

I. Executive Summary

Introduction

The purpose of this document is to present a Visitor Services Plan Preferred Alternative A+ for the Future Public Use and Operations of Lake Berryessa prepared by the Lake Berryessa Visitor Services Planning Task Force (LBVSPT). LBVSPT Preferred Alternative A+ is based on an analysis of the relevant historical documents, previous and present public comments, and the economic, environmental, and social data available from more than 40 years of continuous recreational use of Lake Berryessa. The LBVSPT Preferred Alternative A+ will be compared and contrasted to the Bureau of Reclamation's Draft Environmental Impact Statement Alternative A and Preferred Alternative B. A previous draft of the LBVSPT Preferred Alternative A+ has been available for public comment since December, 2002 on our web site at www.LBVSPT.info.

The LBVSPT Preferred Alternative A+ is based largely on the 1992 Final Environmental Impact Statement (EIS) for the Lake Berryessa Reservoir Area Management Plan (RAMP) and the 1993 Record of Decision (ROD), which were updates to the Public Use Plan (PUP) of 1959. These are clearly the legal governing documents for all planning and operations at Lake Berryessa. Preferred Alternative A+ recognizes the proven value of the present socio-economic model in providing a wide range of recreational opportunities to a demographically mixed population, an "integrated diversity" of opportunity.

LBVSPT Preferred Alternative A+ provides a path from Reclamation's Alternative A to the lake-wide improvements desired by all stakeholders without the draconian and highly speculative measures proposed in Reclamation's Preferred Alternative B. No comparisons will be made to Reclamation's Alternatives C or D since they are not significantly different in their affects on the lake from Alternative B.

Although Reclamation claims it has provided a reasonable range of alternatives, LBVSPT does not agree. They did not provide a "common sense" fiscally responsible alternative. The LBVSPT Preferred Alternative A+ is that "common sense" fiscally responsible alternative, simply described as "Preserve the Best, Improve the Rest."

Background

The Lake Berryessa Visitor Services Planning Task Force began a Coordinated Resources Management and Planning (CRMP) process in October, 2002 and published a draft Visitor Services Plan in December 2002. It has been available for comment on the Web at www.lbvspt.info or by mail from the Lake Berryessa Visitor Services Planning Task Force, P.O. Box 3456, Napa, CA 94558-0345. This present document supercedes that original draft and will be published on the LBVSPT web site as soon as practicable.

The LBVSPT joined the Half Moon Bay Coastside Foundation and the California Watershed Posse to initiate a Coordinated Resource Management Plan (CRMP) for the lake. As part of the Public Involvement and Scoping for this proposed CRMP process the LBVSPT announced its plan and formally requested comments from more than 75 public agencies, non-profit organizations, recreational groups, and private companies. The LBVSPT also sent announcement letters to more than 300 private homeowners around Lake Berryessa, more than 1,250 permittees who own trailers or mobile homes at the Lake, and the 7 resort concessionaires. Informational posters and flyers were provided for display and distribution at most of the resorts and businesses around the lake and on the public bulletin boards at public launch ramps and campgrounds. The LBVSPT CRMP was also presented at five public meetings around the lake and at meetings with various public agencies. Our efforts to date have resulted in dozens of public comments on our web site and more than 11,000 signatures supporting our plan from residents, visitors to the lake, and friends of the lake.

The LBVSPT has consulted with experts familiar with water resources, public works, sewage treatment, infrastructure construction, resort development, land use law, environmental science, fire safety, and other disciplines. The LBVSPT has also interviewed several of the present concessionaires. A summary of outreach activities to date appears in Appendix A.

LBVSPT A+ Summary Plan

1. Create Planning Organization

- Create a model Coordinated Resource Management Planning (CRMP) process management structure for Lake Berryessa incorporating the suggestions of the National Recreation Lakes Study.
- LBVSPT Preferred Alternative A+ is presented independent of any particular management model, i.e., it does not assume that the Bureau of Reclamation continues in its current management role.
- Reclamation, or other Management Entity (ME), would continue to operate government facilities and programs as currently described in the RAMP. However, they would establish a CRMP process working group to assist in this process and to monitor lake operations.
- Concessionaires in conjunction with the Management Entity (ME) and user groups such as Blue Ridge Berryessa Natural Area Conservation Partnership (BRBNA-CP), including a strong permittee organization such as Task Force 7 at Lake Berryessa (TF7), will establish environmental monitoring procedures and design/development standards as a guide for improvements and new facilities.

2. Guarantee Funding

- Create a financial structure that supports the cost of local government services provided by Napa County and other agencies.
- Explore innovative funding mechanisms, such as special user fees or property tax on long-term sites (for example, a yearly special assessment on more than one thousand long-term sites could make a significant contribution to fund Napa County services).
- In cooperation with the ME, create a Concessionaires Consortium to provide a funding mechanism to spread costs fairly over all lake users for lake-wide public needs.
- Obtain sufficient law enforcement and other support services to fully administer Public Law 93-493. Management practices would include a mechanism to fund additional law enforcement based on a consensus among ME, Concessionaires Consortium, LBVSPT, Task Force 7 and Napa County to create a sound financial support structure.

3. Improve Short-Term Opportunities and Facilities

- Concessions will maintain and improve public access to Lake Berryessa and its shoreline within the concession areas.
- Concessions will improve short-term uses and facilities in quality and quantity, emphasizing medium density development as most preferable. Accommodation will include camping, cabins, park models, and multiple bedroom units. Rental accommodations will be owned by concessionaires and tenants, but all rentals will be managed by the concessionaire.
- Concessions will provide quality recreation facilities and services at reasonable rates, with access for special needs populations designed into the plan for future needs.
- Concession decisions and actions will provide for the health and safety of users, protection and enhancement of resources, and compatibility of uses on the water surface.
- Although there are many ways to accomplish the above goals, a simple planning outline is provided as Appendix B.

4. Improve Long-Term Facilities and Mitigate Impacts

- Long-term uses provide a base of financial support that makes low cost public use feasible. They are the key element during drought periods and economic downturns that sustain recreation operations.
- A Long-Term Site Improvement Program will be developed cooperatively between the concessionaire and the resort homeowners group at each resort.
- Long-term uses will be designed to blend more effectively with the natural environment.
- The Management Entity would allow long-term sites to be rented by tenants to short-term visitors through the concession reservation system to satisfy peak short-term demand when other resort facilities are fully booked. Portions of the rental fee would go to the resort, to lake management, and to the County.

- Provide a base of financial support during drought periods and economic downturns to continue recreation operations. This benefit is confirmed by the Camanche Recreation Area Plan done by the East Bay Municipal Utility District in 1990 which recommends retention of long-term mobile homes for this very reason.

5. Implement Master Planning for Resorts

- Improvements to existing facilities and new construction would be esthetic and accomplished according to all applicable codes within parameters of ‘Sustainable Design’ and in compliance with commonly accepted green design practices, e.g., energy efficiency, water conserving fixtures, and recycling.
- Achieve compliance with current codes and applicable regulations (Federal, State, and Local) through a phased construction schedule.
- Develop a plan for rehabilitation and maintenance of lakeshore and riparian areas.
- Although the Klienfelder report describes unrealistic worst-case conditions, it can be used as guidance for scheduling planned improvements. Further on-the-ground analysis would be required to determine exactly which facilities at each resort would need to be improved initially and to which requirements they need to comply.
- Reclamation, or other Management Entity, would monitor the concessions for contract compliance with major public health and safety codes. New contracts would include requirements for improvements discussed in this plan. There would be direct incentives to improve all facilities and recreational opportunities.
- In recognition of the necessary financial investments and associated risks for the development of the concession operations, the facilities redevelopment or expansion of the concession areas may be done in phases. The phases will be triggered based upon proven public demand and actual concessionaire financial performance during the initial phase.

6. Management Operations

- Reclamation, or ME, would continue to manage the existing use permits at Lake Berryessa as described in the 1992 RAMP, possibly adding a permit system for boat-in camping.
- Reclamation, or ME, would continue to manage Capell Cove Launch Ramp, consider options to correct its geological and structural failings, and operate it in a safe manner. A competitive launch fee would be imposed to defray operating costs and direct users to more appropriate facilities for the size of their boats. Capell Cove was designed for fishing and small boat launching. Because it is free, it sustains heavy use with large boats. Parking overflows in an unsafe manner onto the main road.
- Reclamation, or ME, would continue to manage the Oak Shores Day Use area. On the “big weekends” of Memorial Day, Fourth of July, and Labor Day, Oak Shores would be open for camping. The small boat launch ramp would be expanded to accommodate larger boat launching. Fees would be collected at Oak Shores for day use, launching and camping. Additional services to be considered in the area, i.e., vending machine snacks and sodas. The Oak Shores area, total 30 acres, would be evaluated for increased use with emphasis on special needs populations.
- Reclamation, or ME, would continue to manage the Smittle Creek Day Use Area. Due to the fact that Smittle Creek has limited parking and the water is a longer distance from parking than at Oak Shores, use for overflow camping is not considered. However, approximately 15 acres could eventually be developed as campground and RV park if demand is shown.
- Reclamation, or ME, would continue to manage existing trails at Lake Berryessa, and develop 30-50 additional miles as described in the 1992 RAMP, based on user need, subject to environmental impact studies and funding. Trails can be developed that connect resorts and public access areas on the west shore. These trails can be used by bicyclists as a safe alternative to riding on the highway. Hikers would not be charged access fees at resort boundaries since they are not “day users”. Resorts would benefit from the hikers’ purchases of drinks and snacks.

7. Land and Water Use Planning and Classification

- Land Use Classifications would follow the classifications described in the 1992 RAMP. Water-Use Classifications are under the guidance of the 1992 RAMP. Although the Water Recreation Opportunities Spectrum (WROS) is in draft form, its application, if accepted by the Department of the Interior, would mandate creating the greatest recreational opportunities possible. All concessions/resorts would maintain the highest level of development in order to serve the public demand.
- WROS would require a full analysis utilizing a preponderance of evidence to identify and to apply new classifications to present use. Planning subsequent to WROS is site specific. No studies or plans with the required analysis and data have been done by Reclamation to allow changes in use at the present time.

8. Future Operations Review / Root Cause Analysis

Future management options are a variable in the future of Lake Berryessa, and a Management Analysis Study will be required for the governmental involvement in the next contracts. Options include:

- **Bureau of Reclamation**: Reclamation could remain as the Management Entity but its past performance and future plans must be critically analyzed to understand the strengths and weaknesses of various options and the root causes of present deficiencies before any future plan is approved and implemented. Reclamation could act as the lead agency in the Coordinated Resource Management Planning process.
- **Bureau of Land Management**: BLM has the expertise and authority to manage recreational areas. BLM would benefit directly from the concessions, which could help fund the Berryessa Blue Ridge Natural Area (BRBNA) project with its hundreds of thousands of acres of government land – thousands of which are in the Lake Berryessa area. The concessions could provide the camping and lodging facilities needed by visitors to the BRBNA so that they could remain in the area to enjoy the resource without the need to provide additional facilities on project land. With BLM as the Management Entity, the funds generated by recreation at Lake Berryessa could remain in the BRBNA and help defray operating and maintenance costs. Lake Berryessa could provide a “line item” budget for the entire BRBNA, which would eliminate funding competition with other BLM areas.
- **Napa County**: Napa County may offer an effective management option. The forthcoming expiration of the concession agreements is an ideal time for the county to take a leadership role and develop its General Plan vision for the future of Lake Berryessa as an integral part of the County. Lake Berryessa could become more significant in the tourist and recreation opportunities offered by Napa County. As the ME, Napa County could have greater benefit directly from the concessions in funding the services that the County is required to provide at the lake. Creating a Napa County Parks Department or Recreation District at Lake Berryessa would open many Federal and State funding sources to local government to support the activities at the lake. The county has the practical experience, the planning and environmental departments, and the law enforcement and safety services that clearly give Napa County an advantage in protecting the resources of this important part of the county.

9. Environmental Improvement, Education and Outreach

- Create a Lake Berryessa Community Education and Outreach program. Long-term data shows, and Reclamation acknowledges, that there are no significant water quality problems attributable to the concessions or long-term sites. Continuing education in all communities around the lake is important for the long term health of the watershed.
- Expand visitor information services which could include:
 - Interpretive center facilities and activities
 - Ocean Arks International Living Machines or manufactured wetlands for wastewater treatment.
 - Waste reduction and recycling programs at each resort

- Detailed educational programs for resource conservation, pollution prevention, as well as solid waste reduction and recycling programs around the lake.
 - Develop mini-interpretive center in the dam area
 - Overlooks at appropriate locations along roads
 - Interpretive trails
 - Interpretive displays in developed access points and concession areas
 - Additional signing
- Create a list of positive programs that increase the recreational as well as socially-beneficial opportunities for underserved communities without proportionately increasing traffic. This may best be done through youth groups, church groups, recreational clubs, or community groups. An example is Fish and Game's Fishing in the City program that uses vanpools. Another example is environmental education programs for schools that increase mid-week use but don't negatively impact traffic through use of small buses or vanpools.
 - Reclamation, or ME, will actively support partnerships with other public agencies and non-profit groups to promote marina pollution prevention programs such as the Napa/Sonoma Marina Program and the California Coastal Commission's Dockwalkers.

10. Development Options, Contract Extensions, and Partnering

- Because Reclamation essentially chose to unilaterally plan for the future of Lake Berryessa, many available modern planning tools and resources, both public and private, were not used. They relied on old studies, unsupported assumptions, and inaccurate data to reach conclusions driven by their policy to remove all long-term uses from the lake.
- LBVSPT contends that since the 1993 ROD was released, more than a decade has been wasted without bringing about the improvements all stakeholders wanted for the lake. Whether that was due to contributory negligence on the part of Reclamation because of management deficiencies, lack of manpower, enforcement problems, recalcitrant concession owners, poorly written contracts, uninformed tenants, and/or limited funds, the requirement now is to make the mandated improvements in response to contemporary and future needs.
- Unfortunately, Reclamation's process seems to assume continued deterioration. This is an intended or unintended consequence of Reclamation's reliance on Preferred Alternative B as a solution to all problems at Lake Berryessa. Their argument is that things are so bad now, and will continue to deteriorate for the next five years, that they have no option but to destroy everything and start over. This negative approach to planning seriously affects the lives and livelihoods of tens of thousands of local people.
- One core issue is capital investment in infrastructure repair and facilities upgrades and the ability of the concessionaires to provide recreational opportunities at a fair profit. Reclamation's own Dornbusch Report points out that Alternative B (and any alternative that eliminates all long-term uses) is only marginally financially feasible with great risk to the investor.
- The LBVSPT proposes that all parties acknowledge the lack of progress during the last ten years and do what should have been done. An Act of Congress could authorize Reclamation or other Management Entity to enter into new 10-year contract extensions with the present or new concessionaires. There is sufficient precedent for this action. It may be the most reasonable way to allow the necessary time to make the required improvements at the lake without massive financial and social dislocations.
- Contract extension terms could be written now and be retroactive where necessary to achieve the aims of RAMP and LBVSPT Alternative A+. The contract extensions would include tough provisions for the phase-in of required improvements and the ability to implement all the positive elements of Alternative A+. It allows a reasonable time for the amortization of capital improvement costs, implementation of

codes and standards for long-term sites, and proof-of-concept changes to recreational opportunities without the major and speculative disruptions contemplated in Reclamation Preferred Alternative B.

- A simplified bidding process would show if there are investors who would be willing buyers or partners for present concessionaires and who have sufficient resources to make the improvements proposed. A standard RFP process in the present confused legal, social, and financial morass could be a disaster for everyone involved. No one will bid on a contract that is a losing proposition from the start. Concessionaires and Reclamation would need to negotiate a contract that is financially feasible and gives the concessionaire the incentive to invest.
- Present concessionaires, who lack sufficient capital to make required changes, could sell their concessions to willing buyers or partner with companies that have sufficient resources. Contracts must be financially feasible and return a fair profit under all foreseeable conditions, such as drought, recession, etc. Contracts must be flexible to allow changes to master plans as demonstrated public use changes.

LBVSPT A+ Summary Findings

1. There has been no impact to water quality nor any significant impact to any other environmental criteria from the resorts or long-term sites.
2. There is no provable unmet or “latent” demand for short-term recreational use at Lake Berryessa. (See Section 3.7.1-2-#4, Pg.99)
3. The economic foundation for providing recreational opportunities at Lake Berryessa was initially, and still is, the revenue generated by long-term site users.
4. Long-term sites provide 50-70% of the gross revenue of resorts, support short-term uses, and are a financial foundation for resort operation, especially during winter months and drought years.
5. Recreational opportunities for all users can be reasonably expanded at the lake with the economic support of the long-term user.
6. All resort facilities and mobile homes were built to existing code and can be brought up to new codes through planned improvements or replacements without total destruction and rebuilding as is true in any other jurisdiction in the country. (See Section 1.2.2)
7. Access for short-term users is not limited except at peak times. No public facility, whether freeway or restaurant, can be economically designed to meet peak demand.
8. The desire of the public for long-term site rentals is a legitimate recreational demand and a significant element of public demand. (See Pg.14, #6)
9. Resorts are not dominated by long-term uses nor do they give a majority of prime shoreline to long-term uses. (See aerial photos in Appendix D.)
10. Long-term sites cannot be defined as exclusive use. Historically, there have always been long-term sites available for sale to any qualified person. Anyone may become a long-term site homeowner for approximately the same cost as a modest RV.
11. Visual impacts are not a strong enough reason to destroy the entire lake community. Allowing for personal tastes in architectural style, the emphasis should appropriately be placed on neat, well-maintained sites that comply with all health and safety codes, in colors that complement their environment.

12. More than half of mobile home owners are older than 50 years of age and most extend the use of their units to their children and grandchildren. Alternative B does not meet their family recreational needs, nor does it meet the needs of the many long-term users that are senior citizens (est. 30%-40%).
13. Long-term site owners consider themselves members of the Napa County and Lake Berryessa communities and part of that population. They feel a responsibility to share in the support of Napa County services.
14. One of the significant cultural resources is the historical integrated diversity of the lake community with its wide socio-economic spectrum of users. In many ways Lake Berryessa provides a historical insight into recreational styles and tastes over the decades. We believe it can be considered a cultural resource documenting recent history of design trends in American recreation.
15. Lake Berryessa is a boating and water sports lake. The Visitor Profile is predominantly water recreation enthusiasts. Most have invested in boats and spent years developing their skills at waterskiing, jet skiing, fishing and other boating recreational activities.
16. The reasonable private use of public land is a long-standing American principle, especially when that use supports the common good and provides additional revenue for operations that could not otherwise be funded.
17. Sewer systems do not pose an imminent health threat to water quality, but should be analyzed and a plan developed to bring them up to appropriate standards.
18. There is no imminent danger to health and safety due to fire standards or structure setbacks. All resorts should be analyzed and a phased plan developed to meet all reasonable standards.

LBVSPT A+ NEPA Criteria

The environmentally preferred alternative is determined by applying criteria identified in Section 101 of the National Environmental Policy Act (NEPA) to each alternative considered. The alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources is typically considered the environmentally preferred alternative.

Using this analysis, the LBVSPT Alternative A+ should clearly be the preferred alternative.

- **NEPA Section 101 Requirement 1.** Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.

LBVSPT Alternative A+ explicitly recognizes the generational benefits of the present “integrated diversity” socio-economic model of Lake Berryessa.

Alternative B arbitrarily eliminates a legitimate recreational demand for long-term use that has supported the transmission of environmental values from generation to generation at Lake Berryessa. Alternative B impedes senior citizens in their the ability to visit the lake or to teach their children and grandchildren about environmental stewardship.

- **NEPA Section 101 Requirement 2.** Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

LBVSPT Alternative A+ is an inclusive socio-economic model (all Americans) that provides a wider range of recreational opportunity (productivity). A+ provides more esthetic surroundings than at present while preserving and enhancing a community and cultural environment that has evolved over decades as was acknowledged in the 1993 ROD.

Although Alternative B purports to ultimately expand recreational opportunities, it actually eliminates a large class of users and facilities. Esthetically, it simply proposes to replace one form of built environment (mobile homes) with another (park model cabins, RV sites, and campsites) which have no esthetic superiority.

- **NEPA Section 101 Requirement 3.** Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences

LBVSPT Alternative A+ builds on a proven socio-economic model to meet all the goals of this requirement with no undesirable or unintended consequences. The A+ plan is designed to enhance the benefits of recreational use and protect the environment.

Alternative B does not attain the widest range of beneficial uses. It narrows the range, eliminates all usage for 2 years and only replaces a percentage of present usage many years in the future. It not only has undesirable and unintended consequences, Reclamation even states that it has many *unknown* consequences.

- **NEPA Section 101 Requirement 4.** Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice.

LBVSPT Alternative A+ can be implemented without serious disruption to the economic, cultural, and natural environment. One of the significant cultural resources is the historical integrated diversity of the lake community with its wide socio-economic spectrum of users. In many ways Lake Berryessa provides a historical insight into recreational styles and tastes over the decades. We believe it can be considered a cultural resource documenting recent history of design trends and individual choice in American recreation.

Alternative B clearly is lacking in this requirement by destroying important historical and cultural aspects of life at Lake Berryessa while eliminating diversity and the variety of individual choice.

- **NEPA Section 101 Requirement 5.** Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.

LBVSPT A+ epitomizes this requirement and the judicial criteria used to evaluate it.

Alternative B does not meet this requirement with its “slash and burn” planning approach. There is no balance found in Reclamation’s exclusionary Alternative B nor does it meet the published judicial criteria for this type of decision-making described in Planning Principles below.

- **NEPA Section 101 Requirement 6.** Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

LBVSPT A+ meets and exceeds this criteria because it includes details for educational programs for resource conservation, pollution prevention, as well as solid waste reduction and recycling programs around the lake.

Alternative B has no specific plans to meet this criteria.

II. LBVSPT A+ Goals, Planning Principles, and Methodology

Overall Goal – To accommodate and provide for a wide range of outdoor recreation opportunities in a natural environment, while optimizing visitor experience levels and safety, consistent with other authorized functions of the Solano Project.

The LBVSPT believes in definable goals for protection and use of the lake that are realistic, measurable, and can be implemented. Elements of Alternative A+ provide:

- An unbiased description of the existing situation using all available data including a review of the true root causes of present deficiencies.
- An unbiased, pragmatic projection of the future situation based on corrections of present deficiencies through the application of best management practices.
- An empirical analysis showing the actual demand for services, by type of recreational category.
- A method of phased implementation based on measurable data confirming the need for the services.
- An identified revenue stream to support all operational costs of the services necessary to provide for the health, safety, and use needs of the public.
- A plan that incorporates all of the above, and establishes strong guidelines for future public use and development.

There must be a regional partnership in the development and implementation of any plan for Lake Berryessa. History has shown that management of the lake has suffered from a lack of institutional checks and balances and performance monitoring. The National Recreation Lakes Study Commission Final Report of June, 1999 stated that despite good intentions, many federal agencies are unable to provide recreation facilities and lake conditions that meet public demand and present-day expectations.

The Commission concluded that meeting current and future demands for lake-related recreation, with or without increased appropriations, will require smart, flexible, visionary management and better ways of doing things. The value of providing recreation services through local partners underscores the need to expand and improve development and operating partnerships with state and local governments, and with private businesses. One of the Commission's recommendations is to encourage agencies to work with communities on lake management issues. This directly supports the LBVSPT's contention that a broad-based stakeholder CRMP process, perhaps based on the Blue Ridge Berryessa Natural Area Conservation Partnership (BRBNA-CP) model, or the venerable Joint Powers Authority process used by many local governments, typically at a City/Town/County level, may need to be legally implemented for the benefit of all stakeholders.

Planning Principles

The lack of federal, state, or county funds to provide capital investment for recreational facilities or financial support for ongoing operational costs means that the concessions are essential to the government's ability to accommodate public needs.

All plans for change must be based on proven demand and must be tested before implementation. For example, a 1980 Reclamation proposal for increasing short-term use at one of the resorts included a method for determining success. "For the time period from Memorial Day to Labor Day, measure the occupancy rate of the campground. When the occupancy rate reaches an average of 70% over this period for 2 of 3 years or reaches an average of 80% on the weekend days for 2 of 3 years, the next phase begins".

The development of the lake was driven by the recreational needs and economic realities of the times. Those needs and realities are not significantly different at the present time and for the foreseeable future. There have been 40 years of public use within an economic framework that has accommodated low cost recreation.

Even the Department of the Interior's draft Water Recreation Opportunity Spectrum (WROS) guidebook points out that the "average visitor does not exist" and "recreation demand for different types of recreation experiences is diverse".

"The implication is that to plan and manage for the mythical average user is not appropriate because such an approach will leave out or not accommodate the diversity of public interested in water resources. The conservation of recreation diversity is a fundamental purpose of the WROS system."
(WROS, Pg. 6)

“Four decades ago recreation was viewed principally as an activity such as boating or skiing. In the 1970s, recreation science determined that recreationists were motivated and seeking particular type of recreation experience, and that a recreation activity was a means to an experiential end. It was also determined that the conditions of the resource and how the recreation setting was managed could influence what kind of experience a person was likely to have. In the 1990s, recreation science further contributed that recreation experiences led to long-term benefits for individuals, families, communities, as well as benefits to the economy and the environment.” (WROS, Pg. 7 and Figure 6, Pg. 12)

LBVSPT agrees with the WROS standards for decision-making which take advantage of judicial doctrine and terminology:

- *A reasonable decision* is a decision that is fit and appropriate under the circumstances. It is a decision that natural resource decision makers, of ordinary prudence and competence, under similar circumstances, would not view as excessive or immoderate. It is important to remember that the judiciary does not compare a person’s decision against some single absolute right decision conceived by the court; that is, the court’s function is not to make administrative decisions but rather to judge the reasonableness of an agency decision using such judicial doctrine as reasonable care, due diligence, and sufficient evidence.
- *Full and fair consideration of the appropriate information* is the condition of considering the whole situation and making a sound decision.
- *Principled and reasoned analysis* is the condition of not being arbitrary and capricious, perhaps the most frequent allegation in natural resource-related litigation.
- *Best available science and expertise* is the condition of utilizing the best information and experience that is reasonably available to improve certainty.
- *Compliance with applicable laws* is the expectation that a decision maker duly considers and is in conformance with relevant laws and regulations (e.g., NEPA)

The basic planning principles at the core of the LBVSPT Alternative A+ are:

- Encourage Water-Oriented Outdoor Recreational Uses
- Maintain Visual Resources
- Maintain and Improve Public Access
- Improve Short-Term Uses
- Continue Long-Term Uses
- Expand Visitor Information Services
- Financially Support Local Government Services
- Protect Recreational Resources
- Protect Water Resources
- Protect Cultural Resources
- Strictly Interpret Public Law 96-375 – Encourage Improvements

Methodology

The RAMP will be the foundation document for Preferred Alternative A+ and sections from it and from the present Reclamation DEIS will be excerpted and modified where appropriate. All data, reports, maps, and figures from those documents not specifically presented in Preferred Alternative A+ are included in this document by reference.

The LBVSPT VSP is written in a format similar to the Reclamation DEIS for ease of comparison. This LBVSPT document serves two purposes.

1. To present the LBVSPT Preferred Alternative A+ as the LBVSPT-CRMP Visitor Services Plan.
2. To provide the LBVSPT's formal comments on the Reclamation Draft DEIS. Although the entire LBVSPT document should be considered a formal comment on the DEIS, more specific formal comments requiring an individual response are indicated by the BOLD format statement: **LBVSPT Comment**.

III. LBVSPT Summary of Alternatives With Comments

Reclamation Alternative A: Continue Existing Commercial Services until Permits Expire in 2008/2009. Continue Reclamation Services and Facilities in Accordance with the 1992 RAMP/EIS.

Alternative A is what Reclamation labels the No Action Alternative, which describes the projection of current conditions up to the expiration of the current concession contracts. NEPA requires this type of alternative in every Environmental Impact Statement. The seven concessions have been developed over 44 years, first under the guidance of the Public Use Plan, currently under RAMP/ROD, in compliance with all state and county codes. The No Action Alternative is a benchmark to which other alternatives are compared. However, a No Action Alternative is not meant to describe a point in time after which all normal activity ceases and deterioration is the only continuing factor.

Reclamation uses its No Action Alternative in contradictory form, stating that Alternative A is operating in accordance with the 1992 RAMP/EIS which mandates compliance and improvements. Yet it then assumes that the concessions continue with no improvements, virtually no maintenance, and without compliance with the RAMP.

Even selecting Alternative A would only assume the changes already required by RAMP would be made in the new contracts. There is no mechanism to implement a new vision. Per Federal guidelines, the No Action Alternative includes any actions which are certain, as well as changes that would occur regardless of any proposed alternative. Usually participants estimate the No Action Alternative by projecting current conditions, resource trends, and probable actions by others through a period of time commensurate with the anticipated lifespan of the action alternatives.

The following statement by Reclamation flies in the face of logic since the conditions described would never be allowed to occur unless concessionaires or Reclamation totally abdicated their responsibilities:

“The No Action Alternative would allow unsatisfactory conditions and trends to continue at the resorts. Human health and safety concerns would continue to mount. Sewage treatment facilities at two of the resorts have a serviceable life of fewer than 15 years, and have been cited for health and safety violations on numerous occasions. Those facilities would become more costly to maintain and failures likely would occur even more frequently as equipment continued to age. In addition, numerous buildings and structures present serious fire protection deficiencies, which would not be corrected and which might be exacerbated under the No Action Alternative, as existing facilities continued to deteriorate.” (DEIS, Page 7)

This statement also appears to indicate that Reclamation intends to abdicate its legal future health, safety, and management responsibilities if Alternative A is chosen. They so much as state this on Page 221 in the DEIS:

“Under this alternative, significant mitigation of these problems is not likely to occur due to the cost of rehabilitation, the age and condition of the various facilities, and the short time remaining under the existing agreements/contracts. Though the resorts have been notified that they are in violation of sections 4290 and 4291 of the California Public Resources Code and the Napa County Fire Code, no punitive actions are planned by the state or county officials responsible for enforcing these codes, for the reasons cited above.”

LBVSPT Comment:

Napa County Fire Department Fire Safety Analysis 2001 is an analysis, not a notification of violation. Reclamation ignores actions and efforts of the concessionaires to make improvements, and is drawing conclusions of what actions the concessionaires are going to take through the end of the contracts. Reclamation is stating that they will take no corrective action; however, removal and replacement of facilities will cost more than rehabilitation. Reclamation has refused project requests from concessionaires, which were improvements authorized by the guidelines of RAMP/1992 and/or recommended by the Kleinfelder Report.

LBVSPT contends that any reasonable person recognizes that there are no serious health and safety problems at the lake. The Reclamation website section, Environmental Concerns, boasts:

“Reclamation is pleased to announce that due to the compliance and diligence of the concessionaires and the affected permittees, the cleanup has proceeded to such a degree that there is no longer a need for a separate information site on these issues. Reclamation thanks those involved for their understanding and conscientious efforts to help clean up Lake Berryessa.” - August 2001

Any “deficiencies” that exist can all be corrected with the right approach to planning.

LBVSPT Preferred Alternative A+: Extend and Improve Current Socio-Economic Model for Concession Operations. Expand and Develop New Short-Term Facilities at Resorts. Retain and Improve Long-Term Sites.

“Preserve the Best, Improve the Rest!” Alternative A+ takes the existing concession operations, which have been developed over more than 40 years, as the benchmark to develop a plan that meets the needs and demands of the contemporary public, is fiscally responsible, and allows the concessionaires the right to a fair profit.

The LBVSPT Preferred Alternative A+ is based largely on the 1992 Final Environmental Impact Statement (EIS) for the Lake Berryessa Reservoir Area Management Plan (RAMP) and the 1993 Record of Decision (ROD). Preferred Alternative A+ recognizes the proven value of the present socio-economic model in providing a wide range of recreational opportunities to a demographically mixed population, an “integrated diversity” of opportunity.

LBVSPT Preferred Alternative A+ provides a path from Reclamation’s Alternative A to the lake-wide improvements desired by all stakeholders.

LBVSPT Preferred Alternative A+ recognizes that to provide capital investment for recreational facilities or financial support for ongoing operational costs means that the concessions are essential to the government’s ability to accommodate public needs.

LBVSPT Preferred Alternative A+ is based on proven financial feasibility. The desires of the contemporary public can be evaluated empirically and accommodated with future improvements that can enhance the user experience. Additional quality short term facilities will be provided as public demand is assessed.

LBVSPT Preferred Alternative A+ is designed to:

A. Encourage Water-Oriented Outdoor Recreational Uses – Water-based recreation is clearly an important element of Alternative A+ since it affects the largest number of Lake Berryessa community stakeholders. Management of water uses and activities at Lake Berryessa is an integral element of the LBVSPT Preferred Alternative A+. Decisions and actions will provide for the health and safety of users, protection and enhancement of resources, and compatibility of uses on the water surface.

B. Maintenance of Visual Resources - Lake Berryessa possesses scenic resources analogous to many California lakes. These resources should be considered as a reasonable part of any plan.

The concept of defining a “visual resource,” much less quantifying it, comes up against that great imponderable – personal taste. Lake Berryessa provides a historical insight into recreational styles over the decades. As such it can be considered a cultural resource. The “built environment” can be esthetic and its removal is not a prerequisite to implementing this principle. Existing developments and new projects will be designed to complement and blend with natural features as much as possible. Present property owners would be encouraged/mandated to bring their property up to reasonable esthetic standards.

C. Public Access - Public access to Lake Berryessa and its shoreline will be maintained and improved to meet empirically-proven demand for recreation and minimize congestion and use conflicts. Access for special needs populations will be carefully designed into the plan for future needs.

D. Improvement of Short-Term Uses - Short-term uses and facilities will be improved in quality and quantity, emphasizing low density development as most preferable. Short-term use would be located in shoreline areas allowing the general public and day users access to the shoreline, encouraging water-oriented recreational opportunities for all users.

E. Continued Long-Term Uses - Long-term uses will be allowed in concession areas, and will be designed to blend more effectively with the natural environment. Current long-term uses assist in supporting necessary reasonable cost services for the short-term users and public access. Long-term site users also bring in many short-term use visitors. Lake stewardship has always been a guiding philosophy of most long-term site users. Long-term users have minimal environmental impact yet provide significant economic and cultural stability to the lake community.

LBVSPT Comments:

1. Lake Berryessa is a unique area that is dependent on seasonal water recreational users. The economic foundation for providing recreational opportunities at Lake Berryessa was initially, and still is, the revenue generated by long-term site users. Recreational opportunities for all users can be reasonably expanded at the lake with the economic support of the long-term user. Long-term users have proved not to have any major negative impacts.

To quote the 1993 Record of Decision for the 1992 Reservoir Area Management Plan (RAMP) which is the present guiding document for planning at Lake Berryessa:

“Continued Long-Term Uses - Long-term exclusive uses will be allowed in concession areas. Current long-term exclusive uses assist in supporting necessary services for the short-term users and low cost public access.”

2. As residents and users of Lake Berryessa, the long-term homeowners of Lake Berryessa clearly have an interest in developing a plan and a future for the lake that benefits the public and the lake environment. They consider themselves “members” of the Napa County and Lake Berryessa communities and part of that population. They feel a responsibility to share in the support for Napa County services. The long-term homeowners have always supported the safe and environmentally-friendly use of the lake by the public. To that end, the interests of the homeowners, concessionaires, and lake managers are in harmony. It makes no sense to alienate the homeowners by threats of removing their homes. In the long run, lake managers will have a much greater chance of successfully implementing the final plan if the homeowners are constructively engaged and allowed to be a part of the future of Lake Berryessa.

3. Reclamation changed its policy on long-term use in April, 2002 by modifying Policy Manual LND 04-01 to condemn “exclusive use” and to define all long-term use as exclusive use. This policy is being used to justify the total elimination of all mobile homes at Lake Berryessa under Preferred Alternative B. How can

reclamation then propose Alternative C that allows some number of long-term trailers at the resorts? This is illogical and inconsistent. A policy is not a law. Is it necessary to arbitrarily destroy a community to implement a policy that has no proven benefit? If long-term uses can be allowed under the conditions of Alternative C, they are clearly legal under LBVSPT Alternative A+. Reclamation cannot argue that policy requires the removal of long-term uses under Alternative B. They are clearly willing to violate that policy by proposing Alternative C.

4. The reasonable private use of public land is a long-standing American principle, especially when that use supports the common good and provides additional revenue for operations that could not otherwise be funded. The concessions are private businesses making use of public land, to provide the public with low cost facilities, for a profit. Allowing this type of private use of public land only by corporations is inconsistent with denying such use to the general public. Individual citizens have as much right to use public land as corporations.

5. Long-term site users are a segment of the public with a vested interest in the ongoing concern of recreational needs at Lake Berryessa. Families and friends have helped develop not just a place but a community, that can only be attributed to long-term users.

6. The desire of the public for long-term site rentals is a legitimate recreational demand and a significant element of public demand. Regarding long-term sites, even Reclamation admits (in an original 1972 planning document) to “recognizing the *genuine public demand for this kind of recreational activity* and the heavy public investment in mobile homes at Lake Berryessa”. (Emphasis added) This demand and its positive benefits are exemplified by the coexistence of long and short-term uses at nearby Lake Camanche and Lake Havasu.

7. Exclusive use is an inaccurate description of the present situation. Long-term sites cannot be defined as exclusive use. Historically, there have always been long-term sites available for sale to any qualified person. Anyone may become a long-term site homeowner for approximately the same cost as a modest RV. Even in the best of times, prices of the mobile homes have remained relatively stable and affordable for an average family.

8. Long-term data shows, and Reclamation acknowledges, that there are no significant water quality problems attributable to the concessions or long-term sites.

9. Long-term users provide a unique cultural resource that provides environmental stewardship and education in a multi-generational environment. A majority of long-term site owners are senior citizens or near seniors who transmit their cultural values to family, neighbors, and friends.

10. Long-term homeowners/tenants contribute much to lake management and have not been tapped as a resource by Reclamation or concessionaires to assist in maintaining the lake environment. The permittees are often “stewards of the lake” and supply the manpower and expense to maintain sites, the resort, and public beaches. Strong long-term homeowner/tenant associations working with professional resort owners could do much to create and maintain the best elements of any plan.

11. Long-term users are not full-time residents. They only have limited use of their mobile homes – 180 days of any year - although they are willing to pay for the use of the lake for 365 days of the year.

F. Expand Visitor Information Services - Expand visitor awareness of the lake's environment, wildlife, water management, and safety issues. Expand visitor awareness of Napa County as a whole with its wide range of resources. This will be accomplished by developing visitor information services in concession and public use areas. As an element of visitor education and water quality protection, biological processes such as Ocean Arks International Living Machines or manufactured wetlands could be used for wastewater treatment. Solid waste reduction and recycling services and education should also be provided at all resorts. The Blue Ridge Berryessa Natural Area Conservation Partnership (BRBNA-CP) and the Lake Berryessa Watershed

Partnership (LBWP) are models for the management of this educational process.

G. Financially Support Local Government Services - Through agreements with local enforcement agencies or through additional authorities, local government support services will be adequately maintained to provide for the health and safety of visitors and protection of resources. This is particularly important with a proposed increase in short-term users who may not have a vested stewardship interest in the lake. Alternative A+ realizes the need for the county to benefit from the uses at Lake Berryessa, and has incorporated, at a minimum, just compensation for the services of the county, whether through annual fees or various taxes or charges on use. The planned phase of improvements would generate significant fees to the county.

H. Protection of Recreational Resources - Resource protection will be considered in a broad context and based on practical priorities with respect to all proposed actions. Projects and actions will comply fully with the intent of the National Environmental Protection Act (NEPA).

Lake Berryessa is a man-made lake developed by the Solano County Water Project in 1957 to provide agricultural and drinking water to nearby communities. This should be kept in mind when evaluating “environmental attributes” or “natural resources” issues in developing a plan. As a product of human engineering/intervention, all of Lake Berryessa's resources must be judged in the context of what they provide to people. For example, there would be no fish “resources” in this valley had there not been a dam constructed and fish species introduced to provide game fishing as a recreational activity for humans.

I. Protection of Water Resources - All resource and recreational developments will be designed and constructed to minimize impacts on water quality. Safeguards will be instituted to ensure sewage, toxic material, and other harmful substances are not allowed to contaminate the lake. Although the concept of gray water (non-sewage waste water) and black water (sewage-related waste water) are esthetically offensive, neither the accidental (Putah Creek) nor deliberate (Pleasure Cove Outback) releases onto the ground above the lakeshore have affected the measured long-term quality of the water at the Lake. Both were corrected several years ago. The major contaminant is mercury from the Homestake gold mine.

J. Protection of Cultural Resources - The major portion of the Lake Berryessa recreation area has been inventoried for cultural resources such as historically-significant artifacts and sites. Those lands that have not been examined tend to have very steep slopes possessing little potential for significant finds or they have been covered by structures, asphalt, or fill. Protection of cultural resources that may be uncovered through creation of additional hiking trails will be part of the visitor information services element of this plan. One of the significant cultural resources is the historical integrated diversity of the lake community with its wide socio-economic spectrum of users as well as recreational styles and tastes.

K. Public Law 96-375 – This law was passed to protect both the concessionaires and the government by allowing the concessionaire to receive fair market value for their property and improvements and alternately preventing a concessionaire from arbitrarily removing facilities of importance to the recreational services provided.

LBVSPT Preferred Alternative A+ recognizes the critical importance of the fair application of this law to the economic feasibility of any plan. Capital investment decisions depend on a fair and reasonable amortization period. Thus this law should be applied with a strict interpretation of its language. It is reproduced here in its entirety. (Emphasis added.)

Public Law 96-375

These excerpts are the part of PUBLIC LAW 96-375 that pertains to Lake Berryessa and the concession operations.

SEC.5 (a)Notwithstanding any other provision of law, the Secretary of the Interior is **authorized to enter into new negotiated concession agreements with the present concessionaires at Lake Berryessa**, California. Such agreements shall be for a term ending not later than May 26, 1989, and may be renewed at the request of the concessionaire with the consent of the Secretary of the Interior

for no more than two consecutive terms of 10 years each. Concession agreements may be renegotiated preceding renewal. Such agreements must comply with the 1959 National Park Service Public Use Plan for Lake Berryessa, as amended, and with the Water and Power Resources Service Reservoir Area Management Plan: *Provided*, That the authority to enter into contracts or agreements to incur obligations or to make payments under this section shall be effective only to the extent and in such amounts as are provided in advance in appropriate Acts.

(b) Notwithstanding any other laws to the contrary, all permanent facilities placed by the concessionaires in the seven resorts at Lake Berryessa shall be considered the property of the respective current concessionaires. Further, any permanent additions or modifications to these facilities shall remain the property of said concessionaires: **Provided, That at the option of the Secretary of the Interior, the United States may require that the permanent facilities mentioned herein not be removed from the concession areas, and instead, pay fair value for the permanent facilities or, if a new concessionaire assumes operation of the concession, require that new concessionaire to pay fair value for the permanent facilities to the existing concessionaire.**

CONGRESSIONAL RECORD, Vol. 126 (1980): Feb 5, considered and passed House. Sept. 17, considered and passed Senate amended, in lieu of S. 3017. Sept. 24, House concurred in Senate amendment.

LBVSPT Comments:

Simply stated, if the facilities have a value the concessionaire will be compensated. If the facility has no value, the concessionaire will receive no compensation. The law does not say that the concessionaire must remove all unwanted facilities and improvements, including roads, sewers, and restaurants simply deemed to have no value by the decree of Reclamation. Yet this is what Reclamation states in their DEIS.

Even Reclamation Manual LND 04-01 Section 4.D.13.c incorrectly interprets Public Law 96-375 in an effort to devalue the concessions. The law is about “fair value” not “Reclamation determinations”:

(c) **Assets That Remain to be Purchased by a New Concessionaire.** Upon expiration, termination, or sale or transfer of a concession contract some fixed assets may not have been fully amortized. If Reclamation determines the fixed assets are still needed for the concession operation, the unamortized value must be purchased by the new concessionaire and based on the original cost less depreciation.

Reclamation continues to use this assumption throughout the DEIS, and it is also included in the assumptions in the Dornbusch Report. Although specifically referring to marina facilities, the following statement is emblematic of the questionable approaches Reclamation is taking. The assumption is that the present concessionaire would not even be compensated for usable marina facilities. The direct quote, with original emphasis preserved: “For the model, we also assumed the next concessionaire(s) would *not* be responsible for compensating the outgoing concessionaires for any improvements they have implemented and will continue to be used under the next concession contract.” (Dornbusch, Page 20)

Note: 96-375, SEC. 5 (a) above. An Act of Congress could authorize Reclamation or other Management Entity to enter into new 10-year contract extensions with the present or new concessionaires. This may be the most reasonable way to solve all the present problems at the lake without massive financial and social dislocations. The contract extensions would include tough provisions for the phase-in of required improvements and the ability to implement all the positive elements of LBVSPT Preferred Alternative A+. It allows a reasonable time for the amortization of capital improvement costs, implementation of codes and standards for long-term sites, and proof-of-concept changes to recreational opportunities without the major and speculative disruptions contemplated in Reclamation Preferred Alternative B.

Reclamation Preferred Alternative B: Remove All Long-term Trailer Sites. Concessionaire to Expand and Develop New Short-Term Facilities at Resorts. Develop Trails and Land and Water Use Zones.

DEIS Statement:

“Under the proposed action, Alternative B, Reclamation would develop new facilities and programs at each of the Lake Berryessa’s seven resorts to better serve the short-term visitor. All long-term trailers would be removed from resort areas, and some of the former trailer spaces would be converted to short-term uses such as picnic and camping areas, lodging, food and beverage service, thereby increasing and improving recreational opportunities for short-term users.”

Dornbusch Report (Pg. 53):

“Accordingly, for this analysis we reasonably assumed that project development would occur over a two-year period during which there would be a full cessation of concession activities at the lake.”

LBVSPT Comment:

Reclamation consistently states that it is “increasing recreational opportunities” when its own documentation (Dornbusch Report) shows that it is decreasing recreational opportunities dramatically in the short-term with only speculative hopes that they will increase in the longer term.

DEIS Statement:

“Lakeshore areas at the resorts would be restored to a more natural setting, and public access to those areas would be improved. Reclamation would maintain existing day-use areas and upgrade two vehicle pullouts to improve parking and trailhead access to the reservoir. Additional campsites, picnic areas, and recreational vehicle (RV) sites would be provided, along with customary lodging, houseboat rentals, and food, retail and marina services. A concessionaire would manage the Capell Cove launch ramp and the Camp Berryessa group campground under a fee-for-use system. Reclamation would develop a shoreline trail system and initiate a no-impact boat-in camping program. The existing special-use permit for the Monticello Ski Club would be cancelled.”

“Under the proposed action, Reclamation would adopt a reservoir-wide classification system, the (draft) Water Recreation Opportunity Spectrum (WROS), to designate appropriate types of recreational uses and use levels for the lake and shore areas. This document amends Lake Berryessa’s 1992 Reservoir Area Management Plan, which presently still guides recreation management at the lake. The proposed action is needed to correct over four decades of management practice under which prime shoreline areas have been reserved for exclusive long-term trailer site permittees, to the exclusion of the majority of visitors to Lake Berryessa.”

LBVSPT Comment:

Reclamation continues to repeat fact-empty and data-free statements which are often internally inconsistent. LBVSPT analysis of topographical maps and aerial photographs shows that present long-term sites take up less shoreline and area than short-term uses. An example of internal inconsistency is their comment that scenic resources will improve with the removal of long-term sites. Yet they simultaneously propose to replace those mobile homes with RV sites. Does Recreation assume that the view of random-design RVs is somehow more esthetically pleasing than well-maintained mobile homes and surrounding landscaping?

DEIS Statement:

“A company with expertise in the commercial recreation hospitality industry was contracted to provide an economic feasibility analysis of the business potential as outlined in Alternative B. That report may be seen on the Reclamation Website, www.usbr/mp/-berryessa/index.html. “Final Feasibility Study (sic), Visitor Services Plan, Draft Alternative B, under “Laws and Regulations”. This analysis determined that Alternative B is economically feasible and provides a reasonable opportunity for a concessionaire to realize a profit. The economic analysis adopted a conservative approach because Alternative B introduces such significant changes from current operations. Typically when calculating business feasibility for the next term of a concession authorization, a major component of the work is projecting the current business. However, in this example the current business will no longer be applicable as all exclusive long-term trailer use will be eliminated and replaced with new facilities and programs that focus on traditional short-term recreation users. The feasibility analysis introduces two important concepts to help assure financial success:

- Phase in of operations over a period of years with only limited initial public services at some of the existing concession areas. The observed level of business and public demand for additional services would trigger secondary phase(s).
- Reduced number of concession operators from the current seven to as few as one.

The same footprints and concession areas would be utilized as in the present operations but a single concessionaire would operate multiple locations. Both of these conditions were suggested by the feasibility contractor in recognition of the significant level of private funding that will be required to develop the new outlined facilities and infrastructure. This scenario reflects the condition seen in numerous National Parks where a concessionaire is responsible for providing commercial visitor services at more than a single stand-alone area. This approach also allows for successful seasonal fluctuations and operations for businesses such as campgrounds, RV parks, cabin rentals, restaurants, and marinas, as examples, and eliminates the dependence on the year around revenue from exclusive long-term use trailer villages.”

LBVSPT Comments:

1. Alternative B throws away millions of dollars of usable infrastructure – that of concessionaires alone worth \$35 to \$50 million with tenant improvements adding another \$50 to \$75 million. Reclamation shuts down the lake for two years to implement Phase 1 (which actually decreases campsites, RV sites, hotels and cabins by 21%), and requires only a single concessionaire because it’s the only way anyone could possibly make a profit (and, per the Dornbusch Report, even that is highly speculative). Reclamation would have to purchase for “Fair Value” the current improvements at a cost of \$35,000,000 or more. The Dornbusch Report assumes that the new concessionaires will not be required to purchase the improvements, as that would not be economically feasible. Furthermore Reclamation would be required to fund the removal of unwanted existing improvements, since there is no requirement for the current concessionaires to do so.
2. From a social justice perspective Alternative B will also cause the loss of almost a generation of recreational users, whether they be short-term or long-term users, since it will be 3 to 5 years before the lake is again available to a modest number of users and potentially a decade before it returns to its original recreation capacity. Five years is a long time in a grandparent’s and grandchild’s life.
3. Contrary to statements in the DEIS, the Dornbusch report states. “The analysis indicated that Alternative B would not represent a viable business opportunity if the underlying concession contract(s) stipulated that the concessionaire(s) would have to fund all of the associated capital investment requirements.”(Pg.7) This is why a phased approach is proposed. And Phase 2 will only be started if there is a demand. Thus, the whole structure of Alternative B as described on pages 41 through 51 of the DEIS would appear to be nothing more than an academic exercise resulting in the destruction of a whole community.

4. A glaring omission in the Reclamation DEIS and Dornbusch report is the projected impact of multi-year droughts on the financial viability of Alternative B.