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SENT VIA EMAIL (board@valleywater.org; clerkoftheboard@valleywater.org)

Santa Clara Valley Water District
Board of Directors
5700 Almaden Expressway
San Jose, CA 95118

**RE: 2.1. Water Supply Master Plan Monitoring and
Assessment Program Update 21-1045 2021
Request to Remove Pacheco Reservoir from 2040 Master Plan**

Dear Chair Estremera and Board Members:

This firm represents Pacheco Land and Cattle Co., LLC, owner of the 6,320-acre Lawler Ranch in southeastern Santa Clara County. A large portion of the ranch, including the historic cabin and associated structures, would be inundated by the proposed Pacheco Dam Project included in the Valley Water's 2040 Master Plan planning model evaluation. With its rich historic, agricultural, biological and cultural resources, this land is very special to the Lawler family. The family has used the ranch for recreational, grazing and other conservation-compatible activities for nearly 60 years.

Given the high risks, high costs and severe environmental damage associated with the Pacheco Dam Project, it should be removed from the Valley Water's 2040 Master Plan in favor of other projects with lower risk, higher water supply benefits and less severe environmental impacts. The materials provided with agenda item 2.1 show that other projects would better serve Valley Water's customers and spare Pacheco Creek and the surrounding lands from further damage.¹

The Pacheco Dam Costs are Too High

The Pacheco Dam would put overwhelming costs on Valley Water ratepayers and property owners. The "Project Costs" table included in Attachment 1 of the Board Agenda Memorandum shows just how expensive it would be. Pacheco Dam is the only

¹ It is unclear why the 2040 Master Plan does not include the BF Sisk Dam Raise and Reservoir Expansion Project at San Luis Reservoir in its analysis, which would provide additional storage capacity benefitting Valley Water.

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project to exceed one billion dollars, and that cost continues to balloon. Originally estimated to cost close to \$1 billion in 2017, that cost increased to about \$1.3 billion in 2019, and now, the estimated cost has nearly tripled to \$2.5 billion. The cost per acre-foot of storage would be an astonishing \$ 18,800 per acre-foot, more than twice the cost of the next highest acre-foot cost project included in today's materials. (Board Memo, p. 5.)

While funding for Pacheco Reservoir could theoretically come from multiple sources, adequate funding has yet to be secured and necessary project partners have not been identified. (April 14, 2021 Board Memo, Attachment 3, p. 1, Funding Options Table [identifying 14 possible funding sources].) According to the Project Risk Assessment in the current Board Agenda Memorandum, Pacheco Reservoir is a high risk, high cost project.² (Board Memo, pp. 5-7 and Attachment 3.)

Even with these high, yet-to-be-financed-costs, the project would not provide certain water supply conservation and storage benefits. Prior presentations to the Board have made clear that the project would not address the severities of water shortage during prolonged droughts, nor would it provide long-term drought supplies or new water supplies. (April 14, 2021, Board Memo, Attachment 1, p. 14.) The Pacheco Dam Project should not be included in the 2040 Master Plan when there are other lower risk options to meet Valley Water's long term needs without taking large amounts of private property or inundating important wildlife habitat areas.

The Dam Would Inundate Irreplaceable Habitats and Cultural Resources, Outweighing Claimed Benefits

The environmental damage that would be wrought by the Pacheco Dam project would be significant and permanent. The Dam would inundate an additional 1,192 acres of land, destroying pristine wildlands near Coe State Park, Cottonwood Creek Wildlife Area, as well as other protected lands. In addition to displacing wildlife from high quality riparian habitat, including increasingly threatened sycamore and valley oak woodlands, inundation would also hinder wildlife movement. Any speculative benefits to steelhead from potentially providing stored water releases into Pacheco Creek are far outweighed by the direct impacts to other wildlife in and adjacent to the proposed reservoir footprint.

² The "Cost" category is defined by numerous factors, including, but not limited to: uncertainty in cost estimate; undesirable water rate impacts; and economic fluctuations and instability.

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The proposed Dam inundation area is also rich in cultural resources. The area includes Native American sites over 3,000 years old, where generations lived, died and now rest in peace. Notable aspects of resources in the area include the diversity of artifact types, the presence of human remains and cupule rock art of etched circles, according to a 1993 journal report. Significant cultural resources continue to be identified in investigations concerning the Dam.³ These items have been repatriated to Amah Mutsun representatives, and then reburied. Along with being disruptive and disrespectful to the area's current landowners, disturbing these irreplaceable cultural resources shows a lack of respect for California's tribes.

* * *

The Board Agenda Memorandum states that this meeting is designed to ensure the Board has the necessary information to make investment and policy decisions. It is not economically sound for a public agency to pursue a project with very high risks, very high costs and very low rewards. In addition, damage to the environment and cultural resources in the Dam inundation area would be severe and permanent. We respectfully request that the Pacheco Dam Project be removed from the 2040 Master Plan and that Valley Water instead invest in lower risk, more environmentally benign water projects that will provide affordable water security for generations to come.

Very truly yours,
SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

cc: Valley Water Board Members
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³ See, e.g., <https://www.eastbaytimes.com/2017/08/16/human-remains-and-artifacts-found-at-proposed-dam-site/>.