

Policy and Politics Betray the People

The Lake Berryessa Saga: 1958 - 2020

by Peter Kilkus

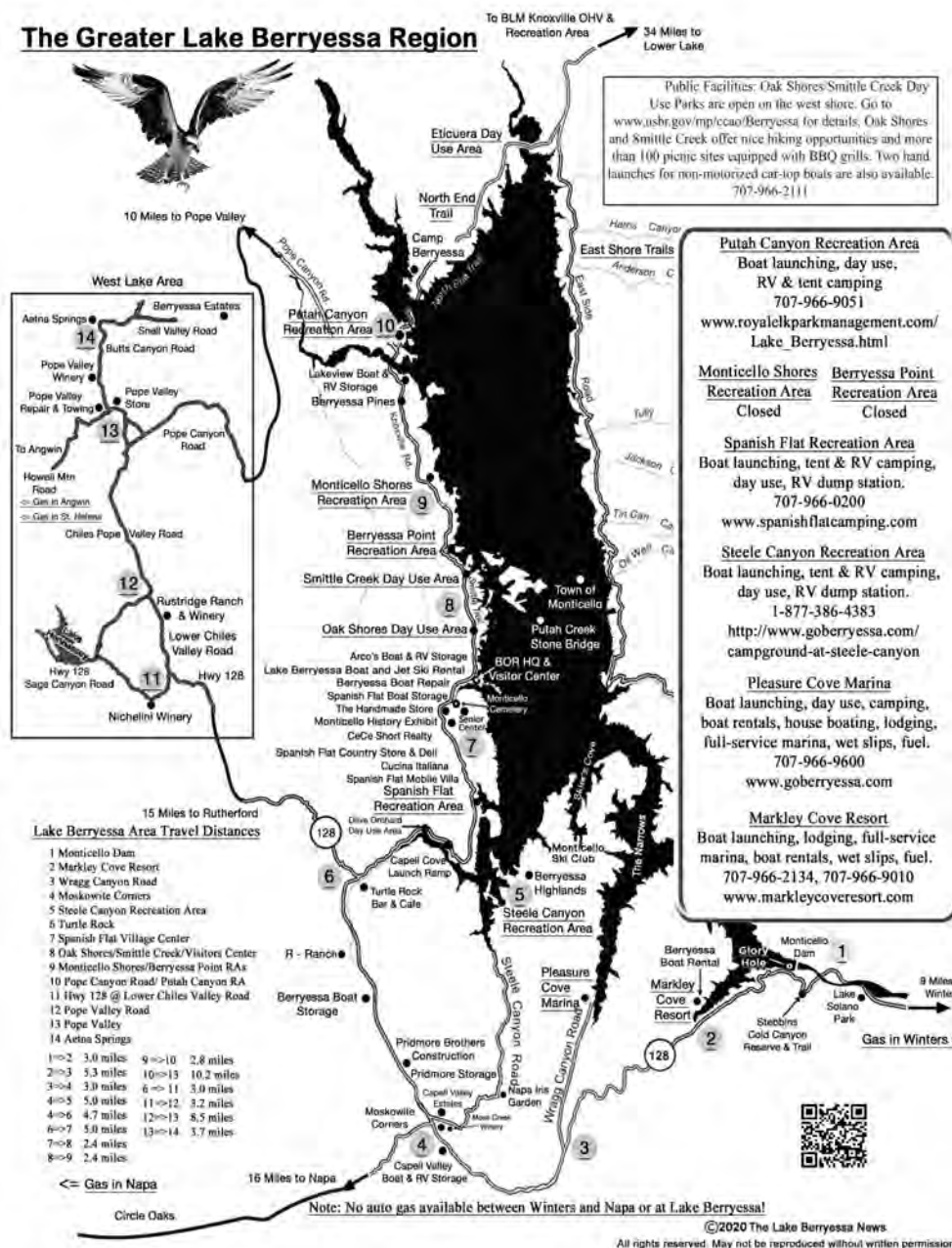
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I. The Five Tragedies of the Berryessa Valley: A History of Heartbreak

Without THE LAKE BERRYESSA NEWS there would be no Lake Berryessa News...and finally there would be no definitive history of what happened at Lake Berryessa. Having participated directly for more than twenty years as an advocate for the lake in the fiasco that was the Bureau of Reclamation's Visitor Services Plan, its farcical but tragic outcome, and the process of rebuilding, I have very strong views of the causes and results - supported by facts and data which were mostly obfuscated by the proponents of the destruction of the lake's residential and business community.

As I stood with Brian Hackney of KPIX's Eye on the Bay looking out at the fantastic view of Lake Berryessa from the site of the demolished Steele Park Resort's Boathouse Restaurant, I was struck by the many levels of history we were witness to. And much of that history, unfortunately, was filled with heartbreak.



The First Tragedy: The Destruction of Native American Culture

Formerly known as Talahalusi (Beautiful Land), the Napa Valley is one of California's longest inhabited areas. Archaeological surveys indicate 10,000 years of uninterrupted habitation. "It was a paradise - a cultivated paradise where one only had to reach out their hand to eat. A place rich in beauty, water and food," stated the oral history of Native American Elder Jim Big Bear King.

Native Americans lived peacefully in pole houses, using clamshell beads and magnesite cylinders for money and jewelry. They processed obsidian into shafts, spears and arrowheads, which were used for hunting and export. Acorns, perennial grasses, wild berries, freshwater shellfish, salmon, fowl and game were their diet. These hunter-gatherers lived in a rich environment with a capacity for a dense, socially complex population of 35,000-40,000 people. They established large permanent villages with nearby seasonal resource and task-specific camps.

Spain claimed the land that included California in about 1530. It stayed in Spanish hands until Mexican independence in 1821 when it became part of Mexico—Alta California as it was called by the Mexicans to distinguish it from Baja California.

After the Spanish and Mexican invasion in 1823, the tribes were nearly decimated by forced marches and smallpox. When forced to relocate to various missions for religious indoctrination, many fled to friendlier territory.

The Second Tragedy: The Destruction of Spanish Culture

Alta California stayed in Mexican hands until an infamous incident in 1846. John C. Fremont led a group of American adventurers and earlier American immigrants in an uprising to try to free Alta California from Mexican hands. On 14 June 1846 Fremont and company declared California to be an independent state: the Bear Flag Republic. What so stains the Bear Flag Republic is the killing by some of Fremont's men, lead by the famous Kit Carson, of three innocent Mexicans—Jose de los Reyes Berryessa and two of his nephews.

This "republic" only lasted until 7 July 1846. The Treaty of Guadalupe Hidalgo ended the Mexican-American war and ceded northern Mexico to the U.S. California, then, became a territory of the U.S. In 1850 California was admitted to the Union as a state and stayed in the Union during the Civil War.

The next known inhabitants of the valley were two Mexican brothers, the Berryessas (Berryessa is a corruption of their actual name—Berelleza). The Berryessa brothers, Sisto and Jose, received the valley as part of a land grant to them in 1843 from the newly independent Mexican government. When California became a state in 1850 the Berryessas petitioned to have their land grant recognized by the United States government.

However, by the time Lincoln finalized the Berryessa brothers' right to the land almost none of the land was still in Berryessa hands. The Berryessas had sold the vast majority of the land in order to cover their plentiful debts, particularly gambling debts. It seems that Sisto and Jose were overly fond of Three Card Monte and horse racing. In 1879, the last Berryessa homesteader, Nicholosa Higuera, wife of Sisto Berryessa, died. Her husband died the year before in 1878. Both were buried in the valley. Sisto's body, unlike that of many of the other homesteaders, was not recovered when the cemetery in Monticello was relocated to Spanish Flat. Sisto lies beneath the waters of Lake Berryessa even today.

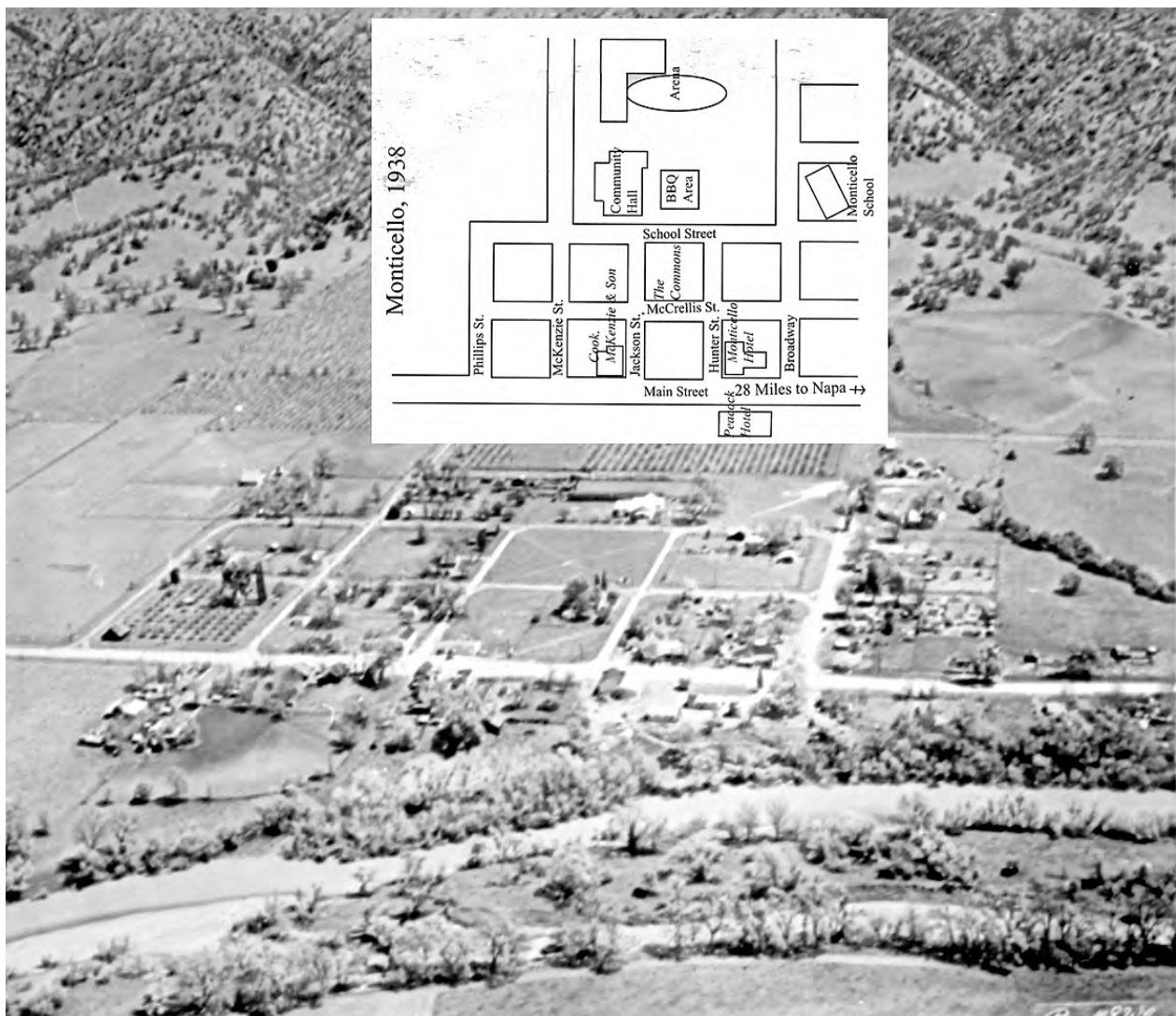
The Third Tragedy: The Destruction of Rural Culture

The town of Monticello was born in 1867, when B.F. Davis built a blacksmith shop. It became the center of a prosperous agricultural community and was located somewhat in the middle of the valley, along Putah Creek. The valley itself was flat and fertile and was considered to have some of the best soil in the country.

Monticello was always a fairly small town, usually two to three hundred residents. The town at different times had a hotel, a school, two gas pumps, a general store, a community hall, and a bar (a roadside spot called “The Hub”). McKenzie and Sons store was a center point for much of the activity in the town. Monticello became a popular venue for rodeos, baseball games, and “cow roasts” drawing people from miles around.

The town enjoyed the distinction of being the first community in the state to have a telephone system installed (around 1905). In 1896 the famous Monticello Bridge over Putah Creek, was built. It was considered the grandest stone masonry bridge ever built in California, consisting of three 70 foot spans. Some claim it was the largest stone bridge in the Western United States. The Bridge is the only thing that remains of Monticello beneath the waters of Lake Berryessa—everything else was either burned to the ground or carted off.

The Solano County Irrigation District was formed in 1948 to obtain irrigation water from a proposed multiple-purpose Solano Project and included the damming of Berryessa Valley at Devil’s Gate. Shortly thereafter Bureau of Reclamation included the Solano Project as part of its plan to develop water resources in the Central Valley Basin of California. In 1953 construction began on Monticello Dam. By 1956 all the trees, homes, barns, and other structures were dismantled, burned, or removed from the valley in preparation for its inundation. Because the land was condemned, compensation for people’s property was minimal. The Dam was completed in 1957 and the former valley, now a reservoir, filled within two years leaving no clues that Monticello and Berryessa Valley were once populated.



The Fourth Tragedy: The Destruction of Family Recreation Culture

The Bureau of Reclamation and their supporters destroyed family recreation at Lake Berryessa for a generation of families, children, and friends. Many people ask me about the history of the process that led to the present situation at Lake Berryessa. When I explain what happened most become incredulous and can't believe the government could have done something so stupid. "How could they have gotten away with that?" they exclaim. A good question! There were times I felt what being part of an oppressed minority must feel like - ignored, lied to, and lied about by those with the power to do so. Government fails because it pays no price for failure!



The Fifth Tragedy: Opportunity, Irony, Tragedy, Recovery - A Lake Berryessa Cycle?

On August 18, 2020 the LNU Lightning Complex fire, the largest in California history burned much of Lake Berryessa and the surrounding region. The Spanish Flat residential community had become an inferno of burning rubble. The fire soon raced around the lower part of the lake sped up Steele Canyon Road and burned down 95 of the 300 homes in the Berryessa Highlands. A week after they began the wildfires were extinguished or contained. The region had no electricity due to hundreds of wooden power poles being burned and wires melted. Roads in and out of the region were closed for a week after that to allow Napa County, PG&E, AT&T, and others to clear the roads of downed trees and debris.

What does the future hold?

This book is a historical anthology, a raw, as-it-happened, unfiltered picture of what many of us lived through. The goal is to provide the history and the context within which such an incredibly destructive course of action took place. It is dedicated to documenting this tragedy, this final betrayal of Lake Berryessa by the federal government - and, hopefully, the promised revitalization.

The initial timeline shows a condensed history of the process. The next section tells the story through the eyes of Lake Berryessa News articles. With the permission of the Napa Register, a parallel history is presented through a representative sampling of contemporaneous editorials, articles, and letters to the editor from the Napa Register. Reading these letters, especially, gives the raw emotional context of the ten year battle to preserve family recreation in the face of the “Big Lie” and the many little lies that were spread by elitist environmental exclusionists.

Also included is a history of a parallel political process that created the Berryessa Snow Mountain National Monument, considered by many as the dumbest national monument in the U.S. Neither the federal government nor local politicians stand out as models of integrity in this history.

Lake Berryessa has long suffered from an overabundance of enviro-elitism. Those pseudo-environmentalists who attempted to demonize other community members out of some misplaced sense of their own moral superiority did a disservice to Napa County and to the whole Lake Berryessa community. There were no sinister "special interest groups" plotting to do evil things. The binary mindset that if someone rides a jet ski they're bad, but if they paddle a kayak they're good is patently silly. But that type of argument was fundamental to promoting “The Big Lie” about the lake. In some of the letters and editorials you’ll read in this book you’ll notice a basic mean-spiritedness that blinds any attempt at logic or reason.

We all want Lake Berryessa to be accessible to the public, provide the infrastructure necessary to service a broad range of needs, and to the maximum extent possible, be economically self-sufficient. Lake Berryessa should be a sustainable community, which means a considered balance of environment, economics and social equity (or planet, pocketbook and people, if you prefer). The future of Lake Berryessa should be based on real needs and real data, not some economically-misguided, enviro-elitist model.

The future may finally be looking brighter for Lake Berryessa - or does it? History continues to unfold.

My thanks to the Napa Register for giving me permission to include a sample of the Letters to the Editor and Napa Register stories printed during this period. It provides great factual and emotional context to the saga.

Peter Kilkus, Lake Berryessa, October 2020

II. Lake Berryessa Political History Timeline

1958	Reclamation enters into a long-term agreement with Napa County to manage recreational development at Lake Berryessa.
1958-1959	Napa County awards seven long-term (30 year) concession agreements to newly formed resorts to provide recreation services. Leased mobile home sites provide revenue needed to support short-term uses such as camping and launching.
1959	The “Arc of Enthusiasm” begins. A Lake Berryessa Public Use Plan (PUP) is prepared by the National Park Service (NPS). “Should accommodate 3,000 boats at 125 launch ramps; minimum of 8,000 picnic sites and 800 camp sites.”
April 22, 1970	The first Earth Day marks the birth of the modern environmental movement. Coincidentally, the five year “The Big Lie” attack on Lake Berryessa begins.
February, 1972	Government Accountability Office Audit: “Public Recreational Facilities Not Adequately Developed at Lake Berryessa.” One of the first 1970s reports criticizing Lake Berryessa facilities. Generally a silly hit piece introducing “The Big Lie: The Lake Berryessa resorts, especially the mobile homes in the resorts, discouraged the general public from accessing the lake, prevented the public from using the best parts of the shoreline, and also polluted the lake.”
1972 - 1973	Congressman Don Clausen involvement: Supported Napa County. Introduced H.R. 11758 to authorize the Federal government to direct the development, operation, and maintenance of day-use facilities.
March, 1972	National Park Service releases controversial “Plan for Recreation Development - Draft”. Opposed by Napa County.
April, 1972	Napa County released “Lake Berryessa Day Use Facilities Plan” in response to the NPS plan.
August, 1972	The “Arc of Enthusiasm” continues. The National Park Service formally updates the PUP at Reclamation's request. “Plan for Recreation Development - Final”. NPS concluded that Lake Berryessa is “not of national significance for recreation”. Proposed 16 Development Areas all around the lake to serve 9 million annual visitors!
1974	The “Big Lie” engenders the “Big Fail”. After years of fruitless discussion and debate with Reclamation regarding the Lake Berryessa management agreement, Napa County notifies Reclamation of its intent to turn lake recreation management back to Reclamation by 1975.
1974-1980	Congress enacts Public Law 93-493 authorizing Reclamation to manage recreation at Lake Berryessa. Reclamation constructs facilities as authorized: two day-use areas, public boat ramp, parking lot, and administrative offices. Amends 1975 Public Use Plan to allow mobile homes with some restrictions.

1976 - 1980	Reclamation Lake Manager, B.E. Martin, attempts to cancel concession contracts. A lawsuit ensued and was settled in the concessioners' favor in 1979. Court concluded: Plaintiffs (concessioners) constructed, at its own cost and expense, facilities for public use including but not limited to buildings, stores, access roads, vehicle parking areas, boat launching ramps and docks, mobile home pads, swimming beaches, picnic areas and camp sites. All of said improvements conformed to the Public Use Plan and had prior approval of Defendants and all County, State and Federal agencies having jurisdiction over said matter."
September, 1980	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. Intent was twisted by Reclamation in 2009 to force removal of ALL facilities in 2009. This was the key element in the destruction of most facilities at the resorts. Reclamation's interpretation was upheld in court.
1980	Reclamation extends all seven concession contracts for ten years each.
1988-1989	Reclamation prepares the Lake Berryessa Reservoir Area Management Plan (RAMP). The plan allowed long-term use for its positive economic benefits (RAMP - Page 60).
May 1, 1992	Reservoir Area Management Plan (RAMP) Final Environmental Impact Study (FEIS) released. Detailed 150 page+ analysis. Supported resort owners and long-term uses with some restrictions.
May, 1995	Inspector General (OIG) Report (95-I-870): "Recreation Management Activities at Selected Sites, Bureau of Reclamation." Criticized Reclamation for not removing mobile homes at the resorts.
1995	Reclamation extends all seven concession contracts for another ten years.
May, 2000	OIG Report (00-I-376): "Concessions Managed by the Bureau of Reclamation" is critical of Reclamation management with negative comments about Lake Berryessa. Timing seems designed to support the newly announced Visitor Services Plan.
June 26, 2000	Reclamation announces the Visitor Services Plan (VSP) in a news release.
October, 2000	VSP Bulletin #1 sent out: Included VSP Schedule and negative (Big Lie) photos.
November 7, 2000	Reclamation formally initiates the Visitor Services Plan (VSP) process with a Notice of Intent published in the Federal Register.
March 6, 2001	Reclamation holds a "Media Tour" to publicize "pollution" problems allegedly caused by long-term sites. This is the rebirth of the "Big Lie" strategy originally used in the 1970s to discredit the resorts and mobile homeowners (permittees).
March 23, 2001	Reclamation VSP planning memo released for public comment on the VSP.
March 31, 2001	Reclamation hosts VSP open house at Solano County Fairgrounds - 500 people attend. Meeting announcement states that this is "not a formal meeting."
May-June, 2001	Reclamation begins formal "Public Scoping" per the National Environmental

	Policy Act (NEPA) process.
May, 2001	VSP Bulletin #2 sent out soliciting public comments.
May, 2001	Task Force 7 at Lake Berryessa formed by co-chairs Peter Kilkus and Pat Monaghan. Mission Statement: "To prevent the unjustified removal of mobile homes from Lake Berryessa through political action, community education, and environmental stewardship."
May 10, 2001	Task Force 7 requests meeting with Reclamation for permittees. Reclamation ungraciously agrees "even though permittees are only one special interest group." Reclamation is clear at the meeting that it will require that, despite any relevant analysis to the contrary, all long-term sites are to be removed in any new plan.
July, 2001	Reclamation publishes 28 pages of "Scoping Responses" - comments and written responses to the May, 2001 VSP Bulletin #2.
August 7, 2001	TF7 representatives meet with Reclamation to discuss VSP. Reclamation again made it clear that mobile homes must be removed as part of any plan. Reclamation states permittees have no rights and have paid "\$10,000 for a trailer and \$50,000 for a view."
August, 2001	Removal of 127 trailers from the "Outback" at Pleasure Cove due to a Notice of Violation from the Regional Water Quality Control Board regarding illegal ground discharge of wastewater. Reclamation was aware of this issue for years.
November, 2001	Lake Berryessa Visitor Services Planning Task Force (LBVSPT) is formed and introduces its Coordinated Resource Management Plan (VSP-CRMP) and a new web site for public comment on the draft VSP. LBVSPT is a broader group than Task Force 7 and includes all stakeholders who support positive future improvements at Lake Berryessa. "Preserve the Best, Improve the Rest."
September 23, 2002	Task Force 7 representatives travel to Washington, D.C. to meet with local Congressional representatives and present 10,015 signatures to the Bureau of Reclamation stating: "We, the undersigned, are opposed to the Bureau of Reclamation's intention to remove all long-term sites at Lake Berryessa. We do not believe there is a compelling public policy reason for this harmful action, which would devastate the community and cause economic hardship to many citizens. We support the LBVSPT alternative plan, which retains long-term sites, advocates an environmentally sound policy for managing the lake, and provides the public with a rewarding recreational experience."
December 19, 2002	LBVSPT publishes its VSP-CRMP. LBVSPT representatives meet with Reclamation representatives to discuss the VSP. Reclamation rejects the LBVSPT plan.
December 30, 2002	Reclamation publishes its Environmental Compliance and Facility Condition Assessment Report, Seven Concession Areas ("Kleinfelder Report"). Generally negative summary of the physical condition of existing facilities and infrastructure at the resorts.
February, 2003	LBVSPT distributes letters and posters announcing VSP CRMP to all businesses and resorts around Lake Berryessa and 25 public agencies. Posts notices on Reclamation information boards at public launch ramp and Smittle Creek. Posters are removed by

	Reclamation.
March 4, 2003	In response to LBVSPT announcement of VSP CRMP, Congressman Mike Thompson rejects LBVSPT, defends Reclamation process.
March 17, 2003	LBVSPT mails 360 VSP CRMP announcement letters to all home owners around Lake Berryessa (Berryessa Highlands, Spanish Flat, Berryessa Pines)
May 10, 2003	LBVSPT/TF7 holds scoping and information meetings at Putah Creek Resort, Rancho Monticello Resort, Spanish Flat Resort, Steele Park Resort.
May 25, 2003	TF7 Banjo Band Flotilla event introduces a Petition Signature drive. Boat caravan to Steele Park Resort, Spanish Flat Resort, Rancho Monticello Resort, and Putah Creek Resort with representatives to gather signatures and educate campers and visitors.
June 2, 2003	LBVSPT began Online Petition in support of LBVSPT CRMP: 986 signatures as of April, 2004.
July, 2003	Reclamation Area Manager, Tom Aiken, releases incendiary, false presentation and brochure promoting The Big Lie that resort mobile homes are polluting the lake. Includes nasty photos of a few mobile home violations at the Pleasure Cove Outback which had been known to Reclamation for many years and should have been resolved by them. Presentation claims Native Americans will weave special baskets to purify the lake water. Task Force 7 writes strong rebuttal to the brochure and presentation.
October 15, 2003	Reclamation releases the Dornbusch Report which evaluates the financial feasibility of VSP draft Alternative B, the “preferred alternative” which removes all mobile homes from the lake. Concludes the Reclamation’s plan is marginally feasible but intensely complex based on highly questionable assumptions. Reclamation disingenuously promotes the report as justification for major disruption of lake operations with no guarantee of success.
October 31, 2003	Draft Environmental Impact Statement (DEIS) released (250 pgs.). Four alternatives (A, B, C, D) proposed, but skewed to remove “long-term” sites “to correct over four decades of resort operations under which prime recreational areas have been reserved for long-term trailer site permittees to the exclusion of the majority of visitors to Lake Berryessa.” New version of “The Big Lie”.
November, 2003	Initial DEIS comment period begins. Extended twice in response to intense stakeholder demands created by TF7 and LBVSPT.
April 20, 2004	LBVSPT publishes its final Lake Berryessa Visitor Services Plan: LBVSPT Alternative A+. Proposes improvements to all facilities without the destruction of mobile homes. “Preserve the Best, Improve the Rest.”
May, 2004	Reclamation evaluate DEIS comments but intentionally skews results to support its plans. Reclamation categorizes comments that “want change” as being against retention of mobile homes even though written by present mobile home owners who also want positive change. Includes 888 irrelevant Blue Water Network form letters to ban jet skis as anti-mobile home comments. A physical review by TF7 of all the 1,600 comment letters at the time showed that at least 60% support the retention of mobile homes and other improvements.

October 25, 2004	Economic Analysis of the Dornbusch Associates Report and the Bureau of Reclamation's "Alternative B" Plan for Lake Berryessa By Adam B. Summers, M.A. & Michael R. Summers, Ph.D. Supports the conclusions of LBVSPT A+.
February, 2005	Reclamation, in an almost unprecedented action based on the Summers and Summers Economic Analysis, reopened the DEIS comment period for 45 days to accept additional comments regarding the economic issues of their plan.
April 4, 2005	Lake Berryessa resort owners publish their VSP alternative: Resort Owners Plan (ROP), Future Recreation Use and Operations of Lake Berryessa. An independent economic analysis of the ROP is commissioned by LBVSPT: Analysis of the Resort Owners Plan for Lake Berryessa by Adam B. Summers, M.A. and Michael R. Summers, Ph.D, April 4, 2005. Summers Report supports the conclusions of the ROP.
Summer, 2005	Citizens to Protect Lake Berryessa and other groups bring the issue before Congress and request a review of the Reclamation's actions and the implementation of the Resort Operators' Plan in place of the Reclamation DEIS. Proposal receives no support from Cong. Mike Thompson.
September, 2005	Reclamation submits modified DEIS and analysis of comments to Reclamation's Washington, DC Office.
November 4, 2005	Final Environmental Impact Statement (FEIS) released.
November 19, 2005	Winters Protest Meeting: More than 900 people with a stake in Lake Berryessa's future packed the Winters High School gym to denounce the Bureau of Reclamation's effort to eliminate long-time family recreation. Cong. Thompson does not attend. Reclamation's plan for Lake Berryessa continues to grow in unpopularity.
November, 2005	At the request of Congressman Richard Pombo, Reclamation extends 30-day "cooling off " period under NEPA to a full 6-months and accepts comments to the FEIS throughout this time.
June 2, 2006	Final Record of Decision (ROD) released. Requires removal of all mobile homes. Creates an "Annual Usage" category but refuses to allow this option to be used in future bids without penalty to the bidder.
April 22, 2007 Earth Day	Rancho Monticello Resort Announces Compliance with the ISO 14000 International Environmental Standard. Rancho Monticello becomes the only resort at Lake Berryessa to implement an Environmental Management System meeting the requirements of ISO 14001, the internationally-recognized environmental management standard being used by leading companies around the world.
June 16, 2007	Berryessa For All v. United States Bureau of Reclamation seeks injunctive relief on the basis that the FEIS and VSP ROD violate NEPA, Administrative Procedure Act, and Federal Law.
June, 2007	Reclamation completes appraisals of existing facilities. Appraisals are contested as too low by concessioners for excluding their major infrastructure investments. Ultimately the appraisals were of no practical value since Reclamation claimed that no existing facilities were necessary and required them all to be demolished at the

	Concessioner's own cost - citing their flawed interpretation of Public Law 96-375.
June, 2007	Initial Bid Prospectus released soliciting proposals for all seven concession areas. Evaluation standards were deliberately written to favor a single bidder for multiple resorts and to penalize inclusion of the annual usage sites approved in the Record of Decision.
September 6, 2007	Initial due date for proposals in response to the Prospectus.
January - February, 2008	After delays due to litigation by Markley Cove owners, Reclamation panel evaluates bid proposals.
April, 2008	<p>Selection of successful bidders: Pensus (5 resorts), Forever Resorts (Pleasure Cove), Markley Cove. The selection of Pensus is regarded by most knowledgeable observers as a fundamental error on the part of Reclamation. Subsequent events prove them correct.</p> <p>Reclamation rejects the best and most environmentally-advanced bid from Lago Resorts on a technicality without even evaluating it. The bid was declared non-responsive due to one sentence that did not make the U.S. government the first lien holder on personal property loans. Lago Resorts, a partnership among Rancho Monticello, Putah Creek, Berryessa Marina, Spanish Flat and Markley Cove, immediately agreed to fix the "deficiency" but was rejected by Reclamation. Another major nail in the coffin of the recovery of Lake Berryessa as a prime recreation destination.</p>
June, 2008	Negotiations initiated or scheduled between successful bidders and Reclamation. Pleasure Cove contract with Forever Resorts signed. Markley Cove contract nearing end of negotiations but never signed. Complex Pensus contract in process.
July 10, 2008	District Court Order in Berryessa For All v. United States Bureau of Reclamation: Court determines that the FEIS and VSP ROD adequately complied with NEPA and federal law. Mobile home owners have no further recourse and must demolish their homes at their own expense (approximately \$3,500 each) since they are too old to be moved.
December, 2008	Reclamation awards new long-term concession contract for Pleasure Cove Marina to Forever Resorts.
March, 2009	Reclamation cancels negotiations with Markley Cove and Pensus because of a minor technicality in the bid document regarding future federal funding. The Antideficiency Act prohibits the government from purchasing, or implying that they may purchase, assets for which funds have not yet been officially approved by Congress. This could have been easily resolved. A single government attorney seriously disrupts a decades long process. Requires a <u>complete rebid</u> of the concession selection process, but allows Pleasure Cove contract to remain in force.
May 15, 2009	Revised Bid Prospectus released for six concession areas.
May 26, 2009	Intense public pressure forces Reclamation to sign interim contracts with Markley Cove and Steele Park to avoid interruption of services.

June 9, 2009	Intense public pressure forces Reclamation to agree to operate temporary campground at Oak Shores Day Use Area.
June, 2009	Reclamation initiates “environmental remediation and clean-up” at each concession area, including demolition of millions of dollars of useable facilities and infrastructure (launch ramps, roads utilities, restaurants, marinas, lodging).
September 30, 2009	New bid proposals due; five separate proposals received. Some previous bidders dropped out. Reclamation’s bid evaluation panel analyzes latest proposals during November.
January 14, 2010	Pensus Group selected as most responsive bid for all six concession areas. Markley Cove loses the bid it had previously won. Markley owners question the legality of the results and demand an investigation. OIG Investigative Report (March 3, 2011) determines there were no improprieties with contract award process.
February 5, 2010	Reclamation signs settlement agreement with former operators regarding clean-up and access and use of launch ramps and roads at the Steele Park concession area. Reclamation pays Steele Park owner several hundred thousand dollars despite previous requirement to demolish said roads and launch ramp. This action contradicts Reclamation’s demolition policy implemented at the other resorts and appears to be reacting to be the intense public pressure to keep Steele Park open for basic recreation services.
April 28, 2010	Pensus Contract awarded. Pensus changes resort names which is a profoundly unpopular action with the local community. Basic services are provided by Pensus during 2010 at Lupine Shores (previously Steele Park) and Chaparral Cove (previously Putah Creek) concession areas. Relations between Pensus and Reclamation soon begin to deteriorate.
June 21, 2010	Long-term concession contract awarded to Pleasure Cove Marina LLC, superseding latest contract, despite previous statements by Reclamation that no contract changes would be allowed.
December, 2011- February, 2012	Relations between Pensus and Reclamation continue to deteriorate with long legal arguments exchanged. Many of the problems appear to observers to be caused by Reclamation’s unrealistic policies and poor management. Pensus management appears inept and arrogant despite the validity of many of their complaints.
February - March, 2012	Reclamation provides Pensus a Letter of Non-Compliance with 30-day opportunity to cure. Pensus responds to Reclamation's demand for cure. Reclamation provides Pensus a Notice of Proposed Termination
May - Sept., 2012	Reclamation and Pensus agree to invoke mediation. Mediation ended with no settlement.
December 6, 2012	Notice of Proposed Termination referred to Mid Pacific Regional Director whose final decision is to terminate the Pensus contract.
December 7, 2012	Under intense public pressure, Reclamation staff began operating three concession areas (Steele Park, Spanish Flat, Putah Creek) to continue to provide services to the public.

December, 2012	Reclamation held three public meetings to explain decision to terminate Pensus contract. Agrees to change five recreation area names to Putah Canyon, Berryessa Point, Monticello Shores, Spanish Flat, Steele Canyon. Names for Pleasure Cove and Markley Cove remain.
January - September, 2013	Reclamation negotiates draft interim concession contracts with potential contractors; purchased picnic tables, fire rings, and upright BBQ's to replace Pensus personal property; installed six double-vault concrete toilets at Steele Canyon, Spanish Flat, and Putah Canyon; installed six aluminum courtesy docks at Steele Canyon, Spanish Flat, and Putah Canyon Recreation Areas; and funded a \$128,760 contract to provide private security services for Putah Canyon, Monticello Shores, and Berryessa Point Recreation Areas.
January 17, 2013	Reclamation holds a public meeting to discuss the establishment of a Community Forum followed by six Lake Berryessa Community Forum meetings during 2013.
May 1, 2013	Reclamation executes an interim contract with John and Linda Frazier to operate Markley Cove Resort. Contract had the unique and inconsistent provision, not allowed in any previous contract nor included in the previous bids invoking Public Law 96-375, that any company winning a future bid or buying Markley Cove would have to pay for the assessed value of the facilities (approximately \$6M).
May, 2013	Reclamation executes an interim contract with Pleasure Cove Marina, LLC, to operate Steele Canyon and Spanish Flat Recreation Areas, and with Royal Elk Park Management to operate Putah Canyon Recreation Area.
August, 2013 to January, 2014	Reclamation prepares a Market Development Plan, Conceptual Site Plans, Conceptual Designs, and Potential Market Demand and Financial Feasibility Analysis for five concession areas.
September 11, 2013	Reclamation awards a contract to design and install three RV Dump Stations in Steele Canyon, Spanish Flat, and Putah Canyon Recreation Areas and to design and install a water distribution system at Putah Canyon Recreation Area.
January, 2014	Reclamation releases preliminary conceptual site diagrams for Steele Canyon, Spanish Flat, Berryessa Point, Monticello Shores, and Putah Canyon and held a public workshop to gather input on the draft plans.
July, 2015	Reclamation releases Concession Bid Prospectus.
February, 2016	Reclamation announces that no successful bids were received in response to the Prospectus for the development and long-term management of five concession areas at Lake Berryessa (Putah Canyon, Spanish Flat, Monticello Shores, Berryessa Point and Steele Canyon recreation areas).
March 2, 2016	Reclamation holds Community Forum Public Meeting to explain results of failed bid process and faces vocal criticism from the attendees. Provides several potential alternative future actions. No communication from Reclamation after that.
March, 2016	Lake Berryessa News begins Renaissance Lake Berryessa campaign to return

	management of Lake Berryessa to Napa County.
April, 2016	Reclamation informs interim concessioners for three recreation areas that their contracts may be extended up to two years.
May 20, 2016	Reclamation releases Markley Cove Bid Prospectus several months late.
May, 2016	Lake Berryessa News: “A Path Forward To Revitalize Lake Berryessa: Fire The Feds!”
June, 2016	Lake Berryessa News: “Letter to the Federal Government: Get Out of Lake Berryessa!”
June, 2016	Napa County Supervisors direct staff to enter into negotiations for a Managing Partner Agreement between the County and Reclamation for the management of Lake Berryessa.
January, 2017	Napa County Supervisors direct staff to sign a Memorandum of Understanding with Reclamation and a contract with Ragatz Sedgwick Realty who will assist the County in identifying interested concession partners by marketing the opportunity to the resort community and performing a feasibility analysis to determine the best use of each site.
March, 2017	Napa County releases on-line survey to help determine the public’s desires for the types of recreational opportunities and amenities they would like to see at the lake. More than 3,000 people responded. 92% are interested in visiting Lake Berryessa if it has the right facilities.
July, 2017	Ragatz Sedgwick Realty presents a comprehensive, extremely positive 434-page report to Napa Supervisors, Lake Berryessa: An Untapped Resort Development Opportunity.
October, 2017	Napa County releases a Request for Interest and Information (RFII) to solicit potential concessionaires for five sites at the lake. Nine companies responded.
January, 2018 - February, 2020	<p>Negotiations between Napa County and the Bureau of Reclamation regarding a Managing Partner Agreement (MPA) continue with no visible results. Napa County frustrated by Reclamation stalling tactics. Original schedule for an RFP has slipped by six months.</p> <p>Reclamation says it supports the process but will not finalize a decision to allow new concession contracts with 55-year terms. Reclamation requires a long-term schedule and financial analysis from Napa County. County presents a new plan.</p> <p>Schedules slip again into 2020 and beyond. No tangible results follow. Napa County and the Bureau of Reclamation announce in December, 2019 that negotiations are complete and an MPA will be signed in February, 2020.</p>
March 17, 2020	The Napa Board of Supervisors unanimously approved the Managing Partner Agreement (MPA) with the Bureau of Reclamation.
March - July, 2020	Unfortunately the COVID-19 pandemic crisis hit at the same time. The County, country, and world went into lockdown. The Lake Berryessa bid process suffered

	another significant delay.
August 18, 2020	LNU Lightning Complex fire surrounds Lake Berryessa and destroys most of the Spanish Flat community and 30% of the homes in the Berryessa Highlands. Napa County continues the MPA process.
September, 2020	Napa County works with Ragatz Realty to develop the bid prospectus for Steele Canyon, Spanish Flat, and Monticello Shores Recreation Areas. Napa County also develops a job position for Concession Manager. Concession Manager job listing released on September 16, 2020.

III. The “Big Lie”: How It All Began

The Big Lie: "The Lake Berryessa resorts, especially the mobile homes in the resorts, discouraged the general public from accessing the lake, prevented the public from using the best parts of the shoreline, and also polluted the lake."

Poor planning by the Federal Government began on Day 1 of Lake Berryessa's life. It morphed into an ongoing struggle to economically develop the lake's recreation facilities with no source of revenue offered by any Government agency. Only Napa County stepped up to the challenge and developed the basically successful system of seven resorts operated by concessionaires, using revenue from leased mobile homes, to pay for the day uses services provided to the general recreating public.

Lake Berryessa was formed in 1957 by the completion of the Monticello Dam. The project, as authorized by the Congress, contained no provisions for recreational facilities. The Bureau of Reclamation believed that, because of the anticipated radical fluctuation of the water level, the lake would not become a major recreation area. While the lake was being formed, however, the public began to use it, and it soon was apparent that it would be a major water recreation site.

Because facilities were not available to accommodate the public and because Reclamation lacked both authorization and funds to develop and manage such facilities, Reclamation sought to have the State of California or local government agencies assume the responsibility of managing public recreational facilities at the lake. The State expressed no interest and, in November 1957, advised Reclamation that it had no funds available for such development.

In July 1958 the Reclamation entered into a management agreement with Napa County for the administration and development of recreation facilities at the lake. This agreement, as rewritten in 1962, provided that the county, and all parties acting under the county's authority, would develop the area in accordance with a Public Use Plan (PUP) for Lake Berryessa.

The Public Use Plan was prepared for the Bureau by the National Park Service in 1959. The plan stipulated the areas that should be developed and the number of boat launching, picnicking, camping, and other recreational facilities that should be provided in each area. Napa County adopted the policy that the recreational facilities would be developed and managed by private concessionaires, at no cost to county taxpayers, because users of the lake included many nonresidents of the county.

The county established the Lake Berryessa Park Commission to administer and manage the lands around the lake. The county loaned funds to the commission to construct a park headquarters but made no commitment of funds toward the development of recreational facilities.

Subsequently Napa County entered into contracts with seven concessionaires to develop and operate recreational facilities at various locations at the lake. Each concessionaire contract provided for scheduled completion dates for public recreational development and provided that all facilities be completed by the end of calendar year 1966.

These development costs were to be recovered by charging the general public admission fees. In addition, the contracts with the seven concessionaires provided for the county to receive three percent of the concessionaires' gross proceeds as a franchise fee. These funds were to be used by the county to finance the Lake Berryessa Park Commission. Any excess funds were to be used for public-use development at the lake.

The Public Use Plan provided for one of the areas at the lake commonly known as Bum's Beach, to be developed into a major public-use area by Napa County. It was to contain up to 50 boat launching ramps,

4,000 picnic sites, 600 camping sites, and swimming areas. Bums' Beach (now Oak Shores) was the only area at the lake available to the general public on a no-charge basis and was Napa County's contribution toward public recreational facilities. A major difference existed in the development at Lake Berryessa compared to development at the other lakes in the region at the time. The development and construction of picnicking and overnight camping facilities at the other lakes had been carried out by the managing Federal or State agency. Upon completion many of these facilities were turned over to private concessionaires for operation and management.

At Lake Berryessa all development, construction, and management had been left to concessionaires who had to finance the costs of these activities. The major development effort at all seven concessionaire areas was the addition of mobile homes. Napa County officials at the time confirmed the reasons why they considered that the inclusion of long-term, mobile-homes was necessary.

The revenue from the long-term leases of the mobile-homes provided the concessionaires with steady year-round incomes which could not be realized from seasonal picnicking and overnight camping facilities. They stated that public-use facilities, such as picnic and camp sites, did not provide an adequate return on investment and that the concessionaires had developed the mobile-home parks to help cover the costs of developing and operating seasonal public-use facilities.

Author's Note: In my research of the history of Lake Berryessa I came upon the following interesting 45-year old publication documenting the situation at the lake. This was the period which spawned "The Big Lie" about the lake and led to the "Big Fail" by Napa County. The Oakland Tribune article below discusses the turmoil of the early 1970s which led to Napa County giving management of the lake back to the Bureau of Reclamation in 1975.

County, Lake Businesses Losing in Lake Berryessa Fuss

By Norm Hannon, Oakland Tribune, Saturday, November 27, 1971

"Pat Botts has completely stymied the government," says Napa County Administrator Al Haberber, a little helplessly. "Don't say one person can't do anything," he goes on with grudging admiration. "She has raised hell. She's brought in Nader's Raiders, Senator Tunney, and the General Accounting Office. The federal bureaucracy is incapable of making a decision because of Pat Botts," he concludes.

Mrs. Botts is the Lake Berryessa real estate agent and antique dealer who for a number of years has been blasting the way Napa County has been running things at Lake Berryessa, the popular 25-square mile reservoir which it took over in 1958 from the Bureau of Reclamation.

So far her efforts have resulted in:

- A moratorium on any further development by the seven concessionaires at the lake whose mobile home developments and docks cover substantial areas west and south sides.
- A broadside in Ralph Nader's report, "Power and Land in California," charging misuse of government land.
- A report by the National Park Service, issued last month, recommending that it take over and operate Berryessa as a National Recreation Area, which would push Napa County out of the picture and conceivably wipe out the concessionaires.

- A bill introduced in Congress by Sen. John Tunney implementing the Park Service's recommendation.
- An audit by the General Accounting Office which absolves the seven concessionaires of any profit gouging and reveals, in fact, that only two of them are making any money.

In a remodeled schoolhouse on Route 121 near the lake, where she lives with her husband, Mrs. Botts keeps metal filing box full of documents to support her charges. Her concise presentation is followed by a slide showing of conditions at the various resorts, and she will offer to accompany any doubters on a guided tour of the lake.

Her answers are quick and she has hundreds of facts and figures at the ready. Her remarks sometimes get a bit personal. She admits to one economic motive for her campaign. Real estate in the area is hard to sell when it's so much cheaper to buy a mobile home and put it on federal land at the water's edge. Mobile home sites and hook-ups go for about \$500 per year. Taxes outside the federal "take line" runs as high as \$18 per hundred.

She would like to see a faster pace of development on surrounding lands, but she says the visual pollution on the lake shore and other ecological considerations also concern her, including lack of public access to most of the 7,000 federal acres surrounding the lake.

This last point hits the crux of the argument over what has happened at Berryessa in the last 13 years.

At the northern end of the lake, on a gate which bars access to the road down the forbidden east side, there are two signs. The big one reads, "Farm Access Road, Do Not Enter." Beside it, only inches away, is a smaller sign: "Boundary, Lake Berryessa, U.S. Department of the Interior, Bureau of Reclamation." The bureau's buffalo seal makes it official. This is federal land from which the public has been barred by a county ordinance. About 15 people have been arrested for trespassing on the east side of the lake in the last 12 years.

A strong case can be made for keeping any kind of permanent development off the east side. The area is covered with fragile native grasses and small oaks and the curiously folded ridge behind it frames the lake beautifully and sets its character. Yet the only use allowed on it is grazing by three private lessees, Herbert Gunn, a member of the Park Commission, the Procter and Gamble Company which owns 13,000 adjoining acres, and Jose DelSante.

Ed Bernard, a Napa County supervisor from St. Helena, remarks that the Bureau of Reclamation made some "odd compromises with the property owners on the east side."

The park service's report says, "Appropriate uses (for the east side) include shoreline fishing access and grazing (the latter at least until such time as minor development is warranted or the pollution from cattle wastes reaches a point at which it becomes unacceptable.)"

Gil Yates, the park director, points out that a serious fire hazard exists on the east side in the summer. But he is more concerned about the problem of policing it. For the 10 years the county has run things at the lake, the same five rangers, using four boats, have had responsibility for the entire area.

Under present financing there is no prospect of beefing up Yates' thinly stretched ranger force, so his concerns are understandable. It's easier just to keep people off the east side, which is probably 60 miles long or more, counting all the coves and inlets. It's a rather uncomfortable place in the

afternoon summer sun anyway, with temperature often topping 100. In the winter, however, when fishermen are the main users, they can't see why they should be kept off when cattle aren't.

Yates is a one-time owner of the Berryessa Marina, which he sold in 1966. He denies one published report that suggested he might still retain an interest in it. He states flatly that he doesn't.

On the west side where all the uproar centers, there is as much complaining about what the county hasn't done as there is about the space the resort owners have taken up. A 25-mile drive from the dam to the Fill, a popular fishing area at the north end, won't bring you to a picnic table. The only toilets are two pairs at "Bum's Beach," the largest continuous stretch of public access on the west side.

All the trash cans have been provided by a beer company, although the county does spot burlap sacks at intervals on trees and picks them up periodically with the garbage boat. Among dozens of fishermen this reporter spoke with up and down the west side the main complaints were the lack of access to the choicest areas and the high cost of getting a boat in the water. This is what made bank fishermen of them. There are enough good spots between the resorts to catch fish.

They complain about everything except the fishing, which is fabulous. Bass, rainbow trout, silver salmon, and crappies teem in the lake. If it's polluted they're lapping it up. And they grow big. None of them believe the lake is polluted, except perhaps near the docks. "I drink the water right out of the lake when I'm out in my boat," said Merle Lear of Fairfield, a vehicle inspector for the state.

All but one of the anglers favored the plan for a National Recreation Area. They came from throughout the Bay Area and from as far away as Long Beach.

Boating and launching fees were often mentioned. It can cost up to \$8.50 to get your boat in the water if you're a first time visitor. The county's annual sticker costs \$5 and resorts usually charge \$3 for a launch. "The only thing that matters to the people up here is money," said Bill Vaughn of Fremont, who had two nice silver salmon on a stringer near the Berryessa Marina. He said he only went there in winter. His companion, Henry Reager of Newark, said he wasn't sure if the proposed federal takeover would help. "I'd like the specifics of what they've got in mind, first."

H. D. Lalonde of Napa, who had just landed a four-pound rainbow at The Fill said: "Absolutely not! If we're going to turn everything over to Uncle Sam we're in trouble." But like many of the others he felt there should be public boat ramps outside the resorts.

The Park Service's report maintained, and the complaints bear it out, that the resorts have not provided enough facilities for day use, such as picnic areas, and for transient use by overnight campers. This was all supposed to be part of the deal, according to the lease arrangement.

They have given over more and more space to the lucrative "mobile home" developments and the county has apparently gone along. The trouble has been that mobile homes have tended to become semi-permanent second homes on plots of federal lakefront, with private docks.

The operators defend the practice:

"Many people take the position that they are entitled to use the lake in this way (mobile homes) rather than to camp, so long as their use is proportionately representative of the total public use required to be served by this regional facility. "Economic experience with mobile homes assures

certain revenues which help overcome operating losses inherent in such seasonally oriented businesses...,” one of their written statements says”

The biggest part of the difficulty, the operators and the county maintain, is that the resorts have been laboring under a 90-day termination clause in their leases which makes it impossible to borrow money for improvements. If this was removed - and they’ve been trying to have it stricken for some years - they would be able to “develop to ultimate standards” inside their own areas and provide the kind of facilities the public wants.

This would supposedly mean an increase in the return to the county from the three percent possessory interest tax which the operators pay on their gross. The county then would supposedly have the wherewithal for better facilities outside the resorts.

Don McFarland, manager of Steele Park Resort and member of the County Planning Commission, said that in the spring of 1970 the owners had expected to get a new contract in which the 90-day clause would be thrown out, but it fell through. Then the Bureau of Reclamation slapped the moratorium on the area and all bets were off until the Park Service plan was finished. Meanwhile the county worked up its own plan, issued in June, which called for more of the same with the 90-day clause out.

When the Park Service dropped its bombshell, the county still continued to stand behind the operators, claiming the “private enterprise” can provide the needed improvements if given a chance. The county boasts the “not a nickel of outside tax money” has ever gone into Berryessa. The county ran things on \$165,000 last year from possessory interest taxes and boat stickers.

Why does the county want to continue to run Berryessa when it’s turned into such a headache?

“Some counties would say, ‘Let the U.S. Government do it’ Habberger says, “But that’s the erosion of local government and we don’t want ours eroded. “No gimmicks and no payoffs...we just think we’re the ones to be in charge.” “It’s a lousy plan. It’s ridiculous.” He says of the Park Service’s report.

He and the operators take particular aim at the “optimum use” figure of nine million persons annually which the plan projects. About 1.8 million people use the lake now, and they believe that’s about where it should be kept.

Tent camping is not one of the uses Berryessa lends itself to - at least in summer when the temperatures are hot. Habberger maintains that the main attraction is Berryessa’s superiority as a boating lake, something the Park Service plan fails to recognize.

He also objects strongly to the suggestion that the lake is polluted. The county hired a sanitarian for \$5,000 to make a comprehensive study which showed that it wasn’t. Most of the users and the fish agree with him, although most of the resorts use a rather primitive ponding system for sewage which depends on evaporation.

County Planning Director, Jim Hickey, former planning chief for the Association of Bay Area Governments said:

“The idea that Napa County is tearing up Lake Berryessa is false. The Bureau of Reclamation knows what’s been going on and everything that’s been done has the Reclamation signature on it. “Some are saying that we’re incompetent because we are local and can’t see the regional

So the county finds itself in the position of fighting to keep control of a lake whose creation it also fought because it meant the loss of prime agricultural land. Much of the trouble at Lake Berryessa can be traced to a time in 1967 when the Park Service, doing its original study for the Bureau of Reclamation, came to the conclusion that because of the steep sides of the lake and the large annual drawdown, the lake had no significant national recreation significance and recommended that a regional or state agency take over. The Park Service is saying now that it was wrong, and should have done the job itself.

Oakland Tribune

SATURDAY, NOVEMBER 27, 1971 3-E

CONCERN IS ALL ABOUT AT LAKE BERTESDA,
rail lead have almost exclusive use of facilities

IV. The “Big Fail”: Napa Abandons Lake Berryessa (1975)

The early 1970s brought much controversy over the management of Lake Berryessa. Napa County was in conflict with the Bureau of Reclamation over how best to provide public recreation at the lake. A moratorium was placed on all construction and development in the concession areas, including remedial construction activities, by Reclamation in 1970. A Board of Supervisors Resolution, No. 71-133, Nov. 1971, refused to continue to allow the Reclamation imposed “moratorium” and resolved to allow construction activities of a remedial nature at Lake Berryessa.

Congressman Don Clausen, responsive to his constituents, visited the lake in 1972. He worked extensively with all parties involved. In mid 1973 there was a Lake Berryessa Conference called by Cong. Clausen. He analyzed the National Recreation Area Proposal which would acquire the concessions and burden taxpayers with \$25 - \$40 million. He concluded that it did not provide a solution and that an expanded, up-dated and restructured cooperative management agreement between the Federal government and Napa County would be the best and most realistic way to resolve the Berryessa question.

He attributed the failures to develop and manage day-use recreation facilities and activities to:

1. Failure of the Federal government to recognize the potential for public recreation when the Lake Berryessa-Solano Project was conceived and constructed.
2. Failure of the Federal government to provide for the development and management of day-use recreation facilities even when its potential was recognized.
3. Inability of the State of California to finance or cooperate in financing recreational resources at the Lake.

He then stated, “Private enterprise, working in concert with government, can do anything better than government alone can --- the only problem is, it was never really given a fair chance to work at Lake Berryessa!” He recognized that funds were necessary to develop the day use capital improvements, and vowed to pursue Federal funds. He felt that the public use plan developed by the National Park Service was an excellent guide in developing a comprehensive day-use recreation plan for the Lake.

The Conference led Cong. Clausen to introduce H.R Bill 11758, December 1973. The purpose of the Bill was to authorize the Federal government to direct the development, operation and maintenance of day-use facilities. It further authorized the Federal government to create rules and regulations for the administration of the lands and waters at Lake Berryessa, and to enter into agreements for the operation and maintenance of recreational use facilities in the area. It authorized funds to be appropriated which were necessary to carry out the provisions of the Act.

Supportive of HR Bill 11758, the Napa County Board of Supervisors passed a Resolution. The County considered the bill a solution which would provide for the establishment of much needed day use public recreational facilities at Lake Berryessa by receiving funding to provide recreational uses, while proposing reasonable solutions for the management at Lake Berryessa. But after fruitless years of discussion and debate regarding the management agreement, in 1974 Napa County withdrew as the management agency of Lake Berryessa through Resolution 74-444, April 1974:

“WHEREAS, since the inception of said recreation managerial effort by the County of Napa, the recreational public has been served through the development of seven separate concession complexes individually managed by private enterprise concessionaires under agreement with the County, as approved by the Bureau of Reclamation, and the volume of recreational uses by the general public has expanded to the extent that presently Lake Berryessa is providing more than two million recreational user-days per year; and

WHEREAS, the County of Napa has, during recent years, sought to negotiate certain amendments to the said management agreement with the Bureau of Reclamation for the purpose of providing the resort concessionaires at Lake Berryessa with the contractual interest that would permit their more readily obtaining commercial financing with which to accomplish desirable expansion and capital improvements within their respective concession areas; however, such efforts of County have thus far been fruitless; and ...

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Napa, State of California, that it does herewith and hereby determine that the County of Napa shall relinquish and terminate its managerial functions and activities under that certain Agreement entitled "Management Agreement with Napa County for Lake Berryessa Area" and dated January 17, 1962, between the County of Napa and the United States of America, Department of the Interior, Bureau of Reclamation, said relinquishment and termination to be accomplished at a date convenient to said Bureau of Reclamation but not later than June 30, 1975."

V. The “Big Picture”: Lake Berryessa Issues: 1957 - 2012

PETER JENSEN, Napa Register, August 19, 2012

(Author’s Note: This article from the Napa Register is included here in full because it is one of the best researched and most comprehensive summaries of the historical background of the Lake Berryessa Saga.)

Napa County Got the Headaches, Solano County the Water

Death came to the Berryessa Valley, a fertile paradise where families had farmed for a century, during the rains of the winter of 1957. The residents, ranchers and farmers had left, the buildings were razed, the orchards cut down, the crops uprooted. Even the graves in the cemetery were exhumed and moved to higher ground. By order of the United States government, almost everything of value was removed. All that remained that winter was the two-lane highway and the stone bridge — Napa County’s longest — over Putah Creek.

By then, the 300-foot-high Monticello Dam was complete at Devil’s Gate, where Putah Creek broke east through the Blue Ridge, carving a canyon - and a natural dam site - on its way to the Central Valley. The creek had run through the valley for thousands of years, but now its waters were backing up. They seeped up the highway, over the flattened town of Monticello, over the scoured farmland. On February 26, 1957, crews poured the last bucket of concrete for Monticello Dam. Per tradition, they tossed in a few coins as well.

With the dam’s completion, Napa County, which today so prizes its world-renowned agriculture, lost one-eighth of its farmland, an area with annual agricultural production valued at \$1 million in 1947. What it gained was a reservoir, Lake Berryessa, whose benefits would flow primarily eastward. Lake Berryessa would become Solano County’s economic treasure, an exclusive source of reliable water for its farms and cities.

In 1948, the federal government had to choose between saving Berryessa Valley for farming or flooding it to benefit neighboring Solano. Napa County touted the valley’s 12,000 acres as some of the most fertile in California. But in the eyes of the dam builders, the U.S. Bureau of Reclamation, Devil’s Gate was one of the best dam sites in the entire Central Valley. The decision to flood Berryessa Valley reflected California’s insatiable need for water, its most precious resource. As the historian W.H. Hutchinson observed, irrigation produces more value every year in California agriculture than the value of all the gold mined in the Gold Rush.

Monticello Dam was designed to hold back 1.6 million acre-feet of water (1 acre-foot equals about 326,000 gallons), an enormous amount. In comparison, Napa, the county’s population center, uses less than 15,000 acre-feet per year, none of it from Lake Berryessa. Each year, the dam spills more than 200,000 acre-feet into Solano County, enough water to irrigate more than 80,000 acres of cropland and supply cities such as Vacaville, Vallejo, Suisun City and Fairfield, with enough left over for Anheuser-Busch to make Budweiser beer.

Solano County received a tremendous gift when Monticello Dam was built. Federal taxpayers covered the \$47 million in construction costs, which paid for the dam, a diversion dam, and a 33-mile canal to deliver the water. Solano paid that back over 50 years at zero percent interest.

Lake Berryessa is the largest federal reservoir in California whose waters are available almost exclusively to users in one county, which sits just miles from the source, said Drew Lessard, a deputy area manager for the Bureau of Reclamation. It cost Napa County dearly. Not only did the county lose

some of its best agricultural land, but it receives a pittance of the water. The communities and resorts at the lake get Berryessa water, but it amounts to a small fraction of what Solano receives.

In 2005, Napa County studied what Lake Berryessa had cost county taxpayers the previous fiscal year. With the lakeside resorts fully operational, producing tax revenue, the county still lost about \$700,000, according to Helene Franchi, a county budget analyst. The lake was averaging between 1 million and 1.5 million annual visitors back then, according to Bureau of Reclamation statistics. Doing the same analysis in 2006, the county's loss was calculated to be more than \$800,000.

Franchi said the analysis looked at the costs of providing police, fire and emergency medical services to the lake, as well as the costs to the county jail for housing people arrested at Berryessa, among other expenses. The county found that 75 percent of the county's costs were to pay for Napa County sheriff's deputies and other law-enforcement expenses. The revenue didn't come close to covering the expense, she said.

Because the resorts are on federal property, the federal government gives the county an average annual payment of \$127,000 to pay for services that would be covered by the property tax revenue the county would otherwise collect, Franchi said. The county's costs have dropped in recent years because the flow of tourists has slackened due to scaled-back resort operations, but so have tax revenues, Franchi noted.

The lake is still a financial drain on county coffers. In the past two years, the county has lent \$3 million to cover operational deficits and other costs for two troubled utility districts at the lake, one serving Berryessa Highlands, the other Berryessa Estates. These loans will almost certainly be written off as county subsidies, with the prospect that yet more loans will have to be made, officials said. Considering what the value of Berryessa Valley's agricultural production was, and would be if it still existed, the size of the loss grows.

Napa and Solano battled over Berryessa's fate: Powerful forces aligned against Napa

Napa County never wanted to turn Berryessa Valley into a reservoir, but seemingly everyone else did. Solano County, California Gov. Earl Warren, even officials in Washington, D.C., conspired to build Monticello Dam and force the removal of an agricultural community that had thrived since the mid-19th century.

In the early 1900s, farming interests in Solano County were the first to covet Berryessa Valley water. They looked on with dismay as water from Putah Creek, an 85-mile-long stream with headwaters in the Mayacamas Mountains, rushed through the Berryessa Valley before disappearing into the Sacramento River delta network. They imagined a dam at the eastern end of Berryessa Valley at Devil's Gate that would impound this abundant source of fresh water to irrigate Solano's orchards and fields.

In 1907, cities south of San Francisco considered Putah Creek as a far-flung way to provide water for their urban populations. To investigate the feasibility of a dam, they hired three engineers whose histories loom large over the American West, according to the Solano Irrigation District. The first was Arthur Powell Davis, a nephew to John Wesley Powell, who led the first American expedition down the Colorado River and is considered the grandfather of western water reclamation. Later, Davis would become the director of the fledgling Bureau of Reclamation. The second was George Washington Goethals, who had recently finished supervising construction of the Panama Canal.

The third was William Mulholland, the future superintendent of the Los Angeles Department of Water and Power. He would become notorious in western water politics soon after when he spearheaded the draining of the Owens Valley in the Eastern Sierra Nevada to deliver water to Los Angeles. L.A. received enough water to sustain decades of explosive growth. But that would come later. In 1907, the three men devised a storage plan centered on the construction of a large dam at Devil's Gate. When their plan was put aside, Solano County continued to push for the dam, and their calls for it reached a fevered pitch in the 1930s when western dam building was in its golden era.

During the 1930s and '40s, Napa and Solano counties fought a political battle over plans to dam Putah Creek and flood Berryessa Valley in northeast Napa County. Napa County officials wanted to preserve Berryessa Valley for agriculture, while Solano interests wanted the valley's water for Solano's farms and cities. The fight peaked in Congress during a series of hearings on a bill authorizing Monticello Dam before the House Subcommittee on Irrigation and Reclamation in April 1948. At the time, California was experiencing a post-World War II boom of population, agricultural and industrial growth.

The Central Valley Project had made its first delivery of water to Central Valley farmers eight years earlier, but more was needed. So when it came to decide whether the Berryessa Valley agriculture should live or die, California's governor, Earl Warren, left no doubt as to which fate he favored. Napa County was outgunned at the hearings. The pro-dam advocates included Solano County officials and irrigators, and military leaders at Mare Island Naval Shipyard, the Benicia Arsenal and Travis Air Force Base. Reclamation and Department of Interior officials also spoke in favor of the water project. Pushing against them were members of the Napa County Board of Supervisors and a delegation of Berryessa Valley farmers.

Secretary of the Interior Julius Krug issued a statement that was read at the first hearing, on April 12. The water supplies to those military bases were so inadequate, he said, that fresh water was brought in on barges. Based on an arrangement brokered during World War II, the city of Vallejo, which supplied Mare Island, was relying on water from the East Bay that was piped in over the Carquinez Strait. But that arrangement was set to end in 1952. Other cities in Solano County were relying on groundwater, which was rapidly running dry.

Reclamation Commissioner Michael Straus summed up the natural blessing Devil's Gate offered: "The rapidly accelerating growth of this area — and particularly in recent times — has brought about a rapidly accelerating water crisis to Solano County," Straus said. "Fortunately in this area Putah Creek gives an opportunity for securing the vital water, and it is of such a physical nature as it flows through the Devil's Gate that it is a natural dam site. ... Anybody going through the Devil's Gate who is interested in this type of development just stops and says, 'Why, nature met us half way here.'"

Stanley Kerr, manager of Reclamation's office in Sacramento, called Devil's Gate the perfect site for a water project, as all the water released downstream could be moved by gravity, without expensive pumping.

"The Monticello Dam and Reservoir site is one of the most favorable in the entire Central Valley," Kerr said. "The only unfortunate aspect of the entire project is that Monticello Reservoir would flood fertile lands in Berryessa Valley and the small town of Monticello. For every farm acre flooded by this reservoir, there would be brought under irrigation 9 new acres. The total benefits created by this project would be about 20 times the damage done to Berryessa Valley."

Gov. Warren said in a statement: "I am of the firm belief that the construction of the Monticello Dam will represent the greatest good to the greatest number. We must conserve every drop of useable water for every purpose to which it can be economically put."

Napa County argued that flooding the Berryessa Valley was unnecessary, and water could be stored by constructing a series of smaller dams higher up Putah Creek, north of the valley. Water for Vallejo and Mare Island could be piped into Napa's Lake Hennessey, where it would travel through the city of Napa's system to those destinations, local officials said.

County Supervisor N.D. Clark called the project an "unnecessary and wanton destruction of deep, rich, fertile soil." He noted that the valley's crop production had a value of \$1 million the year before, and the yields were uniformly high. Wheat averaged 35 bushels to the acre; barley garnered 45 bushels to the acre. Alfalfa yields were 8 tons per acre, while wine grapes could produce 4 to 5 tons per acre, with 8-ton yields not uncommon. A soil survey commissioned in 1933 found that almost all of the valley's soils were considered high-grade, and didn't erode with wind or rain. On April 26, Clark, the chairman of the Berryessa Valley Protective Association, offered a statement on behalf of that delegation.

"The people of Berryessa Valley, and the town of Monticello, will be made homeless and forced to relocate to other districts at a tremendous loss to them," Clark said. "They will be scattered and separated, one friend from another, one relative from another, and let me say that some of these families have been established since pioneer days."

The county delegation formally requested the subcommittee delay the bill, pending further study of the proposed alternative sites. The bill didn't move forward, effectively blocking the plans for the dam.

"They convinced Congress that the alternatives were as good as the real thing," said George Gamble, a modern-day Lake Berryessa resident whose family once ranched in Berryessa Valley. "They came back, just smiles on their faces."

Proponents were unbowed, however, and found a workaround, Gamble said. The water source was declared to be needed for national defense purposes and met the legal requirements for a federal reclamation project, which paved the way for the Secretary of the Interior, not Congress, to authorize the dam.

On Nov. 11, 1948, Secretary Krug signed the documents authorizing Monticello Dam. Proponents later secured funding for the \$47 million project through Congress, and construction began in 1953. For residents of Berryessa Valley, the die was cast. The exodus of the valley's farm families would soon begin.

"It changed my whole life," said Murray Clark, 79, a Berryessa old-timer. "It changed everybody's lives."

Death of Monticello Was a "Heartbreaker"

Out on the northeast end of Lake Berryessa, down a dirt road where cars can't help but kick up dust, lives a link to a bygone chapter of Napa County history. A Google map won't help you find his home, but he'll tell you where to go. Past the hill, it's up ahead. And drive slow — dust clouds have a habit of going everywhere you wouldn't want them. George Gamble greets you at his doorstep, shirt tucked into a pair of denim jeans. Inside his rustic, wood-framed home that you're sure was built by hand, he asks what you want to know.

"History," you say, "the history of the Berryessa Valley."

The valley, which once accounted for one-eighth of Napa County's agricultural land, was flooded to create Lake Berryessa and provide water to Solano County. Gamble, 75, is a member of an aging

group of men and women who knew the valley personally. He grew up visiting his dad's ranches there before the valley was inundated in the 1950s. His father strung together three ranches during the Great Depression — 9,000 acres total — when the land was cheap, provided you paid off the back taxes.

Back then, the valley floor was covered with family farms whose land titles could be traced to the Homestead Act of 1862 or, if you wanted to go back further, to a Spanish land grant. Lots of dry-farmed wheat and barley fields, with some orchards and grapevines mixed in, Gamble says. Ranching was mostly in the foothills. All of that is gone now, flooded when the Bureau of Reclamation blocked Putah Creek with Monticello Dam, but Gamble remains.

Gamble and his brother, Launce, inherited 5,000 acres of ranchland on the east side of Lake Berryessa, where he now lives. Gamble leases out the ranch today, but he remains involved. If there's a fence that needs repair, he's sure to speak his mind. Gamble likes it out here, and he has no plans of leaving. It's quiet, he says, and he's learned to live without a grocery store or doctor nearby. He conducts a census of his neighbors on the east side by counting the mailboxes — 13 in total, although some no longer live there and others are only part-time.

Of his rural lifestyle, Gamble says, "To me, it's utopia. I couldn't imagine living in the Napa Valley and having to commute an hour or two each way. It would just take the fun out of life. When you only have to commute a hundred feet or so, it's pretty nice. This is just my way of life."

His way of life was once shared by hundreds of others in the Berryessa Valley. Murray Clark, 79, was raised in the valley on his family's property, located 5 miles north of the valley's only town, Monticello, which had roughly 300 residents. His great-grandfather and great-grandmother moved west in a wagon in the 1860s and settled here. Clark's grandfather gave each of his children a ranch as a wedding present, and he recalls a childhood of working on his family's property. His mother worked as a maid in a mansion that burned down in the 1920s, he said.

Gamble recalled an annual rodeo held among the valley's ranch hands, and the sense of family the event fostered in the community. Huge slabs of meat were buried underground and hot coals were put on top to cook them, he remembers. The McKenzie General Store had a telephone switchboard that required you to plug in the line and crank it up to use it.

"Going back to when this was a rip-roaring valley, it was a lot different, obviously," Gamble said. "It was a great feeling among family. Everybody was so friendly. To me, it was the last of the old West."

The valley was also an agricultural jewel, with a diversity of loam soils whose depth and fertility rivaled Napa Valley's, according to Napa County Agricultural Commissioner Dave Whitmer. The geologic uplift that produced Napa Valley's world-famous wine region was at work in Berryessa Valley as well, Whitmer explained. Indeed, the valleys share a similar natural history. Each was formed out of the Coast Range, with a main source of water flowing through its heart. In Napa Valley, that source is the Napa River; in Berryessa Valley, it was Putah Creek.

The main differences between the two are climate and the final destinations of their water supplies. Napa Valley opens to the San Pablo Bay and its vineyards benefit from that marine influence. From its source near Calistoga, the Napa River flows unencumbered to the bay. Berryessa Valley is farther removed from the bay and is ringed by steep slopes on all sides, which gives it a hotter climate more comparable to the Central Valley. More significantly, Putah Creek pushes east through Devil's Gate, a natural site for a dam.

It took millennia to make the Berryessa Valley landscape, but less than a decade for the Bureau of Reclamation to turn it into a lake. Gamble recalls people moving out of the valley. Through eminent domain, the U.S. government took ownership of all the property in the valley and offered the residents money as restitution. Auctions were held in which people could buy and relocate some of the buildings. The home Gamble lives in today was acquired that way.

Gamble's father had a 3,000-acre ranch on the valley floor, which he considered the centerpiece of his properties. Losing that "was a heartbreaker," Gamble said. "My dad put in a lot of years in here. Then you're told one day that 'We want your land more than you do.'"

The cowboys and ranch hands picked up and left. Clark said his father struggled to leave the house he was born in. Clark left the valley angry in 1956 and went to work as a welder for Standard Oil in Richmond. He said he's still angry about it.

"It was devastating," Clark said. "We were really bitter about it. You hated the Bureau of Reclamation and anybody that had anything to do with it. I still hate them. I know that's not right, but that's the way it is."

"I'm sure that what was gained far exceeds what was lost, but we don't see that at the time," Clark said. "It's always a resentment. You get over it, but you still resent it." He couldn't face going back to Lake Berryessa for a number of years after the dam was built. "I couldn't go back," he said. "I couldn't go see that."

As he's gotten older, Clark said he's realized the importance of preserving the history of Monticello and Berryessa Valley. A memorial is held annually among the old residents, but "it's getting now where most of the ones that come are descendants," Clark said. When he dies, Clark knows where he'll be buried — at the Monticello Cemetery, which once sat on the valley floor but was moved to Spanish Flat.

Out at Gamble's house along that dusty road, the conversation has turned to broader themes. "What was here, before mankind, was a beautiful thing," Gamble says. "It was balanced — nature was balanced. Along comes mankind, and they start taking advantage of what is here."

"It's a shame that amount of good dirt has gone underwater," Gamble adds. "It's like everything in the Sacramento and San Joaquin valleys. They're losing acres and acres every year under asphalt. One day we're going to need every bit of farming land we can get."

Monticello Dam Proposal Stresses Critical Water Shortage Throughout California: October 24, 1947

Painting a gloomy picture of the water situation in California, Congressman Richard Welch, chairman of the congressional public lands committee, informed officials and residents of Napa and Solano counties that the matter called for cooperation rather than controversy.

Welch's warning came at the meeting held last Monday morning at the Napa Chamber of Commerce, when Napa County's opposition to the Monticello Dam project was presented. He called upon the two counties to resolve their differences and work out an acceptable plan for the conservation of the water of Putah Creek as well as other water resources of the area.

"It is regrettable," the congressman stated, "that there are so many people in California, this semi-arid state, whose only interest in water is to turn a faucet, or, in the case of power, push a button."

“There is a critical shortage of water from one end of the state to the other. Napa and Solano counties are by no means the only areas in need of it. I have presented at meetings of my committee from Redding to Fresno, and the situation is the same in all places. In the great central valley, trees are dying even in the cities for lack of water.

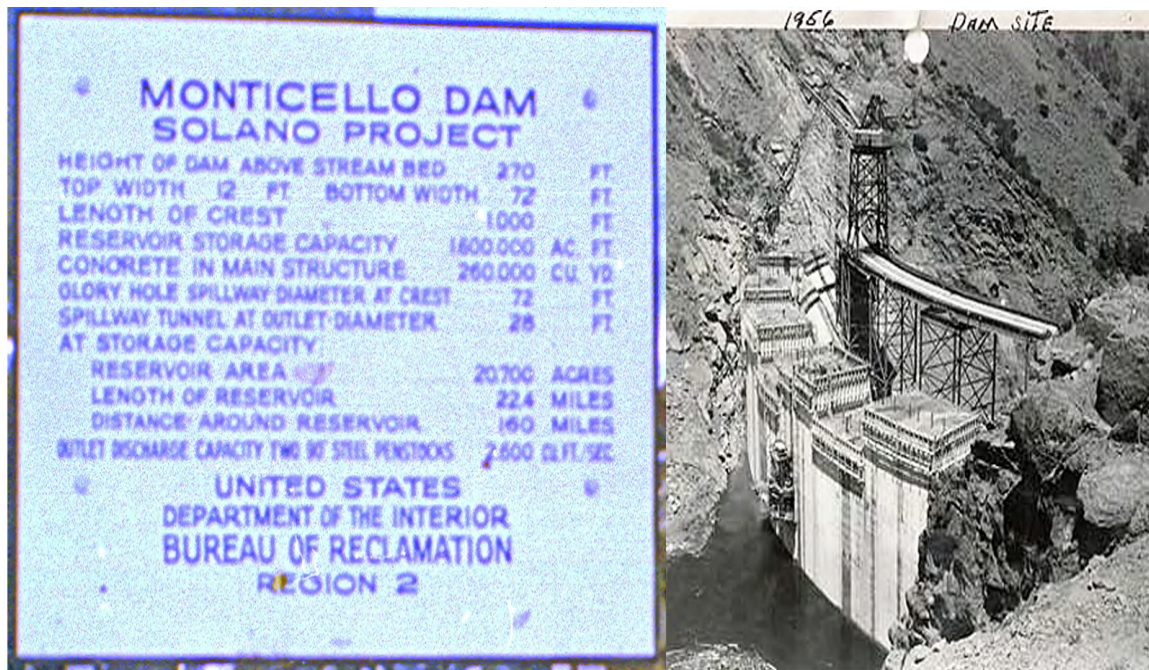
“Gentleman, I tell you water is California’s biggest problem. Water and power are the life streams for our national defense and our peacetime economy. When you stop to realize that over two and a half million people have settled in California since Pearl Harbor — they are still coming at the rate of 2,000 a week — it is no wonder that there is a growing water and power shortage in every section of the state.

“We should see to it, therefore, that not one gallon of water necessary for the present and future demands of California be permitted to run into San Francisco Bay or the Pacific Ocean. Every kilowatt of potential power must be developed either by public or private enterprise.”

Thomas Maxwell, chairman of the Napa County Board of Supervisors, outlined plans for conservation of Putah Creek water through a series of small dams and reservoirs, which would impound the waters in southern Lake County and still preserve the fertile acres of Berryessa Valley. He said that Solano County’s need for more water was recognized and that he thought some plan could be worked out which would accomplish that same purpose and at the same time leave Napa County inviolate.

Delays in Master Plan Sabotage Berryessa Economy

With the high-noon sun above and the blue waters of Lake Berryessa below, the twin engines of the Bureau of Reclamation boat rev louder as the wake behind us grows. It’s mid-July, and the lake’s recreational charms are on full display. Out beyond the bow, the sun-burnt hills are a backdrop to the water’s unruffled calm, and the stifling heat of the late afternoon is still hours away. In a tranquil moment such as this, it’s hard to imagine how this lake, so conveniently near yet a world away from the San Francisco and Sacramento metropolitan areas, could find itself so mired in problems today.





Lake Berryessa in the second decade of the 21st century is in a state of tumult unprecedented in its 55 years of existence. Businesses have shuttered, home values have plummeted, the number of foreclosures has risen. But the national economy is only partially to blame for the lake's struggles. As a consequence of a change in federal management policy, the flow of tourists, once the lifeblood of the lake's economy, has dropped considerably from its past peaks. The Bureau of Reclamation is struggling to revive the seven resorts that were once the lake's economic engines.

Those resorts once had lodging, trailers, restaurants, stores, a tennis court and an ice cream parlor, almost all of which are now gone. Much of this was torn down in the last decade when the bureau, which manages recreation at the lake, opted to change six of the seven resorts' operators. We pull up along the lake's western shore, and bureau spokesman Pete Lucero points out some of the sites where 1,300 trailers and mobile homes once stood. The trailers clogged some of the best recreation areas of the lake, he said. Some had no-trespassing signs posted, making public federal land appear privately owned.

The bureau was successful in clearing out much of Lake Berryessa's early development. The problem is that nothing has been built to replace what's been removed. The bureau and the new private operator, Arizona-based Pensus Group, have promised new facilities and new recreational opportunities, but crippling delays have hindered those plans. The bureau and Pensus are now in mediation to work out a new redevelopment schedule. If this fails, the bureau may pursue terminating the Pensus contract, which runs until 2040, and find another operator.

Little at Lake Berryessa has ever gone according to plan. Recreation wasn't a part of the original plan for the lake, which had been conceived as a source of water for agriculture and cities in Solano County. Yet, by the summer of 1958, a year after Monticello Dam's completion, the lake had 800 boats on it,

despite the lack of boat ramps or proper access roads. That's when the Bureau of Reclamation contracted with Napa County to have the county assume management of the lake's recreation.

"We weren't in the recreation business," Lucero said. "We were in the dam-building business. Whenever Reclamation has to manage recreation, our first option is to have someone else do it."

A year later, the National Parks Service produced Lake Berryessa's original public-use plan. The plan envisioned the lake as a recreational Shangri-La, drawing droves of tourists from Sacramento and the Bay Area. Day-use sites for picnicking would be built, while the resorts could host longer stays. Boating, hiking, camping, fishing and nature-watching would be the main, family-oriented recreational uses. A four-lane highway would be needed to support all the visitor traffic.

The federal government, however, provided no money to fund the plan and Napa County couldn't afford the cost, so the county solicited private concessionaires to build and run the resorts. The county signed 30-year contracts with each one. To finance their projects, the concessionaires leased spaces to owners of trailers and mobile homes whose extended stays would provide year-round revenue beyond the peak tourist season. The trailers weren't a part of the original plan, but they sprang up along the western shore and stayed there for the next four decades.

"The (original plan) was a great document for public-use planning purposes, but it kind of went sideways," Lucero said.

Napa County managed recreation until 1975, when it handed it off to Reclamation. When the U.S. General Accounting Office and the Department of Interior pressured the bureau to get the resorts to improve their trailer-park atmospheres, they added campgrounds, but stashed them in the worst areas, Lucero said. It was hard to get the resorts to do more because of the contracts the county had agreed to decades earlier, Lucero added.

In the early 2000s, with the contracts expiring at the end of the decade, the bureau overhauled recreation at Lake Berryessa, creating a plan that aligns more closely with the original vision from 1959, Lucero said. Removing the trailers opened up land for public use, with the goal of fostering short-term visitors to the lake who would have diverse recreational options.

"Their intent was to have a seamless transition. Well, this process has been anything but. We just haven't seen it yet," said Stu Williams, a Berryessa resident.

The Bureau of Reclamation started the bidding process on the new resort contracts in 2007, but that effort hit its first hiccup soon after. Federal lawyers determined that the bureau wasn't following the law, causing the whole process to be thrown out and started anew. By the time the second process started, in 2009, many of the resorts' contracts had expired. When the bureau and Pensus signed the new contract in April 2010, the resorts were already shut down.

"Those contracts expired and there was nothing we could do," Lucero said.

U.S. Rep. Mike Thompson, D-St. Helena, has blasted Reclamation's management of the situation, asking that the Bureau of Land Management, which manages wilderness land north of the lake, take over.

"Enough is enough," Thompson told a congressional subcommittee in May. "Reassurances and placations from the Bureau of Reclamation that they're fixing the problem are no longer enough. We need the matter resolved."

Lucero said Reclamation remains committed to its plan for the lake. “For 50 years this was kind of an exclusive site. It was kind of an unknown jewel. There wasn’t a lot of public use here,” he contends. Lucero said he imagines a future in which Lake Berryessa is marketed as a part of a “destination Napa” package.

“Before, you never had a nexus between Lake Berryessa and Napa,” said Drew Lessard, a Reclamation deputy area manager. “This mediation with Pensus — we’re getting through that.”

More changes could be on the horizon. Thompson and U.S. Sen. Barbara Boxer, D-Calif., have sponsored two bills in Congress that would create a National Conservation Area designation stretching from Snow Mountain, in the Mendocino National Forest, to the lake. Carol Kunze, the Napa director for Tuleyome, a conservation group pushing the bill, said the conservation area would help serve visitors with an interest in outdoor recreation. Kunze envisions a series of hiking trail corridors that are currently lacking around the lake. More importantly, focusing on the lake’s natural resources could help diversify its visitors, bringing in more people during the off-season months before and after summer, she said.

Kunze, who lives at the lake, said she believes the conservation designation will be a positive benefit to a lake community suffering so much negativity. “If we can get concessionaires redeveloped and get the trail systems created, maybe one day people in the Bay Area will pay attention to Lake Berryessa,” Kunze said. “We are really never mentioned unless it’s something negative.”

George Gamble, a rancher who lives on the east side of the lake, disagrees, and questions the benefits of the designation. “This would be like a piece of Swiss cheese,” Gamble said of the map of the National Conservation Area (NCA), which includes pockets of land in Mendocino, Lake, Yolo and Napa counties. “My feeling is they should keep the NCA north of Napa County. I think it’s a mistake doing it here in Napa County.”

Whatever happens in Washington, D.C., Williams said he hopes Berryessa never loses its down-home, blue-collar character, where residents feel comfortable sitting on one another’s front porches. He’s lived at locations throughout the Bay Area, but didn’t find that kind of warmth until he came to Lake Berryessa, Williams said. He added he owns properties in the Bay Area that he and his wife still maintain, but the lake always draws them back.

VI. The “Big Illusion”: Notice of Intent

(Author’s Note: This is the original document that officially began the Lake Berryessa political battle.)

[Federal Register: November 7, 2000 (Volume 65, Number 216)]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr07no00-97] [Page 66763-66764]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Solano Project--Lake Berryessa; Napa, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) is initiating a formal Visitor Services Planning effort for the Lake Berryessa Recreation Area. Reclamation intends to prepare an environmental impact statement (EIS) for implementing the provisions of the plan. The purpose of the Visitor Services Plan is to determine the type and level of commercial facilities and services that are necessary and appropriate for future long term operations. The current concession contracts expire in 2009 and the Visitor Services Plan will be used as a basis for future concession prospectuses.

DATES: Formal public scoping meetings are scheduled for May 2001. Notice of the specific dates and locations of the meetings will appear at a future date.

ADDRESSES: Mail comments on the existing facilities, possible issues and alternatives and requests to participate in public scoping meetings to Mr. Bruce Wadlington at the address below. You may also submit requests and comments by sending electronic mail (e-mail) to: bwadlington@mp.usbr.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Wadlington, Mid-Pacific Regional Concessions Manager, Central California Area Office, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630; telephone: Folsom(916) 989-7175, Berryessa (707) 966-2111 ext. 108 (TDD (916) 989-7285).

SUPPLEMENTARY INFORMATION:

Background

Lake Berryessa was created as part of the Solano Project with the completion of Monticello Dam in 1957. In 1958, Reclamation and the County of Napa entered into an agreement for the County to assume management responsibilities for the lake. A Public Use Plan (PUP) was developed by the National Park Service in 1959 to guide Reclamation and the County in development of the recreational facilities at the lake. In 1975, Reclamation resumed direct management of Lake Berryessa as a result of Title VI of the Reclamation Development Act of October 27, 1974 (Public Law 93-493), which authorizes Reclamation to provide for the protection, use, and enjoyment of the aesthetic and recreational values at Lake Berryessa. In 1987 a new planning process began to develop an updated management document for the lake. A Reservoir Area Management Plan (RAMP) was developed to provide guidance for Reclamation in management issues which were not mentioned in the PUP and to assist Reclamation in administering the lake and concession areas. Reclamation completed a final EIS for the RAMP in 1993.

Presently there are seven (7) concessionaires authorized by Reclamation to provide commercial support services to visitors to Lake Berryessa. These concession contracts have been in effect since the late 1950's.

All the contracts will expire by 2009. Reclamation also administers two day-use areas and a public launching facility, as well as numerous roadside turnouts and trails. The eastside of the lake has been designated a State Wildlife Area and is managed cooperatively by Reclamation and the California Department of Fish and Game.

Visitor Services Plan

The Visitor Services Plan will identify and develop the requirements, terms, and conditions for new competitive concession contracts that will be developed by the Federal Government. Some of the issues to be addressed in the plan include day-use needs, long-term and short-term recreational vehicle and trailer sites, campground development, marina development, consolidation or expansion of operations, new services development and construction, retention or removal of existing facilities, food and beverage service needs, overnight lodging facilities, and support for marine based activities, i.e., fishing (individual and tournament), swimming, water skiing, etc.

Public Involvement and Planning Schedule

The time frame for completion of this plan is 18 to 24 months. Formal Public Scoping meetings are scheduled to be held in May 2001. The draft EIS is expected to be completed by November 2001. The final EIS is scheduled to be released in March 2002.

VII. The “Big Fight”: Facts Do Matter

The contracts between the Bureau of Reclamation and the concessionaires of the seven resorts expired in 2009. On October 31, 2003 the Bureau of Reclamation released its Draft Environmental Impact Study (DEIS) with four proposed alternative plans for the future of the lake. Alternative A proposed no substantial change and was the least environmentally damaging. Alternatives B (“Preferred” by Reclamation), C, and D each proposed that all concessions be shut down for two years, long-term sites be destroyed, all resorts facilities and infrastructure be demolished, and only a few new facilities be phased-in over time. Alternatives B, C, and D were the most environmentally destructive. Reclamation claimed it provided a reasonable range of alternatives. The Lake Berryessa Visitor Services Planning Task Force (LBVSPT) strongly disagreed.

The public comment period for the DEIS ended on April 22, 2004. The LBVSPT presented a detailed alternative plan - Alternative A+. Alternative A+ was a common sense fiscally-responsible alternative, simply described as “Preserve the Best, Improve the Rest.” A petition signed by 12,500 lake stakeholders (10,000 valid written signatures and 2,500 on line votes) supporting Alternative A+ was submitted to Reclamation. Reclamation was required under the National Environmental Protection Act (NEPA) to analyze all of the comments and propose a final plan which was scheduled to be released sometime in 2005.

In early 2001 Reclamation embarked on a media campaign designed to negatively influence public opinion towards the resorts and the long-term sites. They took reporters and politicians on tours of the lake highlighting only the worst situations. The fact that Reclamation was responsible for causing the situations they were now condemning seems to have been lost on the media.

In 2003 Reclamation published a propaganda brochure and slide show which was extremely dishonest in its negative portrayal of the situation at the lake. They blamed the mobile homes at the lake as the cause of water pollution, of blocking public access to the lake, of local businesses failures, and of health, safety, and environmental damage. They wanted the mobile home owners to destroy their property and get out - at their own cost with no fair compensation! They also wanted the resort owners to demolish all facilities and get out – again at their own cost with no fair compensation as is required by Public Law 96-375!

(Author’s Note: This is the response from Task Force 7 at Lake Berryessa to Reclamation’s propaganda campaign to mislead the public regarding the facts of their misguided Visitor Services Plan - VSP.)

To: Tom Aiken, Area Manager, Reclamation, August 12, 2003
From: Peter Kilkus, Task Force 7 at Lake Berryessa

Our organization would like to formally protest the Bureau of Reclamation's public presentation and recently-released brochure regarding its Visitor Services Plan. Having sat through the slide presentation twice and reviewed the brochure in detail I must say that they are crudely unprofessional in their attempt to blame every problem that ever occurred at Lake Berryessa on the existence of mobile home sites at the resorts.

First Reclamation shows multiple slides of sewage violations at uncontrolled dry sites that have not existed for more than two years (and could not exist under any circumstances in the future) to paint all mobile home and trailer owners as crass polluters. This is as offensive as it is untrue. Reclamation was entrusted with the responsibility to know of these violations. Even a process of resort self-inspection and reporting should never have been allowed without a strong auditing program in place. It was the California Watershed Posse and the California Regional Water Quality Board that ultimately resolved a situation that should never have existed. The attempt by Reclamation to now take credit for this resolution would be downright amusing if it were not for the fact that it exemplifies Reclamation's less than honest approach to this whole issue.

The silliest slide of the bunch is the one showing a closed business on Knoxville Road. Reclamation states "The local economy receives little benefit from the current long-term private uses (observe the lack of restaurants, stores, and service stations under the current conditions)..." But Reclamation itself states that there are more than 1.3 million visitors per year to the lake, and in the same breath says that there are "only" 1,300 trailers which don't contribute more than a few thousand visitors per year. If 1.3 million visitors can't support local businesses outside the resorts, how could 1,200 trailers hurt them?

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. Many examples exist from the leases of cabins by the U.S. Forest Service in Colorado to more substantial grazing and mining leases - including the privately-owned concessions at Lake Berryessa. The reason the long-term sites are important in this context is that they provide at least 30% - 40% of the revenue to fund the short-term recreation opportunities at the lake.

Under Reclamation's own guidelines - "Private use of public lands and lakeshore should not continue into the future" - the concessions themselves (private companies which are guaranteed a profit by the government) should be eliminated since they are the most egregious example of public use of private land that can be imagined! Some people believe that all recreational opportunities should be provided gratis by the government (all the taxpayers) as a public service. Any fair-minded person knows this idea is a fantasy. Concessions operate in all our national parks; state parks are not free. What is necessary is a balanced plan to provide varied recreational opportunities at reasonable cost to citizens.

There is no scientific evidence that long-term sites have polluted the waters of Lake Berryessa. There is no economic evidence that long-term sites can be easily replaced by other revenue sources. There is no numerical evidence that large numbers of Californians are being denied access to the lake because of the long-term sites. The problem is in the mind of the obsessed bureaucratic beholder, not the eye of the informed rational observer.

A reasonable number of long-term sites conforming to applicable health and safety codes and providing a baseline revenue during rainy seasons or droughts must be part of any common-sense future plan for the lake. The Bureau of Reclamation had a plan that was 80% complete in 1993! Where is their plan today? Spinning Power Point slides showing non-existent sewage violations and amateur Photoshop depictions of tents on a hill are not a plan.

Also in October, 2003 a team of Task Force 7 at Lake Berryessa travelled to Washington, D.C. to meet with Bureau of Reclamation staff and member of Congress. The team consisted of Peter Kilkus, Pat Monaghan, Jim Monaghan, Ed Rossman, Ron Rusher, and Diane Rusher. The primary objective of the trip was to present the 10,000 valid signatures to the Department of the Interior's Bureau of Reclamation. The petitions in the binder were gathered at Lake Berryessa and surrounding areas between May and September, 2003. They represented the views of thousands of full-time residents, long-term-site permittees, campers, boaters, guests, and friends of the lake. The petition introductory statement was:

To The Bureau Of Reclamation And Our Elected Representatives: We, The Undersigned, Are Opposed To The Bureau Of Reclamation's Intention To Remove All Long-Term Sites At Lake Berryessa. We Do Not Believe There Is A Compelling Public Policy Reason For This Harmful Action, Which Would Devastate The Community And Cause Economic Hardship To Many Citizens. We Support The LBVST Alternative Plan, Which Retains Long-Term Sites, Advocates An Environmentally Sound Policy For Managing The Lake, And Provides The Public With A Rewarding Recreational Experience.

The Facts

1. There had been no impact to water quality nor any significant impact to any other environmental criteria from the resorts or long-term sites. Data was available from the Solano County Water Agency and others which proved this. Sewer systems were all adequate and did not pose an imminent health threat to water quality.
2. All development at Lake Berryessa was planned and approved by both Napa County and the Bureau of Reclamation. All resort facilities and mobile homes were built to existing code and could have been brought up to new codes through planned improvements or replacements without total destruction and rebuilding. There was no imminent danger to health and safety due to fire standards or structure setbacks.
3. There was open access for all Americans. No one was being blocked from using the lake. The lake provided an integrated diversity of recreation for people of all economic and social backgrounds - more than 1.5 million people a year.
4. Long-term sites provided 30-40% of the gross revenue of resorts, supported short-term uses, and were a financial foundation for resort operation, especially during winter months and drought years. Local businessmen were vehemently opposed to the loss of the long-term sites. They believed it would have serious repercussions for them and, along with the closure of the lake for two years, could result in business failures.
5. This was a government private property grab that should have been stopped! 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 US Forest Service stated that "Recreation residences are a valid use of National Forest System lands, and an important component of the overall National Forest recreation program." The Forest Service Recreation Residence program gives private citizens the opportunity to own a single-family cabin - 15,570 exist now. Why did the Bureau of Reclamation want to destroy 1,300 vacation homes at Berryessa in direct contradiction to a government policy?

Lake Berryessa should be an important recreational resource for all Americans. Unfortunately, the poor management of the lake by the Bureau of Reclamation and its media propaganda blitz at the time had left many people with a very negative impression of the lake.

Lake Berryessa is 26 miles long, 3 miles wide with 165 miles of shoreline - plenty of room for all forms of recreation. Battling over 3.75% of the shoreline occupied by long-term sites did not make sense. Destroying millions of dollars of perfectly good private property, living accommodations, and resort facilities made even less sense.

All the stakeholders in developing a successful Lake Berryessa plan had one common goal - to make Lake Berryessa a rewarding vacation experience for visitors while protecting the environment. All other issues could have been addressed and resolved in a reasonable way without closing the lake to the public for two years and demolishing everything that existed in order to replace it with less.

Chamber of Commerce Businesses Fight Back

The Lake Berryessa Chamber of Commerce originally commended the Bureau of Reclamation for re-examining the economic viability of their proposed plan. Everyone wanted Lake Berryessa to be accessible to the public, provide the infrastructure necessary to service a broad range of needs, and to the maximum extent possible, be economically self-sufficient. The Lake Berryessa Chamber of Commerce united

businesses, local leaders and concerned citizens of the Lake Berryessa area with the mutual goal of achieving a better and more prosperous community.

The Chamber's objective was to work cooperatively with all members of the Lake Berryessa community to significantly improve economic conditions in the region as well as improve recreational opportunities for the public. However, Reclamation's plans appeared to be inconsistent with those desired results.

Not only was the Socio-economic Environment section of the Draft Environmental Impact Statement (DEIS) superficial in its analysis of the economic effects of the Reclamation's plans on the local and regional economy, Chamber members were not aware of any needs assessments, meetings, or discussions with them prior to the DEIS release.

The Lake Berryessa Chamber of Commerce believed that the Summers and Summers Economic Analysis called into serious question the financial viability of Reclamation's plan. If the Bureau of Reclamation were to carry out the proposed closure of the Lake and complete demolition of the existing infrastructure, the consequences for all of the local, as well as regional, businesses would be devastating. The Chamber believed that you did not have to destroy the lake to renew it!

Several groups had proposed economically-viable plans that would have increased access for short-term visitors, upgraded or removed mobile homes that did not meet reasonable health and safety standards, and provided an enhanced recreational experience for all lake users. The most detailed of these had been prepared by an historically-unprecedented coalition of all seven concessionaires. These were business owners who had the most detailed knowledge of the practical economics of running a resort. They agreed with the Summers and Summers analysis. They also agreed that there was no need to remove all the long-term sites which provided a legitimate recreational opportunity for citizens as well as a stable revenue base to allow them to enhance recreational facilities for short-term visitors.

Lake Berryessa Resort Owners Plan:
Future Recreation Use and Operations of Lake Berryessa

“Our mission is to manage, operate and develop the Resorts at Lake Berryessa - to provide the access and facilities to the public for recreational opportunities - to optimize visitor experience, to provide services according to contemporary public needs and demands, to promote opportunities for families, to provide access and use for enjoyment to present and future generations - in a healthy and safe environment, consistent with other authorized functions of the Solano Project, according to the principles of the Public Use Plan and Reservoir Area Management Plan.”

This was a time of opportunity for Reclamation, the resorts, local businesses, residents, and Napa County to work together to bring new life to the area. And this it all fit the spirit of the National Environmental Protection Act (NEPA) which aims to "encourage productive and enjoyable harmony between man and his environment...to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Residents Fight Back

More than 900 people with a stake in Lake Berryessa's future packed the Winters High School gym to the rafters to denounce the Bureau of Reclamation's effort to eliminate long-time family recreation. The Bureau of Reclamation's plan for Lake Berryessa continued to grow in unpopularity. Reclamation had little or no support at any of the meetings they attended.

This was dramatically proven at the Winters Town Hall meeting on Nov. 19, 2005 where about 900 people, many not trailer owners, and the Winters City Council were highly critical of Reclamation's plan. The

Oakland Tribune titled their article “Residents unleash scorn on Lake Berryessa revamp”. An article in the Winters Express titled “Hundreds protest lake plan” reported the Winters meeting in extensive detail - none of it favorable to the Reclamation or their three or four environmental mouthpieces who attended. This was followed by the Solano County Board of Supervisors meeting on Nov. 22 which the Vacaville Reporter headline characterized as “Supes hit at plan for Berryessa” and Reclamation officials were feeling the heat.



Kirk Rodgers, Reclamation Regional Director, who was to sign the final Record of Decision, was in the Winters audience. Did the fact that his plan is being repudiated by most members of the local community

make a difference to him or would he just try to ram this unpopular plan through as quickly as possible? Berryessa residents and businesses, not just mobile home owners, were well-represented in Winters.

The Lake Berryessa Chamber's 56 business members were nearly unanimous in opposing Reclamation's plan for Lake Berryessa. As owner/editor of the Lake Berryessa News I traveled a 150-mile paper route every two weeks through Fairfield, Napa, Yountville, St. Helena, Calistoga, Angwin, Pope Valley and all around Lake Berryessa. The hundreds of people I talked to - local residents and businesses - once again not just mobile home owners - were also nearly unanimous in opposing the Reclamation plan.

When people finally understood what the government was trying to do, they were incredulous and wondered what was wrong with the Reclamation. The City of Winters agreed. This was absolutely not a "trailers-only" issue! How could the government force a plan like this down the throats of an unwilling local community when excellent lower-cost alternatives existed?

Conspicuous by his absence in Winters was Congressman Mike Thompson. Lake Berryessa and Winters are in his district, but his constituents cannot depend on him for the most minimal of support. Also conspicuously missing was Lake Berryessa Napa County Supervisor Diane Dillon. However, Napa Supervisor Harold Moskowitz was there to defend Lake Berryessa and oppose the Reclamation plan with a rousing statement about the true economics of owning a resort and a rebuttal to allegations about the cost of the lake to Napa County.

But where is Congressman Thompson? After ignoring hundreds and hundreds of letters, emails, and phone calls, he finally popped up in a Napa Register editorial. He piously wanted us to believe he really cared about an open process, but immediately started talking partisan politics. This was another example of Mr. Thompson's policy of "pretend that I care and hope to God no one notices I'm not really listening". And after the "revolt of the constituents" at Winters, he is reported to have immediately sent in his aide to buy off the Winters City Council, implying he'd get any changes they wanted into the Reclamation plan.

Not only has this process not been open or transparent, it has been invisible! This is not a partisan issue. It is about bad planning and bad faith on the part of the government. It's about not listening to real people. Republicans and Democrats alike should, And Do, oppose the Reclamation plan.

It was not an environmental issue either. Although some supporters of the Reclamation plan continued to lie about it, there were no sewage or health and safety problems at the lake. Mike Finnegan of the Reclamation confirmed this in Winters last week when he stated that there were no problems at the resorts as far as the Reclamation is concerned.

Peter Kilkus stated, "I have a kayak and a jet ski, a mountain bike and a boat, hiking shoes and an ATV. My family and I use them all regularly. Supporters of a reasonable plan for the lake are trying to be inclusive without destroying the best parts of what exists. There is room for everyone - Preserve the Best, Improve the Rest."

The first choice in the government's list of ways to remake the lake was to scrape the place clear of all facilities (launch ramps, restaurants, existing campsites - not just the mobile homes now dotting the lake's shores) and open the place up to more campers, canoers, hikers, RVs and the so-called "short-term user." Those at the lake then derided the plan as a fantasy effort to remake the lake into something it has never been - namely, a wilderness recreation area. What would happen, they feared, is that the Bureau of Reclamation would destroy a community that has called the lake home for 50 years. This is exactly what happened!

The government plan, released in final form, remained essentially unchanged from earlier drafts. It suggested the Bureau "permanently remove" all of the mobile homes and trailers. Lakeshore areas at the seven resorts serving the lake would be restored to "a more natural setting" with improved public access. Those paying

rents to the resort concessioner to use their mobile homes would be gone, along with their revenue which helps support short term users. Their spots would become campsites, picnic areas, RV sites, rental cabins - an economic model that did not work well when the original resorts were created.

Winters, perhaps the closest town to the lake, labeled the plan "the economic equivalent of a military base closure to our community," and various business owners spoke at the meeting of the devastation such a dramatic overhaul might trigger. Indeed, the discussion - technically a Winters City Council meeting - came three weeks after Rep. Richard Pombo, R-Tracy and chairman of the powerful House Resources Committee, asked Interior Secretary Gale Norton to hold a town meeting. "We've been contacted by hundreds of constituents," said Kiel Weaver, a Pombo aide who flew in from Washington, D.C. The bureau hasn't made a final decision, and other options - including staying with the status quo - remain on the table. "Take my word for it, or someone you trust," said Mike Finnegan, the bureau's regional manager. "Not you," came a catcall from the crowd.

Task Force 7 requested a meeting with Reclamation for permittees. Reclamation ungraciously agreed "even though permittees are only one special interest group." Reclamation was clear that all long-term sites were to be removed in any new plan. TF7 representatives meet with Reclamation again in August to discuss the Visitor Services Plan. TF7 representatives met with Bruce Wadlington and Cecil Leslie to discuss the VSP. Reclamation again made it clear that mobile homes must be removed as part of any plan. Reclamation stated that permittees have no rights and have paid "\$10,000 for a trailer and \$50,000 for a view."

Previous Reclamation Resource Manager, Eric Natti, had told a permittee that he hated the trailers and if it were up to him he'd get rid of every trailer on the lake. He implied that the Reclamation was going to bring in someone who would help get rid of all the trailers. Natti, according to other sources, had undue influence over Congressman Thompson's negative views of the lake situation. Regarding Congressman Thompson's statements that he was neutral and only wanted to see that the correct process was followed, the following is an excerpt from the Berryessa For All lawsuit:

Berryessa For All v. Bureau of Reclamation C 07-0259-SI,
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Reclamation defined away any option that would allow long-term sites, because Reclamation intended all along to eliminate the long-term sites, and simply sought post-hoc justifications to do so. This intention is manifest in the briefing to Congressman Thompson. In a document titled "Special Notes to Congressman Thompson" an unnamed Reclamation official writes:

"In an earlier meeting you asked two things which I was not able to answer thoroughly at the time. I now have the answers to those questions and discovering them has led to a high degree of personal commitment in the direction we should proceed. The questions you asked are: (Question 1 skipped.)

2. You (Reclamation) and I (Thompson) need more support to eliminate trailers than just that they are ugly, it is an inappropriate use of government land, and it keeps the general public from being able to fully use the area.

ANSWER - We have begun identifying a large number of environmental and health and safety codes. These factors will end up having much more leverage than just the desire to improve the area and get away from long term exclusive use. Many of these factors are already coming into play."

City of Winters Fights Back

On October 19, 2004, the City Council of Lake Berryessa's sister city, Winters, unanimously passed a resolution criticizing the Bureau of Reclamation's proposed plans for Lake Berryessa. It was so accurately prescient in its concerns, especially Sections 4 and 5. Ironically, our stated efforts to "Preserve the Best, Improve the Rest." of Lake Berryessa received no support from Napa County, any Napa city, nor our own Congressman. And Reclamation clearly ignored the concerns of the City of Winters.

RESOLUTION NO. 2004-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS CALIFORNIA IN REGARDS TO THE LAKE BERRYESSA RE-USE PLAN UNDER CONSIDERATION BY THE BUREAU OF RECLAMATION. BE IT RESOLVED by the City Council of the City of Winters as follows:

WHEREAS, the Bureau of Reclamation are currently pursuing a Re-Use Plan for Lake Berryessa which serves as a main attraction and economic center for the City of Winters; and

WHEREAS, the City relies on the activity in an around the Lake to provide jobs and tax revenues to help subsidize the local economy and City operations; and

WHEREAS, the critical link between Winters and Lake Berryessa has been in existence since the original construction of the Monticello Dam; and

WHEREAS, under the re-use proposals, significant changes may occur which will significantly change the use of the Lake and the positive fiscal impacts to the City of Winters; and

WHEREAS, the City Council now wishes to express our concerns on the most important concerns and impacts to the Winters Community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters that the City declares as follows:

- Section 1. Closure of the southerly concession areas (Markley/Pleasure Cove's) (partially or fully), even for renovation for an extended period could pose a serious economic impact to lake serving businesses. The City receives a significant amount of our sales tax from boaters passing to and from Markley Cove.
- Section 2. The projected re-use of the areas, including reduction of day boaters and motorized craft from the Cove's would provide for a considerable loss of local business to the Winters community. As described, the use of Berryessa would change to a greater houseboat and non-motorized use versus the current mix.
- Section 3 The proposed uses for these areas would change from a mostly year-round to seasonal, thus reducing revenues to Winters for prolonged periods.
- Section 4. Risk of single operator of an area the size of Lake Berryessa with the described multitude of uses. The selection of a single operator is inherently a significant risk because of the potential for failure.
- Section 5. The lack of a phased approach by canceling all existing contracts within a two year period could create a catastrophic situation in the event that plans are not available for a transition of control and Lake management for users.
- Section 6. Effects on citizens of Winters who extensively utilize Lake Berryessa.
- Section 7 Under the current plan, it appears unlikely that the local operators could be as

competitive as larger corporate operators in gaining the re-bid concession contracts. There is considerable uncertainty and probability that local operators could be required to remove existing facilities while a new operator installs new. This transition of deconstruction and construction could take many years.

- Section 8. The City currently benefits in our traffic from the boat storage capabilities at Markley Cove. The current plan does not adequately define how this area might be re-used. If less storage is allowed, the City could experience a higher volume of boat transport traffic than currently experienced.
- Section 9 Local employment- A number of Winters residents are currently employed by the local operators. The uncertainty of re-use and local employment is a concern.
- Section 10 As proposed, the re-use plan appears to begin the exclusion of many of the current users of the Lake, for a more exclusive and restricted access for non-motorized users.
- Section 11 the current interpretation of Public Law 93-975 by the Bureau's seems inherently unfair to the current concessionaires. As adopted, PL 93-975 specifically provided for fair compensation to the concessionaires for improvements made at the facility, in the event that another lease was issued. It appears that under the current plans, these concessionaires would receive no compensation for facilities or improvements, which seems unjust.
- Section 12 It is the request of the City Council of the City of Winters that the Bureau of Reclamation reconsider the use of Option B as the preferred alternative which includes a combination of multiple concessionaires and a phased implementation/transition of use.
- Section 13 It is recommended that the Bureau consider other options put forth by citizens such as "A+" which recommends that the Bureau undertake a vigorous clean-up program of existing residences and leases to bring into compliance existing rules, ordinances and laws.
- Section 14 The City Council believes that Reclamation's DEIS Alternative "B" has not addressed the broad range of concerns of local communities like Winters. The Council therefore requests that the Bureau of Reclamation open a formal public comment period for the economic analysis of the plan as well as reopen the comment period on the DEIS itself because of the lack of economic data to support the DEIS as proposed.

PASSED AND ADOPTED this 19th day of October, 2004 by the following vote:

AYES: Anderson, Fridae, Stone, Mayor Martinez; NOES: None; ABSENT: Chapman

VIII. The “Big Betrayal”: Perversion of Public Law 96-375

In a bizarre move, the Bureau of Reclamation on May 19, 2008 demanded that four major Lake Berryessa resorts essentially shut down immediately! The impact of this move would have serious negative impacts on visitors, resort employees, and the local business community.

Reclamation Letter: “Based upon evaluation of the successful proposal and subsequent confirmation with the successful offeror, the Pensus Group LLC, Reclamation has determined that all permanent facilities in your Resort concession area must be removed by the end of the concession contract.” See the full letter below.

This essentially ended the summer season at the lake before it even began because all the contracts were set to expire in 2009: Rancho Monticello Resort, June 15; Spanish Flat Resort, July 13; Berryessa Marina Resort, August 13; Putah Creek Resort, August 13.

The apparent reason for this action, after several weeks of negotiation with the Pensus Group, was money - many millions of dollars worth of it. The entry cost for a new company taking over the present resorts seemed to be too high to make a profit if the present facilities had any value. But the present facilities clearly had value since even Reclamation’s own appraisers documented a value of more than \$11 million for Rancho Monticello, for example.

Paying for the present facilities would have required an incoming company (Pensus Group, in this case) to pay \$11 million to the outgoing company (Rancho Monticello, in this case). Add in the Bureau of Reclamation’s own appraised value of the four other resorts in the Pensus package and you’re talking really big money (\$40M) - even before a new company invests in any new facilities. Concurrently, the present resort owners had an appeal before a federal judge asking that their own separate appraisals (significantly higher, by about \$40 million, than the Reclamation appraisals) be recognized as valid.

So what’s the easy way to solve this financial dilemma? Declare that the present facilities have no value and require the present owners to remove them at their own cost. And base your authority on Public Law 96-375. It seems that problems with the contract negotiations caused Reclamation to try this hardball approach, although there was no hint of it in Reclamation’s glowing announcement of the selection of the new concession companies.

Released On: April 02, 2008 - Reclamation Announces the Selection of Three Proposals for New Concession Contracts at Lake Berryessa: Mr. Finnegan added, "Reclamation intends for recreation at Lake Berryessa to continue essentially uninterrupted, other than occasional temporary closures in various locations for developmental activities." Reclamation anticipates that the new contracts will be signed within the next few months."

Public Law 96-375

These excerpts are the parts of PUBLIC LAW 96-375 that pertain 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.

This conflict over PL 96-375 legal interpretations began several years ago. From the original Draft Environmental Impact Statement released by Reclamation in 2003: "Also of critical importance to existing concessionaires is PL 96-375, which establishes the requirements and stipulations for compensation due outgoing concessionaires for their property located at Lake Berryessa. The law states that concessionaires will be paid only for those facilities that Reclamation requires for use into the next contract term. Those that are not so identified would be demolished or removed at the owners' expense."

PL 96-375 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. 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 explicitly say that the concessionaire must remove all unwanted facilities and improvements, including roads, launch ramps, sewers, motels and restaurants simply deemed to have no value by the decree of Reclamation. This is Reclamation's interpretation supported by an Attorney General legal opinion.

Congressional Intent for Public Law 96-375 - Below is a discussion in Congress about PL 96-375 in 1980. Although it is clear that the intent of the law was to protect the concessionaires' property as well as to allow the government to keep facilities it wanted, there is a single comment that implied that the Secretary of the Interior could specify facilities it wanted to be removed. However, there is no such statement in the law nor is there is any discussion of criteria for requiring the removal of facilities.

In a July, 2007 legal protest letter to Reclamation, the resort owners complained about Reclamation's interpretation of the law:

"Reclamation's requirement that the current concessionaires remove improvements "not required to remain," and to remove all tenant (private) personal property prior to the end of the current contract, also is unduly prejudicial to the Resort Owners. As an initial matter, it should be noted that neither the statute nor the current concession contracts require the removal of permanent improvements prior to the end of the contract term. Moreover, the current concession contracts do not contain any clauses which require the early termination of business. Finally, we note that, although PL 96-375 specifically provides the Secretary with the power to require that selected permanent improvements not be removed, it makes no such grant of power regarding the removal of permanent improvements. Reclamation, therefore, does not have the authority to require the Resort Owners to remove the property or to do so at their own cost.

Reclamation's failure to properly interpret PL 96-375 presents other problems as well. The agency reads the statute to allow a successful bidder to choose which of the Resort Owners' permanent improvements the bidder is willing to purchase. It is nonetheless clear that, in order to comply with the provisions and intent of

PL 96-375, any succeeding concessionaire must be required to purchase all of the permanent improvements, regardless if the new concessionaire plans to use the improvements in the future. To interpret the statute otherwise would place Reclamation's actions in this case, i.e., forcing the Resort Owners to surrender the improvements that congress clearly has designated as their personal property, squarely at odds with the Fifth Amendment's Just Compensation Clause.”

Per the Bureau of Reclamation: The Federal Court of Claims addressed this issue in the case *Frazier v. United States*, 79 Fed. Cl. 148 (2007), and the United States prevailed. Regarding Public Law 96-375, the court noted that “it is illogical to presume that Congress would insist that the Bureau retain all permanent facilities at a concession, preventing unwanted or dilapidated facilities from being removed by the concessionaire.” *Id.* at 162. The court also held that it was “unassailable from a textual analysis of the statute” that “(1) permanent facilities, if removable, can be transported off federal lands and retained by plaintiffs, if the Bureau has not commanded that they remain and (2) plaintiffs may abandon their property rights in permanent facilities which the Bureau has not selected to remain at the concession, if these are not removable or not worth removing.” *Id.* at 161. Finally, the court agreed that Reclamation was “also correct in stating that payment under Public Law 96-375 is only required when the Bureau exercises its option to require permanent facilities to remain at a concession site.” *Id.* The Court of Appeals for the Federal Circuit later considered an appeal from the unsuccessful plaintiffs’ and affirmed the prior decision without any changes.

For fairness, the core documents are copied below.

Dear RESORT OWNER NAME:

The purpose of this letter is to notify you of the determination by the Bureau of Reclamation regarding disposition of permanent facilities owned by RESORT OWNER COMPANY NAME located at RESORT NAME, Lake Berryessa, Napa County, California. The determination is authorized by P.L. 96.375 Section 5(b).

Part 3, Section L, of the Lake Berryessa Prospectus issued on June 7, 2007 required all offerors to identify which existing permanent facilities would be required to not be removed and instead pay fair value for those facilities to the existing concession contractor with the approval of Reclamation. Based upon evaluation of the successful proposal and subsequent confirmation with the successful offeror, The Pensus Group LLC, Reclamation has determined that all permanent facilities in the Resort concession area belonging to RESORT OWNER COMPANY NAME must be removed by the end of the concession contract.

Reclamation recognizes that there may not be adequate time to remove all of your permanent facilities prior to the end of your contract; therefore we require that you submit a detailed plan for orderly removal of all permanent facilities. Your plan should include details such as: method of removal, permits required, timeline for completion, and any other relevant information assuring full removal of all facilities. Please submit your plan by June 15.

“Sincerely”,
Michael R. Finnegan, Area Manager

Congressional History

PL96-375: WATER RESOURCE DEVELOPMENTS, feasibility investigations. Congressional Record – House - February 5, 1980: Authorizing Investigation of Certain Water Power Resource Developments

...

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:
(Page 1866)

MR. CLAUSEN. ...The legislation also authorizes the Secretary of the Interior to enter into new negotiated concession agreements with present concessionaires at Lake Berryessa, notwithstanding any other provision of law. Lake Berryessa is a water supply and recreation facility, as a result of water development that is located in my congressional district. The provision was added to the legislation by way of an amendment that I offered in the full Interior Committee, and it had the concurrence not only of the committee as a whole but also the chairman and the ranking member of the Water and Power Resources Subcommittee. New statutory authority is necessary due to the unique history of the project and the unusual circumstances which have developed there.

When Lake Berryessa was first built in the late 1950's the Bureau of Reclamation, now called the Water and Power Resources Service, did not believe there was any recreation potential at the lake, and refrained from development of recreational facilities. Despite the position of the Bureau, thousands of people began using the lake for recreational purposes. As use increased, the county of Napa assumed responsibility for recreational management of the lake under the cognizance of the bureau.

In order to develop facilities, the county leased concessions to individuals over 20- and 30- year periods with renewal provisions in the leases. The concessionaires developed launching ramps, picnic grounds, and limited day-use facilities. In order to realize any return on their investments in these facilities, they began charging fees, and opened a number of resorts, which included mobile-home trailers. The lake proceeded to develop along this pattern under agreement with Napa County, and under the acquiescence of the Bureau.

In 1972, concern was raised that the facilities were in disrepair and that the public was not being allowed proper access. Over the next several years a great deal of public debate took place over who should manage the lake, the types of facilities that should be allowed, and what steps could be taken to enhance public access and enjoyment of the lake.

During this same period, I appointed a Lake Berryessa task force whose purpose was to study the situation and come up with suggestions on what types of improvements needed to be made at the lake. The task force made its recommendations which resulted in the Reclamation Development Act of 1974, which gave the Bureau authority to resume recreational management, and authorized expenditure of funds to develop new public day-use facilities.

In 1974, the county of Napa reversed its policy and informed the Bureau of Reclamation that it no longer would manage the recreational facility. With enactment of the 1974 act, it became incumbent upon the Bureau to address the question of the rights of the present concessionaires. For a number of reasons, this period was stormy, with the future of the concessions left somewhat unclear. It is in the public interest that we resolve this uncertainty, and allow orderly development and improvements to go forward at Lake Berryessa.

As the author of the Lake Berryessa provision, I would like to clarify the terms under which the new concession agreements will be negotiated. In the bill, H.R. 5278, we have provided that -

Such agreements shall be for a term ending not later than May 26, 1989, and may be renewed at the option of the concessionaires for no more than two consecutive terms of ten years each. 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 appropriation Acts.

If the Secretary of the Interior finds that the operations of the concessionaires are not in accordance with the use and management plans mentioned, it is our intent that the Secretary shall declare those concessionaires agreements terminated and those concessionaires will have no further right to extension of the concession agreements.

Further, it is our intent that 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 by the concessionaires shall remain the property of said concessionaires; however, at the option of the Secretary of the Interior, the United States may require that the permanent facilities not be removed from the concession areas, and instead pay fair value for the permanent facilities or, if the new concessionaire assumes operation of the concession, require that new concessionaire to pay fair value for the permanent facilities.

MR. LUJAN. I thank the gentleman for yielding. I want to make certain that the language which we have provided in this bill would fully protect those people who have made sizable investments at this lake. They have been whipsawed among three agencies over the years, each of whom has had different regulations, and I commend the gentleman for his concern and for his timely action to provide congressional direction as to how the situation should be handled. Let me ask the gentleman this question: What will happen if the Secretary finds that the operations of the concessionaires are not in strict accordance with the use and management plans mentioned in the bill?

MR. CLAUSEN. In the event, the Secretary may declare the agreements terminated, and those concessionaires would have no further right to extension of the agreements.

MR. LUJAN. If the gentleman will yield further, yes, but it is my understanding that concessionaires have made sizable investments in permanent facilities at the lake. What happens to those facilities? Does the Government just make a windfall profit in the form of confiscated property simply by declaring the agreements terminated? Would these people just have to walk away and leave their investments?

MR. CLAUSEN. The answer to that is no. As we have discussed previously in the committee, the eventuality has been foreseen, and we have no intent of such a thing happening. It is our intent that all permanent facilities placed by the concessionaires in these seven resorts at Lake Berryessa be considered the property of the respective current concessionaires, along with any permanent additions or modification to those facilities. That is only right and fair, and the committee has no intention of stripping them of those rights. However, the committee is saying that the Secretary has the right to require those facilities to stay where they are and not to be removed from the premises if and when the concessionaire leaves.

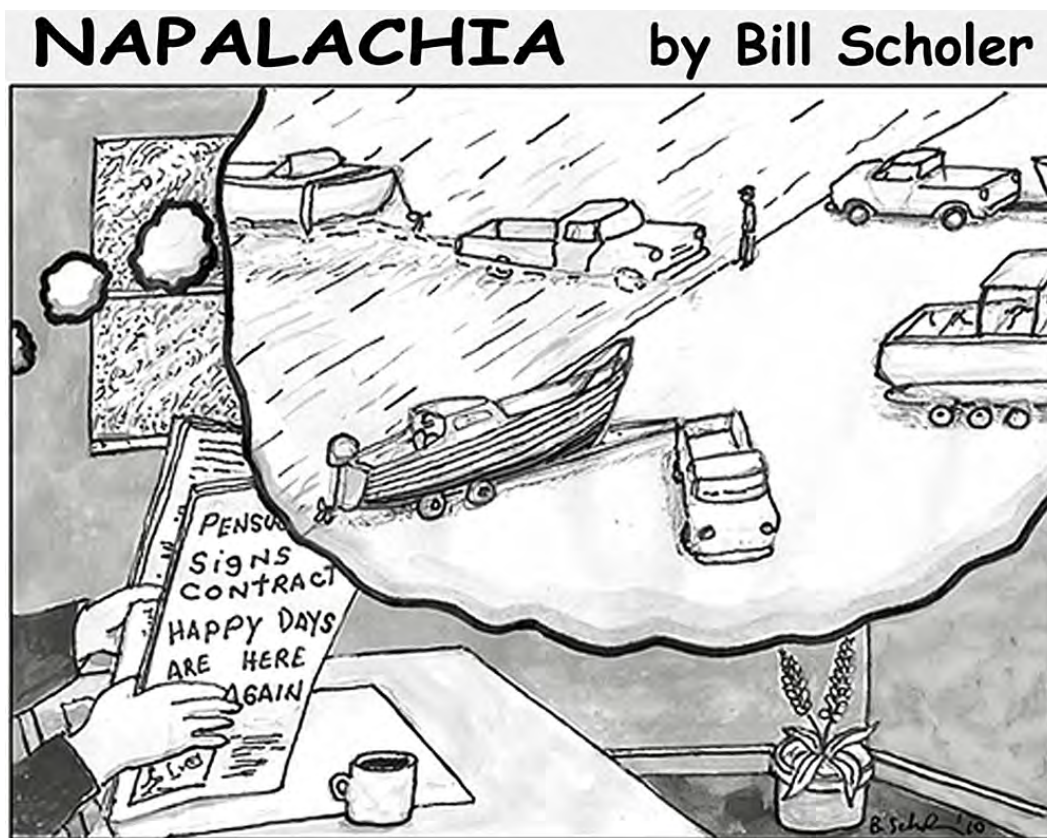
The Secretary has the option to require the facilities to be removed or to require that they remain. We simply intend that if the United States wants the facilities to stay when the concessionaire leaves, the Secretary will pay the concessionaire fair value for the permanent facilities; or, if the Secretary permits a new concessionaire to assume operation of the concession, he will require the new concessionaire to pay fair value for the permanent facilities.

IX. The “Big Mistake”: Pensus - The Beginning Was The End!

The Short Story That Was Actually A Fantasy
(The Lake Berryessa News, April, 2010)

The Bureau of Reclamation has selected Pensus Group LLC as the best proposal for six concession areas located at Lake Berryessa. Pensus Group submitted a single offer to operate multiple locations, including the Steele Park, Spanish Flat, Lake Berryessa Marina, Rancho Monticello, Markley Cove, and Putah Creek concession areas.

Per Mike Finnegan, Reclamation Area Manager: The Pensus Group's proposal will ensure that each of the individual concession areas can be effectively developed and operated. The proposal includes new facilities and enhanced recreational opportunities at Lake Berryessa for the visiting public, which should contribute significantly to the local economy.



Pensus will also pay for its share of improvements to the water and sanitation district at Berryessa Highlands, the Napa Berryessa Resort Improvement District (NBRID). In a statement to the Lake Berryessa News last week, David Finch, president of the Pensus Group, expressed his enthusiasm for the future of Lake Berryessa. He hopes to have the contract signed with Reclamation by the end of March.

He said that Pensus, in anticipation of the completion of the contract, is moving forward with preparatory work for opening some facilities such as boat ramps, boat slips, and marina services as soon as possible. Pensus has scheduled a meeting with the California State Water Resources Control Board in anticipation of meeting the various water and sewer system requirements at the resorts.

Steele Park Resort will be an important element in the Pensus strategy incorporating upscale facilities with a restaurant, hotel, corporate meeting center, and a full-service marina. If other Pensus resort marinas are any indication, Lake Berryessa resorts will likely become exceptional destinations.

Pensus operates several first-class marinas including Pleasant Harbor Marina, which is a full-service marina, located on Lake Pleasant, 35 miles northwest of downtown Phoenix. Pensus' Roosevelt Lake Marina is situated on the largest lake in Central Arizona, consisting of 112 miles of shoreline, peaceful coves and 22,000 acres of surface water. Antelope Point Marina is a new, architecturally significant marina on the southwest shores of Lake Powell within the boundaries of the Navajo Nation and the Glen Canyon National Recreation Area.

The success of the new Lake Berryessa resorts will depend on attracting visitors from all over the Bay Area as well as on establishing partnerships with the Napa Valley resorts and wineries. Pensus said they plan to work closely with local businesses, residents, and environmental groups as they move forward. The immediate stumbling blocks to redevelopment of the resorts are the significant amount of clean-up still required as well as any potential legal actions by the previous resort owners.

This concern was confirmed recently in the Napa Register: "Rancho Monticello operator Bob White said Thursday he plans to sue the bureau for the alleged unconstitutional taking of his property. When Pensus or another new concessionaire signs on to take over the resort, White said he will also sue that company for illegal conversion of his property."

Pensus Signs Berryessa Contract – Begins Facilities Development
(The Lake Berryessa News, May, 2010)

In a move long-awaited by Lake Berryessa region businesses and residents, the Bureau of Reclamation signed a contract with Pensus Lake Berryessa Properties, LLC (Pensus LBP), on April 28, 2010, for management of six concession areas at Lake Berryessa. The contract term is 30 years with a mutual option to extend the contract for an additional 10 years. Pensus, part of Arizona-based marina operator and commercial developer Pensus Group, will operate the Markley Cove, Putah Creek, Lake Berryessa Marina, Spanish Flat, Steele Park, and Rancho Monticello resorts. For the next three years, however, Markley Cove will continue to be run by its current long-term owners, John and Linda Frazier. Reclamation already has a separate contract with Forever Resorts to manage Pleasure Cove Marina.

Pete Lucero, public affairs officer for the Bureau of Reclamation, said that Reclamation expects limited boat launching, camping, and service facilities to be open this summer. Berryessa Highlands residents and Napa County officials have been concerned about whether Pensus, as operator of Steele Park Resort, will pay into an assessment to upgrade water and sewer facilities serving the Highlands. Lucero said the contract calls for Pensus to pay any required assessments to the county or the state. Lucero told the Lake Berryessa News that the signed contract and its attachments are being transmitted to Pensus. Once Pensus has the contract in hand, Reclamation will make it available to the public.

In a prepared statement, Pensus CEO David Maule-Ffinch said, "Pensus Group would like to thank Reclamation for the effort and commitment necessary to bring this complex transaction to fruition. The signing of this contract will now allow work to start on the improvement and expansion of services at Lake Berryessa. We anticipate a very successful public-private partnership in the best interests of the visiting public."

Mr. Ffinch told the Lake Berryessa News that he was enthusiastic about the future potential of Lake Berryessa, but that, with it now being the first week of May, "we are going to have a tough challenge for 2010". A Pensus team will begin work at the lake during the week of May 3. The Pensus Lake Berryessa

web site now includes the resorts slated for opening this season, projected opening dates, and proposed services for those resorts. They hope to open Putah Creek Resort by Memorial Day weekend. The Spanish Flat Resort opening is still to be determined, and the Steele Park opening is dependent on the state of the resort clean-up.

Although the actual timing is unclear because of the operational start-up complexity and the need to carefully comply with environmental laws, Ffinch said that they expect to provide tent camping and RV sites at Putah Creek and Spanish Flat this year. Possibly later in the season they may be able to provide tent camping sites and RV sites at Steele Park based on the state of the clean-up of that resort. They will be using the mobile home sites on a temporary basis to provide more attractive and spacious camping accommodations, and possibly more sites, than have been available in the past.

Pensus LBP also intends to provide “Self Launch & Retrieval and Self Park on site (subject to space availability)” at all three resorts, as well as a boat launch-and-retrieval service (you call, they launch, you play, you go, they retrieve and store) for those who don’t wish to test their trailering skills. Fuel will be dispensed at Putah Creek and possibly later at Steele Park. Steele Park will also have dry storage of boats in a fenced and secured area

Due to the very limited time available, operations for the 2010 season will be minimal. There will be no water or sewer services for the RV and campsites. Until water and sewer facilities are fully developed, porta-potties or mobile trailer restroom units will be used. Likewise, food service and retail products will be sold from portable trailer units. There will be no restaurant-style food service in 2010. Pensus LBP understands that the demand for boat slips is very strong. Although they are taking reservations and expect to start signing people up very soon, they won’t be able to start installing slips until later this year.

Assuming that they can get all the permitting in place, Mr. Ffinch hopes to install initial lodging units and provide better retail services next year. He urged people to go to the Pensus Lake Berryessa website to make reservations, for more detail, and for regular updates. For the thousands of folks waiting to get back out on Lake Berryessa, this is extremely encouraging news.

NAPALACHIA

by Bill Scholer



They're Off Like a Herd of Turtles! Bureaucracy at Berryessa
(The Lake Berryessa News, February, 2011)

Although the image of a turtle stampede is amusing, no one at Lake Berryessa is laughing about how long it is taking to redevelop the demolished Lake Berryessa resorts. Local businesses and property owners who have been severely hurt by the Bureau of Reclamation's destruction of five resorts had hoped that the redevelopment of those resorts would be fast-tracked by government agencies so the desperately-needed recovery could begin. Unfortunately, this does not appear to be the case.

Pensus re-opened two resorts last year (Lupin Shore and Chaparral Cove) with minimal services. So far this year the most visible sign of progress has been the removal of non-native vegetation at Chaparral Cove and Lupine Shores (the entrance driveway oleanders are gone!). Pensus has announced the re-opening of Foothill Pines (the former Spanish Flat) on Memorial Day, although there may be no boat launching until the demolished launch ramp is replaced. Apparently it is taking time to get the required permits to rebuild the launch ramp.

Each of the three Pensus resorts will have tent and RV camping with brand new concrete picnic tables and BBQ/fire rings along with improved restroom trailers. Per their web site they are also taking reservations for Surface Dry Storage at Lupin Shores and Chaparral Cove. Unlimited launch and retrieval will be included in the boat storage price and one free weekend of camping per month will be included in the RV storage price.

Although Pensus provided a new development plan to Reclamation in November, 2010, it has yet to be approved. The new Pensus plan includes wet slips at Lupine Shores, but they are awaiting Reclamation's approval of their pricing structure to move forward with actual dock installation.

Despite justifiable frustration with the slow pace of planning and permitting, David Finch, president of the Pensus Group, has been consistently gracious in his characterization of the Bureau of Reclamation, describing them as intelligent, dedicated people who want to do the right thing for Lake Berryessa. Discussions among Reclamation, Napa County, and Pensus have been ongoing since last October. A County representative described these discussions.

“The County did help to facilitate communication between the Reclamation, Pensus, and the Central Valley Regional Water Quality Control Board (Regional Board) staff during the fall of 2010 to discuss water and sewer permitting for all 6 resorts. At that time, the Regional Board staff outlined the process for the 6 resorts; timing of applications, information that will be required, and the necessary justification. In addition, the Regional Board staff discussed with Pensus compliance with cleanup activities at some of the resorts and the CDO at NBRID. With regard to other permits – such as for gasoline service and building - County staff is working with the Reclamation to outline a process for review by various County departments but that has not yet been formalized.

At this time, County agencies are not involved because we have no authority. In the future, it is anticipated that departments such as Conservation Planning and Development (including building), Environmental Management, and Public Works will be involved. Law enforcement and first responders are very interested in further discussions with Reclamation and Pensus as resort activity increases.

The County is willing to assist with building permit reviews, inspections, and code enforcement if an agreement can be reached with Reclamation regarding these activities. Even without an agreement, the County has responsibility for the review/issuance of permits by the County's Department of Environmental Management (e.g. restaurants, hazardous materials, camp grounds).

Although the Pensus development plans are occurring on federal land, the County anticipates that there will be increased demand for County services in these areas. The purpose of our negotiations is to insure the health and safety of County residents and visitors to the Lake, and recognize the unfunded responsibilities we incur by providing services. The status is that negotiations are continuing.”

Springtime at the Lake: Pensus in Bloom?
(The Lake Berryessa News, March, 2011)

Now that the Bureau of Reclamation has approved the new plans for the Pensus Lake Berryessa resorts, anticipation of summer fun at the lake is growing. Although 2012 will be the year for major improvements, 2011 will see many upgrades to amenities at Lupine Shores, Chaparral Cove, and Foothill Pines (Memorial Day opening) resorts. Markley Cove Resort, Pleasure Cove Marina, and all public recreation facilities are open for business as usual.



In the longer term, David Ffinch, President of Pensus, stated that, “Pensus plans to provide a safe, high quality and varied recreation experience to satisfy the desires of all who choose to enjoy the extraordinary beauty of Lake Berryessa” A joint Pensus - Bureau of Reclamation press release stated last month that five concession areas managed by Pensus will be open this summer. There will be a single telephone number for reservations and information.

Chaparral Cove (formerly Putah Creek) and Lupine Shores (formerly Steele Park) recreation areas are currently open for day use, boat launching, and RV and tent camping. Beginning Memorial Day weekend, Foothill Pines (formerly Spanish Flat) will be open for day use and RV and tent camping. The resorts will have new concrete picnic tables and BBQ/fire rings. Chaparral Cove, Lupine Shores, and Foothill Pines are expected to be served this summer by restroom trailers with running water (no showers) and an RV pump out service.

For this season Pensus will have a retail trailer unit at Lupine Shores and Chaparral Cove. It will sell convenience items, ice and some packaged food and beverages. Blue Oaks (formerly Berryessa Marina) and Manzanita Canyon (formerly Rancho Monticello) will be open for group camping on a reservation basis. These sites will not have the upgraded picnic tables and fire rings and will be served by porta-potties. Daily Launch Fee is \$21 which includes six people in your boat. Additional people would pay the \$3 per person Day Use Fee. Annual Launch Passes are now available for \$225 and are valid from March 1, 2011 – March 1, 2012. The pass is attached to the boat. Pass is good for entry of one watercraft trailer and up to six people. Additional people will be subject to the day use fee. The annual launch pass will be honored at all Pensus resorts.

For the 2011 season that will include Lupine Shores and Chaparral Cove. When the remaining launch ramps are built the passes will be honored at those resorts as well. Dry Boat Storage will be available at Chaparral Cove and Lupine Shores beginning in March and potentially at Manzanita Canyon beginning Memorial Day weekend. Dry Boat Storage Rate: \$4.20 per linear foot. This includes unlimited self-launch fee. Launch and retrieval service is available for \$40 or \$20 each way. RV Storage Rates are the same as the Boat Storage Rates. One free weekend of camping per month will be included in the RV storage price. (Not applicable for holiday weekends)

The hours of operation for day use at Chaparral Cove, Foothill Pines and Lupine Shores will be 8 AM to 8 PM. RV and camper walk-ins and launchers who have not purchased the annual pass will need to check in between these hours as well. RV and campers who have made online reservations in advance will be able to access the sites at any time, as will those who purchase the annual pass. Pensus is also finalizing signage for the concession entry locations as well as investigating billboards and radio advertising and preparing brochures.

Although wet slips are now shown in the Lupine Shores plan, Pensus cannot install wet slips until the environmental process is completed. They expect to obtain price approvals for wet slips within a few months. All things going well they will start construction of slips in late 2011 for 2012 season occupancy.

Bureaucratic Wheel-Spinning: How Much Is Enough?

Although the National Environmental Protection Act (NEPA) has been raised as an issue in the Lake Berryessa redevelopment process, it is not clear why this should be an impediment since Pensus is simply replacing the old facilities with new environmentally-friendly construction. Any delay because of NEPA is even more puzzling since the demolition of the old resorts was accomplished with a minimum of environmental oversight. Reclamation used what is known as a Categorical Exclusion (CE).

Per Department of the Interior guidelines, “CE applies to actions that do not individually or cumulatively have a significant effect on the human environment. Each CE is approved by CEQ and excludes categories of Federal actions from further NEPA documentation because the action has been shown to have no significant effect on the environment. A CEC is a written checklist which is used to document whether or not a proposed action meets the criteria for being categorically excluded from further NEPA documentation. As a general rule, preparation of a CEC should be a fairly rapid process, taking, at most, a few hours or a few days and involving a little research, a few coordination telephone calls, and/or short face-to-face discussions to get information, as needed, to fill out the checklist. Some internal and external scoping of issues and documentation may also be required.”

During the Task Force 7 at Lake Berryessa campaign to save the lake and in the Berryessa For All court case against Reclamation, it was argued that Reclamation had not followed NEPA in its determination to demolish all facilities at Lake Berryessa resorts. Reclamation responded that they had evaluated the situation and produced Categorical Exclusion Checklist #743. They also stated that they had reviewed the

environmental impacts of demolition of each site and that environmental impacts were minimal and mitigated by using Best Management Practices. The federal judge agreed that Reclamation had done the necessary analysis to support the demolition.

Bureau of Reclamation representative, Pete Lucero stated at the time, “Reclamation has determined that the action of trailer removal at Lake Berryessa is subject to Categorical Exclusion (CEC #743) because, with very few exceptions, trailer removal involves minimal disturbance, is designed to correct unsatisfactory environmental and safety conditions, is wholly within an existing facility, and is located on pre-disturbed land.”

A federal judge agreed stating. “The Court earlier held that NEPA does not require a site-specific analysis of removal and demolition...holding “terseness of the agency’s discussion of construction impacts” complied with NEPA so long as agency considered environmental impacts on a general level. The Court reiterates that holding and finds that the FEIS adequately discussed and considered the environmental impacts from the removal of trailers and associated infrastructure.”

It appears irrational to have done the massive demolition and destruction at Lake Berryessa under CEC #743 and then require any more stringent requirements for redevelopment. Environmental review should be minimal, especially since the Bid Prospectus and the final contract already require best management practices and an environmental management program during rebuilding. All construction permits should be fast-tracked to allow the rapid re-opening of the resorts and the economic recovery of the Lake Berryessa community.

Did You Hear the One About...

...how many bureaucrats it takes to screw in a light bulb? No, not that one – the one about how many Reclamation officials it takes to dig a one-foot diameter hole only four feet deep? Witnesses at Chaparral Cove last month say it was four – and it took six hours! The hole was for a PG&E pole. They would dig six inches down, then sift the dirt for Native American artifacts.

As silly as this may seem to some, there is often a good reason (and some legal requirements) to exercise care when excavating in areas that may potentially contain Native American cultural artifacts. But from a scientific point of view, the areas inside the resort boundaries, and even areas outside them, are not of significant cultural value. This excessive bureaucratic oversight is not justified based on previous archeological studies done above the 440 foot lake level. Any delays in redevelopment such as requiring hours to dig a hole are just nonsensical academic exercises for the Reclamation participants. Especially considering Reclamation approved the "grind it to the ground" approach originally.

When Does History Actually Become “HISTORY”?
(The Lake Berryessa News, September, 2011)

A fascinating document surfaced recently with the simple title: Investigative Report: Pensus, Inc. The 17-page report was prepared by the Office of the Inspector General, U.S. Department of the Interior, at the request of Congressman Mike Thompson and released on March 3, 2011 (although sources kept telling me that it had not yet been made public). The actual report synopsis is reproduced below.

Synopsis

Congressman Mike Thompson, 1st District of California, requested an investigation of the Bureau of Reclamation’s (USBR) concession contract award to Pensus, Inc. (Pensus) at Lake Berryessa in Napa County, CA. In his letter to the Acting Inspector General, the Congressman noted several concerns received from his constituents about the integrity of the USBR contract process. The Congressman questioned if

Pensus received information that gave it a distinct advantage over other bidders and if Pensus modified its proposal after bids had been received and opened.

The complainants, John and Linda Frazier, bid on the USBR Lake Berryessa concession contracts. The Fraziers provided a document stating several concerns. We investigated only those issues not previously litigated during a 2007 U.S. Court of Federal Claims case.

We focused on whether USBR complied with the law and public policy in entering into a concession contract with Pensus, devised a false motive to re-bid the contract, or engaged in collusion with Pensus during the contract solicitation and award process. We found no evidence that USBR violated the law or public policy in regard to the contract solicitation and award to Pensus for the Lake Berryessa concession contracts.

We did find, however, that the Office of the Solicitor determined that as a result of incorporating inapplicable provisions from National Park Service statutes into its concession contract guidance manual, USBR unintentionally promised to pay the concessionaire with funds that it would not have the statutory authority to pay.

There's much more about this report to come later in this story, but it reminded me that we are in the last stages of a "historical" process that began about ten years ago. On November 7, 2000 the Bureau of Reclamation published a Notice of Intent (NOI) in the Federal Register initiating their plan to destroy a family-based recreational culture at Lake Berryessa.

OK, you got me – I exaggerate (slightly). The NOI actually stated:

"The Bureau of Reclamation is initiating a formal Visitor Services Planning effort for the Lake Berryessa Recreation Area. The purpose of the Visitor Services Plan is to determine the type and level of commercial facilities and services that are necessary and appropriate for future long term operations...The time frame for completion of this plan is 18 to 24 months...The draft EIS is expected to be completed by November 2001. The final EIS is scheduled to be released in March 2002."

The Draft EIS (DEIS) was actually released on October 31, 2003, two years late, and therein lies the beginning of the tragic tale that led to the present situation at Lake Berryessa.

In early 2001 Task Force 7 at Lake Berryessa was formed and requested that Reclamation meet with resort mobile home owners. Reclamation ungraciously agreed but made it crystal-clear that they intend that all long-term sites be removed in any new plan. But is this tragic tale (of which I can document every sad step) actually "History" yet? And would the Markley Pensus IG Investigative Report be considered part of that "History" or just a current event on the path to the glorious new Lake Berryessa envisioned by the victors in this decade-long process?

In a BBC History Magazine poll readers were asked when they thought history began – in other words, how much time has to pass before a certain event becomes history. The response that received the most votes: a second before the present. The second largest response was that events become part of history only after a decade has passed. This is a practical people-based view of history.

Academic historians define history as presenting facts without expressing any opinion or analysis of the events whereas memories are comprised of emotions that can have a great influence on the perception of an actual event. Critical historians live by the old saying of "there are two sides to every story and then there is the truth." Historians live where the truth is hidden in the 12 different stories told by the 12 different people all witnessing the same event from a different viewpoint. That's why they believe that it takes approximately

fifty years before a balanced view of what actually happened and why emerges. The people involved have to die off and stop defending turf before a more objective viewpoint can develop.

I'm more interested in the narrative approach to defining history. It is organized chronologically; focused on a single coherent story; primarily descriptive but also analytical; primarily concerned with people but also the abstract circumstances in which they find themselves; and deals with the particular and specific first and the collective and statistical second. To me a big part of the fascination with any history is trying to discover what was going on inside people's heads in the past, and what it was like to live in the past.

Carol Fitzpatrick's Town of Monticello History Exhibit at the Spanish Flat Center is this type of narrative history, for example. So is "Roots of the Present: Napa Valley 1900 to 1950" by Lin Weber, available at the Napa County Library. It reads like a novel, but is an academically solid description of Napa County "History".

So how does this new Inspector General's Investigative Report fit into Lake Berryessa history? The report itself is not a thorough legal investigation as much as it is a narrative of recollections and comments of the participants in the process. The "bad guy" in all of it turns out to be a single unnamed individual attorney in the DOI's Office of the Solicitor (SOL).

The first bid process was complete. The Pleasure Cove contract had already been negotiated and signed. The Pensus contract had been negotiated and in review. The Markley Cove contract negotiations were planned but had not yet started because the expiration date of the present Markley contract was later in time than the others. Unfortunately, the Markley Cove concession owner had assumed that receiving the bid award was equivalent to a contract guarantee and made significant investments in purchasing equipment in anticipation of a new 40-year contract.

During review of Pensus' contract, SOL identified legal flaws that would supposedly put Reclamation at risk of violating the Antideficiency Act which prohibits the government from purchasing, or implying that they may purchase, assets for which funds have not yet been officially approved by Congress. Reclamation had inadvertently used a clause from a National Park Service contract template that included this type of language. Since no one could predict the financial situation at the end of a 40-year contract, nor would anyone expect Congress to actually make an appropriation in 2010 for a 2050 expenditure, the contracts would previously just state something like "depending on funds being appropriated by Congress".

Apparently this was not acceptable to the SOL. Nor was it acceptable to simply remove the offending language by "red-lining" it and getting on with business. The Attorney-Advisor said that would be unfair to the losing bidders and that the only fair alternative was to re-do the whole bid process. As a result, SOL advised USBR to rescind the June 2007 prospectus and all associated agreements on February 26, 2009, and requested that the prospectus be revised and rebid.

Aside from the shocking use of the word "fair" by the SOL to justify undoing years of effort, that "fairness" had actually not been applied during the original bid process. There were six original bidders. The owners of Rancho Monticello and four partners had applied to run five of the seven resorts under the name Lago Resorts LLC. One of the partners, California Parks Co., a company that runs the concessions at Angel Island State Park and Lake Camanche among others across California, would manage the resorts.

Lago Resorts bid to operate Rancho Monticello, Putah Creek, Berryessa Marina, Spanish Flat and Markley Cove. The plan, explained Bob White, included spending \$90 million to remodel, upgrade and build new facilities at the resorts while keeping the resorts open.

The other applicants were: Recreation Del Sol Enterprises LLC , St. Helena, CA (Peter White – a previous owner/partner at Rancho Monticello); Pensus Group LLC with experience operating marinas in Arizona but

not ground-based resorts; FX10 LLC (Linda Frazier bidding on her own Resort, Markley Cove); Steele Park Resort Inc. (Sean Buckley), and Pleasure Cove Marina LLC, a subsidiary of Forever Resorts Inc, which has extensive resort management experience nationally and internationally, but only bid to operate Pleasure Cove Marina.

The fact that Forever Resorts only bid on Pleasure Cove, which had been given to them by Reclamation after it confiscated the resort from Steve Petty in 2005, was a disappointment to Reclamation. Clearly, Reclamation wanted a single company to take over the Lake Berryessa resorts - as documented in the bid prospectus. They were hopeful that Forever Resorts would be that “white knight”.

Reclamation had attempted to lay the groundwork to justify giving Forever Resorts any of the other existing resorts by stating in 2005: "Due to the approaching expiration of the other six concession contracts at Lake Berryessa it is possible that any of the other concessionaires could have their contract terminated in advance because of financial and performance problems. In the event this occurs and Reclamation determines it necessary to establish an interim concessionaire, in a similar manner as this contract, the Pleasure Cove concessionaire could be assigned that responsibility through an amendment to this contract."

But apparently Forever Resorts’ experience with the Bureau of Reclamation at Lake Berryessa did not incline them to get in any deeper financially by bidding on more resorts.

The Lago Resorts bid was outstanding. I read it. In the interest of full disclosure, I wrote the ISO 14000 Environmental Management System for Rancho Monticello which was used in the Lago Resorts bid. I also wrote the Environmental Management Plan for the Steele Park bid and participated in writing the Environmental Management Plan for the Markley Cove bid.

But a funny thing happened to the Lago bid on the way to the evaluation. It was rejected as non-responsive and tossed out. Arguably an outstanding bid backed by substantial investment resources and managed by people with decades of experience. It was never evaluated!

Per the Whites, “The bid was declared non-responsive due to one sentence that did not make the U.S. government the first lien holder on personal property loans, i.e., cars, equipment, etc. We did request consideration and revisions, but were flatly rejected. But that “first lien” clause has since been removed from all the current contracts.”

The terms of 2009 Bid Prospectus, and the fact that the Bureau of Reclamation had already forced the closure of Rancho Monticello and Spanish Flat, made it impossible for Lago Resorts to bid again. What’s more puzzling about the Lago Resorts rejection is that Reclamation allowed bidders to modify (clarify) their bids per a statement in both the 2007 and 2009 bids. “An Offeror may not amend or supplement a proposal after the submission date unless requested by Reclamation to do so and unless Reclamation provides all Offerors that submit proposals a similar opportunity to amend or supplement their proposals.”

This opportunity was presented to Pensus when they apparently violated a Franchise Fee requirement in the second bid process. In the first prospectus, a bidder was allowed to bid a 0 percent franchise fee. The second prospectus clearly stated that each bid proposal must include a minimum 1 percent franchise fee. But the report implies that Pensus did not propose a franchise fee in the second bid – perhaps inadvertently – which would have made their bid “non-responsive” – the same justification that Reclamation used to deny the original Lago Resorts bid. However, in this case Pensus was allowed to modify/clarify their bid. Clarification requests regarding the 1% franchise fee were also sent to the other bidders.

So “fairness” appears to have a hazy definition in government circles. From a pragmatic point of view, there was no one left among the original bidders to whom to be “fair”. Lago had been eliminated. Steele Park and Spanish Flat had given up.

The Inspector General's report shows that most of the local Reclamation officials did not really want to redo the bidding process. But there are pretzel-twisting rationalizations of why a winning bid award does not mean a contract. There are long sections of self-justification and hand-wringing, which makes for interesting reading, but then Reclamation did the totally unnecessary anyway - and forced a re-bid.

One interesting revelation is the mindset of Reclamation Area Manager Michael R. Finnegan. Finnegan did not participate in the June 2007 bid review or selection process. Finnegan believed that the review panel misinterpreted the evaluation criteria and selected the Fraziers as having the best proposal for the Markley Cove concession only because it misinterpreted the Record of Decision and failed to seek clarification.

Finnegan explained that the review panel had misinterpreted the "continuity of operations" provision in the Record of Decision to mean that there must be zero impact on the continuity of business operations at the Markley Cove concession during the new concession contractor's transition phase. Finnegan emphasized that if not for the panel's misinterpretation, Pensus would have been selected as having the best proposal for the Markley Cove concession.

A basic unanswered question which will probably remain unanswered is why - when the new prospectus was the same as the old prospectus - did Markley Cove lose the bid the second time? SOL did not investigate that nor will the primary documents probably ever be released - even under a Freedom of Information Act (FOIA) request. The Lake Berryessa Chamber of Commerce tried the FOIA process previously and was rebuffed. Not surprisingly, the federal government has an extensive list of justifications to withhold rather than release information.

In the report the SOL Attorney-Advisor said he was heavily involved in the review and approval of the second prospectus. He said the second prospectus had two significant changes from the first: it did not include the clause promising to pay the concessionaire at the expiration of the contract, thus removing the Antideficiency Act issue; and it incorporated a franchise fee, since the first prospectus did not include one. He stated that not including a franchise fee results in the Government not receiving any money for the concession, which would technically prevent it from being a concession. The second prospectus included the franchise fee with the hope that bidders would bid higher than 1 percent.

The Attorney-Advisor related that because he was not too involved in the first bidding review process and had limited involvement answering general legal questions during the second, he did not know why the Fraziers were selected as having one of the best proposals during the first process and not during the second. He explained that changes to the second prospectus as well as modifications to the framework of the scoring system - the franchise fee was given more weight in the second process - may have contributed.

None of the principals in the report were willing to comment publicly to the Lake Berryessa News since apparently some discussions are ongoing. It appears that much pain and suffering have been caused by a government agency out of touch with its impacts on the lives of real people and local communities. The report is another example of something that just didn't have to happen this way. It's past history with overtones of current events. What will "future history" bring?

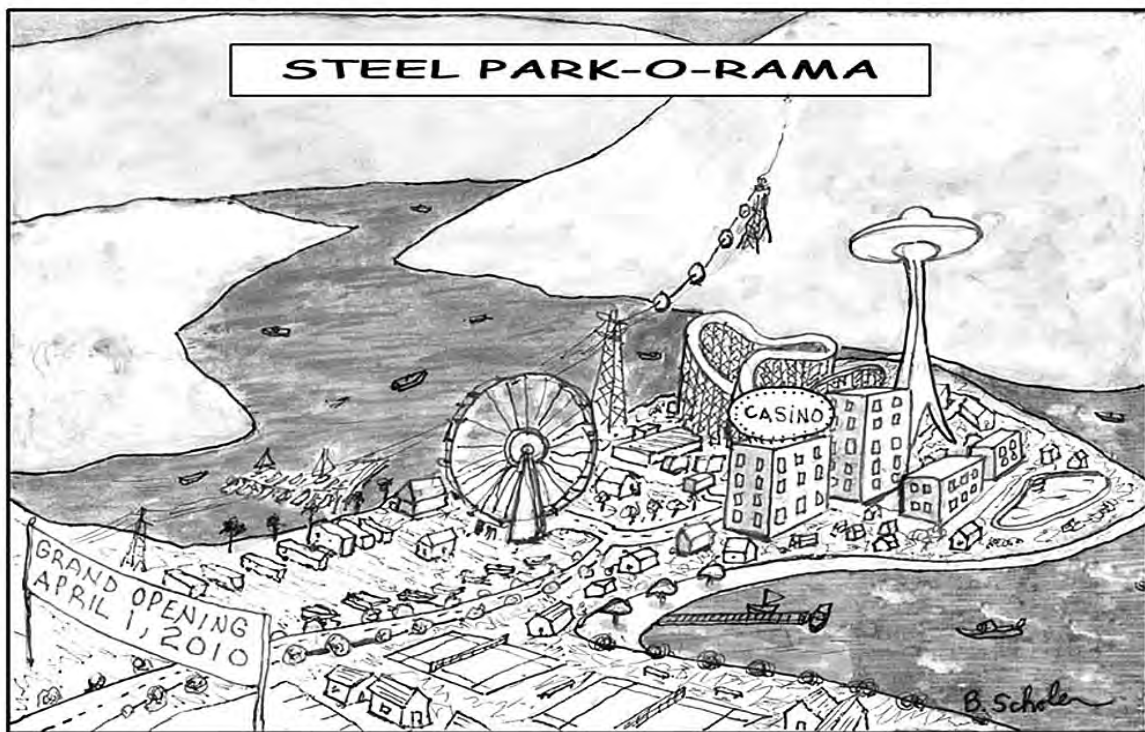
A Berryessa Midsummer Night's Dream (With Apologies to William Shakespeare)
(The Lake Berryessa News, August, 2011)

I had a memory the other day of tubing and jet skiing on Lake Berryessa with friends and family. For a break we'd drift in to the Big Island Lagoon at 5 mph to float quietly with the other folks on patio boats, houseboats, or even some in kayaks. It was a quiet, safe place to float or even to put your deck chair on a sand bar and kick back in six inches of water while kids splashed around you. Later it was time for prime rib or pizza at the Steele Park Boathouse Restaurant savoring one of the most beautiful views on the lake.

But then I had a nightmare that a Dark Force swept down on Lake Berryessa and destroyed our homes and resorts, tearing up launch ramps, demolishing restaurants, eliminating access to the lake for years – even denying entry to the Big Island Lagoon to everyone except some phantom kayakers who never showed up.

NAPALACHIA

By Bill Scholer



But then, this being mid-summer, I had a comforting Midsummer Night's Dream. I saw myself sitting at a beautiful floating marina restaurant and bar, sipping a margarita, with my trusty low-emissions, quiet, environmentally-friendly jet ski at my side. Happy families were once again drifting slowly into the Big Island Lagoon for a rest stop. New resorts were providing launching and pleasant new facilities to visitors from all over the Bay Area. Just before I woke up I was once again looking out at that fantastic Steele Park view, but now it was from a brand new restaurant at Lupine Shores.

A Shakespearean tragedy is defined as a dramatic work in which the main character is brought to ruin or suffers extreme sorrow, often involving a heroic struggle, especially as a consequence of an admirable but flawed character or inability to cope with unfavorable circumstances.

This describes a decade of struggle between the Bureau of Reclamation on one side and previous resort owners in cooperation with Task Force 7 at Lake Berryessa, mobile home owners, local businesses and residents on the other. Reclamation won that struggle and the tragic results were obvious.

A Shakespearean comedy is defined as a dramatic work that is light and often humorous or satirical in tone with a happy or cheerful ending in which the central motif is the triumph over adverse circumstances, resulting in a successful conclusion.

This hopefully describes the present process of rebuilding Lake Berryessa to a superior state of recreational elegance by the Pensus Group. But that won't happen without strong management and the support of all parties involved. Unfortunately, there will always be some obstacles to overcome, even in a comedy with a happy ending.

David Ffinch, president of the Pensus Group, graciously agreed to answer some questions for the Lake Berryessa News regarding the present status of his company's progress at Lake Berryessa. "It's like planning, designing, and building a small town stretched over miles of shoreline. There's not much to see in the beginning, but once we push the button, progress will be rapid.

The public appears to be generally pleased with the level and quality of temporary services in 2011. As for 2012, any improvements will require approval from the various jurisdictions meaning planning, water quality, environmental, etc. We are working on infrastructure design and design of various vertical improvements. Our hope is that we can make some fairly definite statements in the last quarter of 2011 as to the scope of 2012 installations."

"Pensus has received very few complaints about reservations. We fielded more than 2,000 calls in the two weeks before the July 4th weekend and were completely booked by June 28th. Many people refused to book and pay in advance and were warned that they were unlikely to get a site without doing so. These same people became annoyed when we could not accommodate them during the last few days. Reclamation received 15 to 20 calls, by their account, from individuals complaining about lack of response. This is a very small percentage (less than 1%) and we are reasonably satisfied by this performance.

By August 1 a new website reservations system will be operational. Our software specialists have been training the on-site staff and will be available for support. With this system up and running we will hopefully do a better job and there will be less frustration."

Another important issue for visitors is security. "We have a 'zero tolerance' policy regarding any individual who is overly disruptive, aggressive, abusive, threatening or violent. Such individuals, when identified, will be escorted from the premises and refused access to the Concessions in the future. We will, under no circumstances, risk personal injury to our clientele, employees or police authorities by allowing clearly violent and aggressive individuals repeated access.

Pensus has received very few complaints regarding noise or disturbance at the Concessions. We did have one very aggressive and abusive individual, over the July 4th weekend. Only two calls were made by Pensus to the Sheriff requesting support. Pensus works closely with the Napa County Sheriffs and is most appreciative of their support, which has been exemplary. John Robertson, Undersheriff, and I have communicated personally and we will stay in close contact. As I understand it on-land incidents have been minimal in comparison to the past and we will work to keep it that way and improve further."

Mr. Ffinch's comments were supported by the low number of Sheriffs calls over the July 4th weekend. According to a member of the Pope Valley Volunteer Fire Department, which takes care of most of the west side of the lake (along with the Cal-Fire units from Spanish Flat), this was the first time in memory that they didn't have a single call during the weekend of the 4th. "It was wonderful to spend the weekend with my family."

Although the National Environmental Protection Act (NEPA) has been raised as an issue in the Lake Berryessa redevelopment process, it is not clear why this should be an impediment since Pensus is simply

replacing the old facilities with new environmentally-friendly construction. Any delay because of NEPA is even more puzzling since the demolition of the old resorts was accomplished with a minimum of environmental oversight.

The Bureau of Reclamation used what is known as a Categorical Exclusion (CE) and stated publicly that they had evaluated the situation and produced Categorical Exclusion Checklist #743. They also stated that they had reviewed the environmental impacts of demolition of each site and that environmental impacts were minimal and mitigated by using Best Management Practices.

NEPA itself states that the EA is a concise document, it should not contain long descriptions or detailed data which the agency may have gathered. Rather, it should contain a brief discussion of the need for the proposal, alternatives to the proposal, the environmental impacts of the proposed action and alternatives, and a list of agencies and persons consulted. Agencies should make the Finding of No Significant Impact (FONSI) and EA available for 30 days of public comment before taking action.

Unfortunately, the slow progress in this area is frustrating to many of the people involved, especially local business and residents, much less Pensus itself. The formal response from Reclamation to a question from the Lake Berryessa News does nothing to allay those concerns. This process should be fast-tracked by everyone involved, not allowed to linger into the spring of 2012. It is not an academic bureaucratic exercise – it affects real people.

Bureau of Reclamation response: “Pensus is in the process of formulating the Draft Environmental Assessment for development of recreation facilities and services within its six concession areas around Lake Berryessa as required by the National Environmental Policy Act, or NEPA. NEPA is a federal law that requires that potential impacts from federal actions and actions on federal land be examined prior to the initiation of that action. This environmental assessment for the planned development at Lake Berryessa is considered “programmatic” because it will focus on the impacts of the overall development plan proposed by Pensus. Reclamation expects the Draft Environmental Assessment to be completed fall/winter 2011, at which point the public will be invited to submit comments. These comments are an important part of the NEPA process, and will be considered in the Final Environmental Assessment. Reclamation anticipates that the Environmental Assessment will be finalized in spring 2012.”

The other major stumbling block for Pensus at Lupine Shores is the NBRID process. Mr. Ffinch was emphatic in his response to this issue that Pensus fully supports becoming part of the Berryessa Highlands water and sewer system whether run as it has been, a Resort Improvement District, or as an independent Community Services District. One wrinkle in this approach was pointed out by a County legal representative. Apparently according to law, a Resort Improvement District would provide both water and sewer services. However, if the NBRID became a Community Services District, Pensus would be required to hook up to sewer services, but would not be required to hook up to water service from the District. Mr. Ffinch made it clear that Pensus was committed to join the proposed CSD for both water and sewer service.

“Pensus has committed to Napa County that it will hook up to NBRID and to participate proportionately in any costs subject to a maximum cost limitation of \$4M and timing. We are working closely with and support the Berryessa Highlands residents. There is nothing that Pensus can do at this point except wait for NBRID / Napa County to provide the Regional Water Authority with the assurances they have demanded from NBRID that will allow removal of the moratorium against Lupine Shores connecting to NBRID.”

At an April meeting a plan was developed to potentially remove the State’s Cease and Desist Order (CDO) against the NBRID by showing that effluent volumes, which everyone knows is primarily impacted during winter by rainwater intrusion in old Berryessa Highlands sewer pipes, would be below the 50,000 gallon limit if the pipes were repaired. This would allow the CDO to be lifted and also allow a longer-time frame to make the major upgrades to the main sewer treatment plant.

The April meeting group identified several milestones and a funding mechanism. The Consulting Engineers would monitor the system through the remaining wet weather in 2011. Camera and video analysis would determine infiltration water origin and provide the results by summer. The CDO process requires a November 2011 report to the state. During summer of 2011, the identified areas of serious infiltration would be repaired. During the winter of 2012 the Consulting Engineer monitors and reports effluent flow volume which is hopefully less than the 50,000 gallon limit. Unfortunately, it appears that this plan has not been completed as of July 2011. Whether it is a lack of money or technical issues is not clear. The Lake Berryessa News is awaiting a response from the County.

On a lighter note: Although Pensus published a brochure and funded electronic billboards around the Bay Area, they had not installed entrance signs at their resorts until recently. The original signs were spray painted on plywood sheets. The latest signs are small and can't be read from passing vehicles. It didn't do much for their professional reputation among locals as well as visitors.

The Lake Berryessa News Facebook page chimed in with photos and a bit of satire: "Five weeks after Pensus said they'd have signs up within two weeks, a new sign finally appeared at Lupine Shores next to their old spray-painted plywood sign. It seems they've transitioned from their old sign company, Ghettoerks, to Tiny Town Signs, Inc. From sublime humor to breathtaking silliness. Hopefully real signs will be installed soon." David Ffinch took the hit with reasonably good grace, acknowledging some internal problems but stating, "We finally have the permanent signs in hand as of Monday last. They will be installed within the next two weeks."

Everything can't work perfectly, but we are all hoping for a happy (speedy) ending to this Lake Berryessa Midsummer Night's Dream.

Applehood and Mother Pie! What's Right, What's Wrong, Why
(The Lake Berryessa News, April, 2012)

In a letter of opposition to the creation of the unnecessary Berryessa Snow Mountain National Conservation Area I used the term "applehood and mother pie" statement. We are all used to hearing "motherhood and apple pie statements" which tend to be "feel good" platitudes about a worthy concept with which few people would disagree.

But I've noticed that many of these statements are being slickly twisted by wordmeisters to convey something they were never meant to mean. Words can be strung together like beads on a necklace to achieve a desired affect. Sometimes comments almost seem to make sense until you scratch through that mother pie crust and find out for yourself what they really say.

Examples of this are common in politics (right and left) and from the more radical exclusionist groups. If you hit all the right hot button words, even without any specified plans or supporting analysis, people are happy to do what you want and stop thinking for themselves (thinking is hard, I know). In dealing with the Bureau of Reclamation for fifteen years I've gotten used to the frustration of hearing "applehood and mother pie" statements from them rather than facts and evidence. The present sad state of affairs at Lake Berryessa, unfortunately, shows how effective they were at deploying those tactics – and still are.

Local residents, businesses, and Lake Berryessa recreationists are extremely disappointed in both the Bureau of Reclamation and Pensus for the lack of progress in redeveloping the resorts. Right now Summer 2012 appears to be a repeat of Summer 2011 with minimal facilities available at the Pensus Berryessa Shores Resorts. The major responsibility for this lack of progress must be attributed to the Bureau of Reclamation. After they got what they wanted through their disastrous Visitor Services Planning process – a single company to run most of the Lake Berryessa resorts – they seem to be doing everything in their power to slow

the process down and drive Pensus out. Is it simply their passive aggressive response to some Pensus plans they no longer agree with after having approved them – slow them down to make them change? Anyone who has had to deal with Reclamation knows they are neither a recreation nor customer-service oriented organization.

But Pensus bears its share of responsibility for the lack of progress. They seem to have seriously underestimated the complexity of translating their paper plans into on-the-ground results. It appeared that their company policy was to go it alone despite the offers of advice and assistance from local people with years of operational experience at the lake. Their liaison and information-sharing with local residents was minimal – sometimes because they were in negotiations with Reclamation. Pensus always publicly stated that they wanted to be a partner with Reclamation and establish a good working relationship. But although they've lost a lot of local support, they can at least be assured that almost everyone wants them to succeed.

Which is why the actions of the Bureau of Reclamation and of our local politicians still seem suspect to many. Despite a letter from the Lake Berryessa Chamber of Commerce and one from the Lake Berryessa News requesting that Congressman Thompson take some action to encourage the Bureau of Reclamation to expedite their decision-making process to help Pensus make progress, Reclamation instead wrote a letter of non-compliance on February 27 to Pensus further slowing things down! Pensus responded with a longer letter describing their solutions to Reclamation's perceived problems. When will this Reclamation Hall of Mirrors fiasco end?

The Lake Berryessa News obtained a recent letter from the Pensus attorneys to the Bureau of Reclamation dated April 27 which included a previous letter on April 6 laying out some of the ongoing issues and requesting action. The letter is included below and makes for very interesting reading. You be the judge. Unfortunately, it seems that there's no one in charge at Reclamation. With the recent resignation of the Park Manager and two other key managers all decisions are being bumped up the chain of command – but still no one seems to know what to do.

The appearance of the orange fencing and danger signs is a case in point. The Bureau of Reclamation cordoned off large areas of Lupine Shores and Chaparral Cove with orange fencing and danger signs. The fences are far from the shoreline and eliminate dozens of previously approved campsites. Apparently a drunk-as-the-proverbial-skunk crazy woman had slid down an embankment at Chaparral Cove and injured herself.

Per Reclamation: "Until Pensus develops a plan for more permanent barriers, we are obligated to provide a temporary safety barrier. We have determined that it is more cost effective to barricade off the general area temporarily than to do specific site analysis and design barrier protection at each site. Pensus is developing plans for more site-specific protection, and Reclamation's fencing will be removed when this is in place."

"Cost-effective" meant "cost-free" to Reclamation (except for the cost of fencing and signs - many signs). Reclamation made Pensus design the barriers and do a GPS site analysis along the actual edge of the shoreline. Pensus wants its campsites back. No response yet from Reclamation to the Pensus application because, apparently, no one there knows what is required and is afraid to make a decision. "Applehood and Mother Pie" - tonight's WØRD!

Pensus Tries A Little Bit Harder, But Gets No Respect

April 27, 2012

To: Michael Finnegan, Area Manager, Bureau of Reclamation

Subject: Request for Authorization of Marina Construction at Chaparral Cove, Lupine Shores and Mahogany Bay Concession Areas. Lake Berryessa, Solano Project, California

Dear Mr. Finnegan:

This is in response to a letter to Lake Berryessa Properties, LLC (Pensus) from Peggi S. Brooks, Chief, Recreation Resources Division, dated April 23, 2012 in which she points out certain perceived deficiencies in the Project Statements for marina improvements at Chaparral Cove, Lupine Shores and Mahogany Bay, which were filed with the U.S. Bureau of Reclamation (USBR) on April 3, 2012. In her letter, Ms. Brooks asserts, among other things, that:

1. Pensus must coordinate with and obtain the approval of the USBR prior to submitting an application for a Section 404 Permit to the U.S. Army Corps of Engineers (USACE);
2. The submitted Project Statements do not describe the full panoply of facilities associated with marinas at Chaparral Cove, Lupine Shores and Mahogany Bay, and the drawings and site plans for the marinas are "conceptual in nature," and not sufficiently detailed;
3. The drawings included with the Section 404 Permit include extended no-wake zones outside of Concession boundaries, which have not been approved by Reclamation; and
4. Compliance with the National Environmental Improvement Act (NEPA) requires that Pensus submit detailed site specific project descriptions supported by corresponding site plans and drawings, in light of the fact that Pensus's draft Environmental Assessment (EA) (submitted March 29, 2012) is still under review.

Pensus appreciates your feedback on these matters, as well as your acknowledgement that the installation of wet slips is a top priority for Pensus in 2012. On this latter point, we could not agree more fervently. In order to move forward as expeditiously as possible, Pensus will provide USBR with revised Project Statements containing the information requested, including specific marina engineering and schematic designs, as well as revised site plans and drawings.

As a point of clarification, however, it is incorrect to assert that Concession Contract Number 10-LC-20-0184 requires Section 404 permits to be "coordinated, reviewed and approved" by USBR prior to submission to USACE. In fact, section 3(D)(5) of the Concession Contract contains no such requirement; it specifically provides that "[t]he Concession Contractor shall... provide to the Contracting Officer any written materials prepared or received by the Concession Contractor in advance of or subsequent to any such communications" with other regulatory agencies.

With regard to no-wake zones, Pensus has requested the establishment of no wake zones by USBR (most recently in an April 6, 2012 letter to you) and has prepared an Environmental Assessment (EA) (submitted on March 29, 2012) to support these requests. To date, however, USBR has taken no action to address these proposals. It seems odd that despite the fact that Pensus has petitioned USBR on several occasions to make a determination on the appropriate boundaries of the no wake-zones, it has yet to receive any answer. As you know, this determination is vital to the safety and design layout of the marinas and is therefore necessary to be able to provide USBR with the type and kind of more exact design specifications USBR requests. We believe that the Area Manager is an "authorized official" under the 43 CFR § 423.60, and has authority to designate no wake zones at Lake Berryessa. Therefore, we request that your office expeditiously respond to Pensus's requested designation of no wake-zones concerning its concession sites and proposed marina operations. For your convenience, we are attaching a copy of my April 6, 2012 letter to USBR. To date, only the question of toilet design raised in that letter has been addressed by USBR.

43 CFR § 423.60 provides that an authorized official may "[e]stablish special use areas within Reclamation facilities, lands, or waterbodies for application of reasonable schedules of visiting hours: public use limits: and other conditions, restrictions, allowances, or prohibitions on particular uses or activities where that action is found to be necessary for:

- 1) The protection of public health and safety;
- 2) The protection and preservation of cultural and natural resources;
- 3) The protection of environmental and scenic values, scientific research, the security of Reclamation facilities, the avoidance of conflict among visitor use activities; or
- 4) other reasons in the public interest.

Finally, with regard to NEPA compliance as addressed in Ms. Brooks' letter, USBR has in its possession a comprehensive Draft EA that fully assesses the environmental consequences of Pensus' s planned marina improvements. Timely approval of this document (as described in USBR's NEPA Handbook) is both prudent and necessary not only for the marina Project Statements, but for further development of the Lake Berryessa concession areas. Pensus thus requests that USBR initiate public comments on the Draft EA as soon as next week and make every reasonable and prudent effort to adopt the Draft EA as quickly as possible. The public is clamoring for action and USBR and Pensus should respond affirmatively. Of course, as Ms. Brooks letter points out, USBR demands approval before Pensus may proceed with concession improvements. Clearly, however, sometimes the USBR demands approval of Pensus actions beyond the requirements of the Concession Contract. Going forward, we should work together to reduce the backlog in decisions and analyses to serve the public.

Fulfilling the promise of recreational services at Lake Berryessa is in our mutual best interests. It is our hope that USBR will start to act on the many pending matters already before it in order to turn our shared vision of Lake Berryessa into a reality. If you have any questions, please contact me directly.

Sincerely, Steven Richardson, Counsel to Pensus Lake Berryessa Properties, LLC

April 6, 2012

Mr. Michael R. Finnegan, Area Manager, U.S. Bureau of Reclamation

In Re: U.S. Bureau of Reclamation Contract No. 10-LC-20-0184

Dear Mr. Finnegan:

On March 29, 2012, Pensus Lake Berryessa Properties LLC (Pensus) provided a final response to the U.S. Bureau of Reclamation's (USBR) February 27, 2012 letter entitled "Notification of Noncompliance with Concession Contract Number I 0-LC-20-0184, Lake Berryessa, Solano Project, California and Opportunity to Cure" (Noncompliance Letter). The response cured or provided pathways to cure all alleged deficiencies in the Concession Contract's administration. Assuming that USBR agrees that those issues are resolved or on a pathway to full resolution, Pensus respectfully asks Reclamation to address specific open issues to continue moving the project forward prior to resuming any direct talks on global Concession Contract matters. To that end, this letter seeks additional specific details on USBR's expectations for decision-making on critical path matters that must be completed to fully implement the Pensus CFIP and IMP schedules for 2012, 2013 and beyond.

As next steps Pensus's March 29 letter outlined six specific discussion topics for USBR's consideration and action: (1) No Wake Zones; (2) Willi's Ski School; (3) houseboat allocations; (4) the results of Pensus' initial marketing of marina services; (5) unisex toilets and showers; and (6) the change of circumstances at the Manzanita Canyon concession area. Specifically, Pensus asks for USBR's commitment to mapping out the steps and decisions required to obtain timely approval on these and all other issues pending before it, so that

we may mutually set and keep a schedule consistent with the goals of the Concession Contract. An illustration of these issues is provided below.

1. No Wake Zones

California law requires that a 200-foot “no wake” zone be established around boat docks, launch ramps, and other facilities that hold boats or provide passenger transport to boats. Additionally, boats operated by machinery are required to maintain speeds of less than 5 miles per hour in this zone to assure no wake effect. As part of its CFIP submission, Pensus provided USBR with drawings depicting proposed no wake zones to support marina operations at Mahogany Ray, Lupine Shores and Chaparral Cove, which comply with, and in some cases exceed, state law requirements. The mitigating impacts of these no wake zones on potential shoreline erosion and visitor safety were discussed in the Pensus Draft Environmental Assessment provided to USBR on March 29, 2012. It is essential that the areas depicted be established as no wake zones to protect against damage to the marina structures and watercraft occupants and to assure proper protection against personal injury. These no wake zones are also consistent with the direction provided in the 2006 Record of Decision for the Visitor Services Plan: Future Recreation Use and Operations of Lake Berryessa (VSP ROD).

USBR has authority to approve these proposed no wake zones. In an effort to move forward, please provide Pensus with information concerning how it may obtain final approval of these no wake zones, as well as any timelines involved.

2. Willi's Ski School

Waterskiing historically has been a popular recreational pursuit on Lake Berryessa. USBR agreed that waterskiing should continue in its comprehensive recreation plans for Lake Berryessa. In fact, Alternative B, the Preferred Alternative recommended by USBR in the 2005 Final Environmental Impact Statement for the Visitor Services Plan/Future Recreation Use and Operations of Lake Berryessa (VSP EIS), acknowledged water skiing as an appropriate use of the lake's water resources. The VSP ROD adopted this alternative with minor modifications irrelevant to waterskiing. In light of the VSP EIS and VSP ROD's recommendations and authorizations, Pensus seeks the opportunity to develop the Willi Ellemeier Championship Water Ski Training Facilities (Willi's Ski School) at the Foothill Pines concession area. Development of the ski school is a unique opportunity for Pensus and USBR. As you know, Willi Ellermeier is a world-famous ski instructor and has been providing services at Lake Berryessa for over 30 years.

The March 29 response highlighted specific examples of inefficiencies in Reclamation's administration of the Concession Contract, including a 6 month delay for Pensus to obtain USBR permission to move a single utility pole six feet.

The Pensus GANT Chart provided as Attachment B to the March 29 response provided for a list of necessary development activities to occur in April and May 2012 to permit the ski school to become operational during the 2012 summer season. These activities include submission to USBR for a ski school as an approved service, USBR approval of service and USBR rate approval, Pensus submission of design criteria to USBR, USBR approval of design and installation, Pensus installation of training facilities improvements, and commencement of ski school operations. As evidenced by this list, Pensus and USBR must adopt a coordinated plan and approach for timely decisions to make this recreational opportunity a reality.

To develop the ski school, Pensus seeks specific guidance and timely action from USBR. First, Pensus seeks clarification on whether USBR will require the ski school proposal to be reduced to a Project Statement. Second, because the Concession Contract does not provide for sub-concessions for the provision of visitor services, Pensus needs to work with USBR to add Willi as an employee. Third, Pensus seeks clarification on whether USBR will require Pensus to file an employment agreement that requires USBR's approval, and whether this proposal may be contained in a Project Statement. With these questions answered in a timely manner, the project can move forward without delay. Pensus is confident that working with USBR, this important visitor service can be implemented in a timely fashion.

3. House Boat Allocations

House boating is an important recreational resource at Lake Berryessa. In February 2011, USBR completed a comprehensive Houseboat Capacity Analysis for Lake Berryessa, which concluded that Lake Berryessa has an overnight mooring capacity of 175 houseboats. Pensus is required to provide houseboat rentals at its six concession sites as part of the Concession Contract, and is authorized to provide up to 70 houseboats. In the CFIP, Pensus proposed to provide houseboat rentals as follows: Ten (10) at Lupine Shores, ten (10) at Chaparral Cove, and fifteen (15) at Mahogany Bay.

To date, USBR has not authorized Pensus to issue permits for the use of houseboats on Lake Berryessa. Pensus and USBR must adopt a coordinated plan and approach for timely decisions to make this recreational opportunity a reality. At your earliest convenience, please inform Pensus of the timing and the steps required for Pensus to obtain authorization from USBR to issue a reasonable number of houseboats permits.

4. Marketing of Marina Services

Pensus began its initial marketing of marina services on March 21, 2012. Community responses to the marketing plans have been positive and enthusiastic. Given the importance of recreation to the local economy, neighboring residents and visitors are excited by the plans proposed by Pensus. To date Pensus has received over 40 signed contracts for wet slips. The preparation of the area for construction of wet slips which has an existing concrete slab and asphalt surfacing, and assembly of equipment for construction is underway at Lupine Shores and construction of slips should start on or about April 21, 2012. Project statements with detailed plans and specifications for the marinas were sent by FedEx for delivery to your offices on Thursday, April 5, 2012. Pensus anticipates receiving approval for installation of marina slips from the U.S. Army Corps of Engineers by April 30, 2012 and would like to make installations immediately thereafter assuming that approval has also been received from USBR. Going forward, Pensus and USBR must adopt a coordinated plan and approach for timely decisions to make this recreational opportunity a reality.

As such, it is important that USBR and Pensus are on the same page concerning the full breadth of marina services that Pensus intends to provide under the Concession Contract. The Concession Contract codifies the proposals set forth in Pensus Group's initial Proposal to Operate: Water based Recreation Support and Associated Hospitality Services and Facilities within the Concession Areas at Lake Berryessa (Proposal). The Proposal outlined quite extensively marina services Pensus planned to offer. Specifically, in addition to physical facilities, Pensus proposed a village concept at the marinas with restaurants, convenience and gift stores, clothing boutiques, fuel docks and tour boat docks. The revised concept plans that were adopted by USBR in February 2011 now show the restaurant, convenience store and gift stores and clothing boutiques located on land with the exception of Mahogany Bay. From one or more of the marina complexes, Pensus will provide boat and watercraft rental operations ranging from water skis to 75-foot long houseboats, along with fuel docks.

Pensus will also provide a tour/shuttle boat service between resort areas. In addition, Pensus proposed a Marinas Concierge Services Department to provide a full range of services including launch and retrieval, boat mechanical, structural and aesthetic repair and maintenance, washes, details, galley stocking of requested food items, stocking of other necessary items, fueling, effluent tank pump out, piloting and 24 hours emergency response (accidents, breakdowns, fuel deficiency, inability to drive one's craft due to inebriation or other mishap) or any other reasonable need that is necessary to enhance the public's enjoyment of the lake and their chosen recreational activity. Assuming that USBR agrees with this scope of service, Pensus wants to develop an agreement on what USBR wants to review and approve, the form that Pensus submissions should take, and the expectations for timely approvals.

The Development Plan in the Concession Contract as well as the Operating Plan, Exhibit G, provide for the types of services outlined above. While USBR retains authority to approve specific services and rates

charged to provide them to the public, it is unclear how much detail USBR seeks to review and the appropriate form of submission by Pensus to USBR for timely action. For example, Pensus has reached an agreement in principle with Marty Rodden (currently at Markley Cove) to serve as its boat rental manager at all concession sites where boat rental may be provided. Initially boat rental will be operated from Lupine Shores only but other locations may be added depending upon market demand. This type of service lies at the heart of a successful marina and will be an important step in assuring the public a level of continuity of service that will bring credit to both USBR and Pensus. That said, how much of that relationship does USBR want to review and approve? Marty will clearly be a Pensus employee, so will it suffice to submit the details of Marty's operations and services for approval or does USBR expect to see and approve greater details of that service? These details are important to resolve at the outset, because Pensus must obtain USBR's approval for all advertisements and public information created for the concession facilities and Pensus wants to continue its marketing campaign in synch with USBR.

5. Unisex Toilets and Showers

On January 25, 2012, Pensus provided USBR with designs for a unisex shower and toilet unit for Lake Berryessa to be installed at all concession sites where RV and Tent Camping is operated. The unisex facilities were proposed because of their environmentally smaller footprint and Pensus's experience with the use of shower and toilet facilities at marina locations. USBR indicated some reluctance or dissatisfaction with the design, but has provided no formal feedback and no suggested alternatives. Pensus is preparing, and will submit within 7 days, new concept design drawings that have been revised and notated to address the concerns of Reclamation informally provided by Peggi Brooks on March 15, 2012.

6. Manzanita Canyon Concession Area

As Reclamation is aware, a February 12, 2012 decision by the U.S. Court of Appeals for the Federal Circuit, *Laguna Hermosa Corp. v. U.S.*, clarified Pensus' and Reclamation's rights to use existing facilities at the Manzanita Canyon concession area. The court affirmed an earlier finding that the past operator of Manzanita Canyon abandoned improvements made under their lapsed contract, and is not entitled to compensation from USBR or Pensus. The CFIP submitted by Pensus on February 10, 2011 stated that all materials left at the Manzanita Canyon concession area would be removed by Pensus. However, the Laguna Hermosa decision changes earlier assumptions that all facilities had to be removed from the area before development.

Pensus's current plans for Manzanita Canyon, as set forth in the Draft 2013 IMP submitted as Attachment B to the March 29 response, waits until 2014 to construct improvements at Manzanita Canyon, limiting use of the area to primitive camping in 2012 and 2013. The result of this decision is that either USBR or Pensus can use the remaining facilities without payment to the former operator, and that facilities could be used on an interim basis to promote greater use of the concession area at an earlier date.

In light of the decision, Pensus seeks guidance from USBR on how to move forward with developing a new plan for Manzanita Canyon that incorporates existing facilities. With cooperation from USBR, there is real opportunity for Pensus to offer added services at Manzanita Canyon at an earlier date. The items discussed above are just a sample of the outstanding issues facing Pensus and USBR.

Catch-22: The Bureaucratic Double Bind Theory in Practice (The Lake Berryessa News, May, 2012)

The series of actual emails below is emblematic of the dysfunctional approach the Bureau of Reclamation is taking to any actions proposed for the redevelopment of Lake Berryessa. The resorts have existed for more than 50 years. No items of cultural or historical importance have ever been discovered within the resorts or at Oak Shores or other Bureau-maintained facilities.

Reclamation demolished more than 1,000 mobile homes and resorts facilities, and is still digging and scraping away at the remaining residue, without any substantive environmental or historical studies to

support their actions. They simply filled out a short form called CEC 743, which was approved on October 11, 2007 concluding:

“Reclamation has determined that the proposed action is appropriate for Categorical Exclusion under the National Environmental Policy Act 011969 (42 United States Code [U.S.C.) 4321, et seq.) based on the following information: The removal of all existing trailers and associated appurtenances within existing and developed sites at Lake Berryessa resorts involves only minor construction activities on previously disturbed land and there will be no impacts to waters of the United States. Further, Reclamation has reviewed the proposed action and determined that there is no effect to Federally-listed species or critical habitat.”

A consultation with the State Historic Preservation Office has concluded that there are no affects to cultural resources under Section 106 of the National Historic Preservation Act.”

Now Reclamation wants detailed studies for any action taken by Pensus, even digging a hole for a power pole, moving fence posts originally hammered in by Reclamation to eliminate dozens of campsites from use, and just about anything else. They even deny approval of the same type of Categorical Exclusion they used themselves to undertake massive demolition and ground disturbance over hundreds of acres of shoreline.

No wonder the project manager below may want to call himself Captain Yossarian when dealing with the Bureau of Reclamation. For those of you who remember the book and movie, Catch-22, we truly find ourselves in a “Catch-22” situation at Lake Berryessa! One bureaucratic justification for Catch-22 actions from the book is:

“Catch-22 states that agents enforcing Catch-22 need not prove that Catch-22 actually contains whatever provision the accused violator is accused of violating.”

This directive seems to perfectly encapsulate the local Reclamation approach and conduct. The project referred to in the email chain is the simple digging of a couple of trenches. Read it to believe it.

From: Reclamation, May 25, 2012: Thank you for your email. Your revised project statements of May 18, 2012 have been received at both Lake Berryessa and CCAO offices (May 23rd, 2012). As of today they have been routed for review of administrative sufficiency, followed by technical and environmental review. I have requested a time estimate for completion by the review team and should be able to provide a response to your question by COB Weds. May 30th (considering staff availability due to the Holiday weekend).

From: Reclamation, May 29, 2012: I spoke with staff today as they work through their review of the revised project statements for your project. It appears there are still some questions regarding some details of the proposed project. My engineer will have his comments prepared by Thursday mid-morning. I propose a brief meeting to discuss the questions, followed by your providing a written response on the comment form we provided or other form best suited. Once all comments have been addressed, the NEPA evaluation will continue to the stage of cultural review by the Mid-Pacific Region and then State Historical Preservation Officer (SHPO). I am told we should expect a timeframe of 90 days or less for cultural review and concurrence by SHPO.

From Applicant's Project Manager, May 29, 2012: Thanks for the update. When we last spoke, when the subject of NEPA / SHPO came up, I pointed out that all of the testing would effectively be performed in areas previously disturbed during the preceding 50 years of use under the former concession contracts. I thought that our discussion at that time had reached at least a tentative consensus on the in situ conditions.

Our application includes a request that the USBR issue a Categorical Exclusion for this work, similar to numerous instances of minor work operations categorized previously by your office. I respectfully request that the nature of the work to be undertaken as well as the fact that the area has already be thoroughly disturbed be considered before launching into another lengthy period of review.

From Reclamation, May 30, 2012: I know that you and others at your company have stated that you believe the previous disturbance in the concession areas warrants relief from further review of cultural resources. I am not able to concur with this, nor have I in the past, because it is a matter of Federal and State law, and it is not my role to determine how the laws are to be implemented by Reclamation.

My role is to obtain complete project descriptions for concession development activities and pass them to the appropriate staff in Reclamation for compliance with NEPA/NHPA. Staff specialists review the project description and other documentation, determine what level of NEPA and NHPA analysis is required and initiate that process. If significant ground disturbance will occur from the project then it will normally require review by SHPO. The review time required by SHPO is not within Reclamation's control. Understanding this planning process and the timeframes required is key to successful project management, which is why we have provided you with flowcharts and NEPA process information.

I understand your wish to expedite this project and will do everything I can to assist in getting it approved. Having a completed cultural survey as you initially set out to do would have significantly streamlined this and other projects. In the absence of that survey, each project will have to be individually evaluated for NEPA/NHPA compliance.

From Applicant's Project Manager, May 30, 2012: I still have no official word on the status of the Project Statements themselves, but given the tone of this communication I am not expecting anything less than another re-write. At this rate, even with a perfect Project Statement, we will be denied permission to undertake even the most basic of testing for another three – four months. If this is the best that can be done for something this simple, I can only guess how difficult a real building project will be to obtain approval.

Aka: Capt. Yossarrian

Seasons, Cycles, and Radical Change: Chaos Theory - Berryessa Style
(The Lake Berryessa News, June, 2012)

Summer is here again. With the change of seasons it's time to unwrap the boat and refill the pool. Seems like I just winterized the boat and drained the pool yesterday - but it was a whole Winter ago, a whole cord of wood ago - the annual cycle of country living. After six years of looking at the same walls and floor, I've started ripping out the rug and repainting my living room to add more color. Radical change for me, but it was time. How can anyone go six years without radically changing something?

Positive change may also be coming to the Berryessa Highlands now that the Napa Berryessa Resort Improvement Distric (NBRID) is moving forward with the required upgrades to its water and sewer system. This change comes with a relatively high cost to NBRID ratepayers in the form of a bond issue. Residents are now in the process of voting for the proposal. Some are very frustrated and upset with the cost, but after many years of trying, and apparently getting it right this time, there is really not much choice for the future but to vote yes.

Other change has come very slowly this season/cycle at the lake. Much of this is due to the bureaucratic constipation of the Bureau of Reclamation. It is difficult to be even moderately objective when discussing a bureaucracy that has consciously done so much damage to the Lake Berryessa community.

The biggest mistake Reclamation made was to choose Pensus. They really had only two motivations in the Visitor Services Plan. One was to get rid of all the mobile homes. The other was to remove all the previous concessioners and get one company to run the lake. If they had chosen the Lago Group's bid (the Whites and Spanish Flat owners) probably none of this would have happened. But they disqualified the White's bid on a technicality and didn't even review it. They refused to let the White's revise that one item to meet the bid requirement.

The biggest mistake Pensus made was to play hardball about the value of the existing facilities. They convinced Reclamation to declare that all the facilities had no value and must be removed - even though Reclamation's own appraisers put the value of all the facilities at the resorts at about \$12M. No one, including the judge in one legal case, thought that any new company would do that.

Pensus could have had working resorts for pennies on the dollar. But they believed it was better to start from scratch with new facilities in a 40-year contract than pay for old facilities that would have to be replaced anyway within a short time. Maybe a reasonable business decision, but a terrible strategic one, in my opinion. And very bad for our community. It's probably immaterial if the concessioner is Pensus or if the Lago Group had won. The situation would likely be the same now with any concessioner trying to work with the Bureau of Reclamation.

Unfortunately, Reclamation seems to be continually trying to re-write itself as a satirical sketch on Saturday Night Live, the Daily Show, or Colbert Report. Whether it's simply a slavish dedication to policy over people, an homage to Catch-22, a psychological attachment to the Double Bind Theory of Government, it's difficult for most people to understand their true motivation. Crying "incompetence" seems too simple a reason for this chaos. If Reclamation disagrees with some of the Pensus plans, (they do have more real experience with the lake than does Pensus) why didn't they just say so?

Why approve the original Pensus plans and then, a year later, approve radically different Pensus plans? Many people familiar with the lake do not agree with several elements of the Pensus plans either. But why these delaying tactics? A growing number of folks believe it's a continuation of Reclamation's original plan to simply shut down the lake to return it to its "natural state". According to a meeting participant, prior to her recent unlamented resignation as Park Manager, Lynn Pilgrim-Little said something to the effect, "Well, it's taken us five years but we almost have the lake back to its natural state."

Tell that to the people of the Town of Monticello. Only the removal of Monticello Dam and the restoration of the Berryessa Valley would bring this area back to its "natural state". Even if we give the Bureau of Reclamation the benefit of the doubt, and that they are trying their best, they have once again thrown the lake into severe chaos with their attempt to terminate their contract with Pensus. Add to that the tragic death of David Ffinch, Pensus president, on June 2, and we have chaos compounded!

I had a reasonable working relationship with David Ffinch and believe he was an honorable man with his own vision for Lake Berryessa. In the end, although he always refused to publicly criticize Reclamation, he became convinced (as most of the Lake Berryessa community already was) that Reclamation was acting in bad faith.

In one of his final statements Ffinch said, "The stated reasons for termination are either unsubstantiated or blatantly false. For reasons unknown to Pensus, Reclamation has made it almost impossible to make any progress over the last two years which has resulted in substantial financial losses. Be assured that we do not intend to acquiesce and we will continue to move forward."

Chaos is defined as complete disorder and confusion, behavior so unpredictable as to appear random. Chaos Theory is a scientific theory describing erratic behavior in certain nonlinear dynamical systems.

How Can a Real Business Cope with... bad faith: n. intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others.

Floundering About at Lake Berryessa (Not a fishing story.)
(The Lake Berryessa News, November, 2012)

Definition: “flounder about”

1. To make clumsy attempts to move or regain one's balance.
2. To move or act clumsily and in confusion.

Every now and then the perfect real-life example of an odd word or phrase pops up. In this case it's the ongoing actions of the Bureau of Reclamation at Lake Berryessa. During the last few months, after years of inept management of the Lake Berryessa resort redevelopment process, Reclamation attempted to shift responsibility for the chaos to Pensus. But the facts, both the public record and confidential documents, do not support their contention.

The Lake Berryessa News has regularly documented Reclamation's inexplicable, bordering on the bizarre, requirements placed on Pensus as they tried to restore the resorts to operation. Although Pensus may have been unrealistic in their redevelopment schedule and some of their actual plans, no reasonable person expected the Reclamation to act as they did. Their incompetent management finally even prodded Congressman Mike Thompson to request their removal as the Lake Berryessa managing agency to be replaced by the Bureau of Land Management.

Rather than act to help expedite the re-opening of the resorts, as desperately needed by the local business, residential, and recreational communities, Reclamation seemed to do everything they could to impede progress. Then they issued a “Notification of Noncompliance with Concession Contract” and rejected the Pensus response to correct the supposed non-compliances. Reclamation quickly followed with an unexpected Notice of Proposed Termination of Contract. This all happened in a timeframe that implied that Reclamation had been planning these moves all along.

Now after months of legal tussles and a failed mediation process, all still remains unclear. The main perpetrator of the chaos, Area Manager Mike Finnegan, has retired. Coincidentally, within two weeks of his rather conciliatory presentation to the Lake Berryessa local community on October 25, Don Glaser has been replaced as Regional Director of Reclamation's Mid-Pacific Region without issuing his final decision regarding the Pensus contract termination. His staff (basically retiring Mike Finnegan) recommended termination. Glaser will move to Denver where he will “work on several high priority projects for Bureau of Reclamation Commissioner Michael L. Connor”. David Murillo has been named Mid-Pacific Regional Director in Sacramento replacing Glaser.

Despite Glaser's assurance to the public at the October 25th community meeting that his decision regarding the Pensus contract would be forthcoming within a week (by October 31), that decision has not yet been announced. His office claimed there might have been a misunderstanding and that the decision will not be announced until the end of November. Reclamation also confirmed that, as of November 8, Pensus has not yet been informed of any decision regarding its contract.

Can any public agency exemplify “flounder about” any better? In an almost satirical take on biology versus bureaucracy, the life cycle of a flounder may have met its human equivalent. “In its life cycle, an adult flounder has two eyes situated on one side of its head, while at hatching one eye is located on each side of its brain. One eye migrates to the other side of the body as a process of metamorphosis as it grows from larval to juvenile stage. As an adult, a flounder changes its habits and camouflages itself by lying on the bottom of the ocean floor as protection against predators.”

Predator or Prey? Pensus Responds

The Lake Berryessa News spoke with a Pensus representative regarding the present Pensus position. Because of confidentiality requirements no details of ongoing negotiations could be disclosed. Pensus intends to continue its efforts to remain at Lake Berryessa and stands behind its October 15 public statement which is reprinted here. Pensus believes it has the legal high ground and pointed out that even if the Reclamation decision is to terminate the contract, there is a formal appeal process which could be followed by further legal options.

“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’, 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”

The Devil is in the Details: Flounder-Style

Devilish Detail #1 – Markley Cove Resort

Pensus, per their contract, is scheduled to take over Markley Cove Resort on May 27, 2013. Although Reclamation (Finnegan) has pressured Pensus several times to allow a contract extension for the present Markley concessioner, Pensus has adamantly and publicly refused to agree.

Pensus has stated that the private houseboats at Markley are an important part of their financial strategy, and they had hoped to complete new docks at Lupine Shores to allow the houseboats to be temporarily berthed there while they renovated the renamed Mahogany Bay.

Reclamation's proposed contract termination has caused serious uncertainty among the Markley houseboat owners, although they had previously been assured full support by Pensus. It's not clear who is playing legal hardball with the biggest bat, but Pensus still intends to take over Markley Cove on May 27, 2013.

SECTION 1 - TERM OF INTERIM CONCESSION CONTRACT (Markley Cove Resort)

A. TERM OF INTERIM CONCESSION CONTRACT: This Interim Concession Contract No. 09LC200026, herein and hereafter referred to as the "Interim Concession Contract" shall be effective on May 27, 2009, and shall be for the term ending May 26, 2011, with two one-year options, unless otherwise provided under B. herein. Each one-year option must be mutually agreed to by the Concession Contractor and Reclamation. This is an Interim Concession Contract permitted to provide continuation of identified public facilities and services following the completion of the previous concession contract.

E. CONTRACT EXTENSION: The term of this Interim Concession Contract may not be extended beyond that stated in Section I .A.

Devilish Detail #2 – Steele Park (Lupine Shores) Launch Ramp and Roads

A postcard appeared in Berryessa Highlands mailboxes last week stating that Reclamation is considering removal of the roads and launch ramp at Steele Park (Lupine Shores). The postcard had no sender identification, but the Lake Berryessa Chamber of Commerce confirmed they had not sent it. The concern, and a real one, is that public access at Lupine Shores might be eliminated for a long period of time if this happens. And if the Pensus contract were to be terminated, this would add another complication to the process.

The note requested that residents and supporters call and write to Don Glaser of Reclamation to protest this possible action. The possibility of Reclamation demolishing the roads and launch ramp stems from a contract signed almost three years ago.

On February 5, 2010, Sean Buckley, owner of Steele Park Resort, and Michael Finnegan, Area Manager for Reclamation, signed a contract (Agreement Regarding Clean Up And Removal Of Facilities At Steele Park Resort) to allow Reclamation (and any new concessioner) to use the Steele Park launch ramp and roads for a period of only three years. In exchange, Reclamation agreed to pay for the remaining facilities demolition and clean-up of the resort. The concessioner had already demolished many of the facilities at his own cost. Most of the mobile home owners, such as I, had paid \$3,500 to have a contractor demolish our property.

As the opening lines in the song Time Warp from the Rocky Horror Picture Show predict: "It's astounding, time is fleeting, madness takes its toll." Here we are, a progress-free, madness-packed three years later when this particular toll comes due on February 5, 2013. Closure or demolition would have a serious effect on the local Berryessa Highlands community, which depends on Steele Park for lake access.

Floundering Forward – Conclusions?

None – just a series of unknowns. Step one is for the Bureau of Reclamation to finally make a reasonable, rational decision or two. What's your prediction?

Deciphering Berryessa's Ancient Rock Sculpture at Steele Park (The Lake Berryessa News, December, 2012)

Prior to the 2008 demolition of Steele Park Resort, some budding artist created a patriotically-colorful rock sculpture on the shore of a cove at the resort. Although no one quite knew what the vivid letters meant, the sight was enjoyed by many as they spent their last summer at the lake before taking on the melancholy task of demolishing their mobile homes and leaving with only their memories.

One day a Bureau of Reclamation representative apparently took umbrage at the letters and threw all the rocks into the water. But then they magically reappeared on the shore the next day - perhaps rejected by the underwater elves.

Apparently sensing (they were actually confronted by concerned residents) that it was not environmentally-sound to randomly toss newly-painted rocks into the water, Reclamation sent a couple of workers with wheelbarrows to remove them instead. After manhandling two heavy loads of the vibrant blue R up the soft-silted hill, they gave up and returned on the Reclamation barge to eradicate the rest of the sculpture. The multi-hued rockpile was last seen sailing across Lake Berryessa to some unknown burial ground.



The Steele Park sculpture derives from a long line of historic military acronyms listed below. These descriptions are reproduced from publicly available information on the internet.

SNAFU, which stands for the sarcastic expression “situation normal - all f****d up”, is a well-known example of military acronym slang. It means that the situation is bad, but that this is a normal state of affairs. The acronym is believed to have originated in the United States Marine Corps during World War II.

SUSFU, “situation unchanged - still f****d up”, is closely related to SNAFU.

SNAFU and SUSFU were first recorded in American Notes and Queries in their September 1941 issue.

TARFU, “totally and royally fouled (sp) up” or “things are really f****d up”, was also used during World War II.

BOHICA, “bend over, here it comes again”, is an item of acronym slang which grew to regular use amongst the United States armed forces during the Vietnam War. It is used colloquially to indicate that an adverse situation is about to repeat itself, and that acquiescence is the wisest course of action.

An alternative etymology relates the expression to the days of sail and avoiding being struck by the boom, which would swing around the mast due to shifts in wind or the vessel's course. Although it originated in the United States military forces, and is still commonly used by United States Air Force fighter crew chiefs, its usage has spread to civilian environments, used to describe unavoidable, unpleasant situations that have inconvenienced one before and are about to yet again.

A Sense of Place: Naming the Lake Berryessa Resorts (The Lake Berryessa News, December, 2012)

A Sense of History, A Sense of Adventure and Romance: Now that the Pensus contract has been terminated, both local folks and the Bureau of Reclamation have returned to using the historical names of the Lake Berryessa resorts. I believe it is important to retain those names, or some version of them, for the good of the lake's future. I will make such a recommendation to Reclamation for inclusion in its next bid prospectus.

In the business world there is a financial concept known as “goodwill”. Goodwill is an accounting concept meaning the value of an asset owned that is intangible but has a quantifiable value in a business. Goodwill typically reflects the value of intangible assets such as a strong brand name, good customer relations, good employee relations and any patents or proprietary technology. Goodwill includes assets with value that are exceptionally difficult to quantify such as brand recognition, customer loyalty, and employee happiness.

The original names of the Lake Berryessa resorts possess this type of financial “goodwill”. In one case, Putah Creek Resort, the case could be made for negative goodwill due to its reputation as a rowdy party spot. Three years ago a new concessioner such as Pensus may have been justified in changing that name to be able to attract different, more family-oriented customers. But four years later the Putah Creek name, of such historical significance, is no longer linked to the previous generation of rowdies and, I believe, can be used again.

The Pensus decision to use plant names for its resorts may have been influenced by the Bureau of Reclamation. But despite protests against the names – even at the first public meeting between Pensus and the local residents – they went forward with them. Unfortunately it was part of the Pensus penchant to ignore the advice of local people familiar with the history and operation of Lake Berryessa.

Below are my original suggestions to David Ffinch more than two years ago when he signed the concession contract and we all learned about the name changes. If you are interested in making your own suggestions, send a message to Jeff Laird, Park Manager at Bureau of Reclamation, Lake Berryessa Field Office, 5520 Knoxville Road, Napa, CA 94558 or e-mail them to jlaird@usbr.gov, or fax them to (707) 966-0409.

Peter Kilkus <pkilkus@gmail.com>
David Ffinch (Pensus)" <finch@pensus.com>
Fri, May 7, 2010 at 9:32 AM
Berryessa feedback - resort names

Good morning David,

Thanks for all the info on your web site. People remain excited about the future of the lake. But the biggest disappointment among the people I talked to on my 200 mile "paper route" to distribute the paper Wednesday and Thursday, and the phone calls and email I have received so far, is the resort names. They are highly unpopular.

Personally I believe you are giving up significant financial "goodwill" by changing them so drastically, especially Steele Park, which has always been known in the Bay Area and Sacramento as the "best resort at Lake Berryessa".

In my opinion, from a marketing perspective, the new names have no sense of place, no sense of history, no sense of adventure and romance. Although a certain amount of re-branding may be necessary, such as changing the name of Putah Creek Resort because of its rowdy history, the chosen names don't elicit any images of recreation or geographical location, nor will they be easy to remember.

Putah Creek Resort could be named Pope Canyon Resort, for example. It places the resort at the north end of the lake and connects it to Pope Valley - a major gateway to the lake for the north Napa Valley, St. Helena, and Calistoga. Steele Park could have become Steele Canyon Resort - keeping the value of the brand, locating it geographically, and sounding more adventurous. Lupine Shores Resort is hard to say and basically meaningless, definitely not memorable. And as someone pointed out, there is very little lupine inside the resort boundary.

None of the names use the words Berryessa or Monticello which have great historical significance and regional name recognition. For example, Rancho Monticello could be Monticello Shores; Berryessa Marina could be Berryessa Point, because of its peninsula, or Big Island Marina since it's close to Big Island which is one of the major features of the lake. Spanish Flat Resort didn't even need a name change. It is integral to the historic Spanish Flat area and community center and well-known around Napa and the Bay Area.

Markley Cove perhaps needed a name change and Mahogany Bay rolls off the tongue but doesn't signify anything special. I actually never knew that there was a California mahogany tree. "The Mountain Mahogany is a shrub or small deciduous tree that grows in the California chaparral." Most people think of mahogany furniture with wood from the Philippines. With Markley's position so close to the dam and the Yolo County recreation basin, there has to be a better name from a marketing viewpoint.

Again, these are my opinions and I don't want to offend you or the people you have developing marketing strategy. But if there is any way you can change the names that have been proposed, I believe it would be a positive move.

+++++

In a later email I said, “I’d like to repeat my previous suggestion to rethink your proposed resort names. There is a wide general dissatisfaction with the names, especially Lupine Shores. Our local CBS affiliate, KPIX, just completed an Eye on the Bay two-part segment about the Lake Berryessa region that will air in late September. Part of the story they will tell is the history of the Berryessa Valley and the flooded Town of Monticello. The history of our region stretches back hundreds of years. I think you are missing an opportunity by ignoring that.

Since I haven’t been privy to your detailed marketing strategy, I don’t know what “themes” you proposed for the various resorts as was required in the bid. But using the well-known local history and geography in your thematic marketing (and resort names) would seem to be one approach.”

On a more humorous note here are arguments I sent to David Ffinch against the use of Lupine Shores as a resort name. He had a very good sense of humor and enjoyed my comments. He actually told me that he agreed to change the name from Lupine Shores to Lupin Shores. Later he was apparently convinced by someone in his company to retain the original name.

Lupins or lupines (North America) are the members of the genus *Lupinus* in the legume family. Lupine may be one of several things: Predatory or wolf-like, something that is like, or relating to, a wolf (*canis lupus*); a variant spelling for lupin, a flowering plant – lupine is not the primary spelling.

Pensus may wish to form a sister resort arrangement with Lupin Lodge in Los Gatos: “Lupin Lodge: A Clothing-Optional Getaway For All Seasons Luxury Camping...Try a Lupin Yurt at Lupin Lodge ...the ultimate value in clothing-optional relaxation and nude recreation in the San Francisco Bay Area. Members escaping the pressure-cooker of nearby Silicon Valley swear that only a few hours spent au naturel at Lupin provide the de-stressing equivalent of a seven-day cruise. Just imagine how relaxing an Eden-like vacation or holiday getaway might feel at one of California's most scenic naturist resorts. Consider a romantic weekend in a comfortable cabin, try an enchanting overnight in an exotic yurt or simply camp under the stars and trees in the fabulous Santa Cruz Mountains.”

David declined.

Feds Final Folly: The Destruction of Steele Park Resort
(The Lake Berryessa News, February, 2013)

Public Law 96-375’s unintended destructive consequences become visible. As the Bureau of Reclamation’s Katrina-like process at Lake Berryessa lurches on to an unknown resolution, local residents and previous lake recreation users are fed up with the Feds. This was made clear to Supervisor Diane Dillon at the latest Berryessa Highlands community meeting. Both Supervisor Dillon and Congressman Mike Thompson are clearly frustrated by their apparent helplessness to do anything about Reclamation’s lack of progress in signing the new contract for the five major west shore resorts. The Steele Park Resort contract is especially important since it has a major impact on the water and sewer rates for Berryessa Highlands residents.

Four of the resorts have been closed since the middle of last summer. Steele Park is shutting down soon and will be demolished during the next nine months. The Pensus Group was chosen last May to manage these five resorts, but Reclamation has been unable to finalize a contract with them since that time. In several public statements, Reclamation claimed that there would be a smooth transition and recreation services would be only minimally affected as the resorts were all upgraded and improved. Tragically, this has not happened, although the Reclamation refrain has remained, “We are making good progress and expect the contract to be signed soon.” The first such statement was made in May, 2008 and last publicly-stated deadline expired last week with no action.

Why did this happen? Follow the money. The table below gives the annual revenue of each of the five Pensus-designated resorts as well as its appraised value. These figures are from public documents that were part of the bid process. Under normal circumstances in the transition of a business ownership, the new owner would pay the previous owner fair-market value for its permanent facilities as well as for other property and equipment it might want to keep. This approach is actually codified in Public Law 96-375: "...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."

But this would mean that the entry cost for any new concessionaire would be \$32M. They would then have to make major capital improvements costing tens of millions more. And all this for resorts that had only produced a previous GROSS annual revenue stream of about \$12M. At least \$4M of that revenue had been rental payments from the long-term mobile home owners - essentially pure profit since the resorts provided almost no services to those tenants.

Resort	Annual Revenue	Appraised Value (by Reclamation)	Mobile Home Revenue	Mobiles: % of Total Revenue
Berryessa Marina	\$1.61M	\$3.3M	\$0.76M	47%
Putah Creek	\$1.03M	\$4.15M	\$0.38M	37%
Rancho Monticello	\$3.32M	\$11.22M	\$2.1M	63%
Spanish Flat	\$2.09M	\$4.06M	\$0.78M	37%
Steele Park	\$2.62M	\$9.59M	\$0.66M	25%
Total	\$12.61M	\$32.32	\$4.68M	37%

Not only would any new owners be faced with a major capital investment program, but at the same time 37% of their pure profit was also eliminated. This is a tough financial nut to crack during a contract term set by Reclamation of only 30 years.

Reclamation's solution to this dilemma was to re-interpret Public Law 96-375 and, despite it's own appraisal, declare the present facilities of no value to the incoming concessionaire, and require the present resort owners to remove or demolish everything, including restaurants, motels, launch ramps, roads - back to bare ground. In a May 19, 2008 letter Reclamation stated: "Based upon evaluation of the successful proposal and subsequent confirmation with the successful offeror, The Pensus Group LLC, Reclamation has determined that all permanent facilities in your Resort concession area must be removed by the end of the concession contract." Of course, since this was impossible to accomplish by the end of contracts, which expired for some resorts in only two months, Reclamation asked for a demolition plan. At least one submitted plan gave a time-frame for completion of many years.

The fallout from this debacle has been very damaging to the local Lake Berryessa community. The resorts provided hundreds of jobs. Steele Park Resort had a payroll of 50 people during its summer operations. When Steele Park essentially ceased most operations at the end of last year, Capell Valley Elementary School lost about 10 students, bringing its enrollment to less than 50 students. The Napa Valley Unified School District is preparing to close the local school and bus the children to the City of Napa every day. (See the Capell School article in this issue.)

But the closures also impacted many local and other Napa County businesses. Favorite restaurants have lost 40% of their business. Local service businesses have also lost 30%-40%, some up to 50%, of their revenue. Just one closed resort, Rancho Monticello, has eliminated approximately \$500,000 worth of purchases from local and regional suppliers annually. This doesn't include the loss to Reclamation of \$105,000 per year in franchise fees from the resort.

The real tragedy is that none of this ever had to happen. During the controversial government process that led up to the present situation, several common-sense plans were proposed, LBVSPT A+ and the Resort Operators Plan, which would have accomplished the goals of improving all the resorts without destroying them first. At least one of the bidders for the new concessions, the Lago Group, a consortium of present concession owners and local business people, would have kept these five resorts open. But their bid was apparently disqualified on a technicality.

Steele Park Resort was arguably the best resort on the lake. It has one of the best views from its older but well-kept restaurant. The mobile homes blended with the environment with their subdued “Steele Park grey” mandatory color. They were well-maintained with expensive interior upgrades - some selling for up to \$100,000 only 5 years ago. Their owners would have given them to the new concessionaire for free to be used as upscale short-term rentals under the new contract. Instead mobile home owners are paying \$3,000 to \$5,000 to demolish them and the demolition continues at a swift pace. Once again real people’s lives and livelihood have been seriously damaged - with no end in site.



A Perfect Storm of Disappointment for Lake Berryessa!
(The Lake Berryessa News, December, 2012)

The Winter That Never Happened. The Bureaucracy That Never Could. The Corporation That Never Did.

Humans are apparently born with an imprinted blame model they use to analyze the world around them. But objectively assessing responsibility for the outcomes of decisions and actions is not as simple as saying, “It’s your fault.” There’s a difference between the truth of a credible persuasive argument and the “truthiness” of an implausible but appealing conclusion.

Popularized several years ago on the Colbert Report, “truthiness” refers to the quality of preferring concepts or facts one wishes to be true, rather than concepts or facts known to be true. The American Dialect Society voted truthiness as the word of the year in 2005.

After an unusually wet fall, winter, and spring followed by a cool summer, we have now had an unusually dry fall and winter. Although spring and summer are still in the future, many people are willing to speculate on who or what to “blame” for the odd weather. Is it global climate change caused by human activity or just another natural cycle caused by volcanic activity or Mother Nature? In the 1950s when an odd weather event occurred my grandmother always said, “Sonny, it’s the atom bomb!” But you can’t blame the weather on the truthiness of the weather reports.

NAPALACHIA by Bill Scholer



The first element of Lake Berryessa’s “Perfect Storm of Disappointment” has been the weather. Everyone hoped the lake would fill up and spill over Glory Hole this year. Won’t happen.

The second element of this perfect storm has been the actions of, or the lack thereof, of the Bureau of Reclamation. Despite the unnecessary destruction of a recreational culture at the lake, the continued mishandling of essentially every component of the bid and contract process, and a refusal to expedite the bureaucratic requirements for the resort redevelopment, they continue to rely on the truthiness of their public and private statements. "Reclamation intends for recreation at Lake Berryessa to continue essentially uninterrupted, other than occasional temporary closures in various locations for developmental activities." (2008)

In some cases they actually seem to prefer truthiness to veracity. “After a very extensive process and unprecedented public input, we are on the verge of being able to restore access to the lake by the general public. That has not been the case over the past 50 years.” (2010)

It has now been more than eleven years since the Bureau of Reclamation initiated the process that destroyed a recreational culture at Lake Berryessa with the collateral effect of severely damaging the local business and residential community. A series of short-term Park Managers have held that position during this period. The latest resignations of the Park Manager, Concessions Manager, and Maintenance Manager at the Lake Berryessa BOR office are not encouraging.

The third element of this perfect storm has been the lack of performance by the Pensus Group since they signed a contract with Reclamation in the spring, 2010. The Pensus Group has not yet completed their required Environmental Assessment and seems to be having financial problems - in part due to Reclamation’s policies. The public lawsuits against Pensus for lack of payment to local businesses and their recent default on a major real estate loan in Phoenix are unsettling.

Pensus has been consistently positive in their public comments about their commitment to their Lake Berryessa development project. There’s a lot of “truthiness” to their statements, but little visible progress.

“Pensus has been working diligently with Reclamation to refine the conceptual site plans and obtain the rate approvals and permits that are necessary for the installation of our full complement of planned amenities and services. We are very keen to start installations as soon as possible, but the planning and permitting processes have proven to be much more tedious, time consuming and expensive than anticipated. We had hoped to start installation of the marinas within a few months of contract execution, which took place in late April 2010, and we had expected to be able to install initial lodging units for the season 2011. Unfortunately we will not be able to complete any significant new installations in 2012. We are, however, hopeful for the 2013 season.”

In his latest public comment to the Lake Berryessa News on February 27 explaining that the Phoenix loan default does not affect Pensus’ ability to finance its Lake Berryessa project, Mr. Ffinch also strongly reiterated that Pensus is committed to the Lake Berryessa project and is hopeful that the Bureau of Reclamation will allow Pensus to proceed soon. Later that same day, Mr. Ffinch received a letter from Reclamation demanding corrective action for non-compliance issues!

“We (Reclamation) acknowledge the concern over the development of new facilities at Lake Berryessa by Pensus Lake Berryessa Properties and we are working with them to ensure compliance with all terms and conditions of our concession contract.

We have recently notified Pensus in writing of several areas requiring corrective action. The contract provides Pensus the opportunity to address or “cure” those areas of concern. The intent of the notification and cure process is to assist contractors to be successful; it is not punitive. Pensus has informed us that they will respond to our notice. Pensus must correct all areas of concern within 30 days or, in some cases, provide a plan for correcting the problem.”

Pensus President David Ffinch, in a statement to the Lake Berryessa News on March 5, provided his response to the Bureau of Reclamation letter.

“On February 27th 2012 at 6:41PM Pensus received, by email from Reclamation, a 32-page ‘Notice of Noncompliance’. The document was submitted to Pensus with absolutely no prior indication from Reclamation, either in writing or verbally, that Pensus was not in compliance on any substantive issues excepting a few very minor operational items.

Pensus is of the opinion that most of the assertions of non-compliance are both invalid and unsubstantiated. Pensus provided an initial response to Reclamation on February 28th , 2012 and requested that the Noncompliance Document not be published until, at a minimum, we have been afforded the time to prepare a comprehensive response. Within 14 days Pensus will submit, to Reclamation, a further response which will address each and every assertion of noncompliance accompanied by factual support documentation.”

By their actions during the last few years, it appears to many observers that Reclamation is actually trying to make Pensus fail in order to keep Lake Berryessa closed. It is much easier on Reclamation management if there is nothing here to manage. The local Reclamation office reaps no benefit from operational resorts, i.e., they make no money for their local budget. The franchise fees the government receives go directly into the Department of the Interior’s general fund, not to the local BOR office, and are a miniscule amount compared to their costs. And the BOR has admitted in a public statement several years ago that recreation is not in their charter – they are water managers, not recreation specialists. Lake Berryessa appears to be one of the few, if not the only lake in the United States, where Reclamation is responsible for managing recreational facilities. Isn’t it time for a change?

In August 2000, Reclamation hired a private contractor to study future management options for the lake, and the Bureau of Land Management (BLM) was considered as a possible manager. However, in March 2001, BLM sent a letter to Reclamation stating they felt the timing was not right to consider assuming management, and they requested that the study be put on hold. For the foreseeable future, Reclamation would remain as the manager of the lake. However, at some point after contract expiration, a managing partner such as the BLM could assume responsibility for recreation management at Lake Berryessa. Most of the public land in the Lake Berryessa area is under BLM control already.

Whether truth or “truthiness” prevails in this perfect storm is still unclear. Caught in the middle are the real people of Lake Berryessa – struggling businesses (one less now that the Crossroads is closing) and desperate homeowners. The situation, already dire, is becoming untenable.

We all just want this perfect storm to end.

X. The “Big Hole in History”: Post-Pensus Blues

A “Modest” Proposal: Give Lake Berryessa to Napa County (The Lake Berryessa News, March, 2016)

Although lake water levels are low, outrage is high, and building, after the latest Bureau of Reclamation bid process fiasco. Reclamation announced that no successful bids were received in response to the latest Prospectus (the third failed bid process since 2006). Three California companies each bid on one area (Berryessa Point, Monticello Shores and Steele Canyon). All three bids were found to be "non-responsive."

According to Reclamation, if a bid was determined to be non-responsive to any one principal factor, it was determined to be non-responsive overall. The most important factor, and the one that probably led to a bid being declared non-responsive, was the financial issue.

Thousands of people who loved Lake Berryessa spent hundreds of thousands of dollars, donated thousands of hours of effort, sent thousands of letters to Reclamation, the Department of the Interior, and Congress. Some of us delivered more than 10,000 petition signatures to Washington supporting a common sense, fiscally responsible plan simply described as "Preserve the Best, Improve the Rest."

But no one in power listened, and we finally lost the "Battle for Berryessa" - resulting in the ghost lake we see now. This major recreation destination, and its residential and business communities, have been severely damaged - resources important to the State of California and Napa County, both from a social and financial perspective. If the government could pay millions to demolish the lake resorts why can't they pay millions to construct new basic infrastructure like launch ramps, power, water, sewer facilities?

I wrote to Congressman Thompson about the status of the lake revitalization process. He responded but his historical justification outlined in the first several paragraphs is contradicted by the facts. It follows the old saying, "History is always written by the winners." Congressman Thompson's response is to propose a minor change - turn over management of the lake to the Bureau of Land Management. But that is just trading one federal bureaucracy for another with no guarantee of any real progress. Cong. Thompson could, instead, introduce legislation transferring Lake Berryessa from the federal government to the jurisdiction of Napa County. There is sufficient precedent for this action. Other Bureau of Reclamation sites have been transferred to local jurisdictions in the past.

The present situation at Lake Berryessa is reminiscent of the 1966 book title "Been Down So Long It Looks Like Up to Me". It's true of the lake levels that are so low that every foot of rise is welcomed with a cheer! It is true of the last ten years of federal government floundering where even a minor positive step seems like a beam of sunlight to the beleaguered residents of Eastern Napa County. But based on the latest results, there is little practical hope for progress.

Napa County may offer an effective management option. Lake Berryessa could become more significant in the Napa County tourist and recreation industry. Napa could have greater benefit directly from the concessions in funding the services that the County is required to provide. The County could also conceivably sell some of the lakefront property for controlled sustainable development and benefit from the sales proceeds and additional property tax revenue.

There is also no reason that Napa County could not successfully manage "smart contracts" with major recreation companies to provide additional revenue. Lake Berryessa has missed this opportunity because of federal bureaucratic restrictions. The County has the practical experience, the planning and environmental departments, and the law enforcement and safety services that clearly give Napa the advantage over the federal government in protecting the resources of this important part of the county.

California's third largest lake and the prime outdoor recreation destination in the Bay Area has been mostly shut down for eight years because the federal government can't figure out how to offer a realistic contract - A SMART CONTRACT! We Need To Tell Them To Do It Right. Invest In Infrastructure, Do It Fast, And Let Us Use Our Lake Again!

A Path Forward To Revitalize Lake Berryessa: Fire The Feds!
(The Lake Berryessa News, March, 2016)

We need a revolutionary strategy to stop the death spiral at Lake Berryessa.

The fifteen year failure of the Bureau of Reclamation is not based on simple ineptness, often complex ineptness is involved. But the failure is actually based more on a fatally-flawed policy at the federal level which treats Lake Berryessa as just another "lake in the country" to be dealt with as any other federal rural holding - independent of context.

Lake Berryessa is not another "lake in the country". It is a major economic, social, and recreation resource in an urban-proximate setting whose value to Napa County and the State of California is being utterly wasted. Lake Berryessa clearly falls into the Rural Developed Setting category in the government's own Water and Land Recreation Opportunity Spectrum Users' Handbook (WALROS). Old-school environmental thinking, especially at the Federal level, is pointless in this situation. After 50 years of progress, we know how to implement sustainable practices for wineries, sustainable design outcomes for lake resorts, and sustainable rural development for the good of local people.

The Federal Government needs to be fired! "You're Fired!" We need home-rule closer to the source. Napa County should take control of Lake Berryessa again. The State should do everything it can to support economic development here. Why isn't the Napa County Board of Supervisors outraged by the economic and social damage done to the County by the Feds? Napa County should stop sitting on the sidelines - NOW!

Why have the big guns in the Napa Valley tourism and financial industries ignored the perfect location to expand their businesses and Napa's reputation as a premier recreation destination? Your expertise is needed - NOW! Even Governor Brown wishes to see more rapid progress at Lake Berryessa. The Governor's Office of Business and Economic Development could be a resource for revitalizing an economically-depressed Lake Berryessa region.

Why does the City of Winters care more about being on the ragged southern edge of a phony national monument with no measurable economic benefit to Winters rather than once again being the gateway to a thriving Lake Berryessa which provided enormous economic benefit to the city?

The rationale for revolutionary change is simple:

1. The federal government has shown its inability to successfully implement its own policies for decades, resulting in the destruction of a once-thriving region.
2. Knowledgeable recreation and hospitality companies have pointed out the flaws in the federal government's contract policies, policies which would need to be changed before serious companies would be interested in the lake's investment potential.
3. The federal government (Reclamation or BLM) is unlikely to change its policy on those flawed contract terms - which is a recipe for future lack of action.
4. Napa County successfully ran the lake from 1958 to 1975. Many U.S. counties run major successful concessions - San Diego County, for example.

5. Napa County managing the resorts again is a home-rule issue which solves many problems the County has complained about for decades - cost of public services with no financial return - Sheriff patrol costs, for example. One supervisor infamously called the lake a “black hole in the County budget”.

6. There are several precedents for Reclamation turning over management of the land portion of their water projects to local jurisdictions, Elephant Butte, New Mexico, for example.

The parties who could help create a framework for this revitalization of Lake Berryessa are:

1. Napa County Board of Supervisors;
2. The State of California - through Bill Dodd, State Assembly/Senate member and previous County Supervisor for part of Lake Berryessa;
3. Visit Napa Valley, leader of the Napa tourism industry;
4. Congressman Thompson, needed to effect change at the congressional level;
5. Sally Jewell, Interior Secretary, who could be the top-down advocate for this change and who is familiar with Lake Berryessa from her work on the National Monument.

Simply put, the federal government owes the Lake Berryessa community and Napa County BIG TIME. Napa County owes the Lake Berryessa community BIG TIME for its lack of action over the decades. Napa County managing Lake Berryessa in partnership with Napa Valley tourism professionals is the best opportunity for a Renaissance Lake Berryessa. Let's start NOW!

Open Letter to the Federal Government: Get Out of Lake Berryessa!
(The Lake Berryessa News, June, 2016)

OK. We know you tried. We know you think you tried very hard. And look where it got you - nowhere!

We know you didn't think anyone would want to use Lake Berryessa for recreation when it filled up in 1958. Why would they? The water would go up and down by 20 to 30 feet or more a year. How could anyone cope with that? The fact that it would be the biggest, cleanest lake in Northern California only hours (or less) from millions of Bay Area residents just didn't cross your mind. To be fair, rational, long-range planning may not have been a high priority for you in those “olden” days.

We understand how disappointed, even jilted, you felt when none of your other agencies like the National Park Service would step forward to take over from the Bureau of Reclamation. At least the NPS agreed to write a Public Use Plan for you. You tried to have the State of California or local government agencies assume the responsibility of managing public recreational facilities at the lake. The State expressed no interest and said that it had no funds available. But finally Napa County stepped up and agreed to manage Lake Berryessa.

Napa County decided that all development, construction, and management be left to concessionaires who had to finance the costs of these activities. The major development effort at all seven concessionaire areas was the addition of mobile homes. Napa County officials confirmed that the revenue from the long-term leases of the mobile-homes provided the steady year-round incomes which could not be realized from seasonal picnicking and camping facilities.

You even agreed with this concept in your 1993 Record of Decision: "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. These long-term exclusive uses will be located or relocated in areas that are neither prime shoreline locations that are desirable for short-term uses nor conflict with other greater public needs. Long-term uses will be designed to blend more effectively with the natural environment."

We know how hurt you must have felt in the early 1970's when the resort development and your partnership with Napa County was criticized, especially when the county decided to give the lake back to you. But you recovered your composure and tried to do your best by building a new headquarters complex and the beautiful Oak Shores Day Use Area.

Managing the new public facilities while also overseeing the seven concessionaires was definitely a big job. And those persnickety concessionaires were a handful to deal with at times. No one can really blame you (too much) for becoming complacent. After all it was such a beautiful place to work and you didn't really have to work too hard if you didn't want to. If Napa County didn't really appear to care, why should you?

Unfortunately, your decision to not consistently apply your own Concessions Review Program Standards allowed serious problems to accumulate at some of the resorts. For example, allowing Pleasure Cove Marina, one of the worst offenders with its "Outback" area, to operate without oversight ("self-reporting") for so many years was probably not a good management choice. But your face-saving strategy of blaming everything that happened on the mobile home owners, who also wanted change and improvement, was despicable.

Since Lake Berryessa was such a small part of the Federal Government's responsibility, it is easy to understand why you lost real interest in it for decades. Your decision to turn it's Park Manager position into a revolving-door training facility may have made bureaucratic sense to you at some level, but it did nothing to help us improve the situation. Remember the manager guy who only cared about native plants and made Steele Park tear up more than fifty baby palm trees they had just planted along the entry road? Where is he now?

But we know your greatest shame must be the "recent" epic fifteen year failure to accomplish anything of value at Lake Berryessa. You tried everything. You shifted blame, modified policy, changed definitions, recruited fellow travellers, colluded with Congress, produced falsified reports - just to get rid of the mobile homes and replace those troublesome concessionaires.

More than ten years ago thousands of people who loved Lake Berryessa spent hundreds of thousands of dollars, donated thousands of hours of effort, sent thousands of letters to the Bureau of Reclamation, the Department of the Interior, and Congress. Some of us delivered more than 15,000 petition signatures to Reclamation Headquarters in Washington, D.C. supporting a common sense, fiscally responsible plan simply described as "Preserve the Best, Improve the Rest."

But no one in power listened, and we finally lost the "Battle for Berryessa" - resulting in the ghost lake we see now. California's third largest lake and the biggest recreation destination in the Bay Area has been mostly shut down for eight years because the Federal Government can't figure out how to do its job right.

The fifteen year failure of the Bureau of Reclamation is not based on simple ineptness, often complex ineptness is involved. But the failure is actually based more on a fatally-flawed policy at the federal level which treats Lake Berryessa as just another "lake in the country" to be dealt with as any other federal rural holding - independent of context.

Lake Berryessa is not another "lake in the country". It is a major economic, social, and recreation resource in an urban-proximate setting whose value to Napa County and the State of California is being utterly wasted.

Napa County managing the resorts again is a home-rule issue which solves many problems the County has complained about for decades - cost of public services with no financial support from you - Sheriff patrol costs, for example.

So, Federal Government, aren't you tired of things always going wrong under your command out here? After more than fifty years as a premier family recreation destination, you have driven the lake to its knees. Since you simply want to implement flawed policy without any consequences to yourself, real people be damned, wouldn't it feel good to be relieved of the burden of Lake Berryessa?

Believe us, we feel your pain. But don't let the door hit you in the butt on the way out.

Sincerely, The Lake Berryessa Community

Will 2017 Be Lake Berryessa's Lucky Year?
(The Lake Berryessa News, January, 2017)

Looking back on 2016 at Lake Berryessa one might think that nothing much happened. But a year is a long time, and 2016 did have some momentous events for the lake community. In 2015, after a year of economic analysis and community outreach, the Bureau of Reclamation released a detailed Bid Prospectus in another attempt to solicit recreation companies to reopen the closed recreation areas. Hopes were high, but Reclamation announced that no successful bids were received in response to the latest Prospectus (the third failed bid process since 2006).

In March the Lake Berryessa News headline read: A Modest Proposal: Radical Restructuring - Ownership and Management of Lake Berryessa Should Be Transferred to Napa County. For several months the case was made by the Lake Berryessa News and supported by the Lake Berryessa Chamber of Commerce and the majority of the Lake Berryessa community.

Both Napa County and Reclamation responded positively (although hesitantly) to this proposal. On April 5, 2016, the Board authorized staff to engage in discussions with Reclamation and the Department of the Interior (DOI) regarding the future of the concession areas of Lake Berryessa.

By May 15, 2016 the proposal was getting some traction and the Lake Berryessa News headline read: "A Path Forward To Revitalize Lake Berryessa: Fire The Feds!" I wrote at the time, "We need a revolutionary strategy to stop the death spiral at Lake Berryessa. The fifteen year failure of the Bureau of Reclamation is not based on simple ineptness, often complex ineptness is involved.

But the failure is actually based more on a fatally-flawed policy at the federal level which treats Lake Berryessa as just another "lake in the country" to be dealt with as any other federal rural holding - independent of context. Lake Berryessa is not another "lake in the country". It is a major economic, social, and recreation resource in an urban-proximate setting whose value to Napa County and the State of California is being utterly wasted."

The Lake Berryessa News, the Lake Berryessa Chamber of Commerce, and local residents then strongly promoted a new strategy - have Napa County take over management of the lake recreation areas under a Managing Partner Agreement with Reclamation. The headline on June 1 was even more aggressive: "Open Letter to the Federal Government: Get Out of Lake Berryessa!" The Bureau of Reclamation and Napa County were listening.

On June 7, 2016, the County entered into an agreement with Perkins Coie for specialized legal advisory services on federal statutory and regulatory law as it pertains to concessions management. On June 21, 2016,

the Board directed staff to enter into negotiations for a Managing Partner Agreement between the County and Reclamation. Under a Managing Partner Agreement, the responsibility to develop and manage public recreation areas would be transferred to Napa County.

At the December 6th Board of Supervisors meeting the supervisors accepted a recommendation to move forward with this strategy by providing direction to staff to sign a Memorandum of Understanding with Reclamation and a contract with Ragatz Sedgwick Realty for its knowledge and experience in developing hotels, resorts and other recreational opportunities worldwide.

Under this agreement, Ragatz Sedgwick Realty will assist the County in identifying interested concession partners by marketing the opportunity to the resort community and performing a feasibility analysis to determine the best use of each site. The County's intent is to market Lake Berryessa and seek interest in the opportunities that exist. The goal is to create a short list of interested parties that are viable and have interest and ideas that can fit within the Visitor Services Plan.

If Ragatz Sedgwick is successful in identifying interest, the County and Reclamation will move forward with negotiating a Managing Partner Agreement for recommendation to the Board of Supervisors and creating a formal Request for Proposal process to select a concessionaire.

The Ragatz Sedgwick team will be in Napa County during the week of January 9-13, 2017 to begin their research. They will meet with the Bureau of Reclamation as well as other interested parties such as the Lake Berryessa Chamber of Commerce, Visit Napa Valley members, and others.

Ragatz Sedgwick Realty is an international commercial brokerage firm focused exclusively on the resort real estate industry. Ragatz Associates, has offered consulting services to the resort real estate industry for 40 years. The firm has conducted over 2,500 assignments in 48 states and more than 70 countries. Clients include practically every significant development and financial institution in the industry on a global basis.

The goal is to move as quickly as possible in tandem with other discussions. Hopefully, within two to three months, they'll have an idea as to how great the interest is and how quickly the process can move forward. And maybe this actually will Lake Berryessa's lucky year!

Positive Report on the Future Rebirth of Lake Berryessa!
(The Lake Berryessa News, July, 2017)

More than a year since the Lake Berryessa News began the campaign to give Lake Berryessa management back to Napa County, a major milestone in that campaign has arrived. A 434-page Lake Berryessa marketing report done by Ragatz Realty was just presented to the County and to the Bureau of Reclamation. Reclamation will review and comment on the report by July 3. Ragatz will formally present this report at the August 1 Board of Supervisors meeting.

But first a bit of historical background for context. Monticello Dam was finished in 1958 and Lake Berryessa filled. By the end of 1959, Napa County had awarded seven long-term (30 year) concession agreements to newly formed resorts to provide recreation services. Leased mobile home sites provide revenue needed to support short-term uses such as camping and launching. But in 1975, after years of fruitless discussion and debate with Reclamation regarding the Lake Berryessa management agreement, Napa County turned lake recreation management back to Reclamation.

In 2000 the Bureau of Reclamation began a to develop a Visitor Services Plan to redevelop the lake. Their primary goal was to remove all mobile homes from the lake while replacing the existing resort owners with a

single company to run all the resorts. Reclamation's search for concessionaires to redevelop and run the resorts still remains stalled after several false starts during the last 10 years.

Reclamation adopted a 2006 Record of Decision followed by a Bid Prospectus to renovate the resorts with new marinas, lodges, campgrounds, restaurants and other features. In 2009, the agency received \$4.4 million in American Recovery and Reinvestment Act money which was, unfortunately, only used to demolish the existing resort infrastructure rather than provide any improvements to facilities. Millions of dollars in functional facilities were simply demolished.

Two bid prospectus attempts finally resulted in a contract with Pensus in 2010 which ultimately failed. A third bid prospectus received no bids by the end of 2016. In February, 2016, the Lake Berryessa News and Lake Berryessa Chamber of Commerce began a Renaissance Lake Berryessa campaign aimed at returning management of Lake Berryessa to Napa County. They actively campaigned for this goal during the following months.

In June, 2016 Napa County Supervisors directed staff to enter into negotiations for a Managing Partner Agreement between the County and Reclamation for the management of Lake Berryessa. By January, 2017 discussions between Napa County and Reclamation had proceeded positively enough to result in the supervisors directing staff to sign a Memorandum of Understanding with Reclamation and also a contract with Ragatz Sedgwick Realty who would assist the County in identifying interested concession partners by marketing the opportunity to the resort community and performing a feasibility analysis to determine the best use of each site.

There are several benefits with county management of the resorts. The county has more flexibility than Reclamation. For example, instead of issuing a request for proposals and waiting for potential concessionaires to respond, the county can market the Berryessa opportunity to resort companies. About 300 companies worldwide do this type of resort development. Some may not want to work with the federal government.

A key piece of information could be known by the end of the June. The county wants to offer 55-year contracts to run resorts, but needs permission from the U.S. Bureau of Reclamation for this longer-than-usual time frame. The Bureau of Reclamation offered 30-year contracts when it sought new Lake Berryessa concessionaires. At the end of the contracts, the marinas, parking lots, water systems and other infrastructure installed by the companies would be owned by the federal government. This requirement and the short contract term were the "poison pills" that discouraged interest from large resort companies. In a modest change to policy, Reclamation just signed a contract with Markley Cove Resort for a 30 year contract, but with a possible 10 year extension for a total of 40 years.

In January, Richard Ragatz and his colleagues began touring the closed resorts, gathering information, and meeting with, among others, the Bureau of Reclamation, Visit Napa Valley staff, and members of the Board of Directors of the Lake Berryessa Chamber of Commerce. A survey of more than 3,000 people in the region found that 92 percent are interested in visiting Lake Berryessa, if it has the right facilities.

Supervisor Alfredo Pedroza, who has consistently approached this process with a positive outlook, sees the county making progress. "I think this is an exciting time for Lake Berryessa," Pedroza said. Other supervisors have been supportive.

In an interesting bit of historical turnaround, John Tuteur, Napa County's Assessor and Registrar of Voters, who was a Napa Supervisor in 1975, told the County supervisors at their June 20th meeting that one of his platforms when he successfully ran for the Board of Supervisors in 1972 was to end county management of Berryessa resorts. But 45 years later Tuteur said circumstances have changed. With the professional

assistance of Visit Napa Valley, Napa County has a better grasp on the importance, management requirements, and effects of tourism.

“I think the county can do a superb job in helping to run the resorts,” Tuteur told the supervisors.

The Future Looks Brighter, But The Sun Also Rises (A Bit Slowly)
(The Lake Berryessa News, August, 2017)

It began almost 18 months ago with the Lake Berryessa News headline: A Modest Proposal: Radical Restructuring - Ownership and Management of Lake Berryessa Should Be Transferred to Napa County.

Both Napa County and Reclamation responded positively to this proposal. On April 5, 2016, the Napa Board of Supervisors authorized staff to engage in discussions with Reclamation and the Department of the Interior (DOI) regarding the future of the concession areas of Lake Berryessa.

On June 21, 2016, the Board directed staff to enter into negotiations for a Managing Partner Agreement between the County and Reclamation. Under a Managing Partner Agreement, the responsibility to develop and manage public recreation areas would be transferred to Napa County.

In December, 2016, supervisors moved forward by providing direction to staff to sign a Memorandum of Understanding with Reclamation and a contract with Ragatz Sedgwick Realty. If Ragatz Sedgwick were successful in identifying interest, the County and Reclamation would move forward with negotiating a Managing Partner Agreement and creating a formal Request for Proposal process to select concessionaire for five resorts (now referred to as Recreation Areas).

So here we are in August, 2017 - eighteen months after Reclamation announced that no successful bids were received in response to the latest 2015 Bid Prospectus (the third failed bid process since 2006), and almost ten years since the original resorts were demolished.

On August 1, 2017 Dick Ragatz and Grant Sedwick of Ragatz Sedgwick Realty presented their 434 page report, Lake Berryessa: An Untapped Resort Development Opportunity, to the Board of Supervisors.

The report is one of the most comprehensive ever compiled for the Lake Berryessa area. Its preparation involved: (1) meetings and conversations with dozens of appropriate individuals and entities in Napa County, throughout the primary market area and beyond; (2) conduct of a consumer survey with more than 3,200 responses; (3) surveys of lakes, marinas and campgrounds in northern California; and (4) review of numerous reports and documents prepared by Reclamation and others over the past years.

This document should be viewed as a “resource manual” for anyone interested in operating a concession area at Lake Berryessa. It also is meant to educate Napa County about the uniqueness and value of Lake Berryessa. The report fairly presents the past controversies and decisions that led to the present situation at the lake. But now there is wide consensus that the revitalization of the lake as a recreation destination is important to all of Napa County.

This document represents Phase I of a two-phase assignment. Its primary purpose is to describe the attributes of Lake Berryessa. It provides critical background and educational information for Phase II. The purpose of Phase II is to attract appropriate entities who will develop and operate five available concession areas at the Lake. The supervisors were uniformly positive in their responses to the report. “What an opportunity this is for us to envision what Lake Berryessa can be,” said Supervisor Gregory.

The report includes many possibilities such as marinas, campsites, hiking trails, restaurants, motels, grocery stores, a conference center, a golf course, an amphitheater, even an indoor water park. Recreation and

hospitality management companies will be expected to figure out what fits, what's possible, and what's profitable.

Among the critical remaining issues is how long the lease contracts can be that the county could offer to concessionaires. The Bureau of Reclamation in a recent, unsuccessful attempt to redevelop the five resorts offered 30-year stints, with infrastructure then reverting to the federal government. This was unacceptable to most potential bidders. Ragatz recommended that concessionaires should ideally have 65 years to recoup investments. Napa County and Bureau of Reclamation officials have been discussing the issue. A county report said the Bureau is open to a 55-year lease with at least one 10-year extension.

The Board has already authorized Ragatz Realty to identify interested concessionaires through a Request for Information and Interest (RFII) process. An RFII is primarily used to gather information to help make a decision on what steps to take next. County staff was authorized to continue discussions with Reclamation to complete a Managing Partner Agreement (MPA).

A report could go to the Board in late fall or winter. The process will include a public meeting with the Bureau of Reclamation and further public hearings with the Board of Supervisors during that time.

The supervisors were urged to speed up this process which has so much potential. How long does Lake Berryessa still have to wait for a beautiful new resort at Steele Canyon with attractive facilities and amenities?

The public had its say. Evan Kilkus came to the microphone wearing shorts and a flower-print shirt, a fashion choice he called the Lake Berryessa uniform. He sees Berryessa recreation as complementing wine country. "We want to add the casualness, fun and excitement," he said.

Bill Ryan of St. Helena said that bass fishing is popular and Lake Berryessa is a great bass lake. Lake Berryessa could attract anglers who already go to Clear Lake and the Sacramento-San Joaquin Delta, but they'll need places to eat and sleep, he said. "Let's not let them off the hook," he said. Amber Payne takes friends boating on Lake Berryessa. They find something missing. "The lack of amenities is shocking to them," she said.

Former Napa County Supervisor Harold Moskowitz said he had a ranch in Berryessa Valley before the Bureau of Reclamation built Monticello Dam in the late 1950s, flooding the valley and creating the lake. His father had the first contract with the county to create Steele Park resort, now called Steele Canyon.

"I know Berryessa probably as best as anybody ... Anything I can do to help, I'll be happy to do it," Moskowitz told supervisors.

20/20 vision and 20/20 hindsight point to 2020!
Celebrate the past, Create the future!

Napa Releases Lake Berryessa Request For Information & Interest
(The Lake Berryessa News, October, 2017)

Another important milestone in the potential rebirth of Lake Berryessa has been achieved. Napa County has issued a Request for Information and Interest (RFII) to solicit potential concessionaires for five sites at the lake. Proper development of the concession areas is fully supported by public officials of Napa County, who have pledged to facilitate the entitlement process. The Napa County Executive Office is issuing this (RFII) in order to solicit potential concessionaires for five sites at Lake Berryessa. Appropriate respondents will subsequently be invited to respond to a Request for Proposal (RFP).

Emphasis in the past has been on boating and camping, but a much wider variety of activities seem

appropriate for the future. The surrounding region is one of the most prosperous in the nation. Participation rates in all types of outdoor recreation activities are higher than average. Despite these circumstances, the supply of high quality resort developments in lake-oriented destinations greatly lags demand. Lake Berryessa could represent one of the most untapped opportunities for quality lake-oriented resort development in California.

Land around Lake Berryessa is owned by the U.S. Bureau of Reclamation. Napa County may now enter into a Managing Partner Agreement (MPA) with Reclamation to once again assume control of the five areas. The distribution of this RFII is the initial step in potentially finding appropriate developers and operators for one or more of the five areas.

Napa County wishes to solicit input from resort developers and concessionaires that will be used to create the final framework for the MPA and subsequent RFP. Specifically, the purpose of this RFII is to:

1. Gauge developer and concessions management interest in the five recreation-resort areas at Lake Berryessa;
2. Identify potential opportunities within the proposed area(s);
3. Provide a baseline for development of an RFP.

Based on a recent consumer survey of more than 3,000 people familiar with Lake Berryessa, the unmet needs (and opportunities) include:

>Lodging accommodations in hotels, motels, rental cabins, full-service RV parks, glamping, conference centers and timeshare resorts.

>Boating facilities including launch ramps, boat slips, storage facilities, houseboat and other watercraft rentals.

>Sports and recreation attractions like hiking, equestrian stables with riding trails, clubhouse, fitness and spa facilities, sporting clays, golf course and seaplane base.

>Entertainment attractions that could include an outdoor concert amphitheater, wedding venues, special events like boat races, car rallies and fishing tournaments, wine tasting and Napa Valley shuttle and Lake Berryessa boat cruises.

>Visitor services such as convenience and grocery stores, fuel outlets (for cars and boats) restaurants, bars and water taxis.

Development is fully supported by officials of Napa County who recognize a wider variety of land uses and facilities are required to maximize economic benefits and enjoyment by outdoor recreation enthusiasts.

In addition to boating and camping opportunities, there are numerous other attractions and activities at Lake Berryessa and its environs. Some include:

1. Close proximity to, and shared identity with, one of the most recognized tourist destinations in the country - Napa Valley. Napa County has a rapidly growing tourism industry, with 3.54 million visitors in 2016, up 20 percent from just four years ago. Downtown Napa is rapidly becoming a major tourist destination of its own, with large new supply of hotels, shops, restaurants and entertainment venues - and less than an 45 minutes travel to Lake Berryessa.
2. Napa Valley has more than 500 wineries, geothermal springs, boutique shops, fine restaurants, eight golf courses and spectacular scenery.
3. Attractions and activities at Lake Berryessa complement those in Napa Valley, e.g., boating, fishing, extensive nature and other types of trails, etc. These complementary uses are attractive both to residents of Napa County and others throughout the primary marketing area.
4. Many intriguing potential opportunities for recreational attractions and activities that do not exist elsewhere in Napa County and/or are significantly under-supplied in the primary marketing area. Examples include conference facilities, golf, wedding venues and outdoor musical performance venues.
5. Some of the best lake fishing in the entire state. Swimming in the many protected coves and inlets. Quiet

areas for non-motor activities, such as kayaking and canoeing. Bird watching and wildlife viewing.

6. Extensive hiking, mountain biking and walking trails, with many more possible, and large nearby public land holdings, accessible for hiking, camping and a wide variety of other outdoor recreational activities.

Napa County, like most prime resort destinations in California, is a challenging place to pursue new development. Land prices are extremely high; properly zoned sites are scarce; the re-zoning, General Plan amendment and environmental impact report processes are lengthy and expensive; and the threat of litigation from environmental groups and others is high. These “barriers to entry” often result in years and years of effort before proper entitlements are obtained, if ever.

Several important advantages exist, however, at Lake Berryessa that should greatly facilitate development of the concession areas. Proper regulations will still be imposed by Napa County and Reclamation, but less time-consuming than normal.

1. Reclamation has completed detailed, but preliminary, development plans for the five areas. Environmental impact statements have been completed for the plans to “the 60 percent design level.” To the extent that concessionaires’ development plans are substantially compatible with Reclamation’s preliminary development plans, the required environmental impact assessment may be accelerated.
2. No re-zoning or General Plan amendments are required.
3. Environmental compliance statements will be required, but a head start has already been made by Reclamation. This is especially true the more that proposed development aligns with Reclamation’s preliminary recommendations.
4. Proper development of the concession areas is fully supported by public officials of Napa County, who have pledged to facilitate the entitlement process.
5. It is recognized by Napa County and Reclamation that a wider collection of land uses and activities will be required in the future in order to maximize economic benefits to the County and enjoyment by today’s outdoor recreation enthusiasts. Creativity will be encouraged.
6. The actual term of each concession contract will be based on the business model. The business model will support justification of a term beyond the standard 25 years where applicable. The County has requested discussion of a 55 year term plus one 10 year extension for development that requires a significant infrastructure investment.
7. In recognition of the cost of building new infrastructure on leased land, Napa County may be willing to offer a variety of financial incentives for appropriate developments and operations.
8. Private land holdings surrounding Lake Berryessa are extensive. Some of this land could be available for related development.
9. Napa County will assume the role of Managing Partner Agency for all concession areas. This includes being the primary reviewer of applications and proposed development plans. The local government will be able to act more expediently than the more removed federal government.
10. Dedication of County staff support to facilitate development process.

“Holes In History” at Lake Berryessa:
(The Lake Berryessa News, January, 2018)

Was it simple incompetence, fervent ignorance, or malicious arrogance? I define a “hole in history” as a period of time during which accomplishments were planned to occur or results were expected to be achieved but, unexpectedly, both vanished from our historical timeline. A recent example of that phenomenon was the effect of the Atlas Fire on the potential Lake Berryessa revitalization process. Several events important to that process were to occur during October, 2017, but had to be delayed for three months.

The Atlas Fire tragedy ripped many huge holes in history for those whose houses burned to the ground and whose daily existence was upended. Those holes will only be filled after months, if not years, of rebuilding.

But this three month hole in history at Lake Berryessa is only the latest of many that have slowed progress in rebuilding the lake during the last twenty years. The original Bureau of Reclamation plans in 2000 called for a “seamless transition” from the supposedly polluting resorts populated by evil mobile home owners who denied access to the American people, to the new glorious days of internal-combustion-engine-free eco-resorts populated by pink unicorns and vacationing tooth fairies.

They say you can’t kill time without harming eternity. But at Lake Berryessa time was beaten into a coma by a combination of simple incompetence, fervent ignorance, and malicious arrogance.

Time keeps on slippin', slippin', slippin'...Into the future...

So how much time did the holes in history at Lake Berryessa steal from us?

The first hole in history occurred when Reclamation released its first bid prospectus in 2007. The initial due date for bid proposals was September 6, 2007. The bid decision was delayed for 4 months due to a lawsuit by Markley Cove. Selection of successful bidders occurred in April, 2008. Contract negotiations began in June, 2008.

The government began excavation of the second major hole in history in March, 2009. Reclamation canceled negotiations with Markley Cove and Pensus because of a minor technicality in the bid document regarding future federal funding. This could have been easily resolved. A single government attorney seriously disrupts a decades long process. Reclamation required a complete rebid of the concession selection process.

The revised bid prospectus was released two months later in May, 2009. New bid proposals due were due in September, 2009; five separate proposals were received. In January, 2010 Pensus Group was selected as most responsive bid for all six concession areas.

This idiotic rebid process caused an incredible 19 month delay, April, 2008 to January, 2010 plus 4 months in 2007- 23 months, almost 2 years lost!

The third major hole in history began to form immediately after the Pensus contract was awarded in May, 2010. Relations between Pensus and Reclamation soon begin to deteriorate. No progress was made in redeveloping any of the resorts. Many of the problems appeared to observers to be caused by Reclamation’s unrealistic policies and poor management. Pensus management appeared inept and arrogant despite the validity of many of their complaints.

From December, 2011 to December, 2012 relations between Pensus and Reclamation continued to deteriorate with long legal arguments exchanged. The Pensus contract was terminated in December, 2012. May, 2010 to December, 2012. And so another TWO YEARS and SEVEN MONTHS were lost!

At the end of 2012 the total holes in history count stood at FOUR YEARS and SIX MONTHS.

The fourth hole in history was another long one. From August, 2013 to January, 2014 Reclamation prepared various detailed plans for five concession areas, some of which had been done for the previous bid proposals. In July, 2015 Reclamation released its latest Concession Bid Prospectus. In February, 2016 Reclamation announced that no acceptable bids were received - a major disaster for the Lake Berryessa community. August, 2013 to February, 2016 - another TWO YEARS and SEVEN MONTHS lost.

In March, 2016, the Lake Berryessa News began its Renaissance Lake Berryessa campaign to return management of Lake Berryessa to Napa County. In January, 2017 Napa County began serious efforts to evaluate the feasibility of taking over management of the lake. Napa County Supervisors direct staff to sign a

Memorandum of Understanding with Reclamation and a contract with Ragatz Sedgwick Realty to assist the County in identifying interested concession partners in the resort.

In October, 2017 Another important milestone in the potential rebirth of Lake Berryessa was achieved. Napa County issued a Request for Information and Interest (RFII) to solicit potential concessionaires for five sites at the lake.

“Been Down So Long It Looks Like Up to Me”

If all goes well, the present schedule shows an optimistic date of July, 2018 for concessionaire selection and negotiations. You do the math. The first contract negotiations of the new era began in June, 2008. The optimistic schedule for successful future contract negotiations is July, 2018.

The total holes in history at Lake Berryessa add up to more than TEN YEARS of lost opportunities - a generation of children and families have missed some of the best experiences of their lives! Time to start fulfilling expectations, not digging new holes.

Life After the Holes

The County/ Reclamation RFII process is moving forward with positive results. The Bureau of Reclamation had many staff members, some from as far away as their Denver office, here all day on Wednesday, Dec. 13, 2017 for a presentation and tour for prospective bidders. This was followed by an evening public Community Forum meeting hosted by the Bureau of Reclamation and the County of Napa.

The result of that day was very good news for Lake Berryessa. Reclamation said that it is dedicated to coming to a Managing Partner Agreement with the County that allows the County to manage the concessions. A Managing Partner Agreement would allow Napa County to manage concession contracts with terms that were previously not available through Reclamation, leading to the revitalization of the whole region.

The County is dedicating major financial and staff resources to make this happen. Both Lake Berryessa supervisors, Alfredo Pedroza and Diane Dillon, were present and spoke positively about the potential outcomes. Supervisor Pedroza said, “We’ve made great progress in working with the Bureau of Reclamation that will renew the vibrancy and allow sensible development at the lake.”

Revitalizing Lake Berryessa - Idling Towards Home (The Lake Berryessa News, July, 2018)

Last week I went out on a patio boat with friends. All went well until we were halfway to the dam from the Steele Canyon Recreation Area. Suddenly our boat engine revved up and lost thrust. The boat would only move forward at idle speed - about 2 miles per hour. Nothing we could do would solve the problem. So we turned around and idled for an hour back to the main lake.

We had a great time picnicking and swimming. Friends from the Highlands came over and tied their boat up to ours for a couple of hours of fun with their kids. But we finally had to start for home - at 2 mph! It took 2 hours to idle from Skiers Cove to the entrance of the Steele Canyon/Spanish Flat cove. Then the wind kicked up and we were down to less than 1 mph. One hour later we finally reached the Steele Canyon launch ramp. Probably the slowest recorded tour of the lake - but we got home and had some great fun doing it.

I was struck by the similarity between our boat trip the present process of revitalizing Lake Berryessa. The excitement of watching Napa County begin the process in early 2017. The ray of hope when the county received nine responses to its Request for Interest and Information. Then the doldrums of Napa County

negotiating a Managing Partner Agreement with the Bureau of Reclamation followed by the engine failure somewhere in the process.

Both Napa County and Reclamation profess to be continuing the process with the positive intent to have Napa County take over management of all or some of the recreation areas. One hang-up seems to be the typical bureaucratic “off like a herd of turtles” syndrome. The other is the federal government approving 50 year terms for new concession contracts rather than the 30 year terms proposed by the Department of the Interior.

We’ve lost ten years of family recreation at Lake Berryessa as I documented in my January 2018 lead story "Holes In History" at Lake Berryessa: Simple Incompetence, Fervent Ignorance, Malicious Arrogance.

So as we idle towards home in the process of revitalizing Lake Berryessa, it is instructive to compare the original optimistic schedule with present reality - another 4 months lost! At least on our boat trip we could see our destination getting closer.

Beating A Dead Horse With A Stick OR ... (The Lake Berryessa News, August, 2018)

...Beating A Horse With A Dead Stick? BOR betrays Lake Berryessa AGAIN! It’s been a long time since the original promise by the Bureau of Reclamation of a “seamless transition” at Lake Berryessa followed by many years of total chaos leading to the destruction of a local community and economy you see here now.

After the Pensus fiasco of 2010, Reclamation officials appeared to finally understand the serious damage they had done to our community. They scrambled from August, 2013 to January, 2014 to prepare various detailed plans for five concession areas. In July, 2015 Reclamation released its latest Concession Bid Prospectus. In February, 2016 Reclamation announced that no acceptable bids were received - a major disaster for the Lake Berryessa community. There was a period after that last failed bid process that Reclamation felt enough “guilt” to agree to work towards a Managing Partner Agreement with Napa County to allow the County to take over management of the resorts and create its own bid package and subsequent concession contracts.

Original Schedule

- November 2017: RFII Submittals Due
- January, 2018: MPA Authorization
- February, 2018: RFP Release
- April, 2018: RFP Due
- Spring/Summer 2018: Concessionaire Selection and Negotiations

Modified Schedule (February, 2018)

- April, 2018: MPA Authorization
- May, 2018: RFP Release

Modified Schedule (July, 2018)

- None

Napa County kept its word! It funded a detailed study showing that Lake Berryessa is a recreational gem that should provide significant financial incentive for resort companies to bid on running the lake resorts. At a December 13, 2017 meeting both Lake Berryessa supervisors, Alfredo Pedroza and Diane Dillon, spoke

positively about the potential outcomes. Supervisor Pedroza said, “We’ve made great progress in working with the Bureau of Reclamation that will renew the vibrancy and allow sensible development at the lake.”

In January 2018, Reclamation also said that it is dedicated to coming to a Managing Partner Agreement (MPA) with the County that allows the County to manage the concessions. An MPA would allow Napa County to manage concession contracts with terms that were previously not available through Reclamation, leading to the revitalization of the whole region.

But then something non-happened - everything stopped. As I reported in last month’s issue of the Lake Berryessa News, “Both Napa County and Reclamation professed to be continuing the process with the positive intent to have Napa County take over management of all or some of the recreation areas. One hang-up seems to be the typical bureaucratic “off like a herd of turtles” syndrome. The other is the federal government approving 50 year terms for new concession contracts rather than the 30 year terms proposed by the Department of the Interior.”

Napa County is well managed with a dedicated professional staff. They have done their due diligence and all indications are that various departments are prepared to move forward with the bid process and concession management plans.

But where is the Bureau of Reclamation? Well, it appears - NOWHERE. We’ve lost another month due to bureaucratic bungling on the part of the Bureau of Reclamation. Apparently no one in that bureaucracy is willing to stand up and make a decision about the 50 year contract term. This is a betrayal of magnificent proportions!

Is the Bureau of Reclamation a dead horse no longer functioning, or is the influence of Napa County just a dead stick when encountering bureaucratic inertia? Maybe it’s time to go with an “old school” stick - a passionate letter-writing campaign. We need to let government officials know that we really, really care. It’s time to speak up again, as we have in the past.

I am very concerned that the Bureau of Reclamation is once again ignoring the needs of the Lake Berryessa community. Why has Reclamation unilaterally delayed this important process? Why has Reclamation not followed through with the critically important approval of 50-year contract terms - which all research has shown to be necessary to attract competent recreation companies to invest in new facilities?

It is sobering to think that I've been in this fight since 1998 -- 20 years. And we've lost more than 10 years of family recreation. Tens of thousands of families and children -- almost a whole generation -- have been denied the pleasures of having fun at the largest and cleanest lake in Northern California.

Time Warp Moment - The “2020-something...” Schedule
(The Lake Berryessa News, August, 2018)

After more than two years of painfully slow progress, the Board of Supervisors has yet to finalize a Managing Partner Agreement (MPA) with the Bureau of Reclamation. Reclamation has a 20-year history of delays and bureaucratic bungling that led to the present situation at the lake. The first phase of this debacle began with a Notice of Intent in the Federal Register on November 7, 2000.

That was 18 years ago, Rocky Horror fans! It's astounding; time is fleeting; madness takes its toll. But listen closely, not for very much longer, I've got to keep control. Let's do the time-warp again.

That was also when I first met newly-elected Supervisor Diane Dillon at a small meeting at Pleasure Cove Resort to discuss the future of Lake Berryessa. Time keeps on slippin', slippin', slippin' into the future.

In a previous story I calculated that the lake community had lost TEN years of progress. Now add another year to that for no progress in 2018. The new proposed plan starts slowly in 2019 with the first redeveloped resorts, Steele Canyon and Monticello Shores, to open in 2022.

These are the resorts that county research showed are generating the most interest from the private sector. Disappointingly, the schedule stretches past 2025. A “2020-something” schedule! Is that a real time? Almost fifteen years of family recreation lost! To put it the perspective, the average life expectancy of a male is roughly 80 years. As someone who has been involved in this Reclamation nightmare for 20 years, 5 more years for me at my age is the statistical end.

I’m not a fan of 5 year and longer plans, nor those that show results in late “2020-something”. Someone who is 35 has about 50 years to get things done so it's easier to be positive while waiting for long-term results from another plan.

Don’t ask me to wear a happy face t-shirt to Reclamation meetings. But I will continue to work positively for the revitalization of Lake Berryessa because I wish to support my community. And I do still hope to enjoy some of the benefits myself.

At a recent meeting the Board of Supervisors unanimously voiced their support for the County taking over management of the Lake Berryessa recreation areas, commonly referred to as “the resorts”. “This isn’t about doing it for net revenues,” Supervisor Diane Dillon said. “This is about doing it for net benefits for the greater community.”

Supervisors seemed optimistic that an agreement will be reached, possibly by early next year. Ironically, only a year ago the schedule showed that a bid process leading to contract negotiations with new concessionaires should have been completed by summer 2018. Reclamation originally supported this time frame.

About five years ago Reclamation seemed to understand the serious damage they’d done to the local Lake Berryessa community. They promised to make it right, and for awhile followed through with some positive actions. But even then I was reminded of one of my favorite quotes from Polish poet Stanislaw Lec,

“Is it progress if a cannibal uses a fork?”

The Bureau of Reclamation is what I characterize as an “OK, but...” bureaucracy - one adept at feigning concern but always seeming to find a reason to move the goal posts farther out. The latest example is from Drew Lessard of the Bureau of Reclamation who addressed the Board during public comments. He expressed optimism that the agency and county will come to agreement, “but...the last thing we want is to enter into a managing partner agreement and not have success”. Write your own favorite cliché here...“the pot calling the kettle black” comes to mind.

Apparently now Reclamation wants new information, a new economic analysis, and a proposed new schedule from Napa County - all of which was actually done more than a year ago. Is a “2030-something” schedule the next Reclamation “ok, but...” moment?

A recent letter to the Lake Berryessa News from Senator Diane Feinstein did indicate that she had been told by the “local Reclamation office”, wherever that is, “that the agency emphasizes that it still intends to work with the County to pursue an agreement and is seeking to do so by the end of 2018.”

How long does it take before a flickering candle finally goes out? When does saying “OK, but...” actually mean “OK, butt,...”? When can the Lake Berryessa community finally stop being the butt of the long running bureaucratic joke that is the Bureau of Reclamation?

Napa County Frustrated by Reclamation Stalling Tactics
(The Lake Berryessa News, September, 2018)

As reported in the Napa Register and the Lake Berryessa News, there has been no progress in the last few months regarding the completion of a Managing Partner Agreement (MPA) between Reclamation and Napa

County for County management of the lake Recreation Areas (resorts).

Although the County is trying to put a positive spin on bad news, the latest Register article quotes County officials, and even Congressman Thompson, as remaining positive about the outcome. But note that the newly created deadline is "the end of the year". The original date for an MPA was January 2018 with the selection of new resort concessionaires to occur during this summer. The MPA date was then moved to April 2018 - now there is no proposed completion date.

"I think it's in the interest of all parties to reach some decision by the end of the year," said Deputy County Executive Officer Molly Rattigan. "I don't see this going beyond this year," Supervisor Pedroza said. "We've been at it for quite some time. I'm interested in having this end in a very positive outcome."

Rep. Mike Thompson, sent an Aug. 7 letter to Secretary of the Interior Ryan Zinke urging that the Bureau of Reclamation reach a deal with Napa County. He wrote that the Bureau appeared "unwilling or unable" to bring concessions to the lake's shore under Napa County management. "I'm sending this letter hoping that you'll be able to exercise leadership on this pressing issue," Thompson wrote.

Thompson released a statement on the latest progress: "Like people across our community, I am frustrated at the long delays in this process and have been doing everything I can to support the county and bring the Bureau of Reclamation to the table for a fair discussion," he said. "I recently spoke with the Bureau's commissioner and I'm glad to see that discussions regarding the details of a long-term agreement will continue."

In an email to the Lake Berryessa News after a request for his assistance, Thompson wrote, "I AGREE 1000% with you. I had a conversation last Thursday with Reclamation Commissioner. I will do all I can for Lake Berryessa and Napa County and will keep you informed."

When contacted by the Napa Valley Register, the Bureau of Reclamation released a statement by email.

"While the process has taken longer than anticipated, Reclamation continues to engage with county officials and is fully committed in this process," the statement said. "Details will be shared when available."

Although the County may be trying to impose a new "soft deadline" on Reclamation, which would result in an additional year lost at the lake, Reclamation is not known historically for its responsiveness to any type of outside interference by any form of authority - ethical, political, or rational.

The culpability of the Bureau of Reclamation in this ongoing disaster is clear. But rather than allowing new resorts to be created and help fund public operations at the lake - which was proposed by the Lake Berryessa Visitor Services Planning Task Force (LBVSPT) 15 years ago and rejected - Reclamation instead proposes creating user fees on all the previously free public recreation sites at the lake.

The proposed fee for day use at Oak Shores Day Use Park and Smittle Creek Park will be \$5 per vehicle (\$50 annual fee). Capell "Free" Boat Launch will become \$10 per launch (\$100 annual fee). At Oak Shores Day Use Park shade shelters will be \$25 per shade shelter.

With the possibility of new resorts actually funding public recreation so that the now free locations remain free in the future, this fee proposal is unfair and unconscionable.

Promise of the Christmas Gift of Revitalization
(The Lake Berryessa News, December, 2019)

Napa County is close to signing a 55-year agreement that would let it try to jumpstart the long-stalled Lake Berryessa resort revival starting next year. "We're not going to celebrate until we sign on the dotted line, which is close," Supervisor Alfredo Pedroza said. "I think every time we drive by the lake, we all get excited about the potential of what it could become." If all goes as county officials hope, the Board of Supervisors could vote on an agreement with the Bureau in January or February.

Lake Berryessa has seven resorts on federal land. The Bureau of Reclamation a decade ago razed five resorts and has unsuccessfully sought concessionaires to redevelop them. Napa County could try to succeed where the Bureau has failed. It would try to find concessionaires to build marinas, restaurants, stores and other amenities at three of those five resorts, with an option to take on the remaining two at a later date.

Reaching an agreement with the Bureau has proven difficult, with supervisors in May expressing disappointment with the terms being offered. Supervisors Pedroza and Dillon traveled to Washington, D.C and met with Bureau staff to try to work things out. The County had previously entered into an MOU with the Bureau of Reclamation (BOR) to discuss whether the County should assume management of one or more concession areas and determine development interest.

The County is currently in discussions with the BOR regarding how to share the cost and risk of possible concession management as well as how to best manage and develop the Lake Berryessa area. According to Supervisor Ryan Gregory, "Although there is still much work to do, I'm excited to report that many of the proposed terms under the Managing Partner Agreement (MPA) with the BOR have been resolved, including the 55-year term expected to begin November 1, 2020.

Staff anticipates returning to the Board in January/February 2020 with the MPA for consideration and releasing a Request for Proposal in April/May 2020 for concessionaires at Steele Canyon, Spanish Flat, and Monticello Shores (Rancho Monticello). Several previous bid proposals and detailed plans are available to re-use. County officials have also wanted the Bureau to share in the losses in the initial years of an agreement, before resorts are built and begin generating revenue. County expenses would include such things as management staff and Sheriff's law enforcement at a busier lake. The Bureau proposes to make available \$1 million over five years.

MPA Signed But Revitalization Delayed Again
(The Lake Berryessa News, June, 2020)

The headline from the January 2017 Lake Berryessa News was: Will 2017 Be Lake Berryessa's Lucky Year?

On June 21, 2016, the Napa Board of Supervisors directed staff to enter into negotiations for a Managing Partner Agreement (MPA) between the County and Reclamation. Under a Managing Partner Agreement, the responsibility to develop and manage public recreation areas would be transferred to Napa County.

At the December 6, 2016 Board of Supervisors meeting the supervisors accepted a recommendation to move forward with this strategy and approved an agreement with Ragatz Sedgwick Realty to assist the County in identifying interested concession partners by marketing the opportunity to the resort community and performing a feasibility analysis to determine the best use of each site. The extremely positive Ragatz Report was released in May 2017.

Napa Supervisors then authorized a Request for Information and Interest process (RFII) to determine how many potential bidders would be interested in participating in the Lake Berryessa revitalization process. The original schedule for the process was to have concessionaire selection and negotiations completed by Spring/Summer 2018:

2017 was not Lake Berryessa's lucky year.

After negotiation process that seemed interminable, the Napa Board of Supervisors unanimously approved (12:15 PM, Tuesday, March 17, 2020) the Managing Partner Agreement (MPA) with the Bureau of Reclamation - two years behind schedule! Under the MPA, Napa County would assume management of the Spanish Flat Recreation Area (the old Spanish Flat Resort), Monticello Shores Recreation Area (the old

Rancho Monticello Resort), and Steele Canyon Recreation Area (the old Steele Park Resort) effective November 1, 2020

Then the COVID19 hammer came down. Due to this crisis the County has been in emergency mode since the signing of the MPA. There has been no official word on the progress of writing and releasing a bid prospectus. That means the lake revitalization process will probably be delayed another year. But at least Lake Berryessa is open for the summer.

Napa County's hidden destination: Will Lake Berryessa's future shine again?

Gary Quackenbush, The North Bay Business Journal, August 4, 2020

Many people remember the lake's better times. Motels, cabins, several restaurants, marinas with boat slips and other amenities dotted the 28-mile long, three-mile wide lake in Napa County. The lake once saw 1.8 to 2 million visitors a year, today only about 400,000. Most residents and business owners hope the new county-bureau partnership will result in positive change and growth. He believes motels and cabins can increase holding time for guests, support repeat business and increase local revenue — as well as contribute to healthy year-around occupancy rates.

Even though the summer remains busy — busier still as people facing pandemic times seek its 80-degree, crystal clear water and numerous islands to explore — some say there is potential for this gem of a lake to return its glory days. In June, Napa County and the lake's owner, the U.S. Bureau of Reclamation, signed a new 55-year managing partner agreement (MPA) expected to lead to long-term business contracts for new concessions on federally-owned land within 1,000 feet from the lake. Napa County will issue bid packages to potential investors this fall.

The agreement's first phase paves the way for the county to choose developers for three lakeside resort sites — Monticello Shores (closed), Spanish Flat (open under interim contract) and the Steele Canyon recreation area (open under interim contract). Both are open for day use with tent/RV campsites and boat ramp.

"This is a huge achievement for all of us. We're looking forward to building the partnership with Napa County and working together to deliver a thriving recreation program at Lake Berryessa for the public," said California-Great Basin Regional Director Ernest Conant in a bureau press release.

"Now that the agreement is final, we are moving forward with the county process," said Molly Rattigan, deputy Napa executive officer who has been managing Napa County-bureau agreement negotiations for several years. "We plan to send out bidding packages by September. We maintain a list of interested parties and will provide information and updates about these emerging business opportunities to all." Rattigan said Napa County is also preparing to recruit a concessions manager for these projects.

"It has been too long since we experienced a thriving Lake Berryessa," said Supervisor Diane Dillion, chair of the Napa County Board of Supervisors. "We want to work with the community to restore economic vitality to the region surrounding one of Napa County's most important recreational areas. We thank the Bureau of Reclamation for working with us and for providing the county the opportunity to bring back vibrant concessions at Lake Berryessa."

Supervisor Dillion represents District 3 that includes the northern section of the lake and Supervisor Alfredo Pedroza represents District 4 that covers the southern portion of Berryessa.

Property interest grows

Lake Berryessa was formed more than six decades ago in 1957 with construction of the Monticello Dam on Putah Creek. At the time, the Bureau of Reclamation entered into a joint agreement with Napa County to manage recreational development offering 50-year leases to bidders. However, by 1975 the county notified the bureau of its intent to return lake recreation management back to the bureau. The new agreement is already spurring renewed interest in the area.

“Today property is being purchased at the lake with the intent to develop it when the time is right for a revival in concession planning activity,” said Stu Williams, a former member of the Lake Berryessa Chamber board and a past member of the Napa Berryessa Resort Improvement District (for water and sewer).

A new deal, new hope

For those doing business around the lake, the new agreement is an opportunity to hope.

“We want things to change for the better. Lake Berryessa is a diamond in the rough with potential for profitability,” said Peter Kilkus, president of the local chamber of commerce and publisher of the Lake Berryessa News. A 20-year resident at Berryessa, Kilkus is finishing a book describing what he believes are the policy mistakes, bad decisions and political battles that have kept this lake from realizing its true potential in the past.

All Lake Berryessa area resorts are concessions run by the Bureau of Reclamation on its land. People can have businesses on the lake on private land (including resort-type operations) if they meet Napa County zoning requirements.

“Developers in the past were the concession owners,” Kilkus said. “The seven resorts were more like mom-and-pop businesses and six were family-owned. These owners wanted to run their businesses profitably, but USBR controlled all prices - as they still do - along with all launch fees, camping fees, etc., based on surveys of similar facilities in Northern California.”

He said resort owners chafed at these restrictions. “Owners faced significant difficulties in upgrading or building existing or new facilities. They were confronted with complex, and sometimes very expensive, government environmental and historical preservation regulations,” Kilkus said.

All that became moot, he said, when the bureau announced its visitor services plan in 2000 followed by its 2006 Record of Decision on future recreational use and operations of Lake Berryessa. Under terms of the decision, the bureau’s main focus was the development of new facilities and programs to serve the short-term visitor. Meaning that all long-term trailers and mobile homes would be removed from Federal property at the lake and replaced with short-term use facilities. At one point there were some 1,300 trailers and mobile homes on public land by the lake.

“With this decision, it was clear rather quickly that USBR had decided on an outcome they preferred and did everything possible to guarantee that outcome,” Kilkus said. In his opinion, the bureau had two main goals. The first was to remove mobile homes dotting public land at any cost. The second was to remove all of the existing concession resort owners with whom they had had so much alleged “trouble” over the years. He said at its peak visitors were spending \$13 million in total gross revenue at seven resorts each year, while concession operators were paying a 3% concession fee to the bureau.

“The Bureau of Reclamation’s tactic was to promulgate what I call ‘The Big Lie’: That Lake Berryessa resorts (especially mobile homes in the resorts), discouraged the general public from accessing the lake, and prevented the public from using the best parts of the shoreline,” Kilkus said

According to him, mobile and manufactured homes were privately-owned units that leased space from the concessionaires and paid rent on a monthly basis. He said some were “very nice,” especially at Steele Park. Although mobile homes at all the resorts met basic standards, some people considered them to be a visual eyesore.

More recently, a potential barrier to development arose around the bureau’s insistence on sticking to the maximum 30-year lease policy even with extensions, which some thought was not long enough to recoup their investments. Kilkus said Napa County, under the new agreement, does not have to follow federal rules limiting contracts to three decades and could extend the lease period up to 55 years. A \$5 million fund has been established that will be allocated over five years to cover transition costs associated with the agreement. Funding will also be available for services provided by the county sheriff at the lake, said Kilkus.

Locals and most business owners say additional amenities and accommodations are sorely needed. Unlike the past, today there are no motels and cabins. Today, the nearest gas stations are 22 miles away in Napa and 30 miles in Winters. One enduring business, the Turtle Rock Bar & Café operated by Pete Leung for 40 years on land he owns, regularly sees his parking lot packed with 30 cars, trucks and boat trailers at the southern end of the lake.

“The future is promising with opportunities for development, and property prices are going up,” said Leung, known for his famous egg rolls. “There is money to be made here if the county is willing to entertain new ideas, but we need to get resorts developed, new lodging, more restaurants, shower facilities as well as water and sewer infrastructure to support them.”

Marcia Ritz, proprietor of the Spanish Flat General Store, has been struggling to keep her business open for the past 13 years, she recalled that back then the bureau closed the lake to former lease holders, dissolved concession contracts and reduced new lease periods to 30 years with the possibility of extensions.

“Prior to that we had cabins,” Ritz said. “Today our summer business is brisk but declines in fall and winter except for fishing. People tired of sheltering in place have been coming here in numbers since March — our best year so far in over a decade. Typically, our season is from June to Labor Day, yet people say they would be willing to rent cabins just to get away, even in cooler months.”

Lake Berryessa Boat and Jet Ski Rentals and Repair owner Marty Rodden hopes to see Spanish Flat, Monticello Shores and Steele Canyon redeveloped. “A number of good companies plan to bid on one or more of these properties,” Rodden said.

He observed that 30-year leases, even with extensions, have been a limiting factor by not giving developers adequate time to be compensated for money put in. With the new agreement, these leases can be extended to half a century. “We are booked up solid through August for our wakeboard, ski and pontoon boat rentals as well as for jet skis, fishing boats, kayaks and paddle board reservations,” Rodden said.

The Pridmore family came to the Berryessa Valley in the 1920s providing a number of business services including real estate development, construction and storage. Gil Pridmore’s father helped build resorts in the area, including Steele Park and Oak Shores Recreation Areas, as well as parts of the Berryessa Highlands development. The family also operates a storage rental facility for boats, RVs and other dry storage and once owned a gas station. “Without clear direction in the past from the Bureau of Reclamation on future resort contracts, the lake has been in a bit of a recession,” said Pridmore. “A lot of long-term residents sold and moved out because they thought they were going to have to tear down their trailers.

Opportunity, Irony, Tragedy, Recovery - The Lake Berryessa Cycle?
(The Lake Berryessa News, September, 2020)

Opportunity.

On August 4, 2020 the North Bay Business Journal published a story titled, “Napa County’s hidden destination: Will Lake Berryessa’s future shine again?” by Gary Quackenbush. It was a very positive review of the potential revitalization of the Lake Berryessa recreational community under the new Managing Partner Agreement between Napa County and the Bureau of Reclamation scheduled to take effect on November 1, 2020. The story was filled with optimistic interviews with various business owners at the lake. Marcia Ritz, proprietor of the Spanish Flat General Store, said that people tired of sheltering in place have been coming to the lake in great numbers since March. She said it has been her best year so far in over a decade.

Many of us remember the lake’s better times. Motels, cabins, several restaurants, marinas with boat slips and other amenities dotted the 28-mile long, three-mile wide lake in Napa County. We all hope the new county–bureau partnership will result in positive change and growth.

“Now that the agreement is final, we are moving forward with the county process,” said Molly Rattigan, deputy Napa executive officer who has been managing Napa County–bureau agreement negotiations for several years. “We plan to send out bidding packages by September.

“It has been too long since we experienced a thriving Lake Berryessa,” said Supervisor Diane Dillon, chair of the Napa County Board of Supervisors. ”We want to work with the community to restore economic vitality to the region surrounding one of Napa County’s most important recreational areas. We thank the Bureau of Reclamation for working with us and for providing the county the opportunity to bring back vibrant concessions at Lake Berryessa.”

Irony

Exactly two weeks later, on August 18, an unprecedented lightning storm caused fires to break out all over the tinder dry region. Rainfall in the 2019-2020 season was the lowest it had been in more than 22 years. Within one day the fire raged up and over the hills around Lake Berryessa and destroyed large parts of the community. Positivity was no match for reality.



Heartbreaking stories filled the news media. Most of the Spanish Flat neighborhood burned to the dirt. Although Marcia Ritz’s Spanish Flat Country Store survived, the Spanish Flat Mobile Villa next door was

destroyed - including Marcia's home. "I'm an artist, I lost all of my artwork, I lost all of my friend's original art that I had, and everything I owned," Ritz said. Now, Ritz thinks she'll have to close her business.

Tragedy

The Spanish Flat residential community had become an inferno of burning rubble. The fire soon raced around the lower part of the lake sped up Steele Canyon Road and burned down about 100 of the 300 homes in the Berryessa Highlands. Everyone interviewed for the original Business Journal upbeat article was now being interviewed in news stories about the tragedy that had struck them so quickly. Breathtakingly sad stories of loss filled the news media.

Recovery - Short Term

A week after they began the wildfires were extinguished or contained. The region had no electricity due to hundreds of wooden power poles being burned and wires melted. Roads in and out of the region were closed for a week after that to allow Napa County, PG&E, AT&T, and others to clear the roads of downed trees and debris. PG&E crews swarmed the area installing hundreds of new power poles in less than a week. Power was finally restored to the Berryessa Highland residential area on September 2, about two weeks after it was lost in the original lightning storm, but other areas would take weeks to be restored.

Napa County stepped up to provide immediate support with Local Assistance Centers in the Berryessa Highlands and at the County's Health & Human Services campus. The state was declared a federal disaster area and FEMA is on site to provide emergency resources and long-term financial aid.

Recovery - Long Term

In the aftermath of this disaster there are several business questions to be addressed. For example, will private insurance companies be able to continue to offer fire insurance coverage. Even after the fires two years ago most companies either cancelled homeowner's insurance coverage or more than doubled their homeowner policy premiums in the Lake Berryessa region. In response Napa county built two local fire stations in the Berryessa Highlands and Berryessa Estates. Companies then lowered their premiums. But with the extent of the present California disaster, will they cancel all fire coverage as happened many years ago with earthquake insurance. The state had to step in with the California Earthquake Authority. Will a similar agency be created for fire coverage?

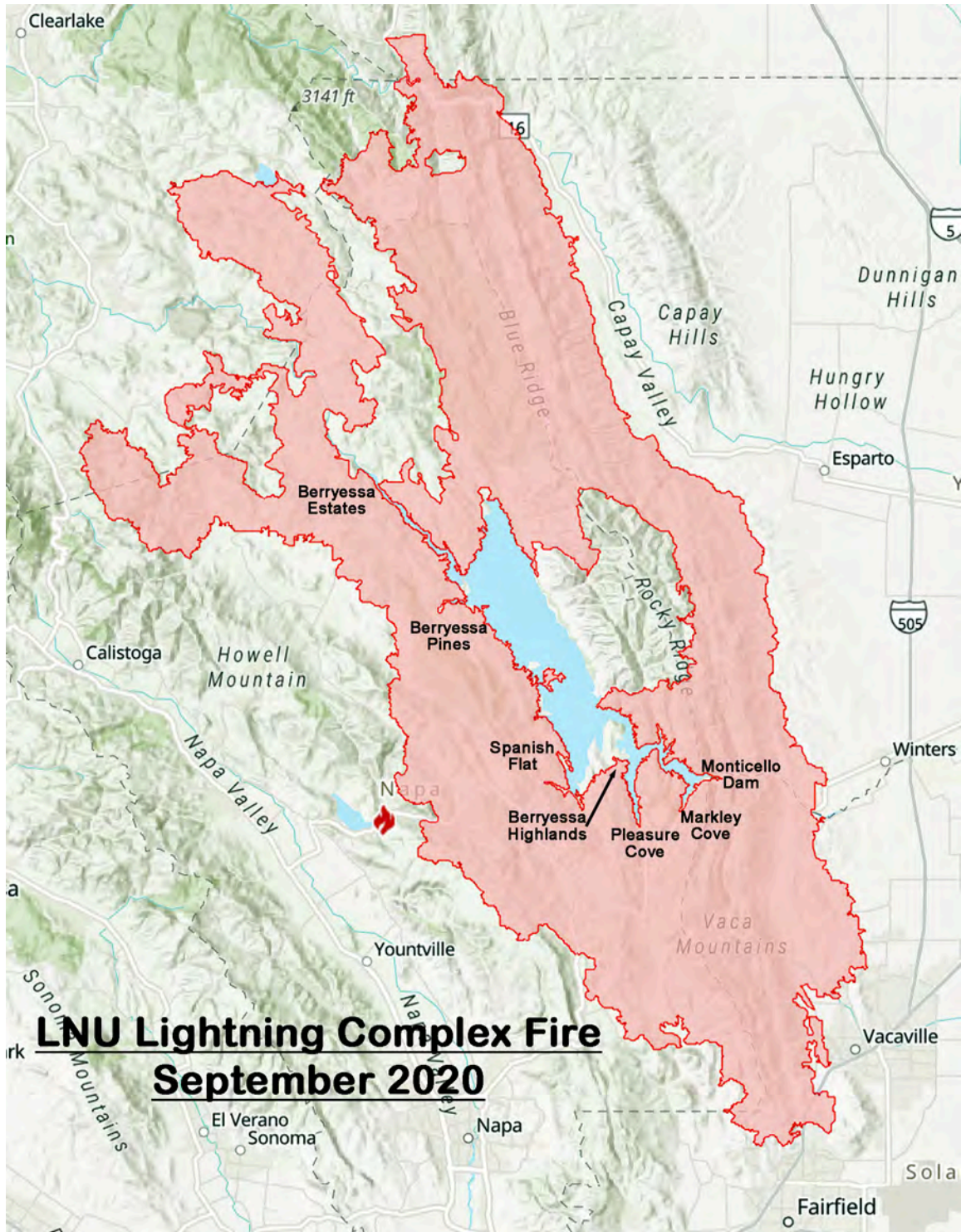
A more important question to many of us who had worked long and hard on the revitalization of Lake Berryessa is whether the fire would have any impact on Napa County's willingness to continue with the signed Managing Partner Agreement and get the bids out soon. For rational business people who understood the future recreational value of the lake as described in detail in the Ragatz report: Lake Berryessa: An Untapped Resort Development Opportunity the results of the fire should not make an impact on their decision. The resorts will be built on the lakeshore and made as fire safe as modern technology and the latest safety codes can make them - virtually bulletproof to wildfires.

This view was validated by the Napa County supervisors. On Aug. 18, 2020 (ironically, the day the fires began) the Board of Supervisors agreed to create a Lake Berryessa concessions manager position to oversee the resort sites. The next steps were to be filling that position and inviting proposals from potential private sector concessionaires to both redevelop and operate the resorts. How quickly the county seeks bids is up to the Board of Supervisors. The Concession Manager job listing was released on September 16, 2020.

County Board of Supervisors Chair Diane Dillon in a recent interview said that she doesn't think the Hennessey Fire will keep the county from reaching this goal. Dillon said that optimally, renovation work at the resorts could still begin next spring. There wouldn't have been any construction this year even without the fire.

“I think there are still more positives than otherwise in terms of why people would come to Lake Berryessa,” she said. “That landscape does look different,” Dillon said. “But when you look at other places where fire has occurred, in 2017, 2018 or even 2019, it springs back pretty readily.”

Opportunity, Irony, Tragedy, Recovery: The Lake Berryessa business cycle appears to have returned to the opportunity phase - hopefully a long-lived one.



XI. The “Big Boondoggle”: Creation of a Phony National Monument

The Ultimate Political Perversion of the Antiquities Act

The Twisted Ten-Year Political Path From a Modest Nature Area Partnership to a Local Blue Ridge Berryessa National Conservation Area to a Large Disjointed Berryessa Snow Mountain National Conservation Area to an Incoherent Berryessa Snow Mountain National Monument.

Is it the “Dumbest National Monument in the United States”? An objective review of the process by which it was created and the final formal designation suggests the answer is YES. I personally support the creation of legitimate national monuments, but this is not that. Being part of the ten year political process that led to its creation convinced me that in many situations the Antiquities Act is being abused. The Berryessa Snow Mountain National Monument is a perfect case study of this abuse.

The Antiquities Act states that National Monuments should contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” and be “the smallest area compatible with the proper care and management of the objects to be protected.”

As specified in the Omnibus Public Land Management Act of 2009 the National Landscape Conservation System (NLCS), which includes National Conservation Areas and National Monuments, was established in order to “conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.”

Congressman Mike Thompson and proponents of the Berryessa Snow Mountain National Conservation Area, knowing that Congressman Thompson’s highly unpopular H.R.1025 - Berryessa Snow Mountain National Conservation Area Act would never pass Congress, bypassed the voters and had the President declare a vast stretch of northern California a National Monument simply by a stroke of his pen.

The original proposal for some form of federal designation for a small part of Northern California ballooned into an attempt to create large conglomerate National Conservation Area stretching across most of Northern California. When the NCA proposal met strong resistance by local governments and citizens groups, it could not move forward on its own merits. The strategy of the proponents then turned to having President Obama create a National Monument in the final days of his presidency. They succeeded.

One of the silliest things about the Berryessa Snow Mountain National Monument proposal is not just its name but the map itself. Lake Berryessa is not even geographically connected on the map to the rest of the National Monument which stretches far into Northern California. The "National Monument" doesn't even include the whole Snow Mountain Wilderness nor even most of the Mendocino National Forest. The reason is political, not ecological. The Glenn and Colusa County supervisors strongly opposed the original NCA.

BRBNA Proposal Rejected

In early 2006, the non-profit organization Tuleyome began a discussion of a possible federal National Conservation Area designation for the Blue Ridge Berryessa Natural Area (BRBNA).

The BRBNA NCA proposal stirred the ire of the local business and residential communities because it appeared to be another nail in the coffin of a once thriving recreation area. People were actually furious with the federal government’s (Bureau of Reclamation) handling of the Lake Berryessa Visitor Services Plan process which resulted in the destruction of family recreation at the lake. They distrusted the basic motives behind the BRBNA NCA proposal.

At that time the arguments against a federal designation seemed strong. The arguments were:

Based on the lack of compelling evidence for its need, the Berryessa Snow Mountain region should not become a National Monument because it does not even come close to any of the criteria required for that designation. It should not become an NCA either, especially if it includes Lake Berryessa, because it does not meet basic NCA criteria.

1. It does not meet the basic standard of “nationally significant” as defined in the Act, especially with the inclusion of Lake Berryessa.
2. It is geographically and ecologically incoherent, unlike many of the existing NCAs. It consists of two separate regions – Lake Berryessa to the south and the Mendocino National Forest to the north – but only half of the Mendocino National Forest because of strong opposition from the Glenn and Colusa County Boards of Supervisors.
3. Lake Berryessa is not a nationally significant landscape, nor is it ecologically significant. It is a man-made lake serving as an agricultural resource, drinking water resource, and recreational resource – in that order of priority.
4. The land around Lake Berryessa has been significantly disturbed for decades by human use, construction, and grazing. It is typically unremarkable oak woodlands and grasslands, as exist throughout California.
5. The economic benefit arguments are bogus and do not stand up to scrutiny. There are dozens of so-called “gateway communities” surrounding this NCA. They cannot all benefit from modest visitation increases.
6. The NCA will not add any facilities at Lake Berryessa. There are hundreds of new campsites, RV sites, and lodging units in the plans already approved by Reclamation.
7. The NCA is too large and encompasses too much private property. The majority of the residents and private property owners in the Lake Berryessa region opposed this NCA.
8. Since most of the land in the proposed NCA is already owned and protected by public agencies, why is an NCA necessary at all?

In the spring of 2007, Tuleyome hosted a meeting of agency representatives and key interested parties to discuss their proposed Blue Ridge Berryessa National Conservation Area proposal. Soon after, a decision was made to bring representatives from the Las Cienegas NCA in New Mexico to a Partnership meeting. The idea was simply to give partners an introduction to the concept of an NCA through first hand contact with those who had been through the experience of establishing and managing an NCA.

In retrospect this was the public launching of the proposal, though at the time the Partnership did not see it that way. As it turned out, this meeting nevertheless raised significant confusion in the minds of the BRBNA partners and landowners in attendance as to the Partnership’s identity and role and the real value of an NCA designation. Moreover, it resulted in drawing the attention of those suspicious of any regional conservation programs that include private land. Elected officials were asked to weigh in and a Colusa County based agricultural advocacy group called the Family Water Alliance became aware of the Partnership – and soon both the Partnership and Tuleyome began receiving calls and letters expressing concern over the NCA proposal as well as the broader mission of public/private conservation efforts.

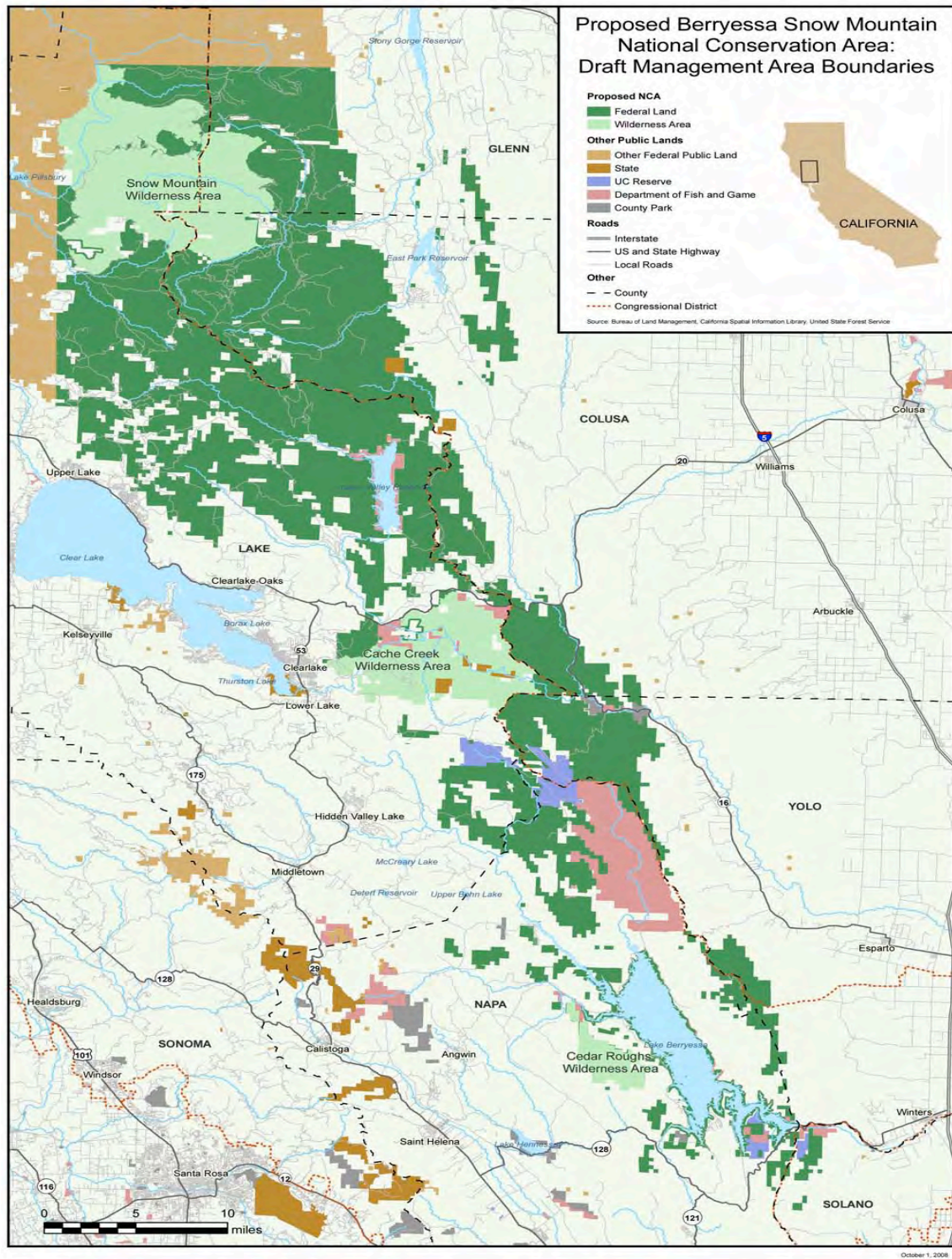
After a thorough analysis documented in a February, 2008 BRBNA report titled: ‘Federal Designation For The BRBNA: A Summary Of Viewpoints And Issues’, the BRBNA decided to remain a neutral party to the effort, because it was a consensus-based organization and many members opposed the NCA.

Some report findings:

- The most pressing needs for the Lake Berryessa region are funding for management, mandated and structured coordination among public agencies, and a funded incentive program for private landowners for coordinated management.
- The potential benefits for private land and landowners are uncertain. There is no precedent and no clear mechanism for landowners having more than an advisory role for the NCA as a whole. The concept of a “cooperative management area” for private land needs to be more fully articulated and examined to determine what it has to offer.
- Earmarks from state propositions cannot be counted upon for funding because there is no precedent for including federal designations such as NCAs.
- The proposed designation is a lightning rod for many landowners simply because it is a federal designation that provokes fear of government control and for some because it is associated with past battles for wilderness and wild & scenic river designations.
- There are not many instances of NCAs/Monuments where private land (included in the boundaries of designations) has been well integrated into the management of the designated region.
- Landowners are united in their fury over management neglect on public land in the region.
- An NCA is not needed to provide more coordination. BLM currently has their CRMP (Coordinated Resource Management Program) and RAC (Resource Advisory Council), which allow for input from stakeholders. Audubon’s Landowner Stewardship Program has been very effective at bringing landowners and agencies together to carry out projects. The BRBNA provides an ample forum for landowners and agencies to meet.

Berryessa Snow Mountain National Conservation Area Proposal Rejected

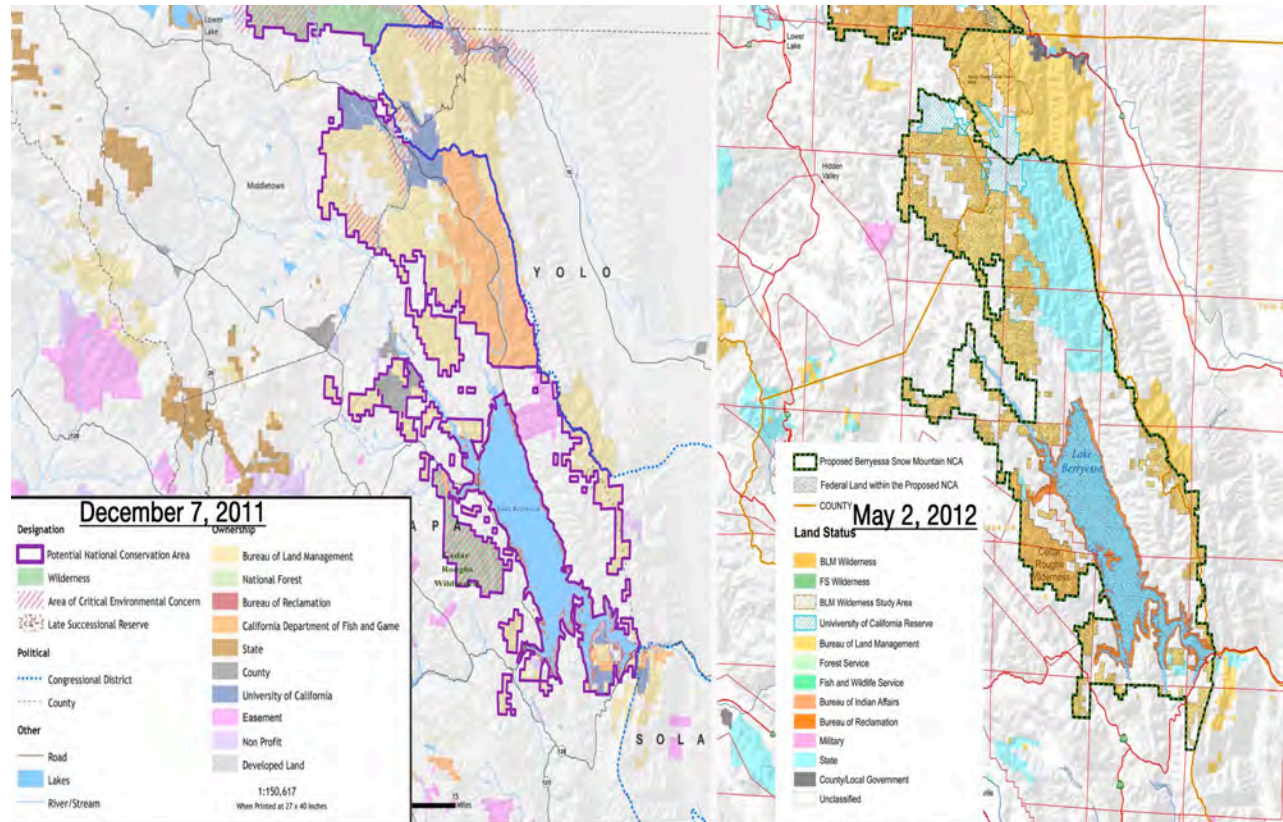
After the rejection of the original, smaller Blue Ridge Berryessa National Conservation Area by the BRBNA members themselves, Tuleyome regrouped and came back with a proposal for a huge new Berryessa Snow Mountain National Conservation Area. Along with the original BRBNA area the new NCA proposal included a 2008 map below showing the inclusion of huge swaths of land up into the Snow Mountain area of the Mendocino National Forest.



The 2008 NCA map above changed after strong opposition to the new NCA by the Family Water Alliance and unanimous NO votes by the Boards of Supervisors of Glenn and Colusa Counties. This time Tuleyome decided to focus only on Congressman Thompson's district assuming him to be sympathetic to their proposal. They produced a new map for the NCA in 2011, eliminating the half of the Mendocino National Forest that was located within Glenn and Colusa Counties.

The 2011 map below never received wide circulation. In fact, Tuleyome kept the 2008 map up on their web site until late in July, 2012. They finally replaced it with the 2011 map. And although Congressman Thompson (and Senator Boxer) had already submitted bills to create this NCA which referred to a map dated May 2, 2012, the map itself had never been released. That is until persistence broke through resistance and a local Berryessa Highlands resident was able to pry the map from Congressman Thompson's office.

The May 2, 2012 map below was submitted to Congress with the NCA bills, and continued that odd change. Was the eastern half of the Mendocino National Forest less important than the western half? Or was this simply a politically-expedient decision? This map greatly expanded the lands in the NCA to include private property, towns, and residential developments such as the Berryessa Highlands.



The differences between the last two maps raised concerns with all residents and property owners in the Lake Berryessa area. Some private property advocates pointed to other government takeovers of private lands. They believed the NCA designation literally put a dark cloud over a massive area, inclusive of extensive private property such as ranches, subdivisions, towns and outlying rural areas. These would be classified as inholdings, essentially properties destined for federal acquisition, either by federal purchase or forcing people to leave under oppressive circumstances.

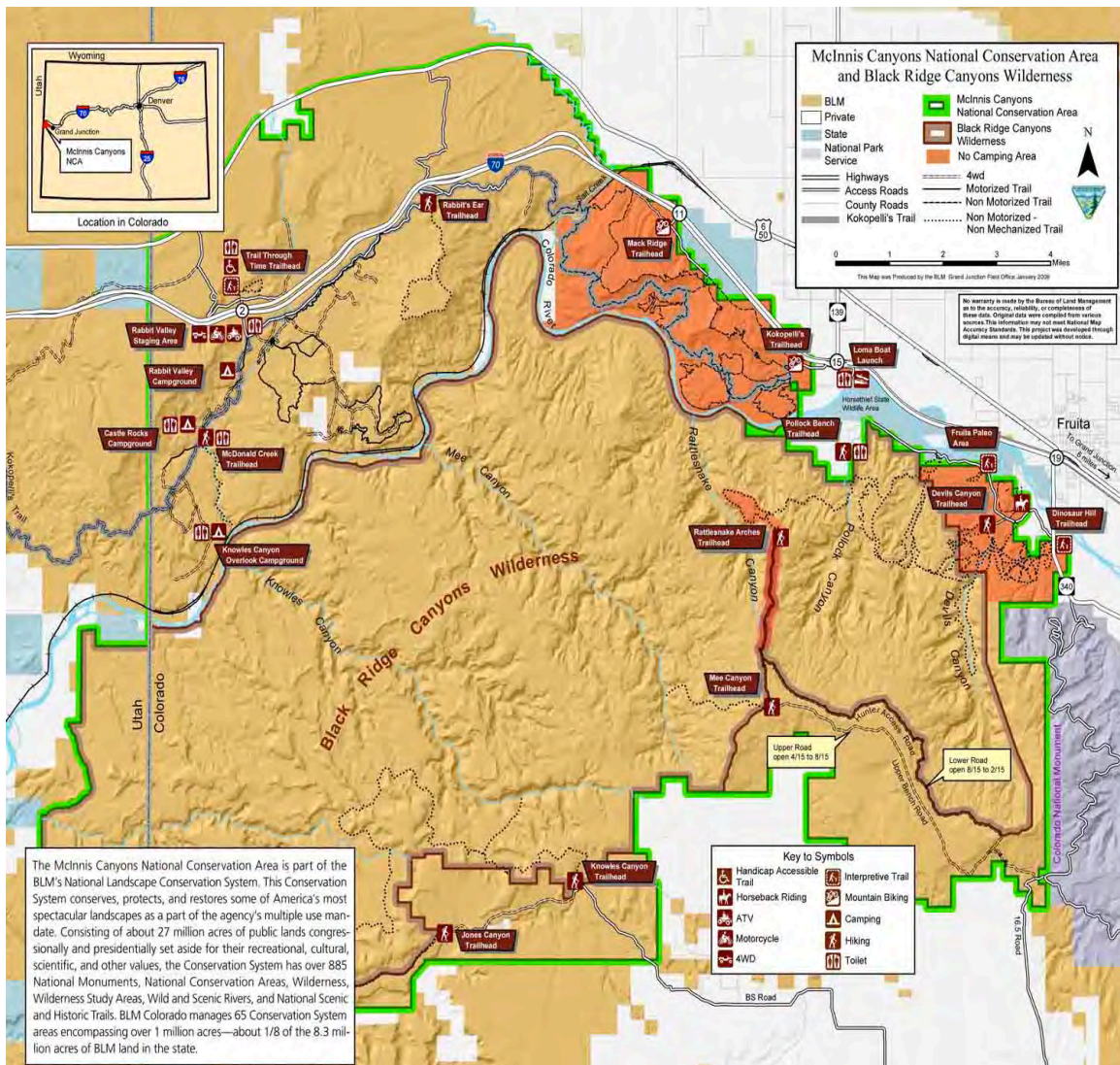
Berryessa Snow Mountain Does Not Meet NLCS Guidelines

The proposed Berryessa Snow Mountain NCA encompassed 321,000 acres of Federal public lands – which would make it one of the largest in the National Landscape Conservation System (NLCS). However, the NCA map boundary also included thousands of acres of state, county, local, and private land.

While pieces of the Berryessa Snow Mountain NCA may be “nationally significant”, as a whole it does not meet that standard. If not especially “nationally-significant” shouldn’t an NCA be at least geographically coherent? Many other NCAs appear to be. Some examples are given below.

A unique “nationally significant” NCA is the McInnis Canyons National Conservation Area located in the high desert canyon country of western Colorado and eastern Utah, McInnis Canyons National Conservation Area consists of approximately 123,430 acres of BLM-administered land near Grand Junction, Colorado.

Among its unique natural resources are the more than 75,000 acres of the Black Ridge Canyons Wilderness, which includes the second-largest concentration of natural arches in North America. Internationally important fossils have been uncovered during more than a century of excavation. Pictograph and petroglyph sites abound, and the Old Spanish Trail, once referred to as the “longest, crookedest, most arduous mule route in the history of America,” runs through the NCA. This NCA appears to meet the “nationally significant” designation and is geographically coherent.

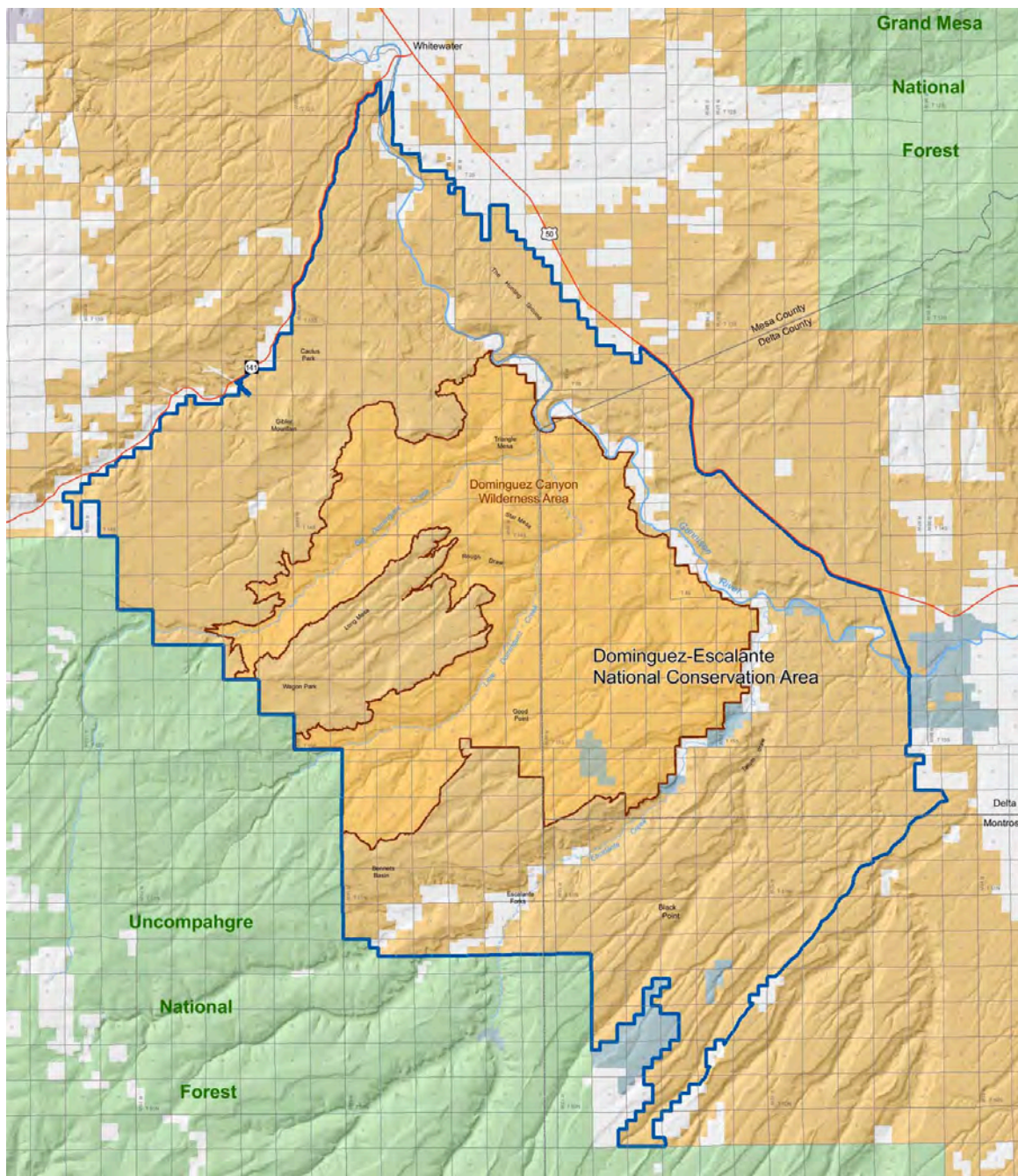


Even California’s King Range National Conservation Area (NCA), which covers only 68,000 acres and extends along 35 miles of coastline between the mouth of the Mattole River and Sinkyone Wilderness State Park meets the nationally significant requirement makes more geographic sense than the Berryessa Snow Mountain NCA. The remote region is known as California's Lost Coast, and is only accessed by a few back roads. The recreation opportunities here are as diverse as the landscape. The Douglas-fir peaks attract hikers,

hunters, campers and mushroom collectors, while the coast beckons to surfers, anglers, beachcombers, and abalone divers to name a few.



One of the largest nationally significant NCAs, the Dominguez-Escalante NCA, encompasses 209,610 acres of BLM-managed land in Mesa, Delta and Montrose counties in western Colorado. Within the NCA, 66,280 acres make up the Dominguez Canyon Wilderness Area. Known for their scenic value, these lands are popular for those wanting to see the spectacular canyon country of the Uncompahgre Plateau. Red-rock canyons and sandstone bluffs hold geological and paleontological resources spanning 600 million years, as well as many cultural and historic sites. Ute Tribes today consider these pinyon-juniper covered lands an important connection to their ancestral past. Although large, this NCA is also nationally significant and makes geographic sense.



The conclusion must be that the proposed Berryessa Snow Mountain NCA was not nationally significant, especially the Lake Berryessa region, and did not make geographical sense. Changing its designation to a national monument did not change the fact that it does not meet the criteria of a national monument.

The Water and Land Use Recreation Opportunities Spectrum (WALROS) was approved and adopted by Reclamation in 2009. Its application 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. Lake Berryessa clearly falls in the category of Rural Developed Setting and Rural Developed Recreation Experience

Lake Berryessa is not “nationally significant” enough to rate an NCA designation. It is not even an especially important environmental resource. This is a man-made lake that did not exist before 1958. It is an agricultural resource, drinking water resource, and a recreation resource – in that order. The lands around it have been significantly disturbed by construction and grazing for decades. Ecologically, the land is interesting but not critical to the existence of any species.

The water has no significant indigenous species, although some native fish from the old Putah Creek – Town of Monticello days still survive. Fish are stocked in Lake Berryessa by the California Department of Fish and Wildlife for human recreation – not for conservation.

Creation of an Illegitimate National Monument

Grow Big Or Go Home

Political Step 1: National Conservation Area Designation Defeated

Congressman Thompson’s highly unpopular H.R.1025 - Berryessa Snow Mountain National Conservation Area Act died in Congress, but...

Political Step 2: Ignore the Democratic Process, Create a National Monument Anyway

Protection Sought for Scenic California Region, Associated Press, Dec. 18, 2014

WASHINGTON — A contingent of California environmental groups, business representatives and politicians will use a visit Friday from Interior Secretary Sally Jewell to push for permanent protection of some 350,000 acres of picturesque federal land near the state's famous wine country.

Congress declined this session to pass legislation from Democratic Rep. Mike Thompson that would have designated the land as a national conservation area, and companion legislation by U.S. Sen. Barbara Boxer also faltered. That prompted Thompson and other supporters to push the Obama administration to act on its own and designate it a national monument.

The difference revolves primarily around who does the authorizing. Congress approves new national conservation areas, while presidents can protect wildland and historical sites as national monuments. Officials said the practical effect is the same — permanent protection of federal land that can lead to greater recreational opportunities but also restrictions on new mining and other commercial activities.

Lake Berryessa, already popular with water skiers, anglers and house boaters, would not be included in the national monument designation because it is not of historic or scientific value, an aide to Thompson said. President Barack Obama already has shown his willingness to designate federal lands in California as national monuments when Congress declines to offer additional protections.”

Political Step 3: Confuse the Public

Proponents of the BSMNM orchestrated a propaganda blitz in the media. But were there any basic standards for proposals such as this? Does the loudest voice get to create a National Monument? Is anyone monitoring how and why the maps are drawn? Can Congress influence the process in some way by publicizing its shortcomings?

Congressman Thompson’s public meeting in support of a Berryessa Snow Mountain National Monument was simply staged political theater choreographed down to the detail of bussing in supporters from remote locations to small children reading letters to the Secretary of the Interior about their wonderful outdoor

activities in the region. As cute as the kids were, their comments were irrelevant to the issue of a National Monument since their experiences would not change in the future. They were visiting completely protected areas that would continue to exist whether part of a National Monument or not. At times the meeting reached heights of political satire worthy of a Saturday Night Live skit. But fundamental issues were never addressed.

Valid scientific arguments were made about the uniqueness of some of the plant ecology in the area. But most of those biological “hot spots” are already protected as part of federal land. Private land would not be included in a National Monument so protecting those “hot spots” on private land would require negotiation with property owners. This is already an ongoing project that is part of the agenda of Blue Ridge Berryessa Partnership and UC Davis.

Most opponents of this proposal agreed with Yolo County Supervisor Matt Rexroad, who voted against a resolution endorsing a national monument designation. He was quoted in a New York Times article: “He said the federal government already administers all the land, which makes it easy to stop any unwanted commercial development. He said he has never seen proof the designation is necessary.”

The Boards of Supervisors of Glen and Colusa Counties strongly opposed this designation, which is apparently why Congressman Thompson excluded parts of the Snow Mountain Wilderness Area and half of the Mendocino National Forest from his proposal since they are geographically part of the two opposing counties.

Political theater without any substance is not a way to run a democracy, especially when it can potentially negatively affect so many people.

Lake Berryessa Removed From National Monument, Finally

The hard work of many in lobbying against the BSMNM had results. The final official map removed Lake Berryessa and its shoreline from the national monument designation! Berryessa was used in the name because so many people were familiar with Lake Berryessa. But the only piece of land actually in the monument boundaries was Berryessa Peak on the east side of the lake. The name of this “national monument” should have been the Mendocino Snow Mountain National Monument.

The other change to the map was to be expected. The western parts of Glenn and Colusa counties have been put back on the map - including the rest of Snow Mountain Wilderness and the Mendocino National Forest. The National Monument designation can be created by a simple stroke of the president’s pen. This makes the previous strong opposition to the designation by Glenn and Colusa counties politically irrelevant to the outcome. Democracy in action?

Despite these changes, my previous criticisms of this National Monument proposal are still valid. It is a geographically and ecologically incoherent patchwork of federal parcels. Look at the map - it is irrational! What process exists to make sure that National Monument designations actually meet the requirements of the Antiquities Act?

Ironically, the new National Monument map and designation will have little or no effect on the economy of Winters - and especially not on Napa County. The Winters Chamber of Commerce paid good money for a flawed economic analysis that has absolutely no relevance to the debate. The main benefit to Winters and other local communities is and always has been the re-opening of the Lake Berryessa resorts. There never was a \$50 million dollar benefit from the National Monument. Few people bothered to read the report details. The report shows \$50M as a best case estimate spread over 10 years - and dishonestly included the new Lake Berryessa redevelopment which would occur with or without the National Monument name.

One of parts of the new National Monument accessible from Winters is the Berryessa Peak Trail - a grueling 7 mile round trip hike that very few hikers ever attempt. And this takes a very long trip around the west shore

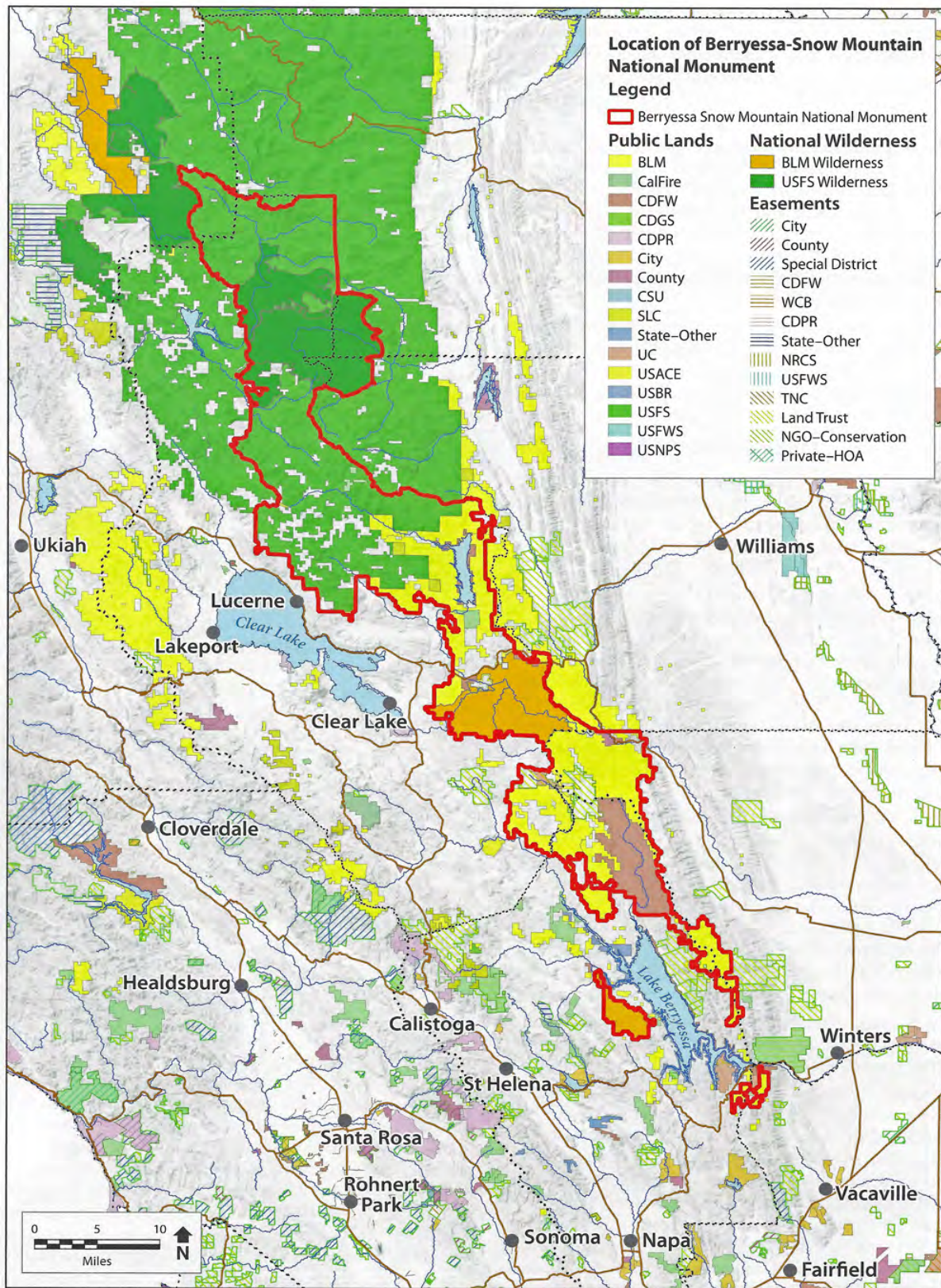
of the lake up into the Knoxville area to reach the trailhead. Another separate local area still on the monument map is the nearly inaccessible Cedar Roughs Wilderness, located off Pope Canyon Road 2.2 miles west of the Pope Creek bridge - never slated to become a tourist destination.

The most accessible area included on the new map is BLM land at Stebbins Cold Canyon, which is a popular hiking area with beautiful views of Lake Berryessa. The trailheads are right at Monticello Dam and parking is at a premium on weekends. No National Monument designation would ever have made a difference for this area - unless the government built a three story parking garage near Monticello Dam!

The bottom line is that if Lake Berryessa alone opened for business the way it was, the financial benefits would far outstrip anything that could possibly accrue to the WHOLE NATIONAL MONUMENT based on a name change. But more importantly, using economic benefits as a criteria for creating a National Monument is dishonest. National Monuments ARE NOT created to be economic benefits to rural communities but to “conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.”

Berryessa Snow Mountain National Monument Created Despite Objections

The Berryessa Snow Mountain National Monument was created, as predicted, by a stroke of the presidential pen in a proclamation issued on July 10, 2015 by President Barack Obama under the Antiquities Act. The final map is reproduced below - little of the Lake Berryessa region is included. The designation has had no measurable effect on the economy of Lake Berryessa, the City of Winters, nor Napa County. Based on the standards for national monuments it clearly deserves the title of “The Dumbest National Monument in the United States”.



Addendum 1. Dueling Napa Register Letters To The Editor

Return Lake Berryessa to the taxpayers: March 2, 2001

Carol A. Kunze

I was very glad to see Nathan's Crabbe's Feb. 25 article on Lake Berryessa. Many of us who live at the lake are very frustrated over current conditions and lack of access. The lake is basically run like a private resort. The few public areas have little in the way of facilities and the seven concessions at the lake have a lock on the rest of the best shoreline. The resorts have fenced in the areas in which they are authorized to provide concession services so they can charge a fee to access the lake.

Geography and private property lines mean that much of the shoreline outside the concession areas cannot be accessed without entering and paying a fee to a resort. In fact, these entrance fees may not be legal. The Bureau of Reclamation office at the lake has asked the Bureau's lawyers for an opinion on whether the resorts can charge entrance fees, but months have now gone by and no opinion has been forthcoming. The frustration over lack of access to the lake can be extreme in the Berryessa Highlands, the residential area at the end of Steele Canyon Road at the southern end of the lake. Public access to the lake is entirely blocked by the resort which has the concession contract for this area.

Residents drive within a few yards of the lake every time we leave home. Yet we are fenced off. One can stand on Steele Canyon road and gaze at the land beyond the local resort's concession area — one just can't get there. Residents have to drive 20 miles to find free public access to a lake that is a stone's throw away. The Bureau of Reclamation is equally frustrated because of its lack of enforcement power, making it difficult to enforce the concession contracts, coupled with the inadequacy of the contract terms themselves.

Previous efforts by the Bureau to bring about improvements have suffered from public indifference. However, as Crabbe's article indicates — change is coming. The Bureau of Recreation is now engaged in a visitor services planning effort to plan the future of the lake. There are many of us who are want to "take back the lake" from the private interests and return it to the public.

Mobile home owners want to make Berryessa better: December 12, 2001

Peter Kilkus

The Bureau of Reclamation is in the process of creating a Visitors' Services Plan (VSP) for Lake Berryessa. The details are on its website at www.mp.usbr.gov/berryessa. This potentially positive process is guaranteed to generate controversy at the highest levels of federal, state and local government because of its goal to remove all long-term trailers from the lake.

We have formed Task Force 7 at Lake Berryessa (TF7) with representatives from all of the resorts on the lake. Our goal is to prevent the removal of mobile homes from Lake Berryessa through political action, community education and environmental stewardship. We are very concerned that many trailer owners don't believe the threat is serious. We can assure them that it is. The original 50-year resort leases will end in 2008. All resort owners must bid for a new contract against anyone who wants to buy their resort. And the Reclamation has made it clear that they want an end to the decades-old tradition of family trailers on the lake. We believe that additional public access, amenities and trails can be achieved without the wholesale destruction of trailers.

Put it in perspective. There are fewer than 1,300 mobile homes clustered in only seven resorts along the many, many miles of the western shoreline, all of which is available to the public. In a spate of emotional overkill, the resorts have been misrepresented as major polluters of the lake. But per the Bureau of

Reclamation itself, there is no longer a pollution problem important enough to even merit a section on its Web page. I quote: "Reclamation is pleased to announce that due to the compliance and diligence of the concessionaires (resort owners) and the affected permittees (trailer owners), 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."

Whatever incompetence, indifference and irresponsibility over the years on the part of the Bureau, the resort owners and the trailer owners themselves led to past problems, they are being solved. Maybe it took the wake-up call of more than 100 families losing their trailers to bulldozers at Pleasure Cove, but all resorts are improving their problem sites. Rancho Monticello has a Landscape and Architectural Committee that regularly meets with the resort owner. The Spanish Flat resort owners are taking pictures of substandard sites and requesting that trailer owners fix up their property.

As Lake Berryessa trailer owners, my neighbors and I on Task Force 7 love this lake and take its protection seriously. We recognize our good fortune in owning a mobile home at the lake, but we also recognize our responsibilities and support a reasonable increase in public access. But will the Reclamation's attempt to increase usage lead to a decrease in satisfaction for everyone, including residential homeowners around the lake? Per government estimates, more than 1.2 million people visit Lake Berryessa each year, and Reclamation wants to increase that number! Is there a real public policy benefit in creating a situation that allows an "opportunity" for 1,000 unhappy campers versus 500 happy campers on a weekend? The 1,300 mobile home owners contribute 30-40 percent of the resort revenue compared to the more than 1 million other visitors! I'd call that a cost-effective subsidy for all users.

The Visitors' Services Plan is scheduled for completion in 2003, with a "conditions assessment" of all resorts ongoing and the environmental impact statement in process. TF7 believes we need a rational, balanced plan, not one that causes the demolition of 1,500 trailers and the world's largest yard sale in 2008.

Give public access to Lake Berryessa, Feb 20, 2002

Carol Kunze

Let's talk about exactly what is going on at Lake Berryessa. Some 1,300 families from around the Bay Area have had exclusive use of two-thirds of the vacation sites at the lake for nearly 40 years. When the trailers' owners are at their residences elsewhere in the Bay Area, their vacation trailers sit unoccupied on federal recreational land, preventing anyone else from using the site.

These sites are handed down in families from generation to generation. For a member of the general public to have access to one of these sites, they must buy the trailer, at a premium of course, for the location. In ads in the local paper for the sale of these trailers, the advantage of the location is often the first item listed. From the issue of Sept. 12: "Pleasure Cove, Front Row # 60, Lake Front View," "Putah Creek Space #54, On The Water," "Rancho Monticello, #82 Road F, Lake View." Also in this issue is an ad for a trailer on one of these sites which is "On the Lake" and "Next to Pool & Tennis Crts." The asking price? \$139,000.

This is in contrast to standard policy in other parks of a time limit on use of a site, such as two weeks or 30 days in a 12-month period, to ensure broad public access to our natural resources. The impact of this exclusive use? A 1972 GAO report said "access to and use of the lake by the general public has been severely restricted because of (1) extensive development by concessionaires of mobile home parks along the shoreline and (2) failure to provide public recreational facilities in accordance with the Public Use Plan."

More than 20 years after that conclusion was written a second report documented in 1995 that the Bureau of Reclamation (which administers the lake) had little success in reducing private, exclusive use of the recreation lands for long-term mobile home sites.

There are now two public parks for day use only at the lake and a public boat launch ramp. This does not justify barring the public from two-thirds of the overnight sites in the seven resorts at the lake. A proposal has been made for a shoreline trail encircling the entire lake. Apparently, a number of the trailer owners oppose it. Mr. Batory criticizes trails as "unsightly." It seems more likely that trailer owners oppose a shoreline trail because they don't want to lose private shoreline trailer sites.

The underlying policy question is whether people should be allowed exclusive use of a site in a public recreational area. The Bureau has answered that question: No. Bureau policy prohibits such exclusive use in order "to maximize public recreation opportunities." Existing exclusive use is to be phased out as contracts permit.

Well, contracts for the trailer parks are all expiring, but it looks like the trailer owners are gearing up to fight to retain their exclusive sites by bringing political pressure to bear on the Bureau. The Bureau has summarized comments filed by the public on these issues. On the organization's site we learn from one submission that the trailer owners are "organizing as we speak" and that if the Bureau decides the trailers must go "all hell will break loose."

They plan to flood the Bureau and congressmen with letters, faxes, e-mail and whatever else it takes. It's time for the lake to provide for a broader range of recreation than just power boats and jet skis. It's time for quiet public campgrounds in a natural setting operated on a nonprofit basis, instead of noisy, commercial campgrounds on the edge of a parking lot or road. It's time there were hiking trails to allow access to areas which are inaccessible due to dense vegetation or steep hills. It's time the Bureau's policy prohibiting exclusive use on public recreational land was implemented at Lake Berryessa. Who will win? The special interest exclusive use group or the public? Stay tuned.

Trailer ownership at Lake Berryessa defended: March 1, 2002
Peter Kilkus

From previous letters I know that Carol Kunze finds the truth too confining, but her latest February 20 letter descends into fevered ramblings worthy of the old TV show "Dallas."

She describes decades-long conspiracies by generations of land barons to deny the use of public property to hordes of clamoring tourists. And when we evil trailer owners are not in our palatial estates, the long lines of cars filled with families with crying children who only wish to touch their piece of the promised land, are forced to wait outside the gates of our exclusive resorts like so many peasants.

Ms. Kunze would have us believe that there is some great body of people she designates as "The General Public" who are severely suffering because of the situation at Lake Berryessa. And as a highly organized group of one, she will speak out for them, even if she has to finesse the facts a bit.

Ms. Kunze does not live in Napa. She lives in the Berryessa Highlands above Steele Park and seems to consider the lake her own private resort. She resents not being able to get into Steele Park for free. The fact that she likes trails and dogs (I like them too) more than boats is her prerogative but does not justify misrepresenting what is happening at the lake.

The truth is somewhat more sedate. Most of the fewer than 1,300 trailers turn over ownership as regularly as any other real estate. I bought my mobile home at Steele Park four years ago after falling in love with Lake Berryessa as a camper. Of my 10 closest neighbors, nine have owned their places less than six years. Most of us use our places year around on weekends. There are time limits to our use: No more than 6 months of the year total and no more than 90 days continuous.

To be clear, the seven existing "resorts" are actually "public parks" because they are run by individuals or companies under contract to the government to provide public access and amenities to "The General Public" who wish to visit the lake. They are government concessions. Some members of "The General Public" would rather not pay the concession entrance fee so they use the other government-provided facilities that have significantly fewer amenities. But the definition of "public" is not "free". Very few government-managed "public" campgrounds are free (note our state and national parks), and it is unrealistic (as even the Reclamation concedes) to assume free access to any facility on Lake Berryessa in the future. As we have all seen, the cleanup costs and environmental problems caused by large numbers of day campers is significant.

The crux of the matter is that long-term trailer use is not inconsistent with increased recreational opportunities and new recreational facilities such as trails, campgrounds, and designated non-motorized water areas. Most trailer-owners support these goals. No trailer-owner I know opposes more shoreline trails even if they go right under our decks. We know this is public land and we want people to enjoy it. The proposal for a trail encircling the lake was made by Ms. Kunze herself and has few supporters because of its impracticality with respect to environmental concerns.

Those of us who spend a lot of time at the lake know that the resorts and campgrounds are not filled during most of the year, especially the winter. The trailer owners' monthly payments make up 30-40% of the resort revenue and help carry them through the winter. We see the "public" campgrounds with empty spaces even during summer weekends. And total recreational use has remained steady at approximately 1.5 million visitors per year since the late 1980's, per Reclamation.

Because a public policy is written does not make it right. The Reclamation Manual /Directives and Standards LND 04-01, Section 2-C states: Exclusive use is any use which excludes other appropriate public recreational use or users for extended periods of time. Exclusive use occurs when there is not:

1. An established process that frequently rotates users of specific sites, and
2. A process which accommodates changes in use, including a process for determining or accommodating other desired public uses and resources values.

By definition, "exclusive use" is not actually occurring at Lake Berryessa because large areas of each government concession "frequently rotate users of specific sites," and there are technically no "areas which exclude other appropriate public recreational use or users for extended periods of time." There are no areas of my park, for example, except the dirt under the trailers, which are "excluded from other appropriate public recreational use/users." And there is a process, the Visitors' Services Plan, "for determining or accommodating other desired public uses and resources values."

All areas of the shoreline and hills are open to boaters and hikers to picnic. There are often boaters stopping on the shore of the cove where I have my mobile home. Many people walk the extensive shoreline. In fact, there is a two mile trail that goes past my place which any member of "The General Public" can use. There are many proposals for increasing recreational use of Lake Berryessa without eliminating the trailers, and it is intellectually dishonest to blame the trailer-owners for limiting public access to Lake Berryessa.

A group of us have formed Task Force 7 at Lake Berryessa with members from all the public concessions. Our goal is to prevent the removal of mobile homes from Lake Berryessa through political action, community education, and environmental stewardship. We do not intend to be the rabble-rousers mischaracterized by Ms. Kunze, but a reasonable group of citizens exercising our constitutional rights to make sure rhetoric such as hers doesn't obscure key public policy issues.

Don't let feds destroy Berryessa homes: April 24, 2003
Peter Kilkus

In a March 27 commentary in the Napa Valley Register, Tom Aiken of the Bureau of Reclamation formally unveiled the Bureau's "Disneyland Concept of Nature" as the basis for its long-delayed Visitor Services Plan. Because the federal government owns Lake Berryessa and a small ring of land around it, the bureau seems intent on unilaterally applying its flawed recreational policies and on ignoring the legitimate concerns of the rest of Napa County and its residents.

Anyone who thinks there is any "return to nature" element in this plan is deluding themselves. If there were no dam, the "nature" of this valley would be a bedroom community of thousands commuting daily to Napa, Fairfield, and Vallejo. The bureau's plan may give us some of those commute nightmares anyway.

First Mr. Aiken rewrites some history. The bureau never wanted to manage the lake and abdicated this responsibility to Napa County. The original resorts developed mobile home sections under full control of Napa County and its standards because the resorts were economic failures without a steady source of income to subsidize all the short-term recreational facilities they provided. When the bureau assumed management of the resorts, their concession contracts allowed the continuation of long-term sites. Even their Draft Environmental Impact Statement produced in the early 1990s acknowledged the economic value of long-term sites and the serious negative economic impact their destruction would produce.

Then Mr. Aiken rewrites some reality. No part of the shore of Lake Berryessa is "off-limits" to short-term recreationists. All the lakeshore is open to anyone at any time. Land access to some parts of the shoreline require entry to one of the resorts which provide a wide range of amenities, not just some dirt beaches with a couple of latrines and barbecue pits offered by the bureau. The bureau oversees these resorts and receives a franchise fee from the concessionaires who manage them. Most state and federal parks charge a fee. The Lake Berryessa situation is no different. No one should believe that there will be "free" access to these supposed "off-limits" areas in the new plan.

Since 1975 the bureau has dramatically mismanaged the lake and its concessions. They now want to blame the mobile home owners with "40-year-old" houses for the situation. Remember, old is not bad or they'd be trying to eliminate all us senior citizens from the lake too. The bureau allowed the deterioration of some of the resort properties for decades. But only a minority of the units need upgrading. Most long-term users take significant pride in their homes at the lake. Homeowner groups at Putah Creek, Rancho Monticello, Spanish Flat, and Steele Park are working to have all owners upgrade their properties. Also, there is no evidence that the mobile homes pollute the lake in any significant way, which is another fiction you may have heard.

Sadly, the permittees are the scapegoats in this process. There is no compelling public policy reason to destroy 1,300 mobile homes while creating the world's largest yard sale as well as possibly the greatest negative environmental impact the lake has ever endured.

As I've learned over the many years I've loved Lake Berryessa, the majority of permittees consider themselves as environmental stewards of the lake. Short-term "recreationists" are not necessarily environmentalists. Check out campsites after a wild weekend. Go to the Putah Creek Bridge on a Saturday or Sunday!

Replacing long-term mobile homes with hundreds of new short-term cabins and hotel/motel rooms while aggressively advertising (reintroducing) Lake Berryessa to the greater Bay Area is not my idea of an environmentally-sound Visitor Services Plan.

Lake plan should keep mobile homes: August 21, 2003
Peter Kilkus

Our organization would like to formally protest the Bureau of Reclamation's public presentation and recently released brochure regarding its Visitor Services Plan.

Your Aug. 12 article, "Officials plan makeover for Lake Berryessa," about this process perpetuates their incorrect stereotypes — especially the photographs you published. Having sat through their slide presentation twice and reviewed the brochure in detail I must say that they are crudely unprofessional in their attempt to blame every problem that ever occurred at Lake Berryessa on the existence of mobile home sites at the resorts.

First Reclamation shows multiple slides of sewage violations at uncontrolled dry sites that have not existed for more than two years (and could not exist under any circumstances in the future) to paint all mobile home and trailer owners as crass polluters. This is as offensive as it is untrue. Reclamation was entrusted with the responsibility to know of these violations. Even a process of resort self-inspection and reporting should never have been allowed without a strong auditing program in place. It was the California Watershed Posse and the California Regional Water Quality Board that ultimately resolved a situation that should never have existed. The attempt by Reclamation to now take credit for this resolution would be downright amusing if it were not for the fact that it exemplifies Reclamation's less than honest approach to this whole issue.

The silliest slide of the bunch is the one showing a closed business on Knoxville Road. Reclamation states, "The local economy receives little benefit from the current long-term private uses (observe the lack of restaurants, stores and service stations under the current conditions)." But Reclamation itself states that there are more than 1.3 million visitors per year to the lake, and in the same breath says that there are "only" 1,300 trailers that don't contribute more than a few thousand visitors per year. If 1.3 million visitors can't support local businesses outside the resorts, how could 1,200 trailers hurt them?

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. Many examples exist from the simplest 30-year leases of cabins by the U.S. Forest Service in Colorado to more substantial grazing and mining leases — including the privately owned concessions at Lake Berryessa. The reason the long-term sites are important in this context is that they provide 60 to 70 percent of the revenue to fund the short-term recreation opportunities at the lake.

Under Reclamation's own guidelines — "Private use of public lands and lakeshore should not continue into the future" — the concessions themselves (private companies that are guaranteed a profit by the government) should be eliminated since they are the most egregious example of public use of private land that can be imagined!

Some people believe that all recreational opportunities should be provided gratis by the government (all the taxpayers) as a public service. Any fair-minded person knows this idea is a fantasy. Concessions operate in all our national parks; state parks are not free. What is necessary is a balanced plan to provide varied recreational opportunities at reasonable cost to citizens.

There is no scientific evidence that long-term sites have polluted the waters of Lake Berryessa. There is no economic evidence that long-term sites can be easily replaced by other revenue sources. There is no numerical evidence that large numbers of Californians are being denied access to the lake because of the long-term sites. The problem is in the mind of the obsessed bureaucratic beholder, not the eye of the informed rational observer.

A reasonable number of long-term sites conforming to applicable health and safety codes and providing a baseline revenue during rainy seasons or droughts must be part of any common-sense future plan for the lake. The Bureau of Reclamation had a plan that was 80 percent complete in 1993! Where is their plan today?

Spinning Power Point slides showing non-existent sewage violations and amateur Photoshop depictions of tents on a hill are not a plan. To see a real plan that you can review and comment on now go to www.LBVSPT.info.

Private access to Berryessa is wrong: September 16, 2003

Genji Schmeder

John Muir knew that the best way to create a constituency to protect Yosemite was to take people there. Once they experienced it firsthand, they would share his love for the area and take action to ensure its protection by supporting National Park status.

The redevelopment of Lake Berryessa is probably the last chance in our lifetimes to turn this recreation area into a place that will instill respect for the environment and motivate users to protect and conserve the area. The Lake has wilderness quality areas to the east and west, and northward to the county border, as well as additional wilderness in Lake and Yolo counties. Our Congressman Mike Thompson, along with Sen. Barbara Boxer, are proposing several of these areas for wilderness designation.

The eastern portion of Napa County where Lake Berryessa is situated also has some of the greatest biodiversity in the United States. There are numerous examples of rare serpentine rock and the unique plants hardy enough to call that severe habitat home. There is a rare stand of genetically pure Sargent Cypress. There are deer, bears, coyote, mountain lions, bobcats, bald eagles, peregrine falcons, white pelicans and many other bird species in an area of the county with 45,000 acres of public land.

Sadly, few people in Napa County are aware of the richness of natural resources in the eastern part. The redevelopment of Lake Berryessa in a manner that would serve the public could change this. What would the Sierra Club like to see?

- Sustainable development blending with the natural surroundings.
- A recreation area that provides a more park-like experience.
- Cabins for rent by the night or week.
- Public campgrounds with space for each campsite, and tent sites separate from RV sites.
- Zoning in the lake to create quiet and safe areas for families and non-motorized recreation.
- Trails, lots of trails.
- An interpretive center that focuses on the area's biodiversity, with nature presentations and hikes.
- A single concessionaire instead of the current seven independent concessionaires.
- Management of all day-use areas by a public agency.
- A concerted effort to transform this lake to a family-friendly, safe recreational area with access to nature for short-term visitors from Napa and nearby counties.

Access to publicly owned natural resources connects us to the land. It is this personal connection that has created the constituency that is actively engaged in saving the earth from pollution and degradation. Reserving portions of recreational land for the exclusive use of a few is an abuse of public land. We all have an obligation to protect our public lands. We all have the right to enjoy them. The eastern part of our county could become a great recreational area for all of us.

Return Berryessa to the public: December 15, 2003

Wendy Wallin

Two pieces in your Nov. 13 Opinion page cried out for comment. The rhetorical "When did California become a Mexican state?" was so compelling, I decided to weave my reaction to that into my comments about the "makeover" plan for Lake Berryessa.

In a continuously evolving territorial world, the conquerors, settlers or pursuers of Manifest Destiny ultimately declare themselves the "rightful owners," and from appropriation of territory (even when achieved illegally, inadvertently or ruthlessly), a misinformed sense of entitlement develops. One outcome of this in California is an attitude that our neighbors, who at some earlier date were entitled to inhabit the area, are no longer welcome. Here's the crossover to Lake Berryessa.

At first there was a town, Monticello. (Oops, well, not exactly first. Before that there were descendants of people who at some point might have migrated from Asia, etc.) At any rate, the town of Monticello, located at what is now the bottom of Lake Berryessa, was destroyed in order to create a source of water for agriculture. The people who had (not quite originally) settled in the Berryessa Valley were relocated, the town razed, the vegetation burned and the wildlife displaced to provide water for farms in Solano County. As it turns out, even farmland in Solano County is gradually being replaced by new settlers who populate new developments and are the new "rightful owners" of the land and the water.

The reservoir, designated for the public's recreational use but allowed by default to be populated by customers of private concessionaires who rent trailer space and boat launch rights, became largely inaccessible to the general public. Perhaps in the earlier stages of its development it was less congested, and the natural beauty of the shores was not significantly marred. At this stage of its existence, however, it is not a friendly lake for those interested in easy access and quiet enjoyment of the natural environment.

As a resident of the Berryessa area, I generally avoid the lake because it is noisy, there are very few trails and quiet beaches and the "resorts" are, for the most part, little more than eyesores pushed right up to the edge of the lake. Even when visiting a friend who owned a trailer at the Spanish Flat Resort, we found no reasonable access to the shoreline, and no view to speak of from the morass of trailers jammed into the area.

My friend finally gave up her trailer, since very few of her family or friends had any interest in joining her there at what was little more than a degraded trailer park stuck next to a lake, with no place close by for extended hikes, safe swimming or peaceful, non-motorized boating. Many others we have spoken with see the lake as little more than a place where people make noise, drink a lot and litter.

I would like to see that attitude toward the lake change. The only way I can imagine that happening is if there is a new ethic applied to managing the lake. That ethic seems to be the foundation of two alternatives proposed by the Bureau of Reclamation. Each alternative (B and D) returns access of this public land to its current rightful owners — the public. As it is, those who have "settled" on the public land bordering Lake Berryessa and have inadvertently taken it over (by using these trailers as exclusive "vacation homes"), are claiming that they have a right to the land.

Their right to this public land is no stronger, by virtue of their renting trailer space from the concessions, than is my right, the right of other Napa residents and the right of many others who have expressed a desire to see parity for non-motorized water recreation, effective preservation of landscape and wildlife and more opportunity to experience the rich biodiversity of the region. I am encouraged by the Bureau's determination to take back the land for all of us, and by their commitment to restoring its unspoiled value. The land will never be returned to its "original" inhabitants. But I can at least hope that the sense of entitlement shared by many of the seasonal occupants won't prevent the reclamation and restoration of Berryessa's natural integrity.

Berryessa plans fall short: February 17, 2004
Wes Plunkett

I would like to share my views regarding the proposed U. S. Bureau of Reclamation Draft Environmental Impact Statement for recreation at Lake Berryessa. I grew up at the lake and currently own a boat and RV storage business there. My family owns the Spanish Flat Village Center and my parents founded Spanish Flat Resort and Spanish Flat Water District. They had a vision for the Spanish Flat area as a community, and in many ways they succeeded. I think it still can continue to grow.

While I agree that changes are needed at the lake, I don't believe that any of the alternatives proposed by the USBR is the answer. In fact, with the exception of Alternative A (no action) they could diminish or even end recreational opportunities at the lake if attempted because they are unrealistic. The resorts would not be profitable under the conditions the USBR wants to create. It's unlikely they can get the funding they would need to carry out any of their plans, or new concessionaires to provide the capital to rebuild everything. In fact, the removal of the resort infrastructure and 1,300 mobile homes would create a legal, logistic and environmental nightmare.

The long-term sites are there because of economic necessity. The USBR says long-term sites restrict lake access to the public. It's a big lake, and there's lots of room for public access. Currently the USBR can't even afford to properly maintain the facilities they have. Perhaps if they charged a modest user fee it would help. I think if Napa County was more involved at the lake things could improve.

The USBR has waged a smear campaign against the resorts in particular and the lake in general in an attempt to generate support for their plans to rip out everything and start over. If they had spent all that time and money in a more positive way, the situation would be much better for everyone. They are required by the National Environmental Protection Act (NEPA) to be unbiased and objective in their legal responsibilities. They have been neither.

Section 401 of the Intergovernmental Cooperation Act of 1968 states: "All viewpoints, National, Regional, State and local shall be fully considered and taken into account in planning Federal or Federally assisted development programs and projects."

The USBR should either comply with this act or hand over lake management to someone who will. The effects on the local businesses outside the resorts would be disastrous if alternatives B, C or D are implemented. According to the USBR's Dornbusch Report, recreation at the lake would have to be shut down for at least two years while resort facilities are rebuilt with no guarantee of when they might reopen. None of these small businesses can survive without lake visitors and would be forced to close their doors. This would be of no benefit to the Lake Berryessa community or Napa County.

There is a common sense alternative that is not in the USBR's DEIS. It has been developed by the Lake Berryessa Visitor Services Planning Task Force and is known as alternative A+. It avoids the slash and burn mentality of the USBR's preferred plan (Alternative B) but retains the more workable aspects. The USBR should include this alternative in their DEIS.

One more thing. Carol Kunze, John Kent and other supporters of the USBR's preferred plan would have us believe that there are few opportunities for nature based recreation at the lake. The USBR already has several large no wake areas, a no boat bird sanctuary, miles of developed free day use area with hiking, swimming, fishing, kayaking, lots of public access to undeveloped areas and a 2,000-acre cooperative ecological reserve known as Quail Ridge.

Sure, if you venture outside a no wake zone in your kayak on a summer weekend you might get buzzed by a jet ski or swamped by a boat wake. But for seven to eight months of the year, the whole area is practically deserted. This is a time when you can fully enjoy the natural beauty of the lake as my family and I have since the lake was filled. So, it's already much more than a "powerboat lake." Kunze's and Kent's Sierra Club-style

rhetoric is long on emotional appeals and short on facts. Let's remember this is a man-made lake and by definition will never be "wilderness quality."

Drop Enviro-Elitism at Lake Berryessa: March 13, 2005

Peter Kilkus

Your reporter's use of some of the background comments I made about my love for Lake Berryessa and my desire to live within and contribute to that community was a bit narrow and obviously misunderstood by some folks. Yes, I enjoy riding my ATV in the beautiful — and legal — Napa County Knoxville Off Highway Vehicle area, as well as farther north at Stonyford. Yes, I enjoy riding my California and Lake Tahoe-legal jet ski on Lake Berryessa. But my Berryessa "lifestyle" also includes my hiking shoes, my mountain bike, my kayak and my little electric motor inflatable. Napa County and Lake Berryessa are perfect for all of them.

What your article did not include is that I am a life member of the Sierra Club as well as a member of other environmental and sustainability groups, was senior trainer and board member for the Environmental Forum of Marin, and have been a sustainability advocate for more than a decade beginning with my service on the San Anselmo Solid Waste and Recycling Advisory Committee. I was also on the San Anselmo Town Council for five years and mayor for one.

As councilmember I formed the Quality of Life Commission which is dedicated to fostering a sustainable San Anselmo. I have also worked on sustainability elements for the Marin County General Plan and the San Anselmo General Plan. Contributing to my local community — environmentally, economically and politically — is a fundamental part of my lifestyle.

Those pseudo-environmentalists who attempt to demonize other community members out of some misplaced sense of their own moral superiority are doing a disservice to Napa County and to the whole Lake Berryessa community. There are no sinister "special interest groups" plotting to do evil things.

We all want Lake Berryessa to be accessible to the public, provide the infrastructure necessary to service a broad range of needs, and to the maximum extent possible, be economically self-sufficient. Lake Berryessa should be a sustainable community, which means a considered balance of environment, economics and social equity (or planet, pocketbook and people, if you prefer). The future of Lake Berryessa should be based on real needs and real data, not some economically-misguided, enviro-elitist model.

Majority opposes Reclamation plan: November 26, 2005

Peter Kilkus

I'm the Executive Director of the Lake Berryessa Chamber of Commerce and also the editor of the Lake Berryessa News. Our 56 business members are nearly unanimous in opposing Reclamation's plan for Lake Berryessa. I travel a 150 mile paper route every two weeks (thank goodness my Prius gets 47 mpg) through Fairfield, Napa, Yountville, St. Helena, Calistoga, Angwin, Pope Valley and all around Lake Berryessa. The hundreds of people I've talked to - local residents and businesses - not trailer owners - are also nearly unanimous in opposing the Reclamation plan. When people finally understand what the government is trying to do, they are incredulous and wonder what is wrong with the Bureau of Reclamation.

The City of Winters agrees. Berryessa residents and businesses, not just mobile home owners, were well-represented in Winters. The Solano County supervisors also criticized Reclamation's plan last week. This is

absolutely not a “trailers-only” issue! How can the government force a plan like this down the throats of an unwilling local community when excellent lower-cost alternatives exist?

And where was Congressman Mike Thompson? After ignoring hundreds and hundreds of letters, emails, and phone calls, he finally pops up in a response to a single over-the-top letter from a disgruntled trailer owner. He piously wants us to believe he really cares about an open process, but immediately starts talking partisan politics.

And after the “revolt of the constituents” at Winters, he is reported to have immediately sent in his aide to try to buy off the Winters City Council, implying he’d get any changes they want into the Reclamation plan. He disingenuously talks about “Republican lobbyists”, yet personally knows they work for Democrats - as they are doing at Lake Berryessa. He appears to be consciously trying to make this a partisan issue. Not only has this process not been open or transparent, it has been invisible!

This is not a partisan issue. It is about bad planning and bad faith on the part of the government. It’s about not listening to real people. Republicans and Democrats alike should, And Do, oppose Reclamation. It is not an environmental issue either. Although some supporters of the Reclamation plan continue to lie about it, there are no sewage or health and safety problems at the lake. Mike Finnegan of Reclamation confirmed this in Winters last week when he stated that there were no problems at the resorts as far as Reclamation is concerned.

I have a kayak and a jet ski, a mountain bike and a boat, hiking shoes and an ATV. My family and I use them all regularly. Supporters of a reasonable plan for the lake are trying to be inclusive without destroying the best parts of what exists. There is room for everyone.

Children ask “Why'd they take our lake?” June 28, 2007

Elizabeth Parodi

Good Day. The fundamental elements of societal norms taught from the early stages of development are learning to play fair and to share. And, don’t be a bully. Let’s be clear from the start what this means:

- The concept of fairness involves treating everyone equally and impartially. This means that no matter what the rules are, as long as they are applied equally and impartially, the playing field is still level.
- To share is to partake of, use, experience, occupy or enjoy with others.
- To bully is to make one's way aggressively or by intimidation or threats of intimidation.

We are the parents of children of Lake Berryessa Marina. We are honest hardworking people who, more likely than not, do not invest in the stock market or take long, luxurious vacations. But rather, we invest in our children. We invest in our children and their happiness, with a strong desire to perpetuate momentous times, within the safety and security of Lake Berryessa Marina.

We assist our children in learning to play, to share and to enjoy exploring their worlds. We are nurturing parents, involved in the growth and development of our children. They are taught these basic fundamentals, along with the respect for nature and all creatures, large or small. They hold in high regard others’ privacy, possessions and family time. We instruct that they clean up after themselves and others, if necessary, to maintain a clean and safe Lake Berryessa Marina. They honor the dock rules, water safety rules and the time-to-be-quiet-because-neighbors-are-sleeping rules.

They easily comprehend the concept of sharing when neighbors spend time together sharing meals, stories and friendship. They understand that to follow the rule is to play fair. To play fair is to be rewarded. They

recognize that their reward is to come back to their clean and safe lake, surrounded by family and friends, ready to share their next adventure. A substantial number of our children are now young adults with children of their own. Many of our youth are great-grandchildren to the original “settlers” at Lake Berryessa Marina. Whatever the age, they are creating the memories of tomorrow. And they are playing fair and sharing.

We are invested not only financially, but of more importance, emotionally to Lake Berryessa. Our family began camping at Steele Park in 1967, only to finally settle in A-Cove at Lake Berryessa Marina in 1975. Our little trailer has borne witness to the birth of six grandchildren and three great-grandchildren to Ben and Barbara Parodi. Papa Ben always called it his “cabin in the sky.”

It is now the year 2007, some 30-plus years later. Our little trailer, which has witnessed and validated each stage of our lives, is in jeopardy. Why? Because you are not playing fair. You are not sharing. Lake Berryessa can easily be shared, used, enjoyed and experienced by park tenants, day-users, bird watchers, dog walkers, hikers, boaters, campers, fishermen, kayakers and more.

As adults, we are aware that along with teaching and learning the rules comes understanding of reward versus consequence. Our children know that in keeping the rule comes reward. They also understand that an unhappy consequence is the result of not abiding by the rule.

My 3-year-old grandson innocently asks, “Why did they take our lake, Grandma? We on time out?” Sadly, I can only respond that we did nothing wrong. We possess pride of ownership in our home away from home, and we honor and respect the lake and what it represents to our family. How do I explain that is it not a “time out” but rather a “take away?” We played fair. We shared. Unfortunately, the bullies did not — and do not.

When will the Bureau of Reclamation “play fair” and begin to honor the fundamental element of societal norm and “share” the notion of treating everyone equally and impartially?

Present vs. Past: Bureau must answer for Lake Berryessa
Bette Maron, Berryessa Highlands

I, for one, believe in a strong federal government. Except it is now evident when decision are made a continent away in Washington, DC by bureaucrats with no realistic conceptions of local needs and conditions time and money is wasted to no avail.

The Bureau of Reclamation’s plans for Lake Berryessa had beautiful expectations of creating newly built, well managed facilities to entice more people to enjoy what Lake Berryessa offered when the resort concession contracts would expire and new bids would be sought. They held meetings for those of us who lived in the area to offer our ideas. And they assured us the transition to new concession holders would be easy and smooth. That was 10 years ago!

Here is what the Steele Park Resort offered when I moved to the Berryessa Highlands. The marina near the boat launch ramps had a café for quick orders along with an adjacent grocery. Down by the docks there was a bait shop. When fishermen got back with their catch they had a place with running water to clean their fish. In fact, the camp sites had easy access to water; moreover, the campers had real rest rooms with included showers.

There were covered docks which could be rented so that boats could be kept in the water for the season, besides garages where other boats could be stored. Boats could also be rented for the day. And there even was a ski school. A restaurant and bar overlooked the main body of the lake. People who lived in the park as well as those in the nearby neighborhood would frequent both eateries. The atmosphere at the main restaurant would remind one of what they saw in that old sitcom “Cheers.” Among other amenities a popular

ice cream parlor opened in the summers. This was a place both campers and those who lived in the neighborhood enjoyed. That was 10 years ago, before everything was razed to the ground.

Reclamation could've chosen to keep what was good and improve what needed improvement. However, Reclamation didn't see the whole picture. Although extensive camping and day use access was already available, mobile home sites immediately adjacent to the lake could've been eliminated. There was plenty of remaining area a bit farther inland. It was these mobile home owners who did odd jobs around the resort, helping to keep it clean and free of rubbish left by campers. More significantly, it was the rent they paid for the land they occupied that made the whole enterprise viable. They still brought money into the park when campers didn't show during the winter off season. They also spent their money in the park.

Ten years on from that document published by Reclamation here is what we now have:

Plenty of camp sites, but with no electrical hookups anywhere, and no convenient access to water. Instead of nice restrooms, they have portable outhouses. There isn't even any water to service the out of service fire hydrants, even though each camp site does have a fire pit. There are no amenities other than that fire pit and a picnic table by each site. There is a pre-existing launch ramp that had not been demolished as the Reclamation had done at the other resorts.

We have recently been informed that all the resorts needing new concessionaires did receive bids, but none of the bids met Reclamation demands. We have no idea if those lacks were critical or just cosmetic. Apparently, they aren't allowed to make it public.

A neighbor asked me what I thought the Reclamation should try to include in any new contracts they'd accept. Well... campers could use decent restrooms and convenient access to potable water. A snack bar would be nice, and an ice cream parlor wonderful. Perhaps they could allow boat docks to be installed for those who'd like to keep their boats ready to use conveniently.

It would be a start that could be built upon. It would allow more possible concessionaires to be in a position to be able to bid for the Reclamation contracts. The potential bidders could suggest their own ideas for improvements which the Reclamation could take in consideration when awarding the final contract.

The dream that the Reclamation originally had never was realistic. Ten years on from that smooth transition they promised, nothing has been achieved except the ruining of the lake economy – the loss of local businesses and jobs for local residents, and even the well-being of any potential business a little down the road, because no one comes to support them when nothing is being offered in the resort parks.

I urge whoever might have the power to make the decisions that affect the future of Lake Berryessa not to give credence to those that insist the federal government is incapable of credible action. You might even consider investing Reclamation funds to rebuild some of the infrastructure you insisted be demolished and which led to 10 years of economic collapse around the lake.

Flaws in Reclamation's plans for the lake: April 24, 2009

Lucy White

The abandoned prospectus and awards have devastated the Lake Berryessa community. If the flaws are known in the prospectus, then a new prospectus should be released immediately.

Five resorts are closed to the public — indefinitely. Putah Creek Resort and Lake Berryessa Marina Resort are in bankruptcy, where most of the mobile homes and trailers, along with all facilities, were abandoned. The Bureau of Reclamation is attempting to clean up those two resorts, with little evidence to date, while

providing security. Rancho Monticello Resort, Spanish Flat Resort and Steele Park Resort are all cleaning up their resorts and providing their own security; nearly all of the mobile homes and trailers have been removed from those resorts.

With all five resorts closed, there are no facilities open to the public on the entire 22 miles of the west side, other than Reclamation's day parks and turnouts. Markley Cove Resort and Pleasure Cove Resort provide the only services, which are at the most southern end of the lake. Both resorts have stores but neither resort has a restaurant or café. With the other five resorts closed, there is absolutely no prepared food service on Lake Berryessa.

It appears that Pete Lucero of the Bureau of Reclamation has, independent from guiding documents, pushed for "hotel" accommodations at Lake Berryessa. He has stated, "Pensus, for example, plans to build hotels, day-use areas, restaurants and other improvements." Pensus, which was awarded five concessions is the example used by Pete Lucero, failed to sign a contract after nearly a year of negotiations.

The current base infrastructure at Rancho Monticello Resort creates a reasonable opportunity to adapt various business models, allowing for recreational uses according to the guiding documents and public demand. All uses — lodging, cabins, park models, RV sites, camping — as well as many day uses, require the same land development — level and accessible. The Visitor Services Plan/Record of Decision requires the new concessionaires to utilize existing corridors (roads, etc.) whenever possible. Roads, parking lots, sewer and water systems, launch ramps and fuel dispensing allow for a transition to new concessionaires with a reasonable business opportunity for bidders.

As an example, we bid on five resorts Putah Creek Resort, Rancho Monticello Resort, Lake Berryessa Marina Resort under Lago Resort LLC, which was to be formed if awarded the contract. The underlying concept of the plan was inspired by Carneros Inn and Calistoga Ranch, adapted to a more affordable outdoor/recreation environment, with cabin-type accommodations, along with RV and camp sites. Michele Kaufman Design, leading green designer, prepared the cabin plans for the proposal.

The plan for Rancho Monticello Resort included a new event center, restaurant, café, eco-friendly cabins/park models (80 per year up to 500 cabins), RV sites and camping. Final determinations would be based on public demand and would be adaptive throughout the contract. All uses would be short term.

Reclamation received six bids comprised of six bidders responsive to the prospectus: (1) Recreation Del Sol Enterprises, LLC bid on all seven resorts; (2) Pensus Group, LLC bid on six resorts, which included Markley Cove Resort and excluded Pleasure Cove Resort; (3) Lago Resorts, LLC bid on five resorts, all but Steele Park Resort and Pleasure Cove Resort; (4) Steele Park Resort, Inc. (current concessionaire) bid on their resort; (5) Forever Resorts/Pleasure Cove, LLC (current concessionaire) bid on Pleasure Cove Resort; (6) Markley Cove Resort/Frazier X10, LLC (current concessionaire) bid on their resort. Reclamation's representation that there were 21 responsive bids is misleading; the point system in the prospectus forced bidders to bid on multi-concessions to be competitive.

There needs to be a sensible resolution that incorporates fair business practices, is financially and environmentally responsible, and is in the public interest. With an interim contract, there could be a logical transition plan, bridging the current concessions with the new concessionaire(s).

What is this costing the government? The current concessions were developed and managed for 50 years, at no cost to the government, while creating jobs, commerce, paying franchise fees and providing access, facilities and services to the public. It should be the continued goal of the government to provide necessary and appropriate facilities and services to the public at reasonable rates, and to avoid interruption of services to the public.

It appears that the ultimate goal of the Bureau of Reclamation is to minimize, if not eliminate, public access to Lake Berryessa. What happens at Lake Berryessa will be carried out across America. The public deserves access to the public lands and waters.

Addendum 2. The Napa Register View

Reclamation to revamp lake shoreline: February 25, 2001

Nathan Crabbe

Hundreds of mobile home tenants will likely be evicted from Lake Berryessa by 2008, no matter who wins the political battle for control of shoreline resorts. The U.S. Bureau of Reclamation in 2008 might have to cede management to a rival federal agency, the Bureau of Land Management, after poorly monitoring lakeside resorts for some 15 years. The BLM has police powers, while Reclamation does not. Reclamation created the reservoir by flooding the Berryessa Valley in the mid-1950s, but didn't take control of resorts until after more than 15 years of management by Napa County. Reclamation claims the county in that time let land and water in the area be degraded by mobile home parks. Reclamation officials acknowledge they have failed by allowing those parks to continue to dump sewage into the ground and lake.

Cleve Dufer, who oversees the resorts for Reclamation, said the agency must take a lion's share of the blame. The agency has inconsistently enforced its own contracts, Dufer said. Hoping to retain control, Dufer said, Reclamation over the next several weeks will conduct a media campaign to try to build support for correcting problems at current resorts. An independent study to be released later this year will make recommendations on the lake's future. Dufer said Reclamation is in a no-win situation in having to please resort managers, mobile home tenants and other government agencies. "On one hand, we're criticized for not being extreme enough. On the other hand, they say we're heavy handed," he said.

Steve Rodgers, also of Reclamation's Berryessa office, said he's worked for five other government agencies and has never seen anything like the situation. "It's the only place I've been where people ignore (regulations) and think they have the right to do so," Rodgers said. Dufer said Reclamation's enforcement agenda is largely influenced by the will of the local Congressional representative, currently U.S. Rep. Mike Thompson, D-St. Helena. Members of Thompson's office met with Dufer last week on the issue of Berryessa's future. Thompson first floated the idea of the BLM taking the reigns from Reclamation when the resorts' 50-year contracts run out in 2008, said Rich Burns, field manager of BLM's Ukiah office. The office manages the 17,700-acre recreation area to the north of the lake.

The blueprint for the plan comes from Lake Havasu, a 45-mile-long Reclamation-created reservoir on the southern Colorado River in Arizona. The reservoir is also surrounded by a undeveloped recreation area and an adjacent resort. The resort includes the reconstructed London Bridge, moved from Great Britain in 1971, and the English Village, a multi-million dollar complex of shops, restaurants and lodging facilities. BLM manages both the resort and the undeveloped land. The deal works because BLM has the muscle Reclamation lacks, Burns said. It has law enforcement authority, he said, while Reclamation doesn't. Some current resort managers seem sure BLM will be eventually chosen to manage resorts.

Chuck Vaughn, manager of the Lake Berryessa Marina Resort, sees his resort in Berryessa's future regardless of what agency is in charge. "I think if you run a good, clean resort you're on sound footing," Vaughn said. Dufer said the area likely will undergo a dramatic transformation if Reclamation retains control. A shift to more open shoreline for camping and structures built for short-term use, such as lakeside cabins and hotels, is a possibility. Using the Havasu model, BLM also seems likely to make the resorts live up to their name, rather than be used mainly as lakeside trailer parks. Vaughn said a resort such as his could make much more money by using choice beach property for cabins and camping. Reclamation also envisions increased revenue.

Dufer said resorts currently pay 2-4 percent franchise fees. That currently brings in about \$10 million per year in revenue, Dufer said. Reclamation believes a revamped Berryessa would be a much greater attraction to Bay Area residents. Dufer said more prominent federally managed recreations areas, such as Yosemite National Park, charge private resort owners up to 15 percent fees. BLM said it would require a huge federal

investment to correct sewage and other problems and transform the area. If BLM is picked for the task, he said, it would need a substantial Congressional allocation to make it work.

Dufer said Reclamation has no choice but to take more responsibility over the land surrounding reservoirs it created as it runs out of rivers to dam and its reason for existence. The only thing certain, no matter which agency manages Berryessa, is that major change is afoot. Dufer said a variety of health and safety regulations the current resorts have avoided following through grandfathering would be required in new contracts. He said regulations restricting structures built in the flood plain alone will wipe out more than 40 percent of the almost 1,500 mobile homes on the lake. New requirements for more loosely spaced mobile homes will eliminate even more trailers, he said. "The no change option is really not an option," Dufer said.

Report says Berryessa better off without trailers: November 9, 2003

Gabe Friedman

A new environmental impact report on Lake Berryessa concludes that the best thing for the lake would be the removal of all 1,300-plus trailers near the shoreline to make way for park amenities and to restore the natural environment.

A separate economic feasibility study by the U.S. Bureau of Reclamation concludes that removing the trailers under the preferred scenario leaves many uncertainties about who would use the lake in the future. The Bureau's environmental report was released last week and offers four scenarios on how the lake would be affected if new resort facilities were built. "The main thing is that what you're building is in demand," said Cleve Dufer, the concessions manager at Lake Berryessa. "The bottom line is that it has to be financially feasible or we can't do it."

Currently, the seven resorts on federal land around Lake Berryessa, which lodge more than 1,300 trailers and mobile homes occupied on a seasonal basis, have 50-year leases that are set to expire in 2008 and 2009. The Bureau of Reclamation plans to redevelop the recreational areas around the lake to better suit the interests of the public. Dufer has said that the public's recreational preferences have changed over the years and that public access to Lake Berryessa could be improved.

But trailer owners are campaigning vigorously against the Bureau's proposal to remove the trailers because they say it will spoil the lake's role as a revenue generator. Napa County officials have said that the occupancy tax revenues generated by the trailers do not necessarily pay for the costs of maintaining roads and other infrastructure around the lake.

The fight against the plan to redevelop the recreation areas on the Lake Berryessa shoreline is only just heating up. A group of trailer owners, calling themselves Task Force 7, traveled to Washington, D.C., in September and presented the Bureau with 10,000 signatures of people who support keeping trailers at the lake. Task Force 7 has also been meeting with congressmen around the state, telling them that they oppose the Bureau's "visitor service plan" to redevelop the recreation areas, according to Peter Kilkus, one of Task Force 7's assistant directors.

The trailers renting space around the lake present "an economic model that makes sense," said Kilkus, a trailer owner who resides in San Anselmo. "Take a look at the situation, fix it where you need to", he said.

But Napa County officials say that even with the occupancy tax revenues that the trailers generate, there is no economic return for the county under the current situation. Another hit against the trailers is the Bureau's national policy that bans the type of "exclusive use" of public property that is enjoyed by the private trailer

owners at Lake Berryessa, according to Dufer. He also said that the trailers have not been kept up properly, and at various times have been in violation of health and safety codes.

The economic study of Lake Berryessa's current recreation areas notes that six of the seven resorts "are in generally poor condition and in violation of various safety codes," including "excessive congestion in long-term trailer" areas. The bureau's preferred option would clear the lakeshore of trailers. The lake's new recreation areas would then be developed and managed by one private owner as one resort. The contract to manage the lake would extend for 20 years.

Another scenario would also eliminate the trailers, but would shift some of the management of the recreation areas from a single private commercial vendor to the Bureau of Reclamation. It also expands the amount of area on the lake available exclusively to non-motorized watercraft.

Two of the Bureau's four Lake Berryessa scenarios would allow for trailers. One would allow the recreation areas to remain in their current state. Another would call for all the current trailers to be removed, but then allow some trailers, if adequately spaced apart, in areas away from the shoreline. Dufer said that these two alternatives are the least preferred scenarios because they conflict with policies already set by the Bureau. The other two scenarios do not conflict with any policies, he said.

Carol Kunze, chair of the local Sierra Club and founder of the Association of Napa Communities for Lake Berryessa, has argued that if the trailers are removed from the shoreline, a trail system around the lake could be developed. Kunze said current recreational opportunities around the lake are dominated by those individuals who can afford to purchase a trailer or know someone who owns one. She has criticized the Bureau for not leaving open enough space on the lake for activities such as hiking or kayaking.

Trailer owners offer own blueprint for the future: December 11, 2003
Gabe Friedman

A group of trailer owners at Lake Berryessa are firing back at federal regulators, drafting and promoting their own plan to re-develop the seven resorts on federal lands around the shoreline. The residents wrote the plan in response to the Bureau of Reclamation's four recently revealed plans for the area, three of which favor removing at least some of an estimated 1,300 trailers from the shoreline.

The Lake Berryessa Visitors Service Planning Taskforce, as the group calls itself, expects to publish a draft of the plan this week, director Peter Kilkus said. The group's plan allows the resorts to remain as they are, expands access to day hikers and overnight campers, and makes some improvements to the infrastructure. The plan clashes with the bureau's policy barring trailers from occupying public land. For this reason, the group is hoping to remove the bureau from the planning process.

"We want to create a plan that doesn't assume that the bureau will be in control," said Kilkus, who said his group is exploring various other options to push its agenda. The name of the plan, 'Alternative A +' is a play on one of the bureau's four proposed plans released in a draft environmental impact statement in November. The bureau's 'Alternative A,' the least disruptive plan for the mobile home users, allows the trailer parks to stay. But the other bureau proposals call for removal of most or all of the trailers.

The Lake Berryessa Visitor Services Planning Taskforce's plan allows the trailers to remain, but Kilkus said that undeveloped federal lands could be cleared for new campsites, trails and other recreational amenities under his group's plan. Once the trailer owners' re-development plan is completed, it will be presented to the Napa County Board of Supervisors. The supervisors could re-zone Lake Berryessa as a recreation district and remove control of the process to re-develop the shoreline from the bureau, Kilkus said.

Kilkus acknowledges the idea may seem extreme. "Why don't they (supervisors) just take it over? I think a society knows how to run that type of thing," he said. "The other thing is why not make it a city? I'm talking of radical ideas here."

A group of Napa County residents led by Carol Kunze, executive director of the Sierra Club, is opposed to "Alternative A-plus" because it doesn't provide for the creation of enough hiking trails and recreation around the lake. Kunze's group, the Association of Napa Communities for Lake Berryessa, supports opening a trail around the entire lake, removing trailers and barring motorized watercraft from some parts of the lake. The group plans to forward its own plan to the bureau. Kilkus calls the rival group's ideas "ridiculous." "This is a boating lake. It's not a picnic lake," said Kilkus. "On a boat, there's miles of shoreline you can use. I think it's overstated that there's this demand."

His group has already traveled to Washington, D.C., to inform top-level officials at the Bureau of Reclamation that there is strong support for the trailer parks around the Berryessa shoreline. As evidence, he says he has more than 11,000 signatures... The taskforce also held meetings with members of Congress to try and persuade a lawmaker to help save the trailers. In 1989, Congress approved a measure giving the trailer park resorts the option of two 10-year extensions on leases, which will expire in 2008 and 2009. Kilkus said he hopes new lease extensions will be issued to the trailer park resorts.

The report will also be submitted to the bureau, which is accepting comments about how the lake should be developed. In the period since trailers were moved onto the shoreline, the bureau has adopted a policy prohibiting long-term exclusive use of federal recreational land. Local bureau officials said there are many reasons why the trailers must be removed. The current resorts, dominated by trailer parks, have failing infrastructure, a shortage of opportunities for overnight and day hikers, poor access in case of emergency situations, fire hazard risks, sewer spill concerns, and a lack of access for the handicapped.

Kilkus said his plan addresses many of these concerns. Even under the bureau's 'Alternative A,' the trailers would still have to be removed and then replaced so that infrastructure at the resorts could be improved and brought up to code, according to Cleve Dufer, who manages the resorts for the bureau. The logical time to do this is when the leases expire in 2008 and 2009, he said.

Kilkus accuses the bureau of being "intellectually dishonest" with the public about plans to remove trailers from the Berryessa shoreline. The bureau failed to meet the spirit of the National Environmental Protection Act by limiting public involvement, he said.

Steve Rodgers, the bureau's park manager at Lake Berryessa, pointed out that all of his agency's public outreach is detailed in the draft environmental impact statement. It began in March 2001, with a public information session at the Solano County Fairgrounds that was attended by 500 people. Public involvement continued with a newsletter to trailer owners and also included a comment log posted on the Internet, he said.

"I just think that people don't understand that the bureau's plan is a radical plan to destroy everything and start from scratch," said Kilkus. "I'm not a conspiracy theorist ... (but) this whole process with the Bureau of Reclamation has been an obsession almost to remove the trailers."

Just as Kilkus questions the bureau's motives, his group has ruffled feathers at the bureau. On the Bureau of Reclamation Web site, the Lake Berryessa Visitors Services Plan Taskforce has been called "deceptive" for claiming it is a CRMP - a coordinated resource management and planning organization — the technical term for a group that represents the consensus of all stakeholders. The bureau says the taskforce is actually "a proposal created by a special interest group of long-term trailer permittees." "We are a CRMP," said Kilkus "No, we haven't met all the requirements of a CRMP, but legally we are a CRMP."

The bureau, however, continues to work with the group. They are also making efforts to reach Napa County residents by holding another public meeting at the Napa Expo Center on Jan. 10 from 10 a.m. to 2 p.m.

Crowd tells feds not to move Berryessa trailers: January 22, 2004

Gabe Friedman

A public hearing on the plan to redevelop the Lake Berryessa's shoreline drew about 150 people to the Solano County Fairgrounds Wednesday afternoon, most voicing opposition to the Bureau of Reclamation's proposal to remove trailers from the shoreline. Currently in draft form, the Bureau's plan recommends removing the 1,300 trailers currently clustered along the lakeshore when resort leases expire at the end of the decade.

In protest, many trailer and mobile home owners urged the Bureau to support their own proposal, called "Alternative A+." A+ supporters dominated the 50-plus speakers at the afternoon hearing, though at least two people voiced support for the removal of mobile homes. Another three-hour session was scheduled to take place last night.

The Lake Berryessa Visitors Service Planing Task Force, one of the groups backing the mobile home owners, printed hand-held signs emblazoned "A+." Audience members raised the signs every few minutes to support their speakers. "What you're doing is unfair," mobile home owner Gail Henneberry told Bureau officials. "You sit at a desk and design our lives away without any remorse...because of you, I will lose my investment."

The Bureau's plan to redevelop the lake's shoreline and remove the trailers emerged from recent federal policy changes that prohibit long-term exclusive use of federal lands. Officials also say the resort facilities are in poor condition and that public recreation needs have changed since the resorts were developed in the early 1960s. Napa County officials have also indicated that providing services such as infrastructure improvements and law enforcement is a burden on the county coffers.

However, mobile home owners told Bureau officials that they had formed many fond memories over the years at the lake. They said their childhood experiences around the lake had taught them to appreciate and take care of the area, while short-term users did not have the same experience.

Many speakers also questioned whether a shoreline without mobile homes would be economically feasible in the slow winter months, when camping would not be a popular draw. Other speakers criticized the Bureau's analysis of the impacts that would ensue if all 1,300 trailers were removed from the shoreline.

Mark Randazzo, a mobile home owner from San Jose, said that he took vacation time to attend the hearing. Randazzo said that his main reason for attending was to try and express to Bureau officials that some type of compromise could be reached so that mobile homes could remain on the shoreline.

Bureau officials recorded all comments and will respond when the final version of the plan to redevelop the lake is released in early fall. The Bureau's Cleve Dufer said that for the most part, the meeting went as Bureau officials expected, and "those that have the vested interest are the ones that seem to be here."

Residents debate Berryessa's future: January 11, 2004

Carlos Villatoro

On a typical kayaking trip at Lake Berryessa, Napa resident John Kent takes his share of spills. Jet Skis and other personal water crafts often stand in Kent's way of enjoying this aquatic activity. "It's really wonderful, but not when a 10-inch wave is headed for you" Kent said about being in the water. "I'd feel better out in the (San Francisco) Bay." Now, Kent and other local residents may get a chance to change the way things are done at the lake.

The Bureau of Reclamation hosted an informational seminar Saturday at the Napa Valley Expo Center to show local residents how they can put in their two cents' worth about the way the shoreline will be redeveloped after contracts involving the lake's seven resorts and 1,300 mobile homes expire in 2008-09.

Four courses of action were outlined at the seminar.

Alternative A — the No Action Alternative — would do nothing to address the expiring contracts.

Alternative B is heavily favored by the bureau, said Jeffrey McCracken, public affairs director for the Bureau of Reclamation. It would permanently remove all private exclusive-use trailer sites and provide increased short-term use opportunities, including camp sites; RV sites; cabins and other overnight accommodations; food and beverage outlets; retail stores; expansions of water speed zones and development of an intricate trail system around the lake.

Alternative C is the same as B, but would reintroduce a minimal number of long-term exclusive sites and remove all existing trailers and infrastructure. Hefty health, safety and environmental standards would be applied by the bureau.

Alternative D is also similar to B, with the exception that the bureau would manage more of the services for the public and the number of traditional commercial services would be reduced.

Kent said that the lake is big enough for everyone to enjoy. He is confident that one of the bureau's alternatives would work, yet still has to review which one of the plans he likes, he said. Other people don't like any of the bureau's proposals.

A group made up of existing Berryessa mobile home owners, dubbing themselves the Lake Berryessa Visitor Service Planning Task Force, or Task Force 7, were at the seminar in full force, touting their own plan Alternative A+.

"The mobile homes can co-exist with the camping," said Ron Rusher, a Newark resident who owns a mobile home at the lake. "If they force the homes out, the mobile homes will be put in Dumpsters." His wife Diane Rusher agreed and added that the bureau can clean up the lake without having to kick them out of their home.

"You don't have to uproot 1,300 people to do this. It's ridiculous," she said. "If they were doing their job, the conditions wouldn't exist," Ron Rusher said. "The bureau has allowed the concessionaires to (let) the park go downhill."

The task force's proposal, in short, is much like the bureau's Alternative B plan, except that it lets all the mobile homes stay where they are. McCracken said that the ultimate decision on what plan gets enacted will fall on a regional director at the bureau. All plans will be considered, he said.

Lake Berryessa trailer owners hire lobbyists: July 26, 2004
Gabe Friedman

For months, Peter Kilkus has led a group of Lake Berryessa trailer owners arguing that it would be an economic mistake to remove the 1,300 trailers from Lake Berryessa's seven lakeside resorts, something the federal government may try to do in the coming years. Now the trailer owners, in the forms of Kilkus' Task Force Seven, and a new group that represents owners of six of the seven resorts called the Citizens to Protect Lake Berryessa, have hired two lobbyists to fight for their cause in Washington.

Marc Kelley, an Oregon-based lobbyist who has registered with the federal government to lobby on issues including federal forestry laws and the California tiger salamander, and Santa Rosa-based Carolyn Wasem will represent the trailer owners as they try to convince the Bureau of Reclamation to reconsider tentative plans for the lake.

The Bureau is considering a range of scenarios for the lake when current resort leases come up in 2008 and 2009, from leaving the lake as it is to removing all trailers and building a hotel and overnight cabins. Nothing will be finalized until after November, but the proposal to remove the trailers has produced a vigorous response from the current users. The economic argument about the lake's future centers on the Dornbusch report, a study done for the Bureau in October that found clearing the trailers and offering other alternatives for lake users would be economically sound.

But Kelley said he believes the report miscalculated how many people would visit the lake if there weren't any trailers there. "We're going to take the Dornbusch report and have it peer reviewed" by a Ph.D. economist, said Kelley. "It looks to me like they made some fairly radical assumptions ... (about) what the demand will be." Kelley said he wants to make sure that the Bureau's redevelopment plan is feasible for prospective developers, and that the federal government does end up subsidizing a company to redevelop the lake.

Kilkus said the message to the Bureau is, "Let's look at (Alternative) A+," Task Force Seven's proposal to allow trailer owners to continue renting space for their vacation homes at the federal resorts. "A step prior to that is to convince people that (the Bureau's) plan is so flawed, it doesn't make any economic sense," he said.

The Bureau stands by the report, though. Jeff McCracken, a spokesman for the Bureau, said taking the risk of having the government subsidize private developers is "not how we operate. If we sign a contract with a concessionaire, it would be up to them to invest money." McCracken added that several major companies that operate recreation areas at dams around the western U.S. have contacted the Bureau without being solicited, expressing interest in the operating resorts at Lake Berryessa under a new redevelopment plan. "Legally ... there is nothing that requires us to have a cost-benefit analysis," said McCracken, "but we did it and it came out feasible."

Under the current setup at the lake, there are seven resorts on federal land that rent out space where privately-owned trailers can be parked. Private operators run the resorts, which have 50-year leases to the land. But with the exception of one resort, these leases expire in 2008 and 2009. With expiration nearing, the Bureau is studying ways to redevelop the lake that will draw new visitors. The Bureau has made it clear that the purpose of the redevelopment is to open up access to the lake's shoreline and its surrounding area. Bureau officials say the nearly 1,300 private trailers clustered on the shoreline are inappropriate for public land.

When a decision is reached by the Bureau on how to redevelop Lake Berryessa, it will be put out to bid to interested parties. At that time, the seven current resort operators can also bid for a lease, but they will not be given preferential treatment, according to the Bureau.

Kelley said he also plans to challenge the Napa County Board of Supervisors' assertion that Lake Berryessa represents a \$1 million drain on county resources each year. "They're going to have to show us to the penny what they're spending it on," said Kelley. But the answers may already be out there. Michael Stoltz, a

principal management analyst for Napa County, said that in the current budget year, Lake Berryessa represents an \$836,000 hole in the local budget.

He said he would provide information to Kelley showing that the total revenues collected by the county from Lake Berryessa amount to \$390,000, including \$270,000 in grants from the state. But the lake costs the county \$1.26 million, primarily due to the cost of the sheriff's office services, and for fire protection and ambulance service. Supervisor Mark Luce, chair of the board, said that making public the accounting information Kelley wants to see, "is not only possible ... it's already been done."

Kelley said he would be fighting the Bureau on an issue related to infrastructure at the site. Although, the resorts lease the land from the Bureau, the resort owners have built bathrooms and other structures on the sites, which are considered their property. The Bureau argues that the resort owners are responsible for removing this property at the end of the leases. Many of the bathrooms and sewage systems are in poor condition and need too much work to be desirable, according to the Bureau.

Mobile home people challenge feds re economy: December 9, 2004
Gabe Friedman

A new report commissioned by residents and mobile home park owners at Lake Berryessa faults the federal Bureau of Reclamation for suggesting that the economy around the lake could function without long-term trailer sites. Peter Kilkus, co-director of Task Force Seven, which represents trailer owners, and web master for Citizens to Protect Lake Berryessa, which represents owners of the long-term trailer resorts and other lake-area businesses, said the study proves that "long term (trailer) sites are a very important part of any business model for Lake Berryessa going forward."

By next year, Kirk Rodgers, regional manager for the bureau, is expected begin a review of alternatives regarding shoreline redevelopment. He will then select one from among the several Bureau of Reclamation plans put forward. The Bureau has already announced its preference for a scenario that develops the shoreline with a hotel, cabins, RV sites, a marina and tent sites, but not long-term vacation trailers.

At least three other local groups have taken an interest in the Bureau's redevelopment plans. Carol Kunze, director of Berryessa Trails and Conservation, criticized the report sponsored by CPLB and TF7. "This economic report is a self-serving document," she said. "The entrenched status quo interests who oppose redevelopment paid for these economists to write a report supporting their point of view."

The trailer owners and lakeshore business interests selected Adam and Michael Summers to do the economic study. Adam Summers holds a masters in economics, and is currently a visiting policy analyst at the Reason Foundation, a libertarian think tank. Michael Summers, who holds a Ph.D. in management science, is a business professor at Pepperdine University. They did not respond to requests for an interview.

The 45-page report states that there is uncertainty about what recreational demand for the lake will be like without long term trailers on the shoreline. Trailers have been there since the lake was formed roughly 50 years ago. It concludes that the presence of 1,300 trailers on the shoreline "can only enhance the future economic health of the lake ... (and) is absolutely crucial."

The report did not examine the expenses taxpayers incur from the lake currently. Napa County government officials released a study earlier this year showing that local taxpayers incur at least \$700,000 in net cost annually to support services on and around the lake, including police and fire.

The new report also raises the issue of who will pay to remove the unwanted structures resort owners built on the shoreline. Bureau officials say that resort owners are legally responsible. Kelley has threatened to

challenge the bureau in court and make it pay for the full cost of removing any unwanted structures when the resorts' leases expire. Many of the structures do not meet current codes, and the bureau has said some will likely need to be removed.

The report also includes a reference to an executive order made by President George W. Bush. The order calls for "cooperative conservation" regarding use of Bureau of Reclamation land. The report suggests this means that "greater consideration" must be given to the "interests of concessionaires (resort owners) and/or trailer owners." McCracken said that the Bureau would review and respond to the report. "We're trying to meet their needs," he said.

Berryessa trailer owners score a victory: February 20, 2005

Gabe Friedman

An aggressive lobbying effort by trailer owners at Lake Berryessa paid off this week with a victory in the battle over the future of the lake's shoreline. On Wednesday, the Bureau of Reclamation announced it is reopening the public comment period on its draft Environmental Impact Statement for the Lake Berryessa Visitors Service Plan — a study of plans to redevelop the shoreline in 2008 and 2009. The move means a delay in the final decision on the lake, and indicates that people who oppose removing the trailers from the shoreline entirely are gaining an ear in Washington. The comment period has been extended until Mar. 1.

"We're the ones who wanted this to happen," said Peter Kilkus, co-director of Task Force Seven, a group representing trailer owners at Lake Berryessa. Kilkus said he will organize businesses in the Lake Berryessa area to submit comments in favor of keeping the trailers on the shoreline. "We're going to see how many comments we can get in," he said.

The final Environmental Impact Statement originally was due out this month and the original deadline to submit comments passed about 10 months ago. Before it can release the report, the Bureau had to write responses to the 2,400 people who submitted comments. When the comment period closed last April, after two extensions, the Bureau said that it had received more than 2,400 comments. It also said that the comments — which guide the Bureau in its decision on how to develop the shoreline — came mostly from people who wanted the vacation home trailers removed or else some type of change to the current setup.

Kilkus and Task Force Seven immediately challenged the Bureau's assessment of the letters. Kilkus pledged to fight the Bureau to reopen the comment period, and the Bureau conceded this week.

"What's happened most recently is we've had a series of ongoing meetings with people representing the trailer owners," said Mike Finnegan, a Folsom-based area manager for the Bureau. "The bottom line is the dialogue had developed to an extent that we thought it was more appropriate to have it in the public dialogue rather than offline."

Last July, Kilkus hired two lobbyists to meet with Bureau officials in Washington D.C., Sacramento and elsewhere around the country. In October, Kilkus' group commissioned Adam and Michael Summers, a father-and-son team with degrees in economics-related fields to analyze a 2003 Bureau financial study, known as the Dornbusch Report. The Summers' analysis challenged a 2003 Bureau study, which had found that a lakeshore without trailers would be profitable. The Summers Report said the Bureau's study used a flawed economic analysis, and that trailers are a vital part of a resort's revenue stream.

The Dornbusch Report was an incomplete analysis, Adam Summers said, and it contradicted earlier Bureau reports. Also, removing trailers would require shutting down the lake for two years, which would sacrifice a lot of revenue for the government, Summers said. About a month ago, the Bureau responded that it is the

Summers Report that used a flawed economic analysis, according to Kilkus. The Bureau said it could not release its response to the public yet.

The lake, which costs taxpayers more than \$4 million annually, is highly subsidized. Napa County government officials estimate that it costs the county more than \$700,000 annually for support services such as fire, police and road maintenance. The Bureau said it costs \$3.8 million to \$4 million to oversee Lake Berryessa, though the resorts only generated \$375,000 for the federal treasury in 2003.

Summers said he hadn't studied the Bureau's Berryessa budget, but he believes, based on observations in other places, that user fees at the lake could supply its budget. When the contracts expire in 2008 and 2009, there may be a way for the federal government to obtain "partial reimbursement" for their costs from the resort owners, he said. Napa County may be able to get more appropriations from the federal government to pay for its costs, he said.

As of last week, Kilkus said Task Force Seven and its two lobbyists had been pushing Bureau officials to reopen the comment period so that the Summers Report could be included as a comment. Despite meeting with Bureau officials in various offices around the country, their efforts had not been fruitful, he said. Task Force Seven had scheduled a meeting with Folsom Bureau officials for last week, but it was canceled, Kilkus said. The Folsom officials instead traveled to the main office of the Bureau of Reclamation in Washington, D.C. where they decided to re-open the comment period, according to Kilkus. "From what I understand, it's highly unusual for them to reopen it, so there must have been something in (our report) that made them go 'hmm,' and re-open it," said Adam Summers.

Mike Finnegan, the Bureau's Area Manager in Folsom, said that it was a "corporate decision," adding that the Bureau wanted to err on the side of giving a comment period of sufficient length. Said Finnegan, "Part of the value of re-opening the comment period is not only that we see the (Summers) Report, but that the general public have a chance to see what we're receiving."

Trailers ousted from lake: June 7, 2006

Julissa Mckinnon

After five years of public hearings and intense debate, the Bureau of Reclamation announced Tuesday, June 6, 2006 that 1,300 privately owned trailers at Lake Berryessa have to go. The federal agency's record of decision aims to reshape 12 miles of the lake's most prime shoreline by ousting the trailers that have dominated seven lakeside recreational resorts for decades. The new "Lake Berryessa Visitor Services Plan" sets new standards for lakeside vacation lodging, barring trailers but allowing RV and tent-camping, cabins, motels and hotels, among other permanent structures.

Reciting the bureau's long-held position, spokesman Jeff McCracken said the lake plan's goal is to "open the reservoir to the broader general public for more short-term use." Areas closest to the water's edge will be reserved for day-use, and those higher up divided into zones for overnight and long-term use. Although the government has established parameters for future lake use, what Berryessa looks like in 10 years "will be up to private enterprise," McCracken said. The federal agency is determining the future management of the seven lakeshore resorts through a public bidding process that will begin as soon a request for business proposals is completed, McCracken said.

Meanwhile, trailer owners must remove their vacation mobile homes by 2008 and 2009, when contracts with six of the resorts expire. While many trailer owners say they were anticipating the bureau's ouster, news of the decision was a heartbreaker for families who have long known Lake Berryessa as their summer getaway. "We didn't just buy a mobile home, we bought the dream of someplace to bring your children, grandchildren,

and children after that," said Sidney Silberberg who works as a fishing guide at the lake when he's not helping out at his son's video store.

"It's a devastation to our family and our family relations. This is the place that family becomes family because everyone is under one roof and you make the ties of a lifetime more comfortably for that day, that weekend, or that three-day weekend," said Silberberg as he recalled jet-skiing and fishing with his wife, son, daughter-in-law, daughter and friends.

The bureau's decision translates not only into an emotional but also a significant financial loss for Silberberg. He said 10 years ago the \$25,000 trailer by the lake was the only summer home his family could afford. After pouring in about \$75,000 to re-carpet, re-roof and "re-everything" over the years, Silberberg said he wished he'd accepted a \$175,000 offer someone made him for the trailer four years ago. Now with the trailer's fate sealed, Silberberg doubted anyone would pay more than \$2,000 for it.

According to the record of decision, "recreation was not a purpose of the project as originally authorized; nonetheless public visitation began almost immediately" after the lake came into being with the completion of Monticello Dam in 1957. The Bureau of Reclamation, in conjunction with Napa County, awarded seven concession contracts in 1958 and 1959 to manage recreation at the lake for the next 30 years. Resort contracts have been renewed and slightly altered in subsequent years.

Carol Kunze, an environmental advocate who heads Berryessa Trails and Conservation and has pushed for more trails and "passive" uses of the lake, expressed satisfaction with the decision. "The most rewarding part is today — finally getting a decision that will allow the public to have access to the lake's entire shoreline," Kunze said. "The most difficult part was just the whole controversy. It seems like such a plain and simple issue: It's public land and the public should have access, but the status quo interests wanted to keep their sites."

Trailer owners weren't the only people dismayed by the bureau's break away from the status quo. Sharyn Simmons, owner of Cucina Italiana restaurant, moved from Napa to the Berryessa Highlands subdivision five years ago. She said during the two-plus years she's run her lakeside business, trailer owners have formed the majority of her returning customers.

"It's the weekend people, the one-shot wonders, who come up here on the weekends and trash the place because it's not their own," Simmons said. "Why in the world would you ask the people who have been the stewards up here, living here year-round, and visiting every month or two months, to leave? We're talking second and third generations by now." Simmons said she hopes the fight is not over. "My only hope is they keep it litigated for the next 10 years."

Year-round use of the trailers is a widespread practice, despite being prohibited under existing concession contracts. The record of decision acknowledges this and will try to accommodate full-time dwellers who experience hardship relocating. "Some retired, elderly individuals have occupied trailers continuously for several years. ... Reclamation will seek to identify and accommodate legitimate hardship cases expeditiously," the record of decision states.

Resorts begin to close, owners angry, future grim: June 10, 2008
by Jennifer Huffman

Normally by this time of year, Rancho Monticello Resort at Lake Berryessa would be gearing up for months of family fun. Instead, owner Bob White is packing up and preparing to close shop. His contract to run the facility expires June 15. White is one of four lake concessionaires given deadlines from the U.S. Bureau of Reclamation to end operations and move out over the next three months. Lake Berryessa, which hosts an

estimated 1.5 million visitors each year for boating, water skiing, camping and more, is in for a very different kind of summer. “The whole lake is in limbo,” said White.

The closures stem from a June 2006 decision by the Bureau ordering the removal of approximately 1,300 privately owned trailers from the seven lakeside resorts. All of the contracts to run the resorts, 50-year deals between the federal government and the concessionaires that expire over the next several months, were put up for bid. In April, federal authorities awarded Arizona-based Pensus Group the contracts to operate five concessions at the lakeshore. But as of this week, Pensus hasn’t signed any contracts, leaving many resort owners wondering when, or if, new facilities will open.

Bureau of Reclamation officials are confident the deal with Pensus will be struck soon, and the lake will begin to take on new life with updated facilities and operations. “We’re working very hard with Pensus to get a contract signed as soon as possible,” said Pete Lucero, acting public affairs officer for the Bureau of Reclamation in the mid-Pacific region. But Lucero was not optimistic about completing one by June 15.

“The next (deadline) is July 13,” he said. “We are hoping to hit that date to have a contract in place. We are trying to make this as smooth a transition as possible, but there are a lot of issues to deal with in a contract like this.”

Lucero said the Bureau sees a “bright future” for the lake, with a wider range of overnight amenities, access to the lakeshore and recreational opportunities. Jeremy Crotts, vice president with the Pensus Group in Arizona, said, “We are currently in negotiations with the Reclamation on that project and as a result are unable to comment on anything. We’re hoping to have a contract settled as soon as possible.”

Without new contracts, visitors are unable to make reservations beyond the end dates of the present contracts for four out of the seven area resorts: Putah Creek, Rancho Monticello, Spanish Flat and the Berryessa Marina. “There may be some reduced level of overnight camping and RV sites because of the potential closure of the four west side resorts,” said Lucero.

“However, Reclamation is working on a plan to provide some expanded amenities at their own managed facilities at Oak Shores and Camp Berryessa as well as working with the three existing contractors (with) contracts that don’t expire this summer — Steele Park Resort, Markley Cove Resort and Pleasure Cove Resort — to provide additional overnight recreational opportunities,” he said. “We’re really working to try and minimize the disruption by trying to provide additional services at other locations.”

At Rancho Monticello, by this time of the year White would have normally booked 12,000 visitor days — or two-thirds of his summer season. But with his June 15 closure date, “We were only able to book a couple hundred,” said White. White’s afraid the new Pensus concessions will take years to develop. In the meantime, his resort is empty, “And it looks like a war zone,” he said. Forced to remove the longstanding trailers and other improvements, only concrete pads, posts, stairs and patios leading to nowhere remain. “There are a lot of unanswered questions” about the handover, said White.

He’d like to know who will pay for security for the property to prevent vandalism of his employee housing and other improvements after he moves out. Pensus was awarded the bid, he said, “but until they sign a contract with the Bureau they have no obligations.”

Lucero responded, “We are working on a strategy to provide some level of security for the property. It could include patrols, working with the existing concessionaires to provide their own security, or providing a security service. We need to determine what will fit best.”

White also expressed concern about his workers. “In the record of decision the Bureau promised preferences for current employees to be hired by the new (operators). But I have to remove all the employee housing,”

said White. “Which means the employees will go away.” His biggest question is “When is (Pensus) going to sign?” White is also concerned that Pensus may delay signing a contract due to a lawsuit filed in federal court on behalf of four current concessionaires. “We would like a smooth transition and are not getting one,” said White. Lucero said unsigned contracts have “nothing to do” with the current resort owners’ lawsuit in Washington, D.C.

Rich Delaney, partner at Spanish Flat Resort, must shut down operations by July 13 and remove all his permanent facilities. “That is a monumental job,” he said, referring to buildings, roads, parking lots and a sewer treatment plant. “We’re scrambling around trying to answer the request,” he said. Delaney was also wishing for a smoother handover. “I’ve never seen anything quite as unorganized,” he said. “I would like to find our employees a job but at this point we don’t even know there will be a new operator.”

“People were not prepared. Maybe they didn’t really think it would come to this,” said Delaney. “It’s a fiasco,” said Spanish Flat Resort partner Jim Kenney. “The deal with the new concession owner should have been resolved a year ago. These negotiations should have been done prior to the fact, not after the termination date of the lease,” he said.

A summer closure “screwed us,” he said. With a number of new cabins — now 23 total — and 24 fishing tournaments planned, “This year would have been our best year,” said Kenney. Instead, “We are down to 30 trailers, from 200 and a waiting list.” If he hadn’t faced closure, Kenney estimated \$2.2 million in gross revenue for the year.

Instead, the resort has cut off reservations as of July 13. After that, “We don’t know what’s going to go on. Where else have you got a lake where you can go fishing, boating and camping, that’s within 90 minutes of the Bay Area?” asked Kenney. “A lot of this is just an absolute waste.” Lucero said the bureau is working to handle all the concerns of the departing concessionaires, while also setting the stage for a revitalized lakeshore. Things will come into focus, he said, when the contract with the new operator is signed.

“Contractor-designees are coming in to make some major capital improvements and provide an expanded level of service and an unprecedented level of access to the general public,” said Lucero. “That development will take place over the course of the next few years with development beginning almost as soon as we have contracts signed.”

Season of uncertainty: April 19, 2009
by Kerana Todorov

Linda Frazier stands outside the Markley Cove store with her general manager Tom Wayman. Frazier has owned the resort with her husband John for about 22 years. Frazier is hopeful that she will be able to continue operating the resort, which is one of the few that remains open. Markley Cove Resort on the eastern side of Lake Berryessa attracts many boaters and fishermen. The resort operators are installing in small cabins which will be rented, allowing for overnight stays, this summer.

Putah Creek Park at Lake Berryessa is one of the more dilapidated resorts with many abandoned trailers on the site. The future of the resorts at Lake Berryessa is up in the air, with three resorts open at this time. On Thursday, under bright blue skies, fishermen’s boats headed in and out of Markley Cove Resort at Lake Berryessa. Motorcyclists and others stopped by the convenience store along Highway 128.

At least four of the seven privately-run resorts will be closed this summer as the transition from old operators to new has hit several bumps. The U.S. Department of the Interior’s Bureau of Reclamation, which runs the lakeshore, had hoped to start a new era at the lake this year with the removal of more than 1,000 mobile homes from the lakeshore and the refurbishing of the resorts. But the bureau’s deals with new resort operators fell apart last month, when the bureau acknowledged it had mistakenly included improper clauses

in the contracts. It will have to go out to bid again on all seven resorts. Bureau officials acknowledge that they have a lot of work to do to get Berryessa in full swing by 2010.

Complicating matters more, two of the old resort operators — at Berryessa Marina and Putah Creek — are in bankruptcy, and the facilities are visibly deteriorating. But other resorts are ship-shape and ready for summer. With the summer fast approaching, some would-be visitors are checking in to see what's going on around the lake. Spanish Flat, Rancho Monticello Resort, Lake Berryessa Marina and Putah Creek Resort are not expected to open this year. The Bureau of Reclamation wants to open three other resorts — Markley Cove, Pleasure Cove and Steele Park — along with the more bare-bones, government-run beaches and sites.

The bureau's contract error has fueled criticism from Berryessa-area residents and business owners. They are concerned about the viability of the lake economy with the transition going so slowly and unpredictably. The contract snafu surprised Linda and John Frazier, who have run Markley Cove for two decades. The couple bid successfully last year to continue to operate the resort near Monticello Dam. Frazier said she is moving forward with summer plans to remain. Staff have been hired, dozens of new boat slips have been built, the store has been re-stocked and she is waiting for the bureau to approve the overnight rates for her new cabins. "All we can do is continue to operate as though we're going to be open," Frazier said last week.

Napa County officials are making summer preparations, as well. They have set aside more than \$1 million to provide fire, police and ambulance service at the lake this year. Napa County Sheriff's Capt. John Robertson said patrols will work on land and on the lake, as in years past. The Pope Creek Bridge waterway will be closed on Memorial Day, the Fourth of July and Labor Day weekends to prevent accidents and incidents that often result in arrests.

To help deal with the expected demand, Finnegan said the bureau plans to open as many as 100 campsites at Oak Shores Park, a public area, this year. Robertson said sheriff's deputies will patrol the campgrounds once they're open. Finnegan on Friday said the Bureau has made "good progress" on the revised negotiations with concessionaires. A prospectus for the concessions could be released by May 11; then bidders will have 90 days to send in proposals. Contracts could be signed by December, Finnegan said.

Meanwhile, the bureau is gearing up to sue the former concessionaires to force them to remove the evidence of their presence there, whether trash or building structures, that they've since left behind. When the new contracts are signed, he said, the operators will need a clean slate in order to build the businesses the way they want to. But Bob White, former concessionaire of Rancho Monticello Resort, said Saturday he will fight for what he brought to Rancho Monticello. He and his family are only protecting the investment they made, he said. "We're still there," he said. "We'll be happy to defend ourselves in court."

Bureau names top bidder for Berryessa resorts: January 14, 2010
by Kerana Todorov

Pensus Group won the bureau's nod for all six of the resorts where concession contracts are up for bid — Markley Cove, Putah Creek, Lake Berryessa Marina, Spanish Flat, Steele Canyon and Rancho Monticello. The bureau already has a separate deal in place with another firm for operation of the seventh resort along the lake, Pleasure Cove. Most of the resorts were closed last summer in what was an economically disastrous year at the lake. The transition from the old resorts, in which more than 1,500 mobile homes occupied shoreline sites, to one where the trailers are gone and a wider range of amenities will be open to the public, has been bogged down in litigation and contracting errors.

This week, bureau officials were optimistic that the identification of a leading bidder will lead to preparation for more resorts and facilities to be open later this year. "Our objective is to provide enhanced recreational

services this summer,” Mike Finnegan, area manager for the Bureau of Reclamation, said, declining to be more specific. Finnegan emphasized that the identification of the top bidder is not the same as the signing of the contract. He said the bureau’s goal is to get the contract signed by the end of March so the winning bidder can get to work preparing facilities for summer. However, he said, “Nothing is final until we sign the contract.”

Finnegan gave a general overview of Pensus’ bid. The six resorts will offer a range of facilities, including hotel rooms, cabins, camping and RV sites. Several resorts will have marinas and all will feature boat launches, he said. The bureau also requires that the next operator of Steele Park Resort will pay into the financially-strapped water and sanitation district for residents of Berryessa Highlands, the Napa Berryessa Residential Improvement District.

The bureau began the revamping of the Berryessa lakeshore almost four years ago, as deals up to 50 years old to run marinas and resorts on federal land began to expire. After public hearings, the agency decided to remove 1,500 trailers from the lakeshore and seek new long-term concession contracts. The decision drew bitter protests from mobile home owners and resort operators, and led to lawsuits in state and federal courts, all of which were decided in favor of the Bureau of Reclamation. Subsequently, the bureau went through, and then withdrew, a bidding process for the resorts because it made a mistake in the bid language. Most resorts were closed last year. The number of visitors to the lake dropped last summer, as did business in the region, creating tension between bureau officials and locals.

In 2009, the bureau re-launched the bidding process, and secured \$4.3 million in federal stimulus dollars to clean up abandoned property and detritus at the resorts. Finnegan said the bureau is removing abandoned trailers and more as the agency requires that all the old infrastructure at the resorts be hauled away. The new concessionaire is required to put in all its own equipment. “Buildings are coming down, concrete pads are being scraped up, picked up. Styrofoam docking — which has been breaking up all over the lake — is being dismantled and pulled up,” he said. “There is a lot to do.” The bureau has hired 25 area residents to work on clean-up crews, which have not yet reached all the resorts.

All in all, Finnegan said a new day is dawning at the lake. “After a very extensive process and unprecedented public input, we are on the verge of being able to restore access to the lake by the general public,” he said. “That has not been the case over the past 50 years.”

Peter Kilkus, a member of the Lake Berryessa Chamber of Commerce board, has been critical of the bureau. But in an e-mail Thursday, he said he was “very pleased that a decision has been made. “I believe the renewal of the Lake Berryessa resorts will be of great benefit to both the local community and to the large number of Lake Berryessa visitors who have been waiting for the chance to come back to the recreational jewel of Napa County,” he wrote.

Property owners at Berryessa Highlands, a subdivision of 300 homes, saw their water and sewer increase by 83 percent in recent years, in part because the Steele Park Resort no longer paid into the district. That promises to change when a concessionaire signs on to take over the resort. Stu Williams, a homeowner, said, “Hopefully, our water and sewer rates are going to go back down.”

One of the resorts — Rancho Monticello — remains in limbo. While the bureau has secured the legal right to clear out infrastructure and clean up abandoned property at most resorts, it remains in a dispute with the owners of Rancho Monticello. Finnegan said the federal Department of Justice is seeking to secure the right for the bureau to get into Rancho Monticello. Rancho Monticello operator Bob White said Thursday he plans to sue the bureau for the alleged unconstitutional taking of his property. When Pensus or another new concessionaire signs on to take over the resort, White said he will also sue that company for illegal conversion of his property. He said he received a letter from the Justice department last week. “They offered

us a choice,” he said. “We abandon the property or they declare us in trespass.” However, White said, “We are still the owner of the facilities and cannot be in trespass.”

White did not submit a bid to retain control of the resort. He said the bureau’s insistence that all old infrastructure be replaced made it impractical. “Why would I bid to destroy \$27 million worth of assets and then put it back in?” The rules, White said, “were clearly designed to keep us disqualified and keep us from winning a bid.”

Bureau officials have said the old boat ramps and structures at the lakeside resorts were unsafe and unusable. White also said the bureau had treated the operators of the Markley Cove resort unfairly. John and Linda Frazier won a two-year bid to run Markley Cove last year, with options for two more years if they and the bureau both agreed.

White said he believed the bureau re-set the bidding process in part to replace the Markley Cove concessionaires. “I think they planned this whole thing just so they could take the award away from Markley Cove and give it to Pensus,” White said. The bureau’s Finnegan said Pensus made the best bid on all six resorts, and that the bureau would honor the two-year Markley Cove contract with the Fraziers.

Deal signed for six Berryessa resorts: April 29, 2010
by Bill Kisliuk

The U.S. Bureau of Reclamation announced Thursday it had signed a 30-year contract with Pensus Lake Berryessa Properties to operate six resorts around Lake Berryessa. The move means the economy of the lake could pick up as services for visitors improve after a few rough years. Federal authorities and a private contractor have agreed on a new 30-year deal for operation of six resorts at Lake Berryessa, with the likelihood that limited services for boaters and campers will be in place this summer.

On Thursday, the U.S. Bureau of Reclamation announced it had signed a 30-year contract with Pensus Lake Berryessa Properties, with a mutual option to extend the contract for an additional 10 years. Pensus, part of Arizona-based marina operator and commercial developer Pensus Group, will run the Markley Cove, Putah Creek, Lake Berryessa Marina, Spanish Flat, Steele Canyon and Rancho Monticello resorts.

For the next three years, Markley Cove will be run by current operator John C. Frazier III. The bureau already has a separate deal with Arizona-based Forever Resorts to run Pleasure Cove Marina. The announcement marks a milestone in a years-long effort to remake the lakeshore, which attracts an estimated 1.5 million people a year.

Federal officials decided several years ago, as previous long-term concessions to run Berryessa’s resorts wound down, to remove more than 1,000 mobile homes from the seven resorts. Officials determined the mobile homes impeded broad public access to the lake and, in some cases, posed hazards and environmental problems.

The bureau’s decision and related actions were challenged in court several times, with the bureau winning disputes with mobile home owners and former resort operators. The lawsuits delayed changes at the lake, as did abandonment of trailers and other property at the lake and a mistake the bureau made last year in putting together the bidding process for new resort operators.

The bureau withdrew the original bid request, sent the resort concessions up for bid again last year, notified the public that Pensus had won earlier this year and now has a signed contract in hand. Federal stimulus funds are helping to pay for removal of abandoned property. Pensus officials did not return calls and e-mails

seeking comment Thursday. But bureau officials said they expect to work with Pensus to open limited public services at some of the resorts for the summer of 2010.

Pete Lucero, public affairs officer for the Bureau of Reclamation, said the bureau expects limited boat launching, camping and service facilities to be open this summer. Lucero said it is uncertain which resorts will open, but that Pensus is likely to base its decisions on which ones have been restored and cleaned up most fully. Lucero said Spanish Flat and Putah Creek may fit that category.

The resort furthest from reopening, he said, is Rancho Monticello, where former concessionaire Bob White and the bureau have been locked in a legal dispute. In an e-mail, Lucero said, "At Rancho Monticello there is no pending litigation and we are continuing to conduct cleanup activities on-site as we are at Putah, Lake Berryessa Marina, Spanish Flat and Steele Park."

Lucero said it is unlikely that Pensus will be able to install boat slips or offer fuel for power boats this summer, but will provide "some boating support system" at the lake. According to Lucero, the focus for now is to gear up to provide some services this summer, and that afterward the bureau and Pensus will outline detailed plans for the lake, which will include new boat launches, lodging and other services. "Once they get on board and start preparing for 2010 recreational season, then we'll get together with Pensus start looking at long-term scheme," Lucero said.

In a prepared statement, Pensus CEO David Maule-Ffinch said, "Pensus Group would like to thank Reclamation for the effort and commitment necessary to bring this complex transaction to fruition. The signing of this contract will now allow work to start on the improvement and expansion of services at Lake Berryessa. We anticipate a very successful public-private partnership in the best interests of the visiting public."

Berryessa Highlands residents and county officials have been concerned about whether Pensus, as operator of the Steele Park resort, will pay into an assessment to upgrade water and sewer facilities in the highlands. Lucero said the contract calls for Pensus to pay any required assessments to the county or the state. In addition to the seven privately-run resorts at Berryessa, the Bureau of Reclamation manages a government-run visitor and water education center at Berryessa, a boat launch ramp at Capell Cove, a hand-launch ramp at Eticuera Day Use Area, and picnicking, fishing, and swimming at the Oak Shores and Smittle Creek day-use areas. Limited camping will be available at Oak Shores this summer.

Feds terminate Pensus resort contract: December 7, 2012
by Peter Jensen

After months of speculation, the U.S. Bureau of Reclamation announced that it has decided to terminate the contract of the company in charge of five of the seven resorts at Lake Berryessa. The federal agency announced the decision Friday afternoon, saying in a statement that Arizona-based Pensus Group will be ousted less than three years into its long-term contracts to redevelop the resorts, the backbone of the lake's recreation-based economy. Pensus was set to take over a sixth resort in 2013.

Following a mediation period between Pensus and the bureau over the summer, Don Glaser, the bureau's director for the mid-Pacific region, made the decision to terminate the company. He will explain his decision in a series of public meetings at the lake, in Napa, and in Winters next week. The bureau moved to terminate the contract earlier this year, alleging Pensus failed to perform to its terms and redevelop the resorts. Pensus signed the contract in April 2010.

"My decision was the result of a careful, deliberate process," Glaser said in a news release issued Friday. "I understand the importance of this decision to local residents and businesses and to those who recreate at Lake

Berryessa. Things have not gone as we expected or wanted them to, but we are moving forward with the goal of providing enjoyable recreation experiences for visitors to Lake Berryessa.”

At the meeting, Reclamation hopes to get feedback on how to develop plans for the 2013 recreation season and over the long term, said Louis Moore, a Reclamation spokesman. Moore said Pensus was notified Thursday of the decision. In a statement posted to its website Wednesday, Pensus wrote that it had not received any word from the bureau regarding the status of its contract, but stated that it wanted to continue to develop the resorts and perform on the contract.

Moore said Glaser will be leaving his Sacramento-based job soon to become an assistant to Reclamation Commissioner Michael Connor in Denver; he will be replaced by Deputy Commissioner David Murillo in January. Moore said the process for finding a permanent replacement for former Area Manager Mike Finnegan, who retired earlier this year after overseeing recreation at Lake Berryessa for several years, continues. Deputy Area Manager Drew Lessard is holding that job on an interim basis, Moore said.

Latest Berryessa resort rejuvenation effort fails: February 19, 2016
by Barry Eberling

Reclamation announced Friday that the latest effort to recruit new resort operators at Lake Berryessa had failed. Three bids were deemed inadequate. Once again, the quest to find companies to rebuild and operate five of the seven Lake Berryessa resorts on federal land has come up short. The Bureau of Reclamation announced Friday that it received three bids from California companies. But the agency deemed each bid failed to comply with at least one of the bid requirements concerning price, quality and other topics.

Each of the three bids was for one resort only – Berryessa Point, Monticello Shores and Steele Canyon recreation areas. No one bid on Spanish Flat and Putah Canyon recreation areas. Stakes are high for the eastern Napa County reservoir with a 165-mile shoreline. The resorts attract people to the lake and boost the local economy. In recent years, two of the five resorts have operated at full strength with marinas, three have operated in stripped-down versions and two have been closed.

Lake Berryessa resident Craig Morton is uncertain when the Bureau of Reclamation’s vision of five redeveloped resorts will come true. “It’s getting harder and harder to tell,” he said on Friday. “I think they need to listen to the local people more, rather than their people back East.” He noted that several years ago, the Bureau of Reclamation removed some of the boat launch ramps and other infrastructure at the resorts in preparation for redevelopment. “They’ve got to put more money in the game,” Morton said. “That means replacing the ramps they destroyed.”

Lake Berryessa resident Peter Kilkus has observed the resort redevelopment drama over the years. He didn’t find the latest turn of events encouraging. “A total, utter disaster,” Kilkus said. The Bureau of Reclamation could reissue its call for bids for all five resorts. Other options are to issue the prospectus for only certain resorts, change the required scope and duration for future contracts in the next prospectus or take another approach, an agency press release said.

The community will have a voice. The Bureau of Reclamation will hold a meeting on the Lake Berryessa resort situation at 5 p.m. March 2 at the Lake Berryessa Senior Center, 4380 Spanish Flat Loop Road. One thing the agency isn’t considering is revising its 2006 master plan to redevelop the lake resorts. To do so would cause further delays, the press release said.

The Bureau of Reclamation began publicly talking about Lake Berryessa resort renovations about 15 years ago. In 2006, Bureau officials adopted a plan with the stated goal of making the lake’s public land more accessible to short-term visitors.

Berryessa resorts at the time had about 1,300 trailers and mobile homes where people stayed for part of the year, as well as marinas and other uses. The Bureau of Reclamation's plan called for removing the trailers and emphasizing cabins, camp sites, lodges and RV sites. Most of the long-time resort concessionaire contracts expired in 2009. The Bureau that year began wiping clean several of the resort sites using \$4.4 million in American Recovery and Reinvestment Act stimulus money so the renovation effort could begin virtually from scratch.

In 2010, the Bureau of Reclamation chose Arizona-based Pensus to renovate and operate six resorts. But in 2012, it announced it had terminated the Pensus contract before the company had built the planned marinas, lodges cottages and restaurants. That led to a new search for resort operators that was supposed to culminate with awarding contracts in either late 2015 or early 2016. The timetable will now be extended.

Annual visitation to Lake Berryessa has dropped amid the long transition. The Bureau of Reclamation estimated about 1.5 million people visited when all seven resorts were at full strength, compared to 408,000 in 2014. But there will still be places for visitors to go in 2016. The Bureau of Reclamation operates Oak Shores, Smittle Creek and Eticuera day use areas and Capell Cove boat launch.

Markley Cove and Pleasure Cove resorts will offer marinas, boat launching, boat rentals and other services. Putah Canyon and Spanish Flat recreation areas under interim contracts will offer camping and other uses. Morton noted the massive lake is still over half full, despite California's drought. Other California lakes such as New Melones east of Stockton have much lower water levels.

Earlier this month, Rep. Mike Thompson, D-St. Helena, reintroduced legislation in Congress to transfer management of Lake Berryessa recreation from the Bureau of Reclamation to the Bureau of Land Management. He called the Bureau of Land Management "the right agency" for the job. The Bureau of Reclamation press release said it will continue managing Lake Berryessa recreation

Bureau faces angry locals over Berryessa failures: March 3, 2016
by Barry Eberling

U.S. Bureau of Reclamation officials are trying to explain how the wheels fell off the latest Lake Berryessa resort redevelopment effort and how they might yet achieve elusive, long-sought success. They faced a packed room Wednesday evening in the Lake Berryessa Senior Center at Spanish Flat. But convincing dozens of skeptical people to keep the faith proved difficult. "The Bureau of Reclamation has destroyed a community and should pay to help rebuild it," Berryessa resident Wesley Plunkett said. "Maybe you could get some (federal disaster) funds, because you made a disaster of it."

Bureau officials kept calm as they at times absorbed a verbal pummeling. They explained how they will continue searching for private concessionaires to redevelop and manage five of the lake's seven resorts, an effort that's been underway since 2008. For now, the lake's recreation scene remains in a long transition, with two resorts operating at full strength, three operating as stripped-down versions and two closed. The Bureau estimates annual visitation has dropped from 1.5 million to 408,000 during this process, though some lake residents say that latter figure is inflated.

"We want to make sure our next step is a good next step," agency Deputy Regional Director Pablo Arroyave told the crowd. "We understand the frustration." They got an earful of it. About seven years ago, the Bureau of Reclamation began leveling several of the resorts on federal land, removing the marinas and other features. But this start-from-scratch resort rebirth effort has stalled. The latest attempt ended with three companies

each bidding to rebuild and run one resort, with two resorts receiving no bids. The Bureau deemed each bid as being “non-responsive” in at least one key area.

This marked the third time the agency sought bids since 2007. It selected three companies to run various resorts in 2008, but then aborted the effort over a contract language error. It awarded a contract to Pensus in 2010 to run six resorts, then canceled the contract in December 2012. “We’ve had three attempts,” Berryessa resident Stu Williams said. “Each of them has been a failure. Because you did it enthusiastically, you want us to believe it’s a success. I’m sorry, it’s not a success.” That last point ended up being something everyone could agree on.

“There is no success story here,” Arroyave said. “What you hear is nothing more than a commitment from the Bureau of Reclamation to come back to this table as many times as needed to get it right.” That didn’t comfort Berryessa resident Carol Kunze. “You’re sitting here saying, ‘We’re really committed.’ Your commitment has done nothing for years,” she said.

Emotions ran the gamut. “It’s amazing how quiet and depressed it is here,” Berryessa resident Evan Kilkus said at the beginning of the public comment session. “Everyone’s just tired.” The mood had grown livelier by the time Marcia Ritz, operator of the Spanish Flat Country Store & Deli, came to the microphone. Her business depends on tourists flocking to the lake. “First of all, you need to be angry,” an emotional Ritz exhorted the crowd. “This has got to stop. Everything has failed. You need to be angry and let them know it. Otherwise, they won’t do (anything.)”

Some people wanted the Bureau to turn Lake Berryessa recreation over to another agency, such as the National Park Service or Napa County. Napa County managed lake recreation in the 1960s as the resorts developed. Kunze pushed Bureau officials to explain why they deemed the three bids received this time around as non-responsive. But officials didn’t reveal the identity of the bidders and stuck to generalities. Drew Lessard, agency Central California Area office manager, said he can’t get into the specifics. That prompted a round of “Why not?” cries from the audience.

Wednesday’s session also focused on options being considered by the Bureau of Reclamation. Agency officials will talk to the three bidders about why their bids were non-responsive. Then the Bureau could rebid the resort contracts quickly using the same prospectus that details bid requirements. “That is obviously the shortest amount of time to get a prospectus back out on the street,” Lessard said. Or the Bureau could try something different, he said. For example, instead of seeking 30-year contracts calling for lots of improvements, it could seek 10-year contracts calling for fewer improvements.

California State Parks recently received no bids to operate a marina for 30 years at Folsom Lake, even though that is an opportunity to open right away with minimal improvements needed, Lessard said. The Bureau of Reclamation recently received no bids for a marina project at New Melones Lake in the Sierra Nevada foothills, he said. The Bureau asked for a lot of infrastructure requirements there and has rethought that approach. “These are things we need to consider as we move forward,” Lessard said.

The Bureau talked to people in the recreation industry about Lake Berryessa. Some didn’t like having seven resorts at the reservoir, he said. “Large investment and development may not be the latest trend,” Lessard said. “We’ve got to look at that and see if we need to make any changes.” The Bureau of Reclamation will ask local residents for advice, including Napa County. The Board of Supervisors wants Bureau officials to appear before it and explain what is going on.

“I think the public is really at a crossroads right now,” Board Chairman Alfredo Pedroza said at Tuesday’s Board of Supervisors meeting. Arroyave said Bureau officials spent part of Wednesday talking to Napa County officials. “Their input is extremely critical,” Arroyave said. “We think Napa County’s participation

and our discussions with Napa County are going to be critical to us having the best chance of succeeding. We're talking about what those options are."

The Bureau of Reclamation will need a success story to convince the audience at the Berryessa Senior Center. Markley Cove Resort is one of two resorts still operating at full strength. But an interim concessionaire contract for that marina expires after this year, and Winters City Manager John Donlevy expressed concern that it, too, could be sucked into redevelopment limbo. "That would be the death of this lake," he told Bureau officials. "It would."

Talks continue on Berryessa resort redevelopment: August 24, 2018
by Barry Eberling

What role Napa County might play in a long-awaited Lake Berryessa resort renaissance – if any – could finally be known by year's end. The U.S. Bureau of Reclamation launched the redevelopment effort on federal land a decade ago, only to see it stall. The agency tore down five of seven resorts, but could not finding companies to build and operate new ones.

In June 2016, agency turned to the county as a possible resort manager that could work more freely with the private sector. Sealing a deal has taken longer than originally predicted. In February, county officials said they expected to bring a managing partner agreement to the Board of Supervisors in spring. But while that didn't happened, county officials say negotiations are not dead. "I think it's in the interest of all parties to reach some decision by the end of the year," Deputy County Executive Officer Molly Rattigan said on Friday. Supervisor Alfredo Pedroza agreed. "I don't see this going beyond this year," Pedroza said. "We've been at it for quite some time. I'm interested in having this end in a very positive outcome."

Meanwhile, the wait for an agreement is making some people uneasy. The Lake Berryessa News asked readers to send letters to a number of federal elected and appointed officials expressing concern that the Bureau is ignoring the needs of the Berryessa community. "I would be a fool not to worry about it," said Peter Kilkus, editor of the paper and president of the Lake Berryessa Chamber of Commerce.

Rep. Mike Thompson, D-St. Helena, sent an Aug. 7 letter to Secretary of the Interior Ryan Zinke urging that the Bureau of Reclamation reach a deal with Napa County. He wrote that the Bureau appeared "unwilling or unable" to bring concessions to the lake's shore under Napa County management. "I'm sending this letter hoping that you'll be able to exercise leadership on this pressing issue," Thompson wrote.

On Friday, Thompson released a statement on the latest progress: "Like people across our community, I am frustrated at the long delays in this process and have been doing everything I can to support the county and bring the Bureau of Reclamation to the table for a fair discussion," he said. "I recently spoke with the Bureau's commissioner and I'm glad to see that discussions regarding the details of a long-term agreement will continue."

When contacted by the Napa Valley Register, the Bureau of Reclamation released a statement by email. "While the process has taken longer than anticipated, Reclamation continues to engage with county officials and is fully committed in this process," the statement said. "Details will be shared when available."

A study released by the county in February by a real estate firm found nine potential bidders for resort redevelopment. They could bring hotels, restaurants, glamping, marinas and other amenities some or all of the resort sites. One request by the county is for the ability to offer potential resort redevelopers 55-year leases. The Bureau in its failed redevelopment attempts offered 30-year leases, with roads, water systems and other infrastructure then to revert to the federal government at the end of the lease.

Pedroza said the shorter leases don't make financial sense for resort developers. He was asked if the 55-year lease is a make-or-break issue for Napa County. "It's a make or break to have reasonable, sustainable development," Pedroza said.

Napa moving closer to reviving Berryessa resorts: October 17, 2018

by Barry Eberling

Napa County is looking at a phasing approach to finally get the long-stalled Lake Berryessa resort redevelopment effort rolling, with planning for Steele Canyon and Monticello Shores possibly beginning next year. That's if the county decides to manage the undertaking for the U.S. Bureau of Reclamation. After more than two years of exploring the matter, the Board of Supervisors has yet to finalize an agreement with the federal agency. Supervisors on Tuesday seemed optimistic that an agreement will be reached, possibly by early next year.

Five of the seven Lake Berryessa resorts on the federally owned shoreline are candidates to be redeveloped by bringing in private concessionaires. The goal is to see marinas, cabins, campsites, glamping sites, RV camping and other amenities there. An economic report by consultant Grant Sedgwick explored how much money the rejuvenated resorts could bring to the county annually from the hotel tax, sales tax, payments en lieu of property taxes and concession fees. He estimated the county might make \$2.5 million in five years, \$4.4 million in 10 years and \$7.1 million in 15 years.

"This isn't about doing it for net revenues," Supervisor Diane Dillon said. "This is about doing it for net benefits for the greater community."

Napa County could plan requests for proposals for Steele Canyon and Monticello Shores resort redevelopment next year. These are the resorts that county research showed are generating the most interest from the private sector. Next year, Steele Canyon would continue to offer activities such as camping with an interim concessionaire. Monticello Shores is closed. The next step would be to see if the two resorts — Markley Cove and Pleasure Cove - operating at full strength might pass from Bureau of Reclamation management to county management...

The Bureau of Reclamation more than a decade ago launched an effort to redevelop five of the seven resorts run by private concessionaires on federal land. It cleared the sites and began looking for private companies to build and run new resorts with camping, marinas, hotels, restaurants, lodges and other attractions. But the redevelopment effort stalled and the Bureau two years ago looked to Napa County for help. The idea is that the county is less burdened by various federal requirements and can be nimbler in its search for concessionaires.

A major sticking point is the length of the leases the county could offer. The federal government previously offered 30-year leases, at which point the roads, water systems and other infrastructure installed by developers would become federal property. County officials say 55-year leases would allow developers to recoup their investments. Napa County needs to win permission from the national Bureau of Reclamation office for the 55-year terms. Rattigan said the Bureau first wants to see what the managing partner agreement between the county and Bureau will look like.

"We're pretty much down the aisle," Supervisor Alfredo Pedroza said. "I hope the Bureau will commit to that." He stressed that the 55-year leases are important. "Without the term, a lot of this does not make economic sense," Pedroza said. Drew Lessard of the Bureau of Reclamation addressed the Board during public comments. He too expressed optimism that the agency and county will come to agreement. "The last thing we want is to enter into a managing partner agreement and not have success," Lessard said.

County moves to revive Berryessa resorts: November 22, 2019

by Barry Eberling

Napa County is closing in on a 55-year agreement that would let it try to jumpstart the long-stalled Lake Berryessa resort revival starting next year. The county for three years has negotiated with the U.S. Bureau of Reclamation to manage resorts along the federal reservoir. On Tuesday, the Board of Supervisors spoke favorably of a proposed 55-year deal that still needs work on the fine print. “We’re not going to celebrate until we sign on the dotted line, which is close,” Supervisor Alfredo Pedroza said.

If all goes as county officials hope—and County Executive Officer Minh Tran tried to tamp down any overly optimistic expectations—the Board of Supervisors could vote on an agreement with the Bureau in January or February. “We are well on our way, but we are not quite there yet. There are many more steps to go,” Tran said. “We are almost close to the finish line and we look to cross the finish line in January,” Bureau Deputy Area Manager Lee Mao said.

Lake Berryessa has seven resorts on federal land. The Bureau of Reclamation a decade ago razed five resorts and has unsuccessfully sought concessionaires to redevelop them. Napa County could try to succeed where the Bureau has failed. It would try to find concessionaires to build marinas, restaurants, stores and other amenities at three of those five resorts, with an option to take on the remaining two at a later date.

County officials have said that the county would face fewer restrictions than a federal agency in finding concessionaires. “I think every time we drive by the lake, we all get excited about the potential of what it could become,” Pedroza said.

But there are risks. County officials have said they want terms that they believe offer a chance at redevelopment success and don’t prove a drain on county coffers. If the deal goes forward, the county would take over management of Steele Canyon, Spanish Flat and Monticello Shores resorts in November 2020. It would do some advance work, however, possibly seeking requests for proposals from potential concessionaires next spring.

Napa County would have the option to manage Putah Canyon and Berryessa Point resorts, though Mao said the Bureau in the interim will seek to make improvements at Putah Canyon. A key point for the county is winning Bureau permission for a 55-year term. County officials say such a term is necessary to attract concessionaires that must build roads, sewers and other infrastructure. The proposed agreement would allow for this.

County officials have also wanted the Bureau to share in the losses in the initial years of an agreement, before resorts are built and begin generating revenue. County expenses would include such things as management staff and Sheriff’s law enforcement at a busier lake. The Bureau proposes to make available \$1 million over five years. In the long run, redeveloped resorts would generate taxes and fees for the county. County costs could be \$2.5 million a year and the resorts could generate \$3.5 million a year, Grant Sedgwick of Ragatz Realty said.

“There is a prospect in fact that the costs will be more than offset by the revenues,” said Sedgwick, whose firm is doing consulting work for the county. County officials have said that a Berryessa venture doesn’t have to be a money-maker for the county, but needs to at least break even.

Lake Berryessa since the early 1960s has had seven resorts. The Bureau estimated visitation at the reservoir fell from 1.5 million annually in the heyday of the resorts to 408,000 by 2014 with five of the resorts razed. Today, Markley Cove and Pleasure Cove are operating at full strength under concessionaire agreements with the Bureau. The county would not try to redevelop these resorts. Of the five resorts that the county could oversee, Steele Canyon, Spanish Flat and Putah Canyon are operating in stripped-down fashion under interim

contracts, with such things as camping. That would continue for summer 2020. Berryessa Point and Monticello Shores are closed.

Reaching an agreement with the Bureau has proven difficult, with supervisors in May expressing disappointment with the terms being offered. Pedroza and Supervisor Diane Dillon have met with Bureau staff to try to work things out. The news told to the Board of Supervisors by Deputy County Executive Officer Molly Rattigan on Tuesday might have been a breakthrough.

County reaches Lake Berryessa resort management deal: March 14, 2020
by Barry Eberling

Napa County for more than three years has sought a management agreement with the U.S. Bureau of Reclamation. Negotiations are finished and the Board of Supervisors is ready to vote on the 137-page result. County staff recommends approval. If that happens, the county will seek concessionaires to bring about a resort revival that the Bureau of Reclamation has been unable to achieve over about a decade.

“This is it,” Board of Supervisors Chair Diane Dillon said in a phone interview on Friday. “It’s finally happening. We’re very excited.” The agreement allows the county as of November to manage Spanish Flat, Steele Canyon and Monticello Shores. The county at an unspecified future date might take over management of Berryessa Point and Putah Canyon. The Bureau of Reclamation razed all five resorts about 10 year ago to be rebuilt from scratch. This summer, Spanish Flat, Steele Canyon and Putah Canyon will continue to be operated in stripped-down fashion with such features as campgrounds under interim concessionaire contracts. Markley Cove and Pleasure Cove were never razed and are operated by concessionaires under contract with the Bureau of Reclamation. The county might or might not take over management of those resorts in 2030, depending on various factors.

If the county cannot find concessionaires, it can opt out of the agreement, a county report said. Dillon sees reason why the county can find concessionaires to redevelop and run resorts on the federally owned shoreline, even though the Bureau of Reclamation couldn’t. The federal agency has structures and policies designed for dealing with 50 states, she said. “At a local level, dealing with a particular location, not a vast, unspecified location, we have the ability to be more nimble,” Dillon said. For example, the county asked for and received a 55-year agreement. Dillon called this a key. The Bureau of Reclamation when searching for concessionaires offered 30-year contracts. Critics said this didn’t provide enough time for concessionaires rebuilding resorts from scratch to recoup infrastructure investments.

Deputy County Executive Officer Molly Rattigan on Friday said the county wants to identify or be close to identifying concessionaires for Spanish Flat, Steele Canyon and Monticello Shores before the management agreement begins in November. Peter Kilkus, a Berryessa Highlands resident, Lake Berryessa Chamber of Commerce member and editor of the Lake Berryessa News, has long pushed for a resort revival. He said he believes the resort saga has reached a turning point. He’s ready for the next step of having the county release requests-for-proposal to find concessionaires. The only reason he is a little negative is he wants everything to happen faster, Kilkus said. “I believe there are people willing to bid,” Kilkus said on Friday.

In the long run, redeveloped resorts would generate taxes and fees for the county. County costs could be \$2.5 million a year and the resorts could generate \$3.5 million a year, Grant Sedgwick of Ragatz Realty said told the Board of Supervisors last year. If operations and maintenance costs exceed revenues in the early years, the Bureau of Reclamation proposes to pay up to 50 percent of the deficit. The cap would be \$1 million over five years, the proposed agreement said. Napa County managed Lake Berryessa resorts once before. That began soon after the federal government created the reservoir by building Monticello Dam in the late 1950s.

The county in 1958 approved a 50-year contract to manage lake recreation. It then oversaw the development of seven resorts that, to avoid using local taxpayers money, were run by private concessionaires. But the county allowed about 1,700 mobile homes at the resorts, along with the marinas and campsites. That drew criticism from the federal government. "The concessionaires generally have developed the resorts as mobile home parks, to the detriment of the public interest," a 1972 U.S. General Accounting Office report said. Napa County officials responded that the long-term leases provided by the mobile home owners provided a needed, steady income for the resorts. By 1974, the county had enough of the resort controversies and canceled its management contract.

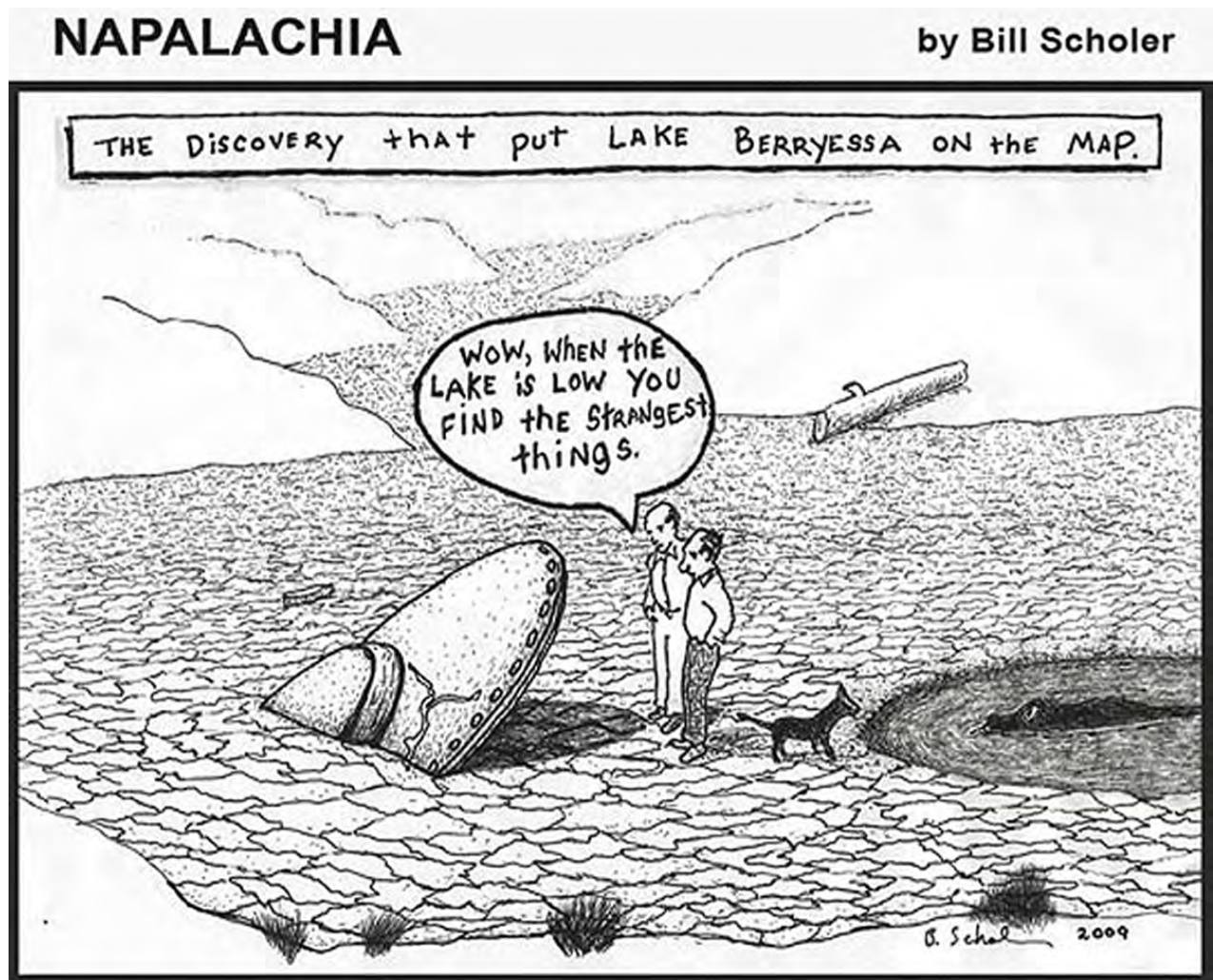
That was another era and another set of circumstances, with the mobile homes gone and no longer an issue. This time, the Bureau of Reclamation and county appear to be on the same page with the proposed, 137-page management agreement. "The Bureau gave us as much latitude as they could," Dillon said. "We are all optimistic that it will allow us to do what needs to be done up there."

Addendum 3. What Is Napalachia?

You've noticed a series of cartoons in this book titled Napalachia by Bill Scholer. Bill is an accomplished musician and artist who has created cartoons for the Lake Berryessa News for many years. His wife Karla is also an artist and teacher. Bill and Karla coined the name Napalachia. Karla explains in the note below:

"My husband Bill and I coined the phrase Napalachia to describe the area where we live in Napa County. I was born in West Virginia, and the word Appalachia for me brings to mind images of majestic mountains, apple trees, old-time music and craftsmanship in pottery, glass blowing and woodworking. I also think of a simpler way of life in which people were more connected to the land in a personal and intimate way. Everyone had a garden and everyone lived off the land in some fashion. For me poverty and deterioration are not words that come to mind, and if anyone has visited Appalachia recently those words would not come to mind for you either.

There are many ways to be impoverished that have nothing to do with how much money you have in your pocket. Living in areas without natural beauty or a unique sense of place can be more impoverishing. Many gated wealthy communities with all their groomed landscaping can be so lacking in real wealth. My husband and I love this area so when we think of Napa County as having similarities to Appalachia, "We should all be so lucky!"



Index of Primary Documents

1958 Napa County Berryessa Park Commission Ordinance
1959_1975 Reclamation Public Use Plan
1971 Berryessa Bulletin
1971 Napa County Lake Berryessa Area Plan
1971 Oakland Tribune Lake Berryessa Article
1972 Napa County National Park Service Plan Position
1972 Government Accounting Office Report
1972 Napa County Day Use Facilities Plan
1972 National Park Service Plan for Recreation Development
1974 Government Accounting Office Report
1974 Napa County Berryessa Transition Plans
1979_1985 Berryessa Archeology Reports
1980 Public Law 96-375
1988 Reclamation Water Carrying Capacity Analysis
1988 Solano Irrigation District Berryessa Project History
1998 Reclamation Boater Study
1992 Final Environmental Impact Statement
1993 Record of Decision
1995 Inspector General Audit
1997 Reclamation Market Area Survey
2000 Visitor Services Plan Notice of Intent
2000 Inspector General Concession Audit
2001 Reclamation VSP Announcement
2001 VSP Public Comments
2002 Reclamation Concessions Management Standard
2002 Kleinfelder Facilities Report
2003 Donbusch Economic Feasibility Report
2003 Draft Environmental Impact Statement
2004 LBVSPT Alternative A+
2004 LBVSPT A+ Executive Summary
2005 Final Environmental Impact Statement
2005 Resort Owners Plan
2005 Summers & Summers Dornbusch Report Analysis
2005 Summers & Summers Resort Owners Plan Analysis

2006 Record of Decision
2007 Bid Prospectus
2007 Pensus Berryessa Proposal
2007 Berryessa For All v. BOR Lawsuit
2008 BRBNA NCA Federal Designation Analysis
2009 Bid Prospectus
2011 Walros Policy (Water & Land Use)
2014 Reclamation Market Assessment
2015 Bid Prospectus
2017 Reclamation Environmental Assessment
2017 Lake Berryessa Request For Information and Interest
2017 Ragatz Report Full
2017 Ragatz Report Introduction_Summary_Recomendations
2020 Managing Partner Agreement

As of December, 2020, pdf copies of these documents are available for download at:

<https://www.lakeberryessanews.com/what-happened-at-lake-berry/primary-documents/>

About the Author

Peter Kilkus is the publisher of the Lake Berryessa News and president of the Lake Berryessa Chamber of Commerce in Napa County, California. He was a senior manager at DSC Communications Corporation's Optilink Division in Petaluma and a vice president at Advanced Fibre Communications in Petaluma when it went public, pillars of the North Bay tech cluster that was once called Telecom Valley.

After retirement he was a San Anselmo Town Councilmember and Mayor of San Anselmo in Marin County, California. He also served as a Board Member and Senior Trainer of the Environmental Forum of Marin.

He has a BS Physics from St. Mary's College, Winona, Minnesota, a Masters Degree in Physics from UC Santa Barbara and a Certificate in Integrated Solid Waste Management from UC Berkeley Extension.

His previous book, Conspiracy Theory or Automatic Pilot: The Economic Roots of Environmental Destruction, is available on Amazon.