

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

Dear Supervisors Wasserman, Chavez, Cortese, Yeagar, and Simitian,

We write to express our concern over the proposed development of the Sargent Quarry Project in the area now known as Sargent Ranch, but in which lies the heart of the ancestral lands of the Amah Mutsun people called Juristac.

The area of Juristac is one of immense cultural and spiritual importance to the Amah Mutsun. As with many indigenous peoples, the natural environment is viewed as an integral part of the whole; landscape, trees, rivers, and other natural features are imbued with spirits and have cultural significance. Even though, as in the case of the Amah Mutsun, an indigenous group may have been forcibly removed from direct contact with the territory, the cultural and spiritual importance of such land and landscape remains a fundamental part of the religion, culture, and history of the tribal band. In the case of Juristac, the area is considered a 'power place' for the Amah Mutsun people - a place which is the home of a powerful spiritual being known as *Kuksui*, where their ancestors held healing ceremonies and where important (often cross-tribal) dances took place. The maintenance of the pristine nature of this landscape is of fundamental importance to Amah Mutsun culture and spirituality. Mines like that proposed by Sargent Ranch are literally wounds on the earth that destroy the sacred nature of such sites. In light of this, we, the undersigned, respectfully ask you to veto the proposed sand and gravel mine project.

The University of San Francisco (USF) is one of the oldest universities in the Bay Area, along with Santa Clara and San Jose State. As such, the university and its students, faculty, staff, and alumni have a long-standing and strong connection to the region, its peoples, and the beautiful natural environment in Northern California. USF is also grounded in a social justice mission that supports a common good that transcends the interests of particular individuals or groups, including a respect for open natural spaces that have cultural, aesthetic, and spiritual connections that should be held in trust for present and future generations.

Collectively, we are scholars from the University of San Francisco and members of the Environmental Studies Faculty Advisory Board with expertise in law, environmental policy, geology and hydrology, geography, history, theology, sociology, and philosophy. Our cumulative, interdisciplinary expertise allows us to provide insight into the dangers of this proposed mining project. We also approach this on a personal level. One of our all-time top students, Alexii Sigona, is a member of the Amah Mutsun and he has educated us about the history and many issues surrounding Juristac. Through Alexii, we have come to know and work with Valentin Lopez, Tribal Chairman of the Amah Mutsun Tribal Band, and have hosted Chairman Lopez on campus for talks, roundtables, and activist workshops. Some of our colleagues have been so moved by Juristac and the Amah Mutsun Tribal Band that they have integrated them into their courses.

Based on this expertise and our dedication to protecting the environment, indigenous rights, and the beauty of California for all citizens, we strongly encourage you to deny the mining permits for the following reasons.

Legally, there is ample basis under California, U.S., and international law, for the Supervisors to support the Amah Mutsun Tribal Band's request to deny the mining permit. While the Amah Mutsun Tribal Band *is not* making a claim of ownership over the land, there are still legal arguments that can be made in support of their First Amendments rights of freedom of religion, the recognition of *Juristac* as an area of cultural and historical significance to the tribal band, and the recognition of rights provided under international law to which the United States is bound to protect their cultural heritage, traditional spiritual practices, and ensure equality under the law. Additionally, from an environmental perspective, a balancing of factors as described below, clearly indicates that the potential damage, not only to the Amah Mutsun's spiritual and cultural connection to the land, but also to a pristine natural environment is not worth the risk of a temporary sand and gravel mine. The overall public good in protecting natural space, reducing noise and air pollution, carefully managing water in these times of drought, as well as the rights of the Amah Mutsun, all point to the need for a denial of this permit application for a new mine.

Further, mining processes associated with the excavation, extraction, and refinement of gravel and sand materials are notorious for triggering significant environmental and social change. Despite the 'sustainable' practices used, quarrying requires the removal of virtually all natural vegetation, topsoil, and subsoil which results in catastrophic effects for plantlife and animal habitats. Extraction processes are accompanied by loud noise, vibrations, dust, and pollution which can permanently harm adjacent ecosystems. Proposed social benefits provided by mining projects such as viable long-term employment remain questionable. Our colleague Adrienne Johnson's research shows that extraction sector employment is often characterized by low-skill tasks, contract precarity, and uneven access to opportunities among men and women. Over time, these patterns stiffen, creating a socio-environmental landscape that is unjust.

From a theological perspective, it is clear that the World Heritage Convention, a framework for protecting cultural heritage rights, includes the vital and important category of "sacred space." When the Amah Mutsun Tribal Band claims this land has been and continues to be a special ceremonial space for memories, narratives of religious group identity, and enactment of ritual beliefs, it is important that sand and gravel mining do not take more importance than the right of religious freedom enshrined in the US Constitution. It is vital to slow down this process and examine much more closely the impact on the environment and on the culture of the Amah Mutsun Tribal Band if this sand and gravel mining rights are given. Moreover, the public trust doctrine also applies to the sand and gravel mine land, whereas the sand and gravel may very well belong to the public trust, and under that legal category, the giving away of the sand and gravel mining rights do not serve the citizens of California's public interest.

Given the minimal economic potential of this mining project, the irreparable damage such an undertaking would cause to the landscape, and the impact this would have on the Amah Mutsun peoples' historical, cultural, and spiritual connections to this land, we respectfully urge you to deny approval for the quarry.

Thank you for your consideration,

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