



Restore Hetch Hetchy to Continue Legal Challenge Following Adverse Ruling from Appellate Court

Restore Hetch Hetchy to ask California Supreme Court to review appellate court's ruling

Berkeley, CA – July 9, 2018 – Restore Hetch Hetchy announced today that it will continue its legal campaign against San Francisco's continued use of Yosemite's Hetch Hetchy Reservoir, in spite of an adverse ruling from California's 5th District Court of Appeal.

On July 9, California's 5th District Court of Appeal ruled that Restore Hetch Hetchy has no right to a trial on its claim that San Francisco's Hetch Hetchy Reservoir violates the California Constitution as the federal Raker Act preempts State law. (Case No. CV 59426 – <http://bit.ly/29CQTkJ>).

Restore Hetch Hetchy's case alleges that the reservoir that is flooding the Hetch Hetchy Valley in Yosemite National Park, burying it under 300 feet of water, violates the California Constitution's mandate prohibiting any "unreasonable method of diversion." While the Raker Act, passed by Congress in 1913, allowed San Francisco to build a dam in Yosemite's Hetch Hetchy Valley, it did so with the explicit provision that all aspects of San Francisco's water system comply with California law. Restore Hetch Hetchy seeks a hearing in the California courts which would weigh the significant value of restoration against the cost of water system improvements necessary for San Francisco to retain its existing Tuolumne River supplies without the Hetch Hetchy Reservoir.

The appellate court ruled against Restore Hetch Hetchy in spite of the many amicus briefs filed in the case, including a brief submitted by the California Attorney General on behalf of the State Water Resources Control Board, which agreed San Francisco must comply with the California Constitution.

"While we are disappointed by the court's ruling, we are in this for the long term and will continue to fight for what is right through the courts ... and as far as we need to take it,"

said Spreck Rosekrans, Executive Director for Restore Hetch Hetchy. “We are convinced that the legal and technical merits of our case are well-founded and we plan to ask the California Supreme Court to review this ruling. We are hopeful that the highest court in the State will understand the important States’ Rights issues that this case brings forward.”

“San Francisco may be pleased by this ruling,” added Rosekrans, “but the City shouldn’t be proud of its continued evasion of State law.”

“We are very disappointed in the court’s ruling,” said Michael Lozeau, lead counsel for Restore Hetch Hetchy. “The Court’s decision fails to honor Congress’ intent that California’s water laws absolutely control the O’Shaughnessy Dam and reservoir even if State law conflicts with Congress’ right-of-way grant.”

Citizens who are interested in joining campaign to restore Yosemite’s Hetch Hetchy Valley can find out more at www.hetchhetchy.org.

Restore Hetch Hetchy’s mission 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.

Media Relations

Melanie Webber, mWEBB Communications, (949) 307-1723, melanie@mwebbcom.com