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March 25, 2019

Rob Eastwood
Planning Manager
Department of Planning and Development
County of Santa Clara
70 W. Hedding Street, 7th Floor
San Jose, CA 95110

**RE: PERMANENTE QUARRY, MINE ID #91-43-0004
REVISED UTILITY ROAD RECLAMATION PLAN AMENDMENT**

Dear Mr. Eastwood:

On behalf of Lehigh Southwest Cement Company (Lehigh), I hereby submit the accompanying revisions to Lehigh's November 9, 2018 application for a Minor Amendment to the Permanente Quarry's reclamation plan.

The background to this submittal is as follows. On August 17, 2018, Santa Clara County (County) issued a notice of violation (NOV) because Lehigh allowed Stevens Creek Quarry (SCQ) to use an existing, unpaved access road to enter the Permanente Quarry and retrieve aggregates purchased from Lehigh under a commercial agreement. This road was used because it was the shortest route between the quarries and avoided the use of surface streets. The road was not new; it had existed for decades and was improved to support heavy trucks. SCQ used the road for months in 2018 to transport aggregate purchased from Lehigh. The NOV required Lehigh to submit a reclamation plan amendment to incorporate the haul road into the reclamation plan boundary. On November 9, 2018, Lehigh submitted a proposed Minor Amendment to the reclamation plan that included both the existing utility road and a planned haul road.

On February 20, 2019, I notified the Planning Director, Jacqueline Onciano, that Lehigh was withdrawing and modifying its November 9, 2018, application to remove a planned road to the SCQ and to modify the Minor Amendment to apply only to the existing access road. In addition, based on comments by Planning Department staff that were made during our March 13, 2018 monthly status update meeting, Lehigh has been advised that the Minor Amendment should be revised also to include additional access roads in other areas. Enclosed please find the revised application for a Minor Amendment to the reclamation plan which includes these areas.

This application is to modify the reclamation plan boundary of Permanente Quarry by approximately 63 acres. The boundary incorporates the existing utility road, Plant Quarry Road, and maintenance roads located west of SCQ into the approved reclamation plan. The

approximately 3,600-foot segment of Plant Quarry Road is incorporated per the County's request. This road is one of the primary access roads connecting the eastern and western portions of the property. A portion of the segment was constructed in or about 1939 and the entire segment was completed by 1980. Historically, the road has provided general support for cement manufacturing and mining operations on the property. The County requested that Lehigh include this road segment within the reclamation plan boundaries on the basis that the segment is currently used by off-road quarry trucks that circulate between the North Quarry and Rock Plant. These trucks transport aggregate materials from the North Quarry to the Rock Plant on a different road and use the Plant Quarry Road in their return trip to the North Quarry.

The reclamation boundary amendment also includes existing maintenance roads located westerly of the utility road. These roads are used for general maintenance and site access.

Lehigh has accommodated the County's request and included the Plant Quarry Road and other maintenance road segments into the reclamation plan boundaries. This boundary change, however, will not involve reclamation closure requirements for these two areas because, when the road segments are no longer needed to support active mining operations, they will remain in place to provide general site access or to continue serving the cement plant, a separately permitted industrial use that is not subject to SMARA.

This reclamation plan amendment supersedes the reclamation plan amendment filed with the County on November 9, 2018.

VESTED RIGHTS

Permanente Quarry is a "vested" surface mining operation, as determined following a County Board of Supervisors public hearing on February 8, 2011. The vested right, therefore, includes the right to continue surface mining operations within the area determined subject to those vested rights. The utility road and the other roads covered by this Minor Amendment all lie within this vested area. Further, the access roads subject to this Minor Amendment are all existing and approval of the Minor Amendment will not result in any change or intensification in use.

APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEW

Therefore, the proposed project from a California Environmental Quality Act (CEQA) perspective would be limited to the reclamation activities associated with the utility road and adjacent existing disturbed areas. The enclosed reclamation plan amendment would apply the reclamation actions (primarily sediment and erosion control and slope stability) provided in the approved reclamation plan and recently amended storm water pollution prevention plan to all disturbed areas. The proposed activities would have beneficial or no impacts to the environment (reclamation of disturbed areas or no activities), apply existing approved measures, and create no significant impacts to the environment. Lehigh, therefore, recommends that the County can and should determine that the minor reclamation plan amendment is exempt from CEQA under Class 1 (Existing Project) and Class 4 (Minor Alterations to Land).

APPROVED END USE OF PROPERTY

The existing utility road, Plant Quarry Road, and other maintenance roads incorporated west of SCQ will be retained following mining operations to provide long-term access by public utilities and/or Lehigh, as needed. A portion of the utility access road is currently included in the approved reclamation plan (see Figure 3.16-14). The intent of this reclamation plan amendment is to include mining-related disturbance located within the County's jurisdiction within the reclamation plan boundary. The approved plan provides for a postreclamation land condition suitable for open space uses. This use is consistent with the applicable land-use policies and zoning requirements. Arguments to the contrary are inconsistent with the approved reclamation plan and allowed and permitted uses under the County's applicable land use policies and zoning code sections. Lehigh looks forward to working with you and the County in processing the enclosed application. Please do not hesitate to contact me at (408) 257-7476 ext. 106 if you have questions or comments.

Sincerely,



Erika Guerra
Environmental and Land Management Director
Lehigh Southwest Cement Company

cc:

Jacqueline Onciano, 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

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