

Newsletter

Summer 2015

Restore Hetch Hetchy *in* Yosemite National Park



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Restore Hetch Hetchy Lawsuit Asserts Reservoir in Yosemite Violates California Law *‘Not One Drop of Water Need be Lost in Restoration’*

On April 21, 2015, John Muir’s Birthday, Restore Hetch Hetchy filed a petition in Superior Court in Tuolumne County alleging that the ongoing operation of Hetch Hetchy Reservoir in Yosemite National Park is a violation of the California Constitution—specifically the mandate in Article 10 section 2 which prohibits unreasonable methods of diversion.

We and our legal team believe we have a strong case. Our petition is posted on our website. It is worth a read.

Simply put, we intend to show that the value of a restored valley is greater than the cost of implementing the water system alternatives which will ensure that **not one drop of supply** is lost to San Francisco and other Bay Area cities.

Testimony from highly credible expert witnesses will demonstrate the principal cost of restoration—including making system improvements to ensure there is no loss of water or power—is approximately \$2.0 billion (over a 50 year period).

Additional testimony, using standard econometric methodology, will indicate that the recreational value of a restored valley would be up to \$8.7 billion (over 50 years), and that the “existence value” of a restored valley would be between \$44 and \$113 billion dollars. We understand that many may resist the idea of Yosemite being valued quantitatively, but such an assessment is warranted from a legal perspective.

Initially, we are asking for “declaratory” rather than “injunctive” relief. This means we are not asking for immediate removal of the reservoir. We are simply asking the court to rule that the present system violates the California Constitution, and to instruct San Francisco to prepare an engineering and financing plan with a reasonable timeline for subsequent approval. We are not asking for restoration to begin until San Francisco has the opportunity to implement fully the necessary system improvements to assure that not one drop of water supply is lost.

While we are eager for restoration to begin, we believe the responsible approach is to make sure that water users are kept whole. We do intend, however, to keep the pressure on San Francisco, using the proverbial carrot and stick approach, to make these system improvements as quickly as possible.

As we await responses from San Francisco and other parties to our petition, we look forward to the opportunity to compare the value and cost of restoration in court. Stay tuned—there is much more to come.



Restore Hetch Hetchy is represented by Michael Lozeau of Lozeau-Drury LLC (above), and Richard Frank, Professor of Environmental Practice and Director of the California Environmental Law & Policy Center at the UC Davis School of Law.





On April 25, we held our annual dinner at the Berkeley City Club—a stunning venue designed by architect Julia Morgan. 170 new and old friends, consultants and special guests joined our board and staff to celebrate our recently filed lawsuit and our exciting campaign for restoration.

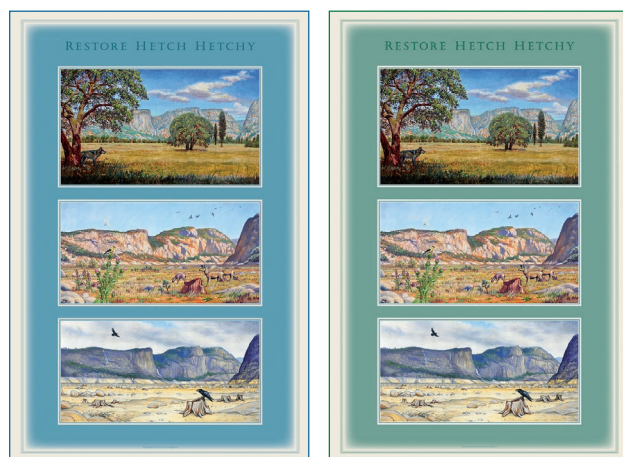
We began the evening with classic flair—a bit of grand opera. John Muir, played by baritone Christian Pursell, sung the title aria from “Two Yosemite”, accompanied on the piano by composer Justin Ralls.

The music was a tough act to follow but our special guests did not disappoint. Professor (and legal advisor) Rick Frank and Senator Lois Wolk, respective winners of the Stephen Mather Visionary and John Muir Heritage Awards, spoke eloquently about the value of restoring Hetch Hetchy Valley. The keynote speech was delivered by the ever-dynamic Martha Davis—someone always worth listening to. Excerpts from her speech are printed herein.

We are looking forward to further celebrations next year and are grateful to all who took part in this year’s event, including these sponsors:

- ★ Calaveras Creek Fines ★ Patagonia ★ Heyday Books
- ★ Lagunitas Brewery ★ Kala Art Institute
- ★ Sports Basement ★ Living Tree Community Foods
- ★ Gather Restaurant ★ REI ★ Delaware North

Do you want our Posters?



Restore Hetch Hetchy posters are available on a **BLUE** or **GREEN** background. The posters fit into a standard 13” by 19” inch frame. Let us know if you would like one, and we will send it in a mailing tube.

We are grateful both to Laura Cunningham for her inspirational paintings of Yosemite’s Hetch Hetchy Valley and to graphic artist Ron Rick for his stunning layout.

Excerpts from Martha Davis Keynote speech

This week you did an astonishingly courageous thing: You —Restore Hetch Hetchy—filed a lawsuit in the middle of the worst drought California has experienced in its history and you asked the court to find that San Francisco’s place of diversion in Hetch Hetchy Valley to be unreasonable—unreasonable because it unnecessarily eliminated other beneficial uses of the Valley.

Restoring the Hetch Hetchy Valley is not a conversation that we need to have just in “normal” years or “wet” years—it is critically important—perhaps even more important—to have that discussion during dry years and, yes, even during extraordinary droughts.

If the Hetch Hetchy Valley is to be restored, the plan needs to work in all water year types. That’s the point.

Remember that a good many people—even in the environmental community—also considered saving Mono Lake to be “a noble waste of time,” as John Hart described in his excellent account of the Mono Lake controversy, **Storm over Mono**.

Today, Mono Lake is protected—and we won the court case restoring stream flows to Mono Lake in the middle of the last (1987–1992) drought!

I’ll close here with a plea. Most environmental campaigns are good at telling people what they should do. But the “really” hard work lies in being part of the day-to-day grunt of making things change together.

So, my plea: make your participation in the San Francisco Public Utility Commission’s water policy and development decisions the cornerstone of your work plan. Along with your lawsuits, continue to engage with the city of San Francisco and the wider Bay Area communities that receive water from the Tuolumne River on how they can better manage these resources.

That way we can make the right choices together—the right choice for California and the right choice for the city of San Francisco and the Bay Area—to restore the Hetch Hetchy Valley.

Martha Davis served as Executive Director of the Mono Lake Committee from 1984 through 1996.



**Restore Hetch Hetchy
needs your help.**



Please contribute today!

No donation is too small or too large.

Use attached envelope, or visit www.hetchhetchy.org

MEDIA COVERAGE of our LAWSUIT: *Getting the Story Right*

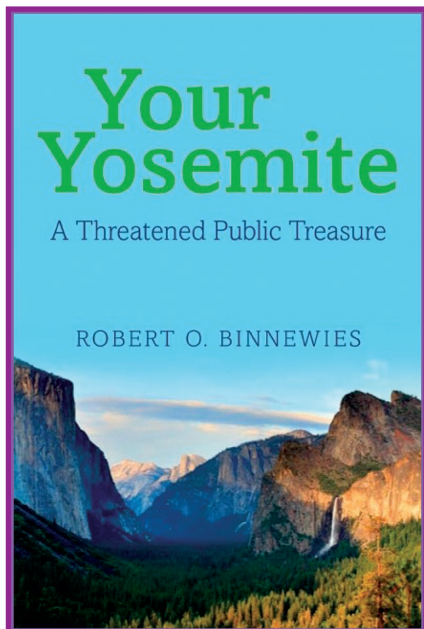
Most media coverage of our lawsuit has been fair. It has included the historic controversy over building a dam inside Yosemite National Park and the struggle between our commitment to restoration and the current San Francisco position to retain the reservoir as is.

Reporters write the stories, but editors write headlines. We prefer “*Restore Hetch Hetchy Valley*” (KCBS) to “*Drain Hetch Hetchy Reservoir*” (San Jose Mercury News). KQED used both “*Restore*” and “*Drain*” in its headline. And it is always nice to see “*Yosemite*” in the headline (Fresno Bee).

We have come to expect unwarranted hyperbole from our opponents. We continually demand that the media report our message that “*Not one drop of water needs to be lost, it can all be captured downstream.*” (NBC National News).

A Wall Street Journal writer incorrectly opined there would be “*water supply shortages*” and the paper declined our request to publish an op ed in response. But they did print our letter, which explained that the reservoir “*is a storage tank, not a source of water*” and reminded their readers that “*many credible public officials, beginning with Don Hodel, Ronald Reagan’s Secretary of the Interior, have supported restoration.*”

As we pursue restoration in court, we will continue to work both proactively and sometimes reactively to make sure the media gets the story right.



Your Yosemite A Threatened Public Treasure

Robert Binnewies’ provocative new book explores the conflict between commercialism and preservation.

Bob, along with David Mihalic and B.J. Griffin, is a former Yosemite National Park Superintendent who serves on Restore Hetch Hetchy’s Advisory Committee.

Available at White Cloud Press.

Board profile: Virginia Stock

Virginia Stock Johannessen was raised in Berkeley but now lives in Los Angeles. She is a writer—mainly for television, with her husband Chip Johannessen. She says that the fact that there is a second Yosemite Valley buried under 300 feet of water is the most amazing crime story she knows, but that she expects the story of Hetch Hetchy’s rebirth and discovery will be even more amazing.

Virginia has wonderful memories of her family vacations in Yosemite—staying at Camp Curry and in Tuolumne Meadows. She has vowed to walk in the Valley, with its other owners (American citizens) and visitors from abroad, in her lifetime.

When she talks with fellow Angelenos about this mysterious, buried Yosemite Valley, owned by the American people, but buried under 300 feet of water, she always gets the reaction “Are you kidding me? What can I do about it?”

She believes that the return of Hetch Hetchy to Yosemite National Park will fall to Los Angeles—San Francisco, at least collectively, has turned a blind eye to the destruction it has caused.

Virginia cannot believe that the insanity of leaving a second Yosemite Valley buried under water will persist. She says “We have a lot of sane people here—Los Angeles will get this fixed.”

Visit Yosemite with us in October!

**Restore Hetch Hetchy is having
a board retreat in Yosemite this fall.**

**Join us for dinner on Saturday,
October 10 in Yosemite Valley and/or
Sunday October 11 for a hike and lunch at
Hetch Hetchy. Call or email for details.**

In memoriam: Jerry Cadagan 1938–2015



Former Board Chair Jerry Cadagan (right)
with former Secretary of the Interior,
Donald Hodel, in 2006

Restore Hetch Hetchy

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2015 Annual Dinner, Berkeley City Club designed by architect Julia Morgan

Photography by Kellock Irvin

Why we are going to court!

There was little thought of litigation at the outset. In 1999, Ron Good inspired the creation of Restore Hetch Hetchy because there was a collective acknowledgement that it would be better to pursue a proactive restoration campaign as an independent group than under the Sierra Club's umbrella. We began by doing research and grass roots communications.

We soon found well-connected, strategic and influential allies. Early meetings with San Francisco Supervisors were cooperative and constructive. But by the time the Schwarzenegger administration was reviewing the feasibility of restoration in 2004, political alliances in San Francisco left little wiggle room for any official who might be sympathetic to Yosemite.

Politics precluded not only Schwarzenegger from any further action but also eliminated funds in the President's 2007 budget that would have further considered restoration options.

In 2012, under Mike Marshall's leadership, we submitted a ballot measure in San Francisco—**just to study restoration**. City leaders united to quash us. A "don't even think about it" mentality prevailed, no doubt fearing the proverbial camel's nose under the tent.

To date, there has been no public conversation about the merits of restoration. But the "reasonableness" doctrine within the California Constitution provides our legal system as the venue for just such a discussion. The more we vetted this approach with a plethora of legal experts throughout California, the more sense it made. So here we are.

"The ultimate removal of the reservoir would make possible the restoration of Valley a few miles from Yosemite Valley and, amazingly, a near twin of that extraordinary gift of nature.

In the case of Hetch Hetchy, it isn't that San Francisco's water supply now stored at the O'Shaughnessy Dam will be lost. Rather, it would be stored at existing dams downstream and perhaps offstream or in groundwater basins."

Carl Boronkay – former General Manager of the Metropolitan Water District of Southern California



Executive Director
Spreck Rosekrans



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