



Midpeninsula Regional
Open Space District

R-22-27
Meeting 22-06
February 23, 2022

AGENDA ITEM 4

AGENDA ITEM

Formation of a Lehigh Quarry Review Ad Hoc Committee

GENERAL MANAGER'S RECOMMENDATION

Approve the formation of a Lehigh Quarry Review Ad Hoc Committee of the Board and authorize the Board President to work with the General Manager to determine the best timing for forming the committee pursuant to Board Policy 1.04, *Board Committees*. Consistent with other recent Ad Hoc Committees of the Board of Directors, these meetings would be compensable. This action would expedite formation of the Ad Hoc Committee once the right timing is identified based on the Santa Clara County Board of Supervisors' referral to County staff on the exploration of the feasibility of the County's purchase of the quarry and cement plant site.

SUMMARY

The Santa Clara County (County) Board of Supervisors (BOS) has directed County staff to assess the feasibility of purchasing the Lehigh Cement Plant and Quarry ("Lehigh") and return to the BOS within 90 days. Lehigh Quarry, the Midpeninsula Regional Open Space District's (District) immediate neighbor to the south of Rancho San Antonio Open Space Preserve, proposed a Reclamation Plan amendment in 2019 and is currently revising that amendment. The General Manager recommends working with the Board President to determine the best timing for forming an Ad Hoc Committee (Committee) and to then assemble this advisory group to guide the District's input into the County's acquisition assessment and clarify District goals for potential partnerships with the County and/or other entities. The Committee would consist of three Board members, appointed by the Board President with consent of the Board. Ad Hoc Committees are appointed to address a specific topic and typically convene for up to one year.

DISCUSSION

In May of 2019, Lehigh Hanson, a subsidiary of Heidelberg Cement Group who operates Lehigh Quarry, submitted a Reclamation Plan Amendment ("Rec Plan") to the County. At that time, the District formed an Ad Hoc committee to specifically guide the District's response to the Rec Plan (R-20-61). During the Ad Hoc's tenure, the parent company, Heidelberg Cement, sold off all of its holding except Lehigh Quarry. The Rec Plan process has since stopped and Lehigh has indicated that they are evaluating revising the Rec Plan with input from the District and others (R-21-162). On January 25, 2022, the BOS, upon referral from Supervisor Joe Simitian, directed County staff to produce a list of all violations within the last 10 years with the goal of clarifying whether Lehigh's violations "constitute the basis for further regulatory and/or legal action." On February 15, 2022, the BOS, upon referral from Supervisor Simitian, directed staff to report back with "options for consideration relating to the potential acquisition of the Lehigh Cement Plant

and Quarry property and “to consult with all relevant stakeholders and consider collaboration with all potential partners in developing a planning process, timeline and eventually a proposal for the property in question.” The District submitted a support letter for this assessment (Attachment 1). In light of these recent County actions, an Ad Hoc Committee of the Board is recommended to help steer the District’s response as a stakeholder and collaborator with the County and others. In order to be ready to work with the Ad Hoc as soon as sufficient information is gathered by County staff, the General Manager recommends that the Board authorize the Board President to work with the General Manager to identify the best time to form the Ad Hoc Committee. Formation is expected to occur some time within the next three months and will be based on the County’s readiness to initiate discussions with the District.

Pursuant to Board Policy 1.04, *Board Committees*, the Lehigh Quarry Review Ad Hoc Committee would be composed of three Board members appointed by the Board President with the consent of the Board. This Committee would serve the purpose of reviewing and guiding the District’s response as a stakeholder and collaborator on a potential acquisition.

FISCAL IMPACT

Formation of a new compensable Ad Hoc Committee is not expected to result in a fiscal impact. The fiscal year budget anticipates both Committee and Board meeting attendance for Board Directors. According to Board Policy 6.06 (Meeting Compensation, Reimbursement of Authorized Necessary Expenses for Performance of Official Duties, and Adoption of Ethics Training Requirements Pursuant to Government Code Section 53232 et seq. (AB1234)), the maximum allowable total compensation per Board member is one hundred and five dollars (\$105.00) per day or six hundred and thirty dollars (\$630.00) per month. The Fiscal Year 2022-23 Budget contains sufficient funds for Board compensation related to meeting attendance.

BOARD AND COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Upon approval by the Board, Committee members would be appointed by the Board President. The General Manager or designee will schedule a kickoff meeting as soon as practicable.

Attachment:

1. Letter of Support for Lehigh Acquisition Assessment

Responsible Department Head:
Kirk Lenington, Natural Resources Manager

Prepared by:
Aaron Hébert, Senior Resource Management Specialist



GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
Jed Cyr
Larry Hassett
Karen Holman
Zoe Kersteen-Tucker
Yoriko Kishimoto
Curt Riffle
Pete Siemens

FROM 50 TO FOREVER: CARING FOR THE LAND THAT CARES FOR US

By creating Midpen 50 years ago, our community prioritized clean air and water, healthy habitats for diverse native plants and animals, ecosystems that are resilient to the effects of our changing climate, and places for people to connect with nature — that's what Midpen provides in perpetuity.

Celebrate with us all year long at openspace.org/50-years!

February 14, 2022

County of Santa Clara Board of Supervisors
70 West Hedding Street
East Wing, 10th Floor
San Jose, CA 95110

Dear Board of Supervisors,

Please accept this **letter of support** from the Midpeninsula Regional Open Space District (Midpen) for Supervisor Simitian's **referral to County staff to assess a potential acquisition of Lehigh Cement Plant and Quarry**. As you know, Lehigh Quarry separates Rancho San Antonio Open Space Preserve and Rancho San Antonio County Park (collectively "Rancho") and Monte Bello Open Space Preserve. Rancho is our most beloved preserve and park with over 800,000 visitors annually. And yet, these regionally important open spaces, which have been vital to public health during the pandemic, are next to a quarry and cement plant that has a long and unfortunate history of environmental degradation, including impacts to air quality, water quality, wildlife habitat, and scenic values for which the 1972 Ridgeline Easement serves to protect and is now being carefully monitored by Midpen on behalf of the County. We agree with Supervisor Simitian that "**now** is the time to envision and consider other possibilities which are both in the public interest and fair to the property owner," particularly as Lehigh is considering modifying the 2019 Reclamation Plan amendment.

Midpen's mission is to "acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education." This mission requires a vision into perpetuity. For that reason, Midpen has been engaged in every iteration of the Reclamation Plan and given input on behalf of the environment and the public to ensure the quarry is reclaimed in a way that leaves the public with a site that is suitable for potential future beneficial uses that are compatible with Midpen's mission. In particular, Midpen has supported a reclamation of the site that facilitates wildlife habitat, including corridors between open spaces, the restoration of Permanente Creek, preservation of native plants, improved wildfire resiliency, protection of scenic resources, and opportunities for ecologically sensitive public access. While the question of how the site should best be reclaimed requires further work, what is certain is that the quarry will ultimately be reclaimed, and we believe now is the appropriate time to bring together a vision for all stakeholders that supports this outcome sooner rather than later.

Midpen hopes to provide our expertise and input into this process as appropriate. Midpen thanks the County and Supervisor Simitian for this proactive approach and for your continued leadership.


Ana Ruiz

General Manager

cc: Midpen Board of Directors