

RESTORE HETCH HETCHY

Yosemite National Park

April 8, 2024

Cicely Muldoon, Superintendent
Yosemite National Park

Re: Nonmotorized vessels on Hetch Hetchy Reservoir

Dear Superintendent Muldoon:

Restore Hetch Hetchy appreciates our ongoing conversations with the National Park Service aimed at improving recreation and public access in the Hetch Hetchy area of Yosemite National Park.

We ask that the National Park Service lift the current restriction than bans nonmotorized vessels on Hetch Hetchy Reservoir.

As you know, boating at Hetch Hetchy was one of the many elements raised in the “Petition to Improve Public Access to Hetch Hetchy Valley in Yosemite National Park”, sent to you and other federal officials on September 26, 2023. The Petition included numerous Exhibits, including a memo from Lozeau Drury LLP regarding Raker Act & Hetch Hetchy Boating etc.

At the in-person meeting with you and National Park Service staff on January 16, we discussed many elements of the Petition, including the following provision of the most recent version of the Superintendent’s Compendium:

Hetch Hetchy Reservoir is closed to all 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.

BOARD OF DIRECTORS

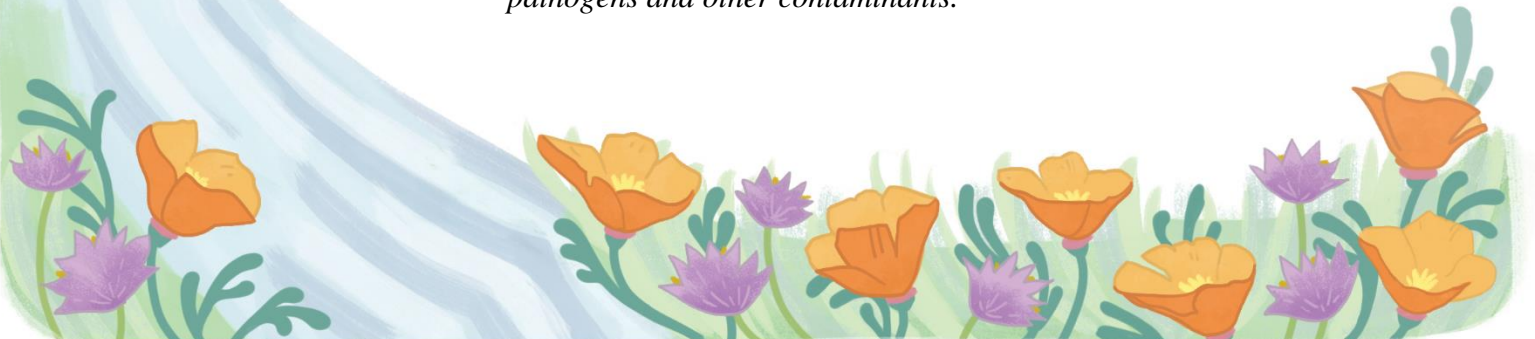
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Page 2



As we have discussed (and the Lozeau Drury memo explains at length), the Raker Act’s sanitary regulations are expressly limited. Section 9(a) Fifth clarifies that “*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 goes even further by considering that it may in fact be necessary to filter supplies drawn from Hetch Hetchy Reservoir.

We heard the National Park Service agree with us that the Compendium’s language and rationale are explicitly inconsistent with the Raker Act. We understood the National Park Service intends to modify the Compendium to be consistent with the Raker Act. We did not hear, however, whether the National Park Service intends to permit nonmotorized vessels on Hetch Hetchy Reservoir.

Restore Hetch Hetchy does not believe there is any valid reason to restrict nonmotorized vessels on Hetch Hetchy Reservoir. Nonmotorized vessels are permitted on all natural lakes in Yosemite National Park. Boating was generally assumed by members of Congress when the Raker was discussed in 1913 (see both Lozeau Drury memo and *Keeping Promises: Providing Public Access to Hetch Hetchy Valley, Yosemite National Park*). And boating is frequently allowed on reservoirs throughout California that are used for water supply.

We believe these reasons present compelling rationale that nonmotorized vessels not only should be allowed on Hetch Hetchy Reservoir, but also that they *must* be allowed. If there is a legally valid reason to continue the restriction, please explain what it is.

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

Sincerely,

A handwritten signature in blue ink that reads "Spreck Rosekrans". The signature is fluid and cursive.

Spreck Rosekrans
Executive Director