February 15, 2022

Valley Water Board
Attn: Todd Sexauer, Senior Environmental Planner
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Submitted electronically to: PachecoExpansion@valleywater.org; TSexauer@valleywater.org

RE: Comments on Pacheco Reservoir Expansion Project Draft Environmental Impact Report (SCH # 2017082020)

Dear Valley Water Board of Directors and Mr. Sexauer:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Pacheco Reservoir Expansion Project (PREP). Environmental, cultural, and tribal impacts, as well as costs, are in fact greater than the DEIR indicates. This lack of sufficient study should be rectified before this DEIR moves forward.

Pacheco History—Bureau rejected Pacheco expansion three times

The Bureau of Reclamation, in three studies, had previously looked at the possibility of expanding Pacheco Reservoir as an alternative suggested to correct the San Luis Reservoir low point/algal bloom problem. However, the Bureau eliminated the expansion of Pacheco Reservoir from consideration after those studies—*San Luis Low Point Improvement Project Initial Alternatives Information Report* (Bureau of Reclamation 2008)*, San Luis Low Point Improvement Project Plan Formulation Report* (Bureau of Reclamation 2011) and *San Luis Low Point Improvement Project Draft Feasibility Report* (Bureau of Reclamation 2013)[1]—because Pacheco had more potential for environmental impacts and the greatest costs. Pacheco expansion failed based on acceptability and effectiveness criteria. Those environmental impacts have not been adequately studied or mitigated in this DEIR.

The Santa Clara Valley Water District 's (Valley Water, SCVWD) revival of the Pacheco reservoir expansion idea (PREP) by claiming that a cost-effective, multi-objective project could provide both public and non-public benefits, focusing especially on benefits to downstream fish, has not been verified in this DEIR. Claims of downstream benefits to steelhead from an

[1] https://www.valleywater.org/sites/default/files/Final%20NOP_IS_Pacheco.pdf, accessed Jan. 16, 2022
[2] https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0256286

expanded Pacheco Reservoir have not been adequately studied or quantified in this DEIR. Harm to the San Luis Reservoir has not been adequately considered.

Environmental and other resources would suffer indelible harm

The Pacheco Reservoir expansion project (PREP) would enable importation and retention of more water from the Delta. According to the Bureau of Reclamation's 2019 DEIS/EIR, SCVWD seeks uninterrupted delivery of CVP deliveries from San Luis Reservoir in all low point (drought) years. (According to Bureau of Reclamation's 2019 DEIS/EIR, "SCVWD would be able to fully divert its CVP allocation" earlier in the year to avoid interrupted delivery of CVP deliveries from San Luis Reservoir in low point years.") This could occur before water supply, and potential delivery to all customers, have fully been calculated for that year. (During the recent TUCP hearing, DWR staff indicated that storage in the major reservoirs could not be determined until at least the beginning of May. However, large amounts of water have often been transferred out of the Delta by that time.)

Water quality in San Luis Reservoir is likely to suffer because of diversion of its water to fill the new PREP. Diversion of water from San Luis Reservoir (SLR) for the Pacheco Reservoir Expansion had been determined not likely to affect water quality in SLR because of San Luis' "regular refill during fall and winter".[2] However, San Luis Reservoir is currently at 45% capacity. And climate change has been recognized as including increased average temperatures, more extreme hot days. In fact, the report released on February 14, 2022, "Rapid intensification of the emerging southwestern North American megadrought in 2020-2021"— widely reported in the media—indicates that, with global warming a certainty, drought and heat will continue and worsen aridification in the West. San Luis' regular refill during fall and winter will not occur as planned previously. Moreover, higher temperatures will lead to even more evaporation from San Luis Reservoir and the proposed Pacheco Reservoir. The DEIR needs to discuss this new and likely problematic lack of refill and its consequences.

With uncertain snowmelt and less water to refill reservoirs, the ~140,000 acre-feet that PREP would drain from SLR could have a significant negative impact on HABs in SLR. Average increasing summertime temperature highs at San Luis Reservoir also leave SLR more susceptible to algal blooms and other identified low-point problems, exacerbating those problems.

Benefits to downstream species from PREP— inadequately demonstrated

The goal of increasing "suitable habitat in Pacheco Creek for federally threatened [South-Central California Coast (SCCC)] steelhead through improved water temperature and flow conditions" lacks sufficient substantiation in the DEIR.

[2] https://www.usbr.gov/mp/nepa/includes/documentShow.php?Doc_ID=39561

The basis for the claim of downstream benefits to steelhead should be re-evaluated in view of a University of California at Davis (UCD) study[3] that recognizes that dams do not adequately support cold-water ecosystems—critical in view of the SCVWD claim that the new Pacheco Dam and Reservoir would benefit downstream native steelhead trout through provision of cold water. As a UCD publication explained the study's results: "Dams poorly mimic the temperature patterns California streams require to support the state's native salmon and trout—more than three-quarters of which risk extinction."[3] Ann Willis, one of the study's authors, said: "It is no longer a good investment to put all our cold-water conservation eggs in a dam-regulated basket."[4]

The current North Fork dam blocks fish passage on Pacheco Creek, as will the new proposed dam upstream of the current dam. The DEIR fails to discuss adequately the effects of a dam on Pacheco Creek that blocks fish passage. A "no project" alternative that includes removal of the current substandard North Fork dam should be included in the DEIR.

As the U.S. Fish & Wildlife service has noted, dam removal (not construction) allows natural flow patterns, to which native plants and animals are accustomed, to return to their original configuration. Benefits accrue as the environment returns to the pre-dam conditions in which those fish evolved.[5]

Cost-benefits: adequate quantification of claimed benefits is needed

Further, as the estimated cost of the dam increased, the reported monetized public benefits assessment also increased, but quantification of benefits claimed for the PREP is inadequate. A thorough quantification of the claimed benefits, along with the benefits of dam removal and associated restoration of a natural flow pattern—to which native plants and animals are accustomed, as recognized by the USFW (noted above)—should occur. The benefits that would will accrue as the environment returns to the pre-dam conditions in which those fish evolved should be evaluated versus the claimed PREP benefits.

Dr. Jeffrey Michael (UOP) stated in his cost-benefit analysis that the "vast majority of monetized benefits are unsupported and severely overstated in the [SCVWD] Feasibility Documentation. It is apparent that an accurate benefit-cost analysis is not even close to supporting the … cost to Valley Water ratepayers and the State of California, …." Pointing to

---

[3] https://www.ucdavis.edu/climate/news/dams-ineffective-cold-water-conservation

[4] *Ibid.*

[5] https://www.fws.gov/southeast/pdf/fact-sheet/dam-removal.pdf

ignored data and risks, Dr. Michael found that “Valley Water’s claimed public benefits are more than twenty times the maximum plausible value of public benefits.”

Significant negative impacts on water quality, paleontological resources, air quality, greenhouse gas emissions, visual resources, noise, traffic conditions, hazards, terrestrial resources, and cultural resources—including inundation of part of the Henry Coe State Park—would occur with Pacheco Dam Expansion, as identified in the Draft EIS/EIR. Streamflow downstream of the dam along Pacheco Creek would be altered; land use and aquatic resources would also be harmed. These impacts are serious and cannot be adequately mitigated; habitat will deteriorate. More study is needed.

Respectfully submitted,

Alan and Meg Giberson