



September 25, 2023

The Hon. Deb Haaland  
Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

The Hon. Charles F. "Chuck" Sams III  
Director  
National Park Service  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

The Hon. Robert Anderson  
Solicitor  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

The Hon. Cicely Muldoon  
Superintendent  
Yosemite National Park  
P.O. Box 577  
Yosemite, California 95389

Re: Petition to Improve Public Access to Hetch Hetchy Valley in Yosemite National Park

Dear Secretary Haaland, Director Sams, Solicitor Anderson and Superintendent Muldoon:

Restricting public access and recreational opportunities in Hetch Hetchy Valley in Yosemite National Park ("YNP" or "Yosemite") contravene both federal law and the mission of the National Park Service ("NPS").<sup>1</sup> Restore Hetch Hetchy ("RHH") consequently asks the Department of Interior ("DOI") and NPS to develop and implement a timely plan to improve the experience of Yosemite visitors to Hetch Hetchy.

Specifically, RHH petitions Superintendent Muldoon to remove certain restrictions and closures included in the current Superintendent's Compendium<sup>2</sup> that apply to Hetch Hetchy Valley and that conflict with the terms and purposes of the Raker Act.<sup>3</sup> In addition, RHH petitions DOI and

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<sup>1</sup> NPS's Organic Act defines that mission as "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 54 U.S.C. § 100101.

<sup>2</sup> The Superintendent's Compendium (2022), excerpts attached as Exhibit 2, is titled "Superintendent's Compendium of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority" (<https://www.nps.gov/yose/learn/management/upload/yose-compendium.pdf>).

<sup>3</sup> The Raker Act, Pub. L. No. 63-41, 38 Stat. 242 (1913) – attached as Exhibit 1 and named for its sponsor, Congressperson John Raker of Manteca – is titled "An Act Granting to the City and County of San Francisco Certain Rights of Way In, Over, and Through Certain Public Lands, the Yosemite National Park, and Stanislaus

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NPS to review compliance with the Raker Act’s requirements regarding the construction of trails, the use of buildings by the San Francisco Public Utilities Commission (“SFPUC”), a political subdivision of the Grantee, the City and County of San Francisco (“CCSF”), the requirement that CCSF provide water to the campground at Hetch Hetchy, the restrictions on camping, boating and public transit, and the sufficiency of interpretative materials at the dam site.<sup>4</sup>

## I. Summary

In 1913, Congress passed and President Woodrow Wilson signed the Raker Act, which allowed a dam and reservoir to be built in Yosemite’s Hetch Hetchy Valley. In approving the legislation, Congress relied on a report (discussed below) that reflects that it intended DOI to manage Hetch Hetchy for two co-equal purposes – “for water supply purposes and for park purposes.”

NPS has, over more than a century, neglected its second management duty for Hetch Hetchy Valley to the detriment of the experience of Yosemite visitors, limiting public access and recreational opportunities and treating the park’s purposes as secondary to CCSF’s water-supply purpose. Some of those restrictions are today codified in the Superintendent’s Compendium. The Compendium’s ban on boating on Hetch Hetchy Reservoir contravenes the terms codified in the Raker Act. It restricts camping and visitor hours at Hetch Hetchy without explanation or notice and comment, apparently in unjustifiable deference to preserving CCSF’s water-filtration exemption.

Further, CCSF failed to build all of the trails specified under the Raker Act. The water provided to the campground at Hetch Hetchy is not potable. And SFPUC uses cabins at Hetch Hetchy for recreation that is not “properly incident” to the operation of authorized water and power infrastructure.

In addition, as a result NPS’s neglect of Hetch Hetchy Valley over the past century, trails are few, standard interpretative signage is minimal, Yosemite resources are improperly used to promote CCSF’s local interests, and public transportation does not exist. By any measure, the federal government has shortchanged the experience of park visitors to Hetch Hetchy.

RHH asks DOI and NPS to rebalance management of Hetch Hetchy per the letter and purpose of the Raker Act, its legislative history, Congress’s express intentions to increase park visitors to the valley, and NPS’s mission, as well as to bring it up to 21<sup>st</sup> century policies for stewarding

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National Forest, and Certain Lands in the Yosemite National Park, the Stanislaus National Forest, and the Public Lands in the State of California, and for Other Purposes.”

<sup>4</sup> Congress passed the Raker Act just three years before creating NPS, in part in reaction to the flooding of this spectacular valley. While the Raker Act refers to DOI duties, RHH understands that DOI has delegated those duties to NPS and YNP. Should this understanding be incorrect, RHH asks the Solicitor of DOI to clarify which agency has such responsibilities.



America’s National Parks. Warranted changes to enhance the visitor experience at Hetch Hetchy include both changing the Superintendent’s Compendium and reexamining CCSF’s rights and duties under the Raker Act, including:

- Modifying the Superintendent’s Compendium to allow park visitors to camp at Hetch Hetchy – as they do in other areas of Yosemite;
- Modifying Section 1.5(a)(1) of the Superintendent’s Compendium to allow 24-hour access to Hetch Hetchy – consistent with access to virtually all of Yosemite;
- Permitting boating on Hetch Hetchy Reservoir, both for sightseeing and to provide access to locations made difficult to reach due to the reservoir (nonmotorized boating is allowed on other water bodies in Yosemite);
  - Modifying page 15 of Section 1.5(a)(1) of the Superintendent’s Compendium to allow for nonmotorized boating on Hetch Hetchy Reservoir;
  - Modifying pages 12 through 15 of Section 1.5(a)(1) of the Superintendent’s Compendium to allow for motorized boating on the reservoir, subject to reasonable restrictions, such as prohibiting diesel and gas-powered engines;
- Directing CCSF to provide potable water to the campsite at Hetch Hetchy, pursuant to Section 9(p) of the Raker Act;
- Evaluating whether SFPUC is using cabins at Hetch Hetchy in violation of the Raker Act and, if so, converting them for broad public use;
- Evaluating the compliance of both CCSF and NPS with the trail-building requirements of the Raker Act as set forth in Section 9(p); and
- Evaluating whether YNP’s interpretive practices at Hetch Hetchy, including promoting CCSF information and failing to provide interpretive signage at the entrance to the dam, are consistent with the Raker Act.

Making the requisite changes to the Superintendent’s Compendium will also warrant modifying the 2019 Memorandum of Agreement (“MOA”) between YNP and CCSF<sup>5</sup> to accurately reflect requirements of the Raker Act (YNP and CCSF are expected to renew it in 2023).

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<sup>5</sup> The MOA, excerpts attached as Exhibit 3, is titled “Memorandum of Agreement Between City and County of San Francisco San Francisco Public Utilities Commission and National Park Service Yosemite National Park for Comprehensive Management of Watersheds within Yosemite National Park Supplying the San Francisco Regional Water System” (2019).



Welcoming the public to Hetch Hetchy will likely increase visitation. NPS will need to better accommodate these visitors, consistent with how it manages other areas of Yosemite and other National Parks. Warranted improvements include:

- Expanding trails in Hetch Hetchy;
- Providing public transit through the entrance gate to Hetch Hetchy – consistent with all other entrances to Yosemite; and
- Providing appropriate interpretive signage to explain:
  - Hetch Hetchy Valley’s geologic history;
  - Its long use by Miwok, Piute and other Native American Tribes;
  - Its scenic beauty both before and after it was flooded, and
  - Its controversial history, including the legislation that allowed it to be dammed, how this relates to the founding of NPS, and the ongoing controversy over its use.

## II. Background

RHH has researched the background of the Raker Act, reviewing the Congressional record, news articles, and documents from NPS’s archives, particularly pertaining to CCSF’s commitments and Congress’s expectations for recreational use of Hetch Hetchy Valley. RHH compared what it found from this research to the present state of public access at Hetch Hetchy and, in 2021, published its report entitled “Keeping Promises: Providing Public Access to Hetch Hetchy Valley, Yosemite National Park” (Exh. 4), showing how NPS has not met the commitments to and expectations for recreational access. The report includes five principal recommendations, which form the basis for some, but not all, of the requests in this petition.

Since publishing *Keeping Promises*, RHH has met several times with Superintendent Muldoon and her staff at the park’s headquarters. Our discussions have been congenial, with general agreement on the merits of some but not all of the recommendations. Even when staff agreed, however, NPS has only changed its management of Hetch Hetchy Valley in modest ways.<sup>6</sup>

RHH asks DOI and NPS to honor the Raker Act and its extensive legislative history, and to implement policies and programs commensurate with National-Park-management best practices

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<sup>6</sup> On June 1, 2023, YNP staff explained to RHH that the hours when Hetch Hetchy would be open to visitors would be extended. Staff also indicated they were considering allowing all park visitors (not just backpackers) to use the Hetch Hetchy campground, but noted that it first needed improvements, including potable water..



in the 21<sup>st</sup> century that will provide park visitors the full bounty of the extraordinary resources available in Yosemite’s Hetch Hetchy Valley. RHH is prepared to work with DOI, NPS, and CCSF to implement warranted improvements in a timely fashion.

### **III. Raker Act Background and Legislative History**

CCSF sought permission to dam Hetch Hetchy Valley for more than ten years before Congress passed the Raker Act in 1913. DOI Secretaries twice rejected CCSF’s proposal, but DOI Secretary James Garfield approved it after San Francisco suffered a devastating earthquake and fire in 1906. Richard Ballinger, Mr. Garfield’s successor, however, visited Hetch Hetchy with naturalist John Muir and questioned whether damming the valley was appropriate. Mr. Ballinger asked CCSF to “show cause” as to why permission should be granted, and asked the US Army Board of Engineers to evaluate CCSF’s proposal.

In response, CCSF hired engineer John R. Freeman, who wrote a detailed, 400-page report for the Secretary and Army Board of Engineers to consider. The Army Board summarized the Freeman Report, and Congress considered both documents during its deliberations. On June 13, 1913, the Committee on the Public Lands of the United States House of Representatives convened to discuss the proposed legislation in support of CCSF’s proposal. Discussion in the United States Senate took place several months later, in early December of 1913.

The two reports and the Congressional hearings included substantial discussion of the water and power aspects of CCSF’s proposal, as well as how allowing a dam in Hetch Hetchy Valley would or would not affect park visitors. Excerpts from these reports and hearing records are included in Keeping Promises.<sup>7</sup>

This substantial legislative history of the Raker Act makes it clear that Congress expected far more recreational access at Hetch Hetchy than NPS has provided. The Freeman Report explained that “there was not the slightest reason the public would be excluded from reasonable enjoyment” and included dozens of pages explaining, with both text and photographs, how a reservoir at Hetch Hetchy would be a recreational mecca with ample opportunities for lodging, picnicking and boating.

The Army Board report also provided assurances that camping would be available. Colonel John Biddle, the report’s lead author, wrote:

“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”

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<sup>7</sup> See Keeping Promises, Exh. 4 at 9-11 (Freeman Report), 12 (Army Board Report), 14-16 (House of Representatives Hearing) & 18 (Senate Hearing).



Representatives and Senators, in their respective hearings, spoke frequently of benefits to park visitors that would accompany the construction of a reservoir, including boating, camping, and lodging. No member opined that these amenities should not be available.

#### **IV. Terms of the Raker Act**

The Raker Act is best known for awarding CCSF rights-of-way to construct a reservoir in Hetch Hetchy Valley and other reservoirs, powerhouses, pipelines and related facilities in Yosemite National Park and the Stanislaus National Forest. CCSF accepted the terms and completed the dam in 1923. SFPUC completed the last of the principal elements – a tunnel through California’s Coast Range – and finally delivered water to the Bay Area in 1934.

The Raker Act also included, however, numerous other directives – related, among other things, to water quality, lodging and camping, roads and trails – governing how Hetch Hetchy Valley would be managed and shared with park visitors.

##### *A. Water Quality*

Subparts (a)(1)-(4) of Section 9 of the Raker Act list specific “sanitary regulations . . . within the watershed above and around said reservoir sites” that CCSF and DOI will take for purposes of protecting the water quality of the reservoir:

“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 [CCSF] 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 [CCSF].”  
Raker Act, § 9(a)(1)-(4).



Subpart (a)(5) of Section 9, however, makes it explicitly clear that these are the only measures that either CCSF or NPS can take in Hetch Hetchy Valley to protect water quality. CCSF is not allowed to ask for and NPS is not allowed to grant additional conditions, and should CCSF find it needs more to protect the water supply, it should filter the water or take other measures that do not impact visitors to Hetch Hetchy:

*“Fifth. If at any time the sanitary regulations provided for herein shall be deemed by [CCSF] insufficient to protect the purity of the water supply, then [CCSF] 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.”* Raker Act, § 9(a)(5) (italics added).

#### *B. Roads and Trails*

The Raker Act was passed at a time when it was hard to get to Yosemite, and the few available roads were in poor condition. Congress recognized that access was essential, especially as more and more Americans would soon be traveling by automobile.

Subpart (p) of Section 9 of the Raker Act required that CCSF build and maintain roads and trails in four places:

- 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
- A road connecting Camp Mather to the Tioga Road via Smith Peak (the “Hetch Hetchy Loop Road”, which would have an overlook into the Hetch Hetchy Canyon.)

#### *C. Camping & Lodging*

The Raker Act anticipated that visitors would camp and lodge in the Valley. Section 9(a)(2) directs that “permanent camps and hotels” in the watershed must take specified sanitation measures, and Section 9(a)(5) expressly limits the additional restrictions that can be placed on “campers, tourists, or the occupants of hotels and cottages.” Section 9(p) directs CCSF to provide water “for camp purposes” to a location 1/3 of a mile southeast of the damsite.<sup>8</sup>

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<sup>8</sup> The water that CCSF has provided to the campground is not potable.



In addition, the Raker Act provides limited conditions for CCSF to maintain and use structures at Hetch Hetchy. The Act’s preamble states the right-of-way may extend to “such lands as the Secretary of the Interior may determine to be actually necessary for power houses, and all other structures or buildings necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants . . . .”

#### *D. Boating*

In spite of the straightforward presentation in the Freeman Report and substantial discussion in the Congressional Hearings, the Raker Act makes no mention of boating.

#### *E. Road Closures*

The Raker Act makes no mention of restricting access to Hetch Hetchy to specific hours.

### **V. CCSF and NPS Failed to Implement the Public Access Rules of The Raker Act**

Since completion of the O’Shaughnessy Dam and Hetch Hetchy Reservoir in 1923, the public has been increasingly shortchanged. Hetch Hetchy receives barely 1% of the park’s visitors. No public transportation exists. The few trails provide limited ways to explore the magnificent canyon, and no practical way to visit the entire east side of the valley. Camping, lodging, boating and fishing have never been 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.

#### *A. Boating*

CCSF, with DOI’s acquiescence, rescinded promises of recreation almost as soon as it completed the reservoir. In 1928, NPS authorized a concessionaire to provide tour boats on Hetch Hetchy Reservoir. Michael O’Shaughnessy, CCSF’s Chief Engineer and the namesake of the dam, objected, contending that it would pollute the water – a concern he had failed to raise when he was asked about boating before the House Committee that was considering the Raker Act.<sup>9</sup> The San Francisco Board of Supervisors, the San Francisco Examiner and some of SFPUC’s Bay Area customers supported Mr. O’Shaughnessy’s view and ultimately convinced NPS to withdraw the boating permits.<sup>10</sup>

Page 15 of the Superintendent’s Compendium (Exh. 3 at 15) states “Hetch Hetchy Reservoir is closed to all vessels. Lake Eleanor is closed to all motorized vessels.” It justifies these boating restrictions as follows:

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<sup>9</sup> See Keeping Promises, Exh. 4 at 15.

<sup>10</sup> San Francisco Examiner, July 10, 1928.



*“These restrictions are in direct support of the Raker Act, Water Quality Provisions, and the Filtration Avoidance Regulation, and it is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants.” Id. (italics in original).*

As seen above, the water quality provisions of the Raker Act (subparts 9(a)(1)-(4)) do not prohibit boating on Hetch Hetchy Reservoir, and subpart 9(a)(5) explicitly prohibits other regulations, such as the cited “Filtration Avoidance Regulation,” to “maintain the high quality of water” in the reservoir and keep it free from contaminants. If CCSF needs to take additional measures, such as filtering the water,<sup>11</sup> the Raker Act explicitly directs that it do so. Any additional restriction on public use, such as boating, for purposes of water quality also contravenes the Raker Act’s legislative history.<sup>12</sup>

NPS also cites a commitment to maintain the Filtration Avoidance Regulation in the MOA. While the MOA does not include visitor restrictions, this overzealous deference to CCSF’s desire to avoid filtration expense may also be the impetus for other restrictions to access and recreation at Hetch Hetchy that are not explained in public documents.

### *B. Road Closures*

The Superintendent’s Compendium (Exh. 2 at 5) states that “Yosemite National Park is open 24 hours a day, 365 days a year” with certain exceptions. Notable among the latter is that the Hetch Hetchy Road is only open during certain hours (generally dawn until dusk).<sup>13</sup> When the road is closed, hikers and cyclists also are prohibited from using it.

As a result, park visitors cannot fully appreciate Hetch Hetchy. Rock-climbers and day hikers cannot get an early start, making it challenging, for example, to reach Rancheria Falls by trail or scale Hetch Hetchy Dome. Day visitors cannot appreciate sunrise or sunset over the spectacular granite walls and waterfalls.

### *C. Camping and Lodging*

The Superintendent’s Compendium permits camping at Hetch Hetchy only for those leaving for or returning from a backpacking trip. All other visitors are precluded from spending the night. As a result of the ban on camping, in combination with the road closures, public access to Hetch

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<sup>11</sup> Filtering water is usual practice for municipal water agencies, including the Bay Area’s East Bay Municipal Utility District, which also maintains reservoirs drawn from the Sierra Nevada.

<sup>12</sup> See “Legal Analysis of Raker Act, Section 9(a)(5) and the Park Service’s Lack of Authority to Restrict Boating on the Hetch Hetchy Reservoir”, Lozeau-Drury, 2022-9-1 (“Boating Restrictions Analysis”), attached as Exhibit 5.

<sup>13</sup> For several years, YNP further restricted these hours to 9 a.m. to 5 p.m. year round. This summer, as a result of discussions with RHH, YNP restored the hours stated in the compendium.



Hetchy is severely limited, more so than other Yosemite areas.

Other than backpackers, the only visitors allowed to spend the night at Hetch Hetchy are authorized guests of SFPUC.<sup>14</sup> Individuals meeting SFPUC criteria are allowed to stay in its “Bunkhouse,” “Cabin 1” and “Cabin 2.” Those criteria conflict with the Raker Act’s requirement that the use of the structures must be “properly incident to the construction, operation, and maintenance of said water-power and electric plants.”

#### *D. Trails*

The Raker Act also required CCSF to build and maintain four roads or trails. CCSF and NPS ignored one of these requirements, the Hetch Hetchy Loop Road, diverting funds to another site.<sup>15</sup>

The mandated trail along the north side of Hetch Hetchy Reservoir, the most popular hiking at Hetch Hetchy, does not follow the reservoir east to the Grand Canyon of the Tuolumne and Tuolumne Meadows, as the Raker Act intended. Instead, it goes only so far as Rancheria Falls before veering north, climbing to above 8,600 feet on Rancheria Mountain and then along a multi-mile circuit before returning to the canyon at Pate Valley. The much-used section of the trail to Wapama Falls is not safe for hikers when Wapama Falls is flowing at a high level (four people died crossing the footbridges at Wapama between 2011 and 2019). Day hikers rarely go far beyond Wapama Falls due to the limited hours, and very few backpackers take the trail over Rancheria Mountain to the Grand Canyon of the Tuolumne.

Other trails that would have been laid if Hetch Hetchy were truly managed for public enjoyment were never built. No trails go to the tops of Tueeulala Falls or Wapama Falls along the canyon’s north rim or to the top of Kolana Rock on the south side – all of which would be spectacular day hikes.

#### *E. NPS Must Improve the Public’s Access and Enjoyment of Hetch Hetchy*

NPS policies and programs improperly restrict access and diminish the visitor experience at Hetch Hetchy far beyond what Congress intended and what is specified in the Raker Act. At a time when America’s national parks, including Yosemite, are more popular than ever and struggling to manage increasing crowds, it is time to revisit these restrictions and welcome visitors back to Hetch Hetchy.

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<sup>14</sup> O’Shaughnessy Reservations, SFPUC, downloaded Feb 2, 2023, attached as Exhibit 6.

<sup>15</sup> See Keeping Promises, Exh. 4 at 22 & 24.



## **VI. Managing Hetch Hetchy for Both Water Supply and Recreation**

RHH respects and supports the water quality protection provisions of the Raker Act, as well as the universal need for all municipal water agencies to provide safe, high-quality water to their customers. That it is possible to do so while simultaneously improving public access to Hetch Hetchy Valley, however, is abundantly clear by examining how the East Bay Municipal Utilities District (“EBMUD”) manages Pardee Reservoir, its principal water storage facility.

Hetch Hetchy and Pardee Reservoirs are similar in many respects. Both are (1) located in the Sierra Nevada, (2) are primary water-storage reservoirs for communities in the San Francisco Bay Area, and (3) are known for storing high-quality water for the water agencies’ customers.

The two reservoirs, however, differ in the amount of recreation they provide to visitors. EBMUD provides an extensive campground, allows both human-powered and motorized boating, and allows visitor entry to the recreation area 18 hours a day during much of the year.<sup>16</sup>

As seen above, NPS does not allow boating at Hetch Hetchy, limits camping to those leaving for or returning from a backpacking trip, and closes the Hetch Hetchy Road, so visitors cannot enjoy a sunrise or sunset and cannot hike during cool morning or evening hours.

EBMUD’s Pardee policies, implemented even without the mandate for public access inherent in a National Park, exemplify how access at Hetch Hetchy can be improved. Camping at Hetch Hetchy should be available to all visitors and the road should be open all day or at least until well before sunrise and after sunset. Hetch Hetchy Reservoir may not have the space to accommodate a boat ramp similar to the one at Pardee Reservoir, but a floating dock would allow access to rental-boat facilities or quiet electric-powered tour boats.

## **VII. Recommended Changes at Hetch Hetchy**

Several of the changes requested below involve specific changes to the regulations set forth in the Superintendent’s Compendium, certain provisions of which contravene the letter and spirit of the Raker Act and unreasonably impair public access to Yosemite’s Hetch Hetchy region.

1. The Superintendent’s Compendium proclaims “Hetch Hetchy Reservoir is closed to all vessels” explaining that it is necessary to support the “Filtration Avoidance Regulation.”

*NPS support of the Filtration Avoidance Regulation is expressly barred by the Raker Act. Non-motorized boating should be allowed on Hetch Hetchy Reservoir as it is on natural*

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<sup>16</sup> See East Bay Municipal Utilities District Pardee Reservoir Recreation Files, attached as Exhibit 7.



*lakes and waterways within Yosemite National Park.*<sup>17</sup>

2. The Superintendent's Compendium proclaims "Motorized boats are prohibited in all lakes and free flowing rivers, creeks, and streams within Yosemite National Park."

*Hetch Hetchy Reservoir is not a natural lake or free-flowing waterway. Members of Congress who supported the Raker Act widely accepted motorized boating. Moreover, road and trail access to the shores of the reservoir is minimal, leaving no practical opportunity for most park visitors to see the whole of Hetch Hetchy or to visit areas adjacent to the canyon. NPS, or a concessionaire, should be authorized to operate a non-polluting electric tour boat on Hetch Hetchy Reservoir, for sightseeing and to provide improved access to the surrounding area.*<sup>18</sup>

3. The Superintendent's Compendium prohibits most camping at Hetch Hetchy, allowing only those leaving for or returning from a backpacking trip to stay in the campground: "Wilderness permit holders may stay in a backpackers' campground the night prior to their hiking start date and the night after returning from each overnight Wilderness trip."

*Camping should be allowed for all park visitors at Hetch Hetchy. CCSF should be required to supply potable water to the campground in accordance with the Raker Act. Further, the campground should be improved to the standard of other campgrounds within Yosemite and should comply with the Americans with Disabilities Act.*

4. The Superintendent's Compendium identifies limited hours for use of the Hetch Hetchy Road - the only Yosemite entrance road that is regularly closed on a daily basis.

*Under normal circumstances, the Hetch Hetchy Road should be open to vehicle, bicycle and pedestrian traffic 24 hours per day, as are other roads within the park.*

5. The MOA includes provisions under which NPS commits to helping to maintain CCSF's filtration-avoidance designation. This policy contravenes the Raker Act and should be eliminated.

*The MOA should be rewritten without any such commitment and any NPS policy that derives from it should be eliminated, including items in the "security" appendix of the MOA that are not available for public view. Further, Appendix B (Filtration Avoidance Regulations) should be omitted from a revised MOA.*

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<sup>17</sup> See Boating Restrictions Analysis, Exh. 5 at 6.

<sup>18</sup> *Id.* at 7.



6. SFPUC allows authorized guests to use cabins at Hetch Hetchy for recreational use.

*DOI should evaluate whether SFPUC's present use of these cabins contravenes the Raker Act's restriction that it be "necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants." If it does, the cabins should be converted for broad public use.*

7. Hetch Hetchy has a rich natural and human history. Yet the only interpretative information about the history of the Raker Act is just inside the entrance gate on the Hetch Hetchy road – a place at which few visitors stop. Other interpretive signage can only be found if the visitor crosses the dam and goes through the trail tunnel. Many do not. Instead, they only see SFPUC's signs on the dam describing the building of the dam and the purity of the water. Further, Park Rangers at the entrance gate hand out SFPUC brochures promoting SFPUC's filtration exemption (*see* Exh. 8), together with YNP's own brochure, which provides a more balanced view of Hetch Hetchy and its history. SFPUC may be relying on the Interpretation sections of the MOA (Exh. 3 at 11) to demand distribution of its brochure.

*NPS should develop interpretative signage near to the entrance to O'Shaughnessy Dam, where park visitors will see it and learn the valley's history, including its geology story, its long use by Native American Tribes, and the legislation that allowed a dam to be built in a National Park despite objections from leaders of the nascent environmental movement. The MOA should be clarified to state that YNP does not endorse or distribute SFPUC's literature and will not promote CCSF's filtration-exemption in the name of "interpretation."*

8. The trail system, both for backpacking and day hiking, ought to be improved. The existing roads and trails provide far less access than the Raker Act required or Congress expected when it passed the Raker Act.

*NPS should design and build short trails for day hikers leading to the top of Kolana Rock and overlooks near the tops of Tueeulala Falls and Wapama Falls. NPS should also design and build a trail for backpackers connecting the Rancheria Falls area more directly to Pate Valley and the Grand Canyon of the Tuolumne, eliminating the need for the existing circuitous route over Rancheria Mountain.*

9. Public transportation will likely be warranted.

*Parking at Hetch Hetchy is limited. NPS should work with the Yosemite Area Regional*

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*Transportation System or other contractors to provide public transportation to Hetch Hetchy.*

Thank you for your attention to this matter. We look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Spreck Rosekrans".

Spreck Rosekrans  
Executive Director

#### List of Exhibits

1. The Raker Act (1913)
2. The Superintendent's Compendium (August 18, 2022) (excerpts)
3. Memorandum of Agreement between SFPUC and Yosemite National Park (2019)
4. Keeping Promises: Providing Public Access to Hetch Hetchy Valley, Yosemite National Park, Restore Hetch Hetchy (2021) (excerpts)
5. Legal Analysis of Raker Act, Section 9(a)(5) and the Park Service's Lack of Authority to Restrict Boating on the Hetch Hetchy Reservoir, Lozeau-Drury (2022)
6. O'Shaughnessy Reservations, SFPUC (downloaded Feb. 2, 2023)
7. EBMUD Pardee Reservoir Recreation Files
8. SFPUC Brochure, collected from Yosemite Hetch Hetchy Entrance Booth on May 31, 2023.

# The Raker Act

## HETCH HETCHY RESERVOIR SITE

HEARING BEFORE THE COMMITTEE ON PUBLIC LANDS  
UNITED STATES SENATE SIXTY-THIRD CONGRESS  
FIRST SESSION ON H. R. 7207

AN ACT GRANTING TO THE CITY AND COUNTY OF SAN FRANCISCO  
CERTAIN RIGHTS OF WAY IN, OVER, AND THROUGH CERTAIN  
PUBLIC LANDS, THE YOSEMITE NATIONAL PARK, AND  
STANISLAUS NATIONAL FOREST, AND CERTAIN LANDS  
IN THE YOSEMITE NATIONAL PARK, THE STANISLAUS  
NATIONAL FOREST, AND THE PUBLIC  
LANDS IN THE STATE OF CALIFORNIA,  
AND FOR OTHER PURPOSES

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1913

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1913d

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- GEORGE W. NORRIS, Nebraska.
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- Charles W. Draper, *Clerk*.

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HETCH HETCHY RESERVOIR SITE.

WEDNESDAY, SEPTEMBER 24, 1913.  
Committee on Public Lands,

United States Senate,  
Washington, D.C.

Present: Senators Myers (chairman), Thomas, Thompson, Pittman, Ransdell, Hughes, Chamberlain, and Norris.

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The Chairman. The committee has assembled for the purpose of considering H. R. 7207, which is as follows:

[H. R. 7207, Sixty-third Congress, first session.]

AN ACT Granting to the city and county of San Francisco certain rights of way in, over and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the city and country of San Francisco, a municipal corporation in the State of California, all necessary rights of way along such locations and of such width, not to exceed two hundred and fifty feet, as in the judgment of the Secretary of the Interior may be required for the purposes of this act, in, over, and through the public lands of the United States in the counties of Tuolumne, Stanislaus, San Joaquin, and Alameda, in the State of California, and in, over, and through the Yosemite National Park and the Stanislaus National Forest, or portions thereof, lying within the said counties, for the purpose of constructing, operating, and maintaining aqueducts, canals, ditches, pipes, pipe lines, flumes, tunnels, and conduits for conveying water for domestic purposes and uses to the city and county of San Francisco and such other municipalities and water districts as, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California in force at the time application is made, may hereafter participate in the beneficial use of the rights and privileges granted by this act: for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for generation and sale and distribution of electric energy; also for the purpose of constructing, operating, and maintaining telephone and telegraph lines, for the purpose of constructing, operating, and maintaining roads, trails, bridges, tramways, railroads, and other means of locomotion, transportation, and communication, such as may be necessary or proper in the construction, maintenance, and operation of the works constructed by the grantee herein; together with such lands in the Hetch Hetchy Valley and Lake Eleanor Basin within the Yosemite National Park, and the Cherry Valley within the Stanislaus National Forest, irrespective of the width or extent of said lands, as may be determined by the Secretary of the Interior to be actually necessary for surface or underground reservoirs, diverting and storage dams; together with such lands as the Secretary of the Interior may determine to be actually necessary for power houses, and all other structures or buildings necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants, telephone and telegraph lines, and such means of locomotion, transportation, and communication as may be established; together with the right to take, free of cost, from the public lands,

the Yosemite National Park, and the Stanislaus National Forest adjacent to its right of way, within such distance as the Secretary of the Interior and the Secretary of Agriculture may determine, stone, earth, gravel, sand, tufa, and other materials of like character actually necessary to be used in the construction, operation, and repair of its said water-power and electric plants, its said telephone and telegraph lines, and its said means of locomotion, transportation, or communication, under such conditions and regulations as may be fixed by the Secretary of the Interior and the Secretary of Agriculture, within their respective jurisdictions for the protection of the public lands, the Yosemite National Park, and the Stanislaus National Forest:

*Provided*, That said grantee shall file, as hereinafter provided, a map or maps showing the boundaries, location, and extent of said proposed rights of way and lands for the purposes hereinabove set forth:

*Provided further*, That the Secretary of the Interior shall approve no location or change of location in the national forests unless said location or change of location shall have been approved in writing by the Secretary of Agriculture.

Sec. 2. That within three years after the passage of this act said grantee shall file with the registers of the United States land offices, in the districts where said rights of way or lands are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way and lands required for the purposes stated in section one of this act; but no permanent construction work shall be commenced on said land until such map or maps shall have been filed as herein provided and approved by the Secretary of the Interior:

*Provided, however*, That any changes of location of any of said rights of way or lands may be made by said grantee before the final completion of any of said work permitted in section one hereof, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; but no change of location shall become valid until approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of said map or maps showing changes of location of said rights of way or lands shall operate as an abandonment by the city and county of San Francisco to the extent of such change or changes of any of the rights of way or lands indicated on the original maps:

*And provided further*, That any rights inuring to the grantee under this act shall, on the approval of the map and maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States Land Office as provided herein, or to the date of the filing of such maps as they may be copies of as provided for herein:

*And provided further*, That with reference to any map or maps heretofore filed by said city and county of San Francisco or its grantor with any officer of the Department of the Interior or the Department of Agriculture, and approved by said department, the provisions hereof will be considered complied with by the filing by said grantee of copies of any of such map or maps with the register of the United States Land Office as

provided for herein, which said map or maps and locations shall as in all other cases be subject to the approval of the Secretary of the Interior.

Sec. 3. That the rights of way hereby granted shall not be effective over any lands upon which homestead, mining, or other existing valid claim or claims shall have been filed or made and which now in law constitute prior rights to any claim of the grantee until said grantee shall have purchased such portion or portions of such homestead, mining, or other existing valid claims as it may require for right-of-way purposes and other purposes herein set forth, and shall have procured proper relinquishments of such portion or portions of such claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants, and caused proper evidence of such fact to be filed with the Commissioner of the General Land Office, and the right of such entrymen or claimants to sell and of said grantee to purchase such portion or portions of such claims are hereby granted:

*Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress for the benefit of any parties other than said grantee or its predecessors in interest.

Sec. 4. That the said grantee shall conform to all regulations adopted and prescribed by the Secretary of the Interior governing the Yosemite National Park and by the Secretary of Agriculture governing the Stanislaus National Forest, and shall not take, cut, or destroy any timber within the Yosemite National Park or the Stanislaus National Forest, except such as may be actually necessary in order to construct, repair, and operate it said reservoirs, dams, power plants, water power and electric works, and other structures above mentioned, but no timber shall be cut or removed from lands outside of the right of way until designated by the Secretary of the Interior or the Secretary of Agriculture, respectively; and it shall pay to the United States the full value of all timber and wood cut, injured, or destroyed on or adjacent to any of the rights of way and lands, as required by the Secretary of the Interior or the Secretary of Agriculture:

*Provided,* That no timber shall be cut by the grantee in the Yosemite National Park except from land to be submerged or which constitutes an actual obstruction to the right or rights of way or to any road or trail provided in this act:

*Provided further,* That for and in consideration of the rights and privileges hereby granted to it the said grantee shall construct and maintain in good repair such bridges or other practicable crossings over its rights of way within the Stanislaus National Forest as may be prescribed in writing by the Secretary of Agriculture, and elsewhere on public lands along the line of said works, and within the Yosemite National Park as may be prescribed in writing by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed in writing by the Secretary of the Interior or the Secretary of Agriculture, construct and maintain along each side of said right of way a lawful fence of such character as may be prescribed by the proper Secretary, with such suitable lanes or crossings as the aforesaid officers shall prescribe:

*And provided further,* That the said grantee shall clear its rights of way within the Yosemite National Park and the Stanislaus National Forest and over any public land of any debris or inflammable material as directed by the Secretary of the Interior and the

Secretary of Agriculture, respectively; and said grantee shall permit any road or trail which it may construct over the public lands, the Yosemite National Park, or the Stanislaus National Forest to be freely used by the officials of the Government and by the public, and shall permit officials of the Government, for official business only, the free use of any telephone or telegraph lines, or equipment, or railroads that it may construct and maintain within the Yosemite National Park and the Stanislaus National Forest, or on the public lands, together with the right to connect with any such telephone or telegraph lines private telephone wires for the exclusive use of said Government officials:

*And provided further,* That all reservoirs, dams, conduits, power plants, water power and electric works, bridges, fences, and other structures not of a temporary character shall be sightly and of suitable exterior design and finish so as to harmonize with the surrounding landscape and its use as a park; and for this purpose all plans and designs shall be submitted for approval to the Secretary of the Interior.

Sec 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of only subject to such easements:

*Provided, however,* That the construction of the aforesaid works shall be prosecuted diligently, and no cessation of such construction shall continue for a period of three consecutive years, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work or of some integral and essential part thereof, or that there has been a cessation of such construction for a period of three consecutive years, then he may declare forfeited all rights of the grantee herein as to that part of the works not constructed, and request the Attorney General, on behalf of the United States, to commence suit in the United States District Court for the Northern District of California for the purpose of procuring a judgment declaring all such rights to that part of the works no constructed to be forfeited to the United States, and upon such request it shall be the duty of the said Attorney General to cause to be commenced and prosecuted to a final judgment such suit:

*Provided further,* That the Secretary of the Interior shall make no such finding and take no such action if he shall find that the construction or progress of the works has been delayed or prevented by the act of God or the public enemy, or by engineering or other difficulties that could not have been reasonably foreseen and overcome, or by other special or peculiar difficulties beyond the control of the said grantee:

*Provided further,* That in the exercise of the rights granted by this act the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior or the Secretary of Agriculture, respectively, may take such action as may be necessary in the courts or otherwise to enforce such regulations.

Sec. 6. That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee:

*Provided*, That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States.

Sec. 7. That for and in consideration of the grant by the United States as provided for in this act the said grantee shall assign, free of cost to the United States, all roads and trails built under the provisions hereof; and further, after the expiration of five years from the passage of this act the grantee shall pay to the United States the sum of \$15,000 annually for a period of ten years, beginning with the expiration of the five-year period before mentioned, and for the next ten years following \$20,000 annually, and for the remainder of the term of the grant shall, unless in the discretion of Congress the annual charge should be increased or diminished pay the sum of \$30,000 annually, said sums to be paid on the first day of July of each year. Until otherwise provided by Congress, said sums shall be kept in a separate fund by the United States to be applied to the building and maintenance of roads and trails and other improvements in the Yosemite National Park and other national parks in the State of California. The Secretary of the Interior shall designate the uses to be made of sums paid under the provisions of this section under the conditions specified herein.

Sec. 8. That the word "grantee" as used herein shall be understood as meaning the city and county of San Francisco and such other municipalities or water district or water districts as may, with the consent of the city and county of San Francisco or in accordance with the laws of the State of California, hereafter participate in or succeed to the beneficial rights and privileges granted by this act.

Sec. 9. That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated:

(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.

(b) That the said grantee shall recognize the prior rights of the Modesto Irrigation District and the Turlock Irrigation District as now constituted under the laws of the State of California, or as said districts may be hereafter enlarged to contain in the aggregate not to exceed three hundred thousand acres of land, to receive two thousand three hundred and fifty second-feet of the natural daily flow of the Tuolumne River, measured at the La Grange Dam, whenever the same can be beneficially used by said irrigation districts, and that the grantee shall never interfere with said rights.

(c) That whenever said irrigation districts receive at the La Grange Dam less than two thousand three hundred and fifty second-feet of water, and when it is necessary for their beneficial use to receive more water the said grantee shall release free of charge, out of the natural daily flow of the streams which it has intercepted, so much water as may be necessary for the beneficial use of said irrigation districts not exceeding an amount which, with the waters of the Tuolumne and its tributaries, will cause a flow at La Grange Dam of two thousand three hundred and fifty second-feet; and shall also recognize the rights of the said irrigation districts to the extent of four thousand second-feet of water out of the natural daily flow of the Tuolumne River for combined direct use and collection into storage reservoirs as may be provided by said irrigation districts, during the period of sixty days immediately following and including April fifteenth of each year, and shall during such period release free of charge such quantity of water as may be necessary to secure to the said irrigation districts such four thousand second-feet flow or portion thereof as the said irrigation districts are capable of beneficially directly using and storing below Jawbone Creek:

*Provided, however,* That at such times as the aggregate daily natural flow of the watershed of the Tuolumne and its tributaries measured at the La Grange Dam shall be less than said districts can beneficially use and less than two thousand three hundred and fifty second-feet, then and in that event the said grantee shall release, free of charge, the entire natural daily flow of the streams which it has under this grant intercepted.

(d) That the said grantee whenever the said irrigation districts desire water in excess of that to which they are entitled under the foregoing, shall on the written demand of the said irrigation districts sell to the said irrigation districts from the reservoir or reservoirs of the said grantee such amounts of stored water as may be needed for the beneficial use of the said irrigation districts at such a price as will return to the grantee the actual

total costs of providing such stored water, such costs to be computed in accordance with the currently accepted practice of public cost accounting as may be determined by the Secretary of the Interior, including, however, a fair proportion of the cost to said grantee of the conduit, land, dams, and water-supply system included in the Hetch Hetchy and Lake Eleanor sites; upon the express condition, however, that the said grantee may require the said irrigation districts to purchase and pay for a minimum quantity of such stored water, and that the said grantee shall be entitled to receive compensation for a minimum quantity of stored water and shall not be required to sell and deliver to the said irrigation districts more than a maximum quantity of such stored water to be released during any calendar year:

*Provided, however,* That if the said irrigation districts shall develop sufficient water to meet their own needs for beneficial use and shall so notify in writing the Secretary of the Interior, the said grantee shall not be required to sell or deliver to said irrigation districts the maximum or minimum amount of stored waters hereinbefore provided for, and shall release the said districts from the obligation to pay for such stored water:

*And provided further,* That said grantee shall without cost to said irrigation districts return to the Tuolumne River above the La Grange Dam for the use of the said irrigation districts all surplus or waste water resulting from the development of hydroelectric energy generated by the said grantee.

(e) That such minimum and maximum amounts of such stored water to be so released during any calendar year as hereinbefore provided and the price to be paid therefor by the said irrigation districts are to be determined and fixed by the Secretary of the Interior in accordance with the provisions of the preceding paragraph,

(f) That the Secretary of the Interior shall revise the maximum and minimum amounts of stored water to be supplied to said irrigation districts by said grantee as hereinbefore provided, whenever the said irrigation districts have properly developed the facilities of the Davis Reservoir of the Turlock Irrigation District and the Warner-Dallas Reservoir of the Modesto Irrigation District to the fullest practicable extent up to a development not exceeding in cost \$15 per acre-foot storage capacity, and whenever additional storage has been provided by the said irrigation districts which is necessary to the economical utilization of the waters of said watershed, and also after water losses and wastes have been reduced to such reasonable minimum as will assure the economical and beneficial use of such water.

(g) That the said grantee shall not be required to furnish more than the said minimum quantity of stored water hereinbefore provided for until the said irrigation districts shall have first drawn upon their own stored water to the fullest practicable extent.

(h) That the said grantee shall not divert beyond the limits of the San Joaquin Valley and more of the waters from the Tuolumne watershed than, together with the waters which it now has or may hereafter acquire, shall be necessary for its beneficial use for domestic and other municipal purposes.

(i) That the said grantee shall, at its own expense, locate and construct, under the direction of the Secretary of the Interior, such weirs or other suitable structures on sites

to be granted, if necessary, by the United States, for accurately measuring the flow in the said river at or above La Grange Dam and measuring the flow into and out from the reservoirs or intakes of said districts, and into and out from any reservoirs constructed by the said grantee, and at any other point on the Tuolumne River or its tributaries, which he may designate, and fit the same with water-measuring apparatus satisfactory to said Secretary and keep such hydrographic records as he may direct, such apparatus and records to be open to inspection by any interested party at any time.

(j) That by "the flow," "natural daily flow," "aggregate daily natural flow," and "what is naturally flowing," as are used herein, is meant such flow as on any given day would flow in the Tuolumne River or its tributaries if said grantee had no storage or diversion works on the said Tuolumne watershed.

(k) That when the said grantee begins the development of the Hetch Hetchy Reservoir site, it shall undertake and vigorously prosecute to completion a dam at least two hundred feet high, with a foundation capable of supporting said dam when built to its greatest economic and safe height.

(l) That the said grantee shall, upon request, sell or supply to said irrigation districts, and also to the municipalities within either or both said irrigation districts, for the use of any land owner or owners therein for pumping subsurface water for drainage or irrigation, or for the actual municipal public purposes of said municipalities (which purposes shall not include sale to private persons or corporations) any excess of electrical energy which may be generated, and which may be so beneficially used by said irrigation districts or municipalities, when any such excess of electric energy may not be required for pumping the water supply for said grantee and for the actual municipal public purposes of the said grantee (which purposes shall not include sale to private persons or corporations) at such price as will actually reimburse the said grantee for developing and maintaining and transmitting the surplus electrical energy thus sold; and no power plant shall be interposed on the line of the conduit except by the said grantee, or the lessee, as hereinafter provided, and for the purposes and within the limitations in the conditions set forth therein:

*Provided*, That said grantee shall satisfy the needs of the landowners in said irrigation districts for pumping subsurface water for drainage or irrigation, and the needs of the municipalities within such irrigation districts for actual municipal public purposes, after which it may dispose of any excess electrical energy for commercial purposes.

(m) That the right of said grantee in the Tuolumne water supply to develop electric power for either municipal or commercial use is to be made conditional for twenty years following the completion of any portion of the works adapted to the generation of electrical energy, as follows: The said grantee shall, within three years from the date of completion of said portion of the works, install, operate, and maintain apparatus capable of developing and transmitting not less than ten thousand horsepower of electric power for municipal and commercial use, said ten thousand horsepower to be actually used or offered for use; and within ten years from the completion of said portion of the works not less than twenty thousand horsepower; and within fifteen years therefrom not less than thirty thousand horsepower; and within twenty years therefrom not less than sixty

thousand horsepower; unless in the judgment of the Secretary of the Interior the public interest will be satisfied with a lesser development. The said grantee shall develop and use hydroelectric power for the use of its people and shall, at prices to be fixed under the laws of California or, in the absence of such laws, at prices approved by the Secretary of the Interior, sell or supply such power for irrigation, pumping, or other beneficial use, said prices to be not less than will return to said grantee the actual total costs of providing and supplying said power, which costs shall be computed in accordance with the currently accepted practice of public cost accounting, as shall be determined by the Secretary of the Interior, including, however, a fair proportion of cost of conduit, lands, dams, and water-supply system; and further, said grantee shall, before using any of said water for the purposes of developing hydroelectric power, file such maps, surveys, field notes, or other data as may be required by law, and shall conform to any law existing and applicable to said subject or development of said hydroelectric power for municipal or commercial uses.

(n) That after the period of twenty years hereinbefore provided for the development, transmission, use, and sale of electric power, the Secretary of the Interior, under authorization hereby given, may require the grantee, within a time fixed by the Secretary, to develop, transmit, and use, or offer for sale, such additional power, and also such power less than sixty thousand horsepower as the grantee may have failed to develop, transmit, use, or sell, within the twenty years aforesaid, as in the judgment of said Secretary the grantee may or ought to develop under this grant, and which in his judgment the public interest demands or convenience requires; and in case of the failure of the grantee to carry out any such requirements of the Secretary of the Interior the latter is hereby authorized so to do, and he may, in such manner and form and upon such terms and conditions as he may determine, provide for the development, transmission, use, and sale of such additional power and such power not so developed, transmitted, or used by the grantee at the end of said twenty years up to sixty thousand horsepower; and for that purpose the Secretary of the Interior may take possession of and lease to such person or persons as he may designate such portion of the rights of way, structures, dams, conduits, and other property acquired or constructed by the grantee hereunder as may be necessary for the development, transmission, use, and sale of such power.

(o) That the rates of charges to be made by the grantee or by any lessee under the last preceding paragraph for the use of power for commercial purposes shall at all times conform to the laws of the State of California or, in the absence of any such statutory law, be subject to the approval of the Secretary of the Interior, and in the absence of such law no rates or charges shall be made, fixed, or collected without such approval, and the grantee shall at any time, upon the demand of the Secretary of the Interior, allow the latter or such person or persons as he may designate full and free access, right, and opportunity to examine and inspect all of the grantee's books, records, and accounts, and all the works constructed and property occupied hereunder by the grantee.

(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.

(q) That the said grantee shall furnish water at cost to any authorized occupant within one mile of the reservoir and in addition to the sums provided for in section seven it shall reimburse the United States Government for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed.

(r) That in case the Department of the Interior is called upon, by reason of any of the above conditions, to make investigations and decisions respecting the rights, benefits, or obligations specified in this act, which investigations or decisions involve expense to the said Department of the Interior, then such expense shall be borne by said grantee.

(s) That the grantee shall file with the Secretary of the Interior, within six months after the approval of this act, its acceptance of the terms and conditions of this grant.

(t) That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act.

(u) That the city and county of San Francisco shall sell to the United States, for the use of the War Department, such water as the War Department may elect to take, and shall deliver the same through its system in or near the city of San Francisco to the mains or systems of such military reservations in that vicinity as may be designated by the Secretary of War, under such rules and regulations as he may prescribe. In payment for such water and the delivery thereof the United States shall pay to the said city and county of San Francisco a rental, to be calculated at a fixed rate per one thousand

gallons, said rate not to exceed the actual cost of said water to said city and county for all the water so furnished, as determined by meter measurements:

*And provided further,* That payment of said rental shall be made by the local disbursing officer of the War Department in the usual manner:

*Provided, however,* That the grantee shall at all times comply with and observe on its part all the conditions specified in this act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof, for the purpose of enforcing and carrying out the provisions of this act.

Sec. 10. That this grant, so far as it relates to the said irrigation district, shall be deemed and held to constitute a binding obligation upon said grantee in favor of the said irrigation districts which said districts, or either of them, may judicially enforce in any court of competent jurisdiction.

Sec. 11. That this act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State.



**National Park Service**  
**U.S. Department of the Interior**

**Yosemite National**  
**Park**

P.O. Box 577  
Yosemite National Park  
California 95389

**Superintendent's Compendium**  
of Designations, Closures, Permit  
Requirements and Other  
Restrictions Imposed Under  
Discretionary Authority.

209-372-0200

Approved:

/s/ Cicely Muldoon

Cicely Muldoon  
Superintendent

8/18/2022

Date

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In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7 and Part 34, authorized by Title 54 United States Code, Section 100751, the following regulatory provisions are established for the proper management, protection, government and public use of those portions of the El Portal Administrative Site under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7 as incorporated in Part 34.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

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## PART 1 – GENERAL PROVISIONS

The specific discretionary authority for Park Superintendents to establish reasonable schedules for visiting hours, impose public use limits, and close park areas for all public use or specific use is found in Title 36 Code of Federal Regulations (CFR) §1.5. These park-specific restrictions are also based upon 36 CFR, Chapters 1-7 to protect park resources, visitors and employees. Under CFR §1.7 notice of all restrictions, closures, designations and permit requirements will be made available to the general public by a least one or more of the following methods of notifications: maps, brochures, signs, permits, or other appropriate methods, as well as within this compendium.

### Section 1.4 Definitions

**Electric Bicycle (aka E-Bike)**- a two- or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts that meets the requirements of one of the following three classes:

(1) “Class 1 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) “Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) “Class 3 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

**Food** - includes any human food, beverage, pet food, grain or other sweet stock food, food tainted garbage, food tainted equipment, toiletries such as soap, toothpaste, and cosmetics, and any creams, ointments, or lotions. Food containers include any object designed to contain food such as ice chests, coolers, food packaging, and grocery bags whether or not they contain food, or any object that contains food such as a pack or stuff sack.

**Sub Dome** – The granite dome on the east side of Half Dome where the Half Dome cables begin.

**Unmanned Aircraft** – A device that is used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operation elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, or communication links). This term includes the

type of devices that meet this definition (e.g. model airplanes, quadcopters, or drones) that are used for any purpose including recreation or commerce.

An additional listing can be found in the CFR derived under 36 CFR §1.4 or §1.5.

## Section 1.5(a)(1) Closures and Public Use Limits

### Visiting Hours

Yosemite National Park is open 24 hours a day, 365 days a year excepted where listed below or publicly posted.

#### ***Hetch Hetchy***

The Hetch Hetchy Road is open to vehicle, bicycle, and pedestrian traffic during the following hours:

8:00am to 7:00pm	April 1 to April 30
7:00am to 9:00pm	May 1 to Labor Day
8:00am to 7:00pm	The day after Labor Day to October 31
8:00am to 5:00pm	November 1 to March 31

In Elevated Threat Level, as determined by the Department of Homeland Security, the Hetch Hetchy Road will be open from 8:00am to 5:00pm. Road hours may be further restricted based on security needs.

In High and Severe Threat Levels, as determine by the Department of Homeland Security, the Hetch Hetchy Road and the entire area around the O'Shaughnessy Dam and Hetch Hetchy Reservoir will be closed to all traffic and visitation.

#### ***Yosemite Valley***

El Capitan, Cathedral Beach, and Sentinel Beach Picnic Areas are closed one hour after sunset to one hour before sunrise, except for authorized administrative functions.

### Public Use Limits

#### ***Badger Pass Ski Area***

Up to 2300 ski lift tickets may be sold in one day for Badger Pass Ski Area.

*An analysis of the slopes at Badger Pass Ski Area was done to determine optimum capacity without sacrificing skier safety.*

Except administrative activities, the uphill lane from Chinquapin to Badger Pass Ski Area will be restricted when the parking lot at Badger Pass Ski Area fills to capacity. This road may also be restricted to one lane during times of heavy snow or traffic.

*This restriction is necessary because of the physical capacity of the parking lot at Badger Pass Ski Area and to provide for public safety.*

While Badger Pass is not in operation by the concessioner, the public will not be allowed to access the buildings, lifts, and ski area boundary.

*This restriction is necessary for visitor safety around unoccupied buildings and equipment. This restriction is also necessary to protect private property, and environmentally sensitive wetland habitat*

During non-operation of the Badger Ski Area, Between the time that Badger Pass winter operations have ceased in the spring and the time they resume in the fall/winter, the Badger Pass Parking Lot is closed to the public.

*These restrictions are necessary to provide for the orderly management of the park. Administrative functions are exempt from this restriction.*

### ***Electric Personal Transportation Devices***

Electric scooters, electric skateboards, electric skates, or any other similar electric transportation device designed to carry a single passenger and propelled or assisted by an electric motor are prohibited on all park roads and unpaved trails.

Additionally, electric bikes (e-Bikes) are permitted on park roads in compliance with adopted state laws.

*This restriction is necessary to provide for the safety of visitors and motorists on curving roads, often with steep grades.*

### ***Glacier Point Road***

The public use limits for the Glacier Point Road are as follows:

- Vehicles over 30 feet and/or vehicles pulling trailers are prohibited beyond the Sentinel Dome parking lot.
- Buses exceeding 30 feet in length are prohibited beyond the Badger Pass turnout. Authorized NPS, park contractors and concessionaire vehicles are exempt.

*These restrictions are necessary in order to protect vehicles from the safety risks posed by large vehicles and vehicles pulling trailers traveling this section of steep, narrow, winding road.*

*Policy 8.2 which prohibits recreational uses that conflict with the scenic values and view sheds that the park was designated to protect and the associated activities in which individuals seek solitude and tranquility with an expectation of privacy. Furthermore, the use in designated Wilderness Areas violates the Wilderness Act, which prohibits motorized equipment. An interim measure may be put in to place at a later date after the park administration evaluates the appropriateness of this new use on a long-term basis.*

### **Wilderness Group Sizes**

The public use limits for overnight wilderness use are managed by a system of trailhead quotas, and daily overnight entries will not exceed the established quotas.

*This restriction is necessary to provide for public use while protecting natural and cultural resources.*

The group size limits are:

- 35 person limit per group for day use travel on established trails
- 15 person limit per group for overnight travel on established trails
- 15 person limit per overnight campsite use
- 8 person limit per group for all off trail travel (more than ¼ mile off established trails or roads) whether day or overnight use.

Any group exceeding size limitations must split into subgroups and comply with the above size limitations. Subgroups must begin at different trails heads or on separate days, and the subgroups must travel and camp at least ¼ mile apart at all times.

*These restrictions are necessary as groups that exceed these limits would negatively impact the use and enjoyment of wilderness areas by other smaller groups.*

### **Yosemite Valley access**

Visitors may enter Yosemite Valley via vehicle until westbound traffic backs up from Lower Yosemite Falls to Curry Village four-way intersection, all day use parking spaces have been filled, and/or the 18,710 person capacity is reached.

### **Closures**

#### ***Boating***

Motorized boats are prohibited in all lakes and free flowing rivers, creeks, and streams within Yosemite National Park.

*These restrictions are necessary to preserve the natural characteristics of the lakes for public enjoyment and safety, and to ensure that the management of the park's lakes meets the needs of all park users, including but not limited to photographers, fishermen, and those wishing to see undisturbed sections of lakes. This restriction is in direct support of the Raker Act, water quality provisions and the Filtration Avoidance Regulation, and is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants*

Non-motorized vessels are only permitted for use on natural lakes, Lake Eleanor, and free flowing rivers, creeks, and streams within Yosemite National Park under the following conditions:

**Merced River:**

- From the headwaters to Little Yosemite Valley Campground
- From Clark's Bridge to Stoneman Bridge when flows are below 4.5 feet as measured at the Pohono Bridge river gauge at 8:00am on the day the river use is to occur
- From Stoneman Bridge to El Capitan Bridge when flows are below 7.0 feet as measured at the Pohono Bridge river gauge at 8:00am on the day the river use is to occur
- From El Capitan Bridge to the park boundary when flows are Above 3.4 feet as measured at the Pohono Bridge river gauge at 8:00am on the day the river use is to occur

**Tuolumne River:**

- From Pothole Dome to Pate Valley

**South Fork Merced River:**

- From the headwaters to 100 yards upstream from the Wawona impoundment.
- From downstream of the Wawona impoundment to the park boundary.

**For all boating:**

- Vessels must be in good condition and rated for the classification of water users are intending to navigate.
- Use of a trailer or wheeled device to launch or retrieve a vessel is prohibited.
- Dragging vessels on vegetation is prohibited.
- A personal floatation device must be worn while the vessel is underway in accordance with state laws.
- A personal floatation device is required to be worn for all boaters above Little Yosemite Valley, below El Capitan Bridge, on the Tuolumne River, and anywhere on the Merced River when the flow is above 4.0 feet as

measured at the Pohono Bridge river gauge at 8:00am on the day the river use is to occur

Boaters must take precautions to ensure their vessel is free of invasive species.

Launching and retrieval is only permitted at the sites listed under 36 CFR § 3.8(a)(2) of this document.

*These restrictions are necessary to preserve the natural characteristics of the rivers, creeks, and streams for public enjoyment and safety, and to ensure that the management of the park's rivers meets the needs of all park users, including but not limited to photographers, fishermen, and those wishing to see undisturbed sections of free flowing river. By partitioning the rivers and placing constraints on certain activities, each visitor group can be accommodated, while providing for both visitor and resource protection, and this action has been determined to be neither a major shift in policy nor a significant change to previous regulatory efforts*

### **Climbing**

The Yabo Boulder (37.727833, -119.624377) and all climbing activities and routes on the boulder are closed.

*This restriction is necessary to provide for the protection of cultural resources.*

### **Construction Zones**

Areas within the park that are designated as construction or demolition zones are closed to the public. These areas will be identified by signage indicating the closure.

*This restriction is necessary to protect the public from the hazards associated with construction and demolition.*

### **Firearms Ranges**

All firearms ranges in the park are closed to the public. Firearms ranges are for law enforcement use only.

*This restriction is necessary for the safety of park visitors, to ensure unfettered access for law enforcement training, and to ensure compliance with other National Park Service policies.*

### **Glacier Point Overlook**

The following area is closed for public safety:

The area known as "Overhanging Rock", adjacent to and just west of the established viewing area at the precipice of Glacier Point, which is signed as a hazardous area.

*These restrictions are necessary to provide for public safety and use.*

## ***Hetch Hetchy***

At High and Severe Threat Levels – The Hetch Hetchy Road and the entire area around the O’Shaughnessy Dam and Hetch Hetchy Reservoir will be closed to public vehicles traffic and visitation when the Department of Homeland Security issues an Imminent Threat Level warning to the nation or to Yosemite National Park.

Additionally, the area between the O’Shaughnessy Dam and the administrative dirt road leading to areas below the dam is closed to public access, and the Hetch Hetchy boat dock is closed to public access.

*These restrictions are necessary for the orderly management of the park and the security of associated facilities.*

Public access is prohibited below the high water mark of Hetch Hetchy reservoir (see the High Water Mark map in the appendix).

*This restriction is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants.*

Hetch Hetchy Reservoir is closed to all vessels.  
Lake Eleanor is closed to all motorized vessels.

*These restrictions are in direct support of the Raker Act, Water Quality Provisions, and the Filtration Avoidance Regulation, and it is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants.*

## ***Mariposa Grove***

The road between the Transportation Hub and the Lower Grove is closed to all vehicles during shuttle bus operating hours. Private vehicles displaying an Accessible license plate or ADA Tag, may drive up the road and park in available ADA spaces at the Lower Grove and at the Grizzly Giant ADA parking lots.

All vehicles over 21' in length are prohibited on the Mariposa Grove Road between the Transportation Hub and the Lower Grove.

Vehicles pulling trailers are prohibited on the Mariposa Grove Road between the Transportation Hub and the Lower Grove.

## ***Park Roads***

The following roads are closed seasonally due to snow and ice:

*fish that can be taken and possessed. Based on the need to protect native populations, the NPS is maintaining the previous controls and expanding the locations, based on current data, in order to continue to protect those fish populations.*

## 36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(e)(2) The carrying of weapons must be in compliance with state law. The Superintendent may issue a permit to carry or possess a weapon, trap, or net under the following circumstances:

- To persons in charge of pack trains or saddle horses, emergency use is meant solely for the use of dispatching injured stock.
- The weapon must remain unloaded until there is a circumstance in which an animal must be dispatched.

## 36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks, or minerals except in accordance with other regulations in this chapter or pursuant to the terms and conditions of a specimen collections permit, is prohibited.

Qualifying researchers must be in compliance with the General Condition for Scientific Research and Collecting Permit as described under the National Park Service Research Permit and Reporting System.

All environmental compliance issues (e.g. categorical exclusions), and minimum requirement analysis for research conducted in the wilderness, must be resolved prior to commencement of specimen collecting.

## 36 CFR §2.10 – CAMPING and FOOD STORAGE

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

Camping is permitted for not more than a total of 30 days in any calendar year, provided that during the period from May 1 to September 15 inclusive, camping is limited to a total of 14 days. During the same period, camping in Yosemite Valley and Wawona areas is limited to not more than a total of 7 days.

### Non-Wilderness

***Camping in Non-Wilderness areas of the park is permitted only in the following designated camps:***

**Family Sites:** Upper Pines, Lower Pines, North Pines, Wawona, Bridalveil Creek, Crane Flat, Hodgdon Meadow, Tamarack Flat, White Wolf, Yosemite Creek, Porcupine Flat, and Tuolumne Meadows.

**Walk-in Campgrounds:** Camp 4 and some sections of Hodgdon Meadow campground.

### Backpackers Campgrounds:

Backpackers' campgrounds are intended for use by visitors in possession of an overnight wilderness permit or for visitors arriving in the park by foot, bicycle, or bus. Wilderness permit holders may stay in a backpackers' campground the night prior to their hiking start date and the night after returning from each overnight Wilderness trip, but not between the start and end date.

Backpacker campgrounds are located in Yosemite Valley, Tuolumne Meadows, Hetch Hetchy, and White Wolf.

Users arriving in the park by foot, bicycle, or bus may stay in each backpackers' campground for a limit of one night.

Wilderness permit holders entering or leaving Yosemite and hiking through Tuolumne Meadows (e.g., John Muir Trail and Pacific Crest Trail through hikers) may stay in the backpackers' campground at Tuolumne Meadows for one night during their wilderness trip when the campground is open. If the Tuolumne Meadows Post Office is closed, such backpackers may stay for one night in the backpackers' campground in Yosemite Valley if resupplying in Yosemite Valley. Continuation of the wilderness trip must be on the specified conditions of the wilderness permit.

### Group Campsites:

Group campsites are located in Wawona, Bridalveil Creek, Hodgdon Meadow, and Tuolumne Meadows.

### Horse Campsites:

Horse campsites are located in Wawona, Bridalveil Creek, Tuolumne Meadows, and Hetch Hetchy.

When an individual pays a camping fee, occupies a campsite, or registers in a campground, the following conditions are in effect (under 2.10(c) violating these conditions is prohibited and the permit may be suspended or revoked).

### ***General Campground Regulations***

- Check-out time in all campgrounds is 12:00pm (noon) on the day the permit expires. After check-out time, any unattended property remaining in a site may be impounded immediately. (See Section 2.22)
- Camp only in established sites in designated campgrounds.
- A maximum of six occupants are allowed per site in Family Sites.
- Between the hours of 10:00pm and 6:00am sites are to be occupied only by those registered with that site.
- Each Walk-In and Backpacker Camp user must register individually.

- Campsite registration must occur within 30 minutes of arrival.
- Reserving or holding campsites for others in non-wilderness campgrounds operating on a first-come, first-served basis is prohibited.
- Generator use is permitted only between the hours of:
  - 7:00am to 9:00am
  - 12:00pm to 2:00pm
  - 5:00pm to 7:00pm
- Camping wastewater must be dumped into utility sinks at restroom units when provided.
- When sinks are not provided, wastewater must be dumped at least 100 feet from lakes, rivers, or creeks.

## Vehicles in Campgrounds

- Campground parking permits must be displayed on all vehicles parked in campground parking areas with the campground name, site number, and valid dates visible through the windshield unless other requirements are posted at the campground kiosk.
- A maximum of two vehicles or four motorcycles are allowed per site in Family Sites.
- A maximum of two vehicles and two trailers are allowed per site in Horse Camps.
- A maximum of five vehicles or ten motorcycles are allowed per site in Group Camps.
- Groups are not permitted to park motorhomes, trailers, campers, or other recreational vehicles in group campsite parking areas.
- Where parking pads are provided, vehicles must be parked with all wheels on the pad.
- Except for administrative activities, vehicles are not allowed within the boundaries of walk-in or backpacker campgrounds.

## Wilderness Camping

Wilderness permit holders whose permit was issued by a cooperating agency and whose itinerary includes part of the Yosemite trail system, and who enter Yosemite from an adjacent wilderness or forest, are accepted as valid for wilderness travel within Yosemite.

All persons who wish to sleep overnight, camp, bivouac, or are in possession of equipment designed for overnight use in the wilderness/backcountry, must obtain and carry with them at all times a wilderness permit (one permit per group). The permit is valid only for the dates/trailheads indicated.

Washing and rinse water must be disposed of at least 100 feet from lakes and streams in the wilderness.

Camping is prohibited in the following areas:

- Any area within four trail miles of a trailhead in:
  - **Yosemite Valley**
  - **Hetch Hetchy**
  - **Wawona**
  - **Glacier Point**
  - **Tuolumne Meadows**



September 26, 2023

Exhibit 3 - Memorandum of Agreement between SFPUC and NPS (excerpts)

NPS Agreement Number: MYOSEWW001

**Memorandum of Agreement  
Between  
City and County of San Francisco  
San Francisco Public Utilities Commission  
and  
National Park Service  
Yosemite National Park  
for  
Comprehensive Management of Watersheds within Yosemite National Park  
Supplying the San Francisco Regional Water System**

This Memorandum of Agreement (MOA) is hereby entered into by and between the National Park Service (NPS) and the San Francisco Public Utilities Commission (SFPUC), referred to collectively herein as “the Parties.”

**ARTICLE I – BACKGROUND AND OBJECTIVES**

The Hetch Hetchy watershed is part of the Tuolumne River basin and is located entirely within Yosemite National Park (YNP). The headwaters of the Tuolumne River drain into Hetch Hetchy Reservoir. This watershed provides over 85% of the City and County of San Francisco’s (CCSF) water needs, provides drinking water to 2.7 million residential, commercial and industrial customers served by the SFPUC in the San Francisco Bay Area and is managed by the National Park Service (NPS).

The Hetch Hetchy Supply consists of Hetch Hetchy Reservoir and its watershed. The SFPUC is not required to filter the Hetch Hetchy Supply in part due to:

- The exceptionally high quality water produced by the Hetch Hetchy watershed.
- Ongoing and effective source water protection provided by NPS watershed management.

This combination meets the Federal and the California criteria for filtration avoidance.

The “Upcountry Non-Hetch Hetchy Sources” (UNHHS) are approved water sources that require filtration for the San Francisco Regional Water System (SFRWS). They consist of:

- Cherry Lake and its watershed.
- Lake Eleanor and its watershed.
- Tuolumne River, and its watershed, between O’Shaughnessy Dam and Early Intake Dam.
- Cherry Creek and Eleanor Creek, and their watersheds, from Cherry Lake Dam and Lake Eleanor Dam to the Cherry Creek Diversion Dam.

September 26, 2023

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NPS Agreement Number: MYOSEWW001

This MOA includes the management of the Hetch Hetchy Supply watershed and the portions of the Upcountry Non-Hetch Hetchy Sources watersheds that are within YNP.

Under the Raker Act, the grantee (SFPUC) is required to reimburse the Department of Interior (NPS) for the cost of the inspection necessary to secure compliance with the sanitary regulations set forth in section 9(a) of the Act. The text of section 9(a) of the Raker Act is set forth in Appendix A. Per sections 9(q) and (r) of the Raker Act, the SFPUC is also required to reimburse the NPS for the costs of road and trail maintenance and to pay any expenses incurred by the NPS in making investigations or decisions respecting SFPUC's rights, benefits, and obligations under the Raker Act.

The SFPUC is required to demonstrate a "watershed control program" that complies with the Federal and the California filtration avoidance regulations. In part, this is through "...written agreements with the landowners within the watershed that it can control all human activities which have an adverse impact on the microbiological quality of the source water." Filtration avoidance regulations are found in Title 40 Code of Federal Regulations (CFR), Part 141, Subpart H (40 CFR §141.71), and in the California Code of Regulations (CCR), Title 22, Section 64652.5(e)(3), (22 CCR § 64652.5). Relevant Title 22 sections are in Appendix B.

The SFPUC and the NPS have a long history of cooperation with the common goal of protecting water quality, environmental resources, and security for essential facilities. A goal of the Source Water Protection Program is for the Hetch Hetchy water supply to maintain its filtration avoidance designation. This Agreement formalizes these cooperative efforts and meets regulatory requirements in 40 CFR §141.71 and 22 CCR § 64652.5 for a "written agreement with the landowner." Another goal is to manage all the SFRWS supply watersheds within YNP to mitigate potential sanitary concerns and meet environmental stewardship objectives.

History of the Agreements include:

- 2005-2010: Agreement developed to meet the filtration avoidance requirement for a "written agreement with the landowner."
- 2010-2015: Agreement expanded to recognize ongoing Environmental Stewardship and Security programs.
- 2015-2016: Agreement extended one year to coincide with the SFPUC two year budget process.
- 2016-2018: Agreement core tasks restructured to align with NPS organizational structure; NPS program management identified as a MOA element. MOA term changed from 5 years to 2 years.
- 2018-2020: Modified to extend the MOA through 2020.
- 2020-2024 New Agreement developed.

This Agreement serves as the mechanism for:

1. **SOURCE WATER PROTECTION (SWP) PROGRAM:** Watershed controls to preserve the SFRWS watersheds within YNP as high-quality drinking water sources and to maintain the filtration avoidance status of the Hetch Hetchy Supply. This includes

September 26, 2023

Exhibit 3 - Memorandum of Agreement between SFPUC and NPS (excerpts)

NPS Agreement Number: MYOSEWW001

watershed management for source water protection and reimbursement for implementation of the Raker Act water quality provisions, along with other source water protection initiatives.

2. ENVIRONMENTAL STEWARDSHIP (ES) PROGRAM: Collaborative efforts to improve environmental stewardship of the Upper Tuolumne River ecosystem that affect, or are affected by, SFPUC facilities and operations within YNP. These efforts will incorporate policies described in the SFPUC Water Enterprise Environmental Stewardship Policy, and will also assist in carrying out stipulations entered into by the SFPUC with the Department of the Interior under provisions of the Raker Act.
3. SECURITY (S) PROGRAM: Providing security for facilities essential to SFPUC operations within the YNP. The Security Program in Appendix E is CONFIDENTIAL and relates to Homeland Security.

SFPUC coordination and funding for the Source Water Protection Program, Environmental Stewardship Program, and the Security Program are provided for through this Agreement.

## **ARTICLE II – LEGAL AUTHORITY AND POLICY COORDINATION**

The Raker Act, 38 Stat. 242 (1913) authorizes the NPS to accept and retain funds to cover costs incurred in administering the Raker Act. NPS is authorized by 54 U.S.C. 101704 to carry out work under reimbursable agreements with any State, local, or tribal government and, without regard to any provision of law or a regulation, may record obligations against accounts receivable from those governments; and shall credit amounts received from those governments to the appropriate account.

### **Source Water Protection**

Source water protection is integral to the SFPUC and is regulated by federal and state laws. This Agreement deals with the application of Raker Act section 9(a) related to recovery of costs for protection of water quality, and SFPUC compliance with Federal and California drinking water quality regulations through a watershed management agreement.

The Raker Act requires reimbursement to the NPS for the cost of the inspections necessary to secure compliance with the sanitary regulations set forth in section 9(a), as well as an annual payment of \$30,000.

The NPS develops and implements additional watershed protection policies and regulations, which are coordinated with the SFPUC. These additional policies and regulations constitute, in combination with the Raker Act's water quality provisions, a watershed control program that meets the filtration avoidance requirements of 40 CFR §141.71 and 22 CCR §64652.5 for the Hetch Hetchy Supply and protects water quality for the SFRWS UNHHS. The watershed control program ensures that high water quality of the SFRWS sources is maintained.

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### Environmental Stewardship

In June 2006, the SFPUC adopted the Water Enterprise Environmental Stewardship Policy (Appendix C). This policy integrates into the SFPUC's water system planning and operation, including dams and diversions. The policy:

- Establishes a management directive to protect and rehabilitate ecosystems that affect or are affected by SFPUC water system operations, within the context of meeting water supply, power generation, water quality, and minimum instream flow requirements.
- Directs the SFPUC to develop, implement, and monitor instream flow releases such that they mimic, to the extent consistent with the SFPUC mission, existing agreements, and applicable state and federal laws, "...the variation of the seasonal hydrology (e.g., magnitude, timing, duration, and frequency) of their corresponding watersheds in order to sustain the aquatic and riparian ecosystems upon which native fish and wildlife species depend."

In response to the adoption of the Water Enterprise Environmental Stewardship Policy, the SFPUC initiated the Upper Tuolumne River Ecosystem Program with the broad goal of conducting a set of long-term, collaborative, science-based investigations designed to (1) characterize historical and current river ecosystem conditions; (2) assess their relationship to SFPUC operations; and (3) provide recommendations for improving natural ecosystem conditions on a long-term, adaptively managed basis. The study area includes main stem reaches of the Upper Tuolumne River and major tributaries.

### Security

The Raker Act granted the CCSF lands and rights-of-way to construct, operate, and maintain water and power (Project) facilities in YNP. NPS has exclusive federal jurisdiction for law enforcement within YNP, including the protection of Project facilities. The State of California and the US Department of Homeland Security (DOHS) have determined that Project facilities are critical infrastructure.

Both the SFPUC and NPS recognize the recreational opportunities available to the public in the vicinity of Project facilities within YNP and the need to maintain reasonable public access. NPS implements a management strategy that provides reasonable security for Project facilities balanced with appropriate public access. The Security Program identifies measures to prevent and respond to attacks on Project facilities within YNP.

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### **ARTICLE III – KEY OFFICIALS**

A. Unless otherwise designated, the NPS and the SFPUC designate the following individuals as principal contacts for the work outlined in this Agreement:

1. For the NPS:

(a) **Superintendent:** All official correspondence (hardcopy or electronic) should be directed to the Superintendent of Yosemite National Park and copied to the Hetch Hetchy Program Manager.

Superintendent  
Yosemite National Park  
PO Box 577  
Yosemite, CA 95389

(b) **Hetch Hetchy Program Manager:** To facilitate implementation of this agreement, the SFPUC funds a full-time NPS Hetch Hetchy Program Manager (HHPM) position. The HHPM is the primary NPS liaison between the NPS and SFPUC for the Source Water Protection and Environmental Stewardship programs.

Hetch Hetchy Program Manager  
Office of the Superintendent  
Yosemite National Park  
PO Box 577  
Yosemite, CA 95389

(c) **Security Program Manager:** To facilitate implementation of this agreement, NPS designates a Security Program Manager (SPM). The SPM is the primary NPS liaison between the NPS and SFPUC for the Security Program and is the Chief of YNP's Visitor and Resource Protection Division. The SPM shall have appropriate security clearance.

Security Program Manager  
Chief Ranger, Division of Visitor and Resource Protection  
Yosemite National Park  
PO Box 577  
Yosemite, CA 95389

2. For the SFPUC:

a) **Hetch Hetchy Water and Power (HHWP) Division Manager and Operations and Maintenance Manager:** to facilitate implementation of this agreement, the SFPUC designates the HHWP Division Manager as the manager of this Agreement.

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HHWP Division Manager and/or Operations and Maintenance Manager  
Hetch Hetchy Water and Power  
PO Box 160  
Moccasin, CA 95347

- b) HHWP Operations and Maintenance Manager: to facilitate implementation of this agreement, the SFPUC designates this position as the operational contact for the Security Program.

HHWP Operations and Maintenance Manager  
Hetch Hetchy Water and Power  
PO Box 160  
Moccasin, CA 95347

- c) SFPUC Emergency Planning Director: To facilitate implementation of this agreement, the SFPUC designates this position to provide administrative oversight and program management for the Security Program.

SFPUC Emergency Planning Director  
San Francisco Public Utilities Commission  
525 Golden Gate, 10<sup>th</sup> Floor  
San Francisco, CA 94102

- d) Water Quality Division (WQD) Division Director: to facilitate implementation of this agreement, the SFPUC designates this position as the primary contact for the Source Water Quality Protection Program and Sanitary Surveys.

WQD Division Director  
SFPUC Water Quality Division  
1657 Rollins Rd.  
Burlingame, CA 94010

- e) Natural Resources and Lands Management Division (NRLMD) Division Manager: To facilitate implementation of this agreement, the SFPUC designates NRD Manager as the primary contact for the Environmental Stewardship Program.

NRLMD Division Manager  
San Francisco Public Utilities Commission  
525 Golden Gate, 10<sup>th</sup> Floor  
San Francisco, CA 94102

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- B. Coordination Meetings** – The HHWP Division Manager, NPS HHPM and SPM shall have quarterly coordination meetings with relevant SFPUC and NPS staff. Topics of discussion may include: budget, security, source water protection, Annual Sanitary Survey Report, environmental stewardship, annual review and other relevant topics.

Coordination meetings will cover work performed in the prior calendar year, work planned for the current calendar year, and work proposed for the following calendar year. If program managers or other key staff changes, new staff will attend the meeting and introductions will be made.

- C. Changes in Key Officials** – If the NPS or the SFPUC change staff listed under Article III.A, written notice to the other party must be provided.

#### **ARTICLE IV – STATEMENT OF WORK**

- A. Program Elements** - Each program shall include core tasks and, as required, special projects.

1. Core Tasks are continuing elements that are performed each year under this Agreement. Core tasks constitute the principle elements for each program.
2. Special Projects may be performed based on the shared needs of both the SFPUC and NPS. Special projects may be necessary to supplement core tasks to address new, or changed, conditions. Special projects have limited time duration and may include, but are not limited to, studies, infrastructure improvements, contingency reserve funds, or funding for equipment. Special projects are jointly developed and funded through the normal budget process.
3. Direct Services are services provided directly by NPS to address unforeseen or extraordinary events, irrespective of whether or not a formal emergency has been declared by either party. This includes, but is not limited to, work to address immediate or imminent hazards on roads or trails within the watershed, sanitary concerns, environmental or archaeological reviews, rentals during an emergency or for coordinated drills/joint training exercises to plan for future emergencies, and security services to address immediate threats or needs. NPS can submit out-of-cycle funding requests under these conditions. Funding will be by mutual agreement.

## **B. Core Tasks**

### **1. PROGRAM MANAGEMENT**

Program Management is a MOA element necessary to achieve MOA program coordination, implementation, and administrative support.

#### **a. Office of the Superintendent**

##### **i. Hetch Hetchy Program Management**

###### **Hetch Hetchy Program Manager**

The HHPM serves as the primary NPS liaison to the SFPUC to ensure that the MOA programs are coordinated and successfully implemented and to ensure that the requirements of the Raker Act are being met. The HHPM also manages all aspects of the NPS relationship with the SFPUC. Together, this ensures oversight and management of the MOA programs. The HHPM serves as the single point of contact for the Source Water Protection and Environmental Stewardship programs to ensure effective, timely, ongoing communications and troubleshooting between the NPS and the SFPUC.

- Ensure the timely preparation and submission of annual reports, budgets, invoices, and quarterly reports.
- Work with project managers in the NPS and SFPUC to initiate, coordinate, and fulfill compliance requirements, and to monitor SFPUC's compliance with the Raker Act and associated stipulations.
- Coordinate quarterly, annual, and other meetings as needed.
- Coordinate special project completion.
- Interact frequently with SFPUC staff and NPS management and staff in all divisions.
- Ensure the timeliness and quality of work performed under each program.
- Provide annual and quarterly program reviews to the SFPUC.
- Coordinate responses to watershed sanitary survey concerns and recommendations.

#### **b. Administrative Division**

##### **i. Multiple Branches**

###### **Administrative Support**

Park level administrative overhead costs necessary to support overall functioning of programs are provided. Areas of administrative support include, but are not limited to, Human Resources, Information Technology, Budget and Finance, and Contracting, as well as other administrative activities.

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Administrative support will be calculated as 5% of the total core task and special project budget and included as its own line item to determine the total annual MOA budget.

## 2. SOURCE WATER PROTECTION

A goal of the Source Water Protection Program is to maintain filtration avoidance designation (or unfiltered status) for the Hetch Hetchy Supply. Another goal is to manage the affected watersheds (Hetch Hetchy Supply and UNHHS) within YNP to protect water quality and mitigate potential sanitary concerns. This includes the following SFPUC and NPS activities:

- i. NPS Watershed Patrols and Enforcement of Regulations – Sufficient NPS patrols are conducted to enforce regulations designed to mitigate and/or prevent water contamination.
- ii. NPS Visitor Education – On site and off site visitor education and information programs are conducted so that national park visitors to the Hetch Hetchy watershed understand applicable regulations and practice limited impact wilderness use techniques in order to prevent degradation of drinking water quality. Visitors are informed that the watershed is a source of drinking water for the San Francisco Bay Area and of their important role in protecting the drinking water supply from microbiological contamination.
- iii. NPS Facilities – Facilities within the Hetch Hetchy watershed, including trails, are constructed, operated and maintained to mitigate and/or prevent water contamination.
- iv. Sources of Contamination – Collaborative efforts between the NPS and the SFPUC to identify potential sources of drinking water contamination and actions to eliminate or mitigate the sources.

The following NPS core tasks are continuing elements of the Source Water Protection Program. These are listed by NPS Division and Branch assigned to complete each task.

### a. Business and Revenue Management Division

#### i. Fee Management Branch

##### Hetch Hetchy Entrance Station

Visitor Contact – Depending on weather, the entrance station will be open and staffed from April through October. Staff at the Hetch Hetchy Entrance Station will conduct normal operations such as collecting fees,

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providing general information regarding the park, educating visitors on the park rules and regulations, and issuing Wilderness permits. In addition, NPS staff shall:

- Inform park visitors, especially hikers receiving a Wilderness permit, that the Hetch Hetchy Reservoir is part of the larger Hetch Hetchy watershed and serves as a drinking water source, and the importance of protecting water quality.
- Explain all Wilderness regulations and protocols when issuing Wilderness permits, especially those designed to protect water quality.

Hetch Hetchy Entrance Station Staff Patrol Coverage – NPS watershed patrols will concentrate on preventing microbiological contamination to water by conducting activities such as:

- Educating visitors to properly dispose of human waste, to not camp too close to water, that swimming and bathing are prohibited in Hetch Hetchy Reservoir and in tributaries within one mile of the reservoir (e.g., Rancheria), and about proper washing of dishes and clothing.
- Preventing stock users from tying or tethering stock too close to water.
- Preventing other unauthorized or illegal activities.

ii. Concessions Branch

Concessionaire facilities are constructed, operated and maintained to mitigate and/or prevent water contamination. Manure will be appropriately managed and removed from concessioner corrals during, and at the end of, each season.

b. Facilities Management Division

i. Buildings and Grounds Branch

Seasonal Building and Grounds Maintenance

The public restrooms at O'Shaughnessy Dam and the Hetch Hetchy Backpackers Campground will be cleaned, garbage and litter collected, and horse manure removed from the top of O'Shaughnessy Dam daily during the heavy-use recreation season.

Adequate toilet facilities will be maintained along the CA-120 corridor within the Hetch Hetchy watershed to mitigate sanitary concerns. Toilet facilities may include temporary portable toilets, such as those provided at Cathedral Lakes and Mammoth View parking areas. Toilet facilities may change as the NPS implements the Tuolumne River Plan. Toilet facilities

will be maintained and operated to prevent watershed contamination.

ii. Utilities Branch

Utilities

Wastewater Treatment – Costs will be shared for the collection, treatment, monitoring, and disposal of wastewater in the Hetch Hetchy watershed and for laboratory testing related to water quality. This will be achieved through the operation and maintenance of the Tuolumne Meadows Wastewater Treatment Plant and Wastewater Collection System, and wastewater collection and treatment at Glen Aulin High Sierra Camp. Wastewater facilities will be operated to prevent watershed contamination.

iii. Roads and Trails Branch

Trails

Trails are maintained in the watershed to minimize erosion and sedimentation. Water bars and other erosion control structures will be installed and maintained to NPS standards. Planning for trail work will consider sanitary survey recommendations.

Corrals will be managed to minimize contamination to watercourses. The O’Shaughnessy Corral will be maintained in coordination with Visitor and Resource Protection. Manure will be appropriately managed and removed from all corrals during, and at the end of, each season.

c. Interpretation Division

i. Interpretation

Interpretation

Water quality protection will be an integral part of internal and external programs designed to provide education to watershed visitors. Program examples include interpretive walks, ranger talks, informal ranger roving, school programs, campground contacts, and evening programs. Interpretive rangers at Tuolumne Meadows and Big Oak Flat Contact Stations will inform visitors that they are in, or will be entering, a watershed. Where appropriate, water quality protection messaging for the Hetch Hetchy watershed will be included in exhibits, waysides, and publications.

Water quality protection education occurs during contacts with visitors. Appropriate signage, displays and brochures will contain current water quality protection messages targeting public use. Interpretative staff training will include watershed awareness and water quality protection

components.

d. Resources Management and Science Division

i. Physical Science and Landscape Ecology Branch

Stream Gauging Stations

The NPS will work with the SFPUC to maintain a real-time river gauge on the Tuolumne River at the Tioga Road bridge in Tuolumne Meadows. Upon mutual agreement between the NPS and SFPUC, and based on funding availability, maintenance collaboration on additional gauges may also occur, such as gauges on Falls Creek above Wapama Falls and on the Lyell Fork below Maclure Creek. Components of the project include stream discharge measurements to maintain rating curves; annual reports of daily and hourly flow data as well as rating curve shifts; and, where feasible, real-time transmission of flow, temperature, and turbidity data via California Data Exchange Commission (CDEC) website.

Snow Pillow Monitoring Stations

The NPS will work with the SFPUC to upgrade and maintain hydrometeorological instrumentation to achieve the mutual goals of improved data quality and continuity as well as wilderness protection. Existing sites are Slide Canyon, Lower Kibbie Ridge, Paradise Meadow, Dana Meadow, Tuolumne Meadows, White Wolf, and Gin Flat. Components of the work include systematic station upgrades to a uniform operating platform, instrument repair/replacement, and quality assurance and control of data.

Water Quality Monitoring

The water quality impacts of potential pollution sources in the Hetch Hetchy watershed will be monitored and evaluated. Depending on location and monitoring interest, potential analytes may include, but are not limited to, nutrients (total dissolved nitrogen, nitrate + nitrite, total phosphorous and total dissolved phosphorous), *E. coli* (plus total coliform bacteria), total petroleum hydrocarbons, total organic carbon and UV254. Results will guide development and implementation of measures to improve and protect water quality

ii. Vegetation and Ecological Restoration Branch

Wilderness Restoration

Monitoring and restoration activities will be undertaken to prevent contaminants and erosion-generated materials from entering Hetch Hetchy watershed water courses. Examples include removing inappropriate campsites, mitigating stock use impacts, removing trash and charcoal near

water sources, restoring rutted meadows and braided trails, and restoring natural hydrological processes.

iii. Visitor Use and Social Sciences Branch

Visitor Use and Impact Monitoring Program (VUIMP)

Yosemite's Visitor Use and Impact Monitoring Program (VUIMP) supports Tuolumne River water quality protection through long-term monitoring of indicators of watershed condition. When the condition of the indicators drop below established thresholds, the VUIMP program is triggered to contact management about the need to take action. Indicators of watershed condition include streambank stability, percentage of bare meadow soil, and extent of habitat fragmentation. The condition of archeological resources is also included as an index of disturbance. Work consists of field sampling, data analysis, and reporting. As necessary, results help guide proactive management decisions that protect meadow integrity, reduce soil loss and limit further compaction, erosion and sloughing of riverbanks.

e. Visitor and Resource Protection Division

i. Operations Branch - Mather District

Upper Watershed Protection – Tuolumne Sub-district and Crane Flat Sub-district (White Wolf Area)

Patrol and enforcement in White Wolf, Tuolumne Meadows, and Wilderness areas. Patrols and visitor contacts emphasize watershed water quality protection through the prevention of:

- Improper disposal of human waste
- Camping too close to water
- Stock groups tying or tethering too close to water
- Improper washing of dishes, clothes, etc.
- Other unauthorized or illegal activities

Lower Watershed Protection – Canyon Ranch Sub-district

Patrol and enforcement in Canyon Ranch (Hetch Hetchy and Lake Eleanor) front country and Wilderness areas. Patrols and visitor contacts emphasize watershed water quality protection through the prevention of:

- Improper disposal of human waste
- Camping too close to water
- Swimming and bathing in Hetch Hetchy Reservoir and the tributaries within one mile of the reservoir (e.g., Rancheria)
- Stock groups tying or tethering too close to water
- Improper washing of dishes, clothes, etc.

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- Other unauthorized or illegal activities

Responsibilities also include staffing of the Hetch Hetchy Entrance Station from November through March. Additionally, the O'Shaughnessy Corral, in coordination with Roads and Trails, is managed to minimize contamination to watercourses. Manure is appropriately managed and removed from all corrals during, and at the end of each season.

The Canyon Ranch Sub-district provides a commissioned Lake Eleanor ranger. This ranger supervises the seasonal operation of the Cherry Lake contact station, with support from the SFPUC and the Stanislaus National Forest. The station is staffed with available personnel during projected peak periods of Wilderness and watershed entries to maximize educational contacts.

ii. Fire and Aviation Management Branch

Fire Management

The program reduces hazardous fuels, reduces risks to infrastructure and human communities, increases safety for employees and visitors, and improves the health of the watershed by creating fire-resilient landscapes and restoring fire-adapted ecosystems. When appropriate and feasible, fuel reduction will be undertaken to help protect infrastructure around the O'Shaughnessy compound, the access road from the entrance station, and other SFPUC assets within YNP. Adhering to the YNP Fire Management Plan, wildland fire will be managed to uphold wilderness character and improve ecosystem health in order to reduce potential severity of future wildland fire events and promote natural, fire-adapted ecosystems, which in turn supports long-term watershed water quality through long-term reduction of potential sediment runoff.

Aviation Manager

A dedicated Park Aviation Manager provides for a significantly enhanced degree of safety for NPS personnel, a reduction in airspace conflicts, and a greater degree of protection of the Hetch Hetchy Watershed. SFPUC provides up to 38% of the position's funding based on the percentage of total YNP acreage that comprises the Hetch Hetchy Watershed.

The Aviation Manager serves as the single point of contact for all aviation planning, resolves aviation issues, and provides communication between managers and aviation assets. This includes daily interaction and communication with all NPS divisions and partners that utilize aviation resources. The Aviation Officer significantly reduces potential for aviation mishaps and resulting hazardous material contamination of the watershed.

iii. Wilderness Management Branch

Wilderness Operations

Commissioned Wilderness rangers protect water quality within the Yosemite Wilderness Area by educating visitors and enforcing compliance with YNP regulations. Similar to the Operations Branch, patrols emphasize watershed water quality protection through the prevention of:

- Improper disposal of human waste
- Camping too close to water
- Stock groups tying or tethering too close to water
- Improper washing of dishes, clothes, etc.
- Other unauthorized or illegal activities
- Swimming and bathing in Hetch Hetchy Reservoir and the tributaries within one mile of the reservoir (e.g., Rancheria)

Additional water quality protection responsibilities include:

- Monitoring of group camping size limits
- Monitor and report on use and impacts to park resources
- Contact and educate overnight visitors

Wilderness ranger training includes a water quality protection component.

Wilderness Education

Water quality protection will be an integral part of all internal and external programs designed to provide education to Wilderness users. Water quality protection education occurs during contacts with visitors in the field, at Wilderness Centers, during interpretive programs, and during outreach programs (e.g., WildLink). Appropriate signage, displays, and brochures will contain current water quality protection messages targeting public use. Wilderness Education staff training will include a water quality protection component.

NPS implements a Wilderness Permit system to:

- Provide a required point of contact for visitor education.
- Control numbers of people in the watershed.
- Enforce trailhead quotas to keep overnight usage within appropriate limits.
- Collect and analyze data to track types of use and trends within the Wilderness.

The permit system includes a reservation component which is used to send pre-trip information to watershed users. Day hikers also use Wilderness Centers for trip planning and information, and receive water quality messages. Signs at trailheads leading into the Hetch Hetchy watershed will

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inform visitors that they are entering a drinking water supply watershed and provide water quality protection messaging.

When obtaining the mandatory Wilderness Permit, at least one group member must sign the permit acknowledging that they will be responsible for their party's behavior. This group member is presented with watershed and water quality literature, briefed on regulations pertinent to campsite selection, human waste disposal, proper campfire use, pack stock regulations, and protection of vegetation and soils through proper trail and campsite use.

Non-commissioned Wilderness rangers protect water quality within YNP Wilderness by educating visitors on YNP regulations and water quality protection. Patrols protect watershed water quality by monitoring activities similar to those emphasized by Wilderness Operations (but without enforcement capabilities).

### 3. ENVIRONMENTAL STEWARDSHIP

Environmental stewardship programs are collaborative and cooperative efforts between the SFPUC and NPS to manage water quality and the environmental resources for the Tuolumne River watershed within the YNP boundary to protect these resources for future generations. The goal of the Environmental Stewardship Program is to implement and support regulatory and policy requirements and initiatives. The NPS and SFPUC will collaborate to work within the Upper Tuolumne River in areas that affect or are affected by the Hetch Hetchy Project. Basic work includes efforts to describe management goals for the Poopenaut Valley ecosystem and assistance with inventory and monitoring of species in the Tuolumne River corridor.

#### Raker Act Stipulations

Stipulations entered into by the U.S. Department of the Interior (DOI) and the CCSF under the Raker Act include provisions for minimum instream flows for the two primary Hetch Hetchy Project dams (Eleanor and O'Shaughnessy). The 1987 stipulation relating to Kirkwood Powerhouse Unit No. 3 includes provisions on volumes of water to be released in addition to minimum flows. The specific schedules for releasing these volumes of water (over and above the minimum flows) were to be based on recommendations from US Fish and Wildlife Service (USFWS). However, final resolution was not reached with USFWS on these specific schedules.

NPS and SFPUC started river research and an ecosystem-based instream flow study in 2006. This was done as part of the Upper Tuolumne River Ecosystem Project, in collaboration with work conducted by the NPS. SFPUC has funded the NPS portion of the work through Hetch Hetchy Watershed Agreements from 2005 through 2020.

The NPS portion of this work may continue to be funded via the 2020-2024 Agreement, as needed and determined by the SFPUC.

The following core tasks are continuing elements of the Environmental Stewardship Program.

1. Resource Management and Science Division

i. Physical Sciences and Landscape Ecology Branch

Looking Downstream

The NPS Looking Downstream Project focuses on understanding and developing ecosystem management guidance for the Poopenaut Valley area, three miles downstream from O'Shaughnessy Dam on the Tuolumne River in YNP. The project supports the goals and/or requirements of the Water System Improvement Program's Programmatic Environmental Impact Report, the Water Enterprise Environmental Stewardship Policy, and the 1987 Stipulation associated with the approval of the SFPUC's third unit at the Kirkwood Powerhouse by the Department of the Interior under the Raker Act.

ii. Vegetation and Ecological Restoration Branch

Invasive Plant Management

Invasive non-native plant species in the Hetch Hetchy and Lake Eleanor watersheds (e.g., Himalayan Blackberry, velvet grass, dandelions, etc.) have infested the riparian areas and meadows along the Tuolumne River and Eleanor Creek. Invasive non-native plant species can exclude virtually all native plants and associated wildlife. YNP, using appropriate herbicides and techniques, can spray herbicide to treat invasive species. Reduction and potential elimination of invasive plant species protects the ecosystem health of hundreds of valuable meadow and riparian habitat acres.

iii. Wildlife Management Branch

Amphibian and Reptile Studies

The NPS Amphibian Survey project directly assists the SFPUC and U.S. Forest Service in conducting ongoing monitoring of amphibian and reptile populations within the reaches of the Tuolumne River between O'Shaughnessy Dam and Cherry Creek. NPS provides knowledgeable biologists to assist with field surveys, habitat mapping, and report writing and review. The results from this project will be used in implementing the Water Enterprise Environmental Stewardship Policy and the 1987 Stipulation.

#### 4. SECURITY

Operational and program management aspects and core tasks for the Security program are in CONFIDENTIAL Appendix E. The initial Security Program budget is in Appendix D. Appendix E and the following listed documents are not available for public review for Homeland Security reasons and are exempt from disclosure under the Freedom of Information Act.

- Security Program Annual Work Plan
- Security Program Quarterly reports

#### C. **Special Projects**

One time projects may be designated in the future, based on the shared needs of both the SFPUC and NPS for any of the programs and the availability of SFPUC funding for such programs.

1. **Source Water Protection:** Special projects are intended to address or mitigate specific issues. Generally, these issues are identified in the SFPUC watershed sanitary survey updates.
2. **Environmental Stewardship:** One-time projects may be designated based on the shared needs of both the SFPUC and NPS, and recommendations from current studies.
3. **Security:** Special projects for the Security Program are CONFIDENTIAL. Details for Security Program special projects are not available for public review for Homeland Security reasons and are exempt from disclosure under the Freedom of Information Act.

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**D. Reports** - The HHPM and SPM submit quarterly reports for each program to the SFPUC. The Security report may be forwarded to the Department of Homeland Security (DHS) by the SFPUC. These quarterly reports track annual work plan implementation, spending, and coordination for each program.

NPS Annual Reports for the Source Water Protection and Environmental Stewardship programs contain the following sections:

Summary	Highlights from the current reporting year and recommendations for the following year.
Program Description	<ul style="list-style-type: none"> <li>• Mission</li> <li>• Description of the program and its objectives.</li> <li>• Policy changes or issues unique to the reporting year.</li> <li>• List of the year’s core tasks and special projects.</li> </ul>
Implementation	The work actually performed including results as they relate to stated objectives.
Analysis	An evaluation of overall program effectiveness including work performed and major deviations from work plans (what and why).

Each program is reported separately. All reports for the Security Program shall be CONFIDENTIAL, Homeland Security related, and shall not be available for public review. The Security Program reports are exempt from disclosure under the Freedom of Information Act.

The SFPUC understands it may have access to non-public security-related information that NPS determines is confidential. The SFPUC agrees that all such information potentially confidential shall be held in confidence, subject to all state and federal freedom of information laws and the San Francisco Administrative Code section 67.24(e), and except as required to perform and fulfill the requirements of this agreement. In the event that any third party seeks information from the CCSF, the SFPUC shall promptly notify NPS of such request. NPS may then approve release of information in writing or seek any appropriate relief in refusing such request.

**E. Calendar** - Each program (Source Water Protection, Environmental Stewardship, and Security), as well as the program management element, shall be planned, reported, reviewed, budgeted, and invoiced separately.

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<b>Date</b>	<b>Task</b>
January 31	HHPM and SPM provide quarterly program reports to the SFPUC.
February 28	HHPM provides annual reports for the SWP and ES programs to the SFPUC. The reports cover the work performed during the prior calendar year.
March	Quarterly coordination meeting in YNP to discuss the Source Water Protection program, Environmental Stewardship program, and the sanitary survey which occurs in Yosemite. HHPM coordinates the program reviews; SFPUC coordinates the Sanitary Survey Review.
April 30	HHPM and SPM provide quarterly program reports to the SFPUC.
May	Quarterly coordination meeting and the annual SFPUC-NPS communication meeting in Moccasin.
July 1	NPS invoices the SFPUC for the <u>current</u> (i.e. new) fiscal year for each of the three programs plus the program management element outlined in this Agreement. This is for the final work plan funded by the SFPUC. Each core task and special project will be invoiced annually, at the start of the SFPUC fiscal year, for the full year work plan as a lump sum. The only exception will be funds for Direct Services to address unforeseen or extraordinary events, which will be invoiced as needed and after written concurrence from the HHWP Division Manager.  SFPUC payment is due to the NPS for the <u>current</u> fiscal year by August 1.
July 31	HHPM and SPM provide quarterly program reports to the SFPUC.
August	Quarterly coordination meeting and, on odd-numbered years, budget review meeting in Moccasin.
September 1 (odd-numbered years)	The HHPM and SPM provide the preliminary budget proposal for each program for the <u>following</u> two SFPUC fiscal years by September 1.
September 30 (odd-numbered years)	NPS and SFPUC meet as required in September to review proposed new core tasks or special projects, review changes to existing core tasks or special projects, and agree on the final NPS budget proposals to SFPUC.  SFPUC provides final comments on preliminary budget proposals for each program to NPS by September 30.

NPS Agreement Number: MYOSEWW001

October 15 (odd-numbered years)	The NPS provides the final budget for the <u>following</u> two fiscal years for each program to the SFPUC by October 15.
October- 31	HHPM and SPM provide quarterly program reports to the SFPUC.
November	Quarterly coordination meeting and Security meeting in Yosemite.

Calendar years (January 1 to December 31) shall be used for implementation and reporting. This coincides with regulatory reporting requirements. Annual budget requests, work plans, budgeting, and payments on invoices shall be based on the SFPUC’s fiscal year (July 1 through June 30).

Quarterly reports for each program are due to the SFPUC January 31, April 30, July 31, and October 31 of each year. The Annual Report shall be due on February 28 of each year. The NPS Program Managers and HHWP Division Manager (or designee) meet quarterly for program coordination – usually in Yosemite National Park in November and March, and in Moccasin in May and August.

**ARTICLE V – NPS BUDGET REQUEST AND RECONCILIATION**

**A. Budget Request**

The biennial NPS budget requests cover work to be performed during the following two SFPUC fiscal years. The SFPUC fiscal year starts July 1 and ends June 30. A separate budget request shall be made for each program and for each fiscal year. Each request shall contain individual submittals for each program element (core task or special project). Typical submittal components include:

1. Description
  - SFPUC Program Identification (i.e. SWP, ES, S, or All)
  - Type of proposal: core task or special project
  - Title of core task or special project
  - Division & Branch
  - Start and finish date
  - Program Manager
  - Requester
2. Statement of Work
3. Justification
4. NPS Personnel Services
5. NPS Contract Services
6. Equipment, Material, and Other Costs

September 26, 2023

Exhibit 3 - Memorandum of Agreement between SFPUC and NPS (excerpts)

NPS Agreement Number: MYOSEWW001

7. Listing of complementary NPS activities supported by other funding sources
8. Total Funding Requested
9. YNP Superintendent Approval

Additional information and justification may also be included, such as more detailed scope, objective(s), and existing and desired equipment and staffing levels, which may help in determining funding priorities.

NPS submits a preliminary budget request for each core task or special project to the SFPUC for review and comment. After resolving comments, the NPS then submits a final budget request for each program (refer to section 5.4, September 1 - October 15). The approximate first and second year baseline budgets for core tasks under this Agreement are in Appendix D, which lists the estimated fiscal year 2020-2022 based on a 4% escalation of costs from the approved 2018-2020 budget. Each two-year budget requires approval by the SFPUC as outlined in Article IV.E, Article IX, and this Section. The 2020-2022 and 2022-2024 budgets will be finalized via this budget process, with proposals developed in fall 2019 and 2021, respectively.

The total agreement cost shall not exceed \$33,257,629 (thirty three million, two hundred fifty seven thousand, six hundred twenty-nine dollars) for the four-year term. Significant capital improvement projects, unanticipated projects, or other incurred costs may also be developed and entered into during this time period under separate written agreements.

Each of the three programs, as well as program management element, is budgeted separately. The Security Program activities are CONFIDENTIAL, Homeland Security related, and shall not be available for public review. Consequently, Appendix E shall not be available for public review and is exempt from the Freedom of Information Act.

#### B. Budget Reconciliation

The NPS shall have six months beyond the end date of July 1, 2024 of the MOA to reconcile all expenditures incurred on or before June 30, 2024. No additional funds are authorized to be spent or received, nor expenses incurred, after June 30, 2024. The six month reconciliation grace period, with an end date of December 31, 2024, allows for full reconciliation of expenditures incurred before July 1, 2024.

The SFPUC and the NPS have agreed to work jointly on periodic budget reporting with the goal of increasing transparency regarding actual expenditures. The budget reporting process will be developed cooperatively between SFPUC and NPS.

NPS Agreement Number: MYOSEWW001

## **ARTICLE VI - INDEMNIFICATION**

### **A. The NPS Agrees:**

To cooperate in the submission of claims pursuant to Title 28 of the United States Code, the Federal Tort Claims Act, against the United States for personal injuries or property damage resulting from the negligent or wrongful act or omission of any employee of the United States that results from, arises out of, or relates to the activities of the NPS or its employees under this MOA.

### **B. The SFPUC Agrees:**

The CCSF shall indemnify, defend, and hold harmless the United States and the National Park Service, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses that result from, arise out of, or relate to the activities of the SFPUC or its employees, contractors, or subcontractors under this MOA.

## **ARTICLE VII – TERM OF AGREEMENT**

This MOA shall become effective on July 1, 2020. If signed after July 1, 2020, the agreement will be retroactive to July 1, 2020.

The NPS shall have six months beyond the end date of July 1, 2024 of the MOA to reconcile all expenditures incurred on or before June 30, 2024. No additional funds are authorized to be spent or received, nor expenses incurred, after June 30, 2024. The six month reconciliation grace period, with an end date of December 31, 2024, allows for full reconciliation of expenditures incurred before July 1, 2024.

## **ARTICLE VIII – MODIFICATION AND TERMINATION**

As mutually agreed upon in writing, this Agreement may be revised to address new or changed conditions; the addition or modification of core tasks and special projects; status changes for special projects; regulatory considerations; and funding changes. Any core tasks that are discontinued during this Agreement will be funded through the end of the current SFPUC fiscal year plus one (1) additional SFPUC fiscal year, except as the SFPUC and NPS mutually agree.

## ARTICLE IX – GENERAL PROVISIONS

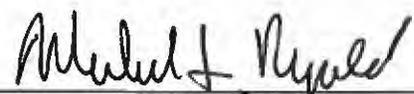
- A. Nothing herein shall or shall be construed to obligate the National Park Service to expend or involve the United States of America in any contract or other obligation for the future payment of money in excess of appropriations authorized by law and administratively allotted and allocated for the purposes contemplated in this MOA.
- B. **Fiscal Limitations:** THIS SECTION SUPERSEDES ANY CONFLICTING PROVISION OF THIS MOA. This MOA is subject to the fiscal provisions of the San Francisco charter and the budget decisions of its Mayor and Board of Supervisors. No SFPUC funds will be available hereunder until prior written authorization certified by the CCSF's Controller. The Controller cannot authorize payments unless funds have been certified as available in the budget or in a supplemental appropriation. This MOA shall automatically terminate, without liability to the CCSF, if funds are not properly appropriated by the Mayor and Board of Supervisors or certified by the Controller. The SFPUC's obligations hereunder shall never exceed the amount certified by the Controller for the purpose and period stated in such certification. The SFPUC, its employees and officers are not authorized to request services, materials, equipment or supplies that are beyond the scope of those expressly described herein, unless this MOA is amended in writing and approved as required by law. The SFPUC, its employees and officers are not authorized to offer or promise any additional funding that would exceed the maximum amount that may be appropriated for FY 2020-21 through 2023-24 specified in Appendix D. Such additional funding requires lawful approval and certification by the Controller. Without such lawful approval and certification, the SFPUC shall not be required to provide such additional funding. The foregoing fiscal limitations do not relieve the CCSF of its obligations under the Raker Act to pay all costs that the CCSF is required to pay under Section 9 of the Raker Act.
- C. No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of the MOA or to any benefit that may arise out of it.
- D. This Agreement was not executed for the benefit of any entity or person who is not a party hereto, and neither this agreement, nor any interest therein, may be assigned without the prior consent of the non-assigning party.
- E. This Agreement does not give rise to third party contract rights and cannot be enforced by third parties.
- F. This Agreement shall not be construed or implied that either the SFPUC or the NPS, by entering into this Agreement, intends to abrogate their obligations and duties to comply with all applicable provisions of the regulations promulgated under the National Environmental Policy Act of 1969, the California Environmental Quality Act, or any other applicable law.

September 26, 2023

Exhibit 3 - Memorandum of Agreement between SFPUC and NPS (excerpts)

NPS Agreement Number: MYOSEWW001

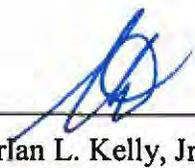
**ARTICLE X – AUTHORIZING SIGNATURES**



Michael T. Reynolds, Superintendent, Yosemite National Park

7/30/19

Date

*for* 

Harlan L. Kelly, Jr., General Manager,  
San Francisco Public Utilities Commission

7/15/19

Date

Authorized by SFPUC Resolution No. 19-0058

3/26/19

Date

Approved as to form:



Deputy City Attorney

## **APPENDIX A**

### **Raker Act Water Quality Provisions**

The passage of the Raker Act by the US Congress on December 19, 1913 established the Hetch Hetchy Water and Power Project. The Raker Act granted water and power resource rights-of-way over federal lands in YNP and Stanislaus National Forest to the CCSF. Since construction of O'Shaughnessy Dam at Hetch Hetchy and completion of the 149-mile Hetch Hetchy water delivery system in 1934, Sierra Nevada water has been providing a year-round supply of high quality potable water to San Francisco and neighboring communities.

Section 9 (a) of the Raker Act requires the following water quality protections:

*...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, or in 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...*

September 26, 2023

Exhibit 3 - Memorandum of Agreement between SFPUC and NPS (excerpts)

**NPS Agreement Number: MYOSEWW001**

Since the passage of the Raker Act, other watershed protection criteria have been established for drinking water by state and federal agencies. This Agreement encompasses implementation of the water quality provisions of the Raker Act, pursuant to the fourth item (above), along with additional water quality, resource protection and security initiatives by YNP that will be funded by the SFPUC.

## **APPENDIX B**

### **Filtration Avoidance Regulations**

#### **Source Water Protection – Selected Filtration Avoidance Regulatory Requirements**

Source water protection requirements of the following CFR and CCR sections are met by demonstrating an effective watershed control program that minimizes the potential for contamination by microbial pathogens. The NPS and SFPUC cooperate to maintain an effective management program for water source, and standby water source, watersheds within the YNP. This is documented through sanitary survey updates performed by the SFPUC.

The SFPUC was granted filtration avoidance for the Hetch Hetchy water supply by the Environmental Protection Agency on October 29, 1993. This is covered under Title 40 Code of Federal Regulations (CFR), Part 141, Subpart H, Section 141.71.

The San Francisco Regional Water System (SFRWS) is permitted under Title 22 of the California Code of Regulations (CCR): System No. 3810001, Permit Number 02-04-04P-3810001. The California Department of Health Services (CDPH) regulations pertaining to filtration avoidance criteria are listed in Title 22 Sections 64652.5.

#### *Section 64652.5. Criteria for Avoiding Filtration.*

*(a) A supplier that uses an approved surface water shall meet all of the requirements of this section to avoid the necessity of providing filtration. ...*

*(c) The approved surface water quality monitored pursuant to subsection (b) shall meet the following criteria:*

*(1) The fecal coliform concentration shall be equal to or less than 20/100 ml, or the total coliform concentration shall be equal to or less than 100/100 ml, in representative samples of the approved surface water in at least 90 percent of the measurements made for the six previous months that the system served unfiltered approved surface water to the public on an ongoing basis. If a system measures both fecal and total coliforms, the fecal coliform criterion, not the total coliform criterion, in this paragraph shall be met.*

*(2) The turbidity level shall not exceed 5 NTU in representative samples ...*

*(e) The supplier shall maintain a watershed control program which minimizes the potential for contamination by Giardia lamblia cysts and viruses in the source water. The adequacy of a program to limit potential contamination by Giardia lamblia cysts and viruses shall be determined by: the comprehensiveness of the watershed review; the effectiveness of the supplier's program to monitor and control detrimental activities occurring in the watershed; and the extent to which the water system has maximized land ownership and/or controlled land use within the watershed. At a minimum, the watershed control program shall: (1) Characterize the watershed hydrology and land ownership; (2) Identify watershed characteristics and activities which may have an adverse effect on water quality; (3) Monitor the occurrence of activities which may have an adverse effect on water quality. The supplier shall demonstrate through ownership and/or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the microbiological quality of the water. The supplier shall submit an annual report to the Department that identifies any special concerns about the watershed and how they are being handled; describes activities in the watershed that affect water quality; and projects what adverse activities are expected to occur in the future and how the public water system expects to address them; and (4) Monitor the presence of Giardia lamblia cysts in the approved surface water whenever agricultural grazing, water oriented recreation, or point source domestic wastewater discharges occur on the watershed. ....*

*(f) The water system shall be subject to an annual on-site inspection to assess the watershed control program and disinfection treatment process. Either the Department or a party approved by the Department shall conduct the on-site inspection. The inspection shall be conducted by competent individuals who have a sound understanding of public health principles and waterborne diseases, such as sanitary engineers, civil engineers, environmental health specialists, or technicians who have experience and knowledge about the operation and maintenance of a public water system. A report of the on-site inspection summarizing all findings shall be prepared every calendar year and submitted to the Department, if not conducted by the Department, by December 31 of that year. The on-site inspection shall be comprehensive to enable the Department to determine whether the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection shall include:*

- (1) A review of the effectiveness of the watershed control program;*
- (2) A review of the physical condition of the source intake and how well it is protected;*
- (3) A review of the supplier's equipment maintenance program to ensure there is low probability for failure of the disinfection process;*
- (4) An inspection of the disinfection equipment for physical deterioration;*
- (5) A review of operating procedures;*
- (6) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and*
- (7) Identification of any improvements which are needed in the equipment, system maintenance and operation, or data collection...*



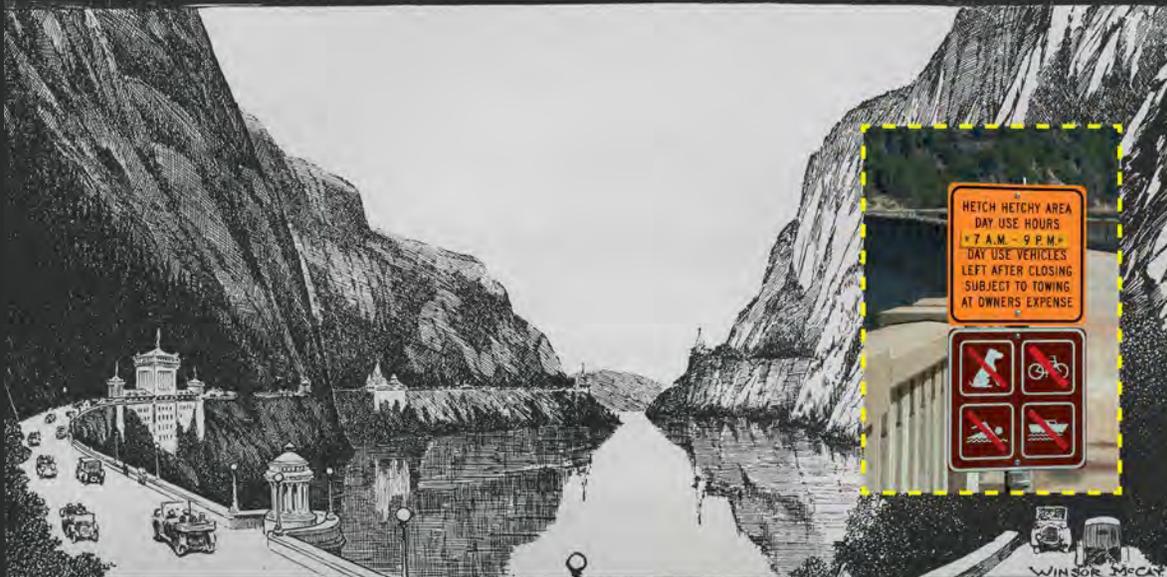
# KEEPING PROMISES

*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)

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<sup>1</sup>San Francisco Examiner, Dec. 3, 1913.

# KEEPING PROMISES

*Providing Public Access to*

## HETCH HETCHY VALLEY

YOSEMITE NATIONAL PARK

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### Authors

Spreck Rosekrans

Ryan Laws



# 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**

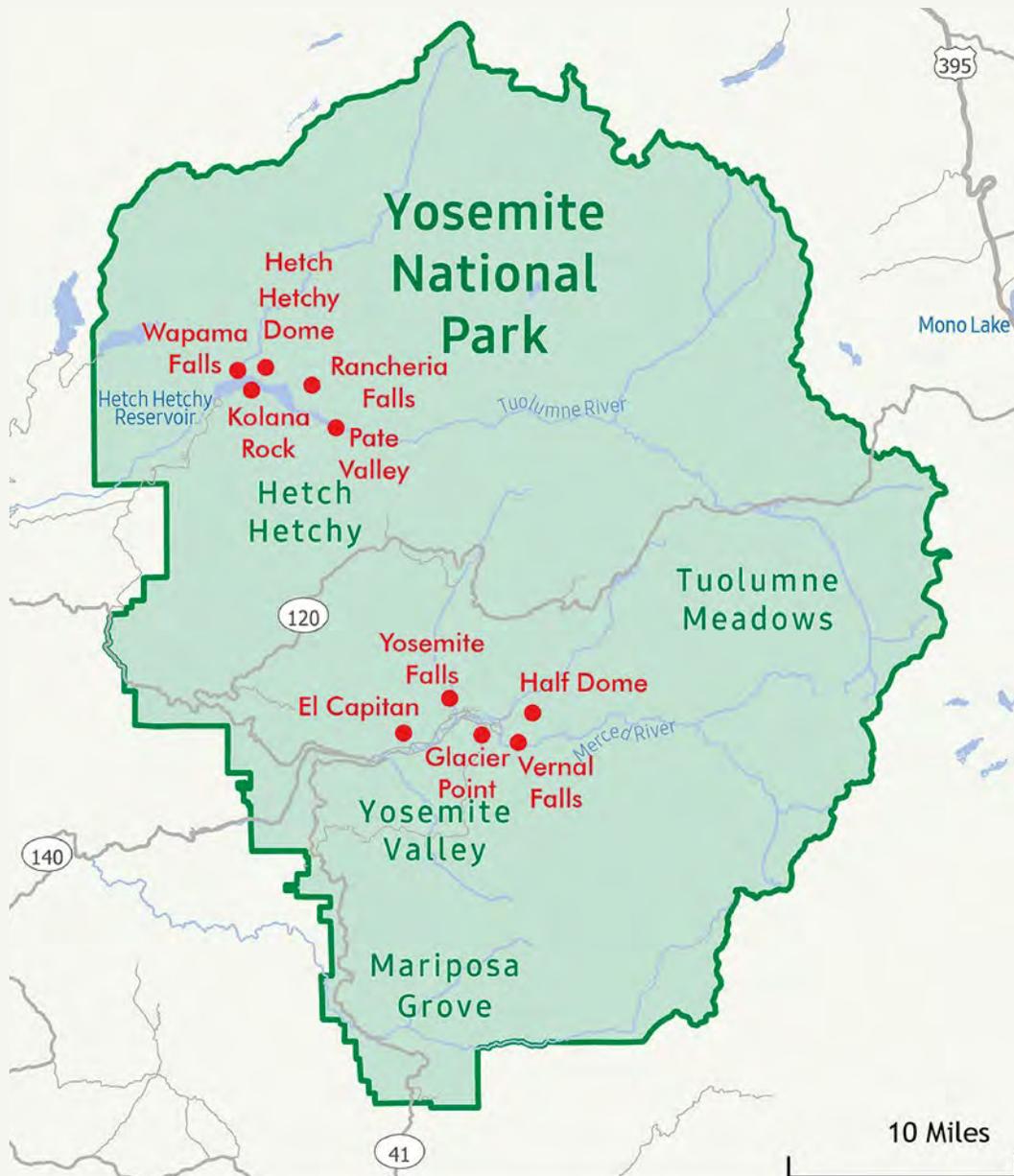
Provide public access to Hetch Hetchy 24 hours a day under normal circumstances, consistent with the practice at Yosemite’s Big Oak Flat, Arch Rock, South, and Tioga Pass entrances.



**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.<sup>2</sup> In 1899, Mayor James Phelan purchased parcels of land in the Hetch Hetchy area and personally filed for water rights.<sup>3</sup> 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.”<sup>4</sup> 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.”<sup>5</sup>

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.

<sup>2</sup> (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.

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

<sup>4</sup> Taylor, p. 49.

<sup>5</sup> 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.<sup>6</sup>

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.

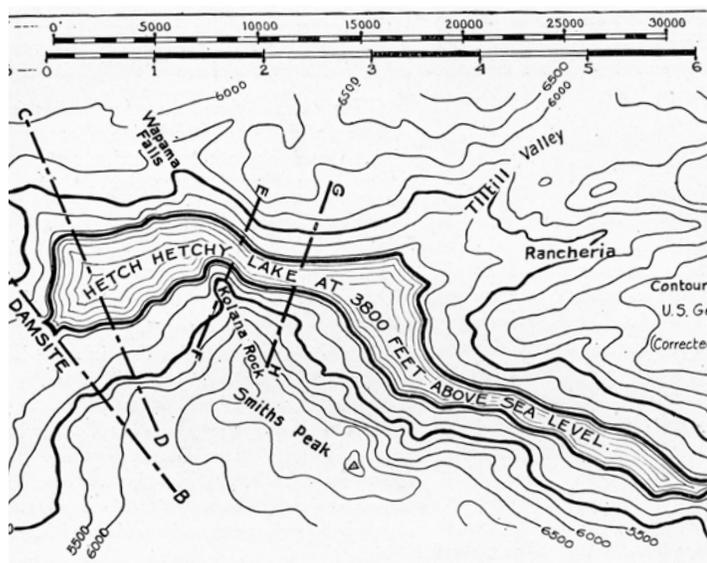
<sup>6</sup> DAM!: Water, Power, Politics and Preservation in Hetch Hetchy and Yosemite National Park, John Warfield Simpson, 2005, p. 139

## San Francisco Submits Freeman Report<sup>7</sup>

*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.<sup>8</sup>

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:<sup>9</sup>

*“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.”*

<sup>7</sup> (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.

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

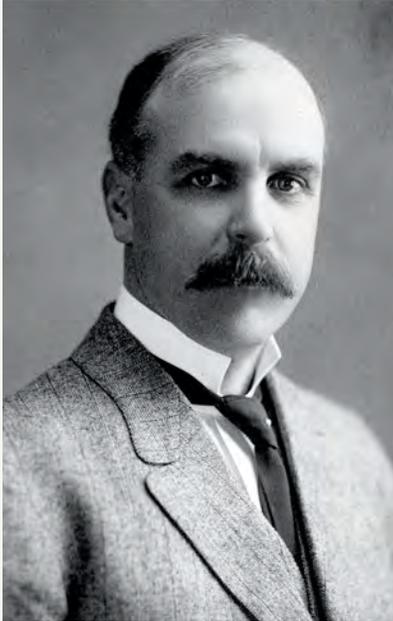
“The Freeman Report was a decisive weapon in the war over Hetch Hetchy. Recognizing its impact on the general reader, City officials sent a copy to every member of Congress” (Clements, p. 205).

<sup>9</sup> 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.



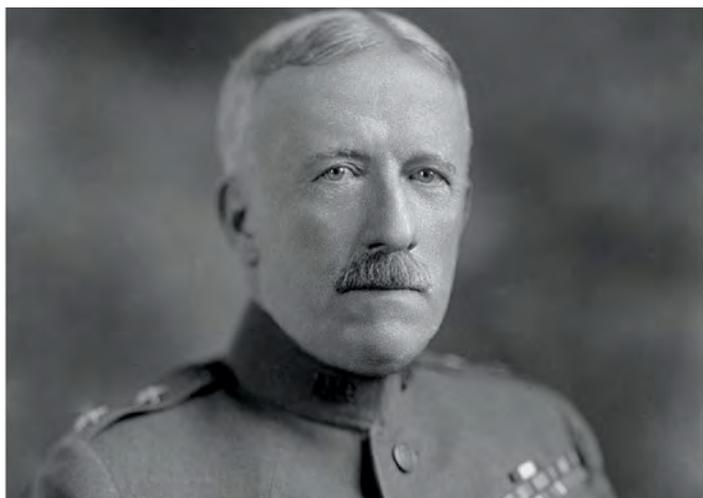
*The Freeman Report* indicated San Francisco would build a road passing by the base of Wapama Falls. Instead, San Francisco financed a trail — easily the most popular hike at Hetch Hetchy. The footbridges at Wapama have led to several deaths during high water so the falls cannot be appreciated at their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

# The Army Board Report

## Army Board Reviews San Francisco's Plan<sup>10</sup>

*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.<sup>11</sup> 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”.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup>

The Army Board also provided assurance that hotels would accommodate tourists who wanted to visit the reservoir.<sup>15</sup> 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.<sup>16</sup> The Army Engineers also made clear that San Francisco should be prepared to filter its water if necessary.<sup>17</sup>

<sup>10</sup> (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.

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

<sup>12</sup> New York Times, July 12, 1913

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

<sup>14</sup> (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.”

<sup>15</sup> (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.”

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

<sup>17</sup> (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 Request<sup>18</sup>

### *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.<sup>19</sup> 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 maintenance<sup>20</sup> and that a road would allow tourists to see the beauty of the area in places presently accessible only by hiking.<sup>21</sup>

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."<sup>22</sup> 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.<sup>23,24</sup>

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.<sup>25</sup> 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

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

<sup>19</sup> Horace Albright Memoir, p. 35.

<sup>20</sup> (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."

<sup>21</sup> (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."

<sup>22</sup> (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."

<sup>23</sup> (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."

<sup>24</sup> (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."

<sup>25</sup> (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.<sup>26</sup>

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.<sup>27</sup>

Congressman Raker discussed his vision of what the valley would look like after the reservoir was built.<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup>

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.<sup>31</sup>

<sup>26</sup> (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."

<sup>27</sup> (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."

<sup>28</sup> (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."

<sup>29</sup> (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."

<sup>30</sup> (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."



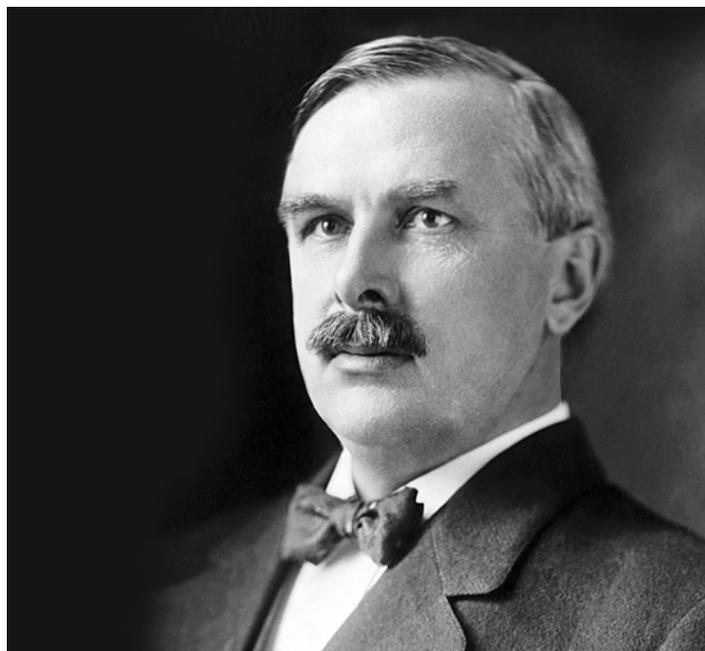
**Congressman Scott Ferris** of Oklahoma, Chair of the Committee on Public Lands, supported boating on the reservoir and was particularly concerned that people of modest means would be able to visit Hetch Hetchy.

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.<sup>32</sup>

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.<sup>33</sup>

**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.

<sup>31</sup> (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?”

<sup>32</sup> (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.”

<sup>33</sup> (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 Hetchy<sup>34</sup>

### *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.<sup>35</sup>

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.<sup>36</sup> 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).<sup>37</sup> 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.<sup>38</sup>

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.<sup>39</sup>

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.<sup>40</sup>



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

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

<sup>35</sup> (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."

<sup>36</sup> (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."

<sup>37</sup> (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."

<sup>38</sup> (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."

<sup>39</sup> (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."

<sup>40</sup> (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.<sup>41</sup>

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.<sup>42</sup>

<sup>41</sup> (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."

<sup>42</sup> 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:

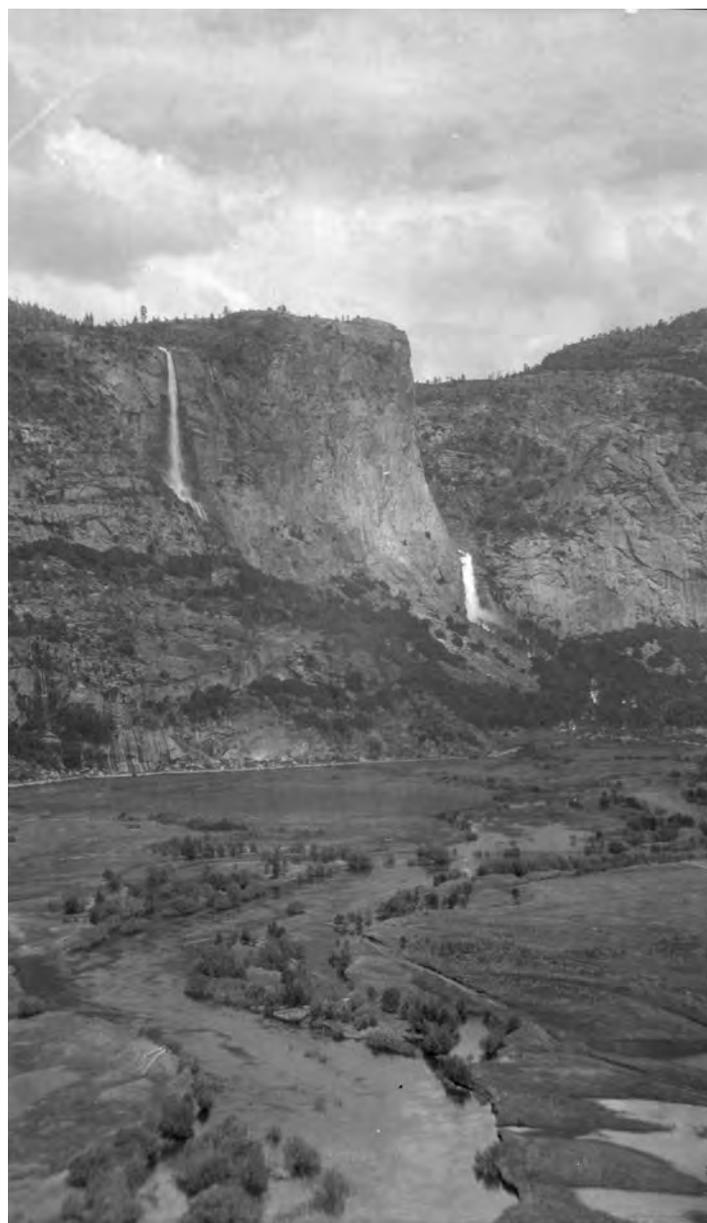
- No human excrement, garbage or other refuse in the reservoir or in any stream within 300 feet.
- No bathing, washing clothes or dishes, and watering stock in the reservoir or on any streams within 1 mile of the reservoir.
- Sewage from all permanent camps and hotels in the watershed must be properly 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.<sup>43</sup> 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)

<sup>43</sup> 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

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

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**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.<sup>45</sup>

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."<sup>46</sup>

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.<sup>47</sup>

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."<sup>44</sup>

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",

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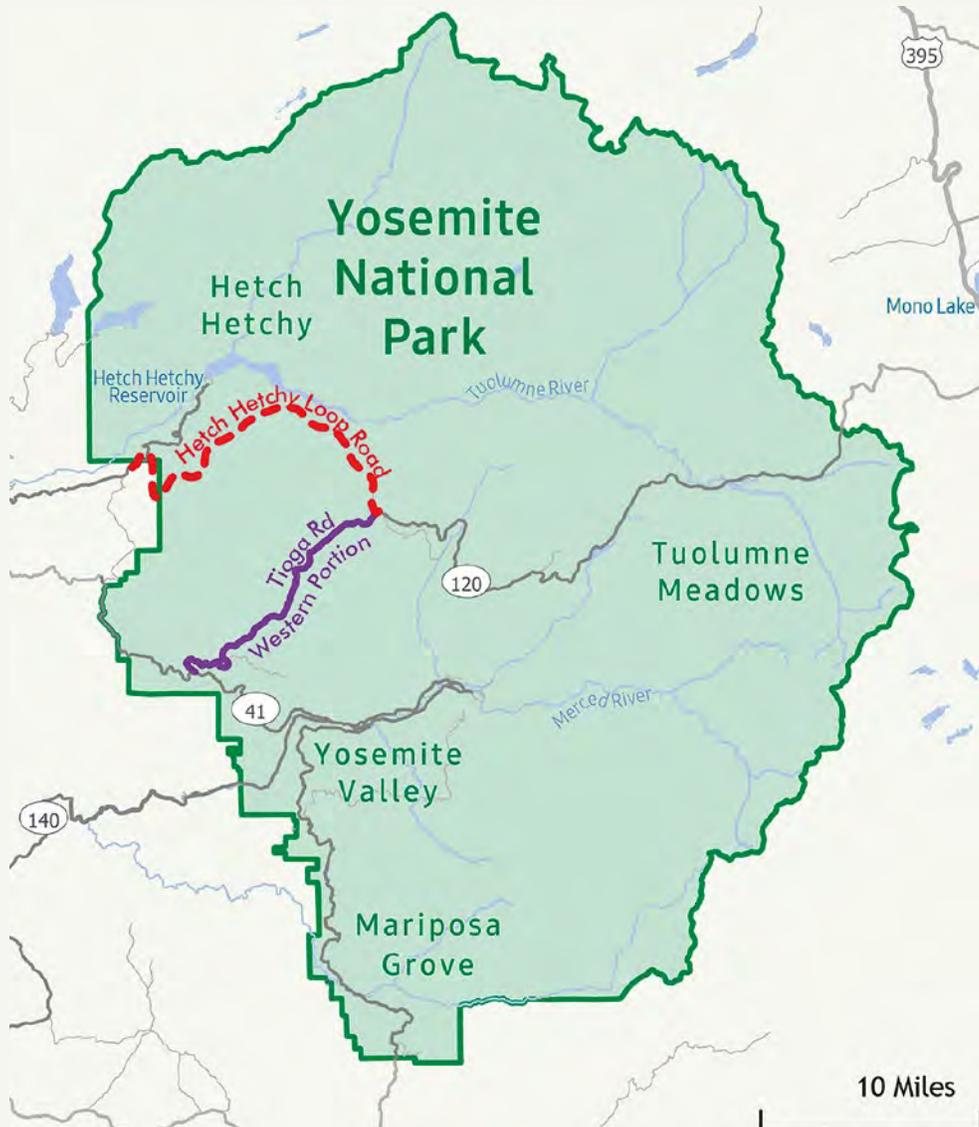
<sup>44</sup> W.B. Lewis to Horace Albright, November 30, 1925.

<sup>45</sup> Horace Albright letters, July 6, 1926.

<sup>46</sup> Secretary Hubert Wolk to Mayor James Rolph, July 7, 1927.

<sup>47</sup> 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

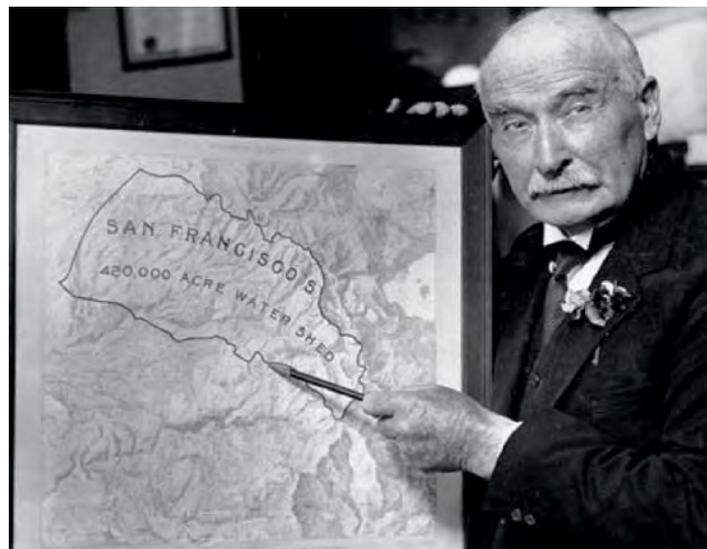
The impasse was unresolved a year later when a luncheon was held at the Ahwahnee in honor of Congressmen Burton French (Idaho), Edward Taylor (Colorado) and Louis Cramton of Michigan. Cramton used the occasion to vent his frustration with San Francisco, declaring that they had all voted for the Raker 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.”<sup>48</sup>*

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.<sup>49</sup>

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.<sup>50</sup>



**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.<sup>51</sup>

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

<sup>49</sup> San Francisco Chronicle, June 29, 1928.

<sup>50</sup> San Francisco Examiner, July 10, 1928.

<sup>51</sup> “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.<sup>52</sup>

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.<sup>53</sup>

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)

<sup>52</sup> 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."*

<sup>53</sup> 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.<sup>54</sup>

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)

<sup>54</sup> 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*



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)

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.

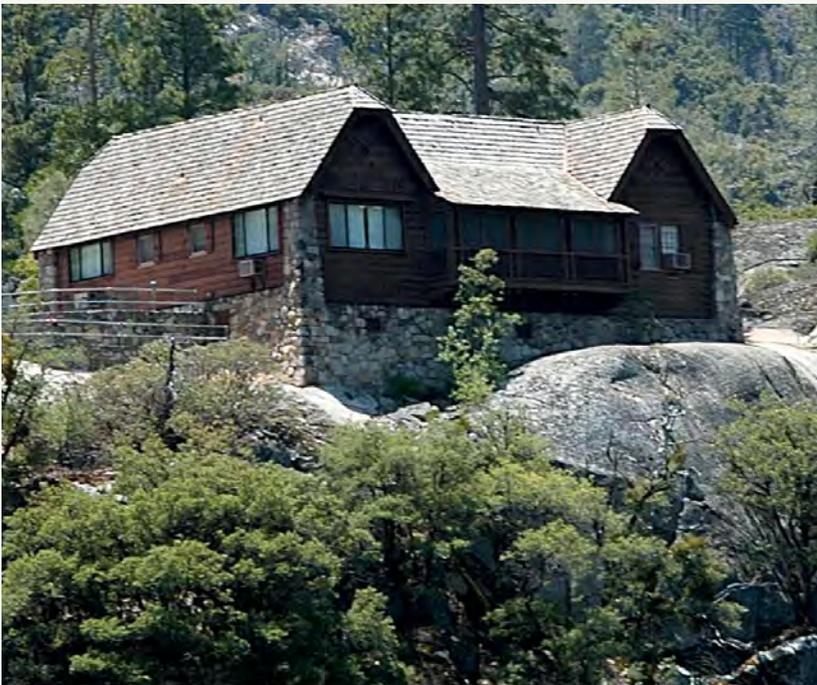


*Tueeulala Falls (left) and Wapama Falls* tumble over the cliffs on Hetch Hetchy's north side. When the flow is high, the footbridges at the base of Wapama Falls are closed for safety, making it hard to get a good view. Between 2011 and 2019, four people were swept off the bridges to their deaths. (Photo: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

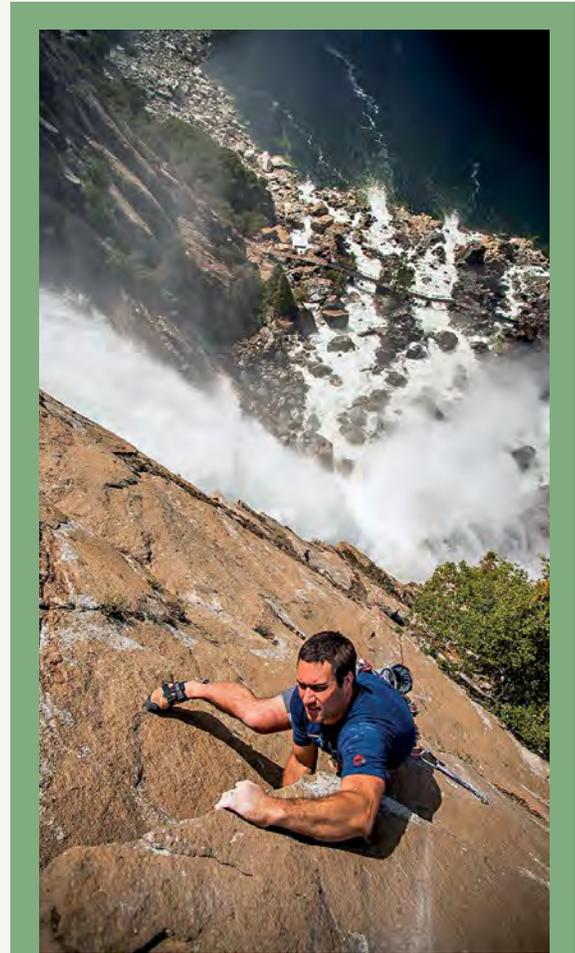
# Hetch Hetchy in the 21st Century



*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 . . .*

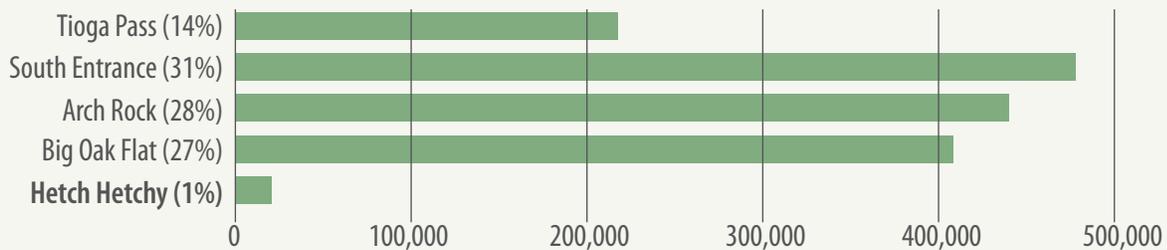
*"Hetch Hetchy is like a ghost. For climbers, Yosemite Valley is the Mecca, the center of our universe. Hetch Hetchy is similar and only 15 miles away, but access to its walls is limited so climbers rarely go there. We are missing out on the sister of the greatest climbing area in the world."*

# 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

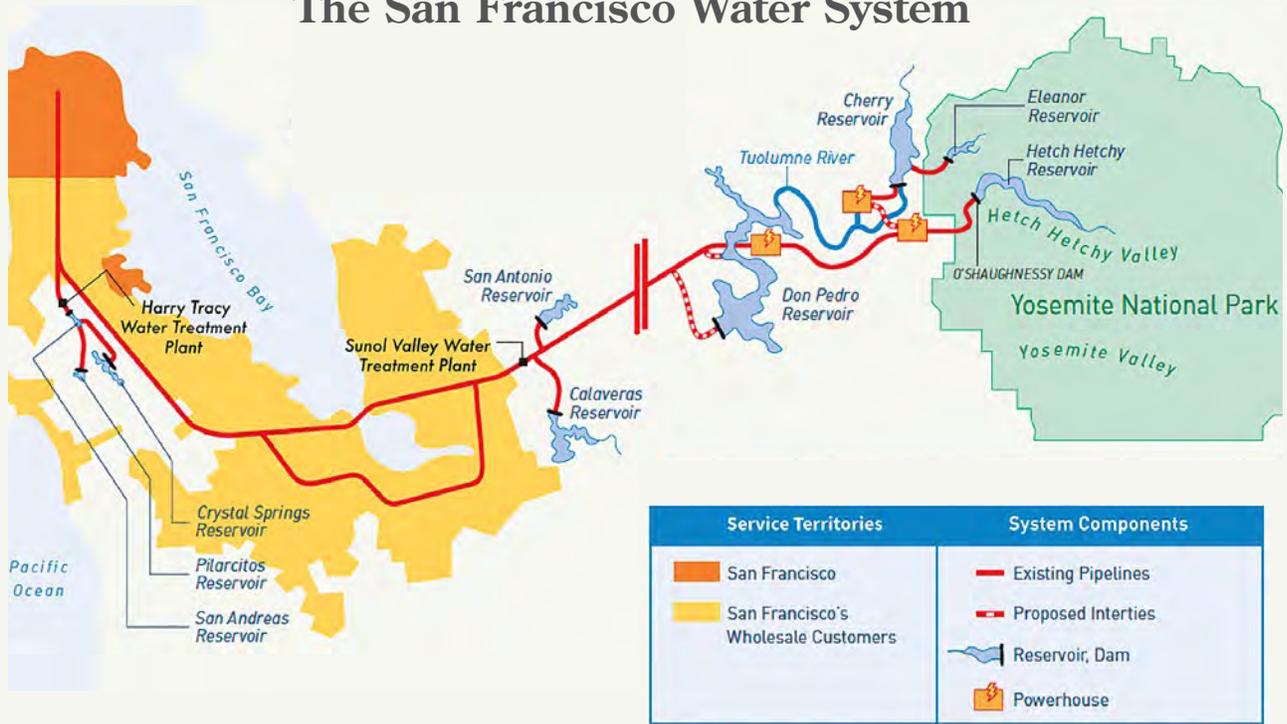
All municipal water is treated so it is safe to drink. Most agencies filter and disinfect their water supplies. Disinfection typically uses a form of chlorine, and often ozone or ultraviolet light as well. For disinfection, San Francisco uses chloramine (a combination of chlorine and ammonia) and ultraviolet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

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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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## Authors

**Spreck Rosekrans** is Executive Director of Restore Hetch Hetchy. Spreck has more than 30 years of experience working with conservationists, Indian tribes, government agencies and water districts to protect the Colorado River in the Grand Canyon, restore California’s Trinity River and to manage and restore wetlands, streams and the Bay Delta in California’s Central Valley.

**Ryan Laws** is an undergraduate student at the University of Oregon, majoring in Political Science and Environmental Studies. Ryan is dedicated to preserving our natural heritage for his own and future generations.

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## Acknowledgments

**Restore Hetch Hetchy** is grateful to numerous individuals for assistance editing and reviewing this report, including Taylor Burton, Michael Cameron, Murray Cohen, Jim Fousekis, Julene Freitas, Rex Hime, Virginia Johannessen, Mark Palley, Craig Reynolds, Isabella Salaverry Rosekrans, Erik Stokstad, Peter Van Kuran and Melanie Webber. Restore Hetch Hetchy also thanks Ron Rick for graphics, Virginia Wiltshire-Gordon for mapmaking and Mary Racila for her design and production.

*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.*





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To: Spreck Rosekrans, Restore Hetch Hetchy  
From: Michael Lozeau, Esq., Lozeau Drury LLP  
Date: August 31, 2023

Re: Legal Analysis of Raker Act, Section 9(a)(5) and the Park Service’s Lack  
of Authority to Restrict Boating on the Hetch Hetchy Reservoir

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The following analyzes the language of Section 9 of the Raker Act that excludes restrictions by the National Park Service on visitors’ use of the Hetch Hetchy watershed in furtherance of assisting the City and County of San Francisco in avoiding having to filter the water and whether the Park Service’s sanitary regulations for the Hetch Hetchy watershed are consistent with the Act.

### **The Raker Act’s Sanitary Regulation Provisions.**

Section 9 includes a list of conditions to the Hetch Hetchy grant to the City. Raker Act, § 9 (“That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated:…”). Section 9 sets forth three specific restrictions on visitors’ use of the “watershed above and around said reservoir sites”:

(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, or in 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; ...

## Legal Review of Raker Act, Section 9(a)(5)

Raker Act, § 9(a)(1)-(3).

The fourth paragraph requires the City to pay for the Park Service’s investigation and enforcement of those restrictions. *Id.*, § 9(a)(4).

Paragraph 5 addresses the circumstance where the three specified restrictions turn out to be insufficient to protect the reservoir’s “purity”:

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.***

Raker Act, § 9(a)(5) (emphasis added). The first sentence makes clear that the City is solely responsible for installing filtration or “other means to guard the purity of the water” should the three specified sanitary regulations prove deficient. The second sentence then constrains the “potential other means” by expressly prohibiting the Department of the Interior and Park Service from enacting or implementing any other rules or restrictions regulating the use of the Hetch Hetchy watershed by visitors.

Although other more general language within the Raker Act suggests that the Secretary of the Interior may ascribe certain conditions and regulations to the City, those general provisions would not prevail over the specific limit identified in Section 9(a)(5) regarding sanitary regulations and visitor uses. See *Perez-Guzman v. Lynch*, 835 F.3d 1066, 1075 (9th Cir. 2016) (“a ‘narrow, precise, and specific’ statutory provision is not overridden by another provision ‘covering a more generalized spectrum’ of issues”) (this canon goes by the Latin name of *generalia specialibus non derogant*). In particular, section 4 of the Raker Act states “[t]hat the said grantee shall conform to all regulations adopted and prescribed by the Secretary of the Interior governing the Yosemite National Park and by the Secretary of Agriculture governing the Stanislaus National Forest, and shall not take, cut, or destroy any timber.....<sup>1</sup> Assuming this broad directive is not limited to cutting timber, it would not prevail over Section 9’s specific language prohibiting sanitary regulations restricting visitors’ use of the Hetch Hetchy watershed beyond the three prescribed measures.

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<sup>1</sup> in the preamble to the Raker Act, the statute provides for San Francisco to take “stone, earth, gravel, sand, tufa and other materials” to construct the project “under such conditions and regulations as may be fixed by the Secretary of the Interior and the Secretary of Agriculture, within their respective jurisdictions, for the protection of the public lands, the Yosemite National Park, and the Stanislaus National Forest...” Raker Act, Preamble. The conditions and regulations referenced there are limited to those regulating the taking of those construction materials.

## Legal Review of Raker Act, Section 9(a)(5)

The specific list of activities prohibited by Section 9(a)(3) cannot be expanded to prohibit non-polluting uses of the reservoirs and surrounding areas. The doctrine of *expressio unius est exclusio alterius* “as applied to statutory interpretation creates a presumption that when a statute designates certain persons, things, or manners of operation, all omissions should be understood as exclusions.” *Silvers v. Sony Pictures Ent., Inc.*, 402 F.3d 881, 885 (9th Cir. 2005). “This canon only applies, however, if ‘it is fair to suppose that Congress considered the unnamed possibility and meant to say no to it.’” *Washington v. United States Dep’t of State*, 996 F.3d 552, 562 (9th Cir. 2021). Given Congress’ specific sanitary measures and its express statement that the list not be expanded to include any further restrictions on visitor use, the maxim is readily applicable here.

The intent of Congress to forbid the Secretary and Park Service from further restricting visitor use of the Hetch Hetchy watershed for purposes of assisting the City in keeping the reservoir water clean is confirmed by the legislative history for the Raker Act, i.e. the Congressional debates.

“In the task of statutory interpretation, ‘our purpose is always to discern the intent of Congress.’” *U.S. Aviation Underwriters Inc. v. Nabtesco Corp.*, 697 F.3d 1092, 1096 (9th Cir. 2012) (citations omitted). “To determine the plain meaning of a statutory provision, we examine not only the specific provision at issue, but also the structure of the statute as a whole, including its object and policy. If ambiguity exists, we may use legislative history as an aid to interpretation.” *Id.*, quoting *Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 633 F.3d 1158, 1171 (9th Cir. 2011). See *United States v. City & Cnty. of San Francisco*, 23 F. Supp. 40, 44 (N.D. Cal. 1938), *decree rev’d*, 106 F.2d 569 (9th Cir. 1939), *rev’d*, 310 U.S. 16, 60 S. Ct. 749, 84 L. Ed. 1050 (1940) (looking to Raker Act’s legislative history to discern Congress’ intent – “The aims of the Raker Act were made apparent by both the Senators and the Representatives who discussed the bill during the months preceding its passage in 1913.”).

Congress expressly discussed and confirmed that the sanitary rules to be required by the Secretary would be limited to what was listed. After summarizing the sanitary regulations included in Section 9, the analysis of the Raker Act, H.R. 7207, introduced by Congressman J.R. Knowland, states, “Should these regulations prove insufficient to the grantee, then the grantee shall install a filtration plant, and no other sanitary rules or restrictions shall be granted.” 63 Cong. Rec. 3922. The analysis continues, stating:

It is intended that the use of the watershed shall be free to campers and visitors, and that **no onerous or prohibitive sanitary regulations shall ever be imposed**. The sanitary experts assert that the storage of water in the Hetch Hetchy Reservoir will insure adequate purity, and the Government officials assert that the regulations herein are only those required by common decency and for the protection of campers themselves.

## Legal Review of Raker Act, Section 9(a)(5)

*Id.* (emphasis added). Likewise, Senator Gronna introduced a report from the Army Engineers which quotes the report of San Francisco's consulting engineer Mr. Allen Hazen, an integral part of the report prepared for the City by John R. Freeman entitled "The Hetch Hetchy Water Supply For San Francisco, 1912" (the "Freeman Report") which was circulated to Congressional members. The excerpt highlighted by Senator Gronna states that, in regard to sanitary restrictions, "No modification of or addition to the rules-now in effect-need be made." 63 Cong. Rec. 258. The Raker Act conditions reflected the rules in place at the time. 63 Cong. Rec. 3922 ("[the Raker Act sanitary] regulations are practically identical with the rules now in force in the Yosemite National Park").

The legislative history also indicates that the uses which Congress intended the grant to expand or not adversely affect included boating on the authorized reservoir. As Congressman Church explained,

and so I say to you, as I said before, I believe a lake covering part of the Hetch Hetchy Valley will add new charm to this already beautiful place, for around about this lake campers and nature lovers will pitch their tents, and instead of a valley, in which the mountains are already rich, will appear a beautiful mountain lake, blue, deep, and clear, in which fishes swim and **on the surface of which rowboats and sailboats glide**; and nature lovers and natural lovers and rheumatic members of the Sierra Club will sit on the rocks along the shore in the morning time, and just before sunrise will look upward at the great cliffs, rising perpendicular, thousands of feet on every side, and then down into the clear waters where the great shadows fall and into the waters as if into a looking-glass all the outlines and beauties of the mountains will again appear; and as the sun sinks in the evening behind the mountains to the west the same picture will greet the eye, and at bedtime, just as the nature lover spreads his blankets upon the pine boughs, the real lovers, hand in hand and arm in arm, will wander among the rocks along the shore, and there will be a sky above and a sky below, for the moon and the stars will shine in the waters even as they do overhead, and the moonlight wanderers, looney and mooney as they are, will see beauty everywhere.

63 Cong. Rec. 3923-24 (emphasis added). Congressman Church's comment reflected the understanding of the bill's proponents that the reservoir would be accessible to park visitors for boating and unfettered access to its shoreline. This understanding was reiterated by Senator Thomas, responding to Senator Smoot's statement that the bill contained a "provision, as I remember, that no one is allowed within 300 feet of the lake," stated, "Oh, no. There are regulations for sanitary purposes that extend for 800 feet from the lake, **but that does not prevent people from going on the lake.**" 63 Cong. Rec. 131-132 (emphasis added). Senator Thomas further emphasized this intent by insisting that it would be similar to those reservoirs around the country that allowed boating, responding to Senator Martine's suggestion that no boating would be allowed:

## Legal Review of Raker Act, Section 9(a)(5)

Mr. MARTINE of New Jersey. You can not sail on the reservoir of the city of Washington, neither can that be done in that of the city of New York.

Mr. THOMAS. There are a great many cities in which, it is done, especially when the reservoirs are far distant from the place of distribution.

Mr. MARTINE of New Jersey. The cases, are very rare.

Mr. THOMAS. I do not think, so. I think it is quite frequently the case.

63 Cong. Rec. 131-132 (Sen. Thomas supported the Raker Act, while Sen. Martine was in opposition). Senator Thomas further emphasized that only activities that would cause pollution are prohibited by the Raker Act: “They can not camp in this zone or utilize it for any purpose that would render the water itself insanitary or expose it to any sort of pollution, which, is a perfectly proper and necessary safeguard.” *Id.* at 132. It also is clear from his and Mr. Church’s statements that boating was not considered by Congress as a polluting activity.

Lastly, Senator Gronna also introduced correspondence from the then-manager of the Modesto and Turlock irrigation districts which cited the City’s Freeman Report with approval, especially the illustrations of the reservoir included in the report, noting “the beautiful pictures of the future Hetch Hetchy as drawn in Mr. Freeman’s report....” 63 Cong. Rec. 264. The Freeman Report illustrations include a good-sized steamboat loaded with passengers plying the waters of the Hetch Hetchy reservoir. See *Keeping Promises, Providing Public Access to Hetch Hetch Valley*, p. 11 (Restore Hetch Hetchy 2021).

### **The Park Service’s Current Sanitary Regulations for the Hetch Hetchy Watershed.**

With the Raker Act’s provisions and legislative history in mind, the current regulations applicable to the Hetch Hetchy watershed exceed the authority granted by Congress in the Raker Act.

The following discusses each of the closures and restrictions pertinent to Hetch Hetchy as of the August 18, 2022 Superintendents Compendium of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

1. *Public access is prohibited below the high water mark of Hetch Hetchy reservoir (see the High Water Mark map in the appendix). [the referenced map is not attached to the 2021 Compendium]*

*This restriction is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants.*

**Comment:** This regulation is not included in the three Raker Act sanitary conditions and is not authorized. The only condition it would arguably fit within is the “[n]o person shall ... in any way pollute....” There is no prohibition included in the Raker

## Legal Review of Raker Act, Section 9(a)(5)

Act of people walking down to the waterline of the reservoir, even if the reservoir is below its high water mark.

2. *Hetch Hetchy Reservoir is closed to all vessels.  
Lake Eleanor is closed to all motorized vessels.*

*These restrictions are in direct support of the Raker Act, Water Quality Provisions, and the Filtration Avoidance Regulation, and it is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants.*

**Comment:** This restriction to protect the purity of the reservoir is not listed in the Raker Act. It limits the use of the watershed by campers and tourists in direct contravention of Section 9(a)(5). There is no other reason for the restriction beyond maintaining the purity of the water. No other waters in the Park have a similar blanket restriction for all vessels. See <https://www.nps.gov/yose/planyourvisit/boating.htm> (“All lakes other than Hetch Hetchy Reservoir and some rivers (described below) are open to non-motorized vessels”) Moreover, the fact that nonmotorized boats are allowed on Lake Eleanor despite the same goal as for the Hetch Hetchy Reservoir to maintain its high quality is inconsistent.

Section 9(a)(1)-(3)’s restrictions do not extend to prohibiting any boating. Indeed, the City itself operates as many as three motorboats on the reservoir. The three boats are all trailered, outboards and may include a 15-ft Boston Whaler with a 60 h.p. motor; a 13-ft Boston Whaler with a 30 h.p. motor and an 11-ft inflatable with a hard bottom and a 9.9 h.p. motor. The City has an inspection program to make sure the boats are all well-maintained before going into the water. Thus, a limited number of inspected motorboats are not harmful to the purity of the water. The Freeman Report, prepared for the City and relied upon by Congress in support of adopting the Raker Act, includes an illustration depicting a large steam-powered vessel on the reservoir. Thus, neither the plain language of Section 9 nor Congress’ intent can justify restricting visitors’ boating use on the Hetch Hetchy Reservoir in order to protect the purity of the reservoir’s water quality.

3. *Motorized boats are prohibited in all lakes and free flowing rivers, creeks, and streams within Yosemite.*

*These restrictions are necessary to preserve the natural characteristics of the lakes for public enjoyment and safety, and to ensure that the management of the park’s lakes meets the needs of all park users, including but not limited to photographers, fishermen, and those wishing to see undisturbed sections of lakes. This restriction is in direct support of the Raker Act, water quality provisions and the Filtration Avoidance Regulation, and is necessary to maintain the high quality of water found in the Hetchy and Lake Eleanor Reservoirs as a clean municipal drinking water source free from microbial pathogens and other contaminants.*

## Legal Review of Raker Act, Section 9(a)(5)

**Comment:** A boating restriction for the Hetch Hetchy Reservoir is not authorized by the Raker Act. The Raker Act controls for this portion of Yosemite Park. Even if one assumes that the Park Service retains some discretion on whether or not motorized boats should be allowed, the reasons used for banning motorized boats in other locations in the Park would not apply. There are no natural characteristics of the unnatural Hetch Hetchy Reservoir to preserve. The valley is already disturbed and the presence of some boats on the reservoir would not adversely affect the needs of park users. It would enhance them for this severely altered landscape within the Park.

### **The Park Service and San Francisco 2019 Memorandum of Agreement.**

In addition to these specific rules, the Park Service has entered into a *Memorandum of Agreement Between City and County of San Francisco San Francisco Public Utilities Commission and National Park Service Yosemite National Park for Comprehensive Management of Watersheds within Yosemite National Park Supplying the San Francisco Regional Water System* (July 30, 2019) (“2019 MOA”). The 2019 MOA includes an objective that appears to extend the City’s desire to maintain its filtration avoidance status pursuant to 40 C.F.R. Part 141, Subpart H and 22 Cal. Code of Regulations § 64652.5 to a shared responsibility with the Park Service. Thus, the 2019 MOA states:

This Agreement serves as the mechanism for:

1. **SOURCE WATER PROTECTION (SWP) PROGRAM:** Watershed controls to preserve the SFR WS watersheds within YNP as high-quality drinking water sources and to maintain the filtration avoidance status of the Hetch Hetchy Supply. This includes watershed management for source water protection and reimbursement for implementation of the Raker Act water quality provisions, along with other source water protection initiatives.

2019 MOA, pp. 2-3. Likewise, the 2019 MOA provides:

The NPS develops and implements additional watershed protection policies and regulations, which are coordinated with the SFPUC. These **additional policies and regulations constitute, in combination with the Raker Act’s water quality provisions**, a watershed control program that meets the filtration avoidance requirements of 40 CFR § 141. 71 and 22 CCR § 64652.5 for the Hetch Hetchy Supply and protects water quality for the SFR WS UNHHS. The watershed control program ensures that high water quality of the SFR WS sources is maintained.

2019 MOA, p. 3 (emphasis added). The 2019 MOA also binds the Park Service to a distinct goal of preserving the City’s filtration avoidance above and beyond the water quality and sanitary controls specified in the Raker Act:

## Legal Review of Raker Act, Section 9(a)(5)

2. SOURCE WATER PROTECTION A goal of the Source Water Protection Program is to maintain filtration avoidance designation (or unfiltered status) for the Hetch Hetchy Supply. Another goal is to manage the affected watersheds (Hetch Hetchy Supply and UNHHS) within YNP to protect water quality and mitigate potential sanitary concerns. This includes the following SFPUC and NPS activities: ... 111. NPS Facilities - Facilities within the Hetch Hetchy watershed, including trails, are constructed, operated and maintained to mitigate and/or prevent water contamination.

2019 MOA, p. 9.

The Park Service's commitment to maintaining the City's filtration avoidance objective is contrary to the express limitations set forth in the Raker Act, § 9. In particular, any operational controls of access to and use of trails, roads, or campsites that restrict the use of the watershed by visitors beyond those specified in section 9 is forbidden by the Raker Act. For example, to the extent night-time closures of the Hetch Hetchy Entrance Station is intended to protect the reservoir's water quality, that restriction violates Section 9. Disallowing people to access this area of the Park in the evening goes beyond prohibiting people from polluting the reservoir. Raker Act, § 9(a)(3). Similarly, prohibiting boating on the reservoir to protect water quality is contrary to the Raker Act's mandate that the Park Service's efforts to protect the reservoir's water quality through limits on Park users are limited to the specified sanitary restrictions.

The Park Service should be asked to justify any user restrictions in the Hetch Hetchy Reservoir watershed, including the entrance closure, any camping or boating restrictions, or closure of roads to the public, and eliminate those restrictions that go beyond prohibiting people from polluting the reservoir or are intended to assist San Francisco with maintaining its filtration avoidance status.

### **Conclusion**

For the above reasons, the Park Service has acted outside of its legal authority by expanding the use restrictions in the Hetch Hetchy watershed beyond those specified in the Raker Act in contravention of the Act's prohibition on any further use restrictions to protect the reservoir's water quality. As a result, the 2022 Compendium rules identified above are prohibited by the Raker Act and are null and void:

The proposition need not be labored that power to release or otherwise dispose of the property of the United States is lodged in the Congress by Article IV, Section 3 of the Constitution. Nor can defendant seriously assert that subordinate officials of the United States have that power, unless it has been conferred upon them expressly or impliedly, by Act of Congress. And where a government official purports to bind the United States to an agreement which such official had no statutory authority to

## Legal Review of Raker Act, Section 9(a)(5)

execute, his act is of course nugatory and void.

*United States v. City & Cnty. of San Francisco*, 112 F. Supp. 451, 453 (N.D. Cal. 1953), *aff'd*, 223 F.2d 737 (9th Cir. 1955). *See also City & Cnty. of San Francisco v. United States*, 223 F.2d 737, 737–38 (9th Cir. 1955) (“Nor is there any merit to the contention that the administrative interpretation of a statute which is contrary to its clear meaning controls the construction of the Act.”); *id.* at 739 (“We cannot accept the contention that administrative rulings— such as those here relied on— can thwart the plain purpose of a valid law.”)

The Superintendent of Yosemite National Park is authorized to establish restrictions and closures for the Park “[c]onsistent with applicable legislation....” 36 C.F.R. § 1.5(a). The Superintendent also “may ... Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction.... 36 C.F.R. § 1.5(a)(3). The Superintendent should use this authority to bring the Compendium requirements into compliance with the Raker Act.



(<https://osh.sfwater.org/>)

Restore Hetch Hetchy Petition to Improve Public Access to the Hetch Hetchy Valley in Yosemite National Park

September 26, 2023

Exhibit 7 – O'Shaughnessy Reservations

[Sign up \(/users/sign\\_up\)](/users/sign_up) [Sign in \(/users/sign\\_in\)](/users/sign_in)

**Due to the ongoing COVID pandemic, SFPUC is planning to open the facilities for the 2023 season on a limited basis. See below for registration information. This process can be suspended or terminated at any time. We will continue to follow CDC and Public Health Officers advisories.**

## Sign in

You need to sign in or sign up before continuing.

**Email**

**Password**

**Remember me**

New User? Sign up here ([/users/sign\\_up](/users/sign_up))

Forgot your password? (</users/password/new>)

Didn't receive confirmation instructions? (</users/confirmation/new>)

Didn't receive unlock instructions? (</users/unlock/new>)

# Welcome to the O'Shaughnessy Reservation System for

# Overnight Facilities at Hetch Hetchy Reservoir



[Policy \(../policy.pdf\)](#)      [Rental Guidelines \(../rentalg.pdf\)](#)      [Facilities/Rates \(../facrates.pdf\)](#)  
[Directions \(../dir.pdf\)](#)      [History](#)  
 (http://sfwater.org/Modules/ShowDocument.aspx?documentID=5224)

The Hetch Hetchy overnight facilities are (<https://osh.sfwater.org>) [Cottage 1, \(../facrates.pdf\)](#) [Cottage 2, \(../facrates.pdf\)](#) and the [Bunkhouse, \(../facrates.pdf\)](#) All eligible guests\* as designated by [Policy \(../policy.pdf\)](#) are permitted to reserve the overnight accommodations. The facilities at Hetch Hetchy Reservoir are open from May through October, weather permitting. Only one reservation per user, per season is allowed by policy.

**Due to the ongoing COVID pandemic, SFPUC is opening the facilities on a limited basis. This process can be suspended or terminated at any time. We will continue to follow CDC and Public Health Officers advisories.**

Eligible guests must register here (<https://osh.sfwater.org>) during the designated registration period: first 10 business days of February.

The O'Shaughnessy Dam Lodging Facilities will abide by the following schedule:

- May – October
- Two reservation slots per week:
  - Reservation slot #1:
    - Check-in on Monday at 3pm
    - Check-out on Wednesday at 12pm
  - Reservation slot #2:
    - Check-in on Thursday at 3pm
    - Check-out on Sunday at 12pm

**Registration:** Beginning on the first business day in February, individuals seeking to reserve these facilities must register online at: [osh.sfwater.org](https://osh.sfwater.org). (<https://osh.sfwater.org>) Guests previously registered in the system should be prompted via email to confirm their intent to utilize the reservation system. If you do not receive an email, sign up as a New User. All registrants are subject to verification of eligibility and will be notified by email of their eligibility status.

**The Registration Period:** Wednesday, February 1 through Tuesday, February 14, 11:59 p.m.

**Reservation:** Upon confirmation of your eligibility you will receive email notification indicating that you've been entered into the lottery.

**Lottery:** Winners of the random lottery, which will occur in late February/early March, will receive an email with a reservation window assignment and instructions.

**Reservation Window Assignment:** Reservation windows allow access to the reservation calendar in March. **Reservations can only be made during your assigned reservation window** or when Open Season begins. Each reservation window will allow 10 users to access and make reservations during one 23-hour window. Reservation dates are subject to availability. Please sign in at [osh.sfwater.org](https://osh.sfwater.org) (<https://osh.sfwater.org>) during your reservation window to create your reservation.

**Deposit:** An email will be sent to you with the deposit and fees information. A deposit of \$100.00 per reservation is due in advance to hold your requested dates. Failure to pay reservation deposits within the required timeframe will result in automatic reservation cancellation. Cancellations cannot be reinstated. This deposit will be applied towards your invoice balance at the end of your stay.

**Cancellations/Refunds:** Reservation cancellations must be submitted three weeks (21 days) in advance of reservation date for refund of deposit. Cancellations made 20 days or less prior to reservation date will result in loss of deposit.

**Rates:** Facility rates are charged based on the number of nights reserved. You will be charged the nightly rate ([../facrates.pdf](#)) unless you cancel in advance ([see cancellation information](#)). ([../rentalg.pdf](#)) Facility rates are published in the City and County of San Francisco Master Fee Schedule.

**Payments:** An invoice will be sent to you after your stay. The deposit will be applied to your invoice balance. Payment must be received within 30 days of receipt of invoice. Failure to submit payment within 30 days will result of loss of future privileges. If housekeeping has determined additional charges are due, these charges will be added to your invoice. The reserving guest is responsible for the entire invoice amount.

**Open Season:** In April after all lottery-assigned reservation windows have closed, the Reservation System will allow all **registered** users to change, cancel or attempt new reservations. Users will receive notification via email informing them of Open Season. Users who were not able to create a reservation during their lottery-assigned reservation window may now attempt to make a reservation, as cancellations and changes generate availability. Registered users can edit their reservations, including trading their existing dates for dates that appear available. Reservations will only register a change if the requested dates are available and the reservation can be saved. Thus, users will not risk losing their existing reservation if the alternate dates are not available. These editing functions also allow users to change their reservation start and departure dates or release a facility while still retaining the reservation.

**\*Eligible guests are:**

- *Elected officials of the City and County of San Francisco: Mayor, Board of Supervisors*
- *The San Francisco Public Utilities Commission*
- *Elected officials within Hetch Hetchy's service area*
- *Elected Federal and State officials*
- *Officers of departments of City government performing direct service for the SFPUC*
- *SFPUC full-time permanent staff*
- *Official delegates of the BAWSCA, MID, TID, non-profit education groups, and such other groups as the Commission may, from time to time, authorize*

Questions: [osh@sfwater.org](mailto:osh@sfwater.org). (<mailto:osh@sfwater.org>)



4/12/23, 1:38 PM

East Bay Municipal Utility District

# Pardee Reservoir

## **Pardee Recreation Area gears up for reopening**

The recreation area at Pardee Reservoir will reopen for camping only on February 16 and full recreation use (including fishing) on February 17, 2023. Over 10,000 lbs of trout are being planted in preparation for opening day! For more information, contact the Pardee Recreation staff at 209-772-1472.

Pardee Reservoir, the heart of EBMUD's drinking water supply, can be found nestled in the foothills of the Sierra Nevada Mountain Range of Northern California. Popular recreational activities include fishing, boating and hiking. Swimming pools located next to the café are available for your enjoyment seven days a week. To comply with state law prohibiting body-water contact, personal watercraft, water skiing and lake swimming is not allowed.

## **Things to do**

### **Accommodations**

A total of 141 beautiful, oak-studded camp sites are located within two separate campgrounds that offer plenty of shade. They each contain a picnic table and fire ring. Running water, flush restrooms, laundry facilities and other amenities are available within a short walking distance. Two ADA, wheelchair-accessible sites are also available. The newly renovated RV Park features 56 sites with their own picnic tables, fire rings and fully modernized electrical, water, and sewer connections. RV Park guests can also enjoy a new group gathering area.

### **Fishing**

About 90 percent of Pardee Lake anglers fish for trout, both from the shore and from boats. Other available species include Brown Trout, Kokanee salmon, Black Bass, and three kinds of catfish. Children will particularly enjoy the fast-paced fishing for crappie, bluegill and sunfish.

A valid California fishing license is required for individuals 16 years of age or older. In addition, there is a Pardee fishing access fee of \$7.25 per day for each individual 16 years of age and older. Up to 4 children, 15 years of age and younger, may fish without a daily fishing access permit as long as they are accompanied by a licensed adult with a valid fishing access permit. The Pardee access permit funds are used to re-stock the lake with fish.

**Boat rentals**

Motorboats, deluxe boats, pontoon boats and deluxe pontoons are available daily.

**Boat launch**

There is a 10-lane launching facility that is open daily. All boats must be surveyed and are subject to inspection before launching to prevent invasive Quagga Mussels from entering EBMUD waters. Vessels from Southern California and out-of-state are prohibited from launching on Pardee Reservoir unless they have gone through a decontamination process.

**Hiking**

The entrance fee includes access to the hiking trails along Pardee's shorelines. These trails have portable toilets for your convenience.

**Food**

Café Pardee offers hearty breakfasts and offers other specials throughout the afternoon. The café also has a store that stocks ice, wood, beverages, groceries and other supplies for camping needs.

**Bring your dogs**

Dogs are welcome (fee required) in developed areas, but must always be leashed and controlled.

**Wildlife**

Many species of birds reside at Pardee Lake. Keep an eye out for ducks, geese, eagles, ospreys, hawks, owls, and wild turkeys. Other animals include squirrels, rabbits, and deer. Less likely is the possibility of spotting a coyote, bobcat, rattlesnake, or mountain lion, all of which possess a solitary, elusive nature.

**Swimming**

State law prohibits lake swimming. Two swimming pools, one for children and one for adults, are available seven days a week.

**Resources**

Document	Type	Size
<a href="#">Pardee Reservoir Map</a>	 PDF	<1 MB
<a href="#">Mokelumne Area Map</a>	 PDF	<1 MB
<a href="#">Fish Consumption Precautions - June 2011</a>	 PDF	<1 MB
<a href="#">2023 Pardee Recreation Use Fees</a>	 PDF	<1 MB

**Park Details****Location**

Pardee Recreation Area  
4900 Stony Creek Rd.  
Ione, CA 95640

### Contact

email: [info@rockymountainrec.com](mailto:info@rockymountainrec.com)

phone: 209-772-1472

reservations: 800-416-6992

### Hours/Season

In 2022, Pardee is open from February 18 to November 6. It is closed during the migratory bird season as part of EBMUD's wildlife enhancement program.

For hours of operation, visit [Rocky Mountain Recreation Company](#).

### Fees

See the document below for entry fees, launch fees, and boat rental fees.

375 11th Street Oakland, CA 94607

1-866-403-2683

Connect with us:     

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**RECREATION USE FEES FOR 2023**  
**January – December 2023<sup>1</sup>**  
EFFECTIVE 01/01/23

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The following fees apply to use of the District's recreation facilities at Camanche Hills Hunting Preserve, Camanche Reservoir, Lafayette Reservoir, Pardee Reservoir, San Pablo Reservoir and on the District's Watershed Trail System.

All other (not included in this schedule) charges and fees for merchandise and services provided to the public in connection with the public uses of the recreation areas and facilities thereat shall be determined by the concessionaire or the District and shall be reasonable and consistent with charges for similar merchandise and services at similar locations.

General Discount Program – Discounts from fees listed may be offered in order to attract new customers and/or improve revenues. General discounts will be applied for specified time frames and apply fairly and uniformly. General discounts must be approved by the Director of Water and Natural Resources Department in advance.

District employees, retirees and immediate family receive free vehicle entry and boat launch, and a camping discount equal to the car entry fee (limit one per day).

Volunteer Discount Program – Free one-year Trail Use Permit and 50% discount on vehicle entry/parking and boat launch for those who contribute an annual minimum of 20 hours of volunteer work while participating in a District Volunteer Program.

Distinguished Veteran Discount Program – Holders of the California State Parks Distinguished Veteran Pass receive free day use and boat launch at all District recreation areas.

Fishing Access Permits are required for persons 16 years of age or older. Up to four children 15 years and under and accompanied by a person who possesses a valid CA fishing license and daily fishing access permit, may fish under that fishing access permit subject to the daily possession limit of the permit holder. Every accompanied child, over the allowed number of four, must have individual fishing access permits. Each child not accompanied by a fishing access permit holding adult must obtain his/her own fishing access permit.

No Fishing Access Permit is required on the two annual California Department of Fish and Wildlife Free Fishing Days.

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<sup>1</sup>Fee years are by calendar year for all locations except the Camanche Hills Hunting Preserve where fees are implemented earlier for the hunting year October 1 - September 30.



**RECREATION USE FEES FOR 2023**  
**January – December 2023**  
EFFECTIVE 01/01/23

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<b>PARDEE RECREATION AREA</b>	<u>USE FEE</u>
<b>VEHICLE ENTRY AND PARKING – CAR/MOTORCYCLE/SMALL VAN</b>	
Daily/Nightly (Non-Camping)	\$10.00
Season	118.00
Combined Car/Boat Daily	16.00
<b>VEHICLE ENTRY AND PARKING – LARGE VANS AND BUSES</b>	
Large Vans – 10-20 Passengers	22.00
Buses – 21+ Passengers	38.00
<b>DOG</b>	
Daily (Fee charged each day in park)	5.00
Season (Concurrent with Season Parking Pass)	50.00
<b>STANDARD BOAT LAUNCH</b>	
Daily (Fee charged each day in park)	10.00
Season	110.00
<b>CARTOP BOAT LAUNCH (Float Tube, Kayak, Canoe, Scull)</b>	
Daily	5.00
Season	44.00
<b>BOAT SLIP (excluding park entry)</b>	
Daily	10.00
Weekly	50.00
Monthly	120.00
Season	690.00
Season (concurrent with season RV)	640.00
<b>FISHING ACCESS</b>	
Daily	7.25
Annual	200.00
<b>MISCELLANEOUS</b>	
RV/Campsite Reservation Fee	10.00
<b>STANDARD CAMPSITE (w/vehicle parking)</b>	
Nightly	25.00
Second Car Parking	10.00
Weekly	150.00
Second Car Parking	60.00



**RECREATION USE FEES FOR 2023**  
**January – December 2023**  
EFFECTIVE 01/01/23

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<b>PARDEE RECREATION AREA (continued)</b>	<u>USE FEE</u>
<b>PREMIUM CAMPSITE (w/vehicle parking)</b>	
Nightly	\$30.00
Weekly	180.00
<b>CAMPSITE (walk-in/bicycle parking)</b> (8 person/8 bike maximum)	
Nightly	23.00
Weekly	138.00
<b>DOUBLE CAMPSITE (16 people/2 vehicles)</b>	
Nightly	50.00
Third or Fourth Vehicle	10.00
<b>RV SITE</b>	
Nightly	40.00
Weekly	240.00
Monthly	520.00
Season	4,095.00
Season – Premium Site	4,225.00
<b>RV/TRAILER/BOAT STORAGE (excluding park entry)</b>	
Weekly	30.00
Monthly	70.00
Season	510.00
Season – concurrent with season RV site	445.00
12-Month Consecutive	670.00
<b>TOWING</b>	80.00
<b>RESERVABLE SITE/FACILITY (charges in addition to above fees)</b>	
Small (25 or less people)	70.00
Medium (26-100 people)	100.00
Large (101-150 people)	150.00
Over 150 people	265.00
Café/Pool Day Use Area (refundable deposit)	60.00



**RECREATION USE FEES FOR 2023**  
**January – December 2023**  
EFFECTIVE 01/01/23

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**PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS**

Concessionaire Employees receive free entrance to and use of rental boats during off-season hours, a 20% discount on food and merchandise, and a camping discount equal to the car entrance fee. Limited to one free vehicle entry and one free boat rental per employee per day.

Concessionaire and/or District may provide free entry and use of rental boats for disadvantaged groups (e.g., disabled, senior, youth, veteran), and for media to promote the recreation area.

Current Camanche Regional Park Advisory Board members and active field public safety personnel in Amador, Calaveras and San Joaquin County receive free day use entry.

Senior/Disabled receive 50% discount on annual entry and boat launch fees, and on non-holiday weekday boat rentals. Senior rates are for individuals with a driver's license or ID showing age 62 or older.

Active, reserve, retired, and veteran military personnel receive 20% discount on day use entry, boat rentals, (excluding Deluxe Pontoon), and dry camping (excluding RV hook-up sites). Military identification required. Discount may not be combined with other offers.

Distinguished Veteran Pass holders receive free day use and boat launch and 50% discount on non-holiday weekday boat rentals.

Concessionaire or District can issue return coupons for free entry or camping for dissatisfied customers.

Groups participating in volunteer District facility improvement programs receive 50% discount on entry and camping fees.

Campsite charges include one vehicle entry, and RV site charges include a second/tow vehicle.

Monthly and Seasonal RV Park fees include one vehicle entry, but do not include electricity charge. Electricity is metered and charged separately.

Each of the daily charges, except the fishing access permit, shall be valid and effective for the calendar day upon which the charge was made, from one hour before sunrise until one hour after sunset. Fishing access permits are valid until midnight of said day.

Each of the weekly charges shall be valid and effective for the calendar week in which the charge is made, terminating at 1:00 p.m. on the seventh consecutive day of said period.

Each of the nightly charges shall be valid and effective for a period not exceeding 24 consecutive hours and terminating at 1:00 p.m. during said period.



**RECREATION USE FEES FOR 2023**  
**January – December 2023**  
EFFECTIVE 01/01/23

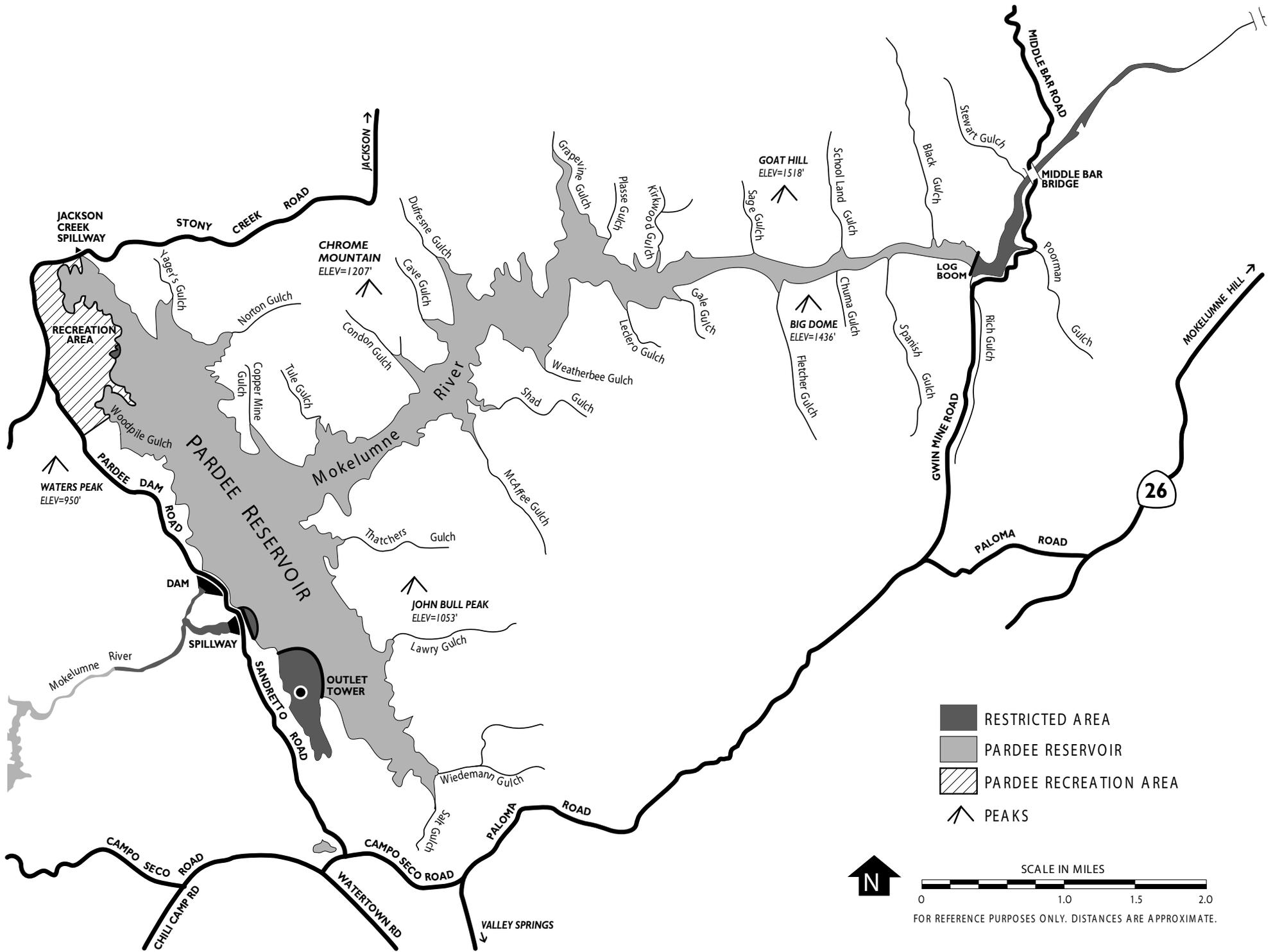
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**PARDEE RESERVOIR – DISCOUNTS, SPECIAL PROGRAMS, LIMITATIONS**  
**(continued)**

Premium Campsite or Premium RV site is a site that due to enhanced amenities, waterfront access or other special features is rented at a higher rate than a standard site.

Standard campsites may have a maximum of 8 people and 2 vehicles.

Short-term visitor passes may be issued for periods up to one hour.



- RESTRICTED AREA
- PARDEE RESERVOIR
- PARDEE RECREATION AREA
- PEAKS



FOR REFERENCE PURPOSES ONLY. DISTANCES ARE APPROXIMATE.



CALL (661) 702-1420 (TEL:+16617021420)



[\(https://rockymountainrec.com/\)](https://rockymountainrec.com/)

Rocky Mountain Recreation (<https://rockymountainrec.com/>) > Pardee Recreation Area

[Fishing Derby \(https://rockymountainrec.com/rancho-seco-fishing-derby-registration/\)](https://rockymountainrec.com/rancho-seco-fishing-derby-registration/)

# *Pardee Recreation Area*

[Campgrounds \(https://rockymountainrec.com/campgrounds/\)](https://rockymountainrec.com/campgrounds/)

[Lake Facilities \(https://rockymountainrec.com/lake-facilities/\)](https://rockymountainrec.com/lake-facilities/) [About \(https://rockymountainrec.com/about/\)](https://rockymountainrec.com/about/)

[Contact \(https://rockymountainrec.com/contact/\)](https://rockymountainrec.com/contact/)



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Northern California (<https://rockymountainrec.com/lake-facilities/categories/northern-california>)

📍 4900 Stony Creek Road, Ione, CA, United States

4900 Stony Creek Road Ione California 95640 US

📞 Kiosk: 209-772-1472 Marina Store: 209-772-1474 Kiosk: 209-772-1472 Marina Store: 209-772-1474 (tel:20977214722097721474)

 (<https://www.facebook.com/pardeelakerecreation/>)

## May Retail Promotions

**Closeout Sale: Redline 40% off- See attached sale sign in gift shop.  
Free Recycled Bag with \$100.00 purchase.**

### **PARDEE LAKE WILL BE CLOSING FOR THE SEASON SEPTEMBER 05, 2023**

Please call 1-800-416-6992 or **CLICK HERE** (<https://www.camplife.com/567/reservation/step1>), to make reservations for camping with us! Scroll down to "Camping Information & Reservations" for more details.

Pardee Recreation Area has been creating positive memories for visitors since its opening in 1958. Located along the Mokeumne River, Pardee Recreation Area provides stunning views and diverse activities for all visitors, old and young. The park lays in the foothills of the Sierra Nevada Mountain Range of Northern California and is just twelve miles southwest of Jackson. The facility is reachable from Highway 88 or Highway 12 and is near the Jackson Rancheria Casino. The overwhelming beauty of this recreation area provides for guests a state of peace as they witness the tranquility of geese floating on the water top, excitement as wild turkey dart across their path, and joy as they interact with the friendly staff.

From fishing to hiking, Pardee Recreation Area offers an abundance of activities to keep even the most active groups busy over a long weekend. Over 100 campsites, each with a fire pit and picnic table, are located within the park, interspersed with incredible oak trees that provide plenty of shade for the sites. Two swimming pools, several day use areas, boat rentals, fishing and breathtaking hiking trails make this park full of adventure and areas to explore. The park is also home to several friends including wild turkeys, deer and various fish species. To fuel visitors' adventures, the Lake Pardee Cafe offers tasty breakfast and lunch options and the best 50/50 Freeze you'll find.

As the center of EBMUD's drinking supply, to comply with state law which prohibits **body contact with the lake, personal water crafts, water skiing, and lake swimming are not permitted.**

### NATURE AT THE PARK



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### PARK HOURS

Gate Hours: 5:00 am – 11:00 pm

Kiosk Hours: 5:00 am – 8:00 pm (Sunday-Thursday) and 5:00 am – 9:00 pm (Friday-Saturday) beginning Memorial Day Weekend.

Marina Hours: 7:00 am – 5:00 pm (until Memorial Day weekend)

Marina Hours: 6:00am – 7:00pm (Memorial Day to Labor Day)

## ENTRY FEES

	Daily	Season Pass	Senior Season Pass
Vehicle (Car / Motorcycle)	\$10.00	\$118.00	\$59.00
Vehicle & Boat	\$16.00	\$228.00	\$114.00
Large Van or Bus (10+ Passengers)	\$38.00	N/A	N/A
Dog	\$5.00	N/A	N/A
Standard Boat Launch	\$10.00	\$110.00	\$55.00
Cartop Boat Launch	\$5.00	\$44.00	\$22.00
Fishing Access	\$7.25	\$200.00	\$200.00

## BOATING & RENTALS

**Marina Hours are 7:00 a.m.-5:00 p.m. Until Memorial Day weekend. 6:00am – 7:00pm Memorial Day Weekend to Labor Day.**



(<https://rockymountainrec.com/wp-content/uploads/2017/10/Marina.jpg>)

In addition to rental boats, the marina provides ice, wood, drinks, groceries, camping and fishing supplies. California State Fishing Licenses are also available.

At the center of the marina is a vast 10 lane launch ramp that allows for a smooth launch into the reservoir for all boaters.

All boats must be surveyed and are subject to inspection before launching to prevent Quagga Mussels invading EBMUD waters. Vessels from Southern California and out-of-state are prohibited from launching on Pardee Reservoir unless they have gone through a decontamination process.

A gas station is located by the marina store.

**Boats are first-come first-serve only! We do not accept reservations.**

Type	# People (weight dependent)	Deposit	Minimum	Each Add'l Hour	All Day
14' Motor Boat	3-4 max	\$105	\$45/2 hour min	\$12	\$105

16' Deluxe Boat	4-5 max	\$175	\$78/2 hour min	\$20	\$175
Pontoon	7 max	\$225	\$100/2 hour min	\$25	\$225
Deluxe Pontoon	8-10 max	\$300	\$120/2 hour min	\$45	\$300
Fishing Pontoon	18 max	\$300	\$120/2 hour min	\$45	\$300
Kayaks, Canoes, Peddle Boats	1-2 max	\$52	\$15/1 hour min	\$10	\$52

**Senior/Disabled/POW Discount: 50% off all day rate on Non-Holiday Weekdays only. Age 62+**

## PARK INFORMATION



(<https://rockymountainrec.com/wp-content/uploads/2017/10/Pardee-Pools-1.jpg>)

For added entertainment, the park also has a horse shoe station and two pools (one for small children and one for all others).

The Pool is typically open Memorial Day Weekend to Labor Day Weekend. Please contact the Lake Pardee Gate for more information on early opening. 209-772-1472

## *Cafe*

(<https://rockymountainrec.com/wp-content/uploads/2017/10/Cafe-Front.jpg>)



(<https://rockymountainrec.com/wp-content/uploads/2017/10/Cafe-Front.jpg>)

The café is located just past the entrance of the recreation area next to the pool.

Serving breakfast and lunch on weekends, the café is an excellent place to grab a bite! The current menu is displayed below, but the chef (<https://rockymountainrec.com/wp-content/uploads/2017/10/50-50-Freeze.jpg>) always has something new up her sleeve! Their menu includes several tasty frozen treats for those hot summer days at the lake. The patio in the back of the café is a great place to enjoy a refreshing drink or sandwich.



The Café is now open! Hours are 8:00am-2:00pm Friday, Saturday, and Sunday.

**BREAKFAST:  
(SERVED ALL DAY)**

**LUNCH:**

BREAKFAST MENU (SERVED ALL DAY)	
<b>Main Dishes</b>	
Skillet Back Pancakes	\$7.99
French Toast	\$6.99
Two! Pancake and Omelet	\$7.75
Ham, Bacon or Sausage & Eggs	\$10.99
Chicken Fried Steak & Eggs	\$11.25
Fanfare Special	\$10.45
<small>(Choose any 2 items of Bacon/Sausage &amp; Eggs)</small>	
Breakfast Sandwich	\$5.99
Breakfast Burrito	\$5.99
<b>Omelets</b>	
Cheddar	\$5.99
Chili	\$5.99
Onions & Sauté Cheese	\$10.25
Ham & Cheese	\$10.25
Bacon or Sausage	\$10.25
<b>Sides &amp; More</b>	
One Egg, any style	\$3.25
Turkey	\$2.89
Hash Browns	\$3.89
Cheesy Potatoes	\$3.99
Bacon & Eggs	\$4.25
Ham	\$4.89
Sausages (2)	\$4.89
Hamburger Patty	\$4.89
<b>Drinks</b>	
Coffee	\$2.75
Tea (Hot or Cold)	\$3.99
Hot Chocolate	\$2.75
Orange Juice	\$4.25
Large	\$4.25
Regular	\$3.81

LUNCH MENU	
<b>Burgers and Sandwiches</b>	
Hamburger	\$10.50
Cheddarburger	\$11.25
Beefy Cheddarburger	\$11.99
Chili Burger	\$11.99
Onion Swirl Burger	\$11.99
Patty Melt	\$10.99
Club Chicken Strips	\$10.25
Grilled Ham & Cheese	\$8.99
BLT	\$4.99
Club Dog	\$4.99
1/2 Chicken	\$5.99
Corn Dog	\$5.99
<b>Sides</b>	
French Fries	\$4.25
Potato Salad	\$4.25
Chili Beans	\$4.99
Onion Rings	\$4.75
Chili Cheese Fries	\$5.89
<b>Drinks</b>	
Small Tea	\$3.00
Milk	\$4.00
Large	\$4.00
Regular	\$3.25
Coffee	\$2.75
Protein Shake	\$4.89
<b>Dessert</b>	
Milk Shake	\$5.75
Soft Pretzels	\$4.25
Sweet Strawberry	\$5.25
Ice Cream	\$2.99
1 Brownie	\$2.99
2 Brownies	\$3.95

(<https://rockymountainrec.com/wp-content/uploads/2022/05/Pardee-Breakfast-Menu-UPDATE-05.12.22-1.pdf>)

(<https://rockymountainrec.com/wp-content/uploads/2022/05/Pardee-Lunch-Menu-UPDATE-05.12.22-1.pdf>)

## Day Use & Hiking

The park offers several hiking trails filled with wildlife. Portable toilets are available along the trails for hikers' convenience. Ornithology enthusiasts will have plenty to observe as the recreation area is home to Duck, geese, eagles, ospreys, hawks, owls, quail and wild turkeys. Rabbits, squirrels and deer also accompany hikers along their journey. Much more allusive coyotes, bobcats, rattlesnakes, and mountain lions also call Pardee their home, but do not enjoy visitors as much as the squirrels so interaction with these animals is highly unlikely.

Visit this site to see the best ranked hiking trails at Pardee and share your opinion too!

<https://www.alltrails.com/parks/us/california/pardee-recreation-area> (<https://www.alltrails.com/parks/us/california/pardee-recreation-area>)

Day use areas make up the edge of the lake and have tables and barbecues, perfect for a weekend picnic or a cool down after a hike!

## DAY USE AREAS



(<https://rockymountainrec.com/wp->

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## CAMPING INFORMATION & RESERVATIONS

Pardee Recreation Area is an exceptional place for a camp out, with over 100 sites for tenters and RV campers.

### *Reservable Camping Areas*

#### LAKE VIEW CAMPGROUND

#### OAKS CAMPGROUND



(<https://rockymountainrec.com/wp-content/uploads/2021/06/Lake-View-Map-1.pdf>)



(<https://rockymountainrec.com/wp-content/uploads/2021/06/Oak-1-1.pdf>)

Two separate campgrounds, Oaks and Lake View, allow a camper a large number of sites to choose from, all with a picnic table and fire ring. Ample shade from the oak trees spread through the campgrounds make for plenty of cool sites. Restrooms and shared water spigots available all throughout camping areas and flush toilets, showers and laundry facilities are available closer to the marina of the park.

Lake View campground has sites that provide an exquisite view of the water and has twelve short-term camping full hook-up RV sites. Oaks campground has sites that are a little smaller but are more secluded and present a camping experience full of nature and closer to the woody feeling many look for when visiting the wilderness. 3 ADA sites, two for tent camping and one for RV camping, are also available for reservation.

*Nightly Boat Slips are available for \$10.00 per night.*

Please see the rules and regulations sheet for further camping information: Pardee Campground Rules ([https://rockymountainrec.com/wp-content/uploads/2017/12/Pardee\\_Rules\\_Regs\\_bro\\_08-16-WEB.pdf](https://rockymountainrec.com/wp-content/uploads/2017/12/Pardee_Rules_Regs_bro_08-16-WEB.pdf)) For terms and conditions, please [CLICK HERE](https://rockymountainrec.com/wp-content/uploads/2020/08/Pardee-Rules.png) (<https://rockymountainrec.com/wp-content/uploads/2020/08/Pardee-Rules.png>).

**MAKE A RESERVATION ONLINE HERE ([HTTPS://WWW.CAMPLIFE.COM/PARDEE+LAKE+RECREATION+AREA?NEWRES=Y](https://www.camplife.com/pardee+lake+recreation+area?NEWRES=Y))**

Or call 800-416-6992 for phone reservations and/or cancellations.

Site Type	Nightly Rate	Weekly Rate
Standard Campsite	\$25.00	\$150.00
Premium Campsite	\$30.00	\$180.00
Double Campsite	\$50.00	N/A
RV Site	\$40.00	\$240.00

**There is a \$10.50 NON-REFUNDABLE reservation fee for all reservations made**

### *Seasonal RV Camping*

The newly renovated long-term RV park has 56 full hook-up RV sites available for rental of an entire season at the lake. For more information regarding the availability of these sites, please email [sgazonas@ortegaparks.com](mailto:sgazonas@ortegaparks.com) (<mailto:sgazonas@ortegaparks.com>)

Monthly: \$520.00\*

Season: \$4,095.00\*

Premium Site Season: \$4,225.00\*

\*Site electricity charged separately.

### RESERVABLE DRY CAMP SITES



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Camp Site 113.JPG



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Camp Site 114.JPG

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### RESERVABLE RV SITES



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RV Site 101.JPG



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RV Site 102.JPG

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### RESERVABLE GROUP SITES



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Double Camp Site 175D.JPG



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Double Camp Site 206D.JPG

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## FISHING INFORMATION

The 300 -foot-deep reservoir is home to many species of fish including: rainbow trout, largemouth bass, smallmouth bass, kokanee salmon, brown trout, catfish, crappie, bluegill, catfish, and various species of sunfish. Crappie, bluegill and sunfish are great for young anglers.



The large perimeter of the lake allows for plenty of shore fishing in open areas and small coves accessible from a short hike. The fishing dock is also an excellent location for anglers old and young. A fish cleaning station is available for use at the top of the marina.

(<https://rockymountainrec.com/wp-content/uploads/2017/10/Fishing-Cove-2.jpg>)



California State fishing licenses are required for anyone over the age of 16. For youths under 16, the adult accompanying them is required to have a fishing license. Fishing licenses are available for sale at the lake's marina.

Fishing Access Permits are \$7.25 for each guest over 16 years old. 100% of the funds are used to plant Rainbow Trout.

## SERVICES

### Storage Facilities:

	Weekly	Monthly	Season	Concurrent with season RV Site
Boat Slip	\$50.00	\$120.00	\$690.00	\$640.00
Dry Storage	\$30.00	\$70.00	\$510.00	\$445.00

Nightly Boat Slip: \$10.00

Dry Storage 12 months consecutively: \$670.00



(<https://rockymountainrec.com/wp-content/uploads/2017/10/Slip-Storage.jpg>)

Share

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Tumblr (<https://rockymountainrec.com/lake-facilities/listing/pardee-lake-recreation-area/share?media=tumblr>)

LinkedIn (<https://rockymountainrec.com/lake-facilities/listing/pardee-lake-recreation-area/share?media=linkedin>)

Mail (<https://rockymountainrec.com/lake-facilities/listing/pardee-lake-recreation-area/share?media=mail>)

Bookmark (<https://rockymountainrec.com/lake-facilities/listing/pardee-lake-recreation-area/vote/favorite/form>)

Campground Photos (9)

Boating & Rentals

Sort by: **Newest First** (<https://rockymountainrec.com/lake-facilities/listing/pardee-lake-recreation-area/photos?sort=newest>)

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(https://rockymountainrec.com/wp-content/sabai/File/files/17091bcc/4b3dd0a051793d11a9d661.jpg)

👍 Fishing Cove 6 years ago (https://rockymountainrec.com/lake-facilities/photos/600)



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👍 Pardee Marina View 6 years ago (https://rockymountainrec.com/lake-facilities/photos/595)

👍 Following 9 results

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👍 **BOATING & RENTALS**

(https://rockymountainrec.com/lake-facilities/photos/595/vote/favorite/form)

content/sabai/File/files/7aa9a218e12b74e404ed55b52f1e716.jpg) b5cb8c0516492bfc8023a599c0da8.jpg)

👍 Wheat 6 years ago (https://rockymountainrec.com/lake-facilities/photos/605)



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👍 Land Scape 6 years ago (https://rockymountainrec.com/lake-facilities/photos/611)



(https://rockymountainrec.com/wp-content/sabai/File/files/cdebca1bdf84217050a89df1f7df612f.jpg)

👍 Bridge to Tom Sawyer Island 6 years ago (https://rockymountainrec.com/lake-facilities/photos/598)

👍 5

👍 (https://rockymountainrec.com/lake-facilities/photos/598/vote/helpful/form)

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👍 Landscape 6 years ago (https://rockymountainrec.com/lake-facilities/photos/610)



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👍 Flag 6 years ago (https://rockymountainrec.com/lake-facilities/photos/618)



(https://rockymountainrec.com/wp-content/sabai/File/files/417ed1ec27dc6c1e73884f4a392f57d1.jpg)

👍 Woodpile Gulch 6 years ago (https://rockymountainrec.com/lake-facilities/photos/599)

👍 8

👍 (https://rockymountainrec.com/lake-facilities/photos/599/vote/helpful/form)

👍 (https://rockymountainrec.com/lake-facilities/photos/599/vote/favorite/form)

**Marina Hours are 7:00 a.m.-5:00 p.m. Until Memorial Day weekend. 6:00am – 7:00pm Memorial Day Weekend to Labor Day.**



(<https://rockymountainrec.com/wp-content/uploads/2017/10/Marina.jpg>)

In addition to rental boats, the marina provides ice, wood, drinks, groceries, camping and fishing supplies. California State Fishing Licenses are also available.

At the center of the marina is a vast 10 lane launch ramp that allows for a smooth launch into the reservoir for all boaters.

All boats must be surveyed and are subject to inspection before launching to prevent Quagga Mussels invading EBMUD waters. Vessels from Southern California and out-of-state are prohibited from launching on Pardee Reservoir unless they have gone through a decontamination process.

A gas station is located by the marina store.

**Boats are first-come first-serve only! We do not accept reservations.**

Type	# People (weight dependent)	Deposit	Minimum	Each Add'l Hour	All Day
14' Motor Boat	3-4 max	\$105	\$45/2 hour min	\$12	\$105

16' Deluxe Boat	4-5 max	\$175	\$78/2 hour min	\$20	\$175
Pontoon	7 max	\$225	\$100/2 hour min	\$25	\$225
Deluxe Pontoon	8-10 max	\$300	\$120/2 hour min	\$45	\$300
Fishing Pontoon	18 max	\$300	\$120/2 hour min	\$45	\$300
Kayaks, Canoes, Peddle Boats	1-2 max	\$52	\$15/1 hour min	\$10	\$52

**Senior/Disabled/POW Discount: 50% off all day rate on Non-Holiday Weekdays only. Age 62+**

## Location

California Bay Area (<https://rockymountainrec.com/lake-facilities/categories/california-bay-area>) (3)

Northern California (<https://rockymountainrec.com/lake-facilities/categories/northern-california>) (2)

Southern California (<https://rockymountainrec.com/lake-facilities/categories/southern-california>) (14)

## COMPANY

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[Job Opportunities \(/job-opportunities/\)](/job-opportunities/)

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## LOCATIONS

[Campgrounds \(/campgrounds/\)](/campgrounds/)

[Lake Facilities \(/lake-facilities/\)](/lake-facilities/)

## CONNECT

### ROCKY MOUNTAIN RECREATION COMPANY

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## WHAT IS A WATERSHED?

A watershed is a land area that collects and channels rainfall and snowmelt by gravity to creeks, streams, and rivers, and eventually to common outflow points such as reservoirs, bays, and the ocean.

Watersheds create links between everything that lives or lies within them. What happens upstream affects the quality of the natural environment of the people, animals and plants that live downstream. The health of the watershed influences the quality of the water that is collected for drinking.

## PROTECTING THE WILDERNESS & WATERSHED

Every day, millions of San Francisco Bay Area residents and businesses rely on high-quality water from the 459 sq. mile Upper Tuolumne River watershed. The San Francisco Public Utilities Commission collaborates with Yosemite National Park to improve resource stewardship, uphold wilderness ethics, Foster Wild and Scenic River values, and protect water quality.

Through cooperative agreements, we work together to maintain trails, protect meadows, and improve facilities in the watershed. Collaborative efforts such as the Upper Tuolumne River Ecosystem Project provide for improved management of the river ecosystem downstream of O'Shaughnessy Dam.

95% OF YOSEMITE NATIONAL PARK IS DESIGNATED FEDERAL WILDERNESS

83 MILES OF THE UPPER TUOLUMNE RIVER IS DESIGNATED A FEDERAL WILD AND SCENIC RIVER

Additional Yosemite National Park regulations apply. visit: [go.nps.gov/comp](http://go.nps.gov/comp)

## REGIONAL SYSTEM RESERVOIRS



**HETCH HETCHY RESERVOIR**  
(within Yosemite National Park)  
Capacity: 117 billion gallons  
Use: Drinking water, power generation  
Source: The 459 sq. mile Upper Tuolumne River watershed



**LAKE ELEANOR RESERVOIR**  
(within Yosemite National Park)  
Capacity: 9 billion gallons  
Use: Power generation, reserve water supply, recreation  
Source: The 79 sq. mile Eleanor Creek watershed



**CHERRY LAKE RESERVOIR**  
(within Stanislaus National Forest)  
Capacity: 88 billion gallons  
Use: Power generation, reserve water supply, recreation  
Source: The 117 sq. mile Cherry Creek watershed

For more information on the watersheds of the Hetch Hetchy Regional Water System, including those in the San Francisco Bay Area, and the management of the natural resources entrusted to our care, please visit: [www.sfpuc.org](http://www.sfpuc.org).

Photography accredited to Katherine Du Toit and Robin Scheswohl.



Hetch Hetchy Regional Water System

# Hetch Hetchy Reservoir and the Upper Tuolumne Watershed

A protected and reliable regional water supply



Hetch Hetchy Regional Water System  
Member of the San Francisco Public Utilities Commission

A partnership of Yosemite National Park and the San Francisco Public Utilities Commission.

## THE HETCH HETCHY REGIONAL WATER SYSTEM

The Hetch Hetchy Regional Water System plays a key role in water delivery in the state of California. On a daily basis, this system provides high quality drinking water to 2.7 million residents and businesses across Southern Alameda, Northern Santa Clara, San Mateo, and San Francisco counties.

The system generates 1.6 billion kilowatt hours of clean hydroelectric power annually for the City and County of San Francisco and the Modesto and Turlock Irrigation Districts.

## 20TH CENTURY ENGINEERING MARVEL

From its earliest days, water has been key to the development of the San Francisco Bay Area.

Following the devastating 1906 San Francisco earthquake and fire, Congress passed the 1913 Raker Act granting the City and County of San Francisco access to land within Yosemite National Park and Stanislaus National Forest needed to build the system.

The Hetch Hetchy Project was one of the most ambitious public utility projects undertaken in the early 20th century. It was built entirely with Bay Area water customer funds and continues to be funded by water system customers.

The project began in 1914, under City Engineer Michael Maurice O'Shaughnessy. The backbone of the project was the 68-mile Hetch Hetchy Railroad, built to transport workers, machinery, and supplies to the dam site. The Hetch Hetchy Project – a complex system of pipelines, tunnels, powerhouses, dams and reservoirs – first delivered water to the Bay Area in October 1934.

**HETCH HETCHY RESERVOIR, HELD BEHIND O'SHAUGHNESSY DAM, IS THE KEYSTONE OF THIS CLEAN, EFFICIENT WATER AND POWER DELIVERY SYSTEM**



### PROTECTED

The water collected here is snowmelt and precipitation originating on the snowcapped granite peaks of the protected Yosemite Wilderness.



### NO FILTRATION

Water stored in Hetch Hetchy Reservoir's granite basin consistently meets and exceeds federal and state standards for safe drinking water. No filtration of this water is necessary.



### RELIABLE DELIVERY

This reservoir captures and stores water for reliable delivery throughout the year and across multiple years, especially during dry periods.



### GRAVITY DRIVEN

The Regional Water System uses gravity to sustainably transport water from Hetch Hetchy down to the Bay Area.



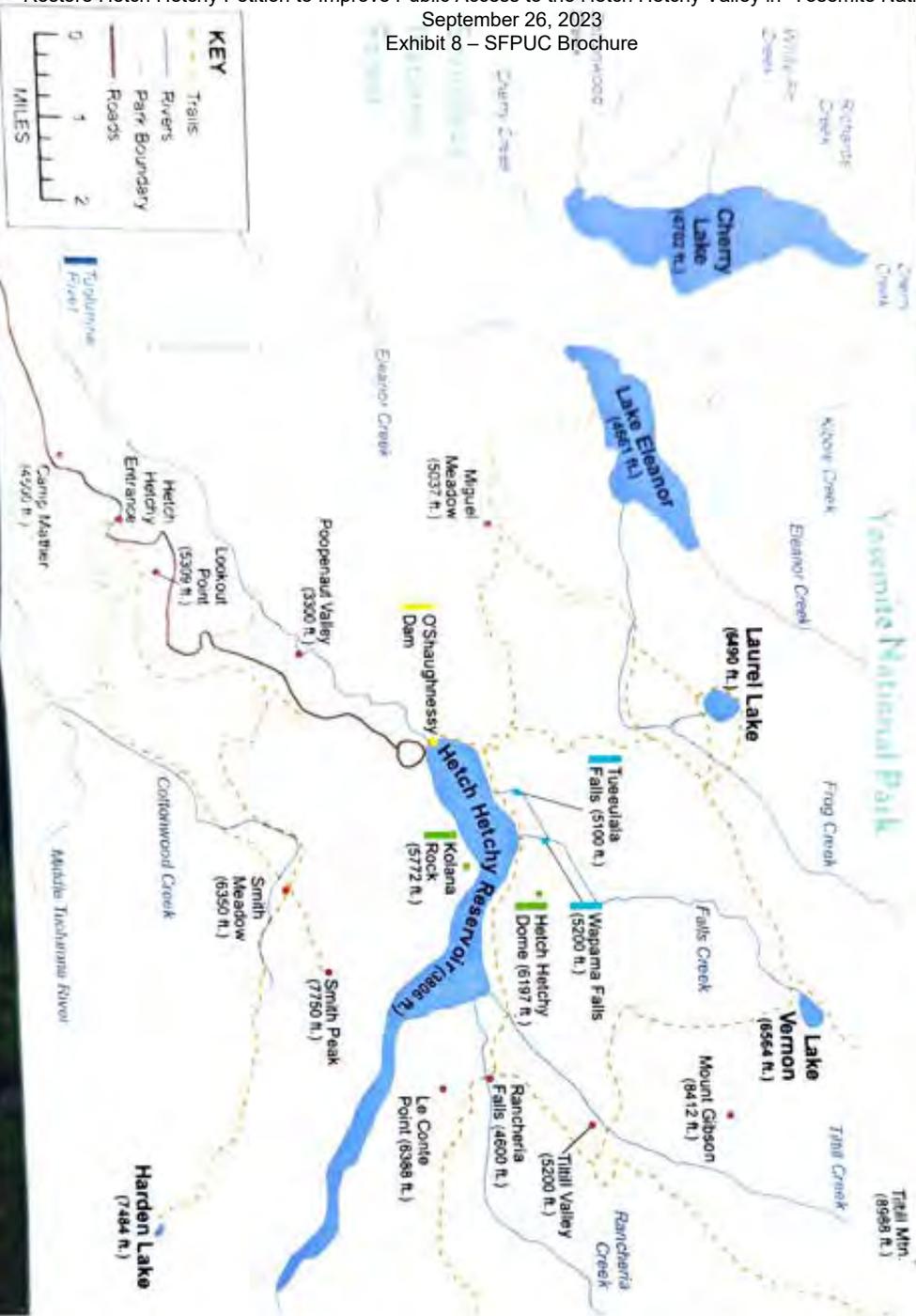
### RENEWABLE, DEPENDABLE ELECTRICITY

Water stored in Hetch Hetchy, Cherry, and Eleanor Reservoirs generates renewable, dependable hydropower.

**THE HETCH HETCHY REGIONAL WATER SYSTEM PROVIDES WATER FOR 2.7 MILLION PEOPLE ON A DAILY BASIS**



# HETCH HETCHY AND THE UPPER TUOLUMNE RIVER WATERSHED



American Black Bear in Yosemite National Park.

## ■ O'SHAUGHNESSY DAM

O'Shaughnessy Dam stands 312 feet above the streambed, extending 910 feet to each canyon wall. The 8-mile-long Hetch Hetchy Reservoir can hold approximately 117 billion gallons of water at a maximum depth of 306 feet.

## ■ TUOLUMNE WILD AND SCENIC RIVER

Downstream of O'Shaughnessy Dam, the diverse ecosystem of the Tuolumne River is maintained by water released from the dam.

## ■ WATERFALLS

Tueulala and Wapama Falls are just two of the waterfalls that empty into Hetch Hetchy Reservoir. Both waterfalls drop almost 1,000 feet from cliffs and are best viewed in early spring. Out of view, but accessible by trail, is Rancheria Creek which has a series of waterfalls just above Hetch Hetchy Reservoir.

## ■ DOMES AND CLIFFS

North Dome and Hetch Hetchy Dome are located on the north side of the reservoir. Kolana Rock is on the south side and is an active breeding area for peregrine falcons.

## TREES

California black oak, big leaf maple, ponderosa pine, dogwood, and incense cedar.

## WILDLIFE

Black bear, mule deer, mountain lion, golden marmot, coyote, bobcat, California mountain kingsnake, Sierra newt, rattlesnake, and rainbow trout.

## WILDFLOWERS

California poppy, lupine, wallflower, heuchera, shooting star, waterfall buttercup, bright California fuchsia, brodiaea, dwarf alpine monkey flower, clarkia, and Sierra lessingia.

## BIRDS

Steller's jay, woodpecker, hummingbird, titmouse, peregrine falcon, bald eagle, golden eagle, red tailed hawk, common merganser, osprey, great horned owl, robin, American dipper, and egret.

# HIKING

The Hetch Hetchy area provides for a long hiking season, and the varied trails include **something for everyone**. Please be mindful of weather conditions, including heat, and carry plenty of water. Please also wear sunscreen, watch for rattlesnakes and poison oak, and exercise extreme caution near flowing water and waterfalls.

## DAY HIKES

**WAPAMA FALLS** (moderate, 5-mile round trip)  
Trail begins through the tunnel across the dam, and continues above the northern shoreline of the reservoir. Includes spectacular views of Tulewala and Wapama Falls.

**LOOKOUT POINT** (moderate, 2-mile round trip)  
A rocky outcropping overlooking Hetch Hetchy. Trail begins near the entrance station.

**POOPENAUT VALLEY** (strenuous, 2.5-mile round trip)  
Reached via signed trailhead four miles past the entrance station. Descend 1,229 feet to the Tuolumne River.

## LONGER HIKES: BACKPACKING

**RANCHERIA FALLS** (strenuous, 13-mile round trip)  
Reached as a long day hike or a backpacking trip by continuing past Wapama Falls for beautiful views of the valley and waterfalls. Access Tiltill or Rancheria mountains and the vast northwest wilderness of Yosemite from this area.

**SMITH PEAK** (strenuous, 13 to 16-mile round trip)  
The highest point in the area, offering outstanding views.

### Trailhead options:

**Route #1** begins six miles beyond the entrance station, 13 miles, 3,700 feet elevation gain.

**Route #2** begins at the entrance station, 16 miles round trip, 3,300 feet of elevation gain.

## THE LAUREL/VERNON/RANCHERIA LOOP

(Strenuous, 29-mile round trip). A multi-day hike offering spectacular views of Hetch Hetchy, High Sierra lakes, and

# LEAVE NO TRACE

## DO YOUR PART TO PROTECT WILDERNESS, WILDLIFE, AND WATER QUALITY.

### WALK AND CAMP ON DURABLE SURFACES

Use established trails, campsites, rock, and gravel to minimize your impact. Walk single file, keep groups small and camp 100 feet (40 paces) away from water.

### PACK OUT WHAT YOU PACK IN

Pack out toilet paper, hygiene products, leftover food, trash, and litter from campsites, rest areas, and trails.

### WASH 300 FEET (120 PACES) AWAY

from water sources that are less than 1 mile from Hetch Hetchy Reservoir. Use small amounts of biodegradable soap to wash yourself or dishes and scatter strained dishwasher onto soil.

### USE RESTROOM FACILITIES

or bury human waste: dig holes at least 6 inches (15 centimeters) deep, at least 100 feet (40 paces) from trails and campsites, and at least 300 feet (120 paces) from the high-water mark of streams and lakes.

### DON'T START A FOREST FIRE

Refer to Yosemite National Park or Stanislaus National Forest for fire use regulations.

### LEAVE WHAT YOU FIND

Take only memories and photographs.

## PROTECT OUR PARKS

**PETS:** Dogs and other pets are prohibited on all trails and on the dam. Wild animals are threatened by domestic animals in their territory and may endanger your pets. Dogs are only allowed in the parking area and must be leashed at all times.

### PROTECT WILDLIFE: Keep your

distance from animals, even if they approach you. Dispose of trash in animal-resistant trash cans or dumpsters, and keep your food and trash from wildlife by storing it properly, day and night. Speeding kills hundreds of animals each year; obey posted speed limits!

### PROTECT WATER QUALITY:

Swimming, bathing, and boating are prohibited in Hetch Hetchy Reservoir and in any watercourse within 1 mile of the reservoir to maintain a clean source of drinking water.

### FISHING: Fishing is allowed year-round

in Yosemite National Park, including Hetch Hetchy Reservoir. A valid California Fishing License is required, and state fishing regulations apply. visit:

[www.wildlife.ca.gov/Regulations](http://www.wildlife.ca.gov/Regulations).

Fishing from the top of O'Shaughnessy Dam is prohibited.

