



**DISCUSSION ITEM**

**Agenda Item # 11**

**AGENDA REPORT SUMMARY**

**Meeting Date:** June 8, 2021

**Subject:** Lehigh Hansen and Stevens Creek Quarry

**Prepared by:** Emiko Ancheta, Sustainability Coordinator

**Reviewed by:** Jon Biggs, Community Development Director

**Approved by:** Brad Kilger, Interim City Manager

**Attachment(s):**

None

**Initiated by:**

City Council

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

This request for City Council direction has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Providing direction to a City Commission and/or City Staff will not be an activity with potential to cause significant adverse effect on the environment because it is related to the organizational or administrative activities of the City and will not result in direct or indirect physical changes in the environment, and therefore is exempt from CEQA.

**Policy Question(s) for Council Consideration:**

- Does the City Council wish to provide direction to the Environmental Commission and staff regarding Lehigh Hansen and Stevens Creek Quarry?

**Summary:**

- The Lehigh Hansen and Stevens Creek Quarry is within the County of Santa Clara jurisdictional boundaries

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**Reviewed By:**

City Manager

BK

City Attorney

JH

Finance Director

JM

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**Subject:** Lehigh Hansen and Stevens Creek Quarry

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- The Lehigh Hansen and Stevens Creek Quarry applied for a permit with County of Santa Clara to amend its reclamation plan and increase mining production
  - The County has not approved the permit and there is an active lawsuit between Lehigh Hansen and Stevens Creek Quarry and the County of Santa Clara

**Staff Recommendation:**

Discuss and provide direction to the Environmental Commission and City staff.

**Purpose**

This will provide the City Council with an opportunity to provide direction to the Environmental Commission and City Staff on how it should monitor and report on permitting activities for the Lehigh Hansen and Stevens Creek Quarry

**Background**

The Lehigh Hansen and Stevens Creek Quarry is a cement plant, limestone and aggregate mining operation located in the Santa Clara County foothills, west of the jurisdictional limits of the City of Cupertino. The mine has been in operation since May 8, 1939, under the County of Santa Clara's jurisdiction. An approved Reclamation Plan was established in 1984 (amended in 2012) and it documents a plan to restore quarried lands. Since the establishment of the Reclamation Plan the following amendments have been filed:

- 2007 Reclamation Plan Amendment for Permanente Quarry (File 2250-13-66-07P)
- 2009 Reclamation Plan Amendment for Permanente Quarry - East Materials Storage Area (File No. 2250-13-66-09P)
- 2010 Reclamation Plan Amendment for Permanente Quarry - Superseded (File No. 2250-13-66-10P)
- 2011 Reclamation Plan Amendment for Permanente Quarry (File No. 2250-13-66-10P/M1)
- 2012 Reclamation Plan Amendment for Permanente Quarry
- 2018 Minor Reclamation Plan Amendment for Haul Road – Superseded
- 2019 Reclamation Plan Amendment for Utility Road (Superseded/combined with PLN19-0106)
- 2019 Reclamation Plan Amendment for Quarry Expansion (File PLN19-0106)

The last amendment, 2019 Reclamation Plan Amendment for Quarry Expansion, was submitted to the County on May 22, 2019. The 2019 Reclamation Plan Amendment includes the following modifications (per the Santa Clara County website):

- Retain in place the overburden material currently stored in the West Materials Storage Area (“WMSA”) rather than use it to backfill the main quarry pit. Lehigh proposed to backfill the



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pit with clean fill (approximately 20 million cubic yards) which will be trucked in from off-site. This would require approximately 600 new truck trips per day, five days a week for the next 30 years, depending on available supply.

- Decrease the lower ridge crest along a portion of the North Quarry highwall by approximately 100 feet, necessitating modification of the 1972 Ridgeline Protection Easement held by the County.
- Expand the reclamation plan area by 73.4 acres, increasing the total reclamation plan area from 1,238.6 acres to 1,312 acres. Additionally, the operator proposes to expand mining activities into a new 30-acre area, referred to as the “Rock Plant Reserve”.
- Use an existing Pacific Gas & Electric, Co. utility access road, or establish a new haul road between Leigh and Stevens Creek Quarry (“Utility Haul Road”).
- Reclaim an approximately 3,600-foot segment of the existing Plant Quarry Road and adjacent areas.

### **Discussion/Analysis**

Based on comments made during prior meetings, staff is seeking direction from the City Council on how it and the Environmental Commission should monitor and report on permitting activities for the Lehigh Hansen and Stevens Creek Quarry.

### **Options**

- 1) Provide direction to staff and the Environmental Commission to monitor permit activities for the Lehigh Hansen and Stevens Creek Quarry.

Advantages: Developments of the Lehigh Hansen and Stevens Creek Quarry expansion will continue to be monitored by the City

Disadvantages: Depending on the level and intensity of permit activity, additional staff resources may be needed

- 2) Decline to monitor permitting activities in some format.

Advantages: Avoids potential exposure due to permit challenges

Disadvantages: City will not have current information related to permit activities at the site

### **Recommendation**

The staff recommends Option 1.