

County of Santa Clara

Department of Planning and Development
Planning Office

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May 17, 2019

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

FILE NUMBER: PLN19-0071
SUBJECT: Reclamation Plan Amendment Pre-application
SITE LOCATION: 24001 Stevens Creek Blvd.
DATE RECEIVED: April 2, 2019

Dear Ms. Guerra:

This letter summarizes application requirements and preliminary issues associated with the Permanente Quarry Reclamation Plan Amendment Pre-application (“Application”), submitted by Lehigh Hanson, Inc. on April 2, 2019. A pre-application meeting was held on April 24, 2019 attended by yourself, Dave Brown with Benchmark Resources, and Robert Salisbury, Jim Baker, and Rob Eastwood with the County of Santa Clara Planning Division, to discuss issues related to the proposed Lehigh Reclamation Amendment and mining expansion, and provide input on agency requirements. Due to the limited information provided in the pre-application materials, the County recommends that Lehigh Southwest Cement Company apply for a second pre-application with more complete information about the contemplated mining expansion, which would allow the County to provide additional specific comments and recommendations.

As shown in the submitted conceptual plans, Lehigh intends to expand mining operations within the existing main quarry pit and expand surface mining activities into an area located southwest of the Rock Quarry plant. Included herein are comments, requirements and suggestions that will need to be incorporated into the required application submittal, commensurate with the level of information provided in the pre-application materials.

A. Vested Rights Consistency Determination

The County Board of Supervisors determined on March 1, 2011 (“2011 Vested Rights Determination”) that Lehigh possesses vested rights to conduct quarry surface mining operations on thirteen Quarry parcels. Several of these parcels, (APNs 351-09-023; -013; -025; -020; -022; and 351-10-033) which lie within unincorporated County jurisdiction, appear to encompass the proposed expansion areas, as shown on the submitted pre-application materials

Lehigh Expansion Reclamation Plan Amendment Pre-application

The County must accordingly determine whether the proposed surface mining and any associated activities fall within the scope of Lehigh's recognized vested rights. Should the County determine that the proposed surface mining fall outside the scope of Lehigh's vested rights, Lehigh would be required to obtain a Use Permit to undertake these mining-related activities pursuant to Santa Clara County Zoning Ordinance § 4.10.370 and the California Surface Mining and Reclamation Act of 1975 ("SMARA"), Pub. Res. Code § 2770(a).

For the County to determine whether the proposed surface mining falls within the scope of Lehigh's recognized vested rights, the County must answer the following questions to make the vested rights consistency determination:

1. Are the proposed uses incidental or auxiliary to the Quarry's surface mining operations as they existed at the 1948 vesting date recognized by the 2011 Vested Rights Determination?
2. Would the proposed uses substantially change the Quarry's surface mining operations as they existed at the 1948 vesting date?
3. Would the proposed uses impermissibly intensify the Quarry's mining operations?

In the Reclamation Plan Amendment application, please provide information responsive to these questions that will assist the County determination as to whether the proposed expansion falls within the scope of Lehigh's recognized vested rights. Please include a comparison of Lehigh's operation in 1948 compared to the proposed mining activities, including specific information about the type of material being harvested, the volume of material extracted, and the proposed use of the harvested material.

B. Application is a Major Reclamation Plan Amendment

Based on the information provided in the pre-application materials, County Planning Division staff have determined that the Lehigh Quarry Reclamation Plan Amendment does not meet the criteria specified in Santa Clara County Zoning Ordinance § 4.10.370 3.a, and therefore will be processed as a Major Reclamation Plan Amendment. The required Major Reclamation Plan Amendment application fee of \$9,117.41 must be submitted with the application, along with the required in-depth geologic report review fee of \$1,633.00.

C. Application must include contents of a Reclamation Plan required under SMARA

California Public Resources Code § 2772 specifies the required contents of a Reclamation Plan. The forthcoming Major Reclamation Plan Amendment to be submitted by Lehigh Southwest must include the elements specified and required by California Surface Mining and Reclamation Act of 1975 ("SMARA"), Pub. Res. Code § 2772. If any of the requirements specified in this section are not included, the application shall be deemed incomplete by the County of Santa Clara.

D. Application must include a Geological/Geotechnical Report

The Major Reclamation Plan Amendment application must include a geological/geotechnical report which evaluates the long-term slope stability of the proposed finished slopes, and provides recommendation as necessary to ensure that the proposed finished slopes will be stable. In particular, the southern expansion area, located in close proximity to the Stevens Creek Quarry where significant slope failures have occurred, may have similar geologic conditions to Lehigh's proposed southern expansion area.

If there are any questions about the scope of the required geological/geotechnical report, please contact the County Geologist at (408) 299-5774 for additional information and/or clarification.

E. Application must include Engineered Drainage Plans & Selenium Treatment Plans

The application must include engineered plans which delineate the extent of the proposed mining, geometry of finished slopes, existing drainage patterns and drainage patterns of finished slopes, and which shows how surface water flows will be collected and routed through sediment settling basins prior to discharge. Also demonstrate how selenium from the proposed mining and reclamation activities will be contained and treated prior to discharge into Pemanente Creek.

F. Project requires an EIR

The project requires preparation of an Environmental Impact Report ("EIR"). The EIR will be prepared by a consultant under contract with the County, for which the County has requested funds from Lehigh Southwest Company. Pursuant to the preparation of the required EIR, the County's consultant and/or subconsultant will prepare a variety of technical reports, including but not limited to air quality analysis, biology report, visual impact analysis, Green House Gas emissions analysis, etc.

Please see the enclosed invoice dated May 9, 2019 requesting the first payment of funds for preparation of the required EIR. The County will provide monthly updates on how these funds are utilized, and will send additional invoices as required.

G. Modification of Scenic Ridgeline Easement

The submitted pre-application materials appear to indicate that the proposed Lehigh Quarry expansion may be in conflict with the existing Scenic Ridgeline Easement which was granted to the County in 1972. In addition, Lehigh has made inquiries of Santa Clara County related to modifying the existing Scenic Ridgeline Easement. Please clearly indicate in the Major Reclamation Plan Amendment application any proposed mining or reclamation activities which would conflict with the County's Scenic Ridgeline Easement. If the proposed expansion of Lehigh Quarry requires amendment of the Scenic Easement, an additional application may be required.

Lehigh Expansion Reclamation Plan Amendment Pre-application

Sincerely,



Robert Salisbury
Senior Planner

Encl:

cc: Jacqueline Onciano, Director of Planning and Development, 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 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
Brian Thompson, Senior Engineering Geologist, San Francisco Bay Regional Water Board