

From: [Sofia Prado-Irwin](#)
To: [Todd Sexauer](#)
Cc: janndorman@friendsoftheriver.org; judy@fenerty.com
Subject: Design Level Geotechnical Investigations for the Pacheco Reservoir Expansion Project (SCH No. 2024060688)
Date: Friday, July 19, 2024 2:16:51 PM
Attachments: [Exhibit A - Intense heat has Lake Shasta water disappearing into thin air.pdf](#)
[24.07.19 CBD-FOR-CNPS Comments Pacheco Geotech MND.pdf](#)

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Good afternoon Mr. Sexauer,

Please accept these comments (attached) submitted on behalf of the Center for Biological Diversity, Friends of the River, and the Santa Clara Valley Chapter of the California Native Plant Society regarding the Draft Initial Study and Mitigated Negative Declaration for the Design Level Geotechnical Investigations for the Pacheco Reservoir Expansion Project (SCH No. 2024060688). Please confirm receipt of the attached letter and Exhibit A.

Thank you,

Sofia Prado-Irwin, PhD
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Santa Clara Valley Chapter
CALIFORNIA NATIVE PLANT SOCIETY



Via Email: Tsexauer@valleywater.org

Todd Sexauer
Santa Clara Valley Water District
Attention: Todd Sexauer
5750 Almaden Expressway
San Jose, CA 95118

RE: Draft Initial Study and Mitigated Negative Declaration for the Design Level Geotechnical Investigations for the Pacheco Dam Project

Dear Mr. Sexauer:

We are writing to share our concerns regarding the Draft Initial Study and Mitigated Negative Declaration (“MND”) prepared by the Santa Clara Valley Water District (“Valley Water”) for the Design Level Geotechnical Investigations for the Pacheco Dam Project (“Dam Project”). The following comments are submitted on behalf of the Center for Biological Diversity, Friends of the River, and Save Mount Diablo. The MND fails to adequately analyze and mitigate impacts related to wildlife connectivity, plant and animal species, oaks and oak woodlands, vegetation communities, greenhouse gas emissions, and wildfire among other impacts.

We do not support the controversial new Dam Project that the investigations are intended to support. Valley Water has already spent tens of millions of dollars, countless staff hours, and numerous board meetings pursuing the Dam Project. However, the time and resources spent so far has amounted to only an infeasible dam design with no other water agencies willing to financially participate in the project. We continue to be concerned that dams are not the best way to secure water supplies for the future. Evaporation rates from reservoirs, among other problems, show the Pacheco dam would lose a large portion of the water stored in it if it was ever built. Evaporation rates will only increase with warming temperatures. (See Record Searchlight article attached as Exhibit A.)

Instead of a new dam, Valley Water should be working to secure water supplies by developing more groundwater recharge, recycling and reusing wastewater, capturing and treating stormwater, and undertaking other water conservation measures. In addition, Valley Water’s existing reservoirs also need to be maintained and improved to meet current standards. To the extent additional water storage is needed, expansion projects already

underway at San Luis Reservoir and Los Vaqueros Reservoir are more likely to be built and would be more likely to provide a measure of climate resilience for Valley Water.

The need for yet another round of geotechnical investigations is further evidence that Pacheco Pass is an unsuitable location for a new dam. This unsuitability is exhibited by the fact that plans for a new dam in this area, despite being discussed for decades, have never progressed. Building another larger dam in this same area would be terribly expensive and risky, with potentially catastrophic consequences, and has the potential to provide only minimal water supply benefits.

The Dam Project would inundate over 1,500 acres of privately owned land, as well as part of Henry Coe State Park, interfering with important habitat corridors. Additionally, the dam would not always be at full capacity, creating a bathtub ring effect, which ultimately kills vegetation in the inundated area and leaves the land barren when the water recedes, destroying the natural and scenic nature of the area. Greenhouse gas emissions from dams are also a major contributor to climate change, and scientists have found that dams and reservoirs contribute substantial amounts of GHGs into the atmosphere.

The drilling activities proposed in the MND should be evaluated together with the larger Dam Project, which is only referenced in passing in the MND. (MND, p. 2-1.) The attempt to isolate these geotechnical investigations from the overall Dam Project minimizes the impact the overall project would have on the environment in violation of the California Environmental Quality Act (CEQA). Valley Water cannot piecemeal the proposed geotechnical soil investigations from the Dam Project slated to be analyzed in a Revised Draft Environmental Impact Report/Draft Environmental Impact Statement released in 2025. Future actions related to the proposed project must be considered if those actions are a “reasonably foreseeable consequence of the initial project” and “the action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 395.)

With respect to the specific geotechnical investigations described in the MND, we have the following specific comments:

- The MND fails to disclose the full range of likely impacts from drilling 149 borings, digging 27 test pits and conducting other invasive tests in this rural wildlife-rich area. The project area includes important habitat for Bald eagles, Golden eagles, Monarch butterflies, California condors and other animals, many of which have special status under the state and federal Endangered Species Acts. (MND, Table 4.4-3.)
- The MND fails to account for the full extent of disturbance caused by use of trucks and helicopters to conduct investigations during hundreds of “rig days”, among other

disturbances, over the course of 2 seasons. (MND, Table 2-5.) Important habitat and wildlife corridors would be disturbed by the project's noisy and intrusive activities.

- The mitigation and other measures provided in the MND are inadequate to mitigate the identified impacts to less than significant levels. In addition, the reliance on a combination of mitigation measures, best management practices (BMPs) and avoidance and minimization measures (AMMs) makes enforceability and tracking of project mitigation unclear; adequate justification for the MND's less than significant impact determinations is lacking.
- The MND fails to state which portions of the project area were inaccessible to botanists and fails to map all special-status plants. Even the plants that are identified lack the necessary information to assess the impacts of the project. Therefore, it is impossible for the public to understand which areas were not surveyed and how accurate the MND is in portraying the environmental setting.

For these and other reasons provided in public comments, we urge you not to adopt the MND or approve the geotechnical investigation project. Should the geotechnical investigations proceed, preparation of a full environmental impact report would be necessary. Please ensure that each of our organizations are included in the notice list for this project.

Thank you for considering our comments.

Very truly yours,

CENTER FOR BIOLOGICAL DIVERSITY



By:

Sofia Prado-Irwin, Ph.D.
Scientist

FRIENDS OF THE RIVER



By:

Jann Dorman
Executive Director

Santa Clara Valley Water District
July 19, 2024
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SANTA CLARA VALLEY CHAPTER
CALIFORNIA NATIVE PLANT SOCIETY

By: 
Judy Fenerty
Conservation Chair

Exhibit A Record Searchlight, Billions of gallons of water from Lake Shasta disappearing
into thin air, July 11, 2024