

County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

DECEMBER 8, 2011

FILE #2011-0049: Request to establish an Interim Management Plan at the Syar Industries Madison mining facility, in accordance with the Surface Mining and Reclamation Act and the Yolo County Surface Mining Reclamation Ordinance, for a period of five years.

APPLICANT/OWNER: Syar Industries
2301 Napa-Vallejo Highway
Napa, CA 94558

LOCATION: The facility is located south of Cache Creek between County Road 87 on the west and County Road 89 on the east, approximately 1/2-mile north of Esparto and approximately 1-mile north of Madison (APNs:049-120-005, -006, -016; 049-130-039; 049-060-013, -014) (Attachment A)

GENERAL PLAN: Agricultural

ZONING: Agricultural Preserve (A-P) and Agricultural General (A-1), with Sand and Gravel Overlay (SG)

FIRE SEVERITY ZONE: None

SUPERVISOR DISTRICT: 5
(Supervisor Chamberlain)

FLOOD ZONE: A & AE (area within the 100-year flood plain), X (area outside the 100-year and 500-year floodplains)

SOILS: Brentwood silty clay loam, 0 to 2 percent slopes (I); Loamy alluvial clay loam (I); Yolo silt loam (I); Yolo silty clay loam (I); Capay silty clay (II); Marvin silty clay loam (II); Tehama loam, 0 to 2 percent slopes (II); Riverwash (VIII)

ENVIRONMENTAL DETERMINATION: Exemption under SMARA Section 2770

REPORT PREPARED BY:

Jeff Anderson, Associate Planner

REVIEWED BY:

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. Hold a public hearing and receive comments;
2. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to SMARA Section 2770 (Attachment B); and

AGENDA ITEM 6.1

3. Approve the Interim Management Plan for a term of five (5) years, subject to the Conditions of Approval (Attachment C).

REASONS FOR RECOMMENDED ACTIONS

The proposed Interim Management Plan (IMP) contains measures to maintain the idled Syar Madison facility in compliance with the Surface Mining and Reclamation Act (SMARA) and the Yolo County Surface Mining Reclamation Ordinance. Implementation of the IMP will help ensure the health and safety of the public, as well as the environment, until mining activities are resumed.

BACKGROUND

The Board of Supervisors approved a mining permit (ZF #95-079) for Syar Industries on November 25, 1996, which allowed for off-channel mining on 734 acres over a 30-year period with reclamation to permanent lakes, habitat, row-crop production, and tree-crop production. The permit was subsequently amended on February 16, 1999, to allow for a decrease of authorized excavation from 734 acres to 248 acres, with reclamation to a permanent lake, habitat, and row-crop production (ZF #98-010). Due to the economic downturn and the lack of demand for aggregate material, Syar drastically cut back mining operations at their Madison facility in 2010, and as described below, idled the operation in July 2011.

Surface mining operations are “active” if engaged in mining activities on a continuous or intermittent basis so long as interruptions in mining activities do not exceed one year. By contrast, a surface mining operation is “idle” when operations are curtailed, for a period of one year or more, by more than 90 percent of the previous maximum annual mineral production and where there is intent to resume surface mining operations at a future date. The Syar Madison facility has been idle since July 1, 2011. Syar submitted the IMP application on September 29, 2011, within the 90-day timeframe allowed under SMARA.

An IMP is considered an amendment to an approved reclamation plan. Because an IMP is intended to be a temporary plan to maintain stable site conditions until mining activities are resumed, the submittal of an IMP does not open re-examination of an approved reclamation plan, nor does it allow for the plan to be amended (SMARA Section 2770(h)(1)). Accordingly, the Surface Mining and Reclamation Act specifically exempts IMPs from environmental review under the California Environmental Quality Act.

STAFF ANALYSIS

When, for various reasons, a surface mining operation must significantly curtail operations for a period of time, it can be uneconomical or even counterproductive to begin reclamation of mined lands. While it would not be practical to reclaim lands that will be re-disturbed in the near future, the public health and safety, as well as the environment, must be addressed until mining activities are resumed. An IMP is a temporary plan to address public health, safety, and environmental issues relevant to the site in question (e.g., drainage, erosion control, temporary fencing, etc.). Syar will maintain a quarry manager and other staff on site during most days to conduct maintenance activities. Should any such conditions arise, best management practices will be employed to address the specific issues. The entire facility is fenced and access to the site is controlled by locked gates. There is currently no pedestrian access to the site and “no trespassing” signs are clearly posted.

According to SMARA and the Yolo County Surface Mining Reclamation Ordinance, IMPs shall remain in effect for a period not to exceed five years. Prior to the expiration of the IMP, the Planning Commission may renew the plan for another term not to exceed five years, or, if it is determined that

the operator has not complied with the terms of the IMP, then the surface mining operator shall commence reclamation of the site in accordance with the approved reclamation plan at the end of the initial term. Syar has indicated intent to resume surface mining operations at the conclusion of the five years, or when market demand significantly increases.

Financial assurances shall remain in effect during the period that the surface mining operation is idle and shall be updated each year as part of the annual report. Syar currently maintains financial assurances in the amount of \$1,118,385.95 for the Madison facility. An inspection of the Madison facility was performed on December 10, 2010. No violations or corrective measures were noted at time of inspection. Staff is scheduled to inspect the facility again on December 2, 2011, as part of the annual compliance review. The facility will continue to be inspected on an annual basis, as required per SMARA Section 2774.

SUMMARY OF AGENCY COMMENTS

A Request for Comments was prepared and circulated for the proposed project from November 4, 2011, to November 29, 2011. The Department of Conservation reviewed the IMP and determined that the IMP meets the minimum requirements of SMARA. Comments received during the review period from interested agencies/parties are displayed in the table below and have been incorporated into the project as appropriate.

Date	Agency	Comment	Response
November 8, 2011	Yolo County Building Division	There are two expired building permits. Applicant shall reinstate permit, pay all applicable fees, and schedule an inspection.	Comment noted. Applicant is coordinating with the Building Division to obtain the necessary permits.
November 14, 2011	California Department of Conservation, Office of Mine Reclamation	IMP meets minimum requirements of SMARA. No further comments.	Comment noted.
November 18, 2011	Yolo County Environmental Health Division	Well and septic systems shall not remain idle for over two years.	Included in Conditions of Approval.
November 28, 2011	Yolo County Public Works Division	The applicant shall continue to be responsible for annual pavement maintenance of County Road 89.	Included in Conditions of Approval.

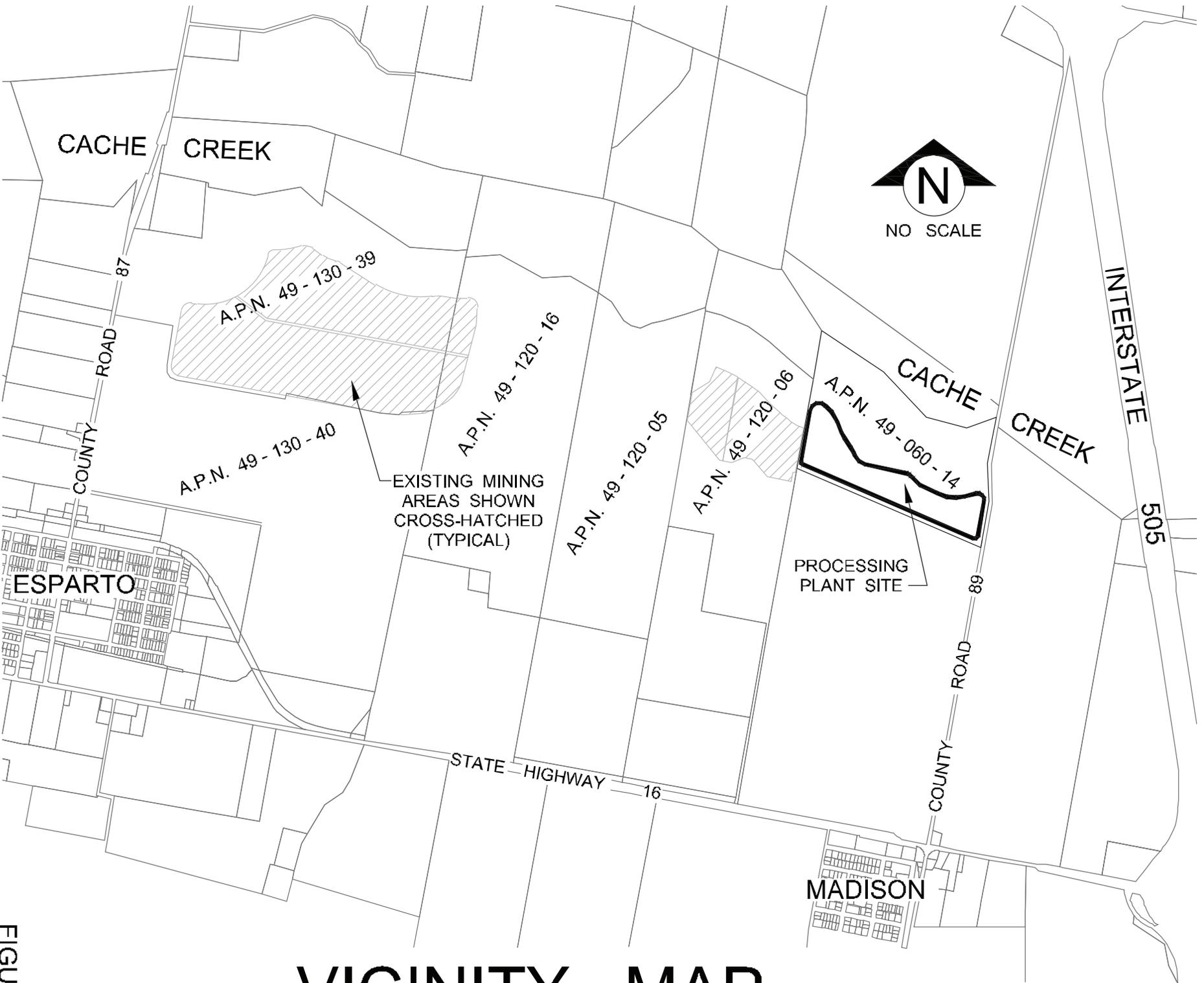
APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen (15) days** from the date of the action. A written notice of appeal specifying the grounds for appeal and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

ATTACHMENTS

- A:** Map of Syar Madison Facility
- B:** CEQA Exemption
- C:** Conditions of Approval
- D:** Interim Management Plan

ATTACHMENT A



MADISON OFF - CHANNEL
INTERIM MANAGEMENT PLAN

SYAR INDUSTRIES, INC.
JOHN PERRY RCE #28167

1

FIGURE

VICINITY MAP

ATTACHMENT B

COUNTY RECORDER

Filing Requested by:

Yolo County, Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Jeff Anderson

Notice of Exemption



To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: ZF# 2011-0049 (Syar Industries Interim Management Plan)

Syar Industries
2301 Napa-Vallejo Hwy.
Napa, CA 94558

Project Location: The facility is located south of Cache Creek between County Road 87 on the west and County Road 89 on the east, approximately 1/2-mile north of Esparto and approximately 1-mile north of Madison (APNs:049-120-005, -006, -016; 049-130-039; 049-060-013, -014)

Project Description: Request to establish an Interim Management plan at the Syar Industries Madison mining facility, in accordance with the Surface Mining and Reclamation Act (SMARA) and the Yolo County Surface Mining Reclamation Ordinance. The Interim Management Plan is considered an amendment to the approved reclamation plan to provide measures for maintaining the idle mine site until operations are resumed.

Exempt Status:

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to SMARA Section 2770.

Reasons why project is exempt: SMARA Section 2770(h)(1) states that the review and approval of an Interim Management Plan shall not be considered a project for the purposes of CEQA.

Lead Agency Contact Person: Jeff Anderson, Associate Planner

Telephone Number: (530) 666-8036

Signature (Public Agency): _____ Date:

Date received for filing at OPR:

**FILE #2011-009 FILE NAME: Syar Industries IMP
AUTHORIZED SIGNATURE _____**

**RECEIPT #65559
FEE STATUS _____**

ATTACHMENT C

CONDITIONS OF APPROVAL SYAR INDUSTRIES MADISON FACILITY INTERIM MANAGEMENT PLAN ZONE FILE #2011-0049

PLANNING DIVISION—PPW (530) 666-8036

1. The project shall be developed in compliance with the approved Interim Management Plan and with all adopted Conditions of Approval approved for Zone File #2011-0049. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. The approved Interim Management Plan shall expire five (5) years from the Date of Approval (December 8, 2016). Prior to the expiration of the Interim Management Plan, the applicant may submit an application to the Planning and Public Works Department to renew the plan for another period, not to exceed five (5) years. Any extension must be approved by the Yolo County Planning Commission.
3. The applicant shall continue to maintain updated financial assurances on an annual basis for the Syar Madison facility.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

4. At the point that any structure is proposed for demolition, the septic tank must be properly identified on all plans and abandoned at the same time in accordance with the health permit.
5. The wells and septic system must be maintained in a safe and sanitary condition or it must be destroyed in accordance with the health permit. The applicant shall coordinate with the Environmental Health Division if it is anticipated that the wells and/or the septic system will remain idle for more than one year.

PUBLIC WORKS DIVISION—PPW (530) 666-8811

6. The applicant shall continue to be responsible for joint pavement maintenance of County Road as outlined in Condition of Approval No. 64 in ZF 98-010.

COUNTY COUNSEL—(530) 666-8172

7. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly

notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action.

The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

8. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:
 - non-issuance of future building permits;
 - legal action.



INTERIM MANAGEMENT PLAN FORM
THE STATE MINING AND GEOLOGY BOARD



State of California
DEPARTMENT OF CONSERVATION
STATE MINING AND GEOLOGY BOARD
INTERIM MANAGEMENT PLAN FORM

CA MINE ID# 91-57-0015

MINE NAME Cache Creek Off-Channel Mining

1. Company Operating Syar Industries Inc.	Site Contact Person Jennifer Gomez	Telephone (707) 259-5728
Street Address/P.O. Box No. 2301 Napa-Vallejo Hwy.	City Napa	State/ZIP Code/County CA / 94558

2. Designated Agent's Name (Individual must reside in CA)	Mailing Address	
City	ZIP Code	Telephone

3. Owner of Mining Operation Syar Industries, Inc.	Telephone (707) 259-5728
Mailing Address 2301 Napa-Vallejo Hwy.	
City Napa	State/ZIP Code 94558
Country (If other than U.S.A.)	

4. Landowner Syar Industries, Inc.	Assessor's Parcel # See #9 Notes
Mailing Address 2301 Napa-Vallejo Hwy.	Telephone (707) 259-5728
City/State/ZIP Code Napa / CA / 94558	Country (If other than U.S.A.)

5. Number or description of reclamation plan amended by IMP ZF-98-010-Madison Plan Off-Channel Mining and Reclamation Plan	
Date Approved 02/16/1999	Copy Attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

6.a. Date Mine Became Idle 07/01/2011	b. Date Mining Expected to Resume 07/01/2016
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7.a. Previous Maximum Annual Production 1,071,955 (year 2003) tons	b. Production While Idle 40,000 tons
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INTERIM MANAGEMENT PLAN FORM
 THE STATE MINING AND GEOLOGY BOARD

8. Yes No Financial Assurances approved by Lead Agency. Complete section below for approved Financial Assurances:

ATTACH COPY AND PROOF OF APPROVAL

a. Amount	Type	Date Posted	Date of Annual Review by Lead Agency	Expiration Date or Renewal Date (if applicable)
\$1,118,385.95	Surety Bond	07/02/2012	09/09/2011	08/23/2012

b. Yes No Proposed changes to Financial Assurance. Yes No Financial Assurance Cost Estimate attached.

A plan for maintaining the site in a safe and stable condition that includes the following elements must be attached to this form. Check the following boxes to verify that the appropriate information is attached.

9. Management Plan (Attach narrative that addresses all of the following.)

- a. Description of Surface Mining Activities
- b. Erosion Control Plan (SWPPP) (Appendix D)
 If vegetation will not be used to control erosion while the site is idle, provide an explanation and describe an alternative method for surface erosion control in the previous section.
- c. Revegetation Plan (Appendix E)
- d. Public Safety (Appendix E)
- e. Monitoring and Maintenance Plan (Appendix E)
- f. Site Photos (Appendix A, Figures 2 and 3)
- g. Map (Appendix A, Figure 1; Appendix F, Figure 2)
 Check the appropriate boxes and attach a map that clearly depicts the relevant information at a legible scale.
 - Current Topography (Appendix F, Figures 3.1-3.2)
 - Permit Reclamation Plan Boundary (Appendix F, Figures 9.0-9.2)
 - Areas Disturbed by Surface Mining Operations (Appendix F, Figures 8.0-8.2)
 - Stockpiles of Ore, Overburden, Waste, etc. (Appendix F, Figure 8.0)
 - Sedimentation Pond (Appendix F, Figure 8.1)
 - Office, Shop, Scalehouse, or Other Structures (Appendix F, Figure 8.1)
 - Utilities
 - Site Drainage (Appendix D)
 - Erosion Control Structures (Appendix D)
 - Cross Sections (Appendix F, Figures 10.1-10.7)
 - Additional Information

Assessors parcel numbers: 049-060-14, 049-130-05, 049-130-27, 049-120-05, and 049-120-16

INTERIM MANAGEMENT PLAN FORM
THE STATE MINING AND GEOLOGY BOARD

10. Attachments

- Approved reclamation plan (Attach only if there are proposed changes) No Proposed Changes
- Financial Assurance Cost Estimate
- Approved Financial Assurance and Proof of Approval
- Storm Water Pollution and Prevention Plan (Attach only if the SWPPP will be used in lieu of separate erosion control plan)
- Permit
- CEQA Mitigation and Monitoring Plan (Attach if mitigation measures were imposed in approving the reclamation plan)

Prepared by	<i>Jennifer Gomez</i>	Date	<i>9-9-11</i>
Submitted by		Date	
Approved by		Date	



2011 INTERIM MANAGEMENT PLAN

**CA MINE ID# 91-57-0015
YOLO COUNTY PERMIT #ZF-98-010**

Prepared by:
John Perry R.C.E. #28167
Jennife Gomez

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FIGURES

- 1 Vicinity Map
- 2 Site Photos
- 3 Site Photos

APPENDICES

- A Figures 1 – 3
- B Financial Assurance Cost Estimate (FACE)
- C FACE Approval Letter for County
- D SWPPP
- E Mining and Reclamation Plan and Yolo County Permit
- F Required Maps (listed in 9 (g) of the OMR IMP Form)
- G Interim Management Plan Form (OMR)
- H Drainage Inspection Report (Yolano Engineers, 2011)

1 PROJECT DESCRIPTION

1.1 AUTHORITY AND PURPOSE

Section 2770 of the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code Section 2710 et seq.) states that within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1, the operator shall submit to the lead agency for review and approval, an Interim Management Plan (IMP). The requirement for an IMP was adopted as part of AB 3551 in 1990, and became effective in January 1991. "Idle" status means to curtail surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production for a period of one or more years with the intent to resume those surface mining operations at a future date. The approved IMP is considered an amendment to the surface mining operation's approved reclamation plan.

1.2 QUARRY LOCATION

The facility is located south of Cache Creek between County Road 87 on the west and County Road 89 on the east, approximately ½-mile north of the Town of Esparto and approximately 1-mile north of the Town of Madison in Yolo County (Appendix A, Figure 1).

1.3 QUARRY HISTORY

The Syar off-channel properties were acquired from various sources between the 1950s and the present. Previous County actions resulting in the approval of the past Syar Off-Channel Mining projects include:

- Approval of the Supplemental Environmental Impact Report (EIR) addressing the amended Syar Off-Channel Mining and Reclamation Plan.
- Approval of the Mining Plan and Conditional Use Permit for mining portions of APNs 049-130-05, 049-130-27, 049-120-06, and 049-120-16 for 30 years subject to a 20-year period extension at the end of 30-years.
- Approval of the reclamation Plan for portions of APNs 049-130-05, 049-130-27, 049-120-06 and 049-120-16. Reclamation will include removal of conveyor equipment from APNs 049-060-14, 049-120-05, 049-120-06, and 049-120-16 and the removal of processing plant equipment from APN 049-060-14.
- Approval of appropriate amendments to the Development agreement (No. 96-228).

1.4 CURRENT SITE CONDITIONS

Currently, the areas disturbed by mining at the Madison facility total approximately 401 acres. This facility operates under the Conditional Use Permit (No. ZF-98-010) approved and covered under the Development Agreement (No. 96-228) with Yolo County. Current site photos are included in Appendix A, Figures 2 and 3 of this report. Applicable mining figures, reclamation figures, and cross sections are included in Appendix F.

1.5 IDLE MINE DECLARATION

Syar Industries, Inc. has decided to declare its Madison Off-Channel Mining site as an idle mine pursuant to Section 2770 of the Surface Mining and Reclamation Act. The quarry has been idle due to the downturn of the economy and the lack of demand for the rock products produced at this facility (i.e. sand and gravel). There will be no production activities at this site during idle status. Stockpiles may be moved around and small amounts of material may be sold. Syar will maintain a current Storm Water Prevention Pollution Plan (SWPPP-Appendix D) which contains appropriate drainage features and the Best Management Practices that will be used at the site. This IMP will remain in effect from October 2011 to October 2016, or until such time as the mine may resume active status prior to 2016.

2 INTERIM MANAGEMENT

Several procedures will be followed to ensure that the mining site is maintained in a safe, stable condition while it remains idle. Syar will remain in compliance with all Yolo County Conditions of Approval for this site. There are multiple inspections required annually which will continue to be done as required. Syar personnel will continue to conduct the required annual inspection of County Road 89 and also the required inspection of the drainage structures at the site. In addition, a conditions of approval compliance report written and submitted to Yolo County in November, annually will continue to be completed by Syar. There is an on-site person who ensures that the site is secure and that all required Best Management Practices are in place and working.

Currently Syar's off-channel mining facility is partially reclaimed (vegetation berm), and much of the approved revegetation that is required in the reclamation plan (Appendix E) has been completed. A berm was construction on the west and south borders of the existing mining area (Area B). This berm has been vegetated with grass, trees and shrubs. No significant erosion or sediment control problems are evident at the site. Fencing and locked gates are maintained to restrict unauthorized access.

The Site Contact Person for this facility is Mr. Ted Pearson (phone: (530) 787-2026; cell phone: (530) 308-5324). Mr. Pearson has the authority at this facility and would be the contact should the lead agency require immediate action taken. If Mr. Pearson cannot be reached Ms. Jennifer Gomez (phone: (707) 259-5728) would be the second contact.

2.1 DRAINAGE AND SEDIMENT CONTROL

Drainage

The mining site and surrounding areas are nearly flat with less than a 1% slope across the land from northwest of southeast. Prior to mining taking place in 1999 the large property holdings making up the mining sites were typically dividied into a series of agricultural fields which are graded for use by the farmer. North-south service roads generally follow property lines while east-west service roads follow power lines or are positioned at intervals for convenience to the farmer. Deep drainage ditches typically follow the north-south service roads. Individual fields are leveled independent of surrounding fields, however the field drainage typically flows south and east to the roadside ditches and then toward Willow Slough to the south.

With the start of mining overall drainage in the area did not change. Drainage is still controlled along ditches at the edges of the haul roads. The perimeter haul roads are elevated above the surrounding terrain to prevent runoff form the surrounding fields to enter the excavation areas and also as protection against potential flooding from Willow

Slough from the south. Drainage from these roads are directed south and east to existing roadside ditches.

The stockpiles located along the northside of Mining Area B were designed to flow east and south to existing roadside ditches. The ditches flow first into a sediment trap before water is drained through a pipe into the adjacent field drainage system.

Sediment

As stated before, surface terrain in the mining area is relatively flat. Surface runoff velocity is not high, therefore the incidence of erosion is minimal. The potential release of sediments from loose soil is related to swift moving runoff which can carry sediment to slow moving ditches and channels where it can settle out and cause reduced capacity. If high turbidity or high concentrations of suspended sediments enter into Cache Creek the result can be aesthetically displeasing and harmful to fish and other aquatic life. This mining area was designed so that sediment laden water does not flow into the adjacent Cache Creek. Steps are taken (i.e. erosion control measures) so that sediments are not released from the site. If small amounts of sediment do leave the site the water enters into the nearby drainage ditches which are slow moving allowing for sediment to drop out prior to leaving the area.

Presently Madison Off-Site Mining site is operating under an Industrial SWPPP dated April 2011 (Facility ID 327I005116). Appropriate Best Management Practices (BMPs) are implemented as needed to prevent erosion and the discharge of sediment into off-site drainage. The current SWPPP is included in Appendix D of this report.

In addition, Yolano Engineers conducts an annual inspection of the drainage features at the site. The annual drainage plan inspection report is included in Appendix H. The most recent drainage inspection report is dated October 29, 2010. The report states that the original design assumptions are still valid and that the drainage features should be maintained.

2.2 PUBLIC SAFETY

The public does not have direct access to this facility. The site is fenced and signage posted. The quarry manager and staff are on site during the day to conduct maintenance activities. The surrounding lands are private property.

2.3 MONITORING AND MAINTENANCE PLAN

The use permit approved on April 1, 1998 contained eighty (80) Conditions of Approval (COA). The COA's are included in Appendix E of this report. Syar Industries, Inc. is in compliance with all of the COA's required under the approved use permit. In addition, none of the conditions will be violated by maintaining idle status.

3 RECLAMATION PLAN

If Syar Industries, Inc. decides to terminate quarry operations rather than resuming mining, then the approximately 401 acres of land that have been disturbed by previous mining activities will be reclaimed according to the Reclamation Plan (June 1999) approved under the Yolo County Use Permit #ZF-98-010 (Appendix E).

3.1 AREA COVERED BY RECLAMATION PLAN

Six land parcels are covered by the Reclamation Plan. They are Mining Areas A and B, two intervening parcels, through which the conveyor runs and the plant site. Mining Area A is completely mined and is currently being filled up with processing fines and will be reclaimed to row crops. Mining Area B consists of B-1 and B-2. B-1 is partially mined at this time. The current state of this area is an open lake. Area B-2 is currently planting with row crops until the time comes when more mining area is warranted. The Reclamation Plan is included in Appendix E of this report.

The berm, which is required under the Use Permit, has been built and vegetated along the west and southern borders of Mining Area B.

3.2 ULTIMATE PHYSICAL CONDITION OF THE SITE

There are two methods of reclamation for the mined lands: row crops and open lake. First, row crops include a higher value crops such as tomatoes. Mining Area A and the plant site are designated to be reclaimed to row crops. Mining Area A will be filled with sediment, overburden and excess soil to a level 6 feet below the original ground surface. Above the fill level, will be placed 4 feet of B Horizon soil and 2 feet of A Horizon soil to restore the proper agricultural soil profiles for row crops. Both of which have been stockpiled to the north of Area B for future use. The surface soils will be returned in layers of 1 foot depth and ripped to a depth of three feet as each layer of soil is applied in order to minimize compaction. The plant site will require top soil and ripping only. The resultant fields will be filled to the original ground surface level. Row crops will be surveyed and re-leveled, if necessary, at the end of the second year following filling to eliminate localized settling and to avoid localized ponding detrimental to crop yield. Reclaimed row crop fields will be drained similarly to existing row crop fields at the original ground surface. Row crop fields will be separated from the open lake by the raised access roads constructed at the lake perimeter. Additional separation will be provided by the nine foot high landscape berm, constructed outside of the access roads at Mining Area B.

Second, Mining Area B-1 and B-2 (referred to as B) will comprise a single uninterrupted excavation that will be reclaimed as an open lake. The maximum depth of the excavation will be 140 feet below original ground surface. Most of the excavation will be constructed with a 2:1 slope down to a level 5 feet below summer low water

elevation (Elevation -65). And then 1:1 for the remainder to the bottom. A permanent island will be constructed with a 3:1 slope extending down to 5 feet below the summer low water elevation. The north edge of the lake will be refilled with excess clay waste, overburden and topsoil resulting in an undulating shoreline having an average 8:1 slope. Water from Cache Creek will move through the permeable alluvial deposits below and adjacent to the creek into the open lake and, following the prevailing movement of groundwater in the area, will move laterally into the aquifer at the south and southeast edges of the open lake. The pond is estimated to have a surface area of about 162 acres and an average depth of approximately 80 feet in the winter when the potential for lateral movement from winter flow in Cache Creek is highest. This translates to a temporary storage volume of about 12,960 acre feet.

The area covered by the conveyor will be reclaimed to row crops or access roads. There is also a 10 acre area located to the north of Mining Area B which will be used as a habitat corridor between the open lake and the top of bank of Cache Creek. This area is discussed in Section 3.3 of this report.

3.3 REVEGETATION PLAN

As previously stated Mining Area A and the plant site will be reclaimed to row crops, as will the land covered by the conveyor belt, in some cases. Revegetation of the side slopes of the open lake will consist of riparian and oak woodland vegetation. In addition, a 10 acre portion of the creek setback (north of Mining Area B) between the open lake and the top of bank of Cache Creek will be planted with native grasses, shrubs and trees to provide a connection from the lake and the creek. This area is considered a Net Gain and is not part of mining reclamation.

The required berm construction and revegetation associated with that project have already been completed prior to the start of mining. Therefore, the berm revegetation activities are not discussed in this section.

The objective of the revegetation effort is to achieve a viable habitat consisting of herbaceous plants for erosion control on the excavation side slopes (0 to -29 below ground surface (BGS)); freshwater marsh species for the slopes of the lake within 7 feet of the winter waterline (El. -29 to -22); riparian woodland in the mid-slope (El. -22 to -15); and oak woodland species comprising approximately 65% tree cover for the remainder of the slope (El. -15 to 0).

Revegetation specifics on plant species to be used and monitoring requirements are included in the Mining and Reclamation Plan included in Appendix E of this report.

4 FINANCIAL ASSURANCE

Currently the Madison Off-Channel Mining Site is up to date on the financial assurances. In addition a bond has been put in place as required. Appendix B and C of this report contain the current financial assurance cost estimate, current bond and proof of approval.