



# County of Santa Cruz

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August 30, 2022

Robert Salisbury, Senior Planner  
County of Santa Clara  
VIA EMAIL: [sgtquarry.comments@pln.sccgov.org](mailto:sgtquarry.comments@pln.sccgov.org)

### **RE: Sargent Ranch Quarry DEIR**

Dear Robert Salisbury:

Thank you for the opportunity to comment on the Sargent Ranch Quarry Draft EIR. I am a Santa Cruz County Supervisor and am writing about the proposed project and this DEIR in the response to numerous concerns expressed to me by many constituents and representatives of the Amah Mutsun Tribe regarding the potential adverse effects of the project. In addition, as documented in the DEIR, page 2-6, lands surrounding the Sargent Ranch include those that are in Santa Cruz County and drainage from the project would flow into the Pajaro River (page 2-30), which flows through Santa Cruz County before emptying into Monterey Bay.

There is substantial evidence in the record documenting that the Ranch is a critical cultural resource of great importance to the Tribe. Approval of its development as a sand quarry would represent another step in the destruction of the indigenous culture that preceded the migration of Europeans to the area by thousands of years. I strongly oppose the approval of the proposed project.

In terms of the DEIR itself, I have the following comments:

#### **PROJECT DESCRIPTION**

- Page 2-9 – “In general, excavation to remove topsoil and overburden would be conducted during the dry season (April 16 through October 14).” The use of “In

general” is too vague and inadequate as it allows excavation during the rainy season. These words should be removed in the Final EIR.

- Page 2-16 – Phases 3 and 4 would remove the upper 200 feet of each of the hilltops they are on. What is the existing height of these two hills?
- Page 2-25 – Screening Berm – While the DEIR identifies the height of the screen berm, it does not specify its length. What is it?
- Vehicle Trips – What is the evidence for the determination that none of the product would be distributed in Santa Cruz County, given its proximity to the project site? Distribution to Santa Cruz would affect the transportation analysis and needs to be evaluated.
- Page 2-43 – The DEIR assumes that project construction would begin in March 2023. This seems unrealistic given the number and type of approvals need as listed on page 2-57. The FEIR should provide a revised estimate.
- Page 2-43 – Reclamation – The project description doesn’t include a requirement for when final reclamation would be completed? It should.
- Page 2-58 – Since the project would require permits from federal agencies – the Army Corps of Engineers and the U.S. Fish and Wildlife Service, is the project subject to the National Environmental Policy Act (NEPA)?

#### CUMULATIVE IMPACT ANALYSIS

- Page 3.1-9 – Strada Verde Project – The DEIR does not include the proposed Strada Verde project as part of the cumulative analysis based on the facts that its approval is speculative, the project application was submitted too late for meeting the DEIR’s publication schedule, and technical reports related to the project were not publicly available.
- As proposed, the Strada Verde project would include a Research/Development, Automotive Testing/Tracks, Distribution, Offices, Business/Professional Services Commercial, Light Industrial, Hospitality, Retail, and Public/Private Services, with building space totally approximately 7.2 million square feet (sf), and the creation of a 209.5-acre Pajaro River. It would be located west of the project site across Highway 101.
- CEQA Guidelines require that the list of projects in the cumulative impact assessment include past, present, and “probable” future projects and consider “the nature of each environmental resource being examined, the location of the project and its type” (Guidelines Section 15130(b)).

- Despite the defeat of Measure N in 2020, the fact that the Strada Verde applicant has submitted a revised proposal is evidence of a serious intent to receive project approval. Whether such approval is “probable” is debatable but given its magnitude and location near the Sargent Ranch Quarry project’s site, the Strada Verde project should have been included in the cumulative analysis even if this would have delayed the release of the DEIR.
- The cumulative effects of the two projects would be cumulatively considerable. Since the type of the project and its size is known, the DEIR could have and should have considered the cumulative impacts at least on transportation, air quality and greenhouse gas emissions.
- By not including the Stada Verde project in the cumulative impact analysis, the DEIR does not provide the public and decision makers the information they need and is, therefore, inadequate under CEQA.

## AESTHETICS

- Mitigation Measure 3.2-1 – Page 3.2-25 – This mitigation measure is inadequate as it is too vague to ensure that it will have the intended effect of reducing the visual impact of the project.
- For example: “The screening berm shall either be extended around the northern portion of the processing plant or fencing and vegetation shall be used to further screen views of the processing plant from southbound traffic on U.S. 101.” What does “further screen views” mean? Should the berm be extended one foot, 100 feet, or what? The mitigation measure should be revised to state that any views of the processing plant or stockpiles from Highway 101 will be “fully screened.”
- In addition, the mitigation measure requires the County to review the final design for the berm to “ensure that views of the processing plant are screened to the extent possible.” What is the performance measure used to determine whether the proposed berm is screening the view of the processing plant to the extent possible? The processing plant and stockpiles should be fully screened from Highway 101 views in order to reduce the project’s impact on the scenic character of the area.
- In addition, the mitigation measure needs to be revised and analyzed for any secondary impacts it may have.

## AIR QUALITY

- Page 3.3-23 – On-Road Haul Trucks – The DEIR once again distributes all truck traffic to Santa Clara/San Jose, Monterey/Salinas, and San Benito/Hollister without considering the likelihood of trucks also hauling to

Santa Cruz/Watsonville. The distance between the project site and Hollister and Watsonville are about the same. No explanation or evidence is provided to justify the exclusion of trips to Watsonville.

- The Final EIR should include an analysis of the potential air quality impacts of the project serving Santa Cruz County/Watsonville.
- Page 3.3-18 – Impact 3.3-2 – The DEIR determined that the project “would emit criteria air pollutants ozone precursors (NO<sub>x</sub> and ROG), PM<sub>2.5</sub>, and PM<sub>10</sub>, for which the region is in nonattainment status” and that the impact would be Significant and Unavoidable.
- Page 3.3-26 – Mitigation Measure 3.3-2a and b – While the mitigation measures impose detailed requirements on the project’s on-site construction and operation activities, no mitigations are proposed to mitigate the air quality impacts from either the rail service emissions (20% of the emissions, not 30% as stated) or off-site truck hauling (about 40% of the emissions).
- Page 3.3-28 – The DEIR provides the following rationale regarding off-site truck hauling: “The Project would not have control over independently owned and operated truck fleets, so there would be no means for the County to effectively impose measures to reduce Project related off-site truck fleet emissions.” This explanation is incorrect and inadequate.
- Just as the County can require the applicant to limit hours of operation for trucks hauling from the facility, it can feasibly impose requirements for the types of vehicles the applicant contracts for to be used for off-site hauling. The DEIR is inadequate for not analyzing this as a potentially feasible mitigation measure to reduce the project’s air quality.
- Another potentially feasible mitigation measure to reduce the project’s air quality impacts is to require that a higher percentage of material is moved off-site using rail. The air quality emissions from rail are half those of trucks. The EIR needs to analyze this measure to ensure an adequate document.
- When Santa Cruz County approved a permit for the Davenport cement plant, a condition was imposed requiring a certain percentage of the material going to and from the plant to be shipped by rail in order to reduce truck traffic on Highway 1. That condition, though initially objected to by the applicant, was implemented successfully for decades. This is evidence that a lead agency can impose a mitigation measure to reduce emissions by shifting transportation modes.
- The DEIR determined that it is not legally feasible for the County to regulate NO<sub>x</sub> emissions because local regulation of railroad emissions is preempted by federal law. While this is true, it does not follow that the County could not require

mitigations that would reduce the air quality impacts of the project. The County could require the applicant to purchase carbon credits equivalent to the emissions that would be generated by the project.

- The determination, then, that the mitigation measures cannot reduce NOx emissions below the BAAQMD significance thresholds is not justified. Particularly because the project is located in an air quality non-attainment area, it is critical that new development not increase emissions above acceptable thresholds. Additional mitigation measures need to be analyzed and adopted in order for the EIR to be adequate.

## BIOLOGICAL RESOURCES

- Page 3.4-58 – “Impact 3.4-4: Project activities would result in adverse effects on California red-legged frogs (CRLF) and their habitat. (Less than Significant with Mitigation)”
- Page 3.4-62 – Mitigation Measure 3.4-4a – This mitigation contains 23 measures to “minimize” and potential impact on CRLF and Mitigation Measure 3.4-4b (page 3.4-65) contains 5 additional measures.
- The DEIR found that the entire 403-acre project site was habitat for the CRLF. The DEIR also determined Page 3.4-41) that any loss of individual animals would be a significant impact. The hours of allowed operation of the facility, which will operate 310 days a year, will include work during hours of darkness. As a result, it is extremely unlikely that no CRLF will be harmed over the 30 years of the project’s operation.
- Page 3.4-66 – Mitigation Measure 3.4-4c identifies a variety of compensatory measures for the “unavoidable” project impact on CRLF. Relocating endangered species when they may be located anywhere on the project site is not an adequate measure to reduce the potential impact to a less than significant level. And while compensation, by itself, may reduce a project’s impact, it does not reduce it to a less than significant level especially when the endangered species is ubiquitous on the project site.
- Page 3.4-68 – “Impact 3.4-5: Project activities would result in adverse effects on California tiger salamanders (CTS) and their habitat. (Less than Significant with Mitigation)”
- Page 3.4-71 – The DEIR includes essentially the same mitigation measures as proposed for the CRLF. However, like the CRLF, since the CTS habitat includes the entire 403-acre site, there is a likelihood that the CTS will be harmed during the life of the project and the final impact determination should be significant and unavoidable.

- Page 3.4-85 - Impact 3.4-9: Project activities would result in adverse effects on other special-status and protected birds and their habitat. (Less than Significant with Mitigation)
- Page 3.4-87 – Mitigation 3.4-9a.: “To the extent feasible, construction, operational, and reclamation activities that involve vegetation removal or ground-breaking, or that occur near wooded or forested habitats likely to support large numbers of nesting birds, shall be initiated during the nonbreeding season for birds (generally September 1 through January 31).” Without performance standards defining feasibility, this mitigation measure is meaningless and inadequate. Who determines feasibility and under what circumstances?
- Page 3.4-106 - Impact 3.4-15: Implementation of the Project would interfere substantially with wildlife movement. (Significant and Unavoidable)
- Page 3.4-107 – Roadway Improvements - The DEIR unacceptably minimizes the potential impact of the increase of project generated vehicle trips on wildlife movement: “However, an increase of 167 daily vehicle trips over the course of the 12.5-hour workday amounts to an average of one vehicle every 4.5 minutes. Thus, for animals that wanted to cross Old Monterey Road, there would be opportunities to make such a crossing between vehicle appearances.”
- This statement seems to be based on the assumption that trucks arriving and departing the project site would do so at regular intervals. This is clearly not the case. There would be opportunities for wildlife to make a crossing but that could change at any moment. The FEIR should either clarify this statement or remove it.
- Page 3.4-112 – Mitigation Measure 3.4-15 – The DEIR imposes a number of mitigation measures to reduce the project’s impact on wildlife movement, “in an area where movement of animals in multiple directions and among multiple populations is very important,” but still determines that the project’s impact would be significant and unavoidable.
- In light of the importance of wildlife movement through the area and greater danger to wildlife during nighttime, as documented in the DEIR, the feasibility of an additional mitigation measure to limit the processing plant’s hours of operation from dawn to dusk needs to be evaluated. No evidence is provided in the DEIR to justify the proposed hours of operation and without evidence that the restricted hours of operation would make the project economically infeasible, this additional mitigation should be included.

- Page 3.4-113 - Impact 3.4-16: Project activities would conflict with County ordinances and policies intended to protect biological resources. (Less than Significant with Mitigation)
- Page 3.4-116 – Mitigation Measure 3.4-16a.2. – Conservation Easement – The size of the conservation easement is not made clear in the DEIR. The reference to Mitigation Measure 3.5-4b in the Cultural and Tribal Cultural Resources chapter implies that the conservation easement requirement would be 2 acres of oak woodland conserved for each one acre of oak woodlands removed. If this is the case, the FEIR needs to provide make this clear.
- In addition, the DEIR is unclear regarding the total amount of oak woodland that would be removed by the project during its operation (page 3.4-114/5). In order for the DEIR’s analysis to be adequate, an estimate needs to be provided in order for the public and decision makers to understand the potential magnitude of this impact and whether the mitigations are adequate to reduce it to a less than significant level.

#### CULTURAL AND TRIBAL CULTURAL RESOURCES

- Page 3.5-28 – “Impact 3.5-1: The Project would cause a substantial adverse change in the significance of known historical or archaeological resources. (Less than Significant with Mitigation Incorporated)
- Page 3.5-29 – Mitigation Measure 3.5-1 – The DEIR determined that with the mitigation measures to cap the at-risk roads and to institute testing, monitoring, and data recovery programs this impact will be less than significant. Given the sacredness of the project site and the likelihood of archeological resources being impacted by the project, these measures are inadequate to reduce the impact to a less than significant level.
- For the Amah Mutsun Tribe, simply the disturbance of this sacred site would “cause a substantial adverse change in the significance of” the archeological resource. The mitigation measures would reduce the impact of the project, but to the Tribe it will still be significant. Not to find the impact significant and unavoidable undermines the intention of AB 52 and makes the EIR inadequate as a CEQA document.
- Page 3.5-33 – “Impact 3.5-2: Implementation of the proposed Project could damage unrecorded subsurface prehistoric and historic archaeological resources. (Less than Significant Impact with Mitigation Incorporated)”
- Page 3.5-34 – Mitigation Measure 3.5-2 – The mitigation measure is the same as for Impact 3.5-1 and suffers from the same inadequacy. The DEIR provides substantial evidence that the project could significantly harm sensitive

archeological resources yet undervalues the importance of these resources to the Amah Mutsun tribe who consider the entire landscape as sacred. The impact after mitigation needs to be significant and unavoidable in order for the EIR to be adequate.

- Page 3.5-35 – “Impact 3.5-3: The Project could disturb human remains, including those interred outside of dedicated cemeteries. (Less than Significant with Mitigation Incorporated)”
- Mitigation Measures 3.5-3a and b – In addition to the mitigation measures imposed for the previous impacts, the 3.5-3b includes the typical measure when human remains are discovered on a project site where possible descendants are notified and involved. Again, this mitigation ignores the sacredness of the site to the Tribe. As documented by the DEIR, the site is part of “the most sacred landscape of the Mutsun people” (page 3.5-27) and disturbing human remains on the site has important spiritual effects for all tribe members. Again, the impact needs to be deemed significant and unavoidable in order for the EIR to adequately meet the requirements of CEQA.
- Page 3.5-36 – “Impact 3.5-4: The Project would cause a substantial adverse change in the significance of tribal cultural resources. (Significant and Unavoidable)”
- Page 3.5-40 – Mitigation Measure 3.5-4b – This mitigation measure is not clearly written but it appears to provide for a conservation easement to “compensate for the loss and disturbance” of those portions of the Tribe’s cultural landscape on a 2 to1 basis. However, it isn’t possible to determine the size of the disturbed lands requiring compensation. The analysis of the impact finds that it will be significant during construction, operation, and reclamation but doesn’t identify the acreage effected. Without this information, it is impossible for the public and decision makers to evaluate the extent to which the sacred cultural landscape will receive permanent protection under the conservation easement. The EIR needs to include the proposed size of the conservation easement to be adequate under CEQA as an informational document.
- Page 3.5-41- “Impact 3.5-4: The Project would cause a substantial adverse change in the significance of tribal cultural resources. (Significant and Unavoidable)”
- As the DEIR determined, the impact of the project on tribal cultural resources will be significant and unavoidable. Despite its flaws, the DEIR provides overwhelming evidence of the severe impacts of the proposed project on the sacred cultural landscape of the Amah Mutsun people and, by itself, fully justifies denying the project application.



## GREENHOUSE GAS EMISSIONS

- Page 3.8-10 – “The Project would generate greenhouse gas emissions directly and indirectly, contributing to global climate change. (Less than Significant with Mitigation)”
- Page 3.8-11 – The DEIR determined that almost two thirds of the GHG Emissions would be caused by Off-site vehicle emissions. Mitigation Measure 3.8-1a requires the applicant to purchase offset credits in an amount equal to the total estimated GHG emissions of the project. Given the uncertainty as to whether carbon credits reduce emissions as predicted, it is questionable whether it is adequate for the DEIR to assume that the purchase of offset credits will reduce GHG emissions to a less than significant level.
- Page 3.8-12 – Mitigation Measure 3.8-1c requires the applicant to provide EV charging stations “If and when electric haul trucks are used for product hauling associated with the project.” This mitigation is inadequate under CEQA.
- Rather than requiring the applicant to use electric haul trucks when they are available to reduce emissions, the mitigation includes neither a requirement to use electric haul trucks or to use them when they are available. The DEIR provides no evidence regarding the availability of electric haul trucks and does not evaluate the feasibility of requiring the applicant to use such vehicles if and when they become available. In light of the fact that off-site vehicle emissions represent almost two-thirds of the estimated GHG emissions, the DEIR is inadequate for not analyzing these additional mitigation measures.

## MINERAL RESOURCES

- Page 3.11-15 – “Impact 3.11-1: The Project could result in the loss of a valuable mineral resource or loss of a locally important mineral resource recovery site (Less than Significant).”
- The DEIR states: “The Project would contribute to reducing a regional deficit of aggregate material over the next 30 years. The Monterey Bay P-C Region has 89 percent of its demand available in permitted aggregate reserves, which is projected to last at least 41 years, but the South San Francisco Bay Region has only 38 percent of its demand with reserves expected to last 21 to 30 years.”
- While the DEIR provides information on the existing deficit of aggregate material, it doesn’t include the effect of the project’s contribution on this deficit. Will the project eliminate the existing deficit? What other mineral resources exist in the region potentially able to provide aggregate material in thirty years?

- The DEIR needs to evaluate the long-term availability of mineral resources in the region in order to determine if the loss of the aggregate material from the project site would be significant.

## TRANSPORTATION

- Page 3.13-12 – “Impact 3.13-2: The Project would generate substantial additional VMT. (Significant and Unavoidable)”
- Page 3.13-13 – The DEIR determines that the 10,716 daily VMT for heavy truck traffic is a significant impact but that no mitigation measures are available. This is not adequate.
- Reducing truck VMT by transferring more of the hauling to rail is not considered, though no evidence is provided in the DEIR to justify limiting rail use to only three times a week or the amount of aggregate material allocated to it.
- One of the project objectives, in furtherance of General Plan Policy R-RC 78 is to “provide an alternative to truck transport of construction aggregates by using the Union Pacific Railroad rail spur adjacent to Sargent Ranch to replace haul trucks to the extent feasible.” The DEIR presents no evidence that additional use of rail would not be feasible.
- If the applicant considers additional rail use as infeasible, the DEIR should evaluate this. Otherwise, a mitigation measure needs to be added that increases hauling by rail.
- Assuming that off-site hauling by trucks would still be required, the VMT impact would remain significant and unavoidable, but it would be reduced.

## ALTERNATIVES ANALYSIS

- Page 4-29 – Environmentally Superior Alternative – While the DEIR finds Alternative 3 to be the environmentally superior alternative, all of the 13 significant and unavoidable impacts it identifies would remain.

## CONCLUSION

Despite its many inadequacies, the DEIR provides overwhelming evidence that the proposed project should be denied both because of its significant and unavoidable environmental impacts and its devastating effects on the sacred cultural landscape of the Amah Mutsun people.

Before acting on this EIR, its inadequacies need to be corrected and a revised EIR circulated for public review.

Page 11

RE: SARGENT RANCH QUARRY DEIR

August 30, 2022

When an adequate Final EIR is prepared, I urge the Santa Clara Board of Supervisors to reject.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Coonerty', written in a cursive style.

RYAN COONERTY, Supervisor  
Third District

RC:ccs

CC: Valentin Lopez  
Amah Mutsun Tribe  
Sempervirens Fund  
Land Trust of Santa Cruz County