



Midpeninsula Regional  
Open Space District

R-15-147  
Meeting 15-25  
October 14, 2015

## AGENDA ITEM 5

### AGENDA ITEM

Update on Actions of Mutual Interest taken by the District and by Lehigh Southwest Cement Company during the Past Year

#### GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in dark ink, appearing to be "SAG".

Receive a presentation on actions taken over the past year by the District and Lehigh Southwest Cement Company related to Lehigh Quarry operations.

#### SUMMARY

In August 2014, the Midpeninsula Regional Open Space District (District) agreed to dismiss its judicial appeal challenging Lehigh Southwest Cement Company's (Lehigh) Environmental Impact Report (EIR), in exchange for various public benefits described herein, and based on progress noted in work necessary to protect air and water quality, and extensive work performed on the restoration of the scenic viewshed (R-14-98).

One of the important conditions of the settlement was an agreement for the District and Lehigh to participate going forward in conducting regular, open public meetings regarding opportunities and issues of mutual concern. The first meeting was held on May 27 of this year (R-15-84). This is the second meeting, and presentations will be provided by the District's General Manager and Mr. Kari Saragusa, President of Lehigh Southwest.

#### DISCUSSION

The Board received a presentation from Kari Saragusa, President of Lehigh Southwest, on May 27, 2015 (R-15-84). Mr. Saragusa will again present actions taken by Lehigh over the past year that may be of interest to the District and the Community.

The Board approved dismissal of the District's judicial appeal challenging the Lehigh Southwest Cement Company's (Lehigh) Permanent Quarry Reclamation Plan Environmental Impact Report (EIR) in August 2014 (R-14-98). This settlement agreement included Lehigh's agreement to the following actions:

- 1) Lehigh conveyed a widened public trail easement to the existing Quarry Trail across their land. This easement was recorded in January 2015;
- 2) Leigh conveyed a new public trail easement, connecting Rancho San Antonio and Monte Bello Open Space Preserves. This easement was recorded in January 2015;

- 3) Grant to the District Rights of First Offer and Rights of First Refusal on two properties, totaling 265 acres, in which the District has a long-term protection interest. These documents were recorded in January 2015;
- 4) Grant to the District a Conditional Grant Deed to a 55 acre Lehigh property buffering the PG&E trail at Rancho San Antonio Open Space Preserve. The District can record if Leigh resumes using and raises the height of the East Material Storage Area (EMSA);
- 5) Waive the right to recover the \$9,404 which is the District's half of the \$18,808 total costs awarded by the lower court; and
- 6) Participate with the District going forward in conducting regular, open, public meetings in which Lehigh and the District can discuss opportunities and issues of mutual concern.

Additionally, the District received the final results from the air quality monitoring study completed for Rancho San Antonio OSP in October 2014 (R-14-126). The data collected during the study period showed that the air quality at Rancho reflected a low-impact environment, with some effect from the nearby industrial (Lehigh Southwest Cement Plant and Quarry) and urban areas.

### **FISCAL IMPACT**

There is no fiscal impact associated with this presentation.

### **BOARD COMMITTEE REVIEW**

There was no committee review of this item. Regular public meetings with the District and Lehigh are a commitment made as part of the settlement agreement

### **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

### **CEQA COMPLIANCE**

This presentation is not a project under CEQA.

### **NEXT STEPS**

The General Manager anticipates a third public meeting to be held in 2016. The Planning Department has tentatively scheduled the initial reconnaissance work for the new trail alignment within Monte Bello OSP beginning in the third quarter of FY 2016-17, and anticipates hiring a consultant to assist in this work in order to leverage staff resources assigned to other high priority projects. Upon completion of the construction of the new trail easement, which is anticipated to be completed in 2021, the District will survey the actual trail alignment and record an amended trail easement. The reroute of the existing Quarry Trail in Rancho San Antonio OSP is anticipated to be completed in 2023.

Responsible Department Manager:  
Kirk Lenington, Natural Resources Manager