

October 15, 2021

VIA ELECTRONIC MAIL

Elizabeth G. Pianca, Esq.
Lead Deputy County Counsel
Office of the County Counsel, County of Santa Clara
70 West Hedding Street, 9th Floor
San Jose, CA 95110

Re: Permanente Quarry, Reclamation Plan Amendment Process

Dear Elizabeth:

In light of the Superior Court's recent decision, Lehigh has turned its focus to the reclamation plan amendment process, and in particular, to the sequencing of any vested rights consistency hearing as part of that process.

The Superior Court considered the vested rights determination to be an element of the overall administrative process to approve the reclamation plan amendment. Thus, to maintain consistency with that ruling, a vested rights hearing should logically occur as part of the hearings already required by law to approve the project under CEQA and SMARA. In addition, because reclamation plan proposals often are modified and refined through the CEQA process, the project could change over the course of that process in ways that affect the scope of the vested rights review.

For these reasons, Lehigh believes that it is in both Lehigh's and the County's interest to sequence the vested rights hearing so that it occurs concurrently with the hearings to certify the EIR and approve the reclamation plan amendment. We ask that the County consider this request and let us know if it is acceptable. In the meantime, Lehigh will provide its comments on the CEQA scope and budget and fund the CEQA review.

Thank you for your attention to this matter. As always, it is a pleasure working with you and please do not hesitate to contact me if you have any questions about this request.

Best Regards,
HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON



By
Sean Hungerford, Esq.

Elizabeth G. Pianca, Esq.
Office of the County Counsel
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cc: Erika Guerra, Lehigh Southwest Cement Company
Jacqueline Onciano, Director, Department of Planning and Development