



Rob Eastwood, Planning Manager  
County of Santa Clara Planning Office  
County Government Center  
70 West Heading Street, 7<sup>th</sup> Floor, East Wing  
San Jose CA 95110

October 18, 2019

**RE: Comments Recommendation to Deny permission to the Sargent Quarry Project-  
File 10747 Assessor Parcel Number: 810-38-014, -016, and -017**

Dear Mr. Eastwood,

The California Indian Environmental Alliance (CIEA), is providing the following written comments on the County of Santa Clara development of an Environmental Impact Report (EIR) for the Sargent Quarry Project mining and gravel operation.

CIEA constituents include California Indian Tribes, Tribal membership and Tribal Nations federally recognized and unrecognized. CIEA believes and supports Indigenous Peoples of California in participation in decision making processes which affect Traditional Tribal lands, resources, Tribal members and or Nations.

We recommend that Santa Clara County deny the request for the Sargent Ranch/Juristac mining proposal submitted by Sargent Quarry. It is clear that the proposed project impacts will be calamitous and will forever alter the sacred lands of the Amah Mutsun People. based on two main themes. The first is related to the impacts that this project will have on biological resources and water quality, and second recognizes the responsibility of state and local agencies to uphold the Amah Matsun Tribal Band's right to protection of cultural place, features, objects, cemetery, place of workshop, religious, ceremonial and sacred shrine.

### **Impacts Biological Resources & Water Quality**

According to the Biotic Evaluation conducted on behalf of Freeman and Associates for the proposed Sargent Quarry Project site is home to sensitive endangered wildlife and plant species, wetlands and jurisdictional waters, and designated heritage trees.

- The project conflicts with the Santa Rosa Habitat Conservation Plan.

- Project impacts to special status species include: California Tiger Salamander, California Red-Legged Frog and Western Pond Turtle, and American Badger,
- Migratory and sensitive avian species such as Burrowing Owls Nesting & Migratory Raptors, the Western Red Bat, Pallid Bat, and Other Special Status and Non-special Status Roosting Bats
- Impacts to sensitive habitats, i.e., California native grasslands and wetlands, ponds, Mixed Oak Woodland and Forest, Northern Mixed Chaparral/Chamise Chaparral, Coast Live Oak Forest and Woodland
- Federally protected wetlands and waters of the U.S. (project vicinity, i.e. Tar Creek and Sargent Creek).

Finally, the Biotic evaluation fails to adequately consider and address cumulative impacts to water quality and quantity.

[https://www.sccgov.org/sites/dpd/DocsForms/Documents/10747\\_SargentRanch\\_Biotic.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/10747_SargentRanch_Biotic.pdf)

**Support for the Amah Mutsun Tribal Bands’ Right to Protection of Cultural Place, Features, Objects, Cemetery, Place of Worship, Religious and Ceremonial Site, and/or Sacred Shrine**

The Amah Mutsun Tribal Band maintains membership of nearly 600 BIA documented Indians, a recognized Tribal group listed by the Bureau of Indian Affairs (BIA), as the “San Juan Band.” All lineages comprising the “Amah Mutsun Tribal Band” are the direct descendants of the aboriginal Tribal groups whose villages and territories fall under the sphere of influence of Missions San Juan Bautista (Mutsun) and Santa Cruz (Awaswas) during the late 18th, 19th and early 20th centuries.

The Tribe was never terminated by any Act or intent of the Congress, however, remained a landless Tribe since its federal status began in 1906, a result of the Congressional California Indian Jurisdictional Act of 1928. The Tribe is currently listed with the Department of Interior, Bureau of Indian Affairs as Petitioner #120 as we are seeking status clarification to have our Recognized status restored by the Secretary of the Interior.

The proposed Sargent Quarry project lies within the aboriginal sacred territory of the Amah Mutsun Tribe. The Tribe opposes any development within or surrounding their sacred sites located on Sargent Quarry Ranch. The 6,200 acre project site maintains documented cultural sites and sensitive archaeological resources and is considered to be the “central sacred location” of the Amah Mutsun People.

According to SB 18 and the California Environmental Quality Act (CEQA), (SB 18 refers to “places, features, and objects (described in Sections 5097.9 and 5097.995 of the Public Resources Code.” PRC 5097.9), a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine. Cultural Places (PRC 5097.995 Native American historic, cultural, or sacred site), that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site.

Current CEQA regulations provide the following considerations:

- Tribes and members can request notice of projects (PRC 21092(b)(3) & 21092.2).
- Tribes and members can request consultation as persons with “special expertise” (PRC 21104 & 21153).
- Tribes and members can comment on projects (CCR 15044) CEQA & Archaeological Resources.
- PRC 21083.2 requires lead agencies to determine effects on archaeological resources. Recommends mitigation: – Planning construction to avoid – Deeding sites in permanent easements – Capping or covering before building – Planning parks, open space to incorporate sites.
- CEQA & Historic Resources - PRC 21084.1: Substantial adverse change in a historical resource is a significant effect on the environment. Historic resource includes: – Resource listed or eligible to be listed in the California or a local registry. – Not being listed or eligible for listing does not preclude a lead agency from determining something may be a historical resource.  
[http://ohp.parks.ca.gov/pages/1054/files/thposhposummit2013\\_day1\\_panell\\_randolphmorgan3.pdf](http://ohp.parks.ca.gov/pages/1054/files/thposhposummit2013_day1_panell_randolphmorgan3.pdf)

Upon close review of the Sargent Quarry webpage, we feel the corporation inappropriately describes the culture and world view of the Amah Mutsun people and attempts to publicly discredit the Tribes cultural and spiritual ties to the Juristic Village with language that identifies “Amah Mutsun Claims” and “Facts”.

The Sargent Ranch Management Company goes on to create their own version of the truth to justify the environmental degradation and cultural desecration that will result from creating a large-scale mining operation in on a “sacred site”. The webpage states “there is nothing in the historical record that suggests mining or disturbing the landscape was objectionable to the Ohlone people or this god/spirits. To the contrary, the Ohlone and other California Indians treated their mines and quarries and the products they produced as sacred”.

The Sargent Ranch Management Company makes it quite clear that it has no respect for the Tribes concerns nor historical and present-day context by comparing small scale Native American trading communities to justify a large-scale profit driven mining operation.

<https://www.sargentquarry.net/amah-mutsun/>

On April 17<sup>th</sup>, 2018, Valentin Lopez, Tribal Chairperson for the Tribe spoke at the 17th Session of the United Nation’s Permanent Forum on Indigenous Issues, calling attention to the project and site, “known to the Amah Mutsun as Juristac, the location of the tribe’s most sacred ceremonies and home to its spiritual leader, Kukuui”. The Chairman went on to describe use of the site since time immemorial for Bighead dance ceremonies conducted at Juristac. Also, the lands importance for spiritual ceremonies of the Mutsun People and how the lands remain sacred landscapes for the tribe.

The Amah Mutsun people continue to suffer as a result of cultural destruction that began with brutal colonization during the Spanish/Mission period to the Mexican period and now the American period. Waves of colonizers continue to destroy and dominate the Mutsun people, their environments, spirituality and culture.

In 2006 Tribal Elders told Tribal Council that they must find a way to return to the path of their ancestors so they can fulfill their obligation to Creator. Should the mining permit be approved and their most sacred site be destroyed, it is hard to imagine how either of these directives can be fulfilled.

For the reasons above CIEA requests that the Santa Clara County deny the Sargent Ranch/Juristac mining proposal. It is clear that the proposed project impacts will be calamitous and will forever alter the sacred lands of the Amah Mutsun People.

Thank you.  
Sincerely,



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Sherri Norris,  
Executive Director, California Indian Environmental Alliance

10/19/19  
Date

Cc:

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