

Floating Native American Casino Coming to Lake Berryessa

Part 1 (2010): In a stealth legal action with profound long-term consequences, a consortium of Native American tribes has forced the Bureau of Reclamation to allow them to build a floating casino on the surface waters of Lake Berryessa. The April 1, 2010 announcement of the project included the timeline and legal basis for this development.

Native American attorney, Hodge Uefuuld, said that Reclamation opened the door to this action during the recent Lake Berryessa concession bid process by formally defining the “land surface” as categorically different from the “water surface” under federal government control. For example Reclamation made the following written public statements, “Privately owned houseboats will be allowed at Lake Berryessa since they do not occupy shoreline space...”, and “houseboat rentals and docking, has been deemed to be a “preferred service” at Lake Berryessa, and is the only service which is able to engage in “exclusive use” at the lake without penalty.”

During the Lake Berryessa Visitors Services Plan development, Reclamation redefined long-term use of public facilities by U.S. citizens as “exclusive use.” Per the federal government, “exclusive use is any use that excludes other appropriate public recreation use or users for extended periods of time. Exclusive use as defined by Reclamation includes, but is not limited to, boat docks, cabins, trailers, manufactured or mobile homes, structures, roads, or amenities that are determined by Reclamation to be exclusive use.”

“Despite the self-serving last part of that definition,” Attorney Uefuuld countered, “no mention was made in the definition, and they could have, of any prohibition against houseboats. The reasonable private use of public assets is a long-standing American principle, although usually just applied to private corporations. Now that the Supreme Court has ruled that private corporations can legally be considered private citizens with all the rights that entails, it follows that citizens can now be considered corporations with all the rights that entails.



The recent Supreme Court ruling that corporations are people with the rights of individual human American citizens has added significant weight to the Native American tribes’ arguments. The five-justice majority reached the outcome it sought — an outcome that greatly expands the legal rights and political power of corporations — by trying to redefine basic reality. Since Native Americans have historically had their basic reality redefined by the federal government in disastrous ways, they were quick to take advantage of this ruling.

The settlement reached with Reclamation allowing the construction of a floating casino on Lake Berryessa includes some concessions (no pun intended) regarding its ownership and construction. The floating casino itself will not be a single structure – it will consist of approximately twenty individual, but linked, private houseboats each owned by a separate Native American tribe. This averts any legal issues limiting the size

of the casino. Several private houseboat owners at Markley Coved have filed to become corporations under the Supreme Court ruling to rent their houseboats to themselves and provide support services to the casino while accruing the incredible financial and tax advantages previously only available to the corporations.



Since Lake Berryessa is already an official FAA seaplane base (FAA Identifier: E20) access to the casino for high-rollers is guaranteed. Seaplane ferry service is already being developed from regional airports such as Sacramento, Santa Rosa, San Francisco, Silicon Valley, and Las Vegas itself.



Part 2 (2016): On April 1, 2010 the Lake Berryessa News announced that a consortium of Native American tribes had forced the Bureau of Reclamation to allow them to build a floating casino on the surface waters of Lake Berryessa. Although the project was delayed at that time, the recent failure of the Bureau of Reclamation to achieve any progress since 2010 nor receive any successful bids in 2016 has brought the project back under consideration.

Native American organizers and their supporters had planned to reveal the next stage in this development on April 1, 2016 - six years after the initial proposal was released. Native American attorney, Hadge Uefuuld, said that next year fulfills the "7th generation" principle for the floating casino project.

The Native American principle says that in every decision, be it personal, governmental or corporate, we must consider how it will affect our descendants seven generations into the future. Because of the speed of modern life and the impact of social media on decision-making, Native Americans are now substituting the word "year" for "generation". Thus 2017, seven years later, was the spiritual target for the casino's completion.

Reclamation opened the door to this action during the 2010 concession bid process by formally defining the "land surface" as categorically different from the "water surface" under federal government control. Reclamation made the following written public statements, "Privately owned houseboats will be allowed at Lake Berryessa since they do not occupy shoreline space...", and "houseboat rentals and docking, has been deemed to be a "preferred service" at Lake Berryessa, and is the only service which is able to engage in "exclusive use" at the lake without penalty."

The recent Supreme Court ruling, Citizens United, that corporations are people with the rights of individual human American citizens has added significant weight to the Native American tribes' arguments. "Now that

the Supreme Court has ruled that private corporations can legally be considered private citizens with all the rights that entails, it follows that citizens can now be considered corporations with all the rights and benefits that entails.”

The five-justice majority reached the outcome it sought — an outcome that greatly expands the legal rights and political power of corporations — by trying to redefine basic reality. Since Native Americans have historically had their basic reality redefined by the federal government with disastrous consequences, they were quick to take advantage of this ruling.

Several private houseboat owners at Markley Coved have filed to become corporations under the Supreme Court ruling to rent their houseboats to themselves and provide support services to the casino while accruing the incredible financial and tax advantages previously only available to corporations.

Lake Berryessa is already an official FAA seaplane base (FAA Identifier: E20) allowing guaranteed access to the casino for high-rollers. Sources tell the Lake Berryessa News that the success of Icon Aircraft of Vacaville in marketing their sporty new seaplane (a jet ski of the skies) which have been buzzing around Lake Berryessa for the last few years, has given Icon the incentive to invest in the new casino. Seaplane ferry service is already being developed from regional airports such as Sacramento, Santa Rosa, San Francisco, Silicon Valley, and Las Vegas itself.

Local businesses and residents are delighted with the prospect of this potentially very positive impact on the Lake Berryessa economy, especially now that Napa County itself has taken over management of the lake under a Managing Partner Agreement with the Bureau of Reclamation. All development at the lake was managed by Napa County from 1958 through 1974. It was under Napa’s guidance that the resorts were developed, mobile home units were leased to provide ongoing revenue to support the day use facilities, and the lake became a profitable, top recreational destination for the whole Bay Area and beyond. This could be the new future legacy for the Native American community since they were the original residents of the Berryessa Valley. Full circle, anyone?

