



Amah Mutsun Tribal Band of Costanoan/Ohlone Indians

Historically known as "San Juan Bautista Band and San Juan Band" Indians of California

PO Box 5272 | Galt, CA 95622

March 18, 2025

Fern Steiner, Chair
California Water Commission
PO Box 942836
Sacramento, California 94236
Sent via email to fern.steiner@cwcc.ca.gov, cwcc@water.ca.gov

Amah Mutsun Tribal Band comments re: Agenda Item 9, Water Storage Investment Program and the Pacheco Reservoir Expansion Project

Dear Chair Steiner and California Water Commission Members,

The Amah Mutsun Tribal Band (AMTB) submits the following comments regarding Agenda Item 9 for the Commission's meeting on March 19, 2025. It has come to our attention that the Commission will be considering options for reallocating funds previously earmarked for the Los Vaqueros Reservoir Expansion Project to other Proposition 1 projects, including specifically the **Pacheco Reservoir Expansion Project (Pacheco Dam)**.

Our tribe is gravely concerned about the scale of irreparable impacts that would result from the proposed Pacheco Reservoir Expansion Project project to our Tribal Cultural Resources including sacred sites, ceremonial sites, rock art sites and ancestral burial sites. We do not support the allocation of additional funding for the Pacheco project and encourage the Commission to instead direct these funds towards more environmentally responsible, culturally sensitive and fiscally sound initiatives.

We cannot overstate the cultural significance to the Amah Mutsun Tribal Band of the unique assemblage of sacred sites and village sites along the North Fork of Pacheco Creek that has been mapped through ongoing archeological surveys in the project area. The Draft EIR for the Pacheco Reservoir Expansion Project identifies 29 distinct cultural sites characterized as Tribal Cultural Resources located in the area of project impact. Among these sites is a village footprint estimated to be several acres in size, many examples of cupules/linear petroglyphs, scores of burial sites, and the largest ceremonial dance ground that our tribe has evaluated in any archeological investigation to date. In addition, large aggregations of culturally significant native plants valued by tribal members for food, crafting materials, and medicines contribute to the richness of the tribal cultural landscape.

If the proposed Pacheco reservoir or any of the four alternative projects identified in the Draft EIR is built, the most significant of these ancestral sites along Pacheco Creek area will be newly inundated by reservoir water and irreversibly damaged or rendered inaccessible through the process of project construction and sediment redistribution. As a result, the ability of our members to return as a tribe to these sacred grounds, honor the resting places of our ancestors, and bring ceremony back to the land would be compromised. In addition, the potential for long-term collaborative research projects at these significant pre-contact archaeological sites would be lost.

The cultural heritage of the North Fork Pacheco Creek tribal cultural landscape is important not only to the Amah Mutsun and other Indigenous peoples, but also for historians and scientists who recognize the unique eco-cultural resources that are contained within the landscape. Radiocarbon evidence suggests that the locality was continuously occupied by Native people for thousands of years, yet some recovered artifacts and sites within the project area have been dated to the Spanish mission era and the period following the secularization of the missions (after 1821), when some Mutsun people who survived the brutality of the Mission system returned to their ancestral village areas. Thus, the cultural heritage of the Pacheco area distinctly exemplifies Mutsun cultural persistence during a time when Native people are commonly understood to have vanished from the landscape.

On September 11, 2019, the California Native American Heritage Commission designated the Amah Mutsun Tribal Band as the Most Likely Descendant for the Project area. Through AB52 consultation, our Tribe has participated in extensive review of the Project proposal, assisted with archaeological survey and monitoring of the project APE, and has communicated our concerns to Valley Water in meetings, comment letters and other correspondence.

Recently, Valley Water has minimized the input of our tribe in ongoing AB52 consultation regarding the current Geotechnical Investigations for the Pacheco Reservoir Expansion Project by terming the consultation an “informal” process, due to a lack of clarity regarding an alleged requirement for our tribe to submit an additional formal request for consultation specific to the Geotechnical Investigations by a earlier deadline. In consideration of the fact that our tribe has been engaged with Valley Water since 2019 in continuous and ongoing AB52 consultation regarding the project overall, we consider this a bad faith action and are not satisfied with Valley Water’s consultation approach at this time. In addition, in light of past statements by representatives of Valley Water that have suggested or inferred that our tribe is supportive of the Pacheco Reservoir Expansion Project, we feel it is necessary to make unequivocally clear to the California Water Commission that our tribe is opposed to approval of the project due to its severe impacts to Tribal Cultural Resources.

The Amah Mutsun Tribal Band respectfully requests that the Commission not provide any further funding to Valley Water for the Pacheco Dam, and to instead fund water projects that avoid numerous significant and unavoidable impacts to important Tribal Cultural Resources, and that follow state law in regards to tribal consultation.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Valentin Lopez". The signature is fluid and cursive, with a long horizontal stroke at the end.

Valentin Lopez
Chairman, Amah Mutsun Tribal Band
vjltestingcenter@aol.com