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5MPH = No Wake!

In doing research on the laws and ordinances applicable to Lake Berryessa I discovered something I had not known. Most of us thought there was some small difference between a "No Wake" zone and a "5MPH" zone. By law, there is not. See Napa County ordinance below.

"No Wake" wins. So don't try to go faster than 5MPH even if your sleek hull creates no wake. The speed limit wins. And watch out if your funky old boat is going less than 5MPH and creates a wake. You're guilty!

How slow can you go? How big a ripple behind you can be defined as a "wake"? How can anyone even define what "No Wake" legally means?

Napa County Code of Ordinances, Chapter 12.08 - Berryessa Lake And Park Area.

12.08.040 - Boats and other vessels—Operation restrictions.

C. No person shall operate a motorboat or other vessel at a speed in excess of five miles per hour in any area marked with a buoy bearing the words "5 miles per hour" OR bearing the words "No Wake."

"5 MPH" SHALL BE INTERPRETED TO MEAN CREATING "NO WAKE".

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The Lake Berryessa News

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May, 2019

Summer 2019: Big Island Lagoon Liberation Celebration!

There Is No Such Legal Designation as a "Non-Motorized Zone" or "Electric Trolling Motors Only" Restriction at Lake Berryessa

A few weeks ago the Lake Berryessa News staff took a patio boat ride on beautiful, sunny Lake Berryessa. We made it a point to cruise slowly through the Big Island lagoon. As usual there were no other boats in this large pleasant area. Observation by local residents for many years has shown that the non-motorized use of Big Island lagoon varies between zero and none throughout the year.

In a highly unpopular move - with no public support, public discussion, public input, or analysis of real recreational need - the Bureau of Reclamation arbitrarily closed Big Island Lagoon, a traditional family boating rest area, to motorized recreation almost ten years ago.

The lagoon entrances now have several annoying buoys stating "Electric Trolling Motor Only" but no signs stating "non-motorized zone". Hidden on a map in the 2006 Record of Decision are two designations of "non-motorized zone". One is Big Island Lagoon. The other is Steele Park Cove (aka Willi's Cove). Although warning buoys were placed at Big Island, they were not installed at Steele Park Cove.

An analysis of the relevant "Statutory Authority for Enforcement of a Non-Motorized Designation on the Water Surface of Lake Berryessa" leads to the conclusion that these are illegitimate and unenforceable designations.

The Napa County ordinance applicable to Lake Berryessa is ORDINANCE NO. 1287, Chapter 12.08 - 12.12. The ordinance is reproduced on pages 4 and 5 of this issue. The other applicable set of rules is found in the California Harbors and Navigation Code. Sec. 660. There are no references in these documents or any federal policies to "non-motorized zones" or "electric trolling



motors only" areas.

It turns out that the Bureau of Reclamation has been violating its own flawed decision in the 2006 Record of Decision: Future Recreation Use and Operations of Lake Berryessa (supposedly the "policy bible" for future activities at the lake).

The 2006 ROD stated:

b. Recreation Guidelines and the Planning Process: "Existing requirements are carried forward on an interim basis pending future adoption by Reclamation of the WALROS... in consultation with the forum established in Paragraph 1c.

1.c. Collaboration: Reclamation will sponsor a regular forum with the opportunity for public involvement to promote communication, thoughtful consideration of interests, consistency and uniformity, and constructive resolution of problems or conflicts."

The Water and Land Use Recreation Opportunities Spectrum (WALROS) was

approved by Reclamation in 2009. No action has been taken by Reclamation since then to implement their 2006 ROD policy regarding WALROS.

The Lake Berryessa Community Forum was created in 2015. Regular meetings were held for several years, but the subject of the "non-motorized zones" was never discussed.

A request for clarification from the Napa County Sheriff of enforcement authority for this designation brought the disappointing response: "At this point, we continue to enforce this designation under 12.08.030, A.14: It is unlawful for any person to operate a boat or pass through any log boom or line of buoys designating a closed area."

But these are not "closed areas". Why the Sheriff is stretching the intent of the ordinance to support the Bureau of Reclamation in opposition to the citizens of Napa County and the boating public is a bit of a mystery.

The Lake Berryessa News believes the Sheriff is wrong in this interpretation and will continue to cruise the Big Island Lagoon (at 5MPH) any time we are out on the lake.

Conclusion: Based on their own policy statements the Bureau of Reclamation should immediately rescind their illegitimate "non-motorized zone/electric trolling motors only" designation of Big Island Lagoon and Steele Park Cove. They should also immediately implement the planning process described in the WALROS.

Big Island Lagoon and Steele Park Cove should immediately return to their long-term 5 MPH status in anticipation of the 2019 recreation season.

Napa County- Reclamation Negotiation Update

After 3 years of no apparent progress, Lake Berryessa enters the 2019 recreation season full to the brim, but still without any deal in place to renovate the shoreline resorts.

Deputy County Executive Officer Molly Rattigan said recently that the county is close to having potential management agreement terms to bring to the Napa County Board of Supervisors for further direction.

"We have scheduled a Board discussion on May 14th when all 5 Supervisors will be present. Staff will report on the status of the negotiations." Mark your calendars!

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6 **Goats and Fire Suppression**
by Peter Kilkus

It seems to have become trendy to consider using goats as biological weed whackers to keep grass and weeds under control for fire fuel reduction, including in the Berryessa Highlands.

Some Highlands folks brought goats home last summer and tied them to trees on the hills behind their house in an effort to avoid human weed whacking. The goats cried all day because they got tangled and could not get to their water. The neighbors were understandably annoyed and the County had to get involved because of all the phone complaints from one location. The goats were finally removed.

Residents learned that in Berryessa Highlands, which is zoned PD (Planned Development), they must have one acre or more to have livestock on their property. Lots under one acre cannot legally have livestock.

Napa County Chapter 18-48 PD Planned Development District
§ 18.48.020. Uses allowed without a use permit
The following uses shall be allowed in all PD districts without a use permit:

A. Minor antennas ...

B. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment ...

C. Agriculture, provided that the lot is one acre in size or greater.

So can goats be used to clear fire fuel from lots in the Berryessa Highlands? Yes, if you are using a goat service that provides the goats and manages them for a temporary clearing process. In order for goats to do their job of clearing hillsides, them must be free to roam.

First understand that goats are generally stupid, nasty, mean, and loud (Maybe not you cute pygmy goat pet.). Their horns are dangerous - as my neighbor's hand found out. Also,

- "If a fence can't hold water, it can't hold goats". Goats are escape artists
- Goats are social creatures and you should never have just one or they will get lonely
- Goat hooves have to be trimmed on a regular

- basis or they will have difficulty walking
- Goats get intestinal worms from eating weeds and have to be wormed regularly.
 - Bucks like to urinate on their own faces and a buck can easily out rival a skunk in the way of stink.
 - If a goat gets loose, your landscaping will be gone over night.
 - Trees are also the first thing people think to tie a goat to, but goats will strip the bark off the tree before they will eat the grass around it. This kills the tree.

Two of my neighbors decided to try goat-clearing on their 60-acre properties last summer. A goat service surrounded several acres at a time with electric fencing and delivered more than 100 goats and sheep to clear the areas. It was a disaster. The goats escaped regularly. They also pushed through the fencing and got trapped by their horns.

I looked out my window one morning to see about twenty goats running around my yard eating everything. Twenty goats in twenty minutes stripped every living bud and leaf from ten flowering bushes leaving nothing but twigs behind. The next day the goats were back again and stripped several of my ash trees of leaves and branches up to five feet above the ground.

And although they clear-cut several acres bare of grass and bushes, which prevented fires on those small areas last summer, they actually did little for overall fire suppression. That property now has more grass than before the goats.

Of course, I assume a few controlled goats would work better on the small Highlands lots, but I would never want goats on my next door neighbor's property for more than a short time. In my opinion, giving a job to a human weed whacker is a much better way to give yourself defensible space every year.

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January 11, 1944



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- 2) **The right** to earn enough to provide adequate food and clothing and recreation;
- 3) **The right** of every farmer to raise and sell his products at a return which will give him and his family a decent living;
- 4) **The right** of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
- 5) **The right** of every family to a decent home;
- 6) **The right** to adequate medical care and the opportunity to achieve and enjoy good health;
- 7) **The right** to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
- 8) **The right** to a good education.

Summer: It's a cruel season that makes you get ready for bed while it's light out.


"If you saw a heat wave, would you wave back?" — Steven Wright

A vacation is having nothing to do and all day to do it.


Deep summer is when laziness finds respectability.

When do you go at red and stop at green? When you're eating a watermelon.

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March 2019 Horoscopes

Aquarius (1/20-2/18): Venus rising in your sign sounds like a welcome harbinger of romantic good tidings, but the zodiac assures you it's merely decorative.

Pisces (2/19-3/20): The largest meteorite ever to hit a person was about 45 pounds, making you a posthumous shoo-in for the record next Wednesday.

Aries (3/21-4/19): You've never claimed to be a genius, but you have a nagging suspicion that you should have known sheets could be changed.

Taurus (4/20 – 5/20): You can't understand why people keep telling you they're tired of your act. Why, the costume changes alone are nothing short of breathtaking.

Gemini (5/21 – 6/21): The stars are tired of politely nodding when you say you're single because you're "too picky."

Cancer (6/22-7/22): Trouble rears its ugly head in the workplace when, simply put, they just up and fire everybody.

Leo (7/23-8/22): You've always believed you should go with your gut in important matters, which is why every major decision in your life has been accompanied by chili-cheese fries.

Virgo (8/23-9/22): You've always had a strong fight-or-flight reflex, which turns out to be completely useless when negotiating for the best price on a bedroom set

Libra (9/23-10/22): You'll have a hard time controlling yourself this week, but then that's what the serene-looking men in lab coats are here for.

Scorpio (10/23-11/21): Your insistence on having your father walk you down the aisle may seem odd to some, especially considering the two of you are only going grocery shopping.

Sagittarius (11/22-12/21): The inexorable power of destiny would render you powerless to stop the fateful events of next week, were anything ever to actually happen to you.

Capricorn (12/22-1/19): After all you've been through, it's nice to know that lightning doesn't strike twice. Strangely, it turns out that's not true for falling safes or pianos.

37th DAM Lake Berryessa Open Water Swim³ Saturday, June 1, 2019

Davis Aquatics Masters Annual Lake Berryessa Swim at the Steele Canyon Campground is one of the longest running open water swim events in America. Started in 1981 as a friendly lake swim, this event now attracts more than 500 swimmers to Lake Berryessa.

Conditions/Safety: Expected water temperature is 65-70 degrees. Each course is patrolled by safety craft. Individual escorts are not allowed. All swimmers must wear the provided swim cap and follow all USMS Open Water rules. Mandatory safety briefings will be held at 8:50 a.m. at the information kiosk.

Eligibility: This event is open to USMS registered swimmers or members of an equivalent organization (for foreign swimmers). To register for the event, you must provide proof of current membership. You may register for a USMS One-Day Event Membership

Online registration closes Wednesday, May 29, 2019 at 11:59 PM (Eastern time); paper entries must be received by Thursday, May 23, 2019.

www.clubassistant.com/club/meet_information.cfm?c=1741&smid=11418

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12.08.030 Unlawful activities

A. Within the Berryessa Lake and Park area, it is unlawful for any person:

1. To pick flowers, foliage, berries or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, fern, grass, turf, fence, structure or improvement of any kind, unless an employee of the county or an employee of the bureau while in the performance of official duties or unless authorized by special permit by the bureau;
2. Unless authorized by the bureau, to cut, carve, paint, mark, paste or fasten to any tree, fence, wall, rock, building, monument or other object within the Berryessa Lake and Park area any bill, advertisement or inscription;
3. Unless authorized by the bureau, to dig up or remove any dirt, stones, rocks or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast within the Berryessa Lake or Park area. Any proposed blasting must first be submitted for and receive approval from the county;
4. To leave or abandon in the Berryessa Lake and Park area, except in receptacles designated for that purpose by the bureau, human or animal waste, cans, bottles, waste, paper, broken glass or other rubbish or garbage;
5. To light, build or maintain in the Berryessa Lake and Park area any open fire, with the following exceptions:
 - a. When a written permit has been obtained from the bureau,
 - b. When fires are maintained in fireplaces, grills or other facilities provided and designated for that purpose by the bureau,
 - c. When fires are in oil or gasoline stoves or gas grills in camps and picnic areas maintained and designated by the bureau;
6. To bring any dog or cat or any domestic animal into the Berryessa Lake or Park area except on a leash;
7. To ride, drive, lead or keep a horse or other livestock in the Berryessa Lake or Park area except upon roads and trails

designated for that purpose by the bureau, or in such other areas as may be designated as pasturage areas under lease by the bureau. No horse or other livestock shall be hitched to any tree or shrub in such manner as to cause damage to such tree or shrub. This subsection shall not apply to the use of horses for law enforcement purposes, or if prior approval has been obtained through issuance of a special permit by the bureau;

8. To pursue, chase, hunt, molest, catch, capture, injure or kill any bird, mammal or reptile or to attempt to pursue, chase, hunt, molest, catch, capture, injure or kill, or to disturb any bird, mammal or reptile's habitat in the Berryessa Lake and Park area, unless certain areas are designated from time to time to be hunting areas by the bureau and the California Department of Fish and Game;

9. To operate any vehicle at a speed in excess of fifteen miles per hour on any road in the Berryessa Lake and Park area, other than upon state or county highways, unless otherwise posted;

10. To operate any vehicle within the Berryessa Lake and Park area except upon roads and thoroughfares and areas designated for such purpose by the bureau;

11. To sell, peddle or to offer for sale any food, liquids, edibles for human consumption, or any goods, wares, services or merchandise within the Berryessa Lake and Park area, except under permit issued by the bureau, and subject to such laws and regulations as may now or hereafter exist, promulgated by the board of supervisors of the county, the director of public health, or the director of environmental health of the county;

12. To camp in any portion of the Berryessa Lake and Park area other than in areas designated for such purpose by the bureau, unless authorized by special permit by the bureau;

13. To wade, swim, bathe, operate a boat or water ski within one thousand five hundred feet of Monticello Dam;

14. To operate a boat or pass through any logboom or line of buoys designating a closed area;

15. To contaminate or pollute the waters of Lake Berryessa or the shore area or the tributaries thereof, or to discharge any human waste, litter, garbage, oil or other debris therein;
16. To enter any areas of the Berryessa Lake and Park area which are closed to entry by the bureau, and posted against trespassing in accordance with the provisions of Section 602 of the California Penal Code;
17. To carry and possess any firearms in the Berryessa Lake and Park area without a valid concealed weapons permit or a permit issued by the bureau;
18. To destroy, injure, deface, remove and/ or alter public property, including but not limited to developed facilities, natural formations, gravel, mud, sand, mineral deposits, designated historical or archaeological features, except when in accordance with written permission from the bureau;
19. To cut down or remove live trees, or gather wood, without the written permission of the bureau;
20. To bring into the Berryessa Lake and Park area any household or commercial garbage, trash, rubbish, debris, dead animal(s) or litter of any kind for disposal or dumping without the written permission of the bureau;
21. To engage in the sport or activity of parasailing on Lake Berryessa in the following areas:
 - a. Within one thousand feet of any powerline, or
 - b. As posted on at least two signs on shore or on buoys in or near the prohibited area, or
 - c. Within two thousand feet of Monticello Dam.
22. To park any vehicle in a fire lane, in a red zone, or in any other area that is not a designated parking area within the Berryessa Lake and Park area;
23. To bring any glass containers to the day use facilities at Oak Shores Park and Smittle Creek Park areas;

24. To tie or attach any vessel, rope, canopy, hammock or similar item(s) to any tree, shrub, bush, vegetation, pole, picnic table, bench or other park facility, improvement, or structure;
 25. To abandon a campfire or any open fire.
- B. Unless otherwise provided, a violation of any of the provisions of this section, other than provisions relating to the parking of vehicles, may be charged as a misdemeanor or an infraction pursuant to Section 17 et seq. of the California Penal Code, and Government Code Section 25132.

12.08.040 Boats and other vessels

- Operation restrictions.
- A. No person shall operate or navigate any commercial motorboat carrying passengers for hire on or around the Berryessa Lake and Park area unless licensed in accordance with law. Authorization must also be obtained from the bureau prior to engaging in such activities.
- B. No person shall moor any boat, vessel, personal watercraft, watercycle, water ski, innertube, air mattress or other device which can be used for floating on the water, or designed for travel upon the water, to the pillars, abutments or appendages of the Pope Creek Bridge or the Putah Creek Bridge.
- C. No person shall operate a motorboat or other vessel at a speed in excess of five miles per hour in any area marked with a buoy bearing the words "5 miles per hour" or bearing the words "No Wake." "5 miles an hour" shall be interpreted to mean creating "no wake" as the boat travels through or on the water.
- Unless otherwise provided, a violation of any of the provisions of this section may be charged as a misdemeanor or an infraction pursuant to Section 17 et seq. of the California Penal Code, and Government Code Section 25132.

(Continued on Page 5)

Chapter 12.12 - Jumping from Putah Creek and Pope Creek Bridges

The county board of supervisors makes the following findings:

That many persons, particularly young persons, when engaging in recreational pursuits at Lake Berryessa, have jumped, and have attempted to jump, from the Pope Creek Bridge and the Putah Creek Bridge into the waters or tributaries to the waters of Lake Berryessa;

That a number of people have been hurt from this activity, and, particularly in years where there has been less than average rainfall, such an activity poses a danger to anyone engaging in same.

Therefore, the board of supervisors also finds that it is in the interests of the public health, safety and welfare to specifically prohibit this activity, and enact a substantial fine in order to discourage persons from participating in this dangerous activity.

12.12.020 - Unlawful activities designated.

It is unlawful for anyone to jump, leap or otherwise propel one's own body or the body of another from the Pope Creek Bridge or the Putah Creek Bridge.

It is unlawful for anyone to attach a rope or other apparatus to the Pope Creek Bridge or to the Putah Creek Bridge, for the purpose of swinging from either bridge.

It is unlawful to swing from either the Pope Creek Bridge or to Putah Creek Bridge at any time.

It is unlawful for anyone not otherwise authorized by law to climb onto, or to jump, leap, or otherwise propel one's own body or that of another, from the superstructure of the Pope Creek Bridge or the Putah Creek Bridge.

For this purpose, "superstructure" means the part of a bridge which rests on the piers and abutments, but which is beneath the level of the roadway.

It is unlawful for any person not otherwise authorized by law to attempt to commit any act made unlawful by this section.

It is unlawful for any person to stop or loiter on the Pope Creek Bridge or Putah Creek Bridge.

12.12.030 - Violation - Penalty

Minimum amount of two hundred fifty dollars for the first violation, three hundred fifty dollars for the second violation, and five hundred dollars for third or subsequent violations.

The Greater Lake Berryessa Region

Free Public Facilities: Oak Shores/Smittle Creek Day Use Parks are open on the west shore. Go to www.usbr.gov/mp/ccao/Berryessa for details. Oak Shores and Smittle Creek offer nice hiking opportunities and more than 100 picnic sites equipped with BBQ grills. Two hand launches for non-motorized car-top boats are also available. 707-966-2111

Putah Canyon Recreation Area
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www.royalelcparkmanagement.com/Lake_Berryessa.html

Monticello Shores Recreation Area
Closed

Berryessa Point Recreation Area
Closed

Spanish Flat Recreation Area
Boat launching, tent & RV camping, day use, RV dump station.
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Steele Canyon Recreation Area
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Lake Berryessa Area Travel Distances

| | | | | | | | | | | | | | |
|------------------|-----------------------|---------------------|---------------------|---------------------------------|----------------|-------------------------------|--|---|--------------------------------------|---------------------------------------|---------------------|------------------|------------------|
| 1 Monticello Dam | 2 Markley Cove Resort | 3 Wragg Canyon Road | 4 Moskowite Corners | 5 Steele Canyon Recreation Area | 6 Turtle Rock | 7 Spanish Flat Village Center | 8 Oak Shores/Smittle Creek/Visitors Center | 9 Monticello Shores/Berryessa Point RAs | 10 Pope Canyon Road/ Putah Canyon RA | 11 Hwy 128 @ Lower Chiles Valley Road | 12 Pope Valley Road | 13 Pope Valley | 14 Aetna Springs |
| 1=>2 3.0 miles | 2=>3 5.3 miles | 3=>4 3.0 miles | 4=>5 5.0 miles | 4=>6 4.7 miles | 6=>7 5.0 miles | 7=>8 2.4 miles | 8=>9 2.4 miles | 9=>10 2.8 miles | 10=>11 10.2 miles | 11=>12 3.0 miles | 12=>13 3.2 miles | 13=>14 8.5 miles | 14=>15 2.4 miles |

Note: No auto gas available between Winters and Napa or at Lake Berryessa!