



SIERRA CLUB

LOMA PRIETA CHAPTER

February 14, 2022

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5750 Almaden Expressway
San Jose, CA 95118

Via e-mail: PachecoExpansion@valleywater.org

RE: Pacheco Reservoir Expansion Project Draft EIR (State Clearinghouse #2017082020)

Dear Mr. Sexauer and Whom it May Concern,

The Sierra Club Loma Prieta Chapter respectfully submits the following comments on the Pacheco Reservoir Expansion Project Draft Environmental Impact Report (Draft EIR). The Chapter's Water Committee has followed Valley Water's water supply planning efforts for many years, and we regularly provide input from an environmental perspective. Our main goal is to protect open space and habitat for the benefit of people and native species. Therefore, we are concerned about the many negative environmental impacts that will result from the Pacheco Reservoir Expansion Project (Pacheco Reservoir Project). To make sure these impacts are avoided if feasible, analysis must begin with an accurate description of project objectives and a reasonable range of project alternatives. However, the Draft EIR introduces new objectives not previously documented for the Pacheco Reservoir Project and fails to consider any alternatives that could avoid or substantially lessen one or more of the significant effects.

Please respond to the following comments.

1. Project Objectives

The primary and secondary objectives of the Pacheco Reservoir Project don't make sense as follows.

To "[i]ncrease suitable habitat in Pacheco Creek for federally threatened [South-Central California Coast (SCCC)] steelhead through improved water temperature and flow conditions" is not a primary objective of the project. The project was conceived as a water supply project, plain and simple. The benefits to steelhead habitat were only added to meet the requirements of the Proposition 1 Water Storage Investment Program (WSIP). It is not appropriate for this to be changed to a primary objective in the EIR after years of contrary objectives for the Pacheco Reservoir project, as evidenced in the following documents.

- The 2011 San Luis Low Point Improvement Project (SLLPIP) Plan Formulation Report includes the Pacheco Reservoir as an alternative. The project description for Pacheco Reservoir in this report does not include any habitat improvements for steelhead.¹
- The 2019 San Luis Low Point Improvement Project Draft Feasibility Report adds "[p]rovide opportunities for ecosystem enhancement" as a secondary objective for SLLPIP, but not as a primary objective.² This document does not explicitly cite steelhead habitat as a project objective.

On the other hand, the secondary objective to “[i]mprove water quality and minimize supply interruptions, when water is needed, for Santa Clara and San Benito Counties, to increase operational flexibility for south-of-Delta contractors dependent on San Luis Reservoir” should instead be a primary objective. This objective is very similar to the primary objectives for the SLLPIP. The Pacheco Reservoir has long been identified as an alternative for the SLLPIP, as documented in the SLLPIP Draft Environmental Impact Statement / Environmental Impact Report (SLLPIP Draft EIS/EIR).³ Therefore, the following SLLPIP primary objectives should be primary objectives for the Pacheco Reservoir Project.⁴

- Avoiding supply interruptions when water is needed by increasing the certainty of meeting the requested delivery schedule throughout the year to south-of-Delta contractors, including SCVWD, dependent on San Luis Reservoir.
- Increasing the reliability and quantity of yearly allocations to south-of-Delta contractors, including SCVWD, dependent on San Luis Reservoir.

The objectives need to be changed to correctly reflect the reality and the history of the Pacheco Reservoir Project since it was first considered over 20 years ago. New objectives added to comply with WSIP requirements cannot suddenly become primary objectives of a long-considered water supply project. The Draft EIR should also clearly explain that new objectives were added for the purposes of WSIP.

2. Alternatives

The alternatives presented in the Pacheco Reservoir Draft EIR are insufficient. Dams that create on-stream reservoir capacity like Pacheco carry significant environmental risks and require thorough consideration of alternatives that avoid impacts to riparian habitat, fish species, and surrounding watersheds.

The alternatives presented in the Draft EIR are all design variations for the Pacheco Reservoir and all have similar environmental impacts. **The EIR needs to include an alternative that reduces significant environmental impacts and attains most of the project objectives, an alternative other than the Pacheco Reservoir (No Pacheco Alternative).**

One potentially feasible No Pacheco Alternative that attains most of the basic (primary) objectives of the Pacheco Reservoir Project but would avoid or substantially lessen any of the significant effects of the Project is to actively pursue dedicated storage through the Los Vaqueros Reservoir Expansion Project (LVR Project) and the B.F. Sisk Dam Raise and Reservoir Expansion Project (B.F. Sisk Project). Valley Water is already a partner in both of these projects and has the option to acquire additional storage as participation contracts for these projects are developed in 2022 and 2023 as follows.

- Valley Water staff has presented alternatives to reserve 30,000 to 50,000 acre-feet of dedicated storage in the LVR Project.⁵
- The B.F. Sisk Project will create at least 180,000 acre-feet of carried-over water in high-allocation water years.⁶ Valley Water Staff is coordinating with the San Luis & Delta-Mendota Water Authority (SLDMWA) to prepare an Activity Agreement to allocate costs to participants who seek potential storage benefits.⁷ Valley Water will have the ability to procure additional dedicated storage capacity as this process moves forward.
- The B.F. Sisk Project will result in at least 17,000 acre-feet annual average emergency M&I water supply.⁸ Valley Water could pursue additional investment in the B.F. Sisk Project to obtain a storage allocation for emergency supply.
- The San Luis Reservoir Expansion Alternative Plan is one of the alternatives analyzed in the 2019 SLLPIP Draft EIS/EIR.⁹ The B.F. Sisk Project expands San Luis Reservoir and

thus provides for this alternative. Therefore, the Pacheco Reservoir Project is not needed to fulfill the objectives of the SLLPIP.

- The plan for the Pacheco Reservoir Project is to reserve 55,000 acre-feet of storage for Valley Water and the San Benito County Water District for emergency storage and water supply reliability and to find partners to invest in the remaining available storage.¹⁰ It is clear that at least 55,000 acre-feet of dedicated and emergency storage can be obtained through participation in the LVR Project and the B.F. Sisk Project and therefore participation in these projects is a viable alternative to fulfill the primary objectives of the Pacheco Reservoir Project.

With the No Pacheco Alternative there is no WSIP grant and no reason to fulfill the secondary objectives included in the Pacheco Reservoir Draft EIR. However, the alternative can address the recently added objective to “[p]rovide opportunities for ecosystem enhancement”¹¹ as follows.

- There are other opportunities to increase suitable habitat in the Pajaro River watershed for federally threatened SCCC steelhead. The existing Pacheco Reservoir could be repaired and operated to provide water releases for steelhead. Downstream enhancements are also needed to provide better habitat, such as restoration of spawning gravel and estuarine rearing habitats (management of artificial sandbar breaching at the mouth of the Pajaro River).¹² The No Pacheco Alternative could include these actions or others that contribute to the ongoing South-Central California Steelhead Recovery Plan. Valley Water is a partner with NOAA Fisheries in this plan.
- The LVR Project would provide incremental Level 4 water supplies to south-of-Delta wildlife refuges. The B.F Sisk Project also could increase Level 4 refuge water supply deliveries.¹³ The No Pacheco Alternative would increase participation in the LVR Project and the B.F Sisk Project and thereby support additional refuge water supplies.

Conclusion

The project objectives documented in the Draft EIR must be updated to (1) reflect the objectives most recently documented in the 2019 San Luis Low Point Improvement Project Draft Feasibility Report, and (2) include a potentially feasible No Pacheco Alternative that attains most of the primary objectives of the Pacheco Reservoir Project but would avoid or substantially lessen any of the significant impacts. These changes will substantially change the analysis in the Draft EIR but are needed to comply with CEQA. Therefore, we look forward to having these comments addressed in a re-circulated Draft EIR.

Sincerely,



Gladwyn D'Souza
Conservation Committee Chair
Sierra Club Loma Prieta Chapter



Katja Irvin
Water Committee Co-Chair
Sierra Club Loma Prieta Chapter

Cc:
James Eggers, Sierra Club Loma Prieta Chapter Director
Brandon Dawson, Sierra Club California Director

¹ U.S. Department of the Interior Bureau of Reclamation, *San Luis Low Point Improvement Project Plan Formulation Report*, January 2011.

² U.S. Department of the Interior Bureau of Reclamation, *San Luis Low Point Improvement Project Draft Feasibility Report*, April 2019, page 1-8.

³ U.S. Department of the Interior Bureau of Reclamation, et al., *San Luis Low Point Improvement Project Draft Environmental Impact Statement / Environmental Impact Report*, July 2019.

⁴ U.S. Department of the Interior Bureau of Reclamation, *San Luis Low Point Improvement Project Draft Feasibility Report*, April 2019, page 1-8.

⁵ Santa Clara Valley Water District, *Water Storage Exploratory Committee Item 4.1, Los Vaqueros Reservoir Expansion Project Update, Attachment 2: Los Vaqueros Expansion Participation Scenarios*, April 5, 2021, page 2.

⁶ U.S. Department of the Interior Bureau of Reclamation and San Luis & Delta-Mendota Water Authority, *B.F. Sisk Dam Raise and Reservoir Expansion Project Final Feasibility Report*, December 2020, page 4-13.

⁷ San Luis & Delta-Mendota Water Authority, *Memo to SLDMWA Board of Directors RE: Resolution Authorizing Execution of B.F. Sisk Dam Raise and Reservoir Expansion Project Activity Agreement*, February 2, 2022, page 1.

⁸ U.S. Department of the Interior Bureau of Reclamation and San Luis & Delta-Mendota Water Authority, *B.F. Sisk Dam Raise and Reservoir Expansion Project Final Feasibility Report*, December 2020, page 5-7.

⁹ U.S. Department of the Interior Bureau of Reclamation, et al., *San Luis Low Point Improvement Project Draft Environmental Impact Statement / Environmental Impact Report*, July 2019.

¹⁰ Santa Clara Valley Water District, *Water Storage Exploratory Committee Item 4.3, Pacheco Reservoir Expansion Project Workshop Topics, Attachment 3: Partner Participation Brochure*, page 3.

¹¹ U.S. Department of the Interior Bureau of Reclamation, *San Luis Low Point Improvement Project Draft Feasibility Report*, April 2019, page 1-8.

¹² National Marine Fisheries Service, *South-Central California Coast Steelhead Recovery Plan*, December 2013, page 9-18.

¹³ U.S. Department of the Interior Bureau of Reclamation and San Luis & Delta-Mendota Water Authority, *B.F. Sisk Dam Raise and Reservoir Expansion Project Final Feasibility Report*, December 2020, Page 3-1