

Judge blocks resumption of gravel mining along Russian River

Bleys W. Rose, Santa Rosa Press Democrat, 11-17-09

An attempt by Syar Industries to temporarily resume gravel mining along Russian River terraces has been blocked by a Sonoma County Superior Court judge's ruling that county supervisors exceeded their authority in granting a permit extension to the quarry company.

In a 12-page opinion, Judge Robert Boyd sided with river preservation activists and Healdsburg groups, which had filed a legal challenge to Syar's gravel mining permit extension. Boyd said the county failed to conduct environmental reviews to support extending terrace mining permits, allowed under the Aggregate Resources Management plan, beyond their original expiration date in early 2006.

"All mining was ... to cease on April 15, 2006. This is not in dispute. The project's very essence is that it allows mining beyond this date," Boyd wrote.

Syar's permit extension was a highly controversial policy decision when it was approved in September 2008 on a 3-2 vote.

Officials with the Napa-based company argued that administrative delays and equipment malfunctions had prevented it from extracting its previously permitted amount of gravel. As a result, they contend an extension did not constitute a violation of the long-term mining plan.

Supervisors Paul Kelley, Mike Kerns and Tim Smith sided with Syar. Supervisors Mike Reilly and Valerie Brown opposed the extension, arguing that all permits under the 10-year plan had expired and that rock from local quarries or importation by barge was available as alternatives. Smith and Reilly did not seek re-election and have been replaced by Shirlee Zane and Efren Carrillo.

Syar officials said Monday that it was too early to determine whether they will appeal the judge's decision. Because of high river levels during winter months, terrace mining traditionally occurs from May into October.

"We are looking at the decision and we are evaluating what our options are going forward," said Syar attorney David Spielberg.

Leaders of several groups that challenged the Syar permit extension said excavation of gravel pits, some 90 feet deep, have depleted storage capacity of the river's aquifer, adversely affecting agriculture and well water supply. The permit appeal was filed by groups that included Russian Riverkeeper, Westside Association to Save Agriculture and North Coast Rivers Alliance.

"We hope that, with this ruling, the county will finally take seriously the environmental community's resolve to end this extremely damaging and completely unnecessary method of supplying the county with gravel," said Stephan Volker, attorney for the groups.

Syar's request for a permit extension reignited a decade-old dispute over Russian River terrace mining. Ever since the mid-1990s, environmentalists and river-area residents have battled with gravel companies and construction operations over whether pit mining damages water quality, aquifer levels and fish habitat.

In 1996, the Board of Supervisors enacted an Aggregate Resources Management Plan, which remains in effect, although permits expired in 2006. A major goal of the plan was a shift toward quarry mining and barge importation of rock, both of which have generated opposition.