

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 Habberger, 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' Haberger 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. Haberger 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 significance of the area. But we're not stupid...if we had the money we'd do it, but we haven't got dollar one and won't have until the 90-day clause is dropped."

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.

County, Lake Businesses Losing in Berryessa Fuss

Oakland **The Tribune**

SATURDAY, NOVEMBER 27, 1971 3-E

By NOBLE HANNON
Tribune Staff Writer

NAPO — "Pat Butts has completely ignored the government," says Napa County Administrator Al Habberger, a little helplessly.

"Does't say use 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 Butts, he concludes.



PAT BUTTS
Napa County Administrator

Butts is the Lake Berryessa land estate agent and manager under who for a number of years has been leading the way Napa County has been passing things at Lake Berryessa. The popular appearance of a lawsuit which it took over in 1968 for the U.S. Bureau of Reclamation, so far her efforts have resulted in:

— A moratorium on any further development by the county commission at the lake when mobile home developments and docks cover substantial areas of the land, and north side.

— A moratorium in Ralph Nader's report "Power and Land in California," charging misuse of government land.

— A report by the National Park Service, which would park Napa County out of the picture and conservatively set out the county's interests.

— A bill introduced in California's legislature which would take over and operate Berryessa as a National Recreation Area, which would park Napa County out of the picture and conservatively set out the county's interests.

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she has hundreds of facts and figures at the ready. Her remarks notwithstanding, she is a bit nervous.

The 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 on the water's edge.

Mobile home sites and book up on the about 1000 per cent. "There's nothing the federal 'take line' run as high as \$10 per hundred."

She would like to see a better pace of development on surrounding lands, but she says the visual pollution on the lake shore and other scenic considerations also concern her, including lack of public access to most of the 1,000 federal acres surrounding the lake.

This last point hits the crux of the argument over what has happened at Berryessa in the last 12 years.

At the northern end of the lake, on a gate which runs across the road down the Berkeley side, there are two signs. The big one reads, "Farm Access Road, Do Not Enter."

Inside it, inches away, is a smaller sign: "SUNDAY, Lake Berryessa, U.S. Department of Justice, Bureau of Reclamation." The berries' buffalo seal makes it official.

This is federal land from which the public has been barred by a nearly unbroken line of 15 people who 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 currently faded ridge behind it frames the lake beautifully and sets its context.

Yet the only use allowed on it is grazing by three private landowners. Herbert Goss, a member of the park commission, the Frontier and Goshute Co., which owns 11,000 adjoining acres and Joe Dellente, their cattle graze right up to the shoreline which is off limits to people.

Ed Harwood, a Napa County supervisor from E. 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, "Appreciation and the east side include shoreline fishing access and grazing (the latter at least until such time as water development is completed or the pollution from cattle wastes

reaches a point at which it becomes unacceptable.)"

Gil Yano, the park director, points out that a serious fire hazard exists on the east side in the summer. But, as is more concerned about the pollution of the lake. For the 10 years the county has run things at the lake, 141 people have had responsibility for the entire area.

Under present financing there is no prospect of having the lake fully stocked. Mayor have, so his concerns are understandable. It's easier just to keep people off the east side, which is probably 80 acres long and more, counting all the coves and bays.

It's rather an unattractive place in the afternoon summer sun anyway, with temperatures 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.

Yano is a one-time owner of the Berryessa Marina, which he sold a year. He dreams of

making it impossible to borrow money for improvements. If this was not true — and they've been trying to loan it 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 supposedly would mean an increase in the return to any land. The county would supposedly have the where-withal for better facilities outside the resort.

Don McParland, manager of the Double 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 96-day season would be thrown out, but it fell through.

Then the Bureau of Reclamation stopped the negotiations on the area and all had been 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 96-day class out.

When the Park Service dropped its banishment, the county still continued to stand behind the operators, claiming that "private enterprise" can provide the needed improvements if given a chance.

The county insists that "not a nickel of outside tax money" has ever gone into Berryessa. The county ran through \$250,000 last year from passively interest taxes and boat tickets.

Why does the county want to continue to run Berryessa when it's turned into 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."

"The operators defend the position that they are entitled to use the lake in the 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 recreational facility."

"Economic experience with mobile homes means certain revenues which help economic operating losses inherent in such seasonally oriented business..." one of their written statements says.

The biggest part of the difficulty, the operators and the county maintain, is that the resorts have been losing under a 96-day limitation claim in their tourist which

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ED BERNARD
'Old Comedian'

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JOE MELLO TOOK TROUT IN CAPELL CREEK
Fishing is fabulous, even from lake boat.



SIGNS WARN VISITORS AGAINST USING LAKE
Camping, boat launching are limited to resorts



JAMES HICKEY
Napa County Planner



AL HABBERGER
County Administrator



THIS IS WHAT THE CONCERN IS ALL ABOUT AT LAKE BERRYESSA
Mobile homes on federal land have almost exclusive use of facilities