

Lawsuit -- environmental groups fighting Syar Russian River gravel plan

Brett Wilkison, Santa Rosa Press Democrat, 1-7-11

Two local environmental groups are taking Sonoma County and Napa-based Syar Industries to court in a lawsuit challenging the recent approval of Syar's large gravel mine in the Russian River near Geyserville.

The groups, including Healdsburg-based Russian Riverkeeper and the Redwood Empire chapter of Trout Unlimited, allege the level of mining proposed by Syar — taking up to 350,000 tons of gravel annually for 15 years from a 6.5-mile stretch of river in the lower Alexander Valley — will harm the river, its beleaguered salmon and steelhead populations and riverside landowners.

The groups also claim that safeguards to prevent such impacts were inadequately addressed in the county's environmental review of the project, which has been in the planning pipeline for years.

“The whole purpose of an environmental impact report is to provide all the information so the public can review it,” said Don McEnhill, executive director of Russian Riverkeeper. “When you sidestep that, it leaves the door open for what we believe will happen with this project, which is the river is going to be over-mined, it's going to hammer endangered fish and hammer downstream landowners.”

The lawsuit was filed Thursday in Sonoma County Superior Court. In addition to a new environmental review, the lawsuit asks for the project's approval to be set aside and any pending or current work halted.

Mike Zischke, an attorney for Syar, said the environmental review being challenged was “thorough.”

The project promises benefits for the environment, including fish populations, he said. Syar will install additional fish and wildlife habitat to comply with the county's required list of safeguards and mitigation measures, Zischke said.

No significant impacts are expected on downstream landowners, he said.

Both Zischke and Pete Parkinson, head of the Permit and Resource Management Department, which oversaw the environmental review of the project, called the legal challenge “disappointing.” Parkinson declined to comment further, saying he had not yet seen the lawsuit.

The legal challenge is the first of several expected to result from the Board of Supervisors' decisions in December approving a trio of industrial projects. In addition to the gravel mine, which was approved on a 4-0 vote, the board voted 3-2 to approve the Dutra Materials asphalt plant south of Petaluma and the Roblar Road quarry west of Cotati.

Among those projects, Syar faced perhaps the least vocal challenge from opponents.

Russian Riverkeeper, for its part, has not opposed gravel mining outright. Instead group leaders said they were seeking a smaller project with more modest mining levels.

Those discussions hit a wall, however, when Syar refused to share data it used to set its mining levels,

opponents said. They said removing 350,000 tons of gravel each year from the river in the project area was unsustainable.

“We were told, flat out, you can't have that data,” said McEnhill. “Essentially, it became a giant exercise in ‘Trust me.’”

Data supporting Syar's plans was publicly available and was included in the county's environmental report, said Zischke, the Syar attorney.

Trout Unlimited said it joined the legal challenge to protect the Russian River's much-diminished fishery.

“Our kids and grandkids should be able to have the experience of finding, and maybe even catching, native California trout, salmon and steelhead in their historic range,” Julie Carlson, president of the group's Redwood Empire chapter, said in a statement.

“Despite the odds, these hardy fish persist, but only when and where we give them a chance. It is disheartening to have to take legal actions, but we have no choice.”

Earthjustice, an Oakland-based environmental law group, is representing the two organizations in the challenge.

As part of its application with the county, Syar agreed to pay the county's legal fees in the event of a lawsuit.