

Sargent Ranch Quarry Draft Environmental Impact Report: Key Topics and Areas of Concern for Comment Writers

Updated 10/24/22 – Don't miss special note on "Alternative 3" (see page five)

This document provides a brief overview of key topics in the draft Environmental Impact Report (EIR) for the Sargent Ranch Quarry Project, to support your comment letter writing process. It does not cover what is *missing* from the draft EIR's analysis, which is also important to notice and to highlight in your comments.

What is the Project?

A sand and gravel mine located on 403 acres of Juristac, the heart of the ancestral lands of the Amah Mutsun Tribal Band, near Gilroy, California. The project includes four mining pits and a 14-acre processing facility. The project would operate for 30 years. According to the project proponents, it would produce up to 38 million tons of sand and gravel aggregate for use in construction over that period. The mine is proposed on the 5,154 acre Sargent Ranch, which is currently owned by Sargent Ranch Partners, LLC, a subsidiary of the Debt Acquisition Company of America.

Impacts Identified in the DEIR

The Draft EIR finds that the Project will result in at least 14 "significant and unavoidable" impacts. The County has the right to deny the mining permit if it finds that these unavoidable adverse environmental effects are not outweighed by specific benefits.

Impacts identified as "significant and unavoidable" in the EIR span the following topics:

- **Cultural and Tribal Resources**

- 3.5-4 and 3.5-9: Cause a substantial adverse change in the significance of tribal cultural resources and contribute to cumulative adverse changes in the significance of tribal cultural resources.
- 3.5-5: Cause a substantial adverse change in the significance of the Juristac Tribal Cultural Landscape.

- **Biological Resources**

- 3.4-15 and 3.4-22: Interfere substantially with wildlife movement and contribute to the cumulative impairment of wildlife crossings.

- **Air Quality**
 - 3.3-1 Affect implementation of air quality plans
 - 3.3-2 Emit air pollutants ozone precursors (NOx and ROG), PM2.5, and PM10, for which the region is in nonattainment status.
 - 3.3-5: Contribute to cumulative increases in nonattainment pollutants
- **Transportation**
 - 3.13-2 and 3.13-5: Generate substantial additional vehicle miles traveled and contribute to cumulative increases in the region.
- **Geology, Soils, and Paleontological Resources**
 - 3.7-5 and 3.7-6: Excavation and grading would adversely affect paleontological resources and contribute to the cumulative loss of paleontological resources.
- **Aesthetics**
 - 3.2-1 and 3.2-3 Alter the visual character of the Project site or scenic resources visible from U.S. 101, a County-designated scenic highway, and contribute to cumulative changes in visual character of the landscape.

Key talking points organized by topic area

Topic Area	Key Points in the DEIR and Page Numbers
Tribal and Cultural Resources	<p>Through archival research, interviews, and consultation with the Tribe, numerous tribal cultural resources (TCRs) within the Project area were identified. The EIR analyzes impacts to four of these TCRs in detail: 1) Juristac Tribal Cultural Landscape 2) Betevel Bluff, 3) SCL-577/H, and 4) SCL-578/H. All of these TCRs were found to be eligible for the California Register of Historic Resources (CRHR).</p> <p>The <i>Ethnohistoric and Ethnographic Study of Sargent Ranch</i> (2021) commissioned by Santa Clara County while preparing the draft EIR unequivocally documents the cultural and religious significance of Juristac. This study is unfortunately not available for public viewing, however it is quoted and referenced within the Tribal Cultural</p>

	<p>Resources section of the draft EIR.</p> <p>The EIR finds that the mining project would cause substantial adverse change to the Juristac Tribal Cultural Landscape. In addition, one of the pits would partially destroy Betevel Bluff, a hill associated with AMTB ceremonies. Truck traffic would also damage burial sites and archaeological deposits at two different Indigenous habitation sites. (See <i>Impacts 3.5-4, 3.5-5 and 3.5-9</i>)</p>
<p>Wildlife Corridor</p>	<p>The Project would disrupt a key wildlife corridor (landscape linkage) between the Santa Cruz Mountains, Diablo Range, and Gabilan Range for species such as mountain lion, bobcat, gray fox, striped skunks, wild pig and black-tailed deer. Mine operations and truck/train traffic would interfere with important Highway 101 undercrossings at Tick Creek, Tar Creek, and Pajaro River (see <i>Impacts 3.4-15, 3.4-22</i>) and increase wildlife disruptions (p. 239, 3.4-34)</p> <p>Wildlife movement/dispersal between ranges is key to avoid genetic isolation and local extinction of species in the Santa Cruz mountains and beyond. Moving the quarry project footprint from one part of the property to another would not meaningfully reduce the severity of impacts to wildlife connectivity.</p>
<p>Sensitive Wildlife</p>	<p>Many species would face adverse effects. The Project area contains numerous special status species or their habitat, such as California red-legged frogs (p. 232 - 3.4-28), California tiger salamanders (p. 231 - 3.4-27), western pond turtles, burrowing owls, tricolored blackbirds, golden eagle and other special-status raptors, special-status bats, mountain lions, San Francisco dusky-footed woodrats, and American badgers.</p> <p>Impacts to sensitive species are in many cases understated or otherwise not adequately analyzed in the draft EIR.</p>
<p>Fire</p>	<p>The project could increase fire risks in the area through the use of construction equipment and vehicles in a fire-prone grassland environment (605 - 3.15 -7)</p>
<p>Traffic and GHGs, Vehicle Miles Traveled</p>	<p>Trucks serving the Project would travel an estimated 10,716 miles per day, throughout the life of the project. This number could be “substantially higher” if rail service is not available. (<i>Impacts 3.13-2, 3.13-5</i>)</p> <p>The mine could have significant GHG impacts and would require the</p>

	<p>purchasing of carbon offsets (446 - 3.8-10). Offsets have been shown to be unreliable and potentially unsuccessful at reducing emissions.</p>
Air Pollution and Public Health	<p>The Project would exceed air pollution thresholds established for public health for four different pollutants: NOx, ROG, PM2.5 and PM10. NOx and ROG combine to produce ozone, which causes asthma and other pulmonary diseases. Particulate matter (both PM2.5 and PM10) contributes to heart attacks, asthma, bronchitis, and other respiratory and cardiovascular ailments. The region is already in “non-attainment” for some of the pollutants. (169, Impacts 3.3-1, 3.3-2, 3.3-5)</p>
Water Impacts	<p>The project would pump over 80,000 per day of groundwater (page 2-38) and could impact flow levels in the Pajaro River (504 - 3.10-35).</p> <p>The mine would directly impact Sargent Creek (482 - 3.10-14) and would result in runoff and erosion (488 - 3.10-20).</p> <p>The Project is directly adjacent to both Tar Creek and Sargent Creek, which both flow into the Pajaro River, an water body that, while impaired, has been designated as critical habitat for steelhead.</p>
Visual	<p>The Project would mar views from Highway 101, which is a County-designated scenic highway. While the project includes a berm to block some views of the processing plant, the mining pits will still be visible. (Impacts 3.2-1, 3.2-3)</p>
Paleontological	<p>The Project has a high likelihood of destroying paleontological resources, which are the fossilized remains of plants and animals. (Impacts 3.7-5, 3.7-6).</p>
Geology and Seismicity	<p>The Project is located in an area of known landslide risk, near an active fault, and atop a relatively unstudied “splay” fault.</p>
Consistency with County Policy Framework	<p>The Project will conflict with the County General Plan, along with a number of County policies, including those intended to protect biological and cultural resources. The County must disapprove of the project unless the inconsistencies can be resolved.</p>
Cumulative Impacts	<p>There are already several other development projects in the area of Juristac which will impact wildlife, air quality, and the Amah Mutsun Tribal Band. The county needs to consider the overall needs of people in the region and assess the full picture of this potentially large new wave of development. A partial list of developments can be found on p. 134, 31.8; however, the EIR fails to look at nearby development in San Benito County, such as development proposed for Strada Verde, Betabel, and Searle Road.</p>

Special note on “Alternative 3”

The applicant/property owner has publicly voiced support for the approval of Alternative 3 but has not withdrawn the current application for the proposed mine. "Alternative 3" represents only a partial modification of the same proposed mining project. As the EIR states in its limited discussion of Alternative 3, **this alternative would still result in significant and unavoidable impacts** in every category where the original proposed project creates them.

Santa Clara County recently (on Sept. 13) released an [Errata to Draft Environmental Impact Report](#) document which provides a map of the proposed alternative locations for the conveyor belt and processing plant for Alternatives 2 and 3. These maps were previously omitted from the published draft EIR.

Alternative 3 would still result in significant and unavoidable impacts to the Juristac Tribal Cultural Landscape (a tribal cultural resource evaluated as eligible for listing on the California Register of Historical Resources), as well as to the wildlife corridor and to other identified resources (see Table 4.7 "Comparison of Alternatives to the Project" on p. 642-644 of the EIR). The original project creates 14 separate impacts; Alternative 3 creates 13. The DEIR concludes that some of those impacts would be reduced in significance with Alternative 3, but even when reduced, the impacts would still be *significant and unavoidable*.

Importantly, moving the quarry processing plant north into the Tick Creek watershed as proposed under Alternative 3 could impact additional sensitive Amah Mutsun sites by expanding the footprint of the mining operation into portions of the Juristac Tribal Cultural Landscape that were not slated for disturbance in the original proposal.

In addition, the DEIR currently does not provide sufficient detail about Alternative 2 and 3, leaving out key information such as 1) how the revised project would convey materials onto freight trains given the project location has shifted away from the identified loading area at Corporal, 2) what the impacts of expanded truck traffic would be with a longer haul route to access northbound Highway 101, and 3) potential impacts of locating the processing plant within the 100 year floodplain. Furthermore, the new proposed site lies along an active fault and may be covered by legal limitations set out in the [Alquist-Priolo Earthquake Fault Zoning Act](#), yet the DEIR does not address this. Finally, Alternatives 2 and 3 would locate the primary haul road and conveyor belt directly across and adjacent to the sensitive Tar Creek wildlife linkage, and would increase impacts to the nearby Tick Creek wildlife linkage, and thus would not meaningfully decrease significant and unavoidable project impacts on important regional wildlife populations.

We believe the County should be required to revise and recirculate the draft EIR if the applicant is choosing to modify the proposed project by pursuing Alternative 3. The specific cultural and environmental impacts of the Alternative 3 plan were only initially summarized, not reviewed in detail in the EIR.

Any mining project at Juristac would irreversibly damage the sacred Juristac Tribal Cultural Landscape, destroy grassland and oak woodland habitats, and disrupt a critically important wildlife corridor.

Spiritual Impacts and Indigenous Sovereignty

The Environmental Impact Report does not specifically discuss Amah Mutsun or Native American spirituality in relation to the cultural sites which are identified. In addition, the EIR does not reference the American Indian Religious Freedom Act, the United Nations Declaration on the Rights of Indigenous Peoples, or other national or international policy protecting the religious rights of Indigenous Peoples. While courts have not considered whether the California Environmental Quality Act requires lead agencies (Santa Clara County in this case) to consider these elements, public commentators may request that they do so.