

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



December 8, 2021

The Honorable Quirina Luna Geary, Chairwoman
Tamien Nation
PO Box 8053
San Jose, CA 95155

Subject: Formal Notification pursuant to Assembly Bill 52 (Public Resources Code 21080.3.1) for implementation of the proposed revised Permanente Creek Restoration Plan

Dear Chairwoman Quirina Luna Geary,

Lehigh Southwest Cement Company/ Hanson Permanente Cement, Inc (Lehigh) is proposing to implement the revised Permanente Creek Restoration Plan (PCRP) to fulfill the requirements set forth in the Amended Consent Decree between the Sierra Club and Lehigh / Hanson Permanente Cement, Inc. dated May 11, 2016. Implementation of the PCRP would focus on the removal of structures in and adjacent to Permanente Creek and restoration of the creek's riparian zone. PCRP would also restore and modify specific segments of Permanente Creek located in an up-to 135-acre area that is partly within and partly outside of the existing reclamation plan boundary. The PCRP is described and shown in detail on figures included in the Permanente Creek Restoration Plan 90% Level Submittal Design Basis Technical Memorandum prepared in 2019 by Waterways Consulting Inc. (90% Design Memo). A copy of the 90% Design Memo is available on the Santa Clara County's (County's) website:

https://stgenpln.blob.core.windows.net/document/2250_PCRP_Resubmittal_TechnicalMemorandum.pdf

Santa Clara County, Department of Planning and Development (Department) is the lead agency under the California Environmental Quality Act (CEQA) and prepared a Supplemental Environmental Impact Report (SEIR) to analyze new potential environmental impacts that were not analyzed in the 2012 EIR due to changes to the PCRP. The Notice of Preparation for the project was released on April 12, 2021 and is available on the County's website:

https://stgenpln.blob.core.windows.net/document/PLN17_2250_FINAL_PCRP_NOP.pdf

As part of the cultural resources review of the proposed project under CEQA, we are writing to request any information that you are willing to share about cultural resources that may be in close proximity to the proposed project area depicted in Figure 1 of the NOP, including those meeting the definition of a Tribal Cultural Resource under Public Resources Code (PRC) Section 21074, which includes sites, features, cultural landscapes, sacred places and objects with cultural value to a California Native American Tribe. Your assistance in identifying such resources allows for them to be avoided and protected to the maximum extent feasible. We understand that the locations of these resources are sensitive. Resource locations will not be disclosed in public

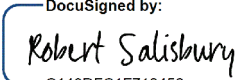
documents and will be kept confidential as provided for under California Government Code Section 6254.10.

This letter also serves as a formal invitation to the Tamien Nation to consult with the Department regarding the proposed project under Assembly Bill 52 (AB 52), pursuant to PRC Section 21080.3.1. If the Tribe would like to participate in formal consultation with the Department concerning the proposed project, please notify the undersigned in writing, within 30 calendar days of the receipt of this formal notice. After the Tribe's written request is received, the undersigned, or a representative of the Department will contact you within 30 calendar days to begin the consultation process.

If a written request is not received by the Department within 30 calendar days, the consultation process under PRC Section 21080.3.1(b) will not take place; however, the Department is committed to working together with your tribe to properly account for and manage resources important to the Tamien Nation and we welcome any recommendations regarding appropriate management or treatment of resources that occur within the project area. This notification does not limit the ability of the Tribe to submit information to the Department (PRC Section 21080.3.2(c)(1)).

If you have any questions regarding the foregoing, please contact me at 408 299-5785 / robert.salisbury@pln.sccgov.org.

Sincerely,

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Robert Salisbury, Senior Planner
County of Santa Clara Planning Office