

Lake Berryessa News October 2012 eNewsletter

Congressman Thompson's Lake Berryessa Town Hall Meeting Draws Large Concerned Crowd

It is always difficult to summarize an hour and a half of spirited discussion. More than a hundred local area residents packed the Capell Valley Fire Station on October 25th to discuss the future of the Lake Berryessa region. Thanks to the Lake Berryessa Chamber of Commerce for organizing this important meeting.

The crowd clearly seethed with anger at the federal government's handling of the Lake Berryessa situation and distrust of the motives behind the Berryessa Snow Mountain National Conservation Area proposal. But, by the end of the meeting many questions were answered and promises made, which now need to be translated into actions.

Berryessa Snow Mountain National Conservation Area

After being pounded by heated questions and comments concerning government intentions regarding private property included in the NCA map and concerns regarding the future of motorized recreation at Lake Berryessa, Congressman Thompson promised to change the bill's language before reintroduction next year.

Specific language clearly stating that private property is not included in the NCA will be added. He will ask that the controversial map created by the Bureau of Land Management be modified to clearly show that private property is not included in the NCA. He will also include specific language to permanently allow motorized boating on Lake Berryessa.

Bureau of Reclamation Actions Regarding the Pensus Contract

Don Glaser, Regional BOR Director, discussed the details of the Pensus issue and said that the mediation process did not result in an agreement. The Reclamation members of the mediation team recommended to him that the Pensus contract be terminated. He hopes to make the final decision by the end of the month, aka next week.

He detailed the legal requirements he must consider to make a final correct decision that is in the best interests of local residents and the wider recreating public, and complies with the contractual rights of Pensus.

After the decision is made public, Glaser stated that Reclamation will hold several public meetings to explain the final decision and discuss the next steps. He will be creating a new Reclamation team to manage lake development issues. He also apologized for the chaos at the lake and lack of information. He promised to create a Stakeholders' Advisory Committee to meet monthly with Reclamation to provide local input to the future lake development process.

His statements and apparent sincerity regarding issues so important to the local community reassured many of those in attendance. Glaser also remained for more than an hour after the formal meeting ended to continue to answer questions and give as much information as he could within the legal limits under which he is operating.

Of course, actions speak louder than words and we've heard this all before – remember “seamless transition”? Hopefully this disastrous multi-year “learning experience” will finally result in a positive outcome.

Feds close to decision on future of lagging Berryessa resorts: No agreement yet with Pensus Group
PETER JENSEN, Napa Register

The fate of the contractor in charge of redeveloping six of the seven resorts at Lake Berryessa is now in the hands of a U.S. Bureau of Reclamation official in Sacramento.

Following a 45-day mediation period that ended last month, Reclamation failed to reach an agreement with its contractor, the Arizona-based Pensus Group, Reclamation Area Manager Mike Finnegan said Tuesday.

That means Reclamation's director for the Mid-Pacific Region, Don Glaser, will now decide whether to pursue terminating Pensus' contract, potentially leading to Reclamation taking over operation of the resorts, or the federal agency starting over in its process for finding a new contractor. Glaser could also choose to continue or modify the contract.

Finnegan couldn't put a deadline on when Glaser would make his decision, but said he expects it soon.

"It is a priority," Finnegan said. "I know Don is working on that. He is taking it very seriously." Finnegan said the bureau's visitor services plan, which serves as the foundation for its long-term plans for recreation at the lake, remains in effect.

Finnegan spoke before the board of directors for the Napa Berryessa Resort Improvement District, which provides water and sewer for Berryessa Highlands, a community on the south side of the lake. The county Board of Supervisors serves as the district's board of directors.

Terminating the Pensus contract would mean hitting the reset button on a three-year process already fraught with problems. The bureau originally selected Pensus after a bidding process in 2009, but had to throw the results out after federal lawyers determined it was legally flawed.

Following a second round of bidding, the bureau again selected Pensus as its contractor in April 2010, and the company signed a 30-year contract to operate the Lupine Shores, Foothill Pines, Blue Oaks, Manzanita Canyon, and Chaparral Cove resorts. It was slated to take over the Markley Cove resort in 2013 and rename it Mahogany Bay.

But Finnegan has said that Pensus fell behind in the redevelopment projects while they were still in the planning stages last summer and fall before stopping work completely. Reclamation issued a notice of possible termination of Pensus' contract earlier this year, which led to the mediation this summer.

Finnegan said two of the five resorts Pensus operates are open now — Lupine Shores and Chaparral Cove — and as of the end of August, the lake had drawn an estimated 400,000 visitors during the recreation season. That put it slightly ahead of last year's total, although well off historic peaks of more than 2 million visitors annually.

"It's not where we want to be and it's not where the community wants to be," Finnegan said. "But things are open."

He said work is underway to improve trail systems at the lake, with the ultimate goal of completing a trail network from the visitor center, on the southwest side of the lake, to Eticuera Creek on the north side.

"We've got a fairly robust trail system under way," Finnegan said.

Finnegan told the directors and members of the district's transition committee that he would like to give them more details about the mediation process and the failure to reach an agreement, but was bound by a confidentiality agreement.

Members of the transition committee, who live near the Lupine Shores resort, questioned Finnegan on the plans to remove the resort's boat ramp and road, which were installed by the previous contractor.

The ramp is one of the primary draws to the resort, transition committee member Stu Williams said, but is set to be demolished this February due to an agreement between the bureau and the resort's old contractor.

"If you close the ramp at Lupine Shores there's nothing else to do there," said Larry Finkel, another transition committee member.

Finnegan said the bureau had contingency plans in place, but couldn't elaborate until a decision is reached on the Pensus contract.

"We still have options on that," Finnegan said. "That is not something that's off to the side and not being discussed."

Toward the end of the meeting, Finnegan announced he was retiring as area manager after more than 40 years of working for Reclamation. Supervisor Diane Dillon said she hoped that his replacement would keep lines of communication open with the district and Napa County.

"We need to hear it from the bureau's end, Mike," Dillon said. "It's not personal."

Finnegan said that he believes the bureau has been accountable for its performance, the recent tumult at the lake notwithstanding.

"It's obviously been a long road," Finnegan said. "At the end of the day, whether it was a hard decision or an easy decision, we stood up and held ourselves accountable."

On October 2, Mike "seamless transition" Finnegan formally announced his retirement from the Bureau of Reclamation at the Napa Berryessa Resort Improvement District meeting. Finnegan is considered by most Lake Berryessa residents and visitors to be the main Reclamation architect of the destruction of Lake Berryessa and the continuing management chaos at the lake.

Pensus emailed this announcement on 10/12/12. It states that Pensus is taking the issue directly to a higher level within Reclamation - Regional Director Don Glaser. With the retirement of Mike Finnegan, Area Manager, who appeared to be the major impediment to Pensus' progress at Lake Berryessa, perhaps something may yet be resolved. See story above.

Dear Berryessa Stake Holders,

Pensus was unable to reach settlement of its dispute with the U.S. Bureau of Reclamation through an Alternative Dispute Resolution process. However, no final decision has yet been made by Reclamation with respect to Pensus's contract. In the interim, the contract remains in force and Pensus will continue to offer visitor services at Lake Berryessa.

Although Pensus unfortunately could not reach an agreement with the Area Manager and his team, Pensus is committed to working with Reclamation's Regional Office in Sacramento and the agency's Headquarters in Washington, DC to reach a mutually-acceptable resolution to this dispute.

Pensus continues to firmly believe that termination of its contract is in no one's interest-not Pensus's, not Reclamation's, and certainly not the public's. Pensus continues to firmly believe that Pensus, Reclamation, and the public share a common interest in the development and operation of robust public recreational opportunities at Lake Berryessa.

Recognizing that there remain matters to be resolved by the parties, Pensus has made a new offer directly to the Regional Director to perform the full scope of development of the six sites provided for under its contract. Pensus believes that termination is a disproportionate response to the events of the last few years, is not legally sound, and would needlessly delay the provision of recreation services at Lake Berryessa.

Pensus looks forward to the opportunity for a cooperative and constructive dialogue with Reclamation, and ultimately to continuing to serve the public at Lake Berryessa well into the future.

Unfortunately while Pensus strives to reach an agreement with Reclamation to continue to provide visitor services at Lake Berryessa our development efforts will remain on hold. Primitive tent camping, RV and launching will continue at Lupine Shores and Chaparral Cove.

Sincerely,
The Persistent Pensus Team

Community Church of Lake Berryessa Announcements

The Community Church of Lake Berryessa will again be hosting its Trunk or Treat Halloween event in the church parking lot. Bring the kids to trick or treat and check out our festive Halloween vehicles all decorated and loaded with candy. We will be kicking it off at 6 pm and going until 7:30. If you are interested in participating with your vehicle please call the church at 252-4488 for details. We make it fun but not too scary so all kids can enjoy.

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Now that summer is over and the year is winding down we at the Community Church of Lake Berryessa want to thank the community for making two events very successful this year. The first was our annual scholarship program in which we awarded two \$500 scholarships to local Berryessa area graduates. One of these young adults is headed towards a dentistry career while the other is headed for a career in auto mechanics. Your contributions to Pastor Bob's Tri'ing for Scholarship effort when he tackles a local triathlon fund these scholarships. Thanks a bunch for contributing to this event.

The second event is our annual Helping Hands fundraiser. This event raised almost \$600 through the rummage sale we hold in the church parking lot. Thanks to all who rented spaces or came and shopped. The proceeds went to a family with a wife suffering from cancer.

Both events will be coming again next year and you can check with the church if you are interested in participating. Thanks again and God Bless from Pastor Bob and the Community Church family.