



October 2, 2024  
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### **Valley Water Board Meeting, October 8, 2024**

#### **Re: Item 5.2, Receive an Informational Update on the Unique Requirements for the Pacheco Reservoir Expansion Project, Including Resulting Unique Benefits.**

This report ignores requests for information from Water Supply and Demand Management Committee (WSDMC) members at the August 26 meeting, and public input provided for that WSDMC meeting. The information provided in this staff report is materially the same as the WSDMC staff report. No additional information has been added.

#### **WSDMC Members Requests from August 26 WSDMC Meeting Minutes**

1. Director Hsueh requested information be added relating to environmental mitigation measures.
2. Vice Chairperson Keegan requested the following.
  - More detail given relating to the processes regarding water rights and CVP contractual changes, including milestones and probable timeframes
  - A description of the process for land acquisition/eminent domain
  - The level of risk and potential timeframe relating to water contracts or water rights

- More information relating to the change petition to modify point of diversion for existing Pacheco Pass North Fork Dam to location of new dam

Please also consider the Sierra Club's comments to the WSDMC (see attachments below).

In addition to our previous comments, we would like to suggest one more unique requirement, that is the need to obtain **approval to implement actions not allowable under the terms of the Romero Ranch Conservation Easement**. This will require significant compensatory mitigation to be approved by multiple parties.

Thank you for your consideration.

Katja Irvin, AICP  
Conservation Committee  
Sierra Club Loma Prieta Chapter

Molly Culton  
Chapter Organizing Manager  
Sierra Club California

**From:** Katja Irvin  
**To:** Richard Santos; Barbara Keegan; Nai Hsueh  
**Cc:** Stephanie Simunic; Clerk of the Board; Ryan McCarter  
**Subject:** 8/26/24 WSDMC - Comments on Item 4.3, Unique Requirements for the Pacheco Reservoir Project  
**Date:** Saturday, August 24, 2024 2:24:23 PM  
**Attachments:** 082624 WSDMC comments on item 4-3 Unique Requirements for the Pacheco Reservoir.pdf

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Chair Santos and WSDMC,

Please consider the attached comments regarding the subject agenda item for Monday's Water Supply and Demand Management Committee (August 26).

In sum, the staff report does not address the topic the Board requested last fall, which was "Discussion and review of requirements unique to the Project." Instead, staff decided to add "unique benefits" to this topic, and to focus this report on those benefits, rather than the requirements which are consequential for the feasibility of the Pacheco Reservoir Project.

Project benefits were presented to the Board in February and in June. If staff would like to discuss benefits again, a separate agenda item should be scheduled to avoid distracting from the more important discussion about unique requirements.

If the WSDMC is serious about providing input to staff about unique requirements, the Committee should ask staff to **return in September with a new report including meaningful analysis of the four requirements identified by the Board:** water rights applications; contracts for administration of public benefits; imported water supply connections; and partnership agreements.

Please see our attached comment letter for additional details, suggestions related to the topic of unique requirements, and specific information which should be included in this report.

Best regards,

Katja Irvin, AICP  
Guadalupe Group Conservation Chair  
Sierra Club Loma Prieta Chapter

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**Water Supply and Demand Management Committee, August 26, 2024  
Sierra Club Comments, Item 4.3, Receive an Informational Update on the Unique  
Requirements for the Pacheco Reservoir Expansion Project, Including Resulting Unique  
Benefits.**

Please consider the following comments regarding the subject agenda item.

**“Unique benefits” should not be included in this report for the following reasons.**

- Benefits were discussed under a previous report topic (on February 13, 2024) and should be addressed as a separate agenda item if needed.
- Adding benefits distracts from the subject requested by the Board, which did not include benefits. Only three requirements are mentioned in this report: water rights; WSIP (Prop 1 grant) contracts and agreements; and partnerships. The fourth requirement requested by the Board, “Imported water supply connections” (see November 14, 2023 agenda), is not even mentioned in the report.
- Benefits are not as concerning as unique project requirements, which merit much more attention from the Board and from staff. An in-depth discussion of the requirements is merited, including the challenges that will or might arise.
- This report discusses benefits in more detail than requirements. The claim that these benefits are “unique” is also questionable – all surface storage projects receiving Proposition 1 grants will capture excess imported water, and all reservoirs provide some incidental flood protection.

**The Board should consider addressing additional unique requirements in this report as follows:**

- Mitigation requirements resulting from the scale of environmental impacts related to this huge project. Impacts of concern include, destruction of extensive, virtually undisturbed, and extremely valuable habitat, and destruction of many extremely important cultural sites and artifacts.
- Requirements related to the incursion into a State Park (Henry Coe State Park).
- Requirements related to managing the largest and most complex infrastructure project ever undertaken by Valley Water including: complexity of project management; risks of delay and cost escalation; land acquisition challenges; the remote location; etc.
- The Board’s requested discussion of “Imported water supply connections” including: how imported water will be delivered to the reservoir; which pumps and conveyance will be used; possible issues or bottlenecks related to the delivery of excess water; etc.

**Please consider the following comments related to specific content in the staff report and PowerPoint presentation.**

- With respect to water rights and CVP contractual changes, both processes should be described in more detail, including milestones and probable timeframes.
- The process for land acquisition and eminent domain should also be described, noting that Valley Water does not presently own any of the lands required for the project.
- **Slides 4 and 6.** The Board needs to see historic projected storage volumes and water sources based on more recent water years (2003-2023). The more recent period has less wet, above normal, and below normal water years, and more critical water years.

- **Slide 4.** It would be better to compare to Anderson to Pacheco rather than Chesbro, which does not receive imported water. It would also be very helpful to overlay a line on these graphs showing fill and drain patterns based on actual hydrology from those years, providing a baseline to compare to the modeled results that are based on climate change projections.
- **Slide 15, 2023 Water Year Case Study.** This case study needs to be fully documented and provided to the Board and the public. The Board and the public need to know what assumptions were made about updated regulations and other new infrastructure. We also need to know how water releases for Pacheco Creek fisheries (based on 8-13 cfs and pulse flows of up to 45 cfs, as documented in the chart below), and for other water rights downstream are accounted for.

Table 3-3. Flow Release Schedule Under the Project and Alternative C (Variable Flow Schedule)

Month	Baseflow					Pulse Flow									
	Continuous Releases from New Dam Outlet (cfs)					Pulse Flow Target Magnitude at New Dam Outlet <sup>1,4</sup> (cfs)					Pulse Flow Duration <sup>1,4</sup> (days)				
PRII Water Year	W	AN	BN	D	C	W	AN	BN	D	C	W	AN	BN	D	C
January	8	8	8	8	8	30	30	35	35	0	5	5	5	5	0
February	8	8	8	8	8	30	30	45	45	30	5	5	5	5	5
March	8	8	8	8	8	30	30	50	45	35	8	8	8	8	8
April	8	8	8	8	8	25	25	25	25	25	14 <sup>2</sup>	14 <sup>2</sup>	14 <sup>2</sup>	14 <sup>2</sup>	14 <sup>2</sup>
May	10	10	10	10	8	25	25	25	25	25	7	7	7	7	7
June	11	11	11	10	8 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--
July	13	13	13	10	8 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--
August	13	13	13	10	8 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--
September	13	13	13	10	8 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--
October	13	13	13	10	8 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--
November	11	11	11	9	8	--	--	--	--	--	--	--	--	--	--
December	9	9	9	9	8	--	--	--	--	--	--	--	--	--	--

Notes:

- <sup>1</sup> The scheduled pulse flow would not be released in a given month if the target pulse flow magnitude and duration were exceeded at USGS streamgage 11153000 in Pacheco Creek.
- <sup>2</sup> 14-day total duration reflects two separate 7-day duration pulses.
- <sup>3</sup> Baseflow releases may be reduced to induce dryback in drought periods (may occur in Critical inflow years).
- <sup>4</sup> Pulse flows during January, February, and March would support adult SCCC Steelhead attraction. Pulse flows during April and May would support SCCC Steelhead smolt outmigration.

Key:  
 -- = Not applicable  
 AN = Above Normal  
 BN = Below Normal  
 C = Critical  
 cfs = cubic feet per second  
 D = Dry  
 D = Dry  
 PRII = Pacheco Reservoir Inflow Index  
 SCCC = South-Central California Coast  
 USGS = U.S. Geological Survey  
 W = Wet

Supplemental Feasibility Documentation, November 2021, p. 3-20.

**Water Supply Demand Management Committee, August 26, 2024**  
**Item 4.3, Unique Requirements for the Pacheco Reservoir Project**

Katja Irvin comments provided during this meeting:

- Thank you to the Directors for your questions and recognition of some of the Sierra Club's comments.
- As communicated in the Sierra Club comments, we are very disappointed in the minimal information/discussion provided about the unique challenges involved in the planning, design, and permitting for the new Pacheco Reservoir.
- I want to emphasize the questions about water rights for natural flows from North Fork Pacheco Creek. It is unclear how much water will be available and if it is worth the additional cost and time it will take to obtain this permit. I would also like to note that this is the first time I have seen a definitive statement that Valley Water will apply for water rights for natural inflow. It would be helpful have more detailed information about uses of natural inflow and process for obtaining this permit. Then I heard that this water is important for project viability, but maybe I misheard and that was about the 215 and 21 water. Hopefully that can be clarified.
- We look forward to seeing more in-depth information on these topics