



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").¹ 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 Compendium² that apply to Hetch Hetchy Valley and that conflict with the terms and purposes of the Raker Act.³ In addition, RHH petitions DOI and

¹ 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.

² 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>).

³ 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.⁴

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 21st century policies for stewarding

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.”

⁴ 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 CCSF⁵ to accurately reflect requirements of the Raker Act (YNP and CCSF are expected to renew it in 2023).

⁵ 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.⁶

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

⁶ 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 21st 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.⁷

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”

⁷ 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.⁸

⁸ 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.⁹ 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.¹⁰

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:

⁹ See Keeping Promises, Exh. 4 at 15.

¹⁰ 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,¹¹ 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.¹²

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).¹³ 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

¹¹ 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.

¹² 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.

¹³ 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.¹⁴ 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.¹⁵

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.

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

¹⁵ 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.¹⁶

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

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



*lakes and waterways within Yosemite National Park.*¹⁷

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.*¹⁸

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.

¹⁷ See Boating Restrictions Analysis, Exh. 5 at 6.

¹⁸ *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.