

Restore Hetch Hetchy in Yosemite National Park



Image: Garrett Burke



Photo: Tim Connor

No one would even dare to suggest that building a dam in a glacier-carved valley in Yosemite National Park would be “reasonable” today. Restore Hetch Hetchy’s lawsuit argues that we should not be shackled by mistakes of the past.

BACK TO COURT: appellate hearing scheduled for May 30

“The right to water ... in this State is ... shall not extend to the ... unreasonable method of diversion of water.”

**California Constitution,
Article X, Section 2**

“...nothing herein contained shall ... interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water...”

Raker Act, Section 11

Restore Hetch Hetchy’s legal approach is based on a simple bedrock principle of California water law—that the “method of diversion” for all water projects must be reasonable. We have alleged that damming the Tuolumne River in Hetch Hetchy Valley is unreasonable because Hetch Hetchy’s value as a valley far outweighs the cost of the water system improvements that would make restoration possible.

San Francisco continues to avoid discussion of the merits of restoration at all costs. The City was successful in convincing the Superior Court in Tuolumne County that it has no obligation to comply with the “reasonable method of diversion” mandate within the California Constitution. Restore Hetch Hetchy has appealed the Superior Court’s decision and, after a year of filing briefs, will travel to Fresno in May for oral argument before a three-judge panel at the 5th District Court of Appeal.

At the hearing, our attorneys, Michael Lozeau and Richard Frank, will defend the arguments that we have made in writing and answer questions posed by the judges. They will explain that the plain language of the Raker Act’s “savings” clause (see above) means exactly what it says. They will also explain that the Superior Court’s ruling that our complaint should have been filed decades ago is absurd because “reasonableness” is an evolving standard and because O’Shaughnessy Dam violates State law on an ongoing basis.

We are hopeful that the Appellate Court will agree with us, as well as the many “amici”, including the California Attorney General, who have supported our right to a trial on the merits. After the conclusion of oral argument, the Court has 90 days to render a decision.



Lead Counsel Michael Lozeau

“This (appellate) Court should reverse the trial court’s rulings on statute of limitations and preemption. It should further instruct the trial court to determine the reasonableness of San Francisco’s water diversion at Hetch Hetchy.”

California Attorney General

RESTORE HETCH HETCHY 2018 ANNUAL DINNER

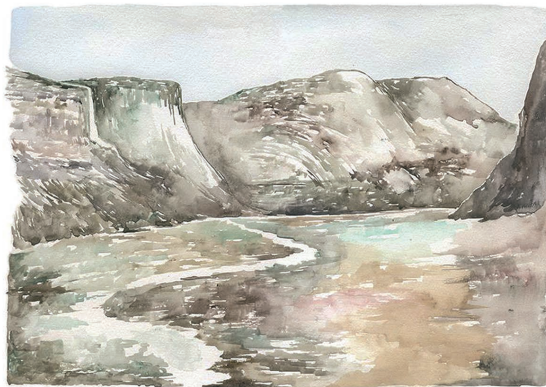


Photos: Colette Robinson

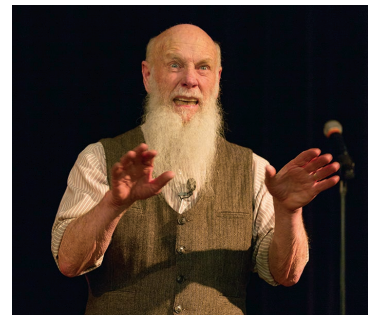
On March 17, friends of Restore Hetch Hetchy gathered at the Berkeley City Club to celebrate our restoration campaign. We heard from attorney Mike Lozeau, listened to the music of Bill Kirchen, and witnessed compelling presentations by Obi Kaufmann and Lee Stetson.



Obi Kaufmann described restoring Hetch Hetchy as “the jewel in the crown of a new majestic day for California.”



Obi Kaufmann watercolor of Hetch Hetchy Valley



Lee Stetson, embodying the spirit of John Muir, argued “Any fool can build a dam.”

“It has been a hundred years that my heart was buried in the still water. Every evening at sunset I see a thousand cranes rise from the reservoir and on their wings, the valley empties. In the morning, the bear’s dream of their return with sapphire eyes uncut on salmon’s tooth. In a thousand years, the liquid granite will begin to forget the thirst stains marring the holy bowl across the outstretched song of the river, beneath the arboreal pulse of the restored place that was meant for sky, not flood.”

Obi Kaufmann

ENGAGE IN OUR CAMPAIGN FOR RESTORATION AND HELP SPREAD THE WORD.

RESTORE HETCH HETCHY GEAR

Shop online for hats, T shirts, water bottle, mugs, etc. These products make great gifts and help increase support for restoration.



PLEDGE TO WALK THE VALLEY

In May, we will be launching our “Walk the Valley” Campaign, asking supporters and new friends to pledge to visit Hetch Hetchy when it is restored.



Please make this pledge and help us reach out.

FIND US IN YOSEMITE VALLEY THIS SUMMER

Restore Hetch Hetchy’s own Julene Freitas and Erika Ghose will be telling our story at a “Free Speech” table in Yosemite Valley this summer. Stop by and say hello.

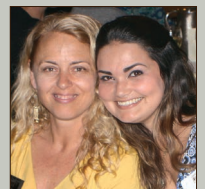


Photo: Kellock Irvin

"Hooray for Hetch Hetchy"



Bill and Louise Kirchen spent Valentine's day in the studio, recording a compelling adaption of Bill Oliver's "Hooray for Hetch Hetchy". Both versions are available online (iTunes, Spotify, Bandcamp etc.) or directly from Restore Hetch Hetchy. We hope you will love the song as we do, and that you will play it for your friends.

"Fantastic! Hooray for Hetch Hetchy is uplifting and inspiring....AND CATCHY. It has an "everyone sing along" appeal, as every good revolutionary ballad should. Play it loud. Play it often."

—music critic Virginia Stock

Did you know there's a second Yosemite?
One without all the cars
A breathtaking wonder of nature
Now drowned by a reservoir

Imagine yourself in Hetch Hetchy
On a sunny day in June
Standing waist deep in grasses and flowers
As John Muir often stood

The mighty pines sway with scarcely a motion
Up where the great hawks soar
The water falls from high canyon walls
Down to our valley floor

Picture yourself in Hetch Hetchy
Hiking up Kolana Rock
Two thousand feet over the Valley
Named by the ancient Miwok

Their spirits are here with the bear and the deer
If only this granite could talk
It can if you listen to what you've been missin'
When time slows down to a walk

Yosemite - make it whole once again
The Tuolumne River - set it free
With damage undone our park then becomes
What it was intended to be

Imagine restoring Hetch Hetchy
With a will there is always a way
Gather up all of your loved ones
And promise you'll walk there one day

Hooray for Hetch Hetchy, Yosemite's twin
We can all help give its freedom again
Hooray for Hetch Hetchy, soon to be seen
A grand landscape garden, an American dream

Original words and music by Bill Oliver, © 2005 & 2018 Bill Oliver, Texas Deck Music, BMI; Some lyrics by John Muir
Additional words and music by Bill Kirchen, Louise Kirchen and Spreck Rosekrans 2018
Produced by Gurf Morlix; Recorded and mixed by André Moran; Mastered by Mark Hallman; all at Congress House Studios, Austin, TX.
Guitar and vocal: Bill Kirchen; Drums: Rick Richards; Bass: David Carroll; Guitar: Gurf Morlix; Harmony Vocal: Louise Kirchen



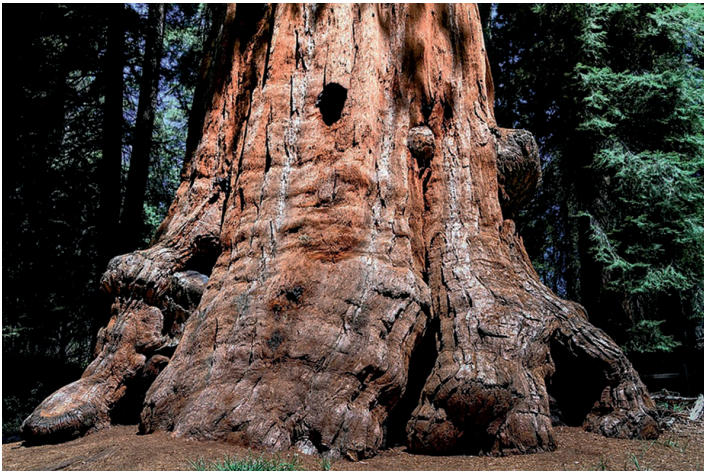
THE MISSION OF RESTORE HETCH HETCHY IS TO RETURN THE HETCH HETCHY VALLEY IN YOSEMITE NATIONAL PARK TO ITS NATURAL SPLENDOR—WHILE CONTINUING TO MEET THE WATER AND POWER NEEDS OF ALL COMMUNITIES THAT DEPEND ON THE TUOLUMNE RIVER.

Please contribute today. Use the attached envelope or go online.

Together we can make Yosemite whole again.

Restore Hetch Hetchy

3286 Adeline Street, Suite 7
Berkeley, CA 94703



*Giant Sequoias are the world's largest single tree
—with an average diameter of more than 20 feet.
If you have never visited the Mariposa Grove
or one of the few other places in the
Sierra Nevada where they grow, do it!*

Yosemite's Mariposa Grove to reopen June 15.

The Mariposa Grove was part of the original Yosemite Grant signed by President Abraham Lincoln in 1864. It was closed in 2014 so that its parking lot and other developed features could be modified to better support the long-term health of the majestic trees. This worthy restoration project has been accomplished through a partnership of the Yosemite Conservancy and the National Park Service.

At the project's groundbreaking in 2014, the park's Superintendent described the excessive concrete in the Mariposa Grove as "an embarrassment to Yosemite".

If that's the case, what then is the mass of concrete we call the O'Shaughnessy Dam?

Sequoia photo: Kasabubu

INSPIRATION and LITIGATION go hand in hand

When I originally joined Restore Hetch Hetchy, as a Board member, I was very much a numbers guy. I volunteered for and joined Restore Hetch Hetchy's Engineering Committee. I saw my role as getting the facts and figures right—showing that restoration could be achieved without losing a drop of water or a kilowatt-hour of power. I felt promoting "inspiration" was in good hands with our visionary founder, Ron Good.

At heart, I am still that numbers guy and as such plan to help our attorneys and expert witnesses at trial. As Executive Director, however, it's my job, and my privilege, to get involved in the inspiration business. So I worked with Obi Kaufmann and Lee Stetson in preparation for our Annual Dinner, am planning our Walk the Valley Campaign with Colette Robinson and Jesse Peri, and even did a little songwriting with music icons Bill and Louise Kirchen. What fun it is to work with these delightful people. Variety is indeed the spice of life.

***"Never believe that a few caring people can't change the world.
For, indeed, that's all who ever have."***

- Margaret Mead



Spreck Rosekrans
Executive Director