

From: [Rhoda Fry](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT Non-Agenda
Date: Monday, January 24, 2022 7:19:21 PM

Dear City Council,

Please include the following for the next City Council meeting under public comment.

There is a letter to County Board of Supervisors pertaining to Lehigh referral agenda item #14 follows.

Additionally, there is still a little time for the City to comment on Lehigh's intention to kill red-legged frogs in order to mine --- just do a frog-leap to the last paragraph below.

Thank You for reading,

Rhoda Fry

From: Rhoda Fry [REDACTED]
Sent: Monday, January 24, 2022 7:00 PM
To: 'BoardOperations@cob.sccgov.org' <BoardOperations@cob.sccgov.org>
Cc: 'Kristina.Loquist@bos.sccgov.org' <Kristina.Loquist@bos.sccgov.org>
Subject: Please Vote YES on Agenda Item #14 Lehigh on January 25

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Email to: BoardOperations@cob.sccgov.org

Email cc: Kristina.Loquist@bos.sccgov.org

Subject: Please Vote YES on Agenda Item #14 Lehigh on January 25

Link to Agenda: http://sccgov.iqm2.com/Citizens/Detail_Meeting.aspx?ID=13887

Honorable Supervisors,

Please approve Supervisor Simitian's Agenda Item #14 Board referral "to Administration and County Counsel to report to the Board, through Housing, Land Use, Environment, and Transportation Committee, by the first Board meeting in May 2022, with a list of all noticed violations ..."

We know Supervisor Simitian was spot-on with his "Don't Chop the Top" campaign for sharing oversight of our 1972 Ridgeline Protection Easement Deed with the Open Space District.

And we now know Supervisor Simitian was spot-on with his recommendation to invest in a third-party review of Lehigh's Financial Assurance Cost Estimate (FACE). FACE determines how much money Lehigh needs to earmark for reclamation to stabilize the site so that it can have a secondary beneficial use, such as open space. If the estimate is too low, County taxpayers would be left "holding the bag," so to speak, for the remainder of the work. Per a 27-line-item letter, dated January 11, 2022, the County Planning Department explained to Lehigh that indeed FACE is insufficient and will need to be increased:

https://stgenpln.blob.core.windows.net/document/2250_2021_FACE_Letter_Inadequacy.pdf

As a side note, the bond for the Cement Plant is only \$75K!

Now it is time to go three-for-three. Please vote yes. A massive violation record from multiple regulatory agencies did not happened by accident. Permanente Creek, Air, Water, Noise, Land

violations and lawsuits are all a direct consequence of County land-use decisions or County decisions by default. We must have a better understanding about how the County's land-use policies impact our residents and how we must do better. That's why we voted for you – to make our lives better.

Yet, there is much that this report won't tell you.

It won't tell you that the 1972 Ridgeline Protection Easement Deed has already been violated because it was never enforced by the County in spite of constituent complaints. By Lehigh's own reckoning, we've already lost 50 to 75 feet of our protected ridgeline.

It won't tell you that irresponsible mining caused a hefty chunk of our cherished Rancho San Antonio Preserve to collapse into the quarry pit. There is no record of violation. The slide was quietly papered over with a land-exchange.

It won't tell you that the landslide above Permanente Creek, dubbed the "Yeager Yard Slide," is a health and safety hazard per the Water Board and County documents. Moreover, Lehigh has explicitly excluded its repair from its 2019 Reclamation Plan proposal. To illustrate the gravity of this situation, please consider the 1983 quarry-caused flood that deluged and evacuated Blach School and other structures 4 miles downstream. Yes, there was a Notice of Violation in this area, but it pertained only to sediment that was entering the creek and later resolved with BMPs (Best Management Practices) that should have already been in place. Meanwhile, the massive mountain of mining-waste, with fissures over 20-feet deep, continues its march toward Permanente Creek. Even Lehigh's own documents state that it is not safe to work there in wintertime.

It won't tell you that quarrying has diminished the function of Permanente Creek as explained in a 54-page report by the United States Geological Survey (USGS), "Effects of Limestone Quarrying and Cement-Plant Operations on Runoff and Sediment Yields in the Upper Permanente Creek Basin." <https://pubs.er.usgs.gov/publication/wri894130>

It won't tell you that Lehigh has been one of the very worst air polluters in our State that not only impacts our health but also contributes to reduced visibility at our National Parks, including Yosemite. So when you go to Yosemite and find your viewed muddied, you can thank Lehigh and BAAQMD for that.

And it won't tell you that Lehigh made structural repairs to its giant 80-year-old cement storage silos without building permits. Naturally, I could go on, but I'll stop ranting now.

Nevertheless, a report will tell you a lot and I think that the outcome will be rather stunning. For example, it will tell you that the site's management took kickbacks from unlicensed contractors and went to jail. How do we know that the work that we will inherit when the land becomes open space was conducted in a workmanship-like manner? <https://countyda.sccgov.org/news/news-release/former-manager-permanente-cement-plant-convicted-bribery>

In a nutshell, please vote yes and do so unanimously.

Separately, please note also that Lehigh is applying for a twenty-year "take" permit for red-

legged frogs from the U.S. Fish and Wildlife in order to continue mining and reclamation. **Comments are due this week on January 27, 2022.** Why 20 years? Why allow killing endangered species in order to continue mining? I sincerely hope that the County will comment on this item as it could well impact the optics of the forthcoming reclamation plan. The link is here: <https://www.regulations.gov/docket/FWS-R8-ES-2021-0076/document>

Thank You Very Much,
Rhoda Fry