



Lake Berryessa Visitor Services Plan

LBVSPT Alternative A+

Future Use and Operation of Lake Berryessa



April 20, 2004

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I. Executive Summary

Introduction

The purpose of this document is to present a Visitor Services Plan Preferred Alternative A+ for the Future Public Use and Operations of Lake Berryessa prepared by the Lake Berryessa Visitor Services Planning Task Force (LBVSPT). LBVSPT Preferred Alternative A+ is based on an analysis of the relevant historical documents, previous and present public comments, and the economic, environmental, and social data available from more than 40 years of continuous recreational use of Lake Berryessa. The LBVSPT Preferred Alternative A+ will be compared and contrasted to the Bureau of Reclamation's Draft Environmental Impact Statement Alternative A and Preferred Alternative B. A previous draft of the LBVSPT Preferred Alternative A+ has been available for public comment since December, 2002 on our web site at www.LBVSPT.info.

The LBVSPT Preferred Alternative A+ is based largely on the 1992 Final Environmental Impact Statement (EIS) for the Lake Berryessa Reservoir Area Management Plan (RAMP) and the 1993 Record of Decision (ROD), which were updates to the Public Use Plan (PUP) of 1959. These are clearly the legal governing documents for all planning and operations at Lake Berryessa. Preferred Alternative A+ recognizes the proven value of the present socio-economic model in providing a wide range of recreational opportunities to a demographically mixed population, an "integrated diversity" of opportunity.

LBVSPT Preferred Alternative A+ provides a path from Reclamation's Alternative A to the lake-wide improvements desired by all stakeholders without the draconian and highly speculative measures proposed in Reclamation's Preferred Alternative B. No comparisons will be made to Reclamation's Alternatives C or D since they are not significantly different in their affects on the lake from Alternative B.

Although Reclamation claims it has provided a reasonable range of alternatives, LBVSPT does not agree. They did not provide a "common sense" fiscally responsible alternative. The LBVSPT Preferred Alternative A+ is that "common sense" fiscally responsible alternative, simply described as "Preserve the Best, Improve the Rest."

Background

The Lake Berryessa Visitor Services Planning Task Force began a Coordinated Resources Management and Planning (CRMP) process in October, 2002 and published a draft Visitor Services Plan in December 2002. It has been available for comment on the Web at www.lbvspt.info or by mail from the Lake Berryessa Visitor Services Planning Task Force, P.O. Box 3456, Napa, CA 94558-0345.

The LBVSPT joined the Half Moon Bay Coastsides Foundation and the California Watershed Posse to initiate a Coordinated Resource Management Plan (CRMP) for the lake. As part of the Public Involvement and Scoping for this proposed CRMP process the LBVSPT announced its plan and formally requested comments from more than 75 public agencies, non-profit organizations, recreational groups, and private companies. The LBVSPT also sent announcement letters to more than 300 private homeowners around Lake Berryessa, more than 1,250 permittees who own trailers or mobile homes at the Lake, and the 7 resort concessionaires. Informational posters and flyers were provided for display and distribution at most of the resorts and businesses around the lake and on the public bulletin boards at public launch ramps and campgrounds. The LBVSPT CRMP was also presented at five public meetings around the lake and at meetings with various public agencies. Our efforts to date have resulted in dozens of public comments on our web site and more than 11,000 written signatures and more than 1,000 electronic signatures at the On-Line Petition web site supporting our plan from residents, visitors to the lake, and friends of the lake.

The LBVSPT has consulted with experts familiar with water resources, public works, sewage treatment, infrastructure construction, resort development, land use law, environmental science, fire safety, and other disciplines. The LBVSPT has also interviewed several of the present concessionaires. A summary of outreach activities to date appears in Appendix A.

LBVSPT A+ Summary Plan

1. Create Planning Organization

- Create a model Coordinated Resource Management Planning (CRMP) process management structure for Lake Berryessa incorporating the suggestions of the National Recreation Lakes Study.
- LBVSPT Preferred Alternative A+ is presented independent of any particular management model, i.e., it does not assume that the Bureau of Reclamation continues in its current management role.
- Reclamation, or other Management Entity (ME), would continue to operate government facilities and programs as currently described in the RAMP. However, they would establish a CRMP process working group to assist in this process and to monitor lake operations.
- Concessionaires in conjunction with the Management Entity (ME) and user groups such as Blue Ridge Berryessa Natural Area Conservation Partnership (BRBNA-CP), including a strong permittee organization such as Task Force 7 at Lake Berryessa (TF7), will establish environmental monitoring procedures and design/development standards as a guide for improvements and new facilities.

2. Guarantee Funding

- Create a financial structure that supports the cost of local government services provided by Napa County and other agencies.
- Explore innovative funding mechanisms, such as special user fees or property tax on long-term sites (for example, a yearly special assessment on more than one thousand long-term sites could make a significant contribution to fund Napa County services).
- In cooperation with the ME, create a Concessionaires Consortium to provide a funding mechanism to spread costs fairly over all lake users for lake-wide public needs.
- Obtain sufficient law enforcement and other support services to fully administer Public Law 93-493. Management practices would include a mechanism to fund additional law enforcement based on a consensus among ME, Concessionaires Consortium, LBVSPT, Task Force 7 and Napa County to create a sound financial support structure.

3. Improve Short-Term Opportunities and Facilities

- Concessions will maintain and improve public access to Lake Berryessa and its shoreline within the concession areas.
- Concessions will improve short-term uses and facilities in quality and quantity, emphasizing medium density development as most preferable. Accommodation will include camping, cabins, park models, and multiple bedroom units. Rental accommodations will be owned by concessionaires and tenants, but all rentals will be managed by the concessionaire.
- Concessions will provide quality recreation facilities and services at reasonable rates, with access for special needs populations designed into the plan for future needs.
- Concession decisions and actions will provide for the health and safety of users, protection and enhancement of resources, and compatibility of uses on the water surface.
- Although there are many ways to accomplish the above goals, a simple planning outline is provided as Appendix B.

4. Improve Long-Term Facilities and Mitigate Impacts

- Long-term uses provide a base of financial support that makes low cost public use feasible. They are the key element during drought periods and economic downturns that sustain recreation operations.
- A Long-Term Site Improvement Program will be developed cooperatively between the concessionaire and the resort homeowners group at each resort.
- Long-term uses will be designed to blend more effectively with the natural environment.
- The Management Entity would allow long-term sites to be rented by tenants to short-term visitors through the concession reservation system to satisfy peak short-term demand when other resort facilities are fully booked. Portions of the rental fee would go to the resort, to lake management, and to the County.
- Provide a base of financial support during drought periods and economic downturns to continue recreation operations. This benefit is confirmed by the Camanche Recreation Area Plan done by the East Bay Municipal Utility District in 1990 which recommends retention of long-term mobile homes for this very reason.

5. Implement Master Planning for Resorts

- Improvements to existing facilities and new construction would be esthetic and accomplished according to all applicable codes within parameters of ‘Sustainable Design’ and in compliance with commonly accepted green design practices, e.g., energy efficiency, water conserving fixtures, and recycling.
- Achieve compliance with current codes and applicable regulations (Federal, State, and Local) through a phased construction schedule.
- Develop a plan for rehabilitation and maintenance of lakeshore and riparian areas.
- Although the Kleinfelder report describes unrealistic worst-case conditions, it can be used as guidance for scheduling planned improvements. Further on-the-ground analysis would be required to determine exactly which facilities at each resort would need to be improved initially and to which requirements they need to comply.
- Reclamation, or other Management Entity, would monitor the concessions for contract compliance with major public health and safety codes. New contracts would include requirements for improvements discussed in this plan. There would be direct incentives to improve all facilities and recreational opportunities.
- In recognition of the necessary financial investments and associated risks for the development of the concession operations, the facilities redevelopment or expansion of the concession areas may be done in phases. The phases will be triggered based upon proven public demand and actual concessionaire financial performance during the initial phase.

6. Management Operations

- Reclamation, or ME, would continue to manage the existing use permits at Lake Berryessa as described in the 1992 RAMP, possibly adding a permit system for boat-in camping.
- Reclamation, or ME, would continue to manage Capell Cove Launch Ramp, consider options to correct its geological and structural failings, and operate it in a safe manner. A competitive launch fee would be imposed to defray operating costs and direct users to more appropriate facilities for the size of their boats. Capell Cove was designed for fishing and small boat launching. Because it is free, it sustains heavy use with large boats. Parking overflows in an unsafe manner onto the main road.
- Reclamation, or ME, would continue to manage the Oak Shores Day Use area. On the “big weekends” of Memorial Day, Fourth of July, and Labor Day, Oak Shores would be open for camping. The small boat launch ramp would be expanded to accommodate larger boat launching. Fees would be collected at Oak Shores for day use, launching and camping. Additional services to be considered in the area, i.e., vending machine snacks and sodas. The Oak Shores area, total 250 acres, would be evaluated for increased use with emphasis on special needs populations. The peninsula which is the eastern portion of Headquarters area [total 35 acres/5 acres used for headquarters], south of Oak Shores should be developed for public access and use. See the Conceptual Plan – Oak Shores Park which shows the intended development of the area.
- Reclamation, or ME, would continue to manage the Smittle Creek Day Use Area. Due to the fact that Smittle Creek has limited parking and the water is a longer distance from parking than at Oak Shores, use for overflow camping is not considered. However, approximately 15 acres could eventually be developed as campground and RV park if demand is shown.
- Reclamation, or ME, would continue to manage existing trails at Lake Berryessa, and develop 30-50 additional miles as described in the 1992 RAMP, based on user need, subject to environmental impact studies and funding. Trails can be developed that connect resorts and public access areas on the west shore. These trails can be used by bicyclists as a safe alternative to riding on the highway. Hikers would not be charged access fees at resort boundaries since they are not “day users”. Resorts would benefit from the hikers’ purchases of drinks and snacks.
- Reclamation, or ME, would identify / develop the ten areas outside of the concessions according to PUP for public access and use, and current trends. Assess if a new concessionaire or expanded scope of existing concessionaires could develop and maintain some of the areas.

7. Land and Water Use Planning and Classification

- Land Use Classifications would follow the classifications described in the 1992 RAMP. Water-Use Classifications are under the guidance of the 1992 RAMP. Although the Water Recreation Opportunities Spectrum (WROS) is in draft form, its application, if accepted 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.

- WROS would require a full analysis utilizing a preponderance of evidence to identify and to apply new classifications to present use. Planning subsequent to WROS is site specific. No studies or plans with the required analysis and data have been done by Reclamation to allow changes in use at the present time.

8. Future Operations Review / Root Cause Analysis

Future management options are a variable in the future of Lake Berryessa, and a Management Analysis Study will be required for the governmental involvement in the next contracts. Options include:

- **Bureau of Reclamation:** Reclamation could remain as the Management Entity but its past performance and future plans must be critically analyzed to understand the strengths and weaknesses of various options and the root causes of present deficiencies before any future plan is approved and implemented. Reclamation could act as the lead agency in the Coordinated Resource Management Planning process.
- **Bureau of Land Management:** BLM has the expertise and authority to manage recreational areas. BLM would benefit directly from the concessions, which could help fund the Berryessa Blue Ridge Natural Area (BRBNA) project with its hundreds of thousands of acres of government land – thousands of which are in the Lake Berryessa area. The concessions could provide the camping and lodging facilities needed by visitors to the BRBNA so that they could remain in the area to enjoy the resource without the need to provide additional facilities on project land. With BLM as the Management Entity, the funds generated by recreation at Lake Berryessa could remain in the BRBNA and help defray operating and maintenance costs. Lake Berryessa could provide a “line item” budget for the entire BRBNA, which would eliminate funding competition with other BLM areas.
- **Napa County:** Napa County may offer an effective management option. The forthcoming expiration of the concession agreements is an ideal time for the county to take a leadership role and develop its General Plan vision for the future of Lake Berryessa as an integral part of the County. Lake Berryessa could become more significant in the tourist and recreation opportunities offered by Napa County. As the ME, Napa County could have greater benefit directly from the concessions in funding the services that the County is required to provide at the lake. Creating a Napa County Parks Department or Recreation District at Lake Berryessa would open many Federal and State funding sources to local government to support the activities at the lake. The county has the practical experience, the planning and environmental departments, and the law enforcement and safety services that clearly give Napa County an advantage in protecting the resources of this important part of the county.

9. Environmental Improvement, Education and Outreach

- Create a Lake Berryessa Community Education and Outreach program. Long-term data shows, and Reclamation acknowledges, that there are no significant water quality problems attributable to the concessions or long-term sites. Continuing education in all communities around the lake is important for the long term health of the watershed.
- Expand visitor information services which could include:
 - Interpretive center facilities and activities
 - Ocean Arks International Living Machines or manufactured wetlands for wastewater treatment.
 - Waste reduction and recycling programs at each resort
 - Detailed educational programs for resource conservation, pollution prevention, as well as solid waste reduction and recycling programs around the lake.
 - Develop mini-interpretive center in the dam area
 - Overlooks at appropriate locations along roads
 - Interpretive trails
 - Interpretive displays in developed access points and concession areas
 - Additional signing
- Create a list of positive programs that increase the recreational as well as socially-beneficial opportunities for underserved communities without proportionately increasing traffic. This may best be done through youth groups, church groups, recreational clubs, or community groups. An example is Fish and Game’s Fishing in the City program that uses vanpools. Another example is environmental education programs for schools that increase mid-week use but don’t negatively impact traffic through use of small buses or vanpools.

- Reclamation, or ME, will actively support partnerships with other public agencies and non-profit groups to promote marina pollution prevention programs such as the Napa/Sonoma Marina Program and the California Coastal Commission's Dockwalkers.

10. Development Options, Contract Extensions, and Partnering

- Because Reclamation essentially chose to unilaterally plan for the future of Lake Berryessa, many available modern planning tools and resources, both public and private, were not used. They relied on old studies, unsupported assumptions, and inaccurate data to reach conclusions driven by their policy to remove all long-term uses from the lake.
- LBVSPT contends that since the 1993 ROD was released, more than a decade has been wasted without bringing about the improvements all stakeholders wanted for the lake. Whether that was due to contributory negligence on the part of Reclamation because of management deficiencies, lack of manpower, enforcement problems, recalcitrant concession owners, poorly written contracts, uninformed tenants, and/or limited funds, the requirement now is to make the mandated improvements in response to contemporary and future needs.
- Unfortunately, Reclamation's process seems to assume continued deterioration. This is an intended or unintended consequence of Reclamation's reliance on Preferred Alternative B as a solution to all problems at Lake Berryessa. Their argument is that things are so bad now, and will continue to deteriorate for the next five years, that they have no option but to destroy everything and start over. This negative approach to planning seriously affects the lives and livelihoods of tens of thousands of local people.
- One core issue is capital investment in infrastructure repair and facilities upgrades and the ability of the concessionaires to provide recreational opportunities at a fair profit. Reclamation's own Dornbusch Report points out that Alternative B (and any alternative that eliminates all long-term uses) is only marginally financially feasible with great risk to the investor.
- The LBVSPT proposes that all parties acknowledge the lack of progress during the last ten years and do what should have been done. An Act of Congress could authorize Reclamation or other Management Entity to enter into new 10-year contract extensions with the present or new concessionaires. There is sufficient precedent for this action. It may be the most reasonable way to allow the necessary time to make the required improvements at the lake without massive financial and social dislocations.
- Contract extension terms could be written now and be retroactive where necessary to achieve the aims of RAMP and LBVSPT Alternative A+. The contract extensions would include tough provisions for the phase-in of required improvements and the ability to implement all the positive elements of Alternative A+. It allows a reasonable time for the amortization of capital improvement costs, implementation of codes and standards for long-term sites, and proof-of-concept changes to recreational opportunities without the major and speculative disruptions contemplated in Reclamation Preferred Alternative B.
- A simplified bidding process would show if there are investors who would be willing buyers or partners for present concessionaires and who have sufficient resources to make the improvements proposed. A standard RFP process in the present confused legal, social, and financial morass could be a disaster for everyone involved. No one will bid on a contract that is a losing proposition from the start. Concessionaires and Reclamation would need to negotiate a contract that is financially feasible and gives the concessionaire the incentive to invest.
- Present concessionaires, who lack sufficient capital to make required changes, could sell their concessions to willing buyers or partner with companies that have sufficient resources. Contracts must be financially feasible and return a fair profit under all foreseeable conditions, such as drought, recession, etc. Contracts must be flexible to allow changes to master plans as demonstrated public use changes.

LBVSPT A+ Summary Findings

1. There has been no impact to water quality nor any significant impact to any other environmental criteria from the resorts or long-term sites.

2. There is no provable unmet or “latent” demand for short-term recreational use at Lake Berryessa. (See Section 3.7.1-2-#4, Pg.99)
3. The economic foundation for providing recreational opportunities at Lake Berryessa was initially, and still is, the revenue generated by long-term site users.
4. Long-term sites provide 50-70% of the gross revenue of resorts, support short-term uses, and are a financial foundation for resort operation, especially during winter months and drought years.
5. Recreational opportunities for all users can be reasonably expanded at the lake with the economic support of the long-term user.
6. All resort facilities and mobile homes were built to existing code and can be brought up to new codes through planned improvements or replacements without total destruction and rebuilding as is true in any other jurisdiction in the country. (See Section 1.2.2)
7. Access for short-term users is not limited except at peak times. No public facility, whether freeway or restaurant, can be economically designed to meet peak demand.
8. The desire of the public for long-term site rentals is a legitimate recreational demand and a significant element of public demand. (See Pg.14, #6)
9. Resorts are not dominated by long-term uses nor do they give a majority of prime shoreline to long-term uses. (See aerial photos in Appendix E.)
10. Long-term sites cannot be defined as exclusive use. Historically, there have always been long-term sites available for sale to any qualified person. Anyone may become a long-term site homeowner for approximately the same cost as a modest RV.
11. Visual impacts are not a strong enough reason to destroy the entire lake community. Allowing for personal tastes in architectural style, the emphasis should appropriately be placed on neat, well-maintained sites that comply with all health and safety codes, in colors that complement their environment.
12. More than half of mobile home owners are older than 50 years of age and most extend the use of their units to their children and grandchildren. Alternative B does not meet their family recreational needs, nor does it meet the needs of the many long-term users that are senior citizens (est. 30%-40%).
13. Long-term site owners consider themselves members of the Napa County and Lake Berryessa communities and part of that population. They feel a responsibility to share in the support of Napa County services.
14. One of the significant cultural resources is the historical integrated diversity of the lake community with its wide socio-economic spectrum of users. In many ways Lake Berryessa provides a historical insight into recreational styles and tastes over the decades. We believe it can be considered a cultural resource documenting recent history of design trends in American recreation.
15. Lake Berryessa is a boating and water sports lake. The Visitor Profile is predominantly water recreation enthusiasts. Most have invested in boats and spent years developing their skills at waterskiing, jet skiing, fishing and other boating recreational activities.
16. 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.
17. Sewer systems do not pose an imminent health threat to water quality, but should be analyzed and a plan developed to bring them up to appropriate standards.

18. There is no imminent danger to health and safety due to fire standards or structure setbacks. All resorts should be analyzed and a phased plan developed to meet all reasonable standards.
19. All development at Lake Berryessa was planned and approved by both Napa County and Reclamation. See Appendix C for detailed documentation.

LBVSPT A+ NEPA Criteria

The environmentally preferred alternative is determined by applying criteria identified in Section 101 of the National Environmental Policy Act (NEPA) to each alternative considered. The alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources is typically considered the environmentally preferred alternative.

Using this analysis, the LBVSPT Alternative A+ should clearly be the preferred alternative.

- **NEPA Section 101 Requirement 1.** Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.

LBVSPT Alternative A+ explicitly recognizes the generational benefits of the present “integrated diversity” socio-economic model of Lake Berryessa.

Alternative B arbitrarily eliminates a legitimate recreational demand for long-term use that has supported the transmission of environmental values from generation to generation at Lake Berryessa. Alternative B impedes senior citizens in their the ability to visit the lake or to teach their children and grandchildren about environmental stewardship.

- **NEPA Section 101 Requirement 2.** Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

LBVSPT Alternative A+ is an inclusive socio-economic model (all Americans) that provides a wider range of recreational opportunity (productivity). A+ provides more esthetic surroundings than at present while preserving and enhancing a community and cultural environment that has evolved over decades as was acknowledged in the 1993 ROD.

Although Alternative B purports to ultimately expand recreational opportunities, it actually eliminates a large class of users and facilities. Esthetically, it simply proposes to replace one form of built environment (mobile homes) with another (park model cabins, RV sites, and campsites) which have no esthetic superiority.

- **NEPA Section 101 Requirement 3.** Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences

LBVSPT Alternative A+ builds on a proven socio-economic model to meet all the goals of this requirement with no undesirable or unintended consequences. The A+ plan is designed to enhance the benefits of recreational use and protect the environment.

Alternative B does not attain the widest range of beneficial uses. It narrows the range, eliminates all usage for 2 years and only replaces a percentage of present usage many years in the future. It not only has undesirable and unintended consequences, Reclamation even states that it has many *unknown* consequences.

- **NEPA Section 101 Requirement 4.** Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice.

LBVSPT Alternative A+ can be implemented without serious disruption to the economic, cultural, and natural environment. One of the significant cultural resources is the historical integrated diversity of the lake community with its wide socio-economic spectrum of users. In many ways Lake Berryessa provides a historical insight into

recreational styles and tastes over the decades. We believe it can be considered a cultural resource documenting recent history of design trends and individual choice in American recreation.

Alternative B clearly is lacking in this requirement by destroying important historical and cultural aspects of life at Lake Berryessa while eliminating diversity and the variety of individual choice.

- **NEPA Section 101 Requirement 5.** Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.

LBVSPT A+ epitomizes this requirement and the judicial criteria used to evaluate it.

Alternative B does not meet this requirement with its “slash and burn” planning approach. There is no balance found in Reclamation’s exclusionary Alternative B nor does it meet the published judicial criteria for this type of decision-making described in Planning Principles below.

- **NEPA Section 101 Requirement 6.** Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

LBVSPT A+ meets and exceeds this criteria because it includes details for educational programs for resource conservation, pollution prevention, as well as solid waste reduction and recycling programs around the lake.

Alternative B has no specific plans to meet this criteria.

II. LBVSPT A+ Goals, Planning Principles, and Methodology

Overall Goal – To accommodate and provide for a wide range of outdoor recreation opportunities in a natural environment, while optimizing visitor experience levels and safety, consistent with other authorized functions of the Solano Project.

The LBVSPT believes in definable goals for protection and use of the lake that are realistic, measurable, and can be implemented. Elements of Alternative A+ provide:

- An unbiased description of the existing situation using all available data including a review of the true root causes of present deficiencies.
- An unbiased, pragmatic projection of the future situation based on corrections of present deficiencies through the application of best management practices.
- An empirical analysis showing the actual demand for services, by type of recreational category.
- A method of phased implementation based on measurable data confirming the need for the services.
- An identified revenue stream to support all operational costs of the services necessary to provide for the health, safety, and use needs of the public.
- A plan that incorporates all of the above, and establishes strong guidelines for future public use and development.

There must be a regional partnership in the development and implementation of any plan for Lake Berryessa. History has shown that management of the lake has suffered from a lack of institutional checks and balances and performance monitoring. The National Recreation Lakes Study Commission Final Report of June, 1999 stated that despite good intentions, many federal agencies are unable to provide recreation facilities and lake conditions that meet public demand and present-day expectations.

The Commission concluded that meeting current and future demands for lake-related recreation, with or without increased appropriations, will require smart, flexible, visionary management and better ways of doing things. The value of providing recreation services through local partners underscores the need to expand and improve development and operating partnerships with state and local governments, and with private businesses. One of the Commission's recommendations is to encourage agencies to work with communities on lake management issues. This directly supports the LBVSPT’s contention that a broad-based stakeholder CRMP process, perhaps based on the Blue Ridge Berryessa Natural Area Conservation Partnership (BRBNA-CP) model, or the venerable Joint

Powers Authority process used by many local governments, typically at a City/Town/County level, may need to be legally implemented for the benefit of all stakeholders.

Planning Principles

The lack of federal, state, or county funds to provide capital investment for recreational facilities or financial support for ongoing operational costs means that the concessions are essential to the government's ability to accommodate public needs.

All plans for change must be based on proven demand and must be tested before implementation. For example, a 1980 Reclamation proposal for increasing short-term use at one of the resorts included a method for determining success. "For the time period from Memorial Day to Labor Day, measure the occupancy rate of the campground. When the occupancy rate reaches an average of 70% over this period for 2 of 3 years or reaches an average of 80% on the weekend days for 2 of 3 years, the next phase begins".

The development of the lake was driven by the recreational needs and economic realities of the times. Those needs and realities are not significantly different at the present time and for the foreseeable future. There have been 40 years of public use within an economic framework that has accommodated low cost recreation.

Even the Department of the Interior's draft Water Recreation Opportunity Spectrum (WROS) guidebook points out that the "average visitor does not exist" and "recreation demand for different types of recreation experiences is diverse".

"The implication is that to plan and manage for the mythical average user is not appropriate because such an approach will leave out or not accommodate the diversity of public interested in water resources. The conservation of recreation diversity is a fundamental purpose of the WROS system." (WROS, Pg. 6)

"Four decades ago recreation was viewed principally as an activity such as boating or skiing. In the 1970s, recreation science determined that recreationists were motivated and seeking particular type of recreation experience, and that a recreation activity was a means to an experiential end. It was also determined that the conditions of the resource and how the recreation setting was managed could influence what kind of experience a person was likely to have. In the 1990s, recreation science further contributed that recreation experiences led to long-term benefits for individuals, families, communities, as well as benefits to the economy and the environment." (WROS, Pg. 7 and Figure 6, Pg. 12)

LBSVPT agrees with the WROS standards for decision-making which take advantage of judicial doctrine and terminology:

- *A reasonable decision* is a decision that is fit and appropriate under the circumstances. It is a decision that natural resource decision makers, of ordinary prudence and competence, under similar circumstances, would not view as excessive or immoderate. It is important to remember that the judiciary does not compare a person's decision against some single absolute right decision conceived by the court; that is, the court's function is not to make administrative decisions but rather to judge the reasonableness of an agency decision using such judicial doctrine as reasonable care, due diligence, and sufficient evidence.
- *Full and fair consideration of the appropriate information* is the condition of considering the whole situation and making a sound decision.
- *Principled and reasoned analysis* is the condition of not being arbitrary and capricious, perhaps the most frequent allegation in natural resource-related litigation.
- *Best available science and expertise* is the condition of utilizing the best information and experience that is reasonably available to improve certainty.
- *Compliance with applicable laws* is the expectation that a decision maker duly considers and is in conformance with relevant laws and regulations (e.g., NEPA)

The basic planning principles at the core of the LBSVPT Alternative A+ are:

- Encourage Water-Oriented Outdoor Recreational Uses

- Maintain Visual Resources
- Maintain and Improve Public Access
- Improve Short-Term Uses
- Continue Long-Term Uses
- Expand Visitor Information Services
- Financially Support Local Government Services
- Protect Recreational Resources
- Protect Water Resources
- Protect Cultural Resources
- Strictly Interpret Public Law 96-375 – Encourage Improvements

Methodology

The RAMP will be the foundation document for Preferred Alternative A+ and sections from it and from the present Reclamation DEIS will be excerpted and modified where appropriate. All data, reports, maps, and figures from those documents not specifically presented in Preferred Alternative A+ are included in this document by reference.

The LBVSPT VSP is written in a format similar to the Reclamation DEIS for ease of comparison. This LBVSPT document serves two purposes.

1. To present the LBVSPT Preferred Alternative A+ as the LBVSPT-CRMP Visitor Services Plan.
2. To provide the LBVSPT's formal comments on the Reclamation Draft DEIS. Although the entire LBVSPT document should be considered a formal comment on the DEIS, more specific formal comments requiring an individual response are indicated by the BOLD format statement: **LBVSPT Comment**.

III. LBVSPT Summary of Alternatives With Comments

Reclamation Alternative A: Continue Existing Commercial Services until Permits Expire in 2008/2009. Continue Reclamation Services and Facilities in Accordance with the 1992 RAMP/EIS.

Alternative A is what Reclamation labels the No Action Alternative, which describes the projection of current conditions up to the expiration of the current concession contracts. NEPA requires this type of alternative in every Environmental Impact Statement. The seven concessions have been developed over 44 years, first under the guidance of the Public Use Plan, currently under RAMP/ROD, in compliance with all state and county codes. The No Action Alternative is a benchmark to which other alternatives are compared. However, a No Action Alternative is not meant to describe a point in time after which all normal activity ceases and deterioration is the only continuing factor.

Reclamation uses its No Action Alternative in contradictory form, stating that Alternative A is operating in accordance with the 1992 RAMP/EIS which mandates compliance and improvements. Yet it then assumes that the concessions continue with no improvements, virtually no maintenance, and without compliance with the RAMP.

Even selecting Alternative A would only assume the changes already required by RAMP would be made in the new contracts. There is no mechanism to implement a new vision. Per Federal guidelines, the No Action Alternative includes any actions which are certain, as well as changes that would occur regardless of any proposed alternative. Usually participants estimate the No Action Alternative by projecting current conditions, resource trends, and probable actions by others through a period of time commensurate with the anticipated lifespan of the action alternatives.

The following statement by Reclamation flies in the face of logic since the conditions described would never be allowed to occur unless concessionaires or Reclamation totally abdicated their responsibilities:

“The No Action Alternative would allow unsatisfactory conditions and trends to continue at the resorts. Human health and safety concerns would continue to mount. Sewage treatment facilities at two of the resorts have a serviceable life of fewer than 15 years, and have been cited for health and safety violations

on numerous occasions. Those facilities would become more costly to maintain and failures likely would occur even more frequently as equipment continued to age. In addition, numerous buildings and structures present serious fire protection deficiencies, which would not be corrected and which might be exacerbated under the No Action Alternative, as existing facilities continued to deteriorate.” (DEIS, Page 7)

This statement also appears to indicate that Reclamation intends to abdicate its legal future health, safety, and management responsibilities if Alternative A is chosen. They so much as state this on Page 221 in the DEIS:

“Under this alternative, significant mitigation of these problems is not likely to occur due to the cost of rehabilitation, the age and condition of the various facilities, and the short time remaining under the existing agreements/contracts. Though the resorts have been notified that they are in violation of sections 4290 and 4291 of the California Public Resources Code and the Napa County Fire Code, no punitive actions are planned by the state or county officials responsible for enforcing these codes, for the reasons cited above.”

LBVSPT Comment:

Napa County Fire Department Fire Safety Analysis 2001 is an analysis, not a notification of violation. Reclamation ignores actions and efforts of the concessionaires to make improvements, and is drawing conclusions of what actions the concessionaires are going to take through the end of the contracts. Reclamation is stating that they will take no corrective action; however, removal and replacement of facilities will cost more than rehabilitation. Reclamation has refused project requests from concessionaires, which were improvements authorized by the guidelines of RAMP/1992 and/or recommended by the Kleinfelder Report.

LBVSPT contends that any reasonable person recognizes that there are no serious health and safety problems at the lake. The Reclamation website section, Environmental Concerns, boasts:

“Reclamation is pleased to announce that due to the compliance and diligence of the concessionaires and the affected permittees, 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.” - August 2001

Any “deficiencies” that exist can all be corrected with the right approach to planning.

LBVSPT Preferred Alternative A+: Extend and Improve Current Socio-Economic Model for Concession Operations. Expand and Develop New Short-Term Facilities at Resorts. Retain and Improve Long-Term Sites.

“Preserve the Best, Improve the Rest!” Alternative A+ takes the existing concession operations, which have been developed over more than 40 years, as the benchmark to develop a plan that meets the needs and demands of the contemporary public, is fiscally responsible, and allows the concessionaires the right to a fair profit.

The LBVSPT Preferred Alternative A+ is based largely on the 1992 Final Environmental Impact Statement (EIS) for the Lake Berryessa Reservoir Area Management Plan (RAMP) and the 1993 Record of Decision (ROD). Preferred Alternative A+ recognizes the proven value of the present socio-economic model in providing a wide range of recreational opportunities to a demographically mixed population, an “integrated diversity” of opportunity.

LBVSPT Preferred Alternative A+ provides a path from Reclamation’s Alternative A to the lake-wide improvements desired by all stakeholders.

LBVSPT Preferred Alternative A+ recognizes that to provide capital investment for recreational facilities or financial support for ongoing operational costs means that the concessions are essential to the government’s ability to accommodate public needs.

LBVSPT Preferred Alternative A+ is based on proven financial feasibility. The desires of the contemporary public can be evaluated empirically and accommodated with future improvements that can enhance the user experience. Additional quality short term facilities will be provided as public demand is assessed.

LBVSPT Preferred Alternative A+ is designed to:

A. Encourage Water-Oriented Outdoor Recreational Uses – Water-based recreation is clearly an important element of Alternative A+ since it affects the largest number of Lake Berryessa community stakeholders. Management of water uses and activities at Lake Berryessa is an integral element of the LBVSPT Preferred Alternative A+. Decisions and actions will provide for the health and safety of users, protection and enhancement of resources, and compatibility of uses on the water surface.

B. Maintenance of Visual Resources - Lake Berryessa possesses scenic resources analogous to many California lakes. These resources should be considered as a reasonable part of any plan.

The concept of defining a “visual resource,” much less quantifying it, comes up against that great imponderable – personal taste. Lake Berryessa provides a historical insight into recreational styles over the decades. As such it can be considered a cultural resource. The “built environment” can be esthetic and its removal is not a prerequisite to implementing this principle. Existing developments and new projects will be designed to complement and blend with natural features as much as possible. Present property owners would be encouraged/mandated to bring their property up to reasonable esthetic standards.

C. Public Access - Public access to Lake Berryessa and its shoreline will be maintained and improved to meet empirically-proven demand for recreation and minimize congestion and use conflicts. Access for special needs populations will be carefully designed into the plan for future needs.

D. Improvement of Short-Term Uses - Short-term uses and facilities will be improved in quality and quantity, emphasizing low density development as most preferable. Short-term use would be located in shoreline areas allowing the general public and day users access to the shoreline, encouraging water-oriented recreational opportunities for all users.

E. Continued Long-Term Uses - Long-term uses will be allowed in concession areas, and will be designed to blend more effectively with the natural environment. Current long-term uses assist in supporting necessary reasonable cost services for the short-term users and public access. Long-term site users also bring in many short-term use visitors. Lake stewardship has always been a guiding philosophy of most long-term site users. Long-term users have minimal environmental impact yet provide significant economic and cultural stability to the lake community.

LBVSPT Comments:

1. Lake Berryessa is a unique area that is dependent on seasonal water recreational users. The economic foundation for providing recreational opportunities at Lake Berryessa was initially, and still is, the revenue generated by long-term site users. Recreational opportunities for all users can be reasonably expanded at the lake with the economic support of the long-term user. Long-term users have proved not to have any major negative impacts.

To quote the 1993 Record of Decision for the 1992 Reservoir Area Management Plan (RAMP) which is the present guiding document for planning at Lake Berryessa:

“Continued Long-Term Uses - 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.”

2. As residents and users of Lake Berryessa, the long-term homeowners of Lake Berryessa clearly have an interest in developing a plan and a future for the lake that benefits the public and the lake environment. They consider themselves “members” of the Napa County and Lake Berryessa communities and part of that population. They feel a responsibility to share in the support for Napa County services. The long-term homeowners have always supported the safe and environmentally-friendly use of the lake by the public. To that end, the interests of the

homeowners, concessionaires, and lake managers are in harmony. It makes no sense to alienate the homeowners by threats of removing their homes. In the long run, lake managers will have a much greater chance of successfully implementing the final plan if the homeowners are constructively engaged and allowed to be a part of the future of Lake Berryessa.

3. Reclamation changed its policy on long-term use in April, 2002 by modifying Policy Manual LND 04-01 to condemn “exclusive use” and to define all long-term use as exclusive use. This policy is being used to justify the total elimination of all mobile homes at Lake Berryessa under Preferred Alternative B. How can reclamation then propose Alternative C that allows some number of long-term trailers at the resorts? This is illogical and inconsistent. A policy is not a law. Is it necessary to arbitrarily destroy a community to implement a policy that has no proven benefit? If long-term uses can be allowed under the conditions of Alternative C, they are clearly legal under LBVSPT Alternative A+. Reclamation cannot argue that policy requires the removal of long-term uses under Alternative B. They are clearly willing to violate that policy by proposing Alternative C.

4. 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 concessions are private businesses making use of public land, to provide the public with low cost facilities, for a profit. Allowing this type of private use of public land only by corporations is inconsistent with denying such use to the general public. Individual citizens have as much right to use public land as corporations.

5. Long-term site users are a segment of the public with a vested interest in the ongoing concern of recreational needs at Lake Berryessa. Families and friends have helped develop not just a place but a community, that can only be attributed to long-term users.

6. The desire of the public for long-term site rentals is a legitimate recreational demand and a significant element of public demand. Regarding long-term sites, even Reclamation admits (in an original 1972 planning document) to “recognizing the ***genuine public demand for this kind of recreational activity*** and the heavy public investment in mobile homes at Lake Berryessa”. (Emphasis added) This demand and its positive benefits are exemplified by the coexistence of long and short-term uses at nearby Lake Camanche and Lake Havasu. The US Forest Service explicitly supports this form of recreational use of public land. “Recreation residences are a valid use of National Forest System lands, and an important component of the overall National Forest recreation program. It is Forest Service policy to continue recreation residence use and to work in partnership with holders of these permits to maximize the recreational benefits of these residences [Forest Service Manual (FSM) 2347.1]. The Forest Service Recreation Residence program gives private citizens the opportunity to own a single-family cabin in designated areas on the National Forests... These privately owned cabins (improvements) are located within formally established "tracts" on "lots" designated for that purpose and are authorized and administered under the terms and conditions of a special use authorization (SUA) called a permit. The individual owns the improvements but not the land. The permit requires the payment of an annual rental fee based upon fair market value of the land, not including improvements, as determined by an appraisal.

- **15,570 recreation residences occupy National Forest System lands throughout the country**
- **6,314 are in the Pacific Southwest region (California)”**

It is inconsistent for the Bureau of Reclamation to have a policy that is directly contradictory to another major federal agency such as the USFS.

7. Exclusive use is an inaccurate description of the present situation. Long-term sites cannot be defined as exclusive use. Historically, there have always been long-term sites available for sale to any qualified person. Anyone may become a long-term site homeowner for approximately the same cost as a modest RV. Even in the best of times, prices of the mobile homes have remained relatively stable and affordable for an average family.

8. Long-term data shows, and Reclamation acknowledges, that there are no significant water quality problems attributable to the concessions or long-term sites.

9. Long-term users provide a unique cultural resource that provides environmental stewardship and education in a multi-generational environment. A majority of long-term site owners are senior citizens or near seniors who transmit their cultural values to family, neighbors, and friends.

10. Long-term homeowners/tenants contribute much to lake management and have not been tapped as a resource by Reclamation or concessionaires to assist in maintaining the lake environment. The permittees are often “stewards of the lake” and supply the manpower and expense to maintain sites, the resort, and public beaches. Strong long-term homeowner/tenant associations working with professional resort owners could do much to create and maintain the best elements of any plan.

11. Long-term users are not full-time residents. They only have limited use of their mobile homes – 180 days of any year - although they are willing to pay for the use of the lake for 365 days of the year.

F. Expand Visitor Information Services - Expand visitor awareness of the lake's environment, wildlife, water management, and safety issues. Expand visitor awareness of Napa County as a whole with its wide range of resources. This will be accomplished by developing visitor information services in concession and public use areas. As an element of visitor education and water quality protection, biological processes such as Ocean Arks International Living Machines or manufactured wetlands could be used for wastewater treatment. Solid waste reduction and recycling services and education should also be provided at all resorts. The Blue Ridge Berryessa Natural Area Conservation Partnership (BRBNA-CP) and the Lake Berryessa Watershed Partnership (LBWP) are models for the management of this educational process.

G. Financially Support Local Government Services - Through agreements with local enforcement agencies or through additional authorities, local government support services will be adequately maintained to provide for the health and safety of visitors and protection of resources. This is particularly important with a proposed increase in short-term users who may not have a vested stewardship interest in the lake. Alternative A+ realizes the need for the county to benefit from the uses at Lake Berryessa, and has incorporated, at a minimum, just compensation for the services of the county, whether through annual fees or various taxes or charges on use. The planned phase of improvements would generate significant fees to the county.

H. Protection of Recreational Resources - Resource protection will be considered in a broad context and based on practical priorities with respect to all proposed actions. Projects and actions will comply fully with the intent of the National Environmental Protection Act (NEPA).

Lake Berryessa is a man-made lake developed by the Solano County Water Project in 1957 to provide agricultural and drinking water to nearby communities. This should be kept in mind when evaluating “environmental attributes” or “natural resources” issues in developing a plan. As a product of human engineering/intervention, all of Lake Berryessa's resources must be judged in the context of what they provide to people. For example, there would be no fish “resources” in this valley had there not been a dam constructed and fish species introduced to provide game fishing as a recreational activity for humans.

I. Protection of Water Resources - All resource and recreational developments will be designed and constructed to minimize impacts on water quality. Safeguards will be instituted to ensure sewage, toxic material, and other harmful substances are not allowed to contaminate the lake. Although the concept of gray water (non-sewage waste water) and black water (sewage-related waste water) are esthetically offensive, neither the accidental (Putah Creek) nor deliberate (Pleasure Cove Outback) releases onto the ground above the lakeshore have affected the measured long-term quality of the water at the Lake. Both were corrected several years ago. The major contaminant is mercury from the Homestake gold mine.

J. Protection of Cultural Resources - The major portion of the Lake Berryessa recreation area has been inventoried for cultural resources such as historically-significant artifacts and sites. Those lands that have not been examined tend to have very steep slopes possessing little potential for significant finds or they have been covered by structures, asphalt, or fill. Protection of cultural resources that may be uncovered through creation of additional hiking trails will be part of the visitor information services element of this plan. One of the significant cultural resources is the historical integrated diversity of the lake community with its wide socio-economic spectrum of users as well as recreational styles and tastes.

K. 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 and alternately preventing a concessionaire from arbitrarily removing facilities of importance to the recreational services provided.

LBVSPT Preferred Alternative A+ recognizes the critical importance of the fair application of this law to the economic feasibility of any plan. Capital investment decisions depend on a fair and reasonable amortization period. Thus this law should be applied with a strict interpretation of its language. It is reproduced here in its entirety. (Emphasis added.)

Public Law 96-375

These excerpts are the part of PUBLIC LAW 96-375 that pertains 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.***

CONGRESSIONAL RECORD, Vol. 126 (1980): Feb 5, considered and passed House. Sept. 17, considered and passed Senate amended, in lieu of S. 3017. Sept. 24, House concurred in Senate amendment.

LBVSPT Comments:

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 say that the concessionaire must remove all unwanted facilities and improvements, including roads, sewers, and restaurants simply deemed to have no value by the decree of Reclamation. Yet this is what Reclamation states in their DEIS.

Even Reclamation Manual LND 04-01 Section 4.D.13.c incorrectly interprets Public Law 96-375 in an effort to devalue the concessions. The law is about “fair value” not “Reclamation determinations”:

(c) **Assets That Remain to be Purchased by a New Concessionaire.** Upon expiration, termination, or sale or transfer of a concession contract some fixed assets may not have been fully amortized. If Reclamation determines the fixed assets are still needed for the concession operation, the unamortized value must be purchased by the new concessionaire and based on the original cost less depreciation.

Reclamation continues to use this assumption throughout the DEIS, and it is also included in the assumptions in the Dornbusch Report. Although specifically referring to marina facilities, the following statement is emblematic of the questionable approaches Reclamation is taking. The assumption is that the present concessionaire would not even be compensated for usable marina facilities. The direct quote, with original emphasis preserved: “For the model, we also assumed the next concessionaire(s) would **not** be responsible for compensating the outgoing concessionaires for any improvements they have implemented and will continue to be used under the next concession contract.” (Dornbusch, Page 20)

Note: 96-375, SEC. 5 (a) above. An Act of Congress could authorize Reclamation or other Management Entity to enter into new 10-year contract extensions with the present or new concessionaires. This may be the most reasonable way to solve all the present problems at the lake without massive financial and social dislocations. The contract extensions would include tough provisions for the phase-in of required improvements and the ability to implement all the positive elements of LBVSPT Preferred Alternative A+. It allows a reasonable time for the amortization of capital improvement costs, implementation of codes and standards for long-term sites, and proof-of-concept changes to recreational opportunities without the major and speculative disruptions contemplated in Reclamation Preferred Alternative B.

Reclamation Preferred Alternative B: Remove All Long-term Trailer Sites. Concessionaire to Expand and Develop New Short-Term Facilities at Resorts. Develop Trails and Land and Water Use Zones.

DEIS Statement:

“Under the proposed action, Alternative B, Reclamation would develop new facilities and programs at each of the Lake Berryessa’s seven resorts to better serve the short-term visitor. All long-term trailers would be removed from resort areas, and some of the former trailer spaces would be converted to short-term uses such as picnic and camping areas, lodging, food and beverage service, thereby increasing and improving recreational opportunities for short-term users.”

Dornbusch Report (Pg. 53):

“Accordingly, for this analysis we reasonably assumed that project development would occur over a two-year period during which there would be a full cessation of concession activities at the lake.”

LBVSPT Comment:

Reclamation consistently states that it is “increasing recreational opportunities” when its own documentation (Dornbusch Report) shows that it is decreasing recreational opportunities dramatically in the short-term with only speculative hopes that they will increase in the longer term.

DEIS Statement:

“Lakeshore areas at the resorts would be restored to a more natural setting, and public access to those areas would be improved. Reclamation would maintain existing day-use areas and upgrade two vehicle pullouts to improve parking and trailhead access to the reservoir. Additional campsites, picnic areas, and recreational vehicle (RV) sites would be provided, along with customary lodging, houseboat rentals, and food, retail and marina services. A concessionaire would manage the Capell Cove launch ramp and the Camp Berryessa group campground under a fee-for-use system. Reclamation would develop a shoreline trail system and initiate a no-impact boat-in camping program. The existing special-use permit for the Monticello Ski Club would be cancelled.”

“Under the proposed action, Reclamation would adopt a reservoir-wide classification system, the (draft) Water Recreation Opportunity Spectrum (WROS), to designate appropriate types of recreational uses and use levels for the lake and shore areas. This document amends Lake Berryessa’s 1992 Reservoir Area Management Plan, which presently still guides recreation management at the lake. The proposed action is needed to correct over four decades of management practice under which prime shoreline areas have been reserved for exclusive long-term trailer site permittees, to the exclusion of the majority of visitors to Lake Berryessa.”

LBVSPT Comment:

Reclamation continues to repeat fact-empty and data-free statements which are often internally inconsistent. LBVSPT analysis of topographical maps and aerial photographs shows that present long-term sites take up less shoreline and area than short-term uses. An example of internal inconsistency is their comment that scenic resources will improve with the removal of long-term sites. Yet they simultaneously propose to replace those

mobile homes with RV sites. Does Recreation assume that the view of random-design RVs is somehow more esthetically pleasing than well-maintained mobile homes and surrounding landscaping?

DEIS Statement:

“A company with expertise in the commercial recreation hospitality industry was contracted to provide an economic feasibility analysis of the business potential as outlined in Alternative B. That report may be seen on the Reclamation Website, www.usbr/mp/-berryessa/index.html. “Final Feasibility Study (sic), Visitor Services Plan, Draft Alternative B, under “Laws and Regulations”. This analysis determined that Alternative B is economically feasible and provides a reasonable opportunity for a concessionaire to realize a profit. The economic analysis adopted a conservative approach because Alternative B introduces such significant changes from current operations. Typically when calculating business feasibility for the next term of a concession authorization, a major component of the work is projecting the current business. However, in this example the current business will no longer be applicable as all exclusive long-term trailer use will be eliminated and replaced with new facilities and programs that focus on traditional short-term recreation users. The feasibility analysis introduces two important concepts to help assure financial success:

- Phase in of operations over a period of years with only limited initial public services at some of the existing concession areas. The observed level of business and public demand for additional services would trigger secondary phase(s).
- Reduced number of concession operators from the current seven to as few as one.

The same footprints and concession areas would be utilized as in the present operations but a single concessionaire would operate multiple locations. Both of these conditions were suggested by the feasibility contractor in recognition of the significant level of private funding that will be required to develop the new outlined facilities and infrastructure. This scenario reflects the condition seen in numerous National Parks where a concessionaire is responsible for providing commercial visitor services at more than a single stand-alone area. This approach also allows for successful seasonal fluctuations and operations for businesses such as campgrounds, RV parks, cabin rentals, restaurants, and marinas, as examples, and eliminates the dependence on the year around revenue from exclusive long-term use trailer villages.”

LBVSPT Comments:

1. Alternative B throws away millions of dollars of usable infrastructure – that of concessionaires alone worth \$35 to \$50 million with tenant improvements adding another \$50 to \$75 million. Reclamation shuts down the lake for two years to implement Phase 1 (which actually decreases campsites, RV sites, hotels and cabins by 21%), and requires only a single concessionaire because it’s the only way anyone could possibly make a profit (and, per the Dornbusch Report, even that is highly speculative). Reclamation would have to purchase for “Fair Value” the current improvements at a cost of \$35,000,000 or more. The Dornbusch Report assumes that the new concessionaires will not be required to purchase the improvements, as that would not be economically feasible. Furthermore Reclamation would be required to fund the removal of unwanted existing improvements, since there is no requirement for the current concessionaires to do so.

2. From a social justice perspective Alternative B will also cause the loss of almost a generation of recreational users, whether they be short-term or long-term users, since it will be 3 to 5 years before the lake is again available to a modest number of users and potentially a decade before it returns to its original recreation capacity. Five years is a long time in a grandparent’s and grandchild’s life.

3. Contrary to statements in the DEIS, the Dornbusch report states. “The analysis indicated that Alternative B would not represent a viable business opportunity if the underlying concession contract(s) stipulated that the concessionaire(s) would have to fund all of the associated capital investment requirements.”(Pg.7) This is why a phased approach is proposed. And Phase 2 will only be started if there is a demand. Thus, the whole structure of Alternative B as described on pages 41 through 51 of the DEIS would appear to be nothing more than an academic exercise resulting in the destruction of a whole community.

4. A glaring omission in the Reclamation DEIS and Dornbusch report is the projected impact of multi-year droughts on the financial viability of Alternative B.

IV. Body of Report

1.0 LBVSPT Purpose of and Need for Action

1.1 LBVSPT Description of Purpose and Need

The purpose of this LBVSPT CRMP process is to develop a comprehensive plan for visitor services (commercial and noncommercial) to support a wide range of public recreational opportunities, ranging from long-term mobile home sites to short-term hotel/motel units, cabins, RV and camp sites. These recreation opportunities will be compatible and in compliance with all applicable laws, regulations and codes, and will be consistent with the project purpose and the Reservoir Area Management Plan.

LBVSPT realizes this project is needed to acknowledge the coming expiration of the concession contracts and prepare for an orderly transition to the new contract term and possibly new concessionaires. This transition needs to be accomplished with the minimum possible impact on the environment and present recreational opportunities.

Lake Berryessa, and the seven concessions, provide a nearby recreational outlet for the large San Francisco Bay Area and Sacramento Area populations. For over four decades the resort operations have provided reasonably priced recreational opportunities to the public, the development and operations of which have been supported by the concessionaires and long-term users. The expiration of the current contracts creates an opportunity to upgrade improvements and develop facilities to better meet future needs.

The concessions occupy a total of 12 miles (7.2%) of Lake Berryessa's 165 miles of shoreline. Pleasure Cove and Markley Cove, the southern most resorts, are in the most aggressive terrain with little actual useable shoreline. Much of the shoreline in the concessions is unsuitable for campsites or RV sites, as it exceeds 20% slope. Approximately 4 miles of shoreline within the concessions has slopes less than 20%. Removal of long-term sites from areas not suitable for short term uses makes no sense. Reclamation prefers no use over long term use. Existing uses have evolved based on demand for recreation and should continue to evolve based on a sound plan to accommodate future needs.

All resort improvements were designed and built to California State and Napa County codes. Although some facilities operated by the resorts do not meet the latest environmental, public health, and safety codes (as is true in any city or town in this country), none pose an imminent threat to health or safety. There is a need to create incentives for near-term improvements prior to the expiration of the contracts to ensure the health and safety of the public.

Reclamation's Preferred Alternative B seems to consciously attempt to create a negative financial situation for the present concessionaires. Reclamation, without authority, attempts to mandate that the present concessionaires remove all facilities and structures at their own cost. They have also stated that all facilities and infrastructure must be gone **before the end of the contract**. These policies will make it impossible for the present concessionaires to realize a return on any new investments for the remaining terms of their contracts. By fiat, Reclamation is also trying to close the resorts before the end of the contracts since it would take many months, if not years, to demolish and remove every building, road, and piece of infrastructure.

This appears to be in direct violation of the language and intent of Public Law 96-375. No contract, concession agreement or law requires the concessionaire to remove any improvements. No contract, concession agreement or law requires the concessionaires to pay for any such removal. The only option of Reclamation is to pay "Fair Value" for the improvements and then to remove or replace them at its own cost.

1.2 LBVSPT Background

1.2.1 Regional Setting of Lake Berryessa

Lake Berryessa is a water storage reservoir located in northeastern Napa County, among the hilly-to-steep slopes of the California Coast Range. Lake Berryessa is located approximately 35 air miles west of Sacramento County in the northeast portion of Napa County. The lake is within 70 miles from the San Francisco Bay metropolitan area and less than 30 miles from Napa, Fairfield, and Davis, and 45 miles from Sacramento. The lake is within 2 1/2 hours drive of 8 million people.

The reservoir's drainage basin lies along the eastern slope of the Coast Range in Napa and Lake Counties, northwest of Solano County. Lake Berryessa is fed by Putah and Pope Creeks and their tributaries. There are few perennial tributaries in the basin, as flow in most drainages significantly diminishes or disappears by late summer. In winter months, however, runoff from rain and snow pours almost immediately into the drainages because of the lack of snowpack or significant groundwater storage in the upper watershed. Winters there seldom stay cold enough to develop a snowpack, and there is little groundwater storage because porous sandstone and shale underlie the eastern shore and both ends of the lake. The western side of the lake is bounded by sedimentary and associated intrusive rocks, such as serpentine and dolomite.

The Coast Range between Monticello Dam and the Pacific Ocean is cut by numerous faults; the Wragg Canyon fault is located just three miles southwest from Monticello Dam.

1.2.2 LBVSPT History of Reservoir Development and Operations

In 1948 Lake Berryessa was authorized as part of the U.S. Bureau of Reclamation (Reclamation) Solano Project. The Solano Project was authorized for flood control and to supply water for irrigation, municipal, and industrial uses. The primary project facility was the Monticello Dam which was constructed on Putah Creek in 1957. Lake Berryessa has a total storage capacity of 1.6 million acre-feet and is approximately 23 miles long and 3 miles wide, at the widest point.

Lake Berryessa is located approximately 35 air miles west of Sacramento County in the northeast portion of Napa County. The lake is within 2-1/2 hours travel time from the San Francisco Bay metropolitan area and within 1 hour from Napa, Fairfield, and Davis.

Due to anticipated radically fluctuating water levels, recreation use of Lake Berryessa was initially considered not to be important. However, by August 1958, recreation demand was high as was evidenced by the **800 or more boats which operated on the lake despite the lack of public facilities.** (Emphasis added.)

Lake Berryessa became officially available for public use in 1959. A Public Use Plan (PUP) was prepared for Reclamation by the National Park Service (NPS). It designated the initial land uses for approximately 28,916 acres of federally-owned land, including 19,250 acres of surface water area. The PUP included a General Development Plan to guide development according to: (1) the capacities of the land and water to accommodate public use, and (2) the recreation needs and desires of the people who would use the area.

Under an agreement signed in 1958 with Reclamation, Napa County entered into a Management Agreement to administer the development of federally-owned lands at Lake Berryessa. The management agreement included a preliminary general development plan which was subsequently included as part of the PUP.

Because of the county's limited resources, and because a large majority of the public recreation use was by non-county residents, Napa County chose to rely on concessionaires to provide most of the recreation services and facilities. The concessionaires entered into the current contracts in 1958 giving the concessionaires the right to a reasonable profit and requiring concessionaires to develop facilities to accommodate the recreational needs of the public. Development planning occurred from 1958-1962 with construction beginning after that. Revenue from these concessionaires was used by the county to fund the recreation management function at the lake.

Under concession agreements, seven resorts were developed on 1,700 acres of land and water under the terms of the 1959 PUP including Lake Berryessa Marina, Putah Creek Park, Rancho Monticello, Spanish Flat, South Shore (now known as Pleasure Cove), Markley Cove, and Steele Park. Lake Berryessa and the surrounding land owned

by the government is more than 19,000 acres.

In general, initial and subsequent development of Lake Berryessa did adhere to all the recommendations of the 1959 Public Use Plan (PUP). All developments met applicable County codes, conformed to the PUP, and had prior approval of all County, state and Federal agencies having jurisdiction over the lake. Recreational opportunities would never have been developed at the lake without the financial foundation provided by long-term sites, with their reliable source of revenue. Mobile homes installed on pads, implying a sense of permanence, encouraged members of the public to invest in the future of Lake Berryessa. This economic model for the development of Lake Berryessa has provided exceptional recreational opportunities to the general public for decades. It is replicated at other lakes, including nearby Lake Camanche.

In 1971 the United States General Accounting Office (GAO) completed a study of public recreation facilities at Lake Berryessa and found them not adequately developed per the original unrealistic assumptions. In 1972 at the request of Reclamation, the National Park Service (NPS) completed an update to the earlier 1959 PUP. The new plan recommended that the lake become either a National Recreation Area or a State Recreation Area with the Federal Government purchasing and controlling all existing access improvements (roads, launch ramps, etc.). The plan was never officially adopted and no funds were appropriated to reimburse concessionaires for their improvements.

All development at the lake was managed by Napa County from 1958 through 1974. Reclamation has managed in place of Napa County from 1975 to the present. All construction was legal, permitted, and in accordance with planning guidelines at the time. This is documented in a court case from the period quoted below:

From a 1978 Court Judgment

“Plaintiff (Rancho Monticello) 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 (Bureau of Reclamation) and of all County, State, and Federal agencies having jurisdiction over said matter.”

Reclamation initiated the process to develop the Reservoir Area Management Plan (RAMP) in 1989 and produced an Environmental Impact Statement supporting various alternative actions, which had been authorized and mandated by Public Law 93-493 in 1974. In 1992, Reclamation completed the Reservoir Area Management Plan (RAMP) and Environmental Impact Statement (EIS) for Lake Berryessa. The Preferred Alternative called for 41 actions defining the future management strategy for the lake. This resulted in a 1993 Record of Decision (ROD) with 41 Preferred Alternatives for action. The RAMP recognized the value of long-term sites to the financial support of short-term recreational facilities. It also allows the relocation of long-term sites when and if their removal for demonstrated short-term recreation needs is documented.

The RAMP recognized the desire of Reclamation to give priority to public access and short term uses of the prime shoreline. Reclamation is now trying to change the definition and meaning of “prime shoreline” to include all areas occupied by long term uses, even those areas unsuitable for short term facilities. This would, if allowed to proceed, result in the loss of recreational opportunities for members of the public who have proven their demand for services by their continual use of Lake Berryessa.

The natural and logical evolution of recreational opportunities for Lake Berryessa is for management, concessionaires and users of the lake to work together to build a community that can protect the resources of the lake, while maintaining and developing services and facilities to enhance the user experience for **all** segments of the public while following the RAMP.

Adherence to the RAMP will result in a greater number of short term facilities without sacrificing the long term facilities and using public. The continued economic stability provided by long term uses will allow better short term facilities to be constructed or upgraded.

LBVSPT Comments on DEIS Section 1.2.2:

Public comments at the time of the 1992 RAMP are documented in its Final Public Involvement Report, 1992. Only 17 group comments and approximately 105 individual letters were included in the report. The majority of public comments were critical of the plan. Some supported houseboats and hang-gliding and one wanted an airstrip on Big Island. But more telling were the 9 group letters and 81 individual letters (approximately 70% of comments) that condemned Reclamation's proposals for elimination of long-term sites.

Local public agency comments were no more supportive than the individual comments. Public agencies recognized that the 1992 RAMP proposed changes that could not be practically implemented. Various comments on that plan are included below. They may presage the types of comments expected for the present DEIS:

“The VSP does not appear to address the impact of increased day-use traffic on lake infrastructure necessary to maintain public and environmental safety. Local community services such as sheriff, fire department, medical services, environmental services, and utilities, among others, will certainly be affected by the plan the BOR is formulating. However, there is no indication in the draft VSP that these necessary infrastructure services have been considered in the long-range plan. It is clear the BOR will not be able to manage these services itself. Local government and communities will need to be involved to ensure the plan is supported at all levels.”

“The BOR cannot simply impose an unfunded mandate on the local communities and expect the long-range plan to be successful. The BOR must engage California, Napa and Solano Counties, local government, and local communities to obtain valuable input and support from these necessary infrastructure providers. Moreover, Lake Berryessa is located within these local jurisdictions. Local sovereignty cannot tolerate significant federal action without pervasive local involvement.”

Napa County Conservation, Development, and Planning Department: “The current level of activities at the lake are already posing significant environmental effects in areas such as traffic and law enforcement. These impacts will only be increased by projects under consideration through the RAMP planning process. Specifically, Napa County's law enforcement and emergency medical assistance services in the area are already extended to their limits. Increased development could cause additional budget and staffing problems for the County to maintain those essential services. Local roadways leading to the lake are presently inadequate to accommodate peak hour/peak period traffic...Expansion of Lake Berryessa recreational facilities or activities would further degrade service levels on these local roads, contrary to the conclusions reached in the EIR...”

An Inter-Office Memo from the Napa Road Superintendent to the Director of Conservation-Development and Planning states: “We do not think that the impacts upon traffic and traffic safety resulting from development have been adequately studied or analyzed...The decision not to consider the issue of quality of construction of roads or control over use of roads...is ignoring a major impact imposed upon the County and State. Any development which increases the use of the roadways, as this development certainly will, and which changes the character of the traffic using the roadways (i.e., more boat trailers, motor homes, etc.) causes an increased burden to the agencies maintaining these roadways...Law enforcement likewise feels the burden of increased traffic...”

In the 1989 EIS: “...recreational traffic to and from Lake Berryessa is contributing to the higher accident rate. A significant increase in recreational opportunities at Lake Berryessa may continue to elevate the accident rate.”

In 1999 the Inspector General's Office audited Reclamation's operation of Lake Berryessa and concluded that Reclamation had not effectively managed its existing concessions operations at Lake Berryessa. This was due to inadequate contract provisions, mainly in the areas of contract default and operation and maintenance plans, and because it had not enforced existing contract provisions in the areas of building improvements, health and safety inspections, and prices charged the public. This report caused the Bureau to begin more aggressive enforcement at the Lake.

Apparently local Reclamation management was stung by these conclusions. Discussions with concessionaires and tenants provided numerous documented examples of what appear to be adversarial and arbitrary enforcement activities from that time continuing to the present. Although enforcement of standards is a primary responsibility of Reclamation, and the LBVSPT recognizes constraints due to contract terms as well as the recalcitrance of some of the concessionaires to comply, a consistent, firm, businesslike but cooperative program to correct problems would undoubtedly have been more effective.

In October, 2000 Reclamation presented its proposal for a formal Visitor Services Plan in a newsletter with a schedule for completion. In November, 2000 it published a Notice of Intent (NOI) in the Federal Register stating that it was initiating a formal Visitor Services Planning effort for the Lake Berryessa Recreation Area. The plan was finally released on October 31, 2003.

Reclamation Development and Operations

In October, 1974, Congress passed PL 93-493, of which Title VI authorized Reclamation to assume management of Lake Berryessa and authorized the appropriation of \$3 million for developments. Between the mid-1970s and the late 1980s, Reclamation planned and constructed the Oak Shores and Smittle Creek day-use areas, along with Capell Cove public launch ramp and parking area. During the same period, Reclamation constructed the current administrative office complex. Napa County and the Bureau of Reclamation have had over four decades to provide services and access to the public on the 93% of the shoreline that they have exclusive control of, and to participate in the development of services at Lake Berryessa.

LBVSPT Comments on Reclamation Development and Operations:

1. Trail Development - RAMP proposed 30-50 miles of trail development of which Reclamation has done nothing - no plans have been developed and no environmental impact studies have been done.
2. Reclamation developed Oak Shores (30 acres) for day use with parking, restrooms, picnic tables and swimming area. It receives minimal use. When first opened in 1977, Reclamation collected a fee for the use of the facilities at Oak Shores. In the mid-1980s, however, a drought resulted in such a drop in visitor-use that the fee collection was deemed impractical. The fee system was discontinued, and public use of Oak Shores has remained free of charge since that time. Visitor use has not returned to pre-drought levels.
3. Smittle Creek Day Use Area is approximately 5 acres which were developed with minimal facilities. According to the RAMP, 15 additional acres could be developed for camping and RV use. Smittle Creek Day Use Area receives minimal use.
4. North Area Campground, Camp Berryessa, is 30-40 acres that has been used exclusively by the Boy Scouts on a permit basis. The land which is some of the best shoreline property at Lake Berryessa, according to RAMP, could provide up to 300 individual sites for tent camping and RVs. Reclamation has done nothing since RAMP 1992 to open this prime area to the public. The group use permit needs to be less discriminatory to include family, cultural and other public groups. Camp Berryessa receives minimal use.
5. Boat Access Camping was proposed in RAMP: "Establish a boat access camping program for semi-primitive (Class IV) and dispersed recreation (Class III) which will be administered by Reclamation...Initially only 50-100 sites would be established." Reclamation has done nothing in more than ten years. Boat access camping does not exist, no plan exists, and no areas have been developed to accommodate the camping.
6. Flood-proofing: Operational Policy 15, the implementation of RAMP for Floodplain Actions requires Reclamation to approve flood-proofing that was to be complete by 1998. Although many tenants complied, Reclamation never established firm requirements and did not attempt to inspect for compliance in 1998 nor any time to date.

7. Facility Development and Design Standards were proposed in RAMP: “Establish and implement facility development and design standards for resorts including size restrictions, density, architectural styles, lot development, resort motif, and utility service standards to upgrade facilities.” Reclamation has not prepared any development or design standards for the concessionaires or the using public. Reclamation has not met with any stakeholders to prepare any development and design standards.
8. A consequence of Reclamation’s Alternative B, which shuts the lake down for 2 years and slowly implements new facilities, is that recreational users will still attempt to use the lake, as in 1958. This will cause serious user conflicts, as well as health and safety hazards. Reclamation is required to provide recreation. There is a proven public demand for recreation at Lake Berryessa. Yet Reclamation’s Alternative B attempts to demolish the development that assures affordable recreation.

From a 1978 Memorandum Opinion, Findings of Facts and Conclusions of Law

“During the first two years that the lake was forming, the water and land areas began to receive heavy public use, despite limited access from old existing roads and despite the lack of sanitary facilities and garbage disposal facilities. The new lake became a serious health problem to both the United States and Napa County, and the Napa County Board of Supervisors was advised by both California state and County Boards of Health that the lake would have to be closed to the public. As the United States had provided no funds for public use facilities at the lake, a plan was formulated for private concessioners to provide public use facilities with their own private funds at no cost to Napa County or to the United States. ”

In conclusion, Reclamation has not provided the services and facilities that could have benefited the public. If items 1 - 8 above were not addressed by Reclamation for more than 10 years since the RAMP mandated them, what confidence can there be that Reclamation will ever complete them? There is no appropriation for Reclamation to pay “fair value” for the concessions improvements, or for Reclamation to invest in major improvements in seven resorts. Reclamation is creating an environment that would not allow a fair profit, as is required by law. This may drive away any investors or potential bidders for a new contract, in which case Reclamation would bear the full financial and operating responsibilities, certainly an impossible situation. Reclamation’s Preferred Alternative B is destructive and contradictory to their official mission, which is to, “manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.”

2.0 Alternatives

This chapter provides a detailed descriptions of LBVSPT Preferred Alternative A+ and contrasts it to Reclamation Alternative A and Reclamation Preferred Alternative B.

2.1 LBVSPT Preferred Alternative A+ Description

Alternative A+ outlines what the situation would be at Lake Berryessa if appropriate actions were undertaken to address expiring concession contracts and other programs within the 1992 Lake Berryessa Reservoir Area Management Plan (RAMP). Although the seven concession contracts will expire in 2008/2009, operations vital to the million-plus annual visitors should not be discontinued arbitrarily.

Selection of LBVSPT Preferred Alternative A+ would allow a Management Entity (ME) (to be determined, but possibly Reclamation) to plan for the orderly transition of the existing resort facilities to new or continuing concessionaires. The ME would provide support by negotiating new competitive concession contracts directly tied to the chosen Visitor Service Plan (VSP). These new contracts would use the existing contracts as guidelines, but be based on the concessionaires' financial ability and desire to implement the new requirements. This Alternative will meet necessary codes, regulations, standards and policies in a phased implementation.

Success may be more likely if there were a negotiated 10-year extension to the present contracts because of the need to implement the major improvements for current code compliance. Plans should be presented that show options that need to be considered for economic, environmental and practical concerns. This extension would not preclude new companies from bidding to purchase the resorts from the present concessionaires. Although not opening all concessions to an uncontrolled open bidding process, it would be the best practical approach to an orderly transition to a new management structure now that all the issues have been clearly defined.

LBVSPT Alternative A+ Objectives:

1. Create a model CRMP management structure for Lake Berryessa incorporating the suggestions of the National Recreation Lakes Study.
2. Create a financial structure that supports the cost of local government services provided by Napa County and other agencies required by the public use of the lake.
3. In cooperation with the lake manager, ME, create a Concessionaires Consortium to provide a funding mechanism to spread costs fairly over all lake users for lake-wide public needs such as free public access areas.
4. Fund a subset of public access areas outside the main resorts as one element supporting an "integrated diversity" of recreational opportunities for the general public.
5. Provide a base of financial support during drought periods and economic downturns to continue recreation operations.
6. Achieve compliance with current codes and applicable regulations (Federal, State, and Local).
7. Develop a plan for rehabilitation and maintenance of lakeshore and riparian areas.
8. Increase public access to the lakeshore and enhance short-term use opportunities.
9. Improvements to existing facilities and new construction would be accomplished according to all applicable codes within parameters of 'Sustainable Design' and in compliance with commonly accepted environmentally sensitive practices, e.g., energy efficiency, water conserving fixtures, and recycling.
10. This plan would not attempt to determine the nature and extent of the various facilities but leave that up to the professional determination of the concessionaires.
11. In recognition of the necessary financial investments and associated risks for the development of the new concession operations, the facilities redevelopment or expansion of the concession areas may be built in phases.

The phases may be triggered based upon proven public demand and actual concessionaire financial performance during the initial phase.

12. The RAMP land-use classifications are sufficient for planning at Lake Berryessa. Additional water-use classifications such as those from the draft Water Recreation Opportunity Spectrum (WROS) may be adopted in the future if appropriate.

2.2 LBVSPT Preferred Alternative A+ Proposed Actions

1. Land Acquisition

Acquire additional lands to improve recreational access and services to public lands and minimize impacts to adjoining lands. Master Planning for Lake Berryessa would consider land configurations of each of the concessions and how public use can be provided in the safest, most effective manner. Master Planning for Lake Berryessa would also consider land configurations of all public lands for which public use can be developed/provided in the safest, most effective manner, that optimizes recreational use and disperses public use with additional land and easement acquisitions considered for long term public use access and use benefits..

2. Land Disposal.

Dispose of or exchange lands around Lake Berryessa not required for either the operation of the Solano Project, watershed protection, or recreational or wildlife purposes will be considered. Only lands separated from the lake by highways would be considered in this action. As lands are identified for disposal, appropriate public involvement and environmental procedures will be followed. Approximately 500 acres could ultimately be involved. In consideration of “best use” of land, Napa County should be apprised of the potential land available and complementary development uses analyzed.

3. Dispersed Recreation Area Improvements

Develop and/or improve dispersed recreation areas (Class III) which could include access trails, sanitation facilities, garbage collection, parking, visitor information signing, etc. to provide for the health and safety of the public and protection of resources. In some cases, improvements would only involve a replacement of existing deteriorated facilities. Sites to be developed and/or improved generally would include areas with existing improvements and those areas being used frequently by the public which lack any improvements.

4. Use and Development of Oak Shores Area

Oak Shores Day Use Area would be developed to better accommodate user trends. A full size launch ramp and courtesy dock would be constructed. Oak Shores would be open for overflow camping. The Oak Shores Area, total 30 acres, would be evaluated for increased use with emphasis on special needs populations.

5. Smittle Creek Day Use Area

Maintain Smittle Creek as a day use area. Evaluate user trends and consider improvements to increase user experience. Approximately 15 acres could eventually be developed as a campground and/or RV park, should public demand be proven.

6. Facilities for Special Needs Populations

Improve accessibility for special needs populations in all facilities at Lake Berryessa including concession areas. In some cases, retrofitting of appropriate facilities may be required in accordance with Section 504 of the Rehabilitation Act of 1973, as amended. Master planning efforts for Lake Berryessa would address special needs populations wherever possible. Oak Shores would be further developed to accommodate special needs populations.

7. Trail Development

Develop a predominantly unsurfaced multi-purpose riding and hiking trail system (30 to 50 miles) in dispersed recreation (Class III) and semi-primitive areas (Class IV). Horseback riding is a popular activity in various park settings and may be a viable activity at Lake Berryessa. Trails could accommodate a variety of uses, but would not be available to motorized vehicles. Trail use by bicyclists should be considered as a safety measure to move bicyclists off the adjacent highway, and provide for recreational bicycling.

Any development of trails on the eastside is a low priority due to lack of access and environmental sensitivity as well as fire safety and sanitation issues. Analysis of public demand, public trends, Lake Berryessa specific terrain, environmental impacts and funding would be reviewed before any action is taken to construct the trails. An analysis of recreational user developed trails and a trail design considering health and safety issues would need to be established. After a sound plan is developed, a phase-in structure would be applied, proven use and maintainability would expand the trail system incrementally.

Reclamation claims that: “The most significant additions to recreation services offered by Reclamation in this alternative would be a substantial trail development program along the lake.” (Page 202) This is not supported by any data. Even the most casual observer must admit that Lake Berryessa is not a hiker’s paradise during the summer months, nor would a costly trail development program change that. There are so many superior hiking venues in the Bay Area that Lake Berryessa is not even in contention for most hikers. LBVSPT supports a reasonable trails program such as that being worked on by the BRBNA-CP Trails Committee. Many people like to hike, including most long-term users. But this is neither a significant way to increase short-term use nor to increase any business activity around the lake.

8. Boat Access Camping

Establish a limited trial program to explore the value of boat access camping for a restricted area, possibly Big Island and PUP identified public land areas intended for public use, which will be administered by the lake manager, ME. Empirical results of the program will be analyzed for effectiveness. Although this proposal helps disperse short-term users around the lake, it can have potential negative environmental impacts if not enough support and maintenance resources are applied to trash, sewage, and other issues. A similar program at Lake Sonoma may serve as a guide.

Note: Public comment on the LBVSPT web site for a boat-in camping program has been mostly negative due to garbage, fire, and other concerns.

9. Non-Motorized Recreation Areas Uses and Improvements

Oak Shores to be reclassified according to the “Conceptual Plan – Oak Shores Park” for the late 1970s - two main “non powered lagoons” that are between the little island and big island “power boat lagoon.” Along with the Oak Shores beach area, designate the shallow area along the present Camp Berryessa campground and other PUP-identified public land areas intended for public use as a non-motorized recreation area which provides a launch ramp for small boats.

10. Group Campground/Overflow Campgrounds

Develop a low density, high quality campground/day use area northeast of the Putah Creek Bridge with Camp Berryessa, the North Area Campground, as it’s core. Group camping would be a primary use, but it would be reserved for overflow individual camping on major holiday weekends and overflow camping only as needed on other weekends not reserved by groups. Oak Shores would also be overflow camping on Memorial Day, Fourth of July, and Labor Day holidays. Smittle Creek would be developed as needed. Other PUP-identified public land areas intended for public use, specifically for camp areas, need to be evaluated for campground uses.

11. Boat Launching

All boat launching would charge a competitive fee. Users would then use the launch ramp best suited to their needs and the free small boat launch ramps would not be burdened with heavy watercraft and unnecessary use. Develop additional small boat launching opportunities in conjunction with the proposed north shore campground to disperse use. It will be utilized by day users and campground users. Appropriate user fees may be charged. Designate appropriate non-motorized launch ramps in conjunction with #9 and #10 above.

12. User Fees

Concessionaires will be allowed to charge fees for entrance, launching, day uses, camping, RV site use, short-term use, long-term use, docks and boat storage. Napa County should benefit directly from and/or participate in user fees.

Reclamation, or ME, will charge user fees in areas where improvements have been made or a special service is provided. Semi-primitive (Class IV) and dispersed recreation (Class III) areas around the lake will remain open to the public at no charge. Fees could be charged for:

- Day Use / Oak Shores
- Camping / Oak Shores
- Group or Camping Overflow / Camp Berryessa
- Launching / Capell Cove
- Launching / Oak Shores
- Launching / Camp Berryessa
- Houseboat inspections
- Boat access camping program services
- Special events
- Special permit processing

13. East Shore Recreational Limitations

Continue to limit recreational access to the East Shore of the Lake. Pursue possible Fish and Wildlife Management Area designation with appropriate agencies. Consult with Napa County for best and compatible uses.

14. Visitor Information Services

Expand visitor information services which could include:

- Interpretive center facilities and activities
- Ocean Arks International Living Machines or manufactured wetlands for wastewater treatment.
- Waste reduction and recycling programs at each resort
- Develop mini-interpretive center in the dam area
- Overlooks at appropriate locations along roads
- Interpretive trails
- Interpretive displays in developed access points and concession areas
- Additional signing

Create a list of positive programs that increase the recreational as well as socially-beneficial opportunities for underserved communities without proportionately increasing traffic. This may best be done through youth groups, church groups, or community groups. An example is Fish and Game's Fishing in the City program that uses vanpools. Another example is environmental education programs for schools that increase mid-week use but don't negatively impact traffic through use of small buses or vanpools.

15. Limited Special Uses of Lands

Allow limited, e.g., specific days, dates, and times, special uses of lands around Lake Berryessa, including those shoreline areas exposed due to extreme drawdowns, only if such uses are not incompatible with other recreational activities. Off road vehicle use will continue to be prohibited. Lands may not be closed to the public to accommodate limited special uses. However, general public access to an area where limited special uses have been approved may be restricted temporarily for reasons of public health and safety. Specific guidelines and procedures and mitigation measures may be developed for each special use to minimize impacts on resources including water supplies.

16. Special Events on Land

Allow special events and/or activities (equestrian activities, races, bicycling events, etc.) which may temporarily displace other recreational uses on a limited irregular basis through a permit system. The temporary closure of lands to the general public for reasons of public health and safety may be authorized for the duration of the event. Specific guidelines and procedures and mitigation measures may be developed for each special use, to minimize impacts on resources, including water supplies.

17. Water Surface Zoning and Restrictions

Establish and implement (after coordination with the Napa County Sheriff's Dept.) appropriate restrictions for water surface uses and activities, such as non-motorized recreation areas, to promote public health and safety, foster compatibility of recreational uses, and protect and enhance natural resources.

18. Limited Special Uses of the Water Surface

Allow limited, e.g., specific days, dates, and times, special uses (such as water skiing instruction or slalom courses) of designated coves and other specific water surface areas only if such uses are not incompatible with other recreational activities. However, general public access to an area where limited special uses have been approved may be restricted temporarily for reasons of public health or safety. Additional public involvement and necessary environmental documentation may be required prior to restricting public access for limited special uses. An example might be Skiers Cove which could be open as a 5 MPH zone to anglers and others when not being used for water ski activities.

19. Special Water Use Events

Allow special water use events and/or activities (races, regattas, swims, fishing derbies, etc.) which may temporarily displace other recreational uses on a limited irregular basis through a permit system. The temporary closure of coves or other areas for reasons of public health and safety may be authorized for the duration of the event. These events may also be considered special land use events due to the need for shoreline access and support.

20. Water Craft Carrying Capacity/Water Safety

Limit the total launching, marina capacity, and storage capabilities for all watercraft to 3,000 based upon present user satisfaction studies. The carrying capacity will be revised if research shows that additional watercraft may be safely accommodated. Concessionaire Consortium, Concessionaires, and/or ME, should provide boater safety and education courses in cooperation with the Coast Guard Auxiliary. Reducing boater conflicts by increasing boater education efforts and visitor information services would also increase user satisfaction.

21. Local Government Services

Through agreements with local enforcement agencies or through additional authorities, local government support services will be adequately maintained to provide for the health and safety of visitors and protection of resources. This is particularly important with a proposed increase in short-term users who may not have a vested stewardship interest in the lake. Alternative A+ realizes the need for the county to benefit from the uses at Lake Berryessa, and has incorporated just compensation for services of the county through a special annual service fee on long-term sites and appropriate service charges for short-term users.

22. Flood-proofing and Anchoring Structures and Facilities

Structures and facilities in the reservoir floodplain (440 - 455 foot level) will be flood-proofed and/or anchored. Reclamation's definitions of various flood stages are shown below. The lake level has never been higher than 446.7 feet (1983) since the dam was constructed. Since 1985 it has only reached 444 feet once in 1998. It is typically at or below 440 feet (Glory Hole). (See Water Level Charts in the Appendix D) These facts need to be considered when evaluating the economic impacts of various actions on the Lake communities based on arbitrary statistical probabilities of future lake levels.

Base Flood plain: Lake Berryessa's 100 year floodplain (1% probability). Any area below the 449.5 feet mean sea level (msl).

Structural Base Floodplain: An elevation of one foot above the Base Floodplain.

Reservoir Floodplain: Lake Berryessa's maximum elevation prior to breaching the roadway of the dam. Any area around the Lake Berryessa shoreline that is between 450.5 to 454.9 feet msl. The dam height itself is 456 feet. Highway 128 was designed to be the emergency spillway before the lake overtops the dam.

Flood Warning Stage: 441 feet mean sea level.

Flood Watch Stage: 444 feet mean sea level.

High Flood Stage: 448 feet mean sea level.

Catastrophic Flood Stage: 453 feet mean sea level.

Flood Watch Season: December 1 through May 31.

Resort operators shall develop approved emergency flood-proofing plans for securing water, sewage and utility systems within the Reservoir Floodplain against contamination due to high water.

NEPA provides for a "tiering" process in implementation of plans. A broad statement of policy is followed by narrower statements and studies down to site-specific plans. "Tiering is appropriate when it helps the lead agency to

focus on issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.” Under this approach, economic and environmental issues would take planning precedence, while floodplain issues such as anchoring or removing facilities at 455 feet msl or below would be a lower priority.

23. Prohibit Future Construction of Facilities in the Reservoir Floodplain

Prohibit the construction of new or additional permanent structures and facilities, including those for long-term uses to be located within the Reservoir Floodplain (440 feet to 455 feet mean sea level), except items which have been authorized in master plans for water or related activities. This prohibition does not apply to normal routine maintenance required for existing structures and facilities. Temporary facilities serving day and short-term uses may be allowed in the Reservoir Floodplain provided they can be flood-proofed or removed on short notice.

24. Removal of Structures and Facilities for Environmental Causes

Structures and facilities may be eliminated in unstable or environmentally unacceptable areas, provided no effective mitigation measures can be implemented. Long-term site tenants may relocate within the same resort or to another resort.

25. Future Long-Term Use

Long-term use is essential as a balanced portion of any concession at Lake Berryessa. The long-term user has created the stable financial base that allowed for the improvements to be made to the resorts, so that they could offer affordable services and facilities to the short-term and day user. With the seasonal nature and drought fluctuations of Lake Berryessa, long-term use minimizes risk to all operations at the lake.

26. Shoreline Areas

Shoreline areas within resorts and on other public lands will be developed to have public access, prohibit use and storage not specifically approved by Reclamation or ME, minimize safety hazards, create short term and special needs facilities and optimize recreational opportunities.

27. Resort Master Plans and Development

Master plans will be created for each resort to provide thematic, yet resort-unique, design and development criteria. The Concessionaire Consortium may, as a team effort, develop guidelines and timelines for resort improvements. Resorts will develop recreational facilities and services that are most appropriate to their land configurations, water accessibility and locations.

28. Land Use Planning and Design Guidelines

All new projects within concession/special use areas will generally adhere to basic planning and development criteria. Such criteria will minimize the impacts of new development on existing resources and will require some changes over the previous patterns of development occurring within concession/special use areas. Whenever feasible, establish and implement facility development and design standards for resorts including size restrictions, density, architectural styles, lot development, resort motif, and utility service standards to upgrade facilities. Public Lands identified by PUP for public use will be designed according to the theme and standards of the Managing Entity, or should the come under the development of a concessionaire according to the theme and standards they get approved.

29. Facility Development and Design Standards

Whenever feasible, establish and implement facility development and design standards for resorts, including size restrictions, density, architectural styles, lot development, resort theme, and utility service standards to upgrade facilities. These would supplement existing State of California “Title 25” Standards.

30. Commercial Houseboats/Overnight Occupancy Vehicles (OOVs)

As a method to provide access for diverse recreational opportunities and additional short-term users, allow 75-100 commercial houseboats or other types of commercial OOVs to occupy Lake Berryessa. A higher quota may be authorized if supported by sufficient studies.

31. Sewage and Gray Water Holding Facilities

All vessels, including houseboats, cruisers, patio boats, etc., capable of discharging sewage and gray water shall be

equipped with holding tanks that can be discharged by vacuum pumping only. Resorts having moored vessels capable of holding and discharging sewage and gray water shall provide sufficient pumpout facilities.

32. Private Houseboats/Overnight Occupancy Vehicles (OOVs)

Privately owned houseboats (noncommercial vessels) will be allowed at Lake Berryessa since they do not occupy shoreline space and do contribute to the number of short-term users as guests. Houseboats will be authorized for placement on the lake by permit and moorage agreements with those resorts capable of providing pumpout services. Houseboats and OOVs will be regulated by size, sewage and gray water holding capabilities, etc.

33. Limitations on Shoreline Modifications Below 440 Feet

Modifications of the shoreline (dredging, filling, earth shaping, revetment work) below 440 feet mean sea level will only be allowed as required for maintenance of existing facilities, to improve aesthetics, day-use public access, or to alleviate health and safety problems. Modifications could include improvements to provide for additional day use activities such as swimming, picnicking, shoreline access and minor marina facilities. The original shoreline configuration will not be altered to accommodate additional overnight facilities, storage areas, etc. Reclamation or other lake manager approval is subject to receipt of appropriate Napa County, Department of Fish and Game, Army Corps. of Engineers, or other Federal or state agency permits as may be required.

34. Long-Term Uses Floodplain Issues

Revisit study regarding floodplain issues in RAMP. Remove certain long-term sites in the floodplain in accordance with zones and new development plans. Keep certain long-term sites in the structural floodplain in accordance with zones and new development plans with the requirement of flood-proofing.

35. Flood-proof or Remove Permanent Structures and Facilities in the Reservoir Floodplain

Flood-proof all permanent structures and facilities located in the Reservoir Floodplain (440 to 455 feet mean sea level). Review structures for use in new development plans which may require removal of certain structures.

36. Create Short-Term Sites from Existing Long-Term Sites

Provide additional short-term facilities (day use, camping, etc.) in designated shoreline locations (cluster concept) currently occupied by long-term uses in accordance with proposed zones and new development plans. Conversions to short-term will be based upon a number of criteria and not just on where the sites are located. Short-term sites and site areas will be developed in a phased manner based on user need and proven use. Long-term sites that are displaced will be allowed to relocate in accordance with zones and new development plans, provided space is available. Displaced long-term sites may be offered multi-year use of short-term cabins as compensation.

37. Relocation of Long-Term Sites

Long-term uses (modular units, mobile homes, travel trailers, cabins, etc.) which are displaced due to new development plans may be relocated to another site in the resort provided space is available, or to another resort that has available space. Sites may be identified in subsequent resort master plans or reorganization plans. All relocations will be subject to standards review and upgrades.

38. Facility Development and Design Standards

Lake Berryessa would develop a master plan with thematic variations for the resorts to appeal to diverse users and concessionaire desired style. Establish and implement facility development and design standards for all resorts, including size restrictions, density, architectural styles, lot development, resort motif, and utility service standards to upgrade facilities.

39. Land in Concession Areas

Review uses of undeveloped, unused land in concession boundaries for “best use” purposes and identify in master plan the use or non-use as appropriate.

40. Variable Rate Franchise Fees

Establish and implement variable rate franchise fees within concession areas as an incentive to emphasize capital investment, health and safety, maintenance levels, public access and/or other recreational objectives.

41. Fee Reviews and Approvals

Adjustment of long-term fees will not require review and approval by Reclamation or ME, but will be subject to review by homeowners associations. Long-term use fees may be reviewed and approved by Reclamation, or ME, at the request of the homeowners association or the concessionaire provided all administrative costs involved are reimbursed. Adjustment of fees and charges for other resort services would continue to be subject to Reclamation, or ME, review and approval prior to implementation.

42. Long-Term Uses / Rental Options

Continued long-term uses will be allowed in concession areas. Long-term uses assist in supporting necessary services for the short-term users and for low cost public access. Long-term uses will be designed to blend more effectively with the natural environment and meet relevant health and safety standards. Allow long-term sites to be rented by tenants through the concessionaire's short-term site reservation system to satisfy peak demands at the resort when all other short-term facilities are full. Part of the rental fee would go to the resort and part to Napa County.

43. Water Quality Programs

Reclamation will coordinate with other agencies to monitor water quality data. The Lake Berryessa Watershed Partnership is a key group to assist in this program. Integrate the publication of this data into the Lake Berryessa Community Education and Outreach program proposed in Plan Element #14 above.

44. Marina Pollution Prevention

Reclamation will actively support partnerships with other public agencies and non-profit groups to promote marina pollution prevention programs such as the Napa/Sonoma Marina Program and the California Coastal Commission's Dockwalkers. Publicity regarding the activities and results of these programs will be part of the Lake Berryessa Community Education and Outreach program proposed in Plan Element #14 above.