

**HETCH HETCHY RESERVOIR SITE.  
HEARING BEFORE THE  
COMMITTEE ON PUBLIC LANDS  
UNITED STATES SENATE ON THE  
JOIN RESOLUTION(S. R. 123)**

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Hetch Hetchy Reservoir Site. Hearing Before the Committee on Public Lands United States Senate on the Join Resolution(S. R. 123) by Various

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**VARIOUS**

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**HEARING**

BEFORE THE

**COMMITTEE ON PUBLIC LANDS UNITED  
STATES SENATE**

ON THE

**JOINT RESOLUTION (S. R. 123)**

**TO ALLOW THE CITY AND COUNTY OF SAN FRANCISCO  
TO EXCHANGE LANDS FOR RESERVOIR SITES IN LAKE  
ELEANOR AND HETCH HETCHY VALLEYS IN YOSEMITE  
NATIONAL PARK, AND FOR OTHER PURPOSES**

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WASHINGTON  
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## HETCH HETCHY RESERVOIR SITE.

COMMITTEE ON PUBLIC LANDS,  
UNITED STATES SENATE,  
*Wednesday, February 10, 1909.*

The committee met at 10 o'clock a. m.

Present, Senators Nelson (chairman), Clark of Wyoming, Gamble, Fulton, Smoot, Flint, Heyburn, Dixon, McEnery, McLaurin, Newlands, Davis, Owen, and Bankhead.

The CHAIRMAN. Gentlemen, we had a hearing on this matter at the last meeting of the committee. I think the gentlemen in favor of the bill had about an hour at that hearing. Now, there are a number of gentlemen who are opposed to the bill, who have come here at their own expense, who would like to be heard this morning, and inasmuch as the time is short and there are so many who desire to be heard, I suggest that we hear them this morning and then give the parties in favor of the bill another hearing at some subsequent time.

Senator FLINT. If that means that the matter is to go over for another week, I shall certainly object, because I would rather submit the question on the House hearings, for the reason that delay is the important thing. I would rather have half an hour and let those who are opposed to the bill have an hour and a half.

Senator NEWLANDS. I do not believe in limiting either side. Let us hear both sides.

Senator FLINT. Not if it is to go over for a week. If we can conclude the hearings this week, I am perfectly willing.

The CHAIRMAN. Those who are opposed to the bill will now be heard, and you will have to select your speakers among yourselves.

### **STATEMENT OF J. HORACE MacFARLAND, OF HARRISBURG, PA., PRESIDENT OF THE AMERICAN CIVIC ASSOCIATION.**

Mr. MACFARLAND. Mr. Chairman and gentlemen, I come before you as president of the American Civic Association, an organization whose membership covers the United States and represents directly and indirectly something more than 100,000 people, who have absolutely no selfish interest in this matter. We come here to-day at our own expense, and we have not been heard in this matter. We believe we have some new facts which should be brought to the attention of those charged with the duty of legislating for the public interest.

It has been arranged that the various organizations represented here shall be heard in order, and that they shall be introduced to you by my humble self.

I want to say that the relation to this matter of the association which I represent is purely that of a public association, and there exists some precedent for my appearance in this capacity before any part of the Federal Government. The honorable ex-Secretary of War, whose election as President of the United States is to be formally ratified by the gentlemen here and their associates at noon to-day, was kind enough to recognize us as representing the public at a time when there was no opposition, except the selfish interest of certain corporations, in relation to the matter of the preservation of Niagara Falls.

We are so fortunate as to have with us here this morning Mr. Robert Underwood Johnson, associate editor of the Century Magazine, and an honorary member of the Sierra Club of San Francisco, a publicist and a citizen of the United States, as he is proud to call himself, who appeared before the Senate Committee on Public Lands, and was, I believe, the only man in appearance before that committee when the Yosemite National Park was to be created by action of Congress. Thus we have an opportunity to hear what the point of view is which was taken at that time with relation to the dedication of this great territory as a national park. I have great pleasure in presenting Mr. Robert Underwood Johnson.

#### STATEMENT OF ROBERT UNDERWOOD JOHNSON, ESQ.

Mr. JOHNSON. Mr. Chairman and gentlemen, it was in 1889 that I visited California, the only time I have been there. I was there for several months. It was my good fortune to go to the Yosemite Valley with Mr. John Muir, who has been all his life in California, identified with the Yosemite region. We call him the "Grand Old Man" of California. He is known to you, no doubt, as the discoverer of the great Muir Glacier, which bears his name, and is the one man who has been the explorer and describer of the great and magnificent natural scenery of the Yosemite National Park. He knows every foot of it, and no one is entitled even to come into the field of rivalry with Mr. Muir on a question of the natural beauties of California. In that respect I believe him to be the first citizen of California, and the time will come, when he is dead and gone, when California will build him a great monument. Meantime nature has built him a great monument in the Muir Glacier.

It was my good fortune to go with Mr. Muir, who has spent years in the Yosemite Valley, and that region, and to go over the divide from the Yosemite Valley to the Tuolumne watershed, and we came out on the Tuolumne meadows, a magnificent reach, some 15 miles long and about three-quarters of a mile wide, or from that to a mile wide, which is the center of excursions by those who are fortunate enough to get up that high in the valley.

There are three camping places of any importance in the Yosemite National Park—the Yosemite Valley itself, which has already become overcrowded, the Hetch Hetchy Valley, and the Tuolumne meadows. You are all familiar with the map, no doubt, and know that the accessibility of this very high scenery is only made possible by the fact that there are central camping grounds. People who go there

do not usually go for a day or a half a day, but they go up there to make a stay. Taking it altogether, it is the most magnificent scenery there is in this country, because it is the largest collection of great things in the way of scenery to be found in this country. There are more great things in a small space there than in any other place. This is not only my opinion but that of others. A day or two ago I met Mr. Carter Pomeroy, of San Francisco, who said to me that of the great natural features of this country the Arizona Canyon ranks first, as being the most phenomenal; second, the Yosemite Valley; third, Niagara Falls, and fourth, the Hetch Hetchy.

Senator FULTON. You leave out the Yellowstone.

Mr. JOHNSON. Yes, or the Yellowstone might come fifth. I am perfectly willing to divide honors, but I am simply repeating what this gentleman said.

Now Mr. Muir and I went across the Yosemite Valley, over to the Tuolumne Canyon, and camped out there, and I went down with him as far as the superb Waterwheel Cascades. Then we came back and went around through other parts of the park, and back to the valley again. This was in June. I remember that the day of our arrival was the day of the Johnstown flood, which I think was very early in June. I have not been in the Hetch Hetchy Valley, but there are others present who have been and who will speak of its beauties from their own knowledge.

Senator FULTON. You say you have not been in the Hetch Hetchy?

Mr. JOHNSON. I have not been down to the Hetch Hetchy. I was only part way down. It is a difficult trip to go down there.

Now, why are we here? Why should not this valley be given away? If it was an ordinary valley, there would be no great objection to doing it. I have already said, in an editorial in the Century Magazine, that human life is more sacred than scenery. I am called a sentimentalist by our friends who favor this legislation in California; but I do not think it is a very sentimental thing to say that human life is more sacred than scenery; and if there were no other place where California could get an abundant supply of pure water for its cities' needs, I would say "Take the Hetch Hetchy Valley and welcome."

But the whole crux of this question is that it is not necessary; and I propose, as rapidly as I can, to make a résumé of the reasons why I think it is not necessary.

First it must be understood that the reason for our objecting to this is the phenomenal greatness of this beautiful valley of Hetch Hetchy, of the wonderful scenery here, and also of this exquisite flower meadow, which is the central radiating point of all the various points of interest here.

Now, there need be no illusion about the effect of this legislation. Gentlemen may say the contrary, but there can be no doubt that of the three camping places in the Yosemite Park which are now open to the public, the one which is overcrowded will remain; and of the two others, one will be absolutely destroyed by flooding, and the public must eventually be excluded from the other because it is on the watershed of the reservoir system.

At the time when Mr. Muir and I were there the Yosemite Park was a small, coffin-shaped reservation, only 1 mile back from the rim of the valley. Consequently the sources of the waterfalls had not



then been reserved, and the result was that they had great floods by the early melting of the snow in the spring, and for the rest of the summer they had little trickling streams down those magnificent falls, the Nevada, the Yosemite, and the Bridal Veil. Now, I said to Mr. Muir, "When you wrote about this in the Century Magazine years ago you spoke of the flower meadows here all through this region; but the ground which we have come across to-day looks more like tan bark than like flower meadows, where you said the flowers were up to the breast of your horse."

He said, "Well, when I wrote about that I was correct. My facts were correctly stated; but the hooped locusts," by which he meant sheep, "have been driven up here from below by the Portuguese, and have not only eaten out all the brush, but have dug it up with their hoofs."

I said, "Certainly this magnificent scenery here ought to be preserved. It ought to be a national park here, like the Yellowstone National Park, under military supervision."

He said, "Yes; of course it ought."

I said, "Has that ever been attempted?"

He said, "Senator Newton Booth once introduced a bill to that effect, but there was no interest in the matter and it lapsed."

I said, "I think it will be very easy to get Congress to do such a good thing as that, and I propose to you that we start a movement for the Yosemite National Park. If you will write about it I will ask Mr. Gilder, of the Century Magazine, to ask you to write two articles on the subject, first on the 'Treasures of the Yosemite,' to direct attention to the general subject, and, second, on the 'Proposed Yosemite National Park.' If you will indicate the outlines of what that park ought to be, I will go down to Washington to the Committees on the Public Lands and I will urge it upon them."

We carried out that programme exactly. I brought pictures of the Hetch Hetchy Valley, among other things, and pictures of the Tuolumne meadows, and showed them to the Public Lands Committee. It happened that at that time the chairman of the Public Lands Committee of the House was Judge Holman, of Indiana, who came from a district adjoining that of my father, and although they were political opponents, they were very warm personal friends. So I had a sympathetic hearing from Judge Holman, and presented these pictures and Mr. Muir's statements in regard to the necessity of preserving these great things, including, specifically, the Hetch Hetchy Valley. By a reference to the minutes of that committee hearing that fact will be shown. Mr. Muir's articles are in existence, which show that the appeal was made for the purpose of saving the headwaters of the Yosemite waterfalls, so that the waterfalls might no longer be thin and meager.

Then the appeal was made to save the great scenery. Of course a man can not go with a hatchet and knock down that great scenery, but it never occurred to anybody that anyone would want to flood that magnificent valley; destroy it by making an artificial lake of it.

This was in the summer of 1890, and on October 1, 1890, the bill was passed. Now, I have not had an opportunity to see what was said in regard to the matter in that debate. I know the ground of the appeal. The bill was introduced by General Vandever, of California. I know the sentiment of the Public Lands Committee as

expressed to me at the time, and I am sure there can be no doubt that the main idea in making that reservation was to preserve the great scenery there, and to make it accessible to the public.

Senator NEWLANDS. Is the reserve only the part included within these red circles on the map?

Mr. JOHNSON. No; the watershed is represented by the blue lines here. In actual square miles it is more than one-half of the Yosemite National Park.

So much for the reason why we are here, and for some light on the intentions at the time of the making of this reservation.

We now come to the myth of the necessity of San Francisco to have this valley, to destroy this great wonderland. We are told here that if we say anything about the Spring Valley Water Company, which now gives the supply of water to San Francisco, we are aiding and abetting a great grinding monopoly. I have not the faintest interest in the Spring Valley Water Company, and not one of us who appear here have any interest in it which has not been disclosed. I believe the attorney of the Spring Valley Water Company is here, but his position has been disclosed, and as representatives of the public we refuse to be put out of court on the ground that we happen to travel along the same lines as the argument of the Spring Valley Water Company.

Now, if this is a grinding monopoly there are three reasons, in my mind, that have to be considered. I do not know whether it is a grinding monopoly or not, and I do not care, except that I do not wish any city corporation to be in the clutches of a grinding monopoly, nor do I wish a grinding monopoly to be in the clutches of the city. Here are three things that tend to prove that it is not a grinding monopoly, and that therefore there is no necessity existing on that score. The first is that the water rates are not fixed by the company, but by the city authorities and reviewed by the courts. If they are fixed too low, the Spring Valley Water Company has the right of appeal. If they are fixed too high—but nobody has ever claimed that they were fixed too high by the supervisors. Now, you can not have a very grinding monopoly when it does not fix the water rates.

Second. The Spring Valley Water Company, as I understand, has offered to sell at a price to be fixed by arbitration.

Third. There exists under the principle of eminent domain the right to condemn the property of the Spring Valley Water Company. That being the case, no sort of standing can be had in court for the gentlemen who claim this is a monopoly.

Senator CLARK, of Wyoming. Is that a general statute allowing condemnation?

Mr. JOHNSON. I think it is. If it is disputed, I am not aware of it.

Senator CLARK, of Wyoming. I call attention to it because it has been disputed.

Senator FLINT. It always has been disputed.

Senator DIXON. On what authority do you make the statement that the water company has agreed to arbitrate the price? That is disputed by the representatives of San Francisco here, as I understand it.

Mr. JAMES D. PHELAN. They have refused to arbitrate.

Mr. JOHNSON. Now, to close my remarks, not only is the necessity a myth, but the idea that the lake is to be improved is an illusion. I

will not go further into that, because it is absolutely impossible to improve that valley by destroying it. It never can be restored to the beauty which it has.

Gentlemen come here with even such trivial objections as that there are mosquitoes in this valley. Did anybody ever find a Sierra valley that did not have mosquitoes in it? There are mosquitoes in the Yosemite, in the Alps, in the Adirondacks—mosquitoes everywhere—and such trivial objections as that have no bearing on the question of maintaining this magnificent scenery.

Senator FULTON. Are you going to take up the proposition as to where they can get a supply of water elsewhere?

Mr. JOHNSON. No, sir; I am not going to take that up, because I have nothing to do with it; but I maintain that neither the Secretary of the Interior nor Congress has at any time made an impartial or thorough investigation of that question, and that in the light of that fact, that no more care has been taken by the Secretary of the Interior in this matter, Congress should make its own investigation.

Senator FULTON. I think Mr. Hitchcock, when he was Secretary, held otherwise, did he not?

Mr. JOHNSON. Mr. Hitchcock declined to grant this permission, as also did Mr. Noble, Secretary of the Interior under President Harrison. In these days of conservation we are apt to forget that there were great men before Agamemnon. We forget that before this administration began there were others who were interested in this great question. Nobody has praised this administration more highly than I, and nobody appreciates more highly than I the colossal service it had done in the matter of the conservation of natural resources. It is the one thing that five hundred years from now will stand out in the history of this administration, but I can not go with the administration to the extent of destroying this valley for the purposes proposed. This administration has roused public sentiment on this matter, and I should be very sorry if anything that I have said here to-day in regard to this, because I object to the position of the President and of Mr. Pinchot and of Mr. Garfield in this particular matter, should be taken as an attack in any way on the general policy of those gentlemen.

Senator SMOOT. Mr. Johnson, do you intend to discuss the question as to whether San Francisco is able to secure water other than from the Hetch Hetchy Valley?

Mr. JOHNSON. I think we are not put upon our response in that matter. I think that is sufficiently answered by the report of Colonel Mendell, dated 1876-77, in which he called attention to thirteen other sources of water supply.

Senator FULTON. Is that report in print?

Mr. JOHNSON. Oh, yes; it is to be had in the Library of Congress. Colonel Mendell was a retired engineer of the United States Army, now dead. He was appointed by the city of San Francisco for the purpose of making this investigation. His report shows thirteen other available sources. Also I shall not go into the question of what the Spring Valley Water Company can do in this matter. All I say is that their claims have not been investigated, and, indeed, the Secretary of the Interior has said, "I do not need to investigate or to consider whether there are other sources or not." I am very glad indeed to find that this honorable committee does wish to investigate what the Secretary of the Interior does not wish to investigate, and