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CC: planning.commission@pln.sccgov.org

Re: Sargent Ranch Quarry, Environmental Impact Report, SCH # 2016072058

Dear Mr. Salisbury:

I am submitting comments on the Draft Environmental Impact Report (DEIR) for the proposed Sargent Ranch Quarry Project. I work as an environmental and water resource engineer for a local Watsonville engineering consulting firm, Weber, Hayes, and Associates.

The project's anticipated potential for environmental and cultural destruction is not adequately represented in the DEIR's analysis. I have strong concerns regarding the proposed project's impacts on hydrology and water quality, biological resources, and tribal and cultural resources. While I corroborate with the evaluation of various impacts as "Significant and Unavoidable", in order to adequately represent the negative impacts from this project on generations to come, "Significant and Unavoidable" findings should be extended to additional impact areas in the report, as discussed below, including 3.10-2, 3.10-3, and 3.10-5.

We live in an age where we must be designing with nature, not against it, in order to protect and reconnect vital wilderness and communities. Do not allow a culture of extraction and degradation to determine what ought to be honored as "valuable". Consider the "true cost" of the proposed project and its irreversibility to the natural and human ecosystem. The existing landscape that would be destroyed for the development of the proposed project is a functioning and sustaining ecosystem, sacred to the Amah Mutsun Tribal Band. Extraction and destruction violently drove the Amah Mutsun from their sacred lands, now the project site. Not only should the proposed project be dismantled, but the lands in question should be protected and returned to their original stewards. It is severely disrespectful that

the DEIR does not acknowledge the Amah Mutsun, their indigenous sovereignty, and their spirituality in connection to the project site - their ancestral lands.

DEIR Comments on Hydrology and Water Quality:

I strongly disagree with the Less-Than-Significant Impact determination of 3.10-2 which states that “Project operation and subsequent reclamation of the Project site would not substantially degrade surface or groundwater quality.” As has been shown throughout the DEIR with regards to significant and unavoidable impacts to air quality, biological resources and others, environmentally systems are intricately linked and symbiotically supported, and it is inconceivable to posture that water would not be severely and unavoidably impacted from construction and operation of the proposed project, an open pit sand and gravel mine replacing intact, native landscape. In line with the significant and unavoidable impact determination of interfering substantially with wildlife movement and contributing to the cumulative impairment of wildlife crossings (Biological Resources, 3.4-15 and 3.4-22), the project DEIR underestimates the nature of the project in its impact on hydrologic systems, which would forever alter the ability of the area to sustain itself and the surrounding region. The significant and unavoidable impacts to Air Quality are also intricately linked to water quality as part of the hydrologic cycle. Water must be considered in a holistic context beyond the adherence to applicable regulations, when a project type inherently pollutes and destroys sustainable water systems.

Development of this project or any of its Alternatives would be a devastating setback for water protection and stewardship in the region. Can we afford this? Mitigation will not save our water systems from the project’s proposed degradation. Impact 3.10-2 should acknowledge a Significant-and-Unavoidable impact determination.

County policy R-RC 43 states: “Large scale grading and clearing of land should not be allowed if it will significantly degrade valuable habitat or impair surface water quality.” The valuable habitat at the proposed project site is home to wildlife habitat, critical through linkages, sacred cultural lands, and directly tied to surface water and groundwater systems. An open pit sand and gravel mine would destroy the ecological capacity of the landscape, forcing wildlife away, and redirecting and disrupting hydrological flows and infiltration patterns, with its impacts remaining in perpetuity regardless of proposed reclamation plans.

County Policy R-RC 73 states: “The extraction of mineral resources, including sand and gravel, should be carefully conditioned and regulated to mitigate potential

adverse environmental impacts, including mitigation measures for potential increases in siltation and/or pollution of water resources in order to adequately protect the local water supply.” The nature and scale of site operations would overburden receiving waters, with site operations overwhelming the ability of the natural environment to respond to environmental stressors, even with anticipated adherence to regulatory requirements. Open pit mining is well known to be environmentally devastating, contributing to water pollution, disfiguring landscapes, and permanently destroying habitat. Additionally, even after reclamation, erosion and flooding concerns persist. Sediment exposure is an inherent part of proposed operations and is a severe and undue risk to further impair receiving waters. The DEIR states, “[D]uring large storm events [...] stabilizing exposed soils with temporary erosion control measures would minimize the potential for erosion and sediment transport in stormwater runoff”, however the scale and nature of the project site creates a near impossibility to effectively protect the site, additionally given the anticipated increase in precipitation intensity.

The scale, topographical placement within the region’s watershed context, and radical extent of ongoing earth moving activities, would severely and irrevocably alter the natural hydrological patterns of the region. Even with required mitigation, impacts of siltation, erosion and contamination from the project’s construction and operation are unavoidable given the ecological sensitivity of the project area and criticality of water quality importance in the region. Additionally, vegetation removal from the proposed project’s footprint would be far greater than “the minimum practicable”, and water and wind erosion from intensifying and more frequent weather and precipitation events could not be adequately minimized. Anticipated increased precipitation events alongside climate change patterns speaks to the anticipated potential for increased surface water runoff and its associated sediments and pollutants, which would no longer be able to be effectively managed by the native landscape given the proposed project’s extreme and ongoing land alteration.

The scale and nature of the proposed project, and its placement within an environmentally significant landscape supporting the regional ecosystem renders the proposed project out of compliance with Santa Clara County Zoning Ordinance, Section 4.10.370, Part 2. It is ridiculous to not acknowledge the severe risks and therefore significant unavoidable impacts to water quality in Tar Creek, Sargent Creek, Pajaro River, and downstream receiving waters. Given the nature of operations at the site, the known existing and historical impacts from surface mining on water quality, and the inability for a degraded landscape at the project

site to filter water effectively, the proposed project would result in localized and cumulative water quality impacts. The quality of surface water would be significantly impacted given the change in land use within the watershed. The proposed project would substantially alter the drainage pattern of the site and significantly impede the project site's ability to manage, regulate, infiltrate and purify stormwater effectively. Resource extraction and sediment/turbidity are existing reasons for impaired water quality in the Pajaro River Watershed. While impaired, the Pajaro River is designated as critical habitat for steelhead. Given the acceleration of erosion and sedimentation from anthropogenic watershed disturbances, the County must act to restore and protect, not destroy and extract vital habitat protecting and repairing the very force of life, water. The proposed project would substantially degrade surface water quality, even with adherence to applicable laws and appropriate mitigations.

The proposed project would contribute to water contamination and scarcity. The proposed project's overlying a shallow groundwater table presents severe challenges pertaining to the protection of groundwater resources. Existing groundwater supplies already face scarcity issues and contamination concerns. Without the intact biotic structure of the project site, groundwater recharge will be significantly reduced, and runoff increased. Additionally, groundwater persists above the proposed mining depths, resulting in severe impacts to groundwater quality as a result of construction and operation. Mining operations intersection with perched zones and groundwater aquifers is unknown and unavoidable. In an area where water preservation and regeneration are of the utmost importance, it is irresponsible to allow the proposed project to move forward under any Alternative. Impact 3.10-3 also severely oversimplifies and underestimates the project's potential impact to groundwater and should be reconsidered as significant and unavoidable. As stated, "the use of heavy equipment could increase the potential for residual grease, hydraulic oils, and fuel from the equipment to be introduced into the groundwater. Groundwater containing oils and grease, or other chemicals could percolate through the mining pit to eventually reenter the shallow groundwater table that flows out to the Pajaro River." The DEIR states that BMPs to minimize surface water contamination would be adequate, but as we have seen in so many case studies, environmental pollution is perpetuated in extraction-based activities, where profit takes precedence over sustainability and regeneration.

Additionally, as the proposed project intends to obtain part of its water supply from groundwater, project operation would impede the regional groundwater supply, inhibit groundwater recharge, surface water flow levels, and overall water

sustainability goals of the region. Utilization of groundwater and other water resources to serve the project's water supply would directly contribute to groundwater instability. The proposed project would substantially impede sustainable groundwater management in the region, including substantially reducing groundwater supplies and interfering with groundwater recharge. Impact 3.10-5 should be reconsidered to be significant and unavoidable given the project's proposed water extraction impacts on groundwater as well as surface water flows. Groundwater users downstream in the Pajaro Valley are already starting to see impacts from shallowing groundwater wells from both supply and migrating contaminants perspectives. The proposed project would directly contribute to water scarcity in the region.

There are also significant concerns regarding the Reclamation Plan. It speaks of revegetation of exposed soils and restoring the Sargent Creek channel to its natural pre-project condition. Not only are these efforts a slap in the face to the ability of the existing environment to care for and protect the project site and region, but the reclamation efforts in question will never be able to replace or near emulate the existing landscape, not to mention forever defiling sacred indigenous lands. In 30 years, water will be even more scarce, even more contaminated, even more sacred. The whole water cycle must be protected at all costs.

DEIR Comments on Cultural and Tribal Cultural Resources

Of primary concern is the 'Less Than Significant with Mitigation Incorporated' determination to Impact 3.5-1: 'The Project would cause a substantial adverse change in the significance of known historical or archaeological resources'. In truth, impacts would be significant and unavoidable.

Even with "Mitigation Incorporated", the proposed project is a large-scale, open pit sand and gravel mining operation planned in the heart of the sacred ancestral lands of Amah Mutsun Tribal Band. The cultural, historical, and religious significance of Juristac is clearly documented in the *Ethnohistoric and Ethnographic Study of Sargent Ranch* (2021), commissioned by Santa Clara County while preparing the DEIR. It is concerning that the DEIR does not specifically discuss Amah Mutsun or Native American spirituality in relation to the cultural sites which are identified, nor do the authors recognize the utmost importance of indigenous and sacred lands preservation.

The DEIR finds that the proposed project would cause substantial adverse changes to the Juristac Tribal Cultural Landscape. In addition, one of the pits would partially

destroy Betevel Bluff, a hill associated with ancestral ceremonies. Whether one can directly perceive it or not, the subtle yet powerful spiritual energy that helped facilitate these ceremonies is ever present in the Amah Mutsun sacred lands. It is disrespectful and unassuming to not acknowledge the significance of known historical or archaeological resources and state a less than significant impact.

Juristac is the most sacred lands of the Amah Mutsun. Now, an open pit mining operation is proposed on these lands, vying to destroy them. The Amah Mutsun have already had most of their lands stolen. Thousands of Amah Mutsun have been killed via colonialism, and thousand others forced into Christian Missionaries against their will. Juristac is home to spiritual ancestors, tribal ceremonies, doctoring, refuge, and a source of important medicinal plants, animals, and fish. Protecting these lands not only benefits the Amah Mutsun, it also benefits all people and life forms in Santa Clara, San Benito, and Santa Cruz Counties.

I strongly encourage the County to reject the conditional use permit for Sargent Ranch Quarry in consideration of the significant impacts to the environment and tribal historical / cultural resources that would result from the proposed project, and from all the Alternatives identified in the DEIR. Any mining project at Juristac would irreversibly damage the sacred Juristac Tribal Cultural Landscape, destroy grassland and oak woodland habitats, impede water sustainability, and disrupt a critically important wildlife corridor.

Considering the magnitude and wide scope of impacts and the minimal public benefit that would be afforded by the proposed mine, the “No Project Alternative” is the only acceptable course of action.

Sincerely,



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