

**Editor's Note:** In my research of the history of Lake Berryessa I came upon this interesting 45-year old Oakland Tribune article. It discusses the turmoil of the early '70s which led to Napa County giving management of the lake back to the Bureau of Reclamation in 1975. I'm sure many local people will remember these times. It appears the federal government was no more competent then than it is now. This was the period which spawned "The Big Lie" about the lake which was used again in the 2000s and led to the present situation. Let's take back our lake and do it right this time.

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### **County, Lake Businesses Losing in Lake Berryessa Fuss**

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

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

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

So far her efforts have resulted in:

- A moratorium on any further development by the seven concessionaires at the lake whose mobile home developments and docks cover substantial areas west and south sides.
- A broadside in Ralph Nader’s report, “Power and Land in California,” charging misuse of government land.
- A report by the National Park Service, issued last month, recommending that it take over and operate Berryessa as a National Recreation Area, which would push Napa County out of the picture and conceivably wipe out the concessionaires.
- A bill introduced in Congress by Sen. John Tunney implementing the Park Service’s recommendation.
- An audit by the General Accounting Office which absolves the seven concessionaires of any profit gouging and reveals, in fact, that only two of them are making any money.

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

Her answers are quick and she has hundreds of facts and figures at the ready. Her remarks sometimes get a bit personal.

She admits to one economic motive for her campaign. Real estate n the area is hard to sell when it’s so much cheaper to buy a mobile home and put it on federal land at the water’s edge.

Mobile home sites and hook-ups go for about \$500 per year. Taxes outside the federal “take line” runs as high as \$18 per hundred.

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

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

At the northern end of the lake, on a gate which bars access to the road down the forbidden east side, there are two signs. The big one reads, "Farm Access Road, Do Not Enter." Beside it, only inches away, is a smaller sign: "Boundary, Lake Berryessa, U.S. Department of the Interior, Bureau of Reclamation." The bureau's buffalo seal makes it official.

This is federal land from which the public has been barred by a county ordinance. About 15 people have been arrested for trespassing on the east side of the lake in the last 12 years.

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

Yet the only use allowed on it is grazing by three private lessees, Herbert Gunn, a member of the Park Commission, the Procter and Gamble Company which owns 13,000 adjoining acres, and Jose DelSante.

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

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

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

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

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

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

On the west side where all the uproar centers, there is as much complaining about what the county hasn't done as there is about the space the resort owners have taken up.

A 25-mile drive from the dam to the Fill, a popular fishing area at the north end, won't bring you to a picnic table. The only toilets are two pairs at "Bum's Beach," the largest continuous stretch of public access on the west side.

All the trash cans have been provided by a beer company, although the county does spot burlap sacks at intervals on trees and picks them up periodically with the garbage boat.

Among dozens of fishermen this reporter spoke with up and down the west side the main complaints were the lack of access to the choicest areas and the high cost of getting a boat in the water. This is what made bank fishermen of them. There are enough good spots between the resorts to catch fish.

They complain about everything except the fishing, which is fabulous. Bass, rainbow trout, silver salmon, and crappies teem in the lake. If it's polluted they're lapping it up. And they grow big. None of them believe the lake

is polluted, except perhaps near the docks. "I drink the water right out of the lake when I'm out in my boat," said Merle Lear of Fairfield, a vehicle inspector for the state.

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

Boating and launching fees were often mentioned. It can cost up to \$8.50 to get your boat in the water if you're a first time visitor. The county's annual sticker costs \$5 and resorts usually charge \$3 for a launch.

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

His companion, Henry Reager of Newark, said he wasn't sure if the proposed federal takeover would help. "I'd like the specifics of what they've got in mind, first."

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

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

They have given over more and more space to the lucrative "mobile home" developments and the county has apparently gone along.

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

The operators defend the practice:

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

"Economic experience with mobile homes assures certain revenues which help overcome operating losses inherent in such seasonally oriented businesses..." one of their written statements says/

The biggest part of the difficulty, the operators and the county maintain, is that the resorts have been laboring under a 90-day termination clause in their leases which makes it impossible to borrow money for improvements.

If this was removed - and they've been trying to have it stricken for some years - they would be able to "develop to ultimate standards" inside their own areas and provide the kind of facilities the public wants.

This would supposedly mean an increase in the return to the county from the 3 percent possessory interest tax which the operators pay on their gross. The county then would supposedly have the wherewithal for better facilities outside the resorts.

Don McFarland, manager of Steele Park Resort and member of the County Planning Commission, said that in the spring of 1970 the owners had expected to get a new contract in which the 90-day clause would be thrown out, but it fell through.

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

Meanwhile the county worked up its own plan, issued in June, which called for more of the same with the 90-day clause out.

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

The county boasts the “not a nickel of outside tax money” has ever gone into Berryessa. The county ran things on \$165,000 last year from possessory interest taxes and boat stickers.

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

“Some counties would say, ‘Let the U.S. Government do it’ Habberger says, “But that’s the erosion of local government and we don’t want ours eroded.

“No gimmicks and no payoffs...we just think we’re the ones to be in charge.”

“It’s a lousy plan. It’s ridiculous.” He says of the Park Service’s report.

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

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

He also objects strongly to the suggestion that the lake is polluted. The county hired a sanitarian for \$5,000 to make a comprehensive study which showed that it wasn’t.

Most of the users and the fish agree with him, although most of the resorts use a rather primitive ponding system for sewage which depends on evaporation.

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

“The idea that Napa County is tearing up Lake Berryessa is false. The Bureau of Reclamation knows what’s been going on and everything that’s been done has the BOR signature on it.

“Some are saying that we’re incompetent because we are local and can’t see the regional significance of the area. But we’re not stupid...if we had the money we’d do it but we haven’t got dollar one and won’t have until the 90-day clause is dropped.”

So the county finds itself in the position of fighting to keep control of a lake whose creation it also fought because it meant the loss of prime agricultural land.

Much of the trouble at Lake Berryessa can be traced to a time in 1967 when the Park Service, doing its original study for the Bureau of Reclamation, came to the conclusion that because of the steep sides of the lake and the large annual drawdown, the lake had no significant national recreation significance and recommended that a regional or state agency take over.

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

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

Ed McWhorter, a Napa fisherman, complains that, “Taxes built this lake and we’re restricted.”

Hickey observes, probably correctly, that, "Maybe they'd be happier giving their money to someone in a ranger hat."

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Oakland **Tribune**

SATURDAY, NOVEMBER 27, 1971 3-E

By NHEM HANSON

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

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

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

Mrs. Botts is the Lake Berryessa real estate agent and landscape architect who for a number of years has been blasting the way Napa County has been treating things at Lake Berryessa, the popular 16,000-acre reservoir which it took over in 1959 for the U.S. Bureau of Reclamation.

So far her efforts have resulted in: — A moratorium on any further development by the tree-owning commission at the lake whose mobile home development and docks cover substantial areas of the east and south sides.

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

— A report by the National Park Service, issued last month, recommending that 15,000 acres of development in the area, which would push Napa County out of the picture and effectively wipe out the opposition.

— A bill introduced in California...

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

— An audit by the General Accounting Office which accuses the seven commissionaires of any profit gouging and reveals, in fact, that only two of them are making any money.

In a remedial schoolhouse on Route 121 near the lake, where she lives with her husband, Mrs. Botts keeps a notebook full of documents to bring her charges. Her recent presentation is followed by a slide showing conditions at the various resorts, and she will offer to accompany any doubter on a guided tour of the lake.



JAMES HICKEY Napa County planner



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

She admits to one economic motive for her campaign. Real estate in the area is hard to sell when it's so much cheaper to buy a mobile home and put it on federal land at the water's edge.

Mobile home sites and boatways go for about \$600 per year. Yachts outside the federal "lake line" run as high as \$100 per licensed.

She would like to see a faster pace of development as surrounding lands, but she says the vital problem on the lake (there are other ecological considerations also) concern her, including lack of public access to most of the 7,000 federal acres surrounding the lake.

This last point hits the crux of the argument, one which has happened at Berryessa in the last 12 years.

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

A 15-mile drive from the turn to the left, a popular fishing area at the north end, won't bring you to a picnic table. The only tables are two perched at "Hans Beach," the largest restaurant stretch of public access on the west side.

All the trash cans have been provided by a local company, although the county does spot-burying trash in intervals on trees and pick them up periodically with the garbage hauler.

Among dozens of fishermen this reporter spoke with up and down the west side the main complaints were the lack of access to the choicest areas and the high cost of getting there.

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

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

The park service's report says, "Appropriate uses (for the east side) include shoreline fishing areas and grazing (the latter at least once each time as minor development is warranted or the pollution from cattle washes

reaches a point at which it becomes unacceptable.)"

Gil Yates, the park director, points out that a serious fire hazard exists on the east side in the summer. But he is more concerned about the problem of policing it. For the 10 years the county has run things at the lake, he says five rangers, using 100 boats, have had responsibility for the entire area.

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They complain about everything except the fishing, which is fabulous. Bass, rainbow trout, silver salmon, and crappie seem to be the lake. It's polluted, they're hoping to fix it. And they grow big.

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

Boating and launching fees were often mentioned. It can cost up to \$100 to get your boat in the water if you're a first time visitor. The county's annual sticker costs \$5 and reports usually charge \$3 for a launch.

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

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

"The only thing that matters to the people up here is money," said Bill Vaughn of Fremont, who had two rice silver salmon on a stringer when the Berryessa Marina. He said he may want there in winter.

His companion, Henry Baeger of Newark, said he wasn't sure if the proposed federal takeover would help. "I'd like the specifics of what they've got in mind, first."

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

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

They have given over more and more space to the lucrative "mobile home" developments and the county apparently has gone along.

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

The operators denied the practice.

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

"Some experience with mobile homes suggest certain revenues which help overcome operating losses inherent in such non-profit operation of business..." one of their written statements says.

The biggest part of the difficulty, the operators and the county maintain, is that the reports have been ignoring under a 90-day termination clause in their leases which



ED BERNARD 'Odd compromiser'

makes it impossible to borrow money for improvements.

If this was removed — and they've been trying to have it stricken for some years — they would be able to "develop to ultimate standards" inside their own areas and provide the kind of facilities the public wants.

This supposedly would mean an increase in the return to the county from the 2 per cent pass-through interest tax which the operators pay on their gross. The county then would apparently have the wherewithal for better facilities outside the resort.

Don McFarland, manager of the Shoals Park Resort and member of the County Planning Commission, said that in the spring of 1970 the owners

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

had expected to get a new contract in which the 90-day clause would be thrown out, but it fell through.

Then the Bureau of Reclamation slapped the moratorium on the area and all bets were off with the Park Service plan was ditched.

Meanwhile the county worked up its own plan, to be used in June, which called for more of the same with the 90-day clause out.

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

The county boasts that "not a nickel of outside tax money" has ever gone into Berryessa. The county ran things so smoothly last year from pass-through interest taxes and boat stickers.

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

"Some counties would say, 'Let the U.S. Government do it,' Harberger says. "But that's the essence of local government and we don't want ours eroded."

"The grassroots and no payoffs... we just think we've seen to be in charge." "It's a lousy plan. It's ridiculous," he says of the Park Service's report.

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



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



Signs warn visitors against using lake. Camping, boat launching are limited to resorts



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