

Regeneración/Regeneration

Pájaro Valley Climate Action

23 Suite 104 East Beach St, Watsonville, CA 95076



September 27, 2022

Robert Salisbury, Senior Planner
Santa Clara County Department of Planning & Development
70 W Hedding St, East Wing, 7th Floor, San Jose, CA 95110

Dear Mr. Salisbury:

We at *Regeneración - Pájaro Valley Climate Action* are writing to submit comments on the draft Environmental Impact Report (EIR) for the proposed Sargent Ranch Quarry Project.

Regeneración - Pájaro Valley Climate Action is a non-profit organization formed in 2016 with a vision of a Pájaro Valley community that has achieved climate justice so that everyone can live in harmony with the natural world.

We have reviewed the draft EIR and are writing because we have serious concerns regarding the proposed project's environmental impacts at a time when the climate crisis brought on by environmental degradation threatens the lives of millions of people. We are deeply concerned about the irreversible damage the proposed sand and gravel mine would have on our shared Pájaro Valley watershed and the surrounding ecosystems. We are extremely concerned that the draft EIR does not adequately represent or acknowledge the impact on the Amah Mutsun people- the Indigenous descendants of the land, for whom the property is sacred.

The project's 30 year lifespan is vastly underestimated and does not take into account project delays or the predicted impacts of the climate crisis which include drought, fires, and severe storms which would in fact impact the development and operation of the proposed mine. Additionally, we found nothing in the draft EIR to consider the impacts if the project development or lifespan were to be extended. Through the lens of environmental justice, and particularly during the climate emergency we are living in

now, this project lacks foresight to the irreversible social and environmental degradation of a large-scale mining project on sacred Indigenous land.

Below are other specific concerns:

Chapter 2.6 Reclamation

The land on which the proposed mine will be developed is sacred land for the Amah Mutsun people. They do not currently own this land legally because of the state's theft, broken treaties, and attempted genocide of the Amah Mustun People. Any discussion of 'reclamation' must recognize this reality. The report does not address this history of land dispossession but to mine this sacred land would be to continue a violent legacy of displacement and dispossession. True reclamation and healing would mean recalling the permits and putting a stop to the proposed mine. It is critical to the healing of the Amah Mutsun people and our healing as a community.

While the term "reclamation" is used repeatedly in the report, no definition of the term is included in this draft EIR. This term's use has changed over time as relates to development projects and land use. It has been used with different meanings by the Department of Justice, the Bureau of Reclamation and the Bureau of Indian Affairs, and the American Bar Association.

We gather that the writers of the report are using the definition of 'reclamation' from the California Surface Mining and Reclamation Act (SMARA), but we understand 'reclamation' as the reclaiming of stolen land by the descendants of its original inhabitants. In the context of this project, reclamation would mean returning the land to the Amah Mutsun Tribal Band, who would in turn continue their work to conserve and revitalize the cultural heritage related to this sacred land. To mine this sacred site would be erasure, not reclamation.

Chapter 3.5 Cultural and Tribal Cultural Resources

We agree with the assessment that some of the impacts covered under this section are "Significant and Unavoidable" (3.5-4, 5.5-5, 3.5-9) and given this fact, we are surprised that the project is still under consideration.

Various impacts in this section are seriously underestimated in terms of significance, and mitigation proposed is insufficient or not acceptable. For example, under *Impact 3.5-1 (The project would cause a substantial adverse change in the significance of known historical or archaeological resources)* Mitigation Measure 3.5-1a. states:

“...grading shall be graded through use of durable materials to ensure that wear and tear by vehicles of the road surface does not disturb the road bed and damage archaeological deposits, or burials located underneath.”

It is entirely unacceptable to think that paving over a known sacred burial site is acceptable mitigation to the destruction of cultural heritage. CEQA and AB52 protect the cultural heritage rights of indigenous cultural groups, but the report does not reflect the voices or wisdom of the Amah Mutsun people. While the draft report states that “California statutes and regulations do not provide specific guidance with respect to “sacred places.” we know the intent of CEQA and AB52 on this matter. It is to protect and respect.

The draft EIR concludes that after mitigation factors, the impacts on tribal cultural resources (*Impact 3.5-1, 3.5-2, 3.5-3, 3.5-6, 3.5-7, and 3.5-8*) would be “less than significant”. Irreversible harm has already been caused to the land and descendants of the Amah Mutsun Tribal Band and this proposed project along with proposed mitigation measures would not be “less than significant”, but in fact cause further harm to invaluable tribal cultural resources We demand that the views of the Amah Mutsun be given priority on these questions.

Chapter 3.8 Greenhouse Gas Emissions

Impact 3.8-1: “The Project would generate greenhouse gas emissions directly and indirectly, contributing to global climate change” is deemed to have an impact of “less than significant”. We strongly contest this assessment.

The draft EIR seems to consider carbon credits an appropriate mitigation strategy and we strongly contest this. As one researcher, Dan Welch, has stated: “Offset credits are an imaginary commodity based on subtracting what you hope will happen from what you claim would have happened.”

Carbon credits do not reduce emissions, and do not even tend to have a net emissions result of zero. The reason for this, as shown by looking at [different case studies](#), is that [offset projects](#) are never perfect and have historically tended to have a net positive carbon impact, particularly when there is a profit goal involved. This in turn leads to increasing global greenhouse gas emissions.

We must cut our fossil fuel emissions drastically; according to the [IPCC](#) (Intergovernmental Panel on Climate Change), we must reduce by as much as 80-95% by 2050. To achieve such reductions, we must immediately take rapid actions to cut our carbon emissions by eliminating all unnecessary carbon outputs. Carbon credits are used in this draft EIR as a way to delay the changes needed to support the transition away from emissions-intensive technology. We must focus on actual reductions in greenhouse gas emissions, not the false illusion of net zero.

Various scientists and science-based organizations strongly question the effectiveness of carbon credits, with various studies showing that carbon credits result in net increases in GHG emissions while falsely claiming net zero emissions. [CarbonPlan](#), a San Francisco based non-profit that analyzes the scientific integrity of carbon removal efforts, [estimates](#) that California's carbon offset program has generated between 20 million and 39 million credits that don't translate into any real climate benefits. They are, in effect, "ghost credits" that allow polluters to continue to emit CO2.

Chapter 3.6 Energy

Impact 3.6-1: Construction, operation and maintenance, and reclamation of the Project would increase the use of energy resources, but would not result in significant wasteful, inefficient, or unnecessary consumption of energy. None required. Less than Significant

Impact 3.6-2: Construction, operation and maintenance, and reclamation of the Project could conflict with or obstruct a state or local plan for renewable energy or energy efficiency. None required. Less than Significant Impact

3.6-3: The Project could contribute to cumulative increases in the energy use. None required. Less than Significant

We were not able to find a clear number regarding electrical use, but it seems clear that the project will consume a large amount of both electrical and fossil fuel energy. No mitigation measures are required or offered in the draft EIR. We know that the current electrical energy system can strain power grids, especially during extreme weather events such as heat waves or storms. This can lead to rolling blackouts which have the potential to harm and even cause death for vulnerable people in our communities.

The report (3.8-1b) states:

For construction and operational off-road equipment, the Applicant shall replace diesel and gasoline-powered vehicles with electric or other low or zero-GHG emissions equipment as feasible, based on

availability of the technology and whether the cost would be prohibitive. In addition, biodiesel or renewable diesel shall replace traditional petroleum-based diesel to fuel off-road equipment where feasible, based on availability of the technology and whether the cost would be prohibitive.

The above mitigation measures are weak and leave the financial feasibility question to the biased discretion of the developer. This project would significantly increase greenhouse gas emissions, local air pollution and make our collective carbon reduction goals harder to reach. According to the [California Coalition for Clean Air](#), ten minutes of idling would equal approximately one pound of carbon dioxide to the atmosphere. This project will require countless hours of gasoline-powered vehicles and equipment in both the construction and operation of the project.

Chapter 3.9 Hazards and Hazardous Materials

Impact 3.10-5: "The Project would not substantially increase regional consumptive use of groundwater or reduce recharge, thereby decreasing availability of groundwater. (Less than Significant)."

The aquifer basin running under the proposed project feeds into the Pajaro Valley, an area threatened by saltwater intrusion. California is currently in a prolonged drought and the climate scientists predict longer and more severe droughts in the future.

Within this context, the water requirements of the project are significant. The draft EIR says that an estimated 80% of the total water use will be recycled and 20% of that will come from a new well. The 20% of water use is calculated to be 76,800 gallons of water per day. Based on the average per capita water use in California, that is equivalent to water use for at least 1,600 people. Many residents are advised to reduce water use, and this project will significantly impact water resources in the area. As we face severe droughts and concerns about groundwater depletion, we contest that the water use requirements for this 30 year project will be "less than significant".

We question the accuracy of that estimate, and wonder how it was determined. We also would like to know if the County will hold the company to these figures. What would happen if they exceeded the 20% mark for new well water use? Is there any way to guarantee that the project's use of water would not cause significant harm to local communities? It does not seem possible.

Has the Pajaro Valley Water Management Agency or the Santa Clara Valley Water District made any assessment on the impact of this use for the proposed project?

Chapter 4.5 Alternatives

4.5.1 Alternative 1: No Project

We urge the County to choose the “No Project Alternative” and to reject the conditional use permit for Sargent Ranch Quarry given the various significant impacts to the climate, local environment, and tribal cultural resources that would result from the proposed project and any of the alternative projects identified in the draft EIR.

Environmental justice is defined by our national government in the following way:

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

It is clear that any mining operation developed at Juristac goes against basic principles of environmental justice, as it would cause irrevocable ecological, cultural and spiritual harm to this sacred landscape of the Amah Mutsun Tribal Band.

Thank you for the opportunity to comment on the draft EIR. Please feel free to contact us with any questions.

Sincerely,

Nancy Faulstich, Director



Maria Perez, Organizer



Regeneración - Pajaro Valley Climate Action
& Regeneración's Advocacy Committee