

From: [Indigenous Solidarity](#)
To: [Mark Gomez](#); [Clerk of the Board](#); [Board of Directors](#); [Pacheco Expansion](#)
Subject: Public Comments to Pacheco Reservoir Expansion Project EIR
Date: Tuesday, February 15, 2022 4:56:41 PM

Honorable Board Members of Valley Water,

My name is Lou Chiaramonte, Jr., and I am writing on behalf of South Bay Indigenous Solidarity, which is a grassroots organization headquartered in Santa Clara County. In relation to the current proposed Pacheco Reservoir Expansion Project, the Environmental Impact Report lists several Indigenous burial and cultural resource sites that will be impacted by the construction of the new dam and the expansion of the reservoir.

Because the exact manner in which these upstream and service area Indigenous sites will be impacted by either earthmoving or inundation is not exactly clear in the language of the publicly-released EIR, I am writing to express the fact that a general concern for the future of these sites is held by members of the general public, in addition to the concerns that have been voiced by most likely descendants of those who created or are interred at these sites.

South Bay Indigenous Solidarity fully supports both the legally-recognized rights and the general human rights of Indigenous Peoples to steward their Ancestral Sites and the ecology of their Ancestral Lands. Having previously worked in the field of cultural resource management, I would like to point out the fact that any archaeological surveys of the area to be impacted by the reservoir expansion are limited in terms of thoroughness. In other words, cultural resources--and possibly human graves--may exist which have not yet been recorded. This is due to the nature in which alluvial deposits might obscure certain sites, and the ways in which cultural resources and human remains might be scattered. It is also due to the limitations in the survey techniques as described in the EIR. In addition, geographic features which may have been considered 'sacred' at one point in time, may not have been included in the ethnohistories collected for this particular EIR.

South Bay Indigenous Solidarity as an organization, is submitting the following remarks regarding the Project:

1.) Valley Water should establish a formal mitigation policy framework that explicitly states the inclusion of the Amah Mutsun Tribal Band and

others who may have most likely descendant status for this region in planning specific mitigation regarding excavations and impacts that will be caused by the construction of the new dam and the inundation of new areas. The existing language in the EIR did not necessarily define the role that most likely descendants would take in regard to either planning or executing mitigation procedures.

2.) Certain archaeological resources, such as hair and pollen, will be irrecoverable from cultural sites, if these sites are inundated. South Bay Indigenous Solidarity urges Valley Water to work with most likely descendants to put together a plan regarding if pollen, hair, or other samples will be taken from these cultural sites prior to construction of the new dam. These sorts of materials may seem inconsequential, but scientifically, they are some of the most important in terms of assessing the human genetic history of the region and in constructing models of past climatic conditions. Building historic climate models is incredibly necessary in regard to understanding the current conditions of climate change. Without historic models to refer to, our understanding of how to combat climate crisis is heavily hampered.

3.) Valley Water should take steps to ensure that Tribal monitors are present if any samples are taken from recorded or discovered cultural sites, regardless of if human remains are present at these sites. This mitigation policy goes beyond the minimum requirements in existing legislation, and did not seem to be considered in possible mitigation measures outlined in the EIR.

4.) Mitigation measures should include the provision that Tribal monitors be present during all earthmoving activities associated with this project. Because there is uncertainty regarding the locations of all cultural materials and human remains in the project area, all mitigation proposals should include the provision for the oversight of earthmoving activities by both an archaeological monitor and a Tribal monitor. The possibility of ensuring that Tribal and archaeological monitors be present during all construction activities did not appear to be mentioned in proposed mitigation alternatives.

5.) Recorded sites and areas that were not surveyed due to legal limitations should be surveyed and considered in mitigation measures

if they are to be impacted by the reservoir's expansion. It was unclear from the language in the EIR to what extent these sites, which apparently exist on land outside of Valley Water's jurisdiction, will be impacted due to the Project, or if the areas in which these sites exist are likely to contain unrecorded cultural sites. It appears irresponsible to not include these sites/areas within mitigation proposals.

The Membership of South Bay Indigenous Solidarity wishes to state its respect for all religious and spiritual traditions. We hope that Valley Water will keep in mind the fact that many, if not all, Indigenous communities within this region view the stewardship of watercourses as an integral part of their spiritual/religious cosmological worldviews. Within the outlook of these 'worldviews', construction of the proposed dam may have, for lack of a better word 'spiritual', impacts that are not able to be assessed through scientific physical studies.

South Bay Indigenous Solidarity, as an organization, would also like to point out the fact that the deliberate destruction of the cultural heritage of an Indigenous People can, with reference to the United Nations working definitions of genocide, be considered a form of genocide. This concept of 'genocide' has not previously been widely considered in terms of construction projects which have impacted Indigenous graves and cultural sites in Santa Clara County.

Respectfully,

Lou Chiaramonte, Jr.

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South Bay Indigenous Solidarity is a multi-ethnic group that supports Indigenous-led, grassroots efforts to promote human rights, restore Indigenous land stewardship and preserve threatened cultural, burial, and sacred sites.