

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



February 13, 2020

Ms. Erika Guerra
Environmental and Land Management Director
Lehigh Hanson, Inc. .
24001 Stevens Creek Blvd
Cupertino, CA 95014

FILE NUMBER: PLN19-0067 and PLN19-0106
SUBJECT: Request to consolidate Major Reclamation Plan Amendment applications
SITE LOCATION: 24001 Stevens Creek Blvd.

Dear Ms. Guerra:

This letter is regarding the concurrent processing of two Reclamation Plan Amendment applications submitted by Lehigh Hanson, Inc. ("Lehigh"), currently under review with the County of Santa Clara ("County"). On March 25, 2019, Lehigh submitted a Reclamation Plan Amendment application, County File No. PLN19-0067 ("Application #1"), that addresses mining related disturbances outside the approved 2012 Reclamation Plan boundary. This disturbance was caused by, among other things, the creation of an unpermitted haul road between Lehigh Permanete Quarry and Stevens Creek Quarry. After deeming the application incomplete and requiring a resubmittal, the County deemed Lehigh's revised Application #1 complete on August 29, 2019.

Separately, on May 22, 2019, Lehigh submitted a second Reclamation Plan Amendment application, County File No. PLN19-0106 ("Application #2"), that proposes to replace the 2012 Reclamation Plan in its entirety. Among proposed modifications, Application #2 includes an expansion of the Reclamation Plan boundary to encompass the haul road area identified in Application #1, although there is inconsistency between the stated purpose of the haul road in Application #1 (intermittent light-duty vehicle use and utility company access) and Application #2 (customer access from the adjacent Stevens Creek Quarry). After requiring resubmittal, the County deemed the revised Application #2 complete on November 8, 2019.

As both Application #1 and Application #2 encompass the same geographic area, the County requests that Application #1 and Application #2 be consolidated into a single, internally consistent, and unified application for a Reclamation Plan Amendment. This approach will avoid duplication of review, create efficiencies, and bring clarity to the process to members of the public.

The County accordingly requests that Lehigh:

Santa Clara County Planning Division
File No. PLN19-0067 and PLN19-0106
Reclamation Plan Minor Amendments

- a) Submit a written request to withdraw Application #1 (County File No. PLN19-0067);
and,
- b) Submit modifications to Application #2 (County File No. PLN19-0106), as necessary and appropriate, incorporating any geographic areas and elements from Application #1 not shown in Application #2 in a manner that avoids internal inconsistencies in the project description.

Lehigh's submission of Application #1 resulted in the County's determination that the Notice of Violation issued by the County on August 17, 2018 had been abated. Lehigh's withdrawal of Application #1 and modification, if any, of Application #2 will not change the County's prior determination that the Haul Road violation has been abated.

In compliance with SMARA, the County conducts annual inspections of the surface mining areas at Lehigh Permanente Quarry and requires modifications to the Financial Assurance Cost Estimate ("FACE") and Financial Assurance Mechanism ("FAM") to ensure there are adequate financial resources available to fund reclamation of the quarry. The area of mining related disturbance associated with the August 17, 2018 Notice of Violation will be assessed during the next SMARA inspection and FACE review to determine if any adjustments are required.

As Application #2 was deemed complete on November 8, 2019, the County continues to process this application in compliance with SMARA, CEQA, and the Permit Streamlining Act. The County is currently reviewing a scope of work and budget for preparation of an Environmental Impact Report (EIR) for Application #2 by ESA, the firm retained by the County to prepare the EIR. The County will provide Lehigh with a request for funding and a timeline to complete the EIR once the County has finalized the scope of work and budget with ESA.

If you have any additional questions regarding this application, please contact me at robert.salisbury@pln.sccgov.org / (408) 299-5785.

Sincerely,



Robert Salisbury
Senior Planner

cc: Jacqueline Onciano, Planning Manager, County of Santa Clara
Rob Eastwood, Planning Manager, AICP, County of Santa Clara
Manira Sandhir, Principal Planner, AICP, County of Santa Clara
Jim Baker, County Geologist, County of Santa Clara
Elizabeth G. Pianca, Lead Deputy County Counsel, County of Santa Clara
Michael Rossi, Lead Deputy County Counsel, County of Santa Clara
Kristina Loquist, Office of Supervisor Simitian, County of Santa Clara
Paul Fry, Engineering and Geology Unit Manager, Division of Mine Reclamation
Roger Lee, Acting Public Works Director, City of Cupertino