

October 13, 2016

County of Santa Clara  
Planning Department  
Attn: David Rader  
County Government Center  
70 West Hedding Street, 7<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

Re: Sargent Quarry Project– Request for Tribal Consultation  
File No. 10747-15P

Dear Mr. Rader:

We represent the Amah Mutsun Tribal Band of Costanoan/Ohlone Indians (“Amah Mutsun” or “Tribe”), whose ancestral Tribal territory encompasses portions of the modern counties of San Benito, Monterey, Santa Cruz, Santa Clara, and San Mateo, lands known to the Tribe as *Popeloutchom*. These lands are home to the environmental, natural and cultural resources that have sustained the Amah Mutsun since time immemorial. Protecting and caring for these resources are central to the Amah Mutsun cultural identity. The Tribe is gravely concerned that the proposed Sargent Quarry Project (“Project”) will irreparably harm its traditional Tribal lands, including their environmental, cultural, and water resources. The Tribe therefore requests formal Tribal consultation regarding this Project.<sup>1</sup> The goal of the consultation would be to find mutually acceptable ways to protect and preserve the unique lands and resources within the *Juristac* for generations to come. We provide more details below.

As you know, the Project would allow extractive sand and gravel mining for three decades, including the construction and operation of aggregate processing facilities, on approximately 320 acres of *Juristac* (what is now called Sargent Ranch). These lands fall within the Tribe’s traditional territory and are of cultural, religious, historical, traditional and archaeological significance to the Tribe. There can be no doubt that the Project’s proposed mining will irreparably harm the environmental, religious, cultural, spiritual and traditional integrity of *Juristac* for the Amah Mutsun, and will cause significant adverse environmental impacts to the water, wildlife, plants and other natural and cultural resources in the area

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<sup>1</sup> Recently, the Tribe created a non-profit land stewardship and conservation organization, the Amah Mutsun Land Trust (“AMLT” or “Land Trust”) to further protect and steward its traditional Tribal territory for its future generations.

forever. Moreover, the Tribe's unique cultural ties to these lands heighten the County's responsibility to consult with the Tribe under California law.<sup>2</sup>

On the Tribe's behalf, and in accordance with Tribal Resolution No. 03 -2016, attached, we request the following:

1. Formal government-to-government Tribal consultation with the County regarding the impacts of the proposed Project on the Tribe's cultural, ceremonial, religious and spiritual practices, and to its traditional ancestral Tribal lands and environment within the Project's footprint;
2. Consultation with the Project Applicant regarding the impacts of the proposed Project to the Tribe's cultural, ceremonial, religious and spiritual practices, and to its traditional ancestral Tribal lands and environment within the Project's footprint;
3. Consultation regarding, and development of, a Memorandum of Understanding ("MOU") regarding the Tribe's participation in cultural resources studies or surveys on *Juristac*, including protocols for any ground disturbance activities that may occur during any such cultural resource survey;
4. Requirement that a Tribal Cultural Monitor knowledgeable about Amah Mutsun customs, traditions, religion, and burial practices be present during any cultural resource surveys within the Project footprint;
5. Coordination with the California Native American Heritage Commission regarding the Project and any cultural resources study; and,
6. Copies of all environmental review documents and notices related to this Project.

The County's Planning Department, as the Lead Agency, must fully consider the environmental, cultural, religious, and ceremonial impacts of the proposed Project to the Tribe as the original inhabitants of these lands. On the Tribe's behalf, we request that the County promptly begin the consultation process with the Tribe regarding these impacts. We further request that the Tribe be promptly informed of any future proposed projects in the Tribe's ancestral territory for the purposes of Tribal consultation.

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<sup>2</sup>See Cal. Pub. Res. Code § 21080.3.1; Cal. Gov. Code § 65352.4; A.B. 52 (2015)

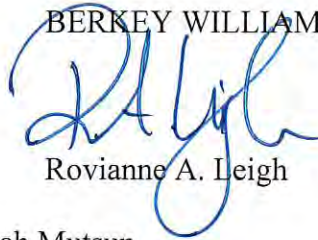
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Should you have any questions or concerns, please do not hesitate to contact myself or the Tribal Chairman, Valentin Lopez, at 916-743-5833.

Sincerely,

BERKEY WILLIAMS LLP



Rovianna A. Leigh

cc: Valentin Lopez, Tribal Chair, Amah Mutsun  
California Native American Heritage Commission  
Enclosure