

San Francisco's Hetch Hetchy Reservoir in Yosemite faces new legal challenge

By Mark Grossi



In this July 24, 2006 file photo, Environmental Defense analyst Spreck Rosekrans, left, and fellow analyst Ann H. Hayden look over O'Shaughnessy Dam and Hetch Hetchy reservoir near Yosemite National Park.

AL GOLUB — AP

San Francisco is unreasonably monopolizing spectacular Hetch Hetchy Valley by using it as a 117-billion-gallon reservoir, says [a new lawsuit](#) in a decades-old fight to restore the [Yosemite National Park](#) landmark.

The lawsuit asks a court to require a plan for improving the city's water system so no water is lost in restoring the valley. It also asks for modification or removal of O'Shaughnessy Dam in Yosemite to let the Tuolumne River flow again.

The complaint was filed Tuesday in Tuolumne County Superior Court on the 177th birthday of conservationist John Muir, who lost the bitter fight a century ago over San Francisco's reservoir in California's premier national park. The plaintiff is [Restore Hetch Hetchy](#), a nonprofit advocate for restoring the valley.

Spreck Rosekrans, executive director of Restore Hetch Hetchy, said the organization wants to be sure [San Francisco](#) has enough time to make improvements and guarantee that not one drop of water supply is lost.

He also said he is confident about making a convincing case that the reservoir is illegal under state law.

"This is an exciting day for Yosemite," he said. "Hetch Hetchy has been lost to the American people for 100 years — it

is time to take it back.”

The San Francisco Public Utilities Commission had not been able to read the lawsuit on Tuesday. But communications manager Alison Kastama said the fourth year of a dire drought may not be the best time to talk about this issue.

“This kind of litigation is amazing at this point in time,” she said. “People around the state are trying to conserve water. Our customers are among the lowest users of water in the state.”

The lawsuit is the second in the last eight months involving Hetch Hetchy Reservoir. Last August, Fresno-based [Center for Environmental Science, Accuracy and Reliability](#) sued in federal court, saying federal wildlife officials must be consulted over San Francisco’s water operations to protect chinook salmon.

The August case was filed U.S. District Court in Washington, D.C., and later moved to [U.S. District Court in Fresno](#), where motions are being presented.

The new lawsuit is based on state law, focusing on the method of the Tuolumne River diversion. The law requires that the diversion be “reasonable,” according to the claim.

“Operating a dam and reservoir in an iconic valley within Yosemite National Park is not, in 2015, a reasonable method of diverting water for municipal purposes,” the lawsuit says.

Bay Area officials have long defended the 360,000-acre-foot reservoir as essential for San Francisco’s water and power. The Tuolumne River water coming from Yosemite is so pure that the city is among only a handful of major American municipalities without expensive filtration.

Since the early 1900s, the reservoir has been a source of environmental outrage. Muir called Hetch Hetchy a geologic twin of Yosemite Valley, which is about 25 miles to the south.

But San Francisco politically maneuvered for approval, and O’Shaughnessy Dam was built by 1923. The mountain reservoir is not large — about two-thirds the size of Millerton Lake near Fresno.

If the water was captured farther downstream, millions of people would benefit from seeing Hetch Hetchy Valley and recreating there, the lawsuit said.

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