

Fresno watchdog sues over Hetch Hetchy Reservoir

By Mark Grossi



This image provided by Environmental Defense shows the O'Shaughnessy Dam on the Hetch Hetchy reservoir in Yosemite National Park, Calif., in a June 2004, file photo.

TIM CONNOR — AP

Targeting San Francisco's Hetch Hetchy Reservoir in Yosemite National Park, a Fresno group is asking a federal court to stop the Bay Area city's Tuolumne River diversions until the Endangered Species Act is fulfilled.

The National Park Service needs to consult with federal wildlife agencies before allowing the city to take Tuolumne water because the river helps protected and dying fish species downstream in the Sacramento-San Joaquin River Delta, [the lawsuit](#) says.

For most of the last century, San Franciscans have used pristine Tuolumne water captured in Yosemite. But the lawsuit says the Park Service must abide by the same rules for the Hetch Hetchy Project as the U.S. Bureau of Reclamation does for the Central Valley Project.

San Joaquin Valley farm customers on the Central Valley Project have long suffered water cutbacks for federally protected fish such as the delta smelt and winter-run chinook salmon in the delta. Officials consult with wildlife agencies, in accordance with the Endangered Species Act.

"The Bureau of Reclamation has done so with respect to the operations of the Central Valley Project, but the National Park Service -- which approves instream flows for the Hetch Hetchy Project -- has not," said lawyer Roger Marzulla, representing plaintiffs, led by the nonprofit Center for Environmental Science, Accuracy and Reliability (CESAR).

For decades, O'Shaughnessy Dam at Hetch Hetchy Valley has been a sore spot for environmentalists. Some in the San Joaquin Valley water community also have been critical of the Hetch Hetchy Project, objecting to a reservoir in Central California's well-known national park.

After a bitter fight a century ago with opponents led by famed conservationist John Muir, San Francisco built the dam on the Tuolumne, which empties into the San Joaquin River and runs to the delta.

The Endangered Species Act challenge was filed Monday in U.S. District Court in Washington, D.C. by CESAR, a watchdog group established in 2009 to "bring scientific rigor to regulatory decisions" involving environmental issues. No schedule has been announced for the case.

Jean Sagouspe, a west San Joaquin Valley farmer and former board member for Westlands Water District, also is a plaintiff in the lawsuit. He declined comment.

The National Park Service also declined because officials do not comment on pending litigation.

A nonprofit group called Restore Hetch Hetchy commented, however. The reservoir has no business being inside Yosemite, said Spreck Rosekrans, executive director of the Oakland-based group, which wants to return the glacial valley to its natural condition.

"This lawsuit against the National Park Service was filed only because Hetch Hetchy Valley was dammed and flooded," he said. "The solution is to remove the dam and reservoir, and for San Francisco to store all its water outside of Yosemite."

This story has been updated to correct the federal court where the suit was filed.

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