11 this is so close to my heart.

12           If we have a piece of paradise and there is no  
13 water, do you know what that means? If we, my neighbors  
14 had dug deeper to increase the depth of their wells,  
15 that hasn't happened to us yet, and I have of my own  
16 volition taken out a pump that in the former days we  
17 used to have a pump, and we pump from the creek that  
18 runs behind my property. I cannot do that in good  
19 conscience as a good neighbor. Syar has talked about  
20 being a good neighbor.

21           The other thing that I want to talk about is  
22 toxicity and dust. I have read somewhere that if there  
23 is a prevailing wind the dust can be carried from 2  
24 miles to 20 miles. So I don't want you to think that  
25 I'm a NIMBY, not in my own backyard. This is not just

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1 my problem. This is a Napa problem, and Ms. Von  
2 Rosenberg has addressed this thing very well about, if  
3 you want to work in an environment, that's your choice,  
4 but if you live there and they blow dust that is  
5 acidogenic and you die, well, that's a different issue;  
6 and Mr. Syar wants to leave a legacy for his family,  
7 that's very noble, we all want to do that, but what  
8 about your legacy if you -- if they see the name Syar  
9 and it says life, death or destruction. There is a very  
10 ominous ringing to this, life, death and destruction.  
11 Do you want that to be your legacy?

12 Mr. Adams talked about setbacks. The present  
13 setback is 50 feet. I believe it's 50 feet, from there,  
14 to there. I think I can crawl 50 feet. What is 50 feet  
15 when you have problems of toxic dust that can go 20  
16 miles?

17 He talked about visual screening that can take  
18 out the level of that. How are you going to screen  
19 that? You know, if you drive up the road and there is  
20 lightening, how are you going to screen that?

21 CHAIRWOMAN PHILLIPS: Thank you. If you can  
22 wrap up so we can have our next speaker.

23 MS. SHEUH: Mr. Adams also talked about  
24 balance. You have a very difficult job. In this  
25 Valley, because of the wine, they talk about fine wine

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1 having balance. Yes, I know about balance. So I  
2 implore you to do the right thing. We all love Napa.  
3 Please do the right thing. This is all we want from  
4 you.

5 Thank you very much.

6 CHAIRWOMAN PHILLIPS: Thank you. Theresa, and  
7 on deck is Alan Rossi.

8 MS. LAFRANCOISE: Hello. My name is Theresa  
9 Lafrancoise. I am from West Park, Napa.

10 My concern is with when I hike in the park on  
11 Sunday mornings, it's completely quiet. I hike the  
12 Skyline Trail, I do it every Sunday at 8:30. I hike  
13 that trail, it's fantastic. So I no longer walk during  
14 the week because it's so noisy, and I can feel the  
15 particles in my lungs. So I no longer walk during the  
16 week.

17 So I just wanted to say that about the park,  
18 and that I walk on the weekend because I don't have to  
19 hear all that noise, and that's about it. I just wanted  
20 to say that. Thank you.

21 CHAIRWOMAN PHILLIPS: Thank you. Mr. Rossi,  
22 and then on deck is Daryl Chinn.

23 MR. ROSSI: Good morning. Alan Rossi, and I'm  
24 representing Barbara Nemko, Dr. Barbara Nemko, of the  
25 Napa County Office of Education. She couldn't be here

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1 today. I am speaking on her behalf.

2 "On behalf of the Napa County Office of  
3 Education, I am writing to formally express my concerns  
4 about the proposed Syar Quarry expansion. Our office is  
5 located on the property immediately adjacent to the  
6 expansion area.

7 "In addition to our office building, which  
8 houses approximately 140 classroom and administrative  
9 employees, our campus includes classrooms with 160  
10 preschool-age children, 50 of whom have special needs,  
11 including fragile health and respiratory conditions.  
12 Also, sharing the complex are classrooms serving 162  
13 middle and high school students.

14 "We are deeply concerned about the impact the  
15 noise and pollution associated with the Syar expansion  
16 will have on our students and staff.

17 "We have briefly reviewed the EIR report and  
18 the proposed mitigations related to noise, vibration,  
19 and transportation. The offer to be notified 24 hours  
20 in advance of blasting does not sufficiently alleviate  
21 the potential effect on sensitive and emotional fragile  
22 three and four year olds.

23 "Further, there is the possibility of spills  
24 and release of hazardous materials in close proximity to  
25 our students as well as congestion and potential danger

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1 from trucks entering and exiting the quarry.

2 "Prior to any decision, I would like to request  
3 a meeting with appropriate personnel from the Napa  
4 County Office of Education to help assess the impact of  
5 the proposed expansion.

6 "Thank you for your consideration.

7 "Signed, Dr. Barbara Nemko, Napa County  
8 Superintendent of Public Schools."

9 CHAIRWOMAN PHILLIPS: Thank you, Mr. Rossi.  
10 Yes, We'll take that right over here. Thank you.

11 Mr. Chinn, and then on deck is Sally Allred.

12 MR. CHINN: Honorable Commissioners, County  
13 Planners, Mr. Syar, Mr. Adams, Syar employees, My name  
14 is Daryl Chinn, I reside at 115 Kreuzer Lane.

15 I thank Syar Corporation and Mr. Adams for  
16 preparing and working on a modified application. I am  
17 optimistic concerning this application because of your  
18 attention to mitigation of your impact upon your  
19 neighbors, especially those identified as sensitive  
20 noise receptors, your immediate neighbors, Skyline  
21 Wilderness Park, Napa State Hospital, and Napa County  
22 Community School.

23 I'm optimistic because the EIR refers to Napa  
24 County Municipal Code 8.16.070, as you are all aware,  
25 this code states that in measuring noise at a boundary

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1 between two different zones, the sound limit  
2 applicable -- the sound limit applicable to the quieter  
3 zone shall apply.

4 This municipal code also states that no person  
5 shall operate or cause to be operated any source of  
6 sound, any source of sound, which causes the noise level  
7 when measured on any property to exceed the noise  
8 standard plus 20 decibels of additional noise of any  
9 time duration. There is no exclusion for blasting in  
10 the municipal code.

11 This would establish in a rural residential  
12 setting 65 decibels from 10:00 p.m. to 7:00 a.m. and 70  
13 decibels from 7:00 a.m. to 10:00 p.m. as an absolute  
14 ceiling.

15 The above referenced municipal code also refers  
16 to a noise control officer whose role is to objectively  
17 quantify the noise impact. I spoke with my supervisor,  
18 Keith Caldwell, about this, about the proactive efficacy  
19 of county enforcement of our exterior noise limits. He  
20 told me that the county with its current personnel  
21 staffing is not able to perform these tasks. He then  
22 gave me an example of a non-compliant, loud wind machine  
23 that only came to the attention of county supervisor  
24 after complaints of neighbors.

25 I submit that a reasonable person would not

1 consider this to be a thoughtful way to ensure  
2 compliance with an existing exterior noise code on an  
3 inherently noisy industrial operation such as Syar  
4 surface mining.

5           As a former United States president famously  
6 stated, "Trust and verify." So I trust in the duty of  
7 our commissioners and supervisor to faithfully discharge  
8 their responsibility and to uphold the Napa County  
9 Municipal Code. I trust in the integrity of Syar  
10 Industries to fulfill their responsibility to be good  
11 stewards of the land and good neighbors.

12           But a reasonable person would state that we  
13 must proactively verify compliance with our county's  
14 exterior noise standards. In that regard it is  
15 reasonable to create funds for a third-party noise  
16 compliance contractor who would be tasked with the role  
17 of monitoring noise levels at various boundary locations  
18 of this project unannounced.

19           Since it is the applicant who would benefit by  
20 showing compliance with these noise standards, it is  
21 reasonable that the cost of this verification process be  
22 borne by the applicant.

23           In the unlikely event of non-compliance, it is  
24 also reasonable that the contractor would recommend a  
25 red tag of the operation until reasons and remedies for

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1 non-compliance are identified.

2 Remember, "Trust but verify." Thank you.

3 CHAIRWOMAN PHILLIPS: Thank you, Mr. Chinn.

4 Sally Allred, and then on deck is David Allred.

5 MS. ALLRED: Hello. I'm Sally Allred. I live  
6 at 214 East Berna Avenue. Dorothy Glaros mentioned  
7 tourism and the importance of it to the Napa Valley. It  
8 is very important to me because I have been in the  
9 hospitality industry for about 20 years in the Napa  
10 Valley. So I'm going to read a little bit about tourism  
11 in Napa.

12 "Tourism in Napa County accounts for about \$1.5  
13 billion in revenue per year." Not bad.

14 Aside from the many valid environmental  
15 concerns related to expanding an open pit asphalt quarry  
16 in the natural park, the Planning Commission needs to  
17 reject the proposed permit on the basis that Napa's  
18 natural scenic beauty contributes enormously to tourist  
19 revenue.

20 I'd like to read a few comments from Skyline  
21 visitors from afar who chose to spend their vacations  
22 and money in Napa, and they asked me to read you these  
23 messages.

24 "We are from Canada, and this Skyline area is a  
25 wonderful scenic break from the wineries. Saving

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1 wildlife areas is very important."

2 "Came all the way from China. Don't change the  
3 scenery."

4 "Please don't destroy the only natural place in  
5 Napa. Regards from Sweden.

6 "I was delighted to experience the beauty of  
7 Napa here at Skyline Park from my visit from Boston,  
8 Massachusetts." Probably wishes he was still here.

9 "What a great park.

10 "We had a most enjoyable day. Please don't  
11 spoil it. These kinds of places are precious. Calgary,  
12 Alberta, Canada."

13 "Please, don't dig. Preserve the beauty of  
14 Napa Valley. Portland, Oregon."

15 "This is a beautiful area, and there isn't  
16 anything like it at home. Please don't destroy it.  
17 Philadelphia."

18 Gorgeous place to spend quality time with  
19 family. Please don't destroy this beautiful land.  
20 Silly." Must have been with the other guy.

21 "We recently visited Napa for the wine culture,  
22 but also importantly for the outdoor experience. We  
23 discovered Skyline trails because of the views and the  
24 beauty. We would opt to forego this visit if there was  
25 a quarry adjacent to the area. We also would be

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1 deterred to visit because of the potential for  
2 environmental damage to such a pristine area. Please  
3 reconsider. Anchorage, Alaska."

4 This park is a necessary piece of Napa's  
5 landscape. It draws people in and soothes the souls of  
6 all who visit. Rochester, New York."

7 Today you have heard and will hear many points  
8 of opposition to Syar's ambitious expansion plan. In  
9 the final algebra, please remember to include that  
10 access to a truly wild natural area is a major variable  
11 in tourists' decision to visit our city, contribute to  
12 our economy. Thank you.

13 CHAIRWOMAN PHILLIPS: Thank you. Now we have  
14 David Allred, and on deck is Marshall Swift.

15 MR. ALLRED: Good morning, Honorable  
16 Commissioners. My name is David Allred, and I live at  
17 214 East Berna with my daughter and my beautiful wife  
18 who just spoke.

19 So I'm here today to talk about the will of the  
20 community and also to voice my opposition to the renting  
21 of quarry rights to the Syar Industries in the south  
22 Napa area near Skyline Park.

23 First of all, Commissioners, I have tremendous  
24 empathy for what you folks do because at the end of  
25 every day on which you make a decision somebody is

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1 upset. You are never going to make everybody happy, but  
2 it is my understanding that it's your duty to protect  
3 the interests of all Napa Valley represents, of course,  
4 not just those with multi-million dollar companies.

5           So I was thinking you can't represent our  
6 interests unless you know what those interests are and  
7 what they're not. So since the last meeting I went out  
8 in the community, started a petition, told people about  
9 what's happening or about what could happen, and let  
10 them decide whether they wanted to sign or not, and I am  
11 reporting back that it was the easiest sell I ever had  
12 to make. I just had to describe the basic situation,  
13 and people were leaping at the pencil to sign.

14           Most people, I'd say in the 90 percent range,  
15 didn't even know that anything was happening. So I  
16 stand before you today in a very short period of time  
17 with 3,131 signatures to submit on this petition; but on  
18 behalf of the shocked sample of and angry folks with  
19 whom I have had the pleasure to speak over the last few  
20 weeks, I will now read our request to you. It says:

21           "Dear Napa County Planning Commissioners:

22           "We urge you to vote no on Syar Industries'  
23 proposed mining expansion that would severely and  
24 permanently impact the best hiking, mountain biking, and  
25 horseback riding trails and views in Napa.

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1            "We urge you not to allow this loss for Napa,  
2 the greater Bay Area, and all the visitors that come to  
3 the Valley to enjoy the Napa natural beauty of Skyline  
4 Park."

5            So the role of the aggregate community has to  
6 be a factor in your decision, and I would like to add my  
7 comments to those of Ms. Felch earlier that I'm  
8 distressed that the Hispanic folks with whom I've spoken  
9 to have heard nothing about it either and nothing has  
10 been sent out to them.

11           I don't feel like due diligence has been done  
12 in outreach towards the Hispanic community. They also  
13 signed the petition. I had to translate it for them.  
14 So I am going to read it as they asked me to read it to  
15 you as well.

16           (Reading in Spanish.)

17           The only difference in that last paragraph was,  
18 "Can you please notify us in the language that we  
19 speak."

20           The general plan was adopted in 1969 and the  
21 permit under which Syar currently operates predates that  
22 plan. That's the only reason that an active pit quarry  
23 of Syar's size is allowed to operate in such proximity  
24 to the highway, residential areas, schools, Napa County  
25 Office of Education, and a wilderness park.

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1           At this time the county's commitment to  
2 reducing our carbon footprint and returning the health  
3 of the Napa River, we should be requiring Syar to wind  
4 down its operations not ramp them up and expand them  
5 even further.

6           The savings of not having to pay for rock  
7 trucks to travel an extra 14.8 miles from the Lake  
8 Herman Quarry are weak and incommensurate with the  
9 damage to our community attendant to Syar's expansion  
10 into Skyline Park.

11           I thank you very much for your service.

12           CHAIRWOMAN PHILLIPS: Thank you, Mr. Allred.

13           We have Marshall Swift, and on deck is Kassie  
14 Pagaling.

15           MR. SWIFT: Good morning, Commissioners. My  
16 name is Marshall Swift. I live at 1965 Seville Drive.  
17 I'm a taxpayer and I vote.

18           In full disclosure, I've belonged to Skyline  
19 Park for the last ten years. I'd like to paint a  
20 different picture, if I may. I'm glad we heard from the  
21 hospitality industry. I think that's an important  
22 aspect of Napa. It brings a lot of money into this  
23 area. It's a destination area. People from all over  
24 the world come here. They come in their corporate jets,  
25 their private airplanes; and if they come in here on

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1 VFR, visual flight rules, one of the recording points is  
2 Silverado County Club when they acquire their power,  
3 why? They know where they're at. It's a beautiful  
4 green vegetation, golf course, beautiful homes. If  
5 you're coming in from, left to right, the runway, the  
6 second reporting point is Basalt Quarry North, i.e.  
7 Syar's Quarry. Why? It's an ugly scar and you see it  
8 from the air and everybody who comes to Napa sees it.

9           So they're not coming here to see that ugly  
10 wound that we've committed to, and that's one aspect of  
11 people coming to Napa.

12           The other thing I'd like to bring up is that I  
13 live within, oh, about a mile, probably a half a mile  
14 from the ridge line, and everybody in that block, the  
15 1800 and 1900 block of Seville, their property value has  
16 gone down from 150,000 to \$200,000, if you go on Zillow,  
17 where the average property value in the last year in  
18 Napa has gone up 25.8 percent. I attribute that is  
19 because we live up on a ridge, a hill overlooking  
20 Syar's, and if they keep on devastating the ridge line,  
21 what used to be an asset is now a deficit.

22           So the property has gone down, and I guess  
23 that's about it. Thank you for your consideration.

24           CHAIRWOMAN PHILLIPS: Thank you, Mr. Swift.  
25 Kassie Pagaling, and on deck is Julia Winiarski.

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1 MS. PAGALING: Good morning everyone. My name  
2 is Kassie Pagaling. I live at 3041 Montclair Avenue,  
3 and I'm a graduate student studying ecopsychology.

4 I am here to speak mostly just more to the  
5 ideological and dominant cultural paradigm which even  
6 allows this to be an issue on the table to begin with.

7 So I'd like to start by saying that Skyline  
8 Wilderness Park has an innate value that transcends the  
9 status of a natural resource that or is a backdrop of  
10 human living. This is a home of Skyline's inhabitants,  
11 both plants and animals, as part of our community, our  
12 neighbors with whom we share the land. So with that in  
13 mind I'd like to implore the Commissioners, when do we  
14 say enough?

15 So this quarry expansion may add a couple of  
16 jobs in the short term. Then what? Take another  
17 mountaintop until there are none left? There is not  
18 even any guarantee the members of the local Napa  
19 community would be the ones served or the Napa economy  
20 would even benefit.

21 I believe Mr. Riley, or Jim, was it Levy? Live  
22 in Vacaville, right? So that being said, there is  
23 evidence to the contrary that it would actually decrease  
24 Napa's revenue in real estate cost to south Napa and  
25 that there would be less tourism in Skyline, as has

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1 previously been said.

2 Not to mention that anyone living and working  
3 in the Imola Avenue area would suffer a decrease in  
4 quality of life due to the noise, chemicals, and  
5 increased traffic.

6 Instead of destroying the wilderness with  
7 short-term Band-Aids that don't actually contribute to  
8 our well-being as a species, how about we learn from our  
9 past and start investing in what we already have,  
10 including what we've already created.

11 There are plenty of jobs out there that have  
12 nothing to do with destroying more of our precious  
13 wildlife, and so much material waste already. Can't we  
14 use our big human brains to create jobs by turning that  
15 into the raw materials we need to support our failing  
16 infrastructure?

17 I know that everyone here loves natural beauty,  
18 loves to look at trees, the sun, or take in the  
19 beautiful vista from the mountaintops. Imagine the  
20 feeling of loss if that were all gone.

21 From sliding Skyline, what is to stop us from  
22 sliding off what else is left of the natural world. We  
23 have an opportunity here to fully embody our ethics as  
24 human beings and stewards of the earth and to make a  
25 decision for the betterment of all life for all living

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1 here. Isn't that why we are all living here?

2 It is time to make a decision and act in  
3 accordance with the kind of world we want. Skyline  
4 needs us, needs our health and protection, not more  
5 violence and more grief. Thank you.

6 CHAIRWOMAN PHILLIPS: Thank you Ms. Pagaling.  
7 Julia Winiarski, and David Lopez.

8 MS. WINIARSKI: Hello. Good morning. I'm  
9 Julia Winiarski. I live at 9 Bonita Avenue, Napa,  
10 94559.

11 I'd like to talk a little about some of the  
12 inadequacies in the mitigation measures with regards to  
13 greenhouse gas emissions, which are already recognized  
14 as being significant and unavoidable, but I believe that  
15 might be not a conservative but a generalist estimation  
16 with regard to these greenhouse gas reduction measures.

17 A couple of them, and I'll send a letter with  
18 more detail on these, but one of these measures says  
19 that they will fuel on-and-off-road vehicles with  
20 alternative fuels that -- this is a fleet of mostly tier  
21 0, 1 and 2 vehicles. So I don't think a lot of those  
22 vehicles will be running on batteries or alternative  
23 fuels.

24 They will replace diesel-powered vehicles but  
25 only as they become inoperable. So that's quite a time

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1 frame, and I think we could use more detail on when  
2 exactly that time frame is.

3           So if we want to talk about realistic things,  
4 realistic mitigation measures, I think we have to think  
5 about how long it will take to appoint a fleet of tier  
6 0, 1 and 2 -- mostly tier 0, 1 and 2 vehicles. I think  
7 we also have to think about how long it takes a tree to  
8 grow. That's a realistic question also.

9           In the mitigation plan they talk about planting  
10 native trees and vegetation for park and sequestration.  
11 It takes a long time to grow a tree. Now, younger trees  
12 may absorb more carbon dioxide, but even the planting  
13 plan is postponed.

14           So they say at least 75 percent -- excuse me,  
15 as much as 75 percent of the vegetation plan, the  
16 reclamation plan will happen after the end of mining  
17 activities have completed.

18           This request for a 35-year permit doesn't mean  
19 that the mining stops at 35 years. It means they may  
20 ask to renew again. So I would say again realistically  
21 let's look at what reclamation has done before, and in  
22 relation it's a small percentage of the active quarry  
23 that's being reclaimed.

24           I grew up in the valley. I drive several times  
25 a day by that site, and I've sort of stopped seeing it

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1 to be honest. I was walking in Kennedy Park a few days  
2 ago looking at that area, and I really felt like I saw  
3 with fresh eyes again to see how much of the hillsides  
4 are gone, how much of the watershed hillsides are gone,  
5 and I don't believe this reclamation plan adequately  
6 addresses that.

7 A couple just really quick questions, then I  
8 want to return to the record. One, I'm wondering why  
9 the cultural resources report from LSA has been removed  
10 from the record. It says for reasons of  
11 confidentiality. I believe I understand that you could  
12 remove a map because you don't want people visiting  
13 sensitive areas of the property; however, I believe the  
14 rest of the report should be included.

15 I would also like to know why this property  
16 that was purchased in '98, after measure J, is not  
17 subject to those restrictions that were chosen by the  
18 community of Napa Valley to prevent the conversion of ag  
19 watershed land into industrial means, among other  
20 things.

21 Thank you for your time.

22 CHAIRWOMAN PHILLIPS: Thank you, Ms. Winiarski,  
23 and actually our last speaker is David Lopez.

24 MR. LOPEZ: Good morning to everybody. I'm  
25 here because, you know, after collecting some of the

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1 site chart and talking to some other people, they didn't  
2 have any information in Spanish, and we'd like to be  
3 included in all and, you know, participate in, like,  
4 projects like this, you know.

5 That's pretty much what I'd like to say. Thank  
6 you.

7 CHAIRWOMAN PHILLIPS: Thank you, Mr. Lopez.  
8 I ask you to state your name and address.

9 MR. GALOETTI: Good morning, John Galoetti,  
10 American Canyon. I just felt compelled to come up here  
11 this morning and say good morning, and voice how I know  
12 you guys are in a hard place right now; but I also  
13 wanted to let you know that construction workers that  
14 Jim Syar has employed for the last 50, 60 years,  
15 whatever it is, have had good benefits, good jobs, and  
16 healthcare as provided by him and the Syar Industries.

17 The other thing that everybody in this room  
18 should know, you are all reaping the benefit of the  
19 quarry itself. All the roads that are paved in the  
20 entire Napa County, I'll guarantee you, hopefully, the  
21 rocks come from Syar.

22 I live in American Canyon. I know what Lake  
23 Herman produces. When I get my rock when I did all the  
24 work at my own home, I got it from Lake Herman, it's  
25 close to my house. It was a great thing to have.

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1           We've had a lot of people up here talk about  
2 cancer. I'll tell you right now that nobody in this  
3 room knows what causes cancer. I've got a dear friend  
4 of ours right now whose son is seven years old and he's  
5 got leukemia, and nobody knows where he got it. My son  
6 has asthma. Anybody in this room tell me why he has  
7 asthma? No. It's not from dust or it's not from a  
8 quarry.

9           The rock produced by Jim they do in the best  
10 fashion they can, the safest, the least dust controlled.

11           Everybody here talking about water. Why hasn't  
12 our state produced any second-hand water. We've can  
13 build reservoirs. We've got guys to do it. We've got  
14 the contractors. Let's do it.

15           The blame is not on anybody. We're all in this  
16 together, and that's what I think everybody is getting  
17 tunnel vision. The guy said the plane flies over Syar  
18 as a landmark. That's a great thing to have for a  
19 goddang plane, don't you think? Don't they want to know  
20 where they're at?

21           Is it an eyesore? I don't know. Where is  
22 there a good place for a quarry? I don't know. Is Syar  
23 a good employer? Does he take care of his people? Does  
24 he take care of the community? Does he provide the  
25 community services that they do need? Absolutely, in my

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1 opinion.

2 I just think that everybody in here has got  
3 opinions. These are my opinions, but some of them are  
4 based on facts. I've heard people tell me they're  
5 environmentalists, and I've heard steward of the land.  
6 I hunt, I fish, I dive. My kids hike with me. They do  
7 all the things I enjoy to do with them.

8 I've got three kids, a six-year-old, an  
9 eight-year-old, and a ten-year-old, and they're all  
10 different, but for anybody in here to say that Jim Syar  
11 or Syar Industries is causing any kind of lung things or  
12 anything like that, look at the facts. Nobody knows how  
13 people get asthma. Nobody knows what's causing these  
14 things. It's unfortunate. I don't want anybody to have  
15 any ill fate or illness from anything.

16 So that's just my thoughts, and I've taken  
17 notes from everybody in here talking, and it's really  
18 interesting to hear the different aspects of the reasons  
19 why or why not.

20 So thank you for your time.

21 CHAIRWOMAN PHILLIPS: Thank you.

22 MR. ADAMS: If I could just have a minute.

23 CHAIRWOMAN PHILLIPS: Certainly.

24 MR. ADAMS: Obviously there were very good  
25 comments, a lot of different perspectives that we heard

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1 today. I think we all realize that parks are very  
2 important, schools, business is important, roads are  
3 important, bridges are important. I would just say  
4 that, you know, most of everything we have here is based  
5 literally on an aggregate product, and aggregate  
6 resources are also important.

7           With that said, we listened, I know everyone in  
8 this room, the commissioners and staff, are listening  
9 and we are going to work with staff to address the  
10 comments so we can strike a balance and move forward as  
11 a community.

12           Thank you.

13           CHAIRWOMAN PHILLIPS: Thank you, Mr. Adams.

14           Well, that being said, I want to take a moment  
15 to acknowledge what -- to let everyone know that we  
16 understand what it means for everybody to come down here  
17 today. This is -- it takes the time and it takes the  
18 effort, and we appreciate that.

19           I also want to say that, you know, we have  
20 another agenda item that people are waiting to speak on,  
21 and I wanted to thank everyone for being respectful of  
22 the three-minute -- pretty much of the three-minute time  
23 frame; but since we have a group that is somewhat new to  
24 the process, Mr. Barrella, can you kind of walk us  
25 through, there were a lot of questions raised today, in

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1 what kind of the next step will be in this process.

2 MR. BARRELLA: As I stated before we -- in the  
3 beginning of the hearing, based on the last hearing with  
4 direction you provided us and the comments we received  
5 and continue to receive, we will be preparing our April  
6 1st staff report in an effort to address all this and  
7 further clarify what the project is and what the project  
8 isn't. If the project changes that Syar just brought  
9 forward, incorporate those in as well as clarify what  
10 the EIR is saying about impacts and mitigation and how  
11 they work, and who is responsible for what in any given  
12 mitigation as well as conditions.

13 So that's our intent at this point is to take  
14 all this information and bring that back to you on the  
15 1st so you have a better understanding of what these  
16 impacts are, what the mitigations are and what the  
17 mitigation is accomplished and discuss the merits of the  
18 project as well.

19 CHAIRWOMAN PHILLIPS: Great.

20 MR. MORRISON: Madam Chair, I'd also like to  
21 note for benefit of the audience that the county just  
22 launched its new website on Monday this week. There is  
23 a feature that all aspects of the website, not just the  
24 Planning web page but all web pages of the county can be  
25 instantly translated to Chinese, Tagalog, French, or



1 Spanish. That is not a part of the PDFs. That is  
2 something that we still need to look at further.

3 With regards to the website, including  
4 information about current planning projects and agendas  
5 and hearings, all that is now translatable and available  
6 to different communities that do not speak English as  
7 their first language.

8 CHAIRWOMAN PHILLIPS: Thank you for that  
9 clarification, Mr. Morrison.

10 The public comment is still -- I have not  
11 closed it. If you have something incredibly  
12 important --

13 UNIDENTIFIED SPEAKER: I just want to make sure  
14 that everyone understands and I have clarity that the  
15 public comment period on the Syar project remains open.  
16 Is that right? Up to and including the April 1st  
17 hearing, is that right? I'm seeing nods, but I'm not  
18 hearing anything.

19 MR. BARRELLA: Yes, that is correct.

20 CHAIRWOMAN PHILLIPS: Yes, that is correct. You  
21 are right. Thank you very much.

22 With that I'm going to close the public hearing  
23 on this matter.

24 So I am going to close the public hearing.

25 UNIDENTIFIED SPEAKER: You are not closing the

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1 public hearing until April 1st?

2 CHAIRWOMAN PHILLIPS: No. Right.

3 UNIDENTIFIED SPEAKER: Okay. Thank you.

4 CHAIRWOMAN PHILLIPS: So I am going to bring it  
5 back to the Commission for any comments or for a motion.

6 COMMISSIONER POPE: I'd like staff to come back  
7 with a recommendation on possibility of between now and  
8 April 1st an off-hours hearing here after 5 p.m.

9 (Applause.)

10 COMMISSIONER POPE: I don't need an answer  
11 right now, but if we can get a recommendation between  
12 now and April 1.

13 CHAIRWOMAN PHILLIPS: Why don't we do that  
14 as -- I would second that as -- I would second  
15 Commissioner Pope's recommendation on the option of  
16 that. Do we need to take an official -- as a  
17 commission, an official vote on that or can he ask staff  
18 for it?

19 COMMISSIONER POPE: I guess it's a staff issue,  
20 yeah.

21 CHAIRWOMAN PHILLIPS: Okay. Well, if there is  
22 no other comment from the Commission, I would --

23 COMMISSIONER POPE: Does anyone have any  
24 general comments they want to make?

25 I would just add that, you know, as we see this

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1 is kind of living process and, you know, more  
2 information has come forward since the first part of the  
3 hearing, as was publicly stated today, applications  
4 going around since 2008, and I know we did a town hall  
5 way back in 2009 to begin the discussion, and I'm  
6 gratified that people are continuing to get involved and  
7 reach out.

8 I'm gratified to see that the applicant has put  
9 forward some renewed mitigations already, and, you know,  
10 I think all of us here on the Commission, we kind of  
11 feel like we're solemn and the baby when it comes to us.

12 So you know, the more that can get worked out  
13 before it has to come to an up or down yay or nay from  
14 us, the better it serves everybody.

15 So you know, I personally in my lifetime sat in  
16 all sides of this. I have been an environmental  
17 activist, I mean truly like I worked for Greenpeace, and  
18 have carried my share of signs into meetings and have  
19 disrupted meetings and also been a union labor organizer  
20 and have done my share of hell raising in that regard as  
21 well, up to and including risking arrest actions.

22 Of course in this seat, I think all five of us,  
23 we sort of lose that luxury of getting to look at just  
24 one perspective, and we have to look at all sides and  
25 all perspectives and all stakeholders.

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1           As was correctly stated by some of the  
2 speakers, you can emphasize, that's our position; but  
3 the more work that goes into it, the more public  
4 comments responded to, I think the points raised about  
5 information being available in Spanish was very well  
6 taken and very well made given that, yes, 35 percent  
7 population of Napa County, and certainly within the  
8 immediate proximity of Skyline and Syar.

9           So I am very gratified to hear about the  
10 changes to the county website. I think we need to look  
11 at continued ways to make information available from  
12 that spectrum.

13           On that, appreciate everybody's participation  
14 and your activity in this, and hopefully we can set up  
15 something where we can come before April 1st.

16           UNIDENTIFIED SPEAKER: I had a procedural  
17 question about April 1. What happens?

18           CHAIRWOMAN PHILLIPS: Let me reopen public  
19 comment.

20           UNIDENTIFIED SPEAKER: I'm just trying to save  
21 time so that we don't come to you and comment on more  
22 things, because if Mr. Syar is coming back with items  
23 and then it's going to be presented by Mr. Barrella,  
24 there may be things that people in the audience would  
25 like to speak to; but since they've already been taken

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1 care of, then it would save us time.

2 So I guess my question is on April 1, when that  
3 presentation comes due, is there a way we will be able  
4 to see some of that ahead of time so that when we do  
5 come to that meeting we don't wind up coming up to you  
6 and saying stuff that's already been addressed. That's  
7 my question.

8 MR. BARRELLA: If I could address that. The  
9 staff report for the April 1 hearing will go out March  
10 25th. I do have quite a few email addresses that I send  
11 the information to. So the staff report will be  
12 available then with all this information in it.

13 Also, please feel free to contact me at any  
14 time if you need anything, and I can provide that for  
15 you.

16 CHAIRWOMAN PHILLIPS: That is true. So if  
17 anyone would like to pass along their email address or  
18 you can register on the website itself, and you're  
19 alerted to when it immediately is posted for preview,  
20 and it's sounding like it will be about a week ahead of  
21 the actual presentation.

22 COMMISSIONER POPE: I would like to just also  
23 add, if anybody is going to send an email in particular  
24 to contact the Commission, please, please, please,  
25 remember to copy a member of staff on that, particularly

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1 Mr. Barrella, as the key. That's the absolute best way  
2 to make sure that information does get into the record.

3 CHAIRWOMAN PHILLIPS: And it becomes part of  
4 the public record, correct.

5 MR. POPE: Yes. Also just one last comment I  
6 wanted to add just for staff as prior final answers, I  
7 would like to say with regards to the EIR a little more  
8 information, too, about the impacts on wildlife  
9 migration and movement.

10 I'll shut up.

11 COMMISSIONER BASAYNE: I just wanted to say I  
12 appreciate everyone from the community attending today  
13 and taking the time out of your schedule to weigh in.  
14 The democratic process can be arduous and a bit of a  
15 churning process, but it is very valuable to hear all of  
16 your perspectives and it helps us in terms of making our  
17 decisions.

18 I will spare you with any commentary with  
19 regard to my checkered past.

20 COMMISSIONER COTTRELL: Commissioner Phillips,  
21 I just wanted to speak to the process. I know it's  
22 frustrating to feel like you only have three minutes to  
23 make a comment, but I wanted to say I thought people  
24 were crystallizing and organizing their thoughts so we  
25 were actually able to hear more clearly people's

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1 perspective.

2 Thanks Commissioner Phillips for doing that,  
3 the three-minute rule. Good work.

4 COMMISSIONER SCOTT: Very brief comment. I too  
5 appreciate the attendance of you people. I know that it  
6 is an inconvenience and it is difficult for many of you  
7 to be here, and it is a love and concern, and we are  
8 very much aware of that. All of us have visited these  
9 sites or will visit them. All of us have been to the  
10 sites and toured from both the Syar direction and also  
11 from the Skyline Park direction, and it's very helpful.

12 We appreciate the efforts of the folks at  
13 Skyline who have led us and explained their concerns and  
14 shown us exactly the perspectives from their point of  
15 view and also from their physical site, and it's been  
16 very helpful for us.

17 I'd also like to thank the Syar folks who have  
18 done the same thing. We are very much aware. We have  
19 heard your concerns, and they will be considered, they  
20 are being considered.

21 As far as the email is concerned, at some  
22 point, you know, there are more than 200 of them now,  
23 and do we read every single word? Probably not,  
24 probably not. After the first 150 or so, they start  
25 getting repetition [sic].

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1           So you know, save your comments. The public  
2 hearing remains open. We will hear from you again and  
3 you'll hear what Syar has done to address some of the  
4 concerns that you provided. It's very much an ongoing  
5 procedure.

6           Thank you for your participation, but I really  
7 don't need to see more emails.

8           CHAIRWOMAN PHILLIPS: With that, I would  
9 entertain a motion for a contin -- regarding the  
10 continuation.

11           COMMISSIONER POPE: I'd like to move that we  
12 continue the Syar Expansion Project -- Surface Mining  
13 Permit 308-00327 SMP to our hearing on April 1st, 2015.

14           COMMISSIONER SCOTT: Second.

15           CHAIRWOMAN PHILLIPS: All in favor.

16           COMMISSIONER COTTRELL: Aye.

17           COMMISSIONER BASAYNE: Aye.

18           CHAIRWOMAN PHILLIPS: Opposed?

19           The continuation passes unanimously. We will  
20 now take a ten-minute comfort break. Thank you.

21           (The agenda Item 9-A hearing adjourned.)

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CERTIFICATE OF REPORTER

STATE OF CALIFORNIA        )  
  ) SS  
COUNTY OF MARIN            )

I, DIANE L. FREEMAN, a Certified Shorthand Reporter, Registered Professional Reporter within and for the State of California, do hereby certify that the foregoing videotaped proceedings were transcribed by me to the best of my ability and thereafter reduced to computer under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

DATED: JANUARY 4, 2016

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DIANE L. FREEMAN, CSR NO. 5884  
STATE OF CALIFORNIA