

November 13, 2020

VIA EMAIL ONLY

Jacqueline R. Onciano
Director of Planning and Development
County of Santa Clara Planning Office
70 West Hedding Street, 7th Floor
San Jose, CA 95110

Re: Permanente Quarry – EIR Budget and Scope of Work

Dear Ms. Onciano:

On August 5, 2020, the Planning Department (“Department”) provided Lehigh Southwest Cement Company (“Lehigh”) with a proposed scope of work and budget to prepare an Environmental Impact Report (“EIR”) in order to process Lehigh’s application to amend its reclamation plan (File No. PLN 19-0106). This letter responds to the Department’s verbal request made on November 9, 2020 that Lehigh offer comments on the scope and budget.

For the reasons explained in our October 28, 2020 letter, the Department’s treatment of the application so far is fundamentally flawed. The Department is treating the application as though Lehigh applied for a use permit which Lehigh did not apply for. The Department also has incorporated this flaw into its scope and budget. Essentially, the Department is requesting that Lehigh offer comments on a different project than we applied for.

The effect of this on the scope and budget appears to be significant. The assumption that the “project” includes a use permit appears to account for much of the extraordinary large estimate of nearly \$1.1 million to prepare an EIR. The budget appears to assume that the technical studies that Lehigh filed with the application need to be redone by the Department’s consultant in order to prepare an EIR that redefines the project to require a use permit.

It would be neither wise nor productive for Lehigh, the County or any interested party to comment at this time on a scope and budget that does not match the application. If and when the Department revises the scope and budget to accurately reflect the application that was actually filed and accepted as complete, Lehigh will promptly provide its comments.

The Department should not interpret anything in this response to reflect a desire to abandon the application. To the contrary, and as we have expressed on and many occasions over the past several months, it is critical that we amend the reclamation plan in a reasonable timeframe, and we are deeply

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concerned over the lack of progress, and desire only that the Department agree to process the application in the same form as it was accepted as complete.

We look forward to the Department's response.

Sincerely,



Erika Guerra
Environmental and Land Management Director
Lehigh Southwest Cement Company

cc: James R. Williams, Esq., Office of the County Counsel
Mark D. Harrison, Esq.