

February 10, 2022

Todd Sexauer ([Via Email: PachecoExpansion@valleywater.org](mailto:PachecoExpansion@valleywater.org))  
Senior Environmental Planner  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118

**RE: Comments on Pacheco Dam Project Draft Environmental Impact Report**

Dear Mr. Sexauer:

Endangered Habitats League (EHL) appreciates the opportunity to comment. EHL is a Southern California-based conservation group.

The Pacheco Dam Project Draft Environmental Impact Report (DEIR) is inadequate and fails to inform the public of the significant environmental impacts of the project as required by the California Environmental Quality Act (CEQA). As a California resident, I understand that new water storage can help address state and regional water supply challenges. However, the proposed Pacheco Dam would have significant environmental impacts that are not mitigated to the extent feasible, and would also have astronomical costs to Santa Clara County ratepayers.

The project description in the DEIR is incorrect and misleading. The DEIR refers to the project as an “expansion” of the existing Pacheco Lake, but the new reservoir would be about 25 times larger, with a completely new upstream dam site, and only about a 20-acre overlap with the existing lake.

The Proposed Project described in the DEIR would be the largest hardfill dam built in the U.S., posing undisclosed safety risks to downstream communities. On November 1, 2022, the Division of Safety of Dams (DSOD) determined that the proposed 326-foot high, hardfill dam design was too risky for public safety. Santa Clara Valley Water District (Valley Water) now says it is proposing an earthfill dam, similar to the project described in the DEIR as Alternative A. Yet the DEIR misleads the public by describing a proposed project that is known to them to be infeasible. The DEIR must be revised and recirculated to full describe the project that Valley Water actually intends to build.

The environmental setting described in the DEIR is also flawed. Due to damage in 2017 and severe risks to downstream areas, the same DSOD does not currently permit the Pacheco Pass Water District to allow the existing dam to hold back *any water* in Pacheco Lake; the dam outlet must remain open. Thus, there is not currently a 5,500 acre-foot reservoir. As the current dam is not operational, the DEIR’s description of the environmental baseline as including an existing 5,500 acre-foot lake is incorrect, mischaracterizing the environmental analysis.

The DEIR also fails to disclose all environmental impacts of the project. The project would inundate roughly 1,500 acres of wildlife habitat and productive ranchland, as well as a portion of Henry Coe State Park. In addition to Henry Coe State Park, the proposed project area is surrounded by other protected and wild lands that provide critical wildlife habitat that would be directly and indirectly impacted by the construction and operation of a new reservoir. The project would take years to construct and includes not just the new dam but also pipelines, roads, and pumping stations, resulting in major impacts across a large swath of land.

The DEIR consistently lowballs the impacts of the proposed project, precluding good faith review by the interested public. For instance, despite the project's massive disturbances, the DEIR claims that all biological impacts would be mitigated to less than significant levels. This is not credible given the lengthy construction period and large acreage of habitat that would be destroyed or disturbed, and the severing of important migratory corridors. Wildlife such as the Bald eagle, Red-legged frog, California tiger salamander, Tule elk, California mountain lion and others depend on these wild areas, which also contain increasingly rare oak woodland and sycamore alluvial woodland communities. The DEIR's claim that long-term impacts to wildlife from flooding this area "may not differ significantly from the existing condition" is simply not credible.

The DEIR points to creation of habitat for threatened steelhead as a claimed benefit of the project. However, the idea of pumping water from the already imperiled Delta, combining it with some quantity of water from upper Pacheco Creek, and releasing it to lower Pacheco Creek is fraught with risks and unknowns. The DEIR glosses over the fact that these supposed benefits may never materialize, while lowballing the more certain impacts of a new dam on the environment on other special status wildlife in the project area. Additionally, many mitigation measures proposed for biological resource impacts are unenforceable and/or impermissibly deferred.

The new reservoir would also inundate historic structures and historically significant sites, some of which are over 3,000 years old. Twenty-seven of the sites that would be impacted are Native American sites, including ceremonial structures, living areas, and unique cupule rock art. The DEIR does not provide adequate mitigation for the destruction of these irreplaceable cultural resources.

The purpose of alternatives is to reduce environmental impacts, and there are less costly and environmentally less harmful alternatives that could readily meet the project objectives of providing more reliable water supplies and increasing suitable habitat for steelhead. Yet the alternatives considered in the DEIR are essentially the same project with different types of dams; the DEIR completely fails to consider options that are both less harmful and more cost-effective. For instance, the option of storing additional water in the expanded Los Vaqueros Reservoir or undertaking projects that increase recharge and groundwater storage are not considered. To increase steelhead habitat, Pacheco Dam could also be removed and water could still be conveyed from San Luis Reservoir into Pacheco Creek via the existing Pacheco Conduit. The DEIR fails to meaningfully consider any of these alternatives.

For these and other reasons, the DEIR for the Pacheco Dam Project is inadequate and should not be certified by Valley Water. Since 2017, the costs of the Pacheco Dam have risen more than doubled, while the benefits have decreased and downstream community safety has become even more concerning. Santa Clara County ratepayers are already strained by high water rates and need more affordable and less environmentally destructive projects to improve their water supply reliability. Please reject the Pacheco Dam project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Silver". The signature is fluid and cursive, with a large initial "D" and "S".

Dan Silver  
Executive Director