



November 7, 2022

Mr. Robert Salisbury
Senior Planner
Santa Clara County
Department of Planning and Development
70 W Hedding Street
East Wing, 7th Floor
San Jose, CA 95110
sgtquarry.comments@pln.sccgov.org

RE: Comments on Draft DEIR for Proposed Sargent Quarry Project

Dear Robert Salisbury and the Department of Planning and Development,

The California Indian Environmental Alliance (CIEA) is writing to express our opposition to the County of Santa Clara's continuance of the Sargent Quarry project on Juristac. CIEA asks that you withdraw the proposal and permit requests and ask the Sargent Ranch LLC and Santa Clara County to include the Amah Mutsun Tribal Band in any future conversations regarding potential projects on Juristac. The Sargent Quarry project disregards the resting place of the Amah Mutsun Tribal Band ancestors and will destroy the religious center and sacred place of the Amah Mutsun Tribal Band's Sacred Site.

The Tribe were stewards of this land until they were violently forcibly removed from the territory. The Tribe continues to desire to support the ecosystem and wildlife of their territory as they had since time immemorial. The Sargent Quarry Project will irreparably harm the sacred landscape and ecosystem of Juristac and will result in the cultural dispossession and of the Amah-Mutsun People.

The 403 acre Sargent Ranch Quarry Project is a proposed sand and gravel mine project to be developed in Santa Clara County, known to the Amah-Mutsun Tribes as Juristac a sacred area of rolling grasslands and wooded hills. This project's lifespan is estimated to be only 30 years long, with a projected excavation total of 35 million cubic yards of material. In the Sargent Quarry DDEIR, only 25 million cubic yards out of 35 million cubic yards would be salable. The project proposal would render the land unusable – the demolition would be irreversible.

The Sargent Quarry project DDEIR fails to express the consequences this project will have on the surrounding ecosystem, wildlife and on the cultural significance the land has to the Amah Mutsun

Tribal Band. The advancement of the Sargent Ranch Quarry Project would significantly harm essential wildlife that use this land to live and migrate. The surrounding water would become toxic throughout the life of the project and potentially erode the surrounding soil; which in turn will harm and kill aquatic animals that utilize the waterways near the project site, as well as eliminate any crucial vegetation in the area. This area is critical to land and aquatic animals alike. This project overlooks the connection the Amah Mutsun Tribal Band has with this sacred site, the gatherings they hold here as well as the history that is ingrained into the land by the Tribe.

Ecosystem

Air Pollution

The Sargent Quarry DEIR outlines the types of machinery that will be used for the project, “all mobile equipment would use Diesel fuel, with the exception of the sales truck, which would use gasoline.” (DEIR 2-19). In Table 2-4 of the DEIR, it was detailed that close to a dozen machines would be used 310 days out of the year, for 10 hours a day. The machinery used for the project would not only cause noise pollution in the area, but would cause air pollution as well. The pollution coming from the machinery used during the project will toxify the air and harm individuals around the project site as well as the surrounding wildlife and ecosystem.

In Section 3.3.1.2 Toxic Air Contaminants it is explained that, “Chemicals in diesel exhaust, such as benzene and formaldehyde, previously have been identified as TACs (Toxic air contaminants).” (DEIR 3.3-3). The Sargent Quarry DEIR explains that diesel particulate matter is, “small enough to be inhaled into the lungs... some deposit on the lung surface or are deposited in the deepest regions of lungs, which are most susceptible to injury.” (DEIR 3.3-3). This could cause injury to individuals and cause a variety of health conditions in the future. The toxic chemicals that are disposed of into the air could create drastic medical issues, “causing visits to the hospital for respiratory and cardiovascular symptoms, and contributing to heart attacks and deaths.” (DEIR 3.3-3). The constant use of machinery and perpetual spewing of toxic chemicals into the air would affect the natural habitat that the wildlife in the area is used to; causing animals to migrate away from their habitat or slowly become affected by the pollutant air created by the project.

Soil

The proposed Sargent Quarry Project has the potential to tarnish the soil in the project area, “Soil erosion could occur throughout the mining and reclamation phases of the Project during overburden removal and stockpiling and mining.” (DEIR 3.7-28). In the Sargent Quarry DEIR it was explained that there are many different ways that the soil will be affected during and after the Project lifetime. Soil erosion could completely eliminate any kind of vegetation in that area. We need to mitigate this issue before it becomes an irreversible problem.

Soil erosion affects the nearby waterways that many different animals use, “Erosion could produce sediment that can be introduced to Sargent Creek, Tar Creek and eventually Pajaro River.” (DEIR 3.7-28). There are a variety of animals that live in these waterways that are endangered species. If the sediment gets into the waterways, it would contaminate the water and kill any animals that use the water, animals that may drink the water, use it as a means of transportation or plants that use

that water for nourishment. There are a lot of issues that arise out of this project, and many of them are considered 'fixable' – not maintainable.

This project is going to negatively impact the natural resources that have been intact and utilized by wildlife and the Amah Mutsun Tribal Band, in the DDEIR it states that "The Project would have a significant and unavoidable impact with regard to the Project's potential to destroy paleontological resources important to Santa Clara County." (Impact 4-5). Paleontology refers to historical remains to be found during excavation. Juristac is Amah Mutsun Tribal Band's Sacred Site, the area in which the project is supposed to be is a space where Amah Mutsun Tribal Members convene and participate in traditional practices and ceremony. It is important that these practices take place in Juristac because of the history that the land holds, the oral traditions that tie Amah Mutsun families to the land, the cultural artifacts including the burial sites that hold ancestors' bodies which are to be respected and remain rested.

Water

Water plays a big and important role in this project. Water is a scarce and critical resource regionally. In particular groundwater should be prioritized for instream aquatic uses and for drinking water. In the Sargent Quarry DEIR Table 2-5, it is reported that during the lifetime of this project, 26,742,000 gallons of water will be used annually, including the 465,000 gallons of water used for reclamation activities, the 10,000 gallon water tank that has to be refilled every four years (additional 75,000 gallons) and the additional 100,000 gallons that will be used to control dust during construction (for 9 months). The proposed project site area is in between many bodies of water, of these some are already beginning to dry out; this project would just speed up the process.

The Sargent quarry project proposes that, "...groundwater would be pumped from a new on-site well to supply water to the process pond and for dust control..." (DEIR 2-24). The Sargent Quarry DEIR stated that there is no public information available on the groundwater wells near the project site however, they did find logging reports that state, "...In summer, water levels declined to 25 feet below ground surface in 2012... and 5 feet below ground surface in 2014 and 2015..." (DEIR 3.10-34). The information used is not only outdated, but shows a history of the water drying out in this area. The project needs a vast amount of water to operate, to use at various stages of the project. Water is not something that could be easily replenished, once there is no water – there is no going back. This project would use up to 26 million gallons of water to wash gravel and dust control, an irrational use in a state where there is less water every day.

Governor Gavin Newsom released a water strategy plan called, 'California's Water Supply Strategy: Adapting to a Hotter, Drier Future'. This water plan outlines ways that the state of California will begin water conservation, this strategy was released in August 2022. The California Water Supply strategy summarizes that, "[California's] hotter and drier weather could diminish our existing water supply by up to 10% by 2040." (California Water Strategy). In the strategy there are 4 sets of actions that the state will take, to conserve and maintain the water that we have now. The amount of water that is needed for the Sargent Quarry project is absurd. Water conservation efforts would be to no avail if the project were to move forward.

Wildlife

California Tiger Salamander

The California Tiger Salamander is native to the project area and uses the project area for habitat and breeding purposes. In the Sargent Quarry DEIR it is reported that, "Thus, known or potential CTS breeding ponds are located within dispersal distance of all four Project phases." (DEIR 3.4-28). Previously, the California Tiger Salamander has used the area for breeding, the proposed project site takes over the breeding area and leaves no area for the California Tiger Salamander to live and reproduce. The proposed Sargent Quarry project will be constructed in a location where the California Tiger Salamander breed. We need to keep these natural ecosystems intact so that these species may be able to breed freely. It is becoming an issue for animals to reproduce because of the many changes that happen to their habitat. This would cause the population of the California Tiger Salamander to rapidly decline.

The California Tiger Salamander is listed as a federally threatened animal in California. The California Tiger Salamander population is already declining and, with this project, could inhibit some of the population from reproducing in California. In the DEIR it is mentioned that, "...individuals from CTS breeding ponds near the Project site could disperse into the Project area. As a result, the entire Project area could be used by CTS as dispersal and refugial habitat." (DEIR, 3.4-28). The construction of the project and all the work that will be done will cause destruction to their habitats. The California Tiger Salamander uses ponds/creeks to reproduce and may be affected due to the water use the project would be using. Constructing the Sargent Quarry project will harm the population and eliminate potential habitats for the California Tiger Salamanders.

White Tailed Kites

This Sargent Quarry project area provides the White Tailed Kite birds with a great habitat for breeding and hunting grounds. The White Tailed Kites are protected under California law, these birds are dangerously close to being extinct, if the Sargent Quarry project were to continue with construction, "...[the] noise and movement of construction personnel, vehicles and equipment in close proximity to (e.g., within 250 feet of) active nests could disturb breeding adults to the point of nest abandonment." (DEIR, 3.4-83). Birds cannot withstand the noise pollution, destruction of their natural habitat; construction could potentially force the bird in the area to flee.

As mentioned before, the project would have more than a dozen machines operating everyday, with constant noise, air, and dust pollution – it would cause birds to leave their natural habitat. The project could even go as far as harming the animal due to construction. The proposed Sargent Quarry project could harm these birds; and cause them to go extinct.

Steelhead Trout

Steelhead Trout swims in the ocean but occupies Tar Creek and Pajaro River; the two water bodies that reside near the Sargent Quarry Project. Steelhead Trout is a protected animal, and the waterways in which they use are classified as a critical habitat for the species. "Steelheads have been observed to migrate and spawn in Tar Creek and the Pajaro River during the years with adequate rainfall and the waterways are designated as critical habitat for this species." (DEIR, 3.4-20). This acknowledges that the Steelhead Trout utilizes the nearby creeks as a means of transportation and as a habitat. There is great importance on keeping the water quality of these waterways clean of chemicals, and full of water – to ensure that the fish are healthy and can swim in these waterways. The proposed project would potentially pollute the waterways that surround the

project site as well as use a vast amount of water to the point that there will be no water in the creeks and rivers.

Wildlife Crossings

The Santa Cruz Mountains are one of the most important animal crossings in California. There are many animals that depend on the Santa Cruz mountain to migrate. In Figure 3.4-7 of the Sargent Quarry DEIR, it shows a map of the Santa Cruz Mountains and the different paths that animals use. From the figure shown, it has a map of the proposed project location outlined and arrows 'showing' where animals migrate to. The path that animals usually take is in the middle of the proposed project location.

Figure 3.4-7 shows us how the animals migrate through the mountains and how practical the area is for animal migration. In the Sargent Quarry DEIR, the reasoning behind the importance of the wildlife crossings are identified, "...habitat connectivity helps ensure that genetic diversity is maintained by allowing individuals and genes to disperse between populations, thereby diminishing the probability of inbreeding depression, and helps to maintain populations, as individuals from larger or more productive populations can disperse to areas where populations are lower." (DEIR, 3.4-34). If there isn't an area where animals may safely migrate, it could affect the animal populations as a whole, animals would not be able to reproduce, animals may have a harder time hunting for food, they could be coming into contact with vehicles on the road and construction vehicles that will be operating throughout the day that could potentially kill them.

There is great importance placed on keeping the linkage between areas to ensure that animals have access to natural areas. "The riparian habitat along the Pajaro River and its tributaries (i.e., Tar, Carnadero, and Llagas Creeks), and relatively natural habitats (such as fallow fields and ranchlands) along these water bodies, are important in maintaining this linkage. Aside from Coyote Valley far to the north, the Pajaro River area represents the best opportunity for movement of larger animals, or exchange of genes over generations for smaller species, between the Diablo Range and the Santa Cruz Mountains." (DEIR, 3.4-35). Maintaining this crossing would help animals thrive in their environment. Animals need space where they will be able to hunt, breed, migrate, if they lose their natural habitat, the whole species population could decline rapidly. Building a project in this area would cause major disruptions to the animals in the area and ruin a major crossing.

Amah Mutsun Sacred Site

Juristac is a sacred site for the Amah Mutsun Tribal Band. Juristac is a space that is rich in culture, carries huge significance for the Amah Mutsun Tribal Band, and holds memories of the practices held there by the ancestors of the Amah Mutsun Tribal Band. Juristac is culturally exclusive to the Amah Mutsun Tribal Band – there is nothing that can compare to the Sacred Site for the Amah Mutsun Tribal Band – nor can it be recreated. The best way to keep this cultural area intact and support the cultural continuance of the Amah Mutsun People would be to deny the permit request(s) of the Sargent Quarry project.

The Amah Mutsun Tribal Band has been in California for thousands of years, and for thousands of years they have been visiting and utilizing this sacred site for traditional practices. Juristac is a

sacred site for the Amah Mutsun Tribal Band, one of the last remaining to be untouched by colonization or modernization. Juristac is known as a power place for the Amah Mutsun people, Juristac is home to a powerful spiritual being known as Kuksui. 'Juristac' translates into 'place of big head' which is associated with the dances performed at ceremonies. If the Sargent Quarry Project was to be built, Amah Mutsun would lose the most important cultural site to their Tribe and lose a huge part of their Native history. How are future generations supposed to practice their traditions if they don't have their sacred site to harness, practice and share tradition with others?

This sacred site should be left untouched, the way it has been for thousands of years. It is unscrupulous to consider building a quarry on a Sacred Site. The project has been deemed an irreversible project, after 30 years of excavating there would be no use of the land anymore. The area is used by many already, it is used by animals, plants, there are endangered species that reside in the mountains, the ground, and waterways that are already struggling with the effects of climate change. There are already many individuals in the area that use this space for ceremonies and cannot be uprooted from this area, it would be impossible to move the meaning of Juristac somewhere else. We cannot allow this project to proceed, and add on to climate change issues that are already prevalent in California.

Although the Tribe has worked with the proposed Sargent Ranch LLC project developers, a conclusion could not be reached. Every proposal or alternative measure results in significant unavoidable impact to the land. The construction of a quarry should not be valued above the rich cultural history of the Amah Mutsun Tribal Band or the spiritual and ecological significance of Juristac.

Conclusion

In conclusion, this project has a considerable amount of negative impacts, which is not only limited to the project area but to the surrounding wildlife, ecosystem and The Amah Mutsun Tribal Band. There are many aspects of the project that are irreversible, in 30 years the land would be considered useless. We should instead dedicate ourselves to preserving land that has been used for thousands of years, generation to generation and supporting the biodiversity that Juristac supports. A project that has a lifespan of 30 years shouldn't be valued above the thousands of years of beneficial use of the location by animals, plants and Natives. Instead this region should be looked upon as part of the cultural heritage of the region and be a source of pride for Santa Clara citizens.

CIEA urges the County of Santa Clara to consider the profound negative affects of the project and not be blinded by the financial benefits that may arise out of a short-term business enterprise. The Sargent Quarry Project does not allow for a continued ecosystem that supports the plants, animals, birds and amphibians that thrive there and the ecosystem that is the source of aquatic habitats in the region.

We urge the City of Santa Clara to deny the permit request for the Sargent Quarry Project.

In Solidarity,

A handwritten signature in black ink, appearing to be 'JMS', written in a cursive style.

Sherri Norris
Executive Director
California Indian Environmental Alliance
6323 Fairmount Avenue
El Cerrito, CA 94530
(510) 848-2043
sherri@cieaweb.org
www.cieaweb.org

References:

<https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf>

[Governor Newsom Announces Water Strategy For a Hotter, Drier California | California Governor](#)

California Natural Resources Agency. (2022, August). Retrieved from <https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/Water-Resilience/CA-Water-Supply-Strategy.pdf>

https://stgenpln.blob.core.windows.net/document/10747_Sargent_Ranch_Quarry_DDDEIR_July_2022.pdf

County, S. C. (2022, September 23). *Sargent Quarry Draft Environmental Report* . Sargent Ranch Quarry Project. Retrieved October 31, 2022, from <https://ceqanet.opr.ca.gov/2016072058/2>