

KEEPING PROMISES

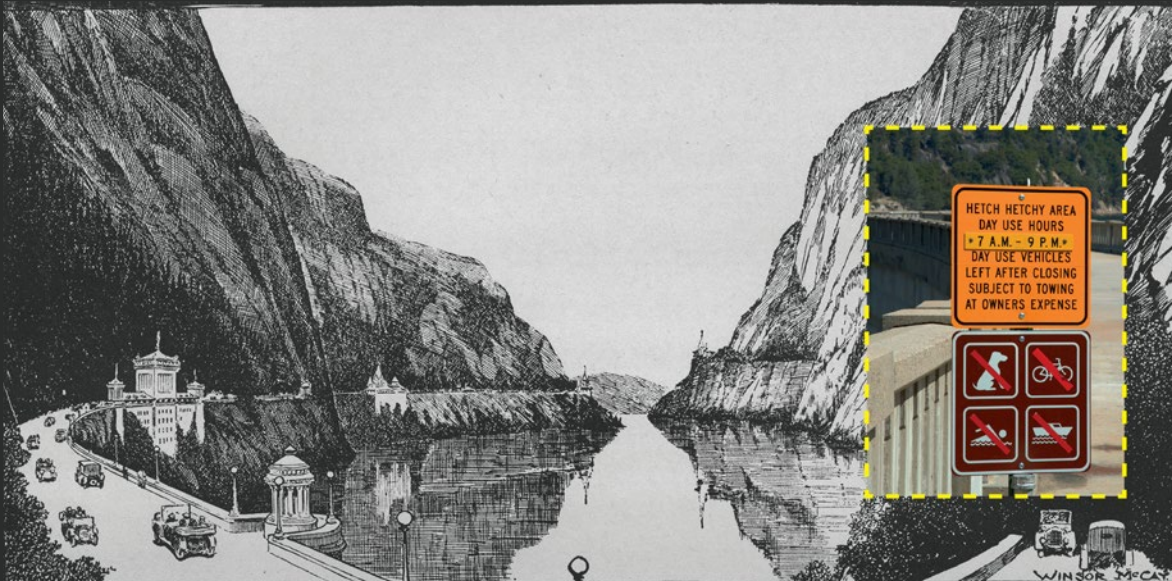
Providing Public Access to

HETCH HETCHY VALLEY

YOSEMITE NATIONAL PARK

Tuesday, December 2, 1913 Editorial Page San Francisco Examiner Tuesday, December 2, 1913

DOES THIS BEAUTIFUL LAKE RUIN THIS BEAUTIFUL VALLEY



THE REAL FACTS ABOUT HETCH HETCHY

Restore Hetch Hetchy



Cover images:

Editorial Drawing, San Francisco Examiner, Dec. 2, 1913, included the Special Edition published exclusively in Washington, DC, in advance of the hearing at the U.S. Senate. The San Francisco Examiner worked closely with City officials to advocate for damming Hetch Hetchy while assuring Congress park visitors would have ready access to the Hetch Hetchy area.

The sign on the O'Shaughnessy Dam illustrates the limitations of public access at Hetch Hetchy today. (Photo: Jennifer Witherspoon)

¹San Francisco Examiner, Dec. 3, 1913.

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YOSEMITE NATIONAL PARK

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Executive Summary

Hetch Hetchy was once a resplendent glacier-carved valley, with towering cliffs and waterfalls cascading onto a serene valley floor. Pioneering naturalist John Muir first visited Hetch Hetchy in 1871 and described it as a “remarkably exact counterpart” to the now world-famous Yosemite Valley.

The federal legislation that established Yosemite National Park in 1890 intended to protect Hetch Hetchy Valley, which lies within the park, “in perpetuity.” Subsequently, a highly controversial exception to the purposes of the park was made in the Raker Act of 1913, which granted the City of San Francisco permission to construct a dam that would flood the valley floor and create Hetch Hetchy Reservoir as part of an expanded water supply system.

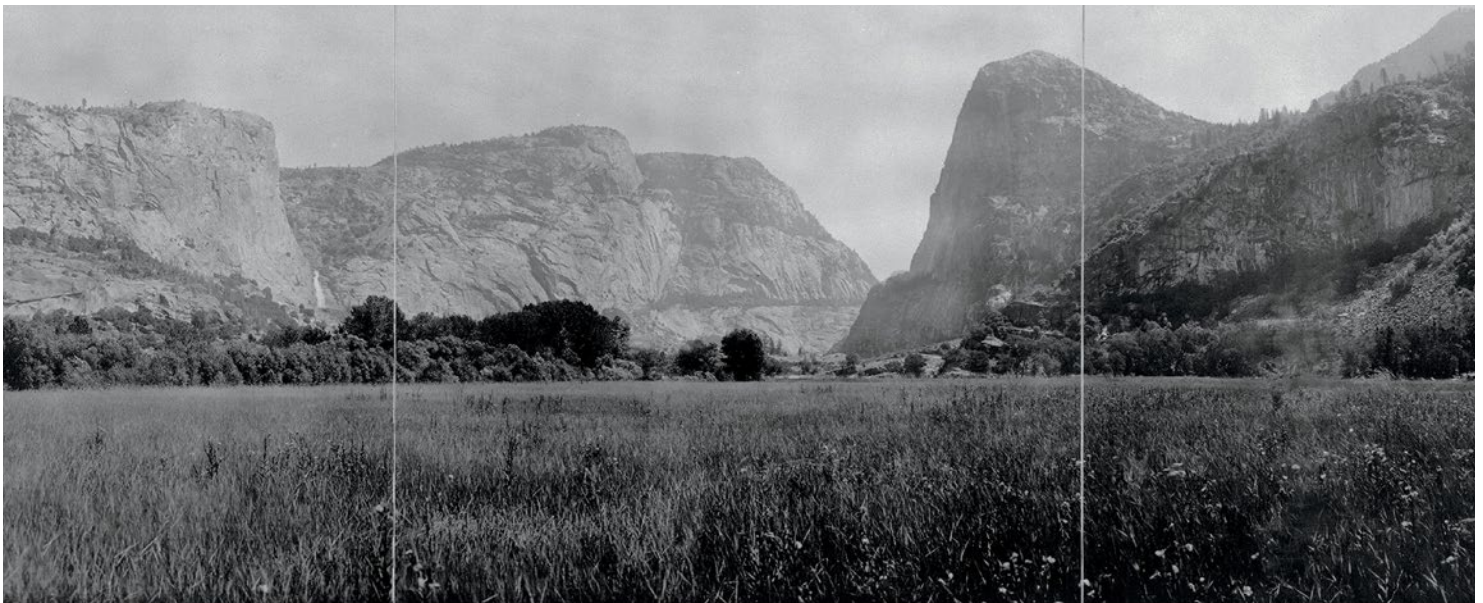
Setting aside the question of the appropriateness of continuing to allow a large dam and reservoir within a national park, the agreement between San Francisco and Congress includes provisions that, as a condition of building the dam, the Hetch Hetchy area would be improved for park visitors. San Francisco would be required to build certain roads and trails. Visitors would stay overnight, in lodges or in camps, and would be able to explore the canyon by boat.

Unfortunately, for the past century public access to Hetch Hetchy has been limited and few recreational opportunities

have been made available. San Francisco has exerted inordinate influence to keep the public at bay, discouraging visitors from becoming overly attached to the Hetch Hetchy area and questioning why the dam and reservoir are even allowed. In addition, the City fears greater public use would lead to increased water filtration obligations and associated costs, responsibilities which were explicitly anticipated by the Raker Act.

As a result of this breach of public trust and the intentions of the Raker Act, Hetch Hetchy is today the least-visited and most under-appreciated area of Yosemite National Park. Although Hetch Hetchy Valley is considered equal in splendor to Yosemite Valley, it receives barely 1% of the park’s visitors. There is no public transportation. There are few trails and no practical way to explore the magnificent canyon. Camping, lodging, boating and fishing have never been made available. The entrance gate is open only during limited daylight hours, so it’s the rare visitor who sees a sunrise or sunset at Hetch Hetchy.

Both the National Park Service and the City have wholly disregarded the agreement made with Congress when it granted permission to build a dam inside Yosemite — the only time in American history that such development has been allowed. By failing to provide recreational opportunities, San



Hetch Hetchy Valley in 1911. Two years after the picture was taken, Congress allowed the City of San Francisco to dam and flood the valley with the expectation that the surrounding area would be enhanced for park visitors. (Photo: Matt Ashby Wolfskill)



Hetch Hetchy Valley lies buried under 300 feet of water behind O’Shaughnessy Dam. The canyon walls are spectacular, but the lack of trails and prohibition on boating limit access to the area. (Photo: J. David Rodgers)

Francisco and the National Park Service are failing to keep the promises made a century ago.

It’s also important to recognize that our understanding and approach to national parks has changed since the Raker Act was passed. Not every specific proposal made in 1913 should be implemented precisely as originally proposed, but the mandate for public access to public parks is more important than ever and must be honored. Hetch Hetchy, especially with the reservoir in place, could not and should not accommodate the large number of visitors who go to nearby Yosemite Valley. Still, Hetch Hetchy is within Yosemite National Park, and much can be done to better attract visitors and provide them with an improved national park experience.

In this spirit, Restore Hetch Hetchy respectfully requests that the Department of Interior and the National Park Service, in consultation with the public, reexamine current management practices at Hetch Hetchy. Such a process must, of course, be consistent with the Raker Act and should include the interests of all park visitors as well as the City of San Francisco.

Restore Hetch Hetchy recommends that the National Park Service initiate a public process to consider the following actions:



EXPAND AND IMPROVE TRAILS

Rebuild footbridges across Wapama Falls so that the trail is safe under any reasonably foreseeable circumstance. Extend the trail on the north side of the reservoir to its upstream end and into the Grand Canyon of the Tuolumne as far as Pate Valley. Build trails to the summits of Kolana Rock and Hetch Hetchy Dome.



PROVIDE ACCESS BY BOAT

Employ a nonpolluting, electric tour boat for visitor use at Hetch Hetchy. Visitors should be provided the opportunity to go ashore at Tiltill Creek or at the upstream end of Hetch Hetchy Reservoir to hike, climb, fish, picnic or otherwise explore their park.



ALLOW CAMPING

Allow park visitors to camp at Hetch Hetchy. Improve and expand existing facilities. Yosemite National Park should also consider whether lodging at Hetch Hetchy is in the public interest.



KEEP THE ENTRANCE GATE OPEN

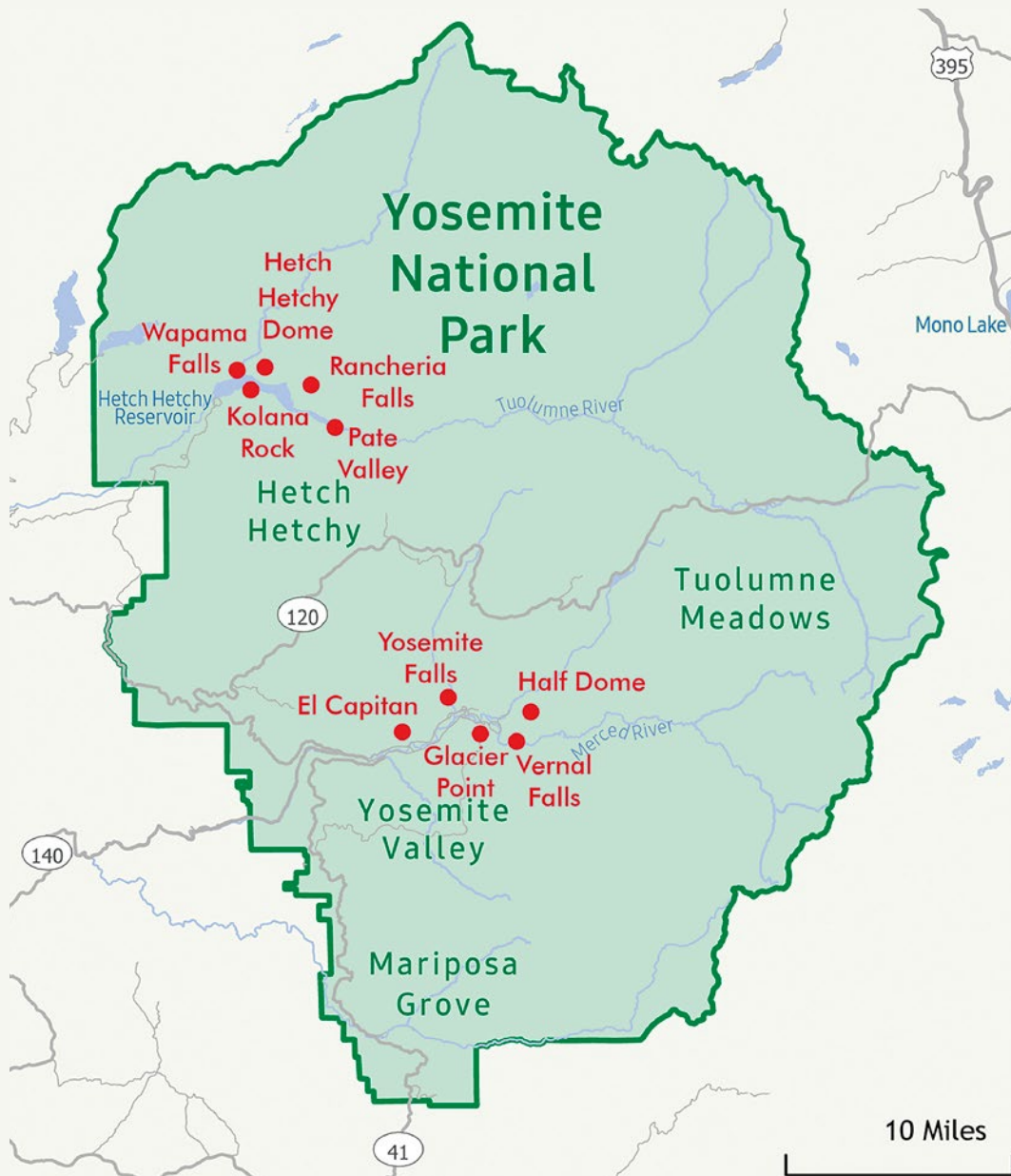
Provide public access to Hetch Hetchy 24 hours a day under normal circumstances, consistent with the practice at Yosemite’s Big Oak Flat, Arch Rock, South, and Tioga Pass entrances.



PROVIDE PUBLIC TRANSPORTATION

Implement shuttle service from the Stanislaus National Forest to Hetch Hetchy.

Selected landmarks in Yosemite National Park



Restore Hetch Hetchy believes the reservoir should be emptied and the valley returned to its natural splendor. Hetch Hetchy Valley should be managed by the National Park Service to support human visitors and wildlife alike without the development and congestion that is all too common in Yosemite Valley — 15 miles to the south. San Francisco should invest in modern improvements to its water and power system so it need no longer rely on storing water in Hetch Hetchy Valley to meet customer needs. Until these system improvements are implemented, however, San Francisco and the National Park Service must respect the letter and spirit of the agreement made in 1913 and provide a much improved visitor experience at Hetch Hetchy.

History of Hetch Hetchy

The History of Hetch Hetchy

Hetch Hetchy Valley was a “grand landscape garden”, but also an attractive place to build a reservoir



Hetch Hetchy Valley, like Yosemite Valley, was sculpted into its present shape by glaciers descending California’s Sierra Nevada. After the ice receded, both valleys featured sprawling meadows and woodlands, surrounded by iconic granite walls soaring upward — some of the most spectacular landscapes found on Earth.

For over 6,000 years, indigenous peoples lived in and used Hetch Hetchy Valley. During the summer, Miwoks and Paiutes came to Hetch Hetchy, hunting and gathering seeds and plants. The valley’s name may be derived from the Miwok word “hatchhatchie”, which means “edible grasses”. Tribal access to Hetch Hetchy was initially threatened by the Mariposa War of 1850-51 and eventually eliminated by law.

Yosemite Valley, more easily accessible than Hetch Hetchy in the 19th century, and the nearby Mariposa Grove of giant sequoias, were set aside in 1864 when President Abraham Lincoln signed the Yosemite Grant. As the popularity of the area grew, preservationists, led by John Muir, argued the larger surrounding area warranted protection as well. Yosemite National Park, including Hetch Hetchy Valley, was created in 1890.

Ever since the gold rush of 1849, however, the growing city of San Francisco was in chronic need of ever larger amounts of water. In 1894, George Harris wrote to San Francisco’s Committee on Water Supply suggesting that San Francisco import water from the Tuolumne River and Hetch Hetchy Valley.² In 1899, Mayor James Phelan purchased parcels of land in the Hetch Hetchy area and personally filed for water rights.³ Shortly thereafter, San Francisco asked the Department of Interior for permission to build a dam at Hetch Hetchy.

Hetch Hetchy’s narrow canyon, high elevation and granite watershed were attractive to San Francisco’s leadership.

While other sources were considered, the remote Hetch Hetchy Valley had several enticing advantages that would make the project more profitable. Only a relatively small dam would be necessary to plug the narrows at the downstream end of the valley. The elevation would allow hydropower production. Hetch Hetchy’s granite watershed would provide high-quality water.

Ethan Allen Hitchcock, Secretary of Interior for President Theodore Roosevelt, denied San Francisco’s request in 1903 and again in 1905 “for the privilege in question in the Yosemite National Park.”⁴ In February 1906, the San Francisco Board of Supervisors voted to abandon Hetch Hetchy from consideration: “resolved, that the city refrain from expending further money, energy or time in the futile attempt to acquire the so-called Tuolumne system.”⁵

Two months later, everything changed. On April 17, a devastating earthquake shook San Francisco. The ensuing fire burned down much of the city. Although there were adequate water supplies in local reservoirs, San Francisco was unable to fight the fire as pipes throughout the city were severed by the earthquake.

² (Taylor) Hetch Hetchy: The Story of San Francisco’s Struggle to Provide a Water Supply for her Future Needs, Ray W. Taylor, 1926, p. 30.

³ The Battle over Hetch Hetchy: America’s Most Controversial Dam and the Birth of Modern Environmentalism, Robert W. Righter, p. 50.

⁴ Taylor, p. 49.

⁵ Taylor, p. 60.

History of Hetch Hetchy

The same year, San Francisco's Mayor Eugene Schmitz was tried and convicted for corruption, including his part in a multi-million dollar bribery scheme with the Bay Cities Water Company to develop water on the American River. A plethora of supervisors resigned as a result of the scandal.⁶

In the wake of the earthquake and fire, San Francisco was determined to find additional water sources, but the City's new leaders were disinclined to follow the direction of the disgraced Mayor Schmitz. Former Mayor Phelan's plan to develop the Tuolumne River and dam Hetch Hetchy Valley was ripe for reconsideration.

Years of unprecedented controversy ensued, pitting San Francisco's municipal needs against Yosemite National Park, fiercely defended by "preservationists" and Muir's nascent Sierra Club. The struggle was the first of its kind, as the limits of manifest destiny were being realized and the American citizenry had begun to question the goal of industrial progress at all costs.

San Francisco petitioned again for a permit to dam Hetch Hetchy Valley, trusting that the devastation caused by the earthquake would create a more sympathetic environment. The City was right. James R. Garfield, Theodore Roosevelt's new Secretary of Interior (the son of former President James A. Garfield), granted San Francisco a permit. It would allow



Secretary Ballinger visited Hetch Hetchy at the behest of President William Howard Taft, and rescinded San Francisco's permit to build a dam. Secretaries James Garfield and Franklin Lane (former City Attorney of San Francisco) supported the dam without having visited Hetch Hetchy.

access to the Tuolumne River, the right to build a dam at Lake Eleanor in Yosemite immediately, and the right to build a dam at Hetch Hetchy at some point in the future.

President William Howard Taft replaced Theodore Roosevelt in 1909 and, later that year, spent 3 days with John Muir in Yosemite. Taft himself did not make the arduous journey to Hetch Hetchy, but instead sent his Secretary of Interior, Richard Ballinger, to the valley to see it for himself, with Muir as his guide.

Ballinger was moved by Hetch Hetchy's rare beauty. He was reluctant to allow a dam to be constructed inside Yosemite National Park, at least not without substantial review.

Ballinger rescinded the permit Garfield had issued and formally asked the U.S. Army Board of Engineers to evaluate San Francisco's proposal. Ballinger and Walter Fisher, his successor, asked San Francisco to "show cause" for the need to develop the Tuolumne River and to flood Hetch Hetchy Valley. In response, San Francisco hired engineer John R. Freeman, who would write a detailed, 400-page report for consideration by the Secretary and Army Board of Engineers.



In 1908-09, **Poet Harriet Monroe** (left) and **Naturalist John Muir** (right) testified before congressional committees about their experiences at Hetch Hetchy, prompting President William Howard Taft to visit Yosemite and reconsider the previous administration's decision to permit a dam in Hetch Hetchy Valley.

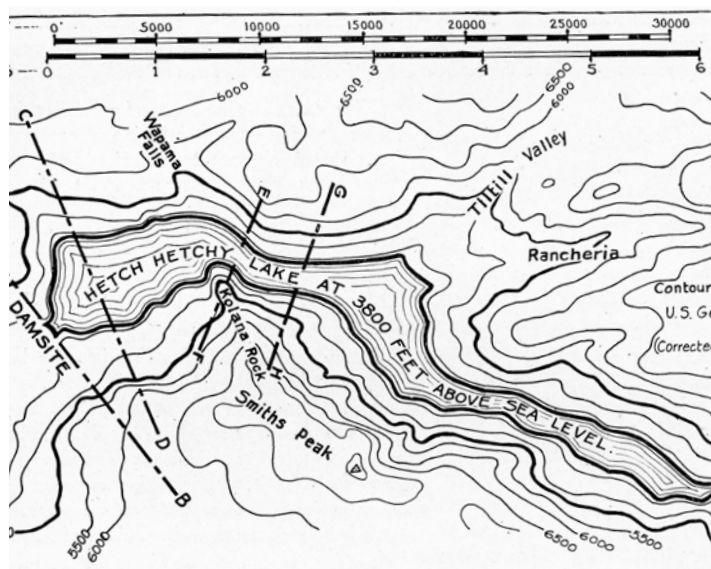
⁶ DAM!: Water, Power, Politics and Preservation in Hetch Hetchy and Yosemite National Park, John Warfield Simpson, 2005, p. 139

San Francisco Submits Freeman Report⁷

City cites urgent need to build a dam in Hetch Hetchy Valley; promises to improve area for park visitors

On July 14, 1912, Mayor James Rolph submitted the Freeman Report (“The Hetch Hetchy Water Supply for San Francisco”) to the Army Board and Secretary of Interior Fisher. Copies would later be provided to each member of Congress as it considered legislation.⁸

The Freeman Report, over 400 pages long, included not only engineering detail of San Francisco’s proposed project, but also substantial assurances that the dam and reservoir would enhance the Hetch Hetchy area and *improve* it for visitors. The



In addition to its assurances that Hetch Hetchy would be improved for park visitors, the Freeman Report provided extensive engineering details of the proposed project. The narrow dam site would reduce construction costs and the high elevation would accommodate hydropower production — making Hetch Hetchy attractive from a financial perspective.

City promised that the area would be used “for park purposes and for water supply purposes”, that there would be “no reason to exclude campers and picnickers” and that it would be “absurd” to claim otherwise.

The first 60 pages of the Report primarily explain how the Hetch Hetchy area would be improved for visitors when a dam was constructed. The Freeman report’s numerous commitments assuring that San Francisco would share Hetch Hetchy with the American people include:⁹

“Any statement that the use of Hetch Hetchy for domestic water supply storage would probably cause the exclusion of tourists and campers from the watershed tributary is utterly without foundation.”

“There is not the slightest possibility that the public will ever be excluded, or restricted from reasonable enjoyment, in either case.”

“Fishing along the tributary streams or in the upstream part of these reservoirs need not be prevented.”

“There is almost no end to similar examples that may be cited among communities that are highly intelligent and scrupulously careful about the sanitary condition of their water supply, in order to prove the utter absurdity of the statement industriously circulated that the use of the Hetch Hetchy as an impounding reservoir for the water supply of San Francisco would exclude from its watershed tourists and campers, now or in the future, or lessen the pleasure to be found within the limits of the Yosemite reservation.”

“The use of an area for one purpose does not interfere appreciably with its use for another purpose, and from the standpoint of conservation and the fullest use of the resources for the country there is every reason why the two uses should be combined and as far as it can be done advantageously, and the same area used for park purposes and for water supply purposes.”

⁷ (Freeman Report) “The Hetch Hetchy Water Supply for San Francisco, 1912”, John R. Freeman, transmitted to the Army Board of Engineers and Secretary of Interior on July 14, 1912.

⁸ (Clements) Clements, Kendrick A. “Politics and the Park: San Francisco’s Fight for Hetch Hetchy, 1908-1913.”

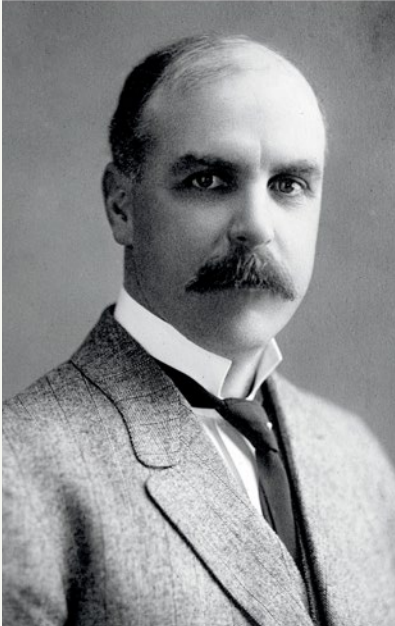
“The Freeman Report was a decisive weapon in the war over Hetch Hetchy. Recognizing its impact on the general reader, City officials sent a copy to every member of Congress” (Clements, p. 205).

⁹ Freeman Report, pp. 33,35,36, 52 and 56.

The Hetch Hetchy Water Supply for San Francisco

1912, John R. Freeman

Commissioned by San Francisco, submitted to the Department of Interior, the Army Board of Engineers and Congress



Secretary Fisher's Mandate to San Francisco

That on July 15, the City is to file its comprehensive plans (and explanations thereof) as to the proposed use and development of the Hetch Hetchy and Lake Eleanor valleys and watersheds, including the proposed sanitary restrictions and all supporting evidence as to the feasibility of those restrictions; that is also to file a general outline of the proposed method of conveying water to the city, including power development etc., all in sufficient detail to present clearly what is proposed and to enable the objectors to the use of the Hetch Hetchy by the city to present their views with respect thereto.

Mayor James "Sunny Jim" Rolph, later elected Governor of California, submitted the Freeman Report July 15, 1912, as instructed. Rolph heaped praise on the Freeman Report in his letter of submittal and praised Freeman personally for the *"intelligent zeal and loyalty which he has brought to the task."*



The Freeman Report, delivered to each member of Congress, promised access to the Hetch Hetchy Canyon by road along both sides of the reservoir. San Francisco later scaled the proposal back to only the north side, then to none at all. A hiking trail provides partial access, but leaves Hetch Hetchy Valley without access to its upper end or to the Grand Canyon of the Tuolumne River.

The Hetch Hetchy Water Supply for San Francisco

1912, John R. Freeman

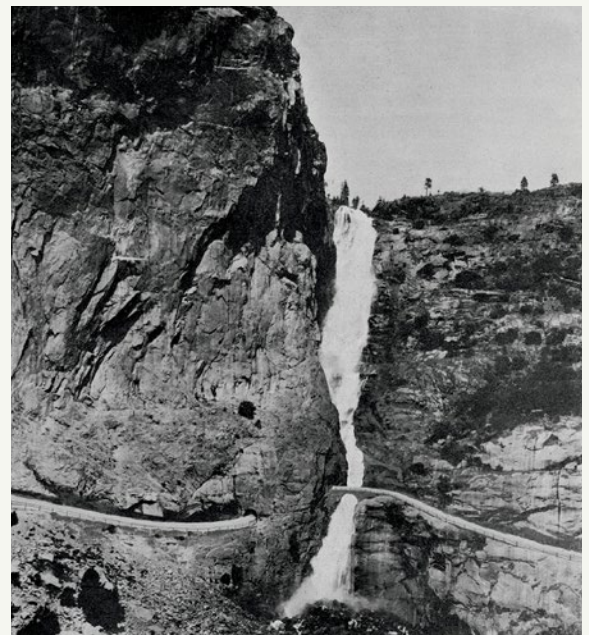
Commissioned by San Francisco, submitted to the Department of Interior, the Army Board of Engineers and Congress



The Freeman Report explained a hotel site at Hetch Hetchy Reservoir would be desirable and promoted the opportunity for visitors to explore by boat. (Even though many 21st century municipal reservoirs allow gas-powered boats, a quieter, zero-emission electric tour boat at Hetch Hetchy would be preferable.)



The Freeman Report explained “there was not the slightest reason the public would be excluded from reasonable enjoyment” of Hetch Hetchy, citing examples from the east coast and Europe.



The Freeman Report indicated San Francisco would build a road passing by the base of Wapama Falls. Instead, San Francisco financed a trail — easily the most popular hike at Hetch Hetchy. The footbridges at Wapama have led to several deaths during high water so the falls cannot be appreciated at their most spectacular.

The Army Board Report

Army Board Reviews San Francisco's Plan¹⁰

*Accepts City's technical findings,
reiterates commitment to provide recreation
in Hetch Hetchy area*

The Army Report, (“Hetch Hetchy Valley: Report of Advisory Board of Army Engineers to the Secretary of the Interior on Investigations Relative to Sources of Water Supply for San Francisco and Bay Communities”) was completed in early 1913. It was not based on independent investigation. Instead, the Army Report primarily reiterated some of the findings and recommendations previously presented by San Francisco's



Colonel John Biddle, lead author of the Army Board Report, concluded *“The Board believes that the regulations proposed by the city will be found sufficient to protect the waters from pollution, and that these regulations will trend towards the protection of campers and will not be onerous on them.”*

Freeman Report as it endorsed the proposal to dam Hetch Hetchy and other sites in the Tuolumne watershed.¹¹ In “A National Park Threatened”, the first of its six editorials on Hetch Hetchy published in 1913, The New York Times explained, “The engineers say in their report that they have merely passed on such data as were presented by the officials of San Francisco, since they had neither time nor money to investigate independently the various projects presented”.¹²

While not as politically effusive as the Freeman Report in praising how the Hetch Hetchy area would be improved for visitors, the Army Report did echo the same sentiments. The members of the Board agreed that the ability for people to boat on the reservoir would be an additional attraction for tourists.¹³

Furthermore, the report stated that the development of roads in the area would provide improved access and that the Board expected San Francisco to build the roads and trails at the Hetch Hetchy Reservoir for visitor use.¹⁴

The Army Board also provided assurance that hotels would accommodate tourists who wanted to visit the reservoir.¹⁵ The authors noted that the people who visited the Hetch Hetchy Valley camped on the valley floor. Since this area would be flooded when the dam was erected, San Francisco would need to compensate for the lost camping grounds.

In response to questions about possible visitor impacts to the reservoir's water quality, the Army Report agreed with San Francisco's sanitation experts, Allen Hazen and George Whipple, that there should never be a need to prohibit such activities.¹⁶ The Army Engineers also made clear that San Francisco should be prepared to filter its water if necessary.¹⁷

¹⁰ (Army Report) United States. Army. Corps of Engineers. Hetch Hetchy Valley: Report of Advisory Board of Army Engineers to the Secretary of the Interior on Investigations Relative to Sources of Water Supply for San Francisco and Bay Communities. Colonel John Biddle, Lieutenant Colonel Harry Taylor, and Major Spencer Cosby, 1913.

¹¹ (Army Report), p.12. “Details are found in the report, with appendices, furnished by the City of San Francisco.”

¹² New York Times, July 12, 1913

¹³ (Army Report), p. 31. “The possibilities of boating in the reservoir will be an additional attraction to certain classes of tourists.”

¹⁴ (Army Report), p. 29. “The general project is as follows: building roads and trails within the park for public use.”

(Army Report), p. 31. “As the number of campers increase in the park, and as better roads and trails make the valley more accessible, it would doubtless be more and more used, and its loss as a camping place become more serious.”

¹⁵ (Army Report), p. 31. “the construction of hotels and stopping places, will facilitate the fitting out of campers; the building of better roads and trails will make traveling more easy and rapid.”

¹⁶ (Army Report), p. 32. “There will never be a need for prohibiting camping, skating, and sleighing on the Hetch Hetchy catchment area.”

¹⁷ (Army Report), p. 33. “The board is of the opinion that the regulations proposed will prove sufficient to protect the water supply, and will further protect and not be onerous on campers. It is recommended, however, that the permit provide no further restrictions will be allowed (sic), and that if these regulations are deemed at any time insufficient the city will filter or otherwise protect its water.”

(Army Report), p. 32. “We cannot conceive it as even remotely possible that future conditions could call for the exclusion of tourists or campers from this watershed when guarded by the above rules and a very few sanitation inspectors; and should popular sentiment or higher standards as regards to water supply arise 50 years hence there will always remain the opportunity for filtration.”

Congressional Committee Considers San Francisco's Request¹⁸

Substantial debate over proposal; broad agreement to improve Hetch Hetchy area for park visitors

On June 13, 1913, the Committee on the Public Lands of the United States House of Representatives convened to discuss the proposed legislation that would grant San Francisco the right to develop a water system in the Stanislaus National Forest and in Yosemite National Park, including Hetch Hetchy Valley. The discussion was lengthy, far-ranging and, like many public hearings, a bit disorganized at times. Overall, however, members and witnesses alike clearly supported continued visitor access and recreation in the Hetch Hetchy area after a dam was constructed.

Secretary of Interior Franklin Lane complained that there was no road to Hetch Hetchy. Lane was San Francisco's former City Attorney and played a pivotal role in the House hearing. He had been named Secretary of the Interior by President Woodrow Wilson with the expectation that he would promote the City's proposal to dam Hetch Hetchy.¹⁹ Lane explained that

he had been unable to visit Hetch Hetchy as there was no good road, and said the valley needed to be accessible to tourists. He stated that approval of the dam would provide funds for road construction and maintenance²⁰ and that a road would allow tourists to see the beauty of the area in places presently accessible only by hiking.²¹

Congressman John Raker (CA-Manteca), who would be the Act's sponsor and its namesake, agreed with Secretary Lane, saying that roads would be a "great convenience to the traveling public."²² Others agreed, including Scott Ferris, the Committee Chairman, who stressed that roads would make the area accessible so tourists, including those from different economic levels, could appreciate the scenery of the area without having to pay for guides.^{23,24}

Secretary Lane also focused attention on camping after the reservoir was built. He noted that the reservoir needed protection for sanitary purposes, but camping in the Hetch Hetchy area should not be hindered.²⁵ He said the proposed sanitation rules provided enough protection so "thousands of campers" would be able to visit this area.

Percy Long, San Francisco's City Attorney, also made concessions on behalf of the City. He offered to create a free camping ground that would offset the camps that would be

¹⁸ (House Hearing) *Hetch Hetchy Dam Site: Hearing before the Committee on the Public Lands, House of Representatives, 63rd Cong. 1st sess., June 26, 1913.*

¹⁹ Horace Albright Memoir, p. 35.

²⁰ (House Hearing), p. 10. "... the people of San Francisco, in building this dam and in making these improvements, will necessarily build roads in there, and if they undertake to carry on what are very large improvements within the park area it will make the high Sierras accessible to the people of the State. Besides that, if this water power is developed we ought to get a large revenue, and that revenue can be used to build roads and carry on improvements in the park that will make Hetch Hetchy available, and will make that whole portion of the park accessible to hundreds of thousands of people who never will have any chance to go in there if it remains as present."

²¹ (House Hearing), p. 26. "There are a large number of beauty points that cannot be reached at all except upon foot that could be made easily accessible to the great mass of the people if we had the money with which to build roads."

²² (House Hearing), p. 21.

Mr. Raker: "And the bill also provides for keeping in proper shape all road crossings and other places, so that there can be no inconvenience to the traveling public?"

Secretary Lane: "They will be kept in such shape as to be of great convenience to the traveling public."

²³ (House Hearing), p. 34.

Chairman Ferris: "I want to inquire of you whether, in your opinion, the opening of these roads, trails, and approaches might not have the effect of enabling poor people to get in there and enjoy the park?..."

Secretary Houston: "I think that very likely."

²⁴ (House Hearing), p. 99.

Chairman Ferris: "Don't you think, as a matter of fact, that the roads, trails, telephones, etc., that would come with this water supply development, would enhance the usefulness of the park from the standpoint of poor people who cannot now go there?"

Col. Biddle: "Yes, sir."

²⁵ (House Hearing), p. 22. "I think a system of rules can be worked out which will entirely protect that river as a source of water for the municipality, and that instead of the people being kept from the sides of this stream that the stream will become accessible to thousands of campers every year who never dared to dream of going up into the high Sierras. I am advised by engineers who are familiar with that subject that that is undoubtedly fact."

The House Hearing



Franklin Lane, San Francisco's former City Attorney, was appointed Secretary of Interior by President Woodrow Wilson, for the express purpose of marshaling the Hetch Hetchy bill through Congress.

destroyed when the dam was built. It would serve people who wish to explore and visit Hetch Hetchy Valley.²⁶

Throughout the House hearing, members discussed hotels as an expected amenity to provide lodging for the many tourists

coming to visit the Hetch Hetchy Reservoir. Secretary Lane testified that the completed reservoir would attract tourists and they would need a place to stay. Ideally, lodging would come in the form of hotels and inns.²⁷

Congressman Raker discussed his vision of what the valley would look like after the reservoir was built.²⁸ It would be a place where people could go visit for the day or camp overnight in the area. Raker imagined cottage-like facilities to house tourists as they explored the Hetch Hetchy area of Yosemite National Park. There would be multiple places where visitors could spend the night while visiting Hetch Hetchy.²⁹

Moreover, Congressman Raker supported boating on the Hetch Hetchy Reservoir as a way for people to explore and enjoy the canyon. Secretary of Agriculture David Houston agreed with this view. Congressman Raker said that boating would not inhibit San Francisco's ability to store water in the reservoir, and that boating and other forms of recreation would be managed by the Secretary of the Interior.³⁰

Mr. William Denman, an attorney from San Francisco, testified before the Committee and specifically addressed various modes of recreation that could be made available to those visiting the valley after the reservoir was constructed. Denman said the reservoir might be stocked with black bass, so boats could be used for fishing as well as for exploring the canyon and admiring its scenery. Congressmen Denver Church and Chairman Scott Ferris agreed that boating would be popular with both sightseers and fishermen.³¹

²⁶ (House Hearing), p. 201. "The reason we bought those lands was to provide free camping grounds for those who camp in there and who would be deprived by the submerging of the Hetch Hetchy Valley of the camping facilities in the valley."

²⁷ (House Hearing), p. 26.

Secretary Lane: "... we want good hotels; we want inns"

Secretary Lane: "... we could build a better character of bridges and we could build trails. We could put up inns, and that would be of great benefit to the whole country."

²⁸ (House Hearing), p. 22. "I think a system of rules can be worked out which will entirely protect that river as a source of water for the municipality, and that instead of the people being kept from the sides of this stream that the stream will become accessible to thousands of campers every year who never dared to dream of going up into the high Sierras. I am advised by engineers who are familiar with that subject that that is undoubtedly fact."

²⁹ (House Hearing), p. 391.

Mr. Raker: "Is it not possible that there is plenty of room in places that buildings could be erected for summer homes?"

Mr. Denham: "Yes; there are many sites in those hills where camping ground could be had, where cottages could be put in, where small hotels could be erected, and there are throughout the hills various meadows which are available for pasture."

³⁰ (House Hearing), p. 392.

Mr. Raker: "So, then where there are small towns, and even further in the Hetch Hetchy, there would be plenty of places where the very best accommodations could be made, and people could drive in and see all that country and come back or take a little material with them and stay a day or two and come back, and there would be many come in where there are not many now."



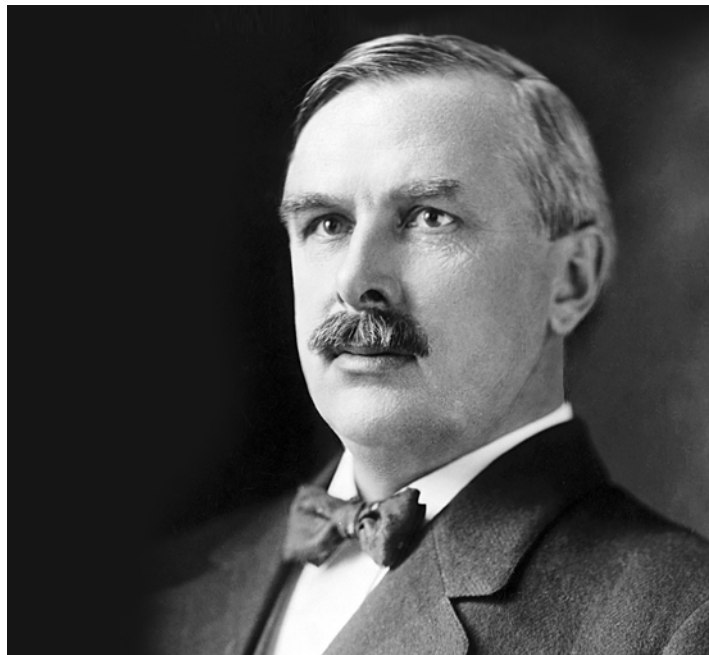
Congressman Scott Ferris of Oklahoma, Chair of the Committee on Public Lands, supported boating on the reservoir and was particularly concerned that people of modest means would be able to visit Hetch Hetchy.

Michael Maurice O’Shaughnessy, San Francisco’s City Engineer, testified that a road would be constructed along the entire north side of the reservoir. He did not object to boating, but opined a road would allow tourists to visit all the scenic features along the Hetch Hetchy Reservoir — making boats unnecessary.³²

Raker agreed with the Freeman and Army reports that if, as a result of boating and camping, filtration of water was required,

the burden would be on San Francisco and not on Yosemite National Park.³³

During the lengthy hearing no member or witness opined at any time that camping or lodging near the reservoir should not be allowed, that boating should not be permitted or that the entrance gate at Hetch Hetchy should have restricted hours.



Congressman John Raker introduced legislation at San Francisco’s behest. Raker represented Manteca, a principal gateway city to Yosemite, and strongly supported improved access to Hetch Hetchy.

³¹ (House Hearing), p. 389.

Mr. Church: “It would be stocked with black bass, would it not, probably, and certain other fish?”

Mr. Denman: “I think it would.”

Mr. Church: “Then there would be boating there, which naturally would be an added attraction?”

Mr. Denman: “Really, frankly, I doubt whether very many people would go over to boat on that lake. It would add to its attraction, but the real people who go into the Sierras do so for just the thing Mr. Whitman states, the isolated beauty of these various places.”

The Chairman: “Is it not quite likely that those who go there for the mere beauty would want to get a view from the water, and that therefore boating would be rather popular, because the view from the water is vastly enhanced?”

³² (House Hearing), p. 239.

Mr. Graham: “Will it be necessary for tourists to go out on the lake in boats in order to see and admire the scenery?”

Mr. O’Shaughnessy: “No, sir; there is provision made in the act by which a road and trail shall be built on the north side of the lake from which observation can be made of all the attractive features and scenery in the mountains surrounding it.”

³³ (House Hearing) p. 36.

Mr. Raker: “If these are provided as designated, and with the further provision that, if there is any change required, the city and county of San Francisco may filter this water and not put any more burden upon the park, and that the park shall be used as it is used now, with roads and trails provided and also boating on the reservoir, would not this use add to the value of the park instead of detracting from it?”

Secretary Houston: “I think so. I think this would adequately protect the park.”





Promises of access to Hetch Hetchy Valley have never been kept. The upper half of the valley and its connection to the Grand Canyon of the Tuolumne River can only be reached by difficult off-trail hiking – infeasible for most park visitors and inconsistent with the expectations of Congress when it passed the Raker Act.
(Photo: Joe Braun citrusmilo.com)

The Senate Hearing

United State Senate Hearing on Hetch Hetchy³⁴

Project approved after lengthy hearing, park users to be protected

After passing the House of Representatives, the Raker Act moved to the United States Senate. The debates took place beginning December 1, 1913 and continued for several days.



Senator Henry L. Myers, Montana

Some Senators expressed concern that allowing recreation and camping near the reservoir could affect the cleanliness of the reservoir. Senator Henry L. Myers (MT), a member of the Committee on Public Lands and supporter of the Raker Act, read aloud the conditions San Francisco had consented to

follow if the bill was passed. Only a few restrictions would be placed upon the campers and no additional sanitary burdens could be imposed by San Francisco.³⁵

Senator George Clement Perkins, who represented California for more than 20 years, agreed that the restrictions placed upon campers within Yosemite National Park were more than adequate for protecting water supply.³⁶ Allen Hazen, the engineer who had helped write the Freeman Report, also explained that the regulations in place would be sufficient

for protecting the water supply (as he had earlier done for the House Committee).³⁷ Senator Porter J. McCumber (North Dakota) agreed — that any water quality concerns would be resolved through the construction of a filtration plant by the City of San Francisco.³⁸

Testimony of George Otis Smith, Director of the U.S. Geological Survey, was read aloud during the Senate hearing. Smith's testimony stressed the importance of the park as a place of recreation for the general public. He recommended specific activities, including boating in the summer.³⁹

Senator Myers discussed the location of campgrounds around the Hetch Hetchy area. Myers explained that a reservoir would destroy all the campgrounds in the basin but that there were other nearby areas that could be used for camping.⁴⁰



Geologist George Otis Smith visited Hetch Hetchy with Secretary Ballinger and John Muir in 1909.

³⁴ (Senate Hearing) Proceedings and Debates of the Sixty-Third Congress, Senate, 63rd Cong. 2nd sess., December 1-6, 1913.

³⁵ (Senate Hearing), p. 6. "Campers are to be restricted by only a few simple sanitary regulations, which are fully set forth and can never be amplified by the city."

³⁶ (Senate Hearing), p. 236. "The measures necessary for the protection of the campers in the Yosemite National Park, and now in force, are all that are required to protect the people who will use the water from the proposed water supply system. In fact, the regulations necessary to protect campers are more than ample for protecting the water supply."

³⁷ (Senate Hearing), p. 258. "the restrictions which would be imposed upon campers for the protection of other campers within the park would be abundantly sufficient for the protection of users of the water after it has passed through the reservoir."

³⁸ (Senate Hearing), p. 384. "If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant."

³⁹ (Senate Hearing), p. 240. "I also take this opportunity of expressing my view that the construction of a permanent lake in the Hetch Hetchy Valley will add to the beauty and usefulness of the park. Every place where there is water is a center of attraction... and when it is realized that this lake will be made accessible by an automobile road, will be open for boating in summer and skating in winter, and that no restrictions will grow out of the use of all the tributary area that are not necessary for visitors on their own account, the increased usefulness of the park growing out of this development is apparent"

⁴⁰ (Senate Hearing), p. 19. "I believe that making a lake there will make it more beautiful; and the only thing the lake will do otherwise than to enhance the beauties will be to prevent the use of the basin for camping purposes. The report of the investigation shows that . . . there are many other places that offer fully as good facilities in that section for campers."

He then said San Francisco would be responsible for funding construction that could be used by visitors so that they may enjoy the area.⁴¹

The two reports and the Congressional hearings reflected consistent themes. Using Hetch Hetchy Valley as a reservoir

would have only minor effects on park visitors. San Francisco would make the area *more accessible* with construction of roads and trails. There would be camping in the area as well as cottages or hotels, and boating on the reservoir would be an added attraction for visitors. Even though the valley floor would be covered, the area would be enhanced for park visitors.

San Francisco was warned in each of the reports and in both the House and Senate hearings that it might have to filter the water to maintain its quality — as almost all municipal water systems do. At no time did the City opine otherwise.



President Woodrow Wilson and wife Edith.

Raker Act Signed into Law

*President Wilson signs bill,
San Francisco required to improve access*

The Raker Act passed the Senate and was signed into law by President Woodrow Wilson on December 19, 1913. The legislation provided San Francisco authorization to build dams at Hetch Hetchy, Eleanor and Cherry Valley, as well as associated pipelines and powerhouses.

The Raker Act includes specific provisions to protect San Francisco's water quality but also stipulates that those protections are expressly limited and that San Francisco cannot require any additional restrictions.⁴²

⁴¹ (Senate Hearing), p. 19. "They are to spend hundreds of thousands of dollars in constructing roads in this park and in that section of the country in order that visitors and campers who visit there to enjoy the beauties of nature, and who are seeking recreation and health, may have better facilities for getting around and viewing."

⁴² Raker Act, Section 9 (a). That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within three hundred feet thereof.

Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, ruin any way pollute, the water within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within one mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

The Raker Act

These limited provisions include:

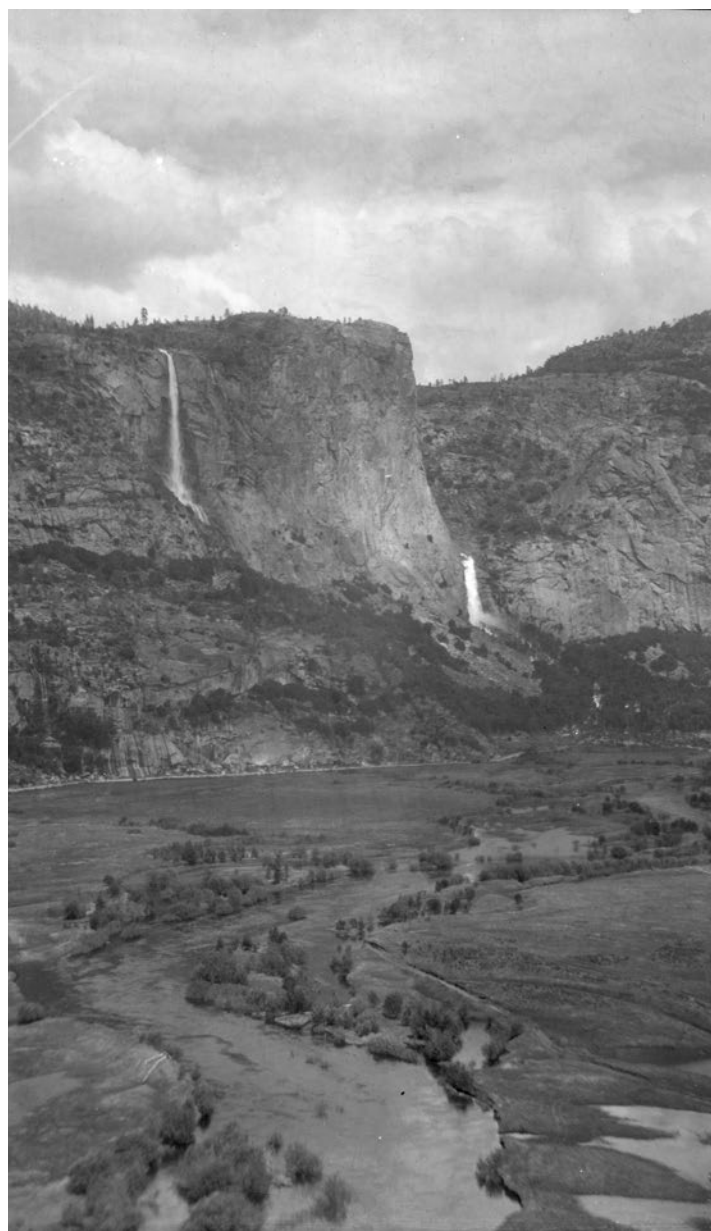
- No human excrement, garbage or other refuse in the reservoir or in any stream within 300 feet.
- No bathing, washing clothes or dishes, and watering stock in the reservoir or on any streams within 1 mile of the reservoir.
- Sewage from all permanent camps and hotels in the watershed must be properly filtered or otherwise purified.

The Raker Act also clearly states that San Francisco is responsible for the cost of compliance with all sanitary regulations, including the cost of building and operating a filtration plant (as almost all water utilities do) if necessary.

The Raker Act required that San Francisco build roads and/or trails in four places.⁴³ These include:

- A road or trail on the north side of the reservoir;
- A road or trail to Lake Eleanor;
- A road to the Hetch Hetchy dam site from Hog Ranch (now named Camp Mather); and
- The “Hetch Hetchy Loop Road”, connecting Camp Mather to the Tioga Road via Smith Peak, with an overlook into the Hetch Hetchy Canyon.

The Raker Act neither mandates nor precludes lodging or camping in the immediate vicinity of the reservoir. Similarly, the Raker Act neither mandates nor precludes boating on Hetch Hetchy Reservoir. These activities were part of the agreement made between San Francisco and Congress, and are permissible at the discretion of the Department of Interior and National Park Service.



The Raker Act allowed the floor of Hetch Hetchy Valley to be flooded, but included provisions assuring that the surrounding area could be used by park visitors. (Photo: United States Geological Survey)

⁴³ Raker Act, Section 9(p). That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section four, township one south, range twenty-one east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands, for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site. That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture according to their respective jurisdictions.

Compliance With The Raker Act

Compliance with Raker Act Requirements

*Significant disputes between
City and National Park Service in
the years following completion of
Hetch Hetchy Reservoir*



James D. Phelan, Mayor of San Francisco (1897-1902) and U.S. Senator (1915-1921), personally filed for San Francisco's water rights on the Tuolumne River traveled to Washington, DC, for the Senate hearing in 1913. Back in San Francisco when President Wilson signed the Raker Act, Phelan announced "*We have secured possession of a domain of not only Hetch Hetchy Valley, but of 640 square miles as well . . .*"

the Supervisors responded by saying they would have the Raker Act amended.⁴⁵

In 1927, Secretary of Interior Hubert Wolk wrote Mayor Rolph, reminding him of San Francisco's obligations under the Raker Act with respect to road and trail building and reprimanding the City for not having responded to earlier entreaties to do so in 1925 and 1926. Wolk issued a "formal request" that the City take action at once. Wolk also exercised his discretion provided by the Raker Act regarding the road or trail on the north side of the reservoir, opting for a "wide and serviceable" trail for the "full length thereof."⁴⁶

O'Shaughnessy pushed back. He noted that the Raker Act did not mandate a specific timeframe for San Francisco to meet its obligations and complained about the high cost of compliance. Mather appeared again before the San Francisco Board of Supervisors, explaining that Interior's plan would save San Francisco a considerable sum since the City would only need to finance a trail, not a road, on the north side of the reservoir.⁴⁷

Interpretation of the Raker Act's terms regarding recreation and access to the Hetch Hetchy area led to significant disagreement between San Francisco and the Department of Interior. Most of this bitter dispute took place in the late 1920s, after Hetch Hetchy Valley had been dammed but before San Francisco could complete the Coast Range Tunnel and deliver Tuolumne River water supplies to the Bay Area.

In 1925, when San Francisco had not made satisfactory progress implementing the Raker Act's requirements, Yosemite Superintendent W.B. Lewis asked Yellowstone Superintendent Horace Albright for his help with San Francisco's recalcitrance. Lewis understood Albright could get the attention of National Park Service Director Stephen Mather and, if necessary, the Secretary of Interior. Lewis wrote: "I always felt and still feel that the powers that be in the city have as their ultimate aim that of excluding the public not only from the area in the immediate vicinity of Hetch Hetchy but from the entire quality watershed including Tuolumne Meadows."⁴⁴

Albright agreed with Lewis. He documented a particularly contentious meeting at the Ahwahnee Hotel in Yosemite Valley where some San Francisco Supervisors were intoxicated and rowdy (one shot a cap gun at a meeting and others lit firecrackers in the dining room). Albright opined it was evident the Supervisors had not read the Raker Act. They argued about the quality of roads that were required. Albright noted "there was never any intention to keep people out of the Tuolumne River watershed, nor did the Raker Act contemplate such restriction of use." When Albright explained the Raker Act provision that San Francisco might "have to chlorinate or filter the water the same as every other city is doing today",

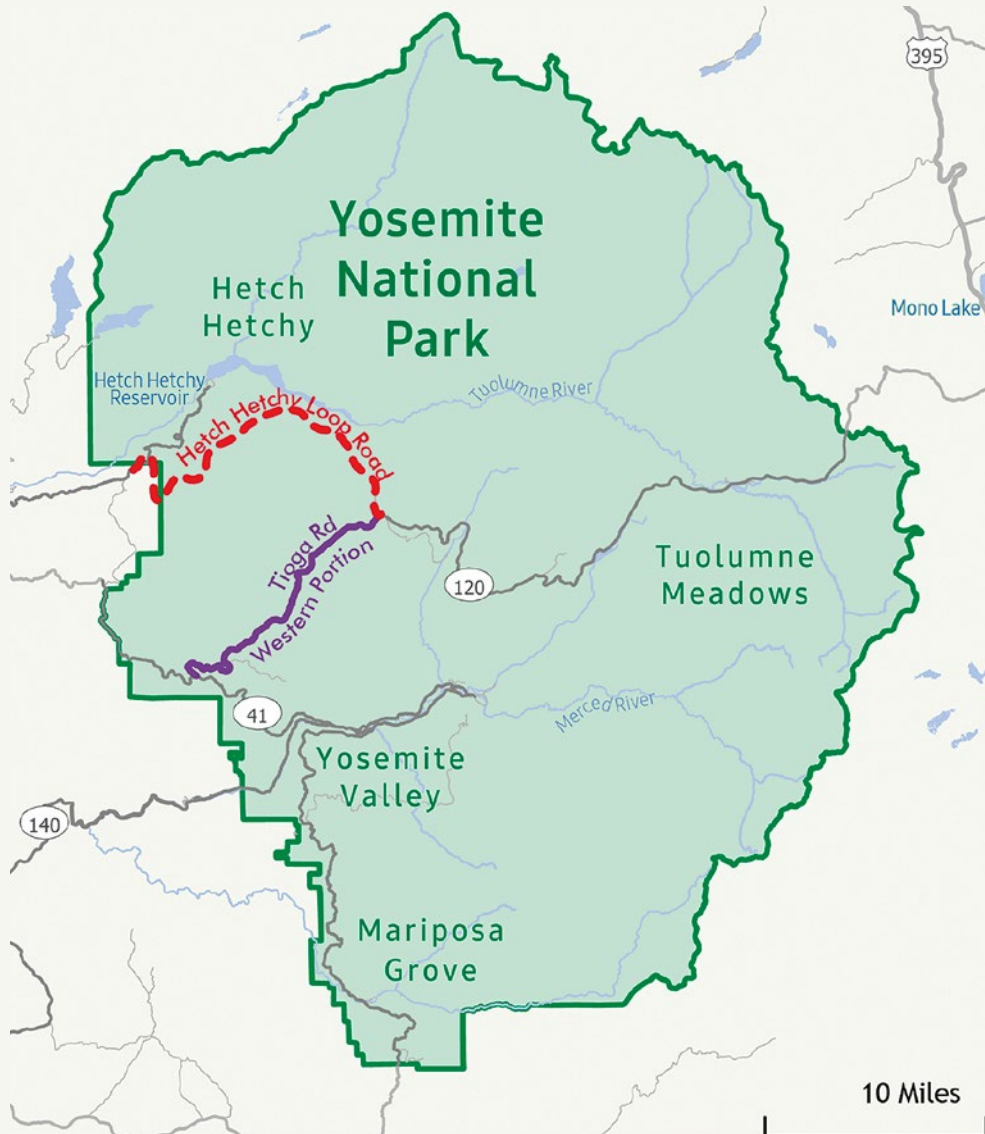
⁴⁴ W.B. Lewis to Horace Albright, November 30, 1925.

⁴⁵ Horace Albright letters, July 6, 1926.

⁴⁶ Secretary Hubert Wolk to Mayor James Rolph, July 7, 1927.

⁴⁷ San Francisco Board of Supervisors Minutes, August 8, 1927

The Hetch Hetchy Loop Road *Required by Law, Never Built*



In spite of the Raker Act's plain language, The Hetch Hetchy Loop Road was never built – a violation of law as explained in letters between federal officials in 1938 and 1940. Instead, funds supplied by San Francisco were applied to build the Tioga Road in its current location.

The Hetch Hetchy Loop Road would have directed much of Yosemite's future automobile traffic along a more northerly route, closer to Hetch Hetchy and with a scenic overlook into the canyon from the shoulder of Smith Peak. The road's absence leaves Hetch Hetchy isolated in a remote corner of Yosemite, with few recreational opportunities and a gate that is often closed. Much of the general public is not aware of the spectacular canyon, so it does not seek access to Hetch Hetchy.

Compliance With The Raker Act

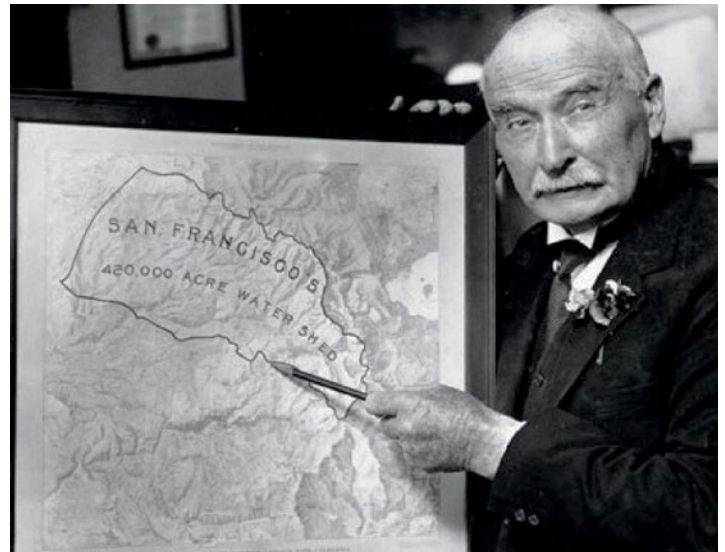
The impasse was unresolved a year later when a luncheon was held at the Ahwahnee in honor of Congressmen Burton French (Idaho), Edward Taylor (Colorado) and Louis Cramton of Michigan. Cramton used the occasion to vent his frustration with San Francisco, declaring that they had all voted for the Raker Act but regretted doing so as San Francisco had not lived up to its side of the bargain:

“The failure of the City of San Francisco to perform its obligations under the Hetch Hetchy Act and the frequent attempts of its officials to interfere with the enjoyment and use of the park by the public is about to become a national scandal. ... San Francisco, seeking great privileges, had much to say of its proposal to aid in development of the park to make it accessible for the thousands. San Francisco enriching itself from the grant of those privileges not only contributes nothing to that development but has frequently sought to interfere with the development and use of the park.”

“If San Francisco cannot properly cooperate with his generous landlord, the relationship had better cease and the federal government resume exclusive use of the park area.”⁴⁸

Coverage in the San Francisco media told a different story. A 1928 editorial in the San Francisco Chronicle declared that the City was acting in good faith, but had been forced to accept the terms of the Raker Act “at the point of a pistol”. The newspaper pushed back hard on issues related to both road construction and water quality protection.⁴⁹

Also in 1928, the National Park Service authorized a concessionaire to provide tour boats on Hetch Hetchy Reservoir. Engineer Michael O’Shaughnessy objected, contending that it would pollute the water — a view he failed to raise when he was asked about boating before the House Committee when it was considering the Raker Act. The San Francisco Board of Supervisors, the San Francisco Examiner and some of the City’s Bay Area customers supported O’Shaughnessy’s view and ultimately coerced the National Park Service to withdraw the permits for boating.⁵⁰



Engineer Michael Maurice O’Shaughnessy, “The Chief”, for whom the dam at Hetch Hetchy is named. When San Francisco was pleading with Congress to pass the Raker Act, O’Shaughnessy opined boating on the reservoir would not be necessary because there would be a road along its entire north side. The road was never built, and O’Shaughnessy later helped to convince the park to withdraw the permit it had issued for tour boats on the reservoir. (Photo: Irish Times)

After the dam was completed, the Raker Act’s requirement that San Francisco construct and maintain certain roads and trails in the Hetch Hetchy area were the subject of much contention between the City and the National Park Service.

In 1930, after years of disagreement between San Francisco and the National Park Service, Secretary of Interior Ray Lyman Wilbur issued an ultimatum. He demanded a resolution of recreational issues (as well as the Raker Act’s requirements that its hydropower be sold only to public utilities). San Francisco dispatched a group of officials to meet with Wilbur and Horace Albright, who had replaced Stephen Mather as Director of the National Park Service. In early December, Interior reached an agreement with the City on the construction of roads and trails without substantially addressing the broader issue of public use. The 1930 agreement, together with a subsequent agreement reached in 1932, was intended to resolve San Francisco’s obligations to build roads and trails.⁵¹

⁴⁸ Statement of Congressman Cramton, October 25, 1928 — Yosemite National Park archives, box 35, folder 297.

⁴⁹ San Francisco Chronicle, June 29, 1928.

⁵⁰ San Francisco Examiner, July 10, 1928.

⁵¹ “Negotiations between the City and County of San Francisco and the United States Department of Interior During 1930, 1931 and 1932 Relative to the City’s Obligations Under the Raker Act”, San Francisco Public Utilities Commission, Hetch Hetchy Water Supply, M.J. Bartell, September 1937.

Compliance With The Raker Act

The road from Hog Ranch (by then known as Mather) to Hetch Hetchy and the road (today a trail) from Hetch Hetchy to Lake Eleanor were both approved. The agreement also permitted San Francisco to comply with the minimum of public access on the reservoir's north side. The City would build a trail only as far as Tiltill Creek, about one half the length of the reservoir.

As a result, while the Freeman report had tantalized Congress with both a road along the full length of the reservoir AND access by boat, the public would not even be able to reach the Grand Canyon of the Tuolumne at the upper end of the reservoir on foot.

Moreover, in a direct contradiction to the Raker Act's mandate, San Francisco was entirely relieved of the requirement that it construct the "Hetch Hetchy Loop Road" (from Hog Ranch past Smith peak, along the rim of the Hetch Hetchy Canyon, to the Tioga Road). Instead, Interior accepted funds from the City to relocate and improve the Tioga Road.

Almost a decade later, the Comptroller General of the United States wrote Secretary of Interior Harold Ickes, explaining that the agreement his predecessor had made with San Francisco was invalid — that the diversion of funds intended for the Hetch Hetchy Loop Road was a violation of federal law. The Comptroller's letter told the Secretary that if Interior did not want to comply with the Raker Act, it should ask Congress to amend it.⁵²

In 1940, E.K. Burlew, a holdover from the Hoover Administration who had worked under Secretary Wilbur, sought to resolve the error his previous boss had committed. Writing as Acting Secretary (for Ickes), Burlew formally asked Congress to amend the Raker Act, seeking to retroactively approve the agreement that Wilbur had reached with San Francisco.⁵³

Because the Hetch Hetchy Loop road was never built, visitors are now further disinclined to visit the Hetch Hetchy area. Driving to Hetch Hetchy today generally means traveling the Evergreen Road to Camp Mather before entering Yosemite National Park — essentially a one-way dead-end journey. Were

the Hetch Hetchy Loop Road in place, Hetch Hetchy would be a much shorter side trip for anyone traveling across the northern half of Yosemite National Park and would undoubtedly draw additional visitors.



There are no trails to the top of **Kolana Rock** and little access to Hetch Hetchy's many side canyons. (Photo: Tyler Costello)

⁵² August 31, 1938 — letter from Comptroller to Secretary of the Interior.

"If the department concluded that the construction of the specified road would be a colossal mistake the funds received from the grantee for that purpose should have been deposited into the treasury and held pending submission of the situation to the Congress for consideration."

⁵³ July 16, 1940 — letter from acting Secretary E.K. Burlew to Hon. Alvan Adams, Chairman, Committee on Public Lands and Surveys, United States Senate.

Hetch Hetchy in the 21st Century

Hetch Hetchy in the 21st Century

While parts of Yosemite are notoriously overcrowded, the Hetch Hetchy area sees few visitors and is underappreciated

Hetch Hetchy is the least visited part of Yosemite National Park. There is no lodging, and camping is available only for those beginning or ending a backpacking trip. The park entrance gate closes daily, so most visitors do not have an opportunity to fully explore or appreciate the canyon.

The spectacular trail on the north side of reservoir, past Tueulala Falls and on to Wapama Falls, is the most popular hike at Hetch Hetchy. It is often unsafe, however, to cross the footbridges at Wapama Falls during the spring snow melt, preventing visitors from appreciating the wonderful view when it is at its best. (Four people died crossing these footbridges between 2011 and 2019.)

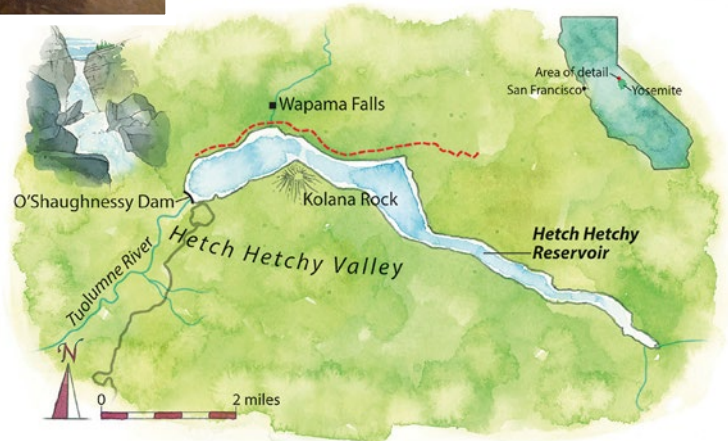
Moreover, the upper reaches of the Hetch Hetchy Canyon are inaccessible, as the trail along the north side of the reservoir leaves the canyon at Tiltill Creek. It is appropriate that the road once promised by engineer Michael O'Shaughnessy was only built as a trail, given our expectations for preserving the natural landscape in our parks, but virtually no park visitors ever see this area. If accessible, the Tuolumne River just upstream of Hetch Hetchy Reservoir would be a highly prized trout fishery.

There is no access however, short of difficult off-trail hiking, for the public to appreciate the Tuolumne Canyon between Tiltill Creek and Pate Valley, just upstream of Hetch Hetchy. This is due in part to San Francisco's continued opposition to boating access, so enthusiastically endorsed by the Congress and others a century ago. As it was pleading for permission to dam Hetch Hetchy, San Francisco made no objection to boating on the reservoir but rather enticed Congress with the prospect.

The restrictions at Hetch Hetchy (gate closures, prohibitions on camping and boating etc.) are enforced through park regulations and are generally spelled out in the "Superintendent's Compendium". The Compendium's restrictions on access and recreation at Hetch Hetchy go beyond the Raker Act's specific mandates and, in doing so, conflict with the statute's express provision that no additional restrictions be granted to San Francisco.⁵⁴

This denial of public access is the result of a series of broken promises at Hetch Hetchy. Indeed, the lack of access and recreation at Hetch Hetchy today undermines the spirit of our national parks and contradicts the expectations of the Congress that passed the Raker Act. Had Congress known that San Francisco would renege on its commitments and hinder public access at Hetch Hetchy, it seems likely the Raker Act, as Congressman Cramton suggested, would never have been passed.

This prize trout caught on the *Tuolumne River* just above Hetch Hetchy Reservoir is a rare catch, due to the area's extreme inaccessibility. CalTrout supports access to this prime fishing area by boat. (Image: California Trout)



The trail along the north side of the reservoir is the only meaningful access to the Hetch Hetchy Canyon, and it is closed for safety when the falls are at their most spectacular. Moreover, the trail leaves Hetch Hetchy Valley at Tiltill Creek and provides no access to the upper end of the valley or to the Grand Canyon of the Tuolumne. (Image: Steve Stankiewicz)

⁵⁴ Raker Act, Section 9(a) Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages. (emphasis added)

Hetch Hetchy in the 21st Century

San Francisco Chronicle

Thursday, December 19, 2019

House sinks plan to allow boating on Hetch Hetchy

By Dustin Gardiner

WASHINGTON — The House has torpedoed a proposal to allow limited boating on Hetch Hetchy Reservoir in Yosemite National Park.

Critics feared the plan could introduce contaminants to the reservoir that supplies famously pure drinking water for 2.7 million customers in the Bay Area. Boating on its waters has been banned for nearly a century.

House Speaker Nancy Pelosi, D-San Francisco, claimed the decision as a victory for her city, which runs the Hetch Hetchy water and power system. The prohibition was included in a \$1.37 trillion spending plan the House approved Tuesday to keep the federal government funded

Hetch continues on A11

Renewed interest in boating on Hetch Hetchy Reservoir drew the attention of Congress. In spite of this front page article, there is no actual reference to boating in the legislation.



Hikers look down on Hetch Hetchy from near *Rancheria Falls on Tiltill Creek*, a tough 13-mile, round-trip trek from the trail head. A non-polluting electric tour boat would make the falls and side canyon accessible to most families. (Photo: @She_Explores)



Tueeulala Falls (left) and Wapama Falls tumble over the cliffs on Hetch Hetchy's north side. When the flow is high, the footbridges at the base of Wapama Falls are closed for safety, making it hard to get a good view. Between 2011 and 2019, four people were swept off the bridges to their deaths. (Photo: Robert Rollins)

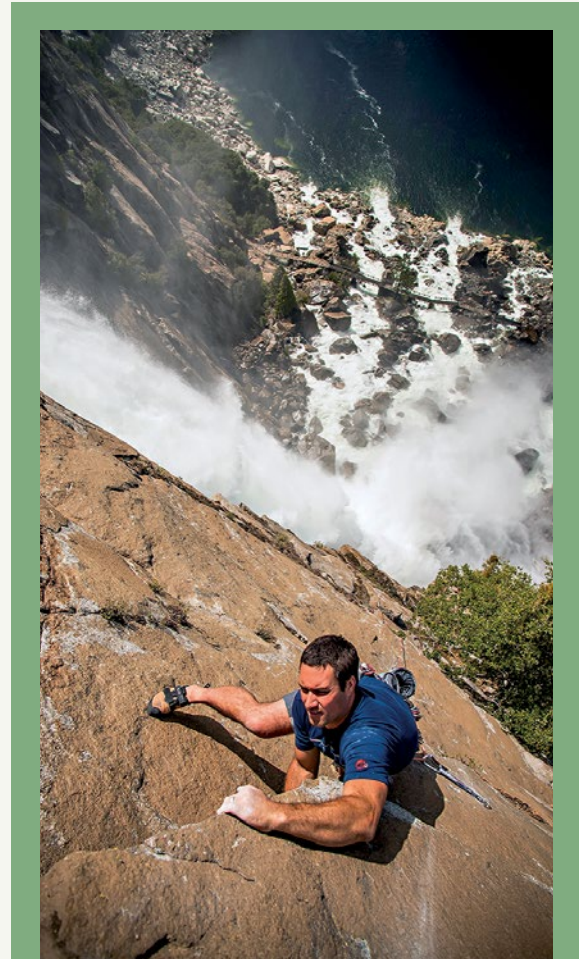
Hetch Hetchy in the 21st Century



Camp Mather, operated by the San Francisco Department of Parks and Recreation, is the closest lodging to Hetch Hetchy — just outside Yosemite. Formerly known as Hog Ranch, San Francisco used the camp to house workers when the dam was under construction and has been allowed to use it as a municipal getaway, primarily for city residents. (Photo: Julene Freitas)



San Francisco's "Chalet" looms over the downstream end of Hetch Hetchy Reservoir. During much of the 20th Century, City officials used the Chalet, as well as San Francisco's boat, for personal excursions. Such casual use has diminished as scrutiny of public officials has increased. (Photo: Tim Connor)



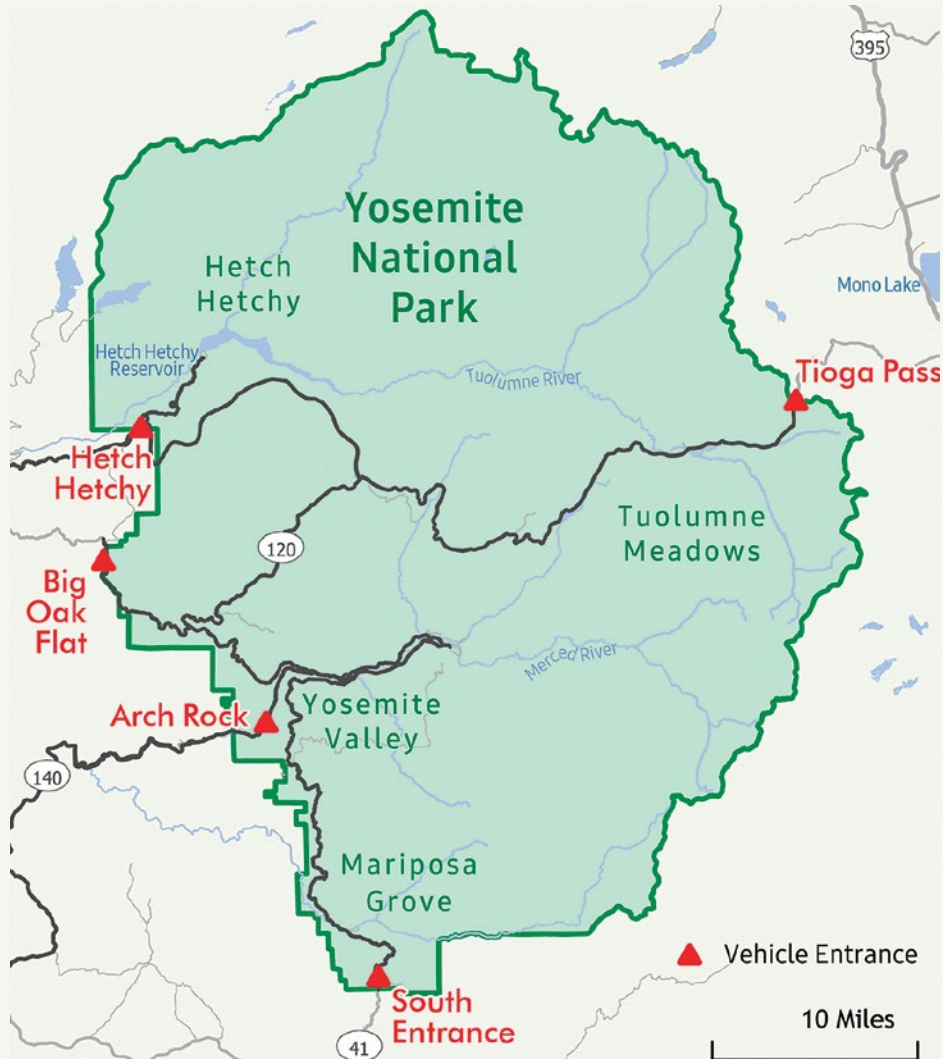
The walls of Hetch Hetchy are spectacular indeed, but the limited hours and trails at Hetch Hetchy make logistics difficult for rock climbers like Sean Jones, shown above. (Photo: Shawn Reeder)

As world champion climber Hans Florine explains . . .

"Hetch Hetchy is like a ghost. For climbers, Yosemite Valley is the Mecca, the center of our universe. Hetch Hetchy is similar and only 15 miles away, but access to its walls is limited so climbers rarely go there. We are missing out on the sister of the greatest climbing area in the world."

Yosemite National Park: *Annual Number of Vehicles at each Entrance Gate*

Hetch Hetchy lies in the almost forgotten and largely neglected northwest corner of Yosemite. The entrance at Hetch Hetchy sees a tiny fraction of the vehicle traffic at Yosemite’s other entrance stations. Moreover, there is no public transit at Hetch Hetchy, but the other four entrance gates are all served by Yosemite Area Regional Transit buses.



Average Number of Cars at Each Entrance Station (2010-2019)



San Francisco and Water Treatment

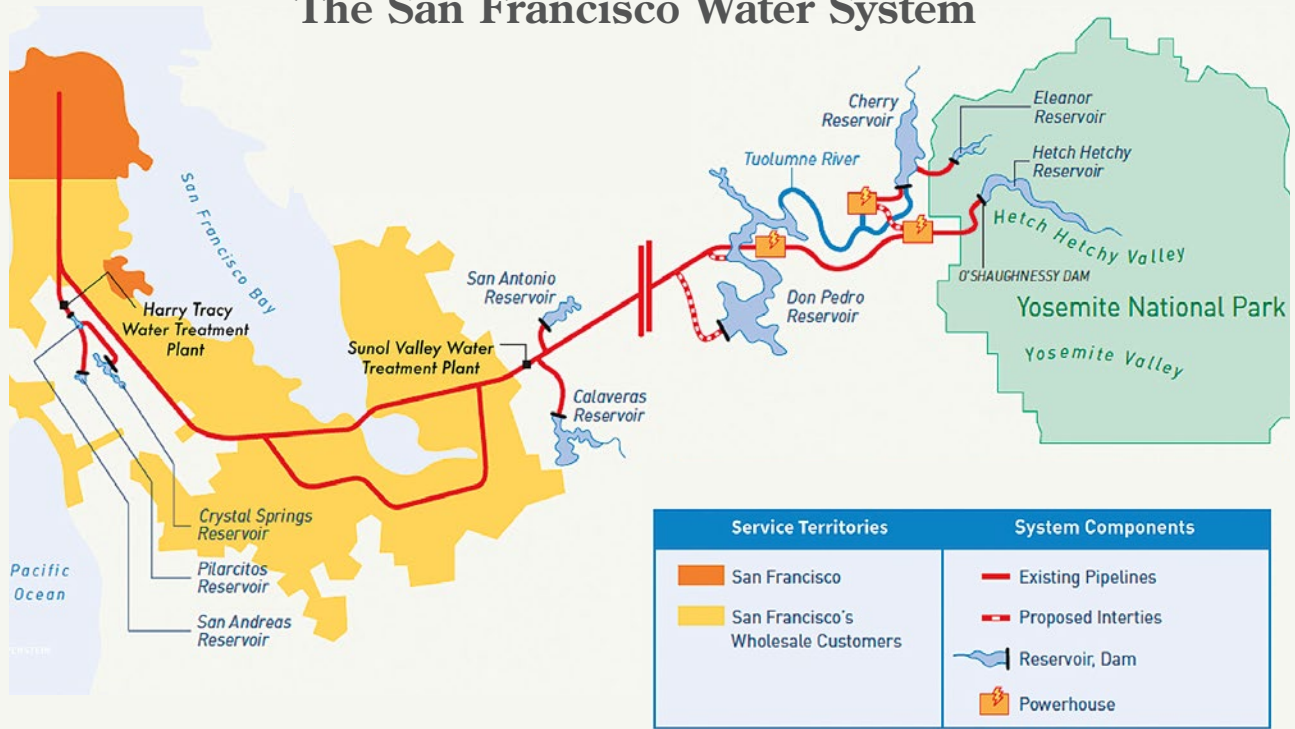
All municipal water is treated so it is safe to drink. Most agencies filter and disinfect their water supplies. Disinfection typically uses a form of chlorine, and often ozone or ultraviolet light as well. For disinfection, San Francisco uses chloramine (a combination of chlorine and ammonia) and ultraviolet light.

Due to Yosemite’s protected, largely granite watershed, San Francisco is not required to filter those water supplies diverted directly from Hetch Hetchy Reservoir. The City operates two water treatment plants, one in Sunol and one in Daly City, where together its filters about 30% of its total delivered supply. (When the Tuolumne River portion of the system is offline for maintenance, as it was for two months in early 2020, San Francisco filters all of its customers’ supplies).

Increasing visitor access and recreation might, or might not, require San Francisco to filter its supplies in Hetch Hetchy Reservoir. Virtually all municipal water systems routinely filter their supplies. Furthermore, San Francisco’s potential obligation to filter was made clear in its own Freeman Report, in the Army Board Report, in hearings before both houses of Congress, and in the Raker Act itself.

If San Francisco is required to filter all of its supplies, or elects to do so on its own, it would operate its existing water treatment plants more intensively and likely expand the capacity of its plant in Sunol.

The Tuolumne River and The San Francisco Water System



San Francisco stores water in nine reservoirs in the Bay Area and Tuolumne River watershed. Only supplies directly from Hetch Hetchy Reservoir are currently exempt from filtration.

Conclusion

The visitor experience available at Hetch Hetchy today falls far short of the promises made and assurances given when San Francisco was granted special permission to store water in Yosemite National Park. San Francisco has long benefited from building a dam at Hetch Hetchy. It's time that the public receive its due at Hetch Hetchy as well.

Over the 20th century the National Park Service largely allowed San Francisco to control recreation and access at Hetch Hetchy. The Park Service and San Francisco currently have a 4-year, \$33 million agreement, which explicitly commits to helping the City maintain its uncommon exemption to avoid filtering its water supply. The Park Service uses this agreement to preclude visitor access at Hetch Hetchy in ways that go far beyond the provisions of the Raker Act.

By failing to provide recreational opportunities, San Francisco and the National Park Service are failing to keep the promises made a century ago. In going to extraordinary lengths to indulge San Francisco's desire to maintain the reservoir's filtration avoidance designation at the expense of park visitors, the agreement between the National Park Service and San Francisco appears to be another violation of the Raker Act.

Hetch Hetchy, especially with the reservoir in place, should not and could not accommodate the large number of visitors who go to nearby Yosemite Valley. Hetch Hetchy is still within Yosemite National Park, however, and much can be done to encourage more visitors and provide them with a substantially improved national park experience.

It's also important to recognize that our understanding and approach to national parks has changed since the Raker Act was passed. Not every specific proposal made in 1913 should be implemented precisely as originally proposed. The mandate for providing public access to our national parks, however, is more important than ever.

The promises of recreation and access at Hetch Hetchy, made by San Francisco in the Freeman Report, echoed by the Army Board, expected by Congress and authorized by the Raker Act, must be honored.

It's time for the Department of Interior and National Park Service to revisit the letter and spirit of the Raker Act, and to provide improved opportunities for public access and recreation at Hetch Hetchy. And, as long as it is permitted to store water in Yosemite National Park, San Francisco must respect the agreement it made when it pled with Congress to pass the Raker Act.

Opportunities for development and management of the Hetch Hetchy area of Yosemite National Park should be vigorously pursued to make up for lost time and foregone public benefit, all while protecting the magnificent beauty of the park and its wildlife, as well as the quality of San Francisco's water.

The National Park Service should welcome visitors to Hetch Hetchy with the opportunities for access and recreation which Congress expected when it passed the Raker Act. Anything less would abrogate its duty to the American public.



Pardee Reservoir, northwest of Hetch Hetchy in the Sierra foothills, stores high quality water for the East Bay Municipal Utility District, which serves Oakland and other cities across the bay from San Francisco. The reservoir includes a recreation area with campgrounds, boat rentals, and other visitor services. EBMUD filters its supply, as nearly all water agencies do. (Photo: San Francisco Chronicle)

National Park Service Mission Statement

The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resources, conservation and outdoor recreation throughout this country and the world.

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Restore Hetch Hetchy takes responsibility for all statements of fact and opinion found in the text of this report as well as any errors or omissions.

