

**EXHIBIT A**

**NAPA COUNTY DEPARTMENT OF  
PLANNING, BUILDING & ENVIRONMENTAL SERVICES  
PLANNING COMMISSION HEARING – OCTOBER 21, 2015**

**FINDINGS  
SYAR NAPA QUARRY EXPANSION  
SURFACE MINING PERMIT #P08-00337-SMP  
APN's:045-360-005,046-370-012, -013, -015, -022, -025,  
046-390-002, -003, and 046-450-071**

**SURFACE MINING PERMIT:**

The Commission has reviewed the Surface Mining Permit (SMP) request in accordance with the requirements of the Napa County Code §16.12.360 and makes the following findings:

- A. The application is complete and the plans and reports submitted therewith adequately describe the proposed operation.

**Analysis:** By way of the CEQA process in conjunction with the duly noticed public hearing associated with this SMP the planning director has certified that the application is complete, in that it contains all necessary information and data describing the proposed operation and as required by Sections 2772 of the Public Resources Code and NCC Chapter 16.12, and to complete the required environmental assessment pursuant to CEQA (SCH# 2009-9062045).

- B. The project is supported by adequate environmental documents that comply with the provisions of CEQA.

**Analysis:** A Final EIR in compliance with CEQA has been prepared for the project: see EIR Certification Resolution.

- C. The mining operation to be conducted and subsequent reclamation of the site provide for specific changes or alterations which avoid or mitigate the significant environmental effects of the project as identified in the recommended negative declaration or final EIR or if an EIR was prepared that specifically identified economic, social or other considerations make infeasible the mitigation measures or project alternatives identified therein.

**Analysis:** The Syar Napa Quarry Mining and Reclamation Plan through its Annual Mining Plan with incorporation of the Reduced Production Alternative and Mitigation Measures identified in the Projects Environmental Impact Report results in mining operations and reclamation activities that provide for site and condition specific changes and alterations that mitigate significant environmental effect. Particularly, the Reduced Production Alternative in conjunction with applicable Mitigation Measures is anticipated to reduce the Significant Unavoidable Greenhouse Gas Emissions Impact associated with the proposed project to a less than significant level.

Furthermore the Reduced Production Alternative would i) reduce the anticipated water demand of the proposed Project by approximately 30 acre-feet per year (from 50 acre-feet per year to approximately 20 acre feet per year) and the implementation of mitigation would result in no net increase in water use above historic use; ii) reduce anticipated daily trips to the site by approximately 300 trips per day (from 500 to 200) and AM peak hour trips by approximately 30 trips (from approximately 51 to 21 trips) per day, thereby reducing potentially significant project specific and cumulative transportation impacts associated with the proposed project; and iii) further reduce air quality impacts associated with the project.

- D. The application as approved demonstrates that the proposed operation will be conducted in compliance with the provisions of the Surface Mining and Reclamation Act, State Board Reclamation Regulations including but not limited to Sections 2502, 3503 and 3700-3713 of Title 14 of the California Code of Regulations, and this chapter.

**Analysis:** The proposed Mining and Reclamation Plan includes all necessary components and information per state and local regulations and guidelines. The proposed Mining and Reclamation Plan has been reviewed by the California Department of Conservation (August, 2012) and their review did not identify any components of the plan that are inconsistent with the Surface Mining and Reclamation Act (SMARA) or State Reclamation Regulations. Ongoing annual inspections of the operation pursuant to SMARA and County Code would ensure compliance with applicable regulations.

The Reduced Production Alternative would further result in compliance of the application with NCC Chapter 16.12 and applicable General Plan policies.

- E. Any comments received from the Department of Conservation pursuant to Section 16.12.350(C) have been reviewed and considered by the Commission,

**Analysis:** The Mining and Reclamation Plan has been reviewed by the California Department of Conservation (DOC), and their comments (August 2013) have been incorporated into the proposed Mining and Reclamation Plan. The DOC recommendations (letter dated August 31, 2012) have been incorporated into the proposed plan (Syar Response letter dated September 20, 2012). Furthermore, mitigation measures will be incorporated into the plan as required by the DOC. Therefore, consideration of the Plan results in consideration of DOC comments by the Commission.

- F. The mining operation and reclamation plans, as approved, are consistent with the objectives, policies and general land uses and programs set forth in the general plan, any specific plan applicable to the area of operations, and the zoning of the site.

**Analysis:** The project site has the following zoning designations: Agricultural Watershed (AW) Agricultural Watershed: Airport Compatibility (AW:AC), and Industrial (I). Pursuant to NCC Section 16.12.040 the surface mining provisions of NCC Chapter 16.12 (Surface Mining and Reclamation) apply to all unincorporated land within the county, therefore the project is consistent with AW, AW:AC, and I zoning district regulations, which allow for aggregate mining and processing activities with a surface mining permit (SMP).

The project site, and portions thereof, are also mapped or classified by, i) the State Geologist as Resource Sector H, Mineral Resource Zone MRZ-2 (a) which indicates that

significant deposits are present, and ii) by the County Land Use Map as a Mineral Resource (MR) area which is applied to known mineral resources based on mapping prepared by the State of California. These designations recognize the presence of mineral resources of the quarry while maintaining the validity of underlying land use designations. This site constitutes the only identified Napa County MR area in the General Plan. The proposed mining project complies with these overlay designations/classifications.

The mining operation and mining and reclamation plan are consistent with applicable Napa County General Plan policies as identified in the Project's General Plan and Zoning Consistency Analysis (County Memo dated August 4, 2015) incorporated here by reference.

- G. The reclamation to be undertaken will restore the mined lands to a usable condition which is readily adaptable for alternative land uses which are consistent with the general plan and any specific plan applicable to the area of operations.

**Analysis:** The end use specified for the quarry within the Mining and Reclamation Plan is open space. This end use is consistent with portion of the quarry property that has an Agriculture, Watershed and Open Space general plan land use designation. For portions of the quarry that are designated Industrial, the open space end use specification would not ultimately preclude development of industrial uses therein; however, depending on reclamation status of the quarry at the time industrial development is considered (or prior to closure of the quarry) the reclamation plan may need to be amended to accommodate industrial uses. It is recognized in the county the open space benefits provided by agricultural uses therefore the open space end use would provide for the primary use allowed under the quarry's zoning designations.

The quarry is covered by both the Agricultural Watershed (AW) and Industrial (I) zoning districts. The open space end use specification is considered to be consistent with the intent of these districts as they both allow agricultural uses, which as described above, are valued for open space quality. Furthermore the open space end use would not ultimately preclude development of agricultural or industrial uses; however, depending on reclamation status of the quarry at the time agricultural or industrial development is considered (i.e. prior to closure of the quarry) the reclamation plan may need to be amended to accommodate such uses.

- H. Appropriate conditions have been imposed to ensure that the site, during and after reclamation, will not cause a public hazard, will not impair the character of the surrounding neighborhood, nor be detrimental to the public health, safety or general welfare, considering the degree and type of present and probable future exposure of the public to the site.

**Analysis:** Implementation of the Reduced Production Alternative and Mitigation Measures identified within the Project's Environmental Impact Report would reduce present and probable future detrimental public health effects of the proposed project during mining and reclamation activities, by substantially reducing adverse air quality and associated health risk affects associated with the operation, as well as, reduce the projects water demand, and project specific and cumulative transportation impacts to less than significant levels. Furthermore, the Reduced Production Alternative would

reduce the significant unavoidable Greenhouse Gas impact associated project as proposed to a less than significant level.

- I. The proposed timing for reclamation requires reclamation to be fully completed as soon as it is feasible, considering the particular circumstances of the site to be reclaimed, and provides for appropriate incremental reclamation at the earliest feasible time, considering the particular circumstances of the site to be reclaimed.

**Analysis:** The proposed Mining and Reclamation Plan would implement interim and final reclamation incrementally throughout the quarry as mining progresses and is completed in given mining areas. Furthermore, the Adaptive Management and Mining Strategy and associated Annual Mining Plan specified within the Mining and Reclamation Plan, which limits active mining areas to 25%, would foster initiation and implementation of reclamation activities at the soonest feasible opportunity.

- J. The estimated cost of the reclamation reasonably approximates the probable costs of performing the reclamation work proposed in the reclamation plan approved, the operator/permittee will be financially able to complete the reclamation, and the security to be posted will be sufficient to ensure completion of the required reclamation.

**Analysis:** Currently the operation has a financial assurance mechanism in place in the amount of \$2,705,638.21 (Surety Bond 57BSBCQ7705) to perform reclamation work associated with current mining and reclamation activities. Because the proposed Mining and Reclamation Plan employs similar reclamation techniques to the current reclamation plan, the estimated cost of reclamation and associated financial assurance reasonably estimate the cost of reclamation based on current conditions. The Surety Bond demonstrates that the operator/Permittee is able to sufficiently complete reclamation quarry reclamation.

Furthermore, the annual update of the reclamation financial assurance cost estimate and of the financial assurance mechanism required pursuant to SMARA and NCC Section 16.12.414 will ensure that the estimated cost of reclamation and associated financial assurance is continually adequate ensure that site can be reclaimed in accordance with the Mining and Reclamation Plan and that the operator/Permittee is financially capable of carrying out required reclamation.

- K. The applicant has a public liability policy in force for both the mining and reclamation operation which provides for personal injury and property protection in an amount adequate to compensate all persons injured or for property damaged as a result of such operations.

**Analysis:** The Permittee/operator has a public liability policy (i.e. commercial general liability) through Insurance Brokers of California Inc., which is in full force and effect for the mining operation. The policy has a minimum coverage in the amount of \$2,000,000 for each occurrence and twice the amount (\$4 million) for the general aggregate, and with an umbrella coverage of \$5 million. Generally the County considers a minimum limit of \$2 million as adequate.