County of Santa Clara

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December 7, 2023

Gregory Ronczka
Vice President of Environment and Sustainability
Heidelberg Materials North America
Lehigh Hanson, Inc.
24001 Stevens Creek Blvd
Cupertino, CA 95014

FILE NUMBER: PLN23-100
SUBJECT: Major Reclamation Plan Amendment
SITE LOCATION: 24001 Stevens Creek Blvd.
DATE RECEIVED: June 14, 2023

Dear Mr. Ronczka:

The purpose of this letter is to inform you that the Major Reclamation Plan Amendment (RPA) application ("Application") submitted by Lehigh Southwest Cement Company ("Lehigh") on June 14, 2023, has been deemed **incomplete.** To complete the Application, Lehigh shall submit the following information requested in Section II (Summary of Required Supplemental Information) no later than 180 days from the date of this letter.

I. Project Description

Lehigh submitted an Application to amend the existing Reclamation Plan for Lehigh Permanente Quarry ("Quarry") approved by the Santa Clara County ("County") Board of Supervisors on June 26, 2012, herein referred to as the 2012 Reclamation Plan. The Application proposes to amend the 2012 Reclamation Plan, including the following significant modifications:

A. Reduction of the reclamation plan boundary area by 317.6 acres by removing the "Exploration Area" identified in the 2012 Reclamation Plan that contains access roads and areas were exploratory drilling occurred. This would decrease the total reclamation plan area from 1,238.6 acres to 921 acres.

B. Importation of approximately 42 million cubic yards (c.y.) of clean fill to fill the quarry pit as part of final reclamation design. Under the approved 2012 Reclamation Plan, overburden material at the West Materials Storage Area ("WMSA") was proposed to be used for backfilling of the quarry pit. The Application instead proposes that 31.2 million cubic yards of off-site clean fill would be used in combination with acceptable WMSA

overburden material to fill (reclaim) the quarry pit. The remainder WMSA overburden material would be left in place.

C. Reclamation of pre-SMARA slopes along Permanente Creek that were previously excluded from the 2012 Reclamation Plan. This reclamation activity is intended to enhance the success of the Permanente Creek Restoration Project, which is a separate and independent project from this Application.

II. Summary of Required Supplemental Information

The following is a summary of the information that Lehigh shall provide to the County to complete its Application:

A. 2012 RPA Exploration Area removed from proposed RPA

As identified in the 2012 Reclamation Plan, the Exploration Area is proposed for reclamation as it consists of exploratory work alterations to the landscape that constitute "surface mining operations" under SMARA (Public Resources Code Section 2735). The proposes RPA's Figure 7 (Reclamation Boundary and Components) shows the removal of this area, while Figure 8 (Reclamation Grading Plan) identifies reclamation activities for this area. Please modify the proposed RPA boundary to include the Exploration Area or provide documentation on how this area will be reclaimed prior to approval of the proposed RPA. The Exploration Area needs to be fully reclaimed before it can be removed from the Reclamation Plan boundary, and reclamation shall be achieved prior to approval of the proposed RPA.

B. Fish and Wildlife Habitat Protection

While the proposed RPA provides information on biological resources and habitat conditions of the RPA area, it does not identify protection measures for Fish and wildlife habitats as was provided in the 2012 RPA. Please identify proposed biological resource protection measures.

C. Availability of Clean Fill

The RPA application states that an investigation of the types and quantities of surplus soil from regional infrastructure projects was completed for the RPA, and this investigation found that 2 million c.y. of suitable surplus clean fill material is available in Santa Clara, San Mateo, San Francisco, and Alameda Counties on an annual basis. Please provide this market data and include an evaluation of the availability of the low permeability material that the RPA proposes to utilize as cover for the West Materials Storage Area (WMSA), East Materials Storage Area (EMSA), and Quarry.

D. Protocol for Imported Soil

The RPA application states that an imported soil management plan will be developed and reviewed by RWQCB to govern the procurement and placement of imported fill and outline a systematic approach for acceptance. Please provide additional details about this management plan, including how suitable soil will be identified, and details about the screening criteria that will be used.

E. Interim storage of imported material

The RPA application states that 31.2 million c.y. of material will be imported from off-site sources, and that this material would be imported at a rate of 500,000 c.y. to 1,000,000 c.y. annually. Please provide details as to how and where this material will be stored prior to its reclamation use.

F. Aggregate storage area

The proposed RPA's Figure 8 (Reclamation Grading Plan) identifies an aggregate storage area in the WSMA. Please provide further details on the extent of aggregate to be stored in this area and anticipated height of aggregate piles to determine if a visual impact could occur.

G. Disposition of drainage outfalls and future disposition of water quality treatment facility

Please provide additional detail about when the water quality treatment systems and drainage outfalls will be removed. Currently the submitted Reclamation Plan Amendment only explains that these are to remain beyond closure under SMARA.

H. Truck Routes for Importation of Fill

The RPA proposes to import 31.2 million c.y. of offsite fill and estimates that between 500,000 and 1,000,000 c.y. of fill would be imported to the site each year. Please provide detail about the route that haul traffic will take when the fill is being imported to the site.

I. Santa Clara County Road and Airports comments

1. Approximately 2,300 feet of Permanente Road is County maintained road/ right-of-way (ROW) within the reclamation plan boundaries. Other road segments in the entrance area are City roads or private roads. The RPA should identify which road segments are public roads (and if City or County maintained) and which are private roads.
2. An encroachment permit with Roads and Airports Department is required for any work within County ROW.

For questions regarding Road and Airport comments, please contact Thomas Esch at Thomas.esch@rda.sccgov.org.

J. County Geologist comments

Please see the enclosed memo that contains comments provided by the Santa Clara County Geologist. For questions regarding Geology comments, please contact County Geologist David Seymour at David.Seymour@pln.sccgov.org.

III. Additional Comments/Issues

The following is a summary of comments the County has received regarding this Application.

U.S. Fish and Wildlife

1. USFWS recommends that Lehigh get an incidental take permit for the California red-legged frog (CRLF) and monarch butterfly (if listed) for any reclamation activities and maintenance of detention basins not currently covered by the Lehigh Permanente O&M Habitat Conservation Plan (HCP). If there is a Section 7 federal nexus with the U.S. Army Corps of Engineers, then these activities should be able to be covered under that biological opinion. If there is no Section 7 federal nexus, then USFWS recommends Lehigh getting an incidental take permit under Section 10 of ESA by developing an HCP.
2. Should include suitable native, insecticide-free milkweed and native, insecticide-free nectar plants for the monarch butterfly in the revegetation plan with a focus on early-emerging native milkweed species (e.g., Asclepias vestita, A. californica, A. cordifolia) and native, insecticide-free nectar plants that are available to monarchs in late winter, spring and fall (January-April, August-October). (https://xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-PlantLists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf; https://www.xerces.org/milkweed/milkweed-seedfinder).
3. Should incorporate the relevant conservation recommendations for the western monarch butterfly in the USFWS's Western Monarch Butterfly Conservation. (Recommendations: https://xerces.org/publications/planning-management/westernmonarch-butterfly-conservation-recommendations)
4. All plants planted should be insecticide free.
5. Atmospheric nitrogen deposition from all the vehicle exhaust associated with traffic implementing the reclamation plan threatens the threatened Bay checkerspot butterfly and endangered serpentine plants in the Santa Clara Valley (e.g. Santa Clara Valley dudleya, Metcalf Canyon jewelflower, Tiburon paintbrush, Coyote ceanothus) by facilitating the spread of invasive plant species. Thus Lehigh should mitigate by funding the preservation, restoration and management of habitat for the Bay checkerspot butterfly and endangered serpentine plants in the Santa Clara Valley under a USFWS approved plan in coordination with the Santa Clara Valley Habitat Agency. See the Santa Clara Valley HCP/NCCP (https://ecos.fws.gov/ecp/report/conservation-plan?plan_id=1523), Los

Esteros HCP (https://ecos.fws.gov/ecp/report/conservation-plan?plan_id=3582), and Donald Von Raesfeld Power Plant HCP (https://ecos.fws.gov/ecp/report/conservation-plan?plan_id=3517) for examples of how to mitigate for the effects of atmospheric nitrogen deposition on the Bay checkerspot butterfly and endangered serpentine plants in the Santa Clara Valley.

6. Should create, preserve, and manage suitable breeding habitat for the CRLF (ponds that hold water until early September to allow CRLF to complete their metamorphosis while drying out September-October to prevent invasive bullfrogs from breeding) and surrounding upland dispersal habitat.
7. Need to evaluate any impacts to federally listed species at sites where imported fill and soil would be acquired.
8. p. 21 of the RPA states, "The USFWS determined that the operation is not likely to result in the harassment, harm, capture, injury, or mortality of the Federal candidate monarch butterfly (Danaus plexippus) because (1) the majority of the permit area is highly-disturbed on an existing active quarry site with few monarch butterfly milkweed (Asclepias species) larval host plants or adult nectar plants, (2) pre-construction surveys for milkweed larval host plants and adult nectar plants will be conducted by a qualified biologist prior to Covered Activities that include vegetation maintenance (i.e., removal, trimming, or mowing), (3) all milkweed larval host plants will be flagged and avoided, and (4) any nectar plants removed during Covered Activities will be replaced on-site by planting appropriate native, insecticide-free flowering plants that are available to monarch butterflies from January-April." Comment: USFWS was referring only to the HCP covered activities (e.g. detention basin maintenance) within the 10.2-acre permit area for the Lehigh Permanente O&M HCP when we said that the HCP covered activities are not likely to adversely affect the monarch butterfly. USFWS did not conclude that mining or reclamation activities on the larger Permanente property would not result in adverse effects to the monarch butterfly. Monarch butterflies could be injured or killed during removal of milkweed larval host plants or harmed during removal of nectar plants during mining and reclamation activities. Dust from reclamation and mining activities also may degrade monarch butterfly breeding and foraging habitat.
9. p. 21, "Lehigh has and will continue to obtain permits for operations activities that could affect species protected under the federal Endangered Species Act (ESA) and the California Endangered Species Act. Lehigh currently addresses the federally listed CRLF under permission by the USFWS incidental take permit and low effect habitat conservation plan issued under Section 10(a)(1)(B) of the ESA. The permit was issued May 27, 2022, and the term is 20 years." Comment: The HCP provided take coverage only for the 2.62 acres of suitable CRLF habitat within the 10.2-acre HCP permit area.

   The Permanente Creek Restoration Project will be covered under a Section 7 federal nexus with the U.S. Army Corps of Engineers. Is Lehigh proposing to get incidental take coverage for CRLF (and monarch butterfly if listed) for reclamation and mining activities on the larger 921-acre reclamation area not covered by the HCP? Is there a Section 7 federal nexus (e.g. U.S. Army Corps of Engineers Clean Water Act permit) to cover the

mining and reclamation activities, or will Lehigh pursue another HCP for incidental take coverage?

10. When importing soils, consider soils that would support native milkweed and native nectar plants for monarch butterflies.
11. Tables 7 and 8. Should include in the seed mix native, insecticide-free milkweed and nectar plants for the monarch butterfly with a focus on early-emerging native milkweed species (e.g., Asclepias vestita, A. californica, A. cordifolia) and native, insecticide-free nectar plants that are available to monarchs in late winter, spring, and fall (January-April, August-October)(https://xerces.org/publications/planning-management/western-monarch-butterfly-conservation-recommendations).
12. Avoid pesticide application to blooming plants when monarchs may be present.
13. Appendix G, p. i. Should include the federal candidate monarch butterfly among the special-status species likely to occur on the Permanente property.
14. Appendix G, Figures 3a-d. CRLFs may disperse 2 miles from breeding habitat across a variety of habitat types and terrains. Thus all suitable upland and aquatic habitats within 2 miles of suitable CRLF breeding habitat should be considered suitable CRLF dispersal habitat.
15. Should consider the potential for the State candidate Southern California/Central Coast mountain lion Evolutionarily Significant Unit to occur on the Permanente property and be affected by reclamation and mining activities.
16. Need to update that CRLFs have also been observed in Ponds 9, 30, and 31B on the Permanente property. From the USFWS's biological opinion for the Lehigh Permanente O&M HCP: "California red-legged frogs have only been detected in two active storm water capture/sedimentation basins in the action area, Pond 30 and Pond 31B, both of which may provide potentially suitable breeding habitat in years of high late-season rainfall. Maintenance work at Pond 30 within 300 feet of Permanente Creek had to be delayed due to the continued observation of a California red-legged frog within the basin in 2016 (G. Smick, WRA, Inc., pers. comm. 2017; WRA, Inc. 2017). In 2018, a California red-legged frog was found by a biological monitor during sediment removal from Pond 31B and was relocated to Pond 14. California red-legged frogs have also been observed in Ponds 9 and 14 and in the downstream portions of Permanente Creek (E. Guerra, Lehigh, pers. comm. 2018); no facility maintenance activities occur in these ponds. Breeding has been documented in Pond 14 (WRA, Inc. 2011); 11 California red-legged frog egg masses were observed in Pond 14 in 2009 (WRA 2019). Twenty-two California red-legged frogs were safely relocated to Pond 14 during emergency culvert cleanout activities conducted by Lehigh in 2017 in Permanente Creek adjacent to the Lehigh Permanente Quarry (A. King, GEI, pers. comm. 2017; E. Schickenberg, WRA, Inc., pers. comm. 2017; GEI 2019a; Service file number 08ESMF00-2017-FE-2327)" (https://ecos.fws.gov/docs/plan_documents/bobs/bobs_3493.pdf, p. 22)

For questions regarding U.S. Fish and Wildlife comments, please contact Joseph Terry at joseph_terry@fws.gov.

Santa Clara Valley Water District

Please see the attached email and materials that contain comments provided by the Santa Clara Valley Water District (Valley Water). For questions regarding these comments, please contact Shree Dharasker, Associate Engineer Civil at sdharasker@valleywater.org.

Midpeninsula Regional Open Space District

Please see the attached letter that contains comments provided by the Midpeninsula Regional Open Space District (Midpen). For questions regarding these comments, please contact Brian Malone, Assistant General Manager, Field and Visitor Services at bmalone@openspace.org.

IV. Early Public Outreach Required

The project is subject to a Level II early notification and outreach policy (https://plandev.sccgov.org/policies-programs/early-outreach) for Major Reclamation Plan Amendments, per Santa Clara County Zoning Ordinance Section 5.20.110. Signage at the site of the project and a public meeting are required. Attached is the signage that is required to be posted at the project site for PLN23-100. A list of signage vendors (sign companies) is also included for your reference. Please provide a photo within 30-days confirming the on-site signage has been installed. Additionally, a community meeting is required per the early notification and outreach policy, prior to the application being deemed complete. Please contact Planning staff to coordinate and discuss the protocol for this meeting.

Once the information listed in Sections II and III has been submitted, provided it is adequate, the County will commence environmental review, and then schedule the application for a hearing before the Planning Commission.

If you have any additional questions regarding this application, please call me at (408) 299-5785.

Sincerely,

Robert Salisbury

Robert Salisbury
Principal Planner

cc: Jacqueline Onciano, Director of Planning and Development, County of Santa Clara
Leza Mikhail, Deputy Director of Planning Services, County of Santa Clara
David Seymour, County Geologist, County of Santa Clara

Elizabeth G. Pianca, Assistant County Counsel, County of Santa Clara
Kris Zanardi, Office of Supervisor Simitian, County of Santa Clara
David Rader, Engineering and Geology Unit Manager, Division of Mine Reclamation

Attachments:

A) Comments from **Santa Clara County** of the Geologic and Geotechnical Portions of the Reclamation Plan Amendment
B) Comments from **Valley Water** Reclamation Plan Amendment
C) Comments from **Midpen** of the Reclamation Plan Amendment
D) Sign Template for Early Public Outreach Sign
E) List of Sign Vendors

County of Santa Clara

Department of Planning and Development

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September 29, 2023

To: Mr. Robert Salisbury, Principal Planner

From: Mr. David Seymour, County Geologist, CEG 1574

Subject: Preliminary Review Comments of the Geologic and Geotechnical Portions of the Reclamation Plan Amendment, Permanente Quarry, CA Mine ID 91-43-0004, Santa Clara County, California, dated June 2023

My review of the reclamation plan amendment focused on the geologic and geotechnical sections of the report prepared by Stantec that are included in Volume I and Appendix E of Volume III. In general, the text is well prepared and easy to follow; however, the supporting figures and analyses are poorly prepared and organized and do not present the information typically found in a geotechnical report of this magnitude. Specifically, the report lacks a site-specific geologic map, geologic cross sections, boring location maps for the boring logs, and maps showing the locations of the cross sections used for the slope stability analyses and the major landslides on the property. Due to these issues, I anticipate having to review a revised version of the report where I can focus more on the technical aspects of the proposed plan.

Preliminary Review Comments

The following sections include my preliminary review comments for a figure from the Stantec memo dated March 3, 2023, and the geologic and geotechnical sections of the reclamation plan amendment. I included the map from the March 2023 memo as it provides an example of the same issues I encountered when reviewing the reclamation plan amendment.

Stantec Memo dated March 3, 2023

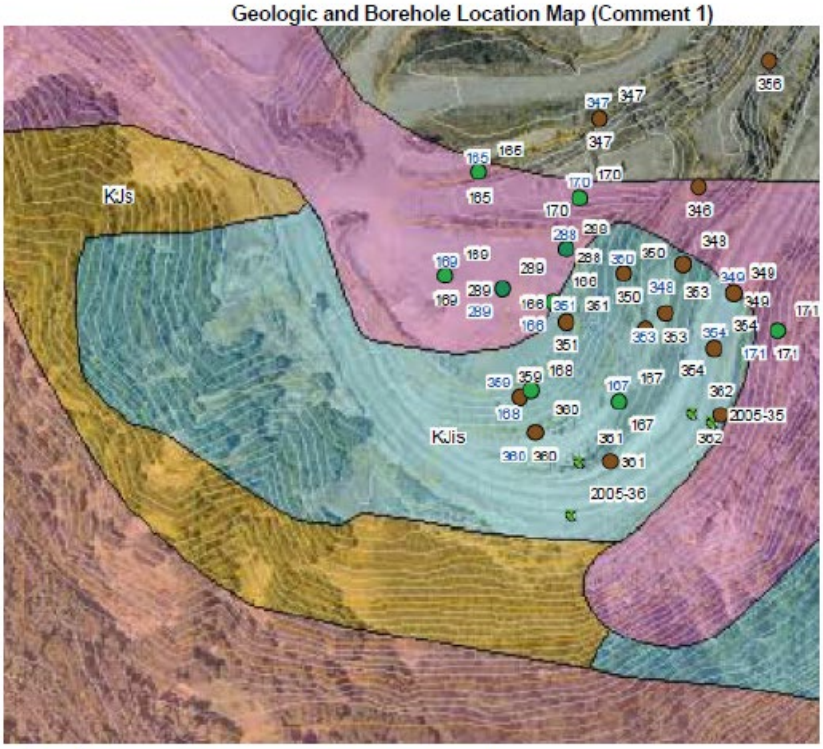
Geologic and Borehole Location Map (Copy Provided Below)

The figure includes the following errors and omissions:

1. The word Quaternary is misspelled twice.
2. The map is missing a north arrow.
3. The map is missing a scale.
4. The geologic map units, except for KJs and KJis, are missing from the map.
5. Map unit KJis is listed as limestone – limestone is typically designated as “ls” of “l”.
6. The geologic contacts are missing from the legend.
7. The geologic units are listed from oldest to youngest – the most common convention is to list them from youngest to oldest.

8. The Santa Clara Formation (QTsc) is of Pleistocene and Pliocene age, designated as QT – Quaternary/Tertiary, not just “QUARNTERNARY”.
9. The legend does not identify the type of borings based on their color.
10. Many borings are shown with duplicates or triplicates of the same number without explanation.
11. There are no elevations shown on the underlying topographic contours.
12. There are no geologic cross sections shown on the map.

Geologic and Borehole Location Map (Comment 1)



KJis - JURASSIC AND CRETACEOUS LIMESTONE

KJs - JURASSIC AND CRETACEOUS SANDSTONE

KJv - JURASSIC AND CRETACEOUS VOLCANICS

QTsc - QUARNTERNARY SANTA CLARA FORMATION

Qaf - QUARNTERNARY ARTIFICIAL FILL

Permanente Quarry Reclamation Plan Amendment (June 2023)

Volume I of IV

Figure 5 - Geology

The figure includes the following errors and omissions:

1. The map is an enlargement of a regional geologic map by Brabb et al. (2000) that was compiled on a 1983 topographic base and mapped at a scale of 1:100,000 (approximately 1"=8,333'). The use of a regional geologic map is not appropriate for use as a site-specific geologic map mainly due to the differences in scale and topography.
2. The legend does not include the geologic contacts.
3. The geologic contact lines are missing for several of the mapped units.
4. The geologic units in the legend are listed out of order.
5. Landslides are missing from the legend and the map, including the "Main Slide" and the Yeager Yard slide, which are mentioned in the text.
6. There are no geologic attitudes, such as bedding or faults, shown on the map or in the legend.
7. H2O is shown on the map, but not in the bottom of the main quarry pit.
8. The different fault line types are difficult to distinguish on the map.
9. The arrows on the thrust fault in the upper righthand corner are pointing in the opposite direction of those shown on the Brabb et al. (2000) map.
10. A reference for the Brabb et al. (2000) map is missing.
11. There are several borings shown in the lower righthand portion of the map, but the logs of the borings are missing from Appendix B – Drilling Logs of Volume III.
12. The locations of the geologic cross sections are missing from the map.
13. The blue RPA Boundary is shown in the legend, but does not appear on the map.

p.22 Section 4.1 – States that "The reclamation grading plan in Figure 7 includes the reclamation surface for the WMSA, Quarry, Shop and Office Area, EMSA, and the Rock Plant Area." Figure 7 does not include any proposed grading and shows the reclamation boundary and components of the property. The text also states that "Table 4, Cut and Fill Slope Specifications, shows the range of grading plan slope and cut and fill quantities by area." Table 4 does not include any cut and fill quantities, which appear to be provided in Table 5.

p. 24 Section 1.2.3 Imported Materials – Will imported soils management plan allow the importation of oversize materials (boulders) and allow their placement in the quarry fill? End dumped boulders are likely to end up nested in the fill and not properly surrounded by finer material to prevent piping and settlement.

p.25 Section 4.3.1 Geotechnical Evaluation – The first sentence refers to the Greenstone slide in the quarry, yet a few sentences later and in the second paragraph it is referred to it as the Main Slide. It is also referred to as the Main Slide on page 17 in Section 3.4. Many of the previous reports prepared since the rockslide occurred in 1987 have referred to it as the Main Slide. Needs to be clarified in the text, not to mention shown on a site-specific geologic map.

The beginning of the 5th paragraph states "The configurations modeled as part of this analysis meet or exceed the minimum acceptable factor of safety of 1.0 for both static and pseudo-static conditions…" As

stated in the 3rd paragraph, the minimum acceptable factor of safety for static conditions is 1.3. Please clarify.

p. 26 Section 4.4.1 Quarry – This section describes the staging of the backfill in the quarry and states that a buttress slope will be placed on top of the backfill to stabilize the north highwall. Since this will take many years to accomplish, are there any interim remedial recommendations needed to prevent reactivation of the landslides in that area from encroaching into the 1972 Scenic Ridgeline Easement?

p.27 Section 4.4.2 West Materials Storage Area – The text states that the WMSA is approximately 157 acres, while Figure 7 indicates that it is 210 acres. Please clarify.

Volume III of IV – Appendix E – Geotechnical Evaluation (p. 5 through 745 of the pdf document)

Geotechnical Evaluation Text – (p. 6 through 48 of the pdf document)

p.8 (Page 2 of report) Under Purpose the text describes existing landslides on the property; however, none of the maps included in Appendix A show the location of the landslides. Under Project Background the text describes the storage of low-quality materials, but does not include a map showing the limits of these stockpiles.

p. 9 (Page 3 of report) Under Scope of Work the list includes "map geologic structures and lithology" and "revise geologic model with new drilling data and prepare cross sections." Unfortunately, they do not include any site-specific geologic maps or geologic cross sections, only the models used in their analysis. See my additional comments under Appendix D – Slope Stability Analysis.

p. 10 (Page 4 of report) Under Previous Geologic Investigations the text states "The geology in the vicinity of the Quarry is also presented in the drawing package included in Appendix A and includes the results of the recent geologic investigations discussed in the following section." The geologic map provided in Appendix A is taken from a regional geologic map that is over 20 years old, mapped at a scale of 1:100,000 and does not depict the current site-specific geologic conditions. See my additional comments under Appendix A – Drawings.

p. 11 (Page 5 of report) The first bullet at the top of page mentions the Main Slide, yet the geologic map provided in Appendix A fails to show it. Bedding and fault attitudes are also missing.

p. 13 (Page 7 of report) Table 3 – Includes boring GT-2-2018-14, which does not appear on any of the figures and there is no boring log in Appendix B.

p.14 (Page 8 of report) Table 5 – Includes boring GT-2-2018-14, which does not appear on any of the figures and there is no boring log in Appendix B.

p. 15 (Page 9 of report) Table 6 - Includes boring GT-2-2018-14, which does not appear on any of the figures and there is no boring log in Appendix B.

p. 15 (Page 9 of report) Section 2.4 2018 Fault and Structure Mapping – This section provides a detailed description of their mapping efforts, yet the report does not include a site-specific geologic map depicting the results of the mapping other than a few fault lines overlaid on a regional geologic map that

was mapped at a scale of 1:100,000 (see Figure 5 in Volume I and the Quarry Area Geological Map on page 53). The results of the mapping need to be provided on a site-specific geologic map at an appropriate scale.

p. 18 (Page 12 of report) Under Previous Studies they state "Stantec evaluated available data for each of the borings including drill logs, lithologies, laboratory testing, and water levels. Information of these borings is summarized in Table 7. These data provide the basis for the foundation materials and groundwater levels used for the stability analyses. These data are included on the cross sections in the drawing package included in Appendix A." The sections provided in Appendix A are simple line drawings showing existing ground surface and the proposed reclamation profile, and do not include any boring or geologic information. There are no geologic cross sections provided in Appendix A, which should be included but are sadly absent.

p. 19 (Page 13 of report) Table 7 West Materials Storage Area Borehole Summary – The location of these borings are depicted on Figure 3 in Volume I, but do not appear on any map or cross section in Appendix A and the logs are not included in Appendix B.

p. 25 (Page 19 of report) Tables 9 and 10 – The logs of the borings listed in these tables are not included in Appendix B. The text also states that "The complete summary of the Phase 3 drilling and VWP installation supervised by Golder is included in Appendix B." Please clarify what is meant by a "complete summary". All of the boring logs in Appendix B include a Stantec logo; where are the Golder borings?

p.27 (Page 21 of report) Section 2.6.2 Potential Failure Mechanism – this section discusses the potential failure mechanism for the West Materials Storage Area (WMSA) Instability. The first paragraph on page 21 states "Cross-section C is representative conditions of the slope movements and was developed for modeling purposes, based on available data. Cross-section D was prepared to better understand sub-surface conditions. The cross sections are presented in the drawing package included in Appendix A." Cross-section C as shown on the Site-Reclamation Plan on page 56 is located within the WMSA; however, Cross-section D is located in the main quarry pit. Please explain how Cross-section D applies to the WMSA. It should also be noted that the WMSA landslide does not appear on any of the maps in Appendix A.

The last sentence in the second paragraph states "The drawings included in the drawing package in Appendix A show the cross-section line that was used for the stability model of the WMSA instability area." The "SITE-RECLAMATION PLAN" in Appendix A shows three cross-sections in the WMSA area. Please specify which cross section is being referenced and the drawing number.

p. 28 (Page 22 of the report) Section 2.7 Drilling – The logs for the borings mentioned are included in Appendix B; however, the locations of the borings are not included on any of the maps in Appendix A. A map showing the locations of the borings is needed.

p. 29 (Page 23 of the report) Table 11: 2022 Drilling Program Summary – The log for WMSA-2022-04 appears to be missing from Appendix B. The following discrepancies were noted between the table and the logs in Appendix B:

1. CP-2022-02 – According to the log only sonic drilling methods were used to a total depth of 75 feet. There was no core drilling.

2. CP-2022-03 – According to the log the total depth was 70 feet, not 55 feet. The length of core drilling was 35 feet not 55 feet.
3. CP-2022-04 – According to the log the total depth was 55 feet, not 25 feet. The length of core drilling was 30 feet, not zero.
4. CP-2022-07 and CP-2022-08 are out of order, with 08 placed before 07.
5. CP-2022-07 - According to the log the total depth was 135 feet, not 95 feet. The length of core drilling was 40 feet, not zero.
6. YY-2022-01 – According to the log, the total depth was 97.5 feet, not 100 feet.

p. 43 (Page 37 of the report) Table 21: Geotechnical Strength Parameters – Includes the shear strength parameters used for the slope stability analysis. Explain why the WMSA Instability Clay has a unit weight of 165 pcf, which is the same as for greenstone and limestone. Also note that the unit weight of the Greenstone Overburden is greater than that shown in Table 8 and does not match the values in the output files in Appendix D.

p. 44 (Page 38 of the report) Table 22: Geotechnical Stability Analyses Results – As mentioned in my comments for Appendix D, some of the factor of safety values in the table don't match those shown on the Appendix D output files, some of the Section names don't match the titles used on the output files in Appendix D, and output files for some of the Sections are missing from Appendix D. Also note that there is no clear correlation between the Sections in the table and the cross sections included in Appendix A.

p. 47 (Page 41 of report) References – The reference for the geologic map (Brabb et al., 2000) used as the base for the SITE GEOLOGICAL MAP and the Quarry Area Geological Map in Appendix A is missing.

<u>Appendix A – Drawings</u>

The drawings are found on pages 50 through 70, but only one of them includes a number. As such, their location is referenced by page number of the pdf document and title.

Drawing numbers should be added.

p. 51 – PROJECT OVERVIEW

The property boundary and the black location arrows are hard to see without enlarging the figure.

p. 52 – SITE GEOLOGICAL MAP

The figure is an enlarged copy of a regional geologic map that is referenced as "USGS" and includes a simplified legend complete with typos and other errors similar to the other figures. There is no explanation for the geologic contacts, fault traces, and bedding attitudes. The geologic map is a copy of the 1:100,000 scale (1"=8,333') regional geologic map by Brabb et al. (2000) – the appropriate reference should be added to the map and to Section 7.0-References.

p. 53 – Quarry Area Geological Map

The legend includes typos like the other figures and does not include any explanation for the geologic contacts. More importantly, the map is basically an enlargement of the Brabb et al. (2000) regional geologic map that was compiled on a 1983 topographic base and mapped at a scale of 1:100,000 (1"=8,333'). The figure does not reference the Brabb map. There are several fault splays added to the map without reference and do not appear to coincide with the mapping of Foruria (2004), which was

mapped at a scale of 1"=200', very similar to the scale of the figure (1"=300'). Furthermore, the fault line types shown in the legend do match those on the map and appear to be the same as the Cross Section line type. You can't tell the difference between a cross section line and the faults. The figure also lacks any structural attitudes for bedding or faulting. As previously mentioned, use of a regional geologic map as a site-specific geologic map is inappropriate, especially for a site with such complex conditions.

In addition, the legend includes Qpaf, alluvial fan and fluvial deposits, that don't appear on the map, and yet fails to include other surficial units like artificial fill (stockpiles) and landslide deposits. The map doesn't even include the "Main Slide" which is mentioned in the text. In summary, the map does not represent the existing geologic conditions exposed at the site and needs to be replaced with a site-specific geologic map.

Also, the map shows a total of 6 borings, while Appendix B includes the logs of 28 borings. Two of the borings on the map are mislabeled as TG-1-2018-1 and TG-1-2018-2 – the Drillhole Summary table and the logs in Appendix B identify them as GT-1-2018-1 and GT-1-2018-2. As for the Drillhole Summary, GT-1-2018-1 is listed as inclined at 70 degrees, while the boring log in Appendix B shows an inclination of 20 degrees, which is probably another typo.

p. 55 – SITE – EXISTING CONDITION

Same comments as for the PROJECT OVERVIEW map on p. 51.

p.57 – SITE-RECLAMATION SECTION

The figure includes the seven cross sections (the figure title is singular, but there are seven sections)

p. 58 – Quarry Area Existing Topo Plan

The Legend includes cross section lines, but there are no cross section lines shown on the map. What is the date of topographic base? It should be listed under the Notes. All that's listed is the coordinate system.

The site-specific geologic conditions should be added to this map along with the locations of the geologic cross sections used in the slope stability analysis and the boring locations.

p. 60 – Quarry Area Reclamation Section

The section is a simple line drawing showing the proposed and existing topographic profiles. According to page 12 of the text, the cross section should include the geologic information from the boring logs, but does not.

p. 61 – West Material Storage Area Pre-Mine Topo Plan

There's no reference or date for the topographic base included in the figure.

The cross section lines should be added to the map.

Why isn't a similar map included for the eastern portions of the property?

p. 62 – West Material Storage Area Existing Topo Plan

The Legend includes cross section lines, but there are no cross section lines shown on the map. What is the date of the topographic base? It should be listed under the Notes. All that's listed is the coordinate system.

The site-specific geologic conditions should be added to this map along with the locations of the geologic cross sections used in the slope stability analysis and the boring locations.

p. 64 – West Material Storage Area Reclamation Section

The section is a simple line drawing showing the proposed and existing topographic profiles. According to page 12 of the text, the cross section should include the geologic information from the boring logs, but does not.

Also, what is the date of the Pre-mine topography?

p. 65 – Shop Area Existing Topo Plan

The Legend includes cross section lines, but there are no cross section lines shown on the map. What is the date of topographic base? It should be listed under the Notes. All that's listed is the coordinate system.

The site-specific geologic conditions should be added to this map along with the locations of the geologic cross sections used in the slope stability analysis and the boring locations.

p. 67 – Shop Area Reclamation Section

The section is a simple line drawing showing the proposed and existing topographic profiles. According to page 12 of the text, the cross section should include the geologic information from the boring logs, but does not.

p.68 – East Material Storage Area & Rock Plant Existing Topo Plan

The Legend includes cross section lines, but there are no cross section lines shown on the map. What is the date of topographic base? It should be listed under the Notes. All that's listed is the coordinate system.

The site-specific geologic conditions should be added to this map along with the locations of the geologic cross sections used in the slope stability analysis and the boring locations.

p. 70 – EMSA and Rock Plant Areas Reclamation Section

The sections are simple line drawing showing the proposed and existing topographic profiles. According to page 12 of the text, the cross sections should include the geologic information from the boring logs, but do not.

General Comments on the Cross Sections

Why are the cross sections drafted at various scales? They would be much easier to view if they were at 100-scale rather than 150-, 250-, and 300-scale. Why is the set of cross sections different from those provided in Volume I?

Appendix B – Drilling Logs

Appendix B includes logs for 28 borings and a geophysical report. There's no map that showing the locations of all 28 borings. Please provide a boring location map.

p. 72 through 228 (6 borings) (These 6 borings are shown on Figure 5 of the main text (Volume I) and on the Quarry Area Geological Map on page 53 of Volume III-Appendix E.)

1. GT-1-2018-1 (51 sheets), TD 500 ft, drilled at an inclination of **20 degrees**; core photos (28 p.), core boring (HQ). Is 20 degrees a typo?
2. GT-1-2018-2 (18 Sheets), TD 171 ft, Inclination -70 degrees; core photos (9 p.), core boring (HQ)
3. S1-2018-1 (2 Sheets), TD 70 ft, 90 degrees; tray photos (1 p.), bag photos (4 p.), sonic boring
4. S1-2018-2 (6 Sheets), TD 200 ft, 90 degrees; tray photos (1 p.), bag photos (11 p.), sonic boring, VW piezometer
5. S1-2018-3 (4 Sheets), TD 150 ft, 90 degrees; tray photos (2 p.), bag photos (7 p.), sonic boring, VW piezometer
6. S1-2018-4 (4 Sheets) TD 150 ft, 90 degrees; tray photos (2 p.), bag photos (7 p.)

p. 229 through 350 – Norcal Geophysical Consultants, Inc., 2018, Borehole Geophysical Logging Survey, Lehigh Quarry, Cupertino, California, prepared for STANTEC, dated December 12, 122 p.

Contains the results of geophysical borehole logging in GT-1-2018-1, GT-1-2018-2, and S-1-2018-2. Extensive analyses provided of the discontinuities in the rock mass. The logs indicate that GT-1 and 2 were drilled at inclinations of 20 and -70 degrees.

p. 351 through 572 (22 borings) – The locations of these borings are not shown on any of the maps in Appendix A. A map showing the locations of the borings needs to be included. Boring WMSA-2022-04 is listed in Table 11 of the text, but the log for WMSA-2022-04 is missing from the appendix. Logs for CP-2022-07 and -08 are out of order. Other errors noted are highlighted in yellow.

1. CP-2022-01 (6 Sheets), TD 60 ft, 90 degrees
2. CP-2022-02 (8 Sheets) TD 75 ft, 90 degrees
3. CP-2022-03 (7 Sheets), TD 70 ft, 90 degrees
4. CP-2022-04 (6 Sheets), TD 55 ft, 90 degrees
5. CP-2022-05 (8 Sheets) TD 75 ft, 90 degrees
6. CP-2022-06 (4 Sheets), TD 35 ft, 90 degrees
7. CP-2022-07 (15 Sheets) TD 135 ft, 90 degrees
8. CP-2022-08 (7 Sheets), TD 65 ft, 90 degrees
9. ESMA-2022-01 (10 Sheets), TD 100 ft, 90 degrees (the borehole depth is noted as 40 ft in the header)
10. ESMA-2022-02 (10 Sheets), TD 100 ft, 90 degrees
11. ESMA-2022-03 (10 Sheets), TD 100 ft, 90 degrees
12. NW-2022-01 (11 Sheets), TD 101.6 ft, 90 degrees
13. NW-2022-03 (14 Sheets), TD 135 ft, 90 degrees
14. P1250-2022-01 (9 Sheets), TD 86 ft, 90 degrees
15. WMSA-2022-01 (13 Sheets), TD 125 ft, 90 degrees

16. WSMA-2022-03 (12 Sheets), TD 120 ft, 90 degrees (Sheets 10 and 11 of the log are missing from 85 to 110 feet)
17. YY-2022-01 (11 Sheets), TD 97.5 ft, 90 degrees
18. YY-2022-01A (7 Sheets), TD 63 ft, 90 degrees
19. YY-2022-01B (7 Sheets), TD 70 ft, 90 degrees
20. YY-2022-02 (13 Sheets), TD 112 ft, 90 degrees
21. YY-2022-02A (9 Sheets), TD 85 ft, 90 degrees
22. YY-2022-03 (10 Sheets), TD 92 ft, 90 degrees
23. YY-2022-04 (17 Sheets), TD 146 ft, 90 degrees

Appendix C – Laboratory Reports

p. 573 through 722 – Includes the results of tests run by Stantec in their Lexington, Kentucky laboratory, along with tests run by Geo-Logic Associates (the location of the lab is not listed). Most of the tests are UU's and large scale direct shears by Geo-Logic (12" square) along with sieve analysis, and Proctors.

Appendix D – Slope Stability Analysis

p. 723 through 743 – Includes the graphic output files with the results of both static and pseudo-static analyses using a seismic coefficient of 0.19. The strength parameters for the various geologic units are difficult to read and need to be legible. The appendix does not include a map showing the location of the referenced cross sections, nor does the report include any geologic cross sections. The strength parameters and results of the slope stability analyses are provided in Tables 21 and 22 of the text, respectively. Some of the values in the tables don't match those shown on the output files, as noted below. In addition, some of the analysis noted in Table 22 was not included in the appendix. Comments by pdf page number are as follows:

p. 724 Where is this cross section located? The conditions shown on the model don't match those shown on Section A on page 57 (Site-Reclamation Section). In addition, the strength parameters are difficult to read.

p. 725 Where is this cross section located? The conditions shown on the model don't match those shown on Section A on page 57 (Site-Reclamation Section). In addition, the strength parameters are difficult to read.

p. 726 This section matches Section B shown on page 57 (Site-Reclamation Section). The unit weight of Greenstone Overburden does not match the value in Table 21 of the text.

p. 727 This section matches Section B shown on page 57 (Site-Reclamation Section). The unit weight of Greenstone Overburden does not match the value in Table 21 of the text.

p. 728 The "Name" of the section does not correlate with any Section in Table 22 in the text. The strength parameters are difficult to read; however, there appears to be a "Greenstone (Weathered)" unit in the table that does not seem to appear on the section and has strength parameters that match "WSMA Instability Clay" in Table 21 of the text. The location of the cross section is uncertain as it does not match any of those shown on page 57 (Site-Reclamation Section).

p. 729 through 732 The strength parameters are difficult to read; however, the yellow unit appears to be "Waste Rock", which is not listed in Table 21 of the text. The titles need to be revised to correlate with Table 22 of the text.

p. 733 through 735 The strength parameters are difficult to read. Not certain where these cross sections are located. There does not appear to be a map showing the location of the various North High Wall sections.

p. 736 The factor of safety shown does not match the value in Table 22 of the text. The strength parameter table is very difficult to read. The location of the cross section is not shown on any map.

p. 737 The strength parameter table is very difficult to read. The location of the cross section is not shown on any map.

p. 738 The location of the cross section is not shown on any map.

p. 739 The title needs to be revised to match Table 22 of the text. The factor of safety of 1.6 does not match that shown in Table 22 for EHW. The output for the Current EHW appears to be missing. The location of the cross section does not appear on any map.

p. 740 The title needs to be revised to match Table 22 of the text. The output for the Current SHW appears to be missing. The location of the cross section does not appear on any map.

p. 741 There is no information provided that identifies the cross section. The factors of safety shown are illegible. Not sure if the cross section is shown on a map.

p. 742 There is no information provided that identifies the cross section and no strength parameters listed. Not sure if the cross section is shown on a map.

p. 743 There is no information provided that identifies the cross section. Not sure if the cross section is shown on a map.

Appendix E – Seismic Displacement Analyses

p. 744-745 – Includes a summary table of the estimated seismic displacements for the various sectors within the quarry property. I have no comments.

References

Brabb, E.E., Graymer, R.W., and Jones, D.L., 2000, Geologic Map and Map Database of the Palo Alto 30' x 60' Quadrangle, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-2332, Scale 1:100,000.

County of Santa Clara, 2023, Memorandum – Review of Stantec's Yeager Yard Response to County Comments Report, dated July 29, 2022.

Heidelberg Materials, 2023, Reclamation Plan Amendment, Permanente Quarry, CA Mine ID 91-43-0004, Santa Clara County, California, dated June.

Jon Foruria, P.G., 2004, Geology of the Permanente Limestone & Aggregate Quarry, Santa Clara County, California, prepared for Hanson Permanente Cement, dated September 24, Map Scale 1”=200’.

Stantec, 2023, Response to Yeager Yard County of Santa Clara Geotechnical Memo, dated March 3.

From:	Shree Dharasker
To:	Salisbury, Robert
Cc:	Emily Zedler; Vanessa De La Piedra; Jason Gurdak; Michael Martin; Mohammad Hussaini
Subject:	[EXTERNAL] RE: 2023 Reclamation Plan Amendment application for Lehigh Quarry
Date:	Tuesday, August 15, 2023 11:54:13 AM
Attachments:	image001.png Permanente Hydrology Update 0422 2011.pdf

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Hi Robert,

Thank you for the extension. Santa Clara Valley Water District (Valley Water) has reviewed the Reclamation Plan Amendment for the Lehigh Quarry and has the following comments:

1. Appendix I and Section 4.6.2 of the Amendment concludes that the project would not "adversely increase the FEMA 100-year flow rate" (Appendix I, Page 5). Although this is technically true, this is not the same as saying that there are no adverse impacts to flooding risk downstream. The FEMA hydrology study incorrectly assumed that the quarry area contributed to runoff, i.e., the FEMA study did not account for the detention pond effects of the quarry pit. Filling the quarry as proposed will remove the detention function and thereby increase the peak flows during flow events. Doing so will also jeopardize a recently completed flood protection project on Permanente Creek, which is in the final stages of FEMA approval. Redesigning the quarry fill to include adequate detention to prevent this increased risk is likely feasible, since the detention needed should be significantly less than the size of the entire quarry. This is expanded on below.

   Under existing conditions, the quarry pit acts as a detention pond, reducing flows downstream. After the quarry pit is filled (as proposed), this wouldn't be the case anymore, and the quarry pit area will contribute to runoff and increase flows downstream. In 2011, Valley Water updated the hydrology study for Permanente Creek and established that, during a 100-year flow event, including the effects of detention in the quarry reduces the peak flow downstream during a 100-year design flow event by about 140 cfs, (from 600 to 460 cfs, a reduction of about 20 percent). Conversely, filling the pit as proposed would increase the peak 100-year flow by the same amount. (Study is attached).

   In addition, Valley Water recently constructed a flood protection project on Permanente Creek which will provide 100-year flood protection to the community downstream, and which was based on that same 2011 hydrology study. A Letter of Map Revision (LOMR) has been submitted to FEMA and their review is nearly complete and expected to be approved shortly. Increasing the flows would likely jeopardize the level of flood protection provided by that project, which assumes that the quarry pit provides detention during storms.

   Although a significant potential impact, it should be feasible to achieve both the goals of the quarry pit closure and the needs of the Permanente flood protection project by redesigning the fill of the quarry pit to still retain some detention area. This would mean providing enough detention to prevent the 100-year peak flow from exceeding the values assumed for the FEMA application. Valley Water is committed to work with the County and Lehigh Southwest Cement company to

ensure that all the data required is provided to make sure that downstream flood risk is not adversely impacted.

2. The eastern portion of the project site overlies the Santa Clara Subbasin, a high-priority basin under the Sustainable Groundwater Management Act (SGMA) and major water supply source in Santa Clara County. In the valley floor downstream of the Quarry, Permanente Creek becomes a losing stream and contributes recharge to the Santa Clara Subbasin. As the local groundwater sustainability agency and in accordance with our Board policy to "aggressively protect groundwater from the threat of contamination," Valley Water submits the following comments.
    a. In accordance with State Water Resources Control Board (SWRCB) requirements, Valley Water concurs that the West Materials Storage Area (WMSA) and East Materials Storage Area (EMSA) need to incorporate low permeability imported soils to better hydraulically isolate the stockpiled limestone and aggregate materials while also enhancing anaerobic conditions that prevent the release of selenium and other metals into the environment and to groundwater and surface water, specifically.
        i. It is important that "clean" imported soils of low permeability and adequate natural organic matter be used to best ensure hydraulic isolation, that appropriate redox (anaerobic) conditions are sustained, and that the imported soil is not contributing other contaminants to surface waters and groundwater. For instance, biosolids, biosolid amendments, and/or reclaimed soil, should not be used as a backfill or capping material.
        ii. Several feet (up to 4 feet thick) of pristine low permeability imported soil with adequate organic matter is recommended as a capping material for hydraulic isolation of WMSA and EMSA zones to provide long-term groundwater protection.

    b. The SRWCB Waste Discharge Requirements (WDR) in Order No. R2-2018-0028 included expanded groundwater monitoring and conceptual site models as well as closure/post-closure plans to ensure reclamation activities adequately protect groundwater and connected surface waters.

       To ensure selenium, other metals, or fill/capping material are not negatively impacting water quality, Valley Water strongly supports active groundwater and surface water (stormwater and Permanente Creek) monitoring throughout the reclamation process (including during and after Phases 1 and 2 when peak concentrations are expected) and for several years post-closure. This monitoring will be critical to informing treatment facility operations in the event treatment remains necessary during the closure and/or post-closure periods (e.g., after overburden surfaces are covered and the Quarry is backfilled). Ongoing monitoring and adaptive management will be essential to ensure adequate protection of surface water and groundwater, including the Santa Clara Subbasin downstream of the Quarry.

3. Valley Water has no right of way at this location so no encroachment permit would be needed. Please follow the Guidelines and Standards for Land Use near Streams, adopted by the County of Santa Clara, for any proposed redevelopment.

Thank you for your consideration of these comments, and please reach out to us with any questions,

Sincerely,

Shree Dharasker
Associate Engineer Civil
Community Projects Review Unit
(408)630-3037

From: Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Sent: Wednesday, July 19, 2023 11:03 AM
To: Shree Dharasker <sdharasker@valleywater.org>
Subject: RE: 2023 Reclamation Plan Amendment application for Lehigh Quarry

Shree,

August 15 is fine.

Kind regards,

Robert Salisbury
Principal Planner | Zoning Administrator | SMARA Program Manager

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Work: (408) 299-5785
Pronouns: he/him
robert.salisbury@pln.sccgov.org

From: Shree Dharasker <sdharasker@valleywater.org>

Sent: Wednesday, July 19, 2023 11:02 AM
To: Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Subject: [EXTERNAL] RE: 2023 Reclamation Plan Amendment application for Lehigh Quarry

Hi Robert,

Santa Clara Valley Water District (Valley Water) is currently reviewing the draft Reclamation Plan Amendment. Because of the volume of this document, vacation schedules, and current workload, Valley Water would like to request an extension for comments to August 15, 2023.

Please let me know if a 10-day extension to the due date is possible.

Best Regards,

Shree Dharasker
Associate Engineer Civil
Community Projects Review Unit
(408)630-3037

From: Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Sent: Wednesday, June 21, 2023 8:53 AM
To: Jane Mark <jmark@openspace.org>; ryan_olah@fws.gov; chadm@cupertino.org; gregory.g.brown@usace.army.mil; caltrans.d4@dot.ca.gov; brenda.blinn@wildlife.ca.gov; Garrison, Kristin@Wildlife <kristin.garrison@wildlife.ca.gov>; nathan.veale@waterboards.ca.gov; MTang@baaqmd.gov; Shree Dharasker <sdharasker@valleywater.org>
Cc: Ceqa@baaqmd.gov; Barkwill, Brian@DOC <Brian.Barkwill@conservation.ca.gov>; Saba Asghary <saba.asghary@ascentenvironmental.com>; pat.angell <pat.angell@ascentenvironmental.com>
Subject: 2023 Reclamation Plan Amendment application for Lehigh Quarry

Dear Referral Agencies/Divisions:

Lehigh Permanente Quarry has submitted an application for a Major Reclamation Plan Amendment (County File No. PLN23-100), which, if approved, would entirely replace the approved 2012 Reclamation Plan Amendment. Lehigh has formally withdrawn their 2019 Major Reclamation Plan Amendment Application (County file no. PLN19-106) that some of you reviewed and commented on four years ago.

The Department is currently evaluating the application for completeness. Comments on whether the application is complete (e.g. that sufficient information has been provided to

allow for complete analysis of the project) are particularly appreciated at this stage, but we welcome any feedback on the project that you care to provide. Please provide your comments/conditions on the project to Robert Salisbury at robert.salisbury@pln.sccgov.org by August 4, 2023.

Project description:
This Proposed Major Reclamation Plan Amendment is a comprehensive replacement of the approved 2012 Reclamation Plan. This application includes the following components/activities:

1. Process and sell 7.7 million cubic yards of previously mined aggregate materials.
2. Reduce the approved reclamation plan boundary from 1,274 acres to 921 acres by removing a 353-acre area south of Permanente Creek currently within the 2012 RPA boundary.
3. Import 31.2 million cubic yards of clean fill from greater Bay Area.
4. Backfill the main quarry pit with a combination of on-site (12.2 million cubic yards) and imported materials (31.2 million cubic yards).
5. Reclaim pre-SMARA slopes along Permanente Creek that were previously excluded in the 2012 reclamation plan.
6. Phased reclamation of the entire quarry over a 40-year period.

APNs: 351-09-023; 351-09-025; 351-09-022; 351-09-020; 351-10-011; 351-10-033; 351-10-037; 351-11-001; 351-11-007

Project application material can be reviewed here, under the "2023 Reclamation Plan Amendment For Lehigh Quarry (PLN23-100)" section and the "Lehigh Quarry Reclamation Plan and Proposed Permit and Projects" tab. This link will take you directly to the Reclamation Plan.

If you are not/no longer the correct person to receive this referral, please inform us by replying to this email.

Robert Salisbury, Principal Planner
County of Santa Clara Planning Office
70 W. Hedding Street, East Wing, 7th Floor
San Jose, CA 95110
email: Robert.Salisbury@pln.sccgov.org
Phone: (408) 299-5785

Please visit our website.
Click here to look up unincorporated property zoning information.
Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

August 28, 2023

County of Santa Clara, Planning Office
Robert Salisbury, Principal Planner
70 West Hedding, 7th Floor, East Wing
San Jose, CA 95110
Delivered via email: robert.salisbury@pln.sccgov.org

SUBJECT: 2023 Lehigh Quarry Major Reclamation Plan Amendment Application
(County File No. PLN23-100)

Dear Mr. Salisbury,

On behalf of the Midpeninsula Regional Open Space District (Midpen), we appreciate the opportunity to comment on the 2023 Lehigh Quarry Major Reclamation Plan Amendment Application (proposed Project). We understand that the Proposed Major Reclamation Plan Amendment is a comprehensive replacement of the approved 2012 Reclamation Plan. As an adjacent property owner to Lehigh Quarry (Quarry), Midpen owns and maintains Monte Bello and Rancho San Antonio Open Space Preserves which have shared property boundaries with the Quarry, West Materials Storage Area (WMSA) and Permanente Creek Restoration Area. In addition, Midpen manages Rancho San Antonio County Park under a management agreement with Santa Clara County. For more than 12 years, Midpen has worked with the County and Lehigh Quarry to address our concerns regarding Lehigh Quarry's water quality impacts to Permanente Creek, air quality and visual/aesthetic impacts to the Preserve visitors and overall public safety concerns regarding the Quarry operations. We appreciate the County and Lehigh Quarry representatives meeting with our Board of Directors and staff. While the end use is to be "reclaimed to a stabilized condition as open space consistent with the County's Hillside (HS) zoning," Midpen is aware many years of reclamation activities and coordination with the County and nearby jurisdictions will continue to take place before the end use is achieved.

In our review of the application for completeness, Midpen is sharing the following comments with the County Planning Department for additional analysis for the Project, organized in the following key themes/topics:

1. **Reclamation and Closure Plan**
   The Reclamation Plan (Section 4.2.1) states, "A total volume of approximately 42 million cubic yards (mcy) is needed to fill the Quarry to its final design surface, including the buttress. An additional 1.4 mcy is required to grade the remaining parts of the site. The Quarry will be backfilled with a mixture of greenstone overburden (generated on-site) limestone from the WMSA soils from the Permanente Creek restoration, suitable surplus soil (imported from off-site) and potentially concrete from Cement Plant demolition to a minimum elevation of approximately 990 ft amsl."

   The Reclamation Plan (Section 4.2.1) also states, "These data, in consideration of WDR mandates, show that using only on-site materials from WMSA as the sole source of backfill (as scheduled in the prior 2012 reclamation plan) is not an environmentally preferable option for backfilling the Quarry, as described in detail in Appendix F. Instead, the use of other supplemental earth materials is expected to

provide an environmentally superior solution that will lead to better certainty for compliance with water quality–related mandates and reduce the potential need for additional controls/mitigation measures for final closure."

a. **Availability of Imported Clean Fill** -In is unclear if there is a market that supports importing clean fill suitable for reclamation on the time frame proposed under the reclamation plan amendment. To fully understand the availability and feasibility of imported clean fill, which is considered as essential for San Francisco Bay salt pond restoration work and flood control levee construction along the shoreline, as well as other restoration projects in the Bay Area, the County should require Lehigh Quarry to complete a new "Suitable Surplus Soil Availability Study" that evaluates current market conditions beyond what Lehigh Quarry had previously submitted as part of their 2019 application. The analysis should include both the potential supply and the demand for clean fill including the demand created by fill needed for landscape scale restoration and flood control on the San Francisco Bay.
b. **Imported Soils Management Plan** – The Imported Soils Management Plan should include notifications to Midpen and other peer agencies and jurisdictions (City of Cupertino, etc.) during the RWQCB's preparation of the Imported Soils Management Plan for our agency review and comments prior to finalization and implementation.
c. **Permanente Creek Restoration Area** – The Reclamation Plan should clarify how Lehigh Quarry will address the fill removed from the Permanente Creek Restoration Area and how much of this fill will be used for the quarry backfill.
d. **In Section 4.5.2 West Materials Storage Area Considerations**, the Reclamation Plan includes grading of the WMSA necessary for slope stability. The proposed project states that use of the WMSA as the sole source of backfill for the quarry is not the preferred long-term solution to meet water quality objectives, citing the potential for this material to cause a more significant water quality decline than if fill were imported. Because this represents such a significant deviation from the 2012 Reclamation Plan and presents many additional environmental impacts, more analysis is needed to support this claim. Additionally, more analysis is needed to 1) support the claim that insufficient quantities of segregated greenstone are available for backfill, and 2) assess the feasibility of sorting greenstone within the WMSA to maximize its use as backfill.
e. **In Section 4.5.3 East Materials Storage Area (EMSA) Considerations**, the Reclamation Plan should address why the EMSA is not being proposed for reuse to backfill the quarry pit. Similar analyses should be presented to support claims that these materials are not suitable as backfill and sorting these materials is not feasible.

2. Hydrology and Water Quality

a. Lehigh Quarry presents insufficient analysis to support its claim that using the WMSA and EMSA materials as fill will result in significant selenium leaching into the groundwater. In order to support the claims that the use of other supplemental earth materials is an environmentally superior solution, specific analyses should demonstrate the level of risk to groundwater quality through use of WMSA and EMSA materials as backfill. Likewise, similar analysis should demonstrate that the sorting of the materials to separate greenstone and other components presents sufficient risk to groundwater quality to deem it as infeasible.
b. The Reclamation Plan states, "Treatment is currently required for water discharged from the Quarry to Permanente Creek to meet water quality standards for selenium." Considering our incomplete understanding of the biological impacts of Leigh Quarry's discharges on wildlife and habitat suitability, the County and Lehigh Quarry should evaluate how water discharged adheres to water quality standards and whether treatment for other contaminants, including but not limited to arsenic, mercury, and vanadium present in onsite materials, is warranted to protect Permanente Creek and local water resources.

3. Geology and Geotechnical Conditions

a. Long-term geotechnical stability of the ridgeline during the reclamation process continues to be a concern to Midpen and directly threatens the open space condition of its lands. As demonstrated by the historic and ongoing erosion of the ridgeline by both small-scale and catastrophic slope failures, the geotechnical stability of the ridgeline will not be achievable until the quarry pit is filled, and buttresses are in place. As such, interim stability measures should be provided, as well as contingency measures that consider uncertainties in, and the past failures of, Lehigh Quarry's stability assumptions.

4. Truck Traffic

a. Truck trips to Lehigh Quarry associated with the delivery of imported off-site fill and the use of Stevens Creek Boulevard and Foothill Boulevard and use of internal haul roads should be included in the Reclamation Plan and analyzed for potential environmental impacts to Greenhous Gas (GHG) Emissions and air quality.

b. In Section 4.9.2, the Reclamation Plan states, "With the exception of equipment required for reclamation purposes, equipment and structures supporting mining will be removed at final reclamation. This includes all mobile equipment such as loaders, dozers, excavators, haul trucks, storage vans, and water trucks. This also includes all buildings and facilities such as conveyors, crushers, trailers, maintenance buildings, storage sheds and other types of structures." Truck trips, use of internal haul roads and public roadways associated with the site clean-up and removal of these structures and facilities should be included in the Reclamation Plan and analyzed for environmental impacts.

Thank you for the opportunity to submit our comments on the completeness of the application. If you have questions, please contact me at bmalone@openspace.org or call me at (650) 625-6562.

Sincerely,

Brian Malone
Assistant General Manager, Field and Visitor Services

CC: Midpen Board of Directors
Ana M. Ruiz, General Manager

Notice of

DEVELOPMENT PROPOSAL

Proposed new single-family residence (12,052 square feet), and associated grading for driveway, parking area and landscaping.

File: PLN23-100

Location: 24001 Stevens Creek Blvd., Cupertino CA 95014

Contact: Robert Salisbury (Principal Planner), 408 299-5785
Kohlsaat & Associates, AIA, 408 395-2555

Project schedule and hearing date to be determined.

www.sccplanning.org

Companies with Qualifications to prepare signs

Name	Address	Phone # / Fax	E-mail Address / Website
FedEx	Various locations		http://local.fedex.com (search for locations)
Fast Signs	1228 A South Bascom Ave. San Jose, CA 95128	(408) 462-0952	160@fastsigns.com www.fastsigns.com
West Coast Signz	155 Blossom Hill Road San Jose, CA 95123	(408) 512-3215	info@westcoastsignz.com www.westcoastsignz.com
Signarama	457 Park Avenue San Jose, CA 95110	(408) 977-1450	www.signarama.com
San Jose Signs	1370 Tully Road, #507 San Jose, CA 95122	(408) 294-7446 fax: (408) 294-7440	info@esanjosesigns.com www.esanjosesigns.com
Sign my Signs	3507 Ryder St. Santa Clara, CA 95051	(408) 899-2889 fax (408) 689-9681	info@signmysigns.com www.signmysigns.com
Z Graphics Signs Service	7457 Eigleberry St. Gilroy, CA 95020	(408) 842-7755	zgsigns@aol.com www.dancingsign.com
TFB Designs Custom Graphics	55 W. 6th St. Gilroy, CA 95020	(408) 842-3251	sales@tfbdesigns.com www.tfbdesigns.com
Young Signs	7393 Eigleberry St. Gilroy, CA 95020	(408) 842-4145	youngsignsgilroy@yahoo.com www.youngsignsgilroy.com
New Directions Signs Service	365 Woodview Ave., Suite 300 Morgan Hill, CA 95037	(408) 778-3916 fax: (408) 778-7392	www.ndsignservice.com
Pro Signs, Inc.	15330 Los Gatos Blvd. Los Gatos, CA 95032	(408) 358-1218 fax (408) 358-1565	signs@prosigns.com www.prosigns.com
COGS Signs (Fred Hummel)		(530) 273-0162 fax: (530) 272-8594	fredhum@aol.com www.cogssigns.com

*This list is not exhaustive, there may be other sign or printing companies in the area for Santa Clara County. Yelp and Google search provided these listings for Santa Clara County area.

Last updated: 1/24/14