



May 7, 2021

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Governor's Office of Planning & Research

**May 07 2021**

**STATE CLEARINGHOUSE**

Copy sent via email: [Robert.Salisbury@pln.sccgov.org](mailto:Robert.Salisbury@pln.sccgov.org)

SUBJECT: PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE PERMANENTE CREEK RESTORATION PROJECT – STATE CLEARINGHOUSE NUMBER 202104331

Dear Mr. Salisbury:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the preparation of the Supplemental Environmental Impact Report (SEIR) for the 2012 Lehigh Permanente Quarry Reclamation Plan Amendment EIR for the Permanente Creek Restoration Project (Proposed Project) Notice of Preparation (NOP). The NOP indicates that the County of Santa Clara (County), as lead agency under the California Environmental Quality Act (CEQA), will prepare a Supplemental Environmental Impact Report (SEIR) for the Proposed Project.

As described in the NOP, the SEIR will analyze the potential environmental impacts associated with a grading approval application submitted by Lehigh Southwest Cement Company (Lehigh) for the Proposed Project. The Proposed Project makes modifications to a previously considered restoration project that would restore specific segments of Permanente Creek located within and outside of the existing reclamation plan boundary for the Lehigh Permanente Quarry. The County evaluated the impacts of the Proposed Project within seven subareas collectively identified as the Permanente Creek Restoration Area (PRCA) in the 2012 EIR. Lehigh is proposing modifications that are in accordance with the Cleanup and Abatement Order issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB; RWQCB Order No. 99-018) and an Amended Consent Decree entered by the U.S. District Court, Northern District on May 11, 2016 (with an updated Exhibit D entered on May 18, 2016) between the Sierra Club and Lehigh. The SEIR will evaluate only those geographic areas that were not analyzed as part of the 2012 EIR and those environmental resource

areas in which modifications to the Proposed Project would cause new or more severe significant impacts relative to those analyzed in the 2012 EIR.

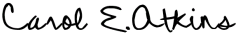
The Division's primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Additionally, the Division has review responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA). SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- Production and conservation of minerals are encouraged, while considering values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

Division staff has reviewed the subject NOP pursuant to the CEQA statutes and Guidelines and offers no comments at this time. The Division will provide comments, as warranted, on documents prepared and submitted in accordance with SMARA.

The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., the Draft SEIR, hearing notices for the Draft and Final SEIRs, and any supplemental environmental documents), as well as a copy of the certified Final SEIR, be sent to the Division at [DMR-Submittals@conservation.ca.gov](mailto:DMR-Submittals@conservation.ca.gov) or the mailing address on the bottom of page 1 of this letter. If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:  
  
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Carol E. Atkins  
Manager  
Environmental Services Unit

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