

Oakland Tribune Lake Berryessa Article 1971

County, Lake Businesses Losing in Lake Berryessa Fuss (1971)

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

“Pat Botts has completely stymied the government,” says Napa County Administrator Al Haberger, 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 DeSante.

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

By NORM HANSON
Tribune Staff Writer

NAPA — "Pat Botts has completely stymied the government," says Napa County Administrator Al Habegger, a little helplessly.

"Don't say a person can't do anything," he goes on with grudging admiration. "She has raised hell. She's brought in Nader's Raiders, Senator Tammy and the General Accounting Office."

"The federal bureaucracy is incapable of making a decision because of Pat Botts," he concludes.



MRS. PAT BOTTIS
Paralyzed Berryessa

Mrs. Botts is the Lake Berryessa real estate agent and liquor dealer who for a number of years has been blaming the way Napa County has been running things at Lake Berryessa, the popular Sacramento reservoir which it took over in 1958 for the U.S. Bureau of Reclamation.

So far her efforts have failed in:

- A moratorium on any further development by the seven commissioners at the lake whose mobile home developments and docks cover substantial areas of the east and south sides.
- A moratorium 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 in a National Recreation Area, which would park Napa County out of the picture and conceivably wipe out the commissioners.
- A bill introduced in Congress.

'NOT a nickel of outside tax money.'

express by Sen. John Tunney, D-Calif., implementing the Park Service's recommendations.

- An audit by the General Accounting Office which approves the seven commissioners' and reveals, in fact, that only two of them are making any money.

In a remodeled subdivision on Route 101 near the lake, where she lives with her husband, Mrs. Botts keeps a mail slotting box full of documents to support her charges. Her recent presentation is followed by a slide showing of conditions at the various resorts, and she will offer to accompany any doubter on a guided tour of the lake.

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she has hundreds of facts and figures at the ready. Her remarks sometimes get a lot personal.

"She admits to one economic motive for her campaign against mobile homes 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 buildings go for about \$600 per year. Yours outside the federal "lake line" run as high as \$24 per hectare.

She would like to see a further 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 1,068 federal acres surrounding the lake.

'THAT'S the erosion of local government and we don't want ours eroded.'

This last point hits the crux of the argument over what has happened at Berryessa in the last 15 years.

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

Beneath it, tucked away, is a smaller sign: "Boundary, Lake Berryessa, U.S. Department of Interior, Bureau of Reclamation." The bureau's bulletin and 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 15 years.

A strong case can be made for keeping any kind of permanent development off the east side. The area is covered with fringe native grasses and small oaks and the curiously faded ridge behind it frames the lake beautifully and sets its Governor.

Yet the only use allowed on it is grazing by three private leases. Robert Gatz, a member of the park commission, the Procter and Gamble Co., which owns 11,000 adjoining acres and Joe DeBaste. Their cattle graze right up to the shoreline which is off limits to people.

Ed Bernard, 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, "Appreciate most (for the east side) include shoreline fishing access and grazing (the latter at least until such time as major development is warranted) of the pollution from cattle wastes

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reaches a point at which it becomes unacceptable.)

Cliff Yalen, 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 15 years the county has run things at the lake, he says five rangers, under two boats, have had responsibility for the entire area.

Under present financing there is no prospect of beefing up Yalen's thin stretched ranger force, so his concerns are understandable. It's easier just to keep people off the east side, which is probably 50 miles long or more, consisting all the cooves and inlets.

It's rather an uncomfortable place in the afternoon summer sun, with the temperature about 100, in the water, however, when fishermen are the main users, they can't see why they should be kept off when cattle are there.

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ing a boat in the water. This is what made bank fishermen of them. There are enough good spots between the resort to catch fish.

They complain about everything except the fishing. It's which is valuable. Run, rainbow trout, silver salmon, and crappies been in the lake. If it's polluted, they're logging it up. And they grow big.

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 about \$200. It can cost up to \$250 to get your boat in the water if you're a first time visitor. The county's annual sticker costs \$5 and rangers usually charge \$5 for a launch.

None of them believed that the lake is polluted, except perhaps near the docks.

"I'd drink the water right out of the lake when I'm out in my boat," said Marie Lou of Fairfield, a vehicle inspector for the state.

"The only thing that matters to the people up here is money," said Bill Vaagren of Fremont, who had two nice silver children on a stringer near the Berryessa Marina. He said he only went there in winter.

His companion, Henry Bauger of Newark, said he wasn't sure if the proposed federal takeover would help.

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H. D. LaLoche 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 resort.

The Park Service's report maintained, as the commissioners hear 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 areas and acres space to the large "mobile homes" developments and the county apparently has gone along.

The trouble has been that the mobile homes have tended to become semi-permanent second homes on plots of federal land, with private docks.

The operators defend the practice:

"Many people take 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 regional facility.

"Some experience with mobile homes ensure 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 losing under a 30-day termination clause in their leases which



ED BERNARD
'Odd compromise'

makes it impossible to borrow money for improvements.

If it was removed — and they've been trying to have it stricken for some years — they would be able to "dredge up 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 the county from the 1 per cent 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 the South Park Resort and member of the County Planning Commission, said that in the spring of 1970 the owners

'SOME are saying that we're incompetent because we are local.'

had expected to get a new contract in which the 30-day clause would be thrown out, but it fell through.

Then the Bureau of Reclamation stopped the moratorium on the area and all bets were off until the Park Service plan was finished.

Meanwhile the county wanted up its own plan, issued in June, which called for a 30-day clause out.

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

The county boasts that "not a nickel of outside tax money" has ever gone into Berryessa. The county ran things in 1969-70 last year from possessory interest taxes and boat stickers.

Why don't 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,' but Berger says, "But that's the erosion of local government and we don't want ours eroded."

"The gimmicks and no payoffs... we just think we're the ones to be in charge."

"It's a lousy job. It's ridiculous," he says of the Park Service's report.

He and the operators take particular aim at the "optimism use" figure of one million persons annually which the plan projects. About 1.8



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



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

million people use the lake now, and they believe that about where it should be kept.

Text causing is not one of the uses Berryessa adds itself to, at least at summer when the temperatures are hot. Habegger maintains that the main attraction is Berryessa's superiority as a boating area, something the Park Service plans fails to recognize.

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So the county finds itself in the position of fishing to keep control of a lake whose creation it also disprize because it means the loss of prime agricultural land.

Much of the trouble at Lake Berryessa can be traced to a case 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 forest "drawdown," the lake had no significant national recreation significance and recommended that a regional or state agency take over.

The service is saying now that it was wrong, and should have done the job itself.

But nothing is free, even in National Recreation Areas, although it will undoubtedly be cheaper.

Ed McShorter, a Napa fisherman, complains that "because of this lake and we're restricted."

Hickey observes, probably correctly, that "maybe they'd be happier going their money to somebody in a ranger hat."



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