

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



**PERMANENTE QUARRY**  
**RECLAMATION PLAN MINOR AMENDMENT**  
*FOR THE UTILITY ROAD RECLAMATION AND BOUNDARY ADJUSTMENT*

**CALIFORNIA MINE ID NO. 91-43-0004**

**MARCH** | 2019

*Initially filed November 16, 2018, revised March 2019*

**Lead Agency:**

Santa Clara County  
Department of Planning and Development  
70 West Hedding Street, East Wing, 7<sup>th</sup> Floor, San Jose, CA 95110

**Operator:**

Lehigh Southwest Cement Company  
24001 Stevens Creek Blvd., Cupertino, CA 95104

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Figure 2	Overall Reclamation Plan Amendment Boundary Adjustment

### APPENDICES

Appendix A	Index of Required Content
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**Name and Address of Owner/Operator**

Hanson Permanente Cement, Inc.  
Lehigh Southwest Cement Company  
24001 Stevens Creek Blvd  
Cupertino, California 95014  
Contact: Erika Guerra  
Telephone: (408) 257-7476 ext. 106  
E-mail: erika.guerra@lehighhanson.com

**Name and Address of Agent**

Lehigh Southwest Cement Company  
24001 Stevens Creek Blvd  
Cupertino, California 95014  
Contact: Erika Guerra  
Telephone: (408) 257-7476 ext. 106  
E-mail: erika.guerra@lehighhanson.com

**STATEMENT OF RECLAMATION RESPONSIBILITY**

I certify that the information in this reclamation plan is correct, to the best of my knowledge, and that all of the owners of possessory interest in the property in question have been notified of the planned operation and potential uses of the land after reclamation. I also certify that I am authorized on behalf of Lehigh Southwest Cement Company to accept responsibility for reclaiming the mined lands described and submitted herein, with any modification required by Santa Clara County and agreed to as conditions of approval.

Signed this 26 day of March, 2019.

**Erika Guerra** Digitally signed by Erika Guerra  
Date: 2019.03.26 04:22:26 -07'00'

**Erika Guerra**  
for Lehigh Hanson, Inc. (Owner/Operator)

## **1. INTRODUCTION**

### **1.1 Purpose**

Lehigh Southwest Cement Company (Lehigh) has prepared this minor reclamation plan amendment (Minor Amendment) to amend the approved June 26, 2012, reclamation plan and to include additional areas within the reclamation plan as requested by the Santa Clara County (County) Planning Department. The amendments will add approximately 63 acres of land to the existing 1,238.6-acre reclamation plan boundary to include:

- the existing utility road and the area immediately adjacent to the road that will be used to perform reclamation activities (e.g., erosion control) (1.3 acres of existing disturbed area);
- the existing Plant Quarry Road (5.4 acres of existing disturbed area); and
- existing maintenance roads located west of Stevens Creek Quarry (4.2 acres of existing disturbed area).

The resulting reclamation plan boundary will encompass 1,301.6 acres. The Minor Amendment will not expand the area in which mineral deposits are harvested or otherwise expand or change any aspect of the existing surface mining operations. See Figure 1, “Utility Road Footprint and Boundary Adjustment,” and Figure 2, “Overall Reclamation Plan Amendment Boundary Adjustment,” for a map of these areas.

### **1.2 Reclamation Overview**

The adjustment to the reclamation plan boundary will add approximately 63 acres to the existing 1,238.6 reclamation plan boundary. This adjustment includes three new areas, as discussed in the following subsections. Figure 2 shows these areas.

#### **1.2.1 Utility Road Area**

The utility road and adjacent area totals 1.3 acres, and all reclamation activities will occur within this area (see Figure 1). The utility access road is a preexisting roadway that was previously limited to general-purpose access and utility company (currently Pacific Gas and Electric Company [PG&E]) access to power lines in the area. A portion of the utility access road is included in the approved reclamation plan (see Figure 3.16-14). In spring 2018, the road was improved to allow off-road haul trucks from the neighboring Stevens Creek Quarry to obtain aggregate material from the Permanente Quarry aggregate plant. This area has not been mined. Santa Clara County (County) directed Lehigh to cease using the utility road and amend the approved 2012 reclamation plan to include the utility road disturbance area. Use of the road for transport of mine materials to Stevens Creek Quarry has ceased at this time. The utility road will continue to be used only for intermittent light-duty vehicle access and utility company access (i.e., road use will revert to historical uses).

The existing utility road will be retained following mining operations to provide long-term access by public utilities and Lehigh, as needed. Drainage improvements that convey surface water from the utility road to the existing system of surface water controls at the rock plant area will be maintained. Improvements, monitoring, and maintenance will be consistent with the existing approved storm water pollution prevention plan (SWPPP). Where site-specific reclamation standards apply to the utility access road, they are described in this amendment.



### **1.2.2 Plant Quarry Road**

The County has requested that Lehigh include an approximately 3,600-foot segment of the existing Plant Quarry Road within the amended Reclamation Plan boundaries, and adjacent areas, totaling 5.4 acres of disturbed area. 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.

This boundary change will not involve any new reclamation closure requirements. When the road segment is no longer needed to support active mining operations, it 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.

### **1.2.3 Maintenance Roads**

The reclamation boundary amendment includes existing maintenance roads located westerly of the utility road, totaling approximately 4.2 acres of disturbed area. These roads are used for general maintenance and site access. Lehigh is including these roads in the Minor Amendment in light of the County's request that other access roads in the immediate area be included. This boundary change will not involve reclamation closure requirements because the roads will remain in place to provide general site access.

## **2. SITE DESCRIPTION**

### **2.1 Location, Size, and Legal Description**

The Permanente Quarry property includes 3,510 acres and 34 assessor's parcels. Of the total site acreage, 2,656 acres are subject to the County's land use jurisdiction (Santa Clara County 2011). The boundary adjustment for the maintenance road is within a portion of Assessor's Parcel Numbers (APNs) 351-11-001. The boundary adjustment for the utility road is with a portion of APN 351-10-033. The boundary adjustment for the Plant Quarry Road is within portions of APNs 351-10-033, 351-11-001, 351-10-008, and 351-09-022. These parcels are generally located in the southeastern portion of the property, within the County's unincorporated jurisdiction. These parcels are vested.

### **2.2 Vested Rights and Approved Reclamation Plans**

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 boundary modification and utility road are located entirely within the vested rights boundary and do not significantly change on-site activities. Therefore, this reclamation plan boundary does not intensify the existing vested, mining-related operations at the site.

The initial reclamation plan for Permanente Quarry was approved in 1985. It was comprehensively updated in 2012 to comply with all current standards under the California

Surface Mining and Reclamation Act (SMARA). 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.

### 2.3 Planning Boundaries

The approved reclamation plan is consistent with current practices and in advance of statutory changes enacted in 2017, identified a “reclamation plan boundary” (Public Resources Code [PRC] § 2772[c][5][B]). The reclamation plan boundary is identified for planning purposes as the intended limits of mining and reclamation at the time of plan approval. Such limits must be periodically revised where additional mining operations are planned, such that reclamation is planned for all mined lands. SMARA defines “mined lands” to include appurtenant roads. (PRC § 2729.) Also, SMARA provides that a reclamation plan must identify mine-related access roads and if they will be reclaimed at the end of mining or remain for postmining use (PRC § 2772[c][5][E]). This Minor Amendment implements these requirements by incorporating the existing utility road, Plant Quarry Road, and maintenance roads into the reclamation plan boundary.

### 2.4 Relationship of This Amendment to Approved Reclamation Plan

SMARA recognizes that reclamation plans may need to be amended as mining progresses. In general, the 2012 reclamation plan defined the existing site conditions and the specifications for reclamation (e.g., erosion control) that continue to apply to the plan for reclamation proposed in this amendment. Table 1, “List of Approved Plan Subjects and Utility Road Amendments,” provides relevant compliance elements of the approved reclamation plan and the changes provided in this amendment.

**TABLE 1**  
**LIST OF APPROVED PLAN SUBJECTS AND UTILITY ROAD AMENDMENTS**

Approved Plan Subjects	Utility Road Amendment
<b>GENERAL INFORMATION</b>	
<ul style="list-style-type: none"> <li>• Permitted Mineral Products</li> <li>• Production Amount (Annual/Gross)</li> <li>• End Date of Operations</li> <li>• Estimated Final Reclamation Date</li> <li>• End Use</li> </ul>	No changes to approved plan
<b>BOUNDARIES</b>	
<ul style="list-style-type: none"> <li>• Property Boundary</li> <li>• Reclamation Plan Boundary</li> <li>• Setbacks</li> </ul>	<ul style="list-style-type: none"> <li>• No change</li> <li>• Revised (see Figures 1 and 2)</li> <li>• No change</li> </ul>
<b>SLOPES—GRADING</b>	
<ul style="list-style-type: none"> <li>• Fill Slopes</li> <li>• Cut Slopes</li> </ul>	No changes to approved plan
<b>EROSION</b>	
<ul style="list-style-type: none"> <li>• Best Management Practices</li> <li>• Grading</li> <li>• Vegetation</li> </ul>	Drainage improvements are installed to convey surface water from the utility road to the existing system of surface water controls at the rock plant area. Improvements, monitoring, and maintenance will be consistent with the site storm water pollution prevention plan.
<b>PONDS</b>	
Design—Function <i>Capacity (area/depth/volume)</i> <i>Maintenance</i>	No changes to approved plan

Approved Plan Subjects	Utility Road Amendment
<b>STREAM AND WETLAND PROTECTION</b>	
<ul style="list-style-type: none"> <li>• Berms (distance/length/height)</li> <li>• BMPs</li> <li>• Drainage</li> <li>• Grading and Slopes</li> <li>• Stockpiles</li> <li>• Stream Diversions</li> </ul>	No changes to approved plan
<b>SENSITIVE WILDLIFE AND PLANT PROTECTION</b>	
<ul style="list-style-type: none"> <li>• List Species</li> <li>• Protection Measures</li> </ul>	No changes to approved plan
<b>SOIL/OVERBURDEN STOCKPILE MANAGEMENT</b>	
Topsoil: <i>Location</i> <i>Slope Stability</i> <i>BMPs</i>	No changes to approved plan
Overburden: <i>Location</i> <i>Slope Stability</i> <i>BMPs</i>	No changes to approved plan
Topsoil Application: <i>Amendments</i> <i>Depth</i> <i>Moisture</i> <i>Application Methods</i>	No changes to approved plan
<b>REVEGETATION</b>	
<ul style="list-style-type: none"> <li>• Test Plots</li> <li>• Species Mix</li> <li>• Density</li> <li>• Percent Cover</li> <li>• Species Richness</li> <li>• Protection</li> <li>• Success Monitoring</li> <li>• Invasive Species Control</li> </ul>	No changes to approved plan
<b>STRUCTURES, EQUIPMENT, CLOSURE OF ADITS, OTHER RECLAMATION PLAN REQUIREMENTS</b>	
	No changes to approved plan

In accordance with PRC § 2772(b), a “Chart of Required Content” is required that provides an index identifying the page number, section, appendix, or other location in the reclamation plan and any amendments containing content meeting the requirements of PRC §§ 2772, 2773, 2773.3 and California Code of Regulations (CCR) Articles 1 and 9. This is a new requirement since the 2012 reclamation plan was approved. Appendix A, “Index of Required Content,” provides that chart.

### 3 DESCRIPTION OF RECLAMATION ACTIVITIES

As noted in Table 1, many of the same actions and activities provided in the approved plan would be applied to the approximately 63-acre project area. A summary of the reclamation activities are provided in the following subsections.

#### 3.1 Slope Stabilization

In response to the County’s NOV discussed in Section 1.2, Lehigh retained Stantec, Inc. to perform a slope stability evaluation of the utility road. Stantec performed a geotechnical evaluation of the slope stability of the typical cut and fill slopes used for the utility road (see Appendix B, “Slope Stability Evaluation”). Stantec selected a cross section that has greater cut

and fill heights and steeper cut and fill slopes than other sections of the road and therefore provided a worst-case assessment of the road stability. Stantec concluded that the road cuts appear to be stable with minor erosion.

The results of the stability analysis concluded that the cut slopes are stable (factor of safety [FOS] greater than 1.0) during both the static and pseudo-static conditions. The fill slope is stable under static conditions, but the FOS is less than 1.0 for pseudo-static conditions. Some sloughing is likely to occur during a seismic event, but mitigating the slope movements will be limited to grading and revegetating the slope. The Stantec analysis concluded, "There is no infrastructure or any sort of facility below the road that can be impacted by potential slope movements." The road will be monitored and maintenance requirements will be tracked to help identify erosion locations and areas where additional grading may be required to minimize future erosion. The ditch along the length of the utility road will be evaluated for storm flows and armoring will be considered if peak flow velocities exceed the resisting strength of the channel material and/or erosion occurs.

Stantec recommended (and Lehigh implemented in the fall of 2018) that slopes be seeded to establish vegetation, which reduces erosion potential. The reclamation plan and SWPPP require that any necessary seeding occurs before the each rainy season. Stantec also recommended monitoring bedrock slopes for erosion, and grading these areas if necessary.

### **3.2 Stormwater and Erosion Control**

The utility road is graded to drain along a rock-lined channel and water bars on the west side of the road. These features facilitate infiltration and settle sediment from stormwater. Approximately halfway down the road, a drop inlet collects water in the rock-lined channel and discharges through a drain pipe that conveys runoff down the slope and discharges at the bottom of the slope. Conveying runoff in a pipe reduces erosion of the utility road. Exposed slopes created during construction of the road improvements were hydroseeded after straw wattles were placed perpendicular to the slopes to reduce erosion and sediment migration. Stormwater and erosion controls during operation and reclamation activities associated with the utility road will be consistent with the approved reclamation plan (see Attachment F of the approved reclamation plan) and current SWPPP, updated in October 2018. The SWPPP includes best management practices (BMPs) such as the use of straw wattles, drainage channels, swales, silt fencing, revegetation, monitoring, and maintenance.

### **3.3 Revegetation**

Revegetation consists of the general hydroseeding mix listed in Table 4 of the approved reclamation plan. This seed mix has been applied to exposed areas on either side of the utility road. Hydroseeding was performed on October 2018 pursuant to the timing requirements in the approved reclamation plan and will generally take place between September 1 and December 1 of each year, as needed to control potential erosion and sedimentation.

### **3.4 Monitoring**

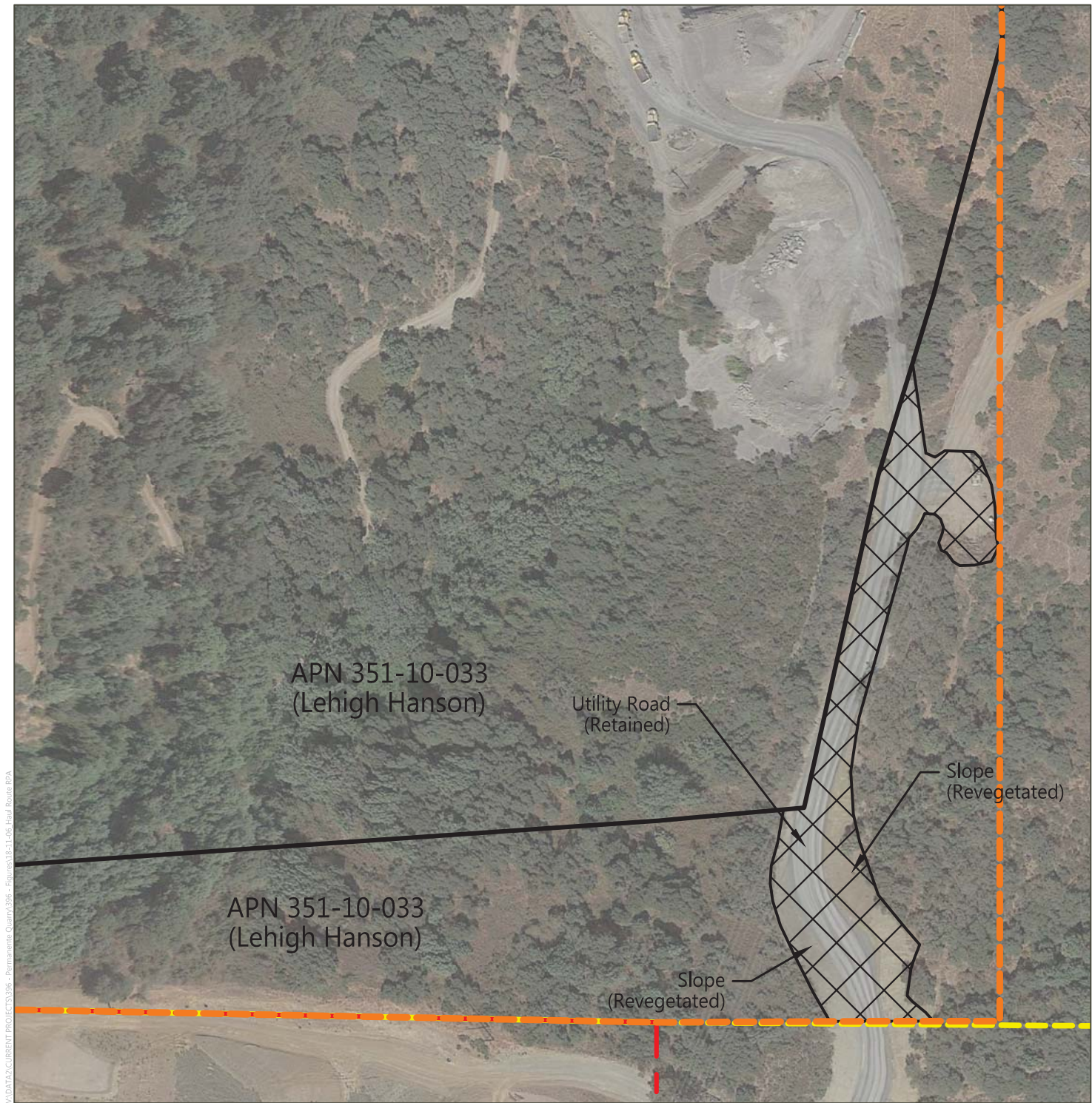
Stormwater and erosion-control monitoring and maintenance will be consistent with the approved reclamation plan and approved SWPPP.

#### **4. FINANCIAL ASSURANCE**

Permanente Quarry has an existing financial assurance posted with Santa Clara County and the California Division of Mine Reclamation in the amount of \$54,657,484. This reclamation plan amendment will result in an additional 63 acres of surfaces. The utility road, Plant Quarry Road, and additional maintenance roads will remain after the site is reclaimed.

The County reviews financial assurances annually. Financial assurances are adjusted, if necessary, to reflect changes in the estimated cost of reclamation activities and lands reclaimed the previous year.

# FIGURES



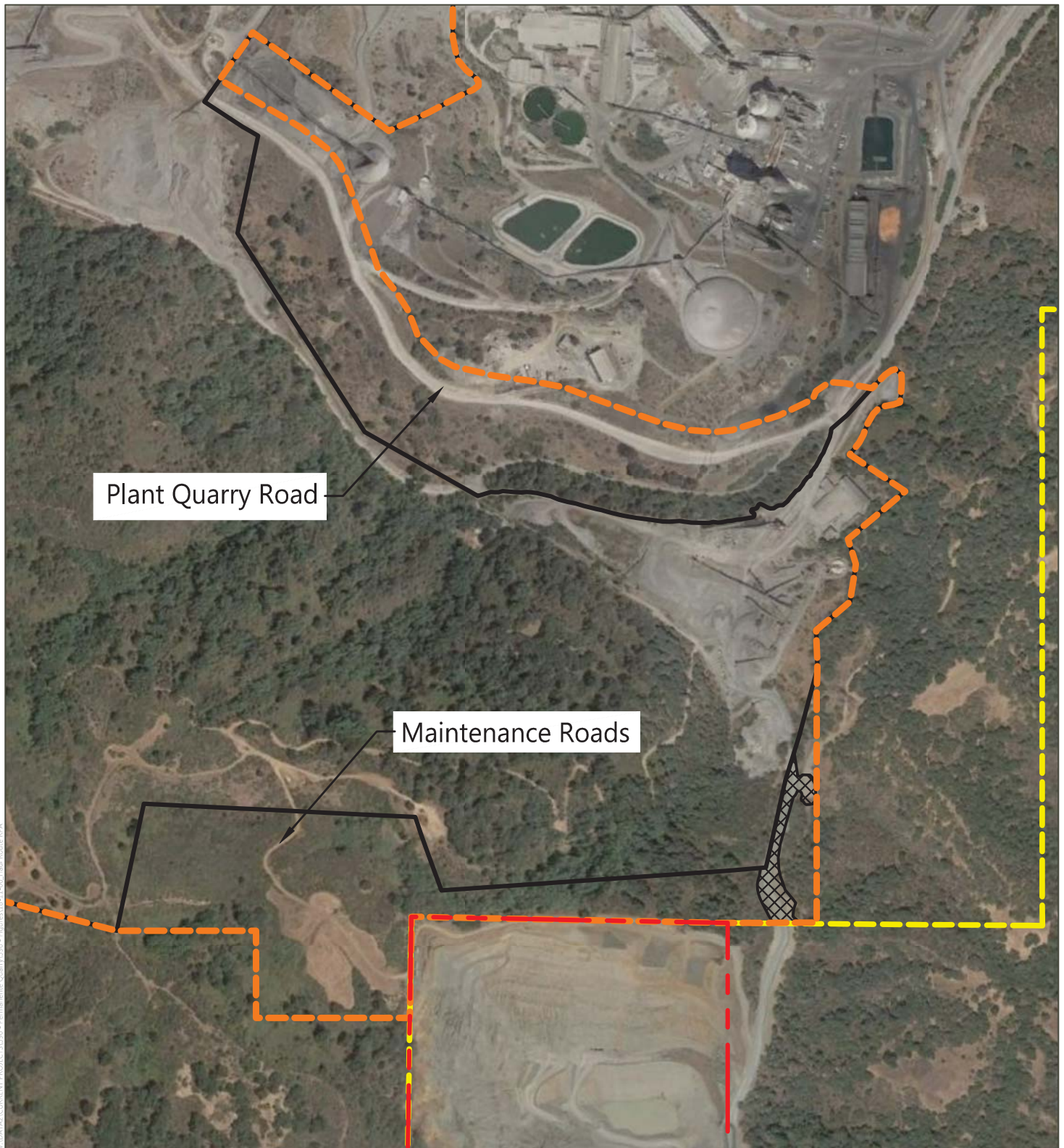
\D:\DATA\CURRENT PROJECTS\306 - Permanente Quarry\306 - Figures\18-11-05-Util Road RPA

SOURCES: AERIAL: Towill, Inc. flown (8-1-2018); SITE BOUNDARY & RECLAMATION BOUNDARIES: Lehigh Southwest Cement Company, generated Nov. 2018; compiled by Benchmark Resources in 2019

- - - - - Property Boundary
- - - - - Vested Rights Boundary
- Existing Reclamation Boundary
- Amended Reclamation Boundary
- Utility Road Disturbance Area (1.3 acres)

**Utility Road Footprint and Boundary Adjustment**  
 PERMANENTE QUARRY UTILITY ROAD  
 RECLAMATION PLAN AMENDMENT  
**Figure 1**

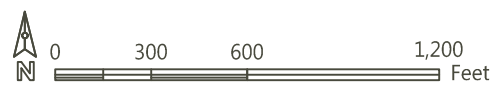




SOURCES: AERIAL: Towill, Inc. flown (8-1-2018); SITE BOUNDARY & RECLAMATION BOUNDARIES: Lehigh Southwest Cement Company, generated Nov. 2018; compiled by Benchmark Resources in 2019

- Property Boundary
- Vested Rights Boundary
- Existing Reclamation Boundary
- Amended Reclamation Boundary (amended area adds an additional 63.0 acres)
- Utility Road Disturbance Area (1.3 acres)

**Overall Reclamation Plan Amendment Boundary Adjustment**  
 PERMANENTE QUARRY UTILITY ROAD  
 RECLAMATION PLAN AMENDMENT  
**Figure 2**





# APPENDICES

***APPENDIX A  
INDEX OF REQUIRED CONTENT***

## APPENDIX A INDEX TO REQUIRED CONTENT

<b>Mine Name:</b>	Permanente Quarry		Permanente Quarry Reclamation Plan Minor Amendment, Utility Road Reclamation and Boundary Adjustment (RPA)
<b>Reclamation Plan:</b>	Permanente Quarry Reclamation Plan Amendment (approved 2012) (RP)	<b>Amendments:</b>	
<b>End Use:</b>	Open space	<b>Date:</b>	2019

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
<b>GENERAL CONSIDERATIONS</b>			
PRC 2772(b)	Required contents chart: A chart identifying the location (e.g. page number, chapter, appendix, or other location in the reclamation plan) of content that meets the requirements of PRC Sections 2772, 2773, 2773.3 and CCR Articles 1 and 9 (as delineated in this checklist).	X	This table
PRC 2772(c)(1)	Contact information: Name and address of the surface mining operator and any person designated by the operator as an agent for service of process (must reside in CA).	X	RP: Section 3.1, pg. 25 RPA: pg. ii
PRC 2772(c)(2)	Material quantity and type: The anticipated total quantity and type of minerals to be mined (see Annual Report Instructions, Exhibit B, for mineral types and units of measure).	X	RP: Section 3.2, pg. 25
PRC 2772(c)(3)	Dates: The initiation and termination dates of mining (be as specific as possible, e.g. December 31, 2030).	X	RP: Section 3.2, pg. 25
PRC 2772(c)(4)	Depth of mining: The maximum anticipated depth of surface mining in relation to a verifiable benchmark such as Mean Sea Level.	X	RP: Section 3.2, pg. 26
PRC 2772(c)(5) (A-F)	Reclamation plan maps shall include: Size and legal description of lands affected by surface mining operations;	X	RP: Attachment A; Figure 1.0-4, pg. 5
	Names and addresses of owners of all surface interests and mineral interests;	X	RP: Section 3.1, pg. 25 RPA: pg. ii
	Property lines, setbacks, and the reclamation plan boundary;	X	RP: Figures 1.0-5, 1.0-6, pgs. 6-7
	Existing and final topography with contour lines at appropriate intervals;	X	RP: Existing—RP: Figure 2.7-1, Final—3.61-14
	Detailed geologic description of the area of the surface mining operation;	X	RP: Figure 2.6-1, pg. 22
	Locations of railroads, utility features, and roads (access roads, temporary roads to be reclaimed, and any roads remaining for the end use).	X	RP: Figure 3.13-1, pg. 39
	All maps, diagrams, or calculations that are required to be prepared by a California-licensed professional shall include the preparer's name, license number, signature & seal.	X	RP: Not applicable in 2012

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
PRC 2772(c)(6)	Mining method and schedule: A description of the mining methods and a time schedule that provides for completion of mining on each segment so that reclamation can be concurrent or phased.	X	RP: Section 3.3, page 26; Section 3.16, pg. 43
PRC 2772(c)(7)	Subsequent use(s): A description of the proposed subsequent use(s) after reclamation	X	RP: Section 3.15, page 40
	Evidence that all landowners have been notified of the proposed use.	X	RPA: Pg.ii
PRC 2772(c)(9)	Impact on future mining: A statement regarding the impact of reclamation on future mining on the site.	X	RP: Section 3.22, pg. 104
PRC 2772(c)(10)	Signed statement: Statement signed by the operator accepting responsibility for reclamation of the mined lands per the reclamation plan.	X	RP: Pg. 105 RPA: Pg.ii
PRC 2776(b-c)	Pre-SMARA areas: Reclamation plans shall apply to operations conducted after January 1, 1976 or to be conducted in the future. Mined lands disturbed prior to January 1, 1976 <i>and not disturbed after that date</i> may be excluded from the reclamation plan.	X	RP: Section 3.3, pg. 28; Section 3.16, pg. 80
CCR 3502(b)(2)	Public health and safety: A description of how any potential public health and safety concerns that may arise due to exposure of the public to the site will be addressed.	X	RP: Section 3.5, pg. 31; Section 3.11, pg. 37; Section 3.21, pg. 104
CCR 3709(a)	Equipment storage and waste disposal: Designate areas for equipment storage and show on maps.	X	RP: Figures 3.3-1, pg. 29; 3.3-2, pg. 30; 3.7-1, pg. 34; 3.7-2, pg. 35; 3.7-3 pg. 36; 3.16-12, pg. 58; Waste: Figure 3.3-1, pg. 29
	All waste shall be disposed of in accordance with state and local health and safety ordinances.	X	RP: Section 3.20, pg. 104
CCR 3709(b)	Structures and equipment removed: Structures and equipment should be dismantled and removed at closure, except as demonstrated to be necessary for the proposed end use.	X	RP: Section 3.20, pg. 104
CCR 3713(a)	Well closures: Drill holes, water wells, monitoring wells will be completed or abandoned in accordance with laws, unless demonstrated necessary for the proposed end use.	X	RP: 3.20, pg. 104
CCR 3713(b)	Underground openings: Any portals, shafts, tunnels, or openings will be gated or protected from public entry, and to preserve access for wildlife (e.g. bats).	X	RP: Section 3.15, pg. 46 (conveyor tunnel)
<b>GEOLOGY AND GEOTECHNICAL</b>			
PRC 2772(c)(5)	A description of the general geology of the area	X	RP: Section 2.5, pg. 9

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
	A detailed description of the geology of the mine site.	X	RP: Section 2.5, pg. 9; Attachment C
PRC 2773.3	If a metallic mine is located on, or within one mile of, any "Native American sacred site" and is located in an "area of special concern," the reclamation plan shall require that all excavations and/or excess materials be backfilled and graded to achieve the approximate original contours of the mined lands prior to mining.	—	Not applicable (NA)
CCR 3502(b)(4)	The source and disposition of fill materials used for backfilling or grading shall be considered in the reclamation plan.	X	RP: Section 3.17.2, pg. 62
CCR 3502(b)(3)	The designed steepness and treatment of final slopes must consider the physical properties of slope materials, maximum water content, and landscaping.	X	RP: Section 3.17.2, pg. 62; Attachment C RPA: Appendix B
	The reclamation plan shall specify slope angles flatter than the critical gradient for the type of slope materials.	X	RP: Section 3.17.2, pg. 62; Attachment C RPA: Appendix B
	When final slopes approach the critical gradient, a Slope Stability Analysis will be required.	X	RP: Section 3.17.2, pg. 62; Attachment C RPA: Appendix B
CCR 3704.1	Backfilling required for surface mining operations for metallic minerals.	—	NA
CCR 3704(a)	For urban use, fill shall be compacted in accordance with Uniform Building Code, local grading ordinance, or other methods approved by the lead agency.	—	NA
CCR 3704(b)	For resource conservation, compact to the standards required for that end use.	X	RP: Attachment C
CCR 3704(d)	Final reclamation fill slopes shall not exceed 2:1 (H:V), except when allowed by site-specific engineering analysis, and the proposed final slope can be successfully revegetated. See also Section 3502(b)(3).	X	RP: Section 3.17.2, pg. 62; Attachment C RPA: Appendix B
CCR 3704(e)	At closure, all fill slopes shall conform with the surrounding topography or approved end use.	X	RP: Section 3.17.2, pg. 62; Figure 3.16-13, pg. 59
CCR 3704(f)	Final cut slopes must have a minimum slope stability factor of safety that is suitable for the end use and conforms with the surrounding topography or end use.	X	RP: Section 3.17.2, pg. 62; Figure 3.16-13, pg. 59 RPA: Appendix B
<b>HYDROLOGY AND WATER QUALITY</b>			
PRC 2770.5	For operations within the 100-year flood plain (defined by FEMA) and within one mile up- or downstream of a state highway bridge, Caltrans must be notified and provided a 45-day review period by the lead agency.	—	NA

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
PRC 2772(c)(8)(A)	Description of the manner in which contaminants will be controlled and mine waste will be disposed.	X	RP: Section 3.15, pg. 40
PRC 2772(c)(8)(B)	The reclamation plan shall include a description of the manner in which stream banks/beds will be rehabilitated to minimize erosion and sedimentation.	X	RP: 3.19, pg. 80
PRC 2773(a)	The reclamation plan shall establish site-specific sediment and erosion control criteria for monitoring compliance with the reclamation plan.		RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3502(b)(6)	Temporary stream and watershed diversions shall be detailed in the reclamation plan.	X	RP: 3.19, pg. 80
CCR 3503(a)(2)	Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.	X	RP: Section 3.17.3.1, pg. 65
CCR 3503(b)(2)	Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment E, F
CCR 3503(a)(3)	Erosion control facilities shall be constructed and maintained where necessary to control erosion.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3503(b)(1)	Settling ponds shall be constructed where they will provide a significant benefit to water quality.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3503(d)	Disposal of mine waste and overburden shall be stable and shall not restrict natural drainage without suitable provisions for diversion.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3503(e)	Grading and revegetation shall be designed to minimize erosion and convey surface runoff to natural drainage courses or interior basins.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
	Spillway protection shall be designed to prevent erosion.	X	RP: Section 3.18, pg. 76; Attachment F
CCR 3706(a)	Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water.	X	RP: Section 2.8, pg. 15; RP: Section 3.18, pg. 76; Attachment F
CCR 3706(b)	Water quality, recharge potential, and groundwater storage that is accessed by others shall not be diminished.	X	RP: Section 2.8, pg. 15; RP: Section 3.18, pg. 76; Attachment F
CCR 3706(c)	Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of surface mining operations to minimize siltation of lakes and water courses as per RWQCB/SWRCB.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
CCR 3706(d)	Surface runoff and drainage shall be controlled to protect surrounding land and water resources.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
	Erosion control methods shall be designed for not less than 20 year/1 hour intensity storm event.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3706(e)	Impacted drainages shall not cause increased erosion or sedimentation. Mitigation alternatives shall be proposed in the reclamation plan.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3706(f)(1)	Stream diversions shall be constructed in accordance with the Lake and Streambed Alteration Agreement (LSAA) between the operator and the Department of Fish and Wildlife.	X	RP: 3.19, pg. 80
CCR 3706(f)(2)	Stream diversions shall also be constructed in accordance with Federal Clean Water Act and the Rivers and Harbors Act of 1899.	X	RP: 3.19, pg. 80
CCR 3706(g)	All temporary stream diversions shall eventually be removed and the affected land reclaimed.	X	RP: 3.19, pg. 80
CCR 3710(a)	Surface and groundwater shall be protected from siltation and pollutants in accordance with the Porter-Cologne Act, the Federal Clean Water Act, and RWQCB/SWRCB requirements.	X	RP: Section 3.9, pg. 37; Section 3.18, pg. 76; Attachment F
CCR 3710(b)	In-stream mining shall be conducted in accordance with Section 1600 et seq. of the California Fish and Game Code, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899.	—	NA
CCR 3710(c)	In-stream mining shall be regulated to prevent impacts to structures, habitats, riparian vegetation, groundwater levels, and banks.	—	NA
	In-stream channel elevations and bank erosion shall be evaluated annually using extraction quantities, cross-sections, and aerial photos.	—	NA
CCR 3712	Mine waste and tailings and mine waste disposal units are governed by SWRCB waste disposal regulations and shall be reclaimed in accordance with this article: CCR Article 1. Surface Mining and Reclamation Practice. Section 3500 et seq.	X	RP: Section 3.15, pg. 40
<b>SENSITIVE SPECIES AND HABITAT</b>			
CCR 3502(b)(1)	A description of the environmental setting (identify sensitive species, wildlife habitat, sensitive natural communities, e.g. wetlands).	X	RP: Section 2.9, pg. 15, Attachment D
	Impacts of reclamation on surrounding land uses.	X	RP: Section 2.3, pg. 8
CCR 3503(c)	Fish and wildlife habitat shall be protected by all reasonable measures.	X	RP: Section 3.17.1, pg. 61, Attachment D

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
CCR 3703(a)	Sensitive species shall be conserved or mitigated as prescribed by the federal and California Endangered Species Acts.	X	RP: Section 3.17.1, pg. 61, Attachment D
CCR 3703(b)	Wildlife habitat shall be established on disturbed land at least as good as pre-project, unless end use precludes its use as wildlife habitat.	—	NA
CCR 3703(c)	Wetlands shall be avoided or mitigated at 1:1 minimum for both acreage and habitat value.	X	RP: Section 3.17.1, Section 18, pg. 76; pg. 61, Attachment D
CCR 3704(g)	Piles or dumps shall not be placed in wetlands without mitigation.	X	RP: Section 3.15, pg. 40; Section 3.17.3.1, pg. 65
CCR 3710(d)	In-stream mining shall not cause fish to be trapped in pools or off-channel pits, or restrict migratory or spawning activities.	—	NA
<b>TOPSOIL</b>			
CCR 3503(a)(1)	Removal of vegetation and overburden preceding mining shall be kept to a minimum.	X	RP: Section 3.4, pg. 31
CCR 3503(f)	When the reclamation plan calls for resoiling, mine waste shall be leveled and covered with a layer of finer material. A soil layer shall then be placed on this prepared surface.	X	RP: Section 3.17.3, pg. 64; Attachment B
	The use of soil conditioners, mulches, or imported topsoil shall be considered where such measures appear necessary.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3704(c)	Mine waste shall be stockpiled to facilitate phased reclamation and kept separate from topsoil or other growth media.	X	RP: Section 3.17.3, pg. 64; Attachment B; Section 3.16, pg. 43
CCR 3705(e)	If soil is altered or other than native topsoil, soil analysis is required. Add fertilizers or soil amendments if necessary.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3711(a)	All salvageable topsoil shall be removed as a separate layer.	X	RP: Section 3.17.3, pg. 64; Attachment B
	Topsoil and vegetation removal should not precede mining by more than one year.	X	RP: Section 3.4, pg. 31, Attachment B
CCR 3711(b)	Topsoil resources shall be mapped prior to stripping and location of topsoil stockpiles shown on map included in the reclamation plan.	X	RP: Section 3.4, pg. 31, Section 3.17.3, pg. 64; Attachment B
	Topsoil and other growth media shall be maintained in separate stockpiles.	X	RP: Section 3.4, pg. 31, Section 3.17.3, pg. 64; Attachment B
	Test plots may be required to determine the suitability of growth media for revegetation purposes.	X	RP: Section 3.17.3.3, pg. 72



Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
CCR 3711(c)	Soil salvage operations and phases of reclamation shall be set forth in the reclamation plan to minimize the area disturbed and to achieve maximum revegetation success.	X	RP: Section 3.4, pg. 31; Section 3.17.3, pg. 64; Attachment B
CCR 3711(d)	Topsoil and growth media shall be used to phase reclamation as soon as can be accommodated following the mining of an area.	X	RP: Section 3.4, pg. 31; Section 3.16, pg. 43; Section 3.17.3, pg. 64; Attachment B
	Topsoil stockpiles shall not be disturbed until needed for reclamation.	X	RP: Section 3.4, pg. 31; Section 3.17.3, pg. 64; Attachment B
	Topsoil stockpiles shall be clearly identified with signs.	X	RP: Section 3.4, pg. 31; Section 3.17.3, pg. 64; Attachment B
	Topsoil shall be planted with vegetation or otherwise protected to prevent erosion and discourage weeds.	X	RP: Section 3.4, pg. 31; Section 3.17.3, pg. 64; Attachment B
CCR 3711(e)	Topsoil shall be redistributed in a manner resulting in a stable, uniform thickness consistent with the end use.	X	RP: Section 3.4, pg. 31; Section 3.17.3, pg. 64; Attachment B
<b>REVEGETATION</b>			
PRC 2773(a)	The reclamation plan shall be specific to the property and shall establish site-specific criteria for evaluating compliance with the reclamation plan with respect to revegetation.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3503(g)	Available research regarding revegetation methods and selection of species given the topography, resoiling characteristics, and climate of the mined areas shall be used.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(a)	Baseline studies shall be conducted prior to mining activities to document vegetative cover, density, and species richness.	X	RP: Section 3.17.3, pg. 64; Attachment B
	Vegetative cover shall be similar to surrounding habitats and self-sustaining.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(b)	Test plots shall be conducted simultaneously with mining to ensure successful implementation of the proposed revegetation plan.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(c)	Decompaction methods, such as ripping and disking, shall be used in areas to be revegetated to establish a suitable root zone for planting.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(d)	Roads shall be stripped of roadbase materials, resoiled, and revegetated, unless exempted.	X	RP: Section 3.15, pg. 40

Authority	Requirements/Practices/Standards	Applicable	Source/Page or Explanation
CCR 3705(f)	Temporary access shall not disrupt the soil surface on arid lands except where necessary for safe access. Barriers shall be installed to keep unauthorized vehicles out.	X	RP: Section 3.15, pg. 40; Section 3.17.3, pg. 64; Attachment B
CCR 3705(g)	Use local native plant species (unless non-native species meet the end use).	X	RP: Section 3.17.3, pg. 64; Attachment B
	Areas to be developed for industrial, commercial, or residential shall be revegetated for the interim period to control erosion.	—	NA
CCR 3705(h)	Planting shall be conducted during the most favorable period of the year for plant establishment.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(i)	Use soil stabilizing practices and irrigation when necessary to establish vegetation.	X	RP: Section 3.18, pg. 76
CCR 3705(j)	If irrigation is used, demonstrate that revegetation has been self-sustaining without irrigation for two years prior to the release of financial assurance.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(k)	Weeds shall be monitored and managed.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR 3705(l)	Plant protection measures such as fencing and caging shall be used where needed for revegetation success. Protection measures shall be maintained until revegetation efforts are successfully completed and the lead agency authorizes removal.	X	RP: Section 3.17.3, pg. 64; Attachment B
CCR3705(m)	Quantitative success standards for vegetative cover, density, and species richness shall be included in the reclamation plan.	X	RP: Section 3.17.3, pg. 64; Attachment B
	Monitoring to occur until success standards have been achieved.	X	RP: Section 3.17.3, pg. 64; Attachment B
	Sampling techniques for measuring success shall be specified. Sample size must be sufficient to provide at least an 80 percent statistical confidence level.	X	RP: Section 3.17.3, pg. 64; Attachment B
<b>AGRICULTURE</b>			
CCR 3707(a)	Where the end use will be agriculture, prime agricultural land shall be returned to a fertility level specified in the reclamation plan.	—	NA
CCR 3707(b)	Segregate and replace topsoil in proper sequence by horizon in prime agricultural soils.	—	NA
CCR 3707(c)	Post reclamation productivity rates for prime agricultural land must be equal to pre-project condition or to a similar site for two consecutive years.	—	NA
	Productivity rates shall be specified in the reclamation plan.	—	NA
CCR 3707(d)	If fertilizers and amendments are applied, they shall not cause contamination of surface or groundwater.	X	RP: Attachment B
CCR 3708	For sites where the end use is to be agricultural, non-prime agricultural land must be reclaimed to be capable of sustaining economically viable crops common to the area.	—	NA

**APPENDIX B**  
**SLOPE STABILITY EVALUATION**

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To:	Talia Flagan Lehigh Hanson	From:	Paul Kos Denver CO Office
File:	Lehigh Utility Road Geotech Review Stantec PN 233001289	Date:	March 13, 2019

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## Response to Notice of Violation Regarding the Existing Utility Road

### Background

Lehigh Hanson improved an approximately 800-foot long portion of an existing utility road that climbs southerly from the Permanente aggregate plant and continues along a ridge toward the neighboring quarry site (**Figure 1**). The alignment has been in use for 50 plus years and does not represent an engineered design. This roadway began as a narrow, bulldozed exploration and utility access road. It was subsequently used as a maintenance road to access this portion of the property, and by Pacific Gas and Electric Company (PG&E) to access power lines in the area. The road was improved to also allow for off-site materials transport. The utility road would continue to be used for one or more of these purposes following mining operations.

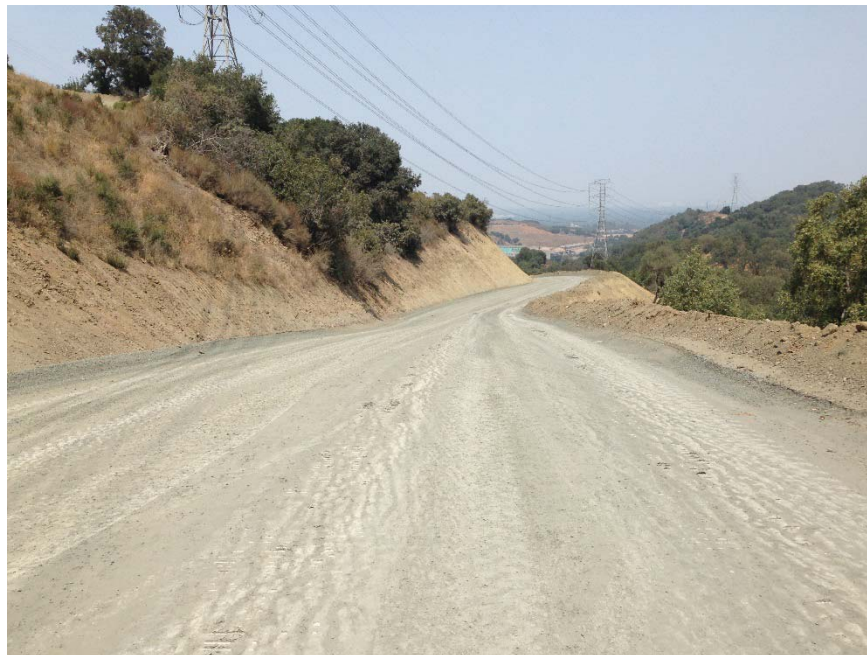


**Figure 1:** Utility Road Location

## Response to Notice of Violation Regarding the Existing Utility Road

### Existing Conditions

The utility road was improved along its preexisting alignment. While the road appears to have been built without an engineered design, it is within typical mining industry standards for grading, slopes, and drainage controls. A key consideration of this road is the fact that it is an internal road that cannot be accessed by the public and will remain as it serves the primary access to the southern property and an easement for PG&E. Roads such as this are typically constructed following existing site practices that have been proven to work at the site, thus little to no engineering is required. Photographs of the improved road are included below. **Figure 2** shows the observed current road cross-section and presents the range of excavation heights. **Figure 3** shows the observed current fill profile. It should be noted that the slopes pictured have been revegetated since these photographs were taken.



**Figure 2:** Observed Current Road Cross-Section

### Response to Notice of Violation Regarding the Existing Utility Road

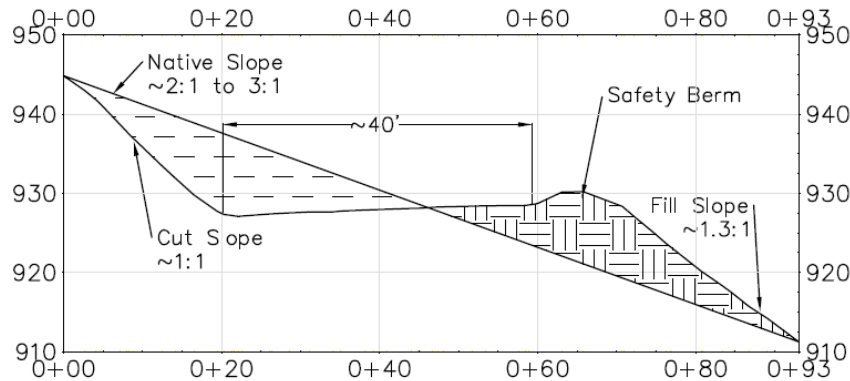


**Figure 3:** Observed Current Road Fill Profile

The road is steep compared to public roads with grades up to 20%. These grades are common for unpaved access roads not intended for public use and mine haul roads. The road is sloped toward the hillside, which directs stormwater to the inside of the road. Water flows either to the aggregate plant at Permanente Quarry to the north or Stevens Creek Quarry to the south, where it enters one of the existing stormwater management systems.

A safety berm was constructed on the outside edge of the utility road, consistent with MSHA requirements and standard safety practices, and improves the safety of maintenance or utility worker use. This configuration consisting of a berm on the outside and a ditch on the inside is a preferred design for haul roads, because it limits the potential for discharges to the environment. The cut slopes vary, but they are generally steep at approximately 1:1. The cut heights are up to 30 feet. The fill slopes are also steep at approximately 1.3:1, with fill slopes up to 50 feet high. Temporary internal mine roads are often constructed with cut and fill slopes in this range, and any erosion that occurs is managed by the site maintenance crews. Stantec personnel visited the utility road, and no cracking, slumping, or any other signs of slope movement were identified. An example of a current cross-section of the existing utility road, using topography based on a recent LIDAR survey, is included as **Figure 4**.

## Response to Notice of Violation Regarding the Existing Utility Road



**Figure 4:** Existing Typical Haul Road Configuration

### Slope Stability Discussion

Comment 5 of the NOV requires Lehigh to submit slope stability calculations pursuant to California Code of Regulations, Title 14, § 3704(f). This regulation applies to final cut slopes and requires a slope stability factor of safety suitable with the proposed end land use. As discussed above, the utility road will be retained following mine reclamation for internal site access and will not be open for public use.

### Slope Stability Evaluation

Stantec performed a geotechnical evaluation of the slope stability of the typical cut and fill slopes for the improved road. The evaluated cross-section selected has greater cut and fill heights and steeper cut and fill slopes than other sections of the road and therefore provides a worst-case assessment of the road stability. The bedrock for the evaluation consists of greenstone based on observation of the roadcuts by Stantec engineers. These road cuts appear to be stable with minor erosion.

The greenstone rock strength varies in the project area, depending on the amount of shearing and weathering that has occurred at each location. Low-quality rock is not known to be present in the immediate area of the road, and median strength parameters were used for this assessment. These parameters, listed in **Table 1** below, are consistent with previous analyses performed for roads and highwalls at the Lehigh property (Golder, 2011).

The fill material rock strength is consistent with the material strength parameters used for waste rock fill slope assessments at the Lehigh property (Golder, 2011). The waste rock at the property generally consists of greenstone, and Stantec feels the shear strength values are representative of the materials that will be encountered, albeit conservative due to no consideration for cohesion. There is a thin layer of residual soil between the greenstone and fill material, and Stantec used material strength parameters for soils that have previously been used for slope assessments at the Lehigh property (Golder, 2011) for this material. These parameters are listed in **Table 1** below.

**Response to Notice of Violation Regarding the Existing Utility Road**

**Table 1: Shear Strength Values**

Material	Unit Weight (pcf)	Friction Angle (degrees)	Cohesion (psf)
Fill	125	35	0
Soil	120	30	200
Greenstone	165	23	1,400

Stantec modeled the slope stability factors of safety for static and pseudo-static conditions using Slope/W 2012 (Version 8.14) software. Slope/W performs a two-dimensional, limit-equilibrium analysis to calculate the factor of safety. The pseudo-static analysis used a seismic coefficient of 0.15, which is consistent with previous analyses at the Lehigh property (Golder, 2011).

The slope stability results identify the minimum factors of safety for each analysis, and these results are included in **Table 2** below and in **Attachment 1**. The results indicate that the cut slopes are stable (FOS>1.0) during both the static and pseudo-static conditions. The fill slope is stable under static conditions, but the FOS is less than 1.0 for pseudo-static conditions. This suggests that some sloughing is likely to occur during a seismic event but mitigating the slope movements would be limited to grading and revegetating the slope. There is no infrastructure or any sort of facility below the road that can be impacted by potential slope movements.

**Table 2: Slope Stability Results**

Slope	Static FOS	Pseudo-Static FOS
Cut Slope	2.16	1.70
Fill Slope	1.06	0.78

The utility road was improved following accepted mining practices and based on the results of the stability analyses is considered to be stable for internal use. Any erosion or sloughing that occurs during a seismic event is expected to be minor and managed through routine inspections and maintenance.



## Response to Notice of Violation Regarding the Existing Utility Road

### Recommendations for Further Investigations

The foregoing results are based on limited data. Should a more refined analysis or verification be necessary, Stantec recommends a further geologic and geotechnical investigation to evaluate the road configuration for slope stability, drainage, and practicality. This investigation should identify stable areas (i.e. solid rock) and determine if there are any areas along the alignment that have an increased potential for erosion or slope stability issues. The investigation should include an evaluation of soil type and depth, weathered bedrock locations and extent of weathering, shear zones, and rock type and structure. The existing roadcuts should provide adequate access and coverage of the area of interest. No drilling should be expected, but test pits may be required to confirm soil depths. A significant database of laboratory strength testing results exists for this site, and the rock types can be compared to this existing data set. However, should conditions be outside the range of typical rock conditions, likely due to weathering or structure, Stantec recommends laboratory testing of the materials in question to obtain location-specific strength parameters.

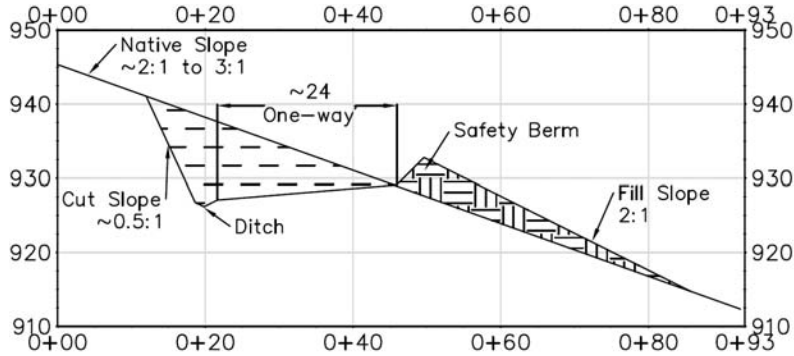
### Recommendations for Future Actions

Stantec recommends several actions to improve the functionality of the road and minimize erosion and maintenance requirements. Foremost, the slopes should continue to be seeded to establish vegetation, which will reduce erosion. Similar to what was completed in 2018, the seeding should occur before each rainy season, as necessary.

Sections identified during any future geotechnical evaluation as having soil or weathered bedrock could be laid back or otherwise supported to improve the stability of the cut slope if possible. Unconsolidated fill and highly weathered material should be graded to a 2:1 slope where possible to promote slope stability and reduce erosion. These areas may be graded to a steeper slope where necessary to limit the disturbance area; however, this may result in an increase in maintenance requirements. Bedrock slopes should be monitored for erosion, and these areas graded if necessary. A typical road design showing limited fill placement is included as **Figure 5**.

Stantec also recommends monitoring the road and tracking maintenance requirements to help identify erosion locations quickly and areas where additional grading may be required to minimize future erosion. The ditch along the length of the utility road should be evaluated for storm flows and armoring should be considered if peak flow velocities exceed the resisting strength of the channel material and/or erosion occurs.

**Response to Notice of Violation Regarding the Existing Utility Road**



**Figure 5: Recommended Typical Haul Road Design**

**Closure**

This report has been prepared for Lehigh Hanson to provide a conceptual evaluation of the recent improvements to the existing utility road based on site observations and provided data. Future studies are expected to verify the assumed conditions, and this should be confirmed prior to the commencement of any construction activities. As mutual protection to Lehigh, the public, and Stantec, this memorandum and its figures are submitted for exclusive use by Lehigh Hanson. We specifically disclaim any responsibility for losses or damages incurred through the use of our work for a purpose other than as described in this memorandum. Our memorandum and recommendations should not be reproduced, except in whole, without our express written permission.

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March 13, 2019

Talia Flagan

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**Response to Notice of Violation Regarding the Existing Utility Road**

Attachment: Stevens Creek Quarry NOV Response  
Stability Analysis Results

Reference: Golder, 2011. Geotechnical Evaluations and Design Recommendations (Revised),  
Permanente Quarry Reclamation Plan Update, Santa Clara County, California, Revision 1.1\_12-7-11.  
November 2011.



March 13, 2019

**Response to Notice of Violation Regarding the Existing Utility Road**

**Attachment 1**

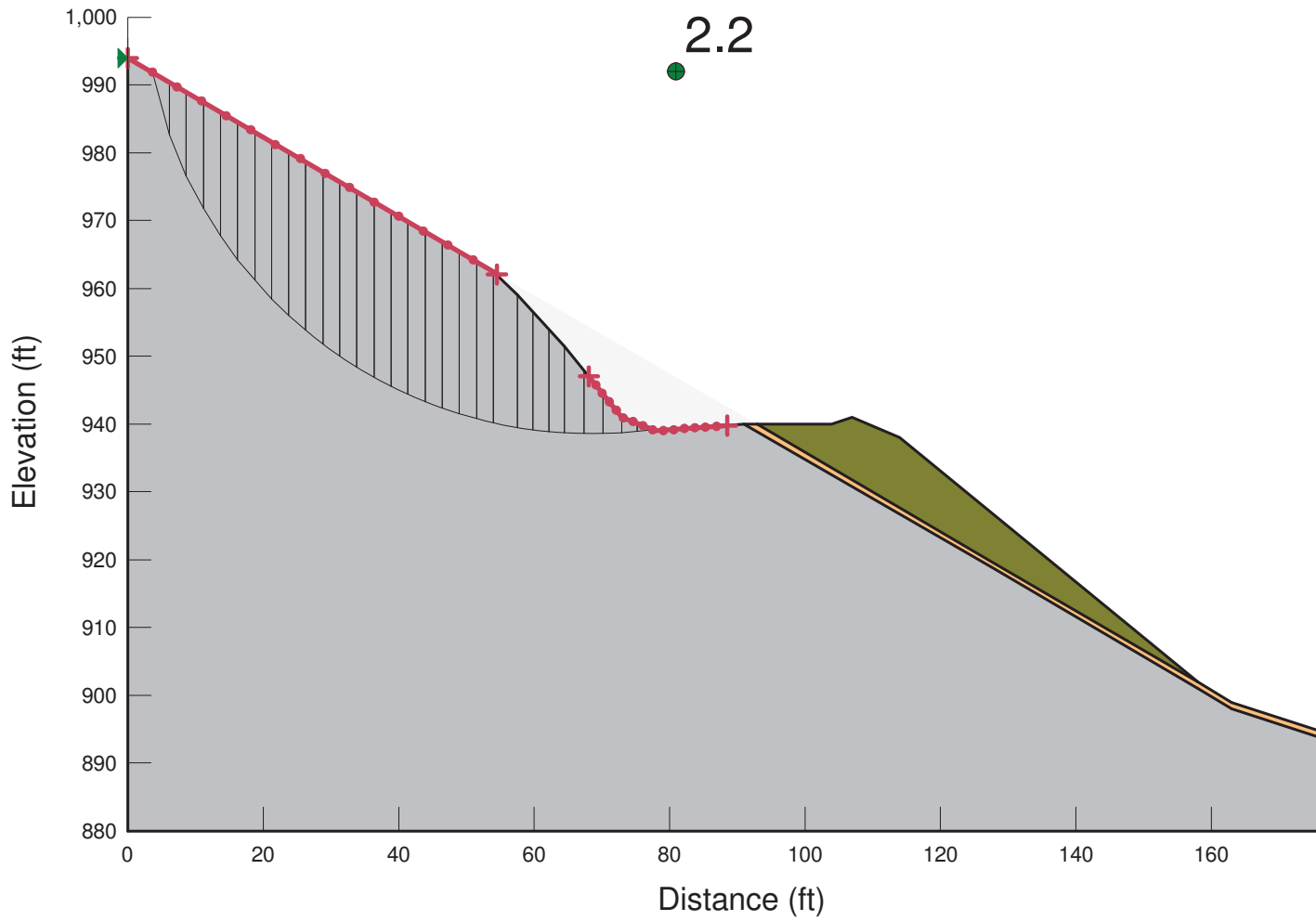
Slope Stability Analysis Results

File Name: Existing Road.gsz

Name: 1. Cut Slope

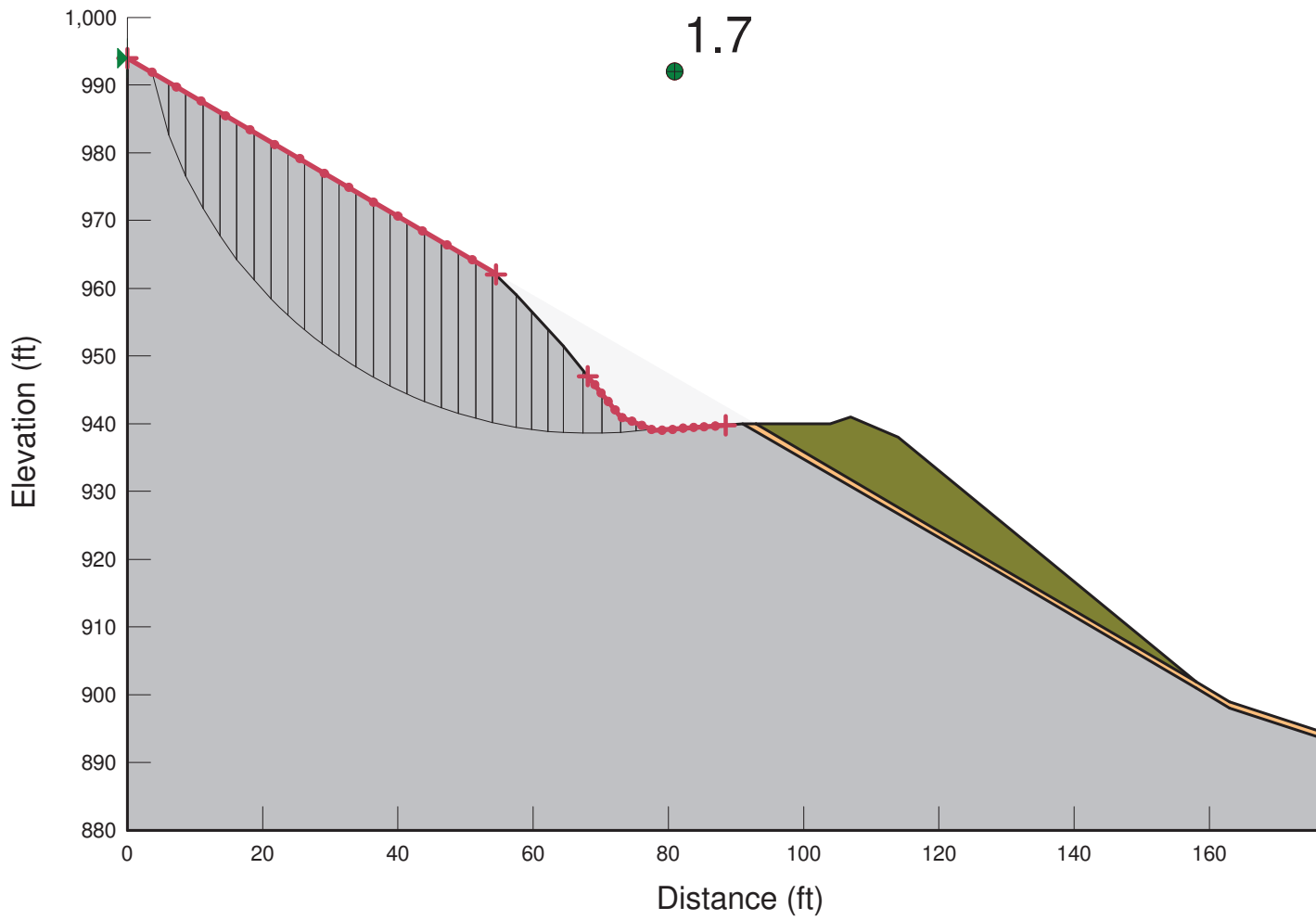
Method: Spencer

Name: Waste Rock	Unit Weight: 125 pcf	Cohesion': 0 psf	Phi': 35 °
Name: Residual Soil	Unit Weight: 120 pcf	Cohesion': 200 psf	Phi': 30 °
Name: Greenstone	Unit Weight: 165 pcf	Cohesion': 1,400 psf	Phi': 23 °



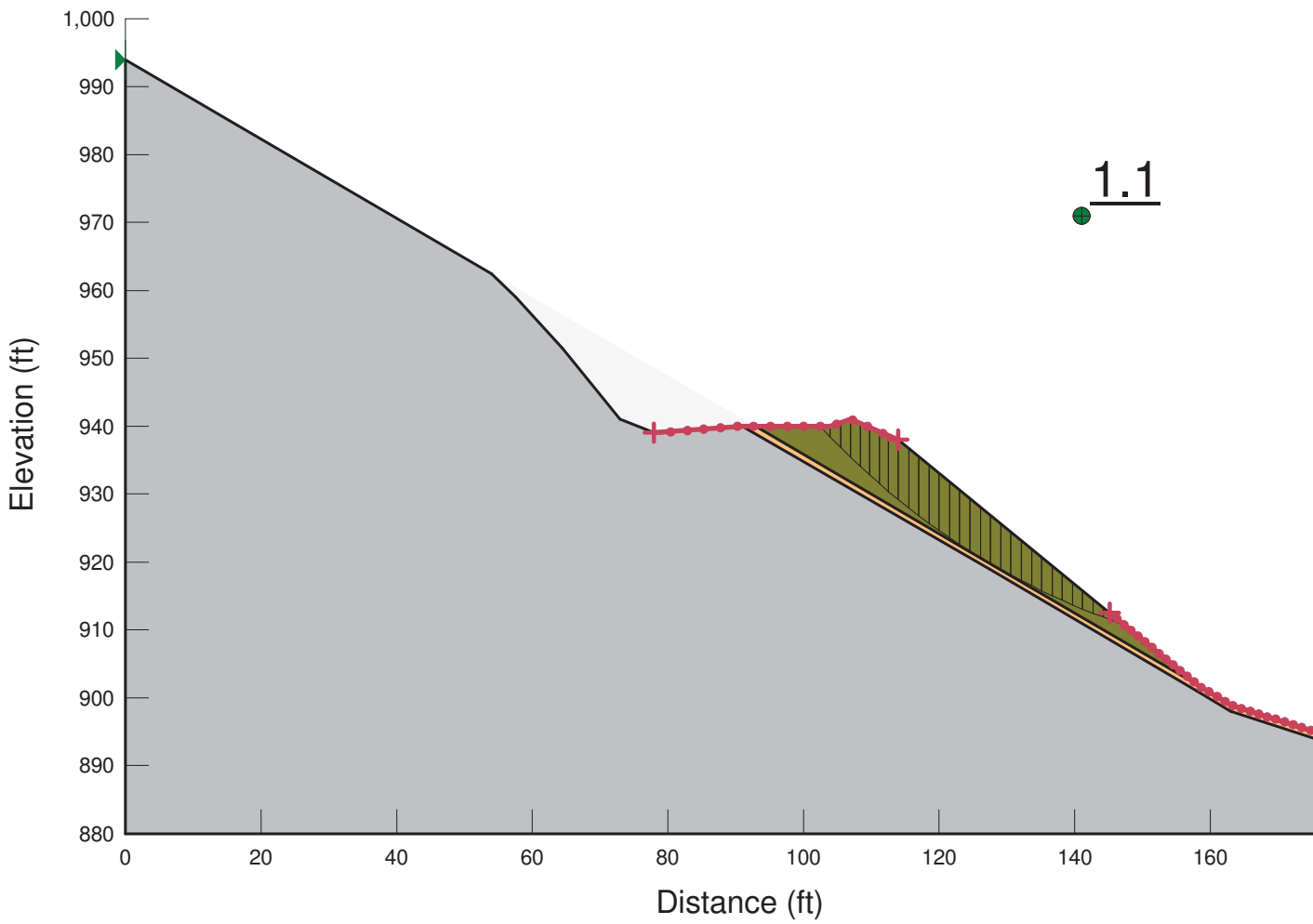
File Name: Existing Road.gsz  
Name: 1. Cut Slope - Pseudo-static  
Method: Spencer

Name: Waste Rock	Unit Weight: 125 pcf	Cohesion': 0 psf	Phi': 35 °
Name: Residual Soil	Unit Weight: 120 pcf	Cohesion': 200 psf	Phi': 30 °
Name: Greenstone	Unit Weight: 165 pcf	Cohesion': 1,400 psf	Phi': 23 °



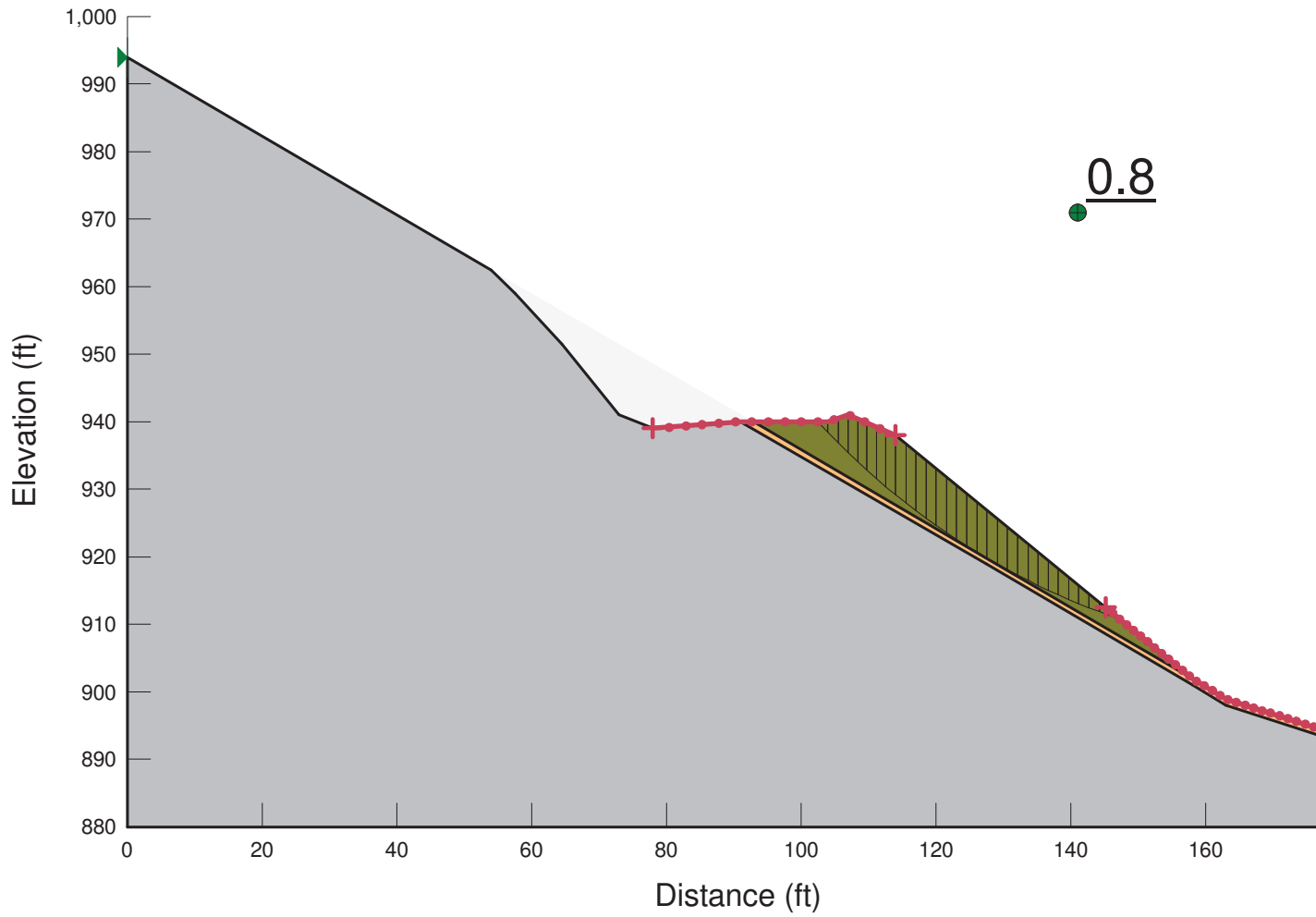
File Name: Existing Road.gsz  
Name: 2. Fill Slope  
Method: Spencer

Name: Waste Rock	Unit Weight: 125 pcf	Cohesion': 0 psf	Phi': 35 °
Name: Residual Soil	Unit Weight: 120 pcf	Cohesion': 200 psf	Phi': 30 °
Name: Greenstone	Unit Weight: 165 pcf	Cohesion': 1,400 psf	Phi': 23 °



File Name: Existing Road.gsz  
Name: 2. Fill Slope - Pseudo-static  
Method: Spencer

Name: Waste Rock	Unit Weight: 125 pcf	Cohesion': 0 psf	Phi': 35 °
Name: Residual Soil	Unit Weight: 120 pcf	Cohesion': 200 psf	Phi': 30 °
Name: Greenstone	Unit Weight: 165 pcf	Cohesion': 1,400 psf	Phi': 23 °





# PERMANENTE QUARRY RECLAMATION PLAN MINOR AMENDMENT FOR THE UTILITY ROAD RECLAMATION AND BOUNDARY ADJUSTMENT

## PROJECT DESCRIPTION

### PURPOSE

Lehigh Southwest Cement Company (Lehigh) has prepared this minor reclamation plan amendment (Minor Amendment) to amend the approved June 26, 2012, reclamation plan and to include additional areas within the reclamation plan as requested by the Santa Clara County (County) Planning Department. The amendments will add approximately 63 acres of land to the existing 1,238.6-acre reclamation plan boundary to include:

- the existing utility road and the area immediately adjacent to the road that will be used to perform reclamation activities (e.g., erosion control) (1.3 acres of existing disturbed area);
- the existing Plant Quarry Road (5.4 acres of existing disturbed area); and
- existing maintenance roads located west of Stevens Creek Quarry (4.2 acres of existing area).

The resulting reclamation plan boundary will encompass 1,301.6 acres. The Minor Amendment will not expand the area in which mineral deposits are harvested or otherwise expand or change any aspect of the existing surface mining operations. See Figure 1, "Utility Road Footprint and Boundary Adjustment," and Figure 2, "Overall Reclamation Plan Amendment Boundary Adjustment," for a map of these areas.

### RECLAMATION OVERVIEW

The adjustment to the reclamation plan boundary will add approximately 63 acres to the existing 1,238.6 reclamation plan boundary. This adjustment includes three new areas, as discussed in the following subsections. Figure 2 shows these areas.

#### ***Utility Road Area***

The utility road and adjacent area totals 1.3 acres, and all reclamation activities will occur within this area (see Figure 1). The utility access road is a preexisting roadway that was previously limited to general-purpose access and utility company (currently Pacific Gas and Electric Company [PG&E]) access to power lines in the area. A portion of the utility access road is included in the approved reclamation plan (see Figure 3.16-14). In spring 2018, the road was improved to allow off-road haul trucks from the neighboring Stevens Creek Quarry to obtain aggregate material from the Permanente Quarry aggregate plant. This area has not been mined. Santa Clara County (County) directed Lehigh to cease using the utility road and amend the approved 2012 reclamation plan to include the utility road disturbance area. Use of the road for transport of mine materials to Stevens Creek Quarry has ceased at this time. The utility road will continue to be used only for intermittent light-duty vehicle access and utility company access (i.e., road use will revert to historical uses).

The existing utility road will be retained following mining operations to provide long-term access by public utilities and Lehigh, as needed. Drainage improvements that convey surface water from the utility road to the existing system of surface water controls at the rock plant area will be maintained. Improvements, monitoring, and maintenance will be consistent with the existing

approved storm water pollution prevention plan (SWPPP). Where site-specific reclamation standards apply to the utility access road, they are described in this amendment.

### ***Plant Quarry Road***

The County has requested that Lehigh include an approximately 3,600-foot segment of the existing Plant Quarry Road within the amended Reclamation Plan boundaries, and adjacent areas totaling 5.4 acres of existing disturbed area. 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.

This boundary change will not involve reclamation closure requirements. When the road segment is no longer needed to support active mining operations, it 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.

### ***Maintenance Roads***

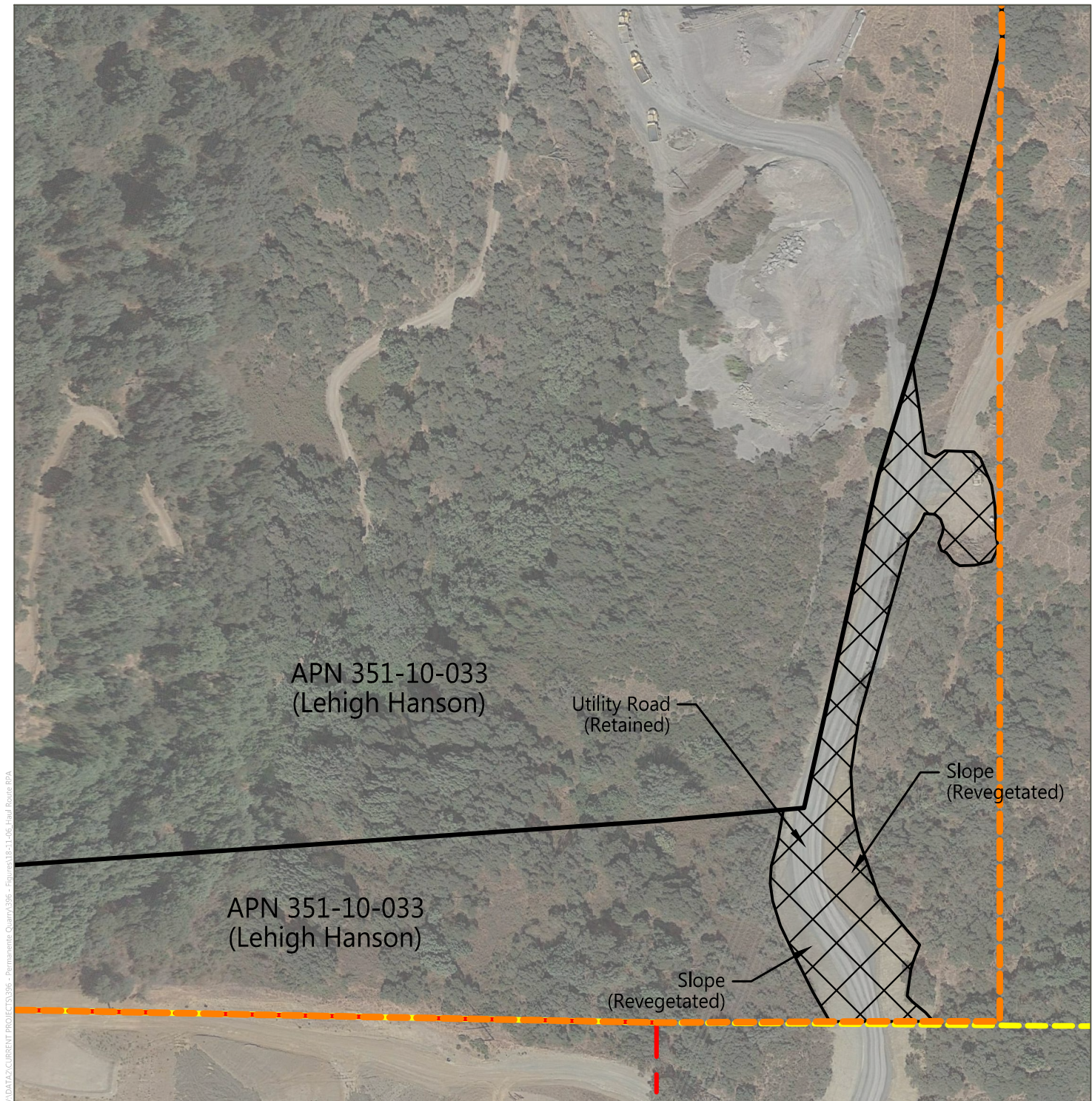
The reclamation boundary amendment includes existing maintenance roads located westerly of the utility road. These roads are used for general maintenance and site access and constitute approximately 4.2 of existing disturbed area. This boundary change will not involve reclamation closure requirements because the roads will remain in place to provide general site access.

## **LOCATION, SIZE, AND LEGAL DESCRIPTION**

The Permanente Quarry property includes 3,510 acres and 34 assessor's parcels. Of the total site acreage, 2,656 acres are subject to the County's land use jurisdiction (Santa Clara County 2011). The boundary adjustment for the maintenance road is within a portion of Assessor's Parcel Numbers (APNs) 351-11-001. The boundary adjustment for the utility road is with a portion of APN 351-10-033. The boundary adjustment for the Plant Quarry Road is within portions of APNs 351-10-033, 351-11-001, 351-10-008, and 351-09-022. These parcels are generally located in the southeastern portion of the property, within the County's unincorporated jurisdiction. These parcels are vested.

## **VESTED RIGHTS AND APPROVED RECLAMATION PLANS**

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 boundary modification and utility road are located entirely within the vested rights boundary and do not significantly change on-site activities. Therefore, this reclamation plan boundary does not intensify the existing vested, mining-related operations at the site.



\D:\DATA\CURRENT PROJECTS\306 - Permanente Quarry\306 - Figures\18-11-05-Util Road RPA

SOURCES: AERIAL: Towill, Inc. flown (8-1-2018); SITE BOUNDARY & RECLAMATION BOUNDARIES: Lehigh Southwest Cement Company, generated Nov. 2018; compiled by Benchmark Resources in 2019

- - - - - Property Boundary
- - - - - Vested Rights Boundary
- Existing Reclamation Boundary
- - - - - Amended Reclamation Boundary
- Utility Road Disturbance Area (1.3 acres)

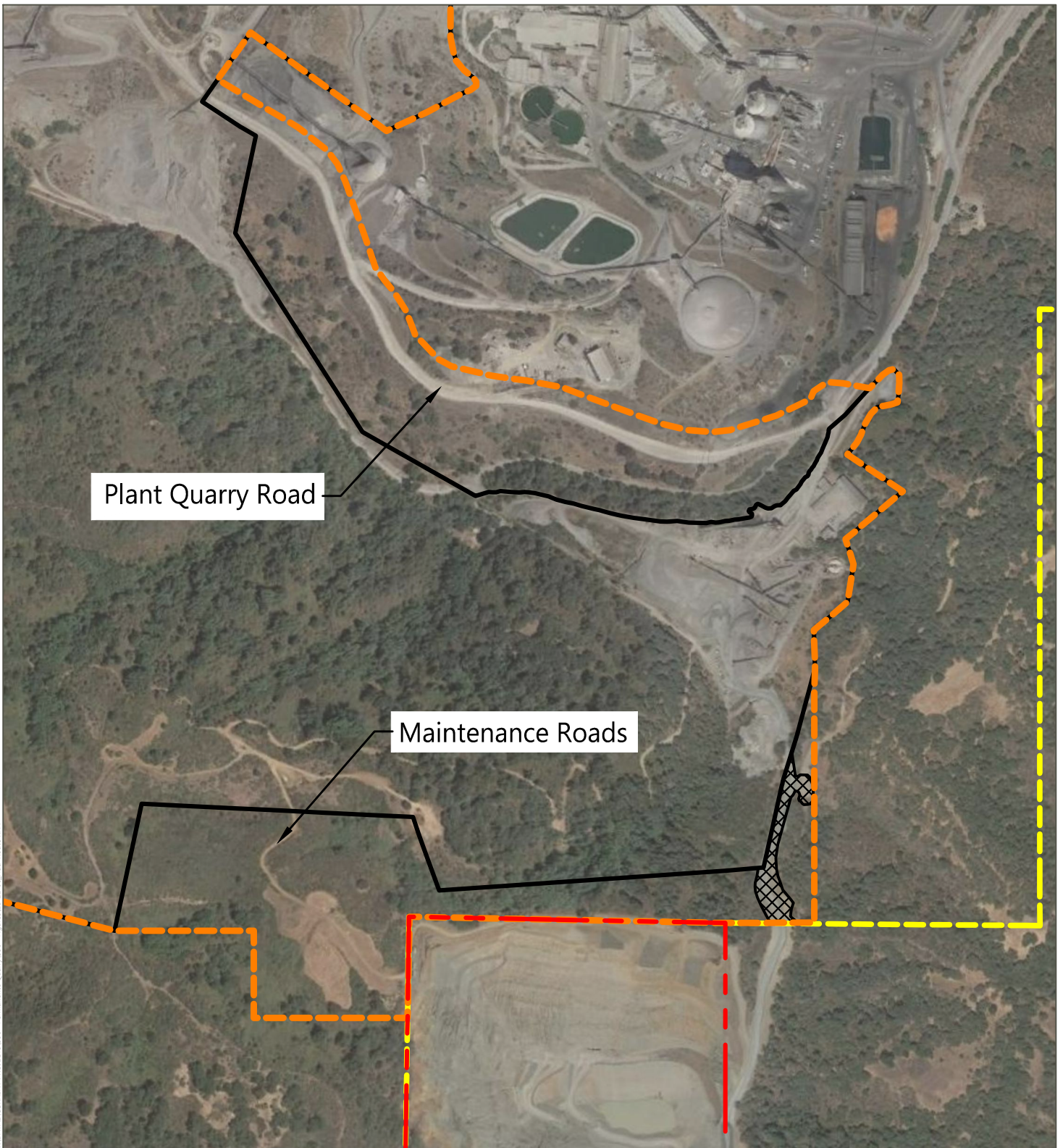
### Utility Road Footprint and Boundary Adjustment

PERMANENTE QUARRY UTILITY ROAD RECLAMATION PLAN AMENDMENT

**Figure 1**



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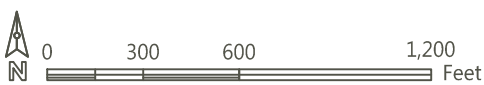


\D:\DATA\CURRENT PROJECTS\306 - Permanente Quarry\306 - Figures\18-11-06 Plant Quarry RPA

SOURCES: AERIAL: Towill, Inc. flown (8-1-2018); SITE BOUNDARY & RECLAMATION BOUNDARIES: Lehigh Southwest Cement Company, generated Nov. 2018; compiled by Benchmark Resources in 2019

- - - - - Property Boundary
  - - - - - Vested Rights Boundary
  - Existing Reclamation Boundary
- - - - - Amended Reclamation Boundary (amended area adds an additional 63.0 acres)
  - Utility Road Disturbance Area (1.3 acres)

**Overall Reclamation Plan Amendment Boundary Adjustment**  
 PERMANENTE QUARRY UTILITY ROAD  
 RECLAMATION PLAN AMENDMENT  
**Figure 2**



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The initial reclamation plan for Permanente Quarry was approved in 1985. It was comprehensively updated in 2012 to comply with all current standards under the California Surface Mining and Reclamation Act (SMARA). 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.

## **PLANNING BOUNDARIES**

The approved reclamation plan is consistent with current practices and in advance of statutory changes enacted in 2017, identified a “reclamation plan boundary” (Public Resources Code [PRC] § 2772[c][5][B]). The reclamation plan boundary is identified for planning purposes as the intended limits of mining and reclamation at the time of plan approval. Such limits must be periodically revised where additional mining operations are planned, such that reclamation is planned for all mined lands. SMARA defines “mined lands” to include appurtenant roads. (PRC § 2729.) Also, SMARA provides that a reclamation plan must identify mine-related access roads and if they will be reclaimed at the end of mining or remain for postmining use (PRC § 2772[c][5][E]). This Minor Amendment implements these requirements by incorporating the existing utility road, Plant Quarry Road, and maintenance roads into the reclamation plan boundary.





5  
DOC 20467197

(65.00AC)

(160.00 AC.)

(150.00 AC.)

(217.92 AC.)

MIDPENINSULA REGIONAL OPEN SPACE DIST

641.75 Ac. Calc.(TOTAL)

24

(375 AC. TOTAL)

-7400 St. Joseph Ave.-

1" = 1000'

M.R.O.S.D.  
OPEN-SPACE ESMT.  
DOC. 9368823



MIDPENINSULA REGIONAL OPEN SPACE DIST.

PCL. A  
137.575 Ac.

19

PTN.PCL. B  
138.102 Ac.Calc.

25

23  
585.957 Ac.Calc.

20  
20Ac.Calc.  
PTN.PCL. B  
1350.42

270.161Ac. Calc.

22

QUARRY  
13  
110.63 AC.PLAN. ±

(38.81 AC.)

(38.81 AC.)

MIDPENINSULA  
REGIONAL OPEN  
SPACE DEPT.

6

2

3

13 (11.09 AC.)

12 (40.00 AC.)

11 (40.00 AC.)

(170.90 AC.)

14 (12.38 AC.)

15 (40.00 AC.)

16 (40.00 AC.)

13 18

24 19

3077.83

287.620

2859.70

18 17

19 20

4919.94

L.L.A. 19346547

T.7S.,R.3.W.

T.7S.,R.2.W.

R.O.S. 6/36,37,38,39

11

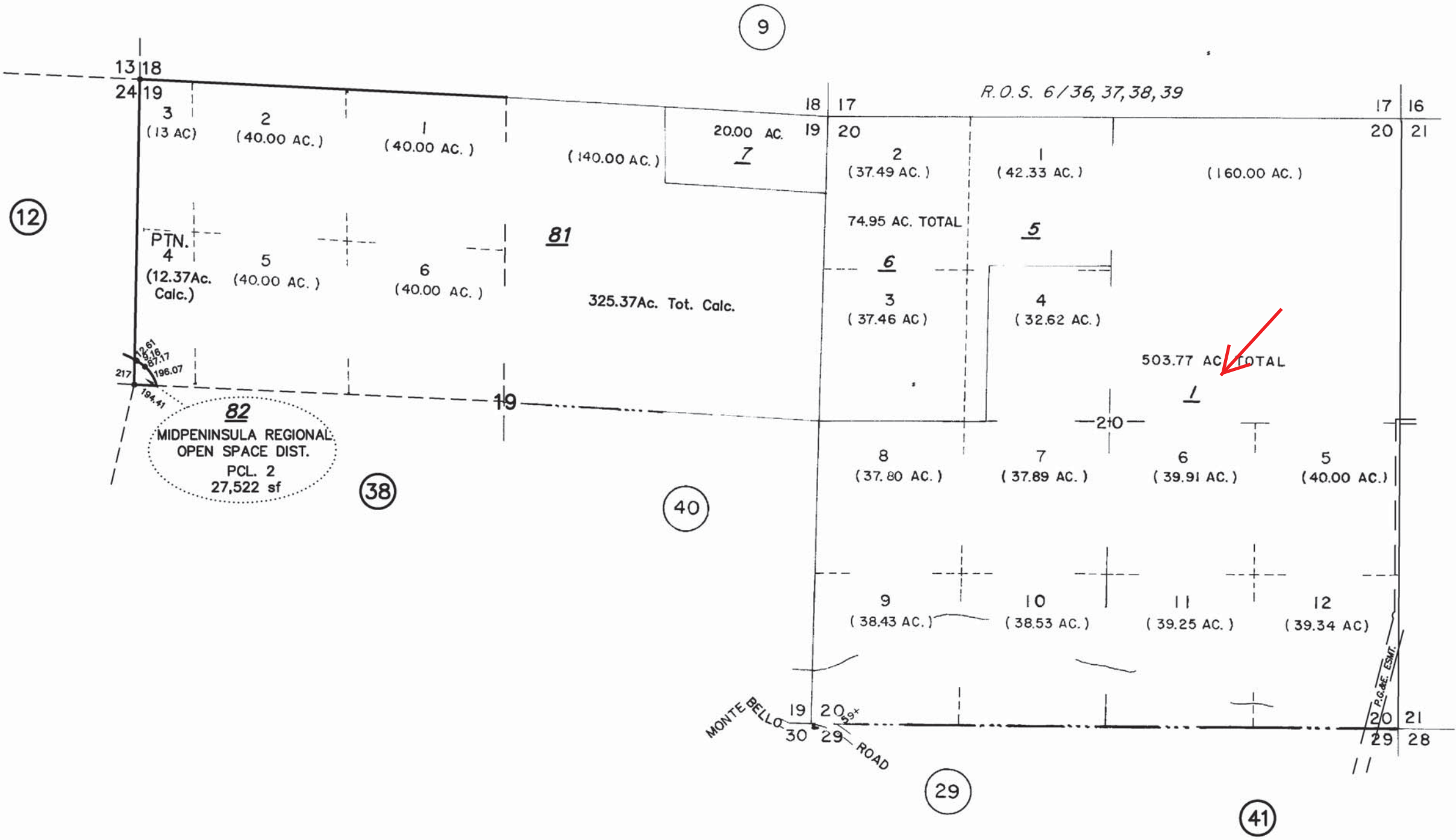
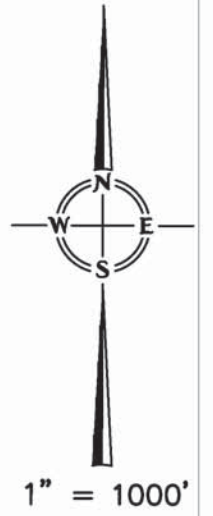
12







TWP 7 S - R 2 W







# Environmental Information Form

## Project Applicant or Representative:

Name: Erika Guerra

Address: 24001 Stevens Creek Blvd.  
Cupertino, CA 95014

Phone: (408) 257-7476 ext. 106

E-mail: erika.guerra@lehighhanson.com

Please answer the following questions in the spaces provided. Use additional sheets if necessary.  
If the question does not apply, mark "N/A."

Failure to provide complete and accurate information will result in your application being declared incomplete,  
which will delay application processing.

## Project Description:

1. Project address (or location): 24001 Stevens Creek Blvd.  
Cupertino, CA 95014
2. Describe the project (i.e., What will be constructed? Proposed use? Project objectives?):  
Reclamation plan boundary adjustment adding approximately 63 acres to  
the existing reclamation plan area (currently 1,238.6 acres) to include  
disturbed areas (roads). These roads would remain after reclamation, but  
disturbance adjacent to the utility road would be reclaimed as described  
in the reclamation plan amendment (RPA).

3. Is the project part of a master plan, or a phase of a larger project? Yes  No

If yes, describe the project's situation/ role in the master plan or larger project (e.g., project is Phase 2 of 4, brief description of what each phase entails): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Where on the site will project construction and activities occur (describe and show on site plan construction footprint and staging areas)? No construction would occur. The reclamation plan

boundary change and reclamation activities are in the southeast portion of the site (Figure 1 of the RPA).

5. Site and project area information:

(a) Parcel size (acres or square feet): See addendum.

(b) Describe all buildings (existing and proposed) associated with the proposed use:

BUILDING	SIZE (sq. ft)	HEIGHT
Not applicable.		

If more space is needed, please attach a supplemental sheet.

(c) Indicate total area (sq. ft.) of parking areas: Not applicable

(d) Number of on-site parking spaces: Not applicable

(e) Indicate total area (sq. ft.) of buildings, driveways, patios, walkways and other impervious surfaces: Not applicable

(f) Describe any other outdoor areas dedicated to activities of the proposed use (e.g. sales, storage, animal confinement, etc). Include land area (sq. feet or acres). The reclamation plan boundary would increase by approximately 63 acres to incorporate disturbance from roads used as part of mining activities. Reclamation activities would take place on 1.3 acres related to the utility road.

(g) Indicate total area (sq. feet or acres) of vacant or undeveloped land, and land not devoted to the proposed use: See addendum

6. Will grading (cut and/or fill) be required as part of the project? Yes  No

If yes, a licensed civil engineer or land surveyor must complete the following information. If no, proceed to question 7.



IMPROVEMENT (See addendum.)	EARTHWORK QUANTITY (cubic yards)		MAXIMUM DEPTH (feet)	
	CUT	FILL	CUT	FILL
Driveway, Access Road				
Building Pad				
Landscaping				
Other Improvements				
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

If more space is needed, please attach supplemental sheet.

(a) If volume of cut exceeds fill, where will excess soil be disposed? See addendum.

(b) Are retaining walls proposed? Yes  No

If yes, what is maximum height? \_\_\_\_\_

7. Are any structures on the property proposed to be demolished? Yes  No

If yes, attach photos of each structure from at least two directions, and describe the types of structures (e.g. barn), and age of the structures:

STRUCTURE	AGE	SIZE

If more space is needed, please attach supplemental sheet.

Applicants are required to submit a Santa Clara County property appraisal record to document the age of the structures proposed for demolition. The property owner may obtain a copy from the County Assessor's Office (70 W Hedding St., 5<sup>th</sup> Floor).

8. If the project is institutional, commercial or industrial, answer the following:

(a) Number of daily customers, residents or other users of your project? Not applicable.

(b) Basis for this number (e.g., seating, etc)? Not applicable.

(c). Number of employees? (i) Total: See addendum. (ii) Max. at any one time: See addendum.

(d) Hours of operation: Reclamation activities would take place during daylight hours.

9. Indicate the water source serving the proposed use. Include provider name if applicable.  
See addendum.

10. If there are existing wells on the property:

(a) How many are functioning? See addendum.

(b) How many are abandoned? See addendum.

(c) Are the abandoned wells sealed? See addendum.

11. What is the distance to nearest water line? See addendum.

12. Indicate the method of sewage disposal for the proposed use. Include sewer district name if applicable. The project would not require new sewage disposal facilities.

13. If a septic system is being proposed, have percolation tests been done? Yes  No

If yes, who conducted the tests and what were the results? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form continues on next page



# Environmental Setting:

1. Describe the natural characteristics (e.g., topography, vegetation, drainage, soil stability, habitat, etc.) on the project site. \_\_\_\_\_  
**See addendum.**

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2. Describe the existing land uses on the project site. \_\_\_\_\_  
**See addendum.**

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3. Describe the existing land uses adjacent to the project site (note location in relation to the project site): \_\_\_\_\_  
**See addendum.**

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4. Are there any known technical reports that evaluate the property or the proposed project (e.g., geologic, biological, archaeological, environmental impact reports, etc.)? Indicate which reports will be submitted with this application: \_\_\_\_\_  
**See addendum.**

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Form continues on next page

# Environmental Aspects of Project:

## 1. Geology:

(a) Are there any known geologic hazards on the site or in the immediate area. (e.g., earthquake faults, landslides, subsidence, steep slopes, etc.)? Yes  No

If yes, describe: See addendum.

(b) Will construction occur on slopes greater than 10%? Yes  No

If yes, indicate percent of slope: \_\_\_\_\_%; and describe how erosion/siltation will be prevented? \_\_\_\_\_

## 2. Trees:

(a) On the site plan, show all trees with trunk diameter of 12 inches or larger, measured at 4.5 feet above the ground (12-inch dbh), and any other protected trees (See “Protected Trees” text box). Indicate the species and size of each tree, and clearly mark each of those trees that are proposed for removal.

(b) In the table below, indicate the species, trunk diameter and location of each tree proposed to be removed.

TREE SPECIES	TRUNK DIAMETER	LOCATION
No trees will need to be removed.		

If more space is needed, please attach a supplemental sheet.

**PROTECTED TREES.** In addition to the general requirement to show trees with trunk diameter of 12 inches or larger, measured at 4.5 feet above ground (12-inch diameter at breast height, or dbh), the following must also be reported: (a) Oak trees 5” dbh or larger, to determine whether oak woodlands are present (see *Guide to Evaluating Oak Woodland Impacts*); (b) Trees 6” dbh or larger in the “-h<sub>1</sub>” (Historic Preservation) district; (c) Any heritage tree, as defined in Section C16-2 of the County Ordinance Code; (d) Any tree required to be planted as a replacement for an unlawfully removed tree, pursuant to Section C16-17e; and (e) Any tree that was required to be planted or retained by the conditions of any discretionary County land use permit.

**3. Agriculture:**

(a) Is the site currently under Williamson Act contract? Yes  No

If yes, contact Planning Office for more information pertaining to Williamson Act compatible use determination. The application is available at the Planning Office.

(b) Are there any agricultural uses on-site? Yes  No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_

(c) Are there any commercial agricultural uses on-site? Yes  No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_

(d) Are there any agricultural uses adjacent to the project site? Yes  No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_

(e) Is the site currently under an open space easement contract? Yes  No

If yes, contact Planning Office for more information pertaining to Open Space Easement compatible use determination. The application is available at the Planning Office.

(f) Would the project convert more than 1 acre of farmland to a non-agricultural use? Yes  No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_

**4. Drainage/Flooding/Riparian:**

Are there any watercourses and riparian habitat (e.g. drainage swale, stream course, spring, pond, lake, creek, tributary of creek, wetlands) within 150 feet of proposed construction or grading?

Yes  No

If yes, describe, and indicate its location relative to the project: \_\_\_\_\_

Permanente Creek is located approximately one-quarter mile north of  
the utility road and will not be affected by the project.

\_\_\_\_\_  
\_\_\_\_\_

5. **Transportation:**

- (a) Name street(s) to be used to access project: Not applicable.
- (b) Approximate number of vehicle trips per day to be generated by project (Please note that each direction equals one trip)? Not applicable.
- (c) Indicate the days & times you expect most trips to occur: Not applicable.
- (d) Is there traffic congestion during commute hours at any nearby street intersections providing access to the project? Yes  No
- If yes, list the intersections: No new traffic will be generated. Thus, the project meets the criterion provided in the table provided in the "Petition for Exemption from an Environmental Assessment."

Transportation Impact Analyses (TIAs) using the Congestion Management Agency's methodology must be prepared for all projects that generate 100 or more peak hour trips. Transportation impact analyses (TIAs) using the Congestion Management Agency's methodology may also be required if the project will generate substantial growth in the project area, result in an increase of traffic in relation to the existing traffic load and capacity of the street system, etc.

6. **Safety/Health:**

- (a) To your knowledge, do potentially hazardous materials exist on either this site or nearby property? (e.g., fuels, chemicals, industrial residue, etc.) Yes  No
- If yes, describe: See addendum.
- (b) Will the project require the use, storage or disposal of hazardous materials such as toxic substances, flammables, or explosives (e.g diesel generator), underground storage of chemicals)? Yes  No
- If yes, describe: See addendum

7. **Air/Noise:**

- (a) Describe the types (and numbers) of construction equipment that will be used during project construction? (e.g. grader, backhoe, pile driver, jackhammer).  
The project will use equipment similar to that used at Permanente Quarry, but the time in which the activities occur would be of a much shorter duration.
- (b) Will the ongoing operation of the proposed use generate dust, smoke, fumes, odors, or noise (such as outdoor amplified noise or industrial activity)? Yes  No
- If yes, describe: Activities will be similar to existing activities on-site. Thus, the project will not create significant outdoor noise. Therefore, the project meets the criterion provided in the table provided in the "Petition for Exemption from an Environmental Assessment."

8. **Aesthetic:**

- (a) Does the property contain natural features of scenic value or rare or unique characteristics (e.g., rock outcropping, mature trees)? Yes  No

If yes, describe: See addendum.  
\_\_\_\_\_  
\_\_\_\_\_

- (b) Will construction occur at or near a ridgeline or hilltop? Yes  No

- (c) Will the project include visual impact mitigation (e.g. new landscaping, light reflectivity value of exterior surfaces less than 45, etc.) ?

Yes  No

If yes, describe: None required.  
\_\_\_\_\_  
\_\_\_\_\_

9. **Historical/Archaeological:**

- (a) Has the property received any historic designation(s)? Yes  No

If yes, check the boxes that apply and attach the appropriate nomination form or documentation related to its listing.

- National Historic Register of Historic Places
- California Historical Landmark
- California Point of Historic Interest
- California Register of Historical Resources
- Santa Clara County Heritage Resource Inventory
- Santa Clara County Historical Zoning District

- (b) Are you aware of any archaeological remains on the property? Yes  No

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. **Habitat for endangered, threatened, or rare wildlife or plants:**

(a) Does the property contain critical habitat for special-status species (e.g., California Tiger Salamander, Bay Checkerspot Butterfly, Red Legged Frog)? Yes  No

(b) Is the property in or adjacent to a mapped occurrence of a special-status species as reported in the California Natural Diversity Database (CNDDDB)? Yes  No

If yes, describe: [see Planning Office for assistance] See addendum.

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**Reduction or Avoidance of Impacts:**

Discuss possible actions that could reduce or avoid any adverse environmental affects raised in the previous section (*Environmental Aspects of Project*). Use appropriate reference numbers.

The project is a reclamation plan boundary adjustment with reclamation activities located only on or directly adjacent to the utility road. Existing best management practices would apply as discussed previously.

If more space is needed, please attach a supplemental sheet.

**Certification:**

I hereby certify that the statements on this form and the attached exhibits are true and correct to the best of my knowledge. If any of the facts represented here change, it is my responsibility to inform the County of Santa Clara.

Owner/Applicant Signature: Erika Guerra Digitally signed by Erika Guerra  
Date: 2019.03.26 04:24:32 -07'00' Date: 3/26/2019

Staff Use Only	
<b>FILE #:</b> _____	
Environmental information form reviewed and found to be complete?: Yes <input type="checkbox"/> No <input type="checkbox"/>	
If no, what additional information is needed? _____ _____ _____	
Signature: _____	Date: _____



**PERMANENTE QUARRY RECLAMATION PLAN MINOR AMENDMENT  
FOR THE UTILITY ROAD RECLAMATION AND BOUNDARY ADJUSTMENT**

**ADDENDUM TO ENVIRONMENTAL INFORMATION FORM**

**Project Description:**

**5a. Parcel size (acres or square feet):**

The Permanente Quarry property includes 3,510 acres and 34 assessor's parcels. Of the total site acreage, 2,656 acres are subject to the County's land use jurisdiction (Santa Clara County 2011). The boundary adjustment for the maintenance road is within a portion of Assessor's Parcel Numbers (APNs) 351-11-001 (503.77 acres). The boundary adjustment for the utility road is with a portion of APN 351-10-033 (159.42 acres). The boundary adjustment for the Plant Quarry Road is within portions of APNs 351-10-033, 351-11-001, 351-10-008 (0.24 acre), and 351-09-022 (270.16 acres). These parcels are generally located in the southeastern portion of the property, within the County's unincorporated jurisdiction.

**5g. Indicate total area (sq. feet or acres) of vacant or undeveloped land, and land not devoted to the proposed use:**

The approximate disturbance areas (1.3 [utility road area] + 5.4 [Plant Quarry Road] + 4.2 [maintenance road area] = 10.9) minus the approximate total project area (63 acres) equals 52.1 acres.

**6. Will grading (cut and/or fill) be required as part of the project?**

Potentially. Stantec's geotechnical review concludes:

Sections identified during any future geotechnical evaluation as having soil or weathered bedrock could be laid back or otherwise supported to improve the stability of the cut slope if possible. Unconsolidated fill and highly weathered material should be graded to a 2:1 slope where possible to promote slope stability and reduce erosion. These areas may be graded to a steeper slope where necessary to limit the disturbance area; however, this may result in an increase in maintenance requirements. Bedrock slopes should be monitored for erosion, and these areas graded if necessary.

**6a. If volume of cut exceeds fill, where will excess soil be disposed?**

There is not additional cut or fill is anticipated at the utility road area. However, if excess fill is generated it would be transported the Rock Plant area.

**8. (c) Number of employees? (i) Total (ii) Max. at any one time**

The site is an operating mine, which employs up to 30 employees at the quarry, but the amount of employees fluctuates depending on market conditions and level of production. The project would not result in a change in the number of employees. The reclamation activities related to the utility road would involve approximately 5 employees.

**9. Indicate the water source serving the proposed use. Include provider name if applicable.**

The reclamation plan boundary amendment will not increase water use above existing levels. Rock processing operations currently use 90 percent recycled water, with makeup water from the San Jose Water Company.

**10. If there are existing wells on the property:**

**(a) How many are functioning?**

There currently are two monitoring wells within the Permanente Quarry area, located adjacent to the East Materials Storage Area (EMSA) (i.e., the overburden stockpile area east of the quarry pit) to the north of the project site. Another six monitoring wells lie south of the project area within the Permanente Quarry property.

**(b) How many are abandoned?**

Historical records indicate that 21 wells have at times been previously installed within the project area and thereafter abandoned according to state law and Santa Clara Valley Water District ordinance.

**(c) Are the abandoned wells sealed?**

All abandoned monitoring wells have been sealed as required by state law and Santa Clara Valley Water District ordinance, with the exception that a number of monitoring wells identified in historic records could not be located in 2008 after field investigations. In November 2000, the Santa Clara Valley Water District deemed the nonlocatable wells to be abandoned.

**11. What is the distance to nearest water line?**

The nearest public water line is along the main quarry access road. The project will not require the extension of any water lines or the provision of public water service.

**Environmental Setting:**

**1. Describe the natural characteristics (e.g., topography, vegetation, drainage, soil stability, habitat, etc.) on the project site.**

The environmental setting for Permanente Quarry was provided in the environmental impact report (EIR) certified during the 2012 reclamation plan amendment review and approval. Topography is described in Section 2.2.2 (and Figure 2.3, "Existing Topography") of the 2012 draft EIR. Vegetation and habitat types that exist at the Permanente Quarry site are described in Section 4.4.1.2 of the 2012 draft EIR. Section 4.10.1.2 of the 2012 draft EIR provides the drainage characteristics of the site. Potential soil stability issues on-site are addressed in Section 4.7 of the 2012 Draft EIR. The draft and final EIR, together with the conditions of approval and approved reclamation plan, address how natural characteristics of the site are being addressed at Permanente Quarry as the vested operation continues to operate.

**2. Describe the existing land uses on the project site.**

Surface mining is the primary current land use within the project area.

**3. Describe the existing land uses adjacent to the project site (note location in relation to the project site).**

Section 2.3.2 of the 2012 draft EIR provides a summary of the existing land uses adjacent to the Permanente Quarry.

**4. Are there any known technical reports that evaluate the property or the proposed project (e.g., geologic, biological, archaeological, environmental impact reports, etc.)? Indicate which reports will be submitted with this application.**

The 2012 draft and final EIR are on file with the County Department of Planning and Development, which covers the project area. The proposed reclamation plan boundary adjustment is approximately 63 acres located on the vested parcels immediately adjacent to the 1,238.6-acre Permanente Quarry reclamation plan boundary; therefore, no additional technical studies are required as part of this minor reclamation plan amendment application.

**Environmental Aspects of the Project:**

**1. Geology:**

**(a) Are there any known geologic hazards on the site or in the immediate area. (e.g., earthquake faults, landslides, subsidence, steep slopes, etc.)?**

**(b) Will construction occur on slopes greater than 10%? If yes, indicate percent of slope: \_\_\_%; and describe how erosion/siltation will be prevented?**

No. Section 4.7 of the draft EIR provides an extensive analysis of the site's potential geologic hazards at the site. The administrative record, including the final EIR, conditions of approval, and reclamation plan, contain measures to ensure that potential impacts are reduced to a level of less than significant. In addition, the limited amount of activity that will occur within the vested portion of the site will not include excavation activities and will be limited to maintenance and reclamation activities. Lehigh will adhere to all applicable environmental protection measures contained in mitigation measures and conditions of approval from the 2012 approval and applicable requirements outlined in the reclamation plan amendment included in this application submittal. The proposed project would not involve construction in areas with steep topography (average slope of greater than 30 percent). Therefore, the proposed project meets the criterion provided in the table provided in the "Petition for Exemption from an Environmental Assessment."

**6. Safety/Health:**

**(a) To your knowledge, do potentially hazardous materials exist on either this site or nearby property? (e.g., fuels, chemicals, industrial residue, etc.)**

Section 4.9 of the 2012 draft EIR provided an analysis of potentially hazardous materials. No new hazardous materials or hazardous materials storage facilities would be introduced in the quarry as a result of the project. The quarry currently uses, stores, and maintains materials considered hazardous consistent with application conditions of approval and mitigation measures and under the applicable laws. Therefore, the proposed project meets the criterion provided in the table provided in the "Petition for Exemption from an Environmental Assessment."

**(b) Will the project require the use, storage or disposal of hazardous materials such as toxic substances, flammables, or explosives (e.g diesel generator), underground storage of chemicals)?**

The monitoring, maintenance, and reclamation activities on and alongside the utility road would involve the use of fuel and oil in operation of vehicles already used on the quarry site (e.g., trucks, graders). The quarry currently uses, stores, and maintains materials considered hazardous consistent with application conditions of approval and mitigation measures and under the applicable laws. Therefore, the proposed project meets the criterion provided in the table provided in the "Petition for Exemption from an Environmental Assessment."

**8. Aesthetic:**

**(a) Does the property contain natural features of scenic value or rare or unique characteristics (e.g., rock outcropping, mature trees)?**

Section 4.1 of the 2012 draft EIR provides analysis and feasible mitigation measures to aesthetic impacts. Mature trees exist within the expanded reclamation plan boundary area, but are not planned for removal. The disturbed areas of the project are not visible from public roads.

**10. Habitat for endangered, threatened, or rare wildlife or plants:**

**(b) Is the property in or adjacent to a mapped occurrence of a special-status species as reported in the California Natural Diversity Database (CNDDDB)?**

Red-legged frog now exists on the Permanente Quarry property, but not within the project area. In addition, Section 4.4 of the 2012 draft EIR, the conditions of approval, mitigation measures, the approved reclamation plan, and the proposed reclamation plan amendment contain protection measures to ensure that activities at Permanente Quarry will not result in significant impacts to special-status species. The proposed reclamation plan boundary adjustment area will not result in impacts to or loss of habitat for endangered, threatened, or rare wildlife or plants. As explained in the answer to question 4 (regarding drainage, flooding, and riparian habitat), no watercourse or riparian habitat are located within 150 feet of the proposed reclamation activity area. No trees are planned for removal in the project area. Therefore, the proposed project meets all of the criteria related to biological resources as provided in the table provided in the "Petition for Exemption from an Environmental Assessment."



# WELL INFORMATION QUESTIONNAIRE

FC 808 (11-26-14)

TO BE FILLED OUT AT COUNTER AND MAILED BY CITY/COUNTY OFFICIAL

**PRINT** Applicant's Name: Erika Guerra Phone: (408) 257-7476 ext. 106

Project Address: 24001 Stevens Creek Blvd. City: Cupertino

Assessor's Parcel No.: Book 351 Page 10 Parcel -033\*

Type of Planned Activity: Reclamation plan amendment to expand the reclamation plan boundary

Is there a well(s) located on your project site:  Yes  No

If yes, type of well:  Water Well  Monitoring Well  Dry Well  Other: \_\_\_\_\_ (Explain)

Is the well(s) active (in use)?  Yes  No

Will your proposed permit activity affect your well site?  Yes  No

Comments: \*Additional Assessor's Parcel Numbers include: 351-11-001, 351-10-008, and 351-09-022.

For further information, please contact the Santa Clara Valley Water District Well Ordinance Program, (408) 630-2660.

INFORMATION RECEIVED BY:	<b>FOR OFFICIAL USE ONLY</b>
Name of City/County Representative: _____	City/County Project File No.: _____
Name of City/County: _____	Date: _____



# WELL INFORMATION QUESTIONNAIRE

FC 808 (11-26-14)

TO BE FILLED OUT AT COUNTER AND MAILED BY CITY/COUNTY OFFICIAL

**PRINT** Applicant's Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Project Address: \_\_\_\_\_ City: \_\_\_\_\_

Assessor's Parcel No.: Book \_\_\_\_\_ Page \_\_\_\_\_ Parcel \_\_\_\_\_

Type of Planned Activity: \_\_\_\_\_

Is there a well(s) located on your project site:  Yes  No

If yes, type of well:  Water Well  Monitoring Well  Dry Well  Other: \_\_\_\_\_ (Explain)

Is the well(s) active (in use)?  Yes  No

Will your proposed permit activity affect your well site?  Yes  No

Comments: \_\_\_\_\_

For further information, please contact the Santa Clara Valley Water District Well Ordinance Program, (408) 630-2660.

INFORMATION RECEIVED BY:	<b>FOR OFFICIAL USE ONLY</b>
Name of City/County Representative: _____	City/County Project File No.: _____
Name of City/County: _____	Date: _____

HAZARDOUS WASTE AND SUBSTANCE  
SITES LIST QUESTIONNAIRE

(AB 3750 - Cortese Bill)

TO BE FILLED OUT AT COUNTER UPON SUBMITTAL OF APPLICATION

---

Applicant Name: Erika Guerra

APN(s): APN 351-10-033, 351-11-001, 351-10-008,  
and 351-09-022.

Is the proposed development property listed in the Office of  
Planning and Research Hazardous Waste and Substance Sites List?

Yes  No

If "yes," complete the following:

Site: \_\_\_\_\_

Page: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

I certify that I have reviewed the Hazardous Waste and Substance Sites List, dated March 2019,  
and, to the best of my knowledge, the above information is correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



2401 STEVENS CREEK BOULEVARD  
PERMANENTE, CA 95014  
SANTA CLARA COUNTY  
**SITE TYPE:** \* HISTORICAL

**OFFICE:** CLEANUP BEI  
**CENSUS TRACT:** 6085511707  
**CALENVIROSCREEN PERCENTILE SCORE:** 1-5% (lowest s

- [Summary](#) | [Activities](#) | [Site/Facility Docs](#) | [Related Sites](#) | [CalEnviroScreen](#)

**Site Information**

**CLEANUP STATUS**

REFER: OTHER AGENCY AS OF 7/1/1991

**SITE TYPE:** \* HISTORICAL

**NATIONAL PRIORITIES LIST:** NO

**ACRES:** NONE SPECIFIED

**APN:** NONE SPECIFIED

**CLEANUP OVERSIGHT AGENCIES:**

NONE SPECIFIED

**ENVIROSTOR ID:**

43350079

**SITE CODE:**

**SPECIAL PROGRAM:**

\* SITE CHAR & ASSESS GRANT (CERCLA 104)

**FUNDING:**

**ASSEMBLY DISTRICT:**

**SENATE DISTRICT:**

**Regulatory Profile**

**PAST USE(S) THAT CAUSED CONTAMINATION**

NONE SPECIFIED

**POTENTIAL CONTAMINANTS OF CONCERN**

[UNCATEGORIZED](#)

**POTENTIAL MEDIA AFFECTED**

NONE SPECIFIED

**Site History**

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2401 STEVENS CREEK BOULEVARD  
PERMANENTE, CA 95014  
SANTA CLARA COUNTY  
**SITE TYPE:** \* HISTORICAL

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**CALENVIROSCREEN PERCENTILE SCORE:** 1-5% (lowest s

[Summary](#) | [Activities](#) | [Site/Facility Docs](#) | [Related Sites](#) | [CalEnviroScreen](#)

**Completed Activities**

<u>TITLE</u>	<u>DOCUMENT TYPE</u>	<u>DATE COMPLETED</u>	<u>COMMENTS</u>
Site Screening	Site Screening	7/1/1991	Site Screening. No further remedial action planned based on EPA PA completed. This 3500 acre site comprising of a quarry, openland, and a cement production located about half a mile from the city of Cupertino. Since the start of operation in 1939, the plant has undergone periodic extension and has produced cement, fir wet process and lately (from 1981) by dry process. Kiln bricks with high chromium content (13.7%), kiln dust with high levels of heavy metals (Hg, As, Be, Cd, Cr, Pb), and waste solvents are the hazardous wastes of concern. Presently, the kiln bricks are recycled as the cement making process. But the quantity dumped in t dump has a potential of chromium leaching into groundwater. The kiln dust is normally recycled in the process. But spillages at failure of venting system represen potential of air and surface water pollution despite the buffer of open space, sedimentation pond, and concrete lining in the adjoining stretch of Permanente Creek Cleanup measures in progress under supervision of Santa Clara Valley Water District should eliminate or contain contamination potential of solvents and waste oi
Site Screening	Site Screening	6/9/1987	SITE SCREENING DONE ON EPA'S CERCLIS. PA DONE 1/86. WASTE KILN BRICK DISPOSED OF ONSITE.
Discovery	* Discovery	10/12/1983	FACILITY IDENTIFIED ID FROM ERRIS

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0.6210938 seconds



# SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION

PROPERTY OWNER'S NAME	Phone	Email	Prefer correspondence: Email <input checked="" type="checkbox"/>
Hanson Permanente Cement, Inc.	(408)966-4000	erika.guerra@lehighhanson.com	Mail <input type="checkbox"/>
Mailing Address	City	Zip	
24001 Stevens Creek Blvd.	Cupertino	95014	
APPLICANT OR APPELLANT NAME	Phone	Email	Prefer correspondence: Email <input checked="" type="checkbox"/>
Lehigh Southwest Cement Company	(408) 257-7476 ext.106	erika.guerra@lehighhanson.com	Mail <input type="checkbox"/>
Mailing Address	City	Zip	
24001 Stevens Creek Blvd.	Cupertino	95014	
ADDRESS OF SUBJECT PROPERTY: <u>24001 Stevens Creek Blvd., Cupertino, CA 95014</u> APN: <u>351-09-022;10-008,-033;11-001</u>			
EXISTING USE OF PROPERTY: <u>Quarrying</u> ACCESS RESTRICTIONS (gate, dog, etc.): <u>Gated access</u>			
The ACKNOWLEDGEMENTS AND AGREEMENTS FORM on the reverse side of this application must be completed and signed by the property owner(s).			

## FOR DEPARTMENT USE ONLY

FILE NUMBER: \_\_\_\_\_ - \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

APPLICATION TYPES	FEE(S)	COMMENTS / SUBMITTAL MATERIALS
Architecture and Site Approval / ASX		
Building Site Approval / BA (Urban / Rural)		
Certificate of Compliance		
Design Review / DRX		
CEQA (EA / Cat Ex / Prior CEQA / EIR)		
Compatible Use Determination (WA / OSE)		
Geologic Report / Letter		
Grading Approval / Abatement		
Lot Line Adjustment / Lot Merger		
Pre-Screening		
Special Permit		
Subdivision		
Use Permit		
Variance		
Other		
<b>TOTAL FEES</b>		

**Application fees are not refundable.**

Submittal reviewed  
and received by: \_\_\_\_\_  
Date: \_\_\_\_\_

Coordinates: X \_\_\_\_\_ Y \_\_\_\_\_  
Zoning: \_\_\_\_\_  
General Plan: \_\_\_\_\_  
Parcel Size: \_\_\_\_\_

USA / SOI \_\_\_\_\_  
WA / OSE / HCP \_\_\_\_\_  
Early Outreach: L1 / L2 \_\_\_\_\_  
Previous Files: \_\_\_\_\_

# ACKNOWLEDGEMENTS AND AGREEMENTS

FILE NUMBER: \_\_\_\_\_ - \_\_\_\_\_

## I. INDEMNITY

**Applies to all Planning applications.**

As it relates to the above referenced application, pursuant to County of Santa Clara Ordinance Code Section A33-6, except where otherwise expressly prohibited by state or federal law, I hereby agree to defend, indemnify and hold harmless the County and its officers, agents, employees, boards and commissions from any claim, action or proceeding brought by any person or entity other than the applicant ("third party") against the County or its officers, agents, employees, boards and commissions that arises from or is in any way related to the approval of this application, including but not limited to claims, actions or proceedings to attack, set aside, void or annul the approval. If a third party claim, action or proceeding is filed, the County will promptly notify the applicant of the claim, action or proceeding and will cooperate fully in the defense. Notwithstanding the above, the County has the right to participate in the defense of any claim, action or proceeding provided the County bears its own costs and attorney fees directly associated with such participation and defend the action in good faith. The applicant will not be required to pay or perform any settlement unless the applicant agrees to the settlement.

## II. FEES

**Applies to hourly billable application types. Refer to Department of Planning and Development fee schedule.**

- a. I/We the Owner(s) of the subject property, understand that my/our application requires payment of a minimum non-refundable fee, plus additional funds when staff hours devoted to the application exhaust the initial payment. Staff hours are billed at the hourly rate in effect at the time the staff hours are accrued.
- b. Typical tasks charged to an application include, but are not limited to, the following: intake and distribution of application, staff review of plans and other relevant materials; correspondence; discussions/ meetings with owner, applicant and/or other interested parties; visits to the project site by authorized agency staff; file maintenance; environmental assessment; staff report preparation; agenda and meeting preparation; meeting attendance; presentations to boards, commissions, and community groups; contract administration.
- c. The minimum nonrefundable fees for development applications are based on staff billing rates and staff hours needed to process a typical application. Staff hours may exceed a base application fee (requiring additional billing) due to project complexity and public interest on a project. This could include the need to review technical reports, conduct several meetings with the owner / applicant, and respond to public inquiries.
- d. Invoiced fees are due within 30 days of the date on the billing letter. **Fees not paid within 30 days are considered late and are subject to collection at the expense of the Owner.** While such fees are outstanding, the Planning Office reserves the right to cease all work on a project until said fees are paid in full.
- e. Any fees not paid within 45 days of invoicing shall be subject to interest charged at a rate equal to that earned by the County Treasury investment pool for that period.
- f. The owner and applicant are encouraged to periodically check on the status of their projects and fees. Questions regarding the status of hours charged to an application may be addressed to the planner assigned to the project.
- g. For more information on Planning Office application fees and how they are calculated, visit the County Planning Office web site at [www.sccplanning.org](http://www.sccplanning.org).

## III. APPLICATION AUTHORIZATION AND AGREEMENT TO PAY


I (We), the Owner(s) of the subject property, hereby authorize(s) the filing of this application and on-site visit by authorized staff. In addition I (We) acknowledge and understand the information above related to fees and agree to pay all application fees. I (We) certify and accept the terms and conditions as described above.

OWNER'S NAME(S) (Please Print)

Erika Guerra on behalf of Lehigh Southwest Co.

OWNER'S SIGNATURE(S)

Erika Guerra

 Digitally signed by Erika Guerra  
Date: 2019.03.26 04:36:14 -07'00'

DATE

03/26/2019

---

## PETITION FOR EXEMPTION FROM AN ENVIRONMENTAL ASSESSMENT

*Certain projects may not require an Environmental Assessment because they are **exempt** under state law. The Environmental Review handout describes the types of applications that may qualify for an exemption. Staff at the Planning Office counter can also advise you whether your application may be exempt.*

*Submittal of this form must be accompanied by the Environmental Information Form (with photographs), which is used to determine if the project will have any potentially significant environmental impacts.*

The undersigned hereby requests exemption from the environmental review requirements of the California Environmental Quality Act of 1970, as amended. In completing this request, I / we are affirming our belief that no significant environmental impact will result from the proposed project.

1. Project Type (subdivision, grading etc.): Minor reclamation plan amendment

2. Project Location: 24001 Stevens Creek Blvd., Cupertino, CA 95014

3. Project Description (including physical dimensions and proposed use): \_\_\_\_\_

Reclamation plan boundary adjustment to add approximately 63 acres to an existing reclamation plan area of 1,238.6 acres to incorporate roads (approximately 11 acres) related to mining activities. Reclamation activities will be limited to a 1.3-acre area.

4. Project Qualification for Exemption (all answers must be 'No'):

The questions in the table below are used to determine if a project could have any significant environmental impacts within different categories, necessitating the preparation of an Environmental Assessment. If the project does not have impacts in the listed categories (answer is "No"), the project may qualify to be an exemption.

Completion of the accompanying Environmental Information Form (EIF) can be used to answer the questions listed in the table, which specifies the location in the EIF (page and question) where these items are addressed.

Please note that the questions below are general screening thresholds to determine if an Environmental Assessment is required. Other factors may also be considered in this evaluation.

Would the proposed project involve:	EIF Page/ Question	Yes	No
<i>Biology</i>			
-work within 150 ft. of a watercourse, wetland, or riparian area?	P. 7/Q. 4		X
-impacts to or loss of habitat for endangered, threatened or rare wildlife or plants?	P. 10/Q. 10		X
-removal of five (5) or more native trees (12 inches in diameter, or 6 inches in diameter within the -h1 historic district)?	P. 6/Q. 2		X
-removal of ½ acre or more of oak woodland?	P. 6/Q. 2		X
<i>Historic</i>			
-demolition or alteration of historic resources (e.g., structure more than 50 years old)?	P. 3/Q. 7		X
<i>Topography / total earthwork</i>			
-construction in area with steep topography – average slope of > 30%?	P. 6/Q. 1		X
-import or export of more than 2,500 cubic yards of soil / material?	P. 2/Q. 6		X
-total earthwork exceeds 5,000 cubic yards (cut and fill)?	P. 3/Q. 6		X
<i>Non-residential</i>			
-generate significant new traffic?	P. 8/Q. 5		X
-create significant outdoor noise (outdoor amplified music, industrial activity)?	P. 8/Q. 7b		X
-use of hazardous materials?	P. 8/Q. 6		X
-development on agricultural lands (A-40, A-20 Zoning Districts)?	P. 7/Q. 3		X

5. List Categorical Exemption Class for which project is believed to qualify (refer to attached list)  
Class #: Class 1 (see Env. Info. Form and addendum), Class 4, and CEQA Guidelines Section 15061(b)(3)

Applicant's Signature: Erika Guerra Digitally signed by Erika Guerra  
Date: 2019.03.26 04:37:12 -07'00' Date: 3/26/2019

For Staff Use Only			
Project file number: _____	Exemption (CEQA Section): _____		
Comments: _____			
_____			
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Staff Person: _____	Date: _____

# Exemptions from Environmental Review

Per the California Environmental Quality Act (CEQA), this is a list of exemptions that are most likely applicable to development applications processed by the Santa Clara County Planning Office. It is not comprehensive but, instead describes general categories.

Pick the number of the class that appears to most clearly describe your project and enter it on the form (item 4). Then explain why your project fits that category (item 5); for example: "a single duplex building"; or "an addition of less than 50%".

## Categorical Exemptions

### **Class 1 (CEQA Section 15301): Minor alteration of existing facilities involving negligible or no expansion of use**

Examples include but are not limited to:

- a. Interior or exterior alterations
- b. Existing facilities used to provide public utility service
- c. Existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities (this includes road grading for the purpose of public safety)
- d. Restoration or rehabilitation of deteriorated or damaged structures or facilities to meet public health and safety standards
- e. Additions to existing structures
  - (1) Up to 50% of floor area or 2,500 square feet, whichever is less
  - (2) 10,000 square feet if:
    - (a) public services available
    - (b) area not environmentally sensitive
- f. Addition of safety or health protection devices
- g. New copy on existing signs
- h. Maintenance of existing landscaping
- i. Demolition or removal of small structures
- j. Conversion of a single-family residence to office use
- k. Use of a single-family residence as a small family day care home

### **Class 2 (CEQA Section 15302): Replacement or reconstruction of an existing structure located on the same site and with substantially the same purpose and capacity**

### **Class 3 (CEQA Section 15303): New construction or conversion of small structures**

Examples of this exemption include but are not limited to:

- a. One single family residence, or a second dwelling unit in a residential zone (up to 3 structures in an urbanized area)
- b. A duplex or similar multi-family residential structure, totaling no more than 4 dwelling units; maximum 6 dwelling units in one building for urbanized areas
- c. A store, motel, office, restaurant or similar structure not exceeding 2,500 square feet in floor area (up to 4 commercial buildings, not exceeding 10,000

- square feet, in urbanized areas) on sites zoned for such use, not involving the use of significant amounts of hazardous materials, where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive
- d. Water, main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction
  - e. Accessory structures including garages, carports, swimming pools and fences

**Class 4 (CEQA Section 15304): Minor alterations to land, water or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.** Examples of this exemption include but are not limited to:

- a. Grading on land with less than 10% slope (if not in waterway, wetland, official scenic area or mapped area of severe geologic hazard).
- b. New gardening or landscaping
- c. Filling previous excavation
- d. Minor alterations in officially designated wildlife areas which result in habitat improvement.
- e. Minor temporary uses with no permanent effects (e.g., carnivals, Christmas tree sales, etc.)
- f. Minor trenching and backfilling
- g. Creation of bicycle lanes
- h. Fuel management activities (within 30 feet of structure, or within 100 feet of structure if designated by public agency responsible for fire protection)

**Class 5 (CEQA Section 15305): Minor Alterations in land use limitations**

On land of 20% average slope or less and no change in land use or density including but not limited to:

- a. Minor lot line adjustment (not resulting in creation of new lot), and setback variances.
- b. Minor encroachment permit
- c. Reversion to acreage in accordance to the Subdivision Map Act

**Class 11 (CEQA Section 15311): Construction or replacement of accessory structures**

- a. On premise signs
- b. Small parking lots
- c. Temporary or seasonal structures designed for public use

**Class 14 (CEQA Section 15314): Minor additions to Schools** that do not increase school student capacity by more than 25% or 10 classrooms, whichever is less

**Class 15 (CEQA Section 15315): Minor land divisions**

Which satisfies all of the following criteria:

- a. Four or fewer parcels (five, if one involves the dedication of permanent open space through a conservation easement);
- b. Within the Urban Service Area;
- c. Meet riparian setbacks if applicable as shown on the County General Plan;
- d. Future parcels will be served by public streets, sewers and water systems;
- e. Division is in conformance with the General Plan and zoning and no variance or exceptions are required;
- f. The parcel was not involved in the division of a prior subdivision within the previous 2 years; and
- g. The parcel does not have an average slope greater than 20 percent.

**Class 31** (CEQA Section 15331): **Historical Resource Restoration / Rehabilitation** *ONLY* consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

**Class 33** (CEQA Section 15333): **Small Habitat Restoration Projects**

Projects not to exceed 5 acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- a. There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- b. There are no hazardous materials at or around the project site that may be disturbed or removed, and
- c. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- d. Examples of small restoration projects may include, but are not limited to:
  - (1). Revegetation of disturbed areas with native plant species;
  - (2). Wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
  - (3). Stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
  - (4). Projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.
  - (5). Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
  - (6). Culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.